

## BREXIT THWARTS DEMOCRACY IN NORTHERN IRELAND

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*The UK has proposed overriding provisions of the Northern Ireland Protocol, a precondition of the EU-UK free trade agreement. The EU has already taken legal action in response. There could be a trade war. In the recent election, Unionists lost the majority in Northern Ireland. But, even if sixty per cent of the elected representatives oppose the legislation and defend the Protocol, Unionist obstructionism prevents the formation of a new government. The people of NI are hostages of an internal UK Conservative Party struggle and have no democratic control of their destiny.*

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Charles de Gaulle's opinion of the UK was withering: *pour l'Angleterre, quand elle est la plus forte, il n'y a pas d'alliance qui tienne, ni de traité qui vaille, ni de vérité qui compte* (for England, when she is the stronger, there is no alliance which holds, no treaty which is respected, no truth which matters). The current UK government has proposed a new legislation that would override provisions of the Northern Ireland Protocol, a treaty in effect under international law, fulfilling de Gaulle's prediction, as does Boris Johnson's behaviour. He has repeatedly shown himself and his government to be duplicitous and untrustworthy. This time, though, the UK may not be the stronger. Since the Protocol is a precondition of the subsequent EU-UK free trade agreement, the EU has already taken legal action in response to on-going British violations of the treaty. There are real possibilities of a trade war if the proposed legislation comes into effect.

Johnson is the first Prime Minister in history to have broken the law while in office, having been fined for violating pandemic lockdown rules his own government had promulgated, reinforcing the perception that the Conservative Party is elitist, privileged and contemptuous of the common people. There may be also a formal investigation of his lying when answering questions in Parliament. Leading civil servants, overseers of ethics in government, and leaders of the Conservative Party have resigned in protest. Johnson has not.

In addition to disregarding the rule of law, Johnson's commitment to democracy is also questionable. To avoid scrutiny of his negotiations with the EU over the trade deal, he suspended Parliament, a move subsequently declared anti-constitutional by the High Court, putting the Queen so revered by the British people in the position of having signed into law an illegal act. Now he is prepared to ignore the results of the latest election to the Northern Ireland Assembly.

Democracy was skewed from the beginning in Northern Ireland (NI) because it was artificially designed to guarantee a permanent Unionist majority of the Protestant community. Thus, the permanent Nationalist minority of the Catholic community could never hope to govern there. However, the demography has changed. The Catholic community is now the majority. In 2016, Unionism obtained 51% of seats in the Assembly. Nationalism obtained 37%. The remaining 11% went to parties that were neither Unionist nor Nationalist. The following year the Unionists fell to 43% and the Nationalists rose to 43%. This year the Unionists have fallen to 40%, as have the Nationalists. What is more significant is that the others have risen to 20%. The electoral results end the Unionist hegemony, but they do not constitute a Nationalist majority. Hence, there is no clear majority in favour of a reunification with Ireland. Unionist obstructionist tactics, supposedly based on the rejection of the Protocol, nullify the electoral result. Johnson uses the Unionist boycott to justify overriding the Protocol, saying it threatens the Good Friday Agreement (GFA). Just the opposite is true. Together, all the other parties, comprising 60% of the elected representatives, have written to the British premier, opposing the proposed legislation, defending the Protocol and calling for a government to be formed. In the 2016 Brexit referendum, 57% of the population in Northern Ireland had voted to remain.

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### **The need for a government**

Despite the electoral results obtained on 5 May 2022, no government has been formed and the Assembly cannot function. The power-sharing element of the GFA requires the majority parties of both communities to jointly approve important decisions. Originally designed to protect the Nationalist minority, this provision also allows a Unionist boycott to veto the formation of a government and the election of a Speaker of the Assembly, leaving Northern Ireland with a caretaker government that cannot administer the funding that would be available to deal with pressing social problems if there were a government.

The political majority is in favour of the Protocol, as are the business and agricultural communities. The economy has improved greatly thanks to the opportunities inherent in belonging to both the UK market and the EU Single Market. Any interruption of the Protocol will hurt an economy that is highly integrated in the Irish economy. A border on the island would

impede this. For example, much of the milk produced in NI is processed in the Republic of Ireland. The Protocol allows this. Were it to stop, the northern milk industry would collapse. The voters want solutions to their everyday problems. None of this matters to the Unionists or the Conservatives. Brexit is ruled by ideology.

In order to avoid a land border on the island, the Protocol includes NI in the Single Market. In order to protect the Single Market, the Protocol requires controls over trade with Great Britain. For the Brexiteers, this threatens British sovereignty. For the Unionists, it threatens their Constitutional position in the UK. No flexibility on the part of the EU matters because they want nothing to do with the EU.

Despite a clear democratic mandate in favour of the Protocol, Johnson's obsession with clinging to power makes the people of NI hostages of an internal Conservative Party struggle. The proposed law still faces months of Parliamentary procedure and will probably be vetoed by the House of Lords. The Commons could override a veto but that would take many more months. Johnson may not last that long. But, the proposal may be a sop to radical Brexiteers and Unionists.

In the interim, the UK government may hope to reach an agreement with the EU over the administration of the Protocol, making the law unnecessary before it is passed. The EU is well aware of this and is losing patience with the untrustworthiness (not to say perfidy) of Johnson's tactics. The Irish government says its relations with the UK are at their lowest point in decades. The NI Unionists do not trust Johnson either and say they will not allow a government to be formed until the proposed law comes into effect.

If no government is formed within six months, another election should be held. Signs are the Unionists would suffer an even bigger loss for sacrificing the daily needs of the people to ideological purism. Meanwhile, the people in Northern Ireland have no democratic control of their destiny.