

Unionists and Nationalists alike should support amending the NI Protocol

Professor Anthony Coughlan of Trinity College Dublin – an Irish Nationalist – explains why anyone who respects the Good Friday Agreement should speak out against the destabilising effects of the NI Protocol. To preserve the Agreement, Nationalists and Unionists alike should push for a switch to mutual enforcement.

‘It is vital for the Good Friday Agreement that British-Irish bilateral relations are mended,’ writes former Irish Ambassador and Good Friday Agreement negotiator Dr Ray Bassett in his latest contribution to the website of the Campaign for an Independent Britain.

Dr Ray Bassett’s words chime with what former Ulster Unionist Party leader Lord David Trimble wrote in his important article on the Irish Times op-ed page on Saturday (20 February), under the heading ‘Protocol threatens rather than protects Belfast Agreement’.

Having received the Nobel Peace Prize alongside John Hume for helping to negotiate this Agreement, that Lord Trimble should be taking this alarming view is a very significant development. Trimble writes in his article:

‘It is perfectly possible to address the concerns of the EU about the single market while ensuring the constitutional and economic integrity of the whole of the UK. There does not need to be a border down the Irish Sea.

‘For example, the mutual enforcement proposal put forward

by the Centre for Brexit Policy and others shows how an “invisible border” can be restored to the natural Irish land border. This would achieve immediately the objectives of both sides in the Brexit negotiations and avoid the damage caused by the Northern Ireland protocol.

‘It would require by law exporters in each jurisdiction to abide by the other jurisdiction’s regulations. The authorities in each jurisdiction would enforce those regulations and impose sanctions on those who fail to do so. There would be no hard border, no border down the Irish Sea and no threat to the Belfast Agreement.

‘If the EU and UK are determined to protect the Belfast Agreement, they need to start working immediately on applying this solution.’

In other words, only **exports** from the UK to the EU, and from the EU to the UK, should be required to abide by the regulations prevailing in the market they are selling into – **not all producers**. The great majority of businesses in Britain, in Northern Ireland, and in the EU, produce for their domestic markets only. Such an arrangement would avoid EU law and regulations being imposed on all producers in Northern Ireland, which necessitates objectionable controls on the sea-border between there and Britain.

This sensible solution to the Irish Border problem was first put forward back in 2017 by Jonathan Faull, former spokesman for the EU Commission. As Dr Bassett points out in his CIB article, the objectionable features of the Protocol and the infamous ‘backstop’ before it are a legacy of Theresa May’s and Leo Varadkar’s attempts between 2017 and 2019 to use the Irish Border as a device to keep the whole of the UK in the EU single market, and so frustrate any real Brexit.

When the UK voted for Brexit in 2016, the then Irish Taoiseach Enda Kenny initiated a study of trusted trader schemes and

related measures to obviate the danger of a 'hard border' between North and South in Ireland. When his Fine Gael colleague Leo Varadkar succeeded Kenny as Taoiseach, he cancelled all such studies/preparations.

Instead, Taoiseach Varadkar waved a newspaper report at his EU Council of Ministers colleagues about an IRA bomb at a Newry customs post during the Troubles period, to make the case that a possible renewal of IRA violence necessitated a sea-border being placed instead between Britain and Northern Ireland, without Unionist consent.

The current problems with the Irish Protocol stem from these joint Varadkar/May decisions, which were wholeheartedly encouraged at the time by the EU Commission's Michel Barnier and co., who also wanted to use the Irish Border as a device to frustrate a meaningful Brexit for the whole UK. The Fine Gael Party should return to the good-sense courses of Taoiseach Enda Kenny, leaving behind it the reckless adventurism in this matter of Leo Varadkar when he was Taoiseach – which not only failed to stop Brexit, but whose untoward consequences now really threaten the Good Friday Agreement.

The Northern Ireland Protocol now needs significant amendment to incorporate the sensible solution advanced by Lord Trimble. All people of goodwill who respect the principle of Unionist consent as set out in the Good Friday Agreement – including Irish Nationalists like myself – should support it.