

# BREXIT BRIEF

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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](http://www.iiea.com))

## Introduction

The New Year saw the Brexit and the Protocol on Ireland/Northern Ireland (the Protocol) discussion coming back to life as the new UK Chief Negotiator, Foreign Secretary Liz Truss, read, talked and listened her way into her new responsibilities. Brussels continued to insist on its constructive approach, pointing to its initiatives on medicines, animal and food standards and governance. Dublin maintained its watching brief.

The Foreign Secretary's Brexit responsibilities are challenging. A glance at her official website demonstrates the urgent demands of issues such as the Kazakhstan crisis, the Russia-Ukraine confrontation, the continuing cyberattacks on Ukraine and the NATO-Russia impasse.

Meanwhile, the internal government crisis with increasing pressure on Prime Minister Boris Johnson's position gives rise to the prospect of a no-confidence vote and a leadership election in which Liz Truss is widely seen as a credible contender.

RTÉ's Tony Connelly writes:

*The fate of Northern Ireland is once again captive to the internal dynamics of the Tory Party, continuing an ignoble line going back to David Cameron and well beyond. Boris Johnson used the Northern Ireland Protocol to launch his own leadership bid in 2019. With his leadership now in crisis, Johnson is not beyond leveraging a hardline position on the Protocol to stave off a political assassination - that is, if he is able to focus on it. But if regicide it is, then*

*contender Liz Truss, the UK's fifth Brexit negotiator in as many years, could be tempted to calibrate her Protocol position in the service of leadership ambitions.*

The editorial in the *The Irish Times* of Thursday, 13 January 2022 set the scene:

*Here we go again. Like a never-ending soap opera, the talks on the Northern Ireland protocol go on and on, with familiar story-lines, the occasional change in cast and the odd bit of drama. Hopes that British foreign secretary Liz Truss, now leading negotiations on the UK side, would take a different approach were put in question by a weekend article in which she said the UK "remained ready" to trigger Article 16 of the Northern Ireland protocol.*

However, the first real indications of where Boris Johnson's government will go next will come in talks between Truss and European Commission Vice-President Maroš Šefčovič intensify over the coming week. The pair met for the first time at Chevening on Thursday, 14 January 2022. Truss has promised new proposals but has again called for the EU to compromise. A deal is clearly possible, but the UK must compromise too – and accept what it has signed up to.

Some progress has been made in the talks; the EU has offered significant measures to ease the burden of checks on goods entering Northern Ireland, while the UK is no longer presenting the role of the European Court of Justice in arbitrating disputes as a red line. But Truss repeated that she could not accept trade checks between two parts of the UK – and these are central to the Protocol.

The Irish Government has indicated it wants to see a deal done by the end of February. If

the talks go beyond that, they will be running close to the North's Assembly elections in May. Already, Democratic Unionist Party (DUP) Leader, Sir Jeffrey Donaldson, has threatened to collapse Stormont, if sufficient progress is not made.

There are political and economic dangers here for Northern Ireland and Ireland. Even if the UK does not trigger Article 16, there is the risk of the talks dragging on, the issue dominating the Assembly elections and doubts about the UK's commitment to ever implement the necessary checks.

The EU has already shown significant flexibility and may go a bit further. But a solution will also require more movement from the UK and an acceptance by it of some level of checks on trade between Britain to Northern Ireland, to which it has, after all, agreed. For now, this looks unlikely but, given flexibility, a deal can be done."

## **Section One: State of Play**

### **Truss-Šefčovič Joint Statement 14 January 2022**

The UK Foreign Secretary, Liz Truss, and the European Commission Vice-President, Maroš Šefčovič met on Thursday, 13 January – Friday, 14 January 2022 at the Foreign Secretary's 'grace and favour' residence – Chevening House – to pick up the negotiations which had paused before Christmas following the resignation of Lord Frost.

Following their discussions, the UK and EU Chief Negotiators issued a Joint Statement, the first agreed text for some time:

*Joint Statement by Vice-President Maroš Šefčovič and UK Foreign Secretary Liz Truss  
Brussels, 14 January 2022 Commission*

*Vice-President Maroš Šefčovič and UK Foreign Secretary Liz Truss held their first meeting at Chevening on 13-14 January. The meeting took place in a cordial atmosphere. They agreed that officials would meet next week in intensified talks and that the principals would meet again on 24 January. We share a desire for a positive relationship between the EU and the UK underpinned by our shared belief in freedom and democracy.*

Vice-President Šefčovič tweeted:

*Glad to meet my counterpart Liz Truss to discuss the implementation of the Protocol on IE/NI/ In Dec we delivered on medicines. Now we have an opportunity to do so on other issues, building on the EU's far-reaching proposals. My objective: stability. Predictability in NI.*

*I appreciate Liz Truss's hospitality. A chance to discuss the implementation of the IE/NI Protocol in particular. Now its time to start taking issues off the table. We instructed our teams to pursue intensive talks next week, before we meet on 24/1.*

From Dublin, Minister for Foreign Affairs, Simon Coveney, tweeted: "Important first meeting of Maroš Šefčovič and Liz Truss. Progress on NI Protocol is possible with flexibility, pragmatism and compromise from both sides. We continue to support solutions to protect stability in NI and integrity of EU Single Market."

The UK and EU have agreed to intensify talks at official level with Liz Truss speaking of going into "intensive negotiations to work towards a negotiated solution to sort out these very real issues for the people of Northern Ireland." The

negotiating teams will meet in the week of Monday, 17 January and the Chief Negotiators will meet again on Monday, 24 January 2022.

## **Liz Truss Telegraph Article, 8 January 2022**

The Foreign Secretary, Liz Truss, contributed an article to The Telegraph on Wednesday, 8 January 2022, setting out in detail her position on the UK-EU negotiations on the Protocol:

*The union between Great Britain and Northern Ireland has proved itself time and time again. But so much of the progress we have seen in Northern Ireland rests upon the Belfast (Good Friday) Agreement, which secured peace and stability. I have seen how people's lives improved in Northern Ireland and Great Britain through sustained peace and prosperity. This is why, having taken on EU negotiations, my absolute priority is to deal with the issues in the Protocol that could threaten these hard-won gains. Because in spite of our considerable efforts to make the Protocol work and our continued commitment to the principles on which it is founded, its unintended consequences are having a profound impact. When I see Maroš Šefčovič this week for our first face-to-face talks, I'll be putting forward our constructive proposals to resolve the situation.*

*The current problems are myriad and manifest. Red tape means that anyone who wants to send a parcel to Northern Ireland from Great Britain would need to fill out a customs declaration to do so – if the rules were implemented in full. Families cannot take their pets with them when travelling between Great Britain and Northern Ireland without costly paperwork*

*and unnecessary veterinary treatments. Northern Ireland's Jewish community has struggled to get kosher food.*

*Fundamentally, this is about the security of our communities, the needs of businesses and the integrity of our country. As it stands, the Protocol has lost the consent of the Unionist community over fears it is dividing Northern Ireland from the rest of the UK. As a sovereign nation, we cannot be in a situation where we have to notify the EU to provide vital support to businesses – such as targeted tax breaks – in one part of our country. At this critical time, it cannot be right for people in Northern Ireland to be denied vital products from the rest of the UK, and not to be able to make our own decisions on essential state functions – especially during this pandemic – such as approving critical medicines. It is true that the EU has now recognised that there are problems which need to be resolved, but we will need to see greater movement.*

*Northern Ireland is not in the Single Market and shouldn't be treated as if it is. We are proposing a common-sense solution – goods going to the EU should go through customs formalities and those staying in the United Kingdom should not. That means no checks or documentation for goods moving from Great Britain to Northern Ireland and staying there. We are happy to continue checking goods going on to the Republic of Ireland to protect the EU Single Market and to ensure there is no need for a hard border.*

*We are not asking for anything unreasonable. Our plan is a pragmatic compromise, underscored by robust enforcement, which we should all be able to embrace. Just as we agreed with our*

*European friends arrangements under our Trade and Cooperation Agreement – including on the control of subsidies – that would be subject to the independent resolution of disputes, we should be able to reach a similar consensus on the need for independent arbitration here. Independent arbitration is the international norm for such agreements and that is what we want to see. As I have said, we need to end the role of the European Court of Justice as the final arbiter of disputes*

*I am prepared to work night and day to negotiate a solution. But let me be clear, I will not sign up to anything which sees the people of Northern Ireland unable to benefit from the same decisions on taxation and spending as the rest of the UK, or which still sees goods moving within our own country being subject to checks.*

*My priority is to protect peace and stability in Northern Ireland. I want a negotiated solution but if we have to use legitimate provisions including Article 16, I am willing to do that. This safeguard clause was explicitly designed – and agreed to by all sides – to ease acute problems because of the sensitivity of the issues at play. The EU has already invoked this article to introduce a hard border for vaccine exports and, even in the act of withdrawing it, insisted on its right to do so again in the future."*

*I believe that the United Kingdom and the EU, as believers in freedom and democracy, are capable of working out a solution which delivers for the people of Northern Ireland. This will enable us to focus our energies on major external threats – such as Russia's aggressive activity towards Ukraine – and building*

*our economies following this pandemic. There is a deal to be done. By working together as sovereign equals, we can make it happen.*

Both the European Union and the Dublin Government were reported to have “brushed off” the perceived threat by the Foreign Secretary to trigger Article 16 of the Protocol. The EU Ambassador to the UK, Joao Vale de Almeida, said it was not helpful to “keep agitating the issue” while an Irish Government source described the comments as “bluster” designed for a Westminster audience.

## **Coveney-Truss Dinner, 6 January 2022**

The Minister for Foreign Affairs, Simon Coveney, and the UK Foreign Secretary, Liz Truss, had what was described by Irish and British sources as a “good and friendly” first meeting on the issue of Brexit and Northern Ireland on Thursday, 6 January 2022. They had previously met in 2014 when they were both responsible for their countries’ respective agriculture portfolios, but had not seen each other in person since. Truss became Foreign Secretary in the UK cabinet reshuffle in the autumn of 2021.

They discussed the Protocol, the UK’s wider relationship with the EU and United Nations security matters including the crises in Ukraine and Kazakhstan. While the meeting was described as “good”, British sources said Secretary Truss would not be dropping demands for further compromises from the EU on the Protocol.

An Irish government source said: “The Minister for Foreign Affairs and the Foreign Secretary have previously worked together in the agriculture brief, so it was good to have the opportunity early in the new year to meet in person. They had a good and friendly

discussion on all matters in their current brief, including Brexit in Northern Ireland as well as matters of the UN Security Council.”

UK sources continue to stress that the UK is seeking a radical reduction in trade barriers affecting consumers and businesses in Northern Ireland amid continuing threats by the DUP to leave the Stormont Assembly unless the current protocol is torn up. The UK is also maintaining Lord Frost’s insistence on changes to the Protocol sections on rules of state aid, governance and dispute resolution, removing the European Court of Justice as the sole arbiter in the event of trade disputes.

Foreign Secretary Truss has said she wants “a comprehensive solution” and commentators have seen her appointment as a reset moment with expectations of fresh impetus to be forged at her initial meeting with Commission Vice-President Šefčovic next week. It is believed that the UK accepts that a two-stage solution may break the nine-month impasse, with agreement on customs paperwork and physical checks finalised by the end of February to avoid a crisis as the campaign gets underway for the Stormont elections in May. The more tricky governance issues would then be postponed to the second half of the year.

## **Liz Truss Party Meeting**

In addition to her dinner meeting with Simon Coveney Foreign Secretary Liz Truss has held meetings with DUP and Sinn Féin delegations to discuss the state of play in the protocol discussions.

DUP leader Jeffrey Donaldson indicated that he had “paused” his threat to withdraw from the Northern Ireland Executive to permit the new UK negotiator start her engagement with the EU Commission. After his meeting with Liz

Truss, he called for “immediate progress” and insisted that “if the EU are not prepared to agree on what is required then the government must take that unilateral action.”

Sinn Féin described their virtual meeting with the Foreign Secretary as “constructive” with Deputy First Minister Michelle O’Neill commenting that Liz Truss had said that “she did not want to trigger Article 16” but adding that the UK is “yet to see the colour of her money. Time will tell if that is the case.”

## Section Two: The Evolving Debate

### Jeffrey Donaldson’s Seven Points

The DUP leader, Sir Jeffrey Donaldson, has produced a document, circulated to Conservative Party MPs, setting out his views on the impact of the impact of th

e Protocol on Northern Ireland and on the wider United Kingdom and restating his argument that the “sea border must go”. He set out his argument in seven short bullet points:

This government pledged to protect and strengthen the UK internal market as part of *New Decade New Approach* deal; It threatens the constitutional integrity of the United Kingdom; It is costing the Northern Ireland economy £2.5m every day; No elected unionist representative in Northern Ireland supports the Protocol; It is entirely undemocratic; This is not Brexit; A good deal for the EU, a bad deal for the UK.

Sir Jeffrey told the *Belfast Newsletter* that:

*The Protocol was sold on the basis of promoting peace and stability yet there is no cross-community support and it undermines a key foundation that political progress was built upon. The*

*Assembly and Executive were restored on the basis of a clear promise that Northern Ireland’s place within the UK internal market would be restored. Whilst trade barriers between Great Britain and Northern Ireland remain that promise has not been fulfilled and devolution is undermined. No-one who supported leaving the European Union did so on the basis of it driving a wedge between constituent parts of the UK. Whilst the Irish Sea border exists, Brexit has not been delivered.*

### Politico on Brexit Britain at 1

The international think tank Politico asked politicians, diplomats and experts on both sides of the Channel to offer their ‘take’ on what Brexit has taught them. Below are three extracts.

Nick Witney (Senior Policy Fellow at the European Council on Foreign Relations) said the following:

*In early December, a Tale of Two Visits played out in Washington. EU Competition Commissioner Margrethe Vestager met U.S. President Joe Biden’s top economic team for wide-ranging discussions on digital issues — from regulation and security to competition, as well as meeting the Chinese technological challenge.*

*The other visitor was Anne-Marie Trevelyan, Britain’s new international trade secretary, with a narrower mission — an (unsuccessful) bid to get the Americans to remove tariffs on British steel and aluminum exports, as they had already agreed for the EU.*

*This was not how the first year of Britain’s recovered sovereignty was meant to*

*conclude. In the Brexit prospectus, the sclerotic EU should be fading into geostrategic irrelevance, if not actually breaking apart. Yet, despite the bloc's unpreparedness to sign up for a new Cold War with China, the U.S. and EU have recognized in each other an indispensable partner if the West is to hold its own against the totalitarians. With the battle for the future increasingly fought in arenas like cyberspace, data, artificial intelligence and their regulation, the EU finds its strengths at a new premium.*

*By contrast, Global Britain was meant to be re-emerging as a great maritime trading power, shoulder-to-shoulder with the U.S. as "indispensable allies and pre-eminent partners." Instead, Brexit has "thumped" the U.K. economy, whilst the notion of a commercial El Dorado in the Indo-Pacific has been exposed as a pipedream. The U.S. has humiliated Britain in Afghanistan and cold-shouldered it on trade to deter further recklessness over Northern Ireland. Geostrategic irrelevance, and breaking apart, now look like the U.K.'s risks, not the EU's.*

*Britain has what it takes to play an important and prosperous role in shaping the new rules-based international order, triangulating between U.S. and EU, on issues from the climate crisis to globalization. But only if its government sheds the Brexiteers' nostalgic fantasies.*

Matthew Elliott (Chief executive of the Vote Leave campaign) remarked:

*One thing alone made Brexit worthwhile in 2021 — the vaccine rollout. The U.K. led the way in Europe in getting people jabbed, enabling the government to lift*

*coronavirus restrictions far sooner than any country in the European Union.*

*Less progress has been made on attaining the economic benefits of Brexit, but this is understandable with the focus on fighting the pandemic, and we did manage to sign a free trade agreement with Australia and lay the foundation for further progress in 2022.*

*Some people suggest that with David Frost out of government, progress will slow on Brexit, but in appointing Liz Truss to head up Britain's EU policy, Boris Johnson couldn't have picked a stronger champion of business and enterprise to lead the charge. Like Frost, she supported Remain in 2016, but the zeal she has shown for free trade demonstrates her understanding of the opportunities that Brexit presents.*

*Now we're reaching the beginning of the end of COVID-19 (touch wood), the government will have more bandwidth to focus on fully attaining these opportunities. And with Goldman Sachs, HSBC, the International Monetary Fund and the World Bank all predicting that the U.K. will be the fastest growing economy in 2022 — for the second year in a row — that's a significant vote of confidence in post-Brexit Britain.*

David McAllister (German MEP and Chair of the European Parliament Committee on Foreign Affairs) stated the following:

*The main lesson learned from Brexit is that a complex process such as disentangling a large economy from the market it was so deeply integrated into over the past decades must be carefully assessed, planned and implemented.*

*This process should be based on facts and not on empty promises. Apart from a somewhat abstract reference to "taking back control," there have so far been no tangible benefits from Brexit either in terms of trade or in terms of GDP. No free trade agreement can ever match membership nor participation in the single market.*

*Secondly, the very serious practical difficulties citizens, businesses and supply chains are facing in the United Kingdom stem from the type of Brexit chosen by the U.K. government. The necessary consequences were well known in advance in London. The Withdrawal Agreement and the Trade and Cooperation Agreement have to be implemented on the agreed terms and in good faith. We need to de-dramatize and de-politicize the discussions and focus on real, practical, issues. Engaging with stakeholders in an open and transparent manner is essential. Triggering Article 16 [of the Northern Ireland protocol] would have a destabilizing effect.*

*Thirdly, geographically-close neighbours and allies that share so much in terms of history and values cannot afford to get trapped in a permanent crisis mode. It is a waste of energy and resources, and also risky given the growing geopolitical uncertainties. We should seek new ways to broaden and deepen the EU-U.K. partnership on foreign affairs and defence. I am convinced it would be beneficial for both sides to maintain a close and lasting cooperation given our shared values and interests.*

## Manufacturing NI Survey

The business representative group Manufacturing NI have found that less than 25 per cent of more than 160 firms surveyed were still struggling with border controls between Britain and Northern Ireland, down from 40 per cent six months earlier. The survey also found that staff shortages, rather than the protocol, was the most concerning issue for companies. The results were published as 'Traders Experience of the NI Protocol - 1 Year on' edited by Connor Doherty:

*Manufacturing NI have been gauging opinions of manufacturers about their experience with the NI Protocol throughout 2021. Earlier this month we surveyed the sector and asked about the performance of their businesses during 2021 (one full year of the Protocol's operation) and what they would like to see now as the UK and EU restart discussions on the operation of the Protocol. Some highlights of the findings:*

*It's the availability of people, not the Protocol which is most exercising firms. The Protocol ranked 4th of 4 options.*

*Less than 1 in 4 continue to struggle with the processes in the Irish Sea. This is down from 40% six months ago. Just over half report a negative impact in 2021, this is down from 77% in April. 1 in 6 report a positive impact.*

*GB supplier readiness and willingness remains the big issue. 1 in 5 report their GB suppliers are unwilling to send. This has remained consistent throughout 2021. After initial disruption, EU supply chains have recovered but more work still to be done by the EU to educate EU traders.*



*GB sales appear to be on a par – most as expected but around 1 in 5 reporting a negative impact and 1 in 5 reporting a positive impact. 28% report an increase in sales with the EU. One third believe disruption will persist which is down around a quarter from July.*

*There's been a huge uptick in firms accepting that the Protocol is here but wanting it to work better through simplifications. Consistently through 2021, 1 in 5 manufacturers say they'd like the Protocol replaced (we didn't ask with what). 2 out of 5 want the NI Executive to secure the opportunities presented by the Protocol.*

In another development, highlighted by the Belfast Telegraph, a group of Northern Ireland experts in investment and economic policy gave evidence to a Westminster Committee, stating that the pipeline of investors considering moving into Northern Ireland is stronger than ever as companies seek to exploit the dual market access offered by the Protocol. They also stressed the need to resolve the uncertainty around the more contentious elements of the Protocol, in particular in respect of the creation of trade barriers.

## Section Three: Background Material and Further Reading

### Background Material

**European Commission** Joint Statement by Vice-President Maroš Šefčovič and UK Foreign Secretary Liz Truss, 14 January 2022. [https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT\\_22\\_362](https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_22_362)

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