

# 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, 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, implementing the peace agreement proved challenging. 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, and Brexit and other contentious issues have hindered the functioning of Northern Ireland’s government in recent years. Assembly elections took place in May 2022, but the DUP has blocked the work of the Assembly and prevented the formation of a new Executive to protest the post-Brexit arrangements for Northern Ireland. As the 25<sup>th</sup> anniversary of the peace accord approaches in April 2023, addressing Brexit-related concerns and restoring the devolved government are key priorities. Other issues facing Northern Ireland in its search for peace and reconciliation include reducing sectarian divisions, dealing with the past, addressing lingering concerns about paramilitary and dissident activity, and promoting further economic development.

## Brexit and Northern Ireland

Brexit has added to political and societal divisions within Northern Ireland. Since 1998, as security checkpoints were dismantled in accordance with the peace agreement and because both the UK and Ireland belonged to the EU single market and customs union, the land border on the island of Ireland effectively disappeared, helping promote peace and a dynamic cross-border economy. The UK and the EU ultimately agreed to post-Brexit trade and customs arrangements for Northern Ireland to retain this open border in a Protocol on Ireland/Northern Ireland. Implementation of the protocol—which began in January 2021—led to some trade disruptions between Northern Ireland and the rest of the UK and exacerbated tensions in the region. In late February 2023, the UK and the EU announced a new agreement—known as the Windsor Framework—that seeks to resolve challenges posed by the protocol. The Windsor Framework still must be formally adopted. The DUP has not decided whether it will accept the new framework and agree to enter into a new power-sharing government with Sinn Féin. 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 or join Ireland.

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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**).<sup>1</sup> At its core, the conflict reflects a struggle between different national, cultural, and religious identities. Protestants in Northern Ireland largely define themselves as British and support Northern Ireland’s continued incorporation in the UK (*unionists*). Most Catholics in Northern Ireland 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.<sup>2</sup> Results from the 2021 census, released in September 2022, indicate that for the first time in Northern Ireland’s history, more people in Northern Ireland are from a Catholic background (45.7% of the population) than from a Protestant background (43.5% of the population).<sup>3</sup>

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.<sup>4</sup>

Despite the significant decrease in the levels of violence since the Good Friday Agreement, implementation of the peace accord has been challenging. Tensions and distrust persist among Northern Ireland’s political parties and between the unionist and nationalist communities more broadly. Northern Ireland 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Northern Ireland Statistics and Research Agency, “Northern Ireland 2021 Census Results,” at <https://www.nisra.gov.uk/statistics/2021-census/results/main-statistics>.

<sup>4</sup> 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.

assess that peace and security in Northern Ireland is fragile. The UK's withdrawal from the European Union (EU) in 2020—or *Brexit*—has added to divisions within Northern Ireland, renewed questions about Northern Ireland's constitutional status as part of the UK, and contributed to political instability in the power-sharing institutions. As the 25<sup>th</sup> anniversary of the peace accord approaches in April 2023, addressing concerns about the post-Brexit arrangements for Northern Ireland and restoring a functioning devolved government are key priorities.

Successive U.S. Administrations and many Members of Congress have 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. 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 Brexit's implications for Northern Ireland.

**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, but implementing the agreement was difficult. For years, decommissioning and police reforms were key sticking points that contributed to instability in Northern Ireland's devolved government. Ongoing sectarian strife and sporadic violence from dissident republican and loyalist groups that refused to accept the peace process also fed mistrust between the unionist and nationalist communities and their respective political parties.

## Democratic Power-Sharing Institutions

As noted above, the Good Friday Agreement mandated power-sharing in the devolved government between unionists and nationalists and called for establishing a new Northern Ireland Assembly and Executive. To ensure neither unionists nor nationalists could dominate the Assembly (of 108 members at the time), the agreement required that “key decisions” 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, was delayed by unionist concerns about the status of weapons decommissioning. 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 Féin, the staunchly nationalist political party traditionally associated with the IRA.<sup>5</sup> Regularly scheduled Assembly elections in 2011 and 2016 produced successive power-sharing governments, also led by the DUP and Sinn Féin. At the same time, various incidents—including protests in 2012 and 2013 over the use of flags and emblems and the 2015 arrest of a Sinn Féin leader in connection with the murder of a former IRA member—periodically threatened the devolved government's stability. Brexit and other contentious issues led to the collapse of the power-sharing institutions between 2017 and 2020, and again in February 2022 (as of early March 2023, the devolved government has not yet been restored; see “Ongoing Political Instability and Renewed Turmoil”).

## **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.”<sup>6</sup> 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.<sup>7</sup> 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 (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.<sup>8</sup>

For several years, Sinn Féin refused to participate in the new Policing Board, a democratic oversight body. Many viewed Sinn Féin's stance as discouraging Catholics from joining the PSNI

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<sup>5</sup> 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.

<sup>6</sup> “IRA Statement in Full,” BBC News, July 25, 2005.

<sup>7</sup> Mark Davenport, “IRA Arms: What Next for NI Politics?,” BBC News, September 26, 2005.

<sup>8</sup> 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>.



and preventing the nationalist community from fully accepting the new police force. In 2007, however, Sinn Fein members voted to support the police and join the Policing Board. Sinn Fein's decision was seen 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.

In 2011, the 50-50 recruitment process for Catholic and Protestant PSNI officers concluded, with officials asserting that it had fulfilled the goals set out by the Patten Commission (including increasing the number of Catholic officers to 30%).<sup>9</sup> Concerns persist, however, that not enough Catholics are seeking to join the PSNI (due to both lingering suspicions about the police within the Catholic/nationalist community and fears that Catholic police recruits may be targeted by dissident republicans). As of late 2021, Catholic officers made up 32% of the PSNI's roughly 7,000 officers. Budget constraints are expected to freeze recruitment in general and lead to a reduction in the overall size of the PSNI in 2023 (to about 6,700) and in the years ahead.<sup>10</sup>

## **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 and argue that Northern Ireland needs its own Bill of Rights. Consideration for a Bill of Rights was provided for in the Good Friday Agreement, but the issue has long been controversial and consensus on the way forward—between unionists and nationalists, as well as with the UK government—remains elusive.

The Good Friday Agreement also calls for tolerance of linguistic diversity in Northern Ireland and support for the Irish language (Gaelic). Giving Gaelic the same official status as English and calls for a stand-alone Irish Language Act in Northern Ireland, however, were sensitive issues for many unionists. The 2020 deal to restore the power-sharing institutions included a compromise to recognize Gaelic as an official language in Northern Ireland and promote its use while also protecting the Ulster-Scots language (a regional language similar to English that many unionists consider important to their heritage). In October 2022, the UK Parliament approved legislation enacting the language and cultural measures agreed in 2020 into law.<sup>11</sup>

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<sup>9</sup> "Police 50-50 Recruiting System Is to End," BBC News, March 28, 2011.

<sup>10</sup> Julian O'Neill, "Catholic Recruitment an Issue as PSNI Turns 20," BBC News, November 2, 2021; "PSNI Cuts Number of Police to Lowest Level Ever," BBC News, January 26, 2023.

<sup>11</sup> The Identity and Language (Northern Ireland) Act 2022 received royal assent in December 2022. Enda McClafferty, "Irish Language and Ulster Scots Bill Clears Final Hurdle in Parliament," BBC News, October 26, 2022.

## 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.<sup>12</sup> 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.<sup>13</sup>
- **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 Féin, however, stalled implementation of all aspects of the Stormont House Agreement.<sup>14</sup>
- **The 2015 Fresh Start Agreement.** In November 2015, the UK and Irish governments, the DUP, and Sinn Féin 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 Féin official in connection to the August 2015 murder of an ex-IRA member.<sup>15</sup>

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<sup>12</sup> Richard Haass served as President George W. Bush's special envoy for Northern Ireland from 2001 to 2003.

<sup>13</sup> 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>.

<sup>14</sup> The Stormont House Agreement is available at <https://www.gov.uk/government/publications/the-stormont-house-agreement>.

<sup>15</sup> The Fresh Start Agreement is available at Government of the UK, "News Story: A Fresh Start for Northern Ireland," November 17, 2015, at <https://www.gov.uk/government/news/a-fresh-start-for-northern-ireland>.

## Ongoing Political Instability and Renewed Turmoil

Despite a much-improved security situation since the 1998 Good Friday Agreement, concerns remain about the stability of Northern Ireland's power-sharing institutions and the fragility of community relations. In January 2017, the devolved government collapsed amid a scandal over a renewable energy program, differences between the DUP and Sinn Féin on a potential Irish Language Act and the legalization of same-sex marriage (Sinn Féin supported both measures, whereas the DUP opposed them), and unease in Northern Ireland over Brexit in the wake of the June 2016 UK referendum on EU membership. Snap Assembly elections were held in March 2017. It took nearly three years—until January 2020—to reestablish the devolved government, based on a new power-sharing agreement (known as “New Decade, New Approach”) and led by then-First Minister Arlene Foster of the DUP and Deputy First Minister Michelle O’Neill of Sinn Féin. The new power-sharing deal addressed a number of key issues, including health, education, language and cultural issues, and the sustainability of Northern Ireland’s political institutions.<sup>16</sup>

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 seek to preserve an open border on the island of Ireland while also respecting the rules of the EU single market and customs union. Set out in a protocol to the UK’s withdrawal agreement with the EU, many unionists view the post-Brexit arrangements as dividing Northern Ireland from the rest of the UK (i.e., Great Britain) and endangering the UK’s constitutional integrity. Implementation of the protocol—which began in January 2021—has led to some trade disruptions between Northern Ireland and the rest of the UK and has contributed to heightened tensions. (See “Implications of Brexit,” below.)

Amid other demographic, political, and societal changes in Northern Ireland, the post-Brexit arrangements appear to have exacerbated unionist concerns that their British identity is under threat. These arrangements may have been a factor in the violence and rioting that erupted in several cities and towns across Northern Ireland in late March and early April 2021. Much of this rioting was carried out by young people and was concentrated in economically disadvantaged communities where criminal gangs linked to loyalist paramilitaries have considerable influence. Some analysts suggest that strong rhetoric against the protocol from unionist politicians may have contributed to instigating the unrest. At the same time, the violence followed a decision in late March 2021 against prosecuting violations of social distancing restrictions at a large funeral in 2020 for a former high-ranking IRA official. For many unionists, this incident reinforced their long-standing views of a double standard in policing and the judiciary in favor of nationalists. Frustration and boredom due to the COVID-19 lockdowns, especially among young people, also may have factored into the rioting.<sup>17</sup>

Although the DUP backed Brexit (it was the only major Northern Ireland political party to do so), the post-Brexit arrangements for Northern Ireland prompted political turmoil within the DUP in 2021. Arlene Foster stepped down as DUP party leader at the end of May 2021 and as first minister in June 2021. Sir Jeffrey Donaldson, a DUP member of the UK Parliament, became the leader of the DUP in late June 2021 (the DUP’s second new leader in a month). Paul Givan, a DUP member of the Northern Ireland Assembly, succeeded Foster as first minister.

<sup>16</sup> Government of the UK, *New Decade, New Approach*, January 9, 2020, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf).

<sup>17</sup> 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 Haverly, “How Brexit Lit the Fuse in Northern Ireland,” *Foreign Policy*, April 13, 2021.

In early February 2022, First Minister Givan resigned to protest the Northern Ireland protocol and the slow progress in UK-EU negotiations on resolving difficulties with the protocol. Givan'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. As a result, the Northern Ireland Executive was unable to meet or make decisions (although the Northern Ireland Assembly was able to continue working on legislation already in progress).<sup>18</sup> Regularly scheduled Assembly elections were held on May 5, 2022; as of early March 2023, the DUP has prevented the formation of a new devolved government due to objections to the Northern Ireland protocol.

## The May 2022 Assembly Election: Outcome and Aftermath

In the May 2022 Assembly election, for the first time in Northern Ireland's history, Sinn Féin won the largest number of seats in the 90-member Assembly and surpassed the DUP as the largest party in the Assembly (see **Table 1**). Decreased support for the DUP appeared to be driven by dissatisfaction with the party's leadership on Brexit and internal party divisions. Sinn Féin strongly supports a united Ireland but centered its election campaign on everyday concerns, such as the rising costs of living and health care. The smaller, cross-community Alliance Party made significant gains, attributed to voter frustration with Northern Ireland's identity politics and frequent instability in the power-sharing institutions.<sup>19</sup> Voter turnout was 63%. (Also see text box, "Main Political Parties in Northern Ireland," below.)

Since the election, the DUP has blocked the work of the Assembly and the Executive to exert pressure on the UK government to address unionist objections to the post-Brexit arrangements in the Northern Ireland protocol. The DUP maintains it will not agree to establish a new power-sharing government until the problems with the Northern Ireland protocol are resolved. Sinn Féin and other nationalists generally support the protocol as necessary to maintain an open border on the island of Ireland in light of Brexit. The UK government has twice extended the deadline for forming a new devolved government to avoid calling a new Assembly election.<sup>20</sup> On February 27, 2023, the UK and the EU announced a new agreement—known as the Windsor Framework—that seeks to resolve challenges posed by the Northern Ireland protocol. The Windsor Framework still must be formally adopted; the DUP has not decided whether it will accept the new framework and enter into a new power-sharing government. (See "Implications of Brexit" and "The Windsor Framework," below).

A range of social and economic policy divisions between the DUP and Sinn Féin could further complicate restoring Northern Ireland's devolved government. Another potential issue relates to the roles of first minister and deputy first minister. Having won the largest number of Assembly seats in the May 2022 election, Sinn Féin would be entitled to the position of first minister based on those results. Although the roles of first minister and deputy first minister are equal, a Sinn Féin first minister would be highly symbolic in light of the party's history and its support for Irish unification. The position of first minister has always been held by a unionist party, and the DUP may face pressure (both from within the DUP and from other unionists) against filling the deputy

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<sup>18</sup> Jayne McCormack, "Givan Resignation Triggers Fresh Political Crisis in NI," BBC News, February 3, 2022.

<sup>19</sup> NPR.org, "Sinn Féin Celebrates an Historic Election Win in Northern Ireland," May 7, 2022; Mark Landler, "As Britain Turned Away from EU, Northern Ireland Turned to Sinn Féin," *New York Times*, May 7, 2022; Mark Devenport, "How Alliance Number Nerds Turned Single Digits into a Surge," BBC News, May 9, 2022.

<sup>20</sup> Jayne McCormack, "Stormont Assembly Election Delayed by up to a Year," BBC News, February 10, 2023; Shawn Pogatchnik, "Heartless: DUP Blocks Stormont from Passing Organ Donation Law to Aid 6-Year-Old," *Politico*, February 14, 2023.

first minister post alongside a Sinn Fein first minister. Meanwhile, the Alliance Party argues for reforming the devolved government's power-sharing rules to promote greater stability and reflect growing support for nonsectarian parties.<sup>21</sup>

**Table 1. Northern Ireland 2022 Election Results**

Members of the Legislative Assembly (MLAs)

Political Party	# of Seats	+/- Seats
Sinn Fein (SF; hard-line nationalist, left-wing)	27	—
Democratic Unionist Party (DUP; hard-line unionist, conservative)	25	-3
Alliance Party of Northern Ireland (APNI; nonsectarian, centrist/liberal)	17	+9
Ulster Unionist Party (UUP; moderate unionist, center-right)	9	-1
Social Democratic and Labor Party (SDLP; moderate nationalist, center-left)	8	-4
Traditional Unionist Voice (TUV; hard-line unionist, right-wing)	1	—
People Before Profit Alliance (PBPA; nonsectarian, left-wing)	1	—
Independent (unionist)	2	+1

**Source:** BBC News, “Northern Ireland Assembly Election Results 2022,” at <https://www.bbc.com/news/election/2022/northern-ireland/results>.

### Main Political Parties in Northern Ireland

**Democratic Unionist Party (DUP).** The DUP has been the largest unionist party in Northern Ireland since 2003. It enjoys considerable Protestant support and strongly favors union with the United Kingdom (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. In late June 2021, following a period of political turmoil within the party, Sir Jeffrey Donaldson became leader of the DUP.

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

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

**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.

<sup>21</sup> Gerry Moriarty, “Significantly and Symbolically Damaging Election for Unionism,” *Irish Times*, May 7, 2022; “Northern Ireland Election Results 2022: Who Are the Alliance Party and What Do They Stand For?,” BBC News, May 8, 2022; Paul Lawlor, “Brexit: Protocol Deal No Guarantee of Stormont Return, Says Irish PM,” BBC News, January 12, 2023.



## Ongoing Challenges in the Peace Process

Nearly 25 years after the signing of the Good Friday Agreement, the past remains ever-present in Northern Ireland and the search for peace and reconciliation 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 Northern Ireland's legacy of violence, addressing remaining paramilitary concerns and curbing dissident activity, and furthering economic development and equality.

### Sectarian Divisions

Observers suggest that Northern Ireland remains a largely divided society, with Protestant and Catholic communities existing largely in parallel. Schools and housing developments in Northern Ireland remain mostly single-identity communities. In March 2022, despite some opposition from the DUP and other stakeholders, the Northern Ireland Assembly passed legislation to increase the number of integrated school places and establish targets for the number of children educated in integrated schools.<sup>22</sup>

In some areas in Northern Ireland, *peace walls* separate Protestant and Catholic neighborhoods. Estimates of the number of peace walls vary depending on the definition. Northern Ireland's Departments of Justice and Housing have responsibility for the majority of peace walls (currently around 60), but when other types of structures are included—such as fences, gates, and closed roads—the number of physical barriers separating Protestant and Catholic communities is estimated at over 100. Northern Ireland's Executive has been working to remove the peace walls since 2013, but surveys of public attitudes indicate continued support for the walls in many communities.<sup>23</sup> One poll conducted in 2019 found that 42% of those interviewed wanted the walls to remain in place for reasons of safety and security. The same survey also found that 37% of respondents had never interacted with anyone from the community living on the other side of the nearest peace wall.<sup>24</sup> Another 2019 survey, however, suggests a gradual attitudinal change in support of removing the peace walls and other barriers, especially among younger people.<sup>25</sup>

Sectarian divisions are often 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.<sup>26</sup> Efforts over the years to address the contentious issue of parading and related protests have stalled repeatedly.

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

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<sup>22</sup> Paul Nolan, "Two Tribes: A Divided Northern Ireland," *Irish Times*, April 1, 2017; Robbie Meredith, "Integrated Education: Stormont Passes Bill Despite DUP Opposition," BBC News, March 9, 2022.

<sup>23</sup> Julian O'Neill, "NI Troubles: I Would Love to See That Wall Coming Down," BBC News, January 29, 2023.

<sup>24</sup> Northern Ireland Department of Justice, *Public Attitudes to Peace Walls 2019 Findings*, June 2020.

<sup>25</sup> International Fund for Ireland, *Peace Walls Programme Attitudinal Survey: Summary of Results*, November 2019.

<sup>26</sup> The Parades Commission was established in 1998 as an independent body to rule on disputed parades.

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. In 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. After several delays, the commission's report was published in late 2021. The report contains over 40 recommendations, but the commission was unable to reach agreement on some key issues, including related to flags and memorials. Critics question the report's value given the delays, costs (£800,000, or about \$1.1 million), and lack of an accompanying implementation plan.<sup>27</sup>

## Dealing with the Past

Fully addressing Northern Ireland's legacy of violence and pursuing justice for crimes committed during the Troubles has been exceedingly difficult and often contentious. Reaching consensus on the best way to deal with the past is challenging in large part because many unionists and nationalists continue to view the Troubles differently and retain competing narratives. Cases of suspected collusion between UK security institutions, Northern Ireland's former police force, and paramilitary organizations active during the Troubles have been particularly difficult to resolve.

The Good Friday Agreement asserted that, "it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation." In 2008, the Northern Ireland Assembly established a Commission for Victims and Survivors aimed at supporting victims and their families. Several legal processes for examining crimes stemming from the Troubles also exist. These include investigations into deaths related to the conflict by a dedicated unit within the PSNI; investigations by the Police Ombudsman for Northern Ireland (PONI) of historical cases involving allegations of police misconduct; and public inquiries, such as the Saville inquiry (concluded in 2010) into the January 1972 Bloody Sunday incident in which the British Army shot 28 people, resulting in 14 deaths.<sup>28</sup> Since 2016, an independent police team—known as Operation Kenova—also has investigated several cases of suspected collusion during the Troubles.

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 and has resulted in few prosecutions. As of 2022, over 900 conflict-related cases (involving nearly 1,200 deaths) were awaiting investigation by the PSNI.<sup>29</sup> According to the UK government, between 2015 and 2021, historical reviews and investigations resulted in prosecutions of nine people for Troubles-related deaths.<sup>30</sup> In addition, UK government data as of mid-2021 indicated that about 400 Troubles-related cases alleging police misconduct remained before PONI; around 1,000 civil claims were pending against the UK Ministry of Defense and other state agencies; and around 36 fact-finding inquests into Troubles-era deaths remained outstanding (some of these inquests relate to killings by the British Army or the Northern Ireland police).<sup>31</sup> Others point out the expense and time involved with some of these processes; for

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<sup>27</sup> Jayne McCormack, "Flags Report: Stormont Publishes £800k Report Without Action Plan," BBC News, December 1, 2021; Northern Ireland Executive Office, *Commission on Flags, Identity, Culture and Tradition – Final Report*, December 1, 2021.

<sup>28</sup> Thirteen deaths occurred on Bloody Sunday; another person wounded on Bloody Sunday died several months later.

<sup>29</sup> Government of the UK, *Northern Ireland Troubles (Legacy and Reconciliation) Bill Explanatory Notes*, May 17, 2022, p. 6, at <https://publications.parliament.uk/pa/bills/cbill/58-03/0010/en/220010en.pdf>.

<sup>30</sup> Government of the UK, *Addressing the Legacy of Northern Ireland's Past*, July 14, 2021, p. 20, at <https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past>.

<sup>31</sup> For PONI data, see Northern Ireland Assembly Plenary Debate, *Official Report*, October 18, 2021, pp. 58-75, at



example, the Saville inquiry into Bloody Sunday cost £195 million (more than \$300 million) and took 12 years to complete.<sup>32</sup>

The issue of prosecuting former British soldiers who served in Northern Ireland during the Troubles remains contentious. UK veterans groups and some Members of Parliament argue that Troubles-related investigations and prosecutions have disproportionately focused on the actions of the armed forces and former police officers. They note that PSNI investigations involving the security forces account for 30% of its legacy case workload but only 10% of the overall deaths during the conflict. Others reject arguments that legacy investigations and prosecutions are predominantly targeting veterans. Between 2011 and 2019, Northern Ireland's Public Prosecution Service (PPS) undertook prosecutions in eight legacy cases involving republican paramilitaries, four cases involving loyalist paramilitaries, and five cases involving former military personnel.<sup>33</sup>

Troubles-era criminal prosecutions also may face legal hurdles given that the passage of time may make it more difficult to meet the high evidentiary bar. Numerous prosecutions of former British soldiers have collapsed in recent years. In November 2022, a Northern Ireland court convicted a British Army veteran of manslaughter for killing a civilian in 1988 (the first conviction of a former member of the armed forces for a historical offense since the 1998 peace agreement). The only prosecution of a former British soldier for Troubles-related offenses currently underway is that against "Soldier F" for two of the 1972 Bloody Sunday killings.<sup>34</sup>

### **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). These bodies were to include a new Historical Investigation Unit (HIU) to take forward the work of the PSNI and PONI in investigating outstanding cases related to the Troubles and a new Independent Commission for Information Retrieval to enable victims and survivors to seek and privately receive information about conflict-related violence (separate from the judicial process). The Stormont House Agreement also provided for establishing an oral history archive and an Implementation and Reconciliation Group to promote reconciliation and reduce sectarianism.<sup>35</sup>

Efforts to enact these legacy mechanisms in UK law, however, stalled for years amid differences between the UK government and various stakeholders on certain aspects of how these bodies would function. In particular, some nationalists and many human rights advocates objected to the UK government's insistence on proposed "national security caveats" pertaining to the disclosure of sensitive or classified information. Victims groups and nationalists were concerned that such caveats 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

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<http://data.niassembly.gov.uk/HansardXml/plenary-18-10-2021.pdf>; for civil claims and inquest data, see Government of the UK, *Addressing the Legacy of Northern Ireland's Past*, July 14, 2021, p. 21, at <https://www.gov.uk/government/publications/addressing-the-legacy-of-northern-irelands-past>.

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

<sup>33</sup> Claire Mills and David Torrance, *Investigation of Former Armed Forces Personnel Who Served in Northern Ireland*, UK House of Commons Library, May 18, 2022.

<sup>34</sup> 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; "Bloody Sunday: Soldier F Prosecution Resumes in Court," BBC News, September 28, 2022; Rory Carroll, "Ex-Soldier Who Shot Dead Civilian During Troubles Convicted of Manslaughter," *Guardian*, November 25, 2022.

<sup>35</sup> The Stormont House Agreement is available at <https://www.gov.uk/government/publications/the-stormont-house-agreement>.

officers. Successive government crises also impeded work on implementing these mechanisms to address Northern Ireland's legacy of violence.<sup>36</sup>

## **The May 2022 Troubles Bill**

As part of the January 2020 agreement to reestablish Northern Ireland's power-sharing institutions, the UK government of then-Prime Minister Johnson pledged to introduce legislation to set up the legacy bodies proposed in the Stormont House Agreement. In March 2020 and subsequently in July 2021, however, the UK government outlined new proposals to address Northern Ireland's past, including changes to the legacy mechanisms called for in the Stormont House Agreement. These proposals informed the government's decision to introduce the Northern Ireland Troubles (Legacy and Reconciliation) Bill in the UK Parliament in May 2022.<sup>37</sup>

In this new legislation, known as the Troubles Bill, the UK government sought to emphasize information recovery for victims and families (especially before such information is lost to the passage of time), while also protecting military veterans from prosecution and promoting wider societal reconciliation. The Troubles Bill essentially would draw to a close most investigations and prosecutions into incidents during the Troubles. Among other measures, the bill would establish a new Independent Commission for Reconciliation and Information Recovery (ICRIR) charged with reviewing Troubles-related deaths and cases of serious injury. The bill also would establish a conditional immunity scheme that would provide immunity from prosecution for Troubles-related offenses for individuals that cooperate with the ICRIR. (For more information on these and other key provisions in the Troubles Bill, see the text box below.)

Many stakeholders have responded negatively to the Troubles Bill. Although UK veterans groups and campaigners have largely welcomed the bill, victims groups and human rights advocates have been critical. All Northern Ireland political parties have expressed opposition. Nationalists contend that ending investigations and prosecutions would circumvent justice for victims and families and allow the UK government to cover up the truth about the state's actions during the Troubles. Unionists object to what they view as establishing "moral equivalency" between the actions of soldiers and paramilitaries. The Irish government also has expressed serious concerns about various aspects of the legacy legislation, including "regret" that the bill departs from the approach envisioned in the 2014 Stormont House Agreement.<sup>38</sup> Legal experts question whether provisions in the bill, especially those related to investigations and the immunity scheme, are compatible with UK commitments in the European Convention on Human Rights (ECHR), an international treaty of the Council of Europe.<sup>39</sup>

The UK House of Commons passed the Troubles Bill in July 2022, by a vote of 282 to 217. The bill was supported mostly by the majority Conservative Party. The opposition Labour Party and

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<sup>36</sup> 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.

<sup>37</sup> Government of the UK, "Secretary of State for Northern Ireland to Outline Way Forward to Address the Legacy of the Troubles," press release, May 17, 2022; UK Parliament, *Northern Ireland Troubles (Legacy and Reconciliation) Bill*, at <https://bills.parliament.uk/bills/3160>.

<sup>38</sup> Molly Killeen, "Irish PM Urges UK Not to Act Alone as Troubles Legacy Bill Introduced," *EurActiv*, May 18, 2022; Irish Department of Foreign Affairs, "Ireland Welcomes Decision by Council of Europe on Northern Ireland Legacy Issues," press release, June 10, 2022.

<sup>39</sup> The UK is a party to the ECHR as a member of the Council of Europe, a leading European human rights body that the UK helped found in 1949. The Council of Europe is an entirely separate organization from the EU. Lisa O'Carroll, "Troubles Legacy Bill Risks Breaching Human Rights Law, UK Warned," *Guardian*, October 26, 2022.

others voted against the bill; no Members of Parliament from Northern Ireland supported it. The Troubles Bill is currently under consideration in the House of Lords, where it faces some resistance and potential delay. In January 2023, the UK government of Prime Minister Rishi Sunak (who became Conservative Party leader and Prime Minister in October 2022) introduced several amendments to the Troubles Bill, largely in response to concerns raised by victims and survivors. The amendments primarily seek to strengthen the conditions related to immunity from prosecution. Victims' advocates and Northern Ireland political parties remain unsatisfied with the proposed amendments, however, and continue to urge the UK government to withdraw the bill.<sup>40</sup>

### **The Northern Ireland Troubles (Legacy and Reconciliation) Bill: Key Provisions**

For the purposes of the legislation, the period of the Troubles is defined as being from January 1966 to April 10, 1998, when the Good Friday Agreement was signed. Key provisions include the following.

**A New Independent Commission for Reconciliation and Information Recovery (ICRIR).** The ICRIR would be charged with reviewing Troubles-related deaths and cases of serious injury. The ICRIR would be “demand led”—it would not review every death or serious injury but rather would do so at the request of family members, survivors, or certain government authorities. For each review undertaken, findings would be provided to the person who requested the review and would be made publicly available (in most cases). The ICRIR also would be required to produce and publish a historical record of all Troubles-related deaths not subject to a request for a review. Any review requests must be made within the first five years of the ICRIR's operation. The ICRIR is to be composed of three to five commissioners, supported by ICRIR officers, equipped with the necessary expertise and police investigatory powers (for the primary purpose of information recovery). UK government authorities would be required to provide “full disclosure” to the ICRIR.

**A New Conditional Immunity Scheme.** The bill would provide immunity from prosecution for Troubles-related offenses for individuals that cooperate with the ICRIR. Individuals must apply for immunity, and an ICRIR judicial panel must be satisfied that a person requesting immunity has provided an account that is true to the best of that person's knowledge or belief. Once granted by the ICRIR, immunity cannot be revoked. Immunity would not be granted to individuals for past Troubles-related convictions or to subjects of ongoing prosecutions.

**Ending Non-ICRIR Investigations and Limiting Prosecutions.** Upon entering into force, the bill would ban criminal investigations into Troubles-related incidents by any UK authority other than the ICRIR. All ongoing investigations would cease, except those in support of prosecutions already underway (which would be allowed to continue to conclusion). The ICRIR could refer individuals not granted immunity for prosecution.

**Ending Inquests and Civil Claims.** The bill would end inquests (a fact-finding investigation) that have not reached an advanced stage and would prohibit future inquests into Troubles-related deaths. The bill also would prevent future civil claims for Troubles-related conduct.

**Memorialization Initiatives.** The bill would provide for efforts to memorialize the Troubles. Among other measures, the bill outlines and would fund an oral history initiative to encourage people from all backgrounds to share their experiences of the Troubles and listen to those of others. The bill also provides for the establishment of an independent academic initiative to study themes and patterns related to the Troubles and would mandate the preparation and publication of a “memorialization strategy” with concrete recommendations (including whether a Troubles museum or similar project would be beneficial).

**Sources:** Joanna Dawson et al., *Northern Ireland Troubles (Legacy and Reconciliation) Bill 2022-2023*, UK House of Commons Library, May 20, 2022; and Government of the UK, Northern Ireland Office, *Explainers Relating to the Northern Ireland Troubles (Legacy and Reconciliation) Bill*, May 25, 2022.

<sup>40</sup> Government of the UK, “Government Tables Amendments to NI Troubles Legacy Legislation,” press release, January 17, 2023; Stephen Walker, “Troubles Legacy Bill: Victims Take Protest to Westminster,” BBC News, January 31, 2023.

## 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. In 2015, the UK government commissioned a study on the status of republican and loyalist paramilitary groups. This review found that all the main paramilitary groups that operated 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.<sup>41</sup>

In 2017, a new four-member Independent Reporting Commission (IRC) was established to monitor paramilitary activity and to report annually on progress toward ending such activity. The UK and Irish governments each named one representative to the IRC, and the Northern Ireland Executive named two.<sup>42</sup> In its fifth annual report, released in December 2022, the IRC states that paramilitary groups and structures continue to pose “a clear and present danger in and for Northern Ireland.” The IRC supports a “twin track” approach that combines policing and criminal justice responses with measures to address the underlying socioeconomic challenges facing communities in which paramilitaries operate.<sup>43</sup>

Concerns also exist about the degree to which divisions over Brexit could further enhance paramilitary influence, prompt a resurgence in paramilitary activity, and otherwise affect the peace process. In March 2021, loyalist paramilitary groups announced they were withdrawing support for the Good Friday Agreement temporarily due to concerns about the implementation of the post-Brexit arrangements in the Northern Ireland protocol. Although these loyalist groups remain on cease-fire, they also warn that Brexit-related problems, if not resolved, could lead to the “permanent destruction” of the peace accord (see “Implications of Brexit” below).<sup>44</sup>

### The Dissident Threat

Security assessments indicate that dissident groups not on cease-fire and opposed to the 1998 peace accord continue to present significant threats. Dissident republican groups are regarded as posing the greatest terrorist threat in Northern Ireland, although concerns persist about the public order challenges posed by smaller dissident loyalist groups.<sup>45</sup> At the same time, experts note that

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<sup>41</sup> Government of the UK, *Independent Report: Assessment on Paramilitary Groups in Northern Ireland*, October 20, 2015. This report 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 during the Troubles 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).

<sup>42</sup> 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.

<sup>43</sup> *Independent Reporting Commission Fifth Report*, December 7, 2022, at <https://www.ircommission.org/news-centre/irc-fifth-report>.

<sup>44</sup> 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.

<sup>45</sup> MI5, “MI5 in Northern Ireland,” at <https://www.mi5.gov.uk/mi5-in-northern-ireland>.

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.

According to UK security services, there are currently four main dissident republican groups: the Continuity IRA (CIRA); Óglaigh na hÉireann (ÓNH); Arm na Poblacht (ANP), and the New IRA (which reportedly was formed in 2012). These groups have sought to target police officers, prison officers, and other members of the security services in particular. Between 2009 and 2017, dissident republicans were responsible for the deaths of two PSNI officers, two British soldiers, and two prison officers.<sup>46</sup>

Authorities are especially alarmed by the threat posed by the New IRA, which has carried out a string of high-profile attacks in recent years. Police suspect the New IRA of shooting and critically wounding a senior and prominent PSNI detective, John Caldwell, in Omagh in February 2023 (the New IRA has claimed responsibility). The New IRA also was responsible for the April 2019 death of journalist Lyra McKee, who was shot while covering riots in Londonderry (or Derry).<sup>47</sup> Following the McKee murder, the PSNI and UK security services ramped up efforts to degrade the New IRA, including targeting its leadership in a series of operations. Some analysts suggest the Caldwell attack could signal that the New IRA has reorganized and regained strength, a source of concern for authorities as the 25<sup>th</sup> anniversary of the Good Friday Agreement approaches in April 2023. Although less active than the New IRA, in early March 2023, ANP warned that it would consider the families of PSNI officers to be targets as well.<sup>48</sup>

## **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.<sup>49</sup> The 2008-2009 global recession led to a prolonged downturn in the region and economic recovery was slow and uneven for many years but gradually improved between 2013 and 2019. Like elsewhere in the UK, the COVID-19 pandemic and resulting restrictions on social and business activity affected Northern Ireland's economy, but the speed of economic recovery in Northern Ireland was faster than expected.

Since mid-2022, high energy costs and inflation have been a drag on Northern Ireland's economy. Northern Ireland's economic output fell slightly (by 0.3%) in both the second and third quarters of 2022. At the same time, Northern Ireland's output was 4.1% above pre-pandemic levels seen in 2019. Some analysts suggest that Northern Ireland has weathered the economic difficulties of the

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<sup>46</sup> In 2018, ÓNH declared itself on cease-fire, although a small splinter group formed in opposition to the cease-fire. MI5, "Northern Ireland," at <https://www.mi5.gov.uk/northern-ireland>.

<sup>47</sup> The New IRA claimed responsibility for McKee's death but reportedly issued an apology; the group asserted that it had intended to shoot a police officer during the riots but had hit McKee by accident. See, Ed O'Loughlin, "New IRA Apologizes for Killing of Journalist in Northern Ireland," *New York Times*, April 23, 2019.

<sup>48</sup> Julian O'Neill, "Omagh Police Shooting: John Caldwell Attack Causes Shockwaves in PSNI," BBC News, February 25, 2023; Allison Morris, "New IRA Still Main Suspect in DCI Caldwell Shooting, Chief Constable Tells Policing Board," *Belfast Telegraph*, March 2, 2023; Seanin Graham, "PSNI Officers Warned of Republican Dissident Threat to their Families," *Irish Times*, March 7, 2023.

<sup>49</sup> 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.



last few years better overall than the UK. As of the third quarter of 2022, for example, UK gross domestic product (GDP) was 0.8% below pre-pandemic levels (Northern Ireland economic output and UK GDP are considered similar measures but are not produced on a fully equivalent basis). Northern Ireland's unemployment rate for October-December 2022 was 2.5%, lower than the UK average unemployment rate of 3.7%.<sup>50</sup>

Some long-standing economic difficulties and disparities persist in Northern Ireland. Income levels and living standards in Northern Ireland remain below the UK average. Of the UK's 12 economic regions, Northern Ireland had the third-lowest gross domestic product per capita in 2020 (£25,575, or about \$30,790), below the UK's average (£32,141, or about \$38,700).<sup>51</sup> Northern Ireland has both a high rate of economic inactivity (roughly 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*.<sup>52</sup>

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.<sup>53</sup>

## Implications of Brexit<sup>54</sup>

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 began negotiations with the EU on the terms of its withdrawal in 2017 and concluded these negotiations in late 2019. The UK withdrew from the EU on January 31, 2020. The UK 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.<sup>55</sup> 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.

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<sup>50</sup> Northern Ireland Statistics and Research Agency, *Northern Ireland Composite Economic Index Quarter 3 2022*, January 12, 2023; Northern Ireland Statistics and Research Agency, *Northern Ireland Labour Market Report*, February 14, 2023.

<sup>51</sup> Matthew Ward and Daniel Harari, *Regional and National Economic Indicators*, UK House of Commons Library, February 23, 2023.

<sup>52</sup> Northern Ireland Statistics and Research Agency, *Northern Ireland Multiple Deprivation Measures 2017*, November 2017; Duncan Morrow, *Sectarianism in Northern Ireland: A Review*, University of Ulster, 2019, pp. 32-35; Testimony of Monica McWilliams, in U.S. Congress, House Foreign Affairs Committee, Subcommittee on Europe, Energy, the Environment and Cyber, *The United States Role in Reaffirming the Good Friday Agreement*, 117<sup>th</sup> Cong., 1<sup>st</sup> sess., May 5, 2021.

<sup>53</sup> Northern Ireland Executive Office, *Labour Force Survey Religion Report 2017*, January 31, 2019.

<sup>54</sup> For more background on Brexit, see CRS Report R46730, *Brexit: Overview, Trade, and Northern Ireland*, coordinated by Derek E. Mix.

<sup>55</sup> In December 2020, UK and EU negotiators also concluded a Trade and Cooperation Agreement (TCA), which sets out terms for post-Brexit trade and economic relations, as well as cooperation on a range of other issues.

## The Irish Border and the Withdrawal Agreement

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

Preventing a *hard border* with customs checks and physical infrastructure on the island of Ireland was a key goal, and a major stumbling block, in negotiating the UK's withdrawal agreement with the EU. UK, Irish, and EU leaders asserted repeatedly that they did not desire a hard border post-Brexit. Security assessments suggested that if border or custom posts were reinstated, violent dissident groups opposed to the peace process would view such infrastructure as targets, endangering the lives of police and customs officers. Experts feared that such violence would threaten the region's security and stability and potentially put the peace process at risk.<sup>56</sup>

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.<sup>57</sup>

In early 2019, the UK Parliament rejected an initial UK-EU withdrawal agreement three times, in large part because of concerns that arrangements for the Irish border would have kept the UK tied too closely to the EU single market and customs union. Some Brexit advocates contended that Ireland and the EU were exaggerating the security concerns about the border. 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 and to ensuring the fulfillment of provisions in the Good Friday Agreement on north-south cooperation on cross-border issues (including transport, agriculture, and the environment).<sup>58</sup>

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<sup>56</sup> Henry McDonald, "Police Chief Says 'Hard Brexit' Irish Border Would Be Paramilitary Target," *Guardian*, February 7, 2018.

<sup>57</sup> 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.

<sup>58</sup> 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.



## **Post-Brexit Arrangements in the Northern Ireland Protocol**

In October 2019, the EU and the government of then-UK Prime Minister Johnson reached a revised withdrawal agreement with a renegotiated Protocol on Ireland/Northern Ireland to ensure an open border on the island of Ireland.<sup>59</sup> Under the terms of the protocol, which also sought to safeguard the rules of the EU single market, 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 for goods. This eliminates the need for checks on trade in goods at the land border between Northern Ireland and Ireland, but essentially creates a regulatory and customs border in the Irish Sea between Northern Ireland and Great Britain (often termed the *Irish Sea border*). Any physical checks necessary to ensure regulatory and customs compliance for goods moving from Great Britain to Northern Ireland would be conducted at ports or points of entry away from the politically sensitive land border between Northern Ireland and Ireland.

The DUP and other unionists strongly opposed these “Northern Ireland-only” arrangements, contending the provisions in the protocol would treat Northern Ireland differently from the rest of the UK and would jeopardize Northern Ireland’s economy, its participation in the UK’s internal market, and the region’s position as part of the UK. The DUP and other unionists also objected to what they viewed as a lack of sufficient democratic consent in the development or amendment of EU rules that would apply in Northern Ireland. In an effort to address such concerns, negotiators included a provision in the revised protocol making its renewal after four years subject to the consent of the Northern Ireland Assembly. In light of the large majority won by then-Prime Minister Johnson’s Conservative Party in the December 2019 UK parliamentary elections, the DUP lost political influence and was unable to block approval of the renegotiated withdrawal agreement in the UK Parliament. 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.

## **The Protocol’s 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 Catholics now outnumber Protestants) 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 post-Brexit trade arrangements in the Northern Ireland protocol appear to have enhanced the sense of unionist disenfranchisement, partly by raising fears that Northern Ireland would be drawn closer to the Republic of Ireland’s economic orbit and that this could be a precursor to a united Ireland. As noted previously, unionist and loyalist concerns about the post-Brexit arrangements in the Northern Ireland protocol may have contributed to the riots and violence that erupted in spring 2021. Brexit also 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.<sup>60</sup>

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<sup>59</sup> 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>.

<sup>60</sup> 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; Pat

Significant challenges have arisen in implementing the Northern Ireland protocol, which took effect on January 1, 2021.<sup>61</sup> The new customs and regulatory requirements on goods entering Northern Ireland from Great Britain posed trade and administrative difficulties for some businesses and consumers in Northern Ireland, despite initial grace periods ranging from three months to a year for full implementation of the new rules for agri-food products, medicines, and other items. Initial problems included shipping delays and product shortages, especially for Northern Ireland supermarkets dependent on suppliers elsewhere in the UK.<sup>62</sup>

Tensions within Northern Ireland and between the UK and the EU were aggravated further in 2021 by several other issues related to implementation of the protocol. These issues included a dispute in late January 2021 over EU export controls on COVID-19 vaccines that could have impacted Northern Ireland, as well as the UK's unilateral decisions in March 2021 to extend a number of grace periods that limited regulatory checks on certain goods. The EU subsequently initiated several legal infringement processes against the UK for breaching the terms of the protocol, which ultimately could have led to the UK's referral to the Court of Justice of the European Union (CJEU, often commonly referred to as the European Court of Justice, or ECJ), potential fines, and/or the imposition of tariffs on imports of goods from the UK.<sup>63</sup>

The UK government and the DUP increasingly argued that the protocol was not sustainable, called for substantial changes to the protocol, and repeatedly threatened to suspend parts of it.<sup>64</sup> As noted previously, the DUP has blocked the work of the Northern Ireland Assembly and Executive since 2022 in protest against the protocol. Sinn Féin, other nationalists, and the Irish government maintained that the protocol was the only viable option to avoid a hard border on the island of Ireland. The EU rejected UK and DUP calls to fundamentally renegotiate the protocol, asserting that it represented a joint, already-agreed UK-EU solution and that any measures to resolve implementation problems must be found "within the framework" of the protocol.<sup>65</sup> The EU offered several proposals to mitigate trade disruptions, reduce administrative burdens, and ease tensions in Northern Ireland.<sup>66</sup>

UK-EU talks to address issues with the protocol were contentious and progress was slow. UK-EU positions diverged on a number of key issues, including customs checks, agri-food safety rules, medicines, UK subsidies to Northern Ireland businesses, and value added tax (VAT) and excise rules. The role of the EU institutions—especially the Court of Justice of the EU—in enforcing EU rules and settling disputes related to the protocol was particularly controversial. UK officials and the DUP contended that such EU oversight infringed on UK sovereignty, while the EU firmly

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Leahy, "NI Protocol Tensions Threaten UK-Ireland, UK-EU and UK-US Relations," *Irish Times*, June 11, 2021.

<sup>61</sup> Since the protocol took effect, physical checks necessary to ensure regulatory and customs compliance are being conducted at ports or points of entry on the northeast coast of Northern Ireland upon arrival from Great Britain.

<sup>62</sup> Shawn Pogatchnik, "Supermarket Pleas Mount as Brexit Leaves Northern Ireland Shelves Bare," *Politico*, January 13, 2021; "British Supermarkets May Shift Supply Chains to EU if Northern Ireland Trade Not Addressed," Reuters, July 17, 2021.

<sup>63</sup> "Arlene Foster Urges PM to Replace 'Unworkable' NI Brexit Deal," BBC News, January 30, 2021; Elizabeth Piper and John Chalmers, "EU Vows Legal Response as UK Moves Unilaterally on N.Ireland," Reuters, March 3, 2021; Steven Erlanger, "Europe Says Britain Is Violating International Law Over Northern Ireland," *New York Times*, March 15, 2021.

<sup>64</sup> See, for example, Government of the UK, *Northern Ireland Protocol: The Way Forward*, July 21, 2021, and Democratic Unionist Party, *Speech by DUP Leader Sir Jeffrey Donaldson MP*, September 9, 2021.

<sup>65</sup> 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.

<sup>66</sup> See, in particular, European Commission, "Protocol on Ireland/Northern Ireland: Commission Proposes Bespoke Arrangements to Benefit Northern Ireland," press release, October 13, 2021.

opposed any changes to the role of the EU institutions, including the CJEU. EU officials also consistently raised concerns that the UK was not implementing certain aspects of the protocol (including building and properly staffing custom posts in Northern Ireland, sharing customs data, and properly declaring goods entering Northern Ireland).<sup>67</sup>

In June 2022, with UK-EU discussions largely stalled and, in an effort to meet DUP demands, the UK government led by then-Prime Minister Johnson introduced legislation in the UK Parliament to give the government authority to unilaterally disregard parts of the protocol and make changes to its operation.<sup>68</sup> Among other measures, the Northern Ireland Protocol Bill would establish “green and red lanes” for goods, removing checks and paperwork for “green lane” goods going from Great Britain to Northern Ireland while leaving such checks in place for “red lane” goods meant for the EU market. The Protocol Bill also called for ending the role of EU institutions in overseeing the protocol’s implementation. The EU viewed the proposed UK legislation as violating the terms of the protocol and international law, and launched additional infringement proceedings against the UK.<sup>69</sup> The Protocol Bill passed the UK House of Commons in July 2022 (but still required approval by the House of Lords to be enacted into UK law).

Shortly after assuming office in late October 2022, new UK Prime Minister Sunak indicated that he would prefer that the UK and EU reach a “negotiated outcome” to the challenges posed by the protocol.<sup>70</sup> UK-EU talks on the protocol resumed and gained momentum in late 2022 and early 2023. In January 2023, the UK and the EU reached a trade data-sharing agreement, giving the EU access to UK technology systems and detailed, real-time information on goods entering Northern Ireland from Great Britain and those possibly at risk of entering Ireland. EU officials had been seeking greater visibility and access on the flow of goods into Northern Ireland since the protocol took effect in early 2021. The new data-sharing agreement was widely viewed as a key step toward restoring trust and facilitating progress on a wider deal on the protocol.<sup>71</sup>

## **The Windsor Framework<sup>72</sup>**

On February 27, 2023, the UK and the EU announced a new agreement in principle—the Windsor Framework—to address implementation challenges and other concerns with the Northern Ireland protocol. The Windsor Framework consists of a command paper from the UK government presenting the solutions agreed to by the UK and the EU, a joint UK-EU political declaration, and several draft legal instruments that must be formally adopted for the Windsor Framework to take effect. Both the UK and the EU stressed that the Windsor Framework sought

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<sup>67</sup> Jim Brunsten et al., “UK Says That Brussels Trying to ‘Exploit’ Biden Visit to Exert Brexit Pressure,” *Financial Times*, June 8, 2021; Institute for Government, “Northern Ireland Protocol: Ongoing UK-EU Disagreements,” January 26, 2022.

<sup>68</sup> Government of the UK, “Government Introduces Bill to Fix the Northern Ireland Protocol,” press release, June 13, 2022; UK Parliament, *Northern Ireland Protocol Bill*, at <https://bills.parliament.uk/bills/3182>.

<sup>69</sup> Christina Gallardo and Shawn Pogatchnik, “EU Launches Legal Action Over UK’s Northern Ireland Brexit Bill,” *Politico*, June 15, 2022; European Commission, “Protocol on Ireland/Northern Ireland: Commission Launches Four New Infringement Procedures Against the UK,” press release, July 22, 2022.

<sup>70</sup> “New British PM Rishi Sunak Tells Taoiseach He Wants ‘Negotiated Outcome’ to NI Protocol,” *thejournal.ie*, October 26, 2022; “Rishi Sunak: Where Does the New PM Stand on the NI Protocol?,” BBC News, October 27, 2022.

<sup>71</sup> Annabelle Dickson et al., “EU and UK Agree ‘Way Forward’ on Post-Brexit Goods Data in Fresh Sign of Progress,” *Politico*, January 9, 2023.

<sup>72</sup> Information in this section is based on the package of documents that comprise the Windsor Framework, released February 27, 2023, and available from the Government of the UK, at <https://www.gov.uk/government/publications/the-windsor-framework>. This section also draws from various news sources and the European Commission, “Questions and Answers: Political Agreement in Principle on the Windsor Framework, a New Way Forward for the Protocol on Ireland/Northern Ireland,” February 27, 2023.

to provide solutions to protocol-related issues affecting everyday life for people and businesses in Northern Ireland. Key areas addressed in the Windsor Framework include the following:

- **Trade and Customs.** Similar to measures put forward by the UK government in the Northern Ireland Protocol Bill introduced in 2022, the Windsor Framework would establish a new system of “green and red lanes” for goods moving from Great Britain to Northern Ireland. Checks and customs paperwork would be significantly reduced for “green lane” goods remaining in Northern Ireland but would stay in place for “red lane” goods destined for (or at risk of entering) Ireland and the EU market. The UK and the EU also agreed to simpler rules and procedures for certain agri-food products entering Northern Ireland. UK health and safety standards (rather than EU standards) would apply to all retail food and drink intended for end consumption in Northern Ireland (removing the prospect of a ban in Northern Ireland on certain iconic British products, such as fresh sausages). An expanded and strengthened UK trusted trader scheme and new data-sharing and labeling arrangements would be used to oversee the trade and customs provisions and safeguard the EU single market.
- **EU Rules and Governance.** According to the UK government, the Windsor Framework would remove 1,700 pages of EU law from applying in Northern Ireland (including more than 60 EU food and drink rules covering over 1,000 pages) and thus also would eliminate the EU Court of Justice’s “interpretation and oversight in those areas.” In doing so, the Windsor Framework would narrow the range of EU laws applicable in Northern Ireland to less than 3% overall, which “are there solely, and only as strictly necessary” to maintain Northern Ireland’s access to the EU single market.<sup>73</sup> The EU, however, stresses that the CJEU remains the “sole and ultimate arbiter of EU law” and has the “final say on EU law and single market issues.”<sup>74</sup> In other words, the Windsor Framework would not change the role of the CJEU in interpreting EU law in disputes over EU rules that continue to apply in Northern Ireland. Both the EU and the UK, however, have pledged to work together to resolve any future disagreements before resorting to formal dispute-settlement proceedings.
- **The Stormont Brake.** A new mechanism known as the *Stormont brake* would allow the UK government—at the request of 30 Members of Northern Ireland’s Assembly (from at least two parties)—to stop the application of amended or replacement EU goods rules that may have a “significant and lasting impact” on “everyday” life in Northern Ireland. UK officials assert that this brake gives the UK the power to “veto” changes to EU goods rules applicable in Northern Ireland.<sup>75</sup> The EU emphasizes that the new mechanism would be triggered “under the most exceptional circumstances” and as a “last resort,” in accordance with a detailed process in the Assembly.<sup>76</sup> Once the brake is triggered by the UK, the

<sup>73</sup> See Government of the UK, *Command Paper on the Windsor Framework*, February 27, 2023, pp. 3, 13, and 21, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1138989/The\\_Windsor\\_Framework\\_a\\_new\\_way\\_forward.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138989/The_Windsor_Framework_a_new_way_forward.pdf).

<sup>74</sup> See, for example, European Commission, “A New Way Forward for the Protocol on Ireland/Northern Ireland: Political Agreement in Principle on the Windsor Framework,” press release, February 27, 2023; and Comments by European Commission President Ursula von der Leyen during press conference with UK Prime Minister Rishi Sunak, February 27, 2023, at <https://www.youtube.com/watch?v=WtxuqaFwsk0>.

<sup>75</sup> Government of the UK, *Command Paper on the Windsor Framework*, February 27, 2023, pp. 5, 7, 23, and 24.

<sup>76</sup> The Stormont brake process is set out in a Unilateral Declaration by the UK in Annex 1 of the *Draft Decision of the*

EU rule change cannot be implemented; the UK and EU would engage in dialogue to try to resolve concerns and find a solution. If the EU disagreed with the UK's decision to trigger the Stormont Brake, the matter would be referred to an independent arbitration panel (rather than the CJEU).

- **Taxes and State Aid.** The Windsor Framework would allow certain UK VAT rules to apply in Northern Ireland (rather than EU rules), and the UK may diverge from EU rules on the structure of excise duties (enabling a recent UK cut in excise duty rates on alcoholic beverages to apply in Northern Ireland). The framework also clarifies the circumstances in which EU state aid rules apply in Northern Ireland.
- **Other Issues.** The Windsor Framework also would ease rules in several other areas, including the movement of pets between Great Britain and Northern Ireland and on all types of parcels from people or businesses in Great Britain to friends, family, and consumers in Northern Ireland. Medicines approved for use by the UK's medicines regulator would be available in Northern Ireland at the same time and under the same conditions as in the rest of the UK; new labeling and other safeguards were agreed to ensure medicines from Great Britain remain in Northern Ireland.

As part of the Windsor Framework, the UK government agreed to halt the passage of the Northern Ireland Protocol Bill in the UK Parliament and the EU agreed it would no longer proceed with the seven legal infringement challenges pending against the UK in relation to the protocol. Both the UK and the EU have sought to portray the Windsor Framework as opening a new era of UK-EU relations based on cooperation and dialogue. Observers suggest the successful implementation of the Windsor Framework—especially the “green and red lanes” system—will depend largely on the ability of the UK and the EU to maintain trust, goodwill, and effective communication and data-sharing.<sup>77</sup>

The Windsor Framework must be formally adopted to take effect. The first step is for the Joint Committee of UK and EU officials that oversees implementation of the UK-EU withdrawal agreement to approve the documents and decisions that make up the Windsor Framework (expected to occur in March 2023). The UK and the EU also must take the necessary steps—including some legislative measures—to translate the solutions identified in the Windsor Framework into legal instruments. Prime Minister Sunak has pledged to hold a vote on the framework in the House of Commons and has said the outcome of this vote would be respected. Concerns exist about whether the strongly pro-Brexit wing of Sunak's Conservative Party would support the framework. Former Prime Minister Johnson has criticized the new deal, but some staunch Brexit supporters have welcomed it and some news reports suggest the prospects for a Conservative parliamentary rebellion to the Windsor Framework have receded.<sup>78</sup>

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*Withdrawal Agreement Joint Committee Laying Down Arrangements Relating to the Windsor Framework*, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139421/Draft\\_Decision\\_of\\_the\\_Withdrawal\\_Agreement\\_Joint\\_Committee\\_on\\_laying\\_down\\_arrangements\\_relating\\_to\\_the\\_Windsor\\_Framework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139421/Draft_Decision_of_the_Withdrawal_Agreement_Joint_Committee_on_laying_down_arrangements_relating_to_the_Windsor_Framework.pdf).

<sup>77</sup> Andy Bounds, “Freedoms Versus Safeguards—The Northern Ireland Deal Viewed from Brussels,” *Financial Times*, March 2, 2023; Christina Gallardo, “Devil in the Details: 5 Potential Snags in the UK's Big EU Deal,” *Politico*, March 5, 2023.

<sup>78</sup> Esther Webber and Eleni Courea, “Rishi Sunak Holds His Breath as He Awaits MPs' Verdict on Brexit Deal,” *Politico*, February 28, 2023; Robert White and Jasmine Cameron-Chileshe, “Sunak's Windsor Agreement Splits Tory Eurosceptics,” *Financial Times*, March 2, 2023.



The UK government hopes the DUP will accept the new Windsor Framework and agree to reestablish a functioning Assembly and Executive in time for the 25<sup>th</sup> anniversary of the Good Friday Agreement in April 2023. UK government officials note that a key part of the new framework—the Stormont brake—can be triggered only if the Assembly is functioning. The DUP is reviewing the new framework; DUP leader Donaldson reportedly has remarked that the framework represents “significant progress” but that the DUP remains concerned about whether the solutions in the framework are sufficient. Critics point out that some EU laws would still apply in Northern Ireland. They also note that the Irish sea border may have been diluted but has not disappeared and that there appear to be some differences in interpretation between the UK government and the EU on certain elements of the new framework (especially with regard to the role of the CJEU). Questions also exist about how the Stormont brake would work, with some in the DUP arguing that a high bar has been set for triggering the mechanism and expressing unease that the ultimate decision to trigger it would rest with the UK government (not the Assembly).<sup>79</sup>

## Economic Concerns

Following the 2016 UK referendum, many experts expressed concern about Brexit’s possible economic consequences for Northern Ireland. Studies indicate that Northern Ireland depends more on the EU market (and especially that of Ireland) for its exports than does the rest of the UK.<sup>80</sup> In 2021, approximately 64% of Northern Ireland’s exports went to the EU, including about 43% to Ireland, which was Northern Ireland’s top single export and import partner.<sup>81</sup>

Maintaining an open border after Brexit was viewed as important to protecting the island’s cross-border economy and 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.<sup>82</sup> The vast majority of cross-border transactions are made by micro and small businesses, which dominate Northern Ireland’s economy.<sup>83</sup>

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 2021, sales to other parts of the UK (£12.8 billion) were more than double the value of exports to Ireland (£5.2 billion) and nearly five times the value of exports to the rest of the EU (£2.6 billion).<sup>84</sup> Among the DUP’s initial objections in 2019 to the Northern Ireland protocol were arguments that its trade arrangements would be detrimental to the region’s economy and would increase costs for businesses and consumers. The DUP asserts that such concerns have proven correct given the supply problems, shipping delays, administrative burdens, and other issues affecting Northern Ireland since the post-Brexit arrangements in the protocol began taking effect. One study from the University of

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<sup>79</sup> Shawn Pogatchnik, “DUP Won’t Be Pushed Into Accepting UK-EU Deal on Northern Ireland—But Sees an Attractive Veto,” *Politico*, February 27, 2023; Enda McClafferty, “Brexit Deal: Both Yes and No Carry Risks for DUP,” *BBC News*, February 28, 2023.

<sup>80</sup> Report of the UK House of Lords European Union Committee, *Brexit: UK-Irish Relations*, December 2016; Lisa O’Carroll, “Pro-Brexit UK Regions More Dependent on EU for Exports, Study Finds,” *Guardian*, July 17, 2022.

<sup>81</sup> Northern Ireland Department for the Economy, *Northern Ireland Economic Trade Statistics*, December 14, 2022.

<sup>82</sup> 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.

<sup>83</sup> Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, May 18, 2022.

<sup>84</sup> Northern Ireland Department for the Economy, *Northern Ireland Economic Trade Statistics*, December 14, 2022.

Ulster estimated 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.<sup>85</sup>

Supporters of the post-Brexit arrangements for Northern Ireland argue that they offer the region unique economic opportunities, which would be boosted further by improvements to the protocol in the Windsor Framework. In seeking DUP and unionist support for the Windsor Framework, Prime Minister Sunak has touted the potential economic benefits of Northern Ireland's privileged access to both the UK internal market and the EU single market. As part of the UK customs union, Northern Ireland also will be able to participate in future UK trade deals. Experts suggest the post-Brexit arrangements may help increase the 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.<sup>86</sup>

## Constitutional Status and Border Poll Prospects

Brexit has revived questions about Northern Ireland's constitutional status. Sinn Féin has argued that "Brexit changes everything" and could generate greater support for a united Ireland.<sup>87</sup> Since the 2016 Brexit referendum, Sinn Féin 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 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, who must call one 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."<sup>88</sup>

At present, most opinion polls indicate that a majority of people in Northern Ireland continue to support the region's position as part of the UK. A December 2021 survey found that 54% of those polled support Northern Ireland remaining part of the UK versus 46% in support of a united Ireland.<sup>89</sup> A poll from August 2022 found 48% in favor of Northern Ireland's position within the UK compared to 41% for a united Ireland.<sup>90</sup> Another poll carried out by Ipsos and released in December 2022 found a wider difference in opinion, with 50% of respondents supporting Northern Ireland remaining in the UK and 27% favoring unification with Ireland.<sup>91</sup> As such, experts believe there is not sufficient evidence to convince the current UK government to call a referendum on Northern Ireland's constitutional status.

Several factors could boost support for a united Ireland and influence whether a border poll is called in the years ahead. As seen by Northern Ireland's 2021 census results, demographics are

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<sup>85</sup> John Campbell, "Brexit Deal Could Reduce Spending, Investment, and Trade in NI," BBC News, October 22, 2019; Esmond Birnie, "The Irish Sea Border Is Costing Northern Ireland £850m a Year," *newsletter.co.uk*, August 12, 2021.

<sup>86</sup> 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; Andrew McDonald, "Sunak Gives EU Windsor Framework the Hard Sell in Belfast," *Politico*, February 28, 2023.

<sup>87</sup> Sinn Féin Discussion Document, *Towards a United Ireland*, November 2016.

<sup>88</sup> UK Government, Northern Ireland Act 1998.

<sup>89</sup> Colm Keena, "Majority of People in North Would Vote to Remain in UK in Referendum," *Irish Times*, December 12, 2021.

<sup>90</sup> Anthony Neeson, "Poll Shows Growing Support for Irish Unity," *Irish Echo*, August 26, 2022.

<sup>91</sup> Pat Leahy, "Northern Ireland Rejects Irish Unity by Large Margin, Poll Shows," *Irish Times*, December 3, 2022.



shifting in Northern Ireland, with those of a Catholic background now outnumbering those of a Protestant background. The post-Brexit arrangements for Northern Ireland could lead to enhanced trade ties with Ireland and greater economic integration (since the Northern Ireland protocol took effect in January 2021, data indicate a significant and consistent increase in cross-border trade).<sup>92</sup> Sinn Féin's recent electoral success in Northern Ireland (and its growing popularity and electoral gains in Ireland) also could increase momentum for a border poll.

Societal attitudes in Northern Ireland are changing as well, especially among young people, who may not be as wedded to traditional religious or ethnic identities. Analysts suggest that non-aligned 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 the aforementioned Ipsos poll from late 2022, 21% of the roughly 50% of respondents opposed to Irish unification were from a Catholic background, while 31% of those undecided did not identify as either Catholic or Protestant.<sup>93</sup>

Irish unification also would be subject to Ireland's consent and approval. The Irish government has launched a "Shared Island" initiative to promote cross-border dialogue and research on common challenges. 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.<sup>94</sup>

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.<sup>95</sup>

## **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

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<sup>92</sup> John Campbell, "Northern Ireland Exports to Republic Set to Pass €3bn This Year," BBC News, November 17, 2021; Morwenna Coniam, "Irish Trade with Britain, Northern Ireland Climbs Despite Brexit," Bloomberg.com, August 15, 2022; Ireland Central Statistics Office, "Record Levels of Exports and Imports in 2022," February 15, 2023.

<sup>93</sup> Peter Foster and Laura Noonan, "Brexit Ignites the Debate About a United Ireland," *Financial Times*, April 6, 2021; Rory Carroll, "It's Closer Now Than It's Ever Been: Could There Soon Be a United Ireland?," *Guardian*, October 6, 2022; Leahy, op. cit.

<sup>94</sup> "Leo Varadkar Says Border Poll Not Appropriate at This Time," BBC News, July 3, 2022; Jude Webber, "Ireland's Reunification Talk Grows Louder," *Financial Times*, October 9, 2022.

<sup>95</sup> 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.

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. The Obama Administration also 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 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."<sup>96</sup> In March 2020, President Trump appointed his former acting Chief of Staff Mick Mulvaney as U.S. special envoy to Northern Ireland.<sup>97</sup>

President Biden has close ties to Ireland and is a long-standing supporter of the Northern Ireland peace process. In March 2022, President Biden reiterated "unequivocal" U.S. support for the Good Friday Agreement during a St. Patrick's Day meeting with then-Irish Prime Minister Micheál Martin.<sup>98</sup> Following the May 2022 Assembly election, the U.S. State Department called on Northern Ireland political leaders to work together to reestablish a functioning power-sharing government and asserted that the United States "remains deeply committed to preserving the peace dividend of the Belfast/Good Friday Agreement and will always strive to protect these gains for all communities."<sup>99</sup> News reports suggest President Biden may visit Northern Ireland in connection with the peace accord's 25<sup>th</sup> anniversary in April 2023.<sup>100</sup>

Many Members of Congress have actively supported the Northern Ireland peace process for decades. Over the years, congressional hearings and resolutions have considered various aspects of implementing the Good Friday Agreement. A hearing in July 2022 centered on young people in Northern Ireland and their role in maintaining peace and shaping Northern Ireland's future.<sup>101</sup> Some Members of Congress also have a long-standing interest in policing issues and human rights in Northern Ireland, and the status of Troubles-related investigations and incidents of suspected collusion between state security agencies and paramilitary groups (including the 1989 slaying of Belfast attorney Patrick Finucane and the 1997 killing of Raymond McCord, Jr.).

Two hearings in 2022 discussed the continued need for accountability and justice for victims of the Troubles, sparked in part by congressional concerns about the UK government's new legislation (the Troubles Bill, discussed above) that would establish a conditional immunity scheme and end most Troubles-era investigations and prosecutions.<sup>102</sup> On March 17, 2022, the

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<sup>96</sup> U.S. Department of State, Office of the Spokesperson, "Statement on Northern Ireland Power-Sharing Talks," November 1, 2017.

<sup>97</sup> Mulvaney resigned as special envoy in January 2021.

<sup>98</sup> The White House, "Remarks by President Biden and Prime Minister Martin of Ireland Before Virtual Bilateral Meeting," March 17, 2022.

<sup>99</sup> U.S. Department of State, "Northern Ireland Assembly Elections Results," press release, May 7, 2022.

<sup>100</sup> See, for example, "President Joe Biden Reportedly Set to Visit Ireland Next Month," IrishCentral.com, March 3, 2023.

<sup>101</sup> House Foreign Affairs Committee, Subcommittee on Europe, Energy, the Environment and Cyber, *The Role of Young People in Fostering Peace in Northern Ireland*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 28, 2022.

<sup>102</sup> Tom Lantos Human Rights Commission, *Northern Ireland: Accountability at Risk*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 15, 2022; and House Foreign Affairs Committee, Subcommittee on Europe, Energy, the Environment and Cyber, *Truth*

House passed H.Res. 888 commemorating the 50<sup>th</sup> anniversary of the 1972 Bloody Sunday killings; the resolution called for justice for the victims and their families, and noted opposition to “any proposal” by the UK government to “implement amnesty or statute of limitation laws that would end or inhibit investigations and prosecutions of crimes committed during the Troubles, including on Bloody Sunday.” In January 2023, 27 Members of Congress sent a letter to UK Prime Minister Sunak expressing “grave concern” about the UK government’s decision to continue advancing the Troubles Bill, which “denies justice, suppresses the will of the people of Northern Ireland, and conceals the truth of the past.”<sup>103</sup>

In the 117<sup>th</sup> Congress, some Members urged President Biden to appoint a new special envoy to Northern Ireland to protect the gains of the peace process, especially in light of heightened Brexit-related tensions and the current stalemate in reestablishing Northern Ireland’s devolved government.<sup>104</sup> In December 2022, the U.S. State Department announced the appointment of former Representative Joe Kennedy III as U.S. Special Envoy to Northern Ireland for Economic Affairs.<sup>105</sup> The United States has long been a key trading partner and an important source of investment for Northern Ireland.<sup>106</sup> The new U.S. Special Envoy position is to focus on supporting economic development and growth in Northern Ireland—including through attracting more U.S. investment to Northern Ireland—and strengthening people-to-people ties.

## Views on Brexit and Northern Ireland

President Biden and other Administration officials have repeatedly stressed that Brexit must not undermine the Northern Ireland peace process or jeopardize the open border on the island of Ireland. The Biden Administration has expressed concerns about Brexit-related tensions in Northern Ireland and conveyed support for the Northern Ireland 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.<sup>107</sup> President Biden and other Administration officials consistently urged the UK to reach a negotiated solution with the EU to resolve the challenges in implementing the protocol’s post-Brexit arrangements for Northern Ireland.<sup>108</sup> President Biden welcomed the February 2023 announcement that the UK and the EU had concluded the Windsor Framework to address challenges posed by the protocol, asserting that the new framework was “an essential step

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*and Accountability for Victims of the Troubles in Northern Ireland*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 15, 2022.

<sup>103</sup> The January 2023 letter is available at <https://boyle.house.gov/sites/evo-subsites/boyle.house.gov/files/evo-media-document/boyle-et-al-letter-to-pm-sunak.pdf>.

<sup>104</sup> Suzanne Lynch, “US Politicians Urge Biden to Appoint Northern Ireland Envoy,” *Irish Times*, May 13, 2021; Kerry O’Shea, “Congressional Group Reiterates U.S. Commitment to Northern Ireland,” *IrishCentral.com*, August 5, 2022.

<sup>105</sup> U.S. Secretary of State Antony J. Blinken, “Announcement of Joe Kennedy III as U.S. Special Envoy to Northern Ireland for Economic Affairs,” press statement, December 19, 2022.

<sup>106</sup> According to statistics from the Northern Ireland Executive, the United States accounted for 12% of Northern Ireland’s exports and 7% of its imports in 2021, and is Northern Ireland’s “largest source of high-value, technology rich” foreign direct investment—worth £1.5 billion (about \$1.8 billion at current exchange rates) and responsible for generating nearly 13,000 jobs over the last decade. See, Northern Ireland Department for the Economy, *Trade in Goods Data Analysis Northern Ireland – USA*, May 26, 2022; and Northern Ireland Department for the Economy, “US and NI Investment Stronger Than Ever,” June 23, 2022.

<sup>107</sup> The White House, “Background Press Call by Senior Administration Officials on President Biden’s Upcoming Virtual Bilateral with Ireland,” March 17, 2021.

<sup>108</sup> See, for example, the White House, “Readout of President Joe Biden’s Call with Prime Minister Rishi Sunak of the United Kingdom,” press release, October 25, 2022.

to ensuring that the hard-earned peace and progress of the Belfast/Good Friday Agreement is preserved and strengthened.”<sup>109</sup>

Some Members of Congress also have demonstrated an interest in Brexit’s implications for Northern Ireland. A hearing in October 2019 focused on maintaining peace and stability in Northern Ireland in light of Brexit; many Members expressed support for ensuring an open border on the island of Ireland post-Brexit.<sup>110</sup> Like the Biden Administration, some Members have welcomed the Windsor Framework as a way to resolve difficulties with the Northern Ireland protocol, protect the gains of the peace process, and facilitate the return of Northern Ireland’s devolved government.<sup>111</sup>

Amid heightened tensions in Northern Ireland, some in Congress tied their support for a possible future U.S.-UK free trade agreement to protecting the peace process (negotiations on a post-Brexit U.S.-UK free trade agreement began during the Trump Administration, but the Biden Administration has not resumed these talks to date). Both H.Res. 585 (116<sup>th</sup> Congress, passed in December 2019) and S.Res. 117 (117<sup>th</sup> Congress, passed in May 2021) reaffirmed support for the Good Friday Agreement in light of Brexit and asserted that any future U.S.-UK trade or other bilateral agreements must consider Brexit’s impact on Northern Ireland. S.Res. 134 (117<sup>th</sup> Congress, passed in May 2022) expressed support for concluding U.S. trade agreements with both the UK and the EU; it noted that doing so should be “contingent” upon a UK-EU agreement that “fully protects and preserves the Good Friday Agreement.”<sup>112</sup>

## **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 \$549 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.<sup>113</sup>

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.

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<sup>109</sup> The White House, *Statement by President Joe Biden on the Windsor Framework*, February 27, 2023.

<sup>110</sup> House Foreign Affairs Committee, Subcommittee on Europe, Eurasia, Energy, and the Environment, *Protecting the Good Friday Agreement from Brexit*, 116<sup>th</sup> Cong., 1<sup>st</sup> sess., October 22, 2019.

<sup>111</sup> See, for example, Office of Representative Nancy Pelosi, “Pelosi Statement on Windsor Framework,” press release, February 27, 2023; Ray O’Hanlon, “Biden, Reps. Welcome Framework Deal,” *Irish Echo*, March 1, 2023.

<sup>112</sup> Also see CRS In Focus IF11123, *U.S.-UK Trade Relations*, by Shayerah I. Akhtar.

<sup>113</sup> The Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) authorizes U.S. contributions to the International Fund for Ireland.

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

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

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

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

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