

The draft Withdrawal Treaty

Martin Howe, Richard Aikens and T Grant have written an excellent guide to the draft Withdrawal Treaty, published by Politeia.

They remind us that the whole Withdrawal Treaty, not just the Irish backstop, contains problems for the UK were we to sign it.

In particular they cite

1. It reaffirms the supremacy of EU law in specified areas, requiring UK courts to strike down any UK legislation which contradicts EU law.
2. It gives the European Court of Justice an important role in settling disputes by referring them to the ECJ, a court of one of the two parties to the dispute. International Treaties usually go to third party independent appeal
3. It imposes stringent penalty payments on the UK for non compliance and allows the EU to suspend its own Treaty obligations if they argue the UK has failed to comply
4. There is no exit clause for the UK without the permission of the EU

I wrote a letter to the Attorney General about various problems with the draft Treaty including the long tail financial liabilities it would commit us to.

It is good the new PM has said this draft Treaty is "dead".