

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)

Introduction

The *Daily Express* on 16 July 2022 carried a full-front-page message from Boris Johnson: "Boris' Message to Next PM: 'You Must Finish Job on Brexit'". The Prime Minister is quoted as telling his closest allies that, while he did not specifically support anyone in the leadership campaign, "Whoever it is must finish the job on Brexit –let the lion roar for Britain. Brexit needs to be properly done." According to a source. Johnson "will be watching to ensure his three big issues remain a priority for his successor."

Within hours, Rishi Sunak, the former Chancellor and favourite in the succession stakes, told *The Telegraph* that he will have "scrapped or reformed all of the EU law, red tape and bureaucracy that is still on our statute

book and slowing economic growth" by the time of the next election, if he succeeds Boris Johnson as prime minister. He would task a Brexit Minister and a new Brexit Delivery Department with reviewing all 2,400 EU laws transferred over to the UK statute book after the UK's exit from the bloc. He would demand the first set of recommendations as to whether each law should be scrapped or reformed "within my first 100 days in the job". The Brexit warning from the outgoing Prime Minister is critical to understanding the Tory leadership campaign. The nature of the party process, with the decision on who will be the next Prime Minister of the United Kingdom being taken by Tory party members who represent a miniscule proportion of the national electorate, results in what has been described as "an insular conversation that has

focused on the policies the candidates believe will land well with party members, who are overwhelmingly middle class, male, white and aged over 50." Brexit – in particular the ideological hard-line Boris Johnson version of Brexit – is central to the policy priorities of that small electorate.

Brussels and Dublin are watching the leadership contest with a mixture of concern and some mild optimism. Bertie Ahern sees Johnson's departure as a "glorious opportunity to try and amend what has happened over the last number of years." Taoiseach Micheál Martin has spoken of a return to the conduct of relationships "in the spirit that characterised the beginnings of the Good Friday Agreement."

Section One: State of Play

Tory Leadership Campaign - Sunak versus Truss

The final ballot of Tory MPs has seen the former Chancellor, Rishi Sunak, and the Foreign Secretary, Liz Truss, emerge as the two candidates who will seek the individual votes of the Tory Party membership for the positions of Party Leader and, hence, Prime Minister. The votes cast in the final ballot: Rishi Sunak 137; Liz Truss 113; Penny Mordaunt 105.

Next, the 160,000 Conservative Party members will vote to decide their preferred candidate on a one-member-one-vote basis, with a deadline of 3 September to cast their vote. A new Conservative leader, and thus Prime Minister, is expected to be announced on 5 September, when the House of Commons returns from the summer recess. Boris Johnson has stated that he plans to go to Buckingham Palace to resign on Tuesday 6 September, with the new Prime Minister to be appointed by Queen Elizabeth later that day.

Three MP Ballots

Three earlier ballots of Conservative MPs took place. Under the rules, which required candidates to receive nominations from 20 MPs, eight candidates qualified – Rishi Sunak, former Chancellor; Liz Truss, Foreign Secretary; Suella Braverman, Attorney General; Penny Mordaunt, Trade Minister; Nadhim Zahawi, Chancellor; Tom Tugendhat, Chair of Commons Foreign Affairs Committee; Jeremy Hunt, former Foreign Secretary; Kemi Badenoch, former Equalities Minister. The racial and gender diversity of the candidates has been described as impressive, and as putting the Labour Party – still to elect its first female leader- to shame.

The first ballot resulted in the elimination of two candidates – Nadhim Zahawi and Jeremy Hunt – and the second saw the elimination of Suella Braverman. The remaining five went on to participate in televised debates. The third and fourth ballots resulted in the elimination of Tom Tugendhat and Kemi Badenoch, respectively.

Leadership TV debates

Three TV debates were scheduled. Two took place but the third was cancelled, with Rishi Sunak and Liz Truss declining to appear. "Conservative MPs are said to be concerned about the damage the debates are doing to the image of the Conservative party, exposing disagreements and splits within the party", said Sky.

The first debate – on *Channel Four* – produced the *Irish Times* headline "Gloves come off quickly as Tory leadership candidates go head to head in TV Debate." The five clashed on tax, trust and trans rights, making personal attacks on one another from the outset. Rishi

Sunak accused Liz Truss of “peddling fairy tale economics” and Tom Tugendhat suggested that those who served in Boris Johnson’s cabinet “enabled” his misdeeds.

The second debate – on ITV – led to the BBC headline “Rivals get personal” while Journal. ie wrote of an “ill-tempered TV debate”. Rishi Sunak spoke of Liz Truss’ “something-for-nothing-economics” while he was attacked from all sides over tax rises. Asked if they would sit next to Vladimir Putin at a G20 summit, all but Liz Truss said they would not. She said she would “call Putin out”. All five ruled out an early general election and all indicated that they would not give Boris Johnson a cabinet post.

Candidate Opinions on Northern Ireland Protocol Bill

The views of the five candidates on the Northern Ireland Protocol Bill have emerged in different conversations as the TV debates have not addressed the issue.

Rishi Sunak has not made a formal declaration on the Bill but a source has said that he “would let the bill go through, but there would be a different tone.” Liz Truss, who brought forward the legislation, argues that it is “legal and necessary”. Tom Tugendhat has said that the Bill delivers leverage in dealings with the EU and he wants to see a clean start between the UK, EU and Irish Government. Penny Mordaunt has made no public comment on the Bill but supporters say that she plans to play “hardball” with the EU. Kemi Badenoch voted for the Bill on Second Reading but has made no public comments on it.

Northern Ireland Protocol Bill / Committee Stage

The Northern Ireland Protocol Bill commenced its detailed Committee Stage in the House of Commons on 13 July. MPs voted against a number of proposed amendments following a long and extensive debate. The Northern Ireland SDLP and Alliance Party and the Labour and Liberal Democrat parties had tabled a number of amendments, none of which were successful.

A Liberal Democrat amendment sought to require the Government to set out the legal justification for the Bill but was rejected by a margin of 313 to 231. A majority of 308 to 230 rejected an SDLP amendment seeking to protect the part of the Protocol linked to democratic consent. And, a Labour Party amendment seeking to prevent ministers from deviating from the Protocol unless there was agreement between the UK and EU, was voted down by 300 to 229.

The Committee stage will continue in the following week with a view to sending the Bill forward to the House of Lords for consideration after the summer break. To date there has been no evidence of a Tory revolt with a full Government vote on each amendment. No Tory MP has risked expulsion from the Parliamentary Party at this time of deep internal debate following Boris Johnson’s resignation and the increasingly divisive leadership campaign.

The hours of Committee Stage debate reported in the pages of Hansard reflected deep divisions on the content of the Bill itself and on the Protocol debate in Northern Ireland politics. A number of interventions from the lengthy discussions reflect these realities:

The DUP's Sammy Wilson MP said:

On the question of necessity, does the hon. Gentleman accept, first, that we have dysfunctional government in Northern Ireland, and that the terms of the Belfast agreement have totally broken down and some have been removed? Secondly, does he accept that that has been brought about as a result not of actions by this Government, but by the protocol, the actions of the EU and the way in which it has insisted that it be applied? Thirdly, does he accept that the EU has not even tried to remedy this, because it has refused to negotiate, so necessity has been proved?

Also from the DUP, Party leader Jeffrey Donaldson MP, stated:

Article 16 and the triggering thereof is a temporary measure; it is not a permanent solution. What I need, what Northern Ireland needs and, especially, what business in Northern Ireland needs is certainty. That is why we believe that the Government are right to bring forward proposals for a longer-term solution, and not just to go for the temporary fix—the sticking plaster—of article 16. That will create more uncertainty rather than giving us certainty, and it is certainty that we are looking for. That is why I think that what the Government have done is right in the circumstances.

From the SDLP, party leader Colum Eastwood MP. Intervened on the question of consent:

On the point about consent—we did get slightly distracted—I totally and absolutely disagree with the right hon. Gentleman and Lord Trimble on how

they say consent works. It is not an elastic principle; it is about one thing, the constitutional position of Northern Ireland. If it is elastic, however, does it apply to Brexit, since that was a constitutional rupture for the people of Northern Ireland, and the people of Northern Ireland voted against it? If it applies to the protocol, why does it not apply to Brexit?

For the Labour Party, Shadow Northern Ireland Secretary, Peter Kyle MP, said:

The Bill tells us everything we need to know about the Tory party of today, because it represents an abdication of all responsibility—the responsibility to play by the rules, the responsibility to be honest about our actions and their consequences, the responsibility to honour our commitments made on behalf of our country. On Second Reading, the Foreign Secretary declared herself a patriot. Patriotism includes our flag, of course, but it is also about our values. To me, those values should unite all democratic politicians, irrespective of political party. They include respect for the rule of law and equality before it; respect for human rights and the institutions that defend them; and respect for commitments, foreign and domestic, voluntarily entered into and collectively applied.

It says a lot that simply describing those values sounds like a criticism of the Conservative party, the current Prime Minister and almost certainly the next. It is most certainly a criticism of the Bill, which not only breaks convention—the law—but betrays our values as a Parliament and as a country. The Bill

exists because the Prime Minister was not honest about the full nature of the Brexit deal. That was followed by a manifesto that promised that his deal was "oven-ready" and vowed to the public that there would be no renegotiations of it.

Stella Creasy MP from the Labour Party Benches, noted:

We are now nearly three hours into the debate and we have not named what the actual problem is. The honest truth is that the problems did not start with the protocol; the problem is Brexit and the necessity of the protocol. For the avoidance of doubt, to acknowledge that Brexit is the problem is not to say that we do not need to change the protocol, it is not to call for us to rejoin the European Union and it is not to call for a second referendum. It is to recognise that selective democratic deafness when trying to discuss what we need to do will continue to damage all our opportunities unless we recognise that there is not a protocol solution that is as perfect as the previous trading arrangements we had.

Speaking before the Debate the new Northern Ireland Secretary, Shailesh Vara, said that the Government remained determined to pass legislation to override the Protocol if agreement could not be reached with the EU. He said the Bill was a last resort for a Protocol which was not working and, despite the intensity of the Tory Party leadership campaign he would take steps to ensure that Northern Ireland issues would remain a real priority.

Keir Starmer at Centre for European Reform 4 July 2022

On 4 July 2022, the Labour Party leader, Keir Starmer, addressed the Centre for European Reform think tank on the subject of "A plan to make Brexit work."

But the first step in doing so is to ensure Britain thrives in its new role in the world by ensuring we make Brexit work. There are some who say "we don't need to make Brexit work – we need to reverse it." I couldn't disagree more. Because you cannot move forward or grow the country or deliver change or win back the trust of those who have lost faith in politics if you're constantly focused on the arguments of the past. We cannot afford to look back over our shoulder because all the time we are doing that we are missing what is ahead of us.

So let me be very clear. Under Labour, Britain will not go back into the EU. We will not be joining the single market. We will not be joining a customs union.

The first step is clear and obvious. We must sort out the Northern Ireland protocol. If you're going to make Brexit work, that has to be the starting point.

Just a few weeks ago, I had the pleasure to spend a week in Dublin and Belfast. Businesses there are clear – they can make it work. The solutions are there, the desire is there. What is lacking is trust. That crucial ingredient that has always characterised progress in relations between our islands has been eroded by this government. Labour will change that. We will be the honest

broker our countries need. We will get the protocol working and we will make it the springboard to securing a better deal for the British people.

As well as building trust, Labour would eliminate most border checks created by the Tory Brexit deal with a new veterinary agreement for agri-products between the UK and EU. And we will work with business to put in place a better scheme to allow low-risk goods to enter Northern Ireland without unnecessary checks.

The second step we would take is to tear down unnecessary barriers. Outside of the single market and a customs union, we will not be able to deliver complete frictionless trade with the EU. But there are things we can do to make trade easier.

Labour would extend that new veterinary agreement to cover all the UK, seeking to build on agreements and mechanisms already in place between the EU and other countries – benefiting our exporters at a stroke.

Brandon Lewis Resignation

Northern Ireland Secretary Brandon Lewis joined the list of cabinet resignations as the Boris Johnson administration collapsed. In his resignation letter he wrote:

Through the challenges of the last two and a half years, we have taken important steps to secure the future peace and prosperity of Northern Ireland. I am pleased to have guaranteed the greatest funding settlement for Northern Ireland since devolution in 1998. The legacy of the Troubles is one of the most complex and sensitive policy issues we have faced, one that successive Governments have

struggled to address, so I am immensely proud that we have persevered and brought in the Northern Ireland (Legacy and Reconciliation) Bill.

We have taken huge strides to level up the economy of Northern Ireland and have not shied away from taking other difficult decisions; confronting the practical issues with the Northern Ireland Protocol, advocating for the reproductive rights of women and championing the benefits of integrated education for all. A decision to leave Government is never taken lightly, particularly at such a critical time for Northern Ireland.

Shailesh Vara appointed Northern Ireland Secretary

Shailesh Vara, is a Ugandan-born Conservative MP, first elected in 2005. He was appointed to the Northern Ireland Office as a junior minister in 2018 in the Theresa May administration. Having voted Remain in 2016 he resigned from the NI Office after just five months arguing that the draft Brexit withdrawal agreement did not honour the outcome of the referendum but left the UK in a “Half-way House” and stating that “the constitutional integrity of the UK must be respected.”

Shailesh Vara said that his immediate priority was to restore the Stormont Executive as soon as possible. He had a “warm and friendly” call with Foreign Affairs Minister Simon Coveney. His appointment was welcomed by the DUP leader, Jeffrey Donaldson, saying that he will bring a new “energy” to the position. He spoke by phone to the Northern Ireland party leaders after which the SDLP leader, Colum Eastwood, commented that he “hadn’t been impressed by his grasp of Northern Ireland issues and didn’t expect him to be here too long.”

British-Irish Council, 8 July 2022.

The British-Irish Council held its 37th Summit meeting on 8 July 2022 hosted by the Government of Guernsey. The Taoiseach, Micheál Martin, attended the Summit together with Heads of Government from Scotland, Wales, Jersey, Guernsey and Isle of Man. There is no First Minister in Northern Ireland and Ministers attended. The UK situation in the aftermath of the Prime Minister's resignation led to the delegation being led by NI Minister of State, Conor Burns, replacing Michael Gove who had been removed from Cabinet.

The Council reflected on the latest political developments across their administrations and took the opportunity to engage on a number of topics of mutual interest. These included the Russian invasion of Ukraine, the impact of the rising cost of living particularly in the areas of fuel and housing, shared climate and decarbonisation objectives, ongoing relations with the EU, and the continuing challenges posed by the Covid-19 pandemic.

Peace Plus Programme

The European Commission has adopted PEACE PLUS, a new cross-border EU programme to strengthen peace and reconciliation and cross-border cooperation between Ireland and Northern Ireland. It combines the previous INTERREG and PEACE funding strands into a new programme for the 2021-2027 EU period. The Commission will invest €235 million from the European Territorial Cooperation allocation of the European Regional Development Fund. Together with the UK's financial commitment and additional national co-financing from Ireland and Northern Ireland, this will result in

a total investment of €1.1 billion in peace and prosperity on the island of Ireland.

Vice-President for Inter-institutional Relations and Foresight, Maroš Šefčovič, said:

The EU has proven time and again its commitment to the Good Friday (Belfast) Agreement. Today is another concrete example of that support – together with the Irish and British governments, the new PEACE PLUS programme will provide around €1 billion to Northern Ireland and the border counties. Preserving the hard-earned gains of the peace process will always be of paramount importance to all Europeans.

Section Two: The Evolving Debate

NI Civic Leaders on the Protocol

Business and Community leaders in Northern Ireland have expressed their viewpoints on the Protocol in a number of statements delivered to the London Government. A Queens University survey indicated that "Three-quarters of our respondents in our regular survey on the protocol said they wanted a negotiated outcome between the UK and the EU and that would be preferable to unilateral action."

Manufacturing NI argued that:

Taking unilateral action will only prolong the issues here and not actually arrive at a sustainable place. It is our collective view that a negotiated outcome is the only thing that will be sustainable. We have very significant concerns about the content of what's in the Northern Ireland Protocol Bill and we are communicating

that to the UK government, by a series of questions, that it is not clear, should the UK take this unilateral action, that what they've suggested will actually work. The key message consistently from business and the wider community is the need for certainty and stability and the protocol Bill certainly does not bring that; in fact, it leaves many more question marks over Northern Ireland's trading status.

The Equality Commission for Northern Ireland stated that:

Our key ask would be that government ensures the full and effective implementation of the commitment it made in article two of the protocol, which was a really important commitment the UK government made to no diminution of certain equality and human rights as a result of Brexit. In our recent independent survey, over half of the respondents were aware of the commitment and almost three-quarters – 72 per cent – said the commitment was important to them; so people in Northern Ireland understand the importance of government not rolling back on equality and rights.

The Federation of Small Businesses in Northern Ireland wrote:

The one message to the leadership candidates is to come and engage, engage seriously in advance of taking the job and understand what the problems and challenges are and work out what the potential solutions might be with business. "It would be much better for them and for us if they engaged first and developed their ideas and their solutions in consultation with business in

Northern Ireland rather than in isolation, because in some ways the protocol – and I suppose there are some of them who don't yet realise this – the protocol is the whole keystone of their policy arch. For us the real priority, irrespective of who's in government in Westminster, is devolved government in Northern Ireland.

The Irish Congress of Trade Unions said:

Until we have that and until the protocol issue is put to bed, you're going to have it as a divisive issue that is causing instability – and that's hugely problematic – so the message would be: get into meaningful negotiations where you understand where the other side is, where you compromise; and see compromise as a positive strength, not a source of weakness.

Politico Report on Truss Consultation

A Politico special report from Dublin wrote of the mixed reception among participants when Foreign Secretary Liz Truss brought together businesses and lobby groups from Great Britain and Northern Ireland to talk through the government's controversial plans on the Northern Ireland Protocol. The Foreign Secretary's briefing at the Foreign Office brought together senior executives from organisations including Asda, the Royal Mail, the U.K. Road Haulage Association and, by video link, from Belfast, leaders of several business associations including the umbrella Business Brexit Working Group.

A Politico correspondent "took the temperature" on the behind-closed-doors attempt to sell the Northern Ireland Protocol Bill to business leaders, and found opinion split roughly down

geographic lines – with firms in Britain broadly in favour of the Government plan and those in Northern Ireland fearful it could negatively affect their preferential access to EU markets.

Business participants told Politico that the U.K. government ministers basically said nothing they hadn't said many times before. "I've heard Liz Truss give the same speech a dozen times already and still don't fully believe it," said one participant. "This wasn't a consultation as they claimed it would be. We weren't provided anything specific or tangible to consult on. The U.K. government position remains all woolly ideas and fanciful hopes at this stage."

An apparent outlier in the discussions was the Road Haulage Association, which expressed enthusiasm for the bill's proposal to permit Northern Irish businesses to handle goods that follow U.K., but not EU, rules. "The GB hauliers love the bill because it removes risks and paperwork burdens for them when shipping to Northern Ireland and dumps all those risks all on to Northern Ireland shoulders," said one participant. "It's clear Truss is happy to throw Northern Ireland's EU market access under the bus."

Chinese Embassy

Mr Johnson marked the 25th anniversary of the handover of the former British colony of Hong Kong to China with a tweet: "25 years ago we made a promise to the people of Hong Kong. We intend to keep it." The Chinese embassy in Ireland screen-grabbed the tweet and responded: "Two years ago we made a promise to the Northern Ireland Protocol. We are determined to break it."

Section Three: Background Material and Further Reading

Background Material

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