

The Irish Border Issue – Deal Breaker for BREXIT Negotiations?

On 23 June 2016 a narrow majority of UK citizens decided in a referendum the United Kingdom of Great Britain and Northern Ireland (UK) to exit the European Union. The UK government under PM Theresa May activated article 50 of the EU treaty and thus initiated the withdrawal process on 29 March 2017 which should have lasted max 2 years until 28 March 2019.

Since then the EU-27 and the UK are negotiating about a so-called BREXIT-deal which would identify and record the specific conditions and requirements under which the UK may leave the EU and still has some kind of access to the European common market. To these requirements belong a solution on the future status of EU citizens in the UK and UK citizens in the EU, a financial settlement of liabilities and financial commitments by the UK beyond its membership in the EU and finally a framework to assess the unique circumstances in Northern Ireland. On 14 November 2018 the EU and the UK Government agreed upon the Withdrawal Agreement, preliminary settling all disagreements and offering both parties a transition period until the end of 2020 in order to smoothly negotiate the final agreement defining future relationships.

However, the UK Parliament argued against the adoption of the Withdrawal Agreement in January and March 2019; in three votes the House of Commons rejected it and the UK Government experienced a historical defeat of 432 MPs to 202 MPs dismissing the Withdrawal Agreement. The major point of intra-UK conflict is the so-called backstop to avoid a hard border around Northern Ireland.

The future relationship must ensure that there will be no hard border on the island Ireland – as the EU insists as a requirement for *any* deal; if the UK insists on negotiating own trade deals outside the EU customs union, the backstop would imply a hard border in the Irish Sea threatening territorial integrity of the UK. The alternative – as some of the UK Government and the House of Commons are favouring – would entail some kind of hard border between Northern Ireland and the Republic of Ireland which would violate the Good Friday Agreement, a treaty signed by 2 governments and several conflict parties in Northern Ireland.

At the time of writing a no-deal BREXIT seems to be the most probable scenario and might destabilise the still fragile peace and reconciliation process in the Northern Ireland after 30 years of conflict with more than 3,000 deaths. Hence, in a desperate move in April 2019 and in order to avoid a no-deal BREXIT the then UK Government and the EU agreed upon to extend the period to leave the EU until to 31 October 2019. This implied that the UK had to participate in the EU elections although she repeatedly and explicitly declared its intention not to be involved further with the EU. The EU elections have left the UK with a stalemate between pronounced Remainers and Brexiteers and for weeks with an inoperable government, deepening the political and constitutional crisis.

Aims and objectives

This course will analyse the unique circumstances in Northern Ireland from an economic, historical, legal and political point of view, including the peace and reconciliation process and the reform of police and security forces under way since the signature of the Good Friday Agreement on 10 April 1998.

Class design

The course should be as interactive as possible. The course combines presentations by the professor and by students, discussions in sub-groups and an exchange of views within the audience. Thus, the class design offers alternate phases of individual contributions, group work and discussions in the audience. In addition, we will also use audio-visual media.

Credit points

Students may acquire credit points up to 2.5 by continuous presence and presentations or essays.

Schedule

Kick-off session in October: with an introduction into the topic, schedule and procedure; allocation of contributions and inputs. During the term we will meet in form of blocs every second Saturday in November, December and January with a single focus per Saturday.

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| 16.10.19 | Part I The Irish Border Issue and Brexit – Options, Impacts and Risks
(3 x 90 min; 12:00-4:00 pm; 4:00 pm-6:00 pm) |
| 09.11.19 | Part II The Troubles – Civil Rights Movement, Bloody Sunday and Hunger Strikes (4 x 90 min; 9:00 am-12:00 am; 1:00 pm-4:00 pm) |
| 14.12.19 | Part III Cease Fire and Demilitarisation, Good Friday Agreement and Power Sharing (4 x 90 min) |
| 11.01.20 | Part IV Legacy – Human Rights Violations and Collusion, Justice and Truth, Policy Reform and Trust (4 x 90 min) |

Literature

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Additional literature will be made available via moodle