

*Sabine Riedel*

## Northern Ireland – the Pawn in Brexit Agreement

### A Part of the United Kingdom Becomes a Ball of (Supra-) National Interests<sup>1</sup>

The prevailing opinion in the German public is that the key to the withdrawal agreement lies in the hands of the United Kingdom. However, this picture is deceptive if only because at least two parties are involved in an international treaty. In fact, the European Union bears equal responsibility for the current situation and the risk of an unregulated Brexit. Theresa May had already presented an acceptable and creative plan in July 2018, the so-called Chequers Plan, which would make the feared hard border controls between Northern Ireland and the Republic of Ireland superfluous. The EU member states should therefore ask their chief negotiator Michel Barnier why he rejected it outright. Obviously, he has embraced the interests of the Irish government, which wants to use the Brexit to extract Northern Ireland from the UK and politically unite the Irish island in the near future. If such an expansionist foreign policy sets a precedent in Europe and the EU, there is more at stake than peace in Northern Ireland.

Actually, one sentence from the EU would have been enough to strengthen Theresa May's back for the vote (15.1.2019) on the Brexit agreement. However, Brussels did not want to confirm that Northern Ireland will remain a part of the United Kingdom (UK). That is why May's critics across party lines fear the loss of state sovereignty. The withdrawal agreement does not provide an answer to the "Northern Ireland question" but postpones the solution of the border problem between the UK and the Republic of Ireland. First, a new committee is to be set up to reach an amicable solution by the end of 2020.

Why does Brussels insist so vehemently on a special arrangement for Northern Ireland after the Brexit? It is said that the reintroduction of border controls between the two sovereign states would reignite the Northern Ireland conflict. However, this danger also threatens in the alternative case, namely after the establishment of a border between Northern Ireland and Great Britain. For it would divide a politically, legally and economically interdependent territory. This would clear the way for a reunification of the Irish island, for a long-cherished wish of Irish nationalists. The following

article analyses the interests of relevant actors behind the scenes of the Brexit negotiations and the role of the "Northern Ireland issue". The aim is to examine whether Brussels is fulfilling its role as a neutral supranational actor in maintaining peace in Europe.

#### Brussels risked May's defeat

Theresa May's defeat in the vote on 15 January 2019 on the withdrawal agreement was foreseeable since its publication in mid-November 2018. The Prime Minister had already to postpone the first vote in the House of Commons on 11 December 2018. Because not only the Northern Irish Unionists (DUP, Democratic Unionist Party) questioned their support, on which May is dependent since the last parliamentary elections (8.6.2017). Moreover, even during the Brexit negotiations, more and more members of parliament from their own ranks distanced themselves from their party leader.

This includes Minister Dominic Raab, who was in charge of the negotiations with EU representatives until Theresa May accepted the outcome. As reasons for his resignation, Raab mentioned in an

<sup>1</sup> This is a translation [S.R.]: Nordirland – Der Faustpfand im Brexit-Vertrag. Ein Landesteil des Vereinigten Königreichs wird zum Spielball (supra-)nationaler Interessen, *Forschungshorizonte Politik & Kultur*, Vol. 3, No. 2 (2019 Feb 7), 8 pages.

interview "big and fatal mistakes" in the current contract version. It would "endanger the integrity of the United Kingdom" and "force it into a set of rules" in which there would be no say and no exit mechanism (BBC, 15.11.2018). With Raab, the Prime Minister already lost her second Brexit Minister. His predecessor David Davis was in office for two years until the beginning of July 2018. Today he supports his successor with the same arguments:

The Brexit agreement is a bad treaty, "first, because it would separate Northern Ireland from the rest of the United Kingdom [...]. Secondly, with this deal we would have to remain in a customs union for as long as the European Union wishes. We would be completely at the mercy of the other side." (Spiegel, 11.1.2019; Translation: S.R.).

This interpretation is based on a [legal opinion by the Attorney General, Geoffrey Cox](#), commissioned by the British Government itself. Originally, it was a confidential paper whose existence only became known in the run-up to the parliamentary debates on the withdrawal agreement. A narrow majority of the British parliament of 311 to 293 MPs finally forced the government to publish the full text. By her initial refusal to publish these critical assessments in advance, May had so weakened her position that she had to postpone the vote. Because Attorney General Cox had confirmed the concerns of the critics in a parliamentary debate. The agreement with the EU would not give the United Kingdom the option of withdrawing from the Customs Union if no agreement on the Northern Ireland issue was reached within the agreed transitional period ([Legal Advice, paragraph 30, 5.12.2018](#)).

In this muddled situation, May initially turned to governments of influential EU member states such as [Germany to request renegotiations](#). Since all her efforts were unsuccessful, she sent [an open letter to Brussels \(14.1.2019\)](#), to European Commission President Jean-Claude Juncker and European Council President Donald Tusk, one day before the decisive vote. She asked both of them for support, in particular for commitments regarding the integrity of the United Kingdom. This would have allowed May to appease her critics and demonstrate that the EU accepts the full restoration of UK's sovereignty.

Only a few hours later it received an answer. In a joint statement, Juncker and Tusk affirmed their commitment to "a future partnership with the UK" after the conclusion of the Brexit agreement. However, they added: "As you know, we are not

in a position to agree to anything that changes or is inconsistent with the Withdrawal Agreement ([Joint letter, 14.1.2019](#))". They thus indicated that May's critics apparently do not misunderstand the current Brexit treaty. After all, Brussels could have used this opportunity for clarification. On the contrary, it reinforced the impression that EU representatives might have an interest in leaving the Northern Ireland issue open.

### Northern Ireland and the Brexit Treaty

This impression arises because Theresa May, in her petition to the EU representatives, once again confirmed that the [Belfast or Good Friday Agreement \(10.4.1998\)](#) would remain untouched. Through this peace treaty, Northern Ireland received extensive autonomy rights from London. In addition to a Northern Ireland regional parliament and government, this also includes a North/South Ministerial Council (NSMC). In this body, ministers of the Republic of Ireland and ministers of the Northern Ireland regional government of the United Kingdom work together across British an Irish state borders ([Belfast Agreement, Strand Two, p. 13](#)). This institutionalisation of intergovernmental relations took the wind out of the sails of the Irish separatist. They fought a long-standing violent resistance struggle to break Northern Ireland out of the United Kingdom and unite it with the Republic of Ireland.

With the Brexit, this approx. 500 kilometre long Irish-British state border, which is hardly visible

Figure 1:

#### Extract from the Joint report on progress during phase 1 of the Brexit negotiations

"45. [The United Kingdom respects Ireland's ongoing membership of the European Union](#) and all of the corresponding rights and obligations that entails, in particular Ireland's place in the Internal Market and the Customs Union. [The United Kingdom also recalls its commitment to preserving the integrity of its internal market and Northern Ireland's place within it](#), as the United Kingdom leaves the European Union's Internal Market and Customs Union."

Source: [Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union, 8.12.2018, p 7 \[highlighting: S.R.\]](#).

today because of the common EU internal market, will become an external border of the EU. That is why the Brexit negotiations should also deal with a reshaping of British-Irish relations. For both sides, the EU-27 and the United Kingdom, must protect their future separate internal markets and thus control the movement of goods in some way. This will certainly affect the Belfast Agreement. The important question here is whether the new treaty framework can preserve peace throughout the region. In a joint declaration of 8.12.2017, both sides confirmed that a peaceful solution includes respecting the integrity of existing state borders and their respective internal markets (figure 1).

At the beginning of 2018, there were still three options on the negotiating table for resolving the Northern Ireland issue (European Commission – Statement, 28.2.2018, Figure 2): two proposals

Figure 2:

**Michel Barnier (EU), Statement, 28.2.2018:  
The Backstop is only one of three options**

"The withdrawal agreement must also contain **a solution to avoid a hard border** and to protect the Good Friday Agreement in all its dimensions.

The Joint Report lists in paragraph 49 three options for tackling the problem.

1. **First**, to deal with this through the **agreement on the future relationship**, if possible. Obviously, this solution will not be in place at the moment of withdrawal.
2. **Second**, the UK committed to proposing **specific solutions** to address the unique circumstances of the island of Ireland. We look forward to receiving these proposals.
3. **Third**, to maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, **the all-island economy** and the protection of the Good Friday Agreement.

This is the **backstop solution** that we have to put in the Withdrawal Agreement. It is the only way to guarantee that our joint commitments will be upheld in all circumstances, as the Joint Report requires."

Source: European Commission – Statement, 28.2.2018, [highlighting S.R.]

presupposed that the EU would comply with the British's wish to regulate future relations at the same time as the withdrawal agreement. This would actually be in the interest of safeguarding the Belfast Agreement, especially as London repeatedly assured that it wanted to reduce future controls at the Irish-British border to a minimum. However, the EU rejected these treaty variants from the outset. On the one hand for fear of possible imitators, and on the other because "Europeans know that they are putting more pressure on the British if they divide the negotiations into two phases" (*Wirtschaftswoche*, 29.4.2017).

The third option preferred by Brussels follows precisely this logic. It excludes the Northern Ireland issue out of the withdrawal agreement and wants to resolve it in a separate treaty that will regulate future trade relations between the EU and the Kingdom. To justify this option, EU representatives claim that any form of border security between the United Kingdom and the Republic of Ireland constitutes a "hard border". Michel Barnier, chief negotiator of the EU Commission, summed up his position: "To avoid a hard border, for example, all the rules of the EU customs union and the internal market must continue to apply in Northern Ireland". (*Spiegel*, 8.6.2018) This is to be made possible by a Backstop, according to which UK will remain in the EU internal market for a transitional period until the end of 2020. If there were no agreement on the Northern Ireland issue after a two-year extension, Great Britain would leave the internal market, while Northern Ireland as part of UK's territory would be "backed" by the EU (see the Protocol on Ireland/Northern Ireland to the Brexit Treaty, Figure 3). What was initially discussed as one of three options for action developed over the course of 2018 into a scenario with no alternative for the EU.

### From special status to independence?

The Brexit Treaty, and in particular the Backstop it contains, politically enhances the North-South Council of Ministers, which brings together representatives of the Republic of Ireland and the Northern Ireland regional government. It should be able to take decisions in the future, which disregard the national organs of the United Kingdom. In Northern Ireland, the legal provisions of the EU internal market will thus take precedence over British legislation. This would give this region a special status within the EU, even though it remains part of a retired EU member under international law. According to the plans of Irish parties, this should only be a transitional period leading to unification with the Republic of Ireland.

A political unification between the Republic of Ireland and Northern Ireland would already be possible today: the Belfast Agreement allows for a referendum ([Belfast Agreement, Annex A](#)). Accordingly, the Irish nationalist Sinn Féin (SF) calls for a vote on the Irish-British border ([Reuters, 24.6.2016](#)). It believes in a positive result, as 55.8 percent of Northern Irish vote against Brexit, i.e. for remaining in the EU ([BBC, 24.6.2016](#)). The second Irish nationalist party, the Social Democratic and Labour Party (SDLP), sees things differently. Deputy party leader Nichola Mallon wants a border survey "whether it can be won" and not during the Brexit negotiations ([The Irish Times, 23.9.2017](#)). Even a little more than 50 percent would be a disaster, according to Mallon, which could provoke violence.

Sinn Féin not only plays down the danger of a violent escalation of the Northern Ireland conflict, it even deliberately goes for confrontation: as the strongest force in the Irish Republican camp, it is involved in the regional government under the Belfast agreement's proportional system, not least with the post of deputy head of government. But for over two years now SF has refused any

cooperation with the Democratic Unionist Party (DUP) led by Arlene Foster. As a result, the ten ministerial posts remain vacant, so that the state administration functions but cannot take important decisions ([BBC, 9.1.2019](#)). Because the British central government does not want to use forced administration in this politically heated situation, [Northern Ireland Minister Karen Bradley](#) is currently also powerless and incapable of action.

Sinn Féin's boycott policy is not new, as its elected representatives have always renounced their seats in London's Westminster Parliament. Their current refusal, however, prevents the participation and influence of an entire region: Northern Ireland has not been represented for two years at the inter-ministerial meetings of the regions of the United Kingdom, nor at the meetings of the British-Irish Council (BIC). In the absence of a functioning regional government, the work of the North/South Council of Ministers also came to a standstill, the very body that the Brexit Treaty seeks to enhance politically and to give more decision-making power at the expense of the British government ([CCC, 14.9.2018](#)).

In the last two decades, SF's maximum demands could hardly dampen the good Irish-British relations. Nevertheless, a few months before the Brexit referendum, there were new elections in the Republic of Ireland, in which SF as the all-Irish party always stands as a candidate. In contrast to the British Parliament, it does exercise the Irish mandates as Members of Parliament. This led to a change of Irish government in favour of the liberal Fine Gael, who repositioned itself under the influence of SF in the Northern Ireland issue. The party program from 2017 says:

"We should bring back into use the term 'United Ireland Party' as a tag line for our party. This should refer to our aspirations for the whole island, not just north and south but also rural and urban, young and old, so that it is clear that Fine Gael is the party for everyone and which will build on its distinguished past to deliver a better future." ([Fine Gael 2017](#), p. 8.)

The voted out conservative Fianna Fáil also changed course on the Northern Ireland issue. She put the reunification of the Irish island on the political agenda and even promised Northern Ireland the retention of its regional parliament. ([www.thejournal.ie, 13.5.2017](#)).

### Separatists looking to Northern Ireland

In contrast to Northern Ireland, the other two autonomous regions of the United Kingdom, Scotland and Wales, have been able to develop their

Figure 3:

**Extract from the  
"Protocol on Ireland/ Northern Ireland"  
of the Withdrawal agreement, 14.11.2018:**

„RECALLING that the Joint Report from the negotiators of the European Union and the United Kingdom Government on progress during **phase 1 of negotiations** under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union of 8 December 2017 outlines **three different scenarios** for protecting North-South cooperation [between the Republic of Ireland and Northern Ireland] and avoiding a hard border, **but that this Protocol is based on the third scenario of maintaining full alignment [of Northern Ireland] with those rules of the Union's internal market and the customs union** which, now or in the future, support North-South cooperation, the all-island [Irish] economy and the protection of the 1998 [Belfast] Agreement, to apply unless and until an alternative arrangement implementing another scenario is agreed, ...“

Source: [Brexit agreement, 14.11.2018](#), p.304, [supplements and highlighting: S.R.], see figure 4.

own positions in the Brexit negotiations. In the February 2017 [Withdrawal Agreement](#) (see pp. 18-20), the British government considered their minority votes and referred to their statements. In it, both formulated the most important concern as remaining in the EU internal market and in the customs union.

In its paper „Scotland's Place in Europe“ (2016), the regional government developed various options. It would prefer to remain in the EU as a new state to be founded. It would also be satisfied with less as long as Scotland could continue to participate in the EU internal market and the customs union. It would be essential that the region benefits from a return of agricultural and fisheries expertise from Brussels. The Welsh regional government expressed similar views in its paper „Securing Wales' Future“ (2017). It would also prefer to retain access to the EU internal market and customs union. A separation from Great Britain has not been an issue there so far.

The Brexit negotiations also polarised the political mood in these two regions. A possible state disintegration of the United Kingdom because of a backstop for Northern Ireland plays the decisive role. Since the Brexit vote, Scottish Prime Minister Nicola Sturgeon has called for a second referendum on independence. Because the withdrawal agreement only includes a special status for Northern Ireland, she believes that a justice gap has arisen. This can only be filled if Scotland gets its own backstop, i.e. the support to establish its own state as a new EU member (Reuters, 8.10.2018).

In Wales, too, separatists are heating up the mood towards independence. There, the Welsh ally of the Scottish National Party (SNP), the Plaid Cymru (PC) party, sits on the opposition bench. However, its chairperson, Adam Price, has also recognized the historic opportunity for a Welsh state if a hard Brexit should occur:

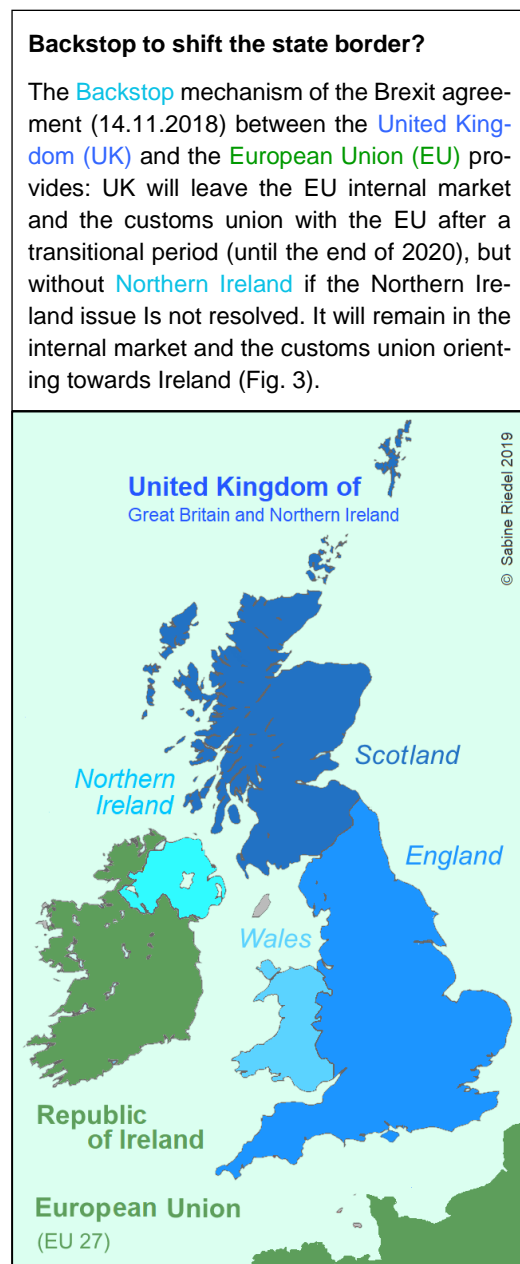
„The appetite for Scottish independence and Irish unity will become insatiable. (...) Welsh independence (...) must be on the table“ in order to "ensure that our country isn't swallowed into an 'England and Wales' entity where we are at the mercy of Westminster." (BBC, 5.10.2018.)

SNP and PC play a leading role among those parties in the EU that follow a separate course. Their current programme for the European Parliament elections in 2019 documents that the British regions are not particular cases but part of a strategy to reform the EU. According to this, all independence movements of "stateless nations"

should be granted the right to independence, so that the number of EU members should increase accordingly to this internal EU enlargement:

„We represent the interests of stateless nations and peoples, national minorities and minority language groups. We believe that **all peoples should have the power** to decide on their own destiny and the right to their own institutions that will help them achieve this.“ [EFA Manifest 2019, p. 26, highlighting in the original text].

Figure 4:



Source: Own compilation [S.R.]

### What interests does Brussels pursue?

Since these proposals of the [European Free Alliance \(EFA\)](#) and its 11 Members of the European Parliament were drawn up years ago, the European Commission should be aware of them. Brussels should know that the status of Northern Ireland could be a model for other regions. It should have realised that Theresa May rightly recognises in the backstop the danger of a United Kingdom's desintegration. It should be clear to the Commission that, as a result, other EU Member States could also be destabilised by separatist demands. These currently include Spain and Belgium, but also Italy and Romania.

The example of Catalonia recently made it clear where the borders of the supranational EU institutions lie. With [Article 3a of the EU Treaty of Lisbon \(2009\)](#), all EU members assured that they would not interfere in the internal affairs of a neighbouring state. This was the official reason why Brussels did not take a stand on the Catalonia conflict. Without such respect for the internal sovereignty of the states, cooperation in Europe would not be possible at the supranational level, especially in view of increasing interdependence. Why is this principle considered important in the Spanish case but not in relation to the United Kingdom? Furthermore, non-interference in domestic affairs is a United Nations principle of international law, i.e. it applies even more to non-EU states and thus also to outgoing EU members.

Not only Article 3a of the EU Treaty is currently being ignored by Brussels, but also Article 50 itself. It should enable each member to fully restore its state sovereignty. However, even the term backstop in the sense of "backing" or "support", indicates that EU chief negotiator Michel Barnier does not want to release Northern Ireland from the internal market. It thus places the economic interests of the European internal market above the integrity of sovereign states and exposes the EU to attacks, which accuse it of imperialist behaviour. ([NZZ, 23.11.2018](#)).

This critique is not so far-fetched at all. The Brexit negotiator of the European Parliament, Guy Verhofstadt, uses exactly this rhetoric. In a lecture at the London School of Economics (LSE), he attested Great Britain's status as a nation state, which he considers to be historically outdated. The EU, on the other hand, is on its way to becoming a modern empire and "the world of tomorrow is a world of empires" ([LSE, 30.9.2017](#)). Here Verhofstadt not only presents opinionated plans for Europe, but also humiliates London as a former empire that must submit to today's power relations in Europe.

Union citizens are also directly affected by the Brexit negotiations. They are offered dual citizenships, but these are subject to intergovernmental tensions. According to the additional protocol to the Brexit treaty, the inhabitants of Northern Ireland are to be allowed to continue to have Irish citizenship and thus Union citizenship ([Brexit agreement, p. 302](#)). As a result, new inequalities arise among the inhabitants of Northern Ireland: some, for example, retain their right of freedom of movement for workers within the EU, while others lose it. The EU is thus adapting to countries such as Hungary, Romania and Turkey, which issue their passports to foreigners outside their state territory on the basis of ethnic affiliations in order to exert political influence or recruit workers.

In this context, one interesting topic that has hardly made the headlines so far is the currency border between the euro and the pound. What impact will the withdrawal agreement and its backstop for Northern Ireland have on this "hard" border? In this case, Brussels insists on controls. In mid-2018, for example, the Commission filed a complaint with the European Court of Justice (ECJ) against Ireland because it has not yet transposed EU regulations against money laundering into national law ([Spiegel, 19.7.2018](#)). Finally, the question arises as to whether this currency border could be shifted, especially as all Irish parties are already seeking unification with Northern Ireland. What consequences would this have for the Republic of Ireland, which has only recently survived a serious banking crisis?

### What is Germany's position?

Although the EU's Brexit negotiators, like Michel Barnier, claim to protect the interests of the European Community, they have nevertheless adopted Ireland's national interests. Dublin openly admits to using the Brexit to unify the Irish island. However, what interest could Germany, Poland or other EU members have in supporting such an expansionist foreign policy? If this course were to set a precedent in Europe, many of the old wounds of the last two world wars would open up again. It would therefore be a task for the member states to dissuade Dublin and Brussels from their uncompromising backstop regulation.

In addition, a revision of the withdrawal agreement would be in their own interest. For it does not solve the Northern Ireland question, but rather shifts it into an uncertain future and creates new legal conditions in the process. This applies above all to decision-making powers. So far, [Article 50 of the EU Treaty of Lisbon \(2009\)](#) applies, according to which the resignation is concluded

by the European Council of EU heads of state and government "with a qualified majority after approval of the European Parliament". [Article 164-166 of the Brexit Agreement](#) creates a new legal framework. The withdrawal process will then be supervised by a Joint Committee, staffed and chaired by the supranational EU level and the United Kingdom. A specialised committee will be set up to resolve the Northern Ireland issue and will be equally composed of experts.

These provisions deprive EU Member States of their remaining co-decision rights. The democratically legitimised institutions at national level no longer have any influence on negotiations with the United Kingdom in the so-called [transition period](#) (see [Articles 2 and 126](#)) and thus on future trade relations. This cannot be in Germany's interest because the United Kingdom is the largest market for German goods after the USA, France and China ([Statistisches Bundesamt, 2017, p. 45](#)). In terms of the EU, the share of German exports to the United Kingdom even ranks second at 12.2 per cent ([Außenhandelsportal Bayern, 2017](#))

Last but not least, the loss of the right of EU member states to have a say could also prove to be politically problematic. Especially if there is no consensual solution to the question of Northern Ireland and the Republic of Ireland continues its expansionist course towards Northern Ireland on the basis of the backstop. No EU member state could than fulfil the role of a conciliator or mediator that would then become necessary (figure 5)

### Kompromiss: Der Chequers-Plan (2018)

This makes it all the more urgent for the EU to accept compromises now. The member states should ask themselves self-critically why they did not accept Theresa May's honest offer, which she presented in mid-July 2018. The British Prime Minister thus showed her willingness to compromise. The refusal of the Brussels negotiators confirmed the fears of the Brexiteers that London would be blackmailed by the EU. At that time it was about the Chequers Plan, named after the official residence of the British prime ministers, where the decisive cabinet meeting had taken place (6 July 2018). The reason for Michel Barnier's rejection was London's desire to negotiate the withdrawal agreement together with a treaty regulating future relations. The arguments for this are understandable. The proposed paper states, among other things, that:

„The future relationship also needs to be informed by both the UK and the EU taking a **responsible approach to avoiding a hard border between Northern Ireland and Ireland**, in a way that respects the constitutional and economic integrity of the UK and the autonomy of the EU.“ ([Future relationship, 17.7.2018, point 5.1](#), highlighting in the original text).

In addition to these normative principles, Mays Plan offers concrete measures to avoid the feared "hard" boarder controls ([www.zeit.de, 7.7.2018](#)). Her proposal can be summarised in a few points:

Figure 5:

Withdrawal / Brexit Scenarios (2019–2020)				
	Scenario 1	Scenario 2	Scenario 3	Scenario 4
<b>Negotiators</b>				
<b>EU Commission</b> (Michel Barnier)				
<b>British government</b> (Theresa May)				
<b>Decision makers</b>				
<b>British Parliament</b>	Rejection	Compromise / Consent	Consent	Consent
<b>European Council</b> (EU governments)	Consent	Consent	Consent	Consent
<b>EU Parliament</b> (Guy Verhofstadt)	Consent	Consent	Consent	Consent
<b>Outcomes</b>	<b>Unregulated:</b> - Leaving the EU - Relations EU - UK	<b>Regulated:</b> - Leaving the EU <b>Unregulated:</b> - Irish-British border - Relations EU - UK	<b>Scenario 1, 2 or 4</b>	<b>Regulated:</b> - Leaving the EU - Irish-British border - Relations EU - UK
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Source: Own compilation [S.R.]

Figure 6:

<b>The Chequers Plan (2018)</b>
<ul style="list-style-type: none"> <li>▪ UK leaves internal market and customs union</li> <li>▪ Creation of a new free trade area</li> <li>▪ Common standards for traded goods</li> <li>▪ The EU Regulation on consumer and environmental protection remain in place</li> <li>▪ UK accepts the European Court of Justice</li> <li>▪ Two different duty rates for the EU internal market and the UK market</li> </ul>

Because of the current muddled situation, the Chequers Plan presented by Theresa May in 2018 deserves much more attention from EU Member States. However, this presupposes the insight that the EU itself is involved in today's misery and that Theresa May is not solely responsible for it. [Article 50 of the EU Treaty of Lisbon \(2009\)](#) offers the possibility of continuing negotiations on a withdrawal treaty by mutual consent. It does not set any deadlines for the contracting parties, i.e. the Council of EU Heads of State or Government and the British Government.

### He who sows violence will also reap it

The EU negotiators, in particular, must ask themselves why they are being influenced by hardliners, while reasonable and acceptable proposals have long been on the table. They are well aware that the failure of the Brexit agreement will also jeopardise peace in Northern Ireland. However, it makes a big difference whether one points out the danger of new violent conflicts or threatens to enforce one's own negotiating position.

Those who question democratic rules and obstruct the elected bodies in their work, such as the Irish nationalists of Sinn Féin, are gambling away their credibility, legitimacy and authority. This especially applies to its former party leader Gerry Adams, who to this day is convinced "that the armed struggle was legitimate" ([Spiegel interview, 4.8.2018](#)). The Northern Ireland secession conflict cost around 3,600 dead and over 50,000 injured. Its credibility is also lost by all those who support such a party or follow its policy of boycotts, knowing that it is about the implementation of its nationalist ideology and not about the welfare of Europe.

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