

Foreword to [Federico Fabbrini \(ed\), "The Law & Politics of Brexit. Volume 4: The Protocol on Ireland/Northern Ireland" \(Oxford University Press 2022\)](#)

**Volume 4 of the Law and Politics of Brexit Series: The Protocol on Ireland and Northern Ireland
Foreword by Minister Simon Coveney**

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In 2019, after years of challenging and at times difficult negotiations, the European Union and the United Kingdom jointly reached agreement on the terms of the UK's withdrawal from the Union through a Withdrawal Agreement. A central element of that Agreement was the Protocol on Ireland and Northern Ireland – the solution agreed both by the UK and the EU to the complex questions facing the island of Ireland arising from Brexit.

Avoiding a hard border on the island of Ireland was a consistent and critical goal for Ireland, the European Union, and the UK throughout the withdrawal negotiations. It was the common membership of Ireland and the UK in the Customs Union and Single Market, which had allowed for the removal of customs posts decades ago. Taken together with the existence of the long-standing Common Travel Area, the border became increasingly invisible as people got on with their lives, seamlessly crossing a line on a map, which no longer divided people. Cross-border trade was facilitated and the development of an integrated all-island economy, which has benefitted communities North and South, has strengthened a growing prosperity across the island. As the most obvious symbol of the Peace Process, the invisible border on the island of Ireland is essential to the continuing normalisation of relationships.

Any analysis of Protocol must recall that that the people of Northern Ireland did not seek Brexit, and did not vote for Brexit. Decisions taken in London that the UK should leave the Single Market and leave the Customs Union were inevitably going to lead to an unwelcome level of disruption. This set of choices required new checks and controls on goods movements.

The Protocol on Ireland and Northern Ireland is the jointly agreed EU-UK solution to protect the Good Friday Agreement and those gains from the peace process, while also protecting the integrity of the EU Single Market and Ireland's place within it. As the twelve contributors to this volume make clear, it is a unique, novel, and in some respects, unprecedented legal text.

The Protocol in its very first Article affirms the constitutional status of Northern Ireland, as set out in the Good Friday Agreement, and the continuing application of the principle of consent – that any change to its constitutional status can only come about through the consent of a majority of the people of Northern Ireland. Article 2 of the Protocol underlines that there will be no diminution of the rights, safeguards and equality of opportunity set out in the Good Friday Agreement.

North–South cooperation is an integral part of the Good Friday Agreement and is essential for achieving reconciliation on the island of Ireland. Its protection under the Protocol is recognition of not only the importance of Strand Two of the Good Friday Agreement but also the way lives are led and business is conducted on our island. It is a shared space.

The Protocol protects the integrity of the EU Single Market, and establishes provisions to make East–West trade flows as frictionless as possible. This presents significant opportunities for people and businesses by providing Northern Ireland with free and full access to both the EU single market and the rest of the UK internal market – taken together, a market of more than half a billion people. We have already seen historically high foreign direct investment interest in Northern Ireland, as well as numerous concrete business announcements. Business needs to be able to benefit from these opportunities to deliver on a prosperity agenda for Northern Ireland. The Protocol offers an opportunity for Northern Ireland to capitalise further on its position in the world as a centre of creativity and innovation, aiding greater investment, jobs and prosperity.

Ireland, the EU, and the UK are demonstrably capable of working together to deliver tangible benefits and outcomes for Northern Ireland. The PEACE PLUS programme for 2021-27 (building on the long-standing previous PEACE and INTERREG EU projects) secured over €1.1 billion of funding in support of the peace and prosperity agenda across Northern Ireland and the border region. It is a concrete example of our continued capacity to cooperate towards a shared positive agenda.

The twelve essays in this volume explore four essential aspects of the Protocol: the context that led to its creation, the human rights and cross border cooperation provisions, the economic aspects, and the governance arrangements. When we discuss the Protocol, it is tempting to become lost in the political detail, but we must not forget that at its heart is a desire to ensure the continued peace, stability and prosperity of Northern Ireland. Ireland’s approach to Brexit has always been informed by such concerns, a perspective that is shared by the European Commission. These four aspects are grounded in the realities of daily life on our island, and their expert, scholarly examination in these essays is welcome.

The Government has understood from day one the importance of engaging with all key stakeholders from across the political spectrum, North and South, including from academia, business and civic society. We have been fortunate to have had the benefit of strong, constructive engagement from each of these groups.

I would like to recognise in particular the exceptional work of Professor Federico Fabbrini and the DCU Brexit Institute. The Brexit Institute is an excellent example of the vital role that academia and think tanks play in aiding Irish policy makers, businesses, and the public to understand the new environment created by Brexit.

In the post-Brexit context, of course the UK and the EU continue to share many of the same values. From COVID to climate change, we face common challenges that require us to work together, including on the island of Ireland. The Protocol offers the framework to facilitate this cooperation and provides us with the tools to safeguard our shared future. We must seize it, and make it work for the benefit of all on this island.