



European Affairs Committee

Protocol on Ireland/Northern Ireland Sub-Committee

Corrected oral evidence: Introductory inquiry into the operation of the protocol on Ireland/Northern Ireland

[Wednesday 26 May 2021](#)

4.15 pm

Watch the meeting

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

Evidence Session No. 3

Virtual Proceeding

Questions 24 - 38

Witnesses

I: Peter Sheridan OBE, Chief Executive of Co-operation Ireland; Mary Madden CBE, former Northern Ireland Office senior official; Jackie Redpath MBE, CEO of the Greater Shankill Partnership.

Examination of witnesses

Peter Sheridan OBE, Mary Madden CBE and Jackie Redpath MBE.

Q24 **The Chair:** Good afternoon, everybody, and welcome to the third public session of the European Affairs Protocol on Ireland/Northern Ireland Sub-Committee and the second of this new parliamentary Session.

We are continuing our introductory inquiry examining the current situation in Northern Ireland as it relates to the protocol, including the views and concerns of communities and stakeholders, the current state of play regarding the protocol's operation, the continuing dialogue between the UK and the EU on the protocol in the Withdrawal Agreement Joint Committee and the governance bodies reporting to it, and efforts to identify solutions to the problems thus far identified.

We continue our work today through an evidence session with representatives of community and civic society groups and experts in community relations Peter Sheridan, Mary Madden and Jackie Redpath. A very warm welcome to you all. We very much look forward to what you have to say. I suggest that when you speak for the first time you introduce yourselves, because although we know who you are, others who are listening or who may listen will not necessarily. Today's meeting is being broadcast and a verbatim transcript will be taken for subsequent publication and will be sent to you all to check for accuracy. I also refer to the list of Members' interests, as published on the committee's website.

We are very much looking forward to this evidence session. I will ask the first introductory question. Could you give your overall assessment of the impact on the people and communities of Northern Ireland of the protocol since it came into force on 1 January this year? What impact has the protocol had on community identity in Northern Ireland?

Mary Madden: Thank you, Lord Jay, for the opportunity to appear before the committee this afternoon. I will begin with a few opening remarks, as you have suggested.

I am a retired senior civil servant, having worked all my career in the public service sector, first as a lawyer and then as a senior civil servant. I have been working for 21 of those years in the Northern Ireland Office and, I think importantly for this committee, during that time I was a senior political adviser, policy adviser and senior officer during the intense period leading up to the Belfast/Good Friday agreement and then to the successful completion of devolution in 2007.

During those very difficult years of negotiations, I related to all aspects of our society—political, civic, community, religious, business—and with all shades of opinion. Importantly, and why in a sense I was awarded the CBE, I also worked closely with the IICD, the Independent International Commission on Decommissioning, and with all paramilitary groups right across our troubled past to secure decommissioning.

Since I retired I have worked in a number of organisations, particularly the Glencree Centre for Peace and Reconciliation, alongside the Prince's Trust and the Goliath Trust, which focuses on helping our young people. The Glencree Centre for Peace and Reconciliation, which was very influential in creating a space for those difficult conversations, is a model for peace and reconciliation throughout our two islands.

After those introductory remarks, I will come to your first question. The implications, impact, or overall assessment of the impact of the protocol have been significant from day one. That was not helped by the late finalisation of the trade agreement so close to the end date. It meant that businesses were really not ready and there was clear evidence of difficulty in goods moving seamlessly between Great Britain and Northern Ireland, as was expected to a large degree.

While some of the early difficulties such as empty supermarket shelves were being resolved, other issues came to the fore. It is those particular other issues that are creating the continuing difficulties with the implementation of the protocol because of the effect it is having on individual people as opposed to businesses. If you are trying to get potted plants or seeds across, or you are trying to move your pets or receive parcels, all those things are impacting right across the community on both sides and they are having difficulty with how the protocol is working.

You asked what impact, if any, it has on community identity. It has had quite a significant impact on identity, because it reinforced the view that Northern Ireland was different, and for unionism and unionists who value the union and their Britishness this went to the very heart of their identity. For nationalism, the protocol, which they genuinely believe is necessary to protect peace within this island and for those who right across the board have a European identity, it was Brexit rather than the protocol that removed that. Both Brexit and the protocol have had implications and an impact on community identity on both sides of the community divide.

The Chair: Thank you very much for that. That is a very good start to our session. Peter Sheridan, would you like to address the same questions?

Peter Sheridan: Thank you, Lord Jay. I am the chief executive of Co-operation Ireland, which is a peace-building charity that works across the island of Ireland and between Britain and Ireland. It sees those three relationships as hugely important: the British-Irish relationship, the north-south relationship and the relationship across the communities in Northern Ireland. We work at both a strategic level and a grass-roots level. Currently there are 29 programmes across communities, some of them with communities in the UK, a lot of them with young people, trying to build and educate young people on the challenges relating to Northern Ireland, but at the same time at a strategic level.

We were closely involved in Her Majesty the Queen's state visit to the Republic of Ireland and the state visit of the President back to the UK. We facilitated the meeting between Her Majesty the Queen and the then deputy First Minister Martin McGuinness and that handshake at the Lyric Theatre. We have been involved in a range of strategic issues to do with the British-Irish relationship. Prior to that, I served in the police service for 32 years—25 years in the Royal Ulster Constabulary and seven years in the PSNI—and finished up as head of murder investigation and organised crime, and had responsibility for the border during that time.

I would break your question down into three areas. For the wider community there are matters and issues that are having a material impact on people's daily lives. If we took as our yardstick that both the EU and the UK said that there should be as little impact as possible on everyday life of communities in both Ireland and Northern Ireland, that is not what is happening because almost every household is affected by it.

I was in a meeting with Lord Frost recently and up popped an email on my computer to say that a piece of outdoor furniture that I had ordered in the UK could no longer be delivered because of "Brexit regulations". That is impacting on everybody. I think that visibility is causing part of the tensions on routine things that should be able to be moved from one part of the United Kingdom to a residence in another part of the United Kingdom.

I think nationalists see that there are a number of things about the protocol that need changing, but they largely see the protocol as a trade border. They see it as an opportunity to trade in both directions, but they also express concerns about the UK extending the grace periods unilaterally and the damage that does to EU-UK-Republic of Ireland relationships. Those relationships were at the heart of helping and sustaining the peace process here.

For unionists, there is absolutely no doubt that, as well as the border being a trade border, it is an identity and constitutional border. I talk to many unionists, including those who see themselves as moderate and would not ordinarily be saying these things but who, as a result of Brexit and the protocol, see themselves as less British than the rest of the United Kingdom. Increasingly, they feel that Northern Ireland is separate and distinct from the rest of the United Kingdom and that Northern Ireland's relationship with the rest of the United Kingdom has changed without their consent.

The Chair: Thank you very much for that. Jackie Redpath, it would be good to get your perspective on these two questions, too.

Jackie Redpath: Thank you, Lord Jay, for the invitation to meet today. I am afraid that my CV is not as grand as either Mary's or Peter's. I am chief executive of the Greater Shankill Partnership in Belfast. I am also chair of Springboard Opportunities, which has worked with young people across the divide in Belfast and north and south on the Wider Horizons programme under PEACE IV funding, which is a key issue that we might

discuss later. I have recently served on a panel to produce a report on educational underachievement under the New Decade, New Approach agreement, which was commissioned by our Minister of Education and is to be published next Tuesday, I believe. I think that is also of significance to questions later.

When you have spent a long time in the woods, you get to know a wee bit about trees. I am not here on behalf of the organisation I work for. I am here as a long-term community worker in the Shankill with a bit of knowledge of how things are happening there and what feelings are, if you will allow me.

The impact that I really want to speak of here, leaving aside the practical details of the protocol that Peter and Mary have mentioned, is the destabilising impact of the protocol on communities in Northern Ireland, and on unionist and loyalist communities in particular. If my mother was still alive she would call it an unholy mess, and I think it was born of expediency. There is the feeling that Northern Ireland was sacrificed, either knowingly or unknowingly, unwittingly or not, as collateral damage in the deal that was done in the run-up to midnight in January. Its impact is reverberating at every level of society in Northern Ireland but in particular on unionist and loyalist communities.

I suggest that the most significant impact of it is the feeling among the community that politics does not work, that our politicians are powerless in this situation. That is a very dangerous position to be in and it leaves a yawning chasm that will be filled by other things. We may come on to that in more detail after, but I want to emphasise that I believe that this has destabilised things to the point of destabilising the peace process, a theme that we may develop later.

The Chair: Thank you very much to all three of you. That is a sobering introduction, and you have covered a number of points between you, which we will follow up in subsequent questions.

Q25 **Baroness O'Loan:** I will ask Mr Redpath to answer this question first, and then perhaps Mr Sheridan and Ms Madden can comment.

You have already referred to the impact on unionist and loyalist communities and to what you called the yawning chasm. In your assessment, to what extent was the recent violence in Northern Ireland attributable to the protocol coming into force? Has the situation on the ground improved, deteriorated or remained broadly static since the disturbances took place?

Jackie Redpath: We have had, blessedly, an absence of violence on the streets for a number of years now. In direct answer to your question, I suggest that the violence that we saw a number of weeks ago was almost wholly attributable to a response to the protocol. The sadness of this is that it involved a new generation of young people, many of them 14, 15, 16 year-olds, who are now inducted into that method of taking protest beyond protest and into violence. I believe that what we saw on the ground was almost completely attributable to the protocol. I cannot be

specific about what happened in Lanark Way on the Shankill and in Sandy Row in Belfast, but I believe that both were directly attributable to a response to the protocol.

I think the question of whether or not that situation has improved or deteriorated is on hold at the moment. I say this very carefully. A number of weeks ago, with the death of the Duke of Edinburgh and out of respect to the Royal Family, a halt came to the protests and to the violence that had spun off from a couple of the protests. I dread to think what would have happened without that gap, because I fear that the build-up of anger and response and what was happening on the streets would have spilt right into that weekend and beyond. It is an unknown just how much that would have developed.

In that sense, that week created a gap in which people were able to use their best efforts to try to ensure that in the protests against the protocol that happened after that—and that continue to happen virtually nightly in Northern Ireland, largely unreported, certainly in the national press but also in the local press—violence was not going to become commonly associated with protests against the protocol.

That tells you something, and it says something to young people in our society. Suddenly the focus went on to this issue because there was some violence in the streets. It is sad that the message goes out that to be heard that is what you have to do. Of course, that is a message we want to put a cap on. Nevertheless, it seems to be out there in the environment at the moment. Broadly, we almost have a frozen state at the moment. We look like we will have ongoing street protests against the protocol. They could go wrong at any given point, not in a planned way but just due to some incident.

Also, before these protests—this is nothing to do with the protocol; it came out of Covid this summer, and it may be common across the United Kingdom—we on the Shankill had already anticipated that young people, with the valve released after Covid, would congregate and party in the summer in public parks and other places, because that is what teenagers do. Now, if the police intervene in that because of Covid regulations, what happened on the streets with the violence could change the relationship with the police.

I would describe the situation as having neither improved nor deteriorated. It is almost in a frozen state with the violence that happened, and we wait to see what may transpire during the summer. I really hope that does not happen.

Baroness O’Loan: Thank you very much, Mr Redpath. Mr Sheridan?

Peter Sheridan: Probably the protocol was more the spark. I think there has been a build-up for this over the last number of years, particularly in the unionist/loyalist community with issues around policing. The Bobby Storey funeral certainly fed into the mindset of many people in the loyalist community when they talk about two-tier policing; legacy

investigations, in the views of many loyalists, seem to focus more on loyalist communities than on republican communities.

I think there is the issue of recreational rioting. Young people have effectively been locked up in lockdown, and when rioting happens it becomes fun and excitement. I have seen it and experienced it. I cannot vouch for the veracity of this, but I saw a tweet from an international journalist who interviewed a young person in Sandy Row about the rioting. They asked him why he was rioting, and he said it was because of Bobby Storey. The journalist asked him, "What about Bobby Storey?" and he said that the police would not prosecute him. There is that level of misunderstanding, and for that young person it was probably more about fun and excitement.

There was a range of things which the protocol probably came at the end of. I doubt whether things have changed. I think the issues remain the same. None of the issues has been dealt with. As Jackie said, things have not kicked off again since the death of Prince Philip and that gap, but I do not think that it may not happen again. With the marching season or parading season, we are going to get into bonfires, and the potential is still there because the issues are still on the ground, and those issues still have not been dealt with. I think we are probably, as Jackie described it, still in that frozen state.

Fortunately, around Easter time, although the rioting happened—I would not want to minimise any of it, because any petrol bomb that is thrown is a risk to somebody's life, any bus that is hijacked is a risk to life—it was nowhere near some of the level of rioting I have experienced in the past. Nor did I see it as being organised by paramilitary organisations. That is not to say that there were not people from paramilitary organisations who were individually organising, planning or encouraging young people, but a lot of ex-paramilitary organisations were saying that young people should not become involved in it. I think that kept it more at the recreational end of rioting and probably why it did not spark off again immediately after the mourning period for Prince Philip.

Baroness O'Loan: Thank you very much, Mr Sheridan. Ms Madden?

Mary Madden: I do not fundamentally disagree with Jackie's or Peter's responses to this question. I agree very forcefully with Peter that the protocol was certainly the trigger, but there was a lot of build-up to this. It seemed to be a perfect storm in a sense, because you had a republican funeral—a funeral that did not appear to anybody in either community to be adhering to the rules, but we were trundling along a bit on that one until the CPS and the police decisions made it apparent that there were going to be no prosecutions—that just coincided with the start of the problems surrounding the implementing of the protocol.

There are a number of factors, but it hinges on a feeling of alienation, friendlessness and fear within the unionist community, and especially the loyalist community, that their Government have been abandoning them and have done for some time. I think that has generated the only thing

that seems to get people's attention: some sort of street protest leading to street violence. That is how basic it is, because that seems to have worked in the past.

I do not think it is over. It will be very difficult to manage, and a lot of this might be managed better if something more was done on the protocol. We have a legal case going on at the minute that is challenging the existence of the protocol, and we will have to wait and see how that flows out. After that, it will take significant political leadership to make sure that continued opportunities to try to amend, change or find solutions to the protocol are done through political, non-violent means, and that will take a lot of leadership and control to succeed.

I agree with the other two speakers that we are not out of the woods yet and that things happen in Northern Ireland in this very contested space that we live in, and it is a contested space. What happens and what comments are made only add fuel to the fire. Injudicious language, like a Sinn Féin TD in the House a matter of days ago praising Seamus McElwaine as a model, is not helping to keep things calm within this jurisdiction.

The Chair: Thank you very much indeed for that.

Q26 **Lord Hannan of Kingsclere:** Thank you to our three witnesses. I will ask the same question to all three of you about the compatibility, as you see it, of the Northern Ireland protocol with the Belfast agreement—compatibility with the letter and with the spirit of it. The Belfast agreement has grown, perhaps more than other treaties, to represent something bigger than just full stops and commas. It is sacralised, almost literally, in the sense that we now call it the Good Friday agreement.

There are two views on this. The argument on the EU side was that any border would violate the terms of the agreement and possibly jeopardise the peace. Our colleague Lord Trimble said that, on the contrary, it is the protocol that violates the agreement, because it changes the constitutional status of Northern Ireland without the consent of the people, because Northern Ireland now has a different regulatory jurisdiction, different tax rates and so on.

In your assessment, does either of those views have merit or neither of them?

Peter Sheridan: There is no doubt, right from the referendum decision through to the protocol, that there has been a disruption in the delicate balance set in the agreement in relation to the compromises and relationships that underlie the agreement. If a large proportion of the 70% or so of the population who voted in favour of the agreement are now saying that they are becoming disillusioned with it, it is incumbent on all of us to take that seriously. The agreement was probably the single most significant achievement of British-Irish relations in the last 100 years, so it is important that we protect it.

There is no doubt that for unionism, for example, the protocol is seen as infringing on the economic future of Northern Ireland, where economically Northern Ireland is part of the EU as well as the UK but many of the decisions will be made in Brussels where there is no Northern Ireland or UK representation. As Britain further diverges, that gap is likely to get even wider again. The Good Friday agreement said that people could be British or Irish or both. There is a question whether the Irish Sea border infringes on the rights of the unionist community, that somehow they are less British than they were before the protocol was put in place. I think there are strong arguments in both those places.

I guess we will find out at some stage whether it is a technical breach, but even moderate unionists see it as a breach of the spirit of the agreement where it has changed the constitutional position and the status of Northern Ireland within that. My point is that if a lot of people in unionism are saying that, it is important that we take account of it, because that is how you protect the Good Friday/Belfast agreement; you do not do it simply by ignoring what one side has to say that is party to that agreement.

Lord Hannan of Kingsclere: Thank you very much. Mary, the same question to you, please.

Mary Madden: I agree with Peter. The Belfast/Good Friday agreement was very complex relationship building and it protected and settled the constitutional question. Unfortunately, Brexit and then the protocol have unsettled and destabilised those relationships. In any contested jurisdiction—and this is a very contested jurisdiction—you cannot have winners or losers. One of the great achievements of the Government in trying to stop political violence, starting with John Major and taking us right through to the Blair years and beyond, was to make sure that in achieving the outcome of that settlement we allowed people to all feel partly winners and partly losers. When you have a contested space, you need to have compromise.

Unfortunately, Brexit and then the protocol have both had negative impacts, particularly for unionism. Even though they will acknowledge that they are not as British as somebody in Finchley is, they would still think that they are British citizens and entitled to be treated exactly the same as if they are from Scotland, England or Wales. The protocol at the minute makes unionists very much feel that they are different, they are no longer the same. That, I think, will be reinforced as the United Kingdom makes trade deals with other countries around the world and with us now aligned to the European Union. How will we manage that in the future?

There are a lot of questions from people who say, "We take all the regulations and we must take all the standardisation that comes in from the European Union. We have no representation in order to say what those are, and nor has Great Britain. How do we manage future trade deals with other countries and how will they impact?" Those are all legitimate questions, but they are all very destabilising to the

relationships that were expressed and honed in, and not quite tied down in, that Belfast/Good Friday agreement.

Whether there is a legal action going on at the end of the day or not—I am not a constitutional lawyer, so we will have to see what the courts say to that—there is no doubt that the relationships that were formed under the Belfast/Good Friday agreement are now destabilised, and in a destabilisation like that you have the potential for things to go into violence. That is the problem.

Lord Hannan of Kingsclere: Thank you. That is very sobering. Jackie, based on your earlier answers, I am guessing you will agree with quite a lot of what the previous two witnesses have said, but I wonder whether you have anything to add.

Jackie Redpath: Thanks, Lord Hannan, yes. I want to be careful about what I said. I am not in a position to comment on the legality or otherwise of it, or even on the letter of the law in relation to the Belfast/Good Friday agreement and, indeed, subsequent agreements that have been reached, which enable us to have devolution such as we have now.

I think you were quoting someone else there who mentioned that any border would violate the agreement. Whether the border is a land border in Ireland or a sea border in the Irish Sea, in that sense either would violate the agreement. A strong case was put up from various sources, which appeared to be accepted by the EU, promoted by the Irish Government and recognised by the British Government at the time, that a land border would violate certainly the spirit of the Belfast/Good Friday agreement and subsequent agreements, described well by Mary when she talked about the sensitivities for both communities there.

I have a slightly even more serious take on this. I think that it impacts on the peace process itself. This is where I want to be careful in what I am saying. I have noticed in working class communities a change in tone and attitude towards the peace process. It used to be something that people embraced both intellectually and emotionally, because we all want peace, but it is not something that would be freely discussed in a positive way now in places like the Shankill. That is not to say that people want to go back to war. I am simply saying that it has had a negative impact on the peace process.

Do not forget that the peace process goes beyond agreements and was happening before the Belfast/Good Friday agreement. For me, that is the most serious implication of what is happening with the protocol at the moment: the impact on the peace process and attitudes to devolution, which now are much more negative, and attitudes to the Belfast/Good Friday agreement and subsequent agreements.

To tell you the truth, I would fear that if a referendum on the Belfast/Good Friday agreement was taken today, within unionism—and I want to say this very carefully—and loyalism there might be a change in

the voting pattern if it was put to the people today. The protocol has been the final issue that has resulted in that sort of change of view, which to me is very sad.

Lord Hannan of Kingsclere: Thank you very much. I will not add any more questions.

Q27 **Baroness Ritchie of Downpatrick:** First, I would like to declare my interests in the register of interests. I would also indicate as part of that that I am a member of the board of Co-operation Ireland, of which Mr Sheridan is our chief executive.

I have questions that surround many of the areas that you have addressed. You have already talked about the key concerns that have arisen from the operation of the protocol for communities on all sides in Northern Ireland. I suppose in talking about those key concerns there is also a focus on the solutions. Therefore, do you think that the creation of mutual recognition agreements would help in the supply of, say, over-the-counter medicines from GB to Northern Ireland? Would you say that negotiations that should be ongoing between the UK and the EU should come to some form of an agreement before the end of that grace period, whether it is October this year or, in the case of over-the-counter medicines, on 31 December?

Secondly, do the people and communities of Northern Ireland perceive any positive benefits from the protocol in trading, for example, within the UK internal market and the EU single market?

Mary Madden: Thank you very much, Baroness Ritchie. Maybe I could start by answering the question this way. I think that most people will recognise the logic that there has to be a border in some respects in the new trading arrangements in order that there is a single market protection for the EU. There is recognition that the Northern Ireland protocol, given that it is an international treaty, because it is a matter for the UK sovereign Government and the EU, is unlikely to be removed.

Therefore, in those circumstances, it is absolutely imperative that some of the mitigations that are being talked about come into play, and come into play in a very constructive and positive way. As I said, the legal case is ongoing. If the outcome of that legal case is to find that it is not incompatible with the Act of Union and the Belfast/Good Friday Agreement and therefore stands, it is very important that we get those mitigations in place to demonstrate that there are some mechanisms, real as opposed to perceived, that will bring some clarity to the implementation of the protocol as it relates to goods coming into Northern Ireland from GB.

There are more discussions to be had about possible changes that can still happen. Agreements on trade and relationships have to be by consensus. At the minute, I do not think that any of the unionist parties, or the unionist community in general, see much positivity in the Northern Ireland protocol and do not consent to it, and therefore would want to see changes.

I do think that in the short term, especially when the grace periods are running out in October, there has to be demonstrable evidence that some of the difficulties that the individual consumer is experiencing will be resolved. That is the first thing I would say in answer to that question.

In relation to the benefits, we have consistently heard that there will be many benefits for Northern Ireland deriving from the fact that it can trade seamlessly within the single market into Europe and will also be able to trade goods into GB. There is no indication that everything will work in a positive way at the minute, because nobody can see what those will be. There may be some very astute businessmen who can see opportunities, because in any economy there will be changes, and especially with changes of this magnitude there will be winners and losers. I do think that businesses might see it, but the man in the street does not yet see what the benefits are. The messages on that need to be coming through strong and consistent. If Invest NI, which is our economic trading agency here, can show benefits of negotiations with outside companies that, given our unique circumstances, would want to use Northern Ireland as their base, those are all very positive. It would be helpful if InvestNI could bring some of those to fruition very soon.

In other words, unfortunately, because of the way the protocol began its life from day one, with all the difficulties, the possible positive potentials have not been articulated and nothing can be seen on the ground to show where that will lead. It is a promise of nirvana in the future, but it has not materialised. Those are two things that need to be addressed.

Baroness Ritchie of Downpatrick: Thank you, Mary. Jackie Redpath, your assessment and opinion?

Jackie Redpath: Thank you, Baroness Ritchie, for your question. I have not come armed with a long list of concerns or difficulties in practical terms which the protocol has created, because they are pretty well known and have been aired in the media and in the press. I would think that as a basic point of common sense it would be extremely useful to have those difficulties mitigated and ironed out. It would be to the benefit not only of all communities in Northern Ireland but of businesses in Great Britain to have those immediate difficulties ironed out.

I do not believe that such an ironing out of those difficulties will mitigate against the anger and feeling of alienation that the protocol has caused in the unionist and loyalist communities. The difficulties should be ironed out, but just because that is the right thing to do. In doing so, I do not think that it will dramatically change the thinking that people have who are so angry about this.

On the potential benefits of the protocol, I do not have the expertise to give any sort of analysis of any benefits that may come from it but I would support what Mary has said. There may be some communities, if we could call them that, in Northern Ireland—business people, business communities maybe—represented by the Institute of Directors and the trade chamber and so on, where you would get a more informed and

intelligent answer to this question than I can give you. I do not know the benefits that might accrue from it. What I can say quite categorically is that those benefits certainly have not been seen at this stage. It is only the negatives that have been seen.

Peter Sheridan: I do think that the priority should be to mitigate and remove the parts of the protocol that currently have the most material adverse impact on the lives of communities across Northern Ireland. Secondly, the pace of change is accelerated between the UK Government and the EU in the parts that are causing the most difficulty.

I do not think for one minute that that will deal with the constitutional issue or the identity issue, but it may well help to reduce some of the tensions. What is causing some of the tensions is the visibility of that border down the Irish Sea. A lot of us understood at the time that the only people who this border would be visible to were the lorry drivers going through Larne, Warrenpoint or Belfast. It was not meant to affect every household, which it is doing, or at least the households that are ordering goods. I think that will go some way to reducing the visibility of tensions at the minute.

On the identity and constitutional issue, if I was being selfish from a Northern Ireland perspective, I would say that there should be a much more agreed common approach to both food safety standards and veterinary standards. That would reduce a large number of the checks that are currently happening. The UK currently upholds high standards in food safety and animal health, so it is not a big jump to be able to align those two things with the EU.

Of course, I understand that the UK's argument on sovereignty means that it wants to remain in charge of all the rules, so that if it cedes some of that sovereignty in making the agreement or aligning with the EU that may somehow reduce its ability to trade with other countries around the world. Selfishly, from Northern Ireland, I think that would remove a large part of the things that are causing conflict, both with that issue of identity and on the routine of more checks happening between the UK and Northern Ireland than are happening between the EU and Rotterdam. Those are the things that I think that we should move on quickly.

Baroness Ritchie of Downpatrick: Thank you, Peter. It is interesting, Lord Chair, that the issue of dynamic alignment has arisen again.

Q28 **Lord Empey:** Are the concerns that have arisen capable of resolution within the terms of the protocol, or is there a viable alternative to the protocol, which of course leads on from previous questions? I will ask Peter to open the batting on that.

Peter Sheridan: This has been around the houses quite a lot in looking for alternatives and other solutions which I do not think have appeared as yet. I think there are opportunities to minimise a lot of the impact that is happening with the protocol. I do not think that most of us envisaged

that it was going to be as visible and as up front and personal to people in the way it has worked out.

In my previous answers I said that that issue of dealing with the things that are causing the daily conflict with people can be resolved if there is a willingness in the UK and EU Governments to resolve them, and resolve them quickly—not leaving them for six months but resolving them now. Everybody knows what the issues are. The Irish Government agree that there need to be changes in it, nationalism agrees that there needs to be changes in it, so let us get on with it and make those changes and encourage the EU to make those changes quickly.

On that issue of alignment, again I take this from a selfish point of view. From Northern Ireland's perspective, the more the EU is aligned on those issues of food standards and animal health, the less the issues are evident in people's daily lives or even in terms of a constitutional position. The issue is Northern Ireland currently having to reorient its medical supplies away from the GB market towards the single market. It does not seem to make sense where that remains the case, so if there were agreement and alignment there between the UK and the EU, there would be no requirement to do that and we could continue to get our medicines the way we have always got our medicines.

Lord Empey: Thank you very much, Peter. Mary, would you have any ideas or views on alternatives?

Mary Madden: There are problems in any of us coming up with alternatives, but I do take the view that there have to be significant changes. We have been focusing in on what the UK Government can do, but I am slightly concerned about the EU's position on this. It seems to be very focused on rules and rules and rules, and I do not think it quite understands the tension between the identity and the trading agreements that have been reached. It will be extremely difficult for the UK Government to get across to the EU why a level of mitigation will be required in order to try to resolve some of the issues that are coming through in the protocol.

I cannot say what a viable alternative to the protocol is because, as Peter says, there have been many people scratching their heads about that one. Suffice it to say that currently the Northern Ireland protocol is unacceptable to unionism because it is impacting on trade and the economy and on identity. Maybe there should be greater support for investment; that must be a concern to GB businesses. A number of them are stopping trading due to the red tape and the tariff costs. There may be some mitigations relating to the red tape and costs.

I can understand why the UK, when it looks towards global markets, may be hesitant in aligning itself, as Peter has outlined, with some of the health checks and those sorts of matters. It does not want to fetter its ability to have those. That is the point I was making earlier. If the UK Government bring in other trading agreements and we are allowed to avail ourselves of that in Northern Ireland, how will that work if, as Peter

says, we go down the road of alignment with Europe on some of these health checks?

There will be greater economists who can answer those questions. It is beyond my knowledge to be able to answer that. I cannot say that there is an alternative, but at the minute I just fear that the EU in those negotiations with Lord Frost does not have the same understanding. It has heard the narrative, but it does not understand the complexities of this jurisdiction, the two communities. It is not reading into it, because it sees it as totally a trading issue. It is not reading into the difficulties it is creating.

In the short term, we do need to get those mitigation factors into play, because they will take some of the tensions away over the whole issue. If there were some quick wins on the wider economy, like investment, that would also help. I am not sure how sustainable the protocol is if it continues the way it is into the future.

Lord Empey: I think you are probably aiming at the overall relationship between the EU and the UK, because obviously the relationship is not good right now and there is not the give and take that you need. You made a good point about the understanding. If Brussels did what it did on 29 January, it clearly does not understand. That is a huge issue. Jackie, could I put the same point to you about alternatives?

Jackie Redpath: Lord Empey, I am just glad that you did not come to me first, because I would have had to cite—

Lord Empey: You had one that you prepared earlier, yes.

Jackie Redpath: I would have had to cite Douglas Adams and say, "I hold the right not to answer that question on the grounds that I do not know the answer".

Just let me say this. The complication here is what you have just talked about. This is macro politics at work and it is very difficult to find micro solutions within that. This is about an international agreement. It is about future potential British trade with the United States of America. It has an impact on it. This is way beyond the small place that you and I live in called Northern Ireland, which has become collateral damage in these macro politics, although we may come later to the impact that it might have that makes us bigger and makes it more serious than what it is within its own right. I will just stay with what Peter and Mary have said to you.

Q29 **Lord Thomas of Gresford:** Jackie, you said that you did not see the opportunities arising out of the protocol; nor did you think that anybody other than businessmen in the community saw any opportunities or any positive side. How would you assess the overall level of understanding of the protocol operation within the communities of Northern Ireland?

Jackie Redpath: I am reminding myself, of course, that there are a number of communities in Northern Ireland, so the understanding of the

protocol will be different in different communities, and the view of it different in different communities, as it is among political representatives. I would caution that what I am about to say is more limited to unionist and loyalist communities' views of the protocol.

This is not necessarily people's first thought in the morning when they wake up. Nevertheless, I would not want to underestimate the level of concern and anger that there is. The essential understanding of the protocol within unionist and loyalist communities is that it is a border in the Irish Sea. I think that is the level at which it is regarded. Below that, there is obviously across all communities a view of the difficulties that it has made for goods and services and so on to whatever level. Beyond that, if you asked for some analysis of the protocol as a trade agreement, I would not think that people are getting down to that level of understanding of the protocol.

To be honest with you, I think it is what it symbolises. It symbolises for many people that Northern Ireland is being treated separately from the rest of the United Kingdom in relation to this. That is a fairly fundamental issue with many people.

Young people have been caught up in the anger, frustration and fear that they hear from others and have then expressed it in some of the violence that there has been on the streets. I can say that in the wake of what happened in the Shankill and the violence that happened in Lanark Way, and because groups of people who are working with some of the young people who were involved directly in or who were round about that violence that in many instances they are young people who the system has failed. The system has failed them educationally. They have little stake.

This happened at a time when 15 year-olds should have been focused on very little else in their lives but their GCSEs, and 17 year-olds on their A-levels. The young people who were involved in this were not focused on that, because it was not going to get them results that were going to give them a decent pathway in life. It is why we need to deal not just with the expression of difficulty and anger but with the causes underneath. I wholly believe that that goes beyond constitutional issues, beyond protocols. It goes to the heart of ensuring that there are not young people in our society who have been left behind and for whom there is no useful place in society. Whatever happens with protocols or not, we must address that if we want the peace process not only to prosper but, I believe, to survive.

I will make one practical claim here. Moneys have been poured into Northern Ireland to underpin the peace process. My major criticism of that is that there has been no strategy to it over the last 25 years, but we have had peace moneys from the European Union, which has made a difference but has not transformed the situation. It is that transformation that we need to look for.

Those peace moneys are now under PEACE IV, and there is a strand within that for children and young people. There are 10 organisations in Northern Ireland with contracts to deliver PEACE IV for young people who are alienated in society here, and it has been making a difference. The follow-on from PEACE IV is called PEACE Plus, and it was supposed to be a seamless move from PEACE IV into PEACE Plus. It would now appear that it will be a minimum of a gap of a year, and possibly 21 months at worst, between PEACE IV and PEACE Plus coming into view. At this point, we cannot afford for that gap to happen. I cite that as one small example of where the difficulties lie and something that can practically be done about it.

We need to get down to the causes of this in many post-industrial British cities, which Belfast is, but it has another resonance in Belfast that many of your colleagues on the screen here will know about.

Q30 Lord Thomas of Gresford: Peter, Jackie has just referred to young people and their attitudes and, in particular, to the amounts of money that have been poured in to assist them. One had always hoped that young people might take a different attitude towards community violence in Northern Ireland. You referred to recreational rioting. What characterises the views of young people towards the protocol or towards the situation generally?

Peter Sheridan: I downloaded the protocol with the intention of reading it, but I found that *Ulysses* was probably easier to read than the protocol. I suspect that it is not sitting on everybody's bedside table to read across the board in Northern Ireland. Nevertheless, I think that people do understand the headline issues that affect them and they have some evidence of it if they are not getting their parcels delivered to them.

On the point about young people, Jackie is absolutely right. At a key time when there has been a rise in tensions, we are about to end that PEACE IV EU funding, and there will be a gap of about 18 months before PEACE Plus. All those people who have been on the ground, including Jackie, who have been dealing with PEACE funds and have been trying to deal with some of that unrest, will effectively be dispensed with in the summertime this year, at the wrong possible time.

We also need to be careful about the fact that even during that unrest around Easter time, the vast majority of young people in Northern Ireland were not involved in that. The vast majority of young people were doing other things and did not become involved in it. Yes, there were several hundred young people involved in it, but there are many more young people who did not become involved in it. I do not think that we should characterise all young people as somehow becoming involved in it.

One of the downsides of the Good Friday/Belfast agreement at the time was that the peace dividend did not go into the communities that were most affected by the conflict. That was because the economic collapse happened around the world. Instead of 6,000 jobs going into north Belfast and west Belfast and giving young people a chance and

opportunity, mothers and fathers lost their jobs. That bounce or peace dividend never happened for the communities that were most affected by it.

There may be an opportunity in the EU and UK Governments to have an economic focus on Northern Ireland. As somebody said earlier, if we can trade in both directions, let us see it demonstrated. Let us see the investment and jobs and factories being built and businesses coming to Northern Ireland that allow people to trade in both directions, that give young people jobs and hope and give them an opportunity that is different than in the past. I think that there are opportunities to do that. The timing of the Good Friday agreement with the economic collapse shortly afterwards was unfortunate, but now is the time to deal with those things as tensions begin to rise again, so that people, particularly in the communities that are most marginalised, find that there is a difference and that people are taking them seriously and trying to deal with those issues of underachievement in education, poverty, jobs and so on.

Q31 Lord Thomas of Gresford: I have on another occasion expressed optimism for the future of Northern Ireland by reason of its unique position, with access to both markets. Could I ask Mary to comment on the youth aspect? As Peter has just said, there were 200, 400 maybe, youngsters involved in the problems in Belfast, but the rest of the young community were most certainly going on with their everyday lives. What is your view about their position at the moment?

Mary Madden: I would not disagree with what Peter and Jackie have said in response to that, Lord Thomas, but it is unfortunate that even a small number of 400 youths involved in that sends out a very negative signal to investors who are thinking that they will be able to take advantage of being able to trade into Europe and into GB and all the opportunities that are derived from that position. They will look at any conflict playing out in the streets and say, "Why would I want to go into Northern Ireland and invest?" That is a turn-off, even though it is a small number.

One of the things that we had to deal with here growing up and right through our Troubles is that it really was geographical. A lot of places—small provincial towns, for example—were not physically affected because there was no rioting there. It was more or less in very defined, mainly urban areas. When it did touch the provincial towns and communities, it generally was through bomb explosions going off.

Thankfully, all that has stopped, but the actual image we were trying to portray was that some parts of Northern Ireland were lovely and peaceful. We had a good education system. We had attractions because we had a good workforce, we had a work ethic, we had good universities, we were bringing forward people. Those were all the positives in attracting. We have been able to build on the situation when we got the Belfast/Good Friday agreement. We have stopped all the violence.

In a contested space, all it takes is one tip-over into our youth feeling that they have no aspirations because we have not dealt with some of the underlying issues of underachievement and you put a tinderbox under that. They feel that their identity is somewhat challenged and the constitutional position that they thought was resolved is now no longer as clear as it was. You have pressure coming in from some voices within this community and beyond saying that a border poll has to take place. You put all those tinderbox things into the mix and then you have a section of our youth and the images that that puts out in a global market, and the very investment that we are trying to attract that we think would show that the protocol creates opportunities is lost. That is the tragedy.

The Chair: Thank you very much. I have one comment on something that Peter Sheridan said. I think I would regard the protocol as more *Finnegans Wake* than *Ulysses*, but there we are.

Q32 **Lord Hain:** This has been a very valuable exchange. I want to ask all three of you how you would see, explain and characterise the level and quality of engagement since January by the UK Government on the one hand and, on the other hand, by the Executive, with community representatives on the ground as regards the operation of the protocol. I will come to Mary first. You used several times at least the phrase, "The problem had arisen out of Brexit and the protocol". As I understand it, you are saying that it was not just the protocol but that the protocol resulted from Brexit and, therefore, both were in this problem together.

Do you think that Government Ministers in London or Government Ministers in Stormont were honest enough with unionists and especially loyalists about the choices involved with Brexit, that if you maintained alignment across the Irish border, then there would be problems across the Irish Sea; if you de-aligned completely, then there are problems across the Irish border? Was that choice ever really explained to people, and do you accept that characterisation of the choice?

Mary Madden: The way I would approach and answer that question is that when the Brexit referendum was announced, I do not think the campaign—and we can go back in history on all this—identified all the potential problems and issues. It was a very binary question without full understanding of what life would be like leaving the European Union. People went more on hearts than minds in many cases. I do not think that the Cameron Government ever believed that it would be a negative vote, a no vote. In actual fact, it was deemed to be very close, right up until the very end when it was announced in the small hours of that morning that we had voted to leave.

From that, there were so many debates within the House. There was a change of leadership within the Conservative Party. It really appeared as if the House and the political parties were now in a bit of turmoil. They had an outcome, but now they had to see how they were going to push that through. There were many in the House who did not want it to go through, so there were debates about whether we could still pull this back. A lot of people looked across at what Ireland had done in previous

treaties; where they put a referendum and did not get the answer they wanted, they ran it again with a slightly different question. There were always concerns or suggestions that that might happen within the British system. That took a while to settle.

Once the negotiations started in earnest and we had applied under Theresa May's Government for a number of extensions, people were getting tired because Brexit seemed to be dominating every airway and people just wanted it done. Boris Johnson came in on a high that people were fed up and wanted it done, but I do not think there was ever any real discussion about how this was going to work and how it would affect Northern Ireland. I do believe that there was an understanding that there were going to have to be some border checks. We had left now, and the realisation of what that meant began to dawn right across the political and civic society: "This means that we will now have different rules. We are out of the single market: ergo, there will have to be some sort of border". The question was what sort of Brexit we were going to have and where the border was going to be.

When it got to that stage towards the end, Boris Johnson made the statement that this was all going to be very easy: "We're going to do this trade deal and we're going to bin any documentation. It's going to be very light-touch". If I am charitable to that position, I would say that he probably believed that the EU would do light-touch, but that was a misunderstanding of the EU's position, because it is rules-based and will see everything through the prism of rules, whereas Boris Johnson was looking aspirationally at doing future trade deals.

I do not think he was honest with the community here, never mind the unionist community, especially where he said that this would all be all right. The Government, in my opinion, probably woke up to the fact that it was not going to be all right when they tried to introduce the UK internal market Bill that was going to try to override some of the things, because the realisation was that this was going to be very difficult.

The decisions the Prime Minister made with Leo Varadkar were that the border would not be on the island of Ireland; it would have to be in the Irish Sea. Then, the best he could do was to say that it was not going to be all that onerous because it was all going to be light-touch and that, as Peter said earlier, it would be visible only to lorry drivers. That has not been the case. I do not think there was honesty about those discussions. I do not think they were detailed enough. They were superficial, because the concentration was on looking towards the negotiations with the EU rather than here.

I do not think the Executive understood too much either. Perhaps if I wanted to be charitable to our Executive Ministers and politicians, they were probably waiting to see what deal was finally achieved before they began to be involved. I do not think there was honesty about all this, and I still think that is the case.

Lord Hain: Do you mean that you do not think there is honest

engagement now?

Mary Madden: I think there is realisation about how this has gone a bit pear-shaped. Initially, there was not much engagement, but that is changing. It was non-existent at the start between the Secretary of State and the business community, but it is happening now because there have been a lot of meetings with the Secretary of State and Lord Frost, the chairman of the joint committee, to discuss the problems. That is better.

I do not think that the EU has made much of a real attempt, because it is focused on its priority: defence of the single market. That is of greatest importance to it, and it in no way links identity or the Good Friday/Belfast agreement with trade arrangements. It thinks the identity issue is an irrelevancy, and that still is the case. We only have to look at how the EU was able to undermine the whole ethos of the agreement by threatening in January to remove Article 16 when it came to medicines—

Lord Hain: Sorry to interrupt. I want to come on to Jackie as well on this. Do you sense any real attempt to listen to loyalists, not just visible politically elected unionists but in working-class loyalist communities that—as Jackie, Peter and you have described—do not feel anybody is representing them?

Mary Madden: No, they do not. They feel pretty abandoned by it all. Any contact by the Secretary of State and Lord Frost has been with the business community and business organisations like the IoD and the CBI, the hauliers' association and those sorts of people. I am not sure there has been much discussion with loyalist community groups.

Lord Hain: Perhaps I could ask Jackie on that point. In areas like the Shankill, Jackie, do people feel that anybody is listening to them—any political representatives from HMG or Stormont or anybody else?

Jackie Redpath: If you had asked me that in January I would have said, no, people do not feel they are being listened to by HMG. Ironically, since the violence on the streets, there has been greater engagement by Her Majesty's Government and by the Secretary of State. I think it has gone beyond that first cry of people—it was a cry to be listened to—to things needing to be resolved.

In an ironic way, I think we have been a victim of devolution in this regard, because the intense focus on Northern Ireland by previous British Governments began to change with the arrangements that you had such a hand in to make devolution happen. From a Westminster perspective, there was a stepping back at that point—if I wanted to put the best possible view on it—to give the space for devolution to happen, grow and flourish without the interference or the hand-holding of Big Brother back in Westminster.

I think that was a mistake, first of all because the whole of the peace process, including devolution, continues to be a tender plant that needs to be carefully looked after by all who have been involved in it—locally,

nationally and internationally. Taking the foot off that pedal has not been a good thing, even if it was done in good faith.

When something like Brexit happens, which is beyond devolution, and the implications of it that have unfolded, it cries out for those who were guarantors of the Belfast/Good Friday agreement to be eternally vigilant about what was happening on the ground. I do not think that vigilance has been there, and it has only become more focused in the events of the last month or so.

Lord Hain: Given that, has the position of the harder-line loyalists, including those who wear uniforms, metaphorically or actually, been strengthened by what has happened?

Jackie Redpath: What has happened here, which I mentioned in an earlier answer, is that when it appears that the politicians you elect are not being listened to in the macro politics on the protocol, that creates a gap where other voices come in who feel that they are voiceless because their political representatives are not being listened to. I think that is what has happened in our scenario.

Those who have formerly worn uniforms, as you describe it, have been quite key to attempting to keep some sort of lid on what has been happening here. The young people who took it on themselves to riot were not incited or organised to do so, to my knowledge, by those who were previously in uniform. My observation of living in the woods that I live in is that there were a lot of trees attempting to ensure that things did not develop in the way they may have done a month or so ago. I would emphasise that it would not take much for a spark to set that off and it might even be something that we would not anticipate as happening.

Q33 **Lord Hain:** Thank you very much, that is pretty salutary.

Peter, is anybody listening in the engagement from both London and Stormont? Do you have any concerns about the marching season coming up, and did you see in any of the clashes across the peace wall any sense of the loyalist paramilitaries and the New IRA standing off against each other?

Peter Sheridan: I will take your engagement question first. I have been engaged almost on a monthly basis with the Secretary of State with a group of other people from civic society, including people from the Orange Order, who have met regularly with us. At each of those meetings people explain what the problems are, but that will soon run thin. We cannot go back saying, month in, month out, "Here are the problems" and the problems remain the same as the problems were last month. He certainly has been engaged from that perspective, but I get a sense that people will want to see action rather than going back each time to say it is the same problems in the same places. There has definitely been an outreach to them.

It is the same with the Northern Ireland Executive. I have been engaged on a regular basis with a whole range of politicians on that question of

loyalists not being listened to. Sometimes it is a perception. Nevertheless, for them it is real if they are not being listened to. One of the things that I remember about the introduction of the Patten report was that Chris Patten held about 200 what I call parish hall meetings—I attended some of them—where he allowed people to vent about policing and about policing issues. It gave a voice to people, because those meetings were professionally facilitated and written up, and some of the hard workings of Patten took account of that.

There may be an opportunity for engagement with communities that feel the most alienated from this process to have those parish hall-type events with local politicians, Westminster politicians and civic society. It is a possibility that people might want to think about.

On the choices explained, I think Mary said it. Yes, the choices were explained, but they are not what happened. People believed that there was not going to be a border, that no British Prime Minister would countenance an internal border. I think people believed that. The Secretary of State constantly said, even after the protocol, that there was no border in the Irish Sea. Yet people could see it and feel it. It undermines your position when you tell people that when they know differently themselves. So people listened. They thought they were being told what was going to happen, and it was a surprise to people, particularly in the unionist community, when the border arrived in the Irish Sea.

On your question about the paramilitaries—as Jackie said, and the police have said, and it is my understanding—there did not seem to be orchestrated involvement by loyalist paramilitaries in the background, or by dissidents. The events that kicked off in Lanark Way seemed to be spontaneous and were not organised in that way. The longer we can persuade all the people of Northern Ireland that trashing Northern Ireland because of the protocol reduces the likelihood of Northern Ireland's position in the union, not strengthens it, the better. What will strengthen Northern Ireland's position in the union for people is if it has good jobs, good employment prospects, good education and good health.

Making Northern Ireland work will allow people to decide, whenever the border poll comes, that they will want to remain in a place that works for them. They can still be patriotic and be Irish but can still be part of the UK. If we end up in a place where we allow violence to trash the place over the head of the protocol, in my mind that will reduce the likelihood of people putting the X in the box that unionists will want them to put the X in.

Lord Hain: Thank you very much.

Q34 **Lord Caine:** I concur completely with Lord Hain. This has been an absolutely fascinating and invaluable session so far.

I want to talk about the role of the EU and, for the avoidance of doubt, to do so from the perspective of somebody who, possibly uniquely in the

2016 referendum, was a special adviser to a vote leave Cabinet Minister but who personally voted remain in order to try to uphold what Peter Sheridan described as the delicate balance—I always call it the equilibrium—established by the 1998 Belfast agreement.

Turning to the EU, I would like to ask the panel, starting with Jackie Redpath, whether there has been much engagement between EU representatives and community representatives since January this year. If so, how would you characterise the quality of that engagement, and do you have any sense at all that the EU is prepared to listen to genuine concerns about the implementation of the protocol?

Jackie Redpath: Thank you, Lord Caine. Before attempting to answer that, I would just say that I come from a position of not having any sort of nationalist feeling in my body, be it Ulster, Irish or British nationalism. I would not sit comfortably with any of them on my definition of what they are about. Having said that, I obviously have a strong Ulster, somewhat Irish and absolute British identity.

Beyond those identities, I want to preface what I am saying by giving the reason why I do not sit comfortably with nationalism of any hue. It is because I am not all that much in favour of borders of any nature. One of the joys of a European identity for me has been that it goes beyond borders. I preface that by saying, with a lot of disappointment, that EU engagement on the protocol locally in Northern Ireland has, to my knowledge, been virtually non-existent. Certainly at community level, whatever that means, I am unaware of any engagement whatever.

I say that with sadness, because there are political representatives here who, through their involvement with the European Union, have brought great benefits to Northern Ireland, not only because of their lobbying on behalf of Northern Ireland but because of the high level of interest in the EU in the peace process here. That is why I find the lack of engagement so disappointing, but it goes beyond a lack of engagement.

This may be a cultural thing, but the language that has been used by the EU, by the EU Commission President, has been unhelpful, as late as yesterday. I am not saying that she did, but it sounded like she was just putting it up to loyalism and unionism here. That is how it came across to people, and that gets an unfortunate reaction because we need to get these matters resolved.

I am sure that somewhere, at some level, in the European Commission, it understands the intricacies of the Good Friday/Belfast agreement and subsequent agreements, and the delicacy that Mary described earlier, where so many things are interdependent. The way forward in this emergency—it is an emergency here in Northern Ireland—is to create a new ground of engagement. That is not primarily the protocol, although that will happen. It is not even about the Good Friday/Belfast agreement. The ground of engagement needs to be something that all parties can buy in to, and that is the peace process. By “all parties” I mean the

European Union, the Irish Government, the British Government, and our devolved Administration here in Northern Ireland.

It is that peace process that I fear is rocky at the moment, if I could put it like that. It is not on the rocks but it is rocky. We need to get a platform for engagement that everyone can buy in to and that has something on the table that is in their interests. All those parties—and I add the United States Administration—have a common interest in protecting the peace process here and taking it forward. Were I some super-politician beyond all boundaries, that is what I would put on the table for discussion, and I would make every decision about anything else, including the protocol, subservient to that peace process, protecting and growing it.

Q35 Lord Caine: Can I just jump in with a quick supplementary and then invite Mary and Peter to contribute? You mentioned the EU's understanding, or lack of understanding, of the Belfast/Good Friday agreement. It strikes me that one of the stated aims of the protocol is to protect the agreement in all its parts, but it has always seemed to me that in approaching these issues the EU has done so from an overwhelmingly nationalist point of view. It has seen the agreement almost exclusively through the prism of strand 2, the north-south relationship, almost to the expulsion of the other strands, in particular strand 3, the east-west relationship, and has displayed a pretty crass ignorance of the principle of consent and what that means regarding Northern Ireland's constitutional position. Would you agree that the EU desperately needs to show a more even-handed and balanced approach when it comes to dealing with all parts of the community?

Jackie Redpath: I did not realise that you were directing that question to everyone. Having framed my answer, let me give it very, very quickly. I do think there is a failure to take account of the east-west relationships, but I can fully understand why the EU wants to protect itself in some form from a situation that it did not bring about. That is why it needs to go beyond just a north, south, east, west side, and why I am mindful that it needs to go on to the EU getting an understanding of protecting the peace process here.

Peter Sheridan: I have a slightly different experience in that I have had a lot of engagement with the EU. I chaired a meeting between Minister Gove just before he stepped down, or was moved on, and Vice-President Maroš Šefčovič. It was a very engaging meeting. I was chairing it, but I had people there from the Orange Order, the Apprentice Boys of Derry—a broad range of groups. To be fair, I think that the Commission has a better understanding of this stuff. At least I got that sense of it. When it comes to the 27 member states, which after all the Commission has to defer to, it becomes different, and your last point may be correct when it comes to the 27 member states.

I got a sense that some of that was due to the breakdown in relationships because of some of the unilateral decisions taken by the UK Government that have damaged relationships. We have to get to a place where it

beholds the people who use brickbats across the Celtic Sea or the Irish Sea, which have impacts on this place, not to use those brickbats and to deal with the concerns that people have.

Last week I met two senior officials from the European Union delegation to the UK in Belfast. Again, I felt that in that meeting they had a good understanding of the issues from all perspectives. I met the chairs of the joint committees on two occasions and the technical committees. Likewise, I got a sense that they had a good understanding of it. Now we are into how we quicken the pace of change on these things. I think everybody knows what the issues are and knows the things that can be dealt with. To date, I have had good engagement with them, but it is a bit like the engagement with the Secretary of State: we cannot continually go back to meetings about the same things and nothing moves on. I am afraid that is where we are currently sitting.

Mary Madden: I am not going to disagree fundamentally with either Peter or Jackie on this. There is a serious difficulty from an EU perspective, which sees this basically as protection of its single market, as a trade agreement for those countries, and each country will look at its own economy and the things that it trades in and will want to make sure that within the spirit of the single market they can protect those economies. I do not think that the Belgians, the Dutch or the French are so concerned about identity issues. I do not believe that they link a trade agreement with identity, and they are probably struggling to understand why it is so.

The Commission and members of the Commission have a better understanding, but I do think that Ursula von der Leyen has been very insensitive in some of her language and action. I do not think that she understands how much she has done to create a climate here whereby they believe that the EU can arbitrarily do things whenever she makes the announcement.

Even though the Commission took back its decision about medicines after 24 hours, that indicated to people in this jurisdiction in Northern Ireland that, if the EU thought so little of the agreement and could invoke that in relation to a trade agreement, it must be able to be done here. If you look at the societal difficulty, it is not unreasonable for some people to say, "If they can do it, we can do it, and we have to create those circumstances". That is happening.

I do think that Jackie is right and that we have to get back to relationships. Peter Hain's Government, the Labour Government, brought the Good Friday/Belfast agreement together and we got that deal, that very difficult compromise. Everybody had to lose something, but they also won. We had the great prize of peace, but it was a delicate balance. The British Government and the Irish Government, as co-guarantors of that international agreement, have responsibilities to deal with some of these issues and to remain impartial. Recently, we have not had that ease of relationships between our two countries.

I agree with you, Lord Caine, that the EU is more focused on north-south than it is on east-west, because it does not quite understand it. Across the countries I do not think they want to understand it, because they see it as trade and they do not think they need to understand it. Yes, they will talk and they will talk about not wanting to unsettle the peace and wanting to make sure that it is not undermined. There are two communities here, and sometimes, when you reflect on some of the actions they have taken, we seem to think that they think there is only one community, and there is not.

It has to be rebalanced. That will be difficult, but I do think that with political will the Governments and the EU could find ways through this and restore those relationships, and restore them in such a way that we can get to the situation where whatever trading arrangements we make work for the benefit of Great Britain, Northern Ireland, the Republic of Ireland and the EU. We do not have that at the minute.

Lord Caine: Thank you very much. As ever, I could ask dozens more questions, but in the interests of time I will not. Thank you very much.

Q36 **Lord Dodds of Duncairn:** Thank you very much, and thank you to our witnesses for valuable insights that are very, very useful to our work.

We have talked a bit already about what possible steps you think the UK and the EU might take to address some of the concerns. I could characterise it by saying that perhaps the tenor of the contribution is that necessary steps need to be taken that would be good and advantageous to ease some of the problems, but they might not in themselves be sufficient. Would you agree with that characterisation of what the UK and the EU could do, working within the current specialised committees and the joint committees?

We have talked about the UK engagement and the EU engagement, but what do you think about the Irish Government's attitude and engagement, both during the negotiations that led up to the protocol and since? How helpful have the Irish Government been in terms of helping to address some of these problems?

Peter Sheridan: In answer to the first part of your question about practical steps, it goes back to demonstrating that they are listening and responding quickly to some of those initial concerns. It is worth repeating that the things that are causing the most problems in people's everyday lives should be dealt with quickly and not left for another six or eight months down the line. It is beholden on both the UK Government and the EU to react to those things quickly. At least then people would see they are responding. Those things will not be sufficient to deal with the constitutional or identity issues, but it is for our politicians to continue to argue those cases and to try to change that. Obviously if there was closer alignment, some of those issues, particularly, as I said, food standards and animal health issues, would be lessened.

There is a strong need to re-establish trust between the EU and the UK, because, as you know, this place listens and hears all that happening.

When people say things—as happened yesterday—it is read in one direction in this place, so people need to recognise that and get back to that place. What sustained peace and stability in this place was the collaboration between the UK Government, the Republic of Ireland Government and the EU. That is what will sustain it in the future.

I recall having the Taoiseach, Enda Kenny, up in our Co-operation Ireland offices in loyalist Sandy Row. There was no police officer in sight when he was there as Taoiseach. The Irish state car drove up Linfield Road into our offices. Nobody said anything to him. In fact, he was surrounded by women from the Shankill who wanted him to come and open their offices. I doubt very much today whether I could field senior Irish Government Ministers, so something has happened in that relationship between the Irish Government and unionist or loyalist communities. Therefore, difficult though it may be, the Irish Government will have to reach out to those loyalist communities, and that is not an easy thing to do currently, particularly if people do not want to talk to you, but there have to be ways of re-establishing those links and that thrust. That is what deals with some of the misperceptions that are there.

You asked how the Irish Government saw themselves as part of Europe and therefore on the opposite side from the UK Government. I stood on the border innumerable times—I cannot remember how many days—meeting EU Foreign Ministers and EU Prime Ministers who the Irish Government had brought down, and I showed them around the border. The UK Brexit committee also came over, although not everybody came over, but I got the sense that it was better for them to have that distinct understanding, which they got when they were on the border and could see it. Unfortunately, I am not sure how many of the 650 UK politicians would really have understood what that border meant. The Irish Government, from their point of view, played a smart bat by making sure that people in the EU understood what that meant and what a land border would look like.

My key point in this, Lord Dodds, is that we have to get back to re-establishing the firm relationships that helped to sustain peace in this place.

Mary Madden: When I look back at how we established our structures under the Belfast/Good Friday agreement, one of the structures that were put in place was the British-Irish Intergovernmental Conference. That was an opportunity for two sovereign Governments collectively to have continued dialogue and discourse on areas of mutual interest.

That fell greatly into disuse and was not operating much after the devolved Assembly came into place, so relationships between the two sovereign Governments were affected in the sense that that ease of relationship was not there anymore. It would have helped greatly had those relationships been strong when the UK people said in the referendum that they wanted to leave Europe. One of the things that unites us in these two islands is the common travel area and the interspace and interplay between two landmasses that are culturally,

socially and politically very much in alignment. There are so many relationships, so many people from these two islands who live, work and move around with ease, and that ease of relationships is recognised.

In my opinion, an opportunity was lost in those early days without those strong structures in place to underpin it. Conversations could have taken place ahead of final determinations about what form of Brexit it would take in order to make politicians on both sides understand the difficulties that creating a border or creating a trade agreement would, whether it be on the island or in the Irish Sea. It is a tragedy that that opportunity was lost, because there is more in the Irish Government's interest, I believe, to keep a good trading relationship with GB and with the UK as well as the rest of Europe. That was an opportunity lost.

Enda Kenny left, and when Leo Varadkar became Taoiseach he publicly stated that his government was aligning itself with the 26 European countries and would not go into any bilateral dialogue with the UK. That is an understandable position, but it led to the view that when push came to shove we were on our own.¹ That did not help in some of those conversations and relationships on the island of Ireland and in the conversations and relationships north-south.

Ireland now is in a very difficult position, because it is also affected by these trading arrangements, and it understands, because it is co-guarantor of the agreement, that as part of its and the UK's obligations it has to be impartial. Rigorous impartiality was guaranteed in the 1998 agreement. It is obviously trying, and I imagine it has a difficulty in trying, to re-establish a relationship with loyalism in particular, and with unionism because of what has happened, and to bring to the European table arguments to say why mitigation is absolutely required if we are to have the peace that everyone wants to see continue in this island and between these islands.

Irish Foreign Minister Simon Coveney has a very delicate balance to strike between re-establishing those relationships with loyalism, as Peter said, and seeking to have his European Government partners understand that there has to be some give and take in a blind fixation on rules and the single market in order for it to work for the benefit, and the peaceful benefit, that Europe says it is committed to. It is a very difficult balance.

Q37 Lord Dodds of Duncairn: Thanks, Mary and Peter, for your contributions. Jackie, it has been interesting, certainly in the many discussions I have had with people from the loyalist community, how let down they feel by the engagement of the Irish Government. It has come through in recent statements, particularly on talk shows and so on, with regard to Simon Coveney and his attitude. What is your assessment of Irish Government engagement, and of loyalist and unionist reaction now to the way in which the Irish Government are behaving?

¹ Note by witness: It appeared that the Irish government was not acting impartially as a co-guarantor of the Belfast/Good Friday Agreement should. It was taking a position that was seen as advancing a nationalist agenda

Jackie Redpath: Thanks very much. It is the first time I have been able to call you Lord Dodds since your elevation, if that is the right word. Congratulations.

In the community I am from, the Shankill, there have been a lot of relationships between the Irish Government and organisations in that community, and there has been a lot of disappointment about the original position which my community perceives the Irish Government's original position to have had, which was of an extremely strong insider relationship, obviously with the EU, in relation to the Irish border and the need not to have a hard border in Ireland due, in the perception of my community, to the threat of violence if that was to happen.

I think people see that as most unfortunate, because it places the threat of violence in some sort of negotiating position, so you can see how people can flip that coin and see the opposite as true when we come to a border elsewhere, as in the Irish Sea. That position originally is perceived as being very, very unfortunate.

The other unfortunate thing, which is sometimes understandable but nevertheless has had a big negative effect, is the way in which what would appear to be exasperation on the part of the Irish Government gets expressed in intemperate language. It does not come across well and it is certainly not helpful. However anyone understands the reasons for exasperation, it has been expressed in an unfortunate manner.

Having said that, I do think that the Irish have a particular role to play, and I acknowledge that they have expended considerable political capital within the EU in more recent times in attempting to temper the EU's dealings with the protocol and with the implications of it on the ground in Northern Ireland and between Northern Ireland and the rest of the United Kingdom. There has been a learning curve that people have been on, and I believe the Irish Government have come to a position of understanding. I know that time is marching on for us all here, but the Irish Government have come to understand somewhat that there is a role to be played, even though they have expended some political capital. I would encourage them to continue to do that.

You mentioned two other Governments in your original question: the UK and, although it is not a Government itself, the EU. I go back to a key point that I have been making here, about peace. We have to find common ground. There is very little common ground between all those Governments. There has been a breakdown and not a good relationship between the Irish and the British over all this, and obviously not great communications between the three with the EU.

Common ground needs to be found, and the common ground is the peace process. I will say this very, very quickly. Peace processes across the world have had three elements in them: a minimalist element, a maximalist element, and a medium element. The minimalist element is where those who have been involved in armed struggle have laid down their arms, and by and large that has happened in Northern Ireland. The

second level, which is a medium level, is where politics comes in to take the place of what was the armed struggle. We have had half of that happening. We have had on and off politics happening here for over a decade now.

Peace processes stick where you get social transformation, as well as the other two elements. I do not believe, Lord Dodds, that we have ever had that coherent approach to social transformation. Therefore, if anybody wanted to do anything across all those Governments, it should be to focus on how we build social transformation. Things can be done short term, like peace money and so forth, but taking a long-term 20-year view of this would be a great challenge and something that is absolutely necessary at this point.

Lord Dodds of Duncairn: Thank you very much indeed, Jackie, and to the other witnesses. Thank you, Lord Chair.

The Chair: Thank you very much. That is a very powerful statement at the end there. Thank you very much for that. Lady Goudie, a last final question.

Q38 **Baroness Goudie:** Thank you very much. I have found all the answers to our questions excellent. What engagement with community representatives would you like to see this committee undertake in scrutinising the operation and the impact of the protocol?

Mary Madden: Thank you, Baroness Goudie. I am very grateful to the committee for allowing me to come before you today. It is absolutely pleasing that there are so many people here and such an interest in all that is happening on the protocol. I think it augurs well for a collective and positive response. I am hopeful that our conversations today and the further meetings that you have and evidence that you take from others will help to get a picture and find a way forward out of where we are at the minute.

It would be helpful to have more of the community organisations. I know that most people will look to the business community and business organisations first, but you are quite right that the community should also have a say and the opportunity to give their views. Once you do that, you begin to say, "We are listening. We are prepared to take on board what you say and we want to give you a chance to air your views, to air your concerns and to air your grievances". There are a number of community organisations, and I know that Peter and Jackie will have greater involvement with those.

On Jackie's final point about the three elements of a peace process, obviously a critical solution is to get rid of the violence and then to work on social cohesion. There are some very good organisations that can come to the committee and give evidence on how that social cohesion agenda could be properly taken forward, and look at some of the problems, such as young people in some areas feeling very underrepresented and very unheard and feeling that they have no hope

and that no one is listening. If you can get organisations who are working closely before the committee to share those concerns, at least some of those young people will start to believe that they are being listened to. If action on social cohesion comes forward, that is all for the good.

Baroness Goudie: Thank you very much, Mary.

Peter Sheridan: It is a valuable exercise for you to hear these issues, but, as Mary said, there are plenty of other groups and organisations out there that you may also want to hear from. Two notes of caution. First, we have to be careful not to react when people create violence and not to respond to people who use violence to get our attention. At the same time, there are plenty of people out there who are not involved in violence who have a valuable contribution to make about it.

Secondly, you should be wary of people telling you what the problems are, because you will have heard the same problems 20 times. Communities want to see change and action happening and not just lists of more problems.

Jackie Redpath: Could I thank everyone for this opportunity? In terms of engagement, the travel restrictions on movement across from Britain to Northern Ireland are lifted, so any of you would be extremely welcome to come and engage over here and hear of the situation first hand.

Let me finish on two very quick points. I talked about the peace process a lot, and I am not talking about something airy-fairy here. Since the Belfast/Good Friday agreement, more people have committed suicide in Northern Ireland—young people as well—than were killed in all the years of the Troubles. That is what peace is about: rectifying what gives rise to that sort of situation. That is why it is incumbent on us to address that.

I will end on a positive note. We have come a long, long way in Northern Ireland. I am involved in an initiative called the Clonard & Mid Shankill Initiative, which is across the first, longest and loveliest peace wall in Belfast in Cupar Way, which the Lanark Way gates are at the top end of. This is bringing these two communities together.

A year and a half ago, a youth worker in Clonard made an application to the Belfast City Council good relations group to get a grant. He was engaging young people in Clonard youth centre and helping to frame the application for good relations. They asked what it was about. He said, "It's good relations". They said, "What's that?" He said, "It's about you getting together with Protestants". They laughed and said, "Where have you been? We do that all the time". Social media knows no peace walls.

There is a new thing in Belfast that has been happening, which is greatly welcome, of young people getting together. As against that, it may even have been the same young people who were throwing things at each other across those gates a few weeks ago. We have moved forward amazingly, but we are in a very delicate situation that needs to be looked after. That is my final comment. Thank you all very much.

The Chair: All three of our witnesses, thank you very much indeed. It has been an extremely interesting and sobering session for us. There is a great deal in what you have said that we will need to reflect on carefully. We are very grateful to you, and I am also extremely grateful to Jackie Redpath for finishing on a positive note in what, as I say, has been a sobering and in some ways rather worrying session. Thank you very much indeed to all of you. We are extremely grateful.