BREXIT BRIEF

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Introduction

The Brief seeks to provide up-to-date information on the progress and content of the UK-EU negotiations, and bring together relevant statements and policy positions from key players in Ireland, the UK and the EU.

The Brief is part of a wider communications programme covering the work of the IIEA's UK Project Group – including commentaries, speeches, texts and event reports – which are highlighted on the Institute's website. (www.iiea.com)

Section One: State of Play

Brexit - Five Years On

At the beginning of Prime Minister's Questions in the House of Commons on Wednesday, 23 June 2021, Boris Johnson made a brief reference to the fifth anniversary of the UK referendum vote on Brexit:

Today marks five years since this country voted to leave the European Union. It has allowed us to take back control of the issues that matter to the people of the United Kingdom. It has given us the freedom to establish eight free ports across the country, driving new investment; to develop the fastest vaccine roll-out in Europe; to protect and

invest in jobs and renewal across every part of the UK; to control our immigration system, and to sign an historic trade deal with Australia. It will allow us to shape a better future for our people.

European Commission Vice President Maroš Šefčovič, speaking at the College of Europe, argued the following:

If we were to go back to June 2016, few of us would have predicted the situation we find ourselves in today. But there is no use in endlessly revisiting the past. The decisions taken then, and subsequently, have already been made. Brexit has happened. And it has consequences. Arguing to the contrary is a fallacy. We must therefore look to the future – and to



rebuild an EU-UK partnership, primarily based on trust.

Asked what success for Brexit would look like in 10 years' time, Lord Frost told the UK in a Changing Europe think tank:

it was a world in which "we've settled into a more normal relationship with the EU ... one where we have gone our own way in a number of areas and succeeded ... nobody is questioning Brexit. It was self-evidently the right thing to do. Until we have settled the Northern Ireland issue and put in place new balances, or the right balance, I think it's going to be difficult to get relations on to the right footing that we want, but we absolutely do want that

As the fifth anniversary of the Brexit vote has been marked in notably low-key statements and commentaries, serious questions continue about the implications for future EU-UK relations of the Protocol on Ireland/Northern Ireland (Protocol). A series of discussions and debates in both Houses of the Westminster Parliament and both Houses of the Oireachtas reflect the depth of the differences and disputes arising from the short-term impact of the Protocol rules and procedures and the longer-term concerns about identity and consent.

UK request for extension of the Grace Period on Chilled Meats and Šefčovič's Stormont Address

On Thursday, 17 June 2021 the UK Government wrote to the European Commission requesting an extension of the grace period provided for in the Protocol concerning chilled meats deliveries from Great Britain to Northern Ireland. This would allow trade to continue until Thursday, 30 September 2021.

The initiative by Lord Frost, in contrast to earlier unilateral actions, gave rise to expressions of hope in Brussels and Dublin that a compromise could be achieved which could lead to agreed joint actions to deal with the practical implications of the Protocol.

The European Commission issued a statement:

The European Commission received today a request from the United Kingdom to extend a grace period concerning the movement of chilled meats from Great Britain to Northern Ireland, agreed within the context of the Protocol on Ireland / Northern Ireland. This grace period is due to expire on 30 June 2021. The UK has requested that it be extended to 30 September 2021. The Commission will now assess this request. The Commission has already indicated its openness to finding solutions in line with the Protocol.

However, for that to happen, the UK must fully implement the Protocol, which is the solution found to protect the Good Friday (Belfast) Agreement, the functioning of the all-island economy, and the integrity of the EU's Single Market. There is no alternative to the Protocol. When looking for solutions, providing stability and predictability for the people of Northern Ireland will be of paramount importance. Vice-President Maroš Šefčovič will reach out to Lord Frost and his team to set up a meeting as soon as possible to discuss this request in detail. The Commission will also consult the European Parliament and the Council.

On Monday, 28 June, European Commission Vice-President Maroš Šefčovič went before the Northern Ireland Assembly Committee for the Executive Office, the first time a European Commissioner has ever addressed a sub-



national legislature of a non-Member State. He told the Committee that the EU is willing to take "bold steps" to resolve differences it has with the UK concerning the implementation of the Protocol, but only when it "demonstrates a clear and concrete commitment to implementing the protocol in full". He said he was hopeful that an agreement could be found with respect to the UK's request to extend grace periods for the implementation of chilled meat product from Great Britain to Northern Ireland. On Wednesday, 30 June, the EU announced a three-month extension to said grace periods. This extension, however, is contingent on the UK's commitment to continue aligning with EU food safety and animal health rules until Thursday, 30 September, as well as conditions concerning the labelling of chilled meat products which are expected to be imported via special channels at Northern Ireland ports. This will provide a temporary solution to the ongoing debate with respect to Sanitary and phytosanitary requirements (SPS) requirements, the EU favours "dynamic alignment" of rules and standards and the UK seeking an "equivalence" agreement. Suggestions of a midpoint arrangement have emerged in UK discussions.

The Commission response to the UK request sets the scene for further discussions with the EU concerned to take the necessary dialogue away from the tensions of the Northern Ireland marching season. RTÉ's Tony Connelly remarks that a positive response would provide "breathing space and an improved atmosphere."

The short-lived Democratic Unionist Party (DUP) leader, Edwin Poots MLA, told BBC News NI that he had received "assurances" from NI Secretary Brandon Lewis that "very significant" changes would be forthcoming in respect of the Protocol, emerging in early July.

Prime Minister Johnson on the NI Protocol, House of Commons 16 June 2021

At Prime Minister's Questions on Wednesday, 16 June 2021, Sir Bernard Jenkin asked:

Does my right hon. Friend recall President Macron insisting that nothing in the Northern Ireland protocol is negotiable even though he admits that it contains what he calls inconsistencies? If the peace and stability of Northern Ireland is being undermined by the application of the protocol, then it is obvious that the protocol itself must be renegotiated: how could anyone seriously consider otherwise? Will my right hon. Friend urge the EU not to give precedence to the protocol over the peace process and the Good Friday agreement, and will he remind it of the 2017 joint report, which included the aspiration that the then backstop would be removed via negotiations and what it calls "specific solutions"? Will he pursue that policy?

Prime Minister Johnson replied:

The problem at the moment is the application of the protocol. The protocol makes it very clear that there should be no distortions of trade and that the Good Friday peace process, above all, must be upheld, but it is being applied in such a way as to destabilise that peace process and applied in a highly asymmetrical way. All we are asking for is a pragmatic approach. I hope very much that we will get that, but if we cannot get that, then I will certainly take the steps that my hon. Friend describes.



Jeffrey Donaldson Elected as DUP Leader

Sir Jeffrey Donaldson MP was formally endorsed as DUP Leader by a 32-4 vote of the party's electoral college. Jeffrey Donaldson was the only candidate having been nominated unopposed following the resignation of Edwin Poots. The DUP ruling executive ratified the appointment on Wednesday, 30 June.

Sir Jeffrey has made clear that he will return from Westminster to take over the position of First Minister from Paul Girvan who was nominated by Edwin Poots and assumed office on Thursday, 17 June, with Sinn Fein's Michelle O'Neill as Deputy First Minister. Sinn Fein had agreed to continue the power sharing arrangement following a commitment by the London Government that Westminster would enact the controversial Irish Language Act if the Stormont Assembly failed to do so.

Jeffrey Donaldson's plan to return to Stormont will trigger a parliamentary by-election in the Lagan Valley constituency and require his acquisition of a seat in the Assembly. The timeline for these changes is unclear.

The new party leader underlined his firm opposition to the Protocol:

This protocol is doing enormous harm to our economy, to confidence, to political stability and that's why I believe that we've got to find another way of doing things that doesn't do the harm the protocol is doing to Northern Ireland." He accused the Irish Government of being a "cheerleader" for the Northern Ireland Protocol and for "one side of the community". Indicating that he plans to meet with the Irish Government "at some stage", he argued that "We need the Irish Government to get back to a place where

it respects the rights of unionists and the people in Northern Ireland generally to be part of the United Kingdom, and not to have barriers to trade within our own country.

Taoiseach Micheál Martin commented: "I know Jeffrey Donaldson of old, I worked with him before. I hope that I can build a good relationship with him and with the other parties too".

Lord Frost at House of Commons Foreign Affairs Committee, 22 June 2021

Lord Frost appeared before the House of Commons Foreign Affairs Committee on Tuesday, 22 June where he faced questions on the Protocol as well as the peace process. He described the Protocol as "a big compromise to protect the Good Friday Agreement" but warned that "delicate balance" preserving the peace process risks being unsettled should the Protocol not be implemented in what he described as a pragmatic and proportionate way. When asked about progress on finding solutions for the Protocol's implementation, he stated that the UK has put forward numerous solutions, but he does not see much engagement on all of them. Looking to the future, he expressed his fear about "creating a sense of difficulty" for identity in Northern Ireland should the current issues surrounding the Protocol's implementation fail to be resolved.

Lord Frost on Constitutional Integrity

In the House of Commons Northern Ireland Committee on Wednesday, 16 June, the Committee Chair, Simon Hoare MP asked Lord Frost to confirm that "Her Majesty's Government, with the Chancellor of the Duchy of Lancaster (Michael Gove MP) as



lead, negotiated with the European Union the Northern Ireland protocol"? Lord Frost gave the following reply:

Actually, in 2019, it was I, working for the Prime Minister, who negotiated the protocol. The Chancellor of the Duchy of Lancaster, in 2020, negotiated the provisions that eventually surfaced as decisions of the joint committee at the end of 2020. The Chancellor was the lead in that process while I was negotiating the trade and cooperation agreement.

When asked about the Protocol's potential to impact upon the constitutional integrity of Northern Ireland, Lord Frost cited Article 1(1), which states that the Protocol is without prejudice to the Good Friday Agreement. He added that the purpose of the Protocol was to support the Good Friday Agreement rather than undermine it, which he believes it currently risks doing. The Chair posited four potential courses of action open to the UK with respect to the Protocol: negotiate successfully, extend unilaterally, suspend via article 16, or legislatively repeal. Lord Frost replied: "I think that you are right intellectually to identify that those are possibilities that could be considered. Some of them are much more plausible than others as a way forward. The most plausible is negotiation."

NI Secretary Brandon Lewis in the House of Commons, 16 June 2021

The Northern Ireland Secretary, Brandon Lewis, dealt with Parliamentary Questions on Northern Ireland:

> I would like to thank Arlene Foster, who resigned as First Minister of Northern Ireland earlier this week. Arlene has given 18 years of public service to the

people of Northern Ireland. I will continue to work, as I have done over the past few days, with all the party leaders in Northern Ireland to ensure that we can keep a sustained and stable Executive in the weeks, months and period ahead.

I regularly discuss our approach to the Northern Ireland protocol with Lord Frost. We have conducted joint engagements together in Northern Ireland on a regular basis with businesses and civil society, as well as joint engagements with Vice-President Šefčovič to consolidate our understanding of the real-world impacts of the protocol. At last week's Joint Committee, the Government outlined our continued commitment to engaging to find the pragmatic solutions that are urgently required and needed to ensure that the protocol can achieve the delicate balance that was always intended. We in the UK will continue to work actively to find and deliver the solutions.

I have made the point a few times that, if we get the protocol to work in a proper, flexible, pragmatic way, it creates an opportunity for Northern Ireland. But we also have to be cognisant of the fact that, at the moment, it is causing real disruption and real problems for businesses and consumers in Northern Ireland, across the whole community, and it has an impact on people's sense of identity in the Unionist community. We have to accept that, respond to it and deal with the protocol in a pragmatic way. That is why I think it is so important that the EU engages with people in Northern Ireland to get a real understanding of why Northern Ireland is such an important part of our United Kingdom.



The Northern Ireland Secretary subsequently made a statement to the Commons Northern Ireland Affairs Committee on the sustainability of the Protocol:

I have outlined to people consistently over the last period that we are very clear that the current position of the protocol is not sustainable. It is causing issues for businesses, consumers and citizens in Northern Ireland. We need to rectify that. We need to ensure that gets corrected. The Prime Minister has been very clear that we take nothing off the table. I am optimistic and confident that we will get that done in the period ahead. I have always thought that it is in the interests of both the UK and the EU to resolve this issue.

Ultimately, for us, there is a very core point at the moment in the protocol, which is about protecting and respecting the UK's internal market and the integrity of that, not disrupting the everyday lives of people in their communities and of course protecting the Good Friday/Belfast agreement, in all of its strands. For us, it is a pretty straightforward situation that we want to get that rectified and we are determined to do so. It is reasonable for anybody to take the view that we have said there will be changes, because there have to be. The current status quo is not sustainable.

US-UK: Atlantic Charter Declaration, 10 June 2021

Prior to the G-7 meeting in Cornwall, President Biden and Prime Minister Johnson signed a new Atlantic Charter as a basis for future US-UK relations. The UK Government stated the following:

President Biden visited the U.K. at the invitation of the Prime Minister and in advance of the G7 Summit. The President and the Prime Minister set out a global vision in a new Atlantic Charter to deepen cooperation in democracy and human rights, defence and security, science and innovation, and economic prosperity, with renewed joint efforts to tackle the challenges posed by climate change, biodiversity loss, and emerging health threats.

The Charter text makes reference to Northern Ireland and the Good Friday Agreement. Of particular note are sections 19 and 20 which are transcribed below:

19. Northern Ireland has taken huge strides forward since its courageous leaders put reconciliation and progress before violence and division 23 years ago. We are proud of the achievements of the Belfast/Good Friday Agreement, and we remain fully committed to its three strand approach, that: established the democratic institutions in Northern Ireland; provided for consultation, cooperation and action across the island of Ireland; and created structures for British-Irish engagement. It took a deep partnership between the U.K., Ireland, and the U.S. to support the people of Northern Ireland in bringing the Troubles to an end, and it will take a continued and ongoing partnership to advance and safeguard Northern Ireland's stability and prosperity into the future.

20. Today, the U.K. and U.S. reaffirm their commitment to working closely with all parties to the Agreement to protect its delicate balance and realise its vision for



reconciliation, consent, equality, respect for rights, and parity of esteem. Unlocking Northern Ireland's tremendous potential is a vital part of safeguarding the stability created by the Agreement, and the U.K. and the U.S. will continue working together towards that shared goal.

British-Irish Intergovernmental Conference, 24 June 2021

The first meeting of the British-Irish Intergovernmental Conference (BIIGC) in more than two years took place in Dublin on Thursday, 24 June 2021. The Minister for Foreign Affairs, Simon Coveney, and the Secretary of State for Northern Ireland, Brandon Lewis led the delegations. The BIIGC was established under Strand Three of the Belfast (Good Friday) Agreement "to promote bilateral cooperation at all levels on all matters of mutual interest within the competence of both Governments." The meeting dealt with economic cooperation, security cooperation, rights and citizenship matters, legacy and COVID-19 recovery.

A Joint Communiqué covered matters of current political concern:

East-West Matters: The Irish and UK Governments affirmed the unique relationship between their two countries and the strong bilateral cooperation that takes place at all levels of government and across a range of important policy areas. They discussed the shared ambitions for the future of the UK-Ireland relationship and noted in this context discussions between the Prime Minister and the Taoiseach during their meeting in May 2021, and looked forward to further such engagements between the Taoiseach and Prime Minister.

Political Stability: The Conference reviewed political developments since the last meeting in May 2019 and welcomed the restoration of all the political institutions of the Belfast/Good Friday Agreement following the New Decade, New Approach agreement in January 2020.

The Irish and UK Governments confirmed their shared determination to work together to maintain political stability across the devolved institutions. The Conference agreed to continue close cooperation in accordance with the three-stranded approach established in the Belfast/Good Friday Agreement.

Section Two: The Evolving Debate

The Taoiseach in Dáil Eireann, 23 June 2021

An Taoiseach, Micheál Martin, responded in detail to remarks by the Fianna Fail Deputy Seán Haughey TD:

Deputy Haughey spoke about the changing nature of politics and the alignments in politics in Northern Ireland. That change is actually happening. My sense is that many people in Northern Ireland are concerned about bread-andbutter issues. It seems the biggest issue in the North at the moment is the restoration of health services. People there need to get timely access to health procedures, diagnostics and treatments, no more than in the Republic, and politics should reflect those basic concerns. Likewise, the development of integrated education is something that should be advanced and promoted within Northern Ireland. There is an emerging and growing middle ground which has different perspectives on the future.



The purpose and objective of the shared island initiative is to give a platform to new voices in terms of how the island should evolve into the future and how we should share this island together. Seamus Mallon put it memorably at the launch of his book when he said that his neighbour's family had been living next door to his homestead for around 400 years and maybe it was about time that they learned how to share that spot of ground together. It is in that spirit that the shared island dialogue is there to allow new voices, the new Irish about whom we spoke earlier, and find out what their perspective is. I refer to giving greater voice to young people, and women in particular. In various phases of the journey that Northern Ireland has been on through the past 30 years, it has been the voice of women that has been strongest in terms of the attainment of peace and the struggle to get peace back onto the streets of Northern Ireland. Inclusivity is absolutely important in terms of that broader agenda.

The protocol has created challenges and Brexit has created challenges. Of that, there is no doubt. That, in itself, will have an impact but I stress the importance of the British Government working with the European Union in a willing way to find a resolution to the protocol issue, creatively looking at the potential of a sanitary and phytosanitary measures agreement between Britain and Europe which would take out nearly 80% of the checks that potentially are involved. I refer to identifying the benefits that can accrue from the protocol in respect of foreign direct investment finding its way into Northern Ireland. The fact that the North will have access to the EU Single

Market as well as the UK market creates opportunities.

There is the fact that the all-island market creates opportunities in terms of the dairy industry. To pick one example, Ulster farmers sell their milk through coops into co-ops in the Republic. It is an important industry. It is now seamless across the island because of the presence of the protocol and the absence of any border or checks on the island of Ireland and that helps the dynamic in terms of the economy.

That said, we have to be conscious that there are issues that need to be resolved and ironed out. The trade between Northern Ireland and the UK is very important trade both ways and, therefore, there are mechanisms within the Trade and Co-operation Agreement between the UK and Europe to facilitate that, such as the joint committee especially and the specialised committees.

The process between Maroš Šefčovič and David Frost should be utilised fully to iron out those difficulties. We have made those points to the British Government. The overall points raised by Deputy Haughey were well made in terms of the importance of constant dialogue, understanding where the other person is coming from, endeavouring to create space to allow that dialogue to be meaningful and to continue, and also observing the changing nature of political views and perspectives on Northern Ireland and how that might inform the future.



Special Seanad Committee, 14 June 2021

The Special Seanad Committee on the Withdrawal of the UK from the EU held a session on Monday 14 June 2021 devoted to "The Impact of Brexit on the Food and Drink Industry".

The CEO of the Dairy Council of Northern Ireland, Dr Mike Johnston, made a significant contribution to the discussion:

I thank the committee for the invitation to meet with it this afternoon and for the interest that it shows in this very important issue. From our point of view, we are very supportive of the Northern Ireland protocol, but it is not perfect. There are elements of it that need to be fixed. However, please do not kill the Northern Ireland protocol because it has allowed us to continue with the trade flows, by and large uninterrupted.

We are supportive of the Northern Ireland protocol and of the efforts of the Minister for Foreign Affairs, Deputy Simon Coveney, and his colleagues in trying to keep this particular issue of the island of Ireland to the fore. The problem that we have had is that the Irish Sea dimension of the Northern Ireland protocol has dominated the thinking and negotiations. Despite the best efforts of Mr. Lavelle, Mr. Mulvihill, and myself, over the past 18 months at least, to say that there is another issue here to be addressed, so far here has not been the necessary political energy into dealing with this island of Ireland issue. From a dairy industry point of view, it is every bit as important as the Irish Sea dimension, and maybe even more important.

The Northern Ireland protocol has strong support within the agri-food sector in Northern Ireland, simply because we recognise that, without it, we would be in great trouble. Certainly, if we did not have the protocol, dairy farmers and their local communities throughout the island of Ireland would be a lot worse off than they are at the moment. We are therefore supportive of the protocol. It needs to be tweaked, but we certainly do not want to see an end to the protocol."

Northern Ireland businesses have called on UK and EU leaders to stop the "Brexit blame game" and concentrate on delivering urgent, practical solutions to the issues arising from the implementation of the Northern Ireland Protocol. "We need to see that not only are we being heard and understood, but that both the UK and EU are willing to work together to deal with the impact of the protocol. We are increasingly concerned that the Good Friday Agreement is becoming collateral damage as a result of Brexit and the ongoing disputes over the NI protocol." The Northern Ireland Retail Consortium spoke of "A blame game happening on both sides that we don't want any part of. What we want is the solution. Politics is getting in the way of what should be, for all intents and purposes, technical process."

When on June 19th the UK Food and Drink Federation (FDF) announced that exports to the EU had plummeted by 47% in the first quarter, the fact that an SPS deal with the EU would potentially reverse such a drop in trade barely registered. "They're getting this consistently from all the main trade bodies," says Paul McGrade, a former Foreign Office official and currently senior counsel with the Lexington consultancy, "but they can



shrug it off because they're not getting it from their backbenchers.

EU Brexit Reserve Fund

The Minister for Foreign Affairs, Simon Coveney, and Minister of State for European Affairs, Thomas Byrne, welcomed the announcement on Thursday, 17 July 2021, that the Council of the European Union and the European Parliament had reached agreement on the €5 billion Brexit Adjustment Reserve. In recognition of being the Member State most impacted by Brexit, Ireland will receive more than €1 billion from the Adjustment Reserve, the largest allocation to any Member State.

Welcoming the announcement, Minister Coveney made the following comment:

The allocation of just over €1 billion to Ireland from the Brexit Adjustment Reserve reflects the continued high level of solidarity for Ireland from across the EU. Brexit has had a unique and disproportionate impact on our economy. This allocation will build on the substantial Government supports already in place for operators affected by Brexit. We will ensure this EU funding flows to the traders and sectors where it is needed most, including those in our fishing sector.

Minister Byrne further commented that "it has been clear in all my engagements on the Brexit Adjustment Reserve with the Commission, the Presidency, the European Parliament and across the EU, that [Ireland's] partners recognise the adverse effect Brexit has had on Ireland."

Loyalist Communities Council

Loyalist Communities Council (LCC) spokesman David Campbell has resigned from the board of cross-border peace-building charity Co-operation Ireland.

The former Ulster Unionist Party chairman's resignation took effect from Friday, 11 June, just one week before the LCC issued a statement that the Justice Minister Naomi Long described as a "veiled threat". The (LCC has stated that they no longer welcome the presence of Irish Government ministers in Northern Ireland. The Council also urged the DUP to "stop the constant flow of concessions" to Sinn Fein, even if that means collapsing Stormont. The LCC statement said that they believed Irish ministers and officials are no longer welcome, until "they accept and repair the damage they created". It continued: the continued denials and insulting commentary from the Irish Government proves the extent to which they misled European leaders with regard to the views of the people of Northern Ireland, and the guarantees for both communities contained within the Belfast Agreement."

Co-operation Ireland chief executive Peter Sheridan told The Irish News that board members' views "have to be compatible with the values of Co-operation Ireland".

Separately, loyalist campaigners have warned that it may be necessary to stage a "mass protest" opposing the Protocol in Dublin in July. "Once the 12th July celebrations conclude then it probably will be necessary to exercise the right to peaceful protest in Dublin in large numbers", they claim.

The Minister for Foreign Affairs, Simon Coveney, responded to the LCC statement that "the challenges don't go away because the blame game becomes more aggressive, if anything they get worse". "It would be helpful if political leaders in Northern Ireland who represent unionists and loyalist communities would come out and clarify that there is no threat to officials or politicians from the Irish Government", he added.



Section Three: Background Material and Further Reading

Background Material

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