

Law Research Briefing June 2024

Finding a Voice?

Northern Ireland After Brexit

Professor Colin Murray & Dr Sylvia de Mars

Appearance before the Windsor Framework Committee

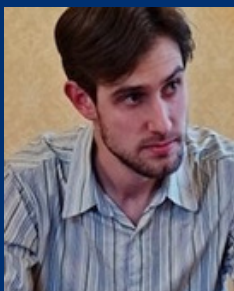
On 8 May 2024 the House of Lords' Windsor Framework Committee heard evidence from Newcastle Law School's Professor Colin Murray and Dr Sylvia de Mars on the constitutional significance of Northern Ireland's controversial post-Brexit arrangements and the ability of institutions and stakeholders in Northern Ireland to have input into EU law making.

Dr Sylvia de Mars and Professor Colin Murray emphasised the complexities and challenges inherent in the Windsor Framework. They acknowledged that the Framework attempts to address the UK's obligations under the withdrawal agreement while applying EU law in Northern Ireland. Both academics underscored the significance of ensuring Northern Ireland's voice is heard despite the challenges posed by its non-state status compared to other entities like Switzerland or EEA countries.

Dr de Mars and Professor Murray highlighted the need for improved engagement mechanisms and transparency to ensure that Northern Ireland stakeholders are adequately informed and can effectively participate in legislative processes. They stressed the importance of setting up effective structures for political communication between Northern Ireland and Westminster, suggesting that without these, Northern Ireland's ability to influence and respond to EU legislative changes would be compromised.

Dr de Mars and Professor Murray drew attention to the UK Government's need to provide adequate support and information channels to Northern Ireland, ensuring that local officials and stakeholders can engage meaningfully with EU legislation. Their insights into the potential pitfalls and operational difficulties of the Stormont break and applicability Motions provided valuable guidance for policymakers to consider adjustments and improvements to these mechanisms.

By demonstrating the ongoing capacity and capability challenges within Northern Ireland's Civil Service, they underscored the need for immediate governmental action to support Northern Ireland's effective participation in these complex legal processes. Their contributions aimed to ensure that Northern Ireland's unique position post-Brexit is managed to safeguard its interests and allow for meaningful engagement with both UK and EU legislative processes.



Professor Colin Murray is a Professor of Law and Democracy, and he led a major ESRC project on the impact of Brexit negotiations on governance and identity in Northern Ireland.

Dr Sylvia de Mars is a Reader in Transnational Public Law and her work specialises in EU Law, Brexit-related law, International Trade Law, and Transnational Public Law.



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S. de Mars & A. O'Donoghue 'Law and Scale: Lessons from Northern Ireland and Brexit' Legal Studies 2024

Murray, C. R. G., Northern Ireland's Post-Brexit Governance Crisis: What to do when the Post-1998 Centre Cannot Hold (February 12, 2024). Northern Ireland Legal Quarterly, 2024