



HIGH-PROFILE MEETING: Then taoiseach Leo Varadkar with Prime Minister Boris Johnson at Thornton Manor Hotel, on The Wirral, Cheshire, ahead of private talks in a bid to break the Brexit deadlock in October 2019

Finding a way of squaring the sovereignty circle

THERE'S nothing like a Marxist quote to start off a column, although it was Groucho, not Karl, who said: "Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies."

One is reminded of the post-Brexit difficulties over Northern Ireland and the stand-off between London and Brussels over how to resolve them.

Two years ago, the protocol seemed to have saved the day after it emerged from that high-profile meeting in October 2019 on the Wirral between Boris Johnson and then-Taoiseach Leo Varadkar.

However, the practicalities of the protocol have turned out to be a problem, even something of a nightmare.

Brussels seemed initially to be somewhat out of touch with the realities of the situation, launching a legal action against the UK which has since been paused.

The recent proposals from European Union negotiator Maros Sefcovic are quite pragmatic and conciliatory.

But the British side still has a problem with the European Court of Justice (ECJ) as the ultimate arbiter in any dispute which might arise in this context. Sovereignty concerns are at the heart of Brexit.

It does appear as if the day-to-day problems with the protocol can be resolved, with sufficient goodwill. In the words of Sefcovic, the EU has turned its rules "upside down and inside out".

But the sovereignty problem remains. Someone needs to find a way of squaring the circle so that, having voted to leave the EU, the United Kingdom does not become obsessed with the role of the ECJ.

At the same time, since Northern Ireland would be remaining in the EU single market, proper supervision has to be put in place.

Those of us who thought the United Kingdom was still something of an

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international power, albeit in the second rank behind the USA and China, find it somewhat strange that the UK is now reduced to worrying about the movement of goods from Britain to Northern Ireland and the prospect that, in any dispute over the Protocol, the ECJ could have the last word.

One of the possible solutions is the procedure set out in bilateral treaties between the EU and countries such as Ukraine. Under this type of arrangement, any dispute that can't be mutually resolved goes to an arbitration panel, with the ECJ being called in to deal with questions relating to the interpretation of EU law.

In other words, the ECJ would be kept at arm's length. This plan certainly deserves a trial run for a couple of years at least.

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EU to get lost, all bets are off on this issue.

It would be unfortunate if Northern Ireland lost the huge opportunity of being in two markets at the same time. Any sensible unionist would seek to combine loyalty to the crown with acquisition of the half-crown or, in this case, vast amounts of euro (which would of course be immediately converted into sterling).

Is the acquisition of wealth going to weaken Northern Ireland's position in the United Kingdom? Surely not.

The UK needs to take account of the American perspective on this matter. US Congressman Richard Neal, who chairs the powerful House Committee on Ways and Means, said after a meeting with Boris Johnson last month: "I shared my strong belief that any agreement reached between the UK and the EU on the future of the protocol must not undermine the integrity of the Good Friday Agreement nor threaten the institutions it created."

The prime minister assured him there would be no return to a hard border on the island and that the UK remained committed to the 1998 peace deal.

Last week, *The Irish Times* reported the congressman as saying that the US could not agree to a trade deal between themselves and the UK if the fallout from Brexit jeopardised the Good Friday pact.

No doubt the protocol will surface in conversation among the guests at tomorrow's interdenominational service in Armagh to mark the centenary of partition and the formation of Northern Ireland.

The abstentionist stance towards the event by President Higgins has won strong support in opinion polls in the south, although one observer has suggested that, given the high esteem in which the president is held, the public would also have supported his attendance at the service. An interesting day lies ahead.

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ON THIS DAY

OCTOBER 20 1921

Partition-Lawyers' Protest

FOLLOWING a meeting of the Nationalist solicitors of County Tyrone, the following was issued: 'We hereby resolve, as a protest against the partition of our country, that we will not from this date institute or defend any action or cause in the High Court of Northern Ireland'. The signatories include Francis Shields, Omagh; TJS Harbison, MP, Cookstown; John Hoy, Dungannon; James Mullan, Cookstown; John Corr, Coalisland; Henry T Gallagher, Strabane; George Murnaghan, Omagh and Alex E Donnelly, Omagh.

'Border' Judge on Partition Perplexities

At Clones Quarter Sessions [County Monaghan], Judge [William] Johnston, KC delivered a very important pronouncement regarding the partition of Ireland.

In awarding a sum of £50 to a wounded RIC man his Honour said he was of opinion that half the latter sum should be paid by County Fermanagh if, he said, he had any power sitting in County Monaghan as a judge of Southern Ireland, to make an award under the 1836 Grand Jury Act affecting a county in Northern Ireland. 'I am of the opinion that, while I am sitting in County Monaghan, I possess the jurisdiction alone of a judge of Southern Ireland, and when I am sitting in County Fermanagh I possess only a jurisdiction of a judge of Northern Ireland.'

Ex-Special Gets Off Lightly

AT THE Belfast Recorder's Court yesterday, Stanley Valentine, who had pleaded guilty to the larceny of six Webley revolvers from Antrim Road RIC barracks, was put forward for sentence.

The judge said the circumstances under which he had stolen the revolvers aggravated the offence. He had joined up as a Special Constable in July last and on 14th September he was dismissed. He then proceeded to use his knowledge to get these revolvers and sell them to a man called Dolan. So far there had been no conviction against the prisoner but he could not overlook this offence and the sentence would be six calendar months' hard labour.

Belfastman is Dáil Consul

MR Joseph Connolly of Belfast has been appointed by Dáil Éireann to be Irish Consul in New York in place of Mr J L [Diarmuid] Fawcitt. Mr Connolly sailed on Saturday from Cobh to take up the position. Mr Connolly is a Belfast businessman. He has served on several Dáil Commissions. (In protest at the establishment of a separate court system for the north, several dozen anti-partitionist solicitors in Tyrone refused to appear in the High Court. Among them was George Murnaghan, the Sinn Féin leader and northern adviser to the Treaty delegation. A Belfast republican, Joe Connolly (1885-1961) became a Minister under de Valera whom he accused later of abandoning the northern nationalists.)

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