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The Brexit divorce and the problem child:

Or, why Northern Ireland will not sit down and shut up.

At a conference in London recently (remember those?), someone referred to Northern Ireland as 'the problem child' who nobody wants.

Brexit is often described in terms of a divorce between the UK and the EU, and a 'problem child' adds a certain edge to the analogy. If the process of separation between the UK and the EU is fraught with tension, it cannot be anything other than unnerving for a region that remains legally, politically, socially, culturally and economically tied to both.

Northern Ireland isn't doing this to be awkward – it simply can't help being so.

Northern Ireland was a priority concern in the withdrawal negotiations because it is a microcosm of what integration means. This is a fancy way of saying that Northern Ireland is made out of Britain *and* Ireland; its ugliness and its 'quare' beauty, its defiantly complicated nature and infuriating character come from being an unwanted child of the two.

And – try as some might to erase or ignore its parentage – both are written into its DNA. The 1998 Good Friday Agreement's recognition of those born in Northern Ireland as 'British, Irish or both' illustrates that it is, fundamentally, an amalgam.

Brexit makes such complexity a problem.

The secret to avoiding a meltdown now is to make sure that both sides continue to play an active part in Northern Ireland's future. More than that: they need to protect it from the worst effects of the divorce. The protocol in the withdrawal agreement doesn't do this.

The protocol saw the two parties set out a plan as to how Northern Ireland could continue to have a close relationship with the EU even as it officially stayed in the custody of the UK. This makes good sense in that it certainly needs to keep close contact with the EU (specifically Ireland). But it is also risky in that it is so one-sided.

Being an international agreement, the protocol could not legislate for domestic policy – meaning it could have no legal bearing on what the UK does vis-à-vis Northern Ireland. Sure, the UK remains officially (including financially) responsible for the place, but no one is under any illusion as to its enthusiasm for bestowing it with tender loving care.

This leaves Northern Ireland somewhat insecure; around two thirds of the sales of goods outside the region is to Britain. The UK matters in quantifiably real as well as flag-waving terms. Even the most ardent Irish nationalist would doubt that the way to a united Ireland is to build a hard sea border.

This is not to say that the protocol doesn't potentially offer a reasonably good outcome for Northern Ireland. In theory, it could have easy access to both UK and EU and enjoy benefits of both, albeit with the inconvenience of doing so across separate houses.

But this is conditional on the UK and EU managing to negotiate a good post-divorce relationship and – crucially – on them allowing special terms for Northern Ireland. If they fail to do this, and we end up in 'no deal mark II', then Northern Ireland will be stranded on the street, so to speak, facing strict and contradictory house rules on either side.

Having agreed to compromise over where Northern Ireland should sit for the time being, both view it with a wary eye precisely *because* it is a connection with the other side.

First, neither the UK nor the EU want 'the tail to wag the dog'. Northern Ireland is tiny. It has already received shedloads of attention because of its infamously temperamental character. Now the two want to get on with dealing with each other head to head, not distracted by the wails from the corner.

Added to this, neither the UK nor the EU want their hands tied in the future negotiations by whatever promises or commitments they make to Northern Ireland. In this sense, the protocol's recollection that the 1998 Agreement should be 'protected in all its parts' isn't going to stop either side in its tracks.

Then we come to the flipside: what if the problem child could actually get a good thing going? In truth, both the UK and the EU are a little suspicious of this too. Neither want Northern Ireland to be a means by which all sorts of shysters have backdoor access to their markets.

And, truth be told, neither are particularly willing to facilitate a situation in which Northern Ireland somehow manages to take advantage of the fact it holds keys to both houses. Although it would be nice to think Northern Ireland might be able to stand on its own two feet at last, could the UK and EU bear the finger-pointing from other potential upstarts?

Well now, this isn't looking great. And they know this, deep down. So they offered the gift of 'democratic consent'. Four years on from the decree absolute, they are going to allow Northern Ireland's MLAs to choose which parent's rules it will follow. A choice which sounds rather too like a proxy border poll to be treated as anything other than that. So, somewhat unlikely to calm nerves and settle the matter.

In sum, both the UK and the EU are making the mistake of viewing Northern Ireland as a potential risk rather than a joint responsibility. In so doing, they are being willfully blind to the risks that they are posing to Northern the Ireland. And not just theoretically so. We are talking real hits here: real costs, real losses, real harm.

But more disappointing is that both the UK and EU are neglecting to see the blaringly obvious: they should be proud of their problem child. Northern Ireland is not a threat to what they hold most dear – the sovereignty of the UK, the integrity of the EU. It *exemplifies* these things. In thinking about Northern Ireland as a source of leverage in their mutual opposition, they are overlooking the fact that harm done to it is ultimately a blow to themselves.

That Northern Ireland persists as a problem is a sign that their divorce will not, cannot, should not be as final as either side might wish. And this isn't necessarily such a bad thing. After all, remember that, not so long ago, they were very close.