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## **Brexit: A Long Way to Go**

*By Aédán Mordecai*

### **Synopsis**

*Twelve months since Theresa May started the clock on the UK's two-year journey towards exiting the EU, the transition arrangements and guidelines have been agreed. With a year to go, what are the potential stumbling blocks and how important will the Irish border be?*

### **Commentary**

TWELVE MONTHS ago Prime Minister Theresa May invoked Article 50, officially signalling the UK's intention leave the European Union and beginning a period of prolonged negotiations. However it was quickly realised by all parties that the stipulated two-year timeframe would not be sufficient to complete any comprehensive withdrawal deal. Instead they recently settled on a broad agreement to allow a transition period, which would last until the end of 2020, a 21-month extension in total.

Both sides have lauded the agreement as a sign of progress and indicative of a greater willingness to expedite the negotiations, hopeful that this will lead to added momentum heading into the remaining talks. The UK, however, has certainly made most of the compromises.

### **UK Compromises**

London will point to the ability to sign new trade deals with non-EU countries during the transition period as a victory, but in many areas the UK had to concede to EU demands. This includes continuing to follow the Common Fisheries Policy quotas until 2020, promising to pay a 'divorce' fee of £35 billion-£39 billion.

Another concession is granting all EU citizens moving to the UK during the transition period the same rights and guarantees as those moving before the Brexit date. A

significant caveat is that the transition period will only be realised if there is an agreement on the Irish border.

Overall it's fair to say that May has not had the leverage she had hoped for in negotiations. Not only has Europe been relatively united in its stance and demands, May's hand has been weakened domestically by a series of events. In particular, her decision to hold an early general election backfired tremendously.

A major sticking point, and ironically, an afterthought to many during the build-up to the referendum is the Irish border issue. The border that separates Northern Ireland, which is part of the United Kingdom, and the Republic of Ireland, a separate state and EU member in its own right, is not a typical border.

### **Ireland the Key?**

Currently it is an almost invisible border thanks to both the UK and Ireland being members of the EU. A border however cannot simply be enforced post-Brexit due to the political history of the region. Northern Ireland remains a disputed area, despite its recent relative peace.

Decades of political violence, often referred to as 'The Troubles', came largely to an end thanks to the Good Friday Agreement in 1998. The agreement was a landmark moment in the Northern Ireland peace process; setting up power-sharing arrangements as well as committing to continued North-South cooperation in the process.

The promise of allowing free unrestricted movement of people and goods between the North and South of Ireland was also included.

When the UK proposed to leave the EU, they faced the prospect of having an outward border with the EU, the Irish border. This prospect has raised many questions. The entire peace process is at risk if the situation is not handled correctly. How does the UK leave the EU but simultaneously maintain a seamless border with the EU?

Both sides agree that a 'backstop' option must be agreed to guarantee that no 'hard' border with physical infrastructure and checks will be created. However disagreements exist regarding what this will entail.

### **UK's Options Limited**

The UK finds itself in a tough spot as a result. It can remain in the customs union and most parts of the Single Market to be in sync with Ireland, changing little from the current status quo but losing the ability to contribute to the creation of the rules it must then follow. A 'soft Brexit' such as this would disappoint many Eurosceptics.

Or it can essentially move the de facto border to the Irish Sea partly splitting Northern Ireland from Great Britain. This move would greatly upset the Unionists in Northern Ireland who do not wish to be separated from the rest of the UK, and who are represented by the Democratic Unionist Party (DUP).

Theresa May is now reliant on the DUP's handful of seats to push through legislation, including the final Brexit bill. Both these options have so far been deemed unacceptable by the government.

Instead the government's ambitious, almost fanciful, plan to please all is to agree a comprehensive free trade and customs deal with the EU and monitor the border 'invisibly' with technology that is yet to exist, creating an unprecedented border that is maintained entirely without physical infrastructure.

### **Prospects Gloomy for Theresa May**

Despite the relief at the recent progress, much still needs to be negotiated. Further compromises to the EU will not please those who supported Brexit, while those wishing to remain seem destined to remain disappointed.

Even as some of the more ambitious promises made by the initial Brexit campaign fall by the wayside, it is unlikely that a situation will arise where a reversal in the exiting process will be possible, as both the ruling Conservative Party and the opposing Labour Party are committed to the Brexit process.

With a no-deal so economically disastrous for the UK, expect the EU to get their way in most cases. When also considering how any deal hinges on satisfying Ireland in regards to the border, Theresa May's hands are firmly tied. Overall she will do well to survive as PM until a deal is fully agreed with the amount of pressure on her, as the situation increasingly resembles an exercise in damage limitation.

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