

BREXIT BRIEF

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Tony Brown

Introduction

October 2023 began as the month of headlines concerning UK party conferences and the Irish Budget. Then, from 7 October, the Hamas atrocity and its aftermath changed everything and set new priorities for politics and media.

The party conferences themselves saw both Prime Minister Sunak and Labour Party leader Starmer avoid direct reference to the Northern Ireland impasse with both leaders stressing the importance of the UK as a union of four nations. However, the DUP leader, Sir Jeffrey Donaldson, addressed the Stormont issues in a lengthy speech which gained some positive reaction.

The BBC 'Question Time' from Lisburn on 19 October reflected the current state of play with viewers hearing Jeffrey Donaldson say that the DUP was 'talking to the Government' and NI Secretary Chris Heaton Harris saying that the Government was 'talking to the DUP'.

Section One: State of Play

Jeffrey Donaldson Conference Speech

The DUP leader, Sir Jeffrey Donaldson, addressed his party's 2023 Conference in Belfast on 14 October. His lengthy speech contained a commitment to the concept of devolved administration in Northern Ireland and a proposal for a new East-West Council to deal with matters of concern across the UK.

We believe in the Union and we work to promote the benefits of the Union and to secure our position within the United Kingdom. Northern Ireland, Scotland, Wales and England – bound together in the United Kingdom is the most successful political Union the world has ever seen. And we want it to remain so.

[...] To further strengthen our links, I have asked the Government to consider establishing a new East -West Council that would bring together representatives from across the United Kingdom. This would include Northern Ireland, the UK Government, and others

from across our nation and its regions to meet on a regular basis to discuss and collaborate on opportunities for enhanced co-operation.

Those who believe that a united Ireland is around the corner, that it is inevitable, and that Northern Ireland within the Union will cease to exist are entirely wrong. If we make the right choices now, we can secure the Union for generations to come. I welcome Labour leader Keir Starmer's comments last week that a border poll is not even on the horizon. It is a confirmation of what we already know. However, we must not simply seek to defend Northern Ireland's position within the United Kingdom, we must be active persuaders for the Union in both word and deed.

Whilst the case for leaving the UK is based on economic myths and fantasy politics, our over-riding objective must always be to make Northern Ireland work, to deliver prosperity, and to thrive as a valued constituent part of the United Kingdom. Having secured our place in the Union, we can then confidently work to build cooperation with our neighbours in the Republic of Ireland based on mutual respect and shared benefit.

Mr. Chairman, when I last stood here 12 months ago the UK Government had recommenced talks with the EU on the Protocol. On that occasion I said that for us, "the issue of which route is travelled – whether the talks with the EU are successful or whether the Protocol Bill at Westminster becomes law is not

the dominant question. For us what is important is the destination reached.

The outcome of those UK-EU negotiations, the Windsor Framework, while undoubtedly representing progress across a number of areas, did not sufficiently deal with some of the fundamental problems at the heart of our current difficulties. Upon careful reflection and consideration of the facts, and not the spin, we concluded that the Framework did not meet our seven tests as set out in our 2022 Assembly election manifesto. Our phased withdrawal from the Northern Ireland Executive was designed to highlight to the UK Government and the EU that they needed to address unionist concerns about the Protocol, which for too long had been ignored, and to spotlight the harm it was doing to Northern Ireland's place in the Union.

[...] This party has a proven track-record of saying yes, and leading from the front, when it's right to do so. Equally, we will not be afraid to say no if we conclude that what is on offer does not adequately deal with our fundamental concerns and is not in the best long-term interests of our place in the Union. I still believe in devolved government – this Party still believes in having locally elected representatives take decisions in the best interest of our people. But more than that if we want to make the positive case for the Union then having local institutions that succeed in delivering for everyone in Northern Ireland is an essential element in building our case.

[...] The Northern Ireland Assembly and Executive will never have all the answers nor be able to fix everything, but we want to tackle these challenges, and with fair and equitable support from the UK Government, sustainably invest for our future. I want us to rebuild relationships that have been strained in recent times and to restore a level of confidence across the community. But first we must ensure we prevail on the most fundamental of issues – protecting our rightful place in the Union. Then we must set about restoring the cross-community consensus that is essential for the political institutions to be re-established and for them to sustainably succeed.

The *Irish Times* commented on the speech, pointing out that “despite the reiteration of the DUP’s devolutionist credentials, no time frame was given for a return to Stormont. However, the Dublin and UK governments will welcome the soundings given by Donaldson as a significant step in breaking the deadlock.” A party insider was quoted: “He’s laying the ground. It was never going to be anything dramatic because it would be too risky for Jeffrey to do so. He couldn’t give hard signalling, but the soft clues were there.” Facing the basic question – “If a deal is struck between the UK government and the DUP over the post-Brexit trading impasse in the coming weeks, can it be sold internally in the face of opposition from party grandees Sammy Wilson and Dodds?” another insider remarked: “With difficulty yes, because I think there is a recognition that the DUP has nowhere else to go but Stormont. Ultimately they’ve run out of road.”

Hansard 18 October 2023

Following his party conference, Jeffrey Donaldson, contributed to Prime Minister’s Question in the House of Commons on 18 October 2023/

Having left the European Union, building links and co-operation across the four nations of our United Kingdom can only strengthen the Union. Will the Prime Minister agree with my proposal for the creation of an east-west council, to bring together all parts of the UK family to discuss and collaborate on trade and the many other opportunities presented by the Union?

The Prime Minister replied.

The right hon. Gentleman made a powerful case in his conference speech last weekend for a strong, functioning Northern Ireland within our Union. My right hon. Friend the Secretary of State for Northern Ireland has had the opportunity to discuss our shared commitment to the Union with the right hon. Gentleman’s party over recent weeks and months, and I am grateful for the constructive approach and tone taken in those discussions. There is considerable merit in the idea of a new east-west council to further strengthen the Union, and I look forward to exploring the issue further with him and his colleagues.

Varadkar-Sunak Meeting

The Taoiseach, Leo Varadkar, and UK Prime Minister Rishi Sunak held a bilateral meeting on the margins of the summit of the European Political Community in Spain

on 5 October. Leo Varadkar commented on a “very constructive meeting with Prime Minister Sunak on the shared priority of restoring Northern Ireland power sharing and the positive signals re 2028 Uefa bid” and indicated a commitment to continue discussions in the future.

The Prime Minister’s office issues a Statement:

The Prime Minister met the Irish Taoiseach, Leo Varadkar, at the European Political Community meeting in Spain today. The Prime Minister and Taoiseach shared their concerns about the continued absence of an executive in Northern Ireland and the democratic deficit this was causing.

The Prime Minister set out the steps the UK is taking to ensure a return to power sharing and the two agreed to stay in close contact in the coming weeks. The two leaders also touched on their respective positions on the issue of legacy and agreed that teams should continue to stay in touch.

The leaders also discussed a wider set of issues, including support for Ukraine and bilateral cooperation on security and migration. They also welcomed the recent UK-Ireland agreement on energy as a sign of the good working relationship between the two governments.

The leaders noted the progress of the UK and Ireland’s historic joint bid to host Euros 2028. They talked about the potential of using the occasion to strengthen bilateral ties and leave a positive legacy in communities,

including for grassroots football in Northern Ireland and elsewhere.

Prime Minister at Tory Conference

Prime Minister Sunak commented on UK politics, saying that there is an undeniable sense that politics doesn’t work the way it should, and that Westminster is “a broken system”. Yet he told delegates that “the very idea of Britain is a symbol of hope and stability across the world” and spoke of the importance of the United Kingdom remaining united:

And there’s another family that matters to us all, our family of nations: England, Scotland, Wales, and Northern Ireland. Today, our Union is the strongest it has been in a quarter of a century. The forces of separatism are in retreat across our country. We are a remarkable combination of four nations with a proud history [...]and that history should give us enormous confidence in our future.

Keir Starmer on Irish Unity

Speaking prior to his party conference, the Labour Party leader, Sir Keir Starmer said that a referendum on Irish unification is “not even on the horizon”. Ruling out calling a border poll if he becomes Prime Minister, he told BBC News NI: “I don’t think we’re anywhere near that kind of question. It’s absolutely hypothetical. It’s not even on the horizon.” He has previously said he would campaign for Northern Ireland to remain part of the UK if such a referendum was held in his lifetime.

In his principal conference speech he said that “The challenge of change remains.

But nonetheless, for the first time in a long time we can see a tide that is turning. Four nations that are renewing. Old wounds of division exploited by the Tories and the SNP beginning to heal.”

He also spoken of renegotiating an improved trade deal with the European Union if he wins power, leading to speculation such an arrangement may do away with the need for an Irish Sea border.

Ed Davey on Voters and Brexit

In comments to media at his party conference, the Liberal Democrat leader, Sir Ed Davey, argued that rejoining the European Union is “currently off the table” says that “most people on the doorstep just aren’t talking about Europe.” The party, normally highlighting its stance on Brexit, is devoting most time at its Annual Conference to issues like health and housing. The leader insists that things like the NHS and the economy will determine the next election – not the aftermath of Brexit. “If voters really don’t want to talk about Europe then what’s the problem?”

Hilary Benn in Belfast

The newly appointed Labour Party Shadow Northern Ireland Secretary, Hilary Benn, visited Belfast on 3 and 4 October, meeting the political parties as well as victims groups about the Legacy Act. Hilary Benn met the five largest Northern Ireland parties. He encouraged the DUP to return to Stormont, while recognising that the Windsor Framework must be implemented in a “sensitive and sensible” way. In their meetings, the SDLP, Sinn Féin, Alliance and the UUP all called for the DUP to return.

Mr Benn said that he had listened carefully to what DUP leader Sir Jeffrey Donaldson and deputy leader Gavin Robinson had to say. “All of us, every single one of us, want to see the institutions up and running again.” Speaking after their meeting, the DUP leader said his party had made some progress in its negotiations with the government.” We will no doubt reach a point where both sides will recognise that we’ve taken this as far as we can,” he added. “We are not there yet.”

After their talks with Mr Benn the Sinn Féin MP, John Finucane, commented that both he and the party’s deputy leader Michelle O’Neill had a “positive and constructive meeting”. He argued that there was “no excuse” for the DUP remaining out of government. Sinn Féin’s main message “was the need to restore the assembly and the [Stormont] executive, to have ministers in place at the job they were elected to do over a year ago”.

The Alliance Party leader Naomi Long said it had been a “very good and constructive” meeting with Mr Benn and remarked that the absence of a sitting assembly and executive “was not a sustainable position for Northern Ireland to be in”. Commenting on DUP party meetings she said the only meeting she was interested in was “a meeting in that [assembly] chamber with the DUP and all of the other MLAs so we can get back to work”. UUP leader Doug Beattie, welcoming a good meeting with Mr Benn, remained pessimistic about the likelihood of an imminent return of the Stormont institutions. “I think that meeting of the DUP on Thursday will be their stock take for their executive, to say, ‘this is where we are, this is what we’ve asked for, these are the papers we’ve put in, and these are the answers we’re waiting to get’. I don’t think much will change this week.”

SDLP leader Colum Eastwood said Mr Benn was a “great appointment” to the Shadow Secretary role. He added that the DUP should show leadership and return to Stormont. “I hope that all of the space that Jeffrey and the DUP have been given over the past number of months is going to finally be used at some point.”

Mr Benn was also asked to comment on the recent statement by his party leader Sir Keir Starmer that a border poll was not on the horizon. “I think it is reality. The circumstances in which a border poll may be held are set down very clearly in the Belfast Good Friday Agreement. Everyone’s read it, everyone knows what it says. But the priority in Northern Ireland at the moment is not that. It is getting the government back up and running.”

NI Secretary Heaton-Harris Speech to Tory Conference

The Northern Ireland Secretary, Chris Heaton-Harris, also addressed the Conservative party conference, and shared his views on the state of play in Northern Ireland, as well as the prospects for the future:

When I started in the role of Secretary of State many in Northern Ireland were unbelievably frustrated with the Northern Ireland Protocol. Agreed with the best of intentions, its flaws became quickly apparent. The Prime Minister recognised this too and sought to change it, focusing on the practical concerns that had been raised and always, always, keeping the protection of the Union as his priority. And so we agreed the Windsor Framework.

Now I know concerns remain in Northern Ireland about the Windsor Framework and we will continue to work to address them. There is scope to do so, based on the principle that the UK internal market must be promoted as well as protected. But let us also remind ourselves of the fundamental truth – the vast majority of Northern Ireland’s economic life is dependent on its connection with the rest of the United Kingdom and that reality will not change. It’s time to get on with business. So today Conference I can tell you that the first stage of implementing the Windsor Framework agreement has commenced – removing barriers that existed for Great Britain based businesses to trade with Northern Ireland.

Conference, for 605 days there has been no functioning devolved government in Northern Ireland. That means the people of Northern Ireland have been without a government – no new policies developed and no Ministers taking decisions on the issues that matter to voters. Since starting this job, I have been working to get politicians back to Stormont because I believe that the people of Northern Ireland are best served by the MLAs they elected to take positions for them. So I say to my friends in the unionist community we will continue working to answer your remaining concerns. You know and we know progress has been made and we are working in a constructive spirit. And it is clear that the vast majority of people and their political leaders want to get this done.

With its troubled past behind it; with its Executive back up and running – the opportunities available to the people of Northern Ireland are endless and the Union of the United Kingdom will be strengthened for decades to come. And this Conservative and Unionist Party and this Conservative Government will do all it can to help Northern Ireland on its journey to a brighter, prosperous future as an integral part of our United Kingdom.

Taoiseach on NI Business

The Taoiseach, Leo Varadkar, has said that businesses in Northern Ireland are already seeing the positive impacts of the Windsor Framework deal designed to reform the Northern Ireland protocol, despite the continuing political impasse over it which is blocking the restoration of the power-sharing Assembly.

The Framework - agreed by the EU and the UK - has been resisted by the Democratic Unionist Party (DUP) which said it does not sufficiently address its concerns. It has made clear it will not accept a return to devolution until the UK government provides further assurances, by way of legislation, over Northern Ireland's place in the UK internal market.

The Taoiseach commented: "I think when it comes to restoring institutions in Northern Ireland that's largely an issue now between the DUP and the UK government. We always stand ready to help in any way that we can but fundamentally the issues that need to be discussed are to be discussed between the UK government and the DUP and that's ongoing." He further remarked that when it comes to practicalities "businesses in

Northern Ireland [are] getting on with this. We can see there are huge opportunities. Northern Ireland has this unique position having access to the British market and full access to the EU market as well."

Section Two: The Evolving Debate

Shadow Northern Ireland Secretary

As he took up his new role as Shadow NI Secretary, Hilary Benn commented that "Rishi Sunak's Brexit deal renegotiation can pave the way for Labour to agree closer EU ties" if it wins power. He said new rules for Northern Ireland adopted in March should give the party a "lot of encouragement" as they represented a "considerable step forward" in UK-EU relations.

But he told party activists the deal "shows what can be done" within the existing structure of the UK's relationship with the EU post-Brexit. He acknowledged some voices in the EU had spoken about the review as a chance to "check the oil level and see if it's all working" but stated "yet, the Windsor Framework was definitely not a minor tweak.."

He made it clear the Windsor Framework was not going to be reopened: "The DUP takes its own decisions about what it's going to do. But I've been clear that the Windsor framework is being implemented. We support its implementation, so it's not as if that's going to change. Everyone recognises that the Windsor Framework is not going to be renegotiated. It is here. We've got to apply it sensibly and sensitively. And over time, the European Union, when it sees it working, then I think there's the possibility

of further discussion about how the rules apply because this is about winning trust.”

A Labour general election win would mean a “new chapter” in post-Brexit relations, Hilary Benn told an event at Labour’s annual conference. Shared interests, he added, meant both sides should seek to boost co-operation.

Loyalist Attitudes in Question

Jamie Bryson, director of Northern Ireland Policy at the Centre for the Union think tank, has told the House of Commons Northern Ireland Affairs Committee that he was worried that the process of transition of loyalist paramilitary groups towards civilianisation had halted because of concerns about post-Brexit arrangements, notably the Protocol and Windsor Framework. “I think the process is unable to progress as long as the political context remains as it is. The leaders of those organisations need to be able to say to their members, ‘The Union is safe. They can’t do that while the Protocol and Framework remain.”

Mr Bryson has written to the leaders of the three unionist parties – DUP, UUP, TVA – stating that “the unionist base – according to all polls – stands firmly behind unionism’s principled stand – protocol or power sharing, never both. A surrender on these issues by returning to Stormont would in our analysis – ignite significant instability and without any doubt, precipitate a return to mass street protests.”

The precise standing of Mr Bryson and the significance of his comments and predictions are a matter of controversy.

Colum Eastwood in House of Commons, 6 September 2023

Contributing to a discussion in the Northern Ireland Affairs Committee, the SDLP leader, Colum Eastwood, spoke about the DUP:

This has been the case, by the way, for the last number of years. Politics has constantly revolved around, “What does the DUP want?” We have to point this out. The DUP argued for Brexit. They voted for Brexit. Then they were in government, basically, with Theresa May, and ensured that we could not have a soft Brexit, which would have, I think, been a much better outcome for all of us. They clung on to a vision of Brexit that was never realisable and could not sit alongside the reality on the ground in terms of our geographical and trading position as part of an island where the other part is in the single market and customs union. And now we still don’t really know what the DUP want.

Section Three: Background Material and Further Reading

Background Material

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