# 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

In a recent publication in the *Irish News*, journalist Patrick Murphy stated: "The DUP will not go into Stormont and Sinn Féin will not go into Westminster. We are the only people in the world who vote for politicians not to represent us."

#### **Roy Foster Reflects**

Roy Foster, a historian recognised with the Lifetime Achievement Award at the Irish Book Awards, recently reflected on relations between Ireland and England post-2016 in an *Irish Times* article:

Brexit has been one of the great shocks and horrors of my life and for many of my generation. What it did to Anglo-Irish relations has been uniformly deleterious. I cannot believe that people as mentally challenged as Theresa Villiers and other secretaries of state could have campaigned for Brexit, saying it would make no difference for Northern Ireland. Anyone with a titter of wit could have seen what a disaster it was going to be. The condescension and crudeness with which the Boris Johnson raft of politicians such as the abysmal Lord Frost, treated Ireland over Brexit was a sobering shock. The damage will take a very long time to repair.

Mr Foster was asked about his experience living in London at the time of Brexit, to which he commented: "I have to bring in the B-word again. I felt very antipathetic: the worst of England seemed to have taken over; the scum had floated to the top of politics. There was a nasty anti-foreigner racism."



Mr Foster then reflected on the question of Irish unification:

I'm tempted to refuse that altogether; as a historian I don't predict. As an Irishman with a certain interest in politics I think reunification is nearer than I would have thought it a couple of decades ago. I've a terrible fear it would come in the wrong way and with a lot of upheaval. I'm a great admirer of Hubert Butler. His idea of the Border was it would float off in the bath one day. Like a sticking plaster off a wound that has healed. That would have been the logical future until Brexit. It won't be like that now, I'm afraid. There will be a lot more trauma. I'm not sure it will be in my lifetime, but then I'm 74.

### **Section One: State of Play**

### Mary Lou McDonald Ard Fheis Speech

Sinn Féin President, Mary Lou McDonald, addressed her party at their Ard Fheis in Athlone on 11 November 2023. Ms McDonald stated that a "new Ireland" should be created without discrimination and strive for unity. The Sinn Féin President emphasised that "Irish Unity is the very best opportunity for the future". She called for the Democratic Unionist Party (DUP) to return to Stormont and for the Parliament at Westminster to stop cooperating with their boycott of government:

We want to build a new Ireland. A nation home for all. A unified nation of confidence and compassion, talent and ingenuity, claiming our future, our rightful place among the nations of the world. A new Ireland.

The Orange and Green reconciled. No place for racism, Islamophobia, Antisemitism, sexism, homophobia, transphobia, or sectarianism. Where there is no them, only us. All of us who call Ireland home.

Today, we know peace. But it wasn't inevitable. Twenty-five years ago, brave peacemakers reached beyond the trenches of the past. They delivered peace. The Good Friday Agreement stands as testament that even the most intractable of conflicts can be resolved.

That generation wrote Ireland's chapter of peace. Now, our generation must write the chapter of unity. To build a new Ireland. Government must plan for democratic constitutional change. That means a Citizens Assembly on unity. The day is coming when everyone on this island will have their say in referendums. Each vote counting equally, no vetoes, no shifting of the goal posts. Momentum is building, the conversation is live, history is happening now. Irish Unity is the very best opportunity for the future.

It's eighteen months since Michelle O'Neill was elected First Minister. She's ready to lead for all. For eighteen months the people of the North have been without government. People's patience has run out. The DUP must end its boycott of government. The British government must stop endlessly indulging this boycott. This can't go on and on. It's decision time now. People want the Executive back working for them immediately. So, let's choose progress.



### Michelle O Neill Ard Fheis Speech

The Sinn Féin leader in Northern Ireland, Michelle O'Neill, addressed the Ard Fheis on the same day. Ms O'Neill reiterated that unity is the way forward and called for the Stormont Assembly and Executive to be restored.

It is crucial to reaffirm our commitment to power-sharing based on equality, democracy, ensuring inclusive governance for everyone, regardless of their background. As a First Minister for All I will never treat others the way our communities were treated in the past.

I am determined to continue to demonstrate my commitment to representing and showing respect to every section of our society.

It's vital to recognise the urgency of the situation, with the democratic institutions of the Good Friday Agreement in a state of paralysis. The DUP has had more than enough time to address their concerns regarding the Brexit Protocol. Public patience has run out.

It is now time to see the assembly and executive restored.

[We need] ministers back running departments. Decisions being taken to positively deal with; public sector pay, hospital waiting lists, childcare provision being prioritised for workers and families, special educational needs of our young people being addressed, a strategy to end violence against women and girls, a plan to protect and realise the potential of Lough Neagh, casement park and the A5 being be built, and all the other challenges that we must overcome. The boycott of the Assembly by the DUP must end!

As we look towards a better future, it is important to acknowledge and respect our differing traditions. We must ensure that conversations can flourish and that we address crucial issues such as healthcare, education, employment and the economy and ensure the protection of all our diverse identities and cultures. We aim to represent the whole community, demonstrating that we are committed to inclusive governance, while advocating for constitutional change and reunification. In this time of change, careful management is crucial to avoid the chaos and upheaval experienced during Brexit.

Sinn Féin is committed to steering this transition with maturity and stability. Fostering a new era of Irish-British relations with the spectre of a new Westminster government in London and Mary Lou McDonald as the first woman Taoiseach leading government in Dublin.

## Northern Ireland slips down UK priority list

The Irish Times Northern Editor, Freya McClements, commented on Northern Ireland's place in the priority list as reflected in the King's Speech at Westminster.

As King Charles set out his government's legislative programme at the state opening of Parliament in London on Tuesday, the only nod towards the political impasse in Northern Ireland was his affirmation that 'my government will promote the integrity of the Union and strengthen the social fabric of the UK'. Never mind that one would hardly expect him to say anything else; this stating of the obvious will be scant reassurance for unionists, and if anything is further



evidence of just how far the ongoing crisis at Stormont has slipped down the UK government's to-do list. It certainly was not the fig leaf of legislation reaffirming Northern Ireland's place in the union which, so the narrative goes, should have been the next step in the choreography, coupled with a financial package, to bring the DUP back.

In a statement responding to the King's speech, the DUP leader, Sir Jeffrey Donaldson spoke of discussions continuing and that it was important the UK government's stated commitment to the union was "demonstrated with concrete actions". For Downing Street, the called-for 'concrete action' was the Windsor Framework, which was agreed between the UK and the EU in response to unionist concerns over its predecessor, the Protocol on Ireland/Northern Ireland. The UK Government has made clear those negotiations will not be reopened and that the EU will not reopen them either. It is equally clear that, from Westminster's point of view, the conversation will not continue indefinitely. London has other priorities, not least the looming prospect of a general election.

In Dublin, frustration was evident. Tánaiste Micheál Martin told RTÉ that momentum towards restoration of power-sharing seemed to have "ebbed" and suggested that the talks between the DUP and the UK government had "more or less come to a conclusion". Dublin has made clear that, in the absence of a restored Stormont, there will have to be "alternative arrangements" for Northern Ireland within the scope of the role laid out in the Belfast Agreement. Sinn Féin has called for joint authority, while the SDLP has called for "shared stewardship."

In her article, Ms McClements also acknowledged that the DUP had not been affected electorally by the Stormont boycott

in the recent LucidTalk polls, which in turn could make the return of the Northern Ireland Executive and the Assembly more difficult and pushed further down the line.

With party support two points up to 28 per cent of the first preference vote, among DUP voters almost three-quarters backed its Stormont boycott, saying they did not want a return to the institutions until the Windsor Framework was removed. A cautious politician by nature, will Donaldson want to risk alienating some of that 72 per cent ahead of an election? Or, given the challenges the DUP will face in East Belfast and Lagan Valley, would staying out be the greater risk?

That the DUP has not paid a price, electoral or otherwise, for stalling the institutions makes it all too easy to let the limbo continue. A return to Stormont was always going to require courage from Donaldson. Now it will require even more.

# Scotland: Scottish National Party's (SNP) 'fresh pitch' to undo Brexit

The Scottish government has argued that Scotland can "regain what has been lost because of Brexit" by rejoining the EU as an independent nation. A new paper, written by senior officials working for the SNP, sets out how an independent Scotland, that is no longer shackled to the UK, could rejoin the EU years after it was removed from it by the Brexit referendum, despite Scotland's substantial 'Remain' majority.

In a related Politico op-ed, Scottish First Minister Humza Yousaf argued that Scotland is not and has not been a priority at the Parliament in Westminster and thus it is expected that the question



of independence would be raised again: "Scotland's voice and votes have been ignored by Boris Johnson and successive U.K. prime ministers. It is therefore not surprising that so many people in Scotland are asking if a better future for us is to become an independent country and apply to be an EU member state in our own right."

The paper reaffirms the SNP's current position on rejoining the bloc, namely that a successful vote for Scottish independence would count as a mandate to begin negotiations to also join the EU: "Given the merit-based nature of the EU accession process, this Scottish government is clear that Scotland would be well placed to fulfil the requirements of the accession process under Article 49 of the TEU [treaty] smoothly and quickly."

The paper also points to Austria, Finland, and Sweden as examples of countries which took less than two years to join the EU.

## Dublin helping restoration of power sharing

The Taoiseach, Leo Varadkar, and Minister for Public Expenditure, National Development Plan Delivery and Reform, Paschal Donohoe TD, have stated that the Irish government is willing to "help in any way economically" to aid the restoration of a devolved government in Northern Ireland. Mr Varadkar said the Irish Government would be "happy to contribute" to any financial package that would support the return of Northern Ireland's power sharing institutions.

Minister Donohoe was asked where the money would come from to support the restoration of Stormont. He responded that the initial funds would come from the Shared Island Fund, which the Minister said

is appropriate because restoring power sharing in Northern Ireland would be beneficial to all of Ireland.

I'd have to say the benefits of getting the institutions in Northern Ireland up and running again would be of such benefit to the entire island of Ireland and obviously the communities of Northern Ireland, that the government would really lean in to try to help in any way that we can with this economically.

But at the moment, we have a large amount of funding within the Shared Island Fund that has yet to be allocated and that is the first place that offers the ability to support any initiative that may help.

### No Funding for Northern Ireland schemes

The *BBC* reports that Northern Ireland has not been allocated any money from a £1bn funding scheme because of Stormont's collapse. The Department for Levelling Up announced funding for 55 projects across Great Britain. It said no money has been provided to Northern Ireland "at this time" because of the absence of an Executive and Assembly.

Secretary of State for Levelling Up, Housing and Communities, Michael Gove, said the funding announced on Monday would "create new jobs and opportunities, power economic growth, and revitalise local areas". His department confirmed no funding had been allocated to Northern Ireland.

In Northern Ireland, given the current absence of a working Executive and Assembly, the government is not proceeding with this round of the Levelling Up Fund at this time. We will



continue to work closely with projects and places in Northern Ireland that were awarded a total of £120m in the first two rounds of the fund.

Claire Hanna, SDLP MP, accused the DUP of "economically blackmailing" Northern Ireland by continuing to block the return of power-sharing at Stormont.

This is just the latest consequence of that. Of course, there's two of them in it. The Conservative government don't ever need an excuse to under-invest in our region, but the DUP have given them that cover on this particular fund.

### Section Two: The Evolving Debate

#### Peter Robinson on DUP hopes

The former DUP First Minister Peter Robinson has told *BBC Radio Ulster* that unionists need to recognise that the DUP will not get everything it wants in negotiations with the government.

Mr Robinson said he supported the strategy taken by DUP leader Sir Jeffrey Donaldson, but he warned that negotiations could not drift beyond the end of this year and hopes it can happen in the next number of weeks: "[...] quite frankly, I don't think you can go beyond the turn of the year without the government having to look at some other way of governing Northern Ireland."

Mr Robinson added that constitutionally it would mean a move back to direct rule, with "greater involvement" from the government in Dublin. The former First Minister said he hoped a deal could be reached in the coming weeks to avoid this scenario and that the government could do more because things are "not quite there" yet on a deal.

There's a stage where unionists have to recognise that we really have pushed this one, we have got a good deal - not everything that we wanted but the rest that we do want... we're in a position to argue for it and to achieve it using the Assembly as our base for doing it. I don't believe at this moment in time we are quite there, but there are further steps that the government can take, and I hope they do.

#### The Observer on post-Brexit deals

On 19 November 2023, Lisa O'Carroll, writing in *The Observer*, commented on the chances of the UK striking important deals with Brussels.

Sources point to how quickly a corner was turned in UK-EU relations when Sunak and former foreign secretary James Cleverly took office last autumn. The dispute over Northern Ireland trading arrangements saw a rapid resolution in February's Windsor Framework and there was another big breakthrough in September with the return the UK to the EU's Horizon science research programme.

David McAllister, Chair of the European Parliament's Foreign Affairs Committee said: "We have now seen real improvement in EU-UK relations – they really, really improved [...] this is very much appreciated, especially by people like myself who, despite Brexit, are very open and cordial towards the UK."

Paul Adamson of Brussels-based conference organiser Forum Europe stated: "The UK is gradually realising that a constructive relationship with the EU is in everyone's interests, although much public diplomacy and bridge-mending have still to be done."



According to Ms O'Carroll many people still "detect a lingering nervousness" and referred to one official who worked through the negotiations. The unnamed official said that it is evident that relations have improved but there is a chance that the UK government could rescind some of its offers: "There is a definite improvement in relations, but it could quickly turn [...] There is a sense still that the UK could still renege on its promises."

### The Newsletter Editorial on 18 November 2023

A Newsletter editorial entitled "Possible hint of much needed help from London for unionists" focused on drawing parallels between Sinn Féin's withdrawal from Stormont in 2017 and the DUP's collapsing of the Executive and the Assembly in 2022. The author expands on the differences between the two instances and how the situations have been handled.

No matter how much it is ignored elsewhere, this newspaper will say it. Sinn Féin a party that wants Northern Ireland to fail, was allowed to bring down Stormont in 2017, ostensibly over the cash-for-ash scandal, but keeping it down until it got its non-negotiable Irish language act.

During this time the party faced none of the pressure that the DUP has faced from the media, from business, and so on. By 2018 much of the DUP had agreed that Sinn Féin must get its Irish language act, which ultimately it did.

The editorial delved into the concerns of the DUP, particularly on the topic of "a border so bad that not even the EU ultimately sought

its 'rigorous implementation'" in line with ex-Prime Minister Boris Johnson's Northern Ireland Protocol

The DUP stand has been on a far more important matter, that goes to the principle of consent: the UK giving up control of trade in part of its territory, NI, where EU law prevails. While the DUP made a grievous mistake to accept a first draft regulatory border in early October 2019, regardless of the concessions it felt Boris Johnson had given, it has been vindicated in its later stance against Mr Johnson's fuller NI Protocol

The author highlighted their agreement with the DUP in delaying their return to Stormont due to questions about the border in the Windsor Framework:

The DUP was further right not to rush back to Stormont for the Windsor Framework hype, when we are still trying to assess the scale of the border. Now Sir Jeffrey Donaldson says there is progress on free-flowing goods not just from Northern Ireland to the mainland but, crucially, the more problematic other direction – surprising but encouraging news.

Finally, the Editorial strongly commended help from the UK government to unionists in Northern Ireland, particularly after the Northern Ireland Protocol Bill was not passed and questioned Sinn Féin's stance on the Israel-Hamas conflict.

It is past time the government helped unionists, particularly in light of developments such as the claim from Suella Braverman that she pushed for the Northern Ireland Protocol bill – like Liz Truss, she saw the importance of that legislation, yet it was ditched.



Another Stormont problem is Sinn Féin's atrocious response to Hamas. Rishi Sunak and Keir Starmer rightly show unwavering support for Israel, indeed do not tolerate internal dissent from that line, yet keep pressure on unionists to get back in power with Israel's most implacable political enemies in Europe.

#### **Brexit on the Bookshelves**

Britain is Better than This by Gavin Esler and Circle of Stars by Dermot Hodson are two recent books on European themes that are worthy of attention. (See Further Reading)

Gavin Esler's third book on "Brexit and its Discontents" characterises Britain as a country shaped by over ten years of Conservative party governance and the aftermath of Brexit:

... after more than a decade of Tory austerity and the self-inflicted wound of Brexit, [Britain is] a barely functional polity in thrall to ancestor worship. It is a country whose parlous state is constantly bemoaned by millions of its citizens who nonetheless feel powerless, largely because of the country's winner-takes-all electoral system, to do anything about it.

Another culprit, Esler argues, is the UK's "nebulous unwritten constitution, which served the country well until it no longer did, being little deterrent to the small coterie at the top of the Conservative Party that effected a soft *coup d'etat* in the years following Brexit."

Dermot Hodson, visiting professor at the Bruges College of Europe, has published *Circle of Stars*, described as "a new history of the European Union and the people who

sought to shape and challenge it." He writes about the development of the EU from its establishment, starting with the adoption of the Maastricht Treaty through to the upheaval of Brexit, the trauma of Covid-19 and the antagonism of Putin's invasion of Ukraine. Hodson argues that the Union has been sustained in these situations. The endurance and forward momentum of the EU was ensured in facing the global challenge of climate change and by the action of national leaders who stood together in the face of turmoil and populism.

#### Barnier on UK / EU Developments

EU Brexit Negotiator Michel Barnier commented on the EU after Brexit, stating that the aims and objectives of Brexit were obviously not made clear and thus the consequences were also unknown:

It seems to me that Brexit is an issue of permanent debate in the UK. That means Brexit was not so clear. From the very first day, the UK ministers not only underestimated the consequences of Brexit — they did not know the consequences of Brexit.

Mr Barnier firmly pointed to the UK's extraordinary negotiating mistakes. He spent nine months before the Brexit talks began in June 2017 preparing with his team: "I do not think the UK did the same", he stated. The UK's first Brexit Secretary, David Davis, suggested London could keep the headquarters of two key EU regulators, to which Barnier replied: "Totally impossible! It seems to me a huge weakness: to take your desires for reality."

In the two and a half years since he stepped down from Brexit duties, the issue has slid down the EU's agenda. Yet in the UK, it remains unresolved. In the latest polls, 57



per cent of the public say it was wrong to leave; 33 per cent think it was right. By a margin of 58 per cent to 42 per cent, they say they would vote to rejoin the EU.

In February 2023, the UK and EU agreed the Windsor Framework to reduce checks on goods crossing the Irish Sea. Mr Barnier was asked if this shows he was too inflexible on the trade issue, to which he attributed the Windsor compromise to Rishi Sunak being "more pragmatic and serious" than Boris Johnson. The changed context given by the Russian full-scale invasion of Ukraine perhaps also played a role.

Mr Barnier stressed the importance of a central concern.

I have no spirit of revenge, no spirit of punishment — never — just to protect what is our main asset and perhaps our single asset: the single market. The only reason that Mr Biden and the Chinese president respect us is the single market.

#### Bank of England Governor on Brexit

Speaking in Dublin at a financial services conference organised by the Irish Central Bank, the Governor of the Bank of England, Andrew Bailey, has called for greater cooperation on financial rule-making, warning that Brexit has affected the "openness of the UK economy".

Let me also add a comment which relates to events nearer to home. As a public official I take no position on Brexit per se. That was a decision for the people of the UK. It has led to a reduction in the openness of the UK economy, though over time new trading relationships around the world should, and I expect will, be established. Of course, that requires a commitment to openness and free trade.

Mr Bailey said he hoped to see further close regulatory cooperation with his Irish counterparts to minimise fragmentation of financial markets after Brexit.

### Suella Braverman on Northern Ireland

In her controversial Times article Suella Braverman wrote about the Israel-Gaza protests in Central London, describing them as "assertions of primacy by certain groups - particularly Islamists - of the kind we are more used to seeing in Northern Ireland." provoked This statement immediate criticism from across the political spectrum in Northern Ireland. It was initially seen as a reference to the traditional 'marching' by loyalist groups and by the Orange Order. Then "a source close to Braverman" indicated that she was referring to the activity of dissident republicans. The SDLP leader, Colum Eastwood, commented on Suella Braverman's "ignorance of the complex history of marching and protest in Northern Ireland. She has managed to offend just about everyone - no mean feat!"



# Section Three: Background Material and Further Reading

#### **Background Material**

**Belfast Telegraph** Talks with DUP to restore the Executive in 'final phases', says secretary of State. *Belfast Telegraph*, 16 November 2023. <a href="https://www.belfasttelegraph.co.uk/business/northern-ireland/talks-with-dup-to-restore-the-executive-in-final-phases-says-secretary-of-state/a1273076181.html">https://www.belfasttelegraph.co.uk/business/northern-ireland/talks-with-dup-to-restore-the-executive-in-final-phases-says-secretary-of-state/a1273076181.html</a>

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**Sinn Féin** Mary Lou McDonald Presidential Address to the Sinn Fin Ard Fheis 2023. <a href="https://vote.sinnfein.ie/mary-lou-mcdonald-presidential-address-to-the-sinn-fein-ard-fheis-2023/">https://vote.sinnfein.ie/mary-lou-mcdonald-presidential-address-to-the-sinn-fein-ard-fheis-2023/</a>

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**Irish Times** Alex Kane. Is a return to Stormont at last on the cards for Jeffrey Donaldson and the DUP? *IT*, 16 November 2023. <a href="https://www.irishtimes.com/opinion/2023/11/06/alex-kane-is-a-return-to-stormont-at-last-on-the-cards-for-jeffrey-donaldson-and-the-dup/">https://www.irishtimes.com/opinion/2023/11/06/alex-kane-is-a-return-to-stormont-at-last-on-the-cards-for-jeffrey-donaldson-and-the-dup/</a>

**Irish Times** James O'Brien on post-Brexit Britain – this conflation of patriotism with a sense of superiority. *IT*, 4 November 2023. <a href="https://www.irishtimes.com/culture/books/2023/11/04/james-obrien-on-post-brexit-britain-this-conflation-of-patriotism-with-a-sense-of-superiority/">https://www.irishtimes.com/culture/books/2023/11/04/james-obrien-on-post-brexit-britain-this-conflation-of-patriotism-with-a-sense-of-superiority/</a>

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**Irish Times** Roy Foster: Irish reunification is nearer than I would have thought it a couple of decades ago. *IT*, 18 November 2023. <a href="https://www.irishtimes.com/culture/books/2023/11/18/roy-foster-irish-reunification-is-nearer-than-i-would-have-thought-it-a-couple-of-decades-ago/">https://www.irishtimes.com/culture/books/2023/11/18/roy-foster-irish-reunification-is-nearer-than-i-would-have-thought-it-a-couple-of-decades-ago/</a>

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### **Further Reading**

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