

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 Anniversary

The seventh anniversary of Brexit turned out to be a low-key affair which passed by with little fanfare. In fact, conversation in the UK focused primarily on “Brexit regret” rather than positive outcomes of the UK’s withdrawal from the EU. Polls from *YouGov*, *Ipsos* and *NatCen Social Research* all find that sizeable majorities of Britons now regret leaving the European Union. The latest numbers consistently show a margin of as much as 60-40% for those wishing Britain had remained in the EU, compared with the 52-48% vote to leave in June 2016.

In *The Guardian*, Timothy Garton Ash contributed a striking piece entitled “Seven years on, the UK and EU are still drifting

apart. The public wants a change”, in which he argued that,

Britain is like a sailing boat faffing around in the middle of the Channel. Most of its passengers want it to steer closer to the continental coast and even the captain seems willing to make some modest adjustments to his course. But strong winds and currents are pushing the boat further away from the continent. It will require a much more decisive change of course from a new captain, after a different crew comes on board next year, for the forces of convergence to prevail over those of divergence.

Meanwhile, as the Stormont impasse continues into the ‘summer break’, debate around Irish unity continues in the media. In his widely referenced book, ‘Making Sense

of a United Ireland', Brendan O'Leary writes at length on the importance of preparation, planning and inclusive debate in advance of any referendum. He firmly concludes,

Quite simply, Ireland cannot afford a magnified version of the Brexit referendum. Namely, an irresponsible referendum, irresponsibly debated, saturated with disinformation, without proper planning for either outcome, and with shady funding.

Section One: State of Play

House of Commons Northern Ireland Affairs Committee 28 June 2023

The DUP leader, Sir Jeffrey Donaldson, addressed the House of Commons Northern Ireland Affairs Committee on 28 June 2023. He gave a wide-ranging presentation of the DUP's position on the Good Friday Agreement and the Protocol On Ireland/Northern Ireland ("the Protocol").

Sir Jeffrey insisted that the DUP's refusal to return to powersharing is not related to the fact that the party would no longer occupy the role of First Minister. He also outlined differing Unionist approaches to the Protocol and the Windsor Framework, noting that, like the DUP, the UUP are also dissatisfied with Northern Ireland's post-Brexit trading arrangements, but that the parties differ on the best way to address their concerns. While the UUP desire to return to Stormont in order to seek change to the Protocol within the institutions, the DUP want their concerns to be resolved before restoring Stormont.

Claire Hanna MP from the SDLP asked Sir Jeffrey whether the DUP intends to publish the proposals it has made to the UK Government for changes to the Windsor Framework. Sir Jeffrey responded that he

is awaiting the Government's response before deciding what he will say publicly. He claimed that a large part of the DUP's proposal reflects the concerns of businesspeople in Northern Ireland.

House of Commons Northern Ireland Questions 21 June 2023

Routine Northern Ireland Questions took place in the House of Commons on 21 June 2023. Sir Jeffrey Donaldson asked the Secretary of State for Northern Ireland, Chris Heaton-Harris whether the UK Government plans to introduce legislation that will protect Northern Ireland's place in the Union and its ability to trade within the internal market. Mr Heaton-Harris replied,

I very much look forward to being in a space where, following further conversations with the right hon. Gentleman, I can bring forward legislation in this place that does exactly what he needs it to do for his party to be able to give me a date when it will go back into the Executive in Northern Ireland.

Sir Jeffrey followed up by reiterating his concerns about the free movement of goods between Northern Ireland and Great Britain through the "green lanes" set up by the Windsor Framework, saying that the UK Government and the European Union appeared to have different understandings of how the green lanes will work.

Mr Heaton-Harris responded that the UK Government's Command Paper on the Windsor Framework details its view over how the agreement will bring unfettered trade between Northern Ireland and Great Britain. He added that he would continue to seek Sir Jeffrey's guidance on how to "put more flesh on the bone" of the provisions of the Framework.

BIIGC London 19 June 2023

A meeting of the British-Irish Intergovernmental Conference (BIIGC) took place at Mansion House, London, on 19 June 2023. The Conference was established under Strand Three of the Good Friday Agreement “to promote bilateral cooperation at all levels on all matters of mutual interest within the competence of the UK and Irish Governments”.

The Government of Ireland was represented by the Tánaiste, Minister for Foreign Affairs and Minister for Defence, Micheál Martin TD and the Government of the United Kingdom was represented by the Secretary of State for Northern Ireland, Chris Heaton-Harris MP.

The Joint Communiqué issued after the Conference stated that the UK and Irish Governments agreed on the critical importance of restoring the Northern Ireland Assembly and Executive in order to give the people of Northern Ireland fully functioning institutions. Both Governments also agreed that the Windsor Framework provided a source of certainty and stability for the people of Northern Ireland.

Opinion Polls on Brexit

In an article in *The Guardian*, Sir John Curtice, a leading UK political scientist and polling expert at the University of Strathclyde, addressed the phenomenon of change in Britain since 2016, arguing that the country’s view of the EU referendum could prove relevant at the next election and warning that “Labour should take heed.”

Noting the widespread argument in political circles that the debate about Brexit is over, and that the prospect of rejoining the single market or customs union are firmly off the agenda, Sir John wrote, “Nevertheless,

seven years on from the referendum that paved the way for withdrawal, it seems that voters at least are having second thoughts.”

Sir John points out that *YouGov* has been tracking whether UK voters think the country made the right decision in opting to leave the EU since the summer of 2016. He points out that these polls show that “doubts about the wisdom of Brexit, which never disappeared, have become widespread.” In *YouGov*’s last six polls, on average just 33% have said that “in hindsight” the decision to leave the EU was right while 55% believe it was wrong.

Still, Sir John observes that feeling a mistake may have been made does not necessarily translate into a wish to see a decision reversed. He remarked that,

Voters might be reluctant to go through another divisive and potentially disruptive Brexit debate. Yet, in practice, they have also become increasingly inclined to say that, if given the chance, they would now vote to rejoin the EU. On average, as many as 59% now say they would vote to rejoin the EU, while only 41% would back staying out. That said, as many as three-quarters of those who voted in 2016 would still vote the same way again. Many people’s views about Brexit are firmly held.

Sir John further concludes that on average in the polls, just over four in five (81%) of those who voted remain now say they would vote to rejoin, whereas a little less than three-quarters (74%) of leave supporters say they would vote to stay out.

Furthermore, *The Guardian*, on 23 June 2023, reported that, seven years after the Brexit referendum, the proportion of Britons

who want to rejoin the EU has climbed to its highest levels since 2016. According to *The Guardian*, both Britons and Europeans think the UK's return to the EU is becoming more likely, while British respondents are more optimistic about the bloc's future, so much so that they trust the European Commission more than the UK Government. Data from *YouGov's* latest Brexit tracker survey found that, excluding those who said they would not vote or did not know, 58.2% of people in Britain would now vote to rejoin.

The Guardian also reported a Public First survey which revealed that only 18% of leave voters believe Brexit has been a success, but that 61% think it will turn out well in the end.

The unique *BBC Question Time* session on 22 June 2023, in which all members of the audience were 'leave' voters in 2016, produced interesting insights which were reported on in detail by Anand Menon, Director of the think tank *UK in a Changing Europe*, who was a member of the panel on the programme. He noted that,

It hardly came as a shock that the first question last night was about the impact of Brexit on the economy. In fact, our polling finds that for leave voters who think Brexit is going badly, or who have switched to backing remain since 2016, the economic impact of Brexit is a key driver of their doubts. The audience was clear about the importance of reclaiming the UK's "independence". When asked their main reason for voting for Brexit in our survey, 68% of leavers cited "having more control over our laws", and 67% said "stopping EU officials having control over the UK". What was equally clear was the anger among

the Question Time audience about the scale of immigration. A majority (68%) think that the current system is not strict enough, and allows too many people to immigrate to the UK.

Mr Menon then commented that, in his view, one of the most interesting comments of the evening came from an audience member who said that she was sick of being told she had been lied to. He noted that a majority of leavers feel they had all the information they needed to make a decision in 2016, but they resent that political leaders have not capitalised on the sovereignty for which they voted – 39% of leavers think that politicians have not even tried to make Brexit work.

Mr Menon observed that a majority of leave voters still back the decision they made in 2016, "As many as 72% of 2016 leave voters, knowing what they do now, would still vote as they did." However, he concluded, "Just because most leavers have not changed their minds completely doesn't mean they think things are going well. Far from it. 40% of leavers say the UK economy is significantly weaker after leaving the EU."

Maros Sefcovic at EU-UK Forum

The Vice-President of the European Commission, Maroš Šefčovič, delivered the keynote speech at the EU-UK Forum Annual Conference on 12 June 2023. The EU-UK Forum – a joint initiative of the think tank, *Forum Europe*, and the journal, *Encompass* – was established following the UK's departure from the EU to facilitate and nurture constructive and informed dialogue between the UK and its European neighbours.

Mr Šefčovič once again sang the praises of the Windsor Framework in providing

workable solutions for II-GB trading post-Brexit, The Windsor Framework preserves the integrity of both the EU's Single Market and Northern Ireland's integral place in the United Kingdom's internal market. And, crucially, it will maintain the foundations of peace by avoiding a hard border on the island of Ireland. All this was done in full respect of the legitimate interests of both the EU and the UK.

The Windsor Framework represents a deliberate and careful balance, granting flexibilities on the condition that agreed safeguards are in place. But our work did not finish with agreement on the Windsor Framework. Our joint priority now is the timely and faithful implementation of all its elements.

He concluded by looking forward to the likely future relationship of the UK and the EU,

The Trade and Cooperation Agreement offers significant potential to further improve our partnership. However, it is not – and can never be – a replacement for EU membership. Trade can no longer be as frictionless and dynamic as it was before when the UK was part of the EU's internal market. That inevitably means additional costs for businesses on both sides. Over time, increased divergence may bring even more cost and will further deepen the barriers to trade between the EU and the UK. This is regrettable but must be accepted. That is why we are committed to making the most of the TCA, to our mutual benefit.

QUB Poll on the Protocol

New research by Queen's University Belfast has been described as providing further evidence that a majority in Northern Ireland support the post-Brexit trade arrangements agreed by the UK and EU, and that this support is growing.

The report is from researchers at QUB, led by Professors David Phinnemore and Katy Hayward as part of a three-year project funded by the Economic and Social Research Council, reveals that some 61% of respondents see the NI Protocol and the accompanying Windsor Framework "as an appropriate means for managing the effects of Brexit on Northern Ireland." Almost the same proportion – 56% – view the Protocol overall as "a good thing for Northern Ireland". Just over a third, 34%, disagreed that the deal providing dual market access was positive for the region.

The survey was the eighth in a series of polls and recorded increased support for the Protocol compared to the start of this year. The results, however, "show that a sizeable minority remains hostile to the arrangements, with only a small proportion of respondents having 'no opinion' on the topic.

Professor Katy Hayward noted that one of the biggest shifts in opinion since the Windsor Framework in February was an increase in positivity around UK-EU and British-Irish relations. She commented, "That in itself is a better foundation for political stability in post-Brexit Northern Ireland but there is still a long way to go."

These results are in line with other surveys of opinion, including one by the University of Liverpool's Institute of Irish Studies earlier this year, which found that support for the Windsor Framework outstripped

opposition by almost three-to-one, at 45% compared to 17%.

Most Northern Ireland elections have also returned a large majority of candidates who agree that the post-Brexit arrangements represent the best available protection for Northern Ireland from the worst impacts of a hard Brexit. Nonetheless, the DUP has boycotted devolved government and left underfunded public services without political oversight in their effort to pressure the UK Government to change a deal agreed after exhaustive negotiations with the EU and overwhelmingly endorsed at Westminster.

Section Two: The Evolving Debate

Covid and Brexit

The UK Government's Covid Inquiry has heard comments blaming Brexit for failures to prepare for the pandemic. In his opening remarks, the Counsel to the Inquiry, Hugo Keith KC, said that preparing for Brexit "crowded out and prevented" the work that was needed to improve pandemic preparedness,

The pandemic struck the United Kingdom just as it was leaving the European Union. That departure required an enormous amount of planning and preparation. It is clear that such planning, from 2018 onwards, crowded out some or perhaps a majority of the improvements that central government itself understood were required to be made to resilience planning and preparedness.

The Counsel's remarks were strongly criticised by some Tory MPs. Jacob Rees-Mogg MP commented that "the diehard remainers think everything is caused by

Brexit which is delusional" and added that the comment, "starts the Inquiry off on the wrong foot." Gareth Johnson MP argued that the remarks were "very premature".

Newsletter Editorial 30 June 2023

In its Editorial on 30 June 2023, the *Newsletter* addressed the implications of recent opinion polling on Northern Ireland issues:

Few people who follow politics closely can fail to have noticed the flurry of opinion polls in Northern Ireland that have been published since Brexit.

To unionists, it often seems like such findings are cited by non-unionists to show that unionists are not in fact unionist. Consider all the surveys that show that unionists do not think the Irish Sea border the biggest issue in politics in NI. Or polls that show unionist support for a return to Stormont. It is not that such findings are always wrong but that the results in polls depend upon the question, and its context.

A poll that asks if you support NI getting access to the EU single market will attract positive replies from across the community. A poll that asks if you support prioritising NI access to the EU market over NI access to the UK internal market will get a very different set of replies.

Now there is a poll that finds that most people support the Windsor Framework. Perhaps there is such support but if unionists think it minimises the Irish Sea border they will like it, if they think it enshrines it they won't.

There is another factor in play. Who, outside of these pages, is criticising the framework or reporting as much on the complaints of hauliers? No wonder people think the framework is not that bad. The DUP need to continue to have the courage of their convictions. The NI Protocol is a constitutional outrage. The Framework was an honest attempt by London to alleviate its worst symptoms, that's all.

Malachi Doherty on Unionism

The *Belfast Telegraph* columnist, Malachi Doherty, contributed an article on the issue of the "one big unionist party".

The Good Friday Agreement cleverly separated the route to Irish unity from the day-to-day running of Northern Ireland. The decision on unity will be taken by the people, not the parties. So it hardly matters, in terms of the border poll, whether there are five unionist parties or one. The separation of the unity question from the running of government, removing that decision from the Assembly, should logically free us up to have a diversity of political parties presenting their different plans for good government.

Currently, many unionists are voting for the DUP in an effort to hold Sinn Fein back. That's a failed project. The unionist fear, since the creation of Northern Ireland, has always been that it would lose its majority and thereby lose the argument for the Union. Through that obsession, it feared division and crushed rival contenders for the unionist crown by accusing them of jeopardising the Union. But look around. The unionist majority is gone and the Union is more or less intact.

You don't need a big unionist party to secure the Union and win a border poll. And a big nationalist party cannot, on its own, secure a united Ireland. So why worry? Just get on with the business of running the place and leaving the decision, as the Agreement provides, to the people, many of whom currently don't actually vote for anybody.

US Special Envoy on 'added impetus'

The US Special Envoy to Northern Ireland, Joe Kennedy III, has spoken of the importance of restoring powersharing following an official visit during which he held meetings with the Taoiseach and Tánaiste in Dublin and with the political parties in Belfast.

He told journalists in Belfast that it is very important that the Institutions get back up and running. He added,

I also know having spent time as a member of Congress politics is not always easy and sometimes the closer you get to it, the more complicated it is. There is often a process that has to play out through there. I understand that, I respect that. I think there is an added impetus and need to get back into government.

Mr Kennedy emphasised that he was, "extremely encouraged and optimistic for the future of Northern Ireland."

Mr Kennedy said that he was organising a major trade delegation which he hopes to bring to Northern Ireland in the autumn. "I want to identify the right mix of folks to make this the best fix for where the Northern Ireland economy is at the moment."

Section Three: Background Material and Further Reading

Background Material

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