

The price that we might pay for the continuation of Bor...

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To understand precisely where the UK is going under Boris Johnson's current leadership it is worthwhile considering yesterday's events in Northern Ireland. [As the BBC has reported](#):

DUP minister Edwin Poots has ordered his officials to halt Irish Sea border checks from midnight.

He had been threatening to act, as part of the DUP's ongoing opposition to the Northern Ireland Protocol.

Mr Poots said he had taken legal advice which meant he could direct the checks to stop in the absence of executive approval for them.

Sinn Féin, the DUP's power-sharing partners, criticised the move as a "stunt".

Aside from staff from the Department of Agriculture, Environment and Rural Affairs (Daera), which Mr Poots oversees, border posts also employ local authority environmental health staff.

It remains unclear what they will do in light of Mr Poots' order, although pre-Brexit checks on livestock are expected to continue.

I suspect that many people in the UK are unaware that new checks on goods moving between Great Britain and Northern Ireland were introduced in January this year, entirely as a consequence of the agreement reached by Boris Johnson with the EU. This was the next stage in the upgrading of the border between Great Britain and Northern Ireland necessary to protect the integrity of Ireland as an individual country for customs purposes as is required to support the Good Friday Agreement and the peace that it has delivered.

Edwin Poots is claiming to have legal advice that he has acted lawfully in making this direction because the new arrangements have not been endorsed by the Stormont Executive, which is divided on the issue. He also claims that this is a devolved issue on which he can make direction.

I began to sense that there was a conspiracy in play when Brandon Lewis, the Northern Ireland secretary, made the comments on the Peston programme on ITV noted in this tweet:



Darran Marshall
@DarranMarshall

...

“This is a matter for the Northern Ireland Executive. It is something that is within their legal remit.”

NI Secretary [@BrandonLewis](#) - speaking on ITV's [@peston](#)



To [see the video you will need to go to the tweet](#) as it will not embed here.

Lewis made it seem as if this is an unfortunate event over which he has no control in the comments that he made. He also noted that by chance the actions did, however, happen to support his arguments with the EU. The claims are false. The UK is the contracting party with the EU on this issue under the terms of the Northern Ireland Protocol and Section 26 of the Northern Ireland Act 1998 says:

26 International obligations.

- (1) If the Secretary of State considers that any action proposed to be taken by a Minister or Northern Ireland department would be incompatible with any international obligations, with the interests of defence or national security or with the protection of public safety or public order, he may by order direct that the proposed action shall not be taken.
- (2) If the Secretary of State considers that any action capable of being taken by a Minister or Northern Ireland department is required for the purpose of giving effect to any international obligations, of safeguarding the interests of defence or national security or of protecting public safety or public order, he may by order direct that the action shall be taken.

In other words, anything that Edwin Poots says can be overridden by Brandon Lewis. On this occasion Brandon Lewis is bound to take this action by the terms of the Northern

Ireland Protocol, [which says](#):

*Article 12
Implementation, application, supervision and enforcement*

1. Without prejudice to paragraph 4, the authorities of the United Kingdom shall be responsible for implementing and applying the provisions of Union law made applicable by this Protocol to and in the United Kingdom in respect of Northern Ireland.

Brandon Lewis was, then, either ignorant of the obligations imposed upon him by law when making the comment that he did on television last night, or was deliberately ignoring them. Neither is encouraging, but if the latter is the case, as I suspect, then this is deeply worrying.

My concern is that what is happening here is that the government is encouraging the DUP to take this action and is claiming that it can do nothing to intervene even though, as I show, it has a legal duty to do so. As we now know, ministers can maintain a falsehood for a very long time in this government. They might try to do this in this case.

So, why might they be doing this? I have three suggestions.

Firstly, Boris Johnson wants to inflame the EU negotiations on the Northern Ireland Protocol and prevent them from succeeding by the end of this month, which is the deadline that they have set.

Second, Johnson wants to inflame far-right nationalist opinion around this issue and will do so quite deliberately, whatever the consequence.

Third, Johnson wants a conflict to distract attention from his own plight and is quite indifferent to the consequences for the island of Ireland if he happens to provoke it there.

It is apparent that, like all tyrants, Boris Johnson is indifferent to the rule of law and anything that approximates to protocols governing behaviour. The possibility that conflict in Northern Ireland is being provoked to suit his purposes would appear to be high. This is a profoundly worrying situation with enormous consequences, not least for Ireland itself, because if the UK refuses to put these controls in place then borders have to move either onto the island, or between Ireland and the EU, and both are utterly unacceptable.

We know that Johnson is completely dedicated to maintaining his premiership. What is becoming apparent is the price that we might pay for its continuation might be very high indeed.