

European Affairs Committee

Protocol on Ireland/Northern Ireland Sub-Committee

Corrected oral evidence: Follow-up inquiry on impact of the protocol on Ireland/Northern Ireland

Wednesday 8 June 2022

3.10 pm

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Members present: Lord Jay of Ewelme (The Chair); Lord Dodds of Duncairn; Lord Empey; Lord Godson; Baroness Goudie; Lord Hain; Lord Hannan of Kingsclere; Baroness O'Loan; Baroness Ritchie of Downpatrick.

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Questions 71 - 79

Witness

I: Doug Beattie MLA, Leader, Ulster Unionist Party.

Examination of witness

Doug Beattie.

Q71 **The Chair:** Good afternoon and welcome to this public meeting of the Sub-Committee on the Protocol on Ireland/Northern Ireland. Today we are holding the final evidence session of our follow-up inquiry into the impact of the protocol on Ireland/Northern Ireland. This inquiry is a follow-up to the committee's introductory report published last July and the committee's examination of individual aspects of the protocol's operation in the period since then.

Today we continue our engagement with the five largest political parties in the Northern Ireland Assembly after the Assembly elections on 5 May, following our meetings with representatives of the SDLP, the Alliance Party and Sinn Féin on 25 May. Later this afternoon, we will hear from Sir Jeffrey Donaldson, leader of the DUP. Our first witness today is Doug Beattie MLA, leader of the Ulster Unionist Party. You are extremely welcome. Thank you very much for coming and appearing before us. We look forward to the evidence that you will give us in our session this

afternoon.

Today's meeting is being broadcast, and a verbatim transcript will be taken for subsequent publication, which will be sent to you to check for accuracy. I refer also to the list of members' interests published on the committee's website. I will set the ball rolling with the first question. If you could set out the Ulster Unionist Party's overall position in relation to the protocol, that would be a very good start for us. Once again, welcome and thank you very much for being with us.

Doug Beattie: Thank you, Lord Chairman, for inviting me and to all the members for taking the time to listen to this evidence session. I know it is lovely weather outside and we are all stuck inside here, but it is very important. Could I also thank you all and this committee for being, probably, the only committee doing serious scrutiny on stuff that is coming out from the EU? I know you are working very hard, and I thank you all for that.

As the leader of the Ulster Unionist Party, we have a strong vested interest having been the party of the Belfast/Good Friday agreement, and we worked hard with others of course to bring that to fruition. It was the balancing of the unbalanceable, but we managed to balance it, and it has served us well since 1998.

I do have to mention this, if I can. We have always seen Brexit as something that would be destabilising for the United Kingdom but, more so, destabilising for Northern Ireland, and it could well be destabilising for the Belfast/Good Friday agreement. That is why, in the main, we did not support Brexit and voted against it.

Indeed, we warned that, when we had Brexit, we would have customs posts in Larne and Belfast, and we did that just a number of days before the referendum. How true it was. If we did not support Brexit, we certainly did not support the protocol. In fact, when the protocol started to come to fruition in 2019 we warned that, without buy-in from politicians in Northern Ireland and the Northern Irish people, it would simply not work. Again, we have been proven right on that. The protocol is not working.

There are multiple reasons why it is not working. Least of all is that balancing of the unbalanceable. The Belfast/Good Friday agreement has many dimensions to it, but north-south and east-west are key. We have never supported any form of hardening of the border, north-south, and therefore we were absolutely not in favour of any form of a border east-west. Everything we have done since 2019 has been to try to rebalance what has unbalanced the Belfast/Good Friday agreement, which is slowly being damaged and eroded. Our recommendations on multiple occasions were to try to get rid of that border down the Irish Sea in order to bring us back into balance again. We have put forward many recommendations in regard to that, some of which appeared in the UK Command Paper of July last year, and some are still sitting there that can be used even now.

We believe that the protocol can be fixed. There needs to be some form of treaty between the UK and the EU that governs the issues around Northern Ireland and the frontier between the UK and the EU. Call it the protocol, a treaty or an agreement—it does not really matter. There has to be something, but the protocol we have now is not it. It is a bad deal, and it is simply not going to work. I hope that gives a basic idea of where we sit at this moment.

The Chair: That is a very helpful introduction. Thank you very much indeed for that.

Q72 **Lord Hain:** It is very good to see you; thanks for spending the time with us. You have very fairly stated your party's opposition to Brexit and your opposition to the protocol. Because some would see the protocol as an inevitable consequence of Brexit, I am interested in what alternative you and your party would practically see as filling the breach, as it were.

Doug Beattie: Thank you for the question, Lord Hain. You are right in many cases. Had we not had Brexit, we would have no protocol, so they are inextricably linked, but the issue with the protocol is that it did not have people from Northern Ireland in the room trying to organise it. You will know this. If Northern Ireland politicians had not been in the room when the Belfast agreement was being talked about, it would never have come to fruition. We were in there. We were really looking at making sure there were measures to ensure that the EU single market was safeguarded by putting in legislation and by looking at a bespoke SPS agreement with the EU to ease that border in the Irish Sea.

No matter which way you look at this, in simple terms there is no requirement to check goods that come from Great Britain to Northern Ireland that are staying in Northern Ireland. There simply is not, and there is architecture, structure and scaffolding that can be put around that to make sure that does not need to happen. Anything that is coming into Northern Ireland that is moving on into the Irish Republic and further into the EU, of course, needs to be checked. We have always agreed with the EU that the data sharing needs to be at the highest level in order to facilitate that.

Legislation is required to make sure that Northern Ireland is not used as a backdoor to move goods into the EU single market, along with the labelling of products, which is very simple. It has been recommended previously—and this can be done—that products that are coming from Great Britain to Northern Ireland and staying in Northern Ireland are marked with "for sale or consumption in the United Kingdom only" or "in Northern Ireland only".

Lord Hain: That is really interesting. From a unionist point of view, given that, in a sense, the Irish Sea "border" is a big threat to unionist identity, is it possible, practically, to have the green and red channels? How would you ensure that chlorinated chicken, if it ever came into Britain, did not get into the Northern Ireland market?

Doug Beattie: Everything is about risk. You talk about chlorinated chicken; we could say the same about olive oil and citrus black spot. They are all issues. The EU may be concerned about citrus black spot getting into its single market, so that becomes a risk item. We start to run registers about what those risk items are so that we take action in regard to it. It just so happens that 66% of olive oil that is sold is actually produced within the European Union, so we buy our olive oil from the European Union. If our issue is orange black spot, we purchase our oranges from within the European Union to alleviate that.

Lord Hain: Does this require a treaty change or would this be a question of how the protocol was enforced and implemented in a lighter way?

Doug Beattie: There has to be some form of treaty change because of other issues. One other issue is the democratic deficit, for example. Many of the rules come through here and you see what is coming, so you probably see more than we do. I am a politician in Northern Ireland and I do not see half of the rules that you are dealing with that affect Northern Ireland, so there is a democratic deficit in Northern Ireland. That has to be dealt with.

Right now, we have decoupled trade from other issues such as that democratic deficit. We are dealing with one issue, which is the issue of trade, but the issue of the democratic deficit is going to have to be dealt with again.

Lord Hain: How would that be dealt with?

Doug Beattie: Without giving you ideas, you get to look at the Explanatory Memorandums and EU directives that come through here. We need to be doing something similar, maybe, in Northern Ireland. I am only saying this as an option, but maybe we could even have a statutory committee within Stormont that deals with that very issue. It would start looking at these EU directives and seeing how they are going to affect Northern Ireland and, if it is a negative effect, how we can mitigate that, so there are ways of doing that. The best way to do this is to use the architecture of the Belfast/Good Friday agreement.

I will give you another example, if I can, please. You will know this of course. We move milk from Northern Ireland into the Irish Republic. It is turned into powdered milk. It comes back again. It is a transaction that happens on a day-to-day basis without any issue whatsoever, but, on paper, that is a transaction between the UK and the EU. If we devolve that down so it becomes a transaction between Northern Ireland and the Irish Republic only, it steps outside the treaty obligations, so there are ways of doing things. They are just a couple of examples, and I am only giving them as examples, but we are saying, "Use the architecture of the Belfast/Good Friday agreement to solve the very problems that we have".

The bottom line on this issue of the Irish Sea border is that there is no requirement for checks on goods if they are staying in Northern Ireland, they are marked in Northern Ireland and the data sharing is in place.

Lord Hain: This is very interesting. I would be interested in seeing any more detail in writing if it was practical for you to provide it to us. You made an interesting point about a proper statutory scrutiny committee in the Northern Ireland Assembly, which I find an attractive idea. What about Northern Ireland Ministers being consulted on single market matters, particularly those that affect Northern Ireland in a special way?

Doug Beattie: Ministers have to be consulted in whatever way they can, whether it is through this committee and out to those Ministers, whether it is directly to those Ministers, or whether it is to their individual ministerial committees to look at the different directives. I suppose there are ways and means to do that.

Lord Hain: What about directly to Brussels?

Doug Beattie: How do you mean, Lord Hain?

Lord Hain: What I meant is whether you see any possibility of Northern Ireland Ministers being consulted by Brussels on issues affecting Northern Ireland.

Doug Beattie: I see it coming through a conduit as opposed to direct to the Ministers. I think it would be very difficult for Northern Irish Ministers as part of the United Kingdom to have a direct link to Brussels.

Lord Hain: Why is that?

Doug Beattie: If we do that in Northern Ireland, there is a chance that we end up having that in all the devolved nations and that it becomes quite chaotic. We need to keep the structure that we have, which is the Belfast/Good Friday agreement, so stay within that structure. Any consultation to the Ministers should then be through a conduit, which is a UK government conduit.

Lord Hain: That is even though Northern Ireland is the only part of the UK in the single market.

Doug Beattie: Yes, but we still have to maintain control in many ways. You will know as well that we have that unique situation where it is a power-sharing Government and everybody has an agenda. There are a lot of negative agendas, of course, but everybody has a different agenda, so it is just keeping control of that.

Q73 **Baroness O'Loan:** You have touched, Mr Beattie, upon the issue that I am going to ask you about. I would like to ask you how you would assess the economic impact of the protocol since it came into force and whether you could identify the benefits and drawbacks of the protocol.

Doug Beattie: It is really interesting. We all have to be really honest; that is important. I have been out and visited many firms that do a variety of things. I have gone to many that are absolutely booming because of the protocol. Almac, which is a pharmaceutical development and manufacturing service in my own constituency of Upper Bann, is

absolutely booming because of the protocol. I met an agricultural machinery company that is booming because of the protocol. I went to a pet-food store that does 60% of its trade in the Irish Republic, and it is booming because of the protocol, so there are people benefiting because of the protocol.

There are others who are absolutely on their knees, because their main market is between Northern Ireland and Great Britain. The goods and services they bring in come from Great Britain, our largest market, to Northern Ireland, so there are firms that are absolutely on their knees. Now, I am not going to mention any. I hope you do not mind. I would not want to raise any fears within any companies, but there are some quite sizeable ones that are suffering quite badly.

In Northern Ireland, we have feast or famine. We have people doing very well and people on their knees. You will know that, in Northern Ireland society, it does not bode well that the haves have and the ones who do not do not. It does not work well. We have real problems there in trying to balance that. You add to that the sheer volume of paperwork that firms now have to complete. If you are a small to medium firm, that becomes a real issue. If you are a larger firm, it is less of an issue, but, if you are a small firm, it is a huge cost and a huge issue.

As for how you look at the impact of the protocol and whether it is shielding Northern Ireland, it is really difficult. If you look at the Office for National Statistics today, it will say that Northern Ireland is the only part of the United Kingdom that has seen growth in the first quarter of this year, but that is an experimental statistic that it is looking at now. You would not want to hang your hat on that. If you look at the Nevin Economic Research Institute, it will tell you that it is impossible to say whether the protocol is helping our economy, so there is an awful lot more data to be found out.

All I can talk about is what I am seeing when I talk to firms on the ground. My fear is that those small and medium ones that do most of their business with our largest market, Great Britain, are on their knees. We are back to this business of balancing the unbalanceable. We do not want to cut off the noses of those who are doing well because of the protocol, but, at the same time, we cannot let those who are suffering because of it just go to the wall. We have to find something that balances us again.

Baroness O'Loan: Can I take you back? You talked about, for big business, the protocol paperwork requirements and that sort of thing being less of an issue. From the evidence we have taken from witnesses, even for them, the protocol requirements are, in some cases, a complete barrier to engaging with Northern Ireland trade. I would like to know whether you agree with me that that is the reality on the ground and that some businesses are no longer dealing with Northern Ireland. In other cases, particularly in the food industry, the complications and business requirements create delays. The delays lead to reduced sell-by dates. That leads to loss of product on the market, which is damaging to the

economy generally. I wondered whether you would have a view.

Doug Beattie: Baroness O’Loan, you have outlined it very succinctly; you are absolutely right. People always look at this as what is happening with business in Northern Ireland, but it is not just that. This is happening with those businesses in Great Britain that would normally provide services and resources to Northern Ireland but cannot afford to do so because of the barrier of the paperwork they have to complete. It is easier for them to say, “No, I’m not going to do it, because it’s too much of a cost”, and to step away from the Northern Ireland market. That has an effect on us. We still have the resource and the goods, and that will pivot the market in some cases, so we do not want that.

On the issue of foodstuffs, you are absolutely right. I did not want to mention this firm, and I will not, but I met a firm where its goods go from Scotland to Northern Ireland and from Northern Ireland to England, and go nowhere near the EU single market, yet it is delayed because of the protocol. That delay is affecting, possibly, freshness or getting to the market on time, so it is a huge issue. That is why we look at this and ask, “Why are we doing checks at the Irish Sea border on stuff that is not going to go anywhere near that single market?” It is about what the risks are; we need to define what that risk is really going to be. We would be of the opinion that you identify what is at risk as opposed to saying everything is at risk. That is the way to move it.

Q74 **Lord Empey:** Thank you, Doug. I have asked this question to all the previous party leaders, and I am going to ask it to you and the next one as well. First, how would you assess the political and social impact of the protocol in the context of the 5 May Assembly elections, including on the functioning of the Executive and the Assembly? Secondly, how are attitudes to the protocol within communities in Northern Ireland evolving?

Doug Beattie: Lord Empey, thank you. It is really simple; it is simple for everybody to see it out there. We have no Assembly or Executive. The people in Northern Ireland are suffering. It is a form of self-harm being inflicted on the people of Northern Ireland, and we need to do something in regard to that self-harm. As a political party, we have been clear, as you well know, that we should get the Executive and Assembly up and running, and start providing for the people of Northern Ireland, while dealing with the very real issues there are in regard to the protocol. We believe that twin-track approach is the right approach to take; we believe in negotiations.

If you look at the work you are doing, which we talked about, and the Explanatory Memorandums you are dealing with that you may send off to committees in Northern Ireland to see if they have issues with them, while we have no Assembly or Executive there is no committee to send them to. Nothing is getting done. We are getting deeper and deeper into a mess that is going to be harder to get out of. We have no Assembly; no Executive; a cost of living crisis, which is not a strapline but a lived experience for many people in Northern Ireland; absolutely horrific hospital waiting lists; and everything else that is going wrong in Northern

Ireland at this time. We need a functioning Assembly and Executive, but we do not have them. That is the outcome of the election on 5 May and is, in part, because of the protocol.

Societal division is getting worse, I have to say. People are desperately trying to maintain a society that is not as deeply divided as it once was. We have come an awful long way since the Belfast agreement and communities have been coming together, but they are slowly being driven apart. There is a small wedge being pushed between them, which is expanding each time because of the protocol. The protocol is deeply disheartening for the unionist communities—not all of course; there are unionists who will support the protocol. I do not pretend to speak for all, but there are large swathes of unionism for which the protocol is deeply damaging. They feel that their identity is under threat.

Then you have the other community, if we want to call it that. The nationalist community—but not all nationalists, of course—is saying, “Let’s just get on and make Northern Ireland work”. That is driving the two communities apart, so we are having genuine problems in regard to this. My fear is, and always has been, that all of this will come together at the wrong time. In the summer of last year we had Covid; we had the Command Paper in July, and maybe, in many cases, that kept the frustrations down. My big fear is that, if there is nothing this summer, and if people are not moving and trying to fix the problems we have in Northern Ireland, those frustrations could come to the boil.

I have said this to everybody who is willing to listen to me: it does not take much to go from a brick to a stone to a petrol bomb to a bullet to a coffin. It does not take long in Northern Ireland; those who know Northern Ireland will know it does not take long. I am not trying to scare anybody and say that is going to happen. All I am saying is that frustrations could boil over if we do not do something in regard to fixing the protocol. The most annoying thing is that most people know what the landing site is for the protocol, which will ease the tensions, but, for some reason, we just cannot get along the line in regard to it.

Lord Empey: On the question of this evolving, as the protocol has been operational for quite some time but is ongoing, are attitudes towards it hardening or deepening? What general trajectory do you see those attitudes taking?

Doug Beattie: Lord Empey, before the Assembly election, it was quite clear: “Bin the protocol—full stop. The Belfast/Good Friday agreement is damaged beyond repair and nobody can go in as a deputy First Minister to Sinn Féin”. We have moved, and it is a very nuanced move now, to after the Assembly election, where people are saying, “Fix the protocol. Protect the Belfast/Good Friday agreement. I will nominate to be a deputy First Minister to Sinn Féin”. That is a subtle shift, but it is fleeting. If we do not grasp that subtle shift now, it will slip back again to where we were.

That is not right across all communities, of course. Some communities are still very hardened against this, and they just want the protocol gone completely, but there is a subtle shift that, if things can be done to rectify the protocol and make it workable, they would be willing to accept that.

Q75 Lord Hannan of Kingsclere: Thank you very much, Doug. It is nice to see you here. Let us move on to how we could make it workable. There has been a lot of talk about what the UK Government might do unilaterally. I do not think there is much secrecy. It has been very widely briefed as to what the outline is, which is that there would be a green channel for goods intended only for Northern Ireland; that Northern Irish companies that do not export would be allowed to follow either UK or EU regulations; that the UK would again control its own taxation; and that disputes would be arbitrated like every other international treaty.

What has been up in the air is the delivery mechanism. Are we just going to legislate for those things or is it all going to be reserved powers? Is it going to be a question that a future putative Minister might do these things? At the moment, the briefing is all towards the latter. There is a detailed report on Bloomberg and, of course, a detailed Twitter thread from Tony Connelly inescapably suggesting the second of those two things. I just wondered which you would prefer.

Doug Beattie: You are asking me to flip a coin now to see which one is the best.

Lord Hannan of Kingsclere: It is going to become true, apparently, on Thursday. Before it does, which would you rather?

Doug Beattie: First of all, because it is important, the red lane/green lane concept is not new. We have been advocating it since 2019. Maybe people were not listening. Forgive me if it is a little convoluted when I answer this, but negotiation is always the best solution to anything. To negotiate between the EU and the UK is always going to be the best solution, and that is what we will always advocate for.

We went, as a party, to Brussels in March of this year, sat for 90 minutes with Maroš Šefčovič and spoke to many people in the European Union Parliament about this. We said, "For goodness' sake, keep the negotiations and the momentum going. Don't stop because of the Assembly election. Keep talking and that momentum going. If you're going to do something, you have to do it before the election, not after, because, if you do it after the election, there may be nothing to salvage". They did not take that path. Both the UK Government and the EU decided that, in February, they would stop the negotiations and keep it at a far lower level, and they lost momentum.

We have lost complete momentum since February of this year. There are no substantive negotiations between the EU and the UK to deal with the protocol issue. We have had the election. We are the other side now, and we are in salvage mode and a circular conversation. That circular conversation is this. Everybody knows the landing zone, and the landing zone is to get things moving with no checks on goods between Great

Britain and Northern Ireland if those goods are staying in Northern Ireland with all the architecture around it.

We went to Washington in December and the State Department agreed with us. We spoke to Maroš Šefčovič, the EU ambassador, Micheál Martin, Simon Coveney and Leo Varadkar, all of whom agreed with us. Everybody is agreeing that that is the landing zone. For some reason, we cannot get to it, and that is deeply frustrating. We are having this circular argument with a landing site we all know but cannot reach.

This legislation is nearly agitator legislation, by which I mean that it will probably do two things. First of all, it will really have a detrimental effect on the relationship between Great Britain and the European Union. We will probably get a response from the EU in regard to our legislation, and then it will back off for maybe two or three months, until after the summer. There will be no negotiations, but it will bring people back to the table after the summer, I would imagine.

Because of the legislation that is coming forward, things are likely to get worse before they get better, but we believe they will get better if we keep engaging. We all know that. Once the legislation is publicised is one thing. Once it becomes active legislation is another thing, but it is not until it is enacted that it becomes a real issue.

Lord Hannan of Kingsclere: This is what I want to ask you about. What you say is true. Of course, the negative reaction is going to be the same whether it is a subjunctive Bill that says, "We could do this", or an immediate Bill that says, "We are legislating to do the following things". The difference, which is quite a critical one, is about the timing because one has to assume that there will be a legal challenge in Brussels. One can also, I think, fairly assume, although I do not want to presume on the opinions of my colleagues in the Upper House, that there will be some opposition here and that it may take a while to go through.

Would you, from first principles, prefer to begin that process now so that, within a year, we know that we will have got those powers if there has not been a breakthrough in these talks? Would you rather defer that and say, if things break down, "At some stage in the future, a Minister may"? I would be keen to know what the UUP view is.

Doug Beattie: Our view would be the latter, but I am going to take you back to what I said at the very start. We should never have stopped negotiating in the first place; we should never have stopped in February; we should not never have stopped the momentum of talking to people and coming up with solutions. We should not be stopping now. We need to try to keep that going. There are many people who think that negotiations will not work if somebody is intransigent, but sometimes it is hard to understand who is the one having the issue. You speak to the UK Government and they will say, "The EU is not being flexible". You speak to the EU and it will say, "The UK Government aren't even talking to us".

It is really difficult to understand where we are, but the bottom line is that we know where we need to end up and what the landing zone is, but we need to keep talking in order to reach it.

Lord Hannan of Kingsclere: Just on the landing zone very quickly, the thing you say about the green channel is fine and I think almost everyone would agree with that, as you suggested. Do I infer from that answer that you are relatively relaxed about the jurisdictional question of whether the ECJ is the final arbiter as opposed to having some neutral tribunal?

Doug Beattie: No, because the ECJ is part and parcel of the democratic deficit as well that we have, so there is an issue there that has to be dealt with. Remember what I said at the very start. We tried to lump everything together and fix it all in one big lump. What we have now done is to decouple stuff, so the trade issue, VAT, state aid, the democratic deficit and the issues around the ECJ have been decoupled. All of them are going to have to be addressed. You cannot just leave them in the ether. Every single thing has to be addressed, but they will be addressed only if we continue negotiating and engaging.

Q76 **Baroness Goudie:** Good afternoon. It is nice to meet you again. I am glad that you are in agreement with one of my great philosophies, which is that we have to keep all the doors open and keep talking. I wanted to ask you today what your perspective is, and you have answered some of it already, on the EU's proposals to modify the protocol. Do they go far enough to address the concerns over its operation? I would be very happy for you to go wider than that, following on from this.

Doug Beattie: Yes, and we have talked about some of it. I do not want to go over old ground. It is interesting, because we have to look at some of these things they have said that, factually, are not completely correct. On the issue around medicines, the EU moved an awful lot. It really put a lot of effort into it. I appreciate the effort it put in, but the issue of medicines is not fixed. If you look at the EU's falsified medicines directive, which no longer applies to Great Britain but does apply in Northern Ireland, it could well stop pharmaceutical companies in Great Britain providing to Northern Ireland because of the size of the market.

The EU's proposals were trying to address issues by reducing checks or data, or whatever it is. Fundamentally, it does not deal with the problem we have, which is that there is no requirement to check goods at all that come from Great Britain to Northern Ireland, in the same way there is no requirement to check goods that go from England to Scotland or from England to Wales. They do not address all the issues, but they are points to talk through, so it is nearly as if this is where the conversation starts and not necessarily where it ends.

You have to look at stuff like that that comes out from the EU. You cannot just say, "We're just going to ignore it and it's got nothing". In the same way, the EU should not be ignoring the Command Paper from July last year, but they should be starting points for conversations. For us, it does not fix the fundamental problems we have or the harm we believe it

is inflicting on society in Northern Ireland, the communities in Northern Ireland and our long-term economy.

Q77 Lord Dodds of Duncairn: Thanks, Doug. It is good to see you again. I want to follow up on that question. You mentioned medicines. This is a big issue obviously. The Minister has expressed concerns, and you are right to say it is not fixed despite the narrative that all is well. On the issue of negotiations, the EU put its proposals and acted unilaterally. Some people decry that, but the EU in this case did act unilaterally. However, it is not fixed, for some of the reasons that you have helpfully outlined. The EU regards that as completely finished now. It is not reopening that medicines issue. While talking is good, how do you suggest we rectify the position along the way the Minister would like in Northern Ireland and for the people of Northern Ireland if the EU regards that as closed?

Doug Beattie: It is an interesting one, Lord Dodds. Funnily enough, we raised the medicines issue with Maroš Šefčovič before they started the process of trying to fix the problem. We went to London and said, "Guys, you need to take ownership of this. You need to be doing this. It's not that the EU should be saying, 'We're going to do this'. You need to be saying, 'We need to fix this problem and lead the conversation'". They did not do that.

You say we have issues, and I have outlined one, which is the EU falsified medicines directive. That becomes a workstream. Robin Swann, who should be in the room when these things are being discussed, along with a member of the UK Government, in engagement with the EU, needs to sit down, look at the problem, which is the EU falsified medicines directive, and fix it.

We are not in a crisis here. This is not a crisis. These are problems that need to be fixed. You identify the problem and then you go out and fix it. I have identified a problem. We go out and we fix it. Now, if the EU is saying, "I'm just not going to do anything with that", the UK Government may have to do something in regard to that. It is exactly the same principle of what the EU has done, but negotiation is the starting point for all of this.

Q78 Baroness Ritchie of Downpatrick: Doug, you are very welcome. I have a two-part question. How can the divergent concerns and priorities of all communities in Northern Ireland as well as London, Dublin and Brussels be reconciled? Some people may think that is a tall order.

Doug Beattie: Yes, it is a tall order, but it is back to what I am saying about the protocol. Call it a protocol or a treaty. It does not matter what you call it. Some people are hung up on the word, but we need to do the hard yards and the work now to make the protocol work and fit for purpose, so that it fixes many of the issues we are seeing now and rebalances the Belfast agreement like we all think we need to. We need to look at how we can fix that democratic deficit, and I gave a couple of examples of ways of looking to fix that democratic deficit.

If we make the protocol fit for purpose and, every time there is a divergence that affects one or the other, take that as a problem that needs a solution, and we use whatever mechanisms we have within the Belfast/Good Friday agreement to do that, we have a template to move forward in regard to that.

Baroness Ritchie of Downpatrick: Are you talking about a new north-south body to deal with that?

Doug Beattie: It is either a new north-south body or an existing one that we can change, such as InterTradeIreland, so a new body that can be amended to deal with that very issue and have an educational piece to it as well. There are many companies in Great Britain that do not understand what the protocol is all about; they need education. There are firms in Northern Ireland who may need help and education as well. We can use the mechanisms that are there and change InterTradeIreland slightly, to give it some more oversight so that people are more happy understanding what is taking place. That gives us something that happens in the future.

The other issue we have to deal with is this vote every four years, which is going to be an absolutely disaster for Northern Ireland. In 50 years' time, when people are wandering around Islington asking, "What's the protocol?", we in Northern Ireland will still be voting on it every four years. It is just going to become something that is divisive in Northern Ireland and remain an issue for everybody. There are things we have to fix within the protocol to give it longevity so that it will work, and work for everybody, so that nobody feels threatened.

I will be honest with you. If somebody said to me they were going to put a hardened border on the island of Ireland north and south, I would be really upset, for two reasons. First, I have manned that border before and I do not want to do it again. Secondly, I know it would upset my nationalist friends and neighbours, and I would not want to do that. In the same instance, I would like to think that they are looking at me as a unionist who says the Irish Sea border is upsetting me and that they would want to do all they can to get rid of that. We need to make the protocol work now so it has longevity in the future.

Baroness Ritchie of Downpatrick: I do not disagree with you because, where I am coming from, we want no borders either in Ireland or in the Irish Sea. It is detrimental to our economy and political relations, given all the things that you have been saying. I am just going back to this issue about checks on goods. Checks on goods did exist between Britain and Northern Ireland prior to the protocol. Animals were checked at Larne harbour because of issues of animal health disease and Ireland being an all-island public health epidemiological unit, and to prevent foot and mouth. In that respect, would you accept that it is not an absolute principle that goods cannot be checked in the Irish Sea?

Doug Beattie: We all do know that, on that particular issue, Northern Ireland was a place apart and checks were done there, but this has now

gone beyond that. That is what is upsetting people. I said at the very start that I did not vote for Brexit or want Brexit, but the people of the United Kingdom did vote for it. It was a democratic vote, and they did vote for it. Therefore, they would expect to get what they voted for. People in Northern Ireland feel that they did not and that that border in the Irish Sea, which was there for what you have just described, has increased and hardened.

In the same way, there is a border between Northern Ireland and Ireland, but it is soft. It is the same in the Irish Sea. It has hardened because of the extra checks that have been put in; that is the fundamental problem. The annoying thing is that we do not believe they need to be there because we think there are ways around it, and we have been proposing that since 2019.

Q79 The Chair: Can I just ask one final question? You talked a lot about the need to involve the Northern Irish Ministers, Executive and civil society in the management of the protocol. It is an issue that has cropped up quite a lot in this committee and is certainly something that concerns us. Could you say a little more about how you can achieve that?

Doug Beattie: I said it is about using the architecture of the Belfast/Good Friday agreement and the institutions we already have. We already have north-south bodies, so there are good linkages there, and InterTradeIreland is one of them, that allow us to have a view on what is happening and what the trends are. Likewise, a statutory committee—again, I am not suggesting this, but I am giving you an example—could have a shadow function to what you are doing, but in Northern Ireland, with our committees, looking at the very issues that you are looking at and saying, “This is going to have a detrimental effect” or “This is not going to be an issue”, in order to move it on. That would give people a say in what is happening in Northern Ireland.

We still need to get back to where people in Northern Ireland are treated the same as the rest of the United Kingdom. There is no way round that. That is what we have to do. Therefore, the treaty or protocol that we have has to be light touch because we are a constituent part of the United Kingdom and should be treated as such. That is very important, certainly to me as a unionist.

Bear in mind I am not just a Northern Ireland unionist or an Ulster unionist. I am a United Kingdom unionist, having lived in England, Scotland, Wales and Northern Ireland and having served my country in all those constituent parts. I would be upset if something like this was happening to Wales, Scotland or England because I am a unionist. Incidentally, Wales feels the effects of the protocol as well without having too much of a say in what is going on. There are a number of things we could do.

The Chair: Thank you very much indeed for appearing before us today. It has been extremely helpful, Mr Beattie. We are extremely grateful to you.

