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

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SUMMARY

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

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

Successive U.S. Administrations and many Members of Congress have actively supported the Northern Ireland peace process. For decades, the United States has provided development aid through the International Fund for Ireland (IFI). In recent years, congressional hearings have focused on the peace process, police reforms, human rights, and addressing Northern Ireland's legacy of violence (often termed *dealing with the past*). Some Members also are concerned about how *Brexit*—the UK's withdrawal as a member of the European Union (EU) in January 2020—is affecting Northern Ireland.

The Peace Agreement: Progress to Date and Ongoing Challenges

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

Despite a much-improved security situation since 1998, full implementation of the peace agreement has been difficult. For years, decommissioning and police reforms were key sticking points that generated instability in the devolved government. In 2007, the pro-British Democratic Unionist Party (DUP) and Sinn Fein, the nationalist political party traditionally associated with the Irish Republican Army (IRA), reached a landmark power-sharing deal. Tensions and distrust persisted, however. In 2017, the devolved government led by the DUP and Sinn Fein collapsed, prompting snap Assembly elections. It took nearly three years to form a new devolved government in early 2020. In early February 2022, Northern Ireland First Minister Paul Givan (of the DUP) resigned amid DUP unhappiness with the slow progress in UK-EU negotiations to resolve problems with the post-Brexit arrangements for Northern Ireland. Givan's resignation froze the work of the Executive. Regularly scheduled Assembly elections are to be held on May 5, 2022, but forming a new devolved government after the elections could be difficult amid ongoing challenges related to Brexit or if Sinn Fein were to surpass the DUP to become the largest party in the next Assembly (as some polls suggest). Northern Ireland also faces a number of issues in its search for peace and reconciliation, including reducing sectarian divisions, dealing with the past, addressing lingering concerns about paramilitary and dissident activity, and promoting further economic development.

Brexit and Northern Ireland

Brexit has added to political and societal divisions within Northern Ireland. Since 1998, as security checkpoints were dismantled in accordance with the peace agreement and because both the UK and Ireland belonged to the EU single market and customs union, the circuitous 300-mile land border on the island of Ireland effectively disappeared, helping promote peace and a dynamic cross-border economy. The UK and the EU ultimately agreed to post-Brexit trade and customs arrangements for Northern Ireland to retain this open border in a Protocol on Ireland/Northern Ireland. Implementation of the protocol—which began in January 2021—has led to some trade disruptions between Northern Ireland and the rest of the UK, exacerbated a sense among unionists that their British identity is under threat, and contributed to heightened tensions in the region. The UK government and the DUP have called for significant changes to the Northern Ireland protocol; the EU rejects renegotiating the protocol but asserts it is committed to mitigating the trade disruptions and has offered several proposals to address operational difficulties. UK-EU negotiations aimed at resolving the protocol's implementation challenges remain ongoing in 2022, but progress has been slow. Brexit also has renewed debate about Northern Ireland's constitutional status and prompted calls from Sinn Fein and others for a *border poll*, or referendum, on whether Northern Ireland should remain part of the UK. Also see CRS Report R46730, *Brexit: Overview, Trade, and Northern Ireland*, coordinated by Derek E. Mix.

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Overview

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

The Troubles were sparked in late 1968, when a civil rights movement was launched in Northern Ireland mostly by Catholics, who had long faced discrimination in areas such as electoral rights, housing, and employment. This civil rights movement was met with violence by some unionists, loyalists, and the police, which in turn prompted armed action by nationalists and republicans. Increasing chaos and escalating violence led the UK government to deploy the British Army on the streets of Northern Ireland in 1969 and to impose direct rule from London in 1972 (between 1921 and 1972, Northern Ireland had its own regional government).

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

Despite the significant decrease in the levels of violence since the Good Friday Agreement, implementation of the peace accord has been challenging. Tensions persist among Northern Ireland's political parties and between the unionist and nationalist communities more broadly. Northern Ireland remains a largely divided society and continues to grapple with a number of issues in its search for peace and reconciliation. Sectarian differences flare periodically, and addressing Northern Ireland's legacy of violence (often termed *dealing with the past*) is particularly controversial. Many analysts assess that peace and security in Northern Ireland is fragile. The UK's withdrawal from the European Union (EU) in January 2020—or *Brexit*—has added to divisions within Northern Ireland, as highlighted by the riots and unrest that erupted in parts of Northern Ireland in late March and early April 2021. Brexit continues to pose challenges for Northern Ireland's peace process and economy, has renewed questions about Northern

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

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

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

Ireland's constitutional status as part of the UK, and is contributing to heightened political instability within Northern Ireland's devolved government.

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

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

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

The 1998 Peace Agreement

Key Elements

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

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

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

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

Implementation

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

Democratic Power-Sharing Institutions

As noted above, the Good Friday Agreement called for establishing a new Northern Ireland Assembly and Executive. To ensure that neither unionists nor nationalists could dominate the 108-member Assembly, the agreement specified that "key decisions" must receive cross-community support (i.e., from a majority of both unionist and nationalist Assembly members). The Executive would be composed of a first minister, deputy first minister, and other ministers with departmental responsibilities (e.g., health, education, jobs); positions would be allocated to political parties according to party strength in the Assembly.

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

In May 2007, after a nearly five-year suspension, Northern Ireland's devolved government was restored following a landmark deal between the Democratic Unionist Party (DUP)—which strongly supports Northern Ireland's continued integration as part of the UK—and Sinn Fein, the staunchly nationalist political party traditionally associated with the IRA.[4] The DUP and Sinn Fein have been the largest unionist and nationalist parties, respectively, in Northern Ireland since 2003. The 2007 DUP-Sinn Fein deal paved the way for greater stability in Northern Ireland's devolved government over the next decade. Regularly scheduled Assembly elections in 2011 and 2016 produced successive power-sharing governments, also led by the DUP and Sinn Fein.

At the same time, tensions persisted within the devolved government and between the unionist and nationalist communities. Various incidents—including protests in 2012 and 2013 over the use of flags and emblems, a 2014 dispute over welfare reform, and the 2015 arrest of a Sinn Fein leader in connection with the murder of a former IRA member—periodically threatened the devolved government's stability. Following the collapse of the devolved government and snap Assembly elections in 2017, divisions over Brexit and other contentious issues largely stalled negotiations on forming a new devolved government for almost three years. (See "2017-2020 Crisis in the Devolved Government," below.)

Decommissioning

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

Progress toward full IRA decommissioning was slow and incremental. A key milestone came in July 2005, when the IRA declared an end to its armed campaign and instructed all members to pursue objectives through "exclusively peaceful means."[5] In September 2005, Northern Ireland's Independent International Commission on Decommissioning (IICD) announced that the IRA had put all of its arms "beyond use," asserting that the IRA weaponry dismantled or made inoperable matched estimates provided by the security forces.[6] The IICD also confirmed decommissioning by other republican groups and loyalist organizations. The IICD concluded its work in 2011.

Policing

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

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

[5] "IRA Statement in Full," BBC News, July 25, 2005.

[6] Mark Davenport, "IRA Arms: What Next for NI Politics?," BBC News, September 26, 2005.

(from 8% to 30% in 10 years) was a key goal for the new PSNI. To help fulfill this goal, the PSNI introduced a 50-50 Catholic/Protestant recruitment process.[7]

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

In 2011, the 50-50 recruitment process for Catholic and Protestant PSNI officers concluded. Officials asserted that the 50-50 process fulfilled the goals set out by the Patten Commission (including increasing the number of Catholic officers to 30%).[8] Concerns persist, however, that not enough Catholics are seeking to join the PSNI (due to both lingering suspicions about the police within the Catholic/nationalist community and fears that Catholic police recruits may be targeted by dissident republicans). In 2017, the PSNI introduced a number of procedural changes to help attract more Catholics (and more women). Catholic officers currently make up 32% of the PSNI's roughly 7,000 officers.[9]

Security Normalization

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

Rights, Safeguards, and Equality of Opportunity

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

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

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

[9] Deborah McAleese, "Top Officer's 'Deep Concern' at Lack of Catholics Signing Up for Police Career in Northern Ireland," *Belfast Telegraph*, October 23, 2015; Vincent Kearney, "PSNI Aims to Recruit 300 New Officers," BBC News, October 23, 2017; Julian O'Neill, "Catholic Recruitment an Issue as PSNI Turns 20," BBC News, November 2, 2021.

Initiatives to Further the Peace Process

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

- **The 2013 Haass Initiative.** In 2013, the Northern Ireland Executive appointed former U.S. diplomat and special envoy for Northern Ireland Richard Haass as the independent chair of interparty talks aimed at tackling some of the most divisive issues in Northern Ireland society.[10] In particular, Haass was tasked with making recommendations on dealing with the past and the sectarian issues of parading, protests, and the use of flags and emblems. In December 2013, Haass released a draft proposal outlining the way forward in these areas, but he was unable to broker a final agreement among the Northern Ireland political parties.[11]
- **The 2014 Stormont House Agreement.** In 2014, financial pressures and budgetary disputes related to UK-wide welfare reforms and austerity measures tested Northern Ireland's devolved government. The UK and Irish governments convened interparty talks to address government finances and governing structures, as well as the issues previously tackled by the Haass initiative. In the resulting December 2014 Stormont House Agreement, the Northern Ireland political parties agreed to support welfare reform (with certain mitigating measures), balance the budget, address Northern Ireland's heavy reliance on the public sector, and reduce the size of the Assembly and the number of Executive departments to improve efficiency and cut costs. The agreement also included measures on parading, flags, and dealing with the past. Continued disagreements over welfare reform between the DUP and Sinn Fein, however, stalled implementation of all aspects of the Stormont House Agreement.[12]
- **The 2015 Fresh Start Agreement.** In November 2015, the UK and Irish governments, the DUP, and Sinn Fein reached a new Fresh Start Agreement. Like the Stormont House Agreement, the accord focused on implementing welfare reform and improving the stability and sustainability of Northern Ireland's budget and governing institutions. It confirmed a reduction in the size of the Assembly from 108 to 90 members (effective from the first Assembly election after the May 2016 election), decreased the number of Executive departments, and made provision for an official opposition in the Assembly. The Fresh Start Agreement also included provisions on parading and the use of flags, but the parties were unable to reach final agreement on establishing new institutions to deal with the past. In addition, the Fresh Start Agreement addressed ongoing concerns about paramilitary activity, sparked by the arrest of a senior Sinn Fein official in connection to the August 2015 murder of an ex-IRA member.[13]

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

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

[12] The Stormont House Agreement is available at https://www.gov.uk/government/publications/the-stormont-house-agreement.

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

Ongoing Political Instability and Renewed Turmoil

Despite a much-improved security situation since the 1998 Good Friday Agreement, concerns remain about the stability of Northern Ireland's devolved government and the fragility of community relations. As noted, the devolved government collapsed in January 2017 amid heightened tensions related to Brexit and other issues. Snap Assembly elections were held in March 2017. It took nearly three years—until January 2020—to reestablish the devolved government, led by then-First Minister Arlene Foster of the DUP and Deputy First Minister Michelle O'Neill of Sinn Fein.

Since then, the devolved government has been tested by the Coronavirus Disease 2019 (COVID-19) pandemic and by challenges due to the implementation of the post-Brexit trade and customs rules for Northern Ireland, which many unionists view as dividing Northern Ireland from the rest of the UK (i.e., Great Britain). The post-Brexit arrangements for Northern Ireland also have prompted political turmoil within the DUP. Arlene Foster stepped down as DUP party leader at the end of May 2021 and as first minister in June 2021. Sir Jeffrey Donaldson became the leader of the DUP in late June (the DUP's second new leader in a month). Paul Givan, a DUP member of the Assembly, succeeded Foster as first minister but resigned from this position in early February 2022, amid ongoing DUP opposition to the post-Brexit arrangements for Northern Ireland. The next regularly scheduled Assembly elections are due to be held on May 5, 2022. (See "DUP Leadership Changes and the Current Political Crisis" below.)

2017-2020 Crisis in the Devolved Government

In January 2017, several contentious regional issues—including a scandal over a renewable energy program—and unease in Northern Ireland over Brexit in the wake of the June 2016 UK referendum on EU membership prompted the collapse of the devolved government. Other points of tension included the introduction of a potential Irish Language Act and the legalization of same-sex marriage; Sinn Fein supported both measures, whereas the DUP opposed them. New Assembly elections were called for March 2, 2017.

As seen in **Table 1**, the number of Assembly seats contested in 2017 was 90 rather than 108 (contested in the regularly scheduled 2016 elections), because of a previously agreed reduction in the size of the Assembly. The DUP retained the largest number of seats in 2017, but Sinn Fein was regarded as the biggest winner, given its success in reducing the previous gap between the two parties from 10 seats to 1 seat. A high voter turnout of almost 65%—fueled by anger over the energy scandal and a perceived lack of concern from London about Brexit's impact on Northern Ireland—appears to have favored Sinn Fein and the cross-community Alliance Party. For the first time in the Assembly, the unionist parties did not win a collective majority (a largely symbolic status because of the power-sharing rules but highly emblematic for the unionist community).[14]

Following the March 2017 elections, negotiations on forming a new devolved government repeatedly stalled between the DUP, Sinn Fein, and the other main political parties (see text box, "Main Political Parties in Northern Ireland," below). A key sticking point was a potential Irish Language Act. Divisions over Brexit exacerbated tensions. The DUP was the only major Northern Ireland political party to back Brexit, which Sinn Fein and the other main Northern Ireland parties strongly opposed.

[14] Sinead O'Shea, "Northern Ireland, Forced by Sinn Fein, Sets Early Election in Shadow of Brexit," *New York Times*, January 16, 2017; Harry McGee, "DUP Smarting from Close Encounter with Sinn Fein Crocodile," *Irish Times*, March 3, 2017; Enda McClafferty, "Assembly Election a Brutal Result for Unionism," BBC News, March 4, 2017.

Table 1. Northern Ireland: Members of the Legislative Assembly (MLAs)

2016 and 2017 election results

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

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

Main Political Parties in Northern Ireland

Democratic Unionist Party (DUP). The DUP has been the largest unionist party in Northern Ireland since 2003. It enjoys considerable Protestant support and strongly favors union with the United Kingdom. The party initially opposed the 1998 Good Friday Agreement, viewing virtually any compromise with Irish nationalists as a net loss for unionists. Socially conservative, the DUP opposes abortion and same-sex marriage. In late June 2021, following a period of political turmoil within the party, Sir Jeffrey Donaldson became leader of the DUP.

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

Ulster Unionist Party (UUP). The UUP is a smaller, center-right Protestant party that supports union with the UK. It was the lead unionist party involved in the negotiations on the Good Friday Agreement. In May 2021, the UUP elected Doug Beattie as its leader.

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

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

In December 2019, the UK and Irish governments launched a new round of talks with the main political parties aimed at reestablishing the devolved government. These negotiations followed a UK snap general election, in which Prime Minister Boris Johnson's Conservative Party won a convincing parliamentary majority. The 2019 election results negated the DUP's influence in the UK Parliament and thus improved the prospects for restoring Northern Ireland's government.[15]

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

On January 10, 2020, the DUP, Sinn Fein, and the other parties agreed to a deal put forward by the UK and Irish governments to reestablish the devolved government. The new power-sharing agreement, known as New Decade, New Approach, is wide-ranging and addresses a number of key issues, including health, education, and measures to improve the sustainability of Northern Ireland's political institutions. The deal did not include a stand-alone Irish Language Act, as initially demanded by Sinn Fein, but essentially sought to strike a compromise to promote the use of the Irish (Gaelic) language while protecting the Ulster-Scots language (a regional language similar to English). Most of the agreed language and culture provisions remain to be enacted in legislation (see text box, "Language and Cultural Issues," below).[16]

DUP Leadership Changes and the Current Political Crisis

In late April 2021, DUP dissatisfaction with then-First Minister Foster's leadership over Brexit and other controversies prompted her to announce that she would step down as DUP party leader at the end of May and as First Minister in June. In May 2021, the DUP chose Northern Ireland Agriculture Minister Edwin Poots as its new leader. Poots announced that he did not intend to serve as first minister and chose a close ally, Paul Givan, to become first minister.

Foster officially resigned as first minister on June 14, 2021. Under the devolved government's power-sharing rules, Foster's resignation also forced Deputy First Minister O'Neill to step down. The first minister and deputy first minister positions are considered a joint office; if one resigns, the other also ceases to hold office. Following these resignations, the DUP and Sinn Fein had seven days to nominate replacements for these positions under rules in effect at the time.

Sinn Fein indicated it would refuse to renominate O'Neill as deputy first minister following Foster's resignation without progress in enacting into law the measures on the Irish language and cultural issues previously agreed to in the 2020 New Decade, New Approach deal. On June 17, 2021, to avoid the prospect that the devolved government might collapse, the UK government and Sinn Fein agreed to a timetable for the introduction of the Irish language and culture legislation (see text box, "Language and Cultural Issues," below). Poots backed this UK-Sinn Fein deal and nominated Givan as first minister, despite concerns within the DUP about the language legislation agreement and resulting DUP opposition to proceeding with Givan's nomination. Although Givan and O'Neill were confirmed as first minister and deputy first minister, respectively, DUP unhappiness with Poots's leadership forced him to announce his resignation as party leader.[17]

Sir Jeffrey Donaldson—a DUP member of the UK Parliament—replaced Poots as DUP party leader on June 30, 2021. Donaldson asserted that his priority as DUP leader would be to "right the wrong" imposed by the post-Brexit arrangements for Northern Ireland.[18] Givan remained as first minister, although Donaldson expressed his intention to assume the role in the future.

On February 3, 2022, First Minister Givan resigned to protest the slow progress in UK-EU negotiations aimed at resolving difficulties with the post-Brexit trade and customs rules for Northern Ireland. With Givan's resignation, Deputy First Minister O'Neill lost her position, too, and the Northern Ireland Executive was unable to meet or make decisions. Under new legislation

[16] Government of the UK, *New Decade, New Approach*, January 9, 2020, at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf.

[17] Colm Kelpie and Ciara Colhoun, "DUP Revolt over First Minister Confirmation," BBC News, June 17, 2021.

[18] Freya McClements, "Jeffrey Donaldson Ratified as DUP's New Leader After Meeting of Executive," *Irish Times*, June 30, 2021.

passed by the UK Parliament, the Northern Ireland Assembly was able to continue working on legislation already in progress.[19]

Regularly scheduled Assembly elections are due to be held on May 5, 2022. Sinn Fein called for the elections to be moved up in light of Givan's resignation and the resulting freeze on the work of the Executive, but the UK government ruled out an early election. DUP officials contend that it could be "difficult" to form a new devolved government after the May elections if issues with the post-Brexit arrangements for Northern Ireland are not resolved. Some polls suggest Sinn Fein may surpass the DUP in the May elections to become the largest party in the next Northern Ireland Assembly; such an outcome also could pose challenges to forming a new government.[20]

Language and Cultural Issues

Sinn Fein and other nationalists have long demanded measures to promote and protect the Irish (Gaelic) language in Northern Ireland. Divisions with unionists on this issue have posed political challenges for the devolved government for years. As part of the January 2020 New Decade, New Approach deal to restore the devolved government, the Northern Ireland political parties agreed to provide for the official recognition in Northern Ireland of both the Irish language and the Ulster-Scots language (which many unionists consider important to their heritage) and to allow the wider use of both languages in government settings. The deal also called for establishing two new "language commissioners"—one for Irish and one for Ulster-Scots—to enhance, protect, and develop each language and associated cultural traditions. Most of these language and cultural measures, however, remain to be enacted. In June 2021, the UK government and Sinn Fein agreed the UK Parliament would introduce the language and culture legislation in October 2021 if the Northern Ireland Assembly failed to do so by then. This timetable has slipped, and the legislation has not been introduced in the Northern Ireland Assembly or in the UK Parliament to date. UK officials assert that legislation will be introduced in the UK Parliament before the Northern Ireland Assembly elections in May 2022.

Sources: Shawn Pogatchnik, "Midnight Breakthrough Saves Northern Ireland Power-Sharing," *Politico*, June 17, 2021; Robbie Meredith, "Irish Language Groups Urge Westminster Move-On for Legislation," BBC News, November 16, 2021; itv.com, "Government 'Firmly Intends' to Bring NI Language Legislation Before Election," February 9, 2022.

Resurgence of Rioting and Violence in Spring 2021

In late March and early April 2021, sporadic violence and rioting erupted for roughly 12 days in several cities and towns in Northern Ireland, including Belfast and Londonderry (or Derry). The unrest began with gangs of youths in a predominantly unionist/loyalist area of Londonderry on March 29; rioting in Belfast on April 7—including attacks on police officers and a bus—was described as some of the worst violence in Northern Ireland in years. Almost 90 police officers were injured over the course of the violence.[21]

Much of the unrest was concentrated in economically disadvantaged communities where criminal gangs linked to loyalist paramilitaries have considerable influence, but the violence also spread to interface areas between unionist and nationalist neighborhoods. Initial assessments suggested loyalist paramilitaries could be orchestrating the riots and violence in some areas, but Northern Ireland police authorities subsequently concluded that although individuals with ties to such

[19] Jayne McCormack, "Givan Resignation Triggers Fresh Political Crisis in NI," BBC News, February 3, 2022.

[20] itv.com, "Sinn Fein Still on Course to be Northern Ireland's Largest Party, Poll Suggests," January 22, 2022; BBC News, "DUP's Donaldson Says Executive Return 'Difficult' If NI Protocol Remains," February 5, 2022; *Irish Times*, "UK Secretary for Northern Ireland Rules Out Early Stormont Election," February 8, 2022; *Irish Times*, "Sinn Fein on Course to be Largest Stormont Party, Says New Opinion Poll," February 14, 2022.

[21] Jordan Kenny, "Timeline: How Northern Ireland's Violence Unfolded," BBC News, April 12, 2021; "Belfast: Rioting 'Was Worst Seen in Northern Ireland in Years,'" BBC News, April 14, 2021.

loyalist groups may have been involved, the groups did not sanction or organize the unrest.[22] (See "Remaining Paramilitary Issues and Dissident Activity" below.) The Northern Ireland Assembly unanimously condemned the violence, as did the UK and Irish governments.[23]

A complex combination of factors lies behind the unrest. Considerable attention has focused on unionist unhappiness with the post-Brexit border and customs arrangements for Northern Ireland. Amid other demographic, political, and societal changes in Northern Ireland, the post-Brexit provisions appear to have exacerbated unionist concerns that their British identity is under threat and enhanced a sense of unionist disenfranchisement and abandonment. Some analysts suggest that strong rhetoric against the Brexit arrangements from unionist politicians may have further fueled tensions in unionist/loyalist communities and contributed to instigating the unrest. (See "Implications of Brexit" below.)

At the same time, observers note that the immediate spark for the violence followed a decision in late March 2021 by Northern Ireland authorities not to prosecute violations of COVID-19 social distancing restrictions and public health protocols at a 2,000-person funeral in June 2020 for a former high-ranking IRA official. Sinn Fein leadership, including Deputy First Minister O'Neill, attended the funeral. For many unionists, this incident—and what they regarded as a lack of police enforcement of the COVID-19 restrictions on the funeral—reinforced their long-standing views of a double standard in policing and the judiciary in favor of nationalists and, more broadly, a sense that the 1998 peace accord has benefited nationalists and republicans more than the unionist and loyalist communities. Additional factors behind the rioting also may include frustration and boredom due to the COVID-19 lockdowns, especially among young people from economically deprived areas.[24]

Ongoing Challenges in the Peace Process

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

Sectarian Divisions

Observers suggest that Northern Ireland remains a largely divided society, with Protestant and Catholic communities existing largely in parallel. Schools and housing developments in Northern Ireland remain mostly single-identity communities. In March 2022, despite some opposition from

[22] Lisa O'Carroll, "Northern Ireland Police Say Paramilitaries Not Behind Recent Violence," *Guardian*, April 9, 2021; Laura Noonan, "Criminal Gangs Blamed for Stoking Northern Ireland Violence," *Financial Times*, April 14, 2021.

[23] Peter Foster and Jim Brunsden, "London and Dublin Call for Calm After Fresh Riots in Northern Ireland," *Financial Times*, April 8, 2021; David Young, Rebecca Black, and James Ward, "Stormont Ministers Unite to Condemn Violence and Rioting," *Belfast Telegraph*, April 8, 2021.

[24] Shawn Pogatchnik, "Northern Ireland 'Playing with Matches' amid Brexit Trade Deal Tensions," *Politico*, April 7, 2021; Stephen Castle, "Northern Ireland Sees Spasm of Violence as Old Tensions Resurface," *New York Times*, April 8, 2021; Dan Haverty, "How Brexit Lit the Fuse in Northern Ireland," *Foreign Policy*, April 13, 2021.

the DUP and other stakeholders, the Northern Ireland Assembly passed legislation to increase the number of integrated school places and establish targets for the number of children educated in integrated schools.[25]

In some areas in Northern Ireland, *peace walls* separate Protestant and Catholic neighborhoods. Estimates of the number of peace walls vary depending on the definition. Northern Ireland's Department of Justice and Housing Executive have responsibility for the majority of peace walls, but when other types of structures are included—such as fences, gates, and closed roads—the number of physical barriers separating Protestant and Catholic communities is estimated at over 100. Northern Ireland's Executive has been working to remove the peace walls since 2013, but surveys of public attitudes indicate continued support for the walls in many communities. One poll conducted in 2019 found that 42% of those interviewed wanted the walls to remain in place for reasons of safety and security. The same survey also found that 37% of respondents had never interacted with anyone from the community living on the other side of the nearest peace wall.[26] Another 2019 survey, however, suggests a gradual attitudinal change in support of removing the peace walls and other barriers, especially among younger people.[27]

Sectarian divisions are particularly apparent during the annual summer *marching season*, when many unionist cultural and religious organizations hold parades commemorating Protestant history. Although the vast majority of these annual parades are not contentious, some are held through or close to areas populated mainly by Catholics (some of whom perceive such unionist parades as triumphalist and intimidating). During the Troubles, the marching season often provoked fierce violence. Many Protestant organizations view the existing Parades Commission, which arbitrates disputes over parade routes, as largely biased in favor of Catholics and have repeatedly argued for abolishing the commission.[28] Efforts over the years to address the contentious issue of parading and related protests have stalled repeatedly. Following the riots in spring 2021 and in light of ongoing tensions over Brexit, many officials and analysts worried the 2021 marching season could see increased violence. Parades and related events during the 2021 marching season, however, passed without any significant incidents.[29]

Sectarian tensions also are evident in relation to the use of flags and emblems in Northern Ireland. A series of protests in late 2012 and early 2013 following a decision to fly the union (UK) flag at Belfast City Hall only on designated days (rather than year-round) highlighted frictions on such issues between the unionist and nationalist communities. The protests, mostly by unionists and loyalists, occurred in Belfast and elsewhere in Northern Ireland, and some turned violent. Northern Ireland leaders on both sides of the sectarian divide received death threats, and some political party offices were vandalized.[30]

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[25] Paul Nolan, "Two Tribes: A Divided Northern Ireland," *Irish Times*, April 1, 2017; Robbie Meredith, "Integrated Education: Stormont Passes Bill Despite DUP Opposition," BBC News, March 9, 2022.

[26] Northern Ireland Department of Justice, *Public Attitudes to Peace Walls 2019 Findings*, June 2020, at https://www.justice-ni.gov.uk/sites/default/files/publications/justice/public-attitudes-to-peace-walls-2019-findings.PDF.

[27] International Fund for Ireland, *Peace Walls Programme Attitudinal Survey: Summary of Results*, November 2019, at https://www.internationalfundforireland.com/images/documents/2019_Community_Attitudes_to_Peace_Walls_Survey/Final_IFI_Report_2019.pdf.

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

[29] Julian O'Neill, "Twelfth Parades Across Northern Ireland Passed Without Incident," BBC News, July 12, 2021; Megan Specia, "Northern Ireland's Marching Season Begins in a Fraught Year for Unionists," *New York Times*, July 13, 2021.

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

In June 2016, a Commission on Flags, Identity, Culture, and Tradition was established to assess these contentious issues and to recommend policies and solutions to help address them. This commission consisted of 15 members, with 7 appointed by Northern Ireland's political parties and 8 drawn from outside the government. The commission's work was delayed by the size of its task and the collapse of the devolved government between 2017 and 2020. The commission delivered its report to the first minister and deputy first minister in July 2020; the report was published in December 2021. The report contains over 40 recommendations, but the commission was unable to reach agreement on some key issues related to flags and memorials, among others. Critics question the report's value given the delays, costs (£800,000, or about $1.1 million), and lack of an accompanying implementation plan.[31]

Dealing with the Past

Fully addressing the legacy of violence in Northern Ireland remains controversial. The Good Friday Agreement asserted that, "it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation." In 2008, the Northern Ireland Assembly established a Commission for Victims and Survivors aimed at supporting victims and their families. Several legal processes for examining crimes stemming from the Troubles also exist. These include investigations into deaths related to the conflict by a dedicated unit within the PSNI; investigations by the Police Ombudsman for Northern Ireland (PONI) of historical cases involving allegations of police misconduct; and public inquiries, such as the Saville inquiry (concluded in 2010) into the January 1972 Bloody Sunday incident in which the British Army shot 28 people, resulting in 14 deaths.[32]

Critics argue these various legal processes represent a piecemeal approach and give some deaths or incidents priority over others. Many observers note that progress in investigations has been slow. Nearly 1,200 conflict-related cases are awaiting investigation by the PSNI, and about 400 by the PONI.[33] According to the UK government, between 2015 and 2021, historical reviews and investigations resulted in prosecutions of nine people for Troubles-related deaths.[34] Others point out the expense and time involved with some of these processes; for example, the Bloody Sunday inquiry cost £195 million (more than $300 million) and took 12 years to complete.[35] Reaching consensus on the best way to address Northern Ireland's legacy of violence has been difficult, in large part because many unionists and nationalists continue to view the conflict differently and retain competing narratives.

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[31] Jayne McCormack, "Flags Report: Stormont Publishes £800k Report Without Action Plan," BBC News, December 1, 2021. For the text of the report, see Northern Ireland Executive Office, *Commission on Flags, Identity, Culture and Tradition – Final Report*, December 1, 2021, at https://www.executiveoffice-ni.gov.uk/publications/commission-flags-identity-culture-and-tradition-final-report.

[32] Thirteen deaths occurred on Bloody Sunday, and another individual wounded on Bloody Sunday died several months later.

[33] Secretary of State for Northern Ireland Brandon Lewis, "Addressing the Legacy of Northern Ireland's Past," oral statement, UK House of Commons, July 14, 2021, at https://www.gov.uk/government/news/secretary-of-state-for-northern-ireland-brandon-lewis-mp-oral-statement-wednesday-14th-july-2021; Northern Ireland Assembly Plenary Debate, *Official Report*, October 18, 2021, pp. 58-75, at http://data.niassembly.gov.uk/HansardXml/plenary-18-10-2021.pdf.

[34] Government of the UK, Northern Ireland Office, *Addressing the Legacy of Northern Ireland's Past*, July 14, 2021, at https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past, p. 20.

[35] James Clarke, "Was the Bloody Sunday Report Value for Money?," BBC News, June 14, 2010.

The issue of prosecuting former British soldiers who served in Northern Ireland during the Troubles remains contentious. UK veterans groups and some Members of Parliament contend that Troubles-related investigations and prosecutions have disproportionately focused on the actions of the armed forces and former police officers. They note that PSNI investigations involving the security forces account for 30% of its legacy case workload but only 10% of the overall deaths during the conflict. During the 2019 UK general election, Prime Minister Johnson pledged to protect veterans from prosecutions related to their past service in Northern Ireland, but in April 2021, the then-UK minister for veterans alleged that the government was failing to do so. Others reject arguments that legacy investigations and prosecutions are predominantly targeting veterans. Between 2011 and 2019, Northern Ireland's Public Prosecution Service (PPS) undertook prosecutions in eight legacy cases involving republican paramilitaries, four legacy cases involving loyalist paramilitaries, and five cases involving former military personnel.[36]

At the same time, such prosecutions often face legal hurdles. In 2021, due to inadmissible evidence, prosecutions of several former British soldiers related to shooting incidents in 1972 collapsed (including the prosecution of "Soldier F," charged with two of the Bloody Sunday killings). Families of Bloody Sunday victims are pursuing legal challenges against the decision to drop charges against Soldier F, as well as the 2019 decision not to bring charges against other soldiers involved in Bloody Sunday. To date, one prosecution against a former British soldier for offenses related to the Troubles remains active. Prosecutors are expected to decide in 2022 on whether to bring charges in 11 Troubles-era cases, 3 of which involve former soldiers.[37]

Stormont House Agreement Provisions

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

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

[36] Dan Sabbagh, "Defence Minister Johnny Mercer Dismissed from Government," *The Guardian,* April 20, 2021; Edward Burke, "The Trouble with Northern Ireland Legacy Cases," RUSI, April 22, 2021; Claire Mills, *Investigation of Former Armed Forces Personnel Who Served in Northern Ireland,* UK House of Commons Library, July 27, 2021.

[37] David Young, "Trial of British Army Veterans Accused of Official IRA Leader's Murder Collapses," *Irish Times,* May 4, 2021; Mike McBride, "Prosecutors Drop Troubles Cases Against Ex-Soldiers," BBC News, July 2, 2021; Julian O'Neill, "Troubles Legacy Cases Set to Dominate Headlines Again in 2022," BBC News, January 2, 2022.

Efforts to establish these four new legacy institutions in UK law, however, largely stalled due to divisions between the UK government, on the one hand, and some nationalists and human rights advocates, on the other, over proposed "national security caveats" related to the disclosure of certain information. Victims groups and nationalists were concerned that "national security" could be used to cover up criminal wrongdoing by state agents. At the same time, unionists voiced concern that the proposed HIU could unfairly target former soldiers and police officers. Successive government crises and the stalemate in reestablishing the devolved government between 2017 and early 2020 also impeded work on implementing these mechanisms to address Northern Ireland's legacy of violence.[38]

New UK Government Proposals

In the January 2020 New Decade, New Approach deal to reestablish the devolved government, the UK government pledged to introduce legislation in the UK Parliament to set up the legacy bodies proposed in the 2014 Stormont House Agreement. In March 2020, the UK government outlined its intentions for the new legacy mechanisms. Instead of the two separate HIU and ICIR bodies agreed to in the Stormont House Agreement, the UK government said it would propose a single "independent body" to "oversee and manage both the information recovery and investigative aspects of the legacy system" in order to ensure the investigations were "effective and thorough, but quick."[39]

UK Secretary of State for Northern Ireland Brandon Lewis asserted that the UK government would "remain true to the principles of the Stormont House Agreement" but that the proposed changes would seek to put "greater emphasis on gathering information for families" and "moving at a faster pace to retrieve knowledge before it is lost" to the passage of time.[40] The UK's March 2020 plan was widely rejected by Sinn Fein, other nationalists, and many human rights organizations as short-changing victims and families, as it would essentially curtail investigations and thus impede due process and the delivery of justice. The Irish government and some members of the UK Parliament also expressed concerns about the proposed changes to the Stormont House Agreement's legacy mechanisms.[41]

In July 2021, the UK government announced its intent to bring forward legislation that essentially would end all Troubles-related prosecutions, inquests, and civil actions against former soldiers, security forces, and paramilitaries.[42] The UK government asserted it would introduce a statute of limitations "to apply equally to all Troubles-related incidents, bringing an immediate end to the divisive cycle of criminal investigations and prosecutions, which is not working for anyone and has kept Northern Ireland hamstrung by its past." Similar to its initial March 2020 proposal, the

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

[39] Secretary of State for Northern Ireland Brandon Lewis, Statement to the UK Parliament, "Addressing Northern Ireland Legacy Issues," March 18, 2020, at https://questions-statements.parliament.uk/written-statements/detail/2020-03-18/HCWS168.

[40] Ibid. Also see Government of the UK, "UK Government Sets Out Way Forward on the Legacy of the Past in Northern Ireland," press release March 18, 2020.

[41] Julian O'Neill, "New Plan for NI Troubles Cases to 'Limit' Investigations," BBC News, March 18, 2020; Government of Ireland, "Statement by Tanaiste on UK Government Legacy Announcement," press release, March 18, 2020; Rory Carroll, "Troubles Legacy: MPs Condemn Government Plan to Close Cases," *Guardian*, October 26, 2020.

[42] Government of the UK, Northern Ireland Office, *Addressing the Legacy of Northern Ireland's Past*, July 14, 2021, https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past.

UK government confirmed it would establish a single "Information Recovery Body" (rather than the HIU and ICIR called for in the Stormont House Agreement). This body would be tasked with investigating deaths or serious injuries for the purpose of "genuine and robust information recovery, rather than to create a file for prosecution." The 2021 proposal also included plans to establish a "major oral history initiative" and asserted that the government would maintain "many of the vital aspects proposed for the Implementation and Reconciliation Group."[43]

In announcing these new legacy plans, including the statute of limitations, Prime Minister Johnson asserted that the government's proposals would allow Northern Ireland to "draw a line under the Troubles."[44] Secretary of State Lewis acknowledged that, "We know that the prospect of the end of criminal prosecutions will be difficult for some to accept, and this is not a position that we take lightly," but argued that the focus on information recovery—for as many families and victims as possible—would be more effective than current litigation processes and "the best way to help Northern Ireland move further along the road to reconciliation."[45] Secretary of State Lewis also asserted that this approach would "deliver on our commitment to veterans who served in Northern Ireland," providing "certainty" for former soldiers and police officers, "many of whom remain fearful of the prospect of being the subject of investigations ... even though the vast majority acted in accordance with the law, and often at great personal risk."[46]

The UK's 2021 proposals have been heavily criticized by all main political parties in Northern Ireland. Nationalists contend that ending prosecutions and inquests would allow the UK government to cover up the truth about the state's actions during the Troubles, and unionists object to what they view as establishing "moral equivalency" between the actions of soldiers and paramilitaries with a blanket statute of limitations. The Irish government, some Members of the UK Parliament, and many human rights and victims groups have expressed serious concerns as well, including with respect to the planned changes to the legacy bodies envisioned by the Stormont House Agreement. On July 20, 2021, the Northern Ireland Assembly passed a motion (without dissent) opposing the UK government's new legacy plans.[47] The UK government has not yet formally introduced legislation in Parliament to enact its legacy proposals.

Remaining Paramilitary Issues and Dissident Activity

Paramilitary Concerns

Experts contend the major republican and loyalist paramilitary organizations active during the Troubles are now committed to the political process and remain on cease-fire. However, the apparent continued existence of some groups and their engagement in criminality worries many in both the unionist and the nationalist communities. In response to heightened concerns about paramilitary activity in Northern Ireland in 2015, the UK government commissioned a study on

[43] Ibid.

[44] As quoted in, "Plan to End All NI Troubles Prosecutions Confirmed," BBC News, July 14, 2021.

[45] Secretary of State for Northern Ireland Brandon Lewis, "Addressing the Legacy of Northern Ireland's Past," oral statement, UK House of Commons, July 14, 2021, at https://www.gov.uk/government/news/secretary-of-state-for-northern-ireland-brandon-lewis-mp-oral-statement-wednesday-14th-july-2021.

[46] Ibid.

[47] BBC News, "Troubles: Political Reaction to PM's Plan to End Prosecutions," July 14, 2021; Irish Department of Foreign Affairs, "Statement by Minister for Foreign Affairs on UK Government Legacy Proposals," press release, July 14, 2021; Eimear McGovern, "NI Assembly Rejects UK Government Troubles Amnesty Proposals," *Belfast Telegraph*, July 20, 2021; BBC News, "Victims' Groups Voice Opposition to Troubles Plans," August 30, 2021.

the status of republican and loyalist paramilitary groups.[48] This review found that all the main paramilitary groups operating during the Troubles still exist, but they are on cease-fire and the leadership of each group, "to different degrees," is "committed to peaceful means to achieve their political objectives." At the same time, the review concluded that individual members of paramilitary groups still represent a threat to national security, including through their involvement in organized crime, and "there is regular unsanctioned activity including behavior in direct contravention of leadership instruction."[49]

The 2015 Fresh Start Agreement sought to address concerns about the main paramilitary groups in Northern Ireland. Among other measures, it enumerated a set of principles that call upon members of the Assembly and the Executive to work toward disbanding all paramilitary organizations and to take no instructions from such groups. The agreement also called for establishing a new, four-member international body to monitor paramilitary activity and to report annually on progress toward ending such activity. The resulting Independent Reporting Commission (IRC) began work in 2017; the UK and Irish governments each named one representative to the IRC, and the Northern Ireland Executive named two.[50]

In its fourth annual report, released in December 2021, the IRC states that it remains concerned about the risks posed to Northern Ireland society by "the continuing existence of paramilitary structures which can be harnessed for the purposes of violence or the threat of violence." The IRC remains supportive of a "twin track" approach that combines policing and criminal justice responses with measures to address the underlying socioeconomic challenges facing communities in which paramilitaries operate. In addition, the IRC emphasized the need for a "group transition process" to encourage paramilitary groups to take voluntary action toward disbanding.[51]

Concerns also exist about the degree to which divisions over Brexit could further enhance paramilitary influence, prompt a resurgence in paramilitary activity, and affect the peace process. In March 2021, loyalist paramilitary groups announced they were withdrawing support for the Good Friday Agreement temporarily due to concerns about the implementation of the post-Brexit trade arrangements for Northern Ireland, which they view as dividing Northern Ireland from the rest of the UK and threatening the union. Although these loyalist groups remain on cease-fire, they also warn that the current Brexit-related problems, if not resolved, could lead to the "permanent destruction" of the peace accord (see "Implications of Brexit" below).[52]

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

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

[50] The UK government chose former U.S. Special Envoy for Northern Ireland Mitchell Reiss as its representative on the IRC. Reiss served as special envoy in the George W. Bush Administration from 2003 to 2007.

[51] *Independent Reporting Commission Fourth Report*, December 7, 2021, at https://www.ircommission.org/news-centre/irc-fourth-report.

[52] As quoted in Guy Faulconbridge and Amanda Ferguson, "Northern Irish Loyalist Paramilitaries Withdraw Support for 1998 Peace Deal," Reuters, March 4, 2021. Also see Shawn Pogatchnik, "Who Are the Northern Ireland Loyalists Threatening to Shun Peace Deal over Brexit Fears?," *Politico*, March 5, 2021.

The Dissident Threat

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

At the same time, experts note that dissident groups do not have the same capacity to mount a sustained terror campaign as the IRA did between the 1970s and the 1990s. Most of the dissident republican groups are small in comparison to the IRA during the height of the Troubles.[53] According to UK security services, there are currently four main dissident republican groups: the Continuity IRA (CIRA); Óglaigh na hÉireann (ÓNH); Arm na Poblacht (ANP), and the New IRA (which reportedly was formed in 2012). These groups have sought to target police officers, prison officers, and other members of the security services in particular. Between 2009 and 2017, dissident republicans were responsible for the deaths of two PSNI officers, two British soldiers, and two prison officers.[54]

In January 2018, ÓNH declared itself on cease-fire, although a small splinter group formed in opposition to the cease-fire. The other groups remain active, and authorities warn the threat posed by the New IRA in particular is severe. Police suspect the New IRA was responsible for a January 2019 car bomb that exploded in Londonderry. The New IRA also claimed responsibility for the April 2019 death of journalist Lyra McKee, who was shot while covering riots in Londonderry.[55] Security services report a "growing sophistication" in dissident republican explosive devices and that the New IRA has attempted to obtain weapons overseas.[56]

Economic Development and Equal Opportunity

Many assert that one of the best ways to ensure a lasting peace in Northern Ireland and deny dissident groups new recruits is to promote continued economic development and equal opportunity for Catholics and Protestants. Northern Ireland's economy has made considerable advances since the 1990s. Between 1997 and 2007, Northern Ireland's economy grew an average of 5.6% annually (marginally above the UK average of 5.4%). Unemployment decreased from over 17% in the 1980s to 4.3% by 2007.[57] The 2008-2009 global recession affected the region, however, and economic recovery was slow and uneven over much of the last decade.

The COVID-19 pandemic and resulting restrictions on social and business activity affected Northern Ireland's economy, but the speed of economic recovery has been faster than expected initially. During the height of the first COVID-19 lockdown in the second quarter of 2020,

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

[54] MI5, "Northern Ireland," at https://www.mi5.gov.uk/northern-ireland.

[55] The New IRA issued an apology for McKee's death, asserting that it had intended to shoot a police officer during the riots, but hit McKee by accident.

[56] Naomi O'Leary, "Northern Ireland Bomb Is a Warning We Can't Ignore," *Politico*, January 22, 2019; Julian O'Neill, "Q&A: Why Is Dissident Republican Activity on the Rise?," BBC News, September 15, 2019; "Security Report Warns of Dissidents' Growing Sophistication," BBC News, April 30, 2020; Julian O'Neill, "New IRA 'Still Dangerous' After MI5 and PSNI's Operation Arbacia," BBC News, September 30, 2020.

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

Northern Ireland's economic output fell by 13.3%. It rebounded in the third quarter of 2020 to 15.1% growth and increased by 4.6% in real terms over the year to September 2021. Northern Ireland's unemployment rate for October-December 2021 was 2.7%, lower than the UK average unemployment rate of 4.1%.[58] Both the UK government and the Northern Ireland Executive implemented a range of measures to mitigate COVID-19's adverse economic effects. These measures included financial support to enable businesses to retain workers, assistance for the self-employed, government-backed loans for businesses, and additional funding for public services.[59]

Some long-standing economic difficulties and disparities persist in Northern Ireland. Income levels and living standards in Northern Ireland remain below the UK average. Of the UK's 12 economic regions, Northern Ireland had the third-lowest gross domestic product per capita in 2019 (£25,656, or about $35,035), below the UK's average (£33,151, or about $45,270).[60] Northern Ireland has both a high rate of economic inactivity (27%) and a high proportion of working-age individuals with no formal qualifications. Studies indicate the historically poorest areas in Northern Ireland remain so and note that many of these bore the brunt of the Troubles. Although many of the areas considered the most deprived are predominantly Catholic, others are predominantly Protestant. Some experts contend the most economically disadvantaged areas in Northern Ireland have benefitted the least from the so-called *peace dividend*.[61]

At the same time, Northern Ireland has made strides in promoting equality in its workforce. The gap in economic activity rates between Protestants and Catholics has shrunk considerably since 1992 (when there was a 10-percentage-point difference) and has largely converged in the last few years. The most recent data available indicate that in 2017, the economic activity rate was 70% for Protestants and 67% for Catholics. In addition, the percentage point gap in unemployment rates between the two communities decreased from 9% in 1992 to 0% in 2017.[62]

Over the past decade, efforts to improve Northern Ireland's long-term economic performance have sought to promote export-led growth, attract more foreign investment, and decrease Northern Ireland's economic dependency on the public sector by growing the private sector. The public sector accounts for about 28% of total employment in the region.[63] In February 2021, the Northern Ireland Executive proposed a £290 million (about $402 million) COVID-19 economic recovery action plan centered on developing a higher skilled and more agile workforce; stimulating research and innovation; building a greener economy; and promoting investment, trade, and exports.[64]

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[58] Northern Ireland Statistics and Research Agency, *Northern Ireland Labour Market Report*, February 15, 2022; Northern Ireland Statistics and Research Agency, *Northern Ireland Composite Economic Index Quarter 3 2021*, January 14, 2022.

[59] Northern Ireland Assembly Research and Information Service, *Overview of COVID-19 Funding in NI and the Economic Implications: An Update*, December 16, 2020; UK Treasury, "Extra £800 Million to Support Scotland, Wales and Northern Ireland through Covid-19 This Year," press release, December 24, 2020.

[60] UK House of Commons Library, *Regional and National Economic Indicators*, December 17, 2021.

[61] Northern Ireland Statistics and Research Agency, *Northern Ireland Multiple Deprivation Measures 2017*, November 2017; Duncan Morrow, *Sectarianism in Northern Ireland: A Review*, University of Ulster, 2019, pp. 32-35; Testimony of Monica McWilliams, in U.S. Congress, House Foreign Affairs Committee, Subcommittee on Europe, Energy, the Environment and Cyber, *The United States Role in Reaffirming the Good Friday Agreement*, hearings, 117th Cong., 1st sess., May 5, 2021.

[62] Northern Ireland Executive Office, *Labour Force Survey Religion Report 2017*, January 31, 2019.

[63] Northern Ireland Statistics and Research Agency, *Northern Ireland Quarterly Employment Survey*, December 14, 2021.

[64] Northern Ireland Department for the Economy, *Economic Recovery Action Plan*, February 25, 2021.

Implications of Brexit[65]

In the UK's June 2016 public referendum on EU membership, voters in Northern Ireland favored remaining in the EU, 56% to 44% (the UK overall voted in favor of leaving, 52% to 48%). The UK withdrew from the EU on January 31, 2020, but continued to apply EU rules and to participate in the EU's single market and customs union until the end of an 11-month transition period that concluded on December 31, 2020. Brexit has added to divisions within Northern Ireland and poses considerable challenges, with potential implications for Northern Ireland's peace process, economy, and, in the longer term, constitutional status.

The Irish Border and the Withdrawal Agreement

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

Preventing a *hard border* with customs checks and physical infrastructure on the island of Ireland was a key goal, and a major stumbling block, in negotiating the UK's withdrawal agreement with the EU. UK, Irish, and EU leaders asserted repeatedly that they did not desire a hard border post-Brexit. Security assessments suggested that if border or custom posts were reinstated, violent dissident groups opposed to the peace process would view such infrastructure as targets, endangering the lives of police and customs officers. Experts feared that such violence would threaten the region's security and stability and potentially put the peace process at risk.[66]

Many in Northern Ireland and Ireland also were eager to maintain an open border to ensure "frictionless" trade, safeguard the North-South economy, and protect community relations. People in border communities worried that any hardening of the border could affect daily travel across the border to work, shop, or visit family and friends. Estimates suggest there are upward of 300 public and private border crossing points along the border today; during the Troubles, only a fraction of crossing points were open, and hour-long delays due to security measures and bureaucratic hurdles were common.[67]

Post-Brexit Arrangements for Northern Ireland

Devising a mechanism to maintain an open border was complicated by the UK government's decision to keep the UK outside of the EU's single market and customs union. In early 2019, the UK Parliament rejected the initial UK-EU withdrawal agreement three times, in large part

[65] For more information on Brexit, see CRS Report R46730, *Brexit: Overview, Trade, and Northern Ireland*, coordinated by Derek E. Mix.

[66] Henry McDonald, "Police Chief Says 'Hard Brexit' Irish Border Would Be Paramilitary Target," *Guardian*, February 7, 2018.

[67] Sarah Lyall, "On Irish Border, Worries That Brexit Will Undo a Hard-Won Peace," *New York Times*, August 5, 2017; Maeve Sheehan, "Irish Army Identifies 300 Border Crossing Points," *Belfast Telegraph*, December 17, 2018.

because of concerns about the *backstop* for the Irish border, which would have kept the UK inside the EU customs union until the UK and EU determined their future trade relationship. Some Brexit advocates contended that Ireland and the EU were exaggerating and exploiting the security concerns about the border to keep the UK close to the EU. Those of this view noted that, although the Good Friday Agreement commits the UK to normalizing security arrangements—including the removal of security installations "consistent with the level of threat"—it does not explicitly require an open border. The Irish government and many in Northern Ireland—as well as most UK officials—argued that an open border had become intrinsic to peace on the island of Ireland.[68]

In October 2019, EU and UK negotiators reached a revised withdrawal agreement with a renegotiated Protocol on Ireland/Northern Ireland to ensure an open border on the island of Ireland while safeguarding the rules of the EU single market.[69] Under the terms of the protocol, Northern Ireland remains legally in the UK customs territory but maintains regulatory alignment with the EU. In effect, this arrangement keeps Northern Ireland for all practical purposes in the EU single market and customs union, thus eliminating the need for regulatory checks on trade in goods between Northern Ireland and the Republic of Ireland but essentially creating a customs border in the Irish Sea between Northern Ireland and Great Britain (often termed the *Irish Sea border*). Any physical checks necessary to ensure customs compliance would be conducted at ports or points of entry away from the Northern Ireland-Ireland land border, with no checks or infrastructure at this border.

The DUP strongly opposed these "Northern Ireland-only" arrangements, contending that they would divide Northern Ireland from the rest of the UK and threaten the UK's constitutional integrity. In light of the large majority won by Prime Minister Johnson's Conservative Party in the December 2019 UK parliamentary elections, however, the DUP lost political influence and was unable to block approval of the renegotiated withdrawal agreement. Both the UK and the EU subsequently ratified the withdrawal agreement, thus enabling the UK to end its 47-year membership in the EU in January 2020.

Concerns about a hard border developing on the island of Ireland mostly receded following the UK Parliament's approval of the withdrawal agreement and the Northern Ireland protocol. In December 2020, the Joint Committee of UK and EU officials reached an agreement on implementing the protocol after the end of the transition period. Among other issues, the Joint Committee agreed on a process for checks on animals and plants and rules for the supply of medicines and food products entering Northern Ireland from Great Britain; the EU presence in Northern Ireland; export declaration requirements; and criteria for goods to be considered "not at risk" of entering the EU (and thus not subject to tariffs).[70]

Implementation Challenges and Heightened Tensions

Brexit has exacerbated political and societal divisions in Northern Ireland. Even before Brexit, demographic trends in Northern Ireland (in which the population gap between Protestants and

[68] John Campbell, "Brexit: Does the Irish Peace Accord Rule Out a Hard Border?," BBC News, January 30, 2019; Tom McTague, "Brexit's Ulster Problem," *Politico*, June 12, 2019.

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

[70] The UK-EU Trade and Cooperation Agreement concluded in December 2020 was expected to further reduce concerns about "at risk" goods as the deal provides for tariff-free and quota-free merchandise trade between the UK and the EU (if rules of origin requirements are met). "Brexit: UK and EU Reach Deal on Northern Ireland Border Checks," BBC News, December 8, 2020; European Commission, "Questions and Answers: Joint Committee Formally Adopts a Set of Implementation Measures Related to the EU-UK Withdrawal Agreement," December 17, 2020.

Catholics is narrowing) and changes in societal attitudes (especially among young people, who may not be as wedded to traditional religious or ethnic identities) were causing some in the unionist community to perceive a loss in unionist traditions and dominance. The new post-Brexit trade arrangements for Northern Ireland appear to be enhancing this sense of unionist disenfranchisement, partly by raising fears that Northern Ireland will be drawn closer to the Republic of Ireland's economic orbit post-Brexit and that this could be a precursor to a united Ireland.[71] Meanwhile, Brexit also has heightened long-standing nationalist doubts about the trustworthiness of the UK government and eroded trust between the UK and Irish governments. As the guarantors of the Good Friday Agreement, cooperation between the UK and Ireland is deemed essential to the continued functioning and implementation of the peace accord.[72]

Significant challenges have arisen in implementing the protocol, which took effect on January 1, 2021. The new customs and regulatory requirements on goods entering Northern Ireland from Great Britain have posed trade and administrative difficulties for some businesses and consumers in Northern Ireland, despite initial grace periods ranging from three months to a year for full implementation of the new rules for agri-food products, medicines, and other items. Problems have included shipping delays and product shortages, especially for Northern Ireland supermarkets dependent on suppliers elsewhere in the UK.[73]

In late January 2021, the Northern Ireland protocol became entangled in EU efforts to control the export of COVID-19 vaccines outside the bloc. The EU initially planned to trigger Article 16 of the protocol—an emergency override mechanism available to either the UK or the EU to suspend parts of the protocol—to prevent vaccines being exported from Northern Ireland to the rest of the UK. Amid a diplomatic outcry from UK, Irish, and Northern Ireland officials, the EU almost immediately reversed itself on invoking Article 16, claiming it was a mistake made in haste. Nevertheless, the incident is widely viewed as helping to bolster the DUP's claim that the protocol is "unworkable."[74] The DUP and other unionists subsequently began urging the UK government to invoke Article 16 itself, given the economic and social problems with the protocol's implementation. Then-First Minister Foster asserted that the EU's willingness to invoke Article 16 had "lowered the bar" for the UK to do the same.[75]

By March 2021, as the end of the first grace periods approached, UK-EU talks to resolve challenges arising from the protocol's implementation had stalled. As such, the UK government unilaterally extended grace periods that limited checks on parcels, certain agri-food products,

[71] Ceylan Yeginsu, "In Northern Ireland, Brexit Deal Is Seen as Betrayal," *New York Times*, October 24, 2019; Simon Carswell, "Loyalists on Brexit: A One-Way Route to an Economic United Ireland," *Irish Times*, January 30, 2020; Rory Carroll, "Northern Ireland Clashes Reflect Loyalists' Fear of Marginalisation," *Guardian*, April 5, 2021.

[72] Matthew O'Toole, "Of Course the Internal Market Bill Threatens Northern Ireland," *Politico*, September 23, 2020; Etain Tannam and Mary C. Murphy, "The Internal Market Bill May Further Erode Trust and Security in Ireland/Northern Ireland," London School of Economics, September 24, 2020; Pat Leahy, "NI Protocol Tensions Threaten UK-Ireland, UK-EU and UK-US Relations," *Irish Times*, June 11, 2021.

[73] Physical checks necessary to ensure customs compliance are now being conducted at ports or points of entry on the northeast coast of Northern Ireland upon arrival from Great Britain. Shawn Pogatchnik, "Supermarket Pleas Mount as Brexit Leaves Northern Ireland Shelves Bare," *Politico*, January 13, 2021; Arthur Sullivan, "Northern Ireland: The Brexit Problem That Will Not Go Away," *Deutsche Welle* (dw.com), February 10, 2021.

[74] "Arlene Foster Urges PM to Replace 'Unworkable' NI Brexit Deal," BBC News, January 30, 2021; David M. Herszenhorn and Jakob Hanke Vela, "EU Drops Irish Border Move in Plan to Curb Vaccine Exports," *Politico*, January 30, 2021.

[75] As quoted in Shawn Pogatchnik, "Brexit Protocol Row Adds Pressure to Northern Ireland Unionists," *Politico*, February 4, 2021.

plants, and used agricultural machinery.[76] In response, the EU launched a legal infringement process against the UK for breaching the terms of the protocol. This legal action ultimately could have led to the UK's referral to the Court of Justice of the European Union (CJEU, which is often referred to as the European Court of Justice, or ECJ), potential fines, and/or the imposition of tariffs on imports of goods from the UK.[77]

In late June 2021, however, the EU put forward proposals to address several issues in the protocol in the interest of finding "creative solutions … with the core purpose of benefitting people in Northern Ireland."[78] Among other measures, the EU agreed to the UK's request for a delay in implementing a ban on shipping chilled meat products from the rest of the UK to Northern Ireland (EU rules generally do not permit the import of items such as fresh sausages from non-member states). At the end of July 2021, the EU decided to pause its legal infringement action against the UK. Irish officials reportedly regarded this step as "a genuine goodwill gesture" by the EU to de-escalate tensions with the UK.[79]

Sinn Fein, other nationalists, and the Irish government maintain that the protocol is the only viable option to avoid a hard border on the island of Ireland in light of Brexit and the UK's decision to leave the EU single market and customs union. The EU contends that 80% of the regulatory and customs checks required by the protocol would be eliminated if the UK agreed to align with EU food and veterinary standards. The UK government rejects this approach, given that a key rationale for Brexit was to free the UK from EU regulations and due to concerns that such alignment could impede new UK free-trade deals with other countries, such as the United States.[80]

In September 2021, DUP leader Donaldson called for significant changes to the protocol, including ensuring there is "no border in the Irish Sea."[81] Donaldson warned that the DUP might withdraw its ministers from Northern Ireland's Executive if concerns over the protocol were not resolved. Donaldson also asserted that the DUP would stop engaging with the North-South bodies (except for cooperation on health matters) established under Strand Two of the Good Friday Agreement, would seek to block additional protocol-required customs checks at Northern Ireland ports, would examine the legality of the current customs checks, and would "seek to frustrate and prevent" the Northern Ireland Assembly from aligning legislation with EU laws.[82] As noted above, First Minister Givan resigned in February 2022 in protest against the protocol and amid concerns about the slow progress in UK-EU negotiations.

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[76] Secretary of State for Northern Ireland Brandon Lewis, Written Ministerial Statement to the UK House of Commons, March 3, 2021, at https://questions-statements.parliament.uk/written-statements/detail/2021-03-03/hcws819.

[77] European Commission, *Withdrawal Agreement: Commission Sends Letter of Formal Notice to the United Kingdom for Breach of its Obligations Under the Protocol on Ireland and Northern Ireland*, March 15, 2021.

[78] European Commission, "EU-UK Relations: Solutions Found to Help Implementation of the Protocol on Ireland and Northern Ireland," press release, June 30, 2021.

[79] John Campbell, "Brexit: EU Pauses Legal Action Against UK over NI Protocol Breaches," BBC News, July 27, 2021; Hans von der Burchard, "EU Pauses Both Brexit Lawsuits Against the UK," *Politico*, July 28, 2021.

[80] Chris Morris, "Brexit: Can the UK and the EU Reach a Deal on Northern Ireland?," BBC News, June 16, 2021; Mark Landler, "Britain and the EU Defer Action on Northern Ireland," *New York Times*, June 30, 2021; *Irish Times*, "Donaldson and McDonald Hold 'Constructive and Frank' First In-Person Meeting," July 5, 2021.

[81] Democratic Unionist Party, *Speech by DUP Leader Sir Jeffrey Donaldson MP*, September 9, 2021, at https://mydup.com/news/sir-jeffrey-donaldson-now-is-the-time-to-act.

[82] Ibid.

Ongoing Negotiations

Since early 2021, the UK and the EU have engaged in negotiations to resolve the operational challenges related to the Northern Ireland protocol. Talks have been contentious, and progress has been slow. UK and DUP officials argue that the protocol is not sustainable and that significant changes are necessary to decrease tensions in Northern Ireland, protect peace, and end market disruptions for businesses and consumers. EU officials consistently have raised concerns that the UK is not implementing certain aspects of the protocol, including building and properly staffing border and custom posts in Northern Ireland, sharing customs data, and properly declaring goods entering Northern Ireland.[83]

In July 2021, the UK government essentially called for the protocol to be renegotiated, asserting that a "new balance" must be found so the protocol "can operate pragmatically" in accordance "with the unique circumstances of Northern Ireland."[84] UK officials asserted that the government would be justified in invoking Article 16 but would not do so for the time being in favor of finding a consensual solution through negotiations. Among other changes, the UK government called for largely removing customs checks on goods from Great Britain intended to remain in Northern Ireland, removing medicines from the scope of the protocol, and eliminating the role of the EU institutions in overseeing the protocol's operation (especially the EU's ability to take disputes related to the application of EU law in Northern Ireland to the CJEU). Some analysts suggest the UK's proposals for a revamped protocol would rely mostly on the EU trusting the UK to protect the EU's single market rather than on abiding by EU rules.[85]

The EU rejects renegotiating the Northern Ireland protocol, reiterating that it represents a joint, already-agreed UK-EU solution to the challenges Brexit poses to the island of Ireland. The EU maintains that any measures to resolve implementation problems with the post-Brexit arrangements for Northern Ireland must be found "within the framework" of the protocol.[86] In October 2021, the EU issued proposals to address some of the operational difficulties related to customs paperwork, agri-food rules, and the supply of medicines; the EU also proposed ways to enhance engagement and dialogue with Northern Ireland authorities and stakeholders on the application of the protocol and EU rules.[87]

UK-EU negotiations continued through the rest of 2021 but remained largely stalled. UK-EU positions diverge on numerous key issues, including customs checks, agri-food safety rules, and the role of the EU institutions (see text box, "Northern Ireland Protocol Negotiations: Key Issues," below). In December 2021, as the end of another grace period approached, the EU unilaterally took steps to ease restrictions on British medicine and drug manufacturers that supply

[83] Lisa O'Carroll, Heather Stewart, and Daniel Boffey, "UK in 'Constructive' Talks with EU over Northern Ireland Protocol," *Guardian*, February 3, 2021; BBC News, "Brexit: Preserving NI Protocol Is 'The Only Way Forward,' Warns EU," February 10, 2021; Reuters, "EU Not Interested in Protecting Belfast Peace Agreement – Northern Ireland First Minister," March 5, 2021; Jim Brunsden et al., "UK Says That Brussels Trying to 'Exploit' Biden Visit to Exert Brexit Pressure," *Financial Times*, June 8, 2021.

[84] Government of the UK, *Northern Ireland Protocol: The Way Forward*, July 21, 2021, p. 15, at https://www.gov.uk/government/publications/northern-ireland-protocol-next-steps.

[85] See, for example, the analysis by John Campbell in "Brexit: Stormont Parties Divided on UK Call to Amend NI Protocol," BBC News, July 21, 2021; and Jennifer Rankin, "UK's Northern Ireland Protocol Demands Sap Brussels' Goodwill," *Guardian*, July 21, 2021.

[86] European Commission, "Statement by Vice-President Maros Sefcovic Following Today's Announcement by the UK Government Regarding the Protocol on Ireland/Northern Ireland," press release, July 21, 2021.

[87] European Commission, "Protocol on Ireland/Northern Ireland: Commission Proposes Bespoke Arrangements to Benefit Northern Ireland," press release, October 13, 2021.

Northern Ireland following a failure to reach a joint UK-EU solution on this issue. The EU steps include amending EU legislation to "ensure the continued supply of medicines to Northern Ireland," especially in light of the ongoing COVID-19 pandemic; the EU also asserted that these measures demonstrated that the protocol "has the flexibility to work on the ground" and expressed hope for resolving other challenges posed by the protocol.[88]

Northern Ireland Protocol Negotiations: Key Issues

The UK and the EU are engaged in negotiations to ease operational difficulties with the Northern Ireland protocol, decrease tensions, and facilitate trade between Great Britain and Northern Ireland. Key issues and points of contention related to the protocol include the following.

Customs Checks. Both the UK and EU have made proposals to reduce the need for customs declarations and paperwork on goods moving from Great Britain to Northern Ireland. The EU has proposed expanding the definition of goods "not at risk" of entering the EU to cover more goods and easing administrative requirements. The EU asserts that these measures will decrease the documentation currently needed for goods by 50%. The UK has proposed that customs documentation requirements should only apply to those goods moving from Great Britain to Northern Ireland that are destined for the EU, with traders responsible for declaring the destination of their goods; those goods staying in Northern Ireland would not be subject to tariffs or customs declarations.

Agri-food Rules. Animal and plant products entering Northern Ireland from Great Britain must comply with EU sanitary and phytosanitary (SPS) rules, including physical inspection requirements for products of animal origin and prohibitions on certain categories of plant and animal products, such as chilled meats. The EU has proposed simplifying paperwork and reducing SPS checks for a wide range of retail goods from Great Britain that will be remain in Northern Ireland and an exemption for "iconic" British products, such as sausages, subject to special certifications. The EU contends that these "bespoke" solutions will decrease SPS checks by roughly 80%. Similar to its position on customs checks, the UK maintains that only goods moving from Great Britain to Northern Ireland that are destined for the EU should require SPS checks and paperwork, and those remaining in Northern Ireland should only need to meet UK SPS standards.

Role of EU Institutions. Under the protocol, the application of EU law in Northern Ireland is subject to oversight by the EU institutions. The European Commission (the EU's executive) can take action against the UK government for not complying with EU rules, including referring the UK to the Court of Justice of the European Union (CJEU, also commonly referred to as the European Court of Justice, or ECJ). In its July 2021 proposals on the protocol, the UK government called for eliminating the EU institutions' oversight role and argued that disputes related to the protocol should be managed jointly by the UK and the EU. UK officials argue that the EU's oversight of the protocol infringes on UK sovereignty. Since July 2021, however, there have been some signs that the UK may be softening its position and willing to accept an arbitration system to manage disputes, including a mechanism to consult the CJEU on matters of EU law. The EU, however, firmly opposes any changes to the role of the EU institutions, including the CJEU, in overseeing the protocol.

Other Issues. Other negotiation issues include the movement of pets and live animals between Great Britain and Northern Ireland, UK subsidies to Northern Ireland businesses, and value added tax (VAT) and excise rules. The EU also has proposed deepening ties to Northern Ireland civic groups, businesses, and other stakeholders to increase transparency and help ensure that EU policymakers take Northern Ireland views into account in developing or amending EU rules that will apply in Northern Ireland.

Sources: Government of the UK, *Northern Ireland Protocol: The Way Forward*, July 21, 2021; European Commission, "Protocol on Ireland/Northern Ireland: Commission Proposes Bespoke Arrangements to Benefit Northern Ireland," press release, October 13, 2021; Institute for Government, "Northern Ireland Protocol: Ongoing UK-EU Disagreements," October 14, 2021; Jennifer Rankin, "Northern Ireland: What Are the EU and UK Proposing and Will Deal Be Done?," *Guardian*, December 17, 2021.

UK-EU negotiations on the protocol resumed in January 2022. UK officials reportedly would like to reach a deal ahead of Northern Ireland's scheduled Assembly elections in May 2022, in an attempt to prevent Brexit and the protocol from becoming dominant campaign issues. Irish

[88] The EU legislation also seeks to resolve outstanding supply issues in EU member states Ireland, Cyprus, and Malta. European Commission, "EU-UK Relations: Commission Delivers on Promise to Ensure Continued Supply of Medicines to Northern Ireland, as well as to Cyprus, Ireland and Malta," press release, December 17, 2021.

officials contend that the EU has made or suggested several compromises to resolve difficulties posed by the protocol and that the UK government must be willing to make concessions also.[89]The DUP continues to demand an end to the Irish Sea border and to most customs and regulatory checks on trade in goods between Great Britain and Northern Ireland. Sinn Fein maintains that the focus of the UK-EU negotiations should be on making the protocol work better for people and businesses in Northern Ireland.[90]

Economic Concerns

Following the 2016 UK referendum, many experts expressed concern about Brexit's possible economic consequences for Northern Ireland. According to a UK parliamentary report, Northern Ireland depends more on the EU market (and especially that of Ireland) for its exports than does the rest of the UK.[91] In 2019, approximately 59% of Northern Ireland's exports went to the EU, including 38% to Ireland, which was Northern Ireland's top single export and import partner.[92]

Significant fears existed in particular that a no-deal Brexit (i.e., without a withdrawal agreement in place) would have jeopardized labor markets and industries that operate on an all-island basis. Many manufacturers in Northern Ireland and Ireland depend on integrated supply chains north and south of the border. For example, raw materials that go into making milk, cheese, butter, and alcoholic drinks often cross the border between Northern Ireland and Ireland several times for processing and packaging.[93] The vast majority of cross-border transactions are made by micro and small businesses, which dominate Northern Ireland's economy.[94]

UK and DUP leaders asserted that the rest of the UK is overall more important economically to Northern Ireland than the EU given the value of exports. In 2019, sales to other parts of the UK (£11.3 billion) were more than double the value of exports to Ireland (£4.5 billion) and more than four times the value of exports to the rest of the EU (£2.4 billion).[95] Among the DUP's initial objections to the post-Brexit arrangements agreed in 2019, the DUP argued that they would be detrimental to the region's economy. The DUP asserts that such concerns have proven correct given the supply problems and shipping delays affecting Northern Ireland since the new post-Brexit customs and regulatory requirements took effect. Major UK supermarket chains warn that full implementation of the protocol could lead to increased costs for Northern Ireland consumers. One study from the University of Ulster estimates that the costs of the protocol to Northern Ireland's public and private sectors could be around £850 million (around $1.2 billion) per year.[96]

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[89] Christina Gallardo, "Brexit Talks Head into 2022 as UK Softens Northern Ireland Governance Demands," *Politico*, December 17, 2021; Jude Webber, "Protocol Negotiations Need to be Finished by End of February, Says Coveney," *Irish Times*, December 31, 2021.

[90] Jayne McCormack, "Brexit: NI Protocol Talks Must End Soon, Says Donaldson," BBC News, January 7, 2022; John Campbell, "Brexit: UK and EU Still Determined to Find Solutions to Protocol," BBC News, March 8, 2022.

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

[92] Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, August 4, 2021.

[93] Simon Marks, "Brexit Is (Maybe) the Ruin of Irish Whiskey," *Politico*, March 3, 2017; Colm Kelpie, "Brexit: How Would No-Deal Affect Northern Ireland?," BBC News, September 22, 2019.

[94] Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, August 4, 2021.

[95] Ibid.

[96] John Campbell, "Brexit Deal Could Reduce Spending, Investment, and Trade in NI," BBC News, October 22, 2019; "Brexit: Supermarkets Warn of Rising Costs Due to NI Protocol," BBC News, July 18, 2021; Esmond Birnie, "The Irish Sea Border Is Costing Northern Ireland £850m a Year," newsletter.co.uk, August 12, 2021.

UK officials maintain that the government is determined to "make a success of Brexit" for Northern Ireland.[97] They insist that Brexit offers new economic opportunities for Northern Ireland outside the EU. Supporters of the post-Brexit arrangements for Northern Ireland argue that the provisions in the protocol will help to improve the region's economic prospects. Northern Ireland remains part of the UK customs union and thus will be able to participate in future UK trade deals, but it also retains privileged access to the EU single market. These measures may help increase competitiveness of Northern Ireland firms and make the region a more attractive destination for foreign direct investment. Some Northern Ireland business leaders report broad satisfaction with the protocol and note that it has a number of benefits, including keeping cross-border trade open. A January 2022 study found that Northern Ireland manufacturers have made "significant" strides in adjusting to the protocol's rules, with less than 25% of those surveyed reporting problems (down from more than 40% in mid-2021).[98]

Constitutional Status and Border Poll Prospects

Brexit has revived questions about Northern Ireland's constitutional status. Sinn Fein argues that "Brexit changes everything" and could generate greater support for a united Ireland.[99] Since the 2016 Brexit referendum, Sinn Fein has repeatedly called for a *border poll* (a referendum on whether Northern Ireland should remain part of the UK or join the Republic of Ireland) in the hopes of realizing its long-term goal of Irish unification.

As noted previously, the Good Friday Agreement provides for the possibility of a border poll in Northern Ireland, in line with the consent principle. Any decision to hold a border poll in Northern Ireland on its constitutional status rests with the UK Secretary of State for Northern Ireland. In accordance with the Good Friday Agreement, a border poll must be called if it "appears likely" that "a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland."[100]

At present, experts believe there is not sufficient evidence to convince the UK government to call a referendum on Northern Ireland's constitutional status. Most opinion polls indicate that a majority of people in Northern Ireland continue to support the region's position as part of the UK. Although a January 2021 survey found that 51% of people in Northern Ireland would support holding a border poll in the next five years (with 44% opposed and 5% having no opinion), it also found that 47% favored Northern Ireland remaining in the UK versus 42% in support of a united Ireland.[101] A December 2021 survey found similar results, with 54% of those polled in Northern Ireland supporting the region's continued position within the UK versus 46% against.[102] At the same time, several recent surveys indicate that a majority of respondents in Northern Ireland

[97] UK Government Press Release, "Brokenshire Holds Inaugural Meeting of Northern Ireland Business Advisory Group," September 1, 2016; Stephen Walker, "Brexit: Northern Ireland Can Be Success Outside EU," BBC News, October 4, 2016.

[98] Sandra O'Connell, "Businesses Recognize North's Unique Trading Status Despite Fears," *Irish Times,* February 26, 2021; Shawn Pogatchnik, "Northern Ireland to Frost: Enforce the Protocol, Don't Fight It," *Politico,* July 9, 2021; Peter Foster, Jude Webber, and Andy Bounds, "Northern Ireland Manufacturers Make 'Significant' Post-Brexit Strides," *Financial Times,* January 12, 2022.

[99] Sinn Fein Discussion Document, *Towards a United Ireland,* November 2016.

[100] UK Government, Northern Ireland Act 1998.

[101] Gerry Moriarty, "Poll Finds Majority Favours Holding a Border Poll in Next Five Years," *Irish Times,* January 24, 2021.

[102] Colm Keena, "Majority of People in North Would Vote to Remain in UK in Referendum," *Irish Times,* December 12, 2021.

believe a united Ireland is possible in the longer term, with predictions ranging from within 10 to 25 years.[103] Prime Minister Johnson, however, reportedly has asserted that there will be no referendum on Northern Ireland's status for "a very, very long time to come."[104]

Several factors could boost support for a united Ireland and influence whether a border poll is called in the years ahead. As discussed, Northern Ireland's demographics are changing; many experts expect forthcoming census data will show that Catholics equal or outnumber Protestants in Northern Ireland. The post-Brexit arrangements for Northern Ireland could lead to enhanced trade ties with the Republic of Ireland and greater economic integration (data as of late 2021 indicate a significant increase in cross-border trade since the Northern Ireland protocol took effect). Analysts suggest that nonaligned voters who do not identify as unionist or nationalist may be the decisive swing bloc in any future border poll and that such voters are likely to be swayed on the question of Irish unification more by its implications for issues such as the economy, health care, and pensions than by identity politics. In addition, should Sinn Fein win the largest number of seats in the next Assembly elections in Northern Ireland, this could increase pressure on the UK government to call a border poll.[105]

Irish unification also would be subject to Ireland's consent and approval. In Ireland's February 2020 parliamentary election, Sinn Fein secured the largest percentage of the vote for the first time in Ireland's history, and some commentators suggest the party's electoral success has helped push the question of unification higher on the political agenda in the Republic of Ireland. Ireland's three-party coalition government, consisting of Fianna Fáil, Fine Gael, and the Green Party, has launched a "Shared Island" initiative to promote cross-border dialogue and research on common challenges and the future of the island but has adopted what many view as a "go slow" approach to the question of Irish unification. The Irish government maintains that voters, both north and south, must have a clear idea of what a united Ireland would look like—and how unionists would be accommodated politically—before any border poll is held.[106]

Some experts question the current extent of support in Ireland for unification, given concerns that unification could spark renewed loyalist violence in Northern Ireland as well as the potential economic costs. The UK provides Northern Ireland annually with a roughly £10 billion (about $14 billion) budget subsidy to make up the shortfall in the region's tax revenues. Although part of this subsidy helps to fund Northern Ireland's share of the UK's national debt and sizeable defense spending—costs that would not be incurred to the same extent by Dublin—Northern Ireland's budget deficit points to concerns about the region's economy and reliance on the public sector. An April 2021 poll found that 67% of people surveyed in Ireland would support unification, but 54% reported they would be unwilling to pay higher taxes to fund a united Ireland.[107]

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[103] Ibid. Also see "NI 100: Majority Believe NI Will Leave UK Within 25 Years," BBC News, April 20, 2021.

[104] As quoted in Brian Hutton, "Boris Johnson: No Border Poll for Very Long Time to Come," *Irish Times*, April 20, 2021.

[105] Tony Barber, "Brexit Raises the Spectre of the UK's Break-Up," *Financial Times*, October 22, 2019; Alex Kane, "Unionists May Find Being Bounced into Border Poll Is Boris's Preferred Option," *Irish Times*, February 8, 2021; Peter Foster and Laura Noonan, "Brexit Ignites the Debate About a United Ireland," *Financial Times*, April 6, 2021; John Campbell, "Northern Ireland Exports to Republic Set to Pass €3bn This Year," BBC News, November 17, 2021.

[106] Naomi O'Leary, "Sinn Fein Surge Makes Irish Political History," *Politico*, February 9, 2020; Shawn Pogatchnik and Giovanna Coi, "Can Northern Ireland Survive Brexit?," *Politico*, April 13, 2021.

[107] Henry Farrell, "After Britain's Elections, People Are Talking About a United Ireland. Don't Hold Your Breath," *Washington Post*, December 13, 2019; Fionnan Sheahan, "Majority Favour a United Ireland, but Just 22pc Would Pay for It," *Irish Independent*, May 1, 2021; Eoin Burke-Kennedy, "What Would Be the Economic Costs and Benefits of a United Ireland?," *Irish Times*, May 7, 2021.

U.S. Policy and Congressional Interests

Support for the Peace Process

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

The Obama Administration remained engaged in the peace process. In October 2009, then-U.S. Secretary of State Hillary Clinton visited Northern Ireland, addressed the Assembly, and urged Northern Ireland's leaders to reach an agreement on devolving policing and justice powers. In February 2010, President Obama welcomed the resulting Hillsborough Agreement. In June 2013, President Obama visited Northern Ireland and noted that the United States would always "stand by" Northern Ireland.[108] The Obama Administration welcomed the conclusion of both the 2014 Stormont House Agreement and the 2015 Fresh Start Agreement.

Like its predecessors, the Trump Administration offered support and encouragement to Northern Ireland. In November 2017, a U.S. State Department spokesperson expressed regret at the impasse in discussions to restore Northern Ireland's power-sharing institutions and asserted that the United States remained "ready to support efforts that ensure full implementation of the Good Friday Agreement and subsequent follow-on cross-party agreements."[109] In March 2020, President Trump appointed his former acting Chief of Staff Mick Mulvaney as U.S. special envoy to Northern Ireland.[110]

President Biden has close ties to Ireland and is a long-standing supporter of the Northern Ireland peace process. In March 2021, President Biden reiterated strong U.S. support for the Good Friday Agreement during annual St. Patrick's Day meetings with officials from the Republic of Ireland and Northern Ireland. A joint U.S.-Irish statement asserted that the two governments are "unequivocally committed" to the 1998 accord, which has served as "the bedrock of peace, stability, and prosperity in Northern Ireland."[111] President Biden also underlined the ongoing U.S. commitment to the Northern Ireland peace process during his visit to the United Kingdom in June 2021. A joint U.S.-UK statement noted, "It took a deep partnership between the UK, Ireland, and the U.S. to support the people of Northern Ireland in bringing the Troubles to an end, and it will take a continued and ongoing partnership to advance and safeguard Northern Ireland's stability and prosperity into the future."[112]

Many Members of Congress have actively supported the Northern Ireland peace process for decades. Congressional hearings have focused on the implementation of the Good Friday

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

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

[110] Mulvaney resigned as special envoy in January 2021.

[111] White House, "Remarks by President Biden and Prime Minister Martin of Ireland Before Vitual Bilateral Meeting," March 17, 2021; White House, "Joint Statement by President Joe Biden and Taoiseach Micheál Martin," March 17, 2021.

[112] White House, "Joint Statement on the Visit to the United Kingdom of the Honorable Joseph R. Biden, Jr., President of the United States of America at the Invitation of the Rt. Hon. Boris Johnson, MP, the Prime Minister of the United Kingdom of Great Britain and Northern Ireland," June 10, 2021.

Agreement, policing reforms, and human rights in Northern Ireland. Some Members have been interested in the status of investigations and public inquiries into several past murders in Northern Ireland in which collusion between the security forces and paramilitary groups is suspected—including the 1989 slaying of Belfast attorney Patrick Finucane and the 1997 killing of Raymond McCord, Jr. In January 2022, H.Res. 888 was introduced, commemorating the 50th anniversary of Bloody Sunday and calling for justice for the victims and their families; the resolution also asserts opposition to "any attempt" by the UK government to "implement amnesty or statute of limitation laws that would end or inhibit investigations and prosecutions of crimes committed during the Troubles." Some Members of Congress have urged President Biden to appoint a new special envoy to Northern Ireland to protect the gains of the peace process in light of recent tensions.[113]

On the economic front, the United States is a key trading partner and an important source of investment for Northern Ireland. According to statistics from the Northern Ireland Executive, in 2017, exports to the United States accounted for 17% of total Northern Ireland exports, and imports from the United States accounted for 10% of total Northern Ireland imports. Foreign direct investment by U.S.-based companies totaled £1.8 billion (about $2.5 billion) between 2008 and 2018.[114] Between 2009 and 2011, a special U.S. economic envoy to Northern Ireland worked to further economic ties between the United States and Northern Ireland and to underpin the peace process by promoting economic prosperity.

Views on Brexit and Northern Ireland

In contrast to President Trump's support for Brexit, President Biden has maintained a skeptical view of Brexit since his time as Vice President in the Obama Administration. During the 2020 U.S. presidential election campaign, then-candidate Biden stressed that Brexit must not undermine the Good Friday Agreement or jeopardize the open border between Northern Ireland and Ireland. Biden Administration officials have noted concerns about rising Brexit-related tensions in Northern Ireland and reiterated the need to protect the gains from the peace process.[115]

The Biden Administration also has conveyed U.S. support for the Northern Ireland protocol.[116] U.S. officials note that the Administration views the protocol as "a way to manage the practical challenges around the EU single market while preventing a return of a hard border" on the island of Ireland. At the same time, Administration officials assert that the current difficulties in implementing the protocol are trade issues for the UK and the EU to resolve and that President Biden "is interested in having strong relations with both the UK and the EU."[117] In May 2021, during a visit to London, U.S. Secretary of State Antony Blinken urged both the UK and the EU

[113] Suzanne Lynch, "US Politicians Urge Biden to Appoint Northern Ireland Envoy," *Irish Times*, May 13, 2021.

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

[115] Patrick Wintour, "Biden and Pelosi Warn UK Over Risking Good Friday Agreement," *Guardian*, September 16, 2020; George Parker and Katrina Manson, "Joe Biden Warns Boris Johnson Not to Let Brexit Upend Northern Ireland Peace Process," *Financial Times*, November 9, 2020; BBC News, "G7 Summit: Don't Imperil NI Peace, Biden to Warn UK and EU," June 9, 2021; Jules Darmamin, Shawn Pogatchnik, and Emilio Casalicchio, "US Reprimands UK Over Northern Ireland Protocol Row," *Politico*, June 10, 2021.

[116] See, for example, the White House, "Readout of Vice President Kamala Harris Meeting with First Minister Arlene Foster and Deputy First Minister Michelle O'Neill of Northern Ireland," March 17, 2021.

[117] White House, "Background Press Call by Senior Administration Officials on President Biden's Upcoming Virtual Bilateral with Ireland," March 17, 2021.

"to prioritize political and economic stability in Northern Ireland" in implementing the post-Brexit arrangements for the region.[118]

During President Biden's June 2021 visit to the UK, news reports indicate he offered support for a possible way to ease some of the trade challenges posed by the Northern Ireland protocol. President Biden reportedly sought to assure Prime Minister Johnson and UK officials that a temporary UK-EU agreement on food standards—aimed at reducing protocol-related trade difficulties between Northern Ireland and the rest of the UK—would not be a barrier to a separate U.S.-UK free trade deal in the future.[119] Negotiations on a post-Brexit U.S.-UK free trade agreement began during the Trump Administration, but the Biden Administration has not resumed these talks to date and has not indicated whether it will do so. It would likely take several years to conclude any future U.S.-UK trade deal.[120] U.S. officials reportedly are monitoring the ongoing UK-EU negotiations on the Northern Ireland protocol. In January 2022, U.S. Trade Representative Katherine Tai asserted that the United States continues to encourage both the UK and the EU "to work in good faith" to find "durable and peaceful" solutions.[121]

Some Members of Congress also have demonstrated an interest in Brexit's implications for Northern Ireland. Although many Members back, in principle, a future U.S.-UK free trade agreement, some Members have tied their support to protecting the peace process. In April 2019, House Speaker Nancy Pelosi stated there would be "no chance whatsoever" for a U.S.-UK trade agreement if Brexit were to weaken the Northern Ireland peace process.[122]

In December 2019, the House passed H.Res. 585, reaffirming support for the Good Friday Agreement in light of Brexit and asserting that any future U.S.-UK trade agreement and other U.S.-UK bilateral agreements must include conditions to uphold the peace accord. In May 2021, the Senate passed S.Res. 117, expressing support for the Good Friday Agreement and the Ireland/Northern Ireland protocol and asserting that any future U.S.-UK trade or other bilateral agreements must "take into account" whether obligations in the Good Friday Agreement are being met. Some Members of Congress also have expressed concerns about the UK possibly invoking Article 16 of the Northern Ireland protocol, viewing it as potentially destabilizing—both politically and economically—for Northern Ireland.[123]

International Fund for Ireland

The United States has provided development aid to Northern Ireland primarily through the International Fund for Ireland (IFI), which was created in 1986. The UK and Irish governments established the IFI based on objectives in the Anglo-Irish Agreement of 1985, but the IFI is an independent entity. It supports economic regeneration and social development projects in areas

[118] U.S. Department of State, Secretary Antony J. Blinken and UK Foreign Secretary Dominic Raab at a Joint Press Availability," May 3, 2021.

[119] Shawn Pogatchnik, "Ireland: UK-EU Food Safety Deal Wouldn't Stop UK-US Trade Pact," *Politico*, June 11, 2021.

[120] Also see CRS In Focus IF11123, *U.S.-UK Trade Relations*, by Shayerah I. Akhtar.

[121] As quoted in Laura Slattery, "NI Protocol 'Always on the Radar' of US, Says Ambassador," *Irish Times*, January 12, 2022.

[122] Simon Carswell, "Pelosi Warns No US-UK Trade Deal if Belfast Agreement Weakened by Brexit," *Irish Times*, April 15, 2019.

[123] See, for example, House Foreign Affairs Committee, "Meeks, Keating, Blumenauer and Boyle Issue Statement on UK's Threat to Invoke Article 16 of the Northern Ireland Protocol," press release, November 9, 2021; and Office of Senator Chris Murphy, "Murphy in Belfast and London Stresses Importance of Protecting Good Friday Agreement, Peace in the Region," press release, November 23, 2021.

most affected by the conflict in Northern Ireland and in the border areas of the Republic of Ireland; in doing so, the IFI has sought to foster dialogue and reconciliation. The United States has contributed more than $544 million since the IFI's establishment, roughly half of total IFI funding. The EU, Canada, Australia, and New Zealand have provided funding for the IFI as well. In the 1980s and 1990s, U.S. appropriations for the IFI averaged around $23 million annually; in the 2000s, U.S. appropriations averaged $18 million each year.[124]

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

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

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

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

Since FY2011, successive Administrations have allocated funds from Economic Support Fund (ESF) resources to the IFI in the form of a grant for specific IFI activities to support peace and reconciliation programs. The United States provided $2.5 million per year to the IFI from ESF funding between FY2011 and FY2014, $750,000 per year from FY2015 to FY2019, $2 million for FY2020, and $2.5 million for FY2021.

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

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