

# The Vulnerability of the Good Friday Agreement in Light of Brexit<sup>1</sup>

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## *Abstract*

*The signing of the Good Friday Agreement or Belfast Agreement in 1998 was a watershed moment in the history of the peace process in Northern Ireland. Although the Agreement has not led to the emergence of a truly peaceful polity in Northern Ireland, it was a major milestone on the path towards a less violent political landscape. Nonetheless, the consequences of the 2016 Brexit referendum result have threatened the progress which has been made in Northern Ireland over the last two decades. The first part of this paper focuses on the specificities of the general context of Northern Ireland. While I maintain a theoretical dimension in the second part, I will attempt to examine the impact of Brexit on the Northern Ireland peace process and its implications for the Agreement in more empirical context. Due to the limitations of space, only selected aspects will be presented and examined in this brief analysis which is based on public statements, opinion polls and other relevant documents.*

**Keywords:** *Northern Ireland, Good Friday Agreement, Belfast Agreement, Brexit, unionism, nationalism*

## **Northern Ireland before Brexit – the general context**

In 1921 the Government of Ireland Act of 1920 partitioned the island of Ireland into Northern Ireland (today known as Northern Ireland, NI) and Southern Ireland (today known as Ireland or Republic of Ireland). The south was dominated by Catholics who identified themselves as Irish and after the Second World War in 1949 they formed the Republic of Ireland. Substantial Protestant population who identified themselves as British in six northern counties out of thirty-two counties have remained a part of the UK. Nonetheless, more than 30 per cent of the population of Northern Ireland saw themselves as Irish, sensing a greater kinship to their neighbours in the south rather than to the British mainland. Since partition, Northern Ireland has traditionally been viewed as a dual or bicultural society shaped by the division between its two communities; a region with two cultural identities, each with their own version of history, their own culture, traditions, political affiliation, convictions and identity. In essence, Northern Irish society has long been shaped by the division between the British/Protestant/unionist/loyalist and the Irish/Catholic/nationalist/republican communities. However, it should be noted here that political divisions in Northern Ireland are not necessarily sectarian; not all Protestants are unionists and not all Catholics are nationalists in political terms (Albert 2009).

O'Connor (2002) explains that the two communities have long been segregated both residentially and in the workplace and display low levels of religious mobility and inter-marriage. Divisions are exacerbated by a degree of social inequality since, on average, Catholics remain less affluent than Protestants, are underrepresented in higher occupational groups and suffer substantially higher rates of unemployment (Bell 2002). However, the province is currently undergoing a demographic shift; the results of the 2021 census show that Catholics now represent 45.7% of the population compared to the 43.48% formed by the

Protestant population, the first time that Catholics have outnumbered Protestants since the establishment of Northern Ireland and a demographic milestone for the state that had always had a Protestant majority. In conclusion, one can state that Northern Ireland remains a divided society which is characterized by tension between its two main communities. Society in Northern Ireland is not only divided horizontally between Catholics and Protestants, nationalists and unionists; it is also divided vertically between the financially comfortable and the economically deprived (Craith 2002: 14). The process of partition itself has resulted not only in a division between the north and the south but also in the formation of a psychological or mental border between these two communities.

Almost 3500 people were killed between 1968-1998 in the conflict known as “the Troubles” which erupted against a background of Catholic perceptions of political marginalisation and the Protestant dominance of the civil service and police. The Catholic minority protested against their exclusion from the established power structures and the overt discrimination they faced in housing and jobs (Albert 2009). As English has noted (2006: 369), “[c]ulture, economy, symbols, religion and politics all combined to produce.....the worst combination in the north: a disaffected minority and an under-confidant majority”. Continuing years of the tension led to the formation of the Northern Irish Civil Rights Movement which campaigned against discrimination and sought to promote equality. After several abortive attempts to stop the violence and solve the conflict, the Belfast Agreement also known as the Good Friday Agreement (GFA), was finally signed on 10 April 1998, followed by the St Andrews Agreement in 2006 which set out a roadmap for political normalisation in Northern Ireland and a definitive end to the conflict. Strictly speaking, however, while the GFA put an end to the violence, the issues behind the conflict continue to affect modern Northern Ireland (English 2006).

The Agreement, which was approved by voters on 22 May 1998 and came into force on 2 December 1999, consisted of the *British- Irish Agreement* between the governments of UK and Republic of Ireland and the *Multi-Party Agreement* between the British Government, the Irish Government and most of the political parties in Northern Ireland. When signed, the GFA was heralded as an historic compromise that would enable and encourage the two main communities in the region to overcome their differences and enter into a new era of mutual appreciation and co-operation (Cochrane 2020). The Agreement sets out a framework of three strands of political structures, covering Northern Ireland’s governance, North-South relations and East-West relations, respectively. Strand One established the Northern Ireland Assembly and Executive and empowered these bodies to make laws and decisions on issues affecting everyday life in Northern Ireland. Power in the 108- seat Assembly was shared between both communities on a more or less equal basis. Strand Two established the North-South institutions, namely: the North-South Ministerial Council and the North-South Implementation Bodies which were charged with promoting co-operation between Northern Ireland and the Republic of Ireland. Strand Three established the East-West institutions: the British-Irish Intergovernmental Conference and the British-Irish Council whose task was to encourage co-operation between the UK and the Republic of Ireland. The final part of the Agreement covered aspects known as peacebuilding elements, outlining a series of rights for the people of Northern Ireland, including issues relating to identity and citizenship. This element of the Agreement ensuring the creation of a Northern Ireland Human Rights Commission (NIHRC) and an Equality Commission for Northern Ireland (ECNI) and addressing such sensitive topics as victims’ issues, reconciliation, integrated education, the economy, community relations, the promotion of the Irish and Ulster-Scots languages, the decommissioning of paramilitary

weapons, security related issues, the reform of the police and the criminal justice system, and the release of paramilitary prisoners (Albert 2009 : 22).

The Good Friday Agreement allowed the people of Northern Ireland to self-identify their nationality as either British, Irish or both and guaranteed citizens that any change to the constitutional status of the region could happen only with the concurrent electoral consent of the people living in both jurisdictions on the island. The implementation of the GFA and St Andrews Agreements was declared “complete” with the devolution of the governance of the now radically reformed policing authorities to the Assembly in 2010 (Todd 2017). Thus, “the hard border [was] torn down and both governments also acknowledged the diversity of the region and committed to eradicate discrimination to citizens over preference of one’s identity” (de Mars et. al. 2018: 3-4). On the whole, the Agreement has been viewed as the cornerstone of the commitment to peace and stability on the island, but it has been subject to criticism by many, including Todd who argues that “it was always a thin agreement, underspecified in important respects despite its length and details” (Todd 2017 : 2).

It might, however, be more apt to understand the GFA less as a resolution or a settlement but more as a consociational power-sharing agreement that started the institutionalisation of the peace process but also left some points open in order to ensure that it could gain the support of both British unionists and Irish nationalists. Devenport (2013) states that opinion polls and analysis of public discourse suggest that although the underlying political conflict remained unchanged and was reflected in the ongoing political difficulties surrounding the establishment of the new institutions and the implementation of the reform process in NI, the majority of the population appeared willing to settle for a process of fragmented and discontinuous reform under the new political dispensation provided by the GFA. Most were willing to leave the long-term constitutional arrangements open ended in the hope that they could be addressed at some unspecified time in the future.

However, some of the provisions of the Agreement remain open to radically conflicting interpretation; for example, while some constitutional theorists read the GFA as indicative of a new concept of sovereignty based on the will of the people, unionists point to paragraphs which insist that British sovereignty remains unchanged (Morison, 2001; Godson, 2004). In spite of the fact that “reconciliation” in Northern Ireland became the basis for a historically new partnership between London and Dublin, with active support from Europe and America, the years after 1998 have been marked by a waxing and waning of this spirit; Todd (Ruane and Todd 2001) remarks that the post-GFA period has been characterized by ongoing crises over decommissioning, demilitarization, executive formation, policing, public symbolism and the right of the British government to suspend the Assembly.

Moltmann (2017) clarifies that the existence of shared government and the continuity of government symbolises progress to the wider world. But internally, the Executive has been subject to repeated breakdowns over unresolved issues of responsibility for killings committed during the Troubles and contentious cultural symbols, with little progress being made on delivering an integrated rather than a segregated future. The permanent state of crisis of the Troubles has been replaced by recurrent mini-crises over policing, flags, parades, interpretations of the past, paramilitaries and language issues. Almost every year since 2010, the political situation in Northern Ireland has required some type of outside intervention. The consistent priority of both London and Dublin has been to restore institutions rather than take on any additional responsibility to address the unresolved issues in depth. As long as it was possible to restore devolution, the welcome and radical reduction in levels of violence in Northern Ireland meant that any challenges to the process of reconciliation were technical

rather than systemic. Nonetheless, the persistent presence of many signs of a divided society remains a striking feature of life in Northern Ireland. “Peace walls” separate Protestant and Catholic neighbourhoods, especially in Belfast’s socially disadvantaged districts. As the Agreement has aged, the number of these walls has increased from 22 in 1994 to 116 in 2017. Meanwhile, the school system perpetuates social segregation, with only seven per cent of all children attending non-denominational schools. These features, and many others, lay bare the continuing weakness of the 1998 framework.

Despite these failures, the GFA has led the way towards a less sectarian political landscape. Put simply, the citizens of Northern Ireland have learned to live together in a more peaceful post-GFA world. Fenton (2018) states that since the signing of the GFA, Northern Ireland has made great steps towards relative normality, although the communal divide and the legacy of violence continue to permeate many areas of society. However, this delicate equilibrium has been disrupted and placed at risk by the results of the 2016 Brexit referendum and the subsequent implementation of the Northern Ireland Protocol, with some even questioning whether these developments could herald a resurgence of the Troubles. The status of Northern Ireland has once again become the focus of international attention as Brexit threatens to undermine GFA’s main tenets. In words of Cochrane (2020:2) “Brexit hit Northern Ireland like a meteor from space. No one really saw it coming – or really understood its implications. It represents the biggest political and economic challenge for Northern Ireland since its foundation in 1921”. This new element is not purely a local problem and its origin lie within a global context; it is a consequence of the enormous stress being placed upon the British-Irish framework underpinning the Good Friday system as a result of Brexit. In the wake of the referendum result, the governments of the UK and Ireland have adopted radically different approaches to the fundamental issues of sovereignty, borders and citizenship which underpin the Agreement. In addition to the disappearance of European and American sponsorship of a shared peace, Brexit appears to be eroding the local and the international structures of reconciliation in Northern Ireland, creating a renewed crisis of primary national interests with no obvious room for consensus in such a deeply divided society like Northern Ireland (Ibid.).

In conclusion, it was not only the process of partition of the island and the subsequent conflict which divided society in Northern Ireland, but it was also the GFA itself; by allowing both communities to develop their own separate interpretations of the content of the Agreement, the GFA has only deepened the pre-existing divisions. The unionists expressed their hopes that the GFA might be a final settlement, but they also expressed their fears that the GFA was only the first step in a capitulation to Irish nationalism and doubted that it represented a definitive end of Irish republicanism (Cochrane 2020: 54). As a result, the unionists have been split over the issue of support for the GFA. On the other side, nationalists saw the provisions for decommissioning all paramilitary weapons as a means of bolstering their own position. No agreement was reached on issues such as the reform of the justice system and the police. Clashes over the issue of decommissioning caused a serious political crisis and jeopardised the continuity of the Northern Ireland peace process, deepening the polarisation of society and placing the political settlement at risk (Ibid.). In essence, despite the progress made following the signing of the GFA, Northern Ireland still had no shortage of problems even before the issue of Brexit arrived on the political scene in 2016.

## Northern Ireland and Brexit – Brexit shaping the future of Northern Ireland

On June 24, 2016, a referendum was held in the United Kingdom of Great Britain and Northern Ireland in which voters decided in favour of leaving the European Union. In England and Wales, the majority vote was for Leave; in Scotland and Northern Ireland, the majority vote was for Remain. In Northern Ireland 55.8% voted for Remain and 44.2% voted for Leave. Although Northern Ireland as a whole expressed the desire to remain in the EU, a clear majority of the unionist electorate voted Leave, with 66% of those who identified as unionist backing Brexit, a figure which correlates closely with the 60% of Leave voters who identified as Protestant (Garry 2016). Conversely, 88% of those identifying as nationalist voted Remain, a figure again closely correlating with the 85% of Remain voters who identified as Catholic (Ibid.). It is therefore apparent that voting in the Brexit referendum fell mainly along unionist/nationalist lines, confirming the pre-existing division. While Leave voters in the UK welcomed the result as a way of “taking back control”, Northern Irish Remain voters were left with the impression that they were “waking up in a different country” (Heenan, Aughey 2017).

Brexit is frequently described as the greatest political and economic challenge which Northern Ireland has faced since its foundation in 1921. Some of the consequences of Brexit were apparent in the days following the Brexit referendum result, such as the dramatic increase in the number of British people exploring their options and applying for citizenship of other EU countries (Cochrane 2020), but many other consequences will be far-reaching, having a substantial impact on the political activity, economic activity or social sphere. In addition to this, the issue of Brexit is presented differently in Britain and in Ireland. In Northern Ireland, two largest political parties, the Democratic Unionist Party (DUP) and Sinn Féin are also divided over Brexit. While the DUP campaigned to Leave and later insisted that Northern Ireland be subject to the same terms as the rest of the UK, Sinn Féin was on the Remain side and has subsequently called for the region to be granted “special status” (Ibid.).

Northern Ireland emerged as one of the key obstacles in the subsequent Brexit negotiations between the UK and the EU and the status of the country remains an indisputably complicated issue. Perhaps the most resonant concern in Northern Ireland is the question of whether Brexit is capable of damaging or even destroying the peace process. The following statements illustrate the wide range of views on the impact of Brexit on Northern Ireland:

Brexit tears up the Good Friday Agreement. The DUP were against the Good Friday Agreement. The DUP were against the Good Friday Agreement and this is their revenge... They want to destroy the Good Friday Agreement and have waited twenty-one years and this is their opportunity to do that. If Brexit goes ahead in the way envisaged by the DUP and the Brexiteers, then you have effectively binned the Good Friday Agreement.  
(Máirtín Ó Muilleoir MLA, Sinn Féin, quoted in Cochrane 2020:1)

The damage to the Belfast Agreement and the devolved institutions has not been done by Brexit but by the absence of the Assembly sitting. It is ironic that those who are most keen on cross-border institutions are insuring that the cross-border institutions do not meet because there is no assembly and no Ministers to go to cross-border meetings. However, what the current situation has done is to highlight one of the very weak points of the Belfast Agreement, namely that one Party can have a veto as to whether or not the institutions of the Belfast Agreement are allowed to operate.

(Sammy Wilson MP, Democratic Unionist Party, quoted in Cochrane 2020:1)

[Brexit] has fundamentally changed the constitutional settlement of the United Kingdom. We need to have a new future of how we look at the United Kingdom.  
(Steve Aiken MLA, Ulster Unionist Party, quoted in Cochrane 2020:1)

These statements clearly demonstrate the diversity of opinion on impact of Brexit on the peace process among different political parties, an impression which only emphasises the fact that Northern Irish society remains a divided and fragmented polity.

Once the reality of Brexit became apparent, a broad series of questions concerning the future of Northern Ireland arose, many of which had not been fully considered before the referendum nor discussed during the campaign itself. A major question concerning the future of the peace in Northern Ireland that caused considerable public concern was the future of the Irish border. In the past, the border used to be the physical and legal manifestation of partition and a symbol of the violence of the Troubles but it lost its significance with the passing of the GFA and the establishment of political institutions based on the principle of cross-community power-sharing. Put simply, the GFA transformed the physical border into an invisible border and removed the issue from Irish politics. However, with the advent of Brexit, the roads crossing the border became more than a mere means of transportation, they became political and cultural symbols of Irish freedom, peace, stability and the Belfast Agreement (Cochrane 2020). Cochrane (2020) adds that the Irish border represents both a territorial demarcation and an existential identity crisis. The narrow border roads that might seem like sleepy backwaters are actually emotionally charged frontiers – sites that some Brexit supporters believe have been weaponised by those on the Remain side of the argument who seek to use the Irish peace process as a shield behind which to hide.

In this interpretation, the border is an issue of historical, political, cultural and psychological importance and has a special role in the Irish context which is entirely absent in British discourse. The border issue explains why Northern Ireland is a special case in the context of Brexit negotiations and highlights the fact that Brexit not only links the present and future of Ireland but it also leads back to the past in a number of respects. With this observation as a starting point, this paper will attempt to examine what Brexit represents for Northern Ireland at the present time. For reason of space limitations, only selected aspects of the issue will be presented and analysed here.

In brief, Brexit has redefined the Irish border, shifting it from its traditional binary relationship as a demarcation line between the UK and Ireland into a triangular relationship between the UK, Ireland and the rest of EU. The people of Northern Ireland themselves lie somewhere inside this triangle (Cochrane 2020: 146). Under the Belfast Agreement, the UK and Irish governments and eight of Northern Ireland's main political parties agreed upon "a normalisation of security arrangements" and "the removal of security installations" (Belfast Agreement, 1998). This normalisation and the introduction of an institutional framework of cross-jurisdictional EU membership (Hayward, Murphy 2018) led to the formation of an open border between the Republic of Ireland and Northern Ireland, a development which was of huge symbolic value to the peace process (Ibid.). As a consequence of Brexit, creative policymaking has been required to ensure that the border remains open whilst recognising the United Kingdom's new constitutional position. The result of this political creativity is the Northern Ireland/Ireland Protocol, an agreement made as part of the Brexit withdrawal agreement. The Protocol allows Northern Ireland to take part in future UK trade deals while

retaining access to the EU's single market. Since the end of the Brexit transition period on January 1st, 2021, checks have been carried out on goods arriving in Northern Irish ports from Great Britain. These checks have two essential functions. Firstly, by checking goods travelling from Great Britain to Northern Ireland, the EU is able to prevent open access to its single market and maintain what it views as fair competition in the post-Brexit environment. Secondly, and most importantly for Northern Ireland, these checks prevent the need for the resumption of a physical border on the island of Ireland. The Protocol, therefore, upholds the principle of the North-South normalisation process that has developed as a result of the Belfast Agreement's implementation and prevents the re-appearance of the security installations and borders of the past. For those who are opposed to Brexit, the Irish government, the EU and the U.S. administration, the Protocol is compatible with the Belfast Agreement and represent no threat to its provision. However, pro-Brexit unionists see the Protocol as a threat to the GFA which also violates the constitutional status of Northern Ireland by establishing a new trade border. As a result, one can see that the Protocol and the two opposing views of how it affects the GFA further contribute to the division shaping society in Northern Ireland (Ibid.).

Is it accurate to suggest that Brexit arrangements can be compatible with the GFA? Or is it more correct to state that Brexit is damaging the peace process in Northern Ireland? In a fundamental manner, Brexit has reopened a series of important points included in the GFA and has thus radically transformed the substance of the 1998 agreement to the point that it might no longer be capable of functioning as intended. Put simply, Brexit has stripped away the degree of ambiguity that allowed both unionists and nationalists to believe different things about the constitutional destiny of Northern Ireland (Cochrane 2020). This "constructive ambiguity" - a form of ambiguous language in order to achieve agreement may have enabled the parties to give their consent to the GFA, but it also meant that those parties believed they were signing up to different things; given this, it is even possible to suggest that they were never truly in agreement (Ibid.). On this basis, it is therefore understandable that Brexit has become a highly problematic or even openly contentious issue in contemporary Northern Ireland and why it can rightly be seen as the biggest crisis for both parts of Ireland since the partition, mainly in terms of the implications for the Irish border and the integrity of the Belfast Agreement and for the peace process as a whole (Ibid.).

The Good Friday Agreement is widely seen as having brought the violent political conflict in Northern Ireland to an end and providing a framework for future governance in the region. However, the constructive ambiguity at the heart of the Agreement meant that it never truly represented peace in itself; it was instead the initial step leading to a peaceful future. While violence in the region has been greatly reduced and the conflict has become less overt, the levels of structural segregation, ethnonational sectarianism and community friction remain high (Wilson 2016). The GFA has, then, created a fragile and unstable peace in which much of the hostility was simply deferred rather than resolved in full. The institutions which were created under the auspices of the Agreement were incapable of healing the divisions between the British identity of unionists and the Irish identity of nationalists. This failure was a result of the increasingly dysfunctional relationship between the main political parties of Sinn Féin and the DUP. These flaws were also visible on the occasion of the twentieth anniversary of the signing of the GFA in 2018, where politicians, academics and also the media drew attention to the improbable survival and uncertain future of the Agreement rather than its achievements (Cochrane 2020:170).

When Brexit collided with the relative stability and peace of modern-day Northern Ireland, it disrupted both north/south dynamic on the island and the east/west balance between

the island and Great Britain. Brexit has reopened the issues and differences which divided Northern Ireland both before and after the signing of the GFA. Hayward and Murphy (2018) argue that Brexit opened up a whole series of questions: Is Northern Ireland different from the rest of the UK? Can the people who live there legitimately claim self-determination? Can people in Northern Ireland really be defined as Irish as well as British if that is their wish – as is set out in the GFA? Article 1 of the 1998 Agreement states that the right of self-determination for “the people of the island of Ireland alone” is to be exercised “on the basis of consent”, a concept which is immediately defined as the “the consent of a majority of the people in Northern Ireland”. Will the UK abide by its obligation to recognise changes to Northern Ireland's constitutional status within the UK and cooperate in the region's reunification with the Republic of Ireland if a majority of the electorate demonstrate such a desire? Brexit has raised concerns on this issue among Irish nationalists on both sides of the border. The principle of consent has traditionally been seen as a crucial tenet of the Agreement and a pivotal aspect of the peace process as a whole, but there is a real risk that Brexit could tear this principle apart.

Prior to Brexit, Northern Ireland was facing numerous problems of its own. Although the GFA brought an end to the violence and produced a compromise between both sides, it has not been successful in transforming Northern Ireland into a truly peaceful and stable society, nor has it eliminated the sharp divisions along political or religious lines, only managing to defer these issues for future resolution. Prior to Brexit, the European Union was closely intertwined into the Good Friday Agreement in an unproblematic fashion; however, after Brexit, the European involvement in the GFA has become far more complicated. The EU acted as a bridge between the UK and Ireland and provided considerable financial resources for Northern Ireland before, during and after the Troubles (Hayward, Murphy 2018). Europe also committed considerable resources in support of peace and stability in Northern Ireland through a grant scheme known as the Peace Funds. According to Cochrane (2020) the EU has been a major peacebuilding force in Northern Ireland and has been invested both economically and politically from the beginning of the peace process and the signing of the GFA, while British political thinking lacks a deeper understanding of the extent to which the EU has been a key asset to political stability in Northern Ireland.

## **Conclusion**

In conclusion, Brexit is currently forging a new dynamic in Northern Ireland, both in terms of drawing north/south lines between Northern Ireland and the Republic of Ireland and east/west lines between the island and Great Britain. Brexit has reopened several questions which had been deferred rather than definitely resolved at the time of the negotiations leading to the introduction of the GFA. The framework of the peace process established by the GFA was successful because of the commitment of the UK and Irish government and the willingness of politicians and others to put aside past differences and allow Northern Ireland to be governed peacefully. Unfortunately, the option of setting aside differences in order to promote the interests of Northern Ireland has become less straightforward in light of Brexit. Lines have been drawn in the sand as supporters and opponents of Brexit adopt different stances on whether or not Brexit breaches the terms of the GFA, but both sides are at one on claiming that the GFA only represented a starting point for the peace process rather than a definitive end to the region's conflict. Following on from this, it is apparent that Brexit is far from the only factor which is damaging the peace process, although it undoubtedly destabilises the steps which have been



taken so far and makes the path to an ultimate peace settlement far more complicated. Nonetheless, by reopening the unsolved issues, Brexit offers the potential to develop an updated version of the GFA, although it is not clear what this partnership would look like in the absence of EU involvement.

## Notes

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