



The Centre for
Cross Border Studies

MEDIA WATCH

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The Good Friday Agreement is in danger, but all is not lost

The intervention by Labour MP Kate Hoey, along with Conservatives Daniel Hannan and Owen Paterson, calling for the scrapping of the Good Friday Agreement (GFA) was, in the context of the Brexit discussions, deeply opportunistic and irresponsible. It should be borne in mind, of course, that these politicians are long-time opponents of the GFA. They are trying to use the genuine difficulties of arriving at a new Irish border arrangement, post-Brexit, as an excuse to roll back the achievements of the last 20 years.

They want the British government to return to the attitude that the North is as British as Finchley - a position which helped bring about the Troubles in the first place.

They may not be aware that the Unionist majority has been lost in the Northern Assembly, where only 39 members of the 90-seat Assembly designated themselves as unionist, the same number as nationalist Assembly members. The rest of the Assembly (12 members) are not aligned to either community. It is simply impossible to turn the clock back to the good old days.

The paradox is that these pro-Brexiters have been calling for all others to respect the result of the British referendum of June 2016.

I believe that, on that issue, they have the moral high ground, especially as the EU's record in thwarting democratic votes is shameful. However, it does not seem to dawn on them that the GFA received a 71.1 per cent endorsement in the referendum in the North and would easily secure a large majority of votes again.

The actions of these political neanderthals should not be used to lump all pro Brexiteers in Britain with those seeking to destroy the GFA. That would also be opportunistic and unfair. They are not in any way representative of the many millions who voted to leave the EU.

One of the outcomes of the first phase of the Brexit negotiations was the declaration by both the EU and the Britain that they stood full-square behind the GFA. This is important. With the prospects for devolution in the North looking decidedly dim, the chances of a period of some form of direct British rule have grown considerably. The bulwark against a British-only approach to decision making in the North is Strand Three of the GFA, which specifically creates the British-Irish Intergovernmental Conference (BIIGC).

It states: “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 . . . the Irish Government may put forward views and proposals . . . The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.”

With Brexit dominating the political space, no British government would want to be seen to be reneging on the provisions of the GFA. So the Irish government would be in a strong position in calling for the BIIGC to be revived. Clearly, this would only occur when all efforts to revive devolution have been exhausted.

But does this mean that the GFA is not under pressure? Absolutely not.

The agreement was predicated on both Britain and Ireland being full members of the EU, and all that that entailed. It was also built on a very close co-operative relationship between London and Dublin and, finally, on the desire for a true partnership between the two communities in the North. None of these conditions could be said to exist today to the same degree as in the halcyon days of the Blair/Ahern era.

The British exit from Europe will take away much of the supporting architecture for bilateral co-operation under the agreement. The actions of the Irish government in aggressively supporting the EU, in both the Cameron renegotiation and in phase one of the Brexit discussions, are hardly in the spirit (or indeed the letter) of the GFA.

It states that the two governments commend the agreement: “Wishing to develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours.” Under the GFA, there was an onus on Ireland to act as Britain’s close partner. I am not sure we fulfilled this obligation.

However, the real threat to the GFA comes from within the North. The publication of the ‘draft agreement’ between the DUP and Sinn Féin by two of the North’s most eminent journalists, Eamonn Mallie and Barney Rowan, was an eye-opener.

Sinn Féin heavily compromised on a whole raft of areas, including maintaining Arlene Foster as First Minister, no change in the First/Deputy Minister designations, new guarantees to the DUP on the sustainability of the institutions, no real reform of the crippling Petition of Concern mechanism, no guarantee of a marriage equality act, a side deal with a shaky British government on legacy issues and a watered-down Irish language Bill, as part of a holy Trinity of legislation on language issues. It is very hard to see what more the party could have done to assuage DUP fears.

And yet the DUP balked. This has led many in the nationalist community to wonder whether partnership government is possible, and whether the whole idea of devolution is unworkable.

This is all against a background of rising paramilitary violence by both republican dissidents and loyalist groups. The murder of Raymond Johnston on February 13 in Poleglass is the latest example of this trend. Moreover, Catholic recruits to the PSNI have been advised to move out of strongly nationalist areas in Belfast, Derry and some rural districts. Consequently, there is a gradual lowering in the percentage of those from a Catholic background in the PSNI, negating much of the good work that was done under the Patten reforms.

Meanwhile, in London, there is serious opposition developing to Theresa May's perceived soft approach to the transition period. More than 60 backbench Conservative MPs from the right-wing European Research Group have signed a letter demanding full regulatory autonomy, even during the transition period, an impossible demand.

However, it is a reminder that May is not a totally free agent, and that her fall would almost certainly usher in a much more hardline British administration. It is in Ireland's interests to assist May in achieving a smooth and reasonable Brexit.

It is also apparent that the issue of the Irish border has receded into the background. The EU has achieved a satisfactory financial settlement and now finally seems reconciled with the British leaving the European single market and customs union. Hence, there is much less need to use the border to put the British on the back foot.

The lower priority being given to the border in the discussions should not be used as an excuse to accept that a hard border is inevitable. The Irish government has shifted ground hugely since its early declaration that such a development would represent a red line for it.

Given the adverse developments in the North, it is now time for Leo Varadkar to work directly with the British government, within the framework of the BIIGC, to work out a bilateral arrangement on the border and assist the British in getting free and frictionless trade with Europe.

Source: The Sunday Business Post