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)

Introduction

The Stormont impasse continues. The DUP insists that it will not return to the Northern Ireland institutions until its demands for changes to the Protocol on Ireland/Northern Ireland ("the Protocol") and the Windsor Framework are met, while both Brussels and London firmly state that there will be no renegotiation. The Northern Ireland local government elections on 18 May are now seen as a critical moment for the DUP. Commentators tend to agree that, while the poll results may send a clear message that the people of Northern Ireland want to see Stormont restored, a return to power sharing is unlikely before autumn.

Meanwhile, almost all interests in Northern Ireland are unified in calling for the restoration of the Stormont institutions. Political parties, the business and farming communities, the health and education sectors, academic commentators and, increasingly significantly, NGOs active in community relations, are all at one in their insistence that the day-to-day concerns of people across Northern Ireland must be addressed.

The Northern Ireland budget unveiled by the Secretary of State for Northern Ireland, Chris Heaton-Harris, has proved deeply unpopular and has been labelled a 'punishment' for the current political impasse. The proposal does not meet clearly identified financial challenges and there is growing insistence that urgent decisions should be taken by elected ministers and not by civil servants. The budget may also be a forewarning of what Direct Rule from London could look like for Northern Ireland.



The Good Friday (Belfast) Agreement anniversary events saw political leaders and influential figures from around the world united in calling for a return to the Northern Ireland Assembly and Executive, with *Politico* headlining, "In Belfast, world leaders beg the DUP to play ball. They won't ...for now." Even former US President Donald Trump entered the debate during his visit to his Doonbeg resort, commenting that the Stormont crisis will be "a tough one" to resolve but that "we have to work it out."

In *The Irish Times*, Freya McClements commented:

What could be more fitting than to borrow from Seamus Heaney's Nobel Prize acceptance speech, as Clinton did in his final address? Summing up the advances made in Northern Ireland in the past 25 years, he said those who helped bring about the agreement followed Heaney's call to "walk on air against your better judgment". Now you have a hard floor to walk on. For God's sake, get up and walk.

Section One: State of Play

Opinion Poll / Belfast Telegraph 30 April 2023

The Northern Irish polling company, LucidTalk, has published their Spring 2023 'Tracker Poll' ahead of the Northern Ireland local elections on 18 May. The poll reveals a two point fall in support for Sinn Féin, but indicates that the party will retain sufficient backing to make it the largest party in NI local government.

The key findings of the poll are:

First Preference Vote: Sinn Fein 29% (-2); DUP 25% (=); Alliance 13% (-2); UUP

11% (+1); SDLP 7% (=); TUV 7% (=); Green Party 2% (+1); Aontú 2% (=); PBP 1% (=); Others 3% (+2).

Respondents were also asked for their assessment of the overall performance of the main party leaders over the last few months. Sinn Féin's Northern leader, Michelle O'Neill, topped the poll with an approval rating of 41%, closely followed by Alliance's Naomi Long at 40%. Doug Beattie of the UUP received 38%, while the SDLP's Colm Eastwood received a rating of 32%. The DUP leader, Sir Jeffrey Donaldson, and the TUV leader, Jim Allister each received a rating of 27%. The UK Prime Minister, Rishi Sunak, had an approval rating of 19%, while the Secretary of State for Northern Ireland, Chris Heaton-Harris, received 11%.

The poll also revealed a hardening of unionist opinion on the Windsor Framework, with 79% of DUP voters and 62% of unionists overall saying that scrapping the Framework should be a priority over restoring Stormont. These figures are up from 52% and 35% respectively when LucidPoll asked a similar question in March 2023. UUP voters are an outlier in the unionist community on this question, with 81% saying that the DUP should return to Stormont.

Northern Ireland Secretary of State Unveils New Budget

On 27 April 2023, the Northern Ireland Secretary, Chris Heaton-Harris, unveiled a Budget which was variously described as grim, devastating, brutal, and punishing. The NI Fiscal Council said that the proposal involves a real terms spending cut of more than 3% in 2023 with cuts and demands for additional spending amounting to £800 million. There is no provision for pay



awards for public sector workers at a time of high inflation, which has already led to widespread industrial action by public sector unions in England and Scotland.

It was clear, following meetings between Mr Heaton-Harris and the five Stormont parties, that the British Government was sending a very clear message, summed up as, "If you don't like it, get back into government, agree on spending priorities, and there may be some additional money as a 'reward'."

The move was also seen by some commentators as London sending a very firm message to those DUP supporters currently expressing sympathy for a move towards direct rule, "This is what direct rule would look like, so be careful what you wish for."

In a Written Ministerial Statement to Parliament on 27 April 2023, Mr Heaton-Harris set out the final budget position for the current financial year. It provides £14.2 billion to be spent by the Northern Ireland Executive, with more than half earmarked for health. The Government will confirm this budget in legislation if a devolved government is not in place.

Mr Heaton-Harris also introduced the Northern Ireland (Interim Arrangements) Bill, which allows current civil servant decision-making arrangements to continue until an Executive is formed.

The Bill also includes new powers for the Secretary of State to direct Northern Ireland departments to provide him with advice or consult on options to raise revenue or deliver sustainable public finances in the ongoing absence of NI Ministers. Combined, these steps provide funding clarity and ensure governance will continue if an Executive is not restored before the current arrangements expire on 5 June 2023.

Mr Heaton-Harris met Northern Ireland's five main party leaders at Hillsborough Castle to provide an update on these points. The Secretary of State said:

It should be for locally elected politicians to take this strategic decision-making to transform and modernise Northern Ireland's public services. However, the approach taken in setting the budget and the provisions included in the Interim Arrangements Bill will ensure important work progresses if an Executive is still not in place.

Mr Heaton-Harris said it was clear that work is needed to get Northern Ireland's finances onto a sustainable footing:

This situation exists despite the UK Government providing additional funding totalling £7 billion to NI since 2014, on top of extra funding provided through the Barnett formula. I remain committed to protecting the interests of people in Northern Ireland, and will continue to do everything I can to help the Northern Ireland Parties to work together to make that happen. The people of Northern Ireland deserve a stable and accountable devolved government that delivers for them.

Maroš Šefčovič addresses Dáil Committee

The European Commission Vice President, Maroš Šefčovič, gave an address to the Oireachtas Joint Committee on European Affairs on 25 April 2023. Mr Šefčovič remarked on the success of the Good Friday Agreement on bringing peace to the island of Ireland in the past 25 years and reiterated his view that the next 25 years should be about bringing both peace and prosperity to Northern Ireland. He noted



that business leaders in Northern Ireland want legal certainty and predictability, and that there is an appetite for investment in Northern Ireland. In this regard, he said, the Windsor Framework provides both Northern Ireland and the entire island of Ireland with economic opportunities.

Mr Šefčovič then outlined what he regards as the benefits of the Windsor Framework. He stated that the deal, "provides practical solutions to the everyday problems being encountered by people and businesses in Northern Ireland" in areas including food, medicines, and customs. He also briefly explained the new Stormont Break, and emphasised that under the Framework, the role of the Court of Justice of the European Union would not change. Mr Šefčovič then thanked the Irish Government for their trust and cooperation throughout the negotiation process.

Moving on from the Windsor Framework, Mr Šefčovič identified new challenges in EU-UK relations, notably divergence between UK law and EU law:

> ...[W]e must continue to address more difficult topics such as the retained EU Law Bill and the Bill of Rights Bill. The UK is of course entitled to diverge from the EU if it wishes to do so, but more divergence carries more cost and will further deepen the barriers to trade between the EU and the UK. Having said that, I believe we have a mutual interest in the trade and co-operation agreement working well. To conclude, I once again thank the committee for its support and trust. I am convinced that a stable and positive relationship between the EU and the UK, based on the international agreements we have both signed and ratified, is in our mutual interest.

Prime Minister/Taoiseach Discussion 19 April 2023

The UK Prime Minister, Rishi Sunak, and the Taoiseach, Leo Varadkar, spoke in Belfast during the Good Friday Agreement anniversary events.

A statement issued by Downing Street said that Mr Sunak and Mr Varadkar has discussed their common goal of restoring power sharing and that they had reflected on the achievements of the Good Friday Agreement, while committing to maintaining close dialogue on issues such as dealing with the legacy of the past.

The leaders both agreed on the huge economic potential of Northern Ireland and Mr Sunak outlined the UK Government's work to increase investment in the region. Mr Sunak also expressed his hope that Ireland and the UK will be able to deepen their collaboration on shared challenges such as energy security, cyber security, and sustainability.

Opinion Poll on GFA reform

More than two-thirds of people in Northern Ireland believe big changes are required to the power sharing institutions created by the Good Friday Agreement, according to research conducted by *YouGov* and Ohio State University for the House of Commons Northern Ireland Affairs Committee.

The research reveals that 70% respondents believe that the Agreement has failed to deliver stable governance. The Northern Ireland Assembly has been suspended for nine of the twenty-five years since the Good Friday Agreement was signed. Scepticism about the agreement's success in delivering stability was consistent across groupings by age, religion, and political affiliation.



The Northern Ireland Committee Chair, Simon Hoare MP, said the poll provided an "important snapshot" of current thinking in the region.

Seventy-five percent of the respondents in the survey consider that the requirement that major decisions must have support from both the nationalist and unionist designations gives the DUP and Sinn Féin an effective veto, with growing parties such as Alliance locked out. Stormont was collapsed for three years after a Sinn Féin walkout in 2017 over the RHI scandal and the Irish Language Act, and the Assembly has been suspended again for more than a year after the DUP pulled the plug in a protest over the protocol in February 2022.

Support for reform is widespread but the former Taoiseach, Bertie Ahern, one of the architects of the peace deal, has said reform could only happen once the DUP was back in Stormont. However, Sir Jeffrey Donaldson's party said it would not be "browbeaten" into a return and few are expecting it to resume power sharing until at least September.

Section Two: The Evolving Debate

Bertie Ahern on 'Balanced Accommodation'

The former Taoiseach, Bertie Ahern, has written in the *News Letter* arguing that the question of Northern Ireland's place within the United Kingdom is not affected by the Windsor Framework:

...[W]hile by virtue of the principle of consent, Northern Ireland would remain part of the United Kingdom, the way the sovereignty associated with that status was exercised made it different from the rest of the UK. ... I recognise that a major residual source of concern for some unionists around the Windsor Framework is precisely this question of the status of Northern Ireland and how it is perceived to be affected by the Framework.

In 1998, we established that 'balanced accommodation' on the status of Northern Ireland. What I am seeking to do in this column is respectfully put on the table the reality that we addressed these questions 25 years ago and came to an understanding on them. In my view, we all accepted what I would call 'The Principle of the Balanced Accommodation'.

... I ask that ... due account is taken of the Principle of the Balanced Accommodation, a principle endorsed by the people of Northern Ireland in that historic referendum of May 22 1998 as their settled will. While I have made no secret of my desire to see the Stormont institutions restored, let me make equally clear that I do appreciate that the concerns which have prevented the DUP from agreeing to their return are deeply and sincerely felt.

Irish Times Editorial 29 April 2023

In an editorial, *The Irish Times* addressed the DUP's stance on the suspension of the Northern Ireland Assembly and Executive. The piece observed that the DUP was steadfastly resisting a return to power sharing regardless of the fact that the majority of the people of Northern Ireland, as well as other interested parties including the UK and Irish Governments, the EU, and the USA, have indicated that they wish to see Stormont restored.



The Irish Times' view is that the DUP's concerns, as well as all other problems currently facing Northern Ireland, would be best addressed by a functioning devolved government. Despite this, The Irish Times stated that the DUP is unlikely to return to power sharing until after the Northern Ireland local elections on 18 May at the earliest, with it being more likely that Stormont will not be restored until the autumn.

The editorial concluded:

The DUP is understandably concerned with the democratic deficit it discerns in the arrangements under the Northern Ireland Protocol, even in its amended state since the Windsor Framework was agreed. It objects that EU rules in which the people of Northern Ireland have no say in making will be, in part, applied to the North. But the party seems strangely less concerned with the much greater democratic deficit inherent in civil servants making crucial spending decisions, with scarce resources, that are rightfully the preserve of the politicians people elect to govern them. The case for restoring the Executive grows stronger by the day.

Irish News Editorial 27 April 2023

The Irish News published a strongly worded editorial on 27 April 2023 in response to the budget published by the Northern Ireland Secretary, Chris Heaton-Harris. The editorial argued that "only the gullible" would accept Mr Heaton-Harris' insistence that his budget is not a punishment for the people of Northern Ireland:

Even where department allocations haven't been cut, as they have for education, justice and economy, they

are at best only 'flat', as is the case for health, meaning they are broadly in line with what they received last year.

But with inflation remaining stubbornly high, each pound available this year won't stretch as far as before. Every household and family already knows this all too well. Even a neutral change in a department's budget represents a real-world cut.

The editorial also observed that public services had been affected by the cost-of-living crisis, including higher energy and transport costs, which would now have to be met from a smaller pot of money. It continued:

After Mr Heaton-Harris met with the five main Stormont parties, Sinn Féin's Conor Murphy predicted it would have a devastating impact, saying it "will reduce public services, undermine prosperity, and stifle the development of our children. It will cause long-term and irreparable damage to our society and economy".

However, *The Irish News* did observe that the budget "could have been even worse" and that the Treasury agreed to offer some flexibility on repayments towards Stormont's £300 million overspend from 2022.

The editorial laid responsibility for the budget at the feet of the DUP:

Mr Heaton-Harris has only been able to inflict deep cuts on the Northern Ireland public because the DUP persists in abandoning its responsibilities at Stormont. Fuelled by its opposition to the Windsor Framework, its boycott serves only its own narrow interests. It's an appallingly cynical approach which prevents locally elected ministers from deciding spending priorities.



However, *The Irish News* also remarked that the roots of Northern Ireland's current financial troubles could be traced back to wider dysfunction in the Executive over in recent years:

Dysfunction around the executive table has been a dominant characteristic of the years of Sinn Féin and DUP dominance. Stormont has consistently dodged public service reforms, perhaps most egregiously in health and social care. Nor has the civil service always exercised prudent stewardship of taxpayers' money, as numerous Audit Office reports attest. Only this week, the process around public procurement - which accounts for around a quarter of the north's total budget - was criticised for being open to perceptions of "widespread failure and financial waste".A budget shaped in the image of Tory austerity will only compound the malaise.

New EU Envoy to the United Kingdom

The new head of the EU delegation to the United Kingdom, Pedro Serrano de Haro, told *The Guardian* that he senses he may have come to the UK at a propitious moment, saying there are signs that both sides "want to advance the relationship on many fronts" now that the disagreements over implementation over the Northern Ireland protocol are largely resolved. Mr Serrano de Haro continued:

I believe I have arrived at a good moment with the making and the finalisation of the agreement on the Windsor Framework which has rebuilt trust between the EU and the UK. Obviously the very rich relationship between the UK and the EU has been affected by Brexit, but the foundations of the relationship are very strong and we are both fighting jointly to re-establish security in Europe after the terrible attack by Russia.

Mr Serrano de Haro also attributed the improved EU-UK relationship to Rishi Sunak's premiership, as well as to the good working relationships developed between the UK Foreign Secretary, James Cleverly, and the Northern Ireland Secretary, Chris Heaton-Harris, and the Vice-President of the European Commission, Maroš Šefčovič and the Commission President, Ursula von der Leyen.

Brexit on the Bookshelves

Anthony Seldon and Raymond Newell. Johnson at 10: The Inside Story. Atlantic.

Johnson and Brexit are "inextricably intertwined in history." Brexit would not have happened without him; he would not have become prime minister without Brexit. Yet he never had any strategy for trying to make a success of it. He and the other architects of that misadventure were like bank robbers after they had pulled off a heist. No sooner had they done so than they start turning on each other over whose genius had been responsible for the success and what to do with the spoils.

Padraig O'Malley. *Perils and Prospects of a United Ireland.* Lilliput Press Dublin.

Part of the genius of the agreement was its ambiguity. It allowed David Trimble to sell it to the Protestant community as a destination reached and assured -Northern Ireland would remain a part of the United Kingdom with no qualifications to the permanency of its position, the ship of state docked securely within the union. It allowed Gerry Adams and John Hume to sell it to the Catholic community on the basis that it was a temporary stop at a waystation on the road to a united Ireland - demographics alone assuring that outcome. At some point the two interpretations would clash - and Brexit has become that point.



Section Three: Background Material and Further Reading

Background Material

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Further Reading

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