



September 2020

Dear Constituents,

Thank you for taking the time to contact me about the United Kingdom Internal Market Bill.

When the Withdrawal Agreement was signed with the EU, it was done so in good faith against a complex political and economic backdrop. No legislation is perfect, it was enacted under considerable time pressure and was voted through Parliament in the knowledge that negotiations on future trading arrangements would continue throughout 2020 in the face of an uncertain and evolving future.

Article 184 of the Withdrawal Agreement stipulates that both parties need to negotiate in good faith, and this has been the basis upon which the UK has continued to meet the EU. In the face however of increasingly draconian demands from the EU, direct threats and even a wish to destabilise the Union by insisting on a domestic customs border down the Irish Sea between GB and NI, the UK has felt it necessary to clarify future trading arrangements between the devolved nations through the Internal Market Bill. Whilst this is an essential piece of legislation to establish how post-Brexit powers will be apportioned between the devolved nations, it also contains an insurance policy which preserves the integrity of the Union and protects internal trade in the event that a trade deal does not materialise with the EU.

Having been in the EU for 40 years, the UK adheres to all relevant food standards, so there is no reason not to be listed as a third country. The EU lists dozens of countries globally on precisely this basis, without any commitment about the future. Yet it has been made clear in the current talks that there is no guarantee of listing us. The situation on 1.1.21 is accordingly clear. Any changes to food standards in future would be notified to the WTO and EU in the usual way with plenty of lead time. I am afraid it has also been said to us explicitly in these talks that if we are not listed, we will not be able to move food to Northern Ireland. The EU's position is that listing is needed for Great Britain only, not Northern Ireland. So if GB were not listed, it would be automatically illegal for NI to import food products from GB and to lead to the the EU blocking food exports to Northern Ireland from England, Scotland and Wales. As a British Member of Parliament who is a committed Unionist, my duty is to our Country, not to the EU. I will vote for any measures which are an insurance policy and protect the Good Friday Agreement if the EU continues not to negotiate in good faith.

The Internal Market Bill is an entirely pragmatic, objective and vital measure which will enable the British Government to fulfil the democratic will of the British people by delivering Brexit, whilst also protecting the Union and preserving the Good Friday Agreement. It shows that the Government is serious about completing the job, notwithstanding the ongoing threat of punitive measures from the EU.

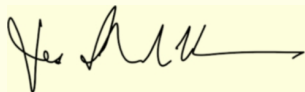
Let's be clear. No self-respecting Prime Minister could possibly accept the EU failing to act in good faith, threatening UK sovereignty, risking the Good Friday Agreement, inflicting an economic attack on the UK or deliberately preventing UK access to key overseas markets. That is why I wholeheartedly support his position and will be supporting the Internal Market Bill when it is presented.

As for the suggestion that the bill will break international law, there has been much hysteria in the news and on social media but the reality is simple. It is an established principle of international law that a state is obliged to discharge its treaty obligations in good faith and this remains the guiding principle in informing the UK's approach to international relations, as a well-respected upholder of international law. However, Article 32 of the Withdrawal Agreement recognises the UK as a sovereign entity, not just GB. Parliament is therefore sovereign as a matter of domestic law, having already left the EU, and can pass legislation which may be in breach of treaty obligations. Parliament would not therefore be acting unconstitutionally in enacting such legislation, especially given the EU's own clear violation of the Withdrawal Agreement. Given that treaty obligations only become binding to the extent that they are enshrined in domestic legislation, this is a matter for Parliament and for Parliament alone.

The Supreme Court approved the principle of domestic primacy in *G Miller v Secretary of State for Exiting the European Union* (2017) and the legislation which implements the Withdrawal Agreement is expressly subject to Parliamentary sovereignty. Furthermore, our ability to pass provisions that take precedence over it was confirmed in Section 38 of the Withdrawal Agreement itself, so the Internal Markets Bill is legally bombproof. It is also right that we reserve the right to override one specific element of complex legislation which was rightly supported by MPs in January and remains in place.

To conclude, whilst I am clearly not immune to wider concerns, I am satisfied that the British Government continues to act responsibly, in good faith and is doing what is right for Britain, in line with its clear democratic mandate. I am also confident that once the EU ceases its punitive approach to the UK, accepts Brexit and recognises that we should be treated fairly as a sovereign trading partner, there will be no need to enact the insurance policy that is rightfully and legally contained in the Internal Markets Bill. It is now time to get the job done and for the UK to look beyond Brexit with confidence.

Thank you once again for taking the time to contact me. I wish you and your family all stay safe and well over the coming months.

A handwritten signature in black ink, appearing to read 'James Sunderland', with a long horizontal stroke extending to the right.

James Sunderland MP  
Member of Parliament for the Bracknell Constituency  
Bracknell, Crowthorne, Finchampstead, Sandhurst and Wokingham Without