

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

23 June - 7th Anniversary of 2016 Brexit Referendum

Friday, 23 June 2023 will mark the seventh anniversary of the 2016 Brexit referendum. As Brexit moves into its eighth year, Northern Ireland remains without functioning government while people there continue to struggle with the cost-of-living crisis and the impact of budgetary decisions being made in Westminster rather than Stormont. The lengthening political impasse arises from the DUP position on the Protocol on Ireland/Northern Ireland ("the Protocol") and the Windsor Framework. It is sadly ironic that the Protocol and the Framework exist for one reason only – Brexit – and that it was the DUP alone in Northern Ireland who argued in favour of Brexit in 2016.

Mark Durkan MP in the House of Commons, 9 June 2015

In their excellently researched volume, *The Parliamentary Battle over Brexit*, Meg Russell and Lisa James deal, in some detail, with a passage of a House of Commons debate from 2015 on the European Union Referendum Bill, which made provision for the holding of the Brexit referendum in 2016. The authors remark that:

...[T]he impact of Brexit on Northern Ireland became absolutely central to later debates, given its status as the only part of the UK sharing a land border with the EU. But just one member – Mark Durkan of the Northern Ireland Social Democratic and Labour Party (SDLP) – raised this question during the debate on the bill, during second reading.

There were 57 mentions of Northern Ireland in total throughout the Commons debates but the others related to more administrative matters concerning the referendum itself.

Ms. Russell and Ms. James further point out that, throughout the entire period preceding the referendum, there was just one half-hour debate – held outside the Commons chamber, in Westminster Hall, on 16 March 2016 and again sponsored by the SDLP – on the likely impact of Brexit on Northern Ireland.

Mr Durkan had initially addressed some of the technical issues in the Bill, but then turned to the what he viewed as the crucial issue at stake in the referendum, which was the unique impact of Brexit on Northern Ireland in terms of political stability, the peace process, British/Irish relations, and the everyday lives of people living on the border. Mr Durkan drew attention to the fact that the common EU membership of Ireland and the UK underpinned the institutions created by the Good Friday Agreement, and that fundamental damage could be done if the UK's membership of the EU was put into question. Addressing questions about parliamentary sovereignty and the relationship between the UK Parliament and the EU institutions, Mr Durkan continued:

...[I]n my view, it would have been better to have had something like a constitutional convention before the referendum not only to address the longer-term democratic relations within the UK and create a new democratic charter between this Parliament and the other elected institutions in different parts of the UK, but to create a new democratic charter that clearly creates a delineation between this Parliament and the various EU institutions.

There is a danger that we will end up with a referendum campaign in which the yes side includes people who want to be both half in and half out, and a no side that is also confused because it includes some people who want to be totally out, as well as people who say that if we reject it, we can be half out and renegotiate in the way that Ireland did. The danger is that we will end up with a referendum that does not settle the question at all in the terms in which Members believe it will.

Section One: State of Play

The political stalemate continues in Northern Ireland with the DUP holding fast to its position, despite all other interested parties calling for a resolution. Several commentators suspect that the DUP may return to Stormont in the early autumn, with the Assembly convening in September and the DUP nominating Emma Little-Pengelly MLA as Deputy First Minister.

British-Irish Council, Jersey, 16 June 2023

The British-Irish Council (BIC) held its 39th Summit meeting, which was hosted by the Government of Jersey and chaired by Chief Minister Kristina Moore. The Taoiseach, Leo Varadkar, led the Irish delegation, and the UK Government was represented by the Secretary of State for Levelling Up, Housing and Communities, Michael Gove. While the First Ministers of Scotland and Wales were in attendance, there was no representative of Northern Ireland because of the continuing Stormont stalemate.

The BIC Communiqué began,

Ministers took the opportunity to reflect on the 25th anniversary of the signing of the Belfast/Good Friday Agreement.

Ministers recalled the principles of the Agreement, the importance of the institutions established across its three strands, including the British-Irish Council, and its role in promoting harmonious and mutually beneficial relationships across these islands.

The Council also received an update on political developments in Northern Ireland, including the Windsor Framework, and stated that it looked forward to the restoration of the devolved institutions in Northern Ireland as soon as possible. The next BIC Summit will be hosted by the Government of Ireland.

Speaking in Guernsey after the meeting, the Taoiseach welcomed the meeting of the BIC, which he described as a key East/West institution of the Good Friday Agreement. Mr Varadkar also said that he had briefed the BIC on his recent visit to Ukraine and the impact of the Russian invasion on that country. He reaffirmed that the Irish Government is resolute in its support for and solidarity with the people of Ukraine, and he welcomed the partnership between the EU and the UK in responding to the war.

However, Mr Varadkar went on to say that he regretted that the same spirit of partnership has been lacking when it comes to Northern Ireland and addressing issues around implementation of the NI Protocol. He stated that any unilateral action by the British Government would be in breach of international law as well as counter-productive, nor would it reflect the best interests of the people and businesses in Northern Ireland. The Taoiseach then added,

...[P]artnership, vision and compromise delivered and sustained the Good Friday Agreement. A return to that partnership

approach by the UK Government, through honest dialogue and balanced agreement, can resolve the current implementation challenges with the Northern Ireland Protocol.

The Taoiseach also briefed the BIC on the Shared Island Initiative, including a recent allocation of €70m for Shared Island investment projects and inclusive engagement through the Shared Island Dialogue series.

Speaking after the BIC meeting, the UK Government representative, Mr Gove, told reporters that the concerns raised by the DUP over post-Brexit trading arrangements had been addressed “effectively” by the Windsor Framework and that the UK Government would continue to engage with the party in an effort to offer them “reassurance and encouragement” to return to the Stormont Assembly.

Michelle O’Neill in Washington

The Sinn Féin Vice-President, Michelle O’Neill MLA, was in Washington during the week commencing 5 June 2023 to call upon congressional leaders, as well as officials from the State Department and National Security Council, to ensure that the US Administration continues to stand firm “in terms of the Brexit debacle and in defence of the Good Friday Agreement.”

Among those who met Ms O’Neill was Senate Majority Leader Charles Schumer, who released the following statement in relation to her visit:

I was pleased to meet today with Michelle O’Neill, First Minister-elect of Northern Ireland. I congratulated her and the members of Sinn Féin for another historic electoral victory last

month and expressed my strong desire that all parties respect the will of the voters and get to business forming a power-sharing government ASAP to do the peoples' business.

We spoke about my continued deep commitment to the Good Friday Agreement, which has done so much to foster peace, stability and shared progress for all communities, including the passage of my Senate resolution commemorating the 25th anniversary of the Good Friday Agreement. I look forward to working with First Minister-elect O'Neill, and all parties in Northern Ireland, to see the principles of the Good Friday Agreement be put back into practice and to build a better future for all communities.

As well as meeting with U.S. officials and political leaders, Ms O'Neill also met with Irish American community leaders including members of the Ancient Order of Hibernians.

Micheál Martin in Belfast

The Tánaiste, Micheál Martin, visited Belfast on 7 June 2023 where he met representatives of the five main political parties for talks on the continuing DUP boycott of the Northern Ireland institutions. Following the party meetings, the Tánaiste commented that it was clear to him that there is a strong will for the return of devolved government:

I do believe that everybody is possessed now of the necessity to do something urgently and also that there is a window of opportunity now in the aftermath of the local elections that should facilitate a resumption of the Executive and the Assembly.

However, Mr Martin also remarked that safeguards sought by the DUP ahead of the restoration of the institutions must not undermine the Good Friday Agreement.

The DUP leader, Sir Jeffrey Donaldson, urged respect for unionists and told Mr Martin that he wanted to build a constructive relationship with the Irish Government based on mutual respect. Sir Jeffrey claimed that, for long periods, Dublin had ignored the views of unionists on the Protocol and had failed to recognise that post-Brexit arrangements required the support of unionists as well as nationalists.

Andrew Muir MLA from the Alliance Party, told the Tánaiste that the other political parties at Stormont remained in the dark over when the DUP intends to return to powersharing. The Tánaiste concluded his Belfast visit with a tour of the Museum of Orange Heritage where he was received by the Orange Order's Grand Secretary, Mervyn Gibson, and Deputy Grand Master, Harold Henning, who outlined the history and work of the Order.

Boris Johnson Resignation, 9 June 2023

The resignation from Parliament of the former UK Prime Minister, Boris Johnson, in the light of a damning report by the House of Commons Privileges Committee has totally dominated political discussion and debate in the UK and beyond in recent weeks.

In his initial statement on his resignation, Mr Johnson brought the issue of Brexit into the heart of the controversy:

I have received a letter from the Privileges Committee making it clear - much to my amazement - that they are determined to use the proceedings against me to

drive me out of Parliament. I have been an MP since 2001. From the outset, their purpose has not been to discover the truth, or genuinely to understand what was in my mind when I spoke in the Commons. Their purpose from the beginning has been to find me guilty, regardless of the facts. This is the very definition of a kangaroo court.

Sadly, as we saw in July last year, there are currently some Tory MPs who share that view. I am not alone in thinking that there is a witch hunt under way, to take revenge for Brexit and ultimately to reverse the 2016 referendum result. My removal is the necessary first step, and I believe there has been a concerted attempt to bring it about. I am afraid I no longer believe that it is any coincidence that Sue Gray - who investigated gatherings in Number 10 - is now the chief of staff designate of the Labour leader.

We need to show how we are making the most of Brexit. We need to deliver on the 2019 manifesto, which was endorsed by 14 million people. We should remember that more than 17 million voted for Brexit.

The Observer, on 18 June 2023, wrote about a significant element in the Johnson resignation story:

In the long June days running up to the 2016 referendum on EU membership, Boris Johnson toured the country to promote the supposed benefits of Brexit... During a visit to Ipswich on 20 June 2016 he alluded to the most important, saying that staying in the EU would mean "the steady and miserable erosion of parliamentary democracy in this country".

Seven years on, in an extraordinary illustration of Johnson's headlong decline, and the parallel implosion of his Brexit arguments in a heap of contradictions, he has found himself at war with the very parliament whose powers and authority he claimed to hold so dear.

The Observer concluded that Mr Johnson had "misled the parliament which, during his Brexit campaign, he had hailed as the cornerstone of our democracy."

Heaton Harris on NI Finances

The Secretary for State for Northern Ireland, Chris Heaton-Harris, has denied that his instruction to senior civil servants at Stormont to provide information on revenue-raising measures is an attempt to pressure the DUP to re-enter Stormont. He has requested information on measures such as domestic water charges, drug prescription charges, and tuition fees, to improve the sustainability of Northern Ireland's public finances.

Senior civil servants, who are currently running public services in Northern Ireland in the absence of a devolved government, have estimated that Stormont departments need hundreds of millions of pounds in extra funding to maintain public services at their current level this year.

Speaking to media in Belfast, Mr Heaton-Harris denied that the request to civil servants amounted to pressure:

Is it some sort of pressure to get the executive up and running? No, because it's about trying to make sure that the budget is sustainable and that we can deliver proper, quality public services as we move forward in Northern Ireland that are sustainable and financially affordable.

Mr Heaton-Harris added that his instruction to civil servants was made with the intention of providing information to a future Executive, and that he does not have the power to implement such revenue-raising measures. He did, however, say he will not rule anything out if devolved government does not return.

DUP Stance Continues

The DUP leader, Sir Jeffrey Donaldson, has said he is hopeful of progress in the next few weeks in his talks with the UK Government about restoring Stormont. Sir Jeffrey has insisted that specific proposals have been made to the UK Government about the approach needed to address the DUP's concerns over post-Brexit trading arrangements.

However, the Northern Ireland Secretary, Chris Heaton-Harris, had stated that the DUP had so far failed to spell out what safeguards it wants. He told reporters that he was "waiting to hear" from the DUP regarding demands that could pave the way to a return to powersharing.

Sir Jeffrey responded:

If the Prime Minister is looking for areas to make progress, then a most obvious place to take steps would be to address issues around the Protocol and to get this resolved. The Government is well aware of where our concerns are in relation to the Protocol and the Windsor Framework, those concerns have been well aired. We have proposals in relation to both legislation and to the practical arrangements for the movement of goods within the United Kingdom and its internal market. Those are the areas we are focused on.

The DUP's deputy leader, Gavin Robinson MLA, said the British Government "know full well" what the party's problems are with the Windsor Framework, and insisted that there must be fundamental change to the post-Brexit trading arrangements.

BBC Northern Ireland's political editor, Enda McClafferty, has written that Jeffrey Donaldson's reference to an "important stage" in discussions with the British Government represents the first hint of a timeline in the DUP's talks with the Government. Mr McClafferty concluded that:

The UK Government will be keen to pass any legislation (to deal with the DUP's concerns) before Westminster breaks for the summer recess on 20 July. But don't expect a quick decision from the DUP. The party may want assurances around a financial package to help plug Stormont's £1.1bn black hole. They may also decide to reserve judgement until the new arrangements agreed in Windsor Framework are put into operation in October.

Section Two: The Evolving Debate

Lord Alderdice on Dublin/London responsibilities

Lord John Alderdice, the former Alliance Party leader and NI Assembly Speaker, made headlines when he was reported as saying that Northern Ireland was heading for a 'joint authority' under the London and Dublin Governments. He expanded on his thinking – and on his reported remark – at a session of the House of Commons Northern Ireland Affairs Committee on 7 June 2023:

As I have looked at how things might progress over the next period of time. I have never said "joint authority"; I have always said "de facto joint authority". The reason I say that is this. There are three strands to the agreement; there are three sets of institutions. If strand 1 and the Assembly is not operational, strand 2 cannot be operational, but strand 3 does not depend on the Northern Ireland parties; it is the British and Irish Governments in the intergovernmental conference.

If there is no effective devolution, things devolve upwards to the two Governments to operate. The point that I have been making is that there is no way that the British Government, for example, in the absence of an Assembly, is simply going to go back to old-style direct rule. It is just not going to happen politically—it is not going to happen. Therefore, you move into a situation where the British Government will not operate things in Northern Ireland without consultation with the Irish Government.

Brexit on the Bookshelves

Aaron Edwards, *A People Under Siege* (Merrion Press)

Aaron Edwards, in his comprehensive study of "The unionists of Northern Ireland from partition to Brexit and beyond", writes that, "Although it might have been the case that, historically, debate on unionism has tended to be 'introverted and parochial, lacking any active sense of the wider history of political unions', it has certainly got much worse in the wake of Brexit. Nowadays, we find Enlightenment ideals like reason, science and progress readily replaced by emotion, quackery, and populist nationalism. In Northern Ireland unionists have become

more insular again, resurrecting ethnic and nationalistic notions of what constitutes the Union, rather than focusing on a form of civic unionism that offers a cosmopolitan political outlook which transcends, rather than erects, barriers between people. It is depressing and all too familiar."

Jon Snow, *The State of Us* (Bantam)

The widely respected broadcaster, Jon Snow, in his passionate discussion of the role of journalism at a time of crisis in a deeply unequal society, addresses many aspects of the Brexit phenomenon. He writes, "In all the years I presented Channel 4 News, there was never an issue as divisive and brutal as Brexit. I think I can say it was the most acrimonious time for the country I can ever remember. The Brexit campaign was a terrible episode in the history of our nation, when polarisation and division ran rampant. The wounds caused by the campaign. Let alone the results of the referendum, have still not healed." He concludes, "I often think, if Brexit was the answer what the f**k was the question?"

Alex Kane on the Union

On 16 June 2023, *The Irish News* columnist, Alex Kane, contributed an in-depth discussion of the present state of Northern Ireland's political unionism.

Unionism/loyalism needs to stop obsessing about change and learn how to turn it to their own advantage. Fair enough, happy unionism/loyalism isn't going to convert a single a-nation-once-again republican, but it might well allow the constitutional agnostics (now accounting for 20 per cent-plus of the electorate) to look more to the east than the south.

Let's be honest, you don't have to be a unionist to appreciate stability, a good lifestyle, good schools, a sound economy, growing job market, a block grant well spent, the creation of an attractive place for investment, a government that works in and for common purpose and, as an old friend puts it, "somewhere that just looks bloody normal for a change". So that's what unionism needs to focus on.

Henry Kissinger wrote about managing change: "Define objectives that can enlist people. Find means, describable means, of achieving those objectives. Emphasise the end goals of progress and success." That's what unionism/loyalism needs to do. Change is inevitable. But it doesn't have to be feared.

The Union won't be saved by political/ electoral unionism. It will be saved when an overall majority likes Northern Ireland, likes living there, likes increasingly mixed and diverse places to live and prefers it to the constitutional change being offered by others.

Yes, there are huge challenges ahead for unionism/loyalism. So be it. Don't fear them. Look at the Civil Rights movement and SDLP and what they achieved. Look at the rise of Sinn Féin. They too had huge challenges. Unionism needs to stop whinging, stop waltzing into cul-de-sacs, stop Lundy-hunting and, instead, start defining objectives and the describable means of achieving them.

Establishment Plot

Leading Brexiteers, Nigel Farage and Alan Sked, have contributed columns to *The Telegraph* arguing that there is an establishment plot

to reverse Brexit and that the circumstances of the Boris Johnson resignation provide direct evidence of the plot.

Professor Alan Sked – one of the leading academic proponents of Brexit – has titled his *Telegraph* piece, "First they came for Boris – now they come for Brexit." He asserts that the first step was to silence Johnson and then, once the Tories lose the next election, "Labour, the Lib Dems and SNP will demand we re-join the EU at whatever cost." Farage writes of a Labour Government "which would waste no time in aligning us with single market rule. Under Starmer, BRINO – Brexit in Name Only – will take root. It will only be a matter of time before we become an associate member of the EU. Brexit will be dead."

David Frost joined Mr Farage and Professor Sked in his response to the Johnson resignation saga, writing, again in the *Telegraph* "But Boris was not forgiven for getting us out of the EU. He faced vilification and when the opportunity arose he was driven from office. "And now again an effort has been made to kill Boris off politically for good."

BBC Question Time – 'Leave'

The BBC One weekly *Question Time* programme – chaired by BBC journalist Fiona Bruce – will present a unique edition on Thursday, 22 June 2023 on the eve of the seventh anniversary of the Brexit referendum. All participants on the panel and in the audience will be individuals who voted Leave on 23 June 2016. They will be asked to discuss and debate their motivations and hopes as they voted, their reflections on the reality of Brexit seven years on, and their thoughts about the future.

Section Three: Background Material and Further Reading

Background Material

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Further Reading

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