

My Article in the Telegraph

The Unionist community in Northern Ireland has been ignored and angered by the actions and words of the European Union. The Northern Ireland Protocol has as its first Article a statement that the Good Friday or Belfast Agreement takes precedence over the Protocol. It states that the constitutional status of Northern Ireland is to be upheld and all has to proceed based on the principle of consent. The hard won peace in 1998 established Stormont as a devolved Assembly where all decisions were to be agreed between the two main communities, Republican and Unionist.

The EU's insistence that all new laws passed by the EU apply to Northern Ireland breaks that promise of consent. Northern Ireland sends no Ministers to the Council to frame the laws and has no MEPs in the Parliament to approve them. The European Court of Justice is the ultimate authority on how those laws are interpreted and enforced. For this reason all Unionist parties in Northern Ireland refuse to return to Stormont to govern in agreement with their Republican colleagues.

The EU wishes to portray this dispute and the rest of Brexit as a matter of trade, when it is primarily a matter of who governs. There are various ways of smoothing the passage of goods between Great Britain, Northern Ireland and the Republic of Ireland that do not require EU laws to apply to Northern Ireland and do not end up in the European Court of Justice. It is the EU's refusal to explore such options that have left this issue unresolved for so long. The EU should return to the negotiating table willing to accept Article 1 of the Protocol and the Articles of the Good Friday Agreement, and to see they are incompatible with Northern Ireland having to accept EU law and the EU Court.

The UK and the EU have both said they do not want new physical border controls. There is no need for them. The EU now seems to want to walk away from this promise, by proposing new border posts and controls between GB and Northern Ireland, whilst respecting the wish not to have such further controls between NI and the Republic. It is neither sensible nor fair to suggest creating a complex internal border within the UK to avoid one with the EU. The UK would happily make it an offence to seek to send unwanted or non compliant goods to the Republic from Northern Ireland, and would use full state powers to enforce against smuggling. Checks needed on GB to NI trade can as now take place at the premises of the company despatching the goods from GB or at the premises of the buyer in NI. All will be covered by the usual standards, enforcement and electronic paperwork that is used to regulate internal trade in GB. Trusted trader schemes work well. Surely a UK supermarket chain which can send sausages to Liverpool without a border check at the city edge can also be trusted to send the same sausages to Belfast for its store there?

The UK government has said it cannot accept proposals which do not result in the restoration of Stormont. As Unionists have made clear, it will require a sensible fix on trade issues which end the idea that Northern Ireland is

governed by EU laws and is still under some influence or jurisdiction of the European Court of Justice. The EU/UK trade agreement has reference to an independent arbitrator for disputes, not to the ECJ. That is what is needed as a long stop in issues of UK to EU trade across the invisible Northern Irish border. People in Northern Ireland will follow EU rules and requirements for anything they export to the Republic as all countries selling into the EU need to do, but not for the rest of their business activity.