

# BREXIT BRIEF



Brexit Brief Special Edition: 20 Nov 2018



## Introduction

*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 EU. The Brief is part of a wider communications programme covering the work of the IIEA's UK Project Group – involving commentaries, speeches, texts and event reports – which are highlighted on the [Institute website](#).*

## Section One: State of Play

### Withdrawal Agreement Published

On 13 November, the EU Task Force announced that agreement had been reached between the EU and UK negotiating teams on the terms of a Draft Agreement on the Withdrawal of the United Kingdom from the European Union and on an initial Draft Outline of the Political Declaration setting out the Framework for the Future Relationship between the European Union and the United Kingdom.

The Commission published the 585 page text of the Draft Agreement and the 7 page text of the Outline. These papers were accompanied by detailed explanatory notes on the overall content of the Draft Agreement, and on the Protocol on Ireland and Northern Ireland.

It will be up to the European Council, under the terms of Article 50 TEU, to endorse the Withdrawal Agreement and the Political Declaration. The President of the European Council, Donald Tusk, announced that he had called a meeting of the European Council

for Sunday 25 November to take the formal steps. The President of the European Commission, Jean-Claude Juncker, had recommended to the European Council to make the finding that “decisive progress had been made in the negotiations [...] allowing the negotiations on the withdrawal agreement to be concluded and the next step of the process to be initiated.”

The Chief EU Negotiator, Michel Barnier, having briefed the EU Ambassadors at length, spoke at a press briefing in Brussels, describing the Agreement as a major step towards a conclusion of the lengthy negotiations and referring in detail to the Irish dimension of the draft:

*We have now found a solution, together with the UK, to avoid a hard border on the island of Ireland. First, we will use our best endeavours to solve this issue for the long term, through a future agreement. If we are not ready by July 2020, we could jointly consider extending the transition to provide for more time. Only if at the end of the transition, extended or not, we are still not there with a future agreement, would the backstop solution that we agreed today kick in.*

On the backstop he commented: “this backstop solution has evolved considerably from the original EU proposal of February this year”. He also reflected that the agreed solution shows that the negotiating teams have “been able to find common ground and meet our common objectives.”

Mr Barnier concluded: “tonight, in my responsibility as the EU negotiator, I consider that we have achieved decisive progress.”

### **UK Response**

The UK Government then published a 56 page ‘Explainer’ for the draft Agreement, of which no less than 14 pages were devoted to the Protocol on Northern Ireland/Ireland. It also issued the text of the Outline Political Declaration and a paper on the state of play on negotiations. In particular, this paper stated that, on the future relationship, the initial Outline’s content on the structure, scope and objectives of future cooperation will be set out in more detail in the definitive text of the Political Declaration which is the subject of continuing negotiations between the UK and the EU Task Force.

The UK Government issued a Press Statement, which said that the terms of the UK’s departure on 29 March 2019 have been established and aim to provide “a smooth exit and orderly transition to the future relationship for people, businesses and organisations across our country”. It indicated that negotiations on final text of the Political Declaration are ongoing before a review by the Prime Minister and the leaders of the EU 27.

### **Irish Response**

The Taoiseach, Leo Varadkar, told a press conference that the Government welcomed the outcome of the negotiations and commented that, as decisive progress has been made, a special meeting of the European Council will now take place later in the month.

On the border issue, he commented that the deal provided satisfactory outcomes for Ireland’s national priorities, as identified by the Irish government shortly after UK referendum. The Taoiseach commented that since the publication of the Joint Report in December 2017, his goal has been to ensure that the legal text of the Withdrawal Agreement was faithful to the commitments of the Joint Report. He announced: “I am pleased to report that this has been achieved.”

Addressing the question of the future relationship, the Taoiseach commented: “I think what we have in the joint political declaration is an outline of what the future relationship could look like and, should this deal be agreed by Westminster and the European Parliament, we can then begin negotiations on that future relationship.” On the Outline of the Political Declaration, he said that the vision for the future relationship is very ambitious, involving “a deep and close relationship between the EU and UK”. He commented: “we look forward to working on [the future relationship] during the transition phase - if we get to it.”

The Cabinet met on 14 November and welcomed the outcome of the negotiations.

### **Developments in London**

Prime Minister May called a cabinet meeting for the afternoon of 14 November.

Following what she described as “a long, detailed and impassioned debate” in that meeting, Prime Minister May spoke to the press outside 10 Downing Street:

*The choices before us were difficult, particularly in relation to the Northern Ireland backstop. But the collective decision of Cabinet was that the Government should agree the draft Withdrawal Agreement and the Outline Political Declaration – this is a decisive step which enables us to move on and finalise the deal in the days ahead.*

She outlined what she described as a clear choice for Britain. She described the deal as “firmly in the national interest” and suggested that the choice was between her deal, leaving without a deal, or “no Brexit at all”. It became clear that the cabinet decision was ‘collective’ rather than unanimous, with as many as ten of the 28 ministers opposing the Prime Minister’s position.

On 15 November, the Prime Minister made a formal report to the House of Commons, in which she argued that “what we agreed yesterday was not the final deal. It is a draft treaty that means we will leave the EU in a smooth and orderly way on 29 March 2019 and which sets the framework for a future relationship that delivers in our national interest.”

She addressed the issue of the future relationship, commenting that “the Outline Political Declaration sets

out [...] a more ambitious free trade agreement than the EU has with any other country.” On security cooperation the Prime Minister commented: “the Outline Political Declaration sets out a breadth and depth of co-operation beyond anything the EU has agreed with any other country.”

On Ireland she argued: “the EU proposal for a Northern-Ireland only customs solution has been dropped and replaced by a new UK-wide temporary customs arrangement that protects the integrity of our precious Union. Second, we have created an option for a single time-limited extension of the Implementation Period as an alternative to bringing in the backstop.”

She concluded that the deal represented a “decisive breakthrough” and said that she would ask MPs to consider the national interest and support the deal when it is brought to Parliament. She commented that voting the deal down would “[...] mean more uncertainty, more division, and a failure to deliver on the decision of the British people that we should leave the EU.” She commented: “If we get behind a deal, we can bring our country back together and seize the opportunities that lie ahead.”

The Prime Minister’s speech was followed by three hours of questions and answers which revealed a broad range of objections to the terms of the Draft Agreement and much opposition to her leadership of the Conservative Party. That opposition was made evident by the news that the Brexit Secretary, Dominic Raab, and the Work and Pensions Secretary, Esther McVey had resigned from the cabinet together with some junior ministers.

Theresa May then addressed a press conference, at which she said that “negotiating the UK’s withdrawal from the EU after 40 years, and building from the ground-up a new and enduring relationship for the good of our children and grandchildren is a matter of the highest consequence. It touches almost every area of our national life: our whole economy and virtually every job; the livelihoods of our fellow citizens; our integrity as a United Kingdom of four nations; our safety and security – all of these are at stake.”

On the cabinet resignations, she said: “my approach throughout has been to put the national interest first. Not a partisan interest. And certainly not my own political interest. I do not judge harshly those of my colleagues who seek to do the same but who reach a different conclusion. They must do what they believe to be right, just as I do.

I am sorry that they have chosen to leave the government and I thank them for their service. But I believe with every fibre of my being that the course I have set out is the right one for our country and all our people.”

The Prime Minister appointed a new Brexit Secretary – Stephen Barclay – while indicating that ongoing negotiations would be managed from her office, and recalled the former Home Secretary, Amber Rudd, to take over the Work and Pensions Department.

### **Volatile Debate**

The debate on the Draft Agreement has been divisive and heated. There is evidence of clear divisions within the cabinet which were highlighted in the two resignations and also by the emergence of a group of five Eurosceptic ministers pressing for last-minute changes to the Brexit deal. This group is effectively coordinated by the Leader of the Commons, Andrea Leadsom, who argues that the Prime Minister’s deal can be seen as trapping the UK in a permanent customs arrangement with the EU.

The divisions within the cabinet reflect the position in parliament, where the draft Agreement is opposed by hard line Brexiters in the Conservative Party, the majority of Labour Party MPs, the Scottish National Party and, crucially, the ten DUP MPs who provide Theresa May with her working majority in the House of Commons. The parliamentary arithmetic points to a situation in which the Prime Minister will fail to gain ratification of the Agreement, thus giving rise to fears of a no-deal outcome with the danger of economic and political chaos.

The DUP is strongly opposed to the current deal, arguing that the proposed backstop, designed to guarantee that there will be no hard border on the island, will lead to a situation in which there could be a customs or regulatory border between Northern Ireland and the UK mainland, thus threatening the ‘precious union’. The DUP stance has been challenged by the leaders of Northern Ireland’s farming and business sectors who are particularly concerned about the implications of a no-deal outcome.

The Eurosceptics in the Tory Party have moved from opposition to the draft papers to a campaign to remove Theresa May from the party leadership and, thus from her position as Prime Minister. Efforts are underway to secure the 48 letters to the chairman of the party’s backbench 1922 committee needed to trigger a vote of no confidence in the leader. The Prime Minister’s allies are confident that

she would win any such vote.

Meanwhile, in Brussels, with negotiations on the Political Declaration continuing in advance of the European Council meeting on 25 November, the EU27 are reported as collectively ruling out a redrafting of the Withdrawal Agreement. The Dutch Prime Minister, Mark Rutte, was quoted as insisting that “it is highly unlikely that we will make important changes to these proposals.” On the Political Declaration, some Member States are suggesting a few changes in language on issues such as underpinning the commitment to ‘an ambitious and deep relationship’ and ensuring the guarantee of a ‘level playing field’ in future trade.

## Section Two: Background Material

**HM Government**, Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, 14 November 2018. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756374/14\\_November\\_Draft\\_Agreement\\_on\\_the\\_Withdrawal\\_of\\_the\\_United\\_Kingdom\\_of\\_Great\\_Britain\\_and\\_Northern\\_Ireland\\_from\\_the\\_European\\_Union.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756374/14_November_Draft_Agreement_on_the_Withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union.pdf)

**HM Government**, Outline of the Political Declaration setting out the Framework for the Future Relationship between the European Union and the United Kingdom, 14 November 2018. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756378/14\\_November\\_Outline\\_Political\\_Declaration\\_on\\_the\\_Future\\_Relationship.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756378/14_November_Outline_Political_Declaration_on_the_Future_Relationship.pdf)

**HM Government**, State of Play of the Negotiations Under Article 50 TEU on the Withdrawal of the United Kingdom from the European Union, 14 November 2018. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756377/14\\_November\\_Joint\\_Statement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756377/14_November_Joint_Statement.pdf)

**HM Government**, Explainer for the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, 14 November 2018. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756376/14\\_November\\_Explainer\\_for\\_the\\_agreement\\_on\\_the\\_withdrawal\\_of\\_the\\_United\\_Kingdom\\_of\\_Great\\_Britain\\_and\\_Northern\\_Ireland\\_from\\_the\\_European\\_Union.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756376/14_November_Explainer_for_the_agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union.pdf)

[Ireland from the European Union 1 .pdf](#)

**HM Government**, Technical Explanatory Note: Articles 6-8 of the Protocol on Northern Ireland, 14 November 2018. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756375/14\\_November\\_Technical\\_Explanatory\\_Note\\_Arts\\_6-8\\_Northern\\_Ireland\\_Protocol.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756375/14_November_Technical_Explanatory_Note_Arts_6-8_Northern_Ireland_Protocol.pdf)

**HM Government**, Press Statement – Progress on the UK’s exit from and future relationship with, the European Union, 14 November 2018. [www.gov.uk/government/news/press-statement-progress-on-the-uks-exit-from-and-future-relationship-with-the-european-union](http://www.gov.uk/government/news/press-statement-progress-on-the-uks-exit-from-and-future-relationship-with-the-european-union)

**Prime Minister Theresa May**, Statement on Brexit: 14 November 2018. <https://www.gov.uk/government/speeches/pms-statement-on-brexit-14-november-2018>

**Prime Minister Theresa May**, PM statement to House of Commons on Brexit negotiations: 15 November 2018. <https://www.gov.uk/government/speeches/pm-statement-on-brexit-negotiations-15-november-2018>

**Prime Minister Theresa May**, Statement to Press Conference: 15 November 2018. <https://www.gov.uk/government/speeches/statement-made-by-the-prime-minister-15-november-2018>

**Government of Ireland**, Statement by Taoiseach Leo Varadkar on Withdrawal Agreement, 14 November 2018. [https://merriestreet.ie/en/News-Room/News/Statement\\_by\\_Taoiseach\\_Leo\\_Varadkar\\_on\\_Withdrawal\\_Agreement.html](https://merriestreet.ie/en/News-Room/News/Statement_by_Taoiseach_Leo_Varadkar_on_Withdrawal_Agreement.html)

**Government of Ireland**, Government Brexit Update No.11, 16 November 2018. <https://www.dfa.ie/brexit/government-brexit-update/newsletterarchive/government-brexit-update-issue-no-11.php>

**Michel Barnier**, Declaration, 14 November 2018. [http://europa.eu/rapid/press-release\\_SPEECH-18-6426\\_en.html](http://europa.eu/rapid/press-release_SPEECH-18-6426_en.html)

**European Commission**, European Commission recommends to the European Council (Article 50) to find that decisive progress has been made in Brexit negotiations, 14 November 2018. [http://europa.eu/rapid/press-release\\_IP-18-6424\\_en.html](http://europa.eu/rapid/press-release_IP-18-6424_en.html)

**European Commission**, Protocol on Ireland and Northern Ireland. Questions & Answers, 14 November 2018. [https://ec.europa.eu/rapid/press-release\\_IP-18-6424\\_en.html](https://ec.europa.eu/rapid/press-release_IP-18-6424_en.html)

2018. [http://europa.eu/rapid/press-release MEMO-18-6423\\_en.html](http://europa.eu/rapid/press-release_MEMO-18-6423_en.html)

**European Commission**, Brexit Negotiations: What is in the Withdrawal Agreement, 14 November 2018. [http://europa.eu/rapid/press-release MEMO-18-6422\\_en.htm](http://europa.eu/rapid/press-release MEMO-18-6422_en.htm)

**Centre for European Reform**, Charles Grant What happens if Parliament rejects May's Brexit deal? CER, 16 November 2018. <https://www.cer.eu/insights/what-happens-if-parliament-rejects-mays-brexit-deal>

**Financial Times**, Dominic Raab resigns over Brexit deal in blow to Theresa May. FT, 15 November 2018. [www.ft.com/content/b969db24-e8aa-11e8-8a85-04b8afea6ea3](http://www.ft.com/content/b969db24-e8aa-11e8-8a85-04b8afea6ea3)

**The Guardian**, Amber Rudd returns to Theresa May's cabinet as work and pensions secretary. Guardian, 16 November 2018. [www.theguardian.com/politics/2018/nov/16/amber-rudd-appointed-work-and-pensions-secretary](http://www.theguardian.com/politics/2018/nov/16/amber-rudd-appointed-work-and-pensions-secretary)

**Financial Times**, Theresa May takes Brexit battle to Eurosceptics. FT, 17 November 2018, [www.ft.com/content/03d39f2c-e9c5-11e8-885c-e64da4c0f981](http://www.ft.com/content/03d39f2c-e9c5-11e8-885c-e64da4c0f981)

**Timothy Garton Ash**, Europe's door is still open – but Britain will have to move fast. Guardian, 17 November 2018. [www.theguardian.com/commentisfree/2018/nov/17/europe-britain-brexit-article-50-second-referendum](http://www.theguardian.com/commentisfree/2018/nov/17/europe-britain-brexit-article-50-second-referendum)

**Observer**, A Brexit deal, a rebellion, and a cabinet torn apart. Observer, 18 November 2018. [www.theguardian.com/politics/2018/nov/18/brexit-deal-rebellion-cabinet-torn-apart-theresa-may](http://www.theguardian.com/politics/2018/nov/18/brexit-deal-rebellion-cabinet-torn-apart-theresa-may)

**BBC**, Volatile UK politics could bin Brexit deal, worries EU. BBC, 15 November 2018. [www.bbc.com/news/world-europe-46216853](http://www.bbc.com/news/world-europe-46216853)

**Observer**, Brexit: the big decision we didn't even think about. Observer, 18 November 2018. [www.theguardian.com/business/2018/nov/18/brexit-big-decision-didn-t-even-think-about-eurozone-studies](http://www.theguardian.com/business/2018/nov/18/brexit-big-decision-didn-t-even-think-about-eurozone-studies)

**The Guardian**, Brussels tells Theresa May – delaying Brexit will cost UK £10bn. Guardian, 17 November

2018. [www.theguardian.com/politics/2018/nov/17/smooth-brexit-could-cost-10bn-extra](http://www.theguardian.com/politics/2018/nov/17/smooth-brexit-could-cost-10bn-extra)

**The Guardian**, Brexit deal: take it or leave it, EU tells Britain. Guardian, 16 November 2018. [www.theguardian.com/politics/2018/nov/16/brexit-deal-take-it-or-leave-it-eu-tells-britain](http://www.theguardian.com/politics/2018/nov/16/brexit-deal-take-it-or-leave-it-eu-tells-britain)

**BBC**, Brexit: UK must not be trapped in customs union – Leadsom. BBC, 17 November 2018. [www.bbc.com/news/uk-politics-46243745](http://www.bbc.com/news/uk-politics-46243745)

**RTE**, Taoiseach welcomes draft Brexit text, says Irish priorities upheld. RTE, 14 November 2018. [www.rte.ie/news/brexit/2018/11/14/1010778-government-brexit](http://www.rte.ie/news/brexit/2018/11/14/1010778-government-brexit)

**RTE**, No-deal contingency plans will continue – Coveney RTE, 15 November 2018. [www.rte.ie/news/brexit/11/15/1011051-brexit-ireland](http://www.rte.ie/news/brexit/11/15/1011051-brexit-ireland)

**Irish Times**, Theresa May's task has echoes of challenge faced by Michael Collins. IT, 15 November 2018. [www.irishtimes.com/opinion/theresa-may-s-task-has-echoes-of-challenge-faced-by-michael-collins-1.3697720](http://www.irishtimes.com/opinion/theresa-may-s-task-has-echoes-of-challenge-faced-by-michael-collins-1.3697720)

**Irish Times**, The Irish Times view on the UK/EU withdrawal agreement: On search of the least worst Brexit. IT, 15 November 2018. [www.irishtimes.com/opinion/editorial/the-irish-times-view-on-the-uk-eu-withdrawal-agreement-in-search-of-the-least-worst-brexit-1.3698018](http://www.irishtimes.com/opinion/editorial/the-irish-times-view-on-the-uk-eu-withdrawal-agreement-in-search-of-the-least-worst-brexit-1.3698018)

**Irish Times**, Foster annoyed at NI business leaders' support for Brexit deal. IT, 17 November 2018. [www.irishtimes.com/news/ireland/irish-news/foster-annoyed-at-ni-business-leaders-support-for-brexit-deal-1.3700531](http://www.irishtimes.com/news/ireland/irish-news/foster-annoyed-at-ni-business-leaders-support-for-brexit-deal-1.3700531)

The Institute of International and European Affairs (IIEA) is Ireland's leading international affairs think tank. Founded in 1991, its mission is to foster and shape political, policy and public discourse in order to broaden awareness of international and European issues in Ireland and contribute to more informed strategic decisions by political, business and civil society leaders.

The IIEA is independent of government and all political parties and is a not-for-profit organisation with charitable status. In January 2017, the Global Go To Think Tank Index ranked the IIEA as Ireland's top think tank.

© Institute of International and European Affairs, November 2018

Creative Commons License

This is a human-readable summary of (and not a substitute for) the license.

[https://creativecommons.org/licenses/Attribution-NonCommercial-ShareAlike 4.0 International \(CC BY-NC-SA 4.0\)](https://creativecommons.org/licenses/Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0))

You are free to:

- Share - copy and redistribute the material in any medium or format
- Adapt - remix, transform, and build upon the material
- The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

**Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

**NonCommercial** — You may not use the material for commercial purposes.

**ShareAlike** — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

**No additional restrictions** — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.



The IIEA acknowledges the support of the Europe for Citizens Programme of the European Union



**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](mailto:reception@iiea.com) W: [www.iiea.com](http://www.iiea.com)