

# BREXIT BRIEF

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The Brief seeks to provide up-to-date information on the progress and content of the UK-EU negotiations, and bring together relevant statements and policy positions from key players in Ireland, the UK and the EU.

The Brief is part of a wider communications programme covering the work of the IIEA's UK Project Group – including commentaries, speeches, texts and event reports – which are highlighted on the Institute's website. ([www.iiea.com](http://www.iiea.com))

## Introduction

As the Assembly Election campaign continues, concerns exist – and are increasing – about the likelihood of a revival of the power-sharing arrangements within the prescribed 24 week period for appointing a first and deputy first minister to lead the executive.

The hard-line positions taken by the DUP and TUV on the NI Protocol lead the former head of the NI Civil Service, David Sterling, to comment “if there are 24 weeks available, at least 24 weeks will be taken. I hope we get an executive quickly because this place badly needs it, the scale of the challenges requires that.” Those challenges include the impact of the ongoing UK-EU talks over the NI Protocol, the cost-of-living crisis, and controversial

issues on which Westminster may bypass Stormont such as on abortion laws and Irish/ Ulster Scots language legislation.

The *BBC's* NI political Correspondent, Jayne McCormack, has commented on Stormont's “bumpy journey” over the past five years - a period which started and ended in deadlock. She argues that, since the restoration of the Stormont system in 2020, “the report card is far from blank. Just a quick glance at the list of legislation they have passed in two years and there are now laws on everything from abolishing parking charges at hospitals, strengthening laws against domestic abuse and ensuring support for children who are adopted.

In other areas where Northern Ireland has lagged behind the rest of the UK for so long,

because of previous stalemates, there is also now progress. Tackling climate change, an opt-out organ donation system and making stalking a specific offence among them. Then compare the 47 bits of legislation passed by Stormont since 2020 - half of them in just the last six weeks - to the 78 bills introduced in the 2011-2016 mandate."

## Section One: State of Play

### Good Friday Anniversary

The Taoiseach, Micheál Martin, issued a Statement celebrating the 24th Anniversary of the signing of the Good Friday Agreement, where he asserted that "the war in Ukraine is a stark reminder that peace and democracy cannot be taken for granted."

"It is incumbent on us all to protect and nurture the Good Friday Agreement which marked a seismic milestone in the lifetime of this island. It signalled a new beginning underpinned by peace and mutual respect - grounded in the principles of consent, democratic institutions, reconciliation and cooperation.

The agreement was the product of many people's work. Of political and civic leaders across all traditions and communities in Northern Ireland together with the two governments, and supported by the US and the EU. Through the Agreement, we established new, interdependent political institutions - for Northern Ireland, north/south and east/west - and affirmed principles, rights, and equal protections for all, and addressed issues of citizenship, identity, and constitutional futures. It is important that we recognise the progress which has occurred since then."

### Election Opinion Polls

As the election campaign accelerated, the state of public opinion has been subject to polling by academic and public affairs groups. The resulting analysis and comment constitute a moving picture.

A *Liverpool University/Irish News* opinion poll has shown that unionist concern about the Protocol is rising. In February the poll showed 11.7% of unionists ranked it as their main concern. The March poll showed that the figure had doubled - up to 20.9%. But both polls show that the economy (at 29.8%) and health (at 25.5%) remain greater priorities.

Only 2.1% of nationalist respondents ranked the Protocol as their chief concern, seeing health (33%) and the economy (30.2%) as more important. For respondents who describe themselves as neither unionist nor nationalist, again the Protocol barely registered as a big issue (3.6%), ranked well behind health (29.7%) and the economy (35.5%). Covid recovery ranks as the fourth most important issue listed, with roughly one-in-ten of all respondents regarding it as the biggest important concern, ahead of employment, housing, education, and the environment.

As the Assembly election campaign became official, the latest *LucidTalk* opinion poll for the *Belfast Telegraph* pointed to an outcome in which Sinn Fein's Michelle O'Neill would be on course to become First Minister. The DUP is failing so far to narrow the electoral gap with Sinn Fein.

The poll showed the following 'State of the Parties': Sinn Fein 26%; DUP 19%; Alliance 16%; UUP 13%; SDLP 11%; TUV 9%; PBP 2%; Green Party 2%; and Others 2%.

More than 60% of unionist and nationalist votes say that it is 'very important' or 'important' to them that a party from their community emerges as the largest and takes the First Minister position. Unionists are evenly split on whether their parties should accept the Deputy First Minister role if Michelle O'Neill becomes First Minister. 44% said they should, yet 45% have said they shouldn't.

The Alliance Party has continued to make headway, gaining two points, and is clearly established as the third party, ahead of the UUP. The SDLP remains static on 11% while the TUV has fallen back, losing three points to 9%. The Alliance leader, Naomi Long, with 40% support, has emerged as Northern Ireland's most popular leader, ahead of the UUP's Doug Beattie and Colum Eastwood of the SDLP. Sir Jeffrey Donaldson remains the most unpopular party leader "by a wide margin with his personal rating down five points since January." The most unpopular politician in Northern Ireland is Secretary of State Brandon Lewis with a positive rating of just 4%.

A Liverpool University survey of 'Public Opinion and Power-Sharing in Northern Ireland' has indicated that the principle of power-sharing still retains some public appeal.

"Citizens are: More likely to agree than disagree that power-sharing is the most appropriate form of government for the region and are more likely to agree than disagree that power-sharing has been 'good for Northern Ireland'. When it comes to the day-to-day operation of the power-sharing institutions, however, there are signs of public disillusionment. Only a minority of citizens take the view that power-sharing works better now than it did in the past. Most people are not convinced that the Assembly does a good job in holding ministers to account, and most people are not

convinced that the Executive functions well as a government. There is, however, public appetite for further institutional reform which would suggest the public do not consider these issues insurmountable."

Findings related to political knowledge are suggestive of a relatively politically aware electorate. Perceived levels of knowledge in Northern Ireland politics and in the Assembly and Executive are high and, indeed, have increased from levels of knowledge recorded in 2009. On average, respondents correctly answered six (out of ten) true/false questions pertaining to Northern Ireland's politics and institutions, with those claiming 'a great deal' of knowledge of Northern Ireland politics scoring highest.

As such, it would be difficult to dismiss unfavourable views of Northern Ireland's institutions and representatives on the basis of political ignorance. The electorate appears to be relatively well-informed and, moreover, increasingly politically engaged. Comparison with data from 2009 reveals increases in participation in petition signing, in political campaigning, and in the expression of political opinions online (particularly among unionist respondents).

There is, however, a clear gendered dimension to political participation in Northern Ireland, with women less likely than men to contact their MLA, less likely to watch the proceedings of the Assembly, and less likely to express their political opinions online."

## Assembly Election – Party Positions

The *Belfast Telegraph's* Election Briefing on 4 April 2022 was headed "DUP and Sinn Fein set out similar plans, bar the NI Protocol, at two very different venues."

The DUP, at the Dundonald Omniplex, set out a “five-point plan for Northern Ireland” with pledges to: fix the NHS, grow the economy, keep our schools world-class, help working families and remove the NI Protocol. The Omniplex was showing ‘Uncharted’.

Sinn Fein chose the Titanic Hotel to set out a programme which was effectively identical to that of the DUP – except for the Protocol reference. Party President, Mary Lou McDonald said that while wider political issues needed to be addressed, most people were focused on “the here and now and the need to get by.”

The UUP manifesto was launched beside the battleship HMS Caroline. Party leader Doug Beattie said that the Protocol “is not the thing that will stop us going into government.” A decision on acceptance of a nationalist First Minister will depend on post-election talks but with Doug Beattie adding “Whoever wins is the winner.”

The Alliance Party leader, Naomi Long, says that the focus must be on “delivery, not division, and reform the Assembly and Executive so they can no longer be held to ransom by any party. Together, we can fix the health service, integrate our children’s education, and deliver a green new deal.”

The SDLP has not ruled out going into opposition after the election, but the party wants to be in a reformed Executive. Party Leader Colum Eastwood says that the NI Protocol is not a priority for most voters. “What people are telling me is that they’re absolutely petrified about the rising costs of fuel, food.”

## Dublin Could be Targeted

After the Hoax Bomb alert involving Foreign Affairs Minister Simon Coveney there have been indications that the loyalist campaign against the NI Protocol is likely to escalate with violent attacks in Dublin not being ruled out. A veteran loyalist has been quoted in the *Irish News*, saying that “the protocol has to go and if it doesn’t go then things are going to keep escalating. People shouldn’t underestimate the seriousness of the situation. It’s started now and it won’t stop until the protocol goes.... people have given enough time for talking.... the leadership of loyalism feel they have been undermined in the sense they have worked hard to keep the peace as long as they possibly can, but the tidal wave is just overcoming them now”.

A Shankill community worker and loyalist activist, Stacey Graham, told the *Irish Times* that “I am very, very worried about the direction that we’re going in. I’m seeing a lot of young people who really want a piece of the action. I was out on the street urging people to come away from the interface – to tell people to show their opposition to the protocol through peaceful and democratic means. Even then, the tensions were high and I am surprised what happened on Friday didn’t happen earlier. I think people were giving politicians and government a chance to come up with a solution to the protocol and they didn’t.”

Dr Aaron Edwards, a senior lecturer in defence and international affairs at the Royal Military Academy, Sandhurst, has written that in recent months “mainstream loyalists have turned their backs on the peace process. It has become clear that the mainstream paramilitary groups have lost that battle in terms of, they have not been able to keep a

lid on tensions that have boiled over within their own communities so they have been faced with a dilemma, either they stand aside and allow spontaneous protest action and violence potentially to escalate or they harness that. I think what we are seeing is a harnessing of that.”

## Article 16 Discussions in London

There is growing pressure on the London Government, from the right wing of the Conservative Party, to trigger Article 16 of the Northern Ireland Protocol soon after the 5th May elections. It is understood that some Ministers feel that the government should have suspended some parts of the post-Brexit treaty last autumn when negotiations with the European Union were leading to little progress. The UK team, then led by Lord David Frost – recently criticised by the Taoiseach for his hard line - repeatedly threatened to do so.

One Whitehall ‘source’ has argued that the failure to act on its threat to trigger Article 16 had led to a “boy who cried wolf” situation in which the government’s repeated warnings had lost credibility in Brussels. The Prime Minister has been urged to deal with this problem by ministers including Northern Ireland Secretary Brandon Lewis, Attorney General Suella Braverman and Jacob Rees Mogg, the Brexit opportunities minister.

Speaking at a Downing Street press conference with German Chancellor Olaf Scholz on Friday, Boris Johnson confirmed he raised the Northern Ireland Protocol in his meeting with Germany’s leader. Asked about Article 16, the Prime Minister told reporters “We had discussion about this, as you can expect. It came up. I think I raised it.” He went on to say the result of the discussion was “entirely predictable”. He added: “The almost seamless harmony that you have observed

between Britain and Germany today I would not wish in any way to interrupt by going into that any further.”

There are rumours that the government is working on legislation – in the form of an Internal Market Bill - designed to pave the way for suspending parts of the Protocol that may appear in the Queen’s Speech next month. Downing Street has dismissed the suggestion.

Meanwhile, Foreign Secretary Liz Truss and European Commission Vice-president Maros Sefcovic have put their negotiations on hold as the 5th May election approaches. Last month it was widely suggested that Liz Truss had “lost faith” in the negotiations and had instructed Foreign Office officials to prepare to trigger Article 16.

## Solution to Medicines Problem

The European Parliament has voted by an overwhelming majority to approve an EU rule change to ensure medicines can continue to flow into Northern Ireland seamlessly from Britain under post-Brexit arrangements. The provisions for Northern Ireland exempts it indefinitely from requirements on medicines that usually apply within the single market, to avoid any interruption to supply in this regard for the North. The decision will apply retrospectively from the start of this year when it comes into force imminently, after formal approval by the Council of Ministers.

The move was advocated, even pushed, by Irish MEPs. The Fianna Fail MEP Barry Andrews described the vote as “very significant” and said it should offer reassurance about Northern Ireland’s post-Brexit arrangements. “Of the issues that bother people about the protocol, the main one is medicines,” he said. “It was a very clear message at a very

sensitive time in Northern Irish politics, and I hope the message is really well received in Northern Ireland.”

Commission Vice President Maros Sefcovic commented in a brief tweet: “Great news from the European Parliament today with overwhelmingly positive vote to ensure the continued supply of medicines to Northern Ireland. Over to the Council next week for the final step. The EU is delivering on this lasting solution for Northern Ireland in record time.”

The Ulster Unionist Party leader, Doug Beattie, commented that the move by the EU was “proof that change is possible” but argued there was “further work to do on protecting and maintaining the flow of medicines to Northern Ireland”.

## Section Two: The Evolving Debate

### Irish News Editorial, 28 March 2022

“The latest five-year term at Stormont ended as it began, with one of the two big parties having walked out of the executive and seemingly little prospect of a speedy return. It took three years for the DUP and Sinn Fein to re-establish a power-sharing government last time, and only after a bloody nose from voters and pressure from a nurses’ strike.

With the Black Sea rather than the Irish Sea now preoccupying London and Brussels. The likelihood of Sir Jeffrey Donaldson securing the kind of changes he wants to rejoin an executive appear remote. On top of that the DUP and other unionist parties have been unable to confirm they would take the position of deputy first minister alongside a potential Sinn Fein first minister. This raises alarming questions about their commitment to power-sharing and will only increase turnout for Sinn Fein.

The assembly has already been suspended on five occasions since 1998 and it is questionable if it could or should survive another period of limbo in its current form. With action urgently needed to address hospital waiting lists and the cost-of-living crisis, there is no appetite for another protracted talks process or false promises of a fresh start. The grim reality is that a quarter of a century after the promise of the Good Friday Agreement, the power-sharing structures remain dysfunctional and the future uncertain.”

### Irish Government Activity following Bomb Hoax

Following the Hoax Bomb drama in Belfast, the Foreign Affairs Minister Simon Coveney set out the themes of his interrupted talk in a Belfast Telegraph article while the Taoiseach Micheal Martin travelled to the north-west for a series of meetings on both sides of the border including an address to the John and Pat Hume Foundation on 1 April 2022. The Taoiseach, Micheal Martin, insisted that he “did not think twice” about travelling to Derry following the recent bomb hoax involving the Minister for Foreign Affairs.

His remarks concluded by referring to John Hume’s insights “which always offer much food for thought.”

“The Good Friday Agreement simply wouldn’t have happened without John Hume; the vision, tenacity and sheer will he brought, over decades, to achieve a political resolution that would definitively end the destructive cycles of violence. At home and abroad, John brilliantly and ceaselessly affirmed an irrefutable moral and intellectual case for non-violence. As he said so often, so simply and so profoundly: “the only consequence of violence is a more deeply divided people;” “the essence of unity in every society, is to accept diversity;” and,



"we need on this island to "work the common ground... spilling our sweat and not our blood, to grow together...at our own speed." These precepts would come to be accepted by all sides; and they represent the DNA of the Good Friday Agreement.

"In an address to Seanad Éireann in 2002 John observed that: "We cannot heal the wounds of centuries in a few years. The violence of recent decades in particular has left deep wounds. The hurt inflicted and suffered will not go away because agreement has been reached. The agreement cannot take away the pain, but it is the start of the healing process. We do not know where this will take us and how quickly it will proceed but we know it is the best possible way to treat the wounds and divisions of centuries past."

That task of societal healing clearly remains for those of us in leadership today, and indeed for younger leaders coming through. We have made such progress since 1998. A generation has come of age in peace, and by working together in Northern Ireland, North/South and East/West, we really have begun to erode barriers of distrust. Progress is slow, difficulties are very real, but so is the success we see - a change, slowly but surely, in hearts and minds.

We need to keep the faith and keep building common ground across the three core relationships of the Agreement and in real, practical, impactful terms for people. As Taoiseach, this is one of my deepest political commitments and most fundamental concerns for this island.

And, as John said, reconciliation requires not just goodwill, but "all the resources of our collective intelligence, imagination, generosity and determination to this great enterprise."

As so often, he was speaking to all the people of Ireland, North and South. I firmly believe, that through sustained commitment and shared endeavour, we will realise the transformational potential of the Agreement for how we live together on this island.

As John also said, in doing so, we will show for "people around the world... that conflict can be ended and that peace, hope and justice can prevail."

The Minister for Foreign Affairs, Simon Coveney, contributed an extensive article to the *Belfast Telegraph* on 4 April 2022, describing the security scare as a "shameful echo of a darker time,"

"On March 25, I was in Belfast for an event with the John and Pat Hume Foundation on 'Building the Common Ground'. This cross-community event was hosted by the Passionist Community, and I was there to speak about the profound legacy of John and Pat as peacemakers and pioneers of reconciliation, and of the inclusive vision of the Good Friday Agreement.

This event was interrupted shortly after it began. A local electrician was hijacked at gunpoint by two men and coerced into driving his van, with what he believed to be an explosive device in it, to where almost one hundred people had gathered for this event — located beside Holy Cross church where a family funeral was taking place.

As a result, an event about reconciliation was postponed, a man was traumatised, and a grieving family was left praying for their loved one in a car park instead of a church. This advances the cause of no community. It is defending no principle. It is a shameful echo of a darker time. A time that was brought to an end by the Good Friday Agreement and

the collective efforts of courageous men and women from all communities, with the endorsement of an overwhelming majority of the people of this island North and South.

What I was there to say that day was that the Belfast/Good Friday Agreement was achieved by us all and belongs to us all. It is there for unionists, nationalists, and those who don't identify as either. The Agreement is absolutely explicit in committing to "parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities."

That has to mean not just tolerance, but genuine respect. It has to mean that we recognise that each tradition — unionism and nationalism — is far more than the rhetoric of their most extreme or narrow-minded proponents. Both traditions are not just legitimate but can be put forward in ways that are principled and idealistic, aspirational and generous and inclusive.

David Trimble was rightly honoured alongside John Hume with the Nobel Peace Prize. The Agreement was not the creation of one community, but of both. The progress we have won has been achieved through the leadership not of one, but of all. And we must also recognise that there is a growing dimension of Northern Ireland that does not define itself by national identity or binary politics. We must listen to, and respond to, all the diversity of aspirations in Northern Ireland and across our shared island. By doing so, we create a better vision for this place no matter what its constitutional future.

Where we have different aspirations for the future, as we will, there should be an ambition to work not for victory, but for the best and most inclusive version of the society we want.

And where we have the same aspirations for the future, for the health, for the prosperity and for the sustainability of our communities, we must take the opportunities we have right now to work together to find the best outcomes for all. That is the idea that is at the heart of the Shared Island initiative, as the Taoiseach made clear again in his event with Hume Foundation in Derry on Friday.

We know that there are real concerns and political tensions at present, including around the Protocol. The EU is listening to and responding to those concerns with proposals to significantly reduce checks on goods moving between Great Britain and Northern Ireland.

We continue to support the European Commission and the UK Government in finding agreement — through dialogue - on the sustainable implementation of the Protocol. Democratic and lawful channels are there to address all concerns. There can be no excuse or tolerance for the threat of violence or disorder. The Good Friday Agreement set out structures to accommodate difference and disagreement, not dispel it.

It is up to us to differ well. It is up to us to think in terms not of winning a debate, but in terms of how we can find common ground. That is what the Hume Foundation wanted us to be addressing. That is what the Passionist Community have worked for years to build between the Ardoyne and the Shankill. That is what real leaders from different communities and both traditions had come to talk about at that event. They are the people whose voices should be amplified, because they are voices, not of the past, but of the future."



## Anti-Protocol Rally in Co Armagh

The latest rally was addressed by Sir Jeffrey Donaldson (DUP), Jim Allister (TUV) and the loyalist activist Jamie Bryson. The UUP leader, Doug Beattie, was listed among the speakers but withdrew, expressing concern that the rallies were raising community tensions. A poster of Doug Beattie, showing a rope around his neck, was placed in the meeting room. Jim Allister removed the poster describing it as “entirely inappropriate”.

Jeffrey Donaldson said that “We must stand as one in opposition to the Protocol. Our opponents see the election on May 5th as an opportunity to weaken unionism and divide the anti-protocol cause. If they succeed, they will use the result to justify the status quo and force the Government to do nothing. We cannot allow that to happen.” He repeated his stance that DUP participation in the Stormont Executive depends on London taking steps to remove the Protocol.

Jim Allister said that “any unionist who comes to terms with the Protocol is embracing transition out of the United Kingdom and into an Irish Republic. Such is the fundamental assault made by the protocol on our constitutional position that it is irreconcilable with meaningful membership of the United Kingdom.”

## Section Three: Background Material and Further Reading

### Background Material

**GOV.IE** Keynote Address by Taoiseach Micheal Martin: Building Common Ground, 1 April 2022. <https://www.gov.ie/en/speech/02d5a-keynote-address-by-taoiseach-micheal-martin-td-building-common-ground/>

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