

# BREXIT BRIEF

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## Introduction

New Year 2023 marked the 50th anniversary of Irish accession to the then EEC – and, as *The Irish Times* commented: “[Fifty] years on, Ireland has every reason to look on accession as one of the State’s historic turning points. In truth, Ireland in those years, not on day one, but gradually as it emerged as a confident and successful independent player in its own right, found what Robert Emmet called ‘her place among the nations.’”

New Year 2023 is also Year Eight of Brexit, described by Fionnan Sheahan in *The Irish Independent*, as “a malaise within British politics which has extended across the entire system, creating a country where dysfunction becomes the norm.” For Ireland, Brexit has been a painful divorce with the United Kingdom, throughout which its EU partners have stood firmly with it in protecting the Good Friday Agreement.

## Section One: State of Play

### Taoiseach Leo Varadkar

On 17 December 2022, Dáil Eireann voted – by 87 to 62 with one abstention – to appoint Leo Varadkar TD, Leader of Fine Gael, as Taoiseach, succeeding Fianna Fail Leader Micheál Martin TD, in accordance with the rotation of power between the parties laid down in the coalition agreement of June 2020. Micheál Martin becomes Tánaiste and Minister for Foreign Affairs and Defence. Leo Varadkar had previously served as Taoiseach from 2017 to 2020.

In early remarks after taking office, the Taoiseach indicated that resolving the dispute over the Northern Ireland Protocol was a “huge priority”. He told journalists “I’m keen to visit Northern Ireland, meet with parties in the early New Year, I’m keen to speak to the Prime Minister (Rishi Sunak) as soon as possible and see if we can come to an agreement. I don’t think that an agreement on the Protocol necessarily unlocks the Northern Ireland Assembly and Executive, but I do think that we will need an agreement

on the Protocol before that can be done. I'm very keen to make that happen. I think it would be a real shame if we got to the 25th anniversary of the Good Friday Agreement next April in a situation where we're marking that but with no assembly, no executive, no power-sharing up and running."

The incoming Taoiseach contributed an op-ed Comment to the *Belfast Telegraph* on 21 December 2022. The Taoiseach wrote of the keen need for cooperation between all parties, in Dublin, London and Belfast, to ensure that the next generation could look forward to a "better future":

*A vital first step is to have the Assembly and Executive up and running again and for the North-South institutions to resume functioning. The citizens of Northern Ireland voted in elections in May. They deserve to see the people that they elected as their representatives making decisions and taking on their responsibilities. To do otherwise is to deny the democratic wish of the people.*

*We are now in the second half of Ireland's historic partnership government between Fine Gael, Fianna Fáil and the Green Party. As Taoiseach, I intend to visit Northern Ireland at an early point to meet with the political party leaders, and to have early and substantive engagement with the Prime Minister, Rishi Sunak. I am heartened by our positive engagement with Mr Sunak since he took up office.*

*[...] The NI Protocol is the good-faith effort, negotiated carefully, to deal with the unique circumstances of Northern*

*Ireland in that context, protecting the integrity of the single market, avoiding a hard border on the island, while protecting the Good Friday Agreement, including its provisions on the constitutional position of Northern Ireland.*

*An event as seismic as Brexit brings with it huge change, and the fears and worries that go with that. We have listened and we have heard the concerns, in particular the concerns of unionism, about the Protocol. I will continue to engage with and listen to those concerns. I am also conscious of the voice of businesses, many of which see the value of the Protocol.*

*[...] The Good Friday Agreement provides us with the strong foundations and route map for the way forward on this island. Nevertheless, we should also bear in mind that there have been huge changes in the 25 years since the agreement was signed. Identities in Northern Ireland are now more fluid and less binary. There is a growing middle ground. The Assembly elections and the census tell us that there is no majority or minority community any more.*

*[...] We need to do more to enhance understanding and trust, building on initiatives such as the Shared Island dialogues and engaging with those who challenge our views and who ask us the uncomfortable questions. That is my commitment today: I want to hear from and work with all communities and traditions as we build a better future for us all on this island. I am genuinely*

*optimistic about what we can achieve together.”*

The DUP Leader, Jeffrey Donaldson, published a response to Leo Varadkar’s election as Taoiseach:

*As neighbours we want to have a cordial and respectful relationship with the Government of the Republic of Ireland. The imposition of the NI Protocol upon Northern Ireland, without unionist support but with the support of Dublin, was a backward step for North-South relations.*

*During his tenure as Taoiseach Micheál Martin sought to understand why unionism was wholly opposed to the NI Protocol. I encourage Leo Varadkar to follow Micheál Martin’s example in managing North-South relationships. Whilst many unionists will struggle to forget the new Taoiseach waving news reports from the 1970’s of a bombed border customs post which gave the threat of violence a seat at the EU negotiating table and demoted the power of democracy and politics, we are prepared to work with him if he is willing to address unionist concerns.*

*For those who have forgotten, political progress in NI was hard won and is built on the support of unionists and nationalists. Not one unionist MLA supports the Protocol. The idea that one section of our people will dominate the other and ignore the concerns of unionists will never produce durable or balanced outcomes. There will be no solid basis for an Executive and Assembly until the Protocol is replaced with arrangements*

*that restore NI’s place in the U.K. internal market and our constitutional arrangements are respected.*

## **Tánaiste Micheál Martin**

In the Coalition rotation, Micheál Martin took over the role of Tánaiste from Leo Varadkar. He assumed the positions of Minister for Foreign Affairs and Minister for Defence, replacing Simon Coveney who moved to Leo Varadkar’s previous role as Minister for Enterprise, Trade and Employment. In the Department of Foreign Affairs, the Fine Gael TD, Peter Burke, became Minister (of State) for European Affairs in succession to Fianna Fail Deputy, Thomas Byrne.

As he left office as Taoiseach and moved to Foreign Affairs, Michael Martin commented that “If we genuinely believe in an Ireland which includes and serves all, then we must be prepared to build new bridges. We must be prepared to reach across divides and to do the hard work of learning to understand and respect each other far more than we have in the past. We must stop making assumptions about each other and get to know each other.”

As Minister for Foreign Affairs, Micheál Martin quickly established direct contact with his counterpart in London, tweeting on 22 December 2022: “Just had a friendly and useful call with UK Foreign Secretary James Cleverly. We discussed Ukraine, Northern Ireland Protocol and cooperation in United Nations Security Council. Looking forward to future constructive engagement.

## Prime Minister and Secretary of State in Belfast

Prime Minister Rishi Sunak met the leaders of Northern Ireland's main political parties on 15 December 2022 during his first visit to Northern Ireland since taking office. His visit also included meetings with business and community leaders and an event at the Harland and Wolff shipyard to celebrate "the return of naval shipbuilding to Belfast" with a Ministry of Defence contract, worth £1.6 billion, to build three new Royal Navy ships.

The meeting with the parties was described by Downing Street as an "introductory meeting and informal discussions". Following the session, Sinn Fein's First Minister Designate, Michelle O'Neill, said it had been a "useful exchange" with direct engagement on a number of issues, including the need to find a swift resolution to the Protocol issues.

The UUP leader, Doug Beattie, expressed disappointment that "we didn't get an update on how the negotiations between the UK and EU were going." Alliance Party leader, Naomi Long, commented that the meeting was an opportunity to meet the new Prime Minister but there wasn't a "serious negotiation" to be had in the room. "I'm not sure what the government's strategy is. I have to be completely candid about that." Asked about the point of the meetings, she told the BBC: "That's a good question" saying that they had been told that the government was unable to provide a timetable for negotiations. "They didn't want to be driven by false deadlines."

Prior to the Prime Minister's arrival, the NI Secretary of State, Chris Heaton-Harris, held round-table talks with the five main parties. The party representatives expressed disappointment with this meeting, with the DUP's Jeffrey Donaldson saying there was

"little to report" and Sinn Fein's Michelle O'Neill remarking that "I think he's bereft of a plan – even at this stage we're still left in political limbo." For the SDLP, Claire Hanna spoke of "scant information" about the UK-EU negotiations and "no serious proposals around restoring the institutions." The Alliance Party MP, Stephen Farry, said the British Government needed to get its "ducks in a row."

Meanwhile, the UK Foreign Secretary, James Cleverly, and the EU Commission Vice President, Maroš Šefčovič, met in Brussels on 15 December 2022.

Foreign Secretary Cleverly tweeted: "Thank you Maroš Šefčovič – more important discussions today. We are determined to find a solution to the Protocol that, above all, protects the Belfast (Good Friday) Agreement. Our teams continue to meet and I look forward to speaking again soon."

Vice President Šefčovič tweeted: "Constructive meeting with James Cleverly. We are determined to find joint solutions that work for people and businesses in Northern Ireland, protecting the Good Friday (Belfast) Agreement. I want us to make the most of this window of opportunity. Our teams continue to engage."

While these engagements were taking place, uncertainty continued about the UK Government's intentions on the progress of the Northern Ireland Protocol Bill through the Lords and Commons. While reports had suggested that Prime Minister Sunak had put the on ice" to provide space for the UK-EU negotiations, Foreign Secretary Cleverly told the House of Commons that the Government "would not either artificially accelerate the process or artificially hinder or retard that process."

## Prime Minister –Commission President call, 22 December 2022

UK Prime Minister Rishi Sunak and European Commission President Ursula von der Leyen spoke on 22 December 2022.

No.10 Downing Street issued a Statement: "Prime Minister Rishi Sunak spoke to European Commission President Von der Leyen this afternoon. The leaders agreed that the UK and the EU would remain steadfast in our military economic and diplomatic support for Ukraine and in countering Russian aggression. They looked forward to working closely together in 2023 in the G7, under the Japanese presidency, and the G20, under the Indian presidency. On the Northern Ireland Protocol, they agreed on the importance of working together to agree a solution."

The Commission President tweeted: "Happy to exchange with Rishi Sunak on our continued close coordination on support for Ukraine and sanctions against Russia. We will also push for ambitious G-7 and G-20 agendas. On IE/NI Protocol we concur on the importance of working together to agree on solutions."

## Joe Kennedy III Appointed US Special Envoy to NI

On 19 December 2022 the US State Department announced the appointment of Joe Kennedy III as US Special Envoy to Northern Ireland for Economic Affairs.

US Secretary of State, Anthony Blinken issued a Statement: "Today we are announcing the appointment of Joe Kennedy III as the U.S. Special Envoy to Northern Ireland for Economic Affairs. In this capacity, he will focus on advancing economic development

and investment opportunities in Northern Ireland to the benefit of all communities as well as strengthening people-to-people ties between the United States and Northern Ireland. His role builds on the long-standing U.S. commitment to supporting peace, prosperity, and stability in Northern Ireland and the peace dividends of the Belfast/Good Friday Agreement."

The Tánaiste and Minister for Foreign Affairs, Micheál Martin, responded to the US announcement:

*I welcome today's appointment of Joe Kennedy III as US Special Envoy to Northern Ireland. I want to thank President Biden and his Administration for this appointment. It is a clear demonstration of the President's direct engagement with Ireland as well as the enduring US commitment to supporting peace in, and building the prosperity of, Northern Ireland.*

*Special Envoy Kennedy's appointment comes as we prepare to mark the 25th anniversary of the Good Friday Agreement, an opportunity to look forward in the spirit of 10 April 1998 – with hopefully progress between the UK and EU feeding into new optimism. I look forward to working with Special Envoy Kennedy as he helps ensure everyone in Northern Ireland realise their full potential, best achieved through sustained investment in stability, in prosperity, and in the futures of the next generation of young people in Northern Ireland.*

The Northern Ireland Secretary of State, Chis Heaton-Harris, congratulated Ambassador Kennedy on his appointment noting that the UK Government “shares and welcomes the US commitment to continuing to develop the potential and prosperity of Northern Ireland. This appointment creates ever more opportunities for taking forward this vital work.”

The DUP leader Sir Jeffrey Donaldson said the new envoy had to take into account the views and concerns of unionists and said he would have to prove that he will be “even-handed” in his approach. “While his role is economic matters, one can’t avoid the (Northern Ireland) Protocol and the harm it is doing to our economy. It will be important for the United States to gain a better understanding of the real concerns that unionists have about the Protocol.”

The *Irish Times*, on 21 December 2022, expressed its view:

*The White House’s appointment of former US congressman Joe Kennedy III, a member of one of the most famous American political families, as US special envoy to Northern Ireland shows the Biden administration’s continued interest and commitment to the peace process. As we approach the 25th anniversary of the Belfast Agreement, it should not be forgotten how proud the American political establishment, both Democratic and Republican, is of the agreement and how American lawmakers view the peace process as a signature US foreign policy achievement of the 1990s.*

*President Joe Biden’s decision to install Kennedy, a high-profile figure in the political firmament, is proof that the US president has not forgotten this in the run-up to next year’s anniversary. As he will serve as an envoy for economic affairs, he will not be directly involved in helping to break the political stalemate over the Northern Ireland Protocol, the agreement for post-Brexit trading rules that has angered unionists. But reminding parties in the North of the unique benefits of having access to both the EU and UK single markets for goods and the potential interest of US investors may be an attractive carrot to dangle in efforts to end the political logjam.*

*There has been important and constructive US deal-brokering and peace-making on Northern Ireland over the past 30 years, ever since former president Bill Clinton appointed the first US special envoy, former US senator George Mitchell, to help negotiate the 1998 agreement. While unionists are rarely comfortable with Irish-American envoys, they must acknowledge the important role Kennedy will play in relaying messages back to Washington and how Biden’s support will be critical for the UK if there is to be a post-Brexit trade deal with the US. Most importantly, Kennedy will have Biden’s ear. Their relationship and Kennedy’s appointment show that Northern Ireland is still very much an important item on the US foreign policy agenda of this very Irish-American president.*

## Section Two: The Evolving Debate

### Survival of the Good Friday Agreement, Alex Kane

The influential commentator, Alex Kane, wrote in *The Irish Times* on 28 December 2022:

*The survival of the assembly, in the first instance, depends on whatever decision the DUP makes in response to the EU/UK deal – expected in a matter of weeks. There is a chance, albeit slim, of either an unexpectedly easy sell for the DUP or of Jeffrey Donaldson choosing to save devolution by facing down internal and external opponents; but I also think that increasing numbers across the entire pro-union communities have concluded that the assembly and executive – the key components of the Good Friday Agreement – are not worth saving.*

*I always feared this moment would come; and it's a pessimism which predates the Brexit result. I had hoped the Good Friday Agreement, which I supported, might lead to a new way of doing politics in Northern Ireland. It didn't. All it did was prove that you can't have a middle ground between constitutional polar opposites, particularly against a background of competing narratives and long-term agendas.*

*The best you can hope for, it seems, is conflict stalemate rather than conflict resolution. Since the first assembly election in 1998 around 80 per cent of those who vote continue to do so for parties which have an unambiguous*

*position on the constitutional question. I don't see much prospect of that changing, meaning that the two big nationalist/unionist blocs will continue to exercise a veto which can, as and when they choose, trigger the next crisis.*

The article can be read in full [here](#).

### Independent Reporting Commission

The Independent Reporting Commission (IRC) was created under the Fresh Start Agreement, to monitor progress on tackling paramilitary activity in Northern Ireland. The Fifth Report sets out the Commission's assessment of progress to date on the implementation of the provisions of the 2015 Fresh Start Agreement that are designed to tackle paramilitary activity and associated criminality, with the aim of bringing an end to paramilitarism in Northern Ireland:

*Our overall view continues to be that, regrettably, paramilitarism remains a clear and present danger for Northern Ireland [...] Reaction to political developments [in the last year], particularly relating to the Protocol on Ireland and Northern Ireland of the EU-UK Withdrawal Agreement, led to new instability at political level, which in turn fed speculation about the potential for a resurgence of paramilitary activity. A number of paramilitary-related incidents served to heighten that speculation.*

### British Chamber of Commerce Report – TCA Two Years On

More than three quarters (77%) of firms to which the Brexit deal is applicable say it is

not helping them increase sales or grow their business. More than half (56%) of firms face difficulties adapting to the new rules for trading goods. Almost half (45%) face difficulties adapting to the new rules for trading services, and a similar number (44%) report difficulties obtaining visas for staff.

The BCC has sent the Government a report setting out solutions to many of the issues. New data released from a survey of more than 1,168 businesses (92% SMEs) appears to show challenges for UK firms attempting to avail of trade under the Trade and Co-operation Agreement (TCA). The TCA was agreed on Christmas Eve in 2020 to allow tariff-free trade with the EU once Brexit took effect.

The survey also found that alongside problems with the TCA, four in five (80%) firms had seen the cost of importing increase since January, more than half (53%) had seen their sales margins decrease and almost three quarters (70%) of manufacturers had experienced shortages of goods and services. Shevaun Haviland, Director General of the British Chambers of Commerce, said:

*Businesses want political leaders on both sides to move on from the debates of the past and find ways to trade more freely. This means an honest dialogue about how we can improve our trading relationship with the EU. With a recession looming we must remove the shackles holding back our exporters so they can play their part in the UK's economic recovery.*

*If we don't do this now then the long-term competitiveness of the UK could be seriously damaged. It is no coincidence*

*that during the first 15 months of the TCA we stopped selling 42% of all the different products that we used to. Businesses feel they are banging their heads against a brick wall as nothing has been done to help them, almost two years after the TCA was first agreed. The longer the current problems go unchecked, the more EU traders go elsewhere, and the more damage is done.*

*There are clearly some structural problems built into the TCA which cannot be addressed until it is reviewed in 2026. But as we set out in our report to Government there are some issues that do not need to wait on months of negotiations or major reviews to be fixed.*

The BCC's 'TCA Two Years On' report sets out 24 recommendations to increase UK-EU trade. Its top five proposals for quick action are to:

- Create a supplementary deal with the EU which either eliminates or reduces the complexity of exporting food for SMEs;
- Establish a supplementary deal, like Norway's, that exempts smaller firms from the requirement to have a fiscal representative for VAT in the EU;
- Allow CE marked goods and components to continue to be used in Great Britain after 2024;
- Make side deals with the EU and member states to allow UK firms to travel for longer and work in Europe; and
- Reach an agreement on the future of the Protocol on Ireland/Northern Ireland with the European Commission in the early months of 2023, to stabilise the trading relationship.



## Irish Trade Post-Brexit

Figures from the Central Statistics Office (CSO) of Ireland show that trade in goods with the UK (exports and imports), after an initial wobble, has risen steadily since Brexit.

As of September this year, goods exports to Britain – on an annual basis – were up by €2.4 billion to nearly €13 billion while imports were up by €7 billion to €17.5 billion. Even food exports, the chief risk, were up by €400 million to €2.86 billion for the nine-month period. Britain as a share of total exports remains at 8-9 per cent, the same as it was in 2021 and 2020. “This reliance on the British market remains steadfast, notwithstanding the current economic uncertainty in the UK at present,” according to Grant Thornton Ireland.

## Section Three: Background Material and Further Reading

### Background Material

**Houses of the Oireachtas** Dail Debate on Nomination of Taoiseach, 17 December 2022. <https://www.oireachtas.ie/en/debates/debate/dail/2022-12-17/3/>

**GOV.UK** PM call with Commission President von der Leyen: 22 December 2022. <https://www.gov.uk/government/news/pm-call-with-european-commission-president-von-der-leyen-22-december-2022>

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**Irish Times** Sunak meets NI leaders as political crisis continues. *IT*, 16 December 2022. <https://www.irishtimes.com/politics/2022/12/16/sunak-meets-ni-leaders-as-political-crisis-continues/>

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**Belfast Telegraph** MLAs say PM meeting disappointing' *Belfast Telegraph*, 16 December 2022. <https://www.belfasttelegraph.co.uk/news/northern-ireland/mlas-say-pm-meeting-disappointing-as-alliances-naomi-long-warns-600-energy-payment-could-still-be-rolling-out-next-june-42223845.html>

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## **Further Reading**

**Sylvie Bermann** *Au Revoir Britannia*. Luath Press.

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