



LEGAL CHALLENGE: TUV leader Jim Allister, former Brexit Party MEP Ben Habib and Baroness Hoey this week failed in a legal challenge to the Northern Ireland Protocol

# Protocol bombshell has made life more difficult for Donaldson

UNIONIST Brexiteers have comprehensively lost a legal challenge to the Northern Ireland Protocol. A judge found that while the protocol over-writes the 1800 Act of Union in an unorthodox manner, parliament knew it was doing so and parliament is sovereign – not an argument Brexiteers can easily dismiss.

The judge also found the protocol does not breach the Good Friday Agreement, which is unsurprising, as nothing about Brexit breaches the agreement – a point that unionists as well as nationalists apparently need to hear. The judgment dropped a political bombshell by finding part of the Act of Union was effectively repealed by the protocol. Hence Northern Ireland is no longer on “the same footing” as Britain in terms of trade, a founding principle of the United Kingdom. The bombshell has mainly dropped on new DUP leader Jeffrey Donaldson, who faced immediate headline calls to collapse Stormont. He responded by saying constitutional questions must be “resolved” or there will be “potential consequences for the future stability of political institutions”.

This is the same non-threat he has been carefully making for weeks. Now he has to stick to it not just through the summer but until a Supreme Court appeal. Manoeuvring the DUP back to a realistic position on the protocol has been made a slower and trickier task.

BRUSSELS has granted a UK request to extend the sea border grace period on chilled meat, postponing the ‘sausage war’ for another three months.

The EU has additionally proposed permanent mitigations on medicine, guide dogs, livestock and car insurance green cards. The medicine proposal is significant, yet revealingly predictable. Brussels recognised the political impossibility of disrupting medical supplies, so its supposedly immutable laws will be changed.

The grace period extension, despite making most headlines, is not a mitigation. Brussels insists it is only to let retailers find EU suppliers; London insists a “permanent solution” is required. Neither side can do their negotiating in the extension announcement. However, three months from now, more supermarkets will have

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adjusted their supply chains and we will be nearer to this being the permanent solution – as London must realise, whatever it says.

JUST as sea border solutions appear to be arriving, the European Commission has thrown a curve ball by planning to lower its standards. A ban on feeding animal protein to livestock, introduced during the BSE crisis, could be lifted in the EU while remaining in the UK. So what happens here? Do we have to follow Brussels and lift our ban? Does Westminster have to enact this for us? Can our food producers and retailers refuse EU single market meat? Will checks have to be introduced in Britain to stop Northern Ireland becoming a back door for lower-quality EU products? The protocol was envisaged as stopping us becoming a back door into the EU for lower-quality British products. Nobody knows how to run this mechanism in reverse.

WHEN Paul Frew was appointed DUP economy minister at the start of the long-vanished Edwina Poots era, four weeks ago, he was reported to be ‘a libertarian’. Frew had

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described himself thus in a Stormont debate last year but only while arguing for limited application of the Official Secrets Act. It was a mystery how this might apply to his new portfolio, until now.

In his first assembly session as minister, Frew answered a Sinn Féin question about low pay by saying “low paid isn’t the word I would use; I would talk about competitive pay”.

Let us see what he says as wages rise after lockdown, if he remains in office that long. Interestingly, New Decade, New Approach promises to devolve the power to set the minimum wage, although this was an Alliance demand. The DUP – at the time – had no interest in it.

THE Irish government should develop a cross-border university based in Derry to serve the entire north west of Ireland, according to TD Colm Burke. The Fine Gael health spokesman and Cork representative believes his ‘John Hume University’ proposal would be an ideal project for the taoiseach’s Shared Island Unit. Indeed it would, being an Irish government commitment in New Decade, New Approach, itself central to the Shared Island section of the Irish government’s coalition agreement. However, all this seems to have escaped Simon Harris, the coalition’s Fine Gael further education minister, who has been progressing a new multi-site university for the north west with no reference to Derry, Magee or any cross-border aspect. That in turn appears to have escaped Burke. It is almost as if southern politicians pull this stuff out of a hat.

THE BBC has been criticised for boasting of a \$49 million upgrade to Broadcasting House in Belfast. The initial plan, announced three years ago, was to spend \$77 million. Following criticism from SDLP MLA Matthew O’Toole, the corporation claimed the upgrade’s downgrade is due to a Covid-inspired reassessment of “working space requirements”. As the entire saving comes from scrapping a hub building with no working space, this explanation is obviously nonsense. The real outrage is that in any other public spending context, the BBC would simply have reported all this as ‘a \$29 million cut’.

## ON THIS DAY

JULY 03 1921

### Language Revival

THE Feis Tír Chonnail – the great Gaelic festival initiated by Most Rev Dr O’Donnell, Bishop of Raphoe – was held at Kilmacrennan yesterday and was a great success. Beautiful weather prevailed and over 5,000 people attended. Bishop O’Donnell, having spoken in Irish, continued: ‘Wherever possible, our children should speak Irish at home, learn it in the primary school. I know that it is not so easy in a place like this. The times are changed. In St Columba’s day, the population from Gartan to Kilmacrennan was Irish-speaking. Now for some centuries English, with an odd mixture of Scotch, has prevailed on the banks of the Lennon. But the Irish-speaking district of Termon and Mevagh so near and the presence of so many homes of Irish-speaking servants, it looks as if a good persistent effort at the firesides and in the schools could bring back to Kilmacrennan the language that gave it its name. In some parts of this county not long ago the old people among the Protestant population could speak Irish very well. They spoke both languages with equal ease. That has almost completely disappeared. Why should it not come back again by the free act of men and women who love their country?’

### Life Sentence for Fermanagh Man

BERNARD Maguire, Tattycan, Newtownbutler and Pat Tully, Roslea, County Fermanagh, tried by court-martial at Derry, On March 22nd at Mullglass, Tully was charged with having with others unknown raided a house for arms and assaulted a woman, stolen a rifle and set fire to the house. Maguire’s house was raided and in the pocket of a vest a detonator was found. He was found guilty. Sentences – Maguire, five years’ penal servitude; Tully, penal servitude for life.

### Editorial: Craig’s Refusal of Dev Invitation

SIR James Craig has declined to accept Mr de Valera’s invitation to a meeting in Dublin. His decision is regrettable... He had previously travelled to some unknown destination in order to hold converse with Mr de Valera. At that time he was ‘his own master’ in a much greater degree than he is now. Nearly 500,000 Nationalists within the Excluded Counties are as deeply concerned with the final issue of the struggle as any 500,000 Nationalists in the Twenty Six Counties: more vitally concerned, in point of fact. (Stung by de Valera’s invitation to the representatives of Irish Unionism, *The Irish News* was concerned at the isolated position of the nationalist minority in the new Northern state in any future negotiations about a settlement. Meanwhile, the future cardinal Patrick O’Donnell, a native Irish speaker, recalled Irish-speaking Protestants in Donegal.)

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