

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 Stormont impasse continues. The DUP and the British Government are said to be in meaningful talks about the Windsor Framework which, we are told, is here to stay. *The Belfast Telegraph* comments that "Cards continue to be held close to chests and people remain none the wiser as to what it will take to end the DUP year-and-a-half boycott of the power-sharing institutions. Sadly, for the vast majority of us who just want to see the health service repaired, education and public services properly funded and Stormont back in operation, it's going to be another waiting game."

In an *Irish Times* Opinion piece, Alex Kane, raises an important point about possible

developments in the weeks ahead:

Ironically I still think it is likely that the DUP will U-turn its way back to the Assembly fairly soon, not least because the Windsor Framework is here to stay no matter what the party does and direct rule – which won't exclude input from Sinn Fein and the Irish Government – will do no favours for unionists. In fact, it would probably increase their present sense of isolation and betrayal.

But even if the DUP and Sinn Fein do manage to reboot the Assembly and executive in the next few weeks it is unlikely to deliver either stability or collective responsibility. So, the evidence suggests, we are doomed to endure conflict stalemate because the route to conflict resolution is blocked at just

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about every turn. The biggest problem of all is that the shadow of a Border poll – which I think is inevitable – will continue to hang over everything for years.

Section One: State of Play

Keir Starmer EU Policy

The UK Labour Party leader, Sir Keir Starmer, has been speaking at some length on his party's approach to future relations with the European Union. In a conference in Canada, in visits to Paris and The Hague and in a number of events in the UK, Mr Starmer has argued that Labour, in Government, would seek to avoid 'divergence' from the European Union. "Most of the conflict with the UK being outside the EU arises insofar as the UK wants to diverge and do different things to the rest of our EU partners. We don't want to diverge we don't want to lower standards, we don't want to rip up environmental standards, working standards, work, food standards and all the rest of it."

The Labour leader has indicated that he wants to pursue a 'significant rewrite' of the UK-EU trade and Cooperation Agreement and has identified a number of areas for consideration – innovation, veterinary affairs, industrial and labour standards. He has made it clear that "there's no case for going back into the EU and that includes the single market and the customs union." He has highlighted the need for an agreed approach to security issues including action to deal with illegal migrant crossings of the English Channel. He has discussed this matter directly with the leadership of Europol. The *Irish Times* editorial of 20 September 2023 addressed the UK Labour Party moves:

Keir Starmer has become more explicit in recent days about his hopes for a closer relationship with the European Union if he becomes prime minister after the next UK general election. Opinion polls may show Labour well-placed to win that contest, due to take place before the end of next year, but Starmer has been cautious up to now on the issue, mindful of the sensibilities of Leave voters in "red wall" constituencies which the party must regain in order to win a parliamentary majority.

In talks with EU officials in the Hague last week, Starmer called for greater co-operation over migration policy. And in advance of Tuesday's meeting with Emmanuel Macron, he told the Financial Times that Labour would secure "a much better" Brexit deal than the current Trade and Co-Operation Agreement (TCA) the UK signed in 2020. That will be easier said than done; the TCA will be up for review in 2025 but, as European Commission vice-president Maroš Šefcovic has pointed out, the EU views that process as a procedural matter of refining technicalities rather than a renegotiation of terms. Since Starmer has ruled out rejoining the customs union, the single market or indeed the EU itself, any easing of current restrictions on trade and movement will require painstaking negotiations on a caseby-case basis over complex issues such as veterinary agreements and industry standards. Labour is also keen to ease restrictions on young people and musicians travelling between the UK and EU.

The party's shadow trade secretary, Nick

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Thomas-Symons, told the BBC on Sunday that the British "national interest will come first" in any future negotiations, but the reality is that the EU will require closer alignment with its own regulations in areas such as agriculture if agreement is to be reached. That will be attacked by Labour's critics in parliament and the media as "ruletaking" and an erosion of British sovereignty. The criticism will have some justification, but it is an inescapable consequence of the UK voluntarily putting itself outside the decisionmaking processes of the EU in 2016 and the subsequent decision by Boris Johnson's Conservative government to plump for the hardest Brexit possible.

Starmer's move is not without danger. He got a taste of what is in store when rightwing media accused him of selling out on migration in the Hague last week. He can expect more of the same as the election draws nearer. But he must surely realise that, after decades of moving away from Europe, the time has come for a UK government to change the direction of travel. His country's true national interest requires him to start the slow and painful process of rebuilding ties and trust between his country and the EU. The unfortunate reality is that process will likely take not years, but decades.

Taoiseach on Irish Unity

The Taoiseach has said he believes there will be a united Ireland in his lifetime. In an interview with *RTÉ News at One*, Leo Varadkar said that when reunification happens, there would be a million people who are British on the island. The country's success would be judged by how they and other minorities were treated, he said:

I believe we are on the path to unification. I

believe that there will be a united Ireland in my lifetime. And in that united Ireland there is going to be a minority. Roughly a million people who are British. And you judge the success and quality of a country by the wait it treats its minorities. That is something we are going to have to think about. Because what is a republican ballad, a nice song to sing, easy words to learn for some people can be deeply offensive to other people.

The Taoiseach was quoted as likening the situation to the confederate states of the United States:

Bear in mind in the southern states for example when people sing about the confederacy and Robert E Lee they think it is an expression of their culture and so on. That is what they say. But that is deeply offensive to the minority black community in America. If we are going to unite this country and unite the people of this country a bit like Patrick Kielty says we have to think about how our words and how the songs we sing might be heard by other people.

Horizon Europe Agreement

In a highly significant development, the UK and EU finalised an agreement bringing the UK back into the major Horizon and Copernicus Programme of scientific and space research.

A Joint Statement was issued on 7 September 2023:

Today, the European Commission and the UK Government have concluded negotiations and reached an agreement in principle on the association of the UK to Horizon Europe and Copernicus under the Trade and Cooperation Agreement.

This is a landmark moment for scientific

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and space collaboration between the EU and the UK following agreement of the Windsor Framework earlier this year.

Association to Horizon Europe will further strengthen and deepen links between the scientific communities in the UK and the EU, foster innovation and enable researchers to work together on global challenges from climate to health. The UK Government and the European Commission look forward to enabling collaboration between their researchers in which the UK and the EU share a mutual interest, such as in new and emerging technologies. To this end, the EU will assess UK participants' access to strategic parts of the Horizon Europe programme[1] on equal terms with other associated countries.

Today's agreement in principle marks another step forward for the EU and UK to work together in the spirit of friendly cooperation on issues of shared interest. The European Commission and the UK Government intend to make full use of the opportunities provided by the Trade and Cooperation Agreement.

Following today's announcement, the European Commission and the UK Government will work together with the aim of promptly adopting the necessary legal instruments. These legal instruments need to be adopted by the Specialised Committee on Participation in Union Programmes subject to prior approval by the Council of the European Union.

Peace Plus Progammme Launch

Taoiseach Leo Varadkar joined the Northern Secretary, Chris Heaton-Harris and the EU Commission Vice President, Maroš Šefčovič, in Belfast on 11 September 2023 at the launch of a new a new 1.1 billion euro funding scheme.

The Peace Plus initiative will fund projects in NI and border counties, delivering investment across six key themes designed to ensure the continued economic, social and environmental development of Northern Ireland. Among the important projects included in the scheme are the Peace Bridge over the River Foyle and the regeneration of the Girdwood Barracks in north Belfast. The current scheme replaced a pre-Brexit peace scheme, which has been in operation since 1995. It applies to Northern Ireland and the border counties of the Republic of Ireland - Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth

Northern Ireland Secretary Heaton-Harris spoke at the launch:

As we are all aware, over the course of this year, communities across Northern Ireland have marked the 25th anniversary of the Belfast (Good Friday) Agreement. This landmark agreement continues to be an extraordinary achievement for Northern Ireland, helping to lay the foundation of the more peaceful, free and prosperous society that we see today. We can be proud to see the huge strides of progress made over the past 25 years.

Although we have a positive story to tell interms of delivering on the promise of the Agreement over the past 25 years, we also acknowledge that there is more to be done to realise other aspects of the Agreement's ambition for a society that is reconciled with the past and able to look to the future.

In view of our unyielding commitment to upholding the Agreement, we will continue to

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work tirelessly to secure an even brighter, more reconciled future for Northern Ireland, thereby enabling it to look forward.

That is why we continue to support the work of the Special European Programmes Body (SEUPB0, following the UK's exit from the European Union. We are providing more than £730 million to the programme (almost 75% of the budget), which includes match funding contributions from the Northern Ireland Executive. Together with contributions from the European Commission and Ireland of over £250 million, this brings the total up to almost £1 billion, a huge investment from across the international stage towards peace and prosperity as we mark the anniversary of the Agreement and look forward to the next 25 years.

House of Lords Debate on Northern Ireland, 12 September 2023

In his lengthy contribution to the House of Lords debate on the NI Protocol and the Windsor Framework, Lord Frost said that, when he and Boris Johnson negotiated the Northern Ireland protocol ahead of Brexit, they "always hoped" it would eventually collapse. Lord Frost, who was Johnson's Brexit negotiator before becoming Brexit minister, told peers that the Johnson government never wanted the protocol to work. "The Johnson government, of which I was part, always took the view - many criticised us for taking it - that the protocol was unsatisfactory and temporary. We always hoped that, ultimately, divergence by GB would produce the collapse of the protocol arrangements, whether consensually through a vote, a further negotiation or otherwise. We always wanted something better."

This was not the first time that Frost has said the Government regarded the agreements as less than ideal, but this intervention was quite explicit, indicating clearly that the Boris Johnson administration wanted the protocol to fail.

The protocol was necessary because Prime Minister Johnson wanted to break the deadlock with Brussels, enabling him to go into the 2019 election claiming to have an "oven-ready" Brexit agreement ready to go. Within weeks of his victory, the UK had formally left the EU.

At the time Johnson strongly defended the protocol during the 2019 election campaign including unfounded assertions that it would not require traders in Northern Ireland to fill in new paperwork.

Lord Frost said:

The third difficulty, which is crucial, is that the Government's stance has changed. They have now committed to defending and supporting the framework. This is fundamental. The Johnson Government, of which I was part, always took the view-many criticised us for taking itthat the protocol was unsatisfactory and temporary. We always hoped that, ultimately, divergence by GB would produce the collapse of the protocol arrangements, whether consensually through a vote, a further negotiation or otherwise. We always wanted something better. Now, though, the Government are committed to the view that the Windsor Framework is better and should be defended. The consequence is that, as problems emerge—as they will—the Government must ally themselves with the EU, defend these new arrangements and impose them on a deeply divided Northern Ireland. They must actively support rules that



destroy long-standing trade arrangements in this country and impose laws without consent in Northern Ireland. When problems emerge, as they do, for example over horticultural trade in Northern Ireland, they deny that they exist. I am afraid the Government will not find that comfortable. I fear the long-term consequences.

Maroš Šefcovic on Windsor Framework

In his contribution to the PEACE PLUS programme launch on 11 September 2023, the Commission Vice President, Maroš Šefcovic, commented on the Windsor Framework.

As you know, in March this year, the EU and the UK were able to formally agree on the Windsor Framework. This was thanks to genuine political commitment and a constructive, creative and collaborative approach on both sides, and I would once again like to thank Chris, as well as Foreign Secretary James Cleverly, for the intense work that we and our teams have done together.

The solutions the Windsor Framework contains are designed to address in a definitive manner the challenges experienced by people and businesses in their daily lives. The agreement we found preserves the integrity of both the EU's Single Market and Northern Ireland's integral place in the United Kingdom's internal market. And, crucially, it will preserve the hard-earned gains of the peace process by avoiding a hard border on the island of Ireland.

Now our common focus is the joint work on the implementation of the Windsor Framework. Full delivery of the safeguards for the protection of the EU Single Market will be key in order to unlock all flexibilities under the Windsor Framework. At the same time, together with the UK we will seek to exploit the full potential of the Trade and Cooperation Agreement.

SectionTwo: The Evolving Debate

Stephen Collins in the Irish Times

On 8 September 2023, the *Irish Times* columnist Stephen Collins contributed an article entitled '*Ireland has come through Brexit in much better shape than Britain'*.

As an example of how futile it is to predict future events it is worth recalling all the prophecies of doom for the Irish economy that took place in the immediate aftermath of the Brexit vote in June 2016. In a piece last December, this newspaper's economic correspondent, Eoin Burke-Kennedy, recalled the consensus that dominated thinking here in the years following the UK decision to leave the EU.

'The news cycle here was a veritable blizzard of reports and warnings about the threat to the economy, particularly to the food sector. Enterprise Ireland and others warned businesses to Brexit-proof themselves by diversifying away from the UK. There were even predictions that Ireland might suffer a greater economic hit than the UK itself. But guess what? There hasn't been a hit.'

Of course that should not encourage complacency that the current state of things will continue indefinitely. Irish firms need to be ready for the day when the British finally get their act together on customs formalities. A more serious threat in the longer term would be if the UK opts for a significant divergence

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from the EU on regulations. However, given that the Labour Party, which is expected to take over the reins of power before the end of next year, is committed to a closer relationship with the EU the prospect of major regulatory divergence seems unlikely in the medium term at least.

Competent political leadership in Dublin and incoherent policymaking in London have enabled this country to come through the Brexit process in far better shape than anybody could have imagined in June 2016. Paradoxically, the Government here has received no credit from the electorate for its approach while most voters in the UK still appear oblivious to the appalling error they were enticed into making.

BBC Comment

The BBC Northern Ireland Political Correspondent, Jayne McCormack, summed up the controversial Belfast meeting of Chris Heaton-Harris and Leo Varadkar on the margins of the PEACE PLUS Programme event in Belfast, noting that the two men "met for about 15 minutes, in a private room away from Monday's main event. Their subsequent separate press conferences made clear the men couldn't be further apart on the big issues they face.

On Stormont, Chris Heaton-Harris said last week that talks had moved forward "substantially", but Leo Varadkar said that "if they're progressing at all it's at a snail's pace". On future plans if Stormont doesn't return, Mr Varadkar said: "We can't wait forever, we will need alternative arrangements." Mr Heaton-Harris said "talk of a plan B is unhelpful". On legacy, Mr Varadkar claimed he had "asked the UK government to pause the bill" but Mr Heaton-Harris said no pause had been asked for.

What began as a day all about cross-border cooperation has instead ended in another diplomatic row about the politics of Northern Ireland surfacing."

Brexit Stakeholders Forum

On 14 September 2023, the Tánaiste, Micheál Martin and the Minister of State for European Affairs, Peter Burke convened a meeting of the Brexit Stakeholders Forum in Iveagh House. Key stakeholders from business, trade unions, state agencies and other leading experts took part in a discussion on upcoming Brexitrelated changes.

Speaking at the Forum, the Tánaiste said:

Since the last meeting of the Brexit Stakeholder Forum we have had a significant breakthrough with the agreement of the Windsor Framework between the EU and the UK. The Windsor Framework arrangements can provide stability and certainty in post-Brexit trade and business relations across these islands. They give Northern Ireland a unique advantage, being part of the UK internal market and having access to the EU Single Market.

I heard first hand yesterday in Belfast the level of investment interest there is in Northern Ireland. What we need now is the restoration of the power-sharing institutions, and the North South Ministerial Council, so that Northern Ireland can make the most of these opportunities.

Minister of State Burke added:

The outworkings of the UK's departure from

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the European Union continue to impact Ireland. A significant change over coming months will be the introduction by the UK government of new checks and controls on goods, which will be introduced from the end of January 2024.

The new UK controls will have a direct impact on the operations of Irish businesses exporting goods from Ireland to the UK or across the UK landbridge. I am encouraging all Irish exporters to examine their supply chains, speak to their customers in the UK and to their transport/logistics providers. Early and full engagement on these new UK customs and sanitary and phytosanitary (SPS) requirements will help ensure businesses are ready for these new changes.

The Government will continue to work with sectors impacted by these new UK controls and the Brexit website contains a range of relevant information and guidance.

Brexit on the Bookshelves

Two important books, on aspects of Brexit and its fallout, have been reviewed by Paul Gillespie in the Irish Times under the title "A country that lost control of its destiny".

In the first, *What Went Wrong with Brexit and What We Can Do About It*, Peter Foster builds his narrative on the argument that "seven years after the vote to leave the EU, it is becoming clearer by the day that (the) promised future turn out not to exist. Brexit was first and foremost a political project to 'take back control' of law-making and borders in order to remake Britain as a globally influential actor. But having repatriated powers from Brussels Brexit has instead delivered political instability at home and embarrassment abroad." He sets out to address that factual situation by seeking answers to the question `what can we do to fix the mess?"

Arguing that "it is time to think again about Brexit by taking an approach based on the facts, not fallacy and fantasy" Foster writes of the need for a Brexit reboot which, while accepting that Brexit is a fact, will recognise the real costs of leaving the EU, prioritise the recovery of international trust in the UK and concentrate on improving cooperation and trade with Britain's neighbours. In short, beginning to build the Global Britain that Brexit promised but failed to deliver. He addresses these challenges in detailed chapters on the key components of a new relationship with the EU, in trade, in regulatory matters, in areas of potential collaboration such as that highlighted by the recent Horizon deal and in reaching "a realistic, sober vision of what Britain should look like in 2050."

Reflecting on recent opinion polling which suggests growing public support for closer and more positive UK-EU relations, Foster concludes that "As a midsize power with undoubted soft-power credentials, the UK can thrive as a global convenor of talent and enterprise, but only by building on international relationships of trust. Those relationships have been damaged by Brexit and they will need to be restored but a political space is now emerging at home and abroad for that process to begin. In the best sense of the word, the UK now needs to come out fighting."

In the second book, Brigid Laffan, Emeritus Professor at the European University Institute in Florence, with her colleague from that Institute, Stefan Telle, produce a detailed and compelling analysis of how the European



Union responded to Brexit:

The authors set out to provide an in-depth study of the Union's response in terms of the centrality of the single market in shaping preferences but also in a focus "on the role of ideas, leadership and processes in mobilising the collective capacity of the EU." The study utilised the scientific method of qualitative text analysis, using official EU and UK documents and speeches which contain information on perceptions objectives and procedures. And, expert interviews were conducted with more than twenty experts, officials and politicians involved in the Brexit response.

The book provides an extraordinary insight into the complex and demanding processes of engagement and negotiation between structured EU teams and the UK government under Prime Ministers Theresa May, Boris Johnson Liz Truss and Rishi Sunak. The chapter headings reflect the intensity of the process – creating institutional capacity, structuring the negotiations, the Withdrawal Agreement I / II, the Trade and Cooperation Agreement, Implementation of the Agreements. Particular attention was devoted to the Irish Border question including the evolution of the Northern Ireland Protocol.

The study shows the EU reacting to the Brexit challenge with remarkable resolve and determination to protect the Union's interests. The respected EU diplomat, Martin Selmayr, in his Foreword, sums up the conclusion of the analysis:

The EU certainly maintained its unity and achieved its objectives in the Brexit negotiations because of the technical expertise, hard work and excellence of the dedicated Commission's Article 50 Task Force and the distinctive institutional ecology

created to manage these negotiations together with the Council and the European Parliament. The EU however also succeeded because of a clear common understanding, created right after the Brexit referendum at the highest level of the EU27, on the EU's political strategy and framing that was firmly maintained throughout the negotiations. A very good and close cooperation between the President of the European Commission and the President of the European Council, their Heads of Cabinet and their Secretaries-General was in my view instrumental in order to achieve this result. Even though they had their occasional disagreements, notably on migration policy, Presidents Juncker and Tusk always saw eye to eye on Brexit and, together with their closest teams, managed to act as one during this challenging period, notably when it came to the controversial issue of an extension of the Article 50 deadline.

Section Three: Background Material and Further Reading

Background Material

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The IIEA acknowledges the support of the Citizens, Equality, Rights and Values programme



The Institute of International and European Affairs,

8 North Great Georges Street, Dublin 1, Ireland T: +353-1-8746756 F: +353-1-8786880

E: reception@iiea.com W: www. iiea.com