

Hamming it up: sausage wars, porky pies and party roastings: Weeks 19-25 of implementing the Protocol on Ireland/Northern Ireland

This blog by Milena Komarova, Katy Hayward and Ben Rosher, is the fourth of a series published for the first 6 months of implementing the Protocol on Ireland/Northern Ireland, with a particular focus on its impact on borders and cross-border cooperation. The research behind it is funded by the Reconciliation Fund of the Department of Foreign Affairs, as part of the Border Catalyst project, led by the [Irish Central Border Area Network](#).

When, in our previous blog we reported on the election of a new DUP leader, Edwin Poots, we couldn't have imagined he would already have been replaced by the time we came to write this one. The tribulations of the DUP may be said to be emblematic of the year so far for Northern Ireland politics. This turbulence has been integrally connected to the socio-political tensions over the Protocol and the wider geopolitics of Brexit and the new UK-EU relationship.

Unsettled unionism: 5 leaders in 2 months

The beginning of May saw Steve Aiken [step down as leader of the UUP](#) (to be [replaced by Doug Beattie](#)). That same week, [Agriculture Minister Edwin Poots was announced as DUP leader](#), narrowly defeating the only other candidate, Jeffrey Donaldson. Once in post, Poots [ruled out bringing Stormont down in protest at the Protocol](#) but continued to [consider it "undeliverable"](#), warning that [border checks may have to be suspended](#) or [delivered elsewhere](#). However, it was not the Protocol that was to prove the DUP's greatest challenge.

Within three weeks of being confirmed as leader, Poots (who intended to stay on as Agriculture Minister) agreed a deal with Sinn Féin and the UK Government to ensure his nominee, Paul Givan, could assume the post of First Minister. The move was intended to avert a crisis in Stormont. It also secured Michelle O'Neill's return as deputy First Minister on the condition that [Westminster would legislate](#) for the cultural package agreed under *New Decade, New Approach* (including an Irish Language Act), should the NI Assembly fail to do so by the Autumn. The NDNA legislation announced in [the Queen's Speech](#) in May to improve the sustainability of the NI Executive couldn't come soon enough, it seemed.

However, despite his promises to rebuild party unity, Poots' nomination of Givan as First Minister came without the mandate of the DUP MLAs and MPs. Within 24 hours, Poots was [forced to resign](#) as leader and Givan was [put on notice](#). Sir Jeffrey Donaldson MP was the only member to put their name forward to replace him, and was [ratified as the new leader](#) at the end of the month. He [used his first week to reaffirm his opposition to the Protocol](#) and indicate that he could pull the party from participation in the north/south institutions.

North/south ups and downs

This threat came after Infrastructure Minister Nicola Mallon sought legal advice over the [DUP's boycott of meetings](#) of the North-South Ministerial Council (NSMC) in protest to the Protocol. And it comes despite the fact that, after meeting with the Taoiseach in Dublin in early June, his predecessor Mr Poots stated his intention to attend the next [NSMC](#) plenary, claiming that his

party's [5 Point Plan](#) in protest at the Protocol was never a blanket refusal to attend such meetings. As it happened, the [NSMC plenary](#) planned for 18 June had to be postponed due to disarray over Poots' resignation. However, this did not stop the positive north/south news that the [Irish government had committed €3m to progress work on the cross-border Narrow Water Bridge project](#) between Warrenpoint and Omeath, with construction expected to begin in 2023. In other good news for more immediate concerns, NI Health Minister Robin Swann announced [a 12-month reinstatement of the Cross-border Healthcare Directive](#) (which ceased to apply after Brexit) to help reduce the NHS waiting times in NI. Reciprocally, [the Republic of Ireland's Reimbursement Scheme also came into effect for 12 months](#), allowing NI patients to seek "routinely commissioned treatment" in the private sector in the Republic and then have the cost reimbursed.

Rising tensions

In a less widely-welcomed intervention on north/south movements, Tánaiste [Leo Varadkar said he believes a united Ireland is achievable within his lifetime](#) and encouraged Fine Gael to establish itself in Northern Ireland.

Also focused on the constitutional question, the [legal challenge](#) to the Protocol by unionists (including Arlene Foster, Steve Aiken, TUV leader Jim Allister, Baroness Hoey, and former MEP Ben Habib) was heard. Their claim that the Protocol was unlawful, according to the Act of Union (1800), was rejected. However, the fact that Judge Colton agreed that the relevant parts of the Acts of Union are "impliedly repealed" by the Withdrawal Agreement Act (2020), as passed decisively by the UK Parliament could hardly calm unionist concerns.

In May, Westminster heard for itself the intensity of such concerns. [The Loyalist Communities Council gave evidence to the NI Affairs Committee](#) and a 19-year-old loyalist generated some alarm with his claim that "would not rule [violence] off the table" when it came to resisting the Protocol. In mid-May, as part of a series of other meetings in NI to "discuss Brexit", Lord Frost and Secretary of State for NI, Brandon Lewis, had [met with the LCC](#). In early June [loyalist protests in Portadown](#) were accompanied by men in balaclavas. Security concerns emerged over [a subsequent rally in Newtownards](#), featuring the banner "[Dublin's Choice: Peace or Protocol](#)", and an attendee's suggestion that [loyalists needed to use the threat of "mayhem, fear, and death"](#). The PSNI began [preparing for potential street violence over the Twelfth July celebrations](#).

Brexit/Protocol impact

The Protocol remained often in the news, and for the most part that news was negative. It was reported in May that [a treatment drug for lung cancer authorised in GB could not be approved for use in NI](#) as a result of the Protocol. The claims were [refuted by an EU Commission Spokesperson](#) but [the UK's Medicines and Healthcare products Regulatory Agency](#) confirmed the story. [Progress has since been made](#) on the medicines issue, but the episode highlighted the need for better information and clarity on the precise implications of the Protocol.

More accurate information on the Protocol is something that 73% of respondents to the second [QUB/LucidTalk poll](#) on the Protocol called for. A majority of respondents also thought

that UK should align with EU rules to reduce GB-NI trade frictions, and thought there were economic opportunities for NI from the Protocol. But there was an even split (47%/47%) on whether the Protocol was 'appropriate' means of managing the impact of Brexit in NI, and the majority expressed concerns for the impact of the Protocol and Brexit on the economy and political stability of NI.

Aside from the conflicting briefings from the UK and EU, most news stories on the Protocol in this period have been on the costs and consequences of the new rules for GB-NI movement of goods. It emerged that [food manufacturers are recruiting specialist consultants at a cost of up to £1,000 per day](#) to help them deal with difficulties in moving produce in and out of NI. [77% of manufacturers](#) reported a negative impact on their business since the end of the transition period. Retailer [Marks and Spencer reported costs of £33m](#) due to the impact of Brexit on its island of Ireland business.

The wider change in UK-EU trade was reflected in the Office for National Statistics' report that ["total EU-UK trade has shrunk by 20%"](#) in the first quarter of 2021, with exports to Ireland seeing "the greatest proportionate fall of the UK's top exporting partners". This was confirmed by evidence presented to the Seanad's Special Select Committee, indicating [difficulties at Irish ports have begun easing but processes remain "incredibly complex"](#). In recognition of Ireland's post-Brexit difficulties, the EU committed to [€1 billion of its Brexit Adjustment Reserve](#). In contrast, north-south trade grew. [The Central Statistics Office showed that for the first quarter of 2021](#) NI exports to the Republic were up 44% and exports from south to north were up by 22%.

Media coverage of GB-NI trade focused increasingly on agri-food. Concerns were expressed about the [impact of a UK FTA with Australia](#) in reducing the GB market for NI exports. And on movement in the other direction, NI Agriculture Minister, Mr Poots refused to build permanent infrastructure to facilitate the Protocol, [declaring his intent to commence court action for its removal](#). He also [announced a delay on the checks on pets](#) transported between GB and NI. What Poots was unable to do, however, was avert the impending deadline of the end of the grace period on the ban on chilled meat products from GB. The [impending 'sausage war'](#) became emblematic of tensions around the broader [SPS relationship between the UK and the EU](#), with the UK pressing for an agreement based on "equivalence" and the EU insisting on a deal of (temporary) "alignment" whereby, to avoid checks, the UK would have to follow EU standards. Poots [rejected the EU proposal of a "Swiss-style" veterinary agreement](#). In his appearance before the NI Assembly's Committee for the Executive Office on 28th June, Commissioner [Šefčovič repeated his claim that this would remove the vast majority of checks on GB-NI trade](#).

Away from issues of trade, as [the deadline for settled status applications](#) by EU citizens in the UK passed at the end of June, migrant's rights experts expressed fears that thousands of EU nationals in NI, who have not applied to the scheme, are at risk of being turned into illegal immigrants.

The EU and the UK: Tension, impatience, and reprimands

Tensions between the UK and EU remained high and focused on the Protocol. The meeting of the Joint Committee on 9th June ended with separate statements from the co-chairs

(immediately prior, it is worth noting, to their first meeting as co-chairs of the new Partnership Council under the Trade and Cooperation Agreement).

The UK [Government](#) took the opportunity to hint at the possibility of further unilateral action: "If solutions cannot be found, the Government will of course continue to consider all options available for safeguarding peace, prosperity and stability in Northern Ireland". There had also been reports that the UK government planned to [claim force majeure](#) (i.e. relief of contractual obligations due to circumstances beyond one's control) *vis-a-vis* the Protocol, and that [Frost himself](#) had hinted that the Protocol could be scrapped altogether.

For his part, NI Secretary of State Brandon Lewis suggested [the EU's current rigidity was undermining social and economic life in Northern Ireland](#). In another joint effort that came 6 months into the operation of the Protocol, [Frost and Lewis penned a joint op-ed](#) in the *Irish Times*, arguing that "a seriously unbalanced situation" had been created by the Protocol and repeating that the UK Government will "have to consider all... options".

Irish Minister for Foreign Affairs, Simon Coveney, has [called for the two sides](#) to act in partnership and not unilaterally. But reports are that "[patience is wearing thin](#)" on the EU side. Vice President Šefčovič explicitly [warned](#) the UK that the EU "will not be shy in reacting swiftly, firmly and resolutely" to any further unilateral moves.

More constructively, ahead of the UK-EU Joint Committee meeting in June, [Šefčovič said he wanted the two sides to agree on a roadmap with a clear timetable for resolving Protocol-related problems](#). Although UK government sources had been [downbeat](#) about the areas in which "definite progress" was being made in the UK-EU Specialised Committee talks over the Protocol, the EU [issued a document](#) after the Joint Committee outlining several "examples of flexibilities" around the Protocol in which they were exploring solutions.

The Joint Committee meeting was swiftly followed by the G7 summit in Cornwall. It had been preceded by a [démarche](#) (a formal diplomatic reprimand) to the UK from the US administration for "inflaming tensions" in Northern Ireland over the Protocol. President [Biden voiced "deep" concerns at the increasing EU-UK acrimony](#). This was evident at the summit, where EU leaders were reported to have ["pressured" the PM over the Protocol](#).

Positive moves were made a week later, when as [the UK government asked the EU for an extension to the grace period for chilled meats](#). The request was welcomed by Šefčovič as [a sign of trust](#), and at the end of the month, the EU agreed to this extension by 3 months as part of what it termed a "[balanced package of measures](#)" to address some of the "most pressing issues" on the Protocol's implementation, including measures. From an [EU perspective, extending the grace period was to allow time for retailers in NI to orient to local or EU suppliers. For the UK, however, it would give more time to find a permanent solution](#) to the trade barriers in the Protocol.

As we conclude this blog at the end of the first six months of the Protocol's operation, it is all too easy to envisage that if there is one thing that this new grace period will allow for, it is prolonged UK-EU dramatics at yet another Brexit cliff edge.