



HOUSE OF COMMONS

# Northern Ireland Affairs Committee

## Oral evidence: Brexit and the Northern Ireland Protocol, HC 157

Wednesday 26 May 2021

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; and Ian Paisley.

Questions 821 to 858

### Witnesses

I: Councillor John Kyle, Councillor for the Titanic District Electoral Area, Belfast City Council.



## Examination of witness

Witness: Councillor John Kyle.

Q821 **Chair:** Good morning, colleagues, and good morning to our first witness this morning in our continuing inquiry on Brexit and the Northern Ireland Protocol. We are delighted to be joined by two witnesses in two different sessions. Our first witness is Councillor Kyle, a member of Belfast City Council. Dr Kyle, you are very welcome.

I have two apologies from colleagues on the Committee: Bob Stewart and Fay Jones. Are there any declarations of interest? Mr Paisley.

**Ian Paisley:** Thank you, Chair. I am involved in a legal case involving the Protocol and I know in a personal capacity both of our witnesses today.

**Chair:** Thank you for that. Dr Kyle, let me kick off our questioning this morning. What is your assessment of the effect that the Protocol has had or may have had or could have on Northern Ireland's place within the United Kingdom?

**Councillor Kyle:** My views are consistent with those of the vast majority of unionists in that I believe that the Northern Ireland Protocol has imposed a regulatory border within the United Kingdom and therefore has fundamentally altered the position of Northern Ireland within the United Kingdom.

Q822 **Chair:** That is undoubtedly true. What is your assessment of how many people might identify their sense of belonging, allegiance, loyalty by the regulatory arrangements that move products from place A to place B? People did not define themselves as being more European as a result of the operation of the single market—why do you think people would or should see this as an assault, for want of a better phrase, on identity on what is a regulatory check taking place out of sight, as it were?

**Councillor Kyle:** There are the practical implications in that it is now more difficult to trade with the rest of GB. There are added costs so the cost of purchasing or supplying goods from GB has gone up. There are the emotional elements to it: the inability to move with your pet to England and then return without a pet passport. There are these practical and emotional implications of the regulatory border. It feels that there is an obstacle between Northern Ireland and the rest of the United Kingdom, which is more than just a body of water.

Q823 **Chair:** Can we just pause there because obviously so much political attention—and clearly you are a councillor in Belfast so you quite properly, as we do, look at it through the prism of Northern Ireland. But those things that you were talking about, new hurdles, for want of a better phrase, to trade and movement and so on, those are being felt by businesses across the United Kingdom as a result of leaving the single market and the customs union, are they not?



**Councillor Kyle:** Yes, but there are additional obstacles to moving. There is no problem at the present time moving between Glasgow and Burnley, but there are obstacles that do not pertain there that exist between Burnley and Belfast. There are additional obstacles to that.

I would say two other things. There is a growing concern that within Northern Ireland we are subject to legislation that is passed by 27 foreign states without any representation at the democratic institution that passes those laws and regulations. We are subject to those laws when the rest of the United Kingdom is not subject to those laws and regulations. That again is an issue. It is a different legal framework we are supplying here to the rest of the United Kingdom.

The third way in which we perceive the implications of a Northern Ireland Protocol is its effect on the Good Friday Agreement. The Good Friday Agreement has underpinned the progress in this country for the past 20 years. It was a carefully crafted work that created an equilibrium between the nationalist community and the unionist community and allowed us to respect one another's aspirations, assured equality of rights and responsibilities.

Our perception is that equilibrium has been seriously disturbed by the Northern Ireland Protocol. It seems to unionists that unionists have had to pay the price for Brexit, that our position as guaranteed within the Good Friday Agreement has been undermined and that while movement between north and south is unaffected, movement east to west is significantly impacted.

To me, with such a vital underpinning of life in Northern Ireland—an international agreement that had brought enormous benefit to Northern Ireland—to meddle with that, I think, is potentially very dangerous. I think it is unwise and I think it is perceived as unfair by the majority of unionists in Northern Ireland.

Q824 **Chair:** Those are all fair and cogent points. In terms of the evolution of laws and regulation as they pertain to Northern Ireland, there is clearly a democratic deficit—it is almost the “no taxation without representation” argument, isn't it? Is there anything that you would like to see the European Union do in terms of engagement with the Northern Ireland Executive, with council leaders, council chief executives, those sorts of people, as new rules and regulations are evolving so that while there is no vote there would be some platform for input?

**Councillor Kyle:** That is probably beyond my pay grade.

Q825 **Chair:** I am just asking for your personal view as to whether you think there might be—it may be a sticking plaster; it is not the solution—something in that, which is worth further exploration.

**Councillor Kyle:** Yes, I think the democratic deficit needs to be addressed. It is unhealthy and it is potentially problematic. How one



addresses that, I think there is no clear, simple, easy answer to that. I am not sure how one does address that.

Closer alignment between Great Britain and the European Union clearly would minimise the problems and I think a better trust-based relationship between the United Kingdom and the European Union, and a light touch regulatory approach, would make a bit difference. But in terms of political representation and influencing the democratic institutions in Brussels, I do not know how that can be achieved.

**Q826 Chair:** You would have, I am deducing, quite a lot of sympathy with the campaign that Mr Farry has been waging, who now seems to have secured the support of Mr Poots as well—so there is a coalition building around some sort of SPS agreement, which I think on a conservative estimate would remove about 80% to 85% of the checks.

**Councillor Kyle:** I am absolutely in support of that. I would make two points in regard to that.

I think that our biosecurity measures between Great Britain and the island of Ireland have been more than adequate for decades. All five countries within the United Kingdom and Ireland have a vested interest in ensuring food safety, good animal welfare practice and appropriate safeguards for the agrifood industry, those measures have been successful and have been unobtrusive. I do not see the need to enhance those measures because of Brexit.

The second point I would make is that I understand that reluctance on the part of the British Government to enter into an SPS treaty or agreement is partly to keep their hands from being tied when it comes trade negotiations with other countries. My perception, and I think that of many people, is that the public in the United Kingdom do not want their food safety standards diluted or their animal welfare practices reduced, minimised or undercut. Therefore we in the United Kingdom are very happy with our food safety standards and our animal welfare standards. Why would one want to forgo those high standards and the benefits of those in order to achieve a trade deal to import food and livestock that would be unacceptable here in the United Kingdom? That undermines any rationale for refusing to engage in SPS.

**Q827 Chair:** That is music to my ears. That is what I have been saying and thinking for quite a while. I am going to ask you a question, which you are under no obligation to answer, and there may be a supplementary depending if you do or not. May I ask—and it is an impertinent question: how did you vote in the referendum?

**Councillor Kyle:** I voted to remain.

**Q828 Chair:** Thank you. As did I—we will have to start following each other on Twitter at this rate.

We have all accepted Brexit because it was national referendum and all



the rest of it. You are an elected official and a professional man. I take entirely the premise of your analysis, which is that there is no appetite in the UK for a reduction in environmental, agricultural or animal welfare standards—food safety standards. Would you see it as a dilution or weakening of Brexit as a principle were an SPS agreement to be entered into?

**Councillor Kyle:** My perspective is that it wouldn't be a dilution of Brexit because it would be a continuation, I think, of the animal husbandry and food regulatory standards that we as a country, as the United Kingdom and in partnership with a united Ireland, have fully embraced. I don't think that we have adopted these standards reluctantly.

In the United Kingdom we have a very high level of concern for the welfare of our livestock and the way in which we practise agriculture. There are ways in which it could be improved. I don't pretend that it's ideal or perfect. There are measures that could be taken to improve what we have but I certainly don't think it would be appropriate, moral or publicly supported to reduce those standards in any way.

**Chair:** Thank you for that. Claire Hanna.

Q829 **Claire Hanna:** Dr Kyle, you addressed the question I wanted to ask; I had intended to ask you about solutions around continued alignment. You have outlined so well the hurt that many unionists and loyalists feel. Particularly it is understandable from those who have always valued the equilibrium here and who had supported and support ways to find a solution that do not create winners or losers or that binary that many of us wanted to avoid.

What I would ask, in the absence of the question I was going to ask, is: were there voices coming from within unionism and loyalism like yours during the 2015 to 2019 period, when this was being decided?

**Councillor Kyle:** Part of the difficulty was that we were all outside the room when Brexit was being negotiated and crafted so therefore I think that within unionism there was the realistic agreement, okay, that we had voted for Brexit—not all of us had voted for Brexit, but that was the outcome of the referendum and we needed to get on with it and make the best of it that we could.

There was a recognition on the part of some and an enthusiastic support on the part of others for a Brexit. Now, in my view, for most people the intricacies of the different forms of Brexit and the outcomes for Brexit were unclear. I would even go so far as to say that I think when it came to the 31 December or 1 January this year that many, many people did not quite know what would unfold as we entered into this new phase.

The problems and the implications of the Northern Ireland Protocol and Withdrawal Agreement, I think, took time to manifest themselves and to become clear. Most people who were hoping for a fairly smooth Brexit without any serious implications for the constitutional status of Northern



Ireland or for the Good Friday Agreement were taken aback as things unfolded and as they saw what the implications were. Perhaps we should have been better informed, but most people found it quite difficult to understand the intricacies of the different forms or options that were available.

**Q830 Mr Robert Goodwill:** Good morning, Dr Kyle. I would like to ask you about the consent mechanism in Article 18, which is not an imminent problem because it will not be coming around until 2024. It will allow the rollover of the important Articles 5 to 10 of the Protocol over such things as the internal market, state aid and all the other aspects of the regulatory boundary with the Irish Sea.

Do you feel that the consent mechanism in the Protocol provides the cross-community consent enshrined in the Belfast Good Friday Agreement?

**Councillor Kyle:** No, I don't, Mr Goodwill. I think there is a problem in that most unionists feel that the Northern Ireland Protocol has been imposed upon them without their consent and without asking for their consent. That is an emotional issue and it is a problem, certainly a perception that is widespread in unionism. I am not sure that the vote in 2024, as it is currently designed, will solve any problems. I am not entirely convinced that it was a good idea in the first place to do that. It does seem to me to just put things on hold for a couple of years for further negotiations as it stands.

I do think there is a problem in that at present, as I understand it, the vote in 2024 will be a simple majority to continue the Northern Ireland Protocol and one would have to say on the principles regarding the Good Friday Agreement that any major decision should have cross-party support. I think you would have to call this a major decision. It has major implications for community relations and for our political institutions and therefore I think ideally this should have sought cross-community support but I understand that as it stands it does not require that. It is a bit of a pig's ear to be quite honest.

**Q831 Chair:** It is a peculiar position. It is a role reversal because the sort of unionist, loyalist communities would say, "We assert the sovereignty and status and legitimacy of Westminster", but it is Westminster that negotiates trade and international treaties. Why, therefore, from a unionist perspective should that have been subject to consent when the power traditionally, and the right, is vested in Westminster—a Parliament that unionists have no problem in recognising?

**Councillor Kyle:** It is the implications of the treaty upon our understanding of our citizenship as British citizens. We do see that our citizenship has been affected by it and so therefore since that is all part and parcel of the Good Friday Agreement and the Good Friday Agreement is predicated upon obtaining cross-community support on contentious issues, I think the two are intertwined.



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My personal view is that the Good Friday Agreement is of such vital importance that I think we do need to treat it very carefully and respect the safeguards that were enshrined in the Good Friday Agreement or that were integrated into the Good Friday Agreement. That has suffered as a consequence of the Northern Ireland Protocol.

I agree that there is a certain paradox in it all. I completely accept that but I think that given our difficult history and given the animosities that can linger under the surface, I would prioritise a Good Friday Agreement and say that we need to act in a way that protects and respects the principles that are in it.

**Q832 Chair:** As a statement of fact, the only thing that could alter the constitutional status of Northern Ireland and her people is a border poll.

**Councillor Kyle:** Yes, it talks about just and equal treatment for the identity, ethos and aspirations of both communities. I don't think that there has been just and equal treatment of both communities in terms of Brexit. I think that the ethos, aspirations and interests of the nationalist community were carefully safeguarded by the EU and that the identity and ethos of the unionist community as equal citizens with everyone else in the United Kingdom was sacrificed.

There may be trade laws, but they are still laws. There may be regulations, but they are still enshrined in a legal framework. We are now subject to laws that are passed by 27 other states but that do not apply within the rest of the United Kingdom. To most unionists that is a perception of an alteration in their citizenship of the United Kingdom.

**Q833 Chair:** What would you say to Ministers, from the Prime Minister down, who are emphatic? I have to say, declaring an interest I suppose, that in this I support them. They say, "You have simply got the wrong end of the stick on this. There was no intention for the Protocol, either from Westminster or from Brussels, to have any constitutional implication whatsoever. It was not intended to dilute or enhance citizenship or a sense of belonging or a sense of not belonging in either community."

In other words, you have simply got the wrong end of the stick. What would you say to the Prime Minister and the Secretary of State for Northern Ireland who say there is no constitutional impact that flows from the Protocol and that you simply have it wrong?

**Councillor Kyle:** I accept that the constitutional position will only change if a majority of people in Northern Ireland and the south of Ireland agree that it should change. I do completely accept the principle of consent, but the nature of our citizenship—I think there is a new legal relationship between Northern Ireland and the European Union. That legal relationship has implications for our citizenship within the United Kingdom. While I accept that the constitutional position has not changed, the nature of our citizenship has changed. That change has taken place without consultation and without seeking our agreement, our consent.



**Chair:** Mr Goodwill, forgive me—I trod on your toes.

Q834 **Mr Robert Goodwill:** No, I wanted to make a slightly different point and ask Dr Kyle if he thinks that maybe by 2024 we will be used to the operation of the Protocol, some of glitches will have ironed out and some of the issues about maybe transportation of livestock to shows or sales will also have been addressed and therefore it will almost be the devil you know and we will get cross-community support? The implications of the unknown could be just as bad as a no-deal Brexit might have been. We will just have to learn to live with it in the long term.

**Councillor Kyle:** My answer to that is that is possible. If there are changes to the Northern Ireland Protocol that address some of the significant problems that we are facing—and that would require action by both the British Government and the European Union—if those serious problems are addressed, and I think they can be addressed, then we could reach the position where there is broad acceptance of the reformed Northern Ireland Protocol.

That is possible, but there is a bit of work to be done. I do think it depends upon whether the British Government and the European Union will work together in good faith in the interests of the people of Northern Ireland and not use Northern Ireland as a political pawn.

Q835 **Mr Robert Goodwill:** Would you agree that there are some advantages of Northern Ireland having a foot in both camps, which maybe would enable you to attract investment and people seeing Northern Ireland as a great place to do business because of its unique position in the UK and with a foot in the European Union too?

**Councillor Kyle:** I absolutely accept that. I think there are possibilities for economic benefits but I would caveat that saying that for many, many unionists being British is more important than being prosperous and that we are not prepared to go for an economic deal and sacrifice our British identity. That means much more to many unionists—not all, but to many unionists—than economic success.

**Mr Robert Goodwill:** Thank you. I think most Yorkshire people would think the same way too. Thank you very much indeed.

**Chair:** We always have to go back to Yorkshire, don't we? Always Yorkshire. Thank you, Mr Goodwill. Gregory Campbell.

Q836 **Mr Gregory Campbell:** Good morning, Dr Kyle; nice to hear from you again.

Just on the wider issue, there has been some understandable controversy and interest in attitudes to violence as a result of the Protocol, and that was concentrated last week when we had a delegation from the Loyalists Communities Council and some fallout thereafter.

Going back some time to, for example, the Belfast Agreement in 1998, that LCC that appears to be an umbrella group for a number of organisations, some of which you will be familiar with, they indicated that



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they had withdrawn their support for the Belfast Agreement. Is it your understanding that that is the position for your political party and for those whom you represent?

**Councillor Kyle:** I think that decision to withdraw support for the 1998 agreement was an attempt to express how profoundly disturbed members of the loyalist community were at the imposition of the Northern Ireland Protocol. I do not see it as an undermining of the Belfast Agreement or the Good Friday Agreement, but I see it as a declaration to try to communicate to Westminster the profound unhappiness within loyalism.

Loyalists have felt, and I think with considerable justification, that they were not being heard and that their concerns were not being recognised, nor were they being seriously addressed. I think there has been progress over the past month. Lord Frost's visit was valuable and worthwhile. Clearly, the British Government are beginning to pay attention but there is a lack of understanding in Westminster as to the nature of Northern Ireland, the dynamics at play within Northern Ireland, the difficulties that we have had to deal with and the implications of the past for the present.

I don't want to be a whinger or play the victim card or look for special treatment, but I do think that ignorance is dangerous and I think many within the Westminster establishment are largely unaware of the issues within Northern Ireland. Some of them are disinterested, and for a Government to be unaware of what is going on in Northern Ireland and not to be cognisant of the strong feelings of a large section of the community is bad. I am glad that the Government are taking steps to begin to listen to and address the concerns of the unionist and loyalist communities.

Q837 **Mr Gregory Campbell:** On attitudes to the agreement then, and peace, I suppose for many people the more important date than 23 years ago was the date of 27 years ago, which was when paramilitaries who never should have started violence began the process of giving it up: the IRA started and then the loyalists followed. I suppose peace flowed from that date rather than four years later, but many people forget that.

Just to get your party's position and those whom you represent clear, the limited peace, the degree of peace that we have—is it something that your party and the groups you represent support or is it qualified in some way? Just so that we are clear about attitudes to violence following processes in the 1990s.

**Councillor Kyle:** I should make clear first of all that we still fully support the Good Friday Agreement or the Belfast Agreement and, secondly, we are adamantly opposed to the use of violence. We support people's right to protest and to protest lawfully, but we are adamantly opposed to the use of violence. We think that violence is wrong, we think it is counter-productive and we think that it is damaging to the fabric of society. It inflicts misery and drags us back to the past.



Q838 **Mr Gregory Campbell:** I will just ask you another question, Dr Kyle, on this whole issue. There are many of us in this position who would look at the evolving position within loyalism and unionism and indicate to the wider public that there is a deep reservoir of resentment and concern about the Protocol and that could spin over to violence.

Sometimes when that is projected as a possible outcome it can be misconstrued as an advocacy of violence. We saw some evidence of that, in whatever language it might be put forward. For the avoidance of any doubt, do you see that? Do you see that warnings of what may or could happen is not the same as saying if you don't do something there will be violence and we will support it?

**Councillor Kyle:** The history of this island has been a history of violence and we have a legacy of ancient animosity. Furthermore, unionists would say that the Irish Government used the threat of violence as a bargaining tool during Brexit.

Q839 **Mr Gregory Campbell:** I am very sorry to interrupt your answer but just on that issue of the threat of violence, it crossed my mind earlier that the introduction by the then Taoiseach, Leo Varadkar, of the front page of *The Irish Times* in the early 1970s, before he was born, of a destroyed border post, a customs checkpoint, was used at EU summit in order to concentrate minds in the EU about the need to avoid the threat of violence on the island of Ireland. Is that what you are referring to?

**Councillor Kyle:** Yes, and I think unionists would see that as having been a very ill-advised intervention from the Taoiseach at that time.

Could I just go back to say that—

Q840 **Chair:** Just before you do, Dr Kyle—and I take Mr Campbell's point about the historical status of the photograph that was used—I think it is worth pointing out that we as a Committee heard very significant concerns from the PSNI and others that any form of infrastructure, north-south border, would be a target. If one is hearing that from the senior police officers and from south of the border as well, that was a statement of fact, was it not?

**Councillor Kyle:** It was a security analysis that was offered. It does reflect our conflicted history that we live in Ireland that has seen violence. There is no guarantee that that could not be revisited upon.

Q841 **Chair:** For some it is the default position, and they rather miss it.

**Councillor Kyle:** Yes, so therefore that is why we view the Good Friday Agreement or the Belfast Agreement as being such an important and historic landmark and something that underpins contemporary life here in Northern Ireland. It needs to be respected and complied with, hence our concerns over the Northern Ireland Protocol impact on the Good Friday Agreement.



Just to simply state the obvious, I am not aware of there being any imminent threat towards violence. I am aware of people's discontent and anger and willingness to protest; I am not aware of anyone inciting violence. We are adamantly opposed to it, but it would be naïve to think that violence would never recur on this island from whatever quarter. Therefore, we need to act responsibly and sensibly and in a way that builds up social cohesion and trust rather than undermines trust and sows distrust.

**Q842 Mr Gregory Campbell:** Just to wrap that point up, Dr Kyle. When the then Taoiseach made that comment of course many of us had said that whatever the predictions of what may or may not happen, the one thing that would not happen—because it could not happen—was a hard border. It simply could not exist. It was something that was being analysed and projected upon and people were giving a view about, but everyone knew that this was something that can't happen—it could be circumvented, it could be attacked, for all those reasons it was never going to happen.

Is it not the case that that was used as a bargaining tool by the Irish Government against the EU to ensure that whatever border there would be, it would not be on the island of Ireland? It would, in fact, be in the Irish Sea, and we have the problems that we now have. Is that not the case?

**Councillor Kyle:** Possibly.

**Chair:** Dr Kyle, that is a good enough answer for me. None of us were in the room so we will never know. Mr Benton.

**Q843 Scott Benton:** Good morning, Dr Kyle. You have spoken about the detachment and distrust between the working-class loyalist communities you represent and the unionist establishments, for want of a better word, in the Government in London created by the Protocol.

My first question is: do you think the Government have done enough to engage with those communities and to understand their justified concerns about the Protocol?

Secondly, if the changes that many of us want to see to the Protocol are not forthcoming over the coming months and years, do you think that will lead to a position where support for the Belfast Agreement in the communities you represent is corroded further? What do you think the possible implications of that would be?

**Councillor Kyle:** The Government could do a lot more to understand and engage with loyalist communities. We struggle with the problem of criminalisation of the lawless communities. We could talk for a long time about that, as to why that is and who is responsible for it, but there has historically been an attitude to dismiss what loyalists are saying and to engage with the middle classes or with the political establishment.

You are quite right in your initial comments, Mr Benton. It is important that we find the channels of communication whereby the views of



working-class unionist people are heard, acknowledged and responded to by the political classes.

In terms of the Good Friday Agreement—I am speaking personally now rather than as a political representative—my personal view is that there is not an alternative to the Good Friday Agreement. Should we run into difficulties and problems with the Northern Ireland Protocol, I do not see abandoning or ditching the Good Friday Agreement or the Belfast Agreement as an option. It does create what is the best option possible for our political institutions and for the progress in civic society here. Therefore, I would not consider that as an option.

I think that we need to go back to look at what can be done further to reform the Northern Ireland Protocol and the Withdrawal Act, but I would be very hesitant to try to abandon the Good Friday Agreement. To my knowledge, only a small number—perhaps a significant number but only a small number—would propose that. The vast majority of people in Northern Ireland feel that it is by far the best vehicle to support our political institutions and life in general here in Northern Ireland.

**Chair:** Thank you. Mr Benton. Anything else on that supplementary? No? In which case we will turn to Mr Paisley.

Q844 **Ian Paisley:** Dr Kyle, how concerned are you about growing support for violent opposition?

**Councillor Kyle:** I am not aware of people stirring up or provoking violence or suggesting to people that they should consider violence. I am not aware of people talking that up.

As I said before, given our contested, conflicted and difficult history, and given that we still live with a considerable legacy from the 30 years of civil conflict, I think it would be naïve to rule it out. We do need to be cognisant of the possibility that things could become violent, but certainly in my experience people I know here in Northern Ireland are working to avoid violence, to minimise violence, to discourage violence and to draw young people into constructive, positive citizenship.

Q845 **Ian Paisley:** From the community work that you do and are renowned for, do you get a sense that the young people or those who are considering violence do so because of a sense of betrayal or is there something else underlying?

**Councillor Kyle:** I think there is a real sense of betrayal. I suppose there is also a fear that Irish politics has been characterised by confrontation and by division and by polarisation. The Northern Ireland Agreement has polarised people and where there is polarisation and people become increasingly tribal then that always raises the possibility of disagreement bubbling over into some sort of confrontation.

But my experience is that people—particularly people who lived through the troubles—do not want to ever see that revisited upon the island. We



are living with a new generation who did not know the troubles, have grown up in different circumstances and some of whom feel very strongly about the politics of this place.

**Q846 Ian Paisley:** Last week we heard from a young man who was only 19 years of age. He gave expression to the view that violence should not be taken off the table. He wouldn't even have been what we call euphemistically "a child of the troubles"—he didn't grow up through it; he's post-troubles. There is that view that violence could erupt if these things are not addressed.

You have dealt with community relations all your life, you've been involved in many different ways: do you get a sense that internal community relations between the divided community in Northern Ireland are at another all-time low? Do you get a sense of growing relations between Northern Ireland and Southern Ireland? What is your take on community relations—north-south and intercommunal?

**Councillor Kyle:** I wouldn't say they are at an all-time low but we have lost ground over the past five years. I think we have gone backwards. I think community relations are not as good as they were five, certainly 10, years ago. We have gone backwards.

In terms of relationships with the Government in the south, I think they have deteriorated. Interestingly, and in fact Mr Wilson referred to this last week, over 20 years there was a very healthy relationship built up between the loyalist community and representatives of the loyalist community and the Irish Government. There were good channels of communication; there was respectful interaction. There was collaboration on certain cross border and Northern Ireland projects. There were remarkably healthy relations there.

The past four years have damaged those relationships, have undermined trust, have broken lines of communication and we have gone backwards. There is significant work that needs to be done there. I am sure the Irish Government will be willing to engage in that work, but I think that we have clearly lost ground.

My view is that Covid has exacerbated this because people are not meeting in person, they are not seeing one another—they are interacting over Zoom or Microsoft Teams and we are not able to meet, look in each other's eyes, read body language, and try to reach some sort of understanding and agreement.

Yes, Mr Paisley, we have gone back and, yes, there is a job of work to be done here to try to regain that ground.

**Q847 Ian Paisley:** Dr Kyle, on the policing of all this, do you get a sense that the policing relationship with loyalist communities has again made a loss during this period? We did hear from our security analysis, as you quite rightly put it, that there would be almost Armageddon on the border if there were border posts erected. Of course no one was ever threatening



to do that.

The police also told us that their analysis was that there would be no violence and no disruption because of the regulatory border, but they got that wrong because there has been disruption because of the regulatory border; unfortunately, there has been violence and threats of violence. Do you get a sense that the police have lost touch with the loyalist community?

**Councillor Kyle:** I think that there is a widespread perception that there are double standards in policing. That is complex, but it is undeniably the case that many unionists and loyalists feel that there is a different set of standards and procedures applied to the unionist and the loyalist community and that another set of standards apply to the nationalist and republican communities.

We could argue about whether that is a perception or whether it is a fact, but certainly I think there has been a serious loss of confidence in the PSNI on the part of many people in the loyalist community. I don't think it—

Q848 **Chair:** I do not want us to stray too far into an analysis of policing. It is a legitimate conversation to have, but we are talking here about the Protocol.

**Councillor Kyle:** The problem could be solved, just to say, but I think that there is a problem that needs to be solved.

Q849 **Ian Paisley:** Very finally then, yesterday Ursula von der Leyen made statements, and if I can put them in the parlance of what we would describe them as, it was basically for those of us who do not like the Protocol, "Tough luck—suck it up!" Do you think that sort of attitude from the European Union fuels this opposition and could lead to growing dissatisfaction that could overspill into violence?

**Councillor Kyle:** It is very insensitive and it is ill-informed. What was reported on the BBC was that Ursula von der Leyen said the Northern Ireland Protocol was the only possible solution to ensure peace and stability in Northern Ireland while protecting the integrity of the EU single market. What I have tried to say is that the Northern Ireland Protocol is not necessary to protect the integrity of the EU single market; there are other ways to do it, or at least it can be amended to do that.

Secondly, as it stands it in fact destabilises peace and stability. To my mind what she has said is wrong. We need to look at ways to protect the integrity of the single market that do not have this heavy-handed approach that the current iteration of the Northern Ireland Protocol has.

**Ian Paisley:** Thank you very much, Dr Kyle.

Q850 **Chair:** Just following on from what Mr Paisley was asking there, Dr Kyle, very briefly—and without going into some sort of new quiz show of "trade a quote"—many of us were slightly taken aback, for want of a better



phrase, by the President of the Commission's tone yesterday. The tone just seemed to be a little out of kilter, and you referred to her remarks as "insensitive and ill-informed".

You were rightly talking about the need to build trust, rebuild relationships, conversation, dialogue and so on. Overnight, Mr Campbell—not Mr Gregory Campbell but Mr David Campbell—put out a statement in response to what the President said, which concluded that, in terms, we are not going to be told what to do by "another unelected German". I am guessing you share with me that that is pretty insensitive and ill-informed and not necessarily designed to rebuild trust, conversation and progress. Would you agree with that?

**Councillor Kyle:** I would find it difficult to disagree with that.

Q851 **Chair:** I am conscious of time, but you will appreciate if you followed the events of last week, and it has been referenced, this point of violence as a legitimate tool. I will put this to you to get your clear answer on this because your reputation is well-known and clear on these issues. It is this: a section of the community do not like the Protocol. Let me take you to a position whereby Westminster and Brussels tweak, change, amend, compromise and so on and get into a position where they say, "Job done—it is working fine, we are not going back to it, it is just there". There is still opposition to it.

Is your message very clearly to loyalists and unionists that loyalism and unionism are more than just badges to wear or terms to identify with, and loyalists and unionists do not attack the Queen's police officers, they do not riot on the Queen's streets, they do not break the Queen's rules and laws—they may not like them, but violence could not be used because that is the very antithesis of unionism and respect for the power of the Crown and Westminster?

**Councillor Kyle:** Well, could I first of all address your lead into that to say that the Northern Ireland Protocol needs more than to be tweaked. There need to be fundamental changes.

Q852 **Chair:** Forget tweaks or whatever, the situation is that Brussels and Westminster say, "That is it—we have done it, it is working, we do not care if anybody does not like it, it is there and we are not going back to this anymore". Is your message to those who say, "I am still unhappy", "You may be unhappy"—I am not going to use the "suck it up" phrase—"You can continue to be unhappy but at no point can or should your unhappiness be manifest in violence on the streets of the United Kingdom"?

**Councillor Kyle:** At no time should unhappiness be manifest on the streets of the United Kingdom, but also if you have a significant proportion of your population who are alienated, who feel that their concerns have not been heard, whose objections have been overridden, that is unhealthy for democracy. Therefore there is both—

Q853 **Chair:** Dr Kyle, it may be but that is how the rule of law works.



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**Councillor Kyle:** It is how the rule of law works but democracies that ignore large swathes of their electorate will fail and democracy needs to operate and function responsibly and in the best interests of everyone. Therefore there is a responsibility not just on the citizens to be peaceful and not to riot—and I absolutely endorse what you have said; there is also a responsibility on the democratic institutions to ensure that the interests of minorities are respected and protected and are dealt with.

Q854 **Chair:** That is a given. I get concerned when one hears people say, “We are going to do this because we have not been heard”. People will be heard. They may not be agreed with, they may not be satisfied but if every time one loses an argument one resorts to violence, that means that by definition when you win an argument the side that has lost that particular argument can also resort to violence or whatever, because they do not have to accept it.

Isn't that a clear defining message of what it means to live in a civilised liberal rule of law, rules-based democracy in 2021? Be heard, freedom of speech, yes, but being heard does not necessarily mean you have to be agreed with.

**Councillor Kyle:** I agree with that, Sir Simon—

**Chair:** I am not Sir Simon yet. That is the second time someone has knighted me. It is rather good news. I am holding out for an earldom.

**Councillor Kyle:** Sorry, Chair.

**Mr Robert Goodwill:** Only a matter of time, Simon.

**Chair:** You are too kind, Robert. Sorry, Dr Kyle; this is a serious point.

**Councillor Kyle:** I accept what you are saying. That is the way in which we conduct ourselves in modern western democracies, but could I also say that our western democratic institutions are falling short. While there is a responsibility on citizens to live lawfully and to not resort to violence, there is also a responsibility on our political institutions—and to be quite honest I think our institutions are imperfect and have fallen short—to listen to, to hear, to care for, to protect and to organise, in the best interests not just of the majority but of minorities.

Furthermore, our Prime Minister should be a man of his word and not mislead people by making ill-advised statements that he then draws back from.

**Chair:** Thank you, Dr Kyle. Mr Benton.

Q855 **Scott Benton:** Dr Kyle, I think you have alluded to this point on several occasions before, but I would just like to go over it once again if that is okay.

What do you think the overriding cause has been of the recent unrest in working-class loyalist communities over the past six weeks or so? Is this directly attributable to the Protocol, for example, or are there other



factors at play here?

For example, many of these communities have some of the worst educational and health outcomes in the whole of the United Kingdom. There are feelings of alienation from the political process, maybe feelings that the union is under threat as well. To what extent do you think the violence is attributable solely to the Protocol or was that merely a lightning rod for other larger underlying issues?

**Councillor Kyle:** Your question, I think, is pretty comprehensive. The Protocol has been a major factor in it but is by no means the only factor. The events around the policing of the Bobby Storey funeral was also a significant factor. There were the difficulties in our communities that were exacerbated by the pandemic and the issues of poverty, lack of opportunity, educational underachievement, poor mental health, housing problems, welfare reform and the implications of that. I think all those factors played into it.

You are quite right that we have some of the most disadvantaged communities in the United Kingdom here in Belfast. A number of factors contributed. There is our history of what we call in Belfast recreational rioting, where young people who have been living under significant restraint for many months, whose schooling has been disrupted, whose careers are on hold, get out in an exuberant way. There is a history of social unrest, antisocial behaviour and sectarian confrontation and that can feed into it as well. It is a complex mix of factors but I would be dishonest if I didn't say that I think the Northern Ireland Protocol and the policing around the Bobby Storey funeral were two major factors, exacerbated by other contributing factors.

**Chair:** Scott, anything else?

**Scott Benton:** No, thank you, Chair. That was a very comprehensive answer. Thank you, Dr Kyle.

Q856 **Claire Hanna:** You have anticipated what I was going to ask you and I suppose I am trying to quantify that. We have heard for the last few months, including from our witnesses last week, that the Protocol was the straw that broke the camel's back. It is trying to disentangle that, given the fact that unfortunately we spent years looking for alternatives and didn't find them.

Is it possible to quantify how much of the anger is related to the Protocol and how much of it is built up? Is there a sense in unionism and loyalism that the people that they have elected to represent them are not addressing the issues of, as you say, economic wellbeing, societal issues and the ability to progress and that it has all been directed and pinpointed at the Protocol? Some of us feel that it has been directed that way as a distraction from failures. Is it possible to quantify how much of it is the Protocol and how much of it is feeling let down for many years?

**Councillor Kyle:** I don't think it is, Ms Hanna, to be quite honest. I think that they are so indivisibly linked. The constitutional issue has always



been in Northern Ireland for the past 50 years and has in some way dominated electoral politics. When it comes to elections, it narrows down to the constitutional issue, yet in between times these other significant factors play in: socioeconomic problems, the difficulties that we have with our unacceptable levels of educational underachievement, the poor mental health, the level of mental health problems in Northern Ireland, the legacy of the conflict.

I think our politicians sometimes have been distracted from dealing with the issues that really affect people's day-to-day lives. We have been distracted by constitutional questions when people would have benefited if we had been able to address some of the issues of housing, employment and health service reform and some of the difficulties with our education system. I think that if we had been able to be more focused in addressing those issues, there would be less risk of sectarian violence in Northern Ireland.

**Q857 Claire Hanna:** I don't disagree. Many of us have seen Joel Keys, the young man who spoke to us last week, which I had not seen before, being interviewed after the riots in April when he said, "I don't know much about the Protocol, I don't know about the Covid regulations"—this was in the context of the Bobby Storey anger—"but my leaders keep telling me that we are losing".

To what extent is it the fact that people are being told and unionism and loyalism are being told constantly that they are losing? To what extent is it a failure to give people something positive to engage with and to address the issues that would positively impact on their lives?

**Councillor Kyle:** I think that in Northern Ireland our politics have probably been too negative and we need to give people more of a vision for the future. We need to recognise the remarkable successes that we have had here. We need to be focusing on creating a future for Northern Ireland that gives everyone a place, gives everyone an opportunity, builds on our talents and potential and uses the wonderful resources that there are here in Northern Ireland.

Yes, I think that our politics may have been too negative, too tribal and too backward looking, too locked into the past, and we need to find a way to work together to create a vibrant future for Northern Ireland. That depends on politicians working together in partnership. I think that we have been poor in partnership. Relations between our political parties have been of a low order and we need to rediscover the synergies of working together in a way that promotes the interests of everyone in Northern Ireland. I think that can be very successful in creating a future for everyone here.

**Q858 Chair:** Dr Kyle, you mentioned earlier that one of the great problems with Zoom or Teams is that body language can't be read and whites of eyes can't be looked at and so on.

In closing this session, can I say to you that if you and I were in the



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same room at the moment, I would be giving you a very strong fraternal hug? I think you have hit the nail on the head. It is time for us all to start saying what we are in favour of and what we want to achieve rather than defining ourselves by what we want to stop or what we are against. If we can turn the dial into that—into a popular, positive approach—that will deliver.

Mr Benton and others have raised that one of the great grievances we have started to hear from the loyalist community is the peace side of the GFA coin, but there is also the prosperity side of the coin and that is not being felt equally. I am slightly concerned by a tension that you seem to suggest—that one would rather be British than prosperous. I think we have to achieve that one can be British and prosperous and try to nullify the idea, by addressing it not ignoring it, that this is not a constitutional assault—it is a trade thing.

But let's get that prosperity and that hope cemented and growing as a evolutionary and organic thing across Northern Ireland so that all communities, irrespective of age, can see the benefits of peace and progress and talking together, but being ultimately positive.

Dr Kyle, you will appreciate that in doing this job occasionally there are ebbs and flows, that you move from the highs and lows, and sometimes you finish a session feeling absolutely in the troughs of despair and sometimes you finish a session on an optimistic high. I am tempted to say from a personal point of view that it is the latter for me, having heard what you have said today. It is hugely encouraging and we are very grateful to you for your time.

I apologise to Mr Sheridan for detaining him, but you will appreciate, Mr Sheridan, if you listened to the first half of the session that we were all in full flow and making progress. It was not the time for a "next time" type of showstopper. Dr Kyle, you are welcome to stay in the room and to listen to what Mr Sheridan says.