

The state of the Union

This article is reproduced from Conservative Home where it appeared yesterday:

The Government is strongly in favour of the Union of the UK. So is the Official Opposition. Scotland held a referendum and voted to stay in the Union. At the time all parties agreed it would be a vote for a generation, though the SNP now wobble over the desirability and timing of a much earlier re-run of the vote they lost. The rest of the Union has not campaigned for a vote about their membership. So why is there such nervousness about the subject?

The biggest threat today to the Union comes from the EU. There is a strand of EU thinking that has surfaced in press briefings and the odd comment that says there must be a price to Brexit for the UK, and that price should be the detachment of Northern Ireland from the UK.

The official public line is the EU needs to insist on special governance arrangements in Northern Ireland to avoid goods coming across the border into the Republic from the UK that might not be compliant with EU rules and customs.

To make this difficult the EU chooses to interpret the peace Agreement governing the two communities of Northern Ireland as meaning there should be no border controls, though throughout the UK's time in the EU there were VAT, Excise and currency controls governing trade between Northern Ireland and the Republic. These were largely handled through electronic means, and away from the physical border.

The UK has offered several ways in which it can make sure non compliant goods do not wander from NI to the Republic without imposing new border posts. Mutual enforcement of the rules would do it, with the UK authorities ensuring there is no passage of non compliant goods.

Electronic manifests for each consignment, to be inspected before arrival by EU officials, would do it. Trusted trader schemes where most firms were trusted to enforce the EU rules and avoid non compliant deliveries would do it. There has always been smuggling across the NI/Republic border, and there has been a long history of co-operation by the authorities on both sides to avoid it becoming excessive and to punish those who still try it. That will continue after the new arrangements.

The fact that the EU has rejected all these sensible proposals implies it does not want to solve the narrow issue of trade. It may be that the immediate objective is to divert large amounts of trade from GB/NI into Republic to NI trade. That is what is happening.

Faced with the EU blockage of simple GB/NI movement of goods in the way we used to enjoy, consumers in NI are being forced to buy from the EU via the

Republic instead to get their deliveries on time. The EU is assisting a large diversion of GB/NI trade. This is expressly against the Protocol which rules out such a diversion in Article 16. The UK for that reason alone can legally change things unilaterally to stop this happening.

It may be that it is part of a wider EU plan to ensure more common governance of Northern Ireland with the Republic under EU control. The wish is to impose every regulation and directive on NI that the EU regards as important to its single market.

The remit of the single market is now very large, encompassing everything from environment policy to labour policy, from transport policy to energy policy, alongside the more normal definition concentrating on product standards and trade terms. The EU wishes NI to accept large amounts of EU law with no voice and vote in its making and no right to repeal or amend.

The NI Protocol rightly expresses strong support for the peace process, which is based on the mutual consent of both parties. The EU claims to champion this, yet fails to grasp the fundamental problem with its approach.

Its demand that it can legislate for NI and control many things in NI in the name of preserving the integrity of its single market does not have the consent of the Unionist population. Indeed the EU has united Unionists against its Protocol because they see the EU seeking to split NI off from UK law and NI consumers from GB suppliers, going well beyond its legitimate needs to police its trade.

The Protocol stresses at the beginning "the importance of maintaining the integral place of Northern Ireland in the UK's internal market". The EU is doing the opposite. It says "This Protocol respects the essential state functions and territorial integration of the UK". It does not feel like that to many in NI.

When the UK challenges the EU over its wish to govern Northern Ireland in a different way to the rest of the UK, the EU asks why the UK keeps on going on about sovereignty. If it wishes to show sympathy for Northern Ireland and wish to understand the nature of the problem it needs to grasp that sovereignty as at the heart of the issues long dividing the two communities. The EU's view of it does not work for the Unionists.

The UK government needs to see off this needless threat to the Union by insisting on UK control of GB/NI trade as is required under the Protocol. People in NI have to be free to have easy access to products available elsewhere in the UK within our internal market.

The EU should take up one of the many generous schemes the UK has put forward to ensure full co-operation to avoid non compliant products passing on from NI to the Republic. Lord Frost needs to move swiftly now, as much damage is being done to the view of the EU amongst the Unionists and much trade is being diverted against the wishes of the public and against the words of the protocol.

Meanwhile in Scotland the SNP say they want an early referendum, but not one yet. Doubtless they are watching opinion polls which still do not show a clear window for majority support to reverse the last referendum result. Many Scottish voters want to get on with their lives without further uncertainty over this issue, and many want to see the SNP make devolution work to deliver a better outcome.

The UK government should not fall for the Gordon Brown line again that a bit more devolution will solve this problem. Brown's passion for devolution gave the SNP a bigger platform and gave them the opportunity of a referendum on the Union.

Devolution did not end the matter as Brown promised. UK Ministers who are keen to buttress the Union need to show by their deeds and words why the Union is good for all its parts, and need to govern wisely so people join in with their support.

Suggesting more powers for just one part of the UK in response to the campaigns of those who wish to split the UK is a bad idea. Voters wanting Scottish independence will not be won over. They will see it as a weakness by the Union government, and propose a further push to secure full independence.

If it is right for the Scottish Parliament to have more powers, what is the stopping point in powers before you reach independence? How would you draw a stable and defensible line? The way to defend the Union is to stand up for it, and to show how the Union powers are benefitting all its parts.