

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 resignation of the British Prime Minister, Liz Truss, after a mere six weeks in office – making her the shortest-serving UK Prime Minister - threw British politics into an extraordinary, unprecedented crisis. The commencement of the search for a successor immediately revealed the deep divisions within the ruling Conservative Party.

As former Chancellor Rishi Sunak emerged as the frontrunner, indications that Boris Johnson, whose departure as Prime Minister in September had created the vacancy filled by Liz Truss, was considering a campaign to re-enter No.10 caused immediate, divisive headlines ranging from "Boris is Back" to the dire warning that his return "would risk the Tory party's death." In the event, Boris Johnson pulled out of the race citing divisions

in the party and saying that this "is not the right time." Rishi Sunak and the Leader of the House of Commons, Penny Mordaunt, remained in contention

In the *Irish Times* Pat Leahy called on readers to "Stop laughing and start worrying about what is happening to Britain".

Also in the *Irish Times*, one commentator states, "Brexit has returned to haunt us in the build up to Halloween" - reflecting the fact that, as a more positive tone in political debate became evident and formal UK-EU talks on the protocol restarted, the deadline for restoration of the NI Assembly and Executive on 28 October posed a real threat. The Northern Ireland Secretary, Chris Heaton-Harris has been consistently "adamant" that there will be fresh elections if the institutions are not restored in due time.

Meanwhile, the Cathaoirleach of Seanad Éireann, Mark Daly, has initiated a series of hearings on the constitutional future of Ireland. And, the Ireland's Future group - established to campaign for new constitutional arrangements on the island of Ireland - attracted several thousand participants to a weekend conference addressed by speakers from politics, academic bodies and broader society.

Section One: State of Play

Prime Minister Rishi Sunak

On Tuesday 25 October 2022, Rishi Sunak was invited by King Charles III to form a Government and became, at 42 years old, the youngest UK Prime Minister and the first of Indian ancestry. He became leader of the Conservative Party after his was the only formal application to achieve the 100 nominations target following the withdrawal of Penny Mordaunt. His application was endorsed by more than 50% of Tory MPs.

The new Prime Minister, in his initial Statement, highlighted the 'profound' scale of the economic challenges faced by the UK and emphasised the need for a united effort to meet them. He then entered No. 10 Downing Street and set about the process of forming his Cabinet.

The Taoiseach Micheál Martin had responded to Rishi Sunak's election as party leader, tweeting: "Congratulations Rishi Sunak on becoming leader of the Conservative Party. I look forward to working with you, as British PM, on the important issues we face on these islands, and globally."

Prime Minister Liz Truss's resignation statement, 20 October 2022

Prime Minister Liz Truss announced her resignation – after just 45 days on office on 20 October 2022 – in a 90 second statement outside No.10 Downing Street.

I came into office at a time of great economic and international instability. Families and businesses were worried about how to pay their bills. Putin's illegal war in Ukraine threatens the security of our whole continent. And our country had been held back for too long by low economic growth.

I was elected by the Conservative Party with a mandate to change this. We delivered on energy bills and on cutting national insurance. And we set out a vision for a low tax, high growth economy – that would take advantage of the freedoms of Brexit.

I recognise though, given the situation, I cannot deliver the mandate on which I was elected by the Conservative Party. I have therefore spoken to His Majesty the King to notify him that I am resigning as Leader of the Conservative Party.

This morning I met the Chair of the 1922 Committee Sir Graham Brady. We have agreed there will be a leadership election to be completed in the next week. This will ensure we remain on a path to deliver our fiscal plans and maintain our country's economic stability and national security. I will remain as Prime Minister until a successor has been chosen.

The Prime Minister's departure came in the wake of the humiliating series of policy U-turns announced by the newly appointed Chancellor of the Exchequer, Jeremy Hunt, reversing

many of the initiatives contained in the 'mini budget' promoted by Prime Minister Truss and her first Chancellor, Kwasi Kwarteng, which had caused extraordinary currency and stock market upheaval, threatening the entire UK economy. Her downfall was accelerated by a day of chaos on Wednesday 19 October with the sudden resignation of the Home Secretary, Suella Braverman, expressing serious concerns about the handling of key elements of policy. This was followed by widely reported confusion over the Government's management of a House of Commons vote on the controversial issue of fracking.

Change of Mood

The apparent change of mood on the protocol impasse seen in the early days of the Truss administration continued as UK-EU talks resumed at official level after a number of months. The Taoiseach, Micheál Martin, expressed the hope that a successor to Liz Truss would be elected soon and that the issues under discussion could be quickly resolved with a new London administration. Similar hope were contained in comments by EU leaders gathering in Brussels for a meeting of the European Council,

The Taoiseach met Prime Minister Truss in London and Prague with the Ms Truss emphasising that the UK wants to find a negotiated solution to the ongoing debate. Simon Coveney, the Foreign Affairs Minister, met the Northern Ireland Secretary, Chris Heaton-Harris, in Belfast, with the Minister talking warmly about the messages coming from the new UK ministers. Mr Coveney then hosted the New Foreign Secretary, James Cleverly, at a working dinner at the Irish Embassy in London. The Minister and the Foreign Secretary both spoke in warm terms about their discussions and expressed a desire

for close cooperation on issues including the Protocol.

The Foreign Affairs Minister visited Belfast on 12 October 2022 to meet the Northern Ireland parties after which he said that the UK and EU negotiators are working to agree "a way forward" that will give the UK enough political cover to avoid fresh elections in Northern Ireland.

The Prime Minister told Northern Ireland Conservatives at the party conference in Birmingham that she is determined to sort out the Protocol and that "I want to see the Assembly and Executive back up and running. I want to see decisions being made in Northern Ireland and I want to see new jobs, new investment, new opportunities." The NI Secretary told the same gathering of his hopes for a deal.

Minister Steve Baker 'apologises' over Brexit negotiations

The Minister of State for Northern Ireland, Steve Baker, has apologised for failing to understand the Irish Government's concerns during Brexit negotiations and has argued that the UK needed to "show humility" in its dealings with the EU if a deal on the Protocol is to be reached. Mr Baker, like his Secretary of State Chris Heaton-Harris, has chaired the hard line European Research Group.

Mr Baker told Irish media that he was convinced that the Protocol issues could be "de-escalated" if all sides came together in the spirit of goodwill: "We can get a deal which works for everyone respecting everyone's legitimate interests north-south and east-west." His remarks were greeted with surprise in Dublin but the Taoiseach, Micheál Martin, commented: "I think they were honest and

very, very helpful and I look forward to continuing engagement with Minister Baker and indeed others in the British government.”

“The read out on Steve Baker is that he is that rare Tory politician who is both interested in and seems to understand the North” said one senior Northern Ireland business leader while Prime Minister Truss told UTV that Steve Baker was “speaking for himself”.

Prime Minister’s Questions, House of Commons, 12 October 2022

Prime Minister Truss replied to a Question on the NI Protocol from the DUP leader, Sir Jeffrey Donaldson, who asked:

I welcome the renewed negotiations with the European Union about the Northern Ireland protocol. Does the Prime Minister agree with me that the outcome of those negotiations must reflect the objectives outlined by the Government in the Northern Ireland Protocol Bill, and that that is the key to unlocking the door to political stability in Northern Ireland?

The Prime Minister replied:

I very much agree with the right hon. Gentleman; we need to deliver for the people of Northern Ireland. That means making sure that we have free-flowing trade east-west as well as north-south, it means making sure that the people of Northern Ireland can benefit from the same tax benefits as people in Great Britain, and it means resolving the issues over governance and regulation. I would prefer to achieve that through a negotiated solution with the EU, but if we are not able to do that, we cannot allow the situation to drift; we have to proceed with the Northern Ireland Protocol Bill.

Prime Minister Truss on UTV3 October 2022

The Prime Minister spoke on UTV3 about need to solve the Stormont impasse:

What I want to see is the Assembly and the Executive re-established in Northern Ireland because the people of Northern Ireland need a government. I strongly encourage the parties in Northern Ireland to get on with that. I would like to see the Assembly established and the Executive established. I see no reason why that can't happen now.

All of the points that we identified in the [NI Protocol] Bill are genuine issues for people in Northern Ireland. Whether it is the ability to transfer goods freely between east and west, whether it is about people in Northern Ireland getting the same tax benefits. These are really important issues and when we designed the Northern Ireland Protocol Bill we were doing it on the basis of addressing the very real issues.

We also recognise that the EU have legitimate interests in protecting the single market. We have got to make sure we share commercial data, we want to make sure that the arrangements work for their concerns as well as our concerns. We have to have something that works for everybody, I am clear about that. But we also have to have something which protects the Belfast/Good Friday Agreement.

UK-EU Talks Start Again

The UK and EU held technical talks over the Protocol on Thursday afternoon, 6 October 2022. This first meeting since the break in

negotiations in February was held via video link and established an initial timetable for further negotiations. Foreign Affairs Minister Simon Coveney commented that the renewed discussions had gone “reasonably well.”

The resumption of talks followed a first meeting between the European Commission Vice President Maroš Šefčovič and the new British Foreign Secretary James Cleverly. The Vice President tweeted that he had had a good conversation with British Foreign Secretary James Cleverly and that their respective teams would meet soon. A meeting at the Irish Embassy in London between Foreign Affairs Minister Simon Coveney and James Cleverly gave added momentum to the resumption of meaningful engagement. Simon Coveney commented: “The mood music has changed quite fundamentally. We welcome that and we will work on not only the relationships to rebuild trust but also on solutions in a practical way.” Mr Cleverly said “The tone, I think, has improved. I think there is a recognition that it’s in our collective interest to get this resolved.”

The Belfast Irish News commented that “The resumption of talks on the Northern Ireland Protocol marks the start of what will hopefully be a process that finally finds solutions to issues that have dogged relations between London, Dublin and Brussels for too long. There is now genuine hope that when it comes to marking the 25th anniversary of the Good Friday Agreement next April, it will be against a background of much-improved relations between the UK and Ireland and a power-sharing executive back working for the people of Northern Ireland.”

Joint Communiqué of the British-Irish Intergovernmental Conference

A meeting of the British-Irish Intergovernmental Conference (BIIGC) took place at Lancaster

House, London, on 7 October 2022. The Conference (BIIGC) is an intergovernmental organisation established by the Governments of Ireland and the United Kingdom under the Good Friday Agreement in 1998. It first met in London in 1999.

The Conference met under its co-chairs Minister for Foreign Affairs, Simon Coveney TD, and Secretary of State for Northern Ireland, Chris Heaton Harris MP. The Conference discussed a lengthy agenda and a Joint Communiqué was issued. The key points included:

British-Irish Cooperation: The Irish and UK Governments agreed on the importance of strong British-Irish relations. The Conference discussed the ongoing work to enhance relations between the UK and Irish Governments and identified a range of high-value areas for deeper cooperation, with particular focus on cyber, energy, research and innovation.

Political Stability: The UK and Irish Governments reaffirmed their commitment to doing everything possible to facilitate the re-establishment of the Executive by 28 October and the full functioning of all of the political institutions established by the Belfast / Good Friday Agreement including the North South Ministerial Council. The Conference noted the ongoing discussions to address issues around the Northern Ireland Protocol and to find an agreed way forward. The Conference noted that the Secretary of State for Northern Ireland would come under a legal duty to call further elections to the Northern Ireland Assembly if the Executive is not restored by 28 October. The Conference agreed to continue close co-operation in accordance with the three stranded approach established in the

Belfast / Good Friday Agreement.

Rights and Citizenship Matters: The Conference discussed the Common Travel Area protections in the context of policy and legislative developments. The UK and Irish Governments reaffirmed their commitment to the reciprocal rights and privileges provided to UK and Irish citizens under the Common Travel Area.

Legacy: The Conference discussed the approach to the legacy of Northern Ireland's past and the value of further engagement on this crucial issue, in particular the Irish Government's concerns with the UK Government's proposed legislation and how those concerns might be addressed. The UK and Irish Governments also discussed issues of concern in respect to a number of individual legacy cases.

25th Anniversary of the Belfast / Good Friday Agreement: The Conference noted the 25th Anniversary of the Belfast/Good Friday Agreement next year and agreed on the importance of collectively marking this historic moment. It was agreed that the Conference should meet again in January 2023.

US Official visits Belfast

Derek Chollet, Counsellor with the US Department of State, and senior adviser to Secretary of State Blinken, visited Belfast on 10 October 2022 for a series of meetings with the Northern Ireland Secretary, the Northern Ireland political parties and leaders from business and industry.

Following a meeting with NI Secretary Chris Heaton-Harris, Derek Chollet met Stormont First Minister-designate Michelle O'Neill of Sinn Fein and the DUP leader Sir Jeffrey

Donaldson. He then went on to meetings with Alliance, UUP and SDLP and the Stormont Speaker Alex Maskey.

Speaking after the meetings, Mr Chollet said that they were "useful and productive" and noted that, while talks between the UK and EU have restarted, progress could take months rather than weeks. He commented:

Northern Ireland's political, economic, and social progress over the past two-and-a-half decades is a result of the courage of the region's decision-makers and its citizens. I left in no doubt that its political leaders have the capacity and will to find agreed solutions to their political challenges. As a friend and partner, the United States will continue to underscore the importance of the Belfast/Good Friday Agreement and support all who seek to fulfil Northern Ireland's great potential.

Prior to his Belfast visit Derek Chollet spoke in London calling on the UK not to cause "flare ups" over Northern Ireland:

The last thing we need is flare-ups right at a moment where transatlantic unity, European unity, is more important than ever. That is our north star. We understand that there are some practical realities and that adjustments could be made, But we don't think that unilateral steps are helpful. We want to see the temperature go down on this and I think, to everyone's credit, it has in recent weeks.

Northern Ireland Protocol Bill – House of Lords Debate

The controversial NI Protocol Bill reached the House of Lords chamber on 11 October. A lengthy debate on the Second Reading saw almost sixty interventions from all sides of

the House. A significant majority of speakers expressed opposition - either rejection of the measure on grounds of international law or opposition to specific provisions, in particular to those elements of the Bill which would give extensive powers to ministers.

The Bill received an unopposed Second Reading. The Bill's opponents withdrew two procedural Amendments for tactical reasons. They intend to "keep their powder dry" until the Committee Stage, scheduled to commence on 25 October when they will seek to delay the Bill indefinitely. Opponents also see the prospect of the Bill being withdrawn by the Government if the restarted UK-EU negotiations on the implementation of the Protocol make progress. One peer was quoted as saying "Truss may be laying the groundwork for an agreement with the EU but this Bill represents a sword of Damocles which threatens to cause irreparable reputational and economic damage to the UK. It must be taken off the table."

The proposed of the withdrawn Amendments spoke in the closing stages of the debate.

Lord Cormack said:

All I say to my noble friends on the Front Bench is that there were 59 speakers, 40 of whom were troubled and against the Bill and 19 of whom were in favour of it, including government Ministers. I urge my noble friends please to consider carefully what has been said: consider what has been said about the emasculation of Parliament; consider what has been said about alienating friends at a time when we need them most of all, in a dangerous world; and please, before

Committee begins, realise that there is deep disquiet throughout this House and in many quarters of the Conservative Party—I think I heard 10 speeches on this subject. Please can my noble friends talk and consider, and remember that decisions made in haste are not always the best decisions—that was really the subtext of the speech made by my noble friend Lord Frost.

Baroness Chapman stated:

At end insert "but that this House regrets that His Majesty's Government have introduced legislation which is widely perceived to breach the United Kingdom's obligations under international law; further regrets that they have proposed unparalleled delegated powers to be exercised by Ministers of the Crown, which could be used to undermine international law and which would be subject to little or no parliamentary scrutiny; calls attention to the serious concerns expressed by the Northern Ireland business community and the majority of members of the Northern Ireland Assembly over the contents of the Bill; notes that the Bill contradicts the policy platform endorsed by the electorate at the 2019 General Election; therefore calls on His Majesty's Government to prioritise a negotiated solution with the European Union, and to pursue existing legal options to resolve outstanding issues around the operation of the Protocol on Ireland/Northern Ireland; and further calls on His Majesty's Government to consider and report to the House on whether pausing this legislation would be beneficial to the progress of those negotiations or other processes".

Section Two: The Evolving Debate

Prague meeting of European Political Community

UK Prime Minister Liz Truss attended a 'EU+' summit of the European Political Community in Prague on 6–7 October 2022. The meeting was convened in Prague at the invitation of the Czech Government in its role as the current presiding country of the Council of the European Union. On 29 September the UK had announced that it would participate in the summit to show the unity of the continent in support of Ukraine.

During the Prague event, the Prime Minister had one-to-one meetings with several European leaders, including the Taoiseach, Micheál Martin, who commented after the brief discussion that he accepted the UK's "good faith" in efforts to find a solution to the Northern Ireland Protocol issue.

The 'EU+' summit meeting brought together representatives from the Member States of the European Union and from a number of bordering non-EU nations. Non-EU invitees are expected to include Armenia, Azerbaijan, Georgia, Iceland, Israel, Liechtenstein, Moldova, Norway, Switzerland, Turkey, Ukraine, the United Kingdom, and the Western Balkans countries.

The European Political Community is a new political grouping proposed by the French president Emmanuel Macron. In his role as the President of the Council of the European Union, President Macron officially presented the project at the meeting of the European Council on June 23 and 24, 2022. According to Mr Macron's proposal, the aim of the project is to provide a policy coordination platform for

European countries across the continent and foster political dialogue and cooperation in order to address issues of common interest, so as to strengthen the security, stability and prosperity of the European continent.

DUP Conference

The DUP annual conference in Belfast on 8 October 2022, heard the party leader, Sir Jeffrey Donaldson, state that the party will return to Stormont if there is clear action on the protocol.

The key section of his speech addressed the protocol issue:

However, the structures of Government at Stormont can only work with the support and buy in of unionists and nationalists. The imposition of the Protocol upon Northern Ireland has damaged and undermined the workings of our institutions. They cannot work without the restoration of the delicate political balance negotiated over many years and which has been disrupted by the Protocol.

In February of this year, after repeated warnings and the exhausting of patience we withdrew our First Minister. For over two years we urged the Government to get a better deal, only to be repeatedly rebuffed by the EU and told the Protocol was the only show in town and was not open for renegotiation. On 1 July last year I warned that devolution and the Protocol were not compatible. Again, on 9 September last year I repeated my warning. I do so again today.

When a trade border was erected between Northern Ireland and the rest of the United Kingdom, then of course it was going to

devastate political relationships and the delicate political balance in Northern Ireland. This is not a unionist question or a nationalist question. Equally it is not a question of either addressing the Protocol or addressing the cost-of-living crisis. The reality is that the Protocol is driving up the cost of living for every single household in Northern Ireland.

That is why this party will work relentlessly to have this burden removed. During the election campaign we were honest with the electorate that the Protocol represented an existential threat to the future of Northern Ireland's place within the Union and that it must be replaced by arrangements that fully restored Northern Ireland's place within the UK Internal Market.

The strong mandate that we received in the election has caused others to recognise the validity of our position and to act. As such, we welcomed and supported the introduction of the Northern Ireland Protocol Bill at Westminster. If fully enacted, this legislation has the potential to provide the solution that will free Northern Ireland from the grip of the Protocol and restore our rights as British citizens to trade freely with the rest of our own nation under Article 6 of the Acts of Union.

We also meet at a time when the UK Government has recommenced talks with the EU on the Protocol. As a party we welcome those talks and wish those involved well. The issue of which route is travelled – whether the talks with the EU are successful or whether the Protocol Bill at Westminster becomes law is not the dominant question. For us what is important is the destination reached.

Let me be clear – either the Prime Minister delivers the provisions of the Protocol Bill by legislation or by negotiation and ensures that our place in the United Kingdom is restored... or there will be no basis to re-enter Stormont. On this issue it is not words but actions we need to see and we will judge any outcome on the basis of actions not words.

For the benefit of those watching in London and Brussels, let me restate our clear commitment. If decisive action is taken on the Protocol that restores our place fully within the United Kingdom, this Party will take its place once again in a fully functioning Executive.

Conference, I know, and you know, we have the support of many thousands across Northern Ireland who want us to prevail on this most fundamental issue. We do not fear the prospect of a fresh election, far from it. If in the absence of his government righting the wrongs visited upon Northern Ireland the Secretary of State calls an Assembly election... we are ready and we will take our case to the people as the lead party of unionism.

Edwin Poots on RTE, 4 October 2022

Speaking on RTE's Morning Ireland programme, Mr Poots said any delay as a result of peers tweaking the legislation would be "an unacceptable and untenable position".

If it proceeds quickly [the Protocol Bill] that would be fantastic. However, it is going into the House of Lords stage and if the House of Lords decide to delay it, that could go on for another nine months and that is an unacceptable and untenable position for us.

"There won't be a Stormont government until this issue is resolved, that is the circumstances we find ourselves in. Therefore, whenever Ireland invites President Biden to come over for the 25th anniversary of the Belfast Agreement in Easter next year, unless something radical happens and the EU decides to become a bit more realistic, he will be coming over to the funeral of the Good Friday Agreement, not to the celebration of its 25th anniversary.

Welsh Interest in Protocol

The First Minister of Wales, Mark Drakeford, told RTE that Wales has a "direct interest" in the progress of talks on the Northern Ireland Protocol and argued that the talks need to be focused on "problem solving". He pointed to the significant volume of trade that flows between the island of Ireland and the UK and on to Europe through Welsh ports. "It is absolutely in Wales's interest to have a stable and successful UK and it is in the interest of Europe to have a UK Government that is engaged in a constructive way with its closest and most important neighbours."

Call to replace EU Funds

The BBC reports that Northern Ireland's five main political parties have sent a joint letter to the UK government urging it to fully replace EU funds which were lost after Brexit. The letter says: "The Conservative Party made a manifesto commitment to replace the European Social Fund in its entirety. As leaders of the main parties at Stormont, we would urge the UK government to honour that commitment and provide certainty and security for the many people who depend on these programmes by fully replacing the European Social Fund."

The ESF had previously provided about £40m a year, which was 35% match-funded from Shared Prosperity Fund, but no match funding has been confirmed from Stormont yet.

Section Three: Background Material and Further Reading

Background Material

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