Ireland and Backstop

by Michael Curtis



According to legend Irish eyes should be smiling, like the morn in spring, and when all the world seems bright and gay. In reality, Ireland has been a trouble spot since the invasion of the island by the English king Henry II in 1171, whether to prevent a rival, Strongbow from controlling the area, or to overcome the damaging opprobrium resulting from the murder of Thomas Becket, Archbishop of Canterbury, on December 29, 1170, by four of his knights. Declaring that Ireland was a part of his Empire, Henry II changed the course of Irish history as resident Normans in the area pledged their loyalty to the British crown.

Almost a thousand years later, the borders of Ireland remain a difficult political problem, and indeed may have dominated the debate over the last few years over the issue of Brexit. Economic and political relationship between the Republic of Ireland, ROI, and Northern Ireland, part of the UK, has been a central factor in the negotiation process of the UK and EU over Brexit. Thus, the border issue is not simply bilateral, it is also an EU issue.

The problem is compounded by the fact that the Brexit issue evokes historical memories as well as having political as well as economic implications. After Henry II, inhabitants lost territory to new arrivals from England who formulated the laws. The crucial problem arose with Henry VIII and his decision to leave the Catholic Church and have the country adopt Protestantism, to which many Irish were opposed in their desire to remain Catholic as well as speak their own language, gallic.

Oliver Cromwell invaded Ireland to reestablish control over Ireland, massacring over 2,000 of the population in the Siege of Drogheda in September 1949, while Ulster, a Protestant bastion, remained loyal to England as it still is. Cromwell remains a villain for many Irish. More troubles ensued during following centuries. During the great famine 1845-49, Ireland lost more than 1.5 million victims. By 1900 the country had only half the number of inhabitants it had in 1830.

On January 1, 1801 the Act of Union united the two areas, previously linked by personal union, into a single kingdom, the United Kingdom. The Chief Secretary, the key administrator in governing Ireland, ruled on behalf of London. However, the struggle for Irish emancipation starting in the 19thcentury continued. After the failed Easter Rising against British rule in April 1916, guerrilla war between the IRA and Britain occurred, 1919-1921. It ended in May 1921 with the partitioning of the country, ending British rule in most of Ireland. The Irish Free State was created as a self-governing Dominion in December 1922 while Northern Ireland, NI, remained in the UK. Finally, on April 18, 1949 the Republic of Ireland, ROI, was established, an independent republic, headed by a president.

However, hostilities between the IRA and the government continued in Ulster, virtually 30 years of civil war, including the Bloody Sunday incident on January 30, 1972 when

28 unarmed civilians were killed by British troops during a protest March in Derry (Londonderry). Hostilities lasted until April 10, 1998, Good Friday, which began the peace process. Good Friday was concerned with creating an infrastructure of cooperation between north and south, between the Irish government and the newly created power sharing Irish Assembly, in NI.

It also implied the normalization of relations between Protestant and Catholic communities in Northern Ireland, and between Britain and ROI. The normalization would mean the opening of the border which had previously been manned by British soldiers. As a result, since both countries are still in the EU, there are no checks on goods or people moving between Northern Ireland and the ROI.

The open border is the most tangible symbol of the peace process as well as of economic cross border cooperation. All political sides in the Brexit negotiations agree there should not be a “hard” border, checks on persons, goods, or infrastructure, dividing NI from the ROI whatever the outcome of final negotiations. Therefore, keeping the border open and abiding by the Good Friday Agreement is critical.

As a result, Brexit negotiators devised the so-called “backstop,” a political invention, a fall- back position, to keep the border open as much as possible between the ROI and NI, even if no comprehensive trade deal can be reached between UK and EU. NI is the only part of the UK that has a land border with another EU country, the ROI. By backstop, the whole of UK, according to Prime Minister Theresa May, would enter in a single customs territory with EU, no tariffs on trade in goods between UK and EU, though NI would be aligned to other rules of the single market.

Two problems are related to this. One is that May does not favor a permanent customs deal lest it prevent British free trade deals with other countries. The other is that her

proposals have twice been defeated in the House of Commons, on January 15, 2019 by 432-202, and on February 14, 2019 by 303-258. In the latter vote, her own Conservative party, 5 voted against her, and 67 others abstained.

The essential features of the EU, single market and customs union, allow people, goods, and services to enter other EU countries without inspection. The basic problem is that if Britain leaves the EU it will probably lead to delays and checks in this policy. The reality would be that the ROI and NI would be in different customs and regulatory regimes, and British goods would be checked at the border. The backstop, a last resort, is intended to prevent full border controls on goods crossing between ROI and NI. For Britain one problem is that it can only end the backstop arrangement with EU agreement.

The issue is both economic and political. The fear is that barriers between North and South Ireland might revive the old animosity, the Troubles, the 30-year conflict over NI status as part of the UK. Military controls of the 500- kilo border were only removed with the Good Friday agreement which provided for more collaboration and free movement between the two entities.

Irish and British politics enter into the picture. For 10 years in NI the Democratic Unionist Party, DUP, and Sinn Fein worked together in a government coalition. Power sharing in NI ended in on January 9, 2017 because of differences between the major parties over the issue of green energy. It led to the general election of June 8, 2017 which resulted in a hung parliament. The Conservatives won 42,4% of the vote and gained 318 of the 50 seats, less than a majority; the Labour Party got 40.0% of the vote and 262 seats. Of the Irish parties. DUP got 10 and Sinn Fein 7. The UK government therefore relies on the DUP for a majority vote in the House of Commons, which it has twice lost.

The Republic of Ireland, like NI, would suffer from a hard border. At the same time, it is benefitting from London-based groups banking institutions, including Bank of America, Morgan Stanley, and Barclays, asset management, and insurance companies, who want to retain access to EU markets. ROI will also benefit from pharmaceutical and legal firms which are moving business to Dublin.

The dilemma of Brexit negotiations continues, especially since PM May does not have full support from her Conservative party. The EU may be less inclined to make compromise concessions in view of May’s lack of control of her party. A major problem is that the scheduled departure of UK from the EU on March 29 may have to be delayed because of the difficulties in agreeing on future trade and economic relations. The immediate issue is to identity “backstop” with full clarity, or find a suitable alternative, to prevent a hard border.