

Northern Ireland Protocol

June 18, 2022

In news– The Boris Johnson administration has come up with a new legislation, the Northern Ireland Protocol (NIP) Bill, which would enable the U.K. to override provisions of the Brexit deal that concern trading arrangements outlined in the NIP.

About the protocol-

- **It seeks to reduce customs checks and paperwork for trade between Great Britain** (England, Scotland and Wales) and Northern Ireland (which together with Great Britain forms the United Kingdom).
- According to UK government, the changes it will introduce are “relatively trivial”. However, these **changes violate a key part of the painfully negotiated 2019 Brexit deal – the Northern Ireland Protocol.**
- **After the UK left the European Union, Northern Ireland remained its only constituent that shared a land border with an EU-member, the Republic of Ireland.**
- EU and UK having different product standards, checks would be necessary before goods could move from Northern Ireland to Ireland.
- However, the two sides have had a long history of conflict, with a hard-fought **peace secured only in 1998 under the Belfast Agreement, also called the Good Friday agreement.**
- Fiddling with this border was thus considered too dangerous, and **it was decided the checks would be conducted between Northern Ireland and Great Britain. This was called the Northern Ireland Protocol.**
- **Under the protocol, Northern Ireland remains in the EU single market,** and trade-and-customs inspections of goods coming from Great Britain take place at its ports along the Irish Sea.

- **The UK government has admitted NIP violates international law, unilaterally doing away with provisions of the Brexit deal.**
- **However, it has justified itself using the “doctrine of necessity”,** claiming that breaking this law was its only way to serve crucial domestic interests.
- **The government has said that the doctrine of necessity provides a clear basis in international law to justify the non-performance of international obligations** under certain exceptional and limited conditions.
- The domestic interests it wants to safeguard are both economic and political.
- **The checks have made trade between Great Britain and Northern Ireland cumbersome,** with food products, specially, losing out on shelf life while they wait for clearance.
- Some taxation and spending policies of the UK government can't be implemented in Northern Ireland because of EU rules.
- Also, any kind of border in the Irish Sea irks those who want a united United Kingdom.

Proposals made in the new bill-

- **The bill's main proposals are-**
 - **A ‘green lane’ with fewer clearances be created for goods that will remain in Northern Ireland.**
 - **A more stringent ‘red lane’** looks at goods destined for the EU.
 - Spending and tax policies for Northern Ireland be decided only by London.
 - **Disputes be resolved not through the European Court of Justice, but through independent arbitration** and negotiations.
- It also **proposes that businesses in Northern Ireland be allowed to choose between UK or EU standards.**
- The main irritant for the U.K. in the current version of

the NIP was the creation of 'unacceptable barriers' to trade within the internal market, between Britain and Northern Ireland.