

# BREXIT BRIEF

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## Introduction

The political impasse in Northern Ireland continues, with NI Secretary Chris Heaton-Harris forced to introduce a budget in the absence of Ministers at Stormont. All parties watch the slow pace of London-Brussels talks and consider the implications of any outcome on the prospects for Assembly elections at some time next year. The Northern Ireland Protocol Bill continues its slow progress through the House of Lords with little clarity on the UK Government's intentions.

In London, Prime Minister Rishi Sunak is facing Brexit-related difficulties on two fronts with business and finance circles demanding practical actions on issues such as immigration while, within the Tory Party, the ERG and other hardliners have staged a backlash to suggestions that he might be considering a return to Theresa May's ill-fated 'Chequers Plan' or a move towards a Swiss-style deal with Brussels.

With hardliners like Dominic Raab and Suella Braverman on one side and moderates such as James Cleverly and Jeremy Hunt

on the other, the Prime Minister must move carefully in dealing with immense economic and budgetary challenges and with the need to avoid a trade war with the EU and to find a workable solution to the Northern Ireland Protocol.

## Section One: State of Play

### NI Secretary sets Northern Ireland Budget.

Northern Ireland Secretary Chris Heaton-Harris has set a budget designed to bring public finances "under control". Departments have been operating without proper budgets for several months and civil servants are currently controlling departments since ministers left office at the end of October when the deadline to restore the Assembly and Executive passed with the continuing DUP stance on the protocol.

The Secretary of State issued a Statement on the Budget:

*The fact that Ministers who remained in their posts during the six months from May to October 2022, have left*

*NI's public finances with a black hole of some £660m is hugely disappointing. I believe that if the necessary care of Northern Ireland's public finances had been taken over the last six months, the risk of overspend could have been more easily and fully mitigated.*

*However we recognise the public in Northern Ireland must be protected in future by bringing the public finances under control so it is with significant regret that I am now setting a Northern Ireland Budget, as the former Executive failed to do so. I have a clear message to the parties - if they disagree with my budget, they should restore the Executive to consider and revise the departmental position I have set out.*

*My priority continues to be to work towards the restoration of an Executive. Difficult decisions are ahead, and I urge parties to come together and to provide the locally accountable leadership that the people of Northern Ireland deserve.*

## **Northern Ireland Elections Bill Introduced in Parliament**

The NI Secretary, Chris Heaton-Harris has introduced a Bill in the Commons to extend the time limit for establishing a NI Executive, for holding Assembly elections and providing powers to reduce MLA salaries and expenses while the Assembly is not working.

The *Northern Ireland (Executive Formation etc) Bill* provides a "short extension to the period for Executive formation" and "enables the Secretary of State to amend MLA salaries while the Assembly is unable to conduct business." The legislation will also take

limited but necessary steps to maintain the delivery of Northern Ireland's public services.

*The legislation will extend the period for Executive formation by six weeks to 8 December with the possibility of a further six week extension to 19 January, to allow the Northern Ireland Parties to come together and deliver for the people of Northern Ireland.*

*Further, the Bill will clarify the limited decision-making powers to be provided to NI Civil Servants in the absence of Ministers, enable the Secretary of State to amend MLA salaries while the Assembly is unable to conduct business, and maintain public service delivery. The Bill will also enable a small number of vital public service appointments to be made and enable the regional rate for 2023/24 to be set should an Executive not be in place to do so.*

*Following discussions with the party leaders, community and business representatives across NI, the Secretary of State made the decision to introduce this legislation to allow for more time and space for Executive formation, avoiding an unwanted election.*

*Recognising public frustration that MLAs continue to draw a full salary while not performing the duties they were elected to do, this legislation will also enable the Secretary of State to amend the salaries and expenses payable to MLAs while the Assembly is not sitting. This measure is one of several in the Bill that will address the realities of the governance gap in NI during the present impasse.*

Speaking ahead of the Bill's introduction, the Secretary of State for Northern Ireland Chris Heaton-Harris urged the Northern Ireland Parties to use the extended time to "come together and deliver for the interests of all people in Northern Ireland, particularly in this time of rising costs." Mr Heaton-Harris went on to say:

*At present, MLAs are not in a position to fulfil the full range of their duties, so it is right that we take steps to reduce their salaries, especially in the current economic climate and in view of the £660 million black hole in the public finances created by poor decisions made by outgoing Ministers. Furthermore, Northern Ireland's people are being denied full democratic representation. The government's priority is to see politicians elected to return to fulfil their roles in a strong, devolved and locally accountable government, as laid out by the Belfast (Good Friday) Agreement.*

## **Sunak –Biden Meeting, 16 November 2022**

President Biden and Prime Minister Sunak met on the margins of the G20 summit. London sources said that the Prime Minister Rishi Sunak had promised President Joe Biden that a deal will be reached with the EU over the Northern Ireland Protocol by the time of the 25th anniversary of the Good Friday Agreement next year.

Both sides issued Statements, with the White House saying the following:

*President Joseph R. Biden, Jr. met today with Prime Minister Rishi Sunak of the*

*United Kingdom on the margins of the G20. The leaders coordinated on a range of global issues, including the challenges posed by China. They discussed the global need to step up ambitions to tackle the climate crisis, as well as the importance of securing sustainable and affordable energy supplies. The leaders also affirmed their shared commitment to protecting the gains of the Belfast/ Good Friday Agreement.*

No.10 Downing Street, meanwhile, released the following:

*The Prime Minister met US President Biden today at the G20 Summit in Indonesia. The leaders agreed on the national and international importance of the strong UK-US relationship, particularly given the challenging economic times the world is currently facing. The leaders looked forward to working together to take forward cooperation between the UK and the US on areas including trade, defence and upholding the Belfast (Good Friday) Agreement.*

## **LucidTalk Poll for Belfast Telegraph, November 2022**

The latest LucidTalk poll for the *Belfast Telegraph* has produced interesting results on party support and controversial findings on a possible role for Dublin in NI governance.

The poll shows that support for the DUP and Sinn Fein is rising as politics becomes increasingly polarised. The DUP is winning back support from the TUV and UUP as unionist voters endorse its hardline protocol

stance. The poll shows the DUP on 27% — up three points from the August poll and six points since last May's Assembly election.

With the DUP blocking the power-sharing institutions, nationalist voters are rallying behind Sinn Fein. At 32%, it is up two points since the August poll, remaining Northern Ireland's largest party. Sinn Fein NI leader Michelle O'Neill, whose response to the death of Queen Elizabeth and commitment to be a "first minister for all" were seen to have impressed voters. For the first time, she has emerged as the most popular party leader, beating Naomi Long to the top spot.

On 15%, the Alliance party is now firmly established as Northern Ireland's third largest party, although one point down from August. The biggest decline in the survey is for the UUP on 9% — a two-point drop — while the SDLP remains on 7%.

On 5%, the TUV has fallen one point since August and three points since May's election. Support for the Green Party (2%) and People Before Profit (1%) remains unchanged. Aontú has dropped one point to 1%.

*Despite the cost-of-living crisis starting to bite, there remains overwhelming support for the DUP's hardline protocol position among unionist voters. Some 80%, just two points down since the summer, say Sir Jeffrey Donaldson should maintain his Stormont boycott until the protocol is scrapped or significantly changed. Almost half — 49% — want it removed completely before the DUP returns to government, and 31% seek significant changes. Only 5% — down three points since August — think the party should go back into the*

*institutions immediately as the protocol isn't as important as the cost-of-living crisis and health service.*

Michelle O'Neill is the most popular local party leader with 46% of voters (up six points) saying she is doing a good or great job, with Naomi Long in second place (45%) and Doug Beattie (37%) in third. Colum Eastwood is viewed positively by 31%, Jeffrey Donaldson by 29%, and Jim Allister by 27%. The Sinn Fein vice-president's score is extraordinarily high among nationalists: 89% rate her positively with 71% viewing Mrs Long and 41% viewing Colum Eastwood in the same way. Even 15% of unionists believe Ms O'Neill is doing a good or great job while only 1% of nationalists say the same of Sir Jeffrey. The DUP leader's ratings have improved among unionists: 51% view him positively compared to 47% seeing Mr Allister and 40% Mr Beattie similarly.

The new Prime Minister Rishi Sunak is proving considerably less unpopular than Boris Johnson: 43% of voters view him negatively compared to 76% who said the same of Mr Johnson in August. There is no such hesitancy about the new secretary of state. Some 72% of voters believe he is doing a bad or awful job — a negative rating 21 points worse than his predecessor Shailesh Vara secured. Just 6% say Chris Heaton-Harris is doing a good or great job.

The poll findings on governance show that almost six in 10 people want Dublin to have a role in governing Northern Ireland if Stormont closes. Joint authority is also narrowly the favourite constitutional choice of voters here in the event of the power-sharing institutions continuing to not function. While nationalists overwhelmingly back it, unionists strongly

support direct rule from Westminster with no Irish involvement. However, the vast majority of Alliance and Green voters want Dublin to play a role in Northern Ireland if the political paralysis here continues.

The poll also shows that more than two-thirds of nationalist, Alliance and Green voters believe the DUP will never serve in an executive with a Sinn Fein first minister. If Stormont closes, 41% of people want joint authority with London and Dublin having equal responsibility for governing Northern Ireland.

Forty per cent opt for direct rule with no Dublin involvement, and 18% for direct rule with a consultative role for the Republic. Nationalists are more supportive of joint authority than unionists are of direct rule. Some 85% of nationalist voters want joint authority with 13% opting for direct rule with a consultative role for Dublin, and none choosing Westminster-only direct rule.

Among DUP, UUP and TUV voters, 75% want direct rule from London with no Dublin involvement, 21% want it with a consultative role for the Irish government, and 3% back joint authority. Direct rule from Westminster with a role for Dublin is the favourite option of Alliance and Green voters (47%), followed by joint authority (37%), with just 12% choosing London-only direct rule.

The poll shows that non-unionists appear to believe that the Protocol is just an excuse for the DUP blocking a return to power-sharing, and the real reason is that the party doesn't want to enter an executive in which Michelle O'Neill has the top job. Some 67% of those who vote for nationalist parties, Alliance or

the Greens say they don't think the DUP will ever serve in an executive with a Sinn Fein first minister. Almost eight in 10 Sinn Fein voters (79%) believe this is the case with just 12% saying they think Sir Jeffrey Donaldson's party would be willing to accept the deputy position. Some 65% of SDLP voters believe the DUP would never serve under a Sinn Fein First Minister with 26% disagreeing. The overwhelming majority of Alliance voters share those suspicions (65%) with just 26% believing Sir Jeffrey's party would be prepared to form a government with a republican in the top role.

Unionist politicians vigorously oppose London-Dublin rule, and the Northern Ireland Office has categorically ruled it out. Secretary of State Chris Heaton-Harris said: "To those who have called for 'joint authority' of Northern Ireland in recent days, let me say this: this won't be considered. "The UK government is absolutely clear that the consent principle governs the constitutional position of Northern Ireland. We will not support any arrangements that are inconsistent with that principle."

The TUV leader, Jim Allister, responded to the LucidTalk findings by writing that when Stormont means rule by Sinn Fein it is no loss if it is replaced by direct rule. "If the choice is British direct rule or Sinn Fein rule, TUV has no difficulty in knowing which is best, though not perfect. As for the threat of joint authority it is exactly that, an empty threat, a constitutional impossibility."

The DUP's Jeffrey Donaldson referred to the forthcoming 25th anniversary of the Good Friday Agreement saying that "if the Protocol is not replaced with arrangements that

both unionists and nationalists can support then the date will come and go without a functioning government in Stormont.”

## EU-UK Protocol Talks

UK Foreign Secretary, James Cleverly, spoke about EU-UK talks on the Protocol at the House of Commons Scrutiny Committee. He indicated that “At the moment that is done at officials’ level, I have a regular check in with Maroš Šefčovič” adding that he had not had a formal full ministerial team meeting with Mr Šefčovič since his appointment.

*Technical talks are happening at official-to-official level pretty well on a weekly basis. At some point when we have the opportunity to make the potential to make progress on one of these areas, we’ll sit down and have a formalisation of the talks. Much work is being done with instruction from the political level without formalised politician to politician talks. My view is if we can put forward a compelling case for the ideas that we believe can address the deficiencies in the protocol, and that we can demonstrate them to the Commission, as well as addressing our concerns, it also addresses the concerns that they have raised with us. I think that’s worth putting in front of them.*

The Foreign Secretary, in a number of comments, has cautioned against over-estimation of how quickly an agreed way forward on the Protocol might be reached. He told a house of Commons Committee that “I don’t want people to run away with the idea that we are just on the cusp of some amazing breakthrough that was there all the time if only we’d kind of looked little bit

harder. There are some real challenges that need to be overcome.”

## House of Lords Committee Letter on Protocol

House of Lords Sub-Committee on the NI Protocol wrote to the Foreign Secretary, James Cleverly, on 22 November 2022. The Committee’s letter sets out the evidence and arguments received in both oral and written evidence on all sides of the debate, relating to the economic, political and legal impact of the Northern Ireland Protocol, and of the Bill itself.

The Chair of the Committee, Lord Jay of Ewelme, said:

*The Committee is extremely grateful to all businesses, local community members, political leaders and stakeholders it has met and spoken to throughout the course of its inquiry. The personal experiences and insight that we heard, in particular during our visit to Newry and Belfast, are crucial to our understanding and analysis of the impact of the Protocol, and of the Northern Ireland Protocol Bill, on the people, businesses and communities of Northern Ireland.*

*Amid all of the tensions and uncertainty of recent years, the people of Northern Ireland must now be put first. Our message is simple: the UK and the EU, together with the political parties in Northern Ireland, Northern Ireland stakeholders and the Irish Government, must all make a renewed commitment to work together to prioritise Northern Ireland’s interests, participate*

*together in constructive engagement, rebuild trust, and engage in effective relationship-building, in order to resolve the issues that have arisen in relation to the Protocol.*

## Section Two: The Evolving Debate

### Continuing Brexit debate in UK

The debate on the reality of Brexit continues to generate headlines and stimulate controversy. The debate involves official, political, academic and media circles. It has also produced significant responses in Ireland.

The *Irish Times* editorial of 22 November 2022 said:

*The grip of the Tory Eurosceptic right on the party has not, it appears, weakened. As new British Prime Minister Rishi Sunak, himself a fervent Brexiteer, made clear speaking on Monday to British business, his administration will have no truck with proposals floated in recent days that would see a UK realignment with EU regulations, freer immigration, and deference to the European Court in dispute resolution – the so-called Swiss model.*

*The idea of the UK adopting the Swiss trade relationship with the EU appears to have emanated in press leaks from ex-remainer, Chancellor Jeremy Hunt. The debate has missed the point that Switzerland's EU relationship was built up through various ad hoc measures over the years and that the EU is not overly keen on parts of it. Hunt seemed to have been given a free hand to*

*junk libertarian economics but not the sacred cow of Brexit trade policy. Hunt last week told the BBC that "unfettered trade" with neighbours was "very beneficial to growth" – the UK Treasury and the Office for Budget Responsibility estimate post-Brexit trade friction will inflict a 4 per cent medium-term hit to UK GDP.*

*Observers of the British Brexit debate will have a sense of déjà vu. Albeit dressed in a somewhat different garb, the Swiss model bears a resemblance to the deal agreed with the EU by former Prime Minister Theresa May and voted down by the Commons at Boris Johnson's instigation. It was also rejected then by the DUP, although containing no provisions for protocol-like internal sea borders that its replacement would bring.*

*May's proposal obviated the need for such internal border controls by maintaining the UK's membership of the EU Single Market. As a member of the European Free Trade Association, Switzerland is selectively but deeply integrated into the single market. It must align its laws with EU ones in relevant areas to maintain that access, pays into the EU budget, and accepts the jurisdiction of the Court of Justice of the EU. Access to the Single Market, in other words, comes with terms and conditions, all currently unacceptable to the UK.*

In London, the official *Office for Budget Responsibility* has indicated that Brexit has contributed to reducing trade volumes and business relationships between UK and EU

firms Brexit has had a “significant adverse impact” on UK trade, according to the Budget watchdog’s assessment.

*Near-term growth in exports and imports is lower than in our March forecast as slowing global [gross domestic product] growth hits exports and a weaker outlook for consumption and investment weighs on imports. Our trade forecast reflects our assumption that Brexit will result in the UK’s trade intensity being 15% lower in the long run than if the UK had remained in the EU. The latest evidence suggests that Brexit has had a significant adverse impact on UK trade, via reducing both overall trade volumes and the number of trading relationships between UK and EU firms.” The OBR report also forecast payments of GBP18.9 billion to Brussels under the terms of the Brexit divorce deal between 2022-23 and 2027-28.*

The Observer, in its Editorial on 20 November 2022, wrote:

*Then came a Brexit driven not primarily by a democratic mandate – people did not vote for a Brexit that constituted a drastic cut in economic ties with our biggest trading partner – but by the takeover of the Conservative party by its Eurosceptic ideologues. They knew they could not win a mandate for Brexit by being honest about its costs so took advantage of a country suffering some of the biggest regional inequalities in Europe, worsened by Osborne’s spending cuts, to offer a populist solution: a fantasy Brexit that would lead to prosperity through cutting*

*migration and freeing more public spending for the NHS. In short, a series of lies.*

*The Brexit delivered by Boris Johnson has corroded the country in two ways. It has depressed Britain’s growth potential for the medium term at a time when the country could scarcely afford it. Far from the rebalancing Osborne promised, it has impeded export-led growth. People will be poorer for decades to come as a result. It is a big part of the reason why the UK’s economy remains smaller than at the start of the pandemic, while the German, French, Italian, Canadian and American economies have all grown. All those who warned Britain could not afford to leave the single market and customs union have, sadly, been proved right. The areas of the country that can least afford it will be hardest hit by the Brexit penalty.*

*The Eurosceptic takeover of the party has also driven instability, delivering the worst prime ministers this country has seen. Nowhere was this more evident than in Liz Truss and Kwasi Kwarteng’s disastrous mini-budget. Just seven weeks of her premiership cost billions in higher interest rates and government borrowing costs.*

Tony Danker, Director General of the Confederation of British Industry (CBI) said he wants the Government to focus on implementing Boris Johnson’s Brexit deal amid suggestions ministers could seek Swiss-style trading arrangements with the EU. He told the BBC: “I am a bit puzzled about the whole Swiss thing. It took them about



40 years to get to the Swiss arrangement. Currently we are not even implementing Boris's deal. Let's implement Boris's Brexit deal that still has some growth in it by the way that has all come to a freeze and let's forget the discussion about Switzerland for now." He added: "All I want to do is implement Boris's deal. Currently we are not implementing Boris's deal. We have got an impasse because of the Northern Ireland Protocol. There is lots of freezing of our science relationships, of recognition of our qualifications, of easier travel across Europe. Those things will give us some growth but it needs the Europeans and the British government to get round the table and solve the protocol."

Charlie Cornish, the chief executive of MAG, which owns Manchester, Stansted and East Midlands airports, speaking at the *Airlines 2022 Conference* in London, said: "There's no doubt that Brexit has damaged the UK economy, 99% of leading economists would tell you that. You just have to look at the rate of growth now, and that's significant." He added: "If that carries on, the UK's ability to be competitive will get eroded every single year. We do need the UK government to look at how to actually get a sensible economic growth plan back, with aviation at the centre of that."

## US Mid-Term Election

Foreign Affairs Minister Simon Coveney has commented that the result of the US mid-term election will not affect US attitudes to the Northern Ireland Protocol. Speaking in Washington following a meeting with the Friends of Ireland group in Congress the Minister said there was bipartisan support for the EU and UK reaching a negotiated solution. "I think the message is very

clear. Whether it's a Republican controlled Congress or a Democrat controlled Congress the position on Ireland is not going to change. They want the issues linked to the Northern Protocol settled. They also expect that the Irish Government, the EU and the UK Government will be able to work together in partnership to try and resolve many of these issues in the coming weeks through pragmatism, through flexibility and through a willingness to compromise."

## Hugh Orde on the Border

Delivering the second annual Seamus Mallon Lecture, organised in memory of the late SDLP deputy first minister, the former PSNI Chief Constable, Sir Hugh Orde, spoke about the implications of Brexit on the land border between Northern Ireland and the Republic, saying they have the potential to de-stabilise communities and increase pressure on police.

He also said he hoped "political failures" around the consequences of leaving the EU were not used as an opportunity by people who wanted to return to violence. He argued that the complications around a land border post-Brexit were "blindingly obvious" before the referendum in 2016:

*The border between the north and south, that enjoyed a degree of constructive ambiguity facilitated by shared membership of the EU is a cause for deep concern. Since the vote to leave took place, the utterly foreseeable complications based on a land border have come to the fore.*

*It is not for me to comment on the tactics deployed by the different political parties to deal with the current arrangements*

*that were agreed by the Government during the leave negotiations, but the fall-out has in my judgment the real potential to destabilise communities, increase tension and inevitably put additional pressure on policing. The lack of local governance clearly doesn't help. Trying to fix a problem that was so blindingly obvious to anyone that had the most basic understanding of what leaving the EU would mean post-event will be difficult, bordering on impossible in my judgment.*

Sir Hugh said concerns he had raised concerns about a hard border ahead of the referendum, but that these were dismissed as scaremongering. "I hope the uncertainty created by these political failures are not seen as an opportunity by that tiny minority who want to drag us backwards," he said.

### Sir Jeffrey Donaldson Regrets

DUP leader Sir Jeffrey Donaldson has said he regrets making a claim that the Northern Ireland Protocol had delayed some heart surgeries from going ahead. Sir Jeffrey said he now accepted that information about surgeries in Northern Ireland was "not entirely accurate. It was placed in the public domain by me and I regret that this happened."

The Southern Health and Social Care Trust had reported that 20 patients were transferred to Belfast when it was unable to secure needed cardiac replacement kits in the UK or Ireland due to its size. Speaking at the time, Jeffrey Donaldson commented that healthcare in Northern Ireland "isn't helped when access to medicines is impaired and inhibited" by the Protocol, adding that "How does that help people waiting on surgery,

on life-saving treatment, that the Protocol is preventing the health service from getting what it needs to provide that treatment? That's why we need a solution on this."

The trust said at the time that issues securing equipment was not linked to the Protocol. Sir Jeffrey stated that he accepted the Trust's explanation and that the Protocol on this occasion was not the problem.

## Section Three: Background Material and Further Reading

### Background Material

**Whitehouse.gov** Readout of President Joe Biden's Meeting with Prime Minister Rishi Sunak of the United Kingdom, 16 November 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/16/readout-of-president-joe-bidens-meeting-with-prime-minister-rishi-sunak-of-the-united-kingdom/>

**GOV.UK** PM Meeting with President Biden of the United States: 16 November 2022. <https://www.gov.uk/government/news/pm-meeting-with-president-biden-of-the-united-states-16-november-2022>

**GOV.UK** Secretary of State for Northern Ireland's statement on Northern Ireland Finances 2022/2023, 25 November 2022. <https://www.gov.uk/government/news/secretary-of-state-for-northern-irelands-statement-on-northern-ireland-finances-20222023>

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**Irish Times** Newton Emerson: Rise in DUP support over protocol is where bad news begins for Donaldson. *IT*, 21 November 2022. <https://www.irishtimes.com/opinion/2022/11/17/donaldson-has-painted-himself-into-a-corner-on-the-protocol/>

**Irish News** Former chief constable Hugh Orde delivers second annual Seamus Mallon Lecture, 18 November 2022. <https://www.irishnews.com/news/northernirelandnews/2022/11/18/news/former-chief-constable-hugh-orde-describes-het-as-the-only-original-idea-i-have-ever-had-in-policing-2908993/>

**The Observer** Comment: A crisis made in Russia? Oh come off it, Mr Hunt. *Observer*, 20 November 2022. <https://www.theguardian.com/commentisfree/2022/nov/19/the-observer-view-on-britain-financial-crisis-being-made-in-russia-oh-come-off-it-jeremy-hunt>

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## Further Reading

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