

UK-European Union conflict over Northern Ireland Protocol amid spiralling national tensions

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Political hostilities have erupted once again between Britain and the European Union over the Northern Ireland Protocol.

Agreed as part of the Brexit deal done in early 2020, the protocol governs the passage of goods between the UK and EU economic areas, where a hard border, or extensive border infrastructure, between Northern Ireland and EU member state the Republic of Ireland would jeopardise the 1998 Good Friday Agreement, which ended the decades-long armed conflict in the north.

Under the agreement, Northern Ireland remains within the EU's single market for goods which the rest of the UK has withdrawn from. EU product inspections and customs checks on goods travelling from the UK are conducted at ports in Northern Ireland immediately after crossing the Irish Sea and can then move freely through the entire island of Ireland. This prompted opposition from large sections of the Conservative party and the Democratic Unionist Party (DUP) in Northern Ireland, who complained that a border was effectively set up in the Irish Sea.

Prime Minister Boris Johnson endorsed the 2019 agreement in that year's general election as a means of "getting Brexit done." But antagonisms have rumbled on ever since, with the agreement threatened by both sides in the early part of this year and the EU briefly invoking Article 16, which allows one party to unilaterally suspend elements of the deal.

Talks to defuse the situation ever since have only highlighted the national tensions driving apart Britain and the EU, at a time of rising tensions within the European Union itself.

The UK Brexit Minister, Lord Frost, has called for the protocol to be scrapped and the elimination of all customs checks between Great Britain and Northern Ireland,

allowing goods to circulate freely if they conform to either UK or EU regulations. He also wants the European Court of Justice (ECJ) to be removed from the arbitration of future disputes over the agreement, demanding "international arbitration instead of a system of EU law ultimately policed in the court of one of the parties, the European Court of Justice".

On Wednesday, the EU's chief Brexit negotiator Maroš Šefčovič offered a series of concessions to the UK's position, including measures to reduce checks on British retail goods by 80 percent, halve customs paperwork, waive the requirement for medical manufacturers to move out of Northern Ireland into Britain, and streamline the certification process for road freight. He declared that the EU had "completely turned our rules upside down and inside out" to find agreement. He insisted, "It's very clear that we cannot have access to the single market without the supervision of the ECJ."

Talks on the EU's proposals will take place for a maximum of three weeks. Commentators have raised the adoption of a Swiss style treaty as a possible final compromise. Disputes between Switzerland and the EU are dealt with by an independent arbitration panel, although it must take into account the ECJ's view on matters of EU law. But comments suggest that Britain will demand "the moon", in the words of one EU diplomat speaking to the *Financial Times* (FT).

On Wednesday, the day Šefčovič announced his proposals, Johnson's former senior adviser and current political enemy Dominic Cummings tweeted that the government had signed the Brexit deal planning to "ditch bits we didn't like after whacking [then Labour leader Jeremy] Corbyn [in the 2019 general election]." He continued, "Our priorities meant e.g getting Brexit done is 10000x more important than lawyers yapping re

international law in negotiations with people who break [international] law all the time.”

Cummings’s account was then confirmed by leading DUP MP Ian Paisley. He told BBC *Newsnight*, “Boris Johnson did tell me personally that he would, after agreeing to the protocol, he would sign up to changing that protocol and indeed tearing it up, that this was just for the semantics”.

Frost has admitted, cryptically, that the UK only agreed to the ECJ’s oversight of the protocol “because of the very specific circumstances of that negotiation”.

Preparations are already being made in Europe for a trade war should Britain reject the EU’s proposals and trigger Article 16. According to the FT, representatives from France, Germany, the Netherlands, Italy and Spain met with Šef?ovi? Monday to demand contingency plans including tariffs on British exports, restricting the UK’s access to Europe’s energy supplies and ending the trade agreement between the two parties.

An EU diplomat told the FT, “Frost knows he’s playing with fire. But when you play with fire, you get burnt. The EU has a broad palette of options for hitting back at the UK”.

Britain’s rationale for pushing a conflict with the EU is most openly expressed in the *Daily Telegraph*. Columnist Nick Timothy accuses the EU of “playing with fire on the Northern Ireland Protocol”. He writes, “The issue is... sovereignty. The Government cannot allow the continued jurisdiction of the European Court of Justice over the NI Protocol.”

The UK government feels “sovereignty” is a stick it can successfully beat the EU with, in light of the ruling last week by Poland’s Constitutional Court that parts of EU law are “incompatible” with the Polish constitution, overturning the fundamental primacy of EU law within the union. Poland has been backed by Hungary, which has also been engaged in a long-running legal dispute with the EU over legislation linking European subsidies to respect for the rule of law.

The Brexiteer press in the UK has also made much of recent statements by Michel Barnier, the EU’s former chief Brexit negotiator. Barnier is now running in the French Presidential race on a fiercely anti-migrant platform, calling for France to regain its “legal sovereignty” by casting off the threat of a “ruling or a condemnation at the level of the European Court of Justice or the European Convention on Human Rights”.

Johnson gloated at last week’s Tory Party conference, “That is what happens if you spend a year trying to argue

with Lord Frost.”

These events are proof of the analysis made by the Socialist Equality Party of Brexit as “the most advanced expression of an escalating breakdown of the EU, under the pressure of mounting centrifugal forces that are intensifying conflicts not only with the US but between the European states.”

The Johnson government identifies itself with this development. It hopes to use Brexit to place itself in pole position among European nations pursuing increasingly independent policies, either within or having broken loose from a paralysed EU. Leading Tory Brexiteer Sir Ian Duncan Smith MP cited Lord Palmerston in the *Telegraph* Thursday: “We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow”.

Central to this policy is the UK’s pitch to the United States as its most slavishly dependable ally. But this course is fraught with uncertainty. The Brexit policy in the British ruling class was spurred by the presidency of Donald Trump, who made his hostility to the major European powers, Germany and France, plain. Under President Joe Biden, the US has adopted a subtler approach.

September’s AUKUS military alliance between the UK, US and Australia, involving the repudiation of a submarine deal between Canberra and Paris, boosted Johnson’s standing in Washington. But Biden has consistently stated that his administration would respond severely over any move the UK makes jeopardising the Good Friday Agreement. He is also more determined than Trump to win the support of Europe in the escalating conflict with China.

The outcome of the dispute over the Northern Ireland Protocol is therefore bound up with calculations made in the increasingly frenzied war drive in the Asia-Pacific. Combined, these geopolitical tensions threaten an explosion of trade and military conflicts. They can find no resolution within the framework of imperialist politics. They can only be combatted through the development of a unified socialist movement of the European and international working class against nationalism, war and the pursuit of profit over human need.



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