

Will Northern Ireland Be Rishi's Undoing?

Dr. Steven McCabe, Associate Professor, Birmingham City University

For years ago, in early 2019, when Theresa May was still Prime Minister (PM) and had failed to achieve Parliament's agreement for the withdrawal deal she'd struck with the European Union (EU), there was heated discussion about how the one part of the United Kingdom which shared a land border with it would be treated. That part of the UK is Northern Ireland (NI).

Northern Ireland was instrumental in undermining May's premiership.

Four years on it could prove equally problematic for current PM Rishi Sunak.

A solution to the dilemma of how to deal with NI Ireland proposed four years ago was the 'backstop'.

The backstop, I explained in my chapter 'Demystifying the backstop' included in *Brexit and Northern Ireland* edited by Mair, McCabe, Fowler and Budd and published later in 2019, had been developed proposed as an insurance policy if all other tentative solutions proved unworkable or unfeasible. By allowing NI to remain within the single market, this would ensure a border between it and the Republic of Ireland would, as envisioned in the 1998 Good Friday/Belfast Agreement (GF/BA), not be necessary for checks on people and goods which are usual on any international frontier.

Only one party refused to endorse the GF/BA, the Democratic Unionist Party (DUP) which, in 1998, led by the late Ian Paisley, was overshadowed by the pro-agreement Ulster Unionist Party whose leader, David Trimble, faced accusations of selling out his community.

The GF/BA explicitly relied on devolved government in which the first and second ministers came from, respectively, the two largest powers.

This situation had been possible because the GF/BA was based on deliberately vague statements of aspiration for peace. Controversially, it included aspects such as early release of participants in violence.

The GF/BA has become a benchmark in how a mutually acceptable solution to conflict resolution is created.

In 1998, the UK was a committed member of the EU. This made the creation of the GF/BA straightforward. After all, open borders without checks of the movement of people and goods, was at the heart of the objective of increased cooperation and alignment between member states.

25 years ago, the notion that there'd ever be a need for a border between the UK and the EU would have seemed ludicrous.

Brexit, of course, changed everything.

Former Tory leader David Cameron, whose leadership of 'remain' during the lead-up to the June 2016 referendum, as was the case for many others on his side, in retrospect can be regarded as too complacent and didn't sufficiently stress the problem that departure would cause in NI. Having instinctively recognised the near impossibility of delivering a Brexit ensuring all sides in that part of the UK would be happy with the outcome, he immediately resigned.

Theresa May, whose leadership during negotiations following Cameron's resignation should, despite a shaky start including the statement "No deal is better than a bad deal" (Steerpike 2019), be regarded as having understood the difficulty Brexit was going to cause in NI. She, it should be acknowledged, valiantly attempted to achieve a withdrawal deal as benign as possible to business and, in the 'backstop', addressing an issue always likely to be extremely difficult.

As a multitude of contributors to *Brexit and Northern Ireland* (*ibid*) emphasised, maintaining the spirit of the GF/BA whilst the whole of the UK, including NI, departed from the EU, was a conundrum to which no solution was apparent.

May's departure in July 2019 led to her being replaced by Boris Johnson who, it appears, has no problem in stating one thing when he surely must be aware what he promises is entirely contradictory to reality.

Johnson, it should be remembered, is someone who backed Theresa May's Chequers Agreement of 6th July 2018 (published on 12th July) but resigned as Foreign Secretary on the 8th July in protest at the plan.

Cynics claim Johnson, ever the wily opportunist, spotted he could lay the foundations what became his successful objective of becoming Tory Party leader and, by dint, PM.

Johnson claimed he'd be able to achieve a withdrawal deal with the EU, including the possibility of leaving with 'no deal' but which, crucially, would not involve the creation of a border in the Irish Sea.

As many pointed out, this was nonsense.

Nonetheless, in 2018, Johnson even promised this in person to the DUP at a conference in NI when he stated, "We would be damaging the fabric of the union with regulatory checks and even customs controls between Great Britain and Northern Ireland on top of those extra regulatory checks down the Irish Sea that are already included in the withdrawal agreement – no British Conservative government could or should sign up to any such arrangement".

Unsurprisingly, Johnson's words proved to be meaningless. He achieved leadership of the Conservative Party that he'd craved for so long by making a series of inconsistent claims about Brexit and its potential benefits to the UK.

Notable Johnson secured backing of key figures within the European Research Group (ERG) whose advocacy of as 'hard' a Brexit as possible was pivotal.

The culmination of Johnson's promises was his statement he had an 'oven ready deal', This deal, it turned out, was based on what predecessor Theresa May had agreed with the EU, and had tried to gain Parliamentary agreement for, with certain finessing.

Memorably, Johnson won the December 2019 general election on the basis of 'getting Brexit done'.

Crucially, as was quickly discovered, Johnson's method of dealing with NI was a Protocol which, when it came into force in 2021, meant goods travelling from Great Britain to NI in large part required checks.

Those, particularly the DUP, who'd been seduced by Johnson were angry at what they perceived to be a diminution of the Union.

The fact that trade in NI would be governed by EU laws and critically, disputes between the UK and EU, would be resolved by the ECJ (European Court of Justice), added to a belief that one of the key arguments for leaving the EU sovereignty and 'taking back control' did not apply in the case of Northern Ireland.

Seething resentment among Unionists as well as, worryingly, Loyalist groups was fuelled by a lingering sense of grievance that their place in the Union was not perceived as unimportant in Westminster.

Political crisis was heightened by a refusal on the part of the DUP to cooperate in Northern Ireland's power-sharing government until such concerns were resolved. Under current leader Sir Jeffrey Donaldson, the stated condition for re-engaging in power sharing is scrapping of the protocol.

Cynics claim the DUP, now the second largest party in NI, and therefore no longer entitled to hold the position of First Minister, are reluctant to agree to anything which cements this status.

In the meantime, there's been a mixture of constructive discussion between the UK government and the EU as to how to make the Protocol might work more effectively combined with the threat of legislation in Westminster to unilaterally rewrite it.

This would amount to wilful disobedience of the obligations of international law, something not thought of being the actions of a civilised democratic country that is the UK.

That all of this was happening under Boris Johnson, who agreed to the Protocol, appeared to be a continuation of the bad faith many within the EU think he's consistently demonstrated in his dealings with them. However, whilst Johnson remained as the UK's PM, it was difficult to see how matters would ever improve.

Johnson's demise last summer was precisely the opportunity for better relationships and it might have been anticipated a reproachment between the UK and EU in terms of trade and other issues such as cooperation on security.

Had it not been for the mini budget of Truss last September, which ended the premiership of Liz Truss, it's hard to see how such improvements would have occurred under someone who, despite having campaigned to remain, had become leader of the Tories by increasingly exclaiming her support for Brexit to gain support among the ERG (as Foreign Secretary she'd launched the bill to rewrite the NI Protocol) .

Truss's downfall led to her being replaced by Rishi Sunak who, though he'd passionately campaigned for the UK to leave the EU, instinctively appreciates the economic consequences Brexit has inflicted on the country.

Sunak understands the impact poor relationships with the EU are likely to cause in terms of restoring public finances which have been so severely undermined by a combination of the pandemic, war in Ukraine, and Truss's notorious mini budget.

Under Rishi Sunak, as far removed from being the showman his former boss Johnson is, there appears to be a willingness to achieve the sort of compromise on the operation the Northern Ireland between the UK and EU entirely sensible for the sake of goods going there from between Great Britain as well as creating a vastly improved spirit of cooperation.

However, Sunak is discovering that dealing with Northern Ireland in a way that's mutually acceptable to all sides is no easier now than when Theresa May was grappling with the issue as part of her withdrawal deal which necessitated the 'backstop'.

Optimism late last week that there might be agreement to a revised NI Protocol involving 'green lanes' with no checks for goods crossing the Irish Sea exclusively for the province as well as a red one for goods intended for selling on to the Republic of Ireland, and subject to checks by the EU, appear to have dissipated over the weekend.

There were reports of at least a hundred Conservative MPs being willing to rebel in opposition to the revised NI Protocol (Allegretti, 2023).

Home Secretary Suella Braverman, another Brexit zealot, has made clear her opposition to dropping the Northern Ireland Protocol bill which has been paused and, it's been reported, would be dropped altogether if a deal with the EU was struck (Elgot and Walker, 2023; Smyth and Andrews, 2023).

Remember Braverman, a minister who was forced to resign by Truss due to allegations of leaking information, enthusiastically supported Johnson when he proposed his 'oven ready deal' which eventually included the arrangements for NI included in the Protocol.

Even though the role of the ECJ's oversight in NI has been lessened, this would seem to be the main point of contention among the DUP and the ERG. As reported by the BBC, DUP MP Sammy Wilson asserted that that what his party had seen was not sufficient to ensure support (Neeson and Parker, 2023). Pointedly, Wilson argued the DUP could not countenance any agreement which continues to mean that Northern Ireland continues to be subject to EU laws.

An anonymous 'senior ERG MP' quoted by Christopher Harris, *Telegraph* Associate Editor (Politics), would appear to echo such concerns:

"That [the revised Protocol] means that Northern Ireland would shadow EU regulations in respect of goods and that, in turn, would continue the jurisdiction of the European Court of Justice [ECJ]. Northern Ireland would continue diverging from the rest of the UK, and the UK's competitiveness would be held back because it is unlikely that we would want that divergence to be too pronounced. In other words, we would still not be sovereign."

Another threat which Sunak faces is that former leader Boris Johnson has, similar to Braverman, made clear his opposition to the dropping of the NI Protocol bill.

Worse, many people including former chancellor George Osborne contend, this Johnson may be giving warning that he intends to use this issue as a way of bringing Sunak down and, they believe, offer himself as the only leader who can revive the Conservative Party's fortunes before the next general election (Forrest, 2023).

Irish deputy PM Michael Martin claimed on Monday afternoon that the EU is open to offering concessions to attempt to "win over the DUP" (Gutteridge, 2023).

As reported in the *FT* on Monday evening, though Sunak has urged Eurosceptic MPs within his party to back him to "end the bitter dispute with Brussels over post-Brexit trade rules for Northern Ireland", there is a view among informed sources that opposition was "hardening" (Parker, Bounds and Webber, 2023).

Sunak, a politician who prides himself on fully understanding the detail of policy and its implications as well as developing solutions that are technically proficient and, accordingly, likely to be

successful when implemented, will now be fully aware of the incredible challenges posed by the Brexit he campaigned to achieve in the referendum held in June 2016.

The PM will also be well aware that what is at stake in achieving agreement to the status of Northern Ireland.

Let's not forget that in the June 2016 referendum NI voted to remain (by 55.8%) and polls consistently demonstrate a clear majority of citizens are satisfied with the current arrangements in operation as part of the Protocol (Neeson and Parker, *ibid*).

If Sunak is tempted to feel exasperated with the situation, he finds himself in, he might reflect on the fact that others, most notably his former boss, have been prepared to make a series of false promises about the future of NI.

History clearly shows that when dealing with NI extreme care and delicate handling of issues is absolutely critical.

NI's citizens deserve better than they are being offered by parties across the political spectrum.

The EU deserves better from a country which used to be held in esteem for its observance of rules and international law.

Better that Brexit had never happened and the issue of the border in Ireland had never needed to be reconsidered.

Nonetheless, success for Sunak in dealing with NI and the revised Protocol, even if it means imposition in the basis of support from Labour, will underpin his reputation as a leader capable of resolving difficult problems. It may assist him in weathering potential challenges should the results of May's local elections go worse than expected.

Sadly, failure in achieving resolution to the issue of trade between Great Britain and Northern by Sunak will not only put peace in that part of the UK, which suffered so much during the troubles, at risk, but will seriously undermine his credibility domestically and internationally.

As Sunak will surely realise, similar to Theresa May, NI could prove to be his undoing.

References

Allegretti, A. (2023), 'Rishi Sunak warned more than 100 Tory MPs could rebel over NI protocol deal', *Guardian*, 19th February, <https://www.theguardian.com/politics/2023/feb/19/rishi-sunak-warned-more-than-100-tory-mps-could-rebel-over-ni-protocol-deal>, accessed 20th February

Elgot, J. and Walker, P. (2023), 'Suella Braverman hints at opposition to ditching Northern Ireland protocol bill', *Guardian*, 20th February, <https://www.theguardian.com/politics/2023/feb/20/northern-ireland-post-brex-it-deal-unlikely-this-week-says-dup-spokesperson>, accessed 20th February

Forrest, A. (2023), 'Boris Johnson wants to 'bring down' Rishi Sunak, George Osborne says', *Independent*, 20th February, <https://www.independent.co.uk/news/uk/politics/boris-johnson-rishi-sunak-brex-it-protocol-b2285694.html>, accessed 20th February

Gutteridge, N. (2023), 'Brussels willing to compromise on DUP's concerns over Brexit deal, suggests Irish deputy PM', *Telegraph*,

20th February, <https://www.telegraph.co.uk/politics/2023/02/20/brussels-willing-compromise-dups-concerns-brexit-deal-suggests/>, accessed 20th February

Harris, C. (2023), 'Sunak can be No 10's Buzz Lightyear', *Chopper's Politics Telegraph Newsletter to subscribers*, 20th February, http://m4.emails.telegraph.co.uk/nl/jsp/m.jsp?c=%40CjrymiEysOryeZgjmDZ2O8qvYmdbNBATzr8S89IMBVNJGD4dc3%2BUhZddyZE5fi2t1vP1BshXWp8cs%2F80%2FhcDdw%3D%3D&WT.mc_id=e_DM110310&WT.tsrc=email&etype=Edi_FrB_New&utm_source=email&utm_medium=Edi_FrB_New20230220&utm_campaign=DM110310, accessed 20th February

Mair, J., McCabe, S., Fowler, N. and Budd, L. (2019), *Brexit and Northern Ireland, Bordering on Confusion*, Bite Sized Books, London

Neeson, C. and Parker, J. (2023), 'Brexit: No deal on NI Protocol this week, predicts DUP MP', *BBC Northern Ireland*, 20th February, <https://www.bbc.co.uk/news/uk-northern-ireland-64703436>, accessed 20th February

Parker, G., Bounds, A. and Webber, J. (2023), 'Rishi Sunak urges Tory MPs to back deal with EU on N Ireland trade', *Financial Times*, 20th February, <https://www.ft.com/content/ca1607ee-872f-436d-8efe-c8331abbef48>, accessed 20th February

Smyth, C. and Andrews, K. (2023), 'PM prepared to drop unilateral Brexit reform in favour of renegotiating Northern Ireland deal with EU, but home secretary insists bill is important tool', *Times*, 20th February, <https://www.thetimes.co.uk/article/rishi-sunak-dup-brexit-deal-northern-ireland-latest-news-live-cwlp39pqh>, accessed 20th February

Steerpik (2019), 'Theresa May: 'No deal is better than a bad deal' stance was 'abstract'', *Spectator*, 1st May, <https://www.spectator.co.uk/article/theresa-may-no-deal-is-better-than-a-bad-deal-stance-was-abstract/>, accessed 20th February