

Deal or no deal on the Protocol

It is difficult to write about a deal where there is no text, and where the UK government assures us there is currently no deal over the Northern Ireland Protocol. Many of us would be delighted if there is an agreement to free the flow of goods within the UK to and from NI to GB, and even happier if there is an agreement to lift the way the EU wishes to impose its laws on NI that do not apply in the rest of the UK. So what are we to make of the fevered speculation that there is a deal in the offing?

The first scenario is I am afraid the least likely. In this the EU has at last realised its demands to have a border between GB and NI, and to require NI obeys all new EU laws does violate the first 3 Articles of the Protocol itself and prevents Unionists from returning to Stormont. They have kept their decision to make a revision to their demands secret whilst they get buy in, but we will be pleasantly surprised and will be able to welcome the new deal when announced. It will remove the democratic deficit, uphold the UK internal market and will look to the UK to ensure compliant goods only flow to the EU across the invisible Irish land border. Mutual enforcement where the UK enforces EU standards on all exports to the EU and vice versa has always been the sensible outcome. There is then no need for a physical border into NI nor into the EU. The UK has never proposed a new physical border into the UK from the Republic.

The second scenario is the EU and UK are close to having agreement on how the UK should manage an internal border, with relaxations for the bulk of goods which are internal trade within the UK. Without any agreement on EU laws and their enforcement by the EU's own court it is difficult to see how this could persuade the Unionists back into power sharing. Were the UK government to press ahead with this it could get it through Parliament because Labour has said it will support more or less any Agreement, but it will not resolve the larger Good Friday Agreement issues with the Unionists. It also leaves open how much electronic paperwork companies would need to produce to satisfy EU demands for data on internal UK trade and whether this will still impede our internal market.

The third scenario is there are still genuine talks underway concerning the democratic deficit issues but the EU is reluctant to move. All the time the EU insists on imposing its laws and ECJ judgements on NI the UK government should decline to settle, knowing it will not sort out the Good Friday matters.