

The Aftermath of Brexit: Brexit and Irish Reunification



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¹ Duggan, J. (2020, February 7). *Irish unity: Could reunification happen?* Time. Retrieved May 4, 2022, from <https://time.com/5779707/irish-reunification-likelihood/> Image: Getty Photos

Abstract

This paper focuses on the relationship between the United Kingdom (UK) and the European Union (EU) over the next ten years after Brexit regarding the Irish border, the parameters of the Withdrawal Agreement, the economic impact on Northern Ireland, and human rights violations on the Irish people committed by the United Kingdom's government. The latter resulted in the "Troubles" and, eventually, the signing of the Good Friday Agreement in 1997 that put an end to the violence and the human rights violations. The border issue, human rights violations, and the Troubles were dubbed "The Irish Question" by the European Commission. The Irish border, human rights violations, and the Troubles are one main issue relating to the Withdrawal Agreement, which grants the European Commission authority over the UK and Northern Ireland, especially regarding the two. This paper discusses how this relationship is likely to change over the next decade due to Brexit results, the UK government's record on human rights violations regarding Northern Ireland citizens, and the economic relationship between the EU and the UK in 2031.

Lastly, the UK may be better off allowing Northern Ireland to rejoin the Republic of Ireland to fulfill its ultimate goal of leaving the EU and the European Single Market. However, even though the UK has voted to leave the EU, they may never become fully independent of the EU, and the Common Travel Agreement could ultimately keep the EU involved in the UK's affairs permanently.

Introduction

Since Brexit, many speculations have been proven wrong on the potential for restricting the free movement of people, mainly because neither the UK nor the Republic of Ireland is a member of the Schengen Agreement, which allows free movement of people between its various signatories throughout its system.² Ireland and the UK have their systems of immigration and naturalization, which made the prospect of a hard border impossible even in the beginning due to the Common Travel Agreement.³

The main issue as presented by the Leave Campaign was the lack of control over the borders of the UK because of the quotas that saw many refugees brought into it through the European Union and its other member states, not including Ireland, which had similar immigration checks as the UK. The quotas and the standard fisheries policy made many people in the UK nervous about their livelihoods, leading Nigel Farage to voice his concerns in the European Parliament.⁴ He made daily references to what he believed was the European Union limiting the UK's freedoms to make trade deals with other nations because of their membership in the European Union, as well as decide its fate with regards to its border and the refugees that he said were coming in droves to the shores of the UK.^{5,6} Pushing for control of their borders to

² O'Neill, Michael. 2021. "Brexit and the Irish Border: Consequences for the Peace ..." *JSTOR*. Accessed October 18. http://irep.ntu.ac.uk/id/eprint/34551/1/12038_O%27Neill.pdf.

³ Citizensinformation.ie. 2021. "Common Travel Area Between Ireland and The United Kingdom." *Common Travel Area between Ireland and the United Kingdom*. Citizensinformation.ie. Accessed October 18. https://www.citizensinformation.ie/en/government_in_ireland/ireland_and_the_uk/common_travel_area_between_ireland_and_the_uk.html.

⁴ D'Arcy, Mark. 2019. "Nigel Farage: The Story of 'Mr. Brexit'." *BBC News*. BBC. November 29. <https://www.bbc.co.uk/news/election-2019-50565543>.

⁵ D'Arcy, Mark. 2019. "Nigel Farage: The Story of 'Mr. Brexit'." *BBC News*. BBC. November 29. <https://www.bbc.co.uk/news/election-2019-50565543>.

⁶ Garrett, Amanda. 2021. "The Refugee Crisis, Brexit, and the Reframing of Immigration in Britain." *EuropeNow*. Accessed October 18. <https://www.europenowjournal.org/2019/09/09/the-refugee-crisis-brexit-and-the-reframing-of-immigration-in-britain/>.

be returned and Independence from the European Union, the UK, along with Mr. Farage and his allies, sealed the fate of the United Kingdom concerning Northern Ireland, at least with regards to Northern Ireland.

Historical Context

As previously stated, this paper focuses on Northern Ireland and its impending reunification with Ireland and independence from the UK, among other things,⁷ which caused a crisis regarding the Irish border. This issue resulted in the potential for restriction of the free movement of people because likely customs and border issues with Northern Ireland led to a potential referendum taking place in Northern Ireland for reunification and re-entry into the EU. The prevalent concerns that plague the UK include its past issues about human rights prior to the signing of the Belfast Agreement. For instance, the UK has had its fair share of problems with the European Court of Human Rights over the years. The ECHR --having ruled in cases involving the UK's record regarding human rights violations-, advocates associated with the ECHR and scholars view the UK as a "serial" violator of human rights regarding the people of Northern Ireland, according to Donald Jackson, especially regarding the lack a speedy trial.⁸

In addition, during the Troubles--one of the many conflicts with the British-- there arose issues of due process violations by the UK government and the humanitarian crisis due to terrorism associated with the conflict with Northern Ireland.⁹ Eventually, the Independent

⁷ Commission, European. 2021. "The EU-UK Withdrawal Agreement." *European Commission - European Commission*. European Commission. May 26.
https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement_en.

⁸ Jackson, Donald Wilson. 1997. Essay. In *The United Kingdom Confronts the European Convention on Human Rights*. University Press of Florida.

⁹ Symington, Matthew. 2021. "Violence in Northern Ireland Sparks Fears of a return to the Troubles." *NewsBreak*. NewsBreak. April 21.
<https://www.newsbreak.com/news/2211067696572/violence-in-northern-ireland-sparks-fears-of-a-return-to-the-troubles>.

Commission on Policing for Northern Ireland and other organizations related to the Belfast Agreement to ease tensions between the government of the UK and Ireland; however, the UK has not made tensions very easy in recent years, even before Brexit.

In 2015, then-Home Secretary and future Prime Minister Theresa May called for then-Prime Minister David Cameron to remove the UK from the European Convention of Human Rights--a convention that monitors human rights violations across Europe-- because, as she argued, "it prevented the United Kingdom from deporting a dangerous terrorist out of the country."¹⁰ Such a request made many in Northern Ireland nervous about the potential issues between the UK Government and the European Convention on Human Rights regarding human rights violations. At that time, the European Commission enforced the European Convention on Human Rights as a part of the Belfast Agreement. However, as the referendum pulled the UK out from under the European Commission's authority, it made for legitimate anxiety about the European Convention on Human Rights and the potential to return to human rights abuses in Northern Ireland.

Analysis

Another issue associated with the withdrawal was that Northern Ireland lost roughly 8% of its GDP concerning subsidies from the European Union.¹¹ What exacerbated this further was that the UK has, on two separate occasions, taken unilateral action concerning trade and goods moving into Northern Ireland without consulting the other interested parties, such as Northern Ireland, England, Ireland, or Brussels, who still has authority on this area due to the Withdrawal

¹⁰ "Theresa May: UK. Should Quit European Convention on Human Rights." 2016. *BBC News*. BBC. April 25. <https://www.bbc.co.uk/news/uk-politics-eu-referendum-36128318>.

¹¹ O'Neill, Michael. 2021. "Brexit and the Irish Border: Consequences for the Peace ...". *JSTOR*. Accessed October 18. http://irep.ntu.ac.uk/id/eprint/34551/1/12038_O%27Neill.pdf.

Agreement.¹² In the withdrawal agreement, O'Neill argued that the EU and the UK agreed that trade issues between the EU, Northern Ireland, and the UK would first go through the parties concerned.¹³ That meant that the party having issues, be it Northern Ireland, England, Ireland, or Brussels, would approach the other bodies and consult them before taking action;¹⁴ evidently, the UK did not do that. Because of the UK's actions against Northern Ireland trade, the UK's actions concerning the EU withdrawal agreement question its ability to abide by its word on the Belfast agreement.¹⁵

Consequently, this violation became the central issue of political violence that was beginning to rear its ugly head. The IRA-- whose sole goal is to observe a unified and independent Ireland outside of the influence of the UK-- attempted to take advantage of the fact that the UK government violated international law, which gave them an excuse to resort to violence. Despite this, the IRA believes that over time, Northern Ireland will likely move towards the Republic of Ireland for obvious economic incentives in order for Northern Ireland and the Republic of Ireland to become reunited. Further evidence shows a trend towards such a conclusion as the BBC conducted a poll in which a majority believed that a united Ireland would become a reality in the next 25 years.¹⁶ However, according to Mary Murphy and Jonathan Evershed (2021), Northern Ireland will likely move towards reunification in the next few years

¹² Desert, Raf. 2021. "The European Legal Order." *EU Law for UK Lawyers*, March. doi:10.5040/9781472565600.ch-001.

¹³ O'Neill, Michael. 2021. "Brexit and the Irish Border: Consequences for the Peace ...". *JSTOR*. Accessed October 18. http://irep.ntu.ac.uk/id/eprint/34551/1/12038_O%27Neill.pdf.

¹⁴ Commission, European. 2021. "The EU-UK Withdrawal Agreement." *European Commission - European Commission*. European Commission. May 26. https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement_en.

¹⁵ Erlanger, Steven. 2021. "Europe Says Britain Is Violating International Law over Northern Ireland." *The New York Times*. The New York Times. March 15. <https://www.nytimes.com/2021/03/15/world/europe/northern-island-great-britain.html>.

¹⁶ "NI 100: Majority Believes Ni Will Leave UK within 25 Years." 2021. *BBC News*. BBC. Accessed October 18. <https://www.bbc.com/news/uk-northern-ireland-56777985.amp?s=09>.

due to the potential economic benefit and degradation of existing agreements. Parties, however, are divided, as usual, regarding the issue. Many of the Unionists--pro-UK--currently appear to be silent due to controversies regarding the UK government, circumventing the withdrawal agreement.

Sinn Fein looks to appeal to the people on neither side of the argument; Fine Gael (center-right) and Fianna Fail (conservative) are moving towards a "shared island" policy, essentially a precursor to a united Ireland. Alliance, a centrist party both pro-EU and neutral in the UK, has gained followers among younger protestants.¹⁷ However, the "Neither" is currently the fastest-growing portion of the population, according to Murphy and Evershed, leaning towards reunification.¹⁸ In a poll conducted by Aljazeera, 47% favor remaining in the UK, while 42% favor Irish reunification, with the most critical 11% remaining undecided.¹⁹ Brendan O'Leary agrees with the poll and argues that the 11% will be crucial in the next elections.²⁰

Additionally, O'Leary argues that the UK should prepare for a referendum; John O'Dowd, a politician and member of the Northern Ireland Assembly, agrees, arguing that the world will likely see a border poll in years, not decades.^{21,22} In the days since Brexit, there has been a return to violence, and it has calmed now, as we have also seen the UK is accused by the

¹⁷ Murphy, Mary C., and Jonathan Evershed. 2021. "Contesting Sovereignty and Borders: Northern Ireland, Devolution and the Union." *Territory, Politics, Governance*, 1–17. doi:10.1080/21622671.2021.1892518.

¹⁸ Murphy, Mary C., and Jonathan Evershed. 2021. "Contesting Sovereignty and Borders: Northern Ireland, Devolution and the Union." *Territory, Politics, Governance*, 1–17. doi:10.1080/21622671.2021.1892518.

¹⁹ Casey, Ruairi. 2021. "In Northern Ireland, a 'Shift in Enthusiasm' for Irish Unity." *Brexit News | Al Jazeera*. Al Jazeera. March 9. <https://www.aljazeera.com/news/2021/3/9/irish-reunification-debate-looms-large-as-ni-nears-centenary>.

²⁰ Casey, Ruairi. 2021. "In Northern Ireland, a 'Shift in Enthusiasm' for Irish Unity." *Brexit News | Al Jazeera*. Al Jazeera. March 9. <https://www.aljazeera.com/news/2021/3/9/irish-reunification-debate-looms-large-as-ni-nears-centenary>.

²¹ O'Leary, Brendan. 2021. "Getting Ready: The Need to Prepare for a Referendum on ..." *JSTOR*. Irish Studies in International Affairs. Accessed October 18. <https://www.jstor.org/stable/10.3318/isia.2021.32b.1>.

²² Casey, Ruairi. 2021. "In Northern Ireland, a 'Shift in Enthusiasm' for Irish Unity." *Brexit News | Al Jazeera*. Al Jazeera. March 9. <https://www.aljazeera.com/news/2021/3/9/irish-reunification-debate-looms-large-as-ni-nears-centenary>.

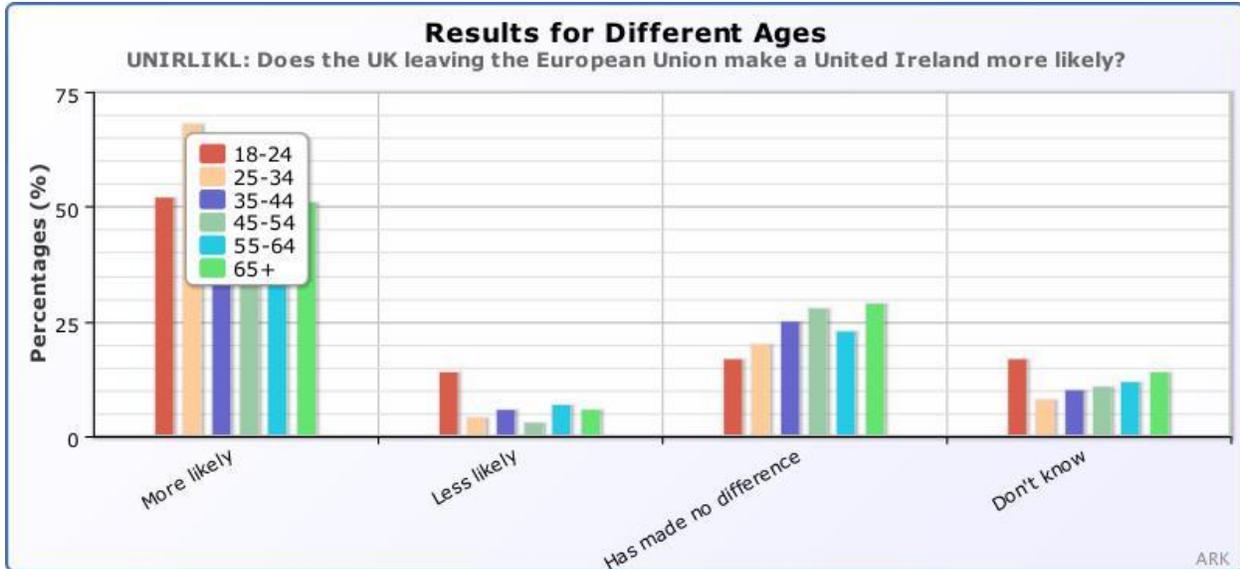
European Union, Ulster, and Dublin of violating international law to gain an unfair advantage in trade. In light of the United Kingdom's past violations of human rights regarding the people of Northern Ireland and the loss of GDP, as alluded to earlier in this article, Northern Ireland stands to gain more from reuniting with the Republic of Ireland.

However, while voting to stay in the EU, many unionists in Northern Ireland do not favor leaving the UK, at least not yet. O'Neill argues that the unionists would only favor such a thing in the case of a hard Brexit, which never happened.²³ Nevertheless, according to Murphy and Evershed, they are becoming more silent as time goes on.²⁴ The population that does not favor either side is trending towards unification. Because of this, it lends evidence and provides additional context to the polls conducted by the BBC and current literature from other scholars that suggest that we will likely see a United Ireland. The graph below demonstrated the sentiment of Northern Irish Citizens after the UK left the EU did they feel that it made a United Ireland more or less likely. The results are below.²⁵

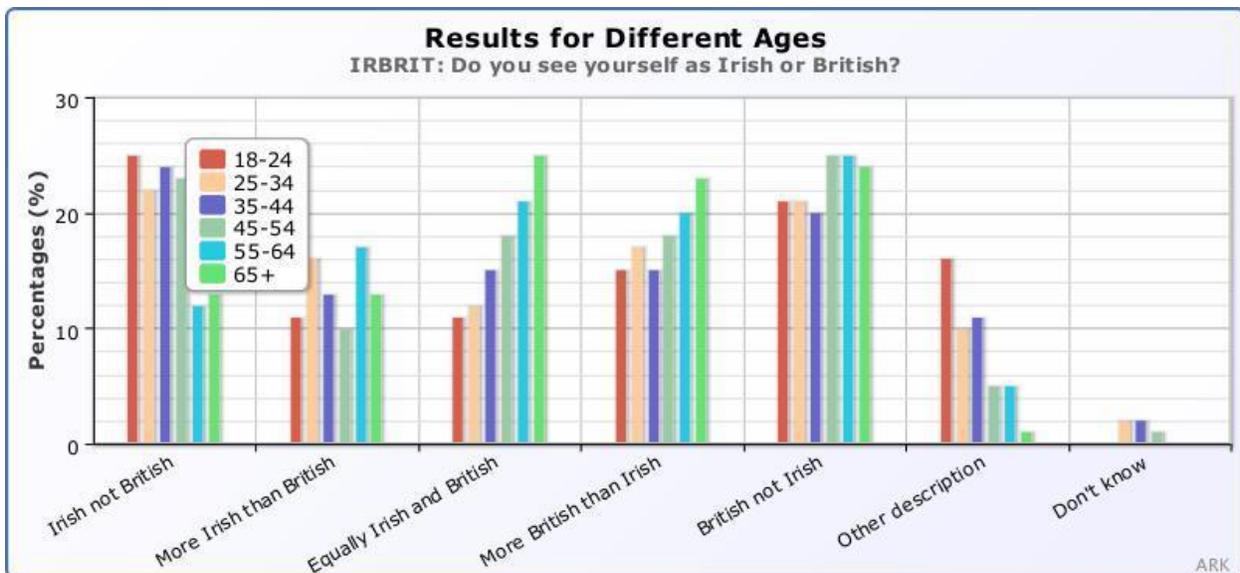
²³ O'Neill, Michael. 2021. "Brexit and the Irish Border: Consequences for the Peace ...". *JSTOR*. Accessed October 18. http://irep.ntu.ac.uk/id/eprint/34551/1/12038_O%27Neill.pdf

²⁴ Murphy, Mary C., and Jonathan Evershed. 2021. "Contesting Sovereignty and Borders: Northern Ireland, Devolution and the Union." *Territory, Politics, Governance*, 1–17. doi:10.1080/21622671.2021.1892518.

²⁵ Devine, P. (2020). *Poll: Do you think that the UK leaving the European Union has made a United Ireland more likely, less likely, or has it made no difference?* Ni life and Times Survey - 2020 : UNIRLIKL. Retrieved February 14, 2022, from https://www.ark.ac.uk/nilt/2020/Political_Attitudes/UNIRLIKL.html

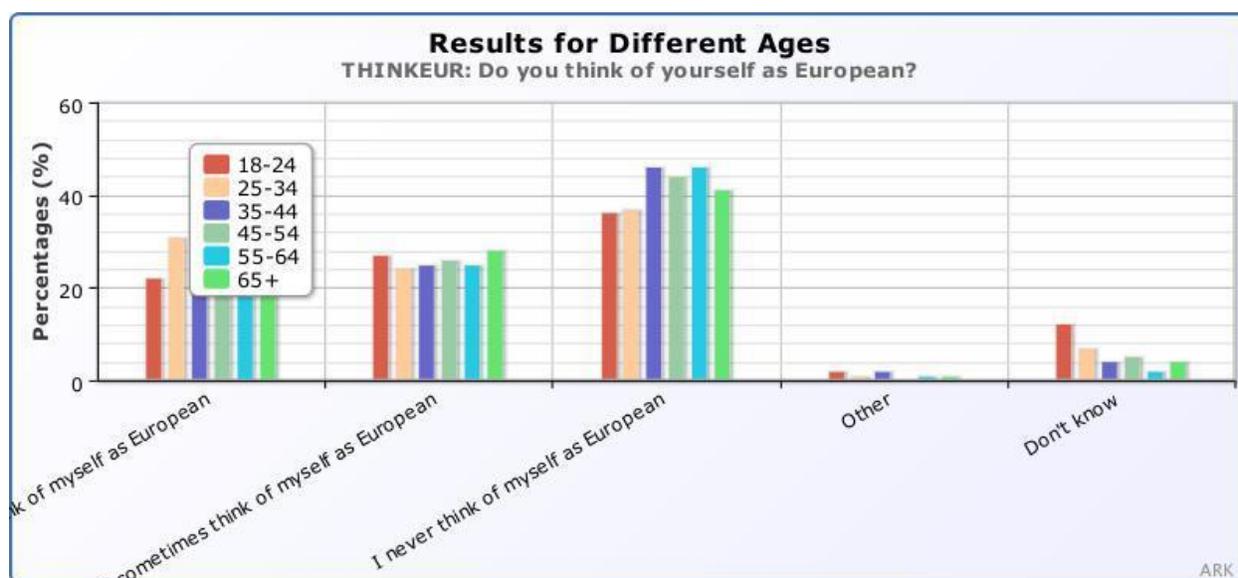


This chart shows that many Northern Irish see a United Ireland as more likely after the British referendum to leave the EU. The chart below makes this a bit more interesting as it separates the results by age group if they see themselves as being more Irish than British.²⁶



²⁶Devine, Paula. 2020. "Poll: Some people in Northern Ireland think of themselves as European, but others do not think of themselves that way at all. Which one of these statements comes closest to your view?" *Ni Life and Times Survey - 2020 : UNIRLIKL*. Northern Ireland Life and Times. https://www.ark.ac.uk/nilt/2020/Political_Atitudes/UNIRLIKL.html.

This graph shows that the age groups between 18-24, 25- 34, and 35 - 44 see themselves as more Irish than British. This view will likely change as tensions between the UK and Northern Ireland increase. The differences in the make-up of the age groups make this interesting. The younger the subjects polled, the more Irish they see themselves; this could be because not only did younger Irish people see themselves as Irish, but they also saw themselves as European, as evidenced by the final graph.²⁷.



Conclusion

The human rights violations of Northern Ireland's citizens committed by the UK government and its inability to keep its word regarding the Withdrawal Agreement have led to skepticism regarding the Belfast Agreement and the European Convention on Human Rights. When the UK government was not respecting the right to a speedy trial for Northern Ireland citizens, they violated international law-- specifically, the Withdrawal Treaty-- by slowing trade

²⁷Devine, Paula. 2020. "Poll: Some people in Northern Ireland think of themselves as European, but others do not think of themselves that way at all. Which one of these statements comes closest to your view?" *Ni Life and Times Survey - 2020 : UNIRLIKL*. Northern Ireland Life and Times. https://www.ark.ac.uk/nilt/2020/Political_Atitudes/UNIRLIKL.html.

between the UK and Northern Ireland after the Brexit referendum. This violation led to distrust between the UK and the EU and its future as economic partners.

The interconnectedness of the economic agreements between the EU, the UK, and the reunified Ireland will make for very tense and continuous negotiations in the years succeeding Brexit. With the economic losses of Northern Ireland and the complexities of the economic agreements, Irish reunification has become more likely. Consequently, the UK and the EU relationship is likely to become tenser because as Northern Ireland rejoins the EU, the UK will lose one of two realms, the other being Scotland. The UK will continue to seek the ability to diminish the influence and governance of the EU within its borders, creating disputes that will likely see them sparring over sovereignty.

However, if Northern Ireland reunifies with the Republic of Ireland, the EU Commission will only have limited jurisdiction over the UK, especially concerning the Common Travel Agreement. The Common Travel Agreement with the Republic of Ireland means that the UK government must work closely with the EU Commission and Northern Ireland to maintain such agreements. If Northern Ireland seeks to rejoin the European Union, it would be prudent for the UK to allow them to leave because the European Commission will influence the UK as long as Northern Ireland remains in the UK. If the UK is serious about changing its relationship with the EU Commission and removing its influence, it should encourage Northern Ireland to reunify with the Republic of Ireland.

This paper offers the additional thought that although Northern Ireland may soon rejoin and create a United Ireland, the United Kingdom may never remove the influence of the EU in its entirety; this is because of the Common Travel Agreement as it stands currently. The agreement allowed the people of Ireland, both Northern and Southern, to come into the United

Kingdom and enjoy similar rights as the British.²⁸ The Irish are currently European citizens, and if the people of Northern Ireland rejoin the South, as EU citizens, per the Common Travel Agreement, they will have free movement throughout the UK.²⁹ If that happens, it could go to the European Court of Human Rights, as long as the UK does not leave the European Convention on Human Rights. If such a case makes it across the ECHR (although unlikely), they may find themselves trying to defend their ability to control their border regarding EU citizens limited because the Irish, who are EU citizens, can freely cross. If it remains the same (again, although unlikely), the ECHR could rule that other EU citizens should be granted the same if the Irish get free movement. Such a ruling would bring massive problems for a movement that fought to get the UK out of the EU, only to see it dragged back in by a court decision.

It is impossible to know what will occur over the next ten years, and given the events, anything is possible. Regardless of the political arrangements between the EU and the UK, their dynamics will be interesting.

²⁸ Citizensinformation.ie. 2021. "Common Travel Area Between Ireland and The United Kingdom." *Common Travel Area between Ireland and the United Kingdom*. Citizensinformation.ie. Accessed October 18. https://www.citizensinformation.ie/en/government_in_ireland/ireland_and_the_uk/common_travel_area_between_ireland_and_the_uk.html.

²⁹ Citizensinformation.ie. 2021. "Common Travel Area Between Ireland and The United Kingdom." *Common Travel Area between Ireland and the United Kingdom*. Citizensinformation.ie. Accessed October 18. https://www.citizensinformation.ie/en/government_in_ireland/ireland_and_the_uk/common_travel_area_between_ireland_and_the_uk.html.

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