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POST-BREXIT NEGOTIATIONS: A CASE STUDY

Abstract

This paper analyses post-Brexit negotiations in the framework of liberal intergovernmentalism. After a brief introduction of the topic and research design, the paper provides an overview of liberal intergovernmentalism. Then it describes the negotiating process between the EU and the UK, the position of the UK, and several EU member states (Germany, France, Ireland, and Spain). Also, the terms of the agreements are presented. This information is then analysed in the last section using liberal intergovernmentalism and gives an explanation of the negotiating process starting from the national preference formation of the EU member states, then the bargaining on both interstate level and with the UK, and finally, the third stage of liberal intergovernmentalism – the role of the institutions.

Key Words: Post-Brexit negotiations, Liberal intergovernmentalism, Bargaining power, National preferences, Withdrawal agreement

Introduction

The United Kingdom voted to leave the European Union with a narrow margin (51.9% voting for leave and 48.1% voting for remain) in a referendum held in 2016 (BBC, 2016). In accordance with the referendum result, Prime Minister of the United Kingdom Theresa May triggered Article 50 (it concerns the withdrawal from the EU) on March 29, 2017, a decision that was assessed by many as rushed (Payne, 2017). That formally began the UK's withdrawal process from the EU and the negotiation period, as well. It envisaged working out the terms of a withdrawal agreement and a comprehensive framework for future, post-Brexit, relations (Politico, 2017), which should have covered all fields, including a (free) trade agreement and some complex issues that will be discussed in the following sections. The subsequent negotiation process of the withdrawal agreement dragged on until the end of 2019, with some intense bargaining, delays, political drama, and renegotiations in between (BBC, 2019). The negotiations have been on the verge of collapse, but in the end, a so-called “no-deal scenario” has been averted, and a withdrawal agreement has been concluded. The Trade and Cooperation Agreement was signed a year later, on December 30, 2020 (Landler & Castle, 2020).

Brexit has been a focus of analysis and academic research throughout the years, and many studies have been conducted, but it is still a relatively new phenomenon, and some aspects require further examination. Notably, the causes of Brexit, i.e., what gave the impetus to the triumph of the Leave campaign in the referendum and what variables and determinants influenced the people's choice, are examined until exhaustion. The consequences of Brexit have also recently emerged as a prevalent research topic, and International Relations (IR) and EU integration theories have been extensively applied to these matters. However, the process of the post-Brexit negotiations (interchangeably referred to as Brexit negotiations) has been somewhat overlooked in the research framework, i.e., already developed theories have not been thoroughly applied to analyse the new case.

Hence, this study aims to contribute to this area and analyse the Brexit negotiations through the EU integration and IR theoretical lens. In particular, in order to explain the policy and actions of the two sides

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(the UK and the EU), this paper analyses Brexit negotiations, both – the process and its outcomes; the research utilises a qualitative research design and methods and constitutes a case study, namely, an explanatory case study. The research period starts with March 29, 2017, when the UK formally triggered Article 50 of the Treaty on European Union and hence, the negotiation period commenced, and is bounded by December 31, 2020, when a preliminary agreement was reached between the UK and Spain and a day earlier the EU-UK Trade and Cooperation Agreement was concluded. Academic books and articles, official documents and statements of the UK and the EU institutions, analytical and review articles, opinion pieces and news sources are used in the research process. To provide explanations and fulfil the research goal, the main theoretical/analytical framework used in the paper is liberal intergovernmentalism.

Theoretical Framework – Liberal Intergovernmentalism

The purpose of the following section is to provide an overview of the theoretical framework – its main idea and features – which will be used for the analysis in this paper. As noted in the introduction, liberal intergovernmentalism (LI) is the main analytical tool in this research.

Liberal intergovernmentalism, one of the variants of intergovernmentalism, emerged in the 1990s. It became one of the predominant theories of the EU integration and has been usually referred to as a “baseline theory” (or a “grand theory”) which sets a benchmark against which other theories are compared, measured and evaluated. It is also presented as a “grand theory” which is built upon several other, mainly mid-range theories, such as rational institutionalism, general political science theory, neo-functionalism (although to a lower degree), and classical intergovernmentalism designed by Stanley Hoffman (Moravcsik & Schimmelfennig, 2018, pp. 67-68).

Liberal intergovernmentalism was developed by Andrew Moravcsik, who consolidated ideas and hypotheses, previously expressed by him in several articles in the 1990s² (Parsons, 1998, pp. 74), in his seminal book “The Choice for Europe: Social Purpose and State Power from Messina to Maastricht”. According to Moravcsik, “the central argument... is that European integration can best be explained as a series of rational choices made by national leaders” (Moravcsik, 1998, pp. 18). That effectively implies that liberal intergovernmentalism views the European Union as an intergovernmental entity where decisions are made as a result of negotiations between the member states (interstate bargaining). The member states’ representatives negotiate/bargain based on “domestic policy preferences”, and the outcome largely depends on their bargaining power. In the view of Liberal intergovernmentalism, further integration occurs in the form of member states transferring/delegating some of their sovereignty to the supranational institution when there is a convergence between their economic interests (Cini, 2019, pp.77).

Moravcsik points out three factors that influence the rational choices of states: “economic interests of powerful domestic constituents”, “the relative power of each state in the international system”, and “the role of international institutions in bolstering the credibility of interstate commitments” (Moravcsik, 1998, pp. 18). In other words, Moravcsik outlines a theory based on intergovernmental assumptions that decision-making in the European integration process is made by member states, who are rationalist actors, and they consider three levels of factors – intrastate, interstate, and institutional. The first two are also the layers of Robert Putnam’s “two-level games” – a theory which, according to Michelle Cini, is “a starting point for understanding liberal intergovernmentalism”. Cini distinguishes the demand and supply side in the liberal intergovernmentalism – demand stemming from domestic actors and supply from the interstate negotiations processes (Cini, 2019, pp. 76-77); and additionally, LI, as a regional integration theory, also encompasses the institutional level.

Moravcsik argues that when states make rational choices in the European integration process, they pursue “relatively stable and well-ordered” interests. Based on this and previously mentioned assumptions, he separates three phases of negotiations between the member states: “national preference formation, interstate bargaining, and the choice of international institutions” (Moravcsik, 1998, pp. 18).

To begin with, liberal intergovernmentalism conceptualises states as unitary actors whose foreign policy is defined according to the bargaining process between domestic stakeholders, and they vary from issue to issue (Moravcsik & Schimmelfennig, 2018, pp. 69-70). Therefore, national preference formation is a process of

² For instance, see “Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community” and “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach”.

competition between interest groups to make their preferred policies the position of the government in the interstate negotiations (Cini, 2019, pp. 77). Moravcsik conducted comprehensive case studies and based on empirical evidence, concluded that economic interests play a key role in determining the national preference of states in regards to European integration. According to him, most of the cases indicated that behind states' decision to initially start and then deepen the integration process was the interest to fulfil commercial and economic goals and achieve comparative advantages. Nevertheless, economic interests are not a single variable determining the national preference of states in European integration, but other factors, notably geopolitical and security considerations and ideological aspects, as well. In cases analysed by Moravcsik, economic interests were present all the time. However, ideological and, especially, geopolitical reasons were also taken into consideration in a considerable amount of them; in fact, in three cases (out of 15), geopolitical interests had a significant impact on the decisions (Moravcsik & Schimmelfennig, 2018, pp. 69-70). To start with, states may prioritise geopolitical objectives and adjust economic interests accordingly. From a theoretical point of view, Moravcsik brings in a neo-Realist explanation that the *raison d'être* behind the integration was the balance of power, in particular, balancing against a threat coming from the Soviet Union, balancing as an autonomous European power pole in a superpower-dominated world, and balancing in economic competition against competitors, such as Japan (Moravcsik, 1998, pp. 24-34).

In order to explain the second stage – interstate bargaining, liberal intergovernmentalism turns to rational institutionalism. National preferences of the member states are often conflicting, and therefore, they have to cooperate and negotiate mutually beneficial policies. However, the benefits of the outcome of interstate bargaining may be different for countries, and it depends on the relative bargaining power. That unequal allotment of gains is caused by the phenomena in the EU called asymmetrical interdependence. Also, it should be noted that when a state (or some of them) does not want to change the existing status quo in a certain policy area, it is more likely to threaten to sabotage the process entirely and thus to reap concessions. As a general rule of negotiations, information is a worthy asset in the interstate bargaining between the EU member states, and the one with the information regarding other's national preferences and the attitude of the institutions towards the discussed issue has a higher chance of success. To study the bargaining process, in his book – *Choice of Europe* – Moravcsik addresses two dimensions of it – efficiency and distribution of gains, and he focuses on two opposite theories – supranational bargaining and intergovernmental bargaining. Based on the discussed cases, Moravcsik concluded that “the distributive outcomes reflected the relative power of states based on patterns of asymmetrical interdependence”: the states who reaped the most benefits from the European integration “relative to unilateral and collective alternatives” were the ones who “compromised the most on the margin to realize gains”, and on the opposite, who least benefited from the integration or their costs of adaptation or alternatives were high “tended to enjoy more clout to impose conditions”. Contrary to these assumptions, supranational bargaining theories of federalism and neo-functionalism believe that there are “informational asymmetries” and underline the role of “supranational political entrepreneurs” or “ideational entrepreneurs” (for example, EU Commission presidents). According to these ideas, states lack information and ideas for the successful negotiations that supranational ideational entrepreneurs possess. However, liberal intergovernmentalism assumes that in the process of interstate bargaining it is the supranational third parties that do not have sufficient information, and they are not required for successfully concluding efficient agreements. Moravcsik deduced, based on the empirical cases, that transaction costs are not high to exist a need for third-party mediation and also states tend to self-provide entrepreneurship and ideas. Still, Moravcsik writes that some cases, for instance, the adoption of the Single European Act, have demonstrated that supranational entrepreneurs might be required for efficiency in the bargaining process (Moravcsik & Schimmelfennig, 2018, pp. 70-71).

Finally, liberal intergovernmentalism explains the third and the last stage of the negotiations between member states – the choice of international institutions (institutional choice). According to the LI, international institutions are usually needed for “durable international cooperation”. Therefore, member states delegate part of their sovereignty to the supranational institution because they are able to take action against the ensuing inclinations of the countries and engulf unintentional effects. Most significantly, supranational institutions guarantee that the distribution of gains that have been achieved on the second stage are preserved; minimise the costs of the transaction by facilitating the cooperation and reducing the uncertainty; establish a mechanism for the member states to oversee each other's actions and in case of a breach – to sanction, thus ensuring the

compliance to the agreed deals. There are different levels of delegating the powers to the EU, starting from the simple standard- and norms-setting to granting proposal and negotiating powers to the Commission, and delegating powers to the European Central Bank or the European Court of Justice.

Brexit Negotiations: Timeline, Key Issues and Outcomes

After the British people voted in favour of exiting the European Union, it was clear from the very beginning that the process could not be finished overnight despite the optimism of certain Brexiteer groups. However, not many could have foreseen how the process would unfold and protracted over time, and the major developments that took place in the aftermath could not have been easily predicted.

Firstly, it should be noted that despite being frustrated by the outcome of the referendum, the EU was ready to respect the choice of the British people and start the arduous work to fulfil that choice. In the immediate aftermath of the vote, EU representatives publicly declared that they regretted but respected the decision and outcome of the referendum, said they were prepared for “this negative scenario” (European Council, 2016a) and indicated that they were ready for the negotiations (European Council, 2016b).

On the contrary, it was the UK side that was less ready for the result and perhaps downplayed the complexity of the upcoming situation and negotiations. As one of the side effects of Brexit, Prime Minister David Cameron, despite having won an outright majority in the 2015 general elections, resigned amid a failure in the Brexit referendum, paving the way for Theresa May to become a new Prime Minister, with a task of negotiating the withdrawal terms with the EU (Stewart et al. 2016).

It was clear that the EU’s negotiation position was stronger and unsurprisingly, then-President of the European Council, Donald Tusk, was pushing for starting negotiations soon in order to “reduce and eventually end the uncertainty” at the meeting with Theresa May (European Council, 2016c). In fact, he welcomed the decision of the British government announced in October 2016 that the UK would trigger Article 50 and start the negotiation process by the end of March next year (European Council, n.d.). Although, triggering Article 50 was deemed by many as hasty, premature and rushed (Payne, 2017), mainly because the UK was not well-prepared. It was visible at one of the first meetings between the negotiation delegations of the two sides – the scene³ with the EU side appearing at the negotiations with a lot of paperwork and the UK side sitting with just notebooks illustrated the preparedness of the sides and depicted UK’s haphazardness.

Leaders of the 27 EU countries (European Council composition except for the UK) concluded that the negotiations would be conducted by the EU commission based on the guidelines that the EU27 would adopt over time. Michel Barnier was appointed as a chief negotiator based on the Commission’s nomination, although he did not only report to the Commission but to the EU27 leaders, as well, and he was also tasked to inform the European Parliament “closely and regularly”. Plus, the EU Council and its preparatory bodies were also given a role to “provide guidance to the Commission” and “ensure that negotiations are conducted in line with guidelines provided by the EU27” (European Council, 2016d) – of course, the leaders of 27 member states would not be engaged in day-to-day work, monitoring and discussing every technical details.

Among the main negotiation points announced by Donald Tusk when talking about the draft guidelines for the negotiations were minimising uncertainty, preventing a legal vacuum for the EU companies working in the UK, ensuring that the UK honours its financial commitments, finding “flexible and creative solutions” to prevent the hard border on the island of Ireland between Ireland and Northern Ireland (only land border between the UK and the EU) as a mean to guarantee peace and stability in Northern Ireland. According to Tusk, these issues should have been agreed upon in the first place in the framework of the withdrawal agreement and only after those topics were sorted out, can they move on to discussing the future relationship, covering the broad fields of economy and security amongst others (European Council, 2017a).

The first guidelines set out the positions of the EU that the integrity of the Single Market and a level playing field should be preserved, meaning that the UK could not participate in only some areas and be excluded from other fields. Also, the guideline ruled out concluding the agreements on separate issues to avoid the

³ The picture is available, for instance, at the following link: <https://www.politico.eu/article/britain-prepares-to-show-its-brexiteer-hand-customs-trade-agreement/amp/>

UK to cherry-pick its preferred areas, instead stating that the withdrawal agreement should be negotiated/ concluded in a single package. Moreover, the guideline set out the principle that the negotiations should be conducted by the Union as a whole using the communication channels that would be exclusively prescribed in the guidelines, and not separately by member states so that the EU would not be undercut and its negotiation position undermined. That effectively inferred that the EU's chief negotiator Michel Barnier would lead the negotiation process and be the main contact point for the UK, and the EU did not want the UK to try to undercut him and establish a negotiating channel directly to the member states or the Commissioners (or other EU officials). These principles covered not only the withdrawal agreement negotiations but the preliminary talks on the framework of the future relationship, transitional and all other related agreements, as well. The EU chose "a phased approach to negotiations" and according to Article 50, set a two-year timeframe for the negotiations. The phased approach meant that firstly the citizens' and business rights and how the UK's possible divergence from its commitments to the EU rules undertaken as a member state should have been agreed upon, and only then could be talks about the outline of the future relationships or transitional agreements (European Council, 2017b).

Based on the European Council's guidelines the Commission set out negotiating directives (approved by the Council). Citizens' rights, financial settlement, resolving the Ireland situation by adhering to the Good Friday Agreement and the issues related to the integrity of the Single Market (including the customs-related issues) were highlighted as utmost priorities. It reiterated the phased approach – only after the problems of citizens' rights, financial settlement, and the Northern Ireland situation is dealt with, can the second phase of the negotiations start, where all other topics will be discussed, including a preliminary discussion of the future relationship agreement (European Council, 2017c). Michel Barnier also stressed those points in the first round of the negotiations (European Commission, 2017).

On the other side, the UK also published position papers⁴ on various issues discussed with the EU in order to address the criticism that it was unprepared for the negotiations. The two most important aspects that it addressed were the Northern Ireland issue and the customs arrangements. Regarding Northern Ireland, May's government decided to make concessions as Ireland's positions were taken into account but still, the proposal was unclear in some aspects – in essence, the paper aimed to establish a regime where the Good Friday agreement was maintained along with the Common Travel Area and cooperation in multiple areas, including the energy sector, and a hard border for the movement (of both citizens and goods) between Ireland and Northern Ireland is prevented (Dunin-Wasowicz, 2017a). Some criticised the paper, saying it described the current situation as the best possible outcome from the proposed measures but posed a serious risk of failure (O'Toole, 2017). Concerning the customs arrangements, the UK proposed the creation of an "interim customs union" and at the same time kept the right and possibility to negotiate trade deals with the third countries (Reuters, 2017). However, this idea seemed a bit odd from the very beginning, as it contradicted generally accepted assumptions of economics regarding the trade diversion with third parties when you enter into a customs union, and, therefore UK's proposal had a grim chance of getting EU's acceptance because it might have complicated the preservation of the integrity of the Single Market. Indeed, the position paper was heavily criticised by experts because it left major questions without answers and was dubious on the UK's position towards the customs union, during the transition period and in the long-term (Dunin-Wasowicz, 2017b) (BDO, 2017).

The 27 member states had their vested interests in the Brexit negotiations, as well. For instance, the major concern for Ireland was the Northern Ireland question. Ireland desired to maintain peace and stability which was achieved by the Good Friday agreement, continue unimpeded trade and movement with Northern Ireland and general cooperation in all fields, and to get Northern Ireland more aligned with itself rather than with the UK was also in Ireland's interests.

Germany's, which has the most powerful economy in the EU and is widely regarded as the EU's leading state alongside France, primary interests were a) avoiding hard Brexit or "no-deal" as it would have been damaging by pure economic calculations, because of disturbance it would cause to the Germany-UK trade; German-UK economic ties were the closest and highest according to some indicators and thus Germany would have taken a major blow (Ryan, 2019); and b) sustain the welfare and the prestige of the EU itself because it is strong EU

⁴ Discussing each of them in detail is out of the scope of this paper. They are available at: <https://www.gov.uk/government/collections/article-50-and-negotiations-with-the-eu>

is Germany's foremost long-term objective as the leader of the block. Therefore, in this context, Germany's interest coincided with those of the EU as a whole, for instance, Germany also actively opposed allowing Britain to cherry-pick the cooperation spheres, demanded a huge "divorce bill" and ruled out the possibility of a hard border between Ireland and Northern Ireland in any agreement (Chase, 2019). Additionally, ensuring a level playing field in terms of regulations and industry subsidies was another priority of Germany (Boffey & Rankin, 2020) because of its economic competitiveness and also, for the interest of the EU, in general. Notably, some argued that Germany would prioritise its political interest of supporting and advancing European integration over its own economic interests (Molthof, 2018) and eventually "will not allow Brexit to compromise EU core principles" (Ryan, 2019).

Another economy that would have been damaged the most from the UK's departure, especially in the form of either hard Brexit or "no-deal", would have been Spain (Garicano, 2016). Spain also had close economic, political, educational-cultural, etc. (Dunham, 2020), ties with the UK – although its economic dependency on the UK might have been of a lesser amount than that of Germany, but Spanish economy, with a high unemployment rate, which is significantly weaker than the German, was more susceptible and thus, would have been affected greater. Nevertheless, apart from economic and other mentioned interests, the main issue was Gibraltar, which is a strategically located piece of land at the Gibraltar Strait next to Spain constituting a British overseas territory since forcing Spain to concede it to the UK in the 18th century. Since Spain has challenged the UK's position and the status-quo regarding Gibraltar's status on numerous occasions. As Gibraltar's population overwhelmingly voted in favour of remaining in the EU in the Brexit referendum, having an only land border with Spain and given its economic (and basically all kinds of) dependency on the EU and, especially, on Spain, Spain saw it as a chance to advance its interests. This would mean changing the status-quo in a way that would make Gibraltar more aligned with Spain and increase Spain's role and influence in Gibraltar.

Last but not least, France's position and interests deserve special attention, as well. These, of course, similarly to German priorities, included ensuring the integrity of the Single Market and the level playing field (Schnapper, 2021). France is the de facto second-ranked or even co-leader state of the EU alongside Germany, and, therefore, EU's interests and prestige were also evenly important, not if even more important because France's foreign policy and identity on the international arena is based on advocating for a stronger EU as an autonomous power centre. Hence, making sure that the EU came out from the negotiations as a winner and as a more closely integrated block was key for France. Therefore, it is not surprising that France had a much more tough stance during the negotiation process than Germany. Citizens' rights in the UK and free movement in the context of the Channel Tunnel was also very sensitive to France. Similarly, to Germany and Spain, France's trade ties were on quite a high level with the UK (Schnapper, 2021). Significantly, the fisheries policy was a fundamental issue for France, in particular, retaining the access of French fishermen to the UK's waters (the exact topic was also key to other states, such as the Netherlands, Ireland and Denmark), while the UK insisted on more limited admittance (Rankin, 2020). Finally, France also wished to maintain and strengthen cooperation with the UK in foreign, defence and security policies (Schnapper, 2021).

What was interesting is that the EU27 managed to combine and converge its member state interests (which LI helps to explain below), while there were huge disagreements within the British government. For instance, the publication of the so-called Chequers plan led to high-profile resignations and also, the proposal was rejected by the EU because it violated the integrity of the Single Market and cherry-picked from the four freedoms (Powell, 2018). The plan envisaged maintaining "a common rulebook for all goods" thus ensuring a level playing field, establishing joint jurisdiction to get rid of the ECJ jurisdiction (cases in the UK goes to the UK courts and in the EU to the EU courts) and creating "combined customs territory" where goods for domestic and EU market would be applied different tariffs as a mean to simultaneously keep the existing trade ties with the EU and sign new free trade agreements; the paper was also cancelling free movement of people, and ending of the "annual payments to the EU budget" (BBC, 2018a).

The first agreement was reached in 2018 about the withdrawal agreement and the political declaration. According to the agreements, the "divorce bill" that the UK was going to pay was £39bn, the UK was also ensuring citizens' rights and Northern Ireland backstop mechanism (meaning Northern Ireland would still be in the Single Market in order to avoid a hard border and also kept the UK in the EU customs territory to prevent customs controls between Great Britain and Northern Ireland) (BBC, 2018b). A backstop mechanism was agreed to be in place until reaching further agreement would be reached that would have diminished the

need for remaining in the customs union to prevent a hard border between Ireland and Northern Ireland, and this might have continued without a deadline until the EU agreed that the requirements were met. May's deal was rejected by the House of Commons in 2018 on multiple occasions (BBC, 2018c). May's attempt to make parliament agree on a bit changed declaration in 2019 was also unsuccessful, resulting in a humiliation for the British government as the government's proposals were rejected by the House of Commons multiple times (BBC, 2019b). Consequently, May was forced to ask for a further extension for the Brexit negotiations (Cooper, 2019), and after her proposals were met with heavy criticism by the majority of the MPs, May had no option left but to resign (BBC, 2019c).

On July 24 2019, Boris Johnson became the new Prime Minister of the UK, and he started his tenure by demanding the EU to change its position. EU was stating that they would only discuss changes in the political declaration, which concerned the future relations, but not the withdrawal agreement, while Johnson wanted to renegotiate the withdrawal agreement too. He did not even hesitate to play a "chicken game" in the negotiation process, pushing for a disastrous "no-deal scenario" in case the EU did not compromise, which would have hugely damaged the UK, but hit the EU, as well (BBC, 2019d). This strategy has been successful to a certain extent, and the two sides agreed on a deal that removed the most controversial part – the backstop mechanism. According to the new deal, the whole of the UK was leaving the customs union, thus gaining a chance to sign free trade deals with other states. But this meant enacting a de facto customs border between Northern Ireland and Great Britain, although the checks did not occur at the "border" but rather "at the points of entry" into Northern Ireland, where the EU could place its representatives with some degree of (indirect) authority. Moreover, products transferred from Great Britain to Northern Ireland that has a risk of ending up in Ireland got taxed. But personal luggage or private people's deliveries did not require checks. To prevent checks of goods at the Northern Ireland border, Northern Ireland stayed more in EU regulation rules, rather than in UK rules. Notably, the EU's value-added tax applied to Northern Ireland but only on goods, not services. A transition period was agreed upon until the end of 2020 to allow the time for negotiating future relationships. The rights, residency and social security right of EU citizens in the UK and vice versa was guaranteed, but freedom of movement would last only until the transition period. The UK has also had to pay the membership fee during the transition period, and in total, the "divorce bill" amounted to £32.8bn – 6.2bn lower than May's deal (BBC, 2019e).

Despite reaching an agreement with the EU, Johnson could not secure the backing of the House of Commons, and the deal did not manage to get through the parliament. In a bizarre move, Johnson even tried to dissolve the parliament, which was ruled unlawful by the UK court, and parliament forced Johnson to an extension of the 31 October deadline. Finally, Johnson managed to hold a snap parliamentary election in December 2019, which he won by a landslide and only then did the Brexit deal get the approval of the parliament (Sandford, 2022).

The UK left the EU on January 31, 2020. Then, after some heated moments, tit-for-tat and talks again on a "no-deal", a deal on future relations, titled the EU-UK Trade and Cooperation Agreement (TCA) was signed just before the end of the transition period on December 30 (Sandford, 2022). According to the TCA, there will be no tariffs and quotas on goods, but safety checks, customs declarations and some restrictions on UK animal food products were introduced, which would obviously negatively impact trade between the two sides. Regarding services and qualifications, automatic recognition and right of access were removed. Visas got mandatory except for short stays (90 days in 180 days). Reaching an agreement over fisheries turned out to be difficult – the EU retained some access to British waters, but the UK will gradually get more share of fish from its water and can altogether prohibit EU fishing boats from 2026 but EU will reiterate by taxing British fish. The measures were not particularly welcomed by the UK fishermen. The UK managed to pull out of the authority of the European Court of Justice, but the ECJ got a role in Northern Ireland. The UK also lost automatic access to the EU's security databases (Edginton, 2020).

Last but not least, Spain and the UK concluded a separate agreement over Gibraltar, according to which Gibraltar would join the EU Schengen Area, and its airports and ports became entry points for the Schengen area under the responsibility of Spain, and the border-control responsibility was delegated to the EU agency Frontex. Also, the movement of goods and a level playing field were guaranteed (El Pais, 2021).

Analysis

To give a broad assessment of the process, as is the case in most of the negotiations, there have been compromises from both sides, however, it can be concluded that in the end, the EU had an edge. EU managed to achieve each of its objectives to a certain extent (with compromises), while the UK could not accomplish many of its goals, for instance, UK's first position papers were largely rejected; Johnson's technological solution to Northern Ireland checks was dismissed; the UK did not get its desired agreement on Northern Ireland and it is visible from the fact that the UK is now aggressively trying to renegotiate it; and also the UK compromised on much more things and agreed on a massive "divorce bill".

On the EU27's side, what was evident was that member states had vested interests. Apart from the EU-UK discussions, there was a bargaining process going on inside the EU27 too, where states were trying to upload their preferred and defined policies as EU27 negotiation priorities. This leads to the decision-making process outlined by liberal intergovernmentalism. Furthermore, the way EU27's negotiation was designed also fits in the liberal intergovernmentalism hypothesis that the member states' representatives negotiate and bargain to upload their domestic policy preferences and then delegate the authority to the supranational institution since it would better achieve the desired outcomes – in other words, the Commission would be able to better negotiate with the UK on behalf of the EU27 rather than member states to deal with the UK separately. Particularly, the leaders of the EU27 were adopting the negotiating guidelines based on which the Commission's chief negotiator had to negotiate. Thus, the EU27 was delegating the authority to the Commission to conduct the negotiating process. This effectively meant that the Commission would negotiate on behalf of all 27 states, but the European Council would retain political control, steer the process and have the final say in the decision-making process. The reasoning behind this arrangement can be found in LI – states adopt EU-level policies by interstate bargaining where they bargain based on their national preferences and then delegate some authority to the institutions because they can better cope with it. In this case, EU member states preferred the Commission to conduct the negotiations because it would represent the EU as a single actor, which would have the upper hand against the UK, compared to member states negotiating separately. Also, the EU's terms and measures (that ruled out agreements on separate issues and approaching the withdrawal agreement as a single package, prohibiting negotiations that undercut the chief negotiator) gave the EU more bargaining power in all areas by linking the issues to each other because the EU as a block of 27 states had more leverage. In fact, the UK side was trying to negotiate directly with the German and French leaders and EU Commission President's cabinet and bypass Barnier (Powell, 2021).

As concluded by Moravcsik, national preference formation is mainly influenced by economic interests. This was apparent regarding the post-Brexit negotiations – economic interests played a great role in forming domestic policy, for example in the case of Germany, Spain, and France (and basically every other state that was not discussed separately) had economic goals. For instance, especially in Germany, also in France and Spain, domestic interest groups with big economic stakes in the UK had an influence on their governments to take measures that would avoid "no-deal" scenario – the EU was stressing that it would not renegotiate withdrawal agreement, but after Johnson started playing a "chicken game" and made "no-deal" a real possibility, the EU agreed on deadline extensions and renegotiation. One reason was that their companies operating in the UK, such as BMW, not to get badly hit, which would have put many jobs at risk. The same reasoning applies to France, including the economic impact and possible unemployment resulting from cancelling the access of EU fishermen to the UK waters. Such special concern for Spain, apart from Spanish companies operating in the UK and vice versa, was the tourism sector. Economic interests played a role even in the more political and security-related issue of Northern Ireland because it concerned the integrity of the EU's Single Market and the customs union.

As LI argues that economic interests are dominant but security, geopolitical and political interests do also play a role in national preference formation. This was vivid in Ireland's example – it sought a solution that would preserve peace by preventing a hard border and checks at the border. For Spain, geopolitical interest was Gibraltar. Germany had a political interest in guaranteeing that the European integration project remained strong. Besides fisheries policy, France had a similar interest in a strong Europe due to ideological and identity reasons and geopolitical, and also France's interests included citizens' rights and security cooperation with the UK. Accordingly, if security and political interests were not decisive, at least they played a significant role, as Moravcsik argued.

These national preferences were then converged on the second stage of interstate bargaining. For instance, Ireland managed to make Northern Ireland one of the priorities of the EU, probably the above-mentioned economic aspect of this issue also helped in this. Citizens' rights were also adopted as one of the EU's priorities. Finally, Germany's and France's political and ideological interests were also firmly taken into account. Apart from these core issues, interstate bargaining also resulted in fisheries policies taken into consideration, but not as significantly as the previous three. And EU also supported Spain around the Gibraltar issue.

The concept of the "EU as a single actor" was used in negotiations with the UK, and this proved to be very successful. As already mentioned, the EU as a whole had much more bargaining power by sticking together, whereas the political spectrum was divided in the UK, and they could not agree on their preferences. As a result, Ireland got the desired agreement on Northern Ireland – not only did it ensure preserving peace and the Good Friday Agreement, but Northern Ireland got more distanced from the UK and more aligned with Ireland, because of staying in the EU regulatory framework. The integrity of the Single Market was preserved, and the UK had to agree to pull out of the customs union and agree on a less ambitious free trade agreement with the EU to be able to sign trade agreements with other states. Also, the EU achieved preferable terms on citizens' rights and a "divorce bill". As it was not managed to make fisheries policy amongst top priorities during interstate bargaining, the EU compromised but still managed to guarantee some access to the British waters for at least several years. Also, with the support of the EU, Spain got a rewarding deal on Gibraltar – making it more dependent on the EU and Spain and gaining some authority on entry points, while Britain lost some of its influence.

Apart from delegating the authority to conduct the negotiations to the Commission, the third stage of LI was seen in granting powers to the ECJ over the Northern Ireland protocol. As LI argues, institutions are needed to preserve what was agreed on in the second stage and ensure compliance of the sides and the European Court of Justice was given exactly this function – to oversee and rule on the breaches of the protocol. In fact, the EU has even already used this mechanism (Burchard, 2021).

And last but not least, Moravcsik did not view the role of supranational political entrepreneurship as deciding factor, but did not rule out that it sometimes makes a positive effect. In this context, Michel Barnier might deserve some credit as such a supranational entrepreneur. He contributed not only by talks with the UK delegation but also toured European capitals in a bid to maintain the unity of the EU in the negotiations, as the UK was trying to negotiate directly with Germany and France or the President of the Commission.

Conclusion

Based on the analysis above, it can be concluded that liberal intergovernmentalism constitutes a useful tool for analysing Brexit-related negotiations. The EU's strategy that the Council was the decision-maker but delegated the negotiation process to the Commission is a process described by liberal intergovernmentalism. Member States' national preferences were mainly formed according to economic interests, although security and political aspects were also envisaged, and they cannot be overlooked. National interests of member states were then a subject of the interstate bargaining process, and as a result, the Northern Ireland question, the integrity of the Single Market and citizens' rights got prioritised, followed by the "divorce bill", fisheries policy, prevention of a "no-deal scenario" and Gibraltar issue. Due to negotiating as a united block, the EU27 had more bargaining power and as LI would have predicted, achieved most of its results. Additionally, the ECJ was "appointed as a guarantor" of Northern Ireland protocol.

Postscript

The signing of the EU-UK Trade and Cooperation Agreement has not been the end of the Brexit negotiations saga.

The most complicated issue during the post-Brexit negotiations – the Northern Ireland Protocol – has become a major cause of controversy between the EU and the UK. The dispute remains unresolved, with no solution on the horizon. In September 2020, the UK put forward a so-called Internal Market Bill, which would have authorised the UK to regulate some aspects of trade between Northern Ireland and Great Britain in case

the EU and the UK failed to reach a trade agreement. Even the UK acknowledged that the bill would break international law as it contradicted the Brexit withdrawal agreement. However, the sides concluded a deal, and therefore, the UK avoided breaking the international agreement.

Nonetheless, that development showcased that the UK government opposed the provisions of the agreement that it had brokered with the EU (Campbell, 2022). This once again demonstrates that the UK could not reach a favourable agreement on Northern Ireland during the Brexit negotiations. Consequently, the UK has pushed for the renegotiation of the protocol's provisions. The UK government came to the conclusion that the protocol did not work as they had desired and argued it should be rewritten to, amongst other demands, remove all checks on goods from Great Britain to Northern Ireland and get rid of the EU institutions, i.e., to remove ECJ's jurisdiction, in enforcing the protocol (O'Carroll et al., 2021). The EU rejected UK's offer to ditch Northern Ireland Protocol, calling the protocol the only solution (O'Carroll, 2021a). The EU was ready to compromise – simplify and remove many checks (around 50%) on British goods shipped to Northern Ireland (Boffey, 2021), but disagreed on the renegotiation of the whole deal (The Economist, 2022).

The negotiation process had its ups and downs, for instance, after Foreign Secretary Liz Truss started representing the UK in the negotiations with EU Commission Vice President Maros Sefcovic, the talks were conducted in a rather "constructive atmosphere", and the overall mood was positive (Gallardo, 2022). Vladimir Putin has also facilitated easing the tensions between the sides since the EU and the UK united against Russia's unprovoked and unjustifiable invasion of Ukraine (Castle, 2022). However, for the UK, the EU's proposals did not go far enough (Reuters, 2021), predominantly, the UK was unyielding to accept retaining the role of the ECJ in the Northern Ireland Protocol (O'Carroll, 2021b). Due to significant disagreements, the talks could not provide a result and Northern Ireland's place in the EU's single market is imperilled (it could result in a harder border and destabilisation on the ground) (Gallardo, 2022b), whilst Northern Ireland's Democratic Unionist Party (DUP) is opposed to the protocol and hampering the functioning of Northern Ireland Assembly (BBC, 2022). Boris Johnson threw the situation into further jeopardy by introducing the Protocol Bill, which grants the UK power to alter the protocol unilaterally, which the EU believes is violating international law (Campbell, 2022). Johnson came under harsh criticism from both inside and outside of his country. The EU responded by initiating two new legal disputes against the UK (Gallardo & Pogatchnik, 2022). EU's Sefcovic did not rule out a trade war (Reuters, 2022), and actually, the two sides are on the brink of a trade war (Islam, 2022) as the EU even has a list of the UK products to hit in retaliation if UK's proposed draft bill enters into force (Downing, 2022). Financial Times wrote that "a full-blown trade war with the EU is unlikely, but Britain already suffers bitter side-effects" (Bush, 2022). The situation got so deadlocked that Ireland's Deputy Prime Minister (according to the coalition agreement, he will return to the post of the Prime Minister later this year) even suggested that a successful negotiation might only be possible with a new British government (Pogatchnik, 2022). Eventually, Johnson has announced his resignation, and a new government is likely to be formed in September – much is dependent on who gets at No. 10 regarding how the EU-UK dispute over the Northern Ireland Protocol would develop.

Besides the Northern Ireland Protocol, fisheries policies have also been a cause of dispute between the UK and the EU, especially France. The tensions peaked in the autumn and December of 2021 when the UK and Jersey (a self-governing British Crown dependency in the English Channel) refused to grant fishing licenses to a number of French vessels (France 24, 2021). The EU was also involved in the dispute between France and the UK and set a deadline for Britain to issue licences, which the British officials did not acknowledge. France vowed to retaliate if the dispute was not settled in time and would ask the EU Commission to take litigation and retaliatory measures against the UK for failing to adhere to the post-Brexit agreement (Euronews, AFP, 2021). French fishermen have even blockaded the ports of France and Jersey but this move was more of a warning as it did not halt the traffic. The UK missed the deadline, but there was a preliminary agreement in place and soon after, the UK and Jersey (PA Media, 2021) issued some – but not all requested – extra fishing licenses to French boats (Aarup, 2021a). Ultimately, Financial Times reported on April 10, 2022, that the UK and France had reached a "truce over fishing license dispute". The UK granted most of the licenses and agreed to continue doing so to the "boats that could show proof that they had historically fished in its [UK's] waters" (Bounds, 2022).

Regarding Gibraltar, there are no such heated tensions between the sides, however, the optimistic timetable to reach an agreement in six months has not been met, and the negotiations have yet to be concluded. European Commission proposed a draft mandate for negotiation on Gibraltar in July 2021 (European Commission, 2021). But then Foreign Secretary Dominic Raab imminently voiced UK's objections, arguing that the text of the draft

mandate was in direct conflict with the agreed framework and sought to "undermine the UK's sovereignty over Gibraltar" and hence, could not "form a basis for negotiations" (Aarup, 2021b). Subsequently, UK officials stated that they were closely working with the government of Gibraltar for a no-deal scenario in case the talks with the EU had failed (Gallardo, 2021a). The text of the draft mandate was edited and included "a reference to Spain asking border agency Frontex for support to control the border during the first four years of the agreement" to reach a compromise. In October 2021, the EU Council approved the Commission's mandate to negotiate on the Gibraltar issue "without prejudice to the issues of sovereignty and jurisdiction" and reach a "broad and balanced" agreement (Gallardo, 2021b). Initially, it was considered to conclude a treaty by the end of 2021; however, the post-Brexit talks on Gibraltar dragged into 2022. In the meantime, transitional arrangements were extended to avoid a hard border with Spain (Gallardo, 2021c). Negotiations are still ongoing in July 2022 (HM Government of Gibraltar, 2022).

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