

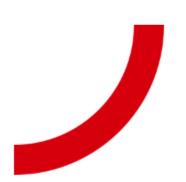
Post-Brexit Governance NI

Post-Brexit Clinic

Prof. Katy Hayward

Prof. Billy Melo Araujo

Prof. David Phinnemore



Governance for 'a place between': The multilevel dynamics of implementing the Protocol on Ireland/Northern Ireland

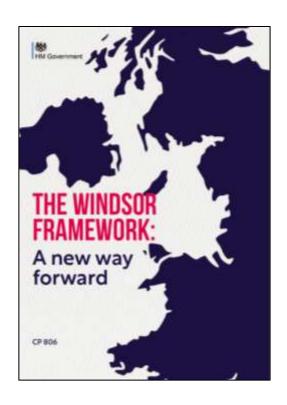
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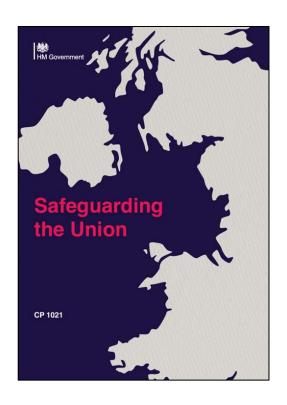
@PostBrexitGovNI



22 February 2024

From Windsor Framework to Safeguarding the Union... and Stormont Restored











Post-Brexit Clinic – 22 February 2024







Post-Brexit Governance NI - Explainer No. 13



'Safeguarding the Union' – What is new in the DUP deal and what does it mean for the Windsor Framework?

Katy Hayward and David Phinnemore

The UK Government has published the 'Safeguarding the Union' Command Paper to present a package of measures to secure the DUP's return to power-sharing in Northern Ireland. The Command Paper works within the scope of what was in the UK Government's gift to give, in accordance with UK-EU treaty obligations. But this is not to say it does not contain anything of substance. This Explainer considers what is new in this deal and the ways in which it goes beyond the Windsor Framework.



Testing the Temperature X

LucidTalk/QUB poll, 2-5 February 2024



Governance for 'a place between': The multilevel dynamics of implementing the Protocol on Ireland/Northern Ireland

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Margin of error +/- 2.3% at 95% confidence



Safeguarding the Union









New Bodies and Structures

- An Independent Monitoring Panel
- A UK East-West Council
- Intertrade UK
- A Horticulture Working Group
- A Veterinary Medicines Working Group
- Northern Ireland's place in the UK Internal Market
- Changes relating to the NI Assembly
- Still to come
- Safeguarding the Union?

STATUTORY INSTRUMENTS

2024 No. 164

NORTHERN IRELAND

CONSTITUTIONAL LAW

The Windsor Framework (Constitutional Status of Northern Ireland) Regulations 2024

Mode Title Petersory 2024
Comma Interference 2004
Comma Interference 2004

The Secretary of Natur makes these Regulations in exercise of the powers conferred by sentin BO(1) and (2) of, and paragraph 21 of Scholafe 7 to, the European Union (Withdrawal) Ac-

In miking these Regulations, the Secretary of State has had special regard to the matters (isted in section 46(1) of the United Kingdom Internal Market Act 2020(b).

STATUTORY INSTRUMENTS

2024 No. 163

UNITED KINGDOM INTERNAL MARKET

The Windsor Framework (UK Internal Market and Unfettered Access) Regulations 2024

> Abab : 19th February 2024 Cooking two force - 20th February 2024

The Soverary of State makes flow Regulations in exercise of the powers conferred by sestions (See Soverary and 6) of and pumping 21 of Schedule 7 to the European Union (Withdowsel) Act 2018/as and section 4705 of the Union Kingdoo Intend Market Act 2020/01.

In making these Regulations, the Secretary of State has had special regard to the nutties listed in surface 46(1) of the Central Kingdom Insured Market Act 2020.

STATUTORVINSTRUMENTS.

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EXITING THE EUROPEAN UNION

FOOD

AGRICULTURE

The Marking of Firtail Goods Rigulations 2024

Male

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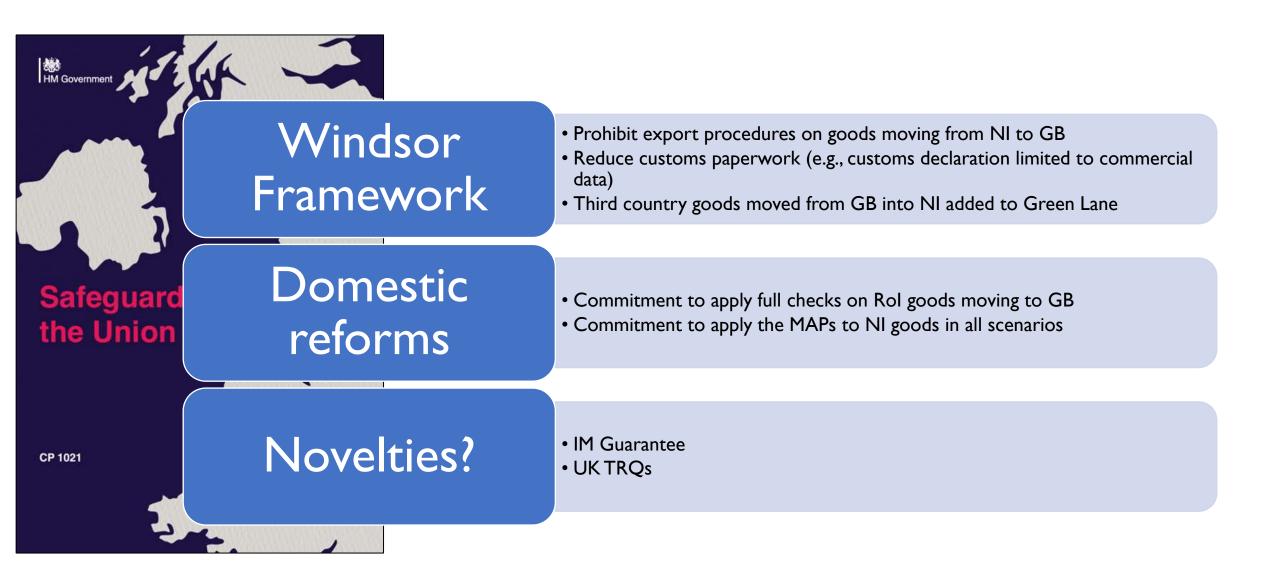
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(or Clonder 2004)





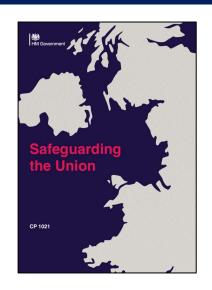
Safeguarding the Union and Trade: Reflecting the Status Quo?







Safeguarding the Union: UK Internal Market Guarantee



- Commitment that more than 80% of all freight movements between GB to NI will be treated as not at risk of moving towards the EU
- Backed by independent scrutiny:
 - Independent Monitoring Panel
 - Assess fluctuations in NI-GB Trade over 6-month period
 - Assessment finds decline is "to the detriment "of the UK IM, the government must respond swiftly
- Target could create problematic incentives





Safeguarding the Union: Access to UK Tariff Rate Quotas



- Amendment of JC Decision No 1/2023 ("at-risk" regime)
- Old regime made it impossible for NI businesses to benefit from UK TRQs (including TRQs in UK FTAs)
- New regime allows goods covered by TRQs to be considered not at risk:
 - EU-UK approved list of TRQs covered by regime
 - Operators must be registered with TTS
 - Operator needs to apply for access to UK TRQ







Post-Brexit Governance NI

Testing the Temperature X

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Responses: 2858; Weighted Sample: 1202

Margin of error +/- 2.3% at 95% confidence

After the DUP 'deal'



1.	dup	
	187 times	Relevance 1
2.	brexit	
	84 times	Relevance 0.5
3.	deal	
	70 times	Retevance 0.43
4.	party	
	50 times	Relevance 0.38
5.	stormont	
	51 times	Relevance 0.34
6.	northern ireland	
	421imes	Relevance 0.33
7.	protocol	
	46 times	Relevance 0.32
8.	government	
	38 times	Relevance 0.28
9.	windsor framework	
	33 times	Relevance 0.28
10.	question	
	33 times	Relevance 0.26





Opinion of the Protocol/Windsor Framework

The Protocol with WF and DUP deal provides unique economic opportunities for NI

Brexit is on balance a good thing for the UK

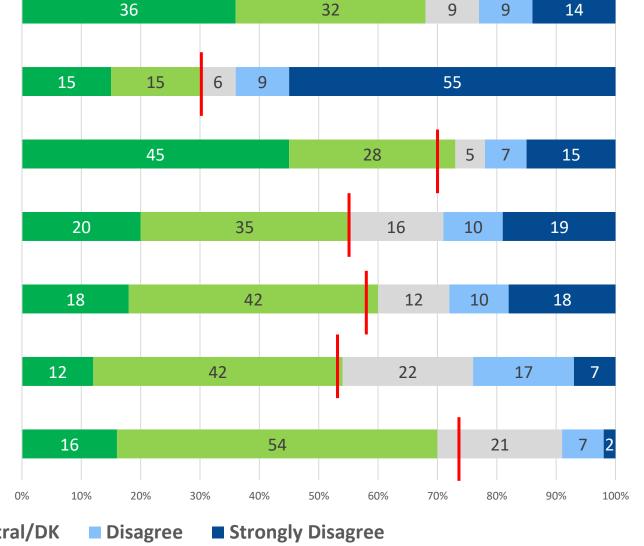
Particular arrangements are necessary

The Protocol with the Windsor Framework & DUP deal is on balance a good thing for NI

> With the WF & DUP deal, the Protocol provides appropriate means for managing Brexit in NI

> Reliable information on the Protocol & Windsor Framework is available

I have a good understanding of the Protocol











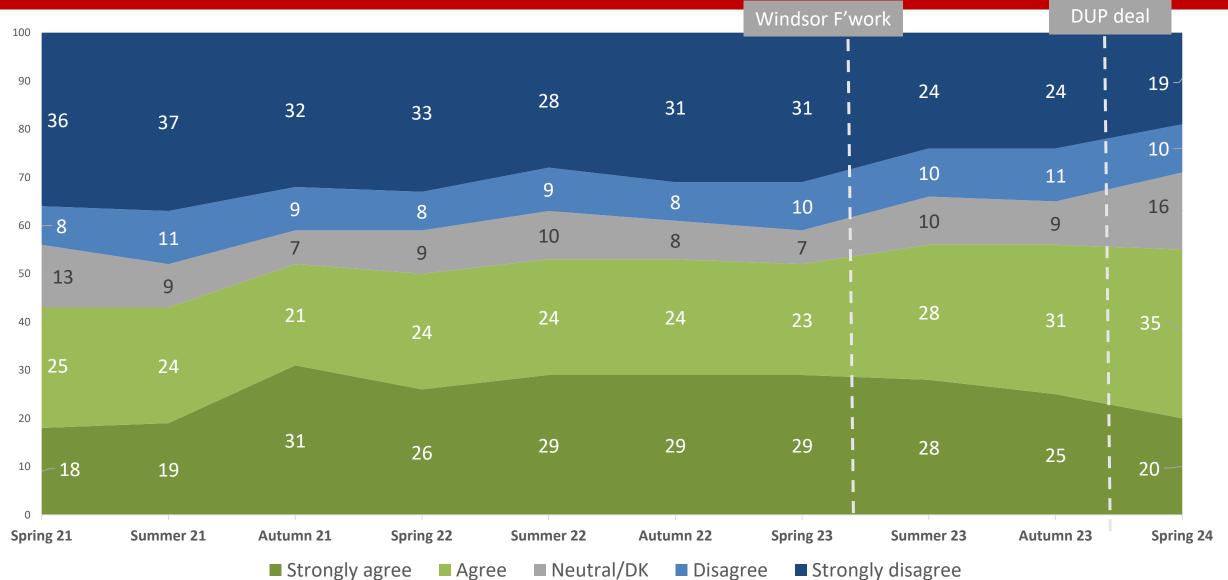






'The Protocol with WF and DUP deal is on balance a good thing for N. Ireland'

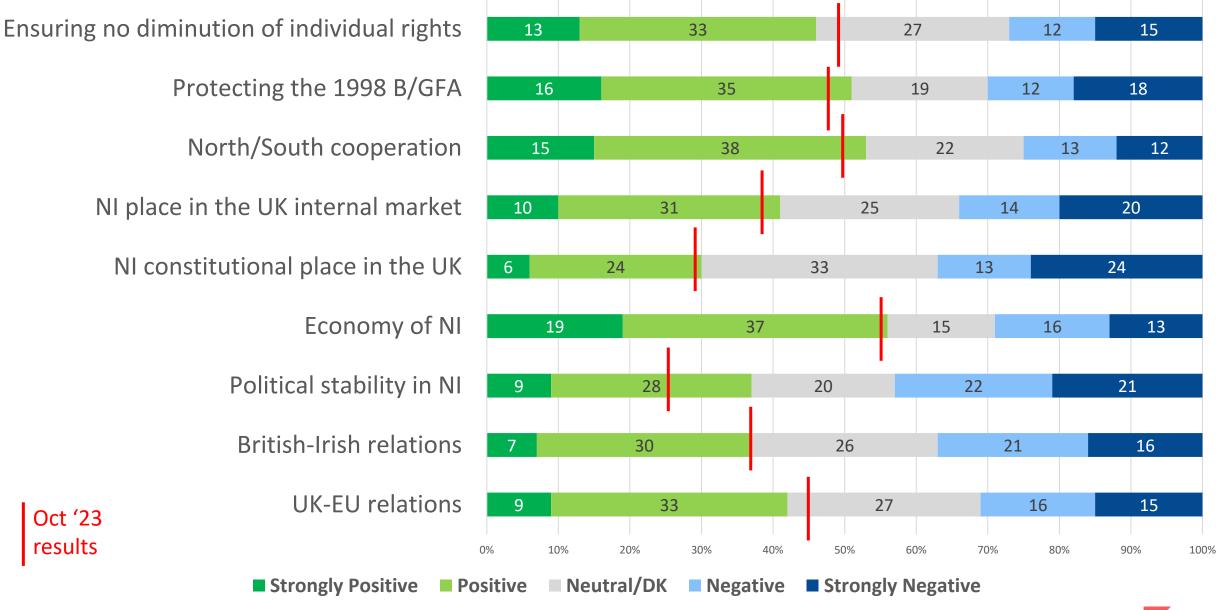
(March 2021-Feb 2024)







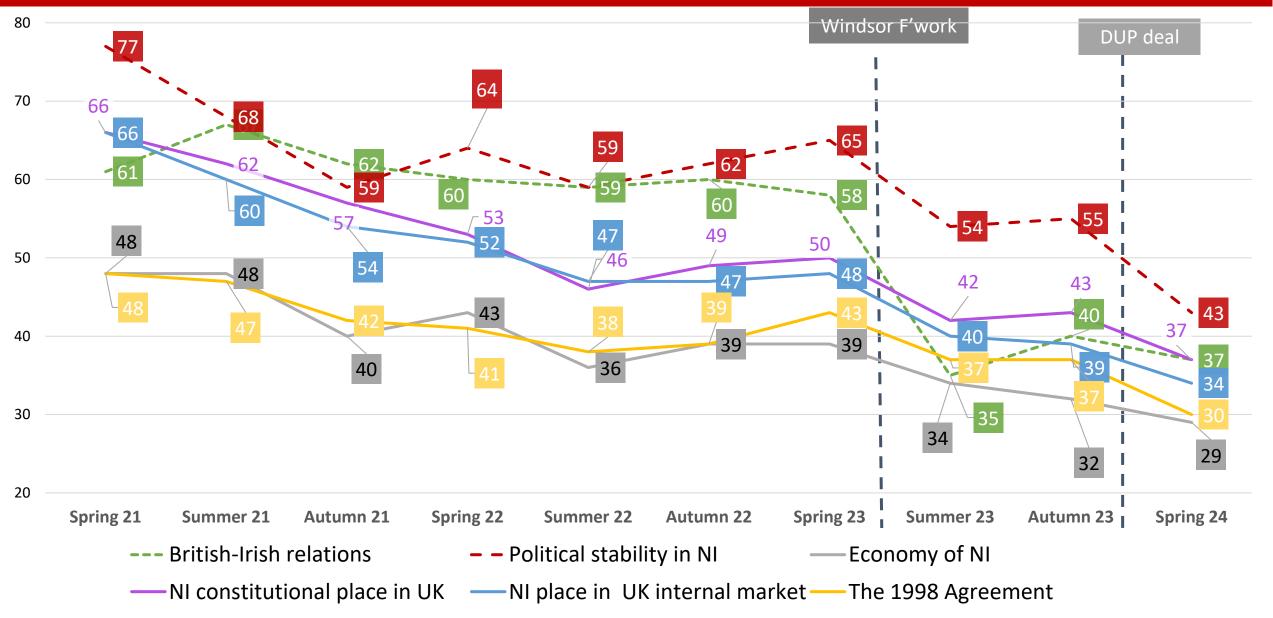
Perceived Impact of the Protocol/Windsor Framework







'Negative' re: Protocol/WF effects on.... (March 2021-Feb 2024)

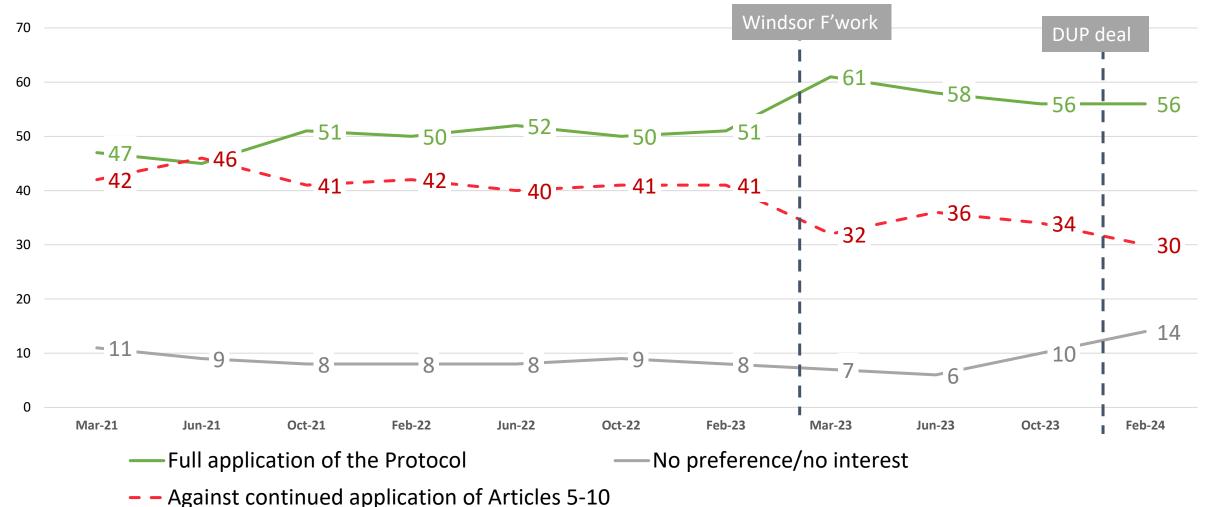






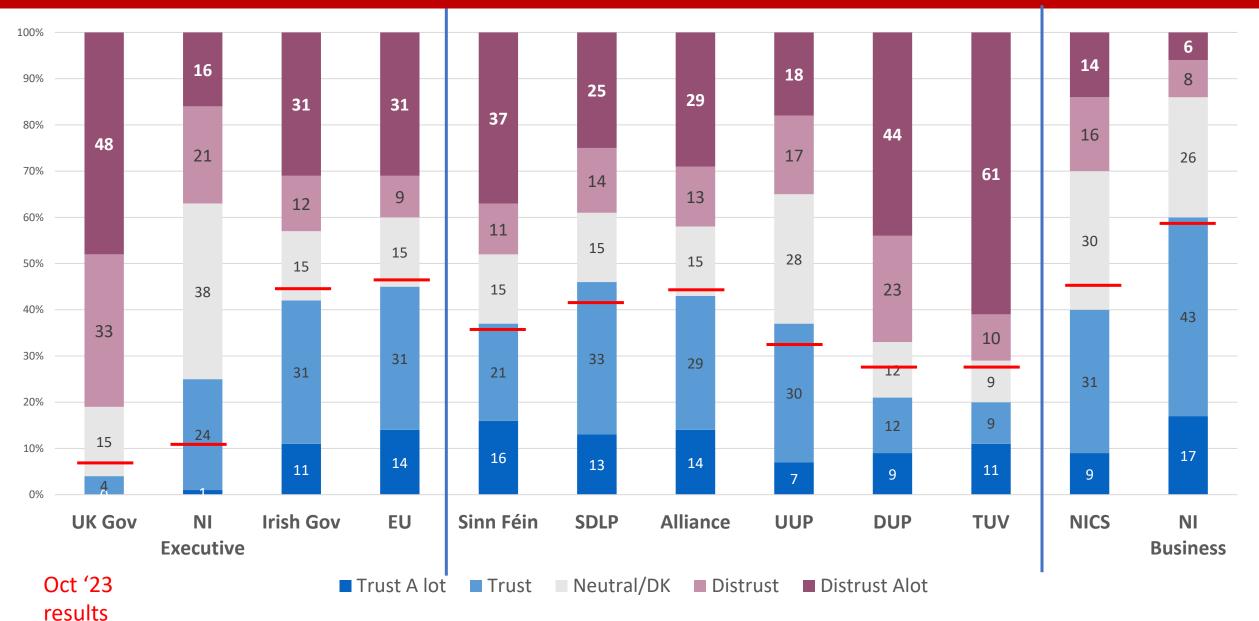
Democratic Consent in 2024

Based on what you currently know, and are experiencing now, how would you like the MLAs for whom you vote[d] in the 2022 NI Assembly election to vote in 2024 on the Protocol? (%)





Trust in Managing NI Interests in Relation to the Protocol/Windsor Framework (%)







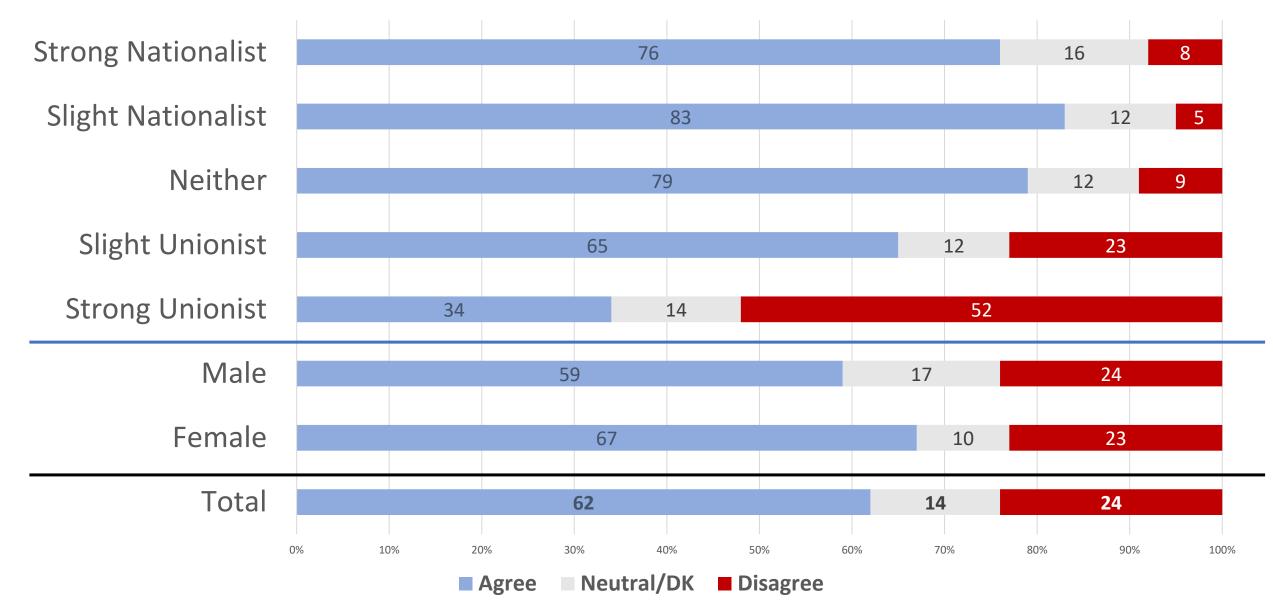
Rank the following issues in terms of how important they are to you at present (out of 10)*

Health and social care provision Economy, employment, cost of living Public service delivery and funding Quality of essential infrastructure Functioning, effective devolution Constitutional status & future of NI Protection of HR and justice system Effects of the WF/Protocol Community relations **Immigration** ■ Top (1-3) ■ Middle (4-6) Bottom (7-10) * [Top 1-3 weighted x3; Middle 4-6 weighted x2; Bottom 7-10 weighted x1]





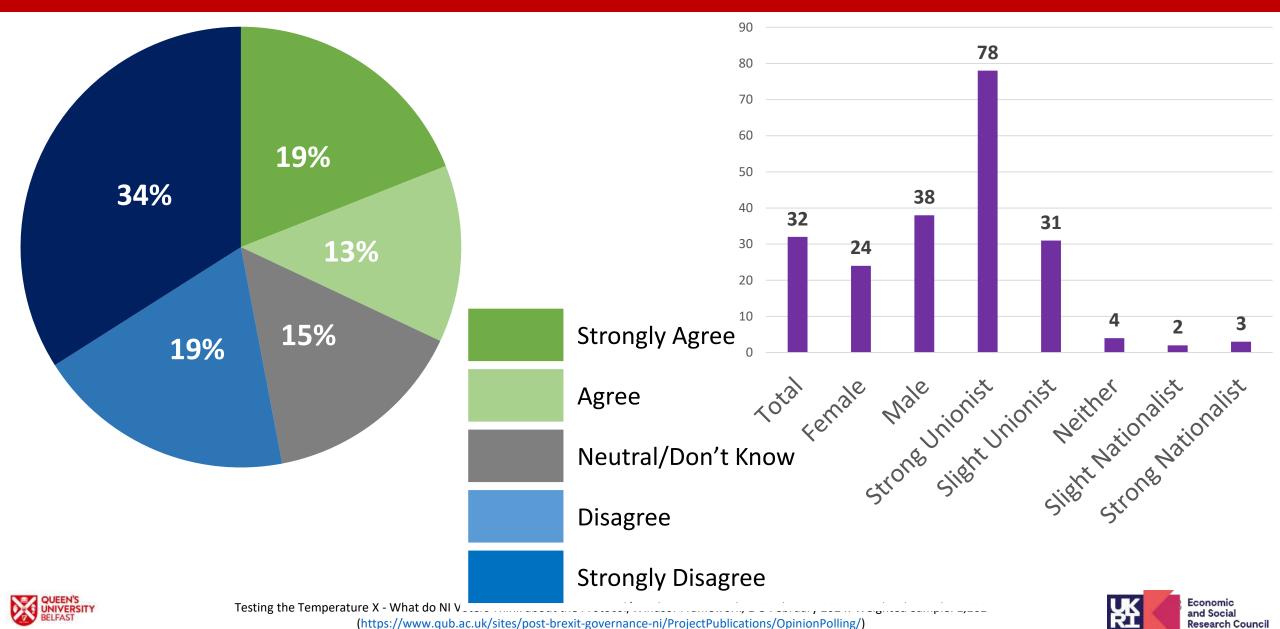
Political debate should move on from Brexit/WF







I would like MLAs to use the 'Stormont Brake' to block updates to EU legislation regardless of political or practical consequences



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Introduction

Key to the return of the Northern Ireland Assembly and a fu Executive has been the United Kingdom Government's Safi with the Democratic Unionist Party (DUP). Set out in accompanying legislation, the package is designed to regarding the effects of the post-Brexit arrangements for No by the United Kingdom (UK) and the European Union (EU). Ireland/Northern Ireland (2020), those arrangements exist:

to address the unique circumstances on the island of fre necessary conditions for continued North-South cooper border and to protect the 1998 Agreement in all its dime

To achieve those objectives now that Northern Ireland is o still inside, the arrangements, among other things, place No relationship with the EU. Under the Protocol, more than 300

production and movement of goods) continue to apply in Northern Ireland. Any amendments or replacements to those EU acts *automatically* apply in Northern Ireland, as they would for a member state. If disputes arise over the interpretation of the EU law that applies in Northern Ireland, the ultimate place for settling these is the Court of Justice of the EU.

The <u>majority of voters</u> in Northern Ireland are broadly content with this unique set of arrangements as a compromise that enables the region to avoid some of the most disruptive effects of Brexit and to keep some benefits associated with free access to the EU internal market for goods. But there has been strong opposition in Northern

Post-Brexit Governance NI - Explainer No. 14



Using the Stormont Brake

David Phinnemore and Lisa Claire Whitten

Testing the Temperature 10

What do voters in Northern Ireland think about the Protocol/Windsor Framework?



amework was announced in February 2023, the 'Stormont Brake' UK Government as redressing the 'democratic deficit' of the g a 'firm guarantee of democratic oversight, and a sovereign veto om on damaging new goods rules'. More recently, in its 2024 20 Command Paper, the UK Government presented the Stormont powerful democratic safeguard that provides powers to stop the light market rules'.

rake, 30 Members of the Northern Ireland Assembly (MLAs) from parties, subject to certain conditions, can initiate a process for capplication of certain EU acts amending or replacing an EU act n Ireland under the Protocol/Windsor Framework. Whether or not sactually activated, and the application of the relevant EU act nd on whether the UK Government agrees that certain criteria e UK Government has indicated, the Brake will not be available

nents for the operation of the Stormont Brake are set out in:

of the Protocol/Windsor Framework (added 23 March 2023)

- <u>Unilateral Declaration by the United Kingdom on Involvement of the institutions of the 1998 Agreement</u> (made 23 March 2023)
- Windsor Framework (Democratic Scrutiny) Regulations 2024 (SI 1024/118) (in force 2 February 2024) and the accompanying Explanatory Memorandum
- Letter from Secretary of State for Northern Ireland to the Speaker of the Northern Ireland Assembly (2 February 2024)

Of the many questions that the existence of the Stormont Brake raises, we consider here the likelihood of there being EU acts to which it could be legitimately applied. To



