

Twitter Thread by Patricia Mac Bride



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A thread on the Good Friday Agreement. I mean, everyone's talking about it after all. Is it really in danger? Let's look at that...

The Good Friday Agreement is made up of two parts – the Multi-party agreement between most of the political parties (but not the DUP) and the British-Irish Agreement between the two governments.

This second Agreement is the international treaty between sovereign states, registered with the UN. The British-Irish Agreement's function is to uphold the multi-party agreement. So changing the treaty would logically require a new multi-party agreement.

The issue of membership of the EU is a reserved matter for Westminster, consequently any impact of withdrawal from the EU is a matter to be dealt with also by Westminster and is not within the legislative gift of devolved administrations in Stormont, Holyrood or the Senedd.

The Good Friday Agreement was premised on EU membership by both Britain and Ireland although it could not bind either country to maintaining that membership, nor (as a court has decided) could it be used to prevent the triggering of Article 50.

There are 3 strands in the GFA. Strand 1 deals with internal relationships in the north, Strand 2 with north-south relationships on the island of Ireland and Strand 3 with relationships between Britain and Ireland.

In terms of Brexit impact Strand 2 is most significant. It sets out that the North-South Ministerial Council, which promotes all-island cooperation, will “consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes...”

And that “arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.”

Britain's legal obligations under the GFA are to Ireland – the other signatory of the treaty. Any change or breach is also a failure to honour the commitments given to the people of the north who voted overwhelmingly to support the GFA.

Article 27 of the Vienna Convention on the Law of Treaties, states: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty." So Britain cannot, under international law, set aside the GFA because it voted for Brexit.

So when Taoiseach [@campaignforleo](#) says the nationalist people of Northern Ireland will never again be left behind by an Irish government, the meaning of this is significant.

It is a recognition that the GFA protected the Irish citizenship and identity of many in the north and that these are perceived as being at risk by the unilateral actions of the British government.

It is a further acknowledgement that the natural extension of that Irish identity was and is a European identity. Ireland would on its own have to represent the interests of the north at EU meetings in future (Strand 2) because Britain won't be there.

Why would Britain agree to Ireland representing the people of the north at EU level? Well they wouldn't. So Strand 2 of the GFA is at risk. And if Strand 2 is at risk, so is the expression of Irish and European identity of almost half the population of the north.

Also at risk the Special EU Programmes Body which was one of the North-South implementation bodies set up under the GFA and delivery agent for the EU Programme for Peace and Reconciliation in the north. No EU, No SEUPB. No money.

So the "peace dividend" disappears and work on community regeneration and reconciliation loses funding just at the time a hard border becomes a very real possibility. Yeah that's not a perfect storm at all...

If changes in the GFA are to happen, there is no mechanism for that to happen other than by another agreement to modify or clarify it in the way the St Andrew's Agreement did. And that will require one of two things...

...A new, multi-party agreement or a new treaty between the two governments. The former is not likely given the political impasse at Stormont and the latter puts both governments in line for accusations of "sell out."

The north-south bodies, the implementation of EU programmes by the North-South Ministerial Council, the EU Programme for Peace and Reconciliation are all the out-workings of the Good Friday Agreement, this is true.

But they were practical measures designed to protect the unique identity of the people of the north-eastern part of this island – whatever identity they espoused.

When actions have the potential to diminish that identity so proudly held and fiercely contested; when a 20 year process which has allowed people to begin to express their identity, culture and tradition is eroded, then you undermine the process of peace.

The workability of the Good Friday Agreement is as much about what it signifies as what it says. It signifies compromise, recognition and acceptance and a pledge to work together for the common good.

Is the Good Friday Agreement sacrosanct? You're damn right it is.