

Institution: Queen's University Belfast		
Unit of Assessment: 19 Politics and International Studies		
Title of case study: Informing Differentiated EU Withdrawal Arrangements for Northern Ireland		
Period when the underpinning research was undertaken: 2000-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): David Phinnemore Lee McGowan	Role(s) (e.g. job title): Professor Professor	Period(s) employed by submitting HEI: 2000-present 1999-present
Period when the claimed impact occurred: 2016-2020		
Is this case study continued from a case study submitted in 2014? No		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Drawing on his extensive research on European integration and particularly the constitutional development, enlargement and external relations of the European Union (EU), Phinnemore has conducted research on how Northern Ireland, if necessary, could be treated differently to the rest of the United Kingdom (UK) following withdrawal from the EU. This research on differentiated post-Brexit arrangements for Northern Ireland has had an impact on:</p> <ol style="list-style-type: none"> <u>The EU Negotiating Team</u> [text removed for publication] <u>The European Parliament</u> and the position adopted by its members in supporting differentiated treatment of Northern Ireland in the Withdrawal Agreement <u>Northern Ireland Political Parties</u> and the positions that two parties adopted in advocating for differentiated post-Brexit arrangements for Northern Ireland 		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p><u>The Evolution of the EU and Differentiated Forms of Integration</u></p> <p>Since 2000, Phinnemore has conducted research on:</p> <ul style="list-style-type: none"> The constitutional development, through treaty reform, of the EU and arrangements for the differentiated treatment of member states unable or unwilling to engage in all areas of EU integration (REF A, equal co-author with Church, University of Kent; REF B) Negotiation processes within the EU, notably around enlargement (accession negotiations) and the EU's constitutional development (treaty reform negotiations) (REF B) Forms of association and "privileged partnerships" that the EU has concluded with non-member states (REF C, equal co-author with Gstöhl, College of Europe, Bruges) 		

The research explores the dynamics that shape treaty reform, accession negotiations, and negotiations establishing formal relationships with non-member states. It also examines the consequences of these reforms and negotiations. Overall, the research finds that while the EU does indeed have a strong institutionalised commitment to certain fundamental principles designed to safeguard existing integration, it also has the ability and political willingness to agree, generally only in exceptional circumstances, to flexible arrangements and to the establishment of differentiated forms of integration to address specific political challenges.

Such flexible arrangements and differentiated forms of integration are evident in the occasional (partial) opt-out/opt-in arrangements established through treaty reform processes (e.g. for the UK and Denmark on economic and monetary union, and the UK and Ireland on Schengen) and for the UK and Poland on the Charter of Fundamental Rights (REFs A, B). They are also evident in relation to differentiated forms of EU external relations (e.g. single market participation via the European Economic Area for Iceland, Liechtenstein and Norway, bilateralism for Switzerland, a customs union association for Turkey) (REF C; REF D, equal co-author with Gstöhl, College of Europe, Bruges).

Differentiated Post-Brexit Arrangements for Northern Ireland in the UK-EU Relationship

Building on the expertise derived from this research, Phinnemore conducted further research on the Brexit process, and in particular options for the differentiated treatment of Northern Ireland in order to address the specific challenges posed by UK withdrawal from the EU.

- Phinnemore studied forms of differentiated integration based on precedents and principles established through the course of the EU's own development (e.g. treaty reform and external relations). The research demonstrates that dedicated arrangements have been and can be established, and it offers analysis of options for Northern Ireland (REF D; REF E, equal co-author).
- Phinnemore studied the implications of withdrawal for Northern Ireland. The research demonstrates the considerable disruptive potential of Brexit for Northern Ireland generally, including economically, politically, socially, and specifically for the implementation of the 1998 Belfast / Good Friday Agreement (REF E; REF F, equal co-author with Hayward, Queen's University Belfast).
- Phinnemore studied the formal process of negotiating the UK's withdrawal from the EU. The research demonstrates and explains the extent to which the "unique circumstances on the island of Ireland" have featured in the withdrawal negotiations, and the extent to which the EU position is informed by institutionalized principles and precedent (REF F; REF G).
- Phinnemore studied the withdrawal arrangements, notably the provisions of the *Protocol on Ireland/Northern Ireland*, and their potential implementation. The research demonstrates the extent and the limitations of the differentiated arrangements into which the EU is willing to enter and, noting the experiences of other non-member states, the opportunities for engagement in EU decision-shaping relevant to the arrangements and obligations established by the Protocol (REF G).

3. References to the research (indicative maximum of six references)

- A. Church, C.H. and Phinnemore, D. *The Penguin Guide to the European Treaties: From Rome to Maastricht, Amsterdam, Nice and Beyond* (London: Penguin, 2002). ISBN-13: 978-0140289732
- B. Phinnemore, D. *The Treaty of Lisbon: Origins and Negotiation* (London: Palgrave, 2013). DOI: <https://doi.org/10.1057/9781137367877>
- C. Gstöhl, S. and Phinnemore, D. 'The EU and its privileged partnerships – Governance Power Europe?', in Gstöhl, S. and Phinnemore, D. (eds) *The Proliferation of Privileged Partnerships between the European Union and its Neighbours* (London: Routledge, 2019), pp. 175-202. DOI: <https://doi.org/10.4324/9780429435744>
- D. Gstöhl, S. and Phinnemore, D. 'The future EU–UK partnership: a historical institutionalist perspective', *Journal of European Integration*, September 2020 <https://doi.org/10.1080/07036337.2020.1818074>
- E. Doherty, B.; McCrudden, C.; McGowan, L.; Phinnemore, D.; Schiek, D.; and Temple Lang, J. (2017) *Northern Ireland and Brexit: the European Economic Area option* (Brussels: European Policy Centre) (available: <https://www.epc.eu/en/publications/Northern-Ireland-and-Brexit-the-European-Economic-Area-option~20b124>)
- F. Hayward, K. and Phinnemore, D. *UK Withdrawal ('Brexit') and the Good Friday Agreement*, Study prepared for the European Parliament's Constitutional Affairs Committee, Brussels, November 2017 [UK Withdrawal \('Brexit'\) and the Good Friday Agreement \(europa.eu\)](https://www.europa.eu/uk-withdrawal-brexit-and-the-good-friday-agreement)
- G. Phinnemore, D. 'Northern Ireland – A 'Place Between' in UK-EU Relations?', *European Foreign Affairs Review*, 25 (4) 2020, 631-49 (available: [Northern Ireland: A 'Place Between' in UK–EU Relations? - Kluwer Law Online](https://www.kluweronline.com/abstract-and-collections/law/article/northern-ireland-a-place-between-in-uk-eu-relations/))

4. Details of the impact (indicative maximum 750 words)

The research informed the positions of key actors involved in the UK-EU withdrawal process and particularly the negotiation of the Withdrawal Agreement where the research helped shape the *Protocol on Ireland/Northern Ireland*.

a) The EU Negotiating Team

[text removed for publication]

In January 2020, Michel Barnier, the EU Chief Negotiator, publicly named Phinnemore as one of two researchers, the other being Prof. Katy Hayward (QUB), who:

"have made an important contribution to the [Brexit] debate, in Northern Ireland, in Westminster, and beyond. Thanks to you, Northern Ireland's unique political, social and economic reality is understood more broadly" [REF 1].

[text removed for publication]

b) European Parliament

Phinnemore's research assisted the understanding of members of a key European Parliament committee on the implications of Brexit for Northern Ireland which, in turn, helped inform the position adopted by the European Parliament on these issues and its support for differentiated treatment of Northern Ireland.

This was achieved through the commissioned and co-authored research report [REF 3] prepared for and presented in person to the European Parliament's Constitutional Affairs Committee on 28 November 2017 [REF 4].

A member of the Constitutional Affairs Committee testifies:

"This study greatly assisted the understanding of Members of the Committee and officials as to the implications of Brexit for Northern Ireland, which in turn helped inform the position adopted by the European Parliament on these issues" [REF 5]

The significance of the report is underlined by two references to it in the explanatory statement prepared by Guy Verhofstadt, chair of the European Parliament's Brexit Steering Committee, in support of his crucial motion advocating that MEPs give their necessary consent to the Withdrawal Agreement [REF 6]. Only five reports/analyses are referenced in the 28-page statement.

Phinnemore also provided, with Prof. Dominic Bryan (QUB), a briefing to Verhofstadt when he was visiting Belfast in September 2017. According to Desmet and Stourton, this briefing "convinced [Verhofstadt] of the need to make the Irish border a priority in the Brexit negotiations" [REF 7, p. 97]. In testimonial evidence, the chair of the European Parliament's Brexit Steering Committee comments on the briefing as follows:

"This briefing made a deep impression on me, enhancing my understanding of the reality on the ground in Northern Ireland as well as several aspects of the political and social history. It strongly reinforced my conviction the parliament had to make the border on the island of Ireland a priority in Brexit negotiations and undertake to protect the Good Friday Agreement in all its parts ...these impressions... featured prominently in my report back to Parliament's Brexit Steering Group and to President Tajani [President of the European Parliament]." [REF 5]

On 29 January 2020, MEPs voted 621 to 49 in favour of the Withdrawal Agreement.

c) Northern Ireland Political Parties

Phinnemore's research contributed to the production of policy option papers [e.g. REF 8] that informed and helped shape the policy position on Brexit of two major Northern Ireland political parties and specifically their support for differentiated treatment of Northern Ireland. According to an Alliance party MP:

"Professor Phinnemore's work, for example on EU external relations and on an EEA option for Northern Ireland, provided shape towards a practical and legally competent conception of how Northern Ireland could remain aligned to single market rules. This helped to inform my own work in developing the Alliance Party's proposals for a special deal for Northern Ireland in our paper "Bridges, not Borders" [REF 9] in November 2017 ... [Phinnemore's] work provided the intellectual foundations for the development of special, differentiated arrangements for our region. In due course, this informed the development of the Backstop and subsequently the Ireland/Northern Ireland Protocol within the EU-UK Withdrawal Agreement". [REF 10]

For the Social Democratic and Labour Party (SDLP), the knowledge and expertise of Phinnemore (and Hayward) was "enormously helpful in both establishing the SDLP baseline response to Brexit (i.e. Northern Ireland requires special treatment and differentiated arrangements) as well as our ability to respond and adapt our position accordingly to developments in negotiations" [REF 11].

5. Sources to corroborate the impact (indicative maximum of 10 references)

1. Speech by Michel Barnier, EU Chief Negotiator for UK withdrawal from the EU, William J. Clinton Leadership Institute, Belfast, 27 January 2020 (available [here](#))
2. Testimonial, [text removed for publication]
3. Hayward, K. and Phinnemore, D. *UK Withdrawal ('Brexit') and the Good Friday Agreement*, Study prepared for the European Parliament's Committee on Constitutional Affairs, Brussels, November 2017 (available [here](#))
4. Committee on Constitutional Affairs, The implications of Brexit on the Irish border, Workshop, 28 November 2017 (available [here](#))
5. Testimonial, 9 October 2020: MEP, member of the Committee on Constitutional Affairs, Brexit Coordinator, and Chair of the European Parliament Brexit Steering Group, Brussels
6. *Recommendation on the draft Council decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (XT 21105/3/2018 – C9-0148/2019 – 2018/0427(NLE)) – Explanatory Statement*, European Parliament, Brussels, 23 January 2020 (available [here](#)). The references in question are footnotes 27 and 29.
7. Desmet, L. and Stourton, E. *Blind Man's Brexit: How the EU took control of Brexit* (London: Simon and Schuster), p.97
8. Doherty, B.; McCrudden, C.; McGowan, L.; Phinnemore, D.; Schiek, D.; and Temple Lang, J. (2017) *Northern Ireland and Brexit: the European Economic Area option* (Brussels: European Policy Centre) (available [here](#))
9. Alliance, *Bridges not Borders: Northern Ireland in the Single Market – Alliance Party Proposals*, Belfast, November 2017 (available [here](#))
10. Testimonial, 7 October 2020: MP, Alliance Party, Belfast
11. Testimonial, 1 October 2020: MP, Social Democratic and Labour Party, Belfast