‘Brexit Fissures’: Party Politics and Territorial Politics Post-2017

Stephen Day

John Major (2016) ‘The plain uncomfortable truth is that the unity of the UK itself is on the ballot paper in two weeks’ time’.

Robert Tombs (2017) ‘Brexit was a vote of confidence in our ability to shape our future as an independent democratic nation …’.

Abstract  Brexit has proved to have been one of the most disruptive and tumultuous political events in contemporary UK politics. Whether it unleashes the sort of ‘buccaneering spirits’ envisioned by its most passionate supporters, or leaves the UK languishing as an island in decline remains to be seen. The journey, to date, however, has brought with it what can best be described as a series of ‘Brexit induced fissures’ vis-à-vis the UK’s political architecture. The goal of this chapter is to highlight how those fissures have played out/are playing out in two specific domains:

(1) The arena of party politics and the party system between 2017 and 2019 – a period when parliamentary politics looked to have reached total gridlock, but which culminated in a dramatic electoral victory for the governing Conservative Party.

(2) The on-going push–pull struggle over the territorial integrity of the UK where talk of a second Scottish independence referendum and a ‘border poll’ in Northern Ireland continues to gain momentum.

On June 23, 2016 UK voters decided by a margin of 51.9% to 48.1 to support the termination of the UK’s membership of the European Union.¹ Three and a half

¹This chapter is not intended to be a comprehensive overview of the Brexit-saga. Its goal is more limited. I wish to make some general observations about a few key issues of this on-going story. This inevitably means sometimes simplifying complex and contentious issues as well as making large jumps in terms of the story’s timeline.

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years later, on 31 January 2020, the UK formally left the political institutions of the EU. At the time of writing, talks on the future relationship between the two sides remain on-going and it is unclear whether or not a deal can be reached before the UK government’s self-imposed deadline of October 15, 2020. What is unambiguous is that the transition period that has enabled the UK economy to continue operating as part of the EU’s single market, ends on December 31, 2020. While the referendum question offered a straightforward choice between ‘Leave’ and ‘Remain’, the on-going process of actualizing that choice generated/exacerbated a series of dramatic fissures across the political and territorial architecture of the UK.

It is often the case in British politics that any conversation about referenda soon recalls the oft-cited comment from Clement Attlee (Labour Prime Minister 1945–1951): ‘I could not consent to the introduction into our national life of a device so alien to all our traditions’. Underpinning that assertion are procedural and philosophical questions about the compatibility of direct democracy (of which a referendum is one example) with the representative democracy associated with the Westminster model. This, in turn, takes us back to the Burkean quandary as to whether an MP is a delegate or a representative. In the case of Brexit, the fact that the majority of parliamentary representatives had profound misgivings about the electorate’s choice, resulted in them being charged, by critics, with undermining democracy. The slogan ‘parliament versus the people’ became a common slur against those parliamentarians. Reflecting on a comment that she heard that referendums were a ‘poison injected into the bloodstream of the body politic’, Helen Lewis (2018) concluded:

Ultimately, though, the poison of Brexit is a less showy one. It’s arsenic, isn’t it – that old favourite of vengeful nephews in Agatha Christie stories? Symptoms include nausea and irritability, and they creep up so slowly that the victims don’t realise they are being poisoned until it is too late.

At that time, so much remained up in the air but one thing was clear: the UK’s political architecture was struggling to contain what could best be described as a series of ‘Brexit induced fissures’. During the course of this chapter, I will highlight how these fissures have impacted upon two domains of that architecture:

1. key features of party politics and the party system between 2017 and 2019—a period when the parliamentary arena looked to have reached total gridlock.
2. the territorial integrity of the UK where future developments in Scotland and Northern Ireland remain key.

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2Edmund Burke stressed that while an MP should listen and take on-board the views of constituents, an MP should not be bound by those views. For him, an MP should act as a representative (ultimately make their own judgment) and not a delegate. In his famous speech to the electors of Bristol in 1774 he said: ‘But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living… Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion’. Edmund Burke, Speech to the Electors of Bristol (November 3, 1774). Taken from The Founders’ Constitution, Volume 1, Chapter 13, Document 7. As at https://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html. At that time women were excluded from the right to stand or vote.
Concerning the first domain as Clarke et al. (2017: 228) put it: ‘Brexit has strong potential to destabilize what is already a fragmenting and shaky party system…. The future of the UK polity itself may be at stake as well’. It, of course, was not meant to be like this. The UK political system with its first-past-the-post electoral system was meant to perpetuate continuity in the form of a two-party/two-and-a-half party system, strong government, and strong party leadership. In relation to the second domain, the question of Scottish independence was supposedly put to bed in 2014 after the defeat of the independence referendum and Northern Ireland’s place as an integral part of the UK was unquestionable. The extreme turmoil and disruption wrought by Brexit, however, has brought all of these issues back under the political spotlight.

1 Disruption and Turmoil Within the Parliamentary System

In the wake of the 2017 election, Cowley (2018: 410) concluded that: ‘Rather than delivering a “strong and stable” government, the nation ended up with a minority government and a weakened Prime Minister about to embark on the most important and complex negotiations the UK had entered in living memory.’ For the next 2 years, British politics found itself totally preoccupied and perhaps, one might say, traumatized by Brexit. There is a famous meme of Austin Powers trying (unsuccessfully) to do a three-point turn in a corridor in a small motorized cart which is basically the same length as the width of the corridor. It seemed to be an appropriate metaphor. Professor Peter Hennessy, in the Radio Four series, The briefing Room, put it more eloquently when he spoke of the political system being ‘stress-tested’ like never before by Brexit. He went on to assert: ‘The European question is the great disrupter of post-War British politics and, my heavens, it’s a capital D disruptor at the moment’ (As at https://www.bbc.co.uk/programmes/p06w8qtg).

During the latter stages of the second Theresa May premiership (June 2017–July 2019), as she sought to secure legislative ratification of the deal that she had negotiated with the EU, the febrile nature of the political atmosphere inside and outside of the parliament reached fever-pitch. Night after night political figures, commentators and contrarians would take to the airwaves with their view of the day’s proceedings. Prime Minister May found herself caught in a pincer movement as opponents from all sides, including from within her own party, berated both her deal and the integrity of her leadership. The ferocity of the ‘blue-on-blue’ attacks, i.e. attacks from within the Conservative Party, completely undermined the idea of strong party leadership and left the notion of party discipline in disarray. The Labour Party, under the leadership of Jeremy Corbyn, also faced its own intra-party difficulties over Brexit but to a
much lesser extent. The tone of political debate at that time led one prominent news presenter/journalist Emily Mattis (BBC Newsnight, 29 January 2019) to comment:

At this point perhaps, it is wise to admit the usual contract between viewer and presenter is somewhat broken. I can tell you everything that we are told. Everything the key players have said to me. What we can’t do is tell you whether they will still be saying or thinking or promising the same things tomorrow. Denials and guarantees are being broken as quickly as they are being uttered.

The subsequent impasse that arose in Parliament between the Executive and the Legislature would manifest itself most overtly in the first few months of 2019 when Prime Minister May lost three key votes (known as Meaningful Vote 1, 2, and 3) on her Brexit deal. The first vote suffered the largest defeat in parliamentary history. In addition, all sorts of unprecedented parliamentary manoeuvres, that added to the febrile atmosphere, would continue to unfold for most of the year. This included the Speaker of the House John Bercow accommodating the legislatures desire to take control of the Order Paper under Standing Order 24 (Standing Orders are the ‘rules of procedure’ associated with conducting the day-to-day business of parliament). One of the most dramatic events, during this timeline, occurred when Prime Minister Johnson decided to withdrawal the whip from 21 Conservative MPs who had voted against the government on a motion for delaying Brexit in order to prevent a no-deal. A few days later an interesting Twitter exchange between the Health Secretary Matt Hancock and the former Chancellor Phillip Hammond (who had been one of the 21), once again, highlighted the turbulent political atmosphere. Hancock wrote: ‘The Conservative party has always been a broad church shaped by those within it. Gutted to see Amber leave—but hope other One Nation Tories will stay and fight for the values we share’. Philip Hammond replied: ‘Sorry Matt, I’m afraid the Conservative Party has been taken over by unelected advisors, entryists and usurpers who are trying to turn it from a broad church into an extreme right-wing faction. Sadly, it is not the party I joined’ (https://twitter.com/philiphammonduk/status/1170633949879635968. Dated 8 September).

2 Electoral Turmoil and Disruption 2019–2020

Electorally, 2019 would commence with local government and European elections in May and a number of by-elections in June and August. The governing conservatives, under Prime Minister May, experienced an electoral drubbing that contributed to her

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3 The Labour Party would have to deal with an ongoing anti-Semitism scandal that made the front pages on and off for nearly four years. It eventually resulted in the party being placed under investigation by the Equality and Human Rights Commission (EHRC). The new (since April 4, 2020) party leader, Keir Starmer, received plaudits from the Jewish community for the way he has sought to deal with it. See ‘Jewish leaders praise Keir Starmer for pledges on Labour antisemitism’, The Guardian, April 7, 2020.

4 Ten would later have the whip reinstated. Two would leave the party and join the Liberal Democrats.
Table 1  European election results (May 2019)

| Position on Brexit at the time of the election | Political party | Percentage of the vote | Cumulative support for different types of Brexit (%) |
|-----------------------------------------------|-----------------|------------------------|-----------------------------------------------------|
| 'No-deal' Brexit                              | The Brexit Party | 30.79                  | 34.01                                               |
|                                               | UKIP            | 3.22                   |                                                     |
| 'Remain'                                      | Liberal Democrats | 19.78                | 39.35                                               |
|                                               | Greens          | 11.78                  |                                                     |
|                                               | Change UK       | 3.31                   |                                                     |
|                                               | Scottish National Party (SNP) | 3.51   |                                                     |
|                                               | Plaid Cymru     | 0.97                   |                                                     |
| 'Some form of soft-Brexit'                    | Conservative Party | 8.86                 | 22.6                                               |
|                                               | Labour Party    | 13.74                  |                                                     |

Turnout was 36.7%

Source 2019 European election results: UK official results. https://europarl.europa.eu/election-results-2019/en/national-results/united-kingdom/2019-2024/

eventual resignation on June 7. With Prime Minister Boris Johnson at the helm, and the constant repetition of the simple and memorable slogan: ‘Get Brexit Done’, the party’s electoral fortunes would change dramatically at December’s general election (see sect. 3 below). During the year, the electoral scene would also be joined by the short-lived pro-Remain ‘Change UK’ as well as Nigel Farage’s ‘Brexit Party’. Both were officially launched in April. While the former (which was formed by a small group of eight Labour and three Conservative MPs who had broken away from their respective parties) sought to secure a ‘people’s vote’ (a second referendum) with the hope of remaining in the EU; the latter advocated what it called a ‘Clean-break Brexit’. This was a euphemism for just walking away without any kind of withdrawal agreement and trading with the EU on WTO terms. The Brexit Party promised a political revolution. For a while, especially its success at the European elections (see Table 1), it looked on-course to really shake-up the political scene. In the end, however, it would fizzle out.5

The 2019 electoral cycle as already mentioned kicked-off with the May 2019 local elections. The outcome was a Conservative Party in electoral free-fall. It suffered the loss of 1330 of its 4894 seats leaving it with 3564. One would have normally expected the main opposition party to benefit from the governing party’s woe. Yet, Labour was unable to capitalise. The party actually lost 84 seats bringing it down to 2021. It did not bode well for any forthcoming general election. Labour’s riposte was to seek solace from the experience of the 2017 general election campaign. At that time, a

5 A unique feature of the Brexit Party, compared to other political parties, was its business-like structure. It was registered as a Private Limited Company (PLC). Party members were deemed ‘registered supporters’.
headline in the *Independent* (June 1, 2017) that read ‘Jeremy Corbyn goes from no-hoper to crowd-puller on the campaign trail’ captured his ability to resonate with the public—particularly the young which would go on to spawn the word ‘youthquake’. So, the argument ran that such a pattern would repeat itself at the next general election. Once the voters saw ‘Jeremy’ in the flesh and heard Labour’s message, undistorted by the media, they would turn to Labour. In terms of the electoral spoils that night, they belonged to the Liberal Democrats which gained 706 seats increasing its total to 1352. This was just the sort of momentum they wanted to take into the forthcoming European elections. In the words of the then party leader Vince Cable ‘…we go into the European elections as the clear gathering point for remainers’ (Cable 2019).

It was during the campaign for the European elections, a campaign that was never meant to have taken place because the UK should have left the EU on March 29, that the Liberal Democrats adopted the most explicit pro-Remain slogan: ‘Bollocks to Brexit’.

The clear winners at the European elections were the Brexit Party. It championed the cause of a ‘no-deal’ Brexit. It was not, however, a message that resonated with a majority of those who voted. A plurality of voters had backed parties supporting a remain position. While even the soft-Brexit message of the Conservatives and Labour attracted nearly a quarter of voters. That could not, however, hide the fact that the Conservatives had just experienced their worst ever result in the party’s long history.

Given the success of the Brexit Party at the European elections and the publicity that it generated, the bookmakers (who are seldom wrong) marked them as the favourites to take the seat of Peterborough at the June 6 by-election. It was a constituency where the previous Labour MP had relinquished her seat over a criminal conviction and the constituency voted 61% in favour of Brexit back in 2016. Labour, however, drawing upon a strong ground operation and a campaign focused on local issues was able to hold the seat—taking 31% of vote (down 17% on the 2017 general election) compared with 29% for the Brexit Party. The Conservative Party came in third with a 21% vote share (down 25 points on 2017). It was an outcome that may well have lulled Labour into a false sense of security. Anecdotal evidence would later point to an ill-prepared and chaotic general election campaign that proved unable to hold, amongst many others, the Peterborough seat.

A couple of months after the Peterborough by-election, the first electoral test for the new Prime Minister, Boris Johnson, would be played out in the Welsh constituency of Brecon and Radnorshire on August 1. The by-election came about as a result of the sitting Conservative MP being recalled due to an electoral expenses violation. It was a seat that had swung between the Liberal Democrat and the Conservatives for the past 40 years. In 2017, the Conservatives won it with a vote share of 48.6%. This was nearly 20 points ahead of the second place Liberal Democrat. This time round, the constituency was privy to the first incarnation of a tentative pro-Remain electoral alliance. Both Plaid Cymru and the Greens decided not to stand a candidate in order to give the Liberal Democrats a better chance of success. Vince Cable had previously mooted the idea of electoral co-operation in the wake of the local elections, as a possible pro-Remain strategy for a forthcoming general election:
Yet seizing the opportunity will be about more than brands and rhetoric. It takes infrastructure, volunteers and sheer hard work. The first-past-the-post system makes a general election an existential threat to any force which doesn’t have a serious ground campaign. Meanwhile, the more competitors there are on the same territory the greater the risk that, by failing to hang together, we all hang separately (Cable 2019).

The idea of a sustained and comprehensive electoral alliance, however, would fail to gain any real traction as the Labour party could not be brought on-board. On this occasion, though, the Brecon and Radnorshire seat would be taken by the Liberal Democrats with 43.5% of vote compared with 39% for the Conservatives. The Brexit Party’s 10.5% highlighted that splitting the ‘Leave vote’ could be costly and it was likely to have been a factor contributing to Nigel Farage’s decision, in early November, to no longer field a candidate, in the forthcoming general election, in any constituency held by a Conservative MP (remember the Conservatives under Boris Johnson had adopted a much harder Brexit position compared to his predecessor). Interestingly, the Conservatives would win the Brecon seat back four months later at the December general election with 53.1% of the popular vote compared with the Liberal Democrats 35.9%.

3 December 2019: The Brexit Election

Back in 2015, the traditional dominance of the two-party system was coming to an end. The outcome of the election gave the Conservatives and Labour a 67% share of the popular vote. At its highpoint, in 1951, their combined total had been 97%. At the time, Dunleavy (2015) highlighted the fact that ‘So Britain now is pretty much exactly like every other multi-party system across western Europe’ (Italics in original). Two years later, though, Labour and the Conservatives secured 84 percent of the popular vote. In mid-2019 fragmentation, once again, appeared to be returning with a vengeance. Opinion polls were indicating a four-way split stemming from a resurging Liberal Democrats and the newly emerging Brexit Party. A YouGov (2019) tracker poll of Westminster voting intentions in early June, for example, gave the Brexit Party 26% followed by Labour and the Liberal Democrats on 20%, the Conservative Party on 18% and the Greens on 9%. In an atmosphere of fragmentation, the suggestion that an election could be won with approximately 30–33% of the popular vote began to emerge and undoubtedly impacted upon party strategies vis-à-vis the types of campaigns and messaging necessary to secure such a figure.6

The December general election would prove to be an election dominated by Brexit much to the irritation of Labour. At one stage, their desire to downplay the Brexit dimension led them to send a complaint to SkyNews who were framing it as ‘The Brexit election’. Voters in vox pop interviews appeared to take the view that the

6Back in 2005, Tony Blair’s third term in office was secured with the lowest ever share of the popular vote at just 35.2%.
social issues that Labour were campaigning on were important, but that Brexit over-
shadowed everything. Basically, until it was completed Brexit had to be the priority.
Because of the division amongst Labour supporters, particularly in the north of
England where the support for Leave amongst traditional labour voters was high,
the party sought to triangulate a position between its Remain and Leave camps via
an anti-austerity message. Jeremy Corbyn had laid out the line at the beginning of
the year in a speech in the Labour heartland of Wakefield (January 10) where a
majority of the electorate had voted Leave. In the post speech Q&A with the media
he stressed: ‘The whole point of the speech that I made today is that you can bring
communities together on a policy of social justice and a policy of investment and
a policy of bringing this country together’. The message though failed to resonate.
Take this SkyNews interview (December 3, 2019) with a long-standing traditional
Labour voter. Former Trade Unionist David Pearce (82), a strong leave supporter,
was for the first time in his life thinking of voting Conservative:

When I go up to see St Peter, I don’t know whether he will let me in or not. …I don’t feel
good about it…I feel a little bit of a traitor but if you’re so adamant about your beliefs you
have got to take a decision. And sometimes it is not what you want to do.

Labour would go on to suffer an electoral meltdown dropping to its lowest number
of MPs since 1935. The Brexit Party was wiped off the map not least because Boris
Johnson and his promise of ‘getting Brexit done’ by October 31 ‘do or die’ took the
wind out of their sails. It was a dramatic victory for the Conservative party as Table 2 highlights.

| Party                                      | Seats (compared with 2017) | Vote share % (compared with 2017) |
|--------------------------------------------|-----------------------------|----------------------------------|
| Conservatives                             | 365 (+47)                   | 43.6 (+1.2)                      |
| Labour                                     | 203 (−59)                   | 32.2 (-7.8)                      |
| Liberal Democrats                          | 11 (−1)                     | 11.5 (+4.2)                      |
| Scottish National Party                    | 48 (+13)                    | 3.9 (+0.8)                       |
| Democratic Unionist Party (Northern Ireland)| 8 (−2)                     | 0.8 (−0.1)                       |
| Sinn Fein (Northern Ireland)              | 7 (no change)               | 0.6 (-0.2)                       |
| Plaid Cymru (Wales)                        | 4 (no change)               | 0.5 (no change)                  |
| Social Democratic Labour Party (Northern Ireland) | 2 (+2)                   | 0.4 (+0.1)                       |
| Green                                      | 1 (no change)               | 2.7 (+1.1)                       |
| Alliance Party (Northern Ireland)          | 1 (+1)                      | 0.4 (+0.2)                       |
| Brexit Party                               | 0                           | 2 (+2)                           |

There are also a plethora of other parties/single issue groups that stood candidates across
different parts of the UK but received less than 0.1% of the vote and failed to gain any seats

Source https://www.bbc.com/news/election/2019/results (accessed December 20, 2019)
In a widely circulated speech, a week after the election, entitled ‘Labour’s Historic challenge’ Tony Blair (2019) argued that the party had:

…pursued a path of almost comic indecision, alienated both sides of the debate [Leavers and Remainers], leaving our voters without guidance or leadership. The absence of leadership on what was obviously the biggest single issue facing the country then reinforced all the other doubts about Jeremy Corbyn.

Blair was referring to the fact that the electorate was still perceiving itself in terms of its ‘Brexit identity’ (whether one was a ‘Leaver’ or a ‘Remainer’) rather than more traditional/historical party identities (Hobolt et al. 2019). It remains to be seen whether or not voters return to this more traditional pattern in the years ahead.

In Scotland and Northern Ireland, the election outcome, combined with the certainty that the passage of the EU Withdrawal Agreement Bill, leading to the 31 January 2020 departure, was now assured would further fire-up calls for independence. It would also exacerbate Unionist fears about Northern Ireland being cast adrift.

4 Fissures at the Territorial Level

The territorial dimension associated with the Brexit story was rarely spoken of during the 2016 referendum campaign but as the quotation from John Major at the start of this chapter suggests it should have been. It would emerge, not only, as a central element of UK–EU negotiations (issues surrounding the Irish border/Irish protocol) but would also become an existential issue vis-à-vis the future of the UK as a political entity. It is worth remembering that in the letter that Prime Minister May sent to Donald Tusk (President of the European Council) to formally trigger the legal process of leaving the EU (triggering Article 50) in March 2017 she stated ‘…it is the expectation of the Government that the outcome of this process will be a significant increase in the decision-making power of each devolved administration’ (May 2017). In July of that year, with the publication of the European Union (Withdrawal) Bill, the devolved institutions expressed consternation at the gap between May’s rhetoric and what they perceived to be the legislative reality. In a joint statement, the First Minister of Scotland Nicola Sturgeon and First Minister of Wales Carwyn Jones concluded that the Bill was:

…a naked power-grab, an attack on the founding principles of devolution and could destabilise our economies…. On that basis, the Scottish and Welsh Governments cannot recommend that legislative consent is given to the Bill as it currently stands (July 13, 2017. https://news.gov.scot/news/eu-withdrawal-bill).

In the 2014 independence referendum, the electorate in Scotland voted by a margin of 55–45% in favour of remaining part of the UK. At that time, a central plank of the ‘Better Togethers’ (pro-UK) campaign was the importance of EU membership and the benefits that Scotland garnered from being part of the UK which was part of the EU. With Brexit that was no longer the case. This new reality triggered the
Scottish National Party’s (SNP’s) stated position that an event that constituted a ‘significant and material change’ to Scotland (which Brexit was, in their opinion) would justify the holding of a second independence referendum. In addition, in the Brexit referendum the Scottish electorate had shown a clear desire (62–38%) to remain. Brexit, therefore, for many in Scotland looked very much like a project ‘made in England’ where voters sided with Leave by 53.4–46.4% (see Henderson et al. 2017). As Stephens (2019) wrote: ‘Scots are paying the price of a reckless gamble to make it easier for Mr. Cameron to handle the rising English nationalism in the Conservative Party. Brexit was an English project’.

Fast forward to the December 2019 general election. For the SNP, the result which saw them secure 49 seats out of the 59 Scottish electoral constituencies – up from 35 in 2017 – meant that Boris Johnson and the Conservative government had no right to stand in the way of a Section 30 request. Section 30 is the part of the Scotland Act 1998 that necessitates a legislative greenlight from the UK government before the Scottish Parliament can commence the legislative process required to hold a referendum. Conservatives, and other supporters of the Union, however, continually stress that the 2014 referendum was a once in a generation event. Keating (2018: 48) though questioned whether the constitutional framework that has granted devolved status to Scotland, ‘…having survived the test of an independence referendum in 2014’ is ‘strong enough to survive the test of Brexit’.

In the case of Northern Ireland, voters also backed remaining in the European Union by a margin of 55.8% to 44.2. But as McGowan (2018: 105) put it:

The status quo that Northern Ireland enjoyed as a member of the EU goes after Brexit. There are economic challenges ahead, but it is the political realm where the impact may be greatest. Relations between the two main communities will be tested and ultimately, Brexit has brought the prospects of Irish unification a little closer.

At least in one respect, however, everyone was agreed: there should be no return to a hard border. As a symbol of ‘The Troubles’ the idea of a ‘hard-border’ conjured-up lingering fears of a return to smuggling and violence. Violence that would, once again, rear its ugly head with the murder of the journalist Lyra Mckee in April 2019.

As a result of the 1998 Good Friday (Belfast) Agreement (GFA), the dismantling of customs and security checks at designated border crossing points between Northern Ireland and Ireland became a potent symbol of change. Cross-border economic cooperation (via the facilitation of an all-Island economy); the North–South Ministerial Council; as well as civil society initiatives and a right for anyone born in Northern Ireland to self-identify as British, Irish or both, etc., were all aimed at building peace, stability and reconciliation. The GFA was also responsible for the creation of the Stormont-based power sharing Northern Ireland Executive and parallel Assembly to which it is accountable. The Executive is responsible for large swaths of public policy. Dominated by the political forces representing the two main political communities (Unionists and Nationalists), it also included parties that have adopted a non-aligned cross-community political identity. Given that Brexit raised the spectre of a hard-border it was like a fly in the ointment of this carefully crafted arrangement. In order to avoid any type of land border and to continue to uphold the principles of
the GFA it would require a very specific set of measures, as laid out in the revised 63-page Protocol on Ireland/Northern Ireland that was part of the updated EU–UK Withdrawal Agreement which was finalized in October 2019 (see Revised Protocol 2019) (see below).

In terms of the party politics of Northern Ireland, for much of the Brexit-saga, the Democratic Unionist Party (DUP), the largest political voice of the Unionist community which supported Leave, was front and centre. It had carved out a powerful political role for itself in Westminster as a result of its ‘confidence and supply’ agreement with the governing (minority) Conservative party. Sinn Féin, the largest party representing a sizeable majority of the nationalist community, which supported Remain, does not take its seats in the UK House of Commons. This meant that the party’s take on Brexit was rarely heard in the wider UK debate unlike the DUP’s. All along, the bottom line for the DUP was that Northern Ireland should be treated as an integral part of the UK. It was that position which in late 2017 forced the May government to reject the EU’s offer of a Northern Ireland only backstop. It would have established an East–West border down the Irish Sea. At that time Arlene Foster, DUP leader, stated:

We will not accept any form of regulatory divergence which separates Northern Ireland economically or politically from the rest of the United Kingdom. The economic and constitutional integrity of the United Kingdom will not be compromised in any way (Statement released on Twitter December 4, 2017. https://twitter.com/DUPleader/status/937692999697485825).

The problem for Prime Minister May though was that the option she chose to replace the EU’s offer – the UK wide backstop – became the totem around which the Eurosceptics in her party coalesced and militated against her and her deal.

For the DUP, the arrival of Boris Johnson into Number 10 Downing Street, did not ring any alarm bells. He had received a rapturous welcome at their Congress in 2018 where he reaffirmed his commitment to the Union and stirred their hearts with his rhetoric (Johnson 2018). The DUP also had a UK government policy paper from 9 January 2019 entitled ‘UK Government commitments to Northern Ireland and its integral place in the United Kingdom’ from which it could take comfort. Their world, however, would soon be turned upside down. First, by the deal that Prime Minister Johnson negotiated with the EU in October. Second, the outcome of the December general election which meant that they were no longer needed to prop-up a minority Conservative administration. Concerning the negotiated deal (Withdrawal Agreement), the new Ireland/Northern Ireland Protocol rowed back on his prior commitment to the DUP not to allow an East–West border between Northern Ireland and Great Britain. As a result, it pegs Northern Ireland to specific rules and regulations of the EU single market in goods and agriculture. This was the price Johnson was prepared to pay in order to ditch the UK-wide backstop. Although the Protocol included a new consent mechanism that affords the Northern Ireland Assembly a say over the continuation of the arrangement after 4 years, this only requires a simple majority which further weakens the voice of Unionists who no longer constitute a majority in the Assembly. For the DUP, and the wider Loyalist community, Prime
Minister Johnson’s deal amounted to a complete betrayal. For months afterward, though, Johnson continued to deny that an East–West border would necessitate any need for checks or paperwork (beyond already existing checks such as checks on live animals). Even when surrounded by the splendour of the interior of Stormont Castle, with as he put it ‘the hand of the future beckoning us all forward’ he said: ‘I cannot see any circumstances whatever, in which there would be any need for checks on goods going from Northern Ireland to GB’ (January 13, 2020 press conference). In the middle of May, it was reported that the ‘British government has confirmed it will urgently put in place detailed plans with the [Northern Ireland] Executive, which does include the physical posts at ports of entry’ (Quoted in ‘Brexit: Unionists react with dismay as Irish Sea border ‘now a certainty’, Irish Times, 14 May 2020). So, with the coming Irish-Sea border, checks and tariffs and extra paperwork (such as exit declarations) on goods between Great Britain and Northern Ireland (and vice versa) will become the new normal. Events in mid-September, however, following the UK government’s publication of the Internal Market Bill has temporarily, at least, upended that certainty and caused a diplomatic spat with the EU and uproar within the Conservative Party.

5 Concluding Remarks

The period of party fragmentation over Brexit is now over. So many of the players who graced the TV screens night after night in the wake of the referendum have now either departed from the political spotlight or have been consigned to the political wilderness. The Brexit Party fizzled out, while the Liberal Democrats are finding it difficult to reorient themselves after the election. An internal review of their general election performance described their campaign as a ‘high speed car crash’ (Liberal Democrats 2020: 13). The Conservatives elected a new leader, expelled their rebels, got a deal, won the election, formed a strong government and implemented that deal. The government, however, is presently engaged in what appears to be a rather bruising encounter, for both sides, as UK and EU negotiators seek to finalise a future trade deal before the middle of October. In addition, the government’s (and Prime Minister Johnson’s) handling of the covid-19 crisis, as well as the performance of the new Labour leader Keir Starmer as he seeks to turn around the party’s fortunes has seen the gap in support between the two parties narrow dramatically. By early September, the Conservative lead was fluctuating between 1 and 3%. Starmer’s performance has also seen him edge in front of Johnson as the best person to be prime minister (YouGov Poll in The Times, 7 August 2020). Interestingly though, unlike other opposition party leaders, Starmer is not backing the idea of calling for an extension of the future trade talks (The Independent 11 May 2020). The DUP have returned to the Northern Ireland Assembly and the power-sharing Executive which is up and running after a three-year hiatus. Some party figures now seemed resigned to the way Brexit has panned out. Christopher Stalford (Member of the Legislative Assembly for the DUP), for example, was quoted as saying:
It is bittersweet for me. I campaigned for Brexit and supported leaving the European Union but unfortunately the terms of the Withdrawal Agreement places my part of the UK under different conditions to the rest of the UK… I always had one view on Brexit which was we went in as one UK and we should leave as one UK (Interview on BBC News Channel, 31 January 2020).

While the turmoil within the party system has abated (at least for the time being), the fissures that surround territorial politics remain unabated. In the case of Scotland, Nicola Sturgeon continues to press the case for a second referendum. At a press conference on January 31, 2020 she indicated that she had asked the Electoral Commission ‘to retest the question: “should Scotland be an independent country” which had been on the ballot paper in 2014. In the case of Northern Ireland, Mary Lou McDonald (Sinn Féin President) stated, during the official announcement that the party would be returning to Stormont, that:

At these historic times we will also work for Irish reunification. And we want to ensure that the criteria for ensuring the triggering of an Irish unity poll are set out and the planning for Irish unity is stepped up including the convening of a national forum to discuss and plan for the future (Stormont, 10 January 2020).

In both Scotland and Northern Ireland, therefore, the groundwork for independence continues to be laid. However, in both cases nothing can happen unless the UK government grants the legal authority for a referendum/border poll to be held. Added to that is the fact that any eventual referendum has to be won. In January 2020, a YouGov poll put support for Scottish independence at 51%. But it also indicated that the SNP still needs to convince the electorate that the time is right for a new referendum (YouGov 2020). By September numerous polls had put backing for independence around the 53-54% mark. A poll in early 2020 in Northern Ireland put support for reunification at 32% (Tonge 2020). Hence advocates for independence from the UK still have a lot of work to do in order to convince their respective electorates of the merits of their vision. In the short term, though, everything hinges on December 31, 2020—the next staging-post in the Brexit saga. The lack of a future trading deal with the EU will undoubtedly amplify existing, and reawaken dormant, fissures. Even with a deal, in whatever shape or form, the UK will still be entering uncharted waters.

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