

David O'Sullivan

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The 2016 referendum

UK in a Changing Europe (UKICE): When Donald Trump came to the UK at the time of the referendum, and hailed the vote as a great victory, what were your immediate reactions?

David O'Sullivan (DO): I wasn't at all surprised, to be very honest, because he was very clear that he didn't like the EU. There were various theories about this, the most amusing being the issue of his golf course in Ireland. He wanted to build a wall to protect the course from sea erosion, I suppose, and was not allowed to do so because of the Habitats Directive, because there was a very rare species of snail which, apparently, lived on the beach.

The irony was that he blamed this entirely on Brussels. We had to do some investigation when the story started circulating and some members of the press started asking me about it, and I discovered that actually, there is the

Habitats Directive, but it is applied locally, and it was a local decision to refuse the permission to build a wall, on the basis of environmental considerations.

It never went near Brussels. No one in Brussels was consulted or said anything about it. I imagine that what happened was that when he or one of his staff were talking to the people locally, they would have offered, 'Jesus' sake it's that Brussels. They won't let us build that wall'.

I can quite imagine that someone locally had put the blame on Brussels. So, he retained this animus towards the EU for that reason, and I wasn't at all surprised that he was on the side of Britain leaving and thinking this was a good thing. There were other ideological warriors on the same line. John Bolton, for example.

I remember very well – it is actually on YouTube – an event I attended at the American Enterprise Institute with Adam Posen, among others, where John Bolton began by saying, 'This is a historic moment for the UK. I equate this, using the Farage image, I equate this to independence, American independence from the UK'. I got very angry and replied in very strong terms to him.

There was that strong element running through the right-wing Republicans which didn't like all things multilateral, and specifically the EU. So, I was not surprised.

UKICE: Was there any surprise in Washington, and in your delegation maybe, about the reaction in the UK to President Obama's back of the line intervention in the referendum campaign?

DO: We had nothing to do with that, obviously. I personally – and I want to emphasise this, personally – had a sharp intake of breath and said, 'I wonder was that clever?' Especially when he used the word 'queue' rather than 'line', which created suspicion that he had been fed this by David Cameron, and been told, 'Go out and say this'.

I am never sure that external interventions into any referendum campaign are helpful, and I wasn't sure this would be particularly helpful. But it is true, and it is interesting to note, that Obama was on a journey about the European Union.

When he was first elected, he was not that interested in Europe. It was the pivot to Asia. He got more involved through the financial crisis and whilst, if you read his memoirs, he's quite sceptical and quite critical of the Europeans, in the end he came to the conclusion that the EU was a really good thing. His speech in Hamburg in 2016 is one of the most eloquent expressions of why the European Union is a wonderful thing, also from an American perspective.

He really changed his mind and became convinced that it was the EU that holds Europe together, notwithstanding its failings. I think he probably meant what he said when he came to London but, again, I just questioned whether it was wise to have such an external intervention.

UKICE: Did you have any interactions with the Administration in the immediate aftermath of the vote? Were they very surprised that the UK had voted to leave?

DO: The 23 June is actually the Luxembourg National Day, and I remember going to the Luxembourg Embassy for a reception and at that stage – this would have been 5 or 6 o'clock in the evening – people were saying, 'It's won', because the initial exit polls seemed to indicate that the Remain side had it.

I had seen some indication that this might not be the case, and several people from the Administration came up to me and said, 'Congratulations'. I said, 'Listen, the votes aren't counted yet. There are some signs that this might not have gone as well as we would have expected'. People were saying, 'Really? No, it's all over'. I said, 'Personally I'm not taking anything for granted until I have seen the votes counted'. Then I went back home and, of course, the results started coming in and we had that first result from Sunderland. That was when it became clear that maybe things were not going to go well.

The reaction in Washington the next day was, frankly, one of great surprise, because everyone believed the polls, and was very negative. They were all saying, 'God, this is not good news, right?'.

The irony for me was that we received more or less an instruction from Brussels to say nothing, but I was fiercely in demand for interviews. So, I basically defied my instructions and went on a media blitz the following day, to

try and explain what had happened, Article 50, etcetera.

I was never rebuked for having done so, but we had no line to take, so I basically had to make it up. The irony was that when the line to take arrived, as it always does some five days later, my press staff said, 'That is exactly what you were saying'. I said, 'Yes, I have done this a bit. I think I can predict what the line to take on something like this is going to be'.

There was a lot of surprise, incomprehension, frankly. People just said, 'What does this mean?'. Many people said, 'Well, this will be reversed, won't it?', or, 'There will be a way out of this. Brexit won't happen'. I must say, I was always one of those who said, 'No, I am afraid it is going to happen now. There is no real way back once this referendum has been held, even though it is consultative and even though the Government in theory could nuance it and say, 'We don't really have to leave'. I said, 'I fear now there's a momentum that is going to be very difficult to stop', and such proved to be the case.

The first reaction was great disappointment for the reasons that we all know, which is that the UK was regarded as an ally within the European Union. They were worried what might happen to the EU, but also the UK became a less useful ally because it would no longer be sitting at the table.

Brexit in Washington

UK in a Changing Europe (UKICE): Were you prescient enough at that stage to be highlighting that the issue of the Irish border and the Good Friday Agreement was likely to be quite problematic as Brexit unfolded?

David O'Sullivan (DO): Yes, I had on a few occasions flagged it, in the run up to the referendum, as an issue. We were always hoping that the referendum would favour Remain and so the issue wouldn't arise. But I did on several occasions point out that, in the event of a UK departure, this was going to be a difficult issue. I had no idea how complicated it would become, finally, and certainly that wasn't an issue I was flagging the following day.

The following day I was really just trying to calm things down. We respect the democratic wishes of the British electorate. We wait to see what conclusions the Government draws from this, explaining Article 50, and saying, basically,

that the ball was now in the court of the UK Government to explain what the next steps would be. They would have to decide whether and when to trigger Article 50.

I wasn't flagging up problems, I was simply trying to explain next steps. Plus the fact that, of course, at the end of the day, the wishes of the British electorate would be fully respected by the European Union.

UKICE: During the course of your tenure, up to 2019, how much of your time was spent on Brexit or Brexit-related issues? Did it impinge on your working life a lot?

DO: We didn't need to do anything, in the sense that there was nothing to be done in Washington. But it was talked about a lot, and everywhere I went when I was talking about the European Union, there was always the Brexit question.

So, you had to develop a line of patter about it. Always with the difficulty that headquarters did not want us to talk about it. I remember going back to the heads of delegation – we assemble all our ambassadors once a year in Brussels, usually in September- and I remember being at the September meeting that year and basically saying that I thought headquarters was in denial about Brexit.

In denial, in the sense that they were not willing to accept that this was something we, as ambassadors around the world, had to engage on. They were basically saying, 'It's none of your business, you don't talk about it. You get on with your own stuff and leave Brexit to be commented by Brussels'. I was saying, 'But it doesn't work that way. People expect us to say something about it and we can't just say that we're waiting to see. We have to be able to engage'.

I must admit, I was fairly flexible in my interpretation of those instructions. It was something that had to be regularly addressed in any public speaking or any press event you went on, as someone was bound to throw the Brexit question at you. But they didn't require any active intervention with the Administration or discussions with the Administration, because we were in that slightly phoney war phase, that you probably remember, in the immediate aftermath.

There was a lot of domestic British politics, but it was not at all clear what was going to happen next. It was well into 2017 when Mrs May, with her various speeches, started to outline what would happen, but Article 50 hadn't even been triggered for much of the time.

UKICE: What difference did it make to the mood in Washington when you had the election and President Trump, already a declared Brexit supporter, coming in?

DO: It was sort of a double-whammy for the rules-based liberal order, wasn't it? My good friend and former colleague, the French Ambassador, Gerard Araud tweeted the night of the Trump Election, 'First Brexit, now Trump. The world as we know it is collapsing'. His Tweet survived for about five minutes before he was instructed to delete it, but I think he spoke for all of us. You just thought, 'My goodness, what is going on?'.

There were similarities between the two events. Of course, the American Presidential Election was infinitely more seismic, I would say, than Brexit. But you could see a certain trend and of course, at that point, particularly in America, people were openly speculating that this was the end of the EU, and that you had right-wing forces elsewhere in Europe they were going to sweep through all of Europe.

Much of my time was spent trying to persuade people that this wasn't true. That the centre would hold and that Brexit was certainly not good news, but would not be the end of the EU by any means. As you know, when President Trump started phoning European leaders after his election, his first question was, 'When are you leaving the EU?'.

This was a standard question which, apparently, he was still asking people like (Emmanuel) Macron several months afterwards, even though they had said to him, 'Look, we're not leaving'. He kept saying, 'You are really, aren't you? You can tell me. I just need to know when you are going to go'. I think he did seriously believe that this was a trend that might continue.

UKICE: Did the US Administration convey to you any sense of what they thought Brexit might look like? Or did they just regard this as a matter for the UK and the EU to work out bilaterally?

DO: I think their reaction was to keep their distance and to let the UK and the EU sort this out. But I do think there was a feeling, for quite some time in the US Administration, that maybe some fudge would be found. That it would be something like the Norway Model.

Some, I think, even nurtured the hope that in some way the result – I am not going to say would be overturned – but would not be interpreted in a way that meant a full and comprehensive departure of the UK from all things EU, as we now have seen.

By the way, I think there were legitimate grounds for thinking back then that that might not be the case. I think the case for the hard Brexit was built progressively in the years after the referendum. It wasn't necessarily on display in the immediate aftermath, except from maybe one or two people, but many were of a slightly different view.

Certainly, the Obama Administration showed no great appetite to get involved. Also because they were on their way out, basically. I think Hillary Clinton, had she been elected, would of course have taken a close interest, and would undoubtedly have tried to play a helpful role of encouraging the UK to minimise the disruption of whatever Brexit looked like.

Trump, of course, poured oil on the fire and was absolutely in favour of the most complete departure of the UK from the EU possible. Even if he wasn't necessarily very sure what that actually meant.

UKICE: Would Brexit have unfolded differently if we had had a President Clinton? That is to say, would the UK Government or the EU have approached it differently? Did this sense of the world as we know it changing reinforce the EU's determination to approach Brexit as it did?

DO: No, I don't think it impacted on the EU's view of things. I think it definitely impacted on the British view, there is no doubt about it. Suddenly, you had a President of the United States actively encouraging the UK in this movement, and promising that America would be there, that there would be an immediate trade deal, right. Some thought the trade deal might even be completed in the first months of the Trump Presidency.

The EU had so many other problems with the Trump Administration, that Brexit was the least of them. It is true that it was all part of the same challenge of dealing with Trump, which was his complete disruption of the world as we had known it, from the World Trade Organisation through to relations with Russia. Everything was up in the air, so Brexit was just another element in that, but it was not central.

UKICE: Did you at any time fear that Brexit would impact relations between the EU and the US?

DO: Yes. I think what obviously worried us, particularly when Trump got elected and was so supportive, was that this was going to complicate relations between the EU and the US? As it turned out, to be honest with you, we had so many problems with the Trump Administration – I cannot think of a single policy where we shared a common view with the Trump Administration.

As an ambassador you are meant to try and say positive things. I would desperately try to find helpful things to say, so I wasn't on the media criticising the Administration. But I never could find anything, from climate change through to Iran, through to trade, through to the Middle East. It was just impossible.

It was so difficult with the Trump Administration that though Brexit was in the mix, there were many other problems there that it didn't particularly make things worse.

UKICE: Was there a point at which the US started to worry about what Brexit might mean in Northern Ireland? Did you suddenly notice that you were getting asked to explain the technicalities, or did that stay off the radar for most of your tenure?

DO: It was a common question, fairly quickly after the implications of Brexit began to be discussed. It was on the agenda and, even though I was EU and not the Irish Ambassador, being Irish people would say to me, 'Can you tell us what this means or what this could mean?'. I always tried to keep it relatively simple and neutral, saying something like, 'Yes, the issue arises because the joint membership of the European Union of the UK and Ireland had been a big facilitator of the peace process. In particular, it had facilitated the abolition of a

border on the island of Ireland. That issue is now live again and back on the table, depending on what kind of Brexit you might eventually have’.

I certainly don’t recall it being the contentious issue. It was towards the end of my time, when we got to the backend of 2018/2019, that it then became one of the big issues. I remember Michel Barnier came to Washington in July 2018, and obviously this was a big talking point. At this point, his three key issues for the Withdrawal Agreement were money, citizens and Northern Ireland.

UKICE: You weren’t the Irish Ambassador, but the Irish have devoted a lot of diplomatic effort into making sure that people are very aware of their concerns. Did you notice efforts by the Irish Embassy in Washington to ensure that it was on the Administration’s radar?

DO: The Irish invested a vast amount of diplomatic firepower on the issue worldwide, but particularly in America, for obvious reasons. My friend and colleague Dan Mulhall was very active, and Irish Ministers came over and they activated the Friends of Ireland and the Irish Caucus and so on. It wasn’t particularly difficult, in the sense that there was a ready audience of people anxious to be helpful. But they did a very good job of marshalling that and, in particular, explaining what the key issues were.

I think they probably were more active than their British counterparts, because I think the British counterparts were working on the whole of the future trade deal, and not so much on trying to deal with the issue of Northern Ireland. But the Irish made sure that the Americans were fully apprised.

It was interesting that when Mick Mulvaney was appointed as a Special Representative and a Trump spokesperson, he made statements which, frankly, went more in the direction of the Irish view of things than the British view of things.

Of course, he is of Irish origin and was very proud of his connections and had good connections with the Irish Embassy. It showed that they also managed, even in the Trump orbit, to get some people to understand that this was actually an issue that the United States should be worried about, and should push the British to take a position that would avoid a hard border.

UKICE: Did the Irish Government try and marshal you to marshal the resources of the EU in Washington?

DO: I have very good relations with my Irish counterparts, but I have never, in my entire career, been lobbied by the Irish Government to do anything on their behalf, and not on this occasion. They didn't need to lobby me because I was always going to say something helpful, because that was the EU position. Being Irish I was a bit more willing to talk about it than someone of another nationality might have been, because I understood the issue. But, beyond conversations I would have with Dan (Mulhall) to share information and make sure that I knew what was going on, I was never approached by them to intervene or to say something different than what I would naturally have said.

UKICE: When you were talking on the Hill about either Brexit or the Irish question specifically, who were the key people that you dealt with?

DO: Well, there was the Friends of Ireland, which was Richie Neal and the Republican Peter King. We had the Congressional Delegation for the European Union, and so we had regular meetings between them and the European Parliament, and this issue came up.

It also came up with all of the people that took an interest in things European, which were not huge numbers of people, because it was not always easy to get Members of Congress to regard relations with the EU as a priority.

Again, it was not a major topic of conversation from an EU perspective, though it did, as I say, move up the agenda to the point that when we got to Barnier's visit in July 2018. By the way, Barnier did a very good job when he was there for a few days.

He had been a bit reluctant to come over, but I was encouraging him because I said, 'People needed to hear directly from you about what you are trying to do'. He was a great performer, in the sense of he was measured, he was calm. He knew his stuff.

After several of the meetings he was at, I had people really said, 'Wow, I've really learnt a huge amount'. It was a well-invested two or three days that he spent.

UKICE: What did you see as the objective for the Barnier visit?

DO: I just thought that there was so much talk about with Brexit and the Withdrawal Agreement and the negotiations. I know Michel very well, because I was Secretary General of the Commission when he was the Commissioner for Regional Affairs. I have known him a long time and I knew that he would do a good job.

I just thought the Americans needed to hear from the EU negotiator our version of what was happening, because they were, very much, tending to get their information from Anglo-Saxon press, the British media. There was a strong British presence in the USA doing a good job of explaining their perspective, so I just thought it was useful that people were exposed to the actual EU negotiator.

There was no objective, other than that people would understand better what the EU was trying to achieve in these negotiations, and why it was important to ensure an orderly departure of the UK from the EU and settle a number of these upfront issues which could not be left to the issue of the future relationship- the money, the citizens and Ireland, basically.

UKICE: Did your so-called 'downgrading' at the end of 2018 impact on your ability to do your job at all?

DO: No. It was such a trivial kind of thing. It was described as a downgrading when, in fact, the issue at stake was whether or not the EU Ambassador acquires protocol seniority over the time of your posting, like a national diplomat does. When I arrived, the position was that you did not. We were considered a hybrid international organisation, so I was always at the bottom of the list.

We were some 175 diplomats and we came after Zambia and before the World Health Organisation, I think. When the Commission delegations were transformed into EU Embassies by the Treaty of Lisbon, we had démarched in all countries to say that the EU Ambassador should now be treated the same as a national ambassador. I think about three quarters of the host countries responded positively, a number didn't. America was one of those that had not.

After a couple of years in Washington, I got an instruction from Brussels to reopen the issue. Honestly, I kind of said, 'Do I really want to do this? I don't. It doesn't really matter'. But as the good soldier that I am I said, 'OK, we should do it'. My deputy, Caroline Vicini, was a Swedish diplomat and a former head of protocol of the Swedish Foreign Ministry, and she said, 'Let me deal with it. You shouldn't deal with it because it's about you, it's about your job'.

I said, 'Listen, do your best. If it doesn't work, we just drop it, right? We're not going to make a fuss about this'. So she spent a few months going in and out and lawyers were in touch, and finally one day she came into me and said, 'The Americans have agreed. You will now acquire seniority'. So, the next event I went to I jumped from being 175th on the list to being 80th or something, and I was progressively moving up the list.

It made no real impact on anything, except when you were being bussed. Sometimes you would go to the State Department to be bussed to big events, like the inauguration or the funeral of George H. W. Bush, because they didn't want you going through security unless you went through security in the State Department.

When I turned up for the funeral of George H. W. Bush, I went along to the girl and she said, 'Ambassador O'Sullivan, yes, you're number 179'. I said, 'No, I think there is a mistake. I am sure I am higher on the list than that'. It turned out that the Trump Head of Protocol had basically reversed the decision to allow the EU Ambassador to acquire seniority.

Was that a downgrading? Well, it wasn't a very friendly act. I spoke to the Head of Protocol, who ironically was Irish-American, Sean Lawlor, married to a girl from Dublin.

I said to him, 'Why have you done this?'. Long story short, he confirmed that he had reversed the decision. I said, 'I don't really care, but you realise this risks getting into the press at some point, and if it gets into the press it will take off as the Trump Administration attacking the EU'. And of course it did get into the press, mainly because the Member States were furious. I must say, the Member States were very supportive.

But it leaked, and I had my Andy Warhol 15 minutes of fame. I was on the front

page of many newspapers. Somebody wrote to me from Argentina saying my photograph was on the front page of the Argentinian daily whatever as the downgraded EU Ambassador. So I fear when, in the future, anyone Googles me, this is the one thing I am going to be remembered for, which is slightly disappointing.

UKICE: Were you surprised when you saw a repeat performance of this spat over the status of the EU Ambassador to the UK earlier this year?

DO: I could not believe that when I saw it. But it is funny. When João (Vale de Almeida) was appointed, I actually said to my wife, 'I bet you the Foreign Office are going to be difficult about the nature of the accreditation'. I just smelt it, it was such an obvious Brexit thing, to then have a go at the status of the EU Ambassador. I am glad it was all sorted out and happy that it didn't turn into the mess it really could have. But I was laughing, just saying, 'Really?'.

UKICE: In early 2019, the ad hoc committee to protect the Good Friday Agreement was created. Did this have an impact on the US approach, do you think? Did you play a role?

DO: No, I must say that that was very much the Irish Embassy and the Irish diplomatic efforts to get the Americans more engaged. We were not involved in that at all. I left at the end of February in 2019, so I was more or less packing my bags, if you see what I mean. But I could tell that this was going to become a potential flash point with the Americans, notwithstanding Trump's support for Brexit. Of course, once Biden got elected, I knew that there was going to be a very dramatic change, as we have seen.

UKICE: Would you say that Brexit has actually reinforced Irish influence over US Politics?

DO: I think they were able to reactivate a network which had been there, and which had been very active in the run up to the peace process in the nineties. But to be very honest with you, even though we know that the Good Friday Agreement didn't work perfectly, and the Stormont Executive was suspended and that there were all kinds of rows, essentially, from an American perspective, the Good Friday Agreement had done what it was intended to do.

The violence had stopped. There was relative normality in Northern Ireland. I think they had stopped thinking too much about it, but of course Irish American politics is very influential, particularly for the Democratic Party. I remember being in New York at some time in April or May of 2016, and being asked to attend a meeting between Hillary Clinton and the Irish- American Community.

She came and talked about her commitment, and Bill (Clinton) was there and he talked about his commitment to the Good Friday Agreement. But it was all, I would say, in the past tense. It was sort of saying, 'We've done that and it's done and it's fixed, but now maybe we need to start worrying with Brexit'. But it was not yet, at that point, the issue.

Then when Trump won, that required a reactivation by the Irish of their earlier network, which they were able to do very effectively.

UKICE: One of the points that some of our earlier interviewees have made is that the EU's, and maybe the US', interpretation of the Good Friday Agreement is a bit lopsided, in the sense of prioritising North/South links and the nationalist interest within that, and that perhaps they fail to empathise with the concerns and identity of the Unionist community in Northern Ireland. That has led us to some of the problems that we see playing out in the way in which the protocol is functioning in practice.

Do you think that is a fair criticism? Do you think there is a failure to make people understand the interests of the two communities, as opposed to just focus on the nationalist community?

DO: No, I don't think so. Firstly, there is a fundamental misunderstanding about the Good Friday Agreement, because the East/West dimension of the Good Friday Agreement is not Unionist to GB, it is Ireland to UK. That is the East/West pillar of the Good Friday Agreement- it was about relations between Ireland and the United Kingdom.

Don't get me wrong, I'm fully sympathetic to the concerns of the Unionist community about the whole protocol. I would be much more sympathetic if the Democratic Unionist Party (DUP) had not so actively campaigned for Brexit which was, to use a well worn phrase, Turkeys voting for Christmas.

If you had looked at this for a moment from a Unionist perspective, you would have seen that Brexit was going to create a massive problem for Northern Ireland. The DUP supported it precisely for that reason, because they wanted a hard border on the island of Ireland.

They wanted to go back to emphasising the difference between Northern Ireland as an integral part of the UK, and Southern Ireland as a sovereign separate state, which had been blurred by the Good Friday Agreement and the disappearance of the border. There was increasing talk about the all-Ireland economy and all-Ireland tourism. The DUP hates that kind of stuff, so that is why they supported Brexit.

In the immediate aftermath, however, I think it is very important to recall that everyone, starting with the British Government, was concerned about any idea that you had to put back a border infrastructure on the island of Ireland. The security forces in the UK, and in Ireland, gave strong advice that this was something which needed to be avoided. So in the beginning, all anyone talked about, including the British Government, was how do we avoid a hard border on the island of Ireland.

It was not a question of ignoring the Unionists' identity. It was saying, 'If we have to put back a border infrastructure we are in trouble, not least because that border would run through highly nationalist areas'. If you look at the voting map now in Northern Ireland, you can see that the Unionist vote is almost exclusively in the North East. All of the counties bordering the South are strongly nationalist. And that is where you would have had to build your border.

I think that was what drove people. When Barnier came, it was the first time I had heard him talk about, 'Why do we not think about doing checks in the ports and the airports of Northern Ireland?', which is what we do already for some sanitary and phytosanitary products. 'It would be less visible, and we could do it in an unobtrusive way and still achieve the same result'.

Of course, at that stage, people were still hoping that the ultimate trade deal would obviate the need for any checks, or minimise the amount of checks that might be needed. At that stage, it was a backstop, it was a failsafe. It would be something that would be needed if we could not solve the problem differently in the trade negotiations.

We now know what has happened, and we ended up with this sea border which, by the way, Mrs May said no British Government could ever sign up to. I am personally very surprised that Mr Johnson felt able to sign that agreement. Forgive me, I find it really objectionable to now be told by the British Government that, 'You people are not taking sufficient account of Unionist concerns'. Did Mr Johnson consult with the Unionists before he signed the Agreement? It's outrageous to imply the rest of us are insensitive to Unionist concerns when he just threw them under a bus when he signed that agreement.

I think the legitimate, primary concern was to avoid a hard border infrastructure on the island of Ireland, which would have created all kinds of problems. Everyone was agreed on that, and there was no suggestion at any stage that any of that would involve putting into question the constitutional status of Northern Ireland, which is guaranteed by the Good Friday Agreement and which remains unchanged.

Events have unfolded in a way which takes us to where we are today, and you have got the flavour of some of my thinking. I am not underestimating that there are problems with the operation of the protocol, or that there are flexibilities that have to be worked out. I just think it would be much more easy to work those out if we had a British Government which was committed to at least trying to implement the principle of what they agreed, and then negotiating at the margins on the details, rather than telling us that the very principle underpinning the Northern Ireland protocol is unacceptable.

I think the concern about the risks of a hard border were universally shared, including by the British Government, and including by anyone who knew anything about Northern Ireland in London. They have said this was the key thing.

UKICE: Boris Johnson famously spoke about the Irish tail wagging the dog when it came to the Brexit process. Did you ever get even a hint from representatives of other Member States that Ireland was dominating this process too much, or a degree of frustration that the Irish question was so prominent?

DO: Honestly, never. I think everyone understood that this was a very big

issue. I have always tried to explain this to people, but Michel Barnier, when I knew him first in 1999/2000 and for the Prodi Commission from 2000 to 2004, was responsible for implementing the Peace Programme to underpin the Good Friday Agreement.

He went several times to Northern Ireland. He was very personally committed, and I can tell you that I had several conversations with him in that period where he said, 'I am really so impressed by what is happening in Northern Ireland. This is fantastic, this is what Europe is about. We have to be there for these people, we have to help. It is crucial'.

So, he brought that understanding, and, by the way, it was not a shallow understanding. He went many times to Northern Ireland, so he knew the place and he knew both sides and he had spoken to both sides. Equally, I have to say, certainly my colleagues in Washington all said to me, 'We're all aligned on this. This is a potential collateral damage of Brexit that we absolutely have to avoid and we have to settle this now. We have to have guarantees about how this will be settled. We cannot leave this to the trade negotiation because, if we do, we risk issues like trade standards, norms, tariffs becoming subject to this overarching political imperative to protect the peace process. We want to separate the two things. We want to deal with that in Phase 1 and have a backstop'.

UKICE: What was your reaction when President Trump described the Withdrawal Agreement agreed between the UK and the EU as, 'A great deal for the EU which would get in the way of a trade deal between the UK and the US'? Did you wince when he said that and think, 'This is going to make the parliamentary passage of this much more difficult'?

DO: I wasn't at all surprised. I knew that he would be critical, because Nigel Farage had been fairly assiduous in cultivating Trump. He did have access and he was certainly peddling this line, and it is true that the agreement, the front stop, the all-UK arrangement that Theresa May was prepared to contemplate, potentially could have caused problems for trade deals with other countries, because all of the UK would somehow remain in a customs union and in the Single Market. How was that going to work? Could you have a truly independent trade policy? It was a legitimate question.

The alternative is what we have now seen. Never forget that Mrs May was actually very close to signing something which looked like what we have today, but it was the DUP and Arlene Foster who threatened to pull the plug. She was literally in Jean Claude Juncker's office, concluding the arrangement, when she got a phone call from Arlene Foster who basically said, 'The DUP would not support this'. I know that Mr Juncker said, 'Well, maybe you have to face them down because you are convinced this is the best way forward', and she chose otherwise.

Then she went back to the drawing board and then we got the second arrangement. I don't know whether it was purely parliamentary arithmetic or whether she genuinely felt that, listening to Arlene (Foster), it was wrong for the British Government to somehow treat one part of the UK differently

I would be very interested to know, because she must have sensed when she was doing all this that it was a bit strange to carve out a part of the UK slightly differently. Maybe she thought it wouldn't be needed. Maybe she felt that it was just a backstop, and that she would be able to negotiate a future trade arrangement which would ultimately negate that.

UKICE: Her Chequers deal would have done that on the regulatory side for goods. I think that quite a lot of the Chequers proposition was supposed to enable you to reverse out on the regulatory side of the backstop, even if they required some other longer-term mechanism to try and get out of the customs side of that.

I think they thought that the EU's dislike of the backstop would put them in a stronger position, and give them a bit of leverage to negotiate a longer term trade deal. Gavin Barwell, her Chief of Staff, said that.

DO: Yes, I can see that. But the Americans were, as I say, keeping their distance from all of this. I think they wanted to see how it was going to play out before they really engaged. However, Trump's sympathies were obvious, and he was always going to make noises which were anti-EU and pro-Brexit in whatever form that took, and he continued to do so.

I repeat, the backstop was always seen as a failsafe, something that might never need to be used if you could get the right deal on the trade side. But you

needed that failsafe before you entered into the trade negotiations. So, I never heard any resentment, any criticism or sense that this was taking up too much time or effort.

Lessons from Brexit

UK in a Changing Europe (UKICE): Zooming out slightly from the whole thing and looking back at that long Brexit process and your position in the US during it, what surprised you most about how things unfolded?

David O'Sullivan (DO): Well, firstly, I suppose the outcome of the referendum. Not that I was never super-confident, by the way. When I first heard of the referendum being called, I said, 'That is a mistake'. I believed the opinion polls, but I always thought, 'This could go wrong'. I was surprised but not terribly surprised when we got the result, because I always thought this was a very risky exercise.

I think the degree of confusion on the British side is what deeply surprised me. I had no idea that people really had no plan, and it was slightly embarrassing to watch that unfold. People had just not thought through what leaving the EU would really entail. For what it is worth, just a purely personal observation, I think the right thing to have done at that point, given it was a consultative referendum, would have been to call some kind of cross-party constitutional discussion to say, 'What are we going to do? Fair enough, the consultative referendum is clear, we have to probably leave, but can we talk about what that might mean? Can we discuss options? Can we at least talk through scenarios before we finally decide what we are going to do?'

There was no such attempt made, and it just seemed to stagger from one position to another until we ended up where we have, which frankly is the worst of all possible Brexit outcomes. I was genuinely surprised at the inability of the British Establishment to get a grip on the situation and say, 'Okay, things have not gone the way we wanted, but this is the result. What does it mean? It is open to myriad interpretations. Let us try and build some kind of national consensus about what leaving might look like'. I was very surprised that didn't happen.

Therefore, much of the drama, when I was there, was all about the domestic

UK drama. I mean, it was a continual Shakespearian play in the UK and, to a certain extent, the answer on the EU's side was always to say, 'Look, we wait to see what the UK plans to do'.

UKICE: Do you think that was too passive by the EU? Some suggest that the EU should have done both a bit more reflection about why a huge Member State thinks it is in its interests to leave, and the degree of popular alienation from the EU. But, also, what is the right long-term relationship between a major country in the EU's neighbourhood? Was simply saying, 'It is a choice between the relationship we have with Norway, or you could be Turkey, or you could be Ukraine, or maybe Switzerland', commensurate to the scale of the longer-term strategic challenge of how to build what might be a more distant, but also less fractious relationship with the UK?

DO: I don't disagree that when you look at the ring around the EU, you have a number of geographically close, politically close countries who did not wish to be members with whom we have to develop relations. And you have got the EEA Model, you have got Switzerland, you have got Turkey, now the UK.

I think that needs further reflection on the EU side. But honestly, I think it would have been very presumptuous if the EU had come and said, 'Right, this is how we think it should work'. Frankly, I think people would have said, 'How dare you. This is for the British people to decide'. I think it was the right thing to do to say, 'We wait to see what conclusions the British Government and political system draws from this, and how they think the solution might go forward'. To have done anything else would, again, appear to be Brussels trying to tell them what to do.

I don't think it was easy for the EU to come up with a plan. I think, unfortunately, you had to let the drama play out in the UK. On the question of 'why did the UK leave?', we can have a long discussion about that, but I think you will agree that the Leave campaign was predicated on a massive amount of misrepresentation and lies. When people fall for that, what do you do? Apart from the issue of freedom of movement which we all know about, much of the other stuff was a complete misrepresentation. How do you cope with that?

Jean-Claude Juncker has said that he thinks we were too passive during the referendum campaign, that we should have been more active. I am conflicted

about this stuff, because I do think we have a responsibility where people factually misrepresent Europe and the relationship of the EU to their country. I think we have an obligation to contribute there, but I am also conscious that it can be unhelpful, and that in a national referendum you are better letting national politics battle it out. People from Brussels don't necessarily have a huge amount of credibility in those discussions.

But it is tricky. I have seen it in successive Irish referenda, where again we have wondered whether we shouldn't have done more. But in the end, the decision was always taken to leave it to the Member State concerned to sort this out in their own democratic positions.

UKICE: You talk about the 'worst of all possible outcomes'. Am I to take it from that that you don't see the Trade and Cooperation Agreement as a good compromise?

DO: Look, the only thing that can be said about it is we have avoided tariffs. But we have solved virtually nothing else. Everything else is still left for negotiation, sectorally. There is a to-do list as long as your arm between us, which would be fine if we were in a cooperative, pragmatic, rolling up the shirt sleeves mode and saying, 'Okay, let us get stuck into all this stuff and find ways forward', but we are not.

I think it is very difficult to address this myriad of other issues in the present climate. I used to say, 'Well, it takes several years to negotiate a trade deal', and then people said, 'Oh look we did it in a year'. We did it in a year by doing a bare bones deal which hardly required any negotiation at all, to be honest with you, except a bit on the level playing field stuff and a bit on fisheries.

Other than that, we just left aside almost every issue of any real consequence—data, services, foreign policy. Everything was just left out, and so all of that still remains to be done. I am not sure if people in the UK fully understand the degree of distrust that now prevails in relation to this Administration.

There is still a tendency to say, 'Tactically this has a point and it will ultimately get people to think'. No, people are just sick to death of the inability of the Johnson Administration to stick to any commitment it makes, and that is very damaging.

UKICE: Do you think, perhaps, paradoxically, that one of the implications of Brexit is that the US will take the EU more seriously as a partner, because it no longer has the UK in there as a sort of a go-between?

DO: I think they absolutely now need to find a slightly different way of dealing with the EU. It was interesting that in the joint communique from the summit with Biden on the 15th June, we had a breakthrough on security and defence because we opened a security and foreign policy dialogue with the US, which is something we have been asking for, for years and which they have always been very resistant to. Now they have agreed to it.

I think they have understood that they need to invest in this relationship, because the UK is no longer there, and they can no longer use the UK as a bridge into that relationship. They have to get more directly involved. For them, the world really is divided into US, EU and China, and then there are all the rest. I am sure the UK will remain a very, very important and privileged partner for them, and they will want to cultivate good relations, but it is a less useful partner now that it is no longer in the European Union.

UKICE: Were you in Washington during the Kim Darroch affair, or had you gone already? Did that send shockwaves through the diplomatic community?

DO: Kim is a good friend, so I have to declare a certain conflict of interest there. I had left, but of course I was in touch with my colleagues, and I think most people just thought, there but for fortune, because I think Kim's telegrams were no different from the telegrams all the rest of us were writing.

He was only writing what everyone in Washington was saying. He wasn't making anything up. It wasn't even the opinion of Kim Darroch, he was just saying, 'This is what people in Washington are saying', and it is exactly what they were saying.

This was a completely dysfunctional, disorganised, chaotic administration. I don't think anyone was surprised by what he wrote, or felt that he was in any way to be criticised for having written that. Of course, everyone also knows that once stuff gets leaked, unfortunately it is the person who is at the origin of the text that is going to get it in the neck. In any battle between a Prime Minister, a President and an ambassador, you know who is not going to win.

I was not entirely surprised that, in the end, Kim felt his position was unsustainable. Especially when Trump started tweeting, 'Who is this guy?'. I know for a fact that Trump knew very well who he was but he is sort of saying, 'Well, we never liked him anyway'.

Then you know that the writing is on the wall. It is very difficult to come back from that, if your host's Head of State basically says, 'I don't like you'. The real question is who leaked it and why? That I still don't understand perfectly, and I don't think the investigation to find the leaker has ever reached a conclusion. I am told it is known, but I don't know that it is ever going to be made public or anything is going to be done about it.

UKICE: Do you think that there is going to be long-run damage to UK-US relations if we fail to find a satisfactory resolution to the issues which remain as of July 2021? If those issues fester on, or lead to some sort of UK-EU breakdown over the protocol, will that force the US to calibrate down the UK across a range of other spheres, and lead to a closer US-EU relationship?

DO: Objectively, the UK is always going to be a privileged partner of the US. I am not going to talk about the excessively needy relationship, but the UK is a member of the Security Council with nuclear capabilities, limited, but you have got them. You have some global reach. So, the UK is always going to be an important partner.

I think the difficulty is that the international reputation of this administration is in shreds, and that has consequences. The US will want to have a good relationship with the UK, but I can tell you that they look with great scepticism at this administration and what can usefully be achieved with it. What has really gone down badly in Washington, and in Dublin, is the seeming instrumentalisation of the anger of some elements of the Loyalist community for the purposes of attacking the EU.

Phillip Stephens mentions this saying, 'playing with fire'. The real rebuke of that démarche just before the Biden visit was exactly that. It was the UK inflaming antagonisms in Northern Ireland for purposes which had nothing to do with being sympathetic to the Loyalist community, but was instrumentalising it. They wanted to be able to say, 'We were always told we had a problem with the hard border on the island of Ireland, but now we have the sea border and

this angers the Loyalist community’.

The feeling was that this was stoking tensions rather than trying to calm it down, not explaining to the Unionist community that, ‘We are the British Government, we negotiated this protocol. Let us explain to you why we thought it was not necessarily a bad thing for you’, but instead saying, ‘No, we think it is awful’.

I think that has the capacity to do a lot of damage if that haemorrhaging is not stopped. Notwithstanding some of the more impetuous elements of the Loyalist community, we got through the marching season and the bonfire season without the confrontation we all feared, with the emergence of the Alliance Party as a more moderate block between the DUP and Sinn Fein.

I fear that you could see something quite dramatic with the elections next year to the Assembly. You could see a Sinn Fein majority. I am no supporter of Sinn Fein, believe me, but you could see that. This would be the perverse outcome of everything that has gone on. How we then deal with that, I don’t know.

I think the British Government has to be very careful to not be seen to be playing fast and loose with the very delicate balance of the Good Friday Agreement and the way that British and Irish Governments have always tried to work together to keep that going. The feeling is that it is not being done because of what is good for Northern Ireland, but rather because this administration is constantly choosing battles with the EU, and is able to demonise the EU as being responsible for any negative consequences of Brexit.

That will not have a good outcome. But, again, I repeat, one should never forget the fundamentals. The fundamentals are what I said; the US is always going to want to try and have a good relationship with the UK, no matter how much they dislike or distrust or the current administration.