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THE ATTITUDES OF THE POLITICAL PARTIES OF NORTHERN IRELAND TOWARDS THE STATUS OF THE IRISH BORDER SETTLED IN THE WINDSOR FRAMEWORK IN 2023

ABSTRACT:

The 2016 Brexit referendum and the subsequent negotiations on the terms of the United Kingdom's exit from the European Union have been the cause of the most serious crisis in the peace process in Northern Ireland since the signing of the Good Friday Agreement in 1998. At the heart of the crisis was the issue of the possible restoration of the Irish border (the so-called hard border option), which posed the threat of a return to conflict. During the political negotiations, a unique formula was adopted – the so-called Windsor Framework, modifying the Irish Protocol, which is an annex to the agreement between the United Kingdom and the European Union. The subject of this article is to present the attitudes of the largest political parties in Northern Ireland: Sinn Féin and the Democratic Unionist Party (DUP) as well as other parties towards this solution. The diverse approach to the adopted solutions regarding the Irish border is closely related to both the political profile of the parties and the complicated and turbulent history of the peace process in Northern Ireland.

Keywords: Northern Ireland, Ulster, Irish border, Windsor Framework, Brexit, DUP, Sinn Féin, unionism, cross-border relations, devolution

1. THE NORTHERN IRELAND PROTOCOL AND ITS CONSEQUENCES

On June 23, 2016, the United Kingdom of Great Britain and Northern Ireland voted in a referendum to leave the European Union.

This was decided by a slight majority of the British people, with a vote of 51.9% to 48.1%.¹ As a result, the Irish border dividing the United Kingdom from the Republic of Ireland became the external border of the European Union. For the first time since the signing of the Good Friday Agreement, the prospect of the so-called 'hard border' has returned, and along with it - the possibility of a renewal of the conflict in Northern Ireland, which lasted from 1968 to 1998 and resulted in almost 4,000 casualties.²

Although the majority of the British people voted to leave the EU, the people of Northern Ireland voted 55.8% to 44.2% to remain in the European Union.³ As usual in all votes in this part of the United Kingdom, the voting boundary took into account the sectarian divisions of the Nationalist (mostly Catholic) and Unionist (mostly Protestant) populations.

The decision made by the British people in the referendum began a period of over 3 years of negotiations between the European Commission and the British government, headed by Theresa May after the resignation of Prime Minister David Cameron. In order to secure a stronger negotiating position, Prime Minister May decided to hold early elections on 8th June 2017. However, in these elections the Conservative Party lost its parliamentary majority and was forced to seek for support from the Democratic Unionist Party (DUP).

Since the introduction of devolution reform, which began almost in parallel with the start of the peace process in Northern Ireland, the internal political landscape of this part of the United Kingdom has changed significantly. Although legislation created by devolved institutions, such as the Northern Ireland Assembly, can be repealed or amended by the Westminster Parliament, devolution reform has granted significant autonomy to various parts of the United Kingdom. Devolution in Northern Ireland is unique as it is underpinned by a power-sharing arrangement between unionist and nationalist parties to sustain peace.⁴ This political mechanism, discussed in greater detail later in this article, has inevitably led to confrontations between the two largest parties representing the unionist and nationalist sections of Northern Irish society.⁵

The inclusion of DUP - a radical party, representing Northern Ireland's Protestant Unionists in the government for the first time since the Brexit referendum campaign, placed the status of the Irish border high on the government's agenda. Although the DUP was Northern Ireland's largest political party at the time, its representation in the House of Commons was modest and included merely 10 MPs. Yet as a party, on which the government's survival depended, the DUP gained disproportionate influence over

¹ R. Riedel, "Brytyjska polityka europejska jako wyzwanie dezintegracyjne," *Studia Europejskie*, vol. 1 (2018), p. 34.

² S. McDowell, P. Shirlow, "Geographies of Conflict and Post-Conflict in Northern Ireland," *Geography Compass*, vol. 5, no. 9 (2011), pp. 700-709.

³ Community Relations Council, *Northern Ireland Peace Monitoring Report*, 2025, p. 40.

⁴ Ł. Danel, M. Wallner, "Pozycja Sinn Féin w systemie partyjnym Irlandii oraz Irlandii Północnej," *Historia i Polityka*, vol. 47, no. 54 (2024), p. 60.

⁵ A. Kimla, "Analiza wpływu reformy dewolucyjnej na kształt Zjednoczonego Królestwa Wielkiej Brytanii i Irlandii Północnej," *Acta Iuridica Resoviensia*, vol. 39, no. 4 (2022), pp. 124-136.

both day-to-day policy and negotiations with the European Commission.⁶ This state of affairs lasted until the subsequent snap election called in December 2019 by the new British Prime Minister Boris Johnson. In the election of 12 December 2019, the Conservative Party achieved a resounding success, boasting an outright majority and a strong negotiating mandate.

Negotiations over the final shape of the Brexit deal dominated Johnson's first year in office. An integral part of the Brexit Withdrawal Agreement was the Northern Ireland Protocol setting out Northern Ireland's post-Brexit relationship with both the EU and Great Britain. Its terms were finally concluded in December 2020.

The Northern Ireland Protocol regulated some aspects of trade between Northern Ireland and the rest of the United Kingdom allowing the maintenance of the open border between Northern Ireland and the Republic of Ireland. The Protocol *de facto* created customs border in the Irish Sea between Northern Ireland and Great Britain. It came into effect on 1 January 2021 as a part of the Withdrawal Agreement.⁷

2. NEGOTIATIONS OF THE WINDSOR FRAMEWORK

The publication of the terms of the Protocol caused concern and opposition particularly from Northern Ireland's Unionist community. Unionist politicians claimed that the Protocol disrupted trade between Northern Ireland and Great Britain and affected many industries and manufacturing sectors that were crucial to the Northern Irish economy. They also highlighted concerns about the territorial integrity of the UK by leaving Northern Ireland in the EU customs area. For radical Protestant politicians and the DUP electorate it was the first step towards united Ireland.

The modification of the Protocol's provisions negotiated a year later, which I discuss in detail below, revealed its significant shortcomings. The desire to maintain the pre-2016 status of the Irish border and thus avoid potential escalation of the conflict meant that the system of trade established by the Protocol disrupted the delicate balance of the peace process. The Protocol became the direct and main cause of the political crisis that shook Northern Ireland throughout 2021 and led to a cabinet crisis and the collapse of the Northern Ireland government in February 2022.

The political system of Northern Ireland established by the Good Friday Agreement is based on the so-called power-sharing principle. It obliges the largest Unionist party and the largest Nationalist party to form a coalition and jointly govern the province. Due to the fall of the government, elections to the Northern Ireland Assembly were held on 5 May 2022, in which the Sinn Féin party won for the first time in over 100 years. As a winner, it was entitled to nominate Northern Ireland's First Minister.

⁶ T. Czapiewski, "Brytyjskie wybory do Izby Gmin w 2017 roku wobec procesu wyjścia Zjednoczonego Królestwa z Unii Europejskiej," *Studia Europejskie*, no. 3 (2018), p. 58.

⁷ C.J. Kelly, E. Tannam "The UK Government's Northern Ireland Policy after Brexit: A Retreat to Unilateralism and Muscular Unionism," *Journal of European Public Policy*, vol. 30, no. 11 (2023), p. 2285.

Under the Northern Ireland Act of 1998 and the principle of power-sharing, the Northern Ireland Assembly shall meet in a plenary session within 8 days of the election during which the elected Members of the Legislative Assembly (MLAs) shall sign the Roll of Membership, in which they shall state their designation of identity as 'Nationalist', 'Unionist' or 'Other'. The first step in the Assembly proceeds is the election of the Speaker. The Northern Ireland Act of 1998 introduces a cross-community support mechanism, which requires that a candidate obtain the support of a majority of nationalist and unionist⁸ Members as the Speaker needs support from both Unionist and Nationalist MLAs. Without the elected Speaker, the Assembly cannot proceed with the election of the First Minister, Deputy First Minister and Executive ministers.⁹

The DUP came second in the election. The cabinet crisis, election defeat and the Protocol meant that the largest unionist party refused to support the election of the Speaker, thereby paralyzing the formation of the government. Due to the lack of consent from the DUP, the Northern Ireland Assembly unsuccessfully attempted to elect the Speaker six times between 13 May 2022 and 14 February 2023. During this time, it only held two informal meetings: one convened to commemorate the deceased co-author of the peace process -Protestant politician David Trimble, and the other – in connection with the death of Queen Elizabeth II.¹⁰

The British government attempted to resolve the conflict but without success. In a desperate bid to force MLAs to elect the Speaker, the government decided to reduce MLAs' salaries by 27.5% from 1 January 2023.¹¹ However, this move did not bring the expected results, making the government realize that the only way out of the impasse is a significant modification of the Protocol.

At the turn of 2022 and 2023 – to address concerns of Ulster Unionists about the Protocol, the EU and the UK agreed to revise its arrangements. On 27 February 2023 Prime Minister Rishi Sunak and President of the European Commission Ursula von der Leyen announced the Windsor Framework – a document describing significant changes to the Northern Ireland Protocol.

The Windsor Framework introduced two ways of goods transport from Great Britain to Northern Ireland – the 'green lane' and the 'red lane'.¹² The green lane was

⁸ "Northern Ireland Act 1998," *Legislation.gov.uk*, at <https://www.legislation.gov.uk/ukpga/1998/47/section/4>, 21 October 2024. See also: D. Torrance, "Democratic Consent Mechanism and the Northern Ireland Assembly," *House of Commons Library*, 23 October 2024, at <https://commonslibrary.parliament.uk/democratic-consent-mechanism-and-the-northern-ireland-assembly/>, 21 October 2024.

⁹ L.C. Whitten, *Constitutional Change in Northern Ireland*, London 2023, p. 27.

¹⁰ L. O'Carroll, "Northern Ireland Power Sharing Slips to 2023 as Few Relish a Winter Election," *BBC*, 22 September 2022, at <https://www.theguardian.com/uk-news/2022/sep/22/northern-ireland-power-sharing-stormont-elections-protocol>, 19 October 2024.

¹¹ Northern Ireland Office, Ch. Heaton-Harris, "Northern Ireland Secretary Writes to MLAs to Confirm Pay Cut from 1 January 2023," *gov.uk*, 8 December 2022, at <https://www.gov.uk/government/news/northern-ireland-secretary-writes-to-mlas-to-confirm-pay-cut-from-1-january-2023>, 8 December 2022.

¹² House of Commons Library, *Northern Ireland Protocol: The Windsor Framework*, 2023, p. 37, at <https://researchbriefings.files.parliament.uk/documents/CBP-9736/CBP-9736.pdf>, 21 March 2023.

designed for goods destined to stay in Northern Ireland to end-users – with limited paperwork, control procedures and without customs commodity code for every movement (except suspicions of smuggling). These goods will automatically be treated as internal UK movements. The red lane covered goods transferred to Ireland or other EU countries with all necessary custom controls and checks.¹³

The agreement also modified trade in goods of particular significance to the Northern Ireland economy. It provided tariff-free movements of all types of steel, simplified controls on food and agricultural products and ensured UK public health standards for all medical goods.

The modification of the Protocol regulations in relation to food was particularly desirable. The Protocol required separate certification of transported agri-food products. Consequently, for instance a lorry carrying supplies for a supermarket was required to obtain several hundred certificates (£150 per certificate). The Windsor Framework replaced this with a single certificate (with a description of goods) confirming that the goods were to stay in Northern Ireland. Such a document was processed electronically without being physically checked.¹⁴

The Protocol established strict proportions of physical checks and laboratory testing for specific food products – for example 30% of red meat or poultry shipments and even 100% for specific fruits and vegetables.

The regulations on parcel shipments caused great excitement among Northern Irish society. The original Northern Ireland Protocol required that every consumer parcel sent from Great Britain to Northern Ireland have a full customs declaration. Not only did it affect the comfort of people, but it also reduced the profitability of the business and increased the likelihood that operators would withdraw from providing courier services. The Windsor Framework restored the pre-Protocol state, namely individuals sending parcels to Northern Ireland to other individuals (for non-commercial purposes), would not require customs paperwork or any additional requirements imposed on either the sender or the recipient. Most requirements were also removed for on-line businesses sending parcels to Northern Ireland, including customs declarations, pre-notification and presentation of goods to customs authorities.

Under Article 8 of the Northern Ireland Protocol, while the UK remains responsible for the application and implementation of VAT and excise rules in Northern Ireland as well as collection of the duties, the EU's VAT and excise rules for goods continue to apply in Northern Ireland.¹⁵ The Windsor Framework provided greater freedom in shaping VAT than guaranteed by the Protocol – the British government gained full flexibility on tax rates saving 2,000 Northern Ireland businesses from needing to register for VAT under the 2025 EU Directive.¹⁶

¹³ Ibid., p. 15.

¹⁴ K. Hayward, J. McStravick, "Box B: The Windsor Framework: What It Is and What It Might Do," *National Institute of Economic and Social Research*, no. 11 (2023), p. 3.

¹⁵ House of Commons Library, *Northern Ireland Protocol...*, p. 55.

¹⁶ K. Hayward, J. McStravick, "Box B...", p. 3.

It was also crucial to assure the concerned public in Northern Ireland that medicines would continue to flow uninterrupted into the country. Fully safeguarding the supply of medicines from Great Britain into Northern Ireland was of utmost importance. The provisions of the Protocol were modified to assert the primacy of the UK regulation - the Medicines and Healthcare products Regulatory Agency (MHRA) over the EU's regulator. The agreement also safeguards access for Northern Ireland pharmaceutical and medical firms to the EU market.¹⁷

Moreover, the Northern Ireland Protocol put a series of certification requirements, checks and prohibitions for plants and plant products. As a result of the Framework modification, plants and seeds staying in Northern Ireland will be transported from Great Britain on an identical basis to those moving elsewhere within the UK.

The provisions of the Northern Ireland Protocol also caused dissatisfaction among Northern Ireland residents owning pets. Any movement of a pet into Northern Ireland would require an individual certificate and vaccination against rabies.¹⁸ These regulations, well-established on the European continent, caused opposition in the British Isles, which has been rabies-free for more than a century. The Windsor Framework made it possible to issue an online pet travel document (valid indefinitely), which accompanied by a declaration by the owner that the pet will not go to the EU, constitutes the only requirements.¹⁹ Northern Ireland pet owners will certainly continue to be able to move their pet to Ireland and the rest of the EU with an EU pet passport.²⁰

Anticipating the negative attitude of the unionist parties, the Windsor Framework negotiators introduced an additional mechanism to protect the political interests of Northern Ireland.

The so-called 'Stormont brake' allowed the UK Government at the request of 30 Members of the Legislative Assembly (MLAs) in Northern Ireland from at least two parties to stop the application in Northern Ireland of provisions amended or replacing EU legal provisions that might have a significant and lasting impact specific to the everyday lives of Northern Irish communities.

30 MLAs can notify the UK Government of their wish for the 'emergency brake' on the EU law - mainly concerning goods - that would have applied automatically in Northern Ireland under the original Protocol. However, there are two restrictions. Firstly, the Northern Ireland Executive must be operational and, secondly, the NI Assembly must be in regular session, neither of which conditions is often met in the political reality of Northern Ireland.

The Stormont Brake may apply to an EU act, which amends or replaces an act which already applies in Northern Ireland. But it can be triggered only under the most

¹⁷ L.C. Whitten, D. Phinmore, *Mapping Post-EU Exit Regulatory Divergence in Northern Ireland*, Belfast 2024, p. 18.

¹⁸ Ibid.

¹⁹ House of Commons Library, *Northern Ireland Protocol...*, p. 16.

²⁰ HM Government, *The Windsor Framework: A New Way Forward*, 2023, p. 17, at https://assets.publishing.service.gov.uk/media/63fccf07e90e0740d3cd6ed6/The_Windsor_Framework_a_new_way_forward.pdf, 11 February 2023.

exceptional circumstances, as a matter of last resort, in a very well-defined process. The Brake will not be available for trivial reasons. MLAs must explain how the content or scope of the amended or replaced EU law ‘significantly differs’ from the original law. Before the mechanism is applied, public consultations with representatives of the business community must also take place.²¹

Subsequently, if the UK Government is satisfied that the above conditions have been met, it will notify the EU in the Joint Committee. The EU law will no longer apply in Northern Ireland in its new form two weeks later. The older version of the EU law will still apply.²² If the EU disagrees, there is a process of arbitration which could result in the law being applied in Northern Ireland.

In fact, the Stormont Brake was not a novel instrument – it was almost a copy of the ‘Petition of Concern’ mechanism included in the Good Friday Agreement as a mechanism whereby 30 MLAs can petition the Assembly requiring a matter to be passed.²³

The most significant effect of the modification of the Northern Ireland Protocol was the removal of the border in the Irish Sea for internal UK trade, protecting Northern Ireland’s integral place in the UK internal market. At the same time, thanks to the legal and technological solutions described above, there will be no new checks or controls at the international border between Northern Ireland and the Republic of Ireland. For hard unionists in Northern Ireland narrowing the range of the EU rules applicable in Northern Ireland to less than 3% overall by the EU’s own calculations, was good news.

3. RETURN OF POWER-SHARING EXECUTIVE IN NORTHERN IRELAND

Despite changes made by the Windsor Framework, the Democratic Unionist Party (DUP), the largest Unionist party in Northern Ireland, refused to join a power-sharing Executive and blocked the functioning of the Northern Ireland Assembly, urging for more changes in the Protocol to be made.

Although there is no hard evidence to support this claim, it can be assumed that one of the reasons for the boycott and delay in forming the government was the prospect of the leader of the Sinn Féin party taking over the position of First Minister, which was certainly not an easy undertaking for hardline unionists.

However, the significant concessions included in the Windsor Framework ‘knocked’ most of the arguments out of the hands of radical Protestants. There were growing opinions, also on the part of moderate representatives of the Protestant community,

²¹ J. McCormack, “Brexit: What Is the Stormont Brake?,” *BBC*, 28 February 2023, at <https://www.bbc.com/news/uk-northern-ireland-64795902>, 11 October 2024.

²² “The Stormont Brake,” *Northern Ireland Assembly*, at <https://www.niassembly.gov.uk/assembly-business/brexit-and-beyond/the-windsor-framework/the-stormont-brake/>, 11 October 2024.

²³ House of Commons Library, *Northern Ireland Protocol...*, p. 73.

that the DUP's opposition was not substantive but doctrinal.²⁴ Impatience grew, intensified by the major budgetary crisis facing public services.²⁵

By October 2023 a funding shortfall for the Department of Education had led to the end of schemes for disadvantaged children and left Northern Ireland's libraries without enough money to buy new books. Northern Ireland's hospitals situation had deteriorated, while cuts to funding had left charities and voluntary groups in financial crisis. Northern Ireland's police service had been complaining of a £141m shortfall in its budget, forcing it to cut its number of officers and consider closing some of its stations. There was also a risk of road repairs reduction as well as a crisis in social housing and welfare system.²⁶

Intensive negotiations supported by the European Commission and the British and Irish governments took place from March to December 2023. The British government of Rishi Sunak extended the deadline for the return of the power-sharing Executive to 18 January 2024. An important inspiration for the negotiations was the 25th anniversary of the Belfast/Good Friday Agreement in 2023. In April 2023 US President Joe Biden took a four day trip to Northern Ireland and Republic of Ireland encouraging all sides to do everything they can to preserve peace in Northern Ireland and avoid the return of a hard border. Biden, who has repeatedly emphasized his Irish origins, held a number of meetings with key politicians from Ireland and Northern Ireland during his term. He thus continued the involvement of his predecessors in the Northern Irish peace process underlining that the Good Friday Agreement is also an achievement of US foreign policy.²⁷

The DUP emphasized during the talks that the arrangements under the Northern Ireland Protocol (despite being changed by Windsor Framework) diminished the region's position within the UK internal market. The pressure on the DUP to end its boycott was mounting week by week. In October 2023 the SDLP, Sinn Féin and Alliance were joined by unionist UUP, which also called for the DUP to return.²⁸

A breakthrough in the negotiations occurred in January 2024. Pressure from the public had been mounting in the preceding weeks when 150,000 public sector workers in Northern Ireland went on the biggest strike since 1970s due to inflation and lack

²⁴ J. Ruane, J. Todd, "Configurations of Consociation and Antinomies of Accommodation: Explaining the Trajectories of Settlement in Northern Ireland," in T. Agarín, R. Taylor (eds), *Consociational Power-Sharing in Northern Ireland: Uncertain Stability*, London 2025.

²⁵ J. McCormack, R. Wilson, "DUP: No Dissent within the Party over Stormont Boycott, Says Leader," *BBC*, 6 October 2023, at <https://www.bbc.com/news/uk-northern-ireland-67022972>, 29 October 2024.

²⁶ *Ibid.*

²⁷ "Biden Urges Northern Ireland to Sustain Peace and Seize Economic Gains," *El País*, 12 April 2023, at <https://english.elpais.com/international/2023-04-12/biden-urges-northern-ireland-to-sustain-peace-and-seize-economic-gains.html>, 26 December 2024.

²⁸ G. Gordon, R. McKee, "DUP Urged to Return to Stormont after Hilary Benn Talks," *BBC*, 3 October 2023, at <https://www.bbc.com/news/uk-northern-ireland-66988475>, 22 October 2024.

of pay rise.²⁹ Although on 17 January 2024, the seventh recall of the assembly failed to elect the Speaker, on 29 January 2024, an urgent meeting of the Democratic Unionist Party took place.³⁰ Details of the meeting were reportedly leaked to the BBC. The following day Sir Jeffrey Donaldson, leader of the Democratic Unionist Party, announced that his party had endorsed a deal to restore the devolved Northern Ireland Assembly and Executive.

The changes negotiated by the DUP were described in a document whose name was intended to emphasize the care taken to maintain the political status quo in Northern Ireland – ‘Safeguarding the Union’. It was a modification of the Windsor Framework, which in turn was a modification of the Protocol.³¹

The Secretary of State for Northern Ireland, Chris Heaton-Harris, in his statement in the House of Commons, presented ‘four key elements’ of the deal:

1. it further protects Northern Ireland’s place in the United Kingdom by ‘demonstrating our commitment to restoring power sharing’
2. the deal ‘promotes and strengthens’ the UK internal market
3. the deal will ‘recognize the importance of the connections’ across the United Kingdom, chiefly via a new East-West Council
4. the deal will help put Northern Ireland’s public services on a sustainable footing, with funding totaling more than £3 billion³²

Additionally, all new laws delivered by the British Parliament would be checked to ensure they did not compromise unfettered trade with Northern Ireland, with no separate rules or labels for goods that remain in the region.

On 3 February 2024 the Assembly swore in Sinn Féin First Minister Michelle O’Neill and DUP deputy First Minister Emma Little-Pengelly. Thus, the three-year period of turbulence, threatening the restoration of a hard border and a renewal of the conflict in Northern Ireland, came to an end.

4. THE ATTITUDES OF THE POLITICAL PARTIES OF NORTHERN IRELAND TOWARDS THE STATUS OF THE IRISH BORDER

So far I have described the negotiation process focusing mainly on the DUP position. In this part of the article I will present the attitudes of all the political parties in Northern Ireland present in the Assembly after the election on 5 May 2024 towards the status of the Irish border.

²⁹ L. O’Carroll, “Northern Ireland: What Is the Power-Sharing Deal – And Could It Be Blocked?,” *The Guardian*, 30 January 2024, at <https://www.theguardian.com/uk-news/2024/jan/30/northern-ireland-power-sharing-deal-stormont-explainer>, 22 October 2024.

³⁰ J. McCormack, B. Hughes, “Stormont Assembly Recall Could Be Its Last Sitting Says O’Neill,” *BBC*, 17 January 2024, at <https://www.bbc.com/news/uk-northern-ireland-67996628>, 24 October 2024.

³¹ L.C. Whitten, D. Phinmore, *Mapping...*, pp. 18-19.

³² D. Torrance, *Northern Ireland Devolution: Safeguarding the Union*, 2024, at <https://researchbriefings.files.parliament.uk/documents/CBP-9954/CBP-9954.pdf>, 3 April 2024.

Since the final partition of Ireland in 1925, the centenary of which will be marked in 2025, the Irish border has become a major issue that directly and indirectly shapes the agendas of the most significant political parties in Northern Ireland.

Since then, the border has represented far more than geography — it embodies questions of identity, sovereignty, and the constitutional future of Northern Ireland. The border's significance intensified during the Troubles (1968–1998), until the 1998 Good Friday Agreement marked a turning point. During the peace process in Northern Ireland, the border remained the strongest symbol of Northern Ireland's constitutional position as part of the United Kingdom. Until the 2016 Brexit referendum, tensions surrounding the border between the main Nationalist and Unionist communities were tempered by the shared membership of both the United Kingdom and the Republic of Ireland in the European Union.

Since 2016, however, the threat of a 'hard border' has returned. For the Democratic Unionist Party (DUP), which has emerged as the largest Unionist party, any compromise on this issue is seen as a threat to unionist identity. For Sinn Féin, the border is a symbol of division and the legacy of partition - a legacy the party seeks to overturn by advocating for Irish unity and the eventual removal of the border altogether.

Sinn Féin

The largest party in the current Assembly was formed in 1905. It won 27 seats in 2022, making it for the first time the largest party in the Assembly.³³ Its MLAs designate themselves as Nationalist. The current main core of its policy is united Ireland. The party president is Mary Lou McDonald, who is a member of the Irish Dáil.³⁴ The Vice-president - Michelle O'Neill - is newly elected First Minister of NI Executive.

Sinn Féin was the largest party in Northern Ireland in 2024, winning the Assembly elections (May 2022), local council elections (May 2023) and achieving the best result among Northern Irish parties in the UK general election (July 2024). It is worth noting, however, that due to the need to swear an oath of allegiance to the monarch, SF MPs elected in these elections have consistently refused to take their seats in the House of Commons. This is a consequence of the adopted strategy of the so-called 'abstentionism', which is why the UK parliamentary elections are only a type of support poll for this party. The crowning achievement of this triple success (the leftist Guardian called it a 'historic hat-trick')³⁵ was the assumption of the position of First Minister of the Northern Ireland Executive by Sinn Féin's deputy leader Michelle O'Neill. Despite Sinn Féin winning the 2020 Irish elections, the party failed to take power due to its

³³ J. Tonge, "Voting into a Void? The 2022 Northern Ireland Assembly Election," *The Political Quarterly*, vol. 93, no. 3 (2022), p. 525.

³⁴ Lower house of parliament of the Republic of Ireland.

³⁵ R. Carroll, "Prospect of Irish Unification Referendum Remains Remote Despite Sinn Féin Gains," *The Guardian*, 16 July 2024, at <https://www.theguardian.com/uk-news/article/2024/jul/16/irish-unification-referendum-remains-remote-sinn-fein-gains>, 2 November 2024.

lack of coalition capacity. Fine Gael and Fianna Fail formed a grand coalition with the Green Party.

Since the party's main goal is the unification of Ireland – and therefore the final elimination of the Irish border, the attitude towards this border is clear. However, this is a strategic goal that is impossible to achieve in the current political situation. Therefore, the party's long-term goal of achieving Irish reunification was seldom emphasized in this campaign, usually by calls to prepare for a future referendum on unity.

During the negotiations, Sinn Féin focused on matters referred to in English as 'bread and butter' issues and avoided talk of a united Ireland. The rising cost of living was a central issue across the UK and Ireland in 2022, and Sinn Féin aimed to address it by promising relief measures. They campaigned on providing direct support to households struggling with food, energy, and fuel costs, making this a top priority for the incoming Assembly.³⁶ The party positioned itself as the advocate for working families and lower-income communities particularly impacted by economic pressures. Sinn Féin focused heavily on improving Northern Ireland's National Health Service (NHS). In contrast to the Democratic Unionist Party (DUP), Sinn Féin positioned itself as a proponent of political stability promising to work with other parties to maintain the power-sharing structure, regardless of political divisions. This strategy certainly contributed to the party's victory in the May 2022 elections.³⁷

Democratic Unionist Party (DUP)

The Democratic Unionist Party (DUP) is the second largest party in the Assembly with 25 MLAs. It was formed in 1971. The DUP designates as Unionist and its vision is to maintain and enhance Northern Ireland's constitutional position within the United Kingdom.

In the 2017 snap election, the Democratic Unionist Party gained an absolutely extraordinary opportunity to enter the British government directly for the first time. It gained significant influence on London politics. The argument often raised by Protestant unionist parties about London treating the Northern Irish parties as subjects and objects ceased to be relevant this time because the DUP gained significant influence on government. The agreement with the DUP was signed by the British government in an atmosphere of complete surprise at the election results. In no way could one suspect that it was an element of a wider plan. It was a necessity resulting from the electoral arithmetic.³⁸

The DUP's backing was critical to the Conservative government's ability to pass budgets and Brexit legislation, but strongly opposed any Brexit deal that could create

³⁶ J. Tonge, "Voting into...", p. 525.

³⁷ E. McClafferty, "NI Election 2022: Sinn Féin Steers Clear of Irish Unity Focus in Campaign," *BBC*, 26 April 2022, at <https://www.bbc.com/news/uk-northern-ireland-61182907>, 20 October 2024.

³⁸ D. Morrow, "Transformation or Truce? Tracing the Decline of 'Reconciliation' and Its Consequences for Northern Ireland since 1998," *Treatises and Documents: Journal of Ethnic Studies*, vol. 90, no. 90 (2023), p. 56.

a customs or regulatory border between Northern Ireland and the rest of the UK. This complicated Theresa May's attempts to pass her Withdrawal Agreement. By 2019, under Prime Minister Boris Johnson, the DUP's influence had become a threat to Johnson's revised Brexit deal that included the Northern Ireland Protocol, effectively creating a trade border in the Irish Sea. The DUP opposed this deal, but with Johnson's new majority after the December 2019 election, their support was no longer essential.

The DUP was largely critical of the Windsor Framework negotiations from 2021 to 2023, as they viewed the framework as insufficient in addressing their concerns over Northern Ireland's position within the United Kingdom. The party opposed any arrangement that would create regulatory or customs differences between Northern Ireland and the rest of the UK, seeing it as a threat to Northern Ireland's place within the Union.

In 2021 the party declared support for the Windsor Framework if it meets the seven points that included, among others, the same trading privileges for Northern Ireland as the rest of the UK, rights for people of Northern Ireland to have a say in making laws which govern them and a 'no' to any border on the Irish Sea, which was the main pillar of the Northern Ireland Protocol.³⁹ The negative approach of the DUP changed during the negotiations at the turn of 2023 and 2024 described above.⁴⁰

Alliance Party

The Alliance Party, founded in 1970, does not designate as Unionist or Nationalist but identifies as a cross-community party. It won 17 seats at the 2022 Assembly election.

The Alliance Party advocated reform of the Stormont institutions to remove the designation system. It also advocated health reform and the introduction of a child payment scheme to support people with the cost of living.⁴¹ It generally took a supportive and constructive stance towards the Windsor Framework as an acceptable compromise – except for the Stormont brake mechanism, resulting in unionism's votes in Stormont being more powerful than theirs.

The non-sectarian Alliance Party advocated for the restoration of the Northern Ireland Executive at Stormont arguing that all parties should return to power-sharing in order to address pressing social and economic issues facing Northern Ireland. According to AP, political deadlock was harming Northern Ireland's ability to tackle issues such as healthcare, education, and the cost-of-living⁴² crisis.

³⁹ "DUP Leader Announces Seven Tests for HMG Plans on NI Protocol," *DUP*, 15 July 2021, at <https://mydup.com/news/dup-leader-announces-seven-tests-for-hmg-plans-on-ni-protocol>, 22 October 2024.

⁴⁰ K. Hayward, D. Phinnemore, *Safeguarding The Union: What Is New in the DUP Deal and What Does It Mean for the Windsor Framework?*, Belfast 2024, p. 2.

⁴¹ S. McBride, "Alliance Manifesto Talks Tough on Stormont Reform," *Belfast Telegraph*, 27 April 2022, at <https://www.belfasttelegraph.co.uk/opinion/news-analysis/alliance-manifesto-talks-tough-on-stormont-reform/41594514.html>, 11 October 2024.

⁴² J. Tonge, "Voting into...", p. 528.

Ulster Unionist Party

The Ulster Unionist Party (UUP) was formed in 1905. At the 2022 elections it won nine seats in the Northern Ireland Assembly. It designates as Unionist.

Although The Ulster Unionist Party (UUP), like Democratic Unionist Party (DUP), is also a unionist party advocating for Northern Ireland to remain part of the United Kingdom, there are some significant differences in their political agendas. The UUP takes a more moderate and pragmatic approach to unionism contrary to the DUP's more confrontational stance. The party is more willing to work across community lines even with nationalist parties in Northern Ireland. The UUP appeals to moderate unionists, younger voters and those who favor a softer and more inclusive approach to unionism.⁴³

The UUP was critical of the Northern Ireland Protocol but was generally more open to compromise. The party took a pragmatic approach to the Windsor Framework negotiations, positioning itself between the outright rejection by the DUP and full endorsement by non-unionist parties.

In contrast to the DUP, the Ulster Unionist Party leader Doug Beattie said a united Ireland would not happen in his or his children's lifetime, thus *we can set it aside in order to concentrate on the issues affecting the daily lives of our people who live here.*⁴⁴

Social Democratic and Labour Party

The Social Democratic and Labour Party (SDLP) was formed in 1970. It was the fifth largest party at the 2022 elections with eight MLAs. It designates as Nationalist.

SDLP's approach to the Windsor Framework was often described as enthusiastic as the party shows a strong will to protect the Good Friday Agreement. The SDLP welcomed the Windsor Framework as a practical solution to reduce trade frictions between Great Britain and Northern Ireland, while preserving the economic benefits to both the UK and EU. The SDLP recognized the Stormont Brake as a potential tool to address unionist concerns over new EU laws impacting Northern Ireland. However, SDLP leader Colum Eastwood later described them as a pointless solution.

Traditional Unionist Voice

Traditional Unionist Voice designates as Unionist. It won one seat at the 2022 Assembly elections. The party was formed in 2007 and opposes the Belfast/Good Friday Agreement.

⁴³ Ibid., p. 525.

⁴⁴ "We Will Study the Detail of New Protocol Deal – Beattie," *Ulster Unionist Party*, 27 February 2023, at https://www.uup.org/we_will_study_the_detail_of_new_protocol_deal_beattie, 27 February 2023.

According to Traditional Unionist Voice, opposing the Northern Ireland Protocol is 'top priority'.⁴⁵ TUV leader Jim Allister criticized the deal for not substantially altering the terms of the Protocol.⁴⁶

People Before Profit Alliance

People Before Profit Alliance (PBP) is a socialist party formed in October 2005. It won one seat at the 2022 Assembly elections. It does not designate as Unionist or Nationalist. It operates across the island of Ireland and has seats in the Dáil.

The PBP favors a united socialist Ireland, though they officially designate themselves as Socialist rather than Nationalist or Unionist.

5. CONCLUSIONS

The current Northern Ireland's economic status with relations to the EU and its constitutional and economic ties to the UK were clarified over a period of 3 years. During this time the Northern Ireland Protocol, originally accepted on January 1, 2021, was revised in February 2023 by the Windsor Framework. And the Windsor Framework, finally accepted in January 2024, was later updated and clarified in the Safeguarding the Union document.⁴⁷

Paradoxically, some of the regulations have made the divided society of Northern Ireland united. Restrictions on food producers or the exaggerated standards for the transport of postal parcels, which are the standard these days, caused dissatisfaction regardless of identification. It can therefore be said that in a sense long months of negotiations have united the society of Northern Ireland.

At times, as in the case of animal transport, it turned out to be sufficient for legislators to take into account the local specificity of Northern Ireland (as a rabies-free country, it does not need mandatory vaccination of animals).

An important lesson that comes from the analysis of the negotiation process is the case of the adopted mechanisms securing the stability of the decisions taken. A thorough analysis of the functioning of these solutions can bring positive results when trying to resolve other ethnic and sectarian conflicts with a long and complicated history. When introducing solutions aimed at regulating the relations of the conflicting communities, it is worth following the example of those adopted in Northern Ireland not only in the years 2021-2024 but also during the entire peace process since 1998.

A good illustration of this point is the Stormont Brake mechanism described above, which allows for the stopping of legislation that is unfavorable from the point of view

⁴⁵ S. Walker, "NI election 2022: TUV Says Opposing Protocol Must Be Top Priority," *BBC*, 22 April 2022, at <https://www.bbc.com/news/uk-northern-ireland-61182027>, 22 October 2024.

⁴⁶ J. Tonge, "Voting into...", p. 526.

⁴⁷ K. Hayward, D. Phinnemore, *Safeguarding...*, p. 2.

of one side of the dispute, while giving the other side an opportunity to use various safeguard mechanisms. Thanks to them, the parties participating in the negotiations can raise their political position and thus show their voters that ‘we care about your interests and here is the evidence’.

The negotiation process analyzed in the article clearly shows that when the EU regulations touch on issues that are seemingly trivial yet important for people’s everyday lives – such as the transport of pets – they can cause significant opposition and be a breeding ground for populist political parties. Consequently, they may undermine the foundations of issues which are much more important for the political stability of Europe, of which the peace process in Northern Ireland is undoubtedly one.

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