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

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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 Féin, 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 Féin collapsed, prompting snap Assembly elections. It took nearly three years to form a new devolved government. Northern Ireland also faces a number of broad 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. In late March and early April 2021, the outbreak of riots and unrest in parts of Northern Ireland—widely characterized as the worst violence in years—highlighted many of the challenges and underlying fault lines that remain in Northern Ireland.

Brexit and Northern Ireland

Brexit has added to political and societal divisions within Northern Ireland. Preventing a *hard border* (with customs checks and physical infrastructure) on the island of Ireland was a key imperative and a major stumbling block in the UK-EU withdrawal negotiations. 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 to promote peace and a dynamic cross-border economy. Concerns about a hard border developing mostly receded in light of the post-Brexit trade and customs arrangements for Northern Ireland agreed to by the UK and EU, but implementing these measures—which began on January 1, 2021—disrupted some trade between Northern Ireland and the rest of the UK. In July 2021, the UK government called for significant changes to the post-Brexit arrangements for Northern Ireland; the EU rejects renegotiating the agreed framework but asserts it is committed to mitigating the trade disruptions. Tensions over Brexit have exacerbated a sense among unionists that their British identity is under threat, factored into some unrest in Northern Ireland in spring 2021, and have contributed to instability within the DUP. Brexit also has renewed debate about Northern Ireland’s constitutional status and prompted calls from Sinn Féin and others for a *border poll*, or referendum, on whether Northern Ireland should remain part of the UK. In September 2021, the DUP warned that its concerns over the post-Brexit trade and customs rules for Northern Ireland could prompt the party to quit the devolved government, which could lead to new snap Assembly elections. 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 In recent years, concerns resurfaced that not enough Catholics were seeking to join the PSNI; partly because of lingering suspicions about the police within the Catholic/nationalist community but also because of fears that Catholic police recruits were key targets of dissident republicans. In 2017, the PSNI introduced a number of procedural changes to help attract more Catholics (and more women).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.

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.

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 the devolved government and the fragility of community relations in Northern Ireland. As noted, the devolved government collapsed in January 2017 amid heightened tensions related to Brexit and other issues. It took nearly three years following the March 2017 snap Assembly elections to reestablish the devolved government, led by former 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, currently serves as first minister. (See “Recent DUP Leadership Crisis,” below.)

The next regularly scheduled Assembly elections are due in May 2022. In September 2021, new DUP leader Donaldson asserted that the DUP’s concerns about the post-Brexit arrangements for Northern Ireland could force the party to quit the devolved government. Should the DUP withdraw its ministers from the Executive (including the first minister), this could lead to early, snap Assembly elections. (See “Implications of Brexit,” below.)

2017-2020 Crisis in the Devolved Government

March 2017 Snap Assembly Elections

The immediate impetus for the devolved government’s January 2017 collapse was a scandal over flaws in a renewable energy program initially overseen by then-First Minister Foster in her previous role as enterprise minister in 2012. Then-Deputy First Minister Martin McGuinness of Sinn Fein called for Foster to stand aside as first minister temporarily while the energy scheme was investigated; Foster refused, and McGuinness resigned as deputy first minister in protest. McGuinness’s resignation in effect forced new elections to be called for March 2, 2017 (under the rules governing Northern Ireland’s power-sharing arrangements, if either the first minister or the deputy first minister resigns without a replacement being nominated within seven days, the government cannot continue and new elections must be held).

Tensions on several issues other than the energy scandal contributed to Sinn Fein’s decision to force snap Assembly elections. The elections were called in the wake of the June 2016 UK referendum on EU membership and amid deep unease over Brexit’s implications for Northern Ireland. Other points of contention 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.¹⁴ Foster led the DUP’s election campaign, but Michelle O’Neill succeeded McGuinness as Sinn Fein’s leader in Northern Ireland and led Sinn Fein’s campaign (McGuinness was ill and passed away a few weeks after the election).

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

¹⁴ Sinead O’Shea, “Northern Ireland, Forced by Sinn Fein, Sets Early Election in Shadow of Brexit,” *New York Times*, January 16, 2017; “NI Election: Everything You Need to Know About the 2017 Vote,” BBC News, March 4, 2017.

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, unionist parties did not win an overall majority (a largely symbolic status because of the power-sharing rules but highly emblematic for the unionist community).¹⁵

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>.

Reestablishing the Devolved Government

Following the March 2017 snap Assembly elections, negotiations between the DUP, Sinn Fein, and the other main political parties (see **text box**) on forming a new devolved government repeatedly stalled, primarily over 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. The DUP’s support for the Conservative Party government in the UK Parliament following the UK’s June 2017 snap general election further heightened distrust between Sinn Fein and the DUP and made reaching a new power-sharing agreement more difficult.

On December 16, 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 another UK snap general election on December 12, 2019, 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 devolved government.¹⁶

¹⁵ 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.

¹⁶ 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 deal, known as New Decade, New Approach, is wide-ranging and addresses a number of key issues, including health and education concerns 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), which many unionists consider important to their heritage. The deal provided for the official recognition in Northern Ireland of both the Irish and the Ulster-Scots languages and allowed their wider use 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. Both the UK and the Irish governments promised additional financial support for Northern Ireland as part of the deal.¹⁷

Recent DUP Leadership 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, however, 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. As noted, if either party fails to nominate a replacement by the end of the seven days, new Assembly elections must be called. These rules mean the first minister and deputy first minister posts essentially must have the support of both the DUP and Sinn Fein.

Sinn Fein indicated it would refuse to renominate O'Neill as deputy first minister following Foster's resignation without progress in enacting into law measures on the Irish language and other cultural issues (previously agreed to in the 2020 New Decade, New Approach deal). On June 17, 2021, in order to avoid the prospect of a collapse in the devolved government and another snap Assembly election, the UK government and Sinn Fein agreed that the UK parliament would introduce the Irish language and culture legislation in October 2021 if the Northern Ireland Assembly failed to do so by then. 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, on June 17, DUP unhappiness with Poots's leadership forced him to announce his resignation as party leader.¹⁸

¹⁷ The text of the New Decade, New Approach deal is available at Government of the UK, "Deal to See Restored Government in Northern Ireland Tomorrow," January 9, 2020, at <https://www.gov.uk/government/news/deal-to-see-restored-government-in-northern-ireland-tomorrow>.

¹⁸ Shawn Pogatchnik, "Midnight Breakthrough Saves Northern Ireland Power-sharing," *Politico*, June 17, 2021; Colm Kelpie and Ciara Colhoun, "DUP Revolt over First Minister Confirmation," BBC News, June 17, 2021.

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.¹⁹ Givan remains first minister at present, but Donaldson hopes to assume the role in the future. To do so, Donaldson would need to resign his position as a member of Parliament and become a member of the Northern Ireland Assembly. Donaldson has signaled his intention to stand as a candidate in the next Assembly elections.²⁰

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 (UK). 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. From 2015 until May 2021, the DUP was led by Arlene Foster. In late June 2021, following a period of political turmoil within the party, Sir Jeffrey Donaldson became the new 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 both 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.

Resurgence of Rioting and Violence in March-April 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 seen 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. Although initial assessments suggested loyalist paramilitaries could be orchestrating the riots and violence in some areas, Northern Ireland police authorities subsequently concluded that although individuals with ties to

¹⁹ Freya McClements, “Jeffrey Donaldson Ratified as DUP’s New Leader After Meeting of Executive,” *Irish Times*, June 30, 2021.

²⁰ “Sir Jeffrey Donaldson to Run for Lagan Valley MLA Seat,” BBC News, August 24, 2021.

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.

such 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. The funeral was attended by Sinn Fein leadership, including Deputy First Minister O’Neill. 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 and in some areas, *peace walls* separate

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 Brunsten, “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.

Protestant and Catholic neighborhoods.²⁵ 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 a 2015 survey of public attitudes found that 30% of those interviewed wanted the walls to remain in place for reasons of safety and security. The same 2015 survey also found that more than 4 in 10 people had never interacted with anyone from the community living on the other side of the nearest peace wall. A 2019 survey, however, suggests a gradual attitudinal change in support of removing the peace walls and other barriers, especially among younger people.²⁶

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.²⁷ 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.²⁸

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.²⁹

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; it was originally proposed by the Haass initiative and subsequently endorsed in the Stormont House Agreement and the Fresh Start Agreement. Although this commission was supposed to produce a report with its recommendations within 18 months, its work was delayed by the size of its task and the collapse of the devolved government

²⁵ Paul Nolan, "Two Tribes: A Divided Northern Ireland," *Irish Times*, April 1, 2017; Robbie Meredith, "Integrated Education: DUP MLA Says All Schools Should Be Integrated," BBC News, November 25, 2020.

²⁶ "Northern Ireland Interfaces: More Residents Want Peace Walls to Stay," BBC News, December 15, 2015; "Will NI's Peace Walls Come Down by 2023 to Meet 10-Year Target?," BBC News, May 3, 2018; International Fund for Ireland, *Peace Walls Programme Attitudinal Survey: Summary of Results*, November 2019.

²⁷ The Parades Commission was established in 1998 as an independent body to rule on disputed parades.

²⁸ 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.

²⁹ "Q&A: Northern Ireland Flag Protests," BBC News, December 8, 2012.

between 2017 and 2020. The commission delivered its report to the first minister and deputy first minister in July 2020, but the report has not been shared with the rest of the Northern Ireland Executive, the Assembly, or the public. In March 2021, the Northern Ireland Assembly passed a motion calling for the Executive to publish the commission's report.³⁰

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 1972 Bloody Sunday incident.

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; as of 2019, there were roughly 1,700 conflict-related cases in total awaiting investigation by the PSNI or the PONI.³¹ 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.³² 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.

Several recent events further highlighted questions about dealing with Northern Ireland's legacy of violence and pursuing justice. In May 2021, a coroner's inquest released its findings into 10 deaths in August 1971 in the Ballymurphy area of Belfast. The inquest concluded that all 10 people killed were "entirely innocent" and that 9 of the 10 were killed by the British Army (the inquest could not definitively determine who had shot the 10th victim).³³ In July 2021, the Belfast High Court found that the August 1998 Omagh bombing (in which the dissident Real IRA killed 29 people) possibly could have been prevented and recommended that both the UK and the Irish governments undertake investigations into the pre-attack intelligence related to the bombing.³⁴

The issue of prosecuting former British soldiers who served in Northern Ireland during the Troubles also remains contentious. During the 2019 UK general election, Prime Minister Johnson pledged to protect veterans from prosecutions related to their past service in Northern Ireland. In April 2021, the UK minister for veterans alleged the government was failing to shield former

³⁰ Jayne McCormack, "Dr. Dominic Bryan: NI Flags Commission's Brief Too Big," BBC News, June 27, 2019; "Let Us See Flags and Culture Report Now," *Belfast Telegraph*, February 26, 2021; Jayne McCormack, "Stormont Votes for Release of Completed Flags and Culture Report," BBC News, March 22, 2021.

³¹ Commission for Victims and Survivors, *Addressing the Legacy of Northern Ireland's Past*, January 2019, p. 20, at <https://www.cvsni.org/media/1970/jan-2019-addressing-the-legacy-of-northern-ireland-s-past-policy-advice-paper.pdf>.

³² James Clarke, "Was the Bloody Sunday Report Value for Money?," BBC News, June 14, 2010.

³³ A coroner's inquest is a fact-finding exercise to determine the circumstances of a death; it is not a trial and the coroner does not decide questions of criminal or civil liability. For more information on the Ballymurphy inquest, see Colm Kelpie, "Ballymurphy Inquest: Coroner Finds 10 Victims Were Innocent," BBC News, May 11, 2021. Also see UK House of Commons Library, *Investigations of Former Armed Forces Personnel Who Served in Northern Ireland*, February 22, 2021.

³⁴ Rory Carroll, "Omagh Bombing Could Have Been Prevented, Says High Court Judge," *Guardian*, July 23, 2021.

soldiers from Troubles-era prosecutions (he was forced to resign his ministerial position subsequently). In May 2021, the trial of two former British soldiers accused of murdering a republican paramilitary in 1972 collapsed due to a lack of admissible evidence. In July 2021, prosecutors announced they would drop charges against two other former British soldiers accused of murdering Catholic civilians in 1972 (including during Bloody Sunday), also due to inadmissible evidence.³⁵

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.

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.³⁶

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

³⁵ “Johnny Mercer: Tory MP Resigns as Defense Minister,” BBC News, April 20, 2021; 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.

³⁶ 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.

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.”³⁷

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.³⁸ 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.³⁹

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. The UK government plans to 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.”⁴⁰ Similar to its initial March 2020 proposal, the 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 includes plans to establish a “major oral history initiative” and asserts that the government would maintain “many of the vital aspects proposed for the Implementation and Reconciliation Group.”⁴¹

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.”⁴² 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.”⁴³

³⁷ 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>.

³⁸ 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.

³⁹ 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.

⁴⁰ 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>.

⁴¹ Ibid.

⁴² As quoted in, “Plan to End All NI Troubles Prosecutions Confirmed,” BBC News, July 14, 2021.

⁴³ Ibid.

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.⁴⁴

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 the status of republican and loyalist paramilitary groups.⁴⁵ 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."⁴⁶

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.⁴⁷ In its third annual report, released in November 2020, the IRC asserted that paramilitarism "remains a reality of Northern Ireland life" and urged tackling continued paramilitary activity with a "twin track"

⁴⁴ "Troubles: Political Reaction to PM's Plan to End Prosecutions," BBC News, 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; "Victims' Groups Voice Opposition to Troubles Plans," BBC News, August 30, 2021.

⁴⁵ 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).

⁴⁶ 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>.

⁴⁷ 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.

approach that combines policing and criminal justice responses with measures to address the underlying socioeconomic challenges facing communities in which paramilitaries operate.⁴⁸

Concerns persist about the influence of paramilitaries in Northern Ireland society. In early 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 that 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).⁴⁹

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.⁵⁰ According to UK security services, there are currently four main dissident republican groups: the Continuity IRA (CIRA); Óglaigh na hÉireann (ÓNH); Arm na Poblachta (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.⁵¹

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.⁵² Security services report a “growing sophistication” in dissident republican explosive devices and that the New IRA has attempted to obtain weapons overseas.⁵³

⁴⁸ *Independent Reporting Commission Third Report*, November 17, 2020, at <https://www.ircommission.org/news-centre/irc-third-report>.

⁴⁹ 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.

⁵⁰ 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.

⁵¹ MI5, “Northern Ireland,” at <https://www.mi5.gov.uk/northern-ireland>.

⁵² 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.

⁵³ Naomi O’Leary, “Northern Ireland Bomb Is a Warning We Can’t Ignore,” 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.

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 2007.⁵⁴ 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 have affected Northern Ireland's economy. 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.⁵⁵ During the height of the first COVID-19 lockdown in the second quarter of 2020, Northern Ireland's economic output fell by 13.3%, but it rebounded in the third quarter of 2020 to 15.1% growth. Economic output has decreased in successive quarters by 1.4% (fourth quarter of 2020) and 1.6% (first quarter of 2021). Although Northern Ireland's economy declined by 0.6% in real terms over the year to March 2021, this was a slower rate of decline than the UK average decline of 6.1%. Northern Ireland's unemployment rate for April-June 2021 was 3.8%, an increase of 1.2 percentage points over the previous year but lower than the UK average unemployment rate of 4.7%.⁵⁶

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 fifth-lowest gross value added per capita in 2018 (£25,981, or about \$33,900), below the UK's average (£32,216, or about \$42,032).⁵⁷ Northern Ireland has both a high rate of economic inactivity (26%) 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*.⁵⁸

⁵⁴ 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.

⁵⁵ 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.

⁵⁶ Northern Ireland Statistics and Research Agency, *Northern Ireland Composite Economic Index Quarter 1 2021*, July 8, 2021; Northern Ireland Statistics and Research Agency, *Northern Ireland Labour Market Report*, August 17, 2021.

⁵⁷ Gross value added (GVA) is similar, although not exactly equivalent, to gross domestic product; the UK government uses GVA as the measure to compare regional economic performance. House of Commons Library Briefing Paper, *Regional and Country Economic Indicators*, February 21, 2021.

⁵⁸ Northern Ireland Statistics and Research Agency, *Northern Ireland Multiple Deprivation Measures 2017*, November 2017; John Campbell, "Belfast Home to Half of NI's 100 Most Deprived Areas," BBC News, November 24, 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.

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 2017.⁵⁹

Over the past decade, efforts to improve Northern Ireland's long-term economic performance have sought to promote export-led growth and to 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.⁶⁰ Northern Ireland policymakers also have focused on attracting more foreign investment. In February 2021, the Northern Ireland Executive proposed a £290 million (about \$402 million) COVID-19 economic recovery action plan—called Rebuilding a Stronger Economy—centered on developing a higher skilled and more agile workforce; stimulating research and innovation; building a greener economy; and promoting investment, trade, and exports.⁶¹

Implications of Brexit⁶²

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-

⁵⁹ Northern Ireland Executive Office, *Labour Force Survey Religion Report 2017*, January 31, 2019.

⁶⁰ Northern Ireland Statistics and Research Agency, *Northern Ireland Quarterly Employment Survey*, June 15, 2021.

⁶¹ Northern Ireland Department for the Economy, *Economic Recovery Action Plan*, February 25, 2021, at <https://www.economy-ni.gov.uk/publications/economic-recovery-action-plan>.

⁶² For more information on Brexit, see CRS Report R46730, *Brexit: Overview, Trade, and Northern Ireland*, coordinated by Derek E. Mix.

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.⁶³

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.⁶⁴

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 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.⁶⁵

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.⁶⁶ 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. 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 the effective customs border in the Irish Sea 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

⁶³ Henry McDonald, “Police Chief Says ‘Hard Brexit’ Irish Border Would Be Paramilitary Target,” *Guardian*, February 7, 2018.

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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>.

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 Ireland/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).⁶⁷

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 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.⁶⁸ 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.⁶⁹

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. Problems have included shipping delays and product shortages, especially for Northern Ireland supermarkets dependent on suppliers elsewhere in the UK (despite grace periods ranging from three months to a year for full implementation of the new rules).⁷⁰

⁶⁷ 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.

⁶⁸ 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.

⁶⁹ 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.

⁷⁰ 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. Conor Macauley, "Problems in First Week of Post-deal GB-NI Trade," BBC News, January 6, 2021; 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.

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 prevent vaccines being exported from Northern Ireland to the rest of the UK. Invoking Article 16 could have resulted in border checks between Northern Ireland and Ireland. Amid a diplomatic outcry from the 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 calling into question Northern Ireland’s post-Brexit arrangements and as helping to bolster the DUP’s claim that the protocol is “unworkable.”⁷¹

The DUP and other unionists subsequently began urging the UK government to abandon the protocol by invoking Article 16 itself. 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.⁷² Among other steps in an escalating campaign against the protocol, DUP leaders asserted they would not cooperate with the Irish government in implementing the protocol and some began to boycott meetings of the North-South Ministerial Council.⁷³ The DUP and other unionists also launched legal action to challenge the protocol in judicial review proceedings, arguing the protocol violates the UK Act of Union, which guarantees unfettered trade throughout the UK.⁷⁴

The UK and the EU have been seeking to resolve the operational challenges related to the Northern Ireland protocol, but talks have been contentious and progress has been slow. UK officials have called repeatedly for additional implementation flexibilities, including prolonged extensions of the grace periods that limit checks on agri-food products, medicines, and other items. UK and Northern Ireland officials express concern that unhappiness with the post-Brexit arrangements could increasingly threaten stability in Northern Ireland and contend that the EU must take the need to preserve peace into greater consideration. EU officials consistently have raised concerns that the UK is not implementing certain aspects of the protocol, including building and properly staffing UK border and custom posts in Northern Ireland, sharing customs data, and properly declaring goods entering into Northern Ireland.⁷⁵

In March 2021, with the end of the first grace period approaching and with UK-EU talks over an extension largely stalled, the UK government announced that it would unilaterally extend this first grace period, due to expire on April 1 (for parcels and certain agri-food products), for six months, until October 1, 2021. The UK government also unilaterally relaxed EU restrictions on the movement of plants and used agricultural machinery into Northern Ireland from the rest of the

⁷¹ “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.

⁷² As quoted in Shawn Pogatchnik, “Brexit Protocol Row Adds Pressure to Northern Ireland Unionists,” *Politico*, February 4, 2021.

⁷³ “Brexit: DUP Vows to Send ‘Strong Message’ to Irish Government over NI Protocol,” BBC News, February 2, 2021.

⁷⁴ Unionists also argued that the protocol’s provisions were imposed without the consent of the public, which violates the Good Friday Agreement. In June 2021, the Belfast High Court ruled the protocol is lawful, but this decision likely will be appealed to the UK Supreme Court. Brian Hutton, “DUP Plans Legal Challenge to Northern Ireland Protocol,” *Irish Times*, February 21, 2021; John Campbell, “Brexit: NI Protocol is Lawful, High Court Rules,” BBC News, June 30, 2021.

⁷⁵ Lisa O’Carroll, Heather Stewart, and Daniel Boffey, “UK in ‘Constructive’ Talks with EU over Northern Ireland Protocol,” *Guardian*, February 3, 2021; “Brexit: Preserving NI Protocol Is ‘The Only Way Forward,’ Warns EU,” BBC News, February 10, 2021; “EU Not Interested in Protecting Belfast Peace Agreement – Northern Ireland First Minister,” Reuters, March 5, 2021; Jim Brunson et al., “UK Says That Brussels Trying to ‘Exploit’ Biden Visit to Exert Brexit Pressure,” *Financial Times*, June 8, 2021.

UK.⁷⁶ EU officials claimed these steps would undermine trust between the EU and the UK. Sinn Féin and other nationalists contended that the UK was reneging on commitments made in the protocol and accused the government of pursuing a “reckless and partisan approach” to its implementation.⁷⁷ In response to the UK’s unilateral extensions of the grace periods, the EU launched a legal infringement process against the UK for breaching the terms of the protocol; this legal action could ultimately lead to the UK’s referral to the European Court of Justice, potential fines, and/or the imposition of tariffs on imports of goods from the UK.⁷⁸

Amid these ongoing tensions, in June 2021, the EU agreed to the UK’s request for a three-month 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). EU officials stressed that this delay until October 1 was temporary—aimed at allowing Northern Ireland supermarkets more time to adapt their supply chains post-Brexit—and undertaken to demonstrate the EU’s commitment to “creative solutions . . . with the core purpose of benefitting people in Northern Ireland.”⁷⁹ The EU also put forward measures to address a number of other UK concerns related to the operation of the protocol, including ensuring the continued supply of medicines for Northern Ireland.

UK officials maintain that the protocol is not sustainable and that substantial changes are necessary in order to decrease tensions in Northern Ireland, protect peace, and end market disruptions for businesses and consumers. In July 2021, the UK government essentially called for the protocol to be renegotiated, asserting that the EU approach to its implementation remains too rigid and that a “new balance” must be found so the protocol “can operate pragmatically” in accordance “with the unique circumstances of Northern Ireland.”⁸⁰ 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. 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.⁸¹

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 asserts that it has proposed several “flexible, practical solutions” to facilitate trade between Great

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>. Also see Shawn Pogatchnik, “Soiled Deal: UK Defies EU Ban on British Dirt on Plants Shipped to Northern Ireland,” *Politico*, March 5, 2021.

⁷⁷ As quoted in Ali Gordon, “Boris Johnson Visits Northern Ireland amid Unionist Tension,” BBC News, March 12, 2021. Also see, Guy Faulconbridge, “Britain Says Unionist Anger over Brexit Deal Could Put Northern Ireland ‘in Quite a Dangerous Place,’” Reuters, March 19, 2021.

⁷⁸ 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.

⁷⁹ European Commission, “EU-UK Relations: Solutions Found to Help Implementation of the Protocol on Ireland and Northern Ireland,” press release, June 30, 2021.

⁸⁰ Government of the UK, *Northern Ireland Protocol: The Way Forward*, July 21, 2021, p. 15, <https://www.gov.uk/government/publications/northern-ireland-protocol-next-steps>.

⁸¹ 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.

Britain and Northern Ireland and that it will continue to work with the UK to overcome difficulties but notes that any solutions must be found “within the framework” of the protocol.⁸² At the end of July 2021, the EU decided to pause its legal infringement action against the UK begun in March. Irish officials reportedly regarded this step as “a genuine goodwill gesture” by the EU to de-escalate tensions with the UK.⁸³

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 the UK’s decision to withdraw from the EU and 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 rules and regulations and due to concerns that such alignment could impede new UK free trade deals with other countries, such as the United States.⁸⁴

On September 6, 2021, the UK government announced that it would indefinitely extend the grace periods and easements related to the protocol’s trade rules that were due to expire at the end of the month in order to “provide space” for further discussions with the EU on the protocol’s future.⁸⁵ The EU reiterated that it would not renegotiate the protocol but would “engage constructively” with the UK; the EU also said that it would not resume infringement proceedings (although it reserved the right to do so in the future).⁸⁶ UK-EU talks on the protocol are expected to continue.

On September 9, 2021, DUP leader Donaldson warned that the DUP may withdraw its ministers from Northern Ireland’s Executive (including Givan as first minister) if concerns over the protocol are not resolved. Such a move by the DUP could collapse the devolved government and lead to snap Assembly elections. Donaldson also asserted that the DUP would end its engagement 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 laws passed by the EU.⁸⁷

⁸² 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.

⁸³ 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.

⁸⁴ 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; “Donaldson and McDonald Hold ‘Constructive and Frank’ First In-Person Meeting,” *Irish Times*, July 5, 2021.

⁸⁵ Minister of State in the Cabinet Office Lord Frost, Written Ministerial Statement to the UK House of Lords, September 6, 2021, at <https://questions-statements.parliament.uk/written-statements/detail/2021-09-06/hlws257>.

⁸⁶ European Commission, “Statement by the European Commission Following the UK Announcement Regarding the Operation of the Protocol on Ireland/Northern Ireland,” press release, September 6, 2021.

⁸⁷ Democratic Unionist Party, *Speech by DUP Leader Sir Jeffrey Donaldson MP*, September 9, 2021, <https://mydup.com/news/sir-jeffrey-donaldson-now-is-the-time-to-act>. Also see, “NI Protocol: DUP Could Quit from Stormont Within Weeks,” BBC News, September 9, 2021.

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.⁸⁸ 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.⁸⁹

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.⁹⁰ The vast majority of cross-border transactions are made by micro and small businesses, which dominate Northern Ireland's economy.⁹¹

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).⁹² 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, while some drug manufacturers may cease to supply certain medicines produced in Great Britain to Northern Ireland due to the cost and complexity of meeting duplicate regulations for the Northern Ireland market. 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.⁹³

UK officials maintain that the government is determined to safeguard Northern Ireland's interests and "make a success of Brexit" for Northern Ireland.⁹⁴ They insist that Brexit offers new economic opportunities for Northern Ireland outside the EU. Supporters of the post-Brexit arrangements for Northern Ireland argue the arrangements 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

⁸⁸ Report of the UK House of Lords European Union Committee, *Brexit: UK-Irish Relations*, December 2016.

⁸⁹ Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, August 4, 2021.

⁹⁰ 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.

⁹¹ Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, August 4, 2021.

⁹² *Ibid.*

⁹³ 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; Sarah Neville, George Parker, and Mehreen Khan, "Northern Ireland Set to Lose Access to 2,000 Medicines," *Financial Times*, July 22, 2021; Esmond Birnie, "The Irish Sea Border Is Costing Northern Ireland £850m a Year," *newsletter.co.uk*, August 12, 2021.

⁹⁴ 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.

market. These provisions 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.⁹⁵

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.⁹⁶ 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."⁹⁷ 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. An April 2021 survey found similar results, with 49% of those polled in Northern Ireland supporting the region's continued position within the UK versus 43% for a united Ireland.⁹⁸ Prime Minister Johnson reportedly has asserted that there will be no referendum on Northern Ireland's status for "a very, very long time to come."⁹⁹

At the same time, experts note that 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 mid-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

⁹⁵ Clodagh Rice, "Brexit: My NI Business Now Has the Best of Both Worlds," BBC News, February 5, 2021; 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.

⁹⁶ Sinn Fein Discussion Document, *Towards a United Ireland*, November 2016.

⁹⁷ UK Government, Northern Ireland Act 1998.

⁹⁸ Gerry Moriarty, "Poll Finds Majority Favours Holding a Border Poll in Next Five Years," *Irish Times*, January 24, 2021; BBC News, "NI 100: Majority Believe NI Will Leave UK Within 25 Years," April 20, 2021.

⁹⁹ As quoted in Brian Hutton, "Boris Johnson: No Border Poll for Very Long Time to Come," *Irish Times*, April 20, 2021.

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.¹⁰⁰

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.¹⁰¹

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.¹⁰²

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

¹⁰⁰ 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; Eoin Burke-Kennedy and Freya McClements, "Imports from NI to Republic Up 77% Since UK's EU Exit," *Irish Times*, August 17, 2021.

¹⁰¹ 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.

¹⁰² 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.

by” Northern Ireland.¹⁰³ 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.”¹⁰⁴ In March 2020, President Trump appointed his former acting Chief of Staff Mick Mulvaney as U.S. special envoy to Northern Ireland.¹⁰⁵

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.”¹⁰⁶ 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.”¹⁰⁷

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 Agreement, policing reforms, and human rights in Northern Ireland. Some Members have been interested in the status of 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. Most recently, on May 5, 2021, the House Foreign Affairs Committee’s Subcommittee on Europe, Energy, the Environment and Cyber held a hearing titled “Reaffirming the Good Friday Agreement.” 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.¹⁰⁸

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

¹⁰³ As quoted in BBC News, “G8 Summit: U.S. Will Stand by Northern Ireland, Says Obama,” June 17, 2013.

¹⁰⁴ U.S. Department of State, Office of the Spokesperson, “Statement on Northern Ireland Power-Sharing Talks,” November 1, 2017.

¹⁰⁵ Mulvaney resigned as special envoy in January 2021.

¹⁰⁶ White House, “Remarks by President Biden and Prime Minister Martin of Ireland Before Virtual Bilateral Meeting,” March 17, 2021; White House, “Joint Statement by President Joe Biden and Taoiseach Micheál Martin,” March 17, 2021.

¹⁰⁷ 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.

¹⁰⁸ Suzanne Lynch, “US Politicians Urge Biden to Appoint Northern Ireland Envoy,” *Irish Times*, May 13, 2021.

and 2018.¹⁰⁹ 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 raised these issues in a phone call as President-elect with UK Prime Minister Johnson. Biden Administration officials subsequently have noted concerns about rising Brexit-related tensions in Northern Ireland and reiterated that the gains from the peace process must be protected.¹¹⁰

The Biden Administration also has conveyed U.S. support for the Northern Ireland protocol.¹¹¹ 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.”¹¹² In early May 2021, during a visit to London, U.S. Secretary of State Antony Blinken urged both the UK and the EU “to prioritize political and economic stability in Northern Ireland” in implementing the post-Brexit arrangements for the region.¹¹³

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.¹¹⁴ Negotiations on a post-Brexit U.S.-UK free trade agreement began during the Trump Administration, but the Biden Administration has not indicated whether it will continue with these talks. It would likely take several years to conclude any future U.S.-UK trade deal.¹¹⁵

¹⁰⁹ 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.

¹¹⁰ 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; “G7 Summit: Don't Imperil NI Peace, Biden to Warn UK and EU,” BBC News, June 9, 2021; Jules Darmamin, Shawn Pogatchnik, and Emilio Casalicchio, “US Reprimands UK Over Northern Ireland Protocol Row,” *Politico*, June 10, 2021.

¹¹¹ 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.

¹¹² White House, “Background Press Call by Senior Administration Officials on President Biden's Upcoming Virtual Bilateral with Ireland,” March 17, 2021.

¹¹³ U.S. Department of State, Secretary Antony J. Blinken and UK Foreign Secretary Dominic Raab at a Joint Press Availability,” May 3, 2021.

¹¹⁴ Shawn Pogatchnik, “Ireland: UK-EU Food Safety Deal Wouldn't Stop UK-US Trade Pact,” *Politico*, June 11, 2021.

¹¹⁵ Joe Mayes and Eric Martin, “U.K.-U.S. Trade Deal Is Likely Years Away as Biden Shifts Focus,” Bloomberg.com,

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.¹¹⁶ 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.

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 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.¹¹⁷

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.

March 26, 2021; Pan Pylas, "US Downplays Prospect of Post-Brexit Trade Deal with UK," Associated Press, May 6, 2021.

¹¹⁶ Simon Carswell, "Pelosi Warns No US-UK Trade Deal if Belfast Agreement Weakened by Brexit," *Irish Times*, April 15, 2019.

¹¹⁷ The Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) authorizes U.S. contributions to the International Fund for Ireland.

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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