

# European Affairs Committee

## Protocol on Ireland/Northern Ireland Sub-Committee

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

Wednesday 16 June 2021

4 pm

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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. 5

Virtual Proceeding

Questions 50 - 59

### Witnesses

[I](#): Louise Coyle, Director, Northern Ireland Rural Women's Network; Dr Tom Kelly, Columnist, *Irish News*; Jonathan Powell, former Chief of Staff to Prime Minister Tony Blair (1997-2007).

### Examination of witnesses

Louise Coyle, Dr Tom Kelly and Jonathan Powell.

**The Chair:** Good afternoon and welcome to this, the fifth public meeting of the European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland. Today we are continuing our introductory inquiry on the current situation in Northern Ireland as it relates to the protocol. We are fortunate to continue our work today with an evidence session with Louise Coyle, Dr Tom Kelly and Jonathan Powell. You are all very welcome and we much look forward to hearing what you have to say to us. Could I ask you to introduce yourself briefly the first time you speak?

Today's meeting is being broadcast and a verbatim transcript will be taken for subsequent publication, which will be sent to you all to check

for accuracy shortly after the end of the session. I refer to the list of members' interests as published on the committee's website. I am aware that Jonathan Powell needs to leave us by 5.20 pm, but we hope to continue with our other witnesses, if that is all right with them, after that point up until 6 pm. Welcome to you all. We are very much looking forward to this session.

**Q50 Lord Hannan of Kingsclere:** Thank you to all three of our witnesses for giving up your time and coming to give evidence in this session. We all very much appreciate it. I would like to ask all of you about the impact of the protocol on community identity. I do not want to oversimplify it, but in the evidence we have had so far in our four public sessions I would say that the objections to the protocol tend to fall into two broad categories. One set of objections are practical; they are to do with rules on pet passports, chilled meats or whatever. They possibly have solutions within the protocol and, as far as I can tell, are equally identified across Northern Ireland; some people are more impacted than others, but we have not heard any witnesses saying that there is no problem there.

There is a second aspect, and here I wonder whether it is a little more unbalanced. There is a sense that it is wrong in theory to say that a border between Northern Ireland and the Republic of Ireland is jeopardising the peace or the political process but that a border between Northern Ireland and Great Britain is just fine and dandy. That seems to be much more of a loyalist or unionist than a nationalist or republican objection, particularly this sense of a democratic deficit and Northern Ireland following rules which its people cannot directly vote for. I would like all three of you to give us your overall assessment of how it is working and, specifically, whether it is changing people's sense of identity within one of the traditions in Northern Ireland.

**Jonathan Powell:** Thank you very much for inviting me. Brexit was always going to pose a problem for the Good Friday agreement and for the people of Northern Ireland. That is why John Major and Tony Blair went to Northern Ireland in the Brexit campaign: to make that point clear. If we are going to leave the single market and the customs union, there has to be a border somewhere. You cannot just magic it away. That border will infringe the rights of one group or another under the Good Friday agreement.

You could either have a border on the island of Ireland separating Northern Ireland from the rest of Ireland, which would have a major impact on those who feel nationalist and republican, or have it in the Irish Sea, which would affect the identity of those who regard themselves as part of the United Kingdom and see themselves as British. The point of the Good Friday agreement was to try to manage the issue of identity not by solving it—it was an agreement to disagree; we have people who want to remain in the United Kingdom, and people who want to be in a united Ireland—but by allowing people to feel Irish or British, or both, within Northern Ireland. That agreement was inevitably going to be impacted by the way we implemented Brexit.

When Theresa May was Prime Minister, she said it would be impossible for a British Prime Minister to accept a border in the Irish Sea. That is why she came up with a scheme whereby the whole of the United Kingdom remained in the customs union as a way of avoiding impacting on either community, because the whole UK would still be in the customs union. It was a pretty complicated construct. It is hard to see how it would work, but it was rejected by those who wanted to have a harder type of Brexit.

Then the Prime Minister, Boris Johnson, was confronted with a choice. Could he get a border on the island of Ireland, or was he going to accept a border in the Irish Sea? At the end of 2019, in order to get to an agreement he decided he would accept a border in the Irish Sea. He said it was not a border in the Irish Sea, but it was patently obvious to everyone that it was. The initial unionist reaction was fairly muted. Arlene Foster, the leader of the DUP and First Minister, said that it was the best of both worlds for Northern Ireland. It is fair to say that there was not much impact on the ground. A lot of people believed what Boris Johnson had said about there being no border.

At the beginning of 2021, what we had was a combination of the two factors you talked about. We had the impact of the practical aspects of the protocol, as people could not get pot plants and sausages, combining with the identity issue. The practical problems then compounded the feeling of identity. It was always going to be a problem for unionists, and particularly for loyalists, to have the border put in the Irish Sea, but a border in the sea is obviously far less in your face than a border on land; you do not have to put in enforcement mechanisms in the same way. You are not confronted by it every day. I think Boris Johnson opted for the right answer, which was to put the border in the Irish Sea, and now we have to find a way of making that work.

It is possible to solve the practical problems, and no doubt we will come to that later in the discussion, but the identity problems cannot be solved. There will be identity problems one way or another. One community or another will have a problem. The one that Boris Johnson has opted for is to put it in the Irish Sea. We have to try to de-dramatise that as far as we can in order to make it less of an issue, but we cannot make it go away. Those who are playing politics with this issue, particularly at this time of year in June and July, are playing a very dangerous game indeed, on the basis of my experience.

**Louise Coyle:** Good afternoon, everyone, and thank you for inviting us to speak with you today. I am the director of the Northern Ireland Rural Women's Network. We are a membership-based organisation and, therefore, we speak on behalf of our membership. Our mission is always to amplify and articulate the voices of rural women. I want to be very clear that our position is always apolitical, because I am conscious that at times in our discussion today we may be critical. We know that the solutions do not solely sit with the UK Government, but this will be a fair representation of what our members are sharing with us. We are very

invested in supporting you and everyone else involved in this to ensure that the lives of rural women are disrupted as little as possible going forward.

In our view, the protocol is a practical outworking of the UK exit from the EU. The Brexit debate in Great Britain was very much framed around identity and nationalism, and that impacted on the identity politics here in Northern Ireland, which, as you know, is historic, particularly as our two largest parties took a very different stance on Brexit during the years between referendum and exit.

Jonathan has already alluded to it, but there has been a lot of unhelpful, and on occasion erroneous, communication from almost all political quarters on Brexit, on the protocol, on the sea border and on the social unrest. There has definitely not been enough clarity of communication centrally on the protocol in particular. Most citizens have very little understanding of the protocol, yet there is still a pervading narrative that it can be renegotiated wholesale or dispensed with altogether. All of us in the room today know that it is not as simple as that.

There is an onus on all the political representatives to clarify what it is, what its function serves and what can be adjusted within the remit. That needs to be clear, honest and unambiguous, and to date it has not been any of those things. That negligence of communication has allowed those with other agendas to utilise the lack of existing knowledge that is out there.

The protocol has clearly had the result, however unintentional, of significant numbers of unionist people feeling that their British identity is being challenged and undermined. What was considered by the Westminster Government as a trade border is clearly also a constitutional border and a border of identity. It is psychological, but it is no less real and visceral for that. The elected representatives who agreed the protocol failed to take the electorate with them on this, telling them it would be fine, when clearly it is now having a negative impact on all of us.

Some of the rationale behind the recent social unrest, although not exclusively, relates to the feelings and perceptions of some of our community, coupled with a sense of alienation. The only way to address that is through dialogue. In Northern Ireland, we are still waiting for the implementation of a civic forum as set out in our Good Friday agreement. Had we had that, I do not believe we would be having as many difficulties as we are right now. There has been a failure all along, from before the referendum, through the negotiations and since, to meaningfully engage with the community. Women's voices have been and continue to be largely absent, yet we are 50% of the population. Significantly, community and voluntary sector leaders in Northern Ireland are predominantly women.

It has been seen as a trade agreement, all about trucks, tariffs and pricing, when it has been clear to our membership from the very beginning—we did research back in 2018—that it had the potential to

impact hugely on our communities, community identity, and, more importantly, the delicate balance of our social cohesion. Sadly, that has been borne out. Everyone—the UK Government, the EU and the Secretary of State—needs to call for our coalition Executive to engage with the social partners and civic agencies in Northern Ireland, with a view to developing some kind of shared position on the protocol, proposing and agreeing, if possible, necessary changes to it. You all know it is not easy to get agreement in our Executive on anything, particularly on something as emotive as this, but that is what has to happen.

There is a four-year review built into the protocol. We absolutely need to deal with the immediate impact on identity issues but also ensure that this does not become an ongoing four-yearly feature of our politics in Northern Ireland. We have enough problems without dealing with this every four years. Community life in Northern Ireland needs to settle. We are still trying to build peace out of conflict and we need as little disruption as possible.

**Lord Hannan of Kingsclere:** Can you clarify one thing? Forgive me if I have misunderstood this. You said that women's voices were underrepresented. Looking from outside Northern Ireland, in the period you were talking about, both of the big parties were led by women. Where would more feminine voices have changed the tenor of the debate?

**Louise Coyle:** Those are two women. They may have been two quite high-profile women, but they are two women. In public life in Northern Ireland, women are nowhere near being represented politically at 50%, which is reflective of our society here. Engagement at community level just was not happening; everything was seen as big picture politics and things that would not necessarily impact on the community sector. People were busy talking to the business sector about Brexit and the protocol, but civic society was not being engaged.

Specifically, women were not being engaged in those discussions. It was very difficult to platform women's views at all on this. We tried with varying levels of success with our Executive, with Westminster and with the EU. If I am being perfectly honest, the UK and Westminster level was the most difficult space in which to get a hearing at that time.

**Lord Hannan of Kingsclere:** Thank you very much for clarifying that. Tom, has the whole thing inflamed sectarian tensions? Was that happening anyway? If so, more immediately, what can we practically do about it?

**Dr Tom Kelly:** I am an *Irish News* columnist and political commentator. I am a former member of the Policing Board and a former assistant to Seamus Mallon.

Brexit was always a divisive issue, whether in Britain or Northern Ireland. Here we have the edge on divisiveness. When it comes to it, we can be much more partisan. Our problem was that the discourse here was

divided, very badly in some cases, along sectarian fault lines, in some ways. The remain campaign in Northern Ireland was slightly different in that it originally had full cross-community support, including from the Ulster Unionist Party, which was really important at that time.

Then you move on from Brexit and you have the aftermath of that. You have the aftermath of the debate and the type of language and discourse. I was quite hopeful, to be honest, in August 2016 after the referendum. I chaired the referendum campaign in Northern Ireland. These things happen and you move on. I was hopeful that, when Martin McGuinness and Arlene Foster signed a joint letter and sent it to Europe, Dublin and London, basically saying, "There are unique circumstances in Northern Ireland. You now need to take cognisance of them and, basically, protect the equilibrium that exists within Northern Ireland and the right to unhindered free trade, east-west and north-south".

In some ways, that letter got lost in the shenanigans at Westminster. It set the framework in many ways for how this could have been handled much better by everybody. Has it inflamed things? Yes. But is it the kind of conversation that people are having in the bars and restaurants that are open? Are they talking about the protocol every day? No, they are not. That is just not happening. They are not talking about it in supermarkets. You are right about the practicalities and working out of some things, with some goods not being there, some supplies not being there and supply chains being broken, but that is natural. When you have supply chains that have been established over 40 years, you will have disruption. Good businesses fill that gap by creating new supply lines, and that is just the reality.

The real legacy issue was on the loyalist side. They did not feel that they were talked to about this. It was more about the "how" than the actual protocol. It was the fact that they were not taken on board, they did not seem to be listened to and they were not told the truth. It would have been a good starting premise—I think Jonathan Powell would say this—that there was going to be a border somewhere, but one that was most manageable and did the least possible damage to that equilibrium. I think the protocol is a blunt instrument, but I think the Government opted for the right option to get things going, because otherwise, like I say, we stay static. That is not good for Northern Ireland, because static to us means that we do not have government. We are on the brink of that at the moment.

Going back to the spirit of the 2016 letter by Martin McGuinness and Arlene Foster, the seed of how to work out the protocol to everybody's understanding and betterment is there. It exists. All we have to do is to go back and recapture that spirit of generosity, whether that is at Westminster, with Europe or in the Northern Ireland Assembly. I fully accept what the other two speakers said. It is difficult in a five-party Executive to get complete agreement, but they had agreement in 2016. I do not know what they have done with it since 2016, but they now need

to find it again. We have to be hopeful. It is that Mandela thing: nothing is impossible until it is done.

That is our politics here. That is how we got the Good Friday agreement. That is how we got stability. That stability is something that people do not want to give up easily. That puts an onus on all of us who can shape or influence public opinion to take the public along with us.

At a very base level, the Government should have been honest in their discourse with the electorate of Northern Ireland about the consequences of making decision A or decision B. I think people would have understood that. When you strip it back and listen to a lot of those young, articulate loyalists speak, after two minutes they are talking about inequalities in their community, disadvantage and lack of opportunity. These things we can fix. Their own political representatives can fix them. It does not take long to get them off the protocol issue on to the real sense of grievance. There is a real sense of grievance from people who did not get a peace bounce or peace dividend from the process that we have had over the past number of years.

**Lord Hannan of Kingsclere:** Thank you very much. That was very clear. For clarification, when you say we need to go back to the spirit of that 2016 letter, who is the "we" who is most in need of shifting their position? Is it Westminster, Brussels or those in Northern Ireland?

**Dr Tom Kelly:** I could say all three, but ultimately the responsibility lies very much with the British Government and the European Union, because it is a trade agreement, which has been allowed to spill over into issues of identity and has caused friction. They have to go back and try to fix the areas of friction and the areas that are not understood. It is very simple. The constitutional position of Northern Ireland is very, very secure within the United Kingdom, but this trade agreement has made people feel unsettled. The onus is therefore on the domestic politicians to make people in Northern Ireland feel settled and at home. It is the responsibility of the British Government and the European Union to look at the mitigations to the protocol that make this work for everybody. I think it is possible.

Q51 **Baroness Goudie:** In your assessment, to what extent is 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 first took place?

**Dr Tom Kelly:** The protocol is a symptom that has brought the disturbances on to the street. It is not, of itself, the cause of what is going on. There are elements out there in communities with genuine grievances about disadvantage and lack of opportunity, but there are others who have never been in favour of peacebuilding, the Good Friday agreement and power sharing. They are using this in a very malign way to destabilise the Government in Northern Ireland and the power-sharing Executive. If we are not careful, they could do a very good job of that, because, as Jonathan said, this is the wrong time of year to be having

discussions. We get a bit hotter—and I do not mean the weather—around this time. Things are said that people do not necessarily mean and then regret when temperatures are cooler. We need to step back. I do not see the protocol as having caused the violence.

The other aspect of it is that the protests you see are very localised. This is not across all of Northern Ireland. This is not seen as a Northern Ireland-wide issue. I live in a border community and it is not something that people are talking about. Yes, they are talking about the reaction. They are worried about the future. People are having discussions about going back to the bad old days, high levels of sectarianism and flashpoints, all of that, but they are not saying that is the protocol's fault. They are saying it is lack of leadership. That is what it comes down to.

**Jonathan Powell:** I apologise, Chair; I forgot to introduce myself. I was Tony Blair's chief of staff from 1995 to 2007, and chief British negotiator in Northern Ireland from 1997 to 2007.

I am not ideally placed to talk about the situation on the ground; I am not on the ground in Northern Ireland, so I cannot give you a really close-up view. I can give you my impression, which is that the causes of the violence were many. There were lots of specific issues. There was the funeral of Bobby Storey and the way that had been treated. Then there were the more underlying problems of the situation in the loyalist community. The degree of deprivation in the loyalist community is quite remarkable in some of the small enclaves where they live, apparently with the lowest educational attainment rate anywhere in Europe, which is a pretty shocking figure for the United Kingdom as a whole. There were aspects of criminality among the initial causes of the rioting as well.

There is no doubt that the issue of identity and of the protocol was tinder lying on the ground waiting to be lit. That is why it is so dangerous for politicians, both in Northern Ireland and in Westminster, to play with matches around a situation like this. I am not sure that the situation has got better, although we do not have violence at the moment. That is very encouraging, but I agree with Tom: that tinder is still on the ground and could be lit at any moment. Whoever thought it was a brilliant idea to set a deadline in the middle of July for sorting this issue out was probably not looking at the calendar in Northern Ireland.

It is also worth thinking about two underlying things that are causing this trouble. One is the fear of a united Ireland for unionists and loyalists more generally. They can see which way the demographic trends are going. They can see the impact that Brexit has had on many Catholic supporters of remaining in the United Kingdom, as they have switched to preferring a united Ireland. We need to think about how we can de-dramatise this issue. If we just leave it there as an underlying fear for loyalists and unionists, we will have severe repercussions later.

I feel that the British Government in particular, in our time too, failed to engage with the loyalists as they need to. We need to find ways of engaging both economically, in trying to help those communities, and

politically, in trying to give a political voice and a way of being heard to those who do not want to be engaged in criminality, because I do not think they are represented by the mainstream unionist politicians. The death of David Ervine, the very charismatic leader of loyalist politicians, was a sad loss.

The danger from this is not just violence or riots starting again now and through July; it is also provoking a political crisis. We already have a problem. We are trying to get the new First Minister in place in Northern Ireland and we have elections next year. With opinion polls showing the possibility of a Sinn Fein majority and a Sinn Fein First Minister, there is every danger that you will find the DUP trying to pull down the institutions in Northern Ireland. If they are pulled down again, it may be very difficult to get them up again. That would be not just a shame; it would be a disaster for Northern Ireland and for us in the UK. So I do hope that politicians who play with this issue will think very carefully about the consequences of trying to find a solution.

**Baroness Goudie:** Thank you. The last couple of points were very important.

**Louise Coyle:** Tom and Jonathan have probably covered very well that it is not only the protocol that has resulted in the violence we see. However, it does not negate the issue that there is a narrative around that and a belief, by many people in those communities, that the problem is the protocol and that it needs to go or to be fixed. That might not be our understanding of the reality, but if it is someone else's perception of reality it still needs to be addressed.

Our membership is very concerned about all that social unrest, for all the obvious reasons. In addition, and this is where I may diverge a wee bit from Tom, our members were telling us that, at the peak of that last bit of unrest, while all the media cameras were concentrated on Belfast, things were happening in Kilkeel, Cookstown, Ballymena and Portadown. There was the blocking of roads, petrol bombs and illegal parading, which breached all the Covid guidance. That was happening outside Belfast too—to a smaller degree, but it was still happening. In fact, I came across it in my own local town—quite unexpectedly, I have to say. It is a worry for people who are holding their communities together and who have worked very hard to get some peace since our conflict.

There is also lots of territorial signage going up across our region. Anybody here who has been in Northern Ireland recently, or indeed who lives there now, will have seen it. It says, "No to the Irish Sea border", "No to the protocol", "No to Irish language". It says no to lots of things, but lots of signage is going up, including in rural villages and towns. Rural women are concerned about their community cohesion in the immediate short term—as Jonathan pointed out, summer tends to provide a flashpoint in any case in Northern Ireland—and our peace agreement in the long term.

This is my question to you: are these people being engaged at a community level, or are they being left to pick up the pieces on this themselves? When that was going on, there was lots of disquiet among our membership and, just to clarify, our membership is across the spectrum. The priority seemed to be placating paramilitaries. There is a balance to be found between listening to those who have issues and legitimatising illegal organisations, which exert lots of control in those communities and leave a lot of the women in particular very voiceless and fearful in their communities. Platforming them just serves to underline that. Historically it has proven ineffective, and I am not sure that it is currently effective. I know it is difficult and unlikely to have quick resolutions, but that is what we need to work on.

Regardless of whether the reason is legitimately the protocol, the protocol is being utilised as a reason, and we still need to look at that.

**The Chair:** Thank you very much indeed. That was very helpful.

Q52 **Baroness Ritchie of Downpatrick:** I refer to my interests in the Register of Members' Interests, particularly my membership of the board of Co-operation Ireland.

My question moves along the trajectory of the conversation that we have already been having. First, how would you assess the impact of the protocol, and the UK's withdrawal from the European Union, on the peace process, the political process, the Belfast/Good Friday agreement and the political institutions that were enacted as a result of the agreement in the Northern Ireland Act 1998? Secondly, do you believe that the protocol is compatible with the Good Friday agreement?

**Louise Coyle:** It is vital to note that the women in the north have had a range of views and perspectives with regard to the UK's withdrawal from the EU and, subsequently, the operation of the protocol. However, one thing that women across the north have emphasised as a core priority is the implementation of the Good Friday agreement, which is the key current guarantee for a rights-based society and equality for all population groups in Northern Ireland. Much of our equality legislation came from the EU but is underpinned in the Good Friday agreement, which further underlines that critical importance of safeguarding and implementing the agreement in full.

Women have specific concerns regarding the future, including concern that equality and human rights protections may not keep pace with future developments in the EU or elsewhere, or that there may even be regression. Members have highlighted the need for safeguarding the improvement of human rights for women to be paramount in the post-Brexit arrangements. The women's sector as a whole has set out women's perspectives on the potential impact on the economy, services and funding, and the disproportionate impact this has on women, because the EU very much supported a lot of the work that happens at community level and with women.

There are specific issues for women in our border regions, whose everyday lives are often lived on both sides of our border with regard to accessing jobs, education and services, as well as connecting with their families. In specific regard to violence against women and girls, there is a concern that the European protection order is no longer in place. We know that it is a UK-wide issue, but there are specific implications for Northern Ireland, particularly in the border region, because we share that border with the European Union. There are people who will utilise that for their own purposes. There is an implicit need for practical and concrete collaboration arrangements on a range of issues that go beyond the goods and services. That is a really good example of it.

In addition to the recent social unrest and the impact of the EU exit realities on our peace treaty, there is a continued disquiet that there are potential breaches of non-diminution in certain Good Friday rights due to Brexit. Those have been and will continue to be raised through the Northern Ireland Human Rights Commission. North-south institutions are clearly being risked. We have seen that very lately. If Northern Ireland parties do not engage, it is a very good example of how issues that relate to the protocol can directly impact on our Good Friday agreement and its mechanisms. It opens up an avenue for undermining co-operation. It provides a platform for political brinksmanship that, unfortunately, is very often a feature of our local governance.

We need to ensure that the issues raised by civic society and the UK Government are properly and jointly identified and understood as relevant to the protocol, or as more properly relevant to specific areas of the Good Friday agreement or the common travel area, and therefore addressed by the UK Government and the Irish Government or the Northern Ireland Executive. We need to figure out what the problems are and who the people are with the solutions to those problems.

It is crucial that issues not directly relevant to the protocol are not treated as such. It is particularly relevant to that north-south, east-west co-operation and the identification of who is responsible for maintaining the necessary conditions for both those strands of co-operation. It is worth noting that the Good Friday agreement still has not been fully delivered 23 years on. Had some of those missing features, such as a civic forum and a Bill of Rights for Northern Ireland, been delivered, that would provide, at a minimum, a support mechanism for the UK Government and others to engage with our citizens. Our citizens would also not be so concerned about the diminution of their rights going forward.

As co-guarantors of that agreement, the UK Government have a responsibility to ensure that what the majority of citizens voted for is realised and delivered. In this post-conflict society, the UK Government have not implemented United Nations Security Council Resolution 1325 on women, peace and security. It is clearly the view of our members and the wider women's sector that consistent failure to consider the importance of women's contribution to peacebuilding is having a

detrimental effect on our social cohesion and on transforming our society through governance and policy-making to be more peaceful.

This touches on what Lord Hannan raised earlier. Women are not being provided the opportunity to work towards creating a peaceful Northern Ireland with policies and positive actions to ensure their recognition and participation. Despite being 40% of our female population, rural women still struggle to have their voices heard because they are geographically so much further away from decision-making spaces. This Government, our own Government and others need to look around the rooms they are in and ask, "Where are the women? Are there enough women? Are we seeing and hearing from the people who reflect the society we want to hear from?" To date, that just clearly has not been the case.

I am very fortunate to have had lots of access to decision-makers. However, I have noted that, specifically on the issue of Brexit and the protocol, I have not yet been part of a consultative group where women were not a significant minority. I am very often one of two women in a room of maybe 10 to 15. That is not reflective of our society, however much I am speaking on behalf of our membership. PUL women have lots to say on the protocol, and it is probably not what the men in their communities are talking about. You need to be speaking to the women.

On the Good Friday agreement, we need full implementation and the commitments need to be delivered. I can give you some examples of what difference that would make, but I do not want to take up everybody's time. I am happy to come back to it if you want.

**Baroness Ritchie of Downpatrick:** It might be useful if you were to provide those in an email to the staff and the officials.

**Louise Coyle:** Yes, no problem.

**Baroness Ritchie of Downpatrick:** I will move to Jonathan, bearing in mind that the agreement allowed for the review of the implementation of the agreement to take place, and that the protocol is linked to the agreement under Article 2, where the Human Rights Commission and the Equality Commission have certain statutory functions in that respect.

**Jonathan Powell:** As I said earlier, any outcome of Brexit was going to have an impact on the Good Friday agreement, because the Good Friday agreement was about trying to manage the issue of identity. Wherever you decided to put this border, you were going to have an impact on the Good Friday agreement one way or the other. Perhaps some Brexit supporters, having had this pointed out to them, saw it as a case of the tail wagging the dog: the issue of Brexit was more important than the damage it might cause in Northern Ireland. That is why we had some politicians unwisely talking about the border between Northern Ireland and the Republic of Ireland as being the same as the border between Islington and Camden. Those of you who have been to the border will notice some significant differences.

In the last six years, we have been looking for different solutions that might not impact the Good Friday agreement in such a serious way. So far, no one has come up with a convincing alternative. There is the alternative of putting the border in the Celtic Sea between the island of Ireland and the rest of the European Union, but in no circumstances would that be acceptable to the Irish Government or to the EU, so we can rule that one out. People have talked about technology as a solution. All the way through the referendum campaign, people talked about a magic solution that could get rid of borders all around the world, but so far that solution has not yet realised itself.

This all takes us back to the protocol. In the end, it is the least bad way of undermining the Good Friday agreement. It has an impact on unionist feelings about themselves by putting a trade border between them and the rest of the United Kingdom. That could be managed and it is certainly better than a land border, which would create much more significant problems in terms of the Good Friday agreement.

Lord Hannan talked about the democratic deficit on all these issues. I think there is a democratic deficit. A large majority of people in Northern Ireland voted against Brexit. It was difficult to take that into account in a unitary state such as the United Kingdom, where you had a referendum for the whole country, not for part of the country.

As you say, this issue will be discussed at Stormont again in a few years' time, if there still is a Stormont then and this problem does not undermine the institutions in Northern Ireland such that they are not there any more. I am not sure that will lead to a solution, because there are fundamental divisions in Northern Ireland about how the protocol should be implemented. So I am not sure that putting it back to Stormont solves the problem. It will still lead to a great deal of discontent on one side or the other about the way this happens. This is an inexorable outcome of Brexit, but it is the least bad one and we have to try to make it work.

**Baroness Ritchie of Downpatrick:** Thank you. Tom, maybe you could comment on the compatibility of the protocol with the Good Friday agreement.

**Dr Tom Kelly:** I kind of agree with Louise that the most worrying aspect of incompatibility is the impact on rights. We have a well-established Equality Commission here; we have a well-established Human Rights Commission. We have people on the ground who are only really at the embryonic stage of developing that further, and here we have something that threatens it. The British Government have promised to update the legislation to make it more compatible, but you are not seeing much evidence of that.

The other thing that strikes me very strongly is that the European Union has underwritten the peace in Northern Ireland. Literally millions and millions of pounds have been put into the border regions to create stability and to work with groups on the ground such as Louise's. The loss

of that funding is significant. Somewhere along the line, Mrs May recognised that the loss of that funding would be significant, and she put on the table £300 million of additional funding to go to grass-roots organisations in order to replace the shortfall. Somehow or another, that has disappeared, and that is really unfortunate. That threatens stability at the grass-roots level, which has a way of percolating through to other levels.

It is really important to point out that the European Union has decided, despite Brexit and the protocol, to continue funding until 2027 the peace initiative that it has been funding since 1995. So not everything is always as bleak as it seems, but there is no doubt that leaving the EU has had a significant impact on the relationships between people and within communities in Northern Ireland, and has increased tensions within Northern Ireland.

Some people saw that coming and others did not. Some people wanted this scenario to work its way out on the ground. The problem is that, when these things trickle out on to the ground, as we are seeing in many parts of Northern Ireland—I am sorry, Louise: when I said localised, I meant that they are quite localised in various places; it is not like a mass movement across Northern Ireland—there are too few people ready to take responsibility for the fallout of what happens on the streets. It does not really matter what community you are in when that happens; you tend to get political leadership running away from the ownership of what goes on on the ground, and we now need to face up to that.

Overall, Brexit has had a negative impact. People said there would be nothing positive about it for Northern Ireland. In some ways, to have to end up with the least worst possible outcome through the Northern Ireland protocol proves that. Again, it goes back to that 2016 letter between Martin McGuinness and Arlene Foster. Where did the Government and the EU stop listening to the special circumstances in Northern Ireland? That is really, really important. That spirit needs to be recaptured, because you cannot have a hard border on the island of Ireland. It is just logistically impossible to police. That is the reality of it. We discovered that during the Troubles.

There has been a really deep impact over the past number of years, but it also goes back to leadership. You have to tell people the truth. You have to face the public, tell them the truth and bring them with you, and that has not happened in Northern Ireland.

**Baroness Ritchie of Downpatrick:** Chair, it might be useful for the committee to secure a copy of the letter that was sent by Arlene Foster and Martin McGuinness to the British Government. I can recall it being in the public domain, because it was August 2016.

**The Chair:** We will do that. It would also be very helpful if Louise Coyle could write to us with the extra points that she did not have time to mention in her answer.

**Q53 Lord Empey:** Good afternoon, everybody. It is nice to see you again. To some extent, the first part of my question has probably been addressed; it is about the key concerns that have arisen from the operation of the protocol for communities on all sides of Northern Ireland. A question that has not been asked is whether the people and communities of Northern Ireland perceive any positive benefits from the protocol. That is something we have not addressed, but, initially, what are the key concerns? We have touched on quite a lot of that with the identity issues.

**Dr Tom Kelly:** Reg, it is good to see you again. When we talk about benefits for the communities, having been a businessman as well I tend to think of the business community, the entrepreneurs, job creators and wealth creators. That community sees opportunity within the protocol. We have heard Stephen Kelly, the CEO of Manufacturing NI, clearly spell out that he has never seen as much enthusiasm and appetite within the Northern Ireland manufacturing base as at the moment. Yes, there have been problems with the protocol, but that is affecting fewer than one in five manufacturing companies. They are seeing the opportunity.

The key to stability in Northern Ireland is prosperity, growth and jobs. If you have those, shared fairly, you do not get people on the streets. That is what we need to do. People are telling us this. The Invest NI CEO, even though the Minister may have disagreed at the time, pointed out that they have had over 30 inquiries from all over the world, including New Zealand and Australia, saying that Northern Ireland has an opportunity with this protocol to access two very important markets and we need to take it up. That community is making that very, very clear. It is about getting people into jobs.

The guy who owns Deli Lites lives down the road from me. He said to me, "This is a fantastic opportunity. We need to grasp this opportunity and really make it work". The concerns that people have, as Lord Hannan said at the start, divide into the identity and culture, and the practicality. Practicalities are solvable and solutions are on the table. If you offer me a solution, I will grab that while you work out the rest of the prescription. That is what should be happening now.

**Lord Empey:** Jonathan, you cannot seriously tell me that you do not have a solution to all this up your sleeve.

**Jonathan Powell:** Reg, it is very good to see you again. It has been a long time.

Well, Arlene Foster did say at the beginning of this, in 2019, that Northern Ireland got the best of both worlds, so potentially, in terms of investment, Northern Ireland could do very well indeed by being in both the EU and the United Kingdom. Business leaders may well be feeling the benefits, as Tom has said, but I do not think many people on the ground are when they cannot practically get their products. That is why it is so important to make the protocol work instead of wasting time saying that there is an alternative, because there is not one. We have not found one and we are not going to find one.

We have to make this work, because the border that has been introduced by Boris Johnson in the Irish Sea will get a whole lot wider over time as we diverge. Presumably the point of Brexit was to diverge from EU rules over time, not just with Australian farmers but in other ways. If we are going to diverge, more products will be caught by this. There will be more requirements for the joint committee to meet.

It will work only if we have a working protocol and trust between the two sides to make it work. That is why it is so important to get rid of the rhetoric we are hearing on both sides politically and just get down to the nitty-gritty of how you make this work long term, because we cannot have a long-term irritant going on and on like this. If there is little we can do about the identity aspects, it has to be made to work, at least in the practical terms, and be the best of both worlds that Arlene Foster talked about.

**Lord Empey:** Jonathan, I was just going to say to you that I think there are other ways of doing it. Do you not feel it is a bit of a sledgehammer to crack a nut? In our evidence last Wednesday, Professor Shirlow said that the percentage of goods coming from Great Britain to Northern Ireland was equivalent to 0.0008% of EU GDP. It seems that we have gone OTT, and that is largely because of the toxic relationship between the EU and the UK Government at present.

**Jonathan Powell:** I certainly agree with that. That toxic relationship is a serious encumbrance to getting to a solution on this. Taking unilateral measures and shouting from the rooftops does not really contribute to that, but the EU has a legitimate concern that it could be opening up a back door to the single market. There are now vastly more ferry routes from the Republic of Ireland into Europe with lots and lots of lorries going every week. The French customs agents are counting these lorries and worrying about where they are coming from. If we diverge further, while we might be using a sledgehammer to crack a nut at the moment, over time this could become a serious problem for them, so they want to have rules that work, as I said, for the long term. You need this thing to be stable and not a magnet for people who want to smuggle stuff into the single market.

That is why you need serious rules in place, but applied flexibly. I am not saying that one side is right or the other side is right about the practical applications. We just need a lasting way of making this work, and I just do not see any alternatives. No one has put forward a workable alternative yet that I have seen.

**Lord Empey:** Louise, your network is spread throughout Northern Ireland. Do you get any positive responses from your membership to the potential for the protocol, or are they more focused on the downsides that are directly in front of them in communities right now?

**Louise Coyle:** If I am being honest, unfortunately they probably are more focused on what they are dealing with and sometimes even just fear of the future. No matter what it is, human instinct is to fear change.

People are expressing fears about the protection of food standards in any new trade arrangement. It is nothing that you would not have heard before.

They are certainly attributing the protocol and the EU exit to not being able to get everything they want to order on Amazon delivered to Northern Ireland, for example, and the cost of building materials. That is a global issue, as far as I understand it. I am not an economist. I do not think it is directly related to the protocol at all, but that is the perception. Everything will cost us more and be slightly worse.

There is a job of work in persuading citizens that there are opportunities here. The business community will grasp those first. As soon as they start sharing those things and there is some increased prosperity I hope, on the back of that, people will see the opportunities, but at the minute what they see is what they are losing and not what they could gain, because that will take time.

With the loss of the Erasmus scheme, for example, to our higher education students, people feel like they have lost things or things have not improved. They are not seeing the improvements yet, to be honest, and there is a job of work to do to persuade people that this may be a good thing for them and their communities.

**Q54 Lord Hain:** What practical steps do you think the UK and the EU could take, including through the joint committee and the specialised committees, to respond to the concerns of people and communities in Northern Ireland? What practical steps could the Irish Government take?

While we are talking about how they are working together, do you share the concerns of our former ambassador to the European Union, Ivan Rogers, that most of his contacts in the EU just do not believe that the Prime Minister, the Secretary of State for Brexit or the Northern Ireland Secretary of State are acting in good faith or intend to implement anything that the 27 would recognise as consistent with the treaty text?

The G7, Ivan Rogers says, made things worse because of the briefing around it. Both he and Lord Kerr, the former head of the Foreign Office, expect things to get worse, not better, and believe that the prospect of a trade war is probable. What do you feel about that, and what could be done by all three—the EU, the UK and the Irish Government—to prevent that happening?

**Jonathan Powell:** That is exactly the key question here. We cannot solve the identity problem that has been caused. We can deal with the practical problems and we need to find a way of doing that. Any agreement depends on trust for its implementation, and unfortunately trust has been really badly undermined by the steps taken, particularly by the British negotiator, David Frost, on this. I feel that what he has done by his unilateral steps and by his rhetoric is to destroy trust with European partners, which means that they are now on their guard. They are much less likely to look for creative ways of solving this problem than they were before.

What Ivan says about attitudes around the rest of Europe is true. We have a very moderate and technocratic negotiator on the part of the EU, but he will be under huge pressure from the French and other Governments if this rhetoric carries on and if we continue to take unilateral actions. The rhetoric used by the Prime Minister in the last couple of days and at the G7 really does not help from that point of view.

Things, as you say, could get worse before they get better. There is a genuine prospect now, if the British Government continue down this path, that we will get into a generalised trade war with the EU. It is a lot harder to get out of a trade war than it is to get into one. You should ask John Major about the beef war, and we should remind ourselves what can happen if you dig yourself into a position. Getting out of it again requires someone to eat humble pie, and it is not going to be the EU.

If we are to avoid that trade war, we need to decommission the rhetoric straightaway, to stop the unilateral threats straightaway, and to focus on the practical discussions in the committees you refer to in trying to find some practical solutions to doing this. The EU has already tried to move on, for example, medicines and guide dogs to find practical solutions to these problems. That is much more likely to happen if we are ourselves being more moderate and more professional about the way we approach the negotiation.

The key issue in many ways is the SPS issue: this question of food standards and animal welfare. The EU has made it clear that, if we are prepared to harmonise our standards with the EU, nearly all these problems disappear altogether. I notice that Joe Biden, in coming to the G7 summit, removed the one excuse that Prime Minister Johnson was using to avoid going down that route. Johnson and the Brexiteers argued, "We can't do that, because then there'd be no trade agreement with the US". President Biden said explicitly that he would make sure that did not stand in the way of a US-UK trade agreement, so that excuse is gone. There is no excuse, apart from an ideological wish to avoid harmonising with the EU, because there are no practical problems with such harmonisation that people can point to.

It is that kind of creative thinking that would make a difference, with a focus on the practical implications, and not the rather overheated game that we have had. It is incumbent on politicians in Westminster to realise that, while it might be good politics in England to have a trade war with the EU and to blame it on the EU, the people who will suffer from this are the people in Northern Ireland. They are the ones who will pay the price if we go around posturing and carry on playing with matches when we have this tinder on the ground in Northern Ireland that I talked about. I really hope that they will pull back from that before they cause serious damage and make it almost impossible to get institutions in Northern Ireland back up and running.

**Lord Hain:** Do you think, in that context, that Northern Ireland is in a sense secondary from London's point of view, the UK Government's point of view, to for example a trade deal with Australia or anywhere else that

might be on the list?

**Jonathan Powell:** I referred earlier to the perception that it is the tail wagging the dog and that we have more important interests at stake around the world than we do with Northern Ireland. I believe it is true to say there is no one in No. 10 dealing with Northern Ireland. In times when we were in government and with subsequent Prime Ministers, there was always someone focused on Northern Ireland and paying attention to it. I very much regret that they do not have that focus on Northern Ireland, because it will come back to bite them if they do not.

I also failed to pick up your point in relation to the Irish Government. You are absolutely right that it is a shame, or even tragic, that we have managed to undermine the good relationship we built with Ireland over time and have set it back really seriously, both over the period of the Brexit negotiation and more particularly since then. We need the Irish Government to work with us on Northern Ireland if it is to be stable and peaceful.

It would be much more sensible to have an open approach to the Irish Government and try to co-operate with them, particularly on how the protocol works but also more generally on the way we manage Northern Ireland. Under the Good Friday agreement, they have a say in what happens in Northern Ireland. We need their co-operation. To deliberately go round provoking them rather than trying to co-operate with them is a big mistake.

**Lord Hain:** Louise, could add your perspective to that, please?

**Louise Coyle:** Jonathan has outlined beautifully the difficulties with communication: what is said, how it is said, and the impact of what is said. It actually impacts on people in Northern Ireland. We often feel like we are the casualty, on a bigger world stage, of what is going on between Westminster and the EU, particularly post exit.

The solution is always dialogue, communication and trying to resolve the issues. I am not saying that the trading issues with the protocol can be easily fixed, but solutions can be found to them. What happens around the periphery, and the emotive impact on people, is much more difficult, and has traditionally always been difficult, to manage in Northern Ireland. Our policy-making and resourcing here have suffered historically as a result of our conflict. They were neglected when we had three years of no local government very recently, and most recently we have had the global health crisis. The concentration of our local politics on the protocol and community tension mean that all the vital policies that we need reformation on in Northern Ireland, such as education and health, get side-lined, so that we are dealing with very binary nationalistic issues. It is very frustrating and it is unhelpful. We often feel like we are being caught in the crossfire, and that is ostensibly about communication.

There was a second part to your question. Was it about the role of the Irish Government?

**Lord Hain:** It was, yes. Do you feel they are listening to you sufficiently?

**Louise Coyle:** Truthfully, yes. They seek out the views of our membership. I do not need to explain to all of you the complications—which bits of this impact on the Irish Government, which bits they have a role and where they do not. They are co-guarantors of our Good Friday agreement, along with Westminster, so they have to be engaging with this. My interpretation is that they are sensitive to the difficulties with that.

In our engagement with all the actors in this, the difficulty is not always in being heard; sometimes it is about the follow-up. We have expressed the views, so now what? What are the next steps? What have you taken on board as a result of that? I would include the Irish Government in that. Yes, there is listening, but what is being done?

**Lord Hain:** Tom, could you say what you feel about where London, Dublin and Brussels are fitting into this and where the solutions could lie?

**Dr Tom Kelly:** I am not sure I have any magic solutions, but the mechanisms exist to resolve things. Going back to the Good Friday agreement, which you were very much part of, we have mechanisms north-south and east-west that allow dialogue to take place in a non-threatening way on an equal basis, and we can address issues that are faced by people on these islands collectively for the interests of all those people. The problem is that we are not using those institutions in that way to try to foster dialogue, to have any trickledown effect or to build good relationships among ourselves, whether the political entity be in Dublin, Belfast or London.

**Lord Hain:** Sorry to interrupt. When you say we are not using them, could you explain that to us, please?

**Dr Tom Kelly:** Realistically, we have wasted a lot of time over the past 18 months where north-south institutions have not really been working to the benefit that they should have been. People were boycotting them; people were taking unilateral action. They were not calling them boycotts; they were getting their hair done or something on the day that they were meeting, so they could not meet. The bottom line is that those institutions are not being given the status that was originally intended. They were meant to take the heat out of the animosity, build on better relationships and find mutual ground. That mutual ground deals with the practicalities of trade issues and business on one side, and issues of identity on the other.

I just feel that they are not being used to full effect in this gap between the EU's and the UK Government's negotiations. A lot more could be done with the institutions that have arisen out of the Good Friday agreement which takes that tripartite relationship into play. They can deal with the EU, because, as I said, the EU is continuing to fund Northern Ireland until 2027 on peace initiatives, so it still has a vested interest in what is going on here and a vested interest in stability.

Even the protocol, with all its faults, has a mechanism for dealing with all the practicalities, but it is not acting in good faith. People have tried to act unilaterally. As Jonathan said, there is no positive outcome to that. It only increases mistrust, suspicion and fear, and at this time we want consistency, clarity and honesty. That comes down to the people conducting the actual negotiations.

The Irish Government have been trying hard. At times, neither the British Government nor the unionist politicians in the north realise that the Taoiseach is a friend in this, in a non-threatening way. He is a bridge, in some ways, between the EU, Britain and Northern Ireland, and he has been trying pretty hard to reach out and listen to people's concerns.

**The Chair:** Thank you very much indeed for that. Before I pass to Lord Caine, just in case Jonathan Powell has to leave before the end of this, if you fade away, Jonathan, we will entirely understand. Thank you very much for coming and being with us for most of today's hearing.

Q55 **Lord Caine:** I will try to be brief, Lord Chair, so that Jonathan does not have to fade away during my question. This has been fascinating and I find myself in agreement with a good deal of what has been said, not least, Tom, your point about the 2016 letter, which landed in August of that year. The tragedy is that it coincided with the beginning of the deterioration in the relationship between the DUP and Sinn Fein, which led to collapse. It was an absolute tragedy for Northern Ireland that, during that crucial period of 2017 to the end of 2019, there was no executive voice around the table.

My two questions have largely been answered by the three of you. They were whether the problems and the concerns that have arisen out of the implementation of the protocol could be addressed within the existing terms of the protocol. You have all pretty well had a stab at that, and Jonathan in particular has sought to address what would have been my second question, which is whether there are viable alternatives to the protocol. You are pretty clear that there are not and that it is the least worst option.

To pick up on Reg's point about the sledgehammer to crack a nut, if the protocol were implemented in a much more light-touch way, what in practical terms would the real threat be to the EU single market? I raised in the House a couple of weeks ago the example of—wait for it—Sainsbury's sausages destined for Forestside that have to undergo checks, even though Sainsbury's has no stores outside the United Kingdom and is therefore unlikely to be a threat to the single market.

It has also struck me that, if you are using Northern Ireland as a back door to try to flood the single market with illegal produce, the practicalities and the logistics are such that you would have to be doing it on such a large scale to make it profitable that it ought to be fairly easy to detect and to take action. If it is going to the continent, it is quite a difficult and lengthy process, especially if you are having to come back from Dublin to Holyhead and then Dover to Calais. If it is just going into the Irish market, as Reg made clear, it is so tiny as to be negligible. What

would the actual threat be to the single market if this protocol were implemented in a much more light-touch and proportionate way? Jonathan, maybe you ought to start, if you do have to fade away.

**Jonathan Powell:** I am sympathetic with the point you make, but let me just start with the alternatives. We have been looking for six years for alternatives. There are politicians both in Northern Ireland and in Westminster who say, "The protocol must go", but they have to suggest an alternative if they think the protocol must go. No one so far has suggested a workable solution to this. I think the answer is, as you say, to try to make the protocol as light touch as possible.

I would not be quite as sceptical as you about the concerns of the French and other members of the EU. Smuggling is not unknown in Northern Ireland. It has quite a long history of moneymaking, so you should not rule out the possibility of people seeing an opportunity and trying to make the most of it. I agree that at the moment it is very small, but it could become really quite large.

I talked about these new ferry routes going from Ireland to Europe. If those started increasing even more, and more trucks were coming from Glasgow to Belfast to Dublin to the French coast, people would be getting very suspicious indeed and not just about sausages. They have a right to have a way of protecting the single market. The question is how you go about doing that.

The problem is the one I mentioned: the issue of trust. If you want to persuade the EU and particularly the French Government to implement this in a way that will be light touch, they need to believe the UK genuinely intends to implement the agreement it has reached. So far, they would be rather justified in thinking that is the opposite of what we intend to do. Instead, we unilaterally start extending things. We do not implement the things we have promised to do. We do not recruit the staff. We do not put things in place.

If we started going down that track of trying to build the trust and demonstrating we were going to implement it, they would be a lot more sympathetic to making it light touch, not least because, as I said before, this will be long term. This is not going to disappear in six months' time. This will last for decades, or for ever, basically, so we need to make it work. We need to get it right in terms of the light-touch approach. That requires co-operation, which in turn requires trust, and it is the politicians' job to build that. If we go down the trade war route instead, I really worry about what the implications will be for Northern Ireland.

**Louise Coyle:** In relation to the question about other resolutions within the terms of the protocol, Jonathan has very clearly outlined that it is not optional. We have to find resolutions within the protocol until such time as something else is proposed and agreed. At the minute, we are where we are. That can be achieved only through dialogue, developing trust and looking at where the difficulties are. It is in everybody's interests to have it as light touch as possible, but we know that the EU is acting on behalf

of all its member states and its member states will want to ensure that their single market is protected. That has been clear from the beginning.

We live in a space and a place where, as neighbouring islands, we are connected not just through travel and trade. We are connected through our history, identity and emotion, and that needs to be protected. The protocol has upset that balance, and we need to not lose sight of that in the midst of all the talk about single markets, trade and trucks. The potential impact was underestimated hugely, and unfortunately we in Northern Ireland are living with the outworkings of that.

Resolutions have to be found. I am sure it is not just one resolution. Probably a series of resolutions over the years will have to be negotiated, supported and found together. I know that the business community is speaking to you all regularly on what it needs to see and what would support it to be viable. We would support it with that, because thriving business in Northern Ireland means much more potential for our citizens to thrive and prosper.

**Dr Tom Kelly:** I agree with the two previous speakers. It has to be made to work. I noticed that your former boss was part of a group that came out with a report in the past couple of days talking about how to take the best of the opportunities arising from Brexit. They are now talking about the reform—they used the word “reform”—of the protocol.

The protocol is not going anywhere, so we need to make it work. The first step in that conversation has to be the honesty of the British Government in telling everybody that the protocol is staying and that we will do our best to make it work. You are right: it should be as light touch as possible. Reg is right in saying that as well, but a huge mistake was made in not maintaining some form of EU office in Belfast so that a lot of the practical issues could have been worked out on the ground. You and I both know from our previous roles that nothing beats that kind of engagement on the ground to make sure that issues never arise. We do it with parades, policing and lots of very sensitive issues. If we had had the common sense to allow some kind of operational office in Belfast, where the EU had the confidence in the measures being taken, it would have been as invisible as many of the customs checks that go on, on a daily basis, north-south and east-west. As a confidence-building measure, that would have been practical and would have made a lot of sense.

**Lord Caine:** Thanks very much, Tom. You refer to my former boss. Just to remind you, I was probably unique in working for a leave Cabinet Minister and voting remain myself. Thank you all for your answers. It underlines that there ought to be common sense and practical solutions to these issues, but they might need to be an outworking of the reestablishment of greater trust in the first place.

Q56 **Lord Thomas of Gresford:** You have put forward the vision throughout of the prize of Northern Ireland thriving. Tom has just talked about the fact that we have to make this protocol work. How would you characterise the engagement since January by the UK Government and

the Northern Ireland Executive with community representatives as regards the operation of the protocol? You have talked a lot about communication being very important, and I agree with you. Have the UK Government been able to hear representative views from all communities in Northern Ireland?

**Louise Coyle:** There has been a marked improvement since January, particularly from a Westminster perspective, in actively seeking engagement. However, as per everything previously covered, in terms of the impact on civic society it is very clear that that should have begun much sooner. If we had, we would not be in quite the mess we are in.

Since the protocol came into force, our engagements on behalf of our membership have continued. We have been doing that since pre referendum. We have concluded participation meetings with the co-chairs of the withdrawal agreement, the joint committee and the Specialised Committee on the Protocol. We have been speaking to the Irish Government as well as to the EU.

We have been making representation on behalf of our members to all of those, and there are positive signs. NIRWN works collaboratively with lots of people actually, but we work on behalf of our members, through the Ad Hoc Group for North-South and East-West Cooperation, with the core objective of amplifying the voices of civic society and advocating for the need for a structured process.

So there has been engagement, but it has been very ad hoc. It is quite often very last minute. On a Thursday you get an invite to a meeting that will happen on a Monday. There are still no clear and transparent mechanisms in place for that ongoing engagement with civic society. As we outlined in response to the previous question, this is something we will have for quite a number of years. It is indeterminate, because we do not know for how long, but if we accept that the protocol is here for quite a while, that needs to be structured and almost permanent alongside the protocol.

It is imperative to show how these meetings are part of that process, so instead of just a series of isolated opportunities, which I would say there have been so far, for participants to voice their concerns, there needs to be follow-up and feedback as a result of those engagements. That has been lacking.

It simply cannot be that there are opportunities for people to voice their frustrations and then that goes nowhere, or at least people feel that it has gone nowhere. What are the next steps, what is the feedback, and how do we ensure that the issues raised are actually taken on board and responded to? Even if the response is not what we wanted, it is about that clarity of communication. It is so difficult to find answers that suit everyone. There will probably always be someone unhappy at some level but, if you know, you can deal with what you know.

It is the difficulty of how we track these interventions. In our organisation, we know that you and others are working quite hard behind the scenes to try to dissipate issues and whatever, but how do we track that and get that information so that the likes of us can communicate that back to our membership? They know that we are meeting with people. They know the issues we are raising. They are not hearing the feedback, and they are not hearing it because we are not hearing it. I would appeal to you for the UK Government to have very clear mechanisms in place for how to engage with civic society.

To your question about whether you are hearing from everyone, no, you are not. I raised that before. I have not been in any of those group meetings where there was anything close to a gender balance. Fifty per cent of the population are women, but you are not hearing from them. More than that, nearly 80% of community voluntary sector leaders are women, as I said. That is definitely not being reflected in the engagements that certainly I have been involved in. You know yourselves whom you have been speaking to. If you feel you have been speaking to everyone, I am not sure you have yet. I know you have only started this process.

It is a big job to get talking to everyone and to get all the views, but I feel that quite often—this is also the case historically in the place where we live—the majority of people who are committed to peace and our Good Friday agreement are not the voices you hear. The voices you hear are the voices of dissent. They tend to be the loudest voices. They tend to be the ones who get the soundbites on radio and television. I am telling you that certainly our membership, which crosses all those political spectrums, is unified. They want a peaceful society. They are committed to working for a peaceful society and working with whomever we need to in order to make that happen.

**Lord Thomas of Gresford:** Tom, as I understand you, you are saying, “Stop looking around for alternatives to the protocol. We’ve got it. Whether we like it or not, it’s there. We’ve got to make it work”. One of the most important things to make it work is communication with communities, so that you take people along. What is your comment?

**Dr Tom Kelly:** That is very true. I was going to be uncharacteristically fair to politicians by saying that a lot of this has arisen during the pandemic, which has made it quite difficult to have the type of engagement that people would want to have.

I had an old boss who used to say, “Tom, communication is all about the whites of your eyes. That’s what it is. You sit across from people. You do deals because you feel right about them. You feel good about the person”. We have missed that interaction for the past 14 months, and that has been to the detriment of how things needed to work, especially in Northern Ireland but anywhere. You are not getting a sense of personal engagement or a sense of whether somebody is being straight with you, because it is very difficult to tell that if you are doing all the things by Zoom, phone calls or whatever. It is just not possible.

I feel very strongly that people have to be listened to. Then, as Louise said, when you listen to them you have to address their fears or concerns with honesty and directness. People can swallow that. People can take honesty and directness, and they get it. A lot of what they have got has been huff and puff, bravado, stand-off and grandstanding. People have had enough of that. What they want is to keep the stability.

Louise's point is very good that, when you talk about reaching out to people, it is important that you listen to the voices who have the greatest concerns and not the loudest voices. Too many of the loudest voices are those of dissent and are those, as I said at the very start, who have never had any interest in peacebuilding and putting an investment into power sharing.

We should not be clearing the decks to allow those people to dominate the conversation now because of the protocol. The protocol is a document that is set up to make things work, and there are difficulties with it. Make it work. It is possible to make it work and, like I say, as someone who has sat on negotiations about policing Northern Ireland, that was a lot more difficult to bring together. I sat on the first Policing Board. If we can do things on those most sensitive issues, surely to God we are able to knock a trade agreement into good shape.

**Lord Thomas of Gresford:** You find the huffing and puffing by our negotiators, striking attitudes and so on, unhelpful.

**Dr Tom Kelly:** I just do not see how it works. I know that people have a tendency to have idiosyncrasies, but I am not sure that wearing Union Jack socks to G7 meetings sets the right tone when you are dealing with other leaders.

Q57 **Lord Dodds of Duncairn:** Can I apologise to Louise and Tom for not being present at the first number of questions, as I had business in the House to attend to? Thank you very much indeed for answering the questions. It is very interesting, important and useful.

Can I just follow on from Lord Thomas's question about engagement by the UK Government? How do you think engagement on the part of the EU with community representatives has gone? What is your assessment of the EU's real understanding of the situation on the ground in Northern Ireland, the balance of the agreements and the north-south dimension, which they are well aware of? What do you think is their understanding of the east-west dimension and the effect on the Assembly?

Some have pointed to President Macron's recent comments and the events in and around 29 January, when, in relation to trust, a lot of damage was done by the almost invoking of Article 16 on the vaccine issue. That threat still remains, because the statement was issued after that saying that they reserve the right to do it. I am just wondering what your view is.

**Dr Tom Kelly:** Hi, Nigel. It is good to see you. I am not sure how much of a touch they have on some of the issues. They could be a lot better,

but it would be a lot better if we still had MEPs in Europe like your wife. That would have been a much more helpful situation, because we know the influence that having the MEPs had over the years, from Dr Paisley and John Hume through to Jim Nicholson. It was a channel of communication.

As you said, the nearly triggering of Article 16 was clumsy and stupid. I do not think there is any other way to explain that, other than to say that the new team was in and they did not take any briefings from anybody who had a lot more experience. Neither side is immune to making mistakes here. This is the problem. Jonathan Powell said this. I do not know if you were here when he said acting unilaterally does not make sense for either side, because you are trying to focus on a solution. If you keep threatening the right to act unilaterally because you are not getting your own way, you will never build the trust to actually come up with a solution.

Like I said, I do not give a *carte blanche* to the EU. From what I read in the *Times*, President Macron may have been misquoted and, dare I say it as a political commentator and a journalist, you may not need to believe everything you read in the papers. But it is really important that the EU gets to grips with all the issues.

As I said to Lord Hain, when they talk about protecting the Good Friday agreement, a lot of that could be resolved by giving more flexibility and prominence to the actual institutions of the Good Friday agreement, which allow for dialogue on east-west and north-south. We have those mechanisms in place and we should be using them much more to keep the tensions out of the EU-UK thing. At that level, you can then have the Republic of Ireland acting as an equal around the table, as a good neighbour and as a bridge point.

I think that they understand the Good Friday agreement in part. I am not sure that they understand the Good Friday agreement in the whole, but I am not sure that anybody does. Not one single agreement, from the Good Friday agreement through to all the other agreements, has ever been fully implemented. How could anybody keep track of all the things that were agreed but never implemented?

It is really important that we keep dialogue and channels open to the EU and that the EU does likewise. As I said to Lord Caine, it was a mistake not to leave an operational office in Belfast. It did not have to be a Commission office in the normal traditional way, as in the past, but an office that could work out difficulties and protocols and be an ear on the ground to problems before those problems arise.

**Louise Coyle:** Lord Dodds, I am not sure whether you were in earlier, when I said that absolutely none of the actors in this can hold their head high with good communication the whole way through. There has been unhelpful and often just erroneous communication from all quarters. The EU has not been exempt from that either, as you outlined.

As citizens of Northern Ireland, that has an impact on the ground. Yes, they make headlines and everybody can say, "That was yesterday's news", but we know that that is not always how it plays out in reality where we live. People remember what was said. They remember how people articulated things, so it is incumbent on everyone to be mindful of the words they use and choose when discussing this.

In terms of the engagement with community representatives, the EU has been actively seeking engagement from the get-go. They acknowledge that they do not necessarily know all the ins and outs of how this plays out in Northern Ireland. Certainly in my meetings with any of the EU actors, the faces have changed somewhat over time, as you know, but they seem to acknowledge that they do not know.

They are on an information-seeking mission generally. At any of those communications on behalf of our members, I have spoken very clearly about the east-west and not just the north-south dimension. That is so important. It is critical to social cohesion where we live. We know how difficult it is to achieve and seemingly much more difficult to maintain and grow. Certainly, we have communicated that to them.

I agree wholeheartedly with Tom that, had we some MEPs and had they an EU office, it would be much easier to engage, articulate and communicate those views across. As we have said, we are where we are and we can only do what we do. Certainly, we have been communicating those concerns about not ignoring east-west.

We are neighbouring islands. We are connected wholeheartedly through travel, trade, history, identity, how we feel and our families, and that will not change, no matter what protocol is in place. No matter how that changes or any of those things, that will remain steadfast. We have to find a way to get along, and the people who are acting in ways that can impact on that need to be mindful of it.

**Q58** **Baroness O'Loan:** Good afternoon. I apologise for my unavoidable late arrival at the meeting. Louise, I would like to ask you, particularly following your responses to Lord Dodds' question, about your comments on communication. How would you assess the overall understanding of the protocol's operation within the communities of Northern Ireland? How would you characterise the views of young people in relation to the protocol?

**Louise Coyle:** It is my view and understanding from the people we work with that most people have not read the protocol. If they did, they would probably, as you know, not find it terrifically interesting because it is quite a legal document. I have had the joy of reading it, as you would hope, but most citizens are not across the detail and the content of the protocol. I am not even sure that most people understand that it ostensibly was to be about trade, and that it is not actually about our cultural identity here.

Honestly, I feel that it comes down to that communication. There is a narrative still persisting that this can be wholesale renegotiated or dispensed with altogether in a heartbeat. We know that that is not possible. There has to be something in place there. However temporary, there needs to be something. There is an onus on all our political representatives, whether they are UK, Northern Ireland, EU or from the Irish Government, to clarify actually what it is, what function the protocol serves and what is within our gift and is possible to adjust. That has to be very clear and completely unambiguous.

The difficulty is that it has not been to date. We see the outworkings of that, because people utilise that gap of knowledge for their own purposes and have been doing that very effectively. That is creating the social unrest. That is why there are posters up saying, "Get rid of the protocol". That is a perfectly valid view, but what do we replace that with? Where are the solutions? The protocol cannot simply be the banner for all our problems. It cannot be the thing that we hook all our issues on to, and that is what has been happening.

We outlined that all in great detail earlier, and I know you may have missed some of that. However unintentional it has been, clearly there are people who feel that their identity has been challenged and undermined by the protocol, but actually the protocol is a trade agreement and I am not sure that that is the public perception any more.

**Baroness O'Loan:** And young people?

**Louise Coyle:** We talk a lot about the difficulties in our communities, but one thing that inspires all of us is the spirit of our young people. The spirit of our people in general is amazing in the place where we live. We do not want them to be continuing the conflict and living through the things that we lived through, and I do not think that the majority of them do either.

Unfortunately, with all the enthusiasm that young people invariably bring to the table, there are people who will harness that enthusiasm, again for their own nefarious purposes. That is clearly happening. Younger people are potentially easier to influence, which is a concern, certainly for our members in their communities. Women are busy holding their communities together and trying to keep their young people, as historically they have done in our region, out of trouble and away from those influences. That continues.

There is an onus on all of us who have any influence at all to ensure that we do not keep recreating the problems of our past in our young people. They deserve better. We all deserve better, but particularly our young people deserve not to have to go through what we all have witnessed in the past.

**Dr Tom Kelly:** This is not the place you would have started with. With so much of Brexit, the consequences started to be felt only after Brexit and as they hit individual constituencies. If you were fishermen, you

discovered that this was not the best deal for you ever. People got angry over that, and that type of anger has manifested in other ways.

We all understand the importance of deadlines, but, with the emphasis to try to get a deal done by the 31st, the reality is that nothing had been thought out. There was no communication plan to roll out to people or to respond to them in a Q&A session. Louise has correctly made the point several times today that the protocol is ostensibly about trade, but it was going to have a wider impact on people's perception of their identity. That should have been spelled out to people. The intervening time that we have spent should not have been wasted in grandstanding but should have been used to communicate with constituencies.

I have looked at it from young people's point of view, and we risk marginalising young people at two levels. We risk marginalising those young people who are voices of dissent at the moment, because they feel threatened and we do not seem to have answers for them. A greater number of young people risk being marginalised because they see opportunity in the protocol. They see how it gives them a foothold to still look out at the world in an international way. All this mucking about actually threatens both sets of young people and makes you wonder whether either set would want to stay in Northern Ireland. I go back to the point: this is why you have to make it work.

From a communications point of view, this has been a disaster. That could have been predicted, because the consequences were there for people to see. It was argued over and over again that we had a very delicate equilibrium in Northern Ireland and it did not take much to tilt the balance. Unfortunately, we have always had a group of people in Northern Ireland only too willing to tilt that balance in the wrong direction. Like I said, there is a real danger that those people are given a platform, inadvertently, by the Northern Ireland protocol to relaunch or to launch their careers, for want of a better word. We now have to sit down, talk to them, listen to their concerns and address them.

I heard the Taoiseach saying it the other day. The constitutional position of Northern Ireland has not changed. It is guaranteed under the Good Friday agreement. We need to hear that more and more from politicians to drive it home. Some of the people who have to say that will have to come out of the Executive. There will have to be people from Sinn Fein saying that very loudly to loyalist communities as well.

The British Government have squandered a lot of the trust with all the parties in Northern Ireland over the past couple of years and, therefore, no one really believes them. They have to do something about that. As Jonathan Caine and Jonathan Powell mentioned, there used to be someone within No. 10 who had responsibility for Northern Ireland. It is that stove with the kettle boiling that you need to continually watch. They need to go back to some basics about how they act inclusively and conscious of the differences within Northern Ireland.

**Q59 The Chair:** Thank you both for the evidence you have given us. It has

been really helpful. There are two things that stick in my mind. First, Louise said at one point that the voices we have heard are the voices of dissent. That was quite a telling point that you made. The second point that you both made was on the need for real communication, the absence of real communication and the consequences which the absence of real communication has had. Those are just two of many points that you have made that have been hugely helpful to us.

This is our last evidence session before we draft our first report, which we hope to publish at the end of July. We will be working hard to make certain that we do that, but from the autumn onwards we will be looking in more detail at specific issues, some of which have been raised today, that come out of the protocol and will affect people in Northern Ireland and more broadly.

I know you have covered this to some extent; Louise certainly has. I just wonder, as a final question, whether there are other community representatives or other representatives of communities that we ought as a committee to be seeing in order to make certain that we have a properly rounded view of the impact of the protocol on Northern Ireland, not just on the politicians but on the people of Northern Ireland. Do you have any thoughts on that?

**Dr Tom Kelly:** One thing you could do at that stage is to come to Northern Ireland to meet people directly impacted by the decisions that are being made. Speak to those people in the border communities. Speak to those people in the inner-city areas in Belfast who feel marginalised, who feel threatened, who feel that their identity is threatened or who feel that their aspirations are being stunted.

This has been a tremendous opportunity for me and Louise, but nothing beats you actually coming over and seeing the whites of the eyes of the people this will impact, particularly the young people, because at my age it is ultimately about the future being sculpted for young people, what they can live with and the type of community that they want to shape. If you can meet and chat to those young people, more than to us older voices—I do not include Louise in that, but I certainly put myself and Jonathan Powell in the same bracket—it is worth finding a forum to do that.

**Louise Coyle:** I agree with everything Tom just said about young people, but you will not be surprised if I say that you need to ask, “Where are the women?” They are the people you need to speak to and listen to. They are part of that silent majority. I do not mean you exclusively need to speak to women. You need to speak to more women than have been able to voice their views in all of this.

There need to be meaningful structures in place for engagement and feedback on that engagement. I have outlined that already. Dialogue is the answer, but dialogue by its nature is a two-way communication. People get very frustrated if they are consistently giving of their time and their views. Part of feeling heard and listened to is having someone

respond, even if that response is not necessarily what you were hoping for.

Given that the UK and the EU jointly made that legal commitment that the protocol will maintain the necessary conditions for continued north-south co-operation, there is that need to work with people in border areas. Many organisations are involved in both north-south and east-west co-operation. The people who live in our border regions and on the Republic of Ireland side of those border regions are working all the time on north-south and east-west. I think that gets left behind and underestimated. They are also relying on people in the north to communicate to them sometimes.

Nothing beats direct engagement with all the people involved in this. I would echo what Tom said. If people can see you in a room and can speak to you, that goes an awfully long way to people feeling that their views are important, being taken on board and being taken seriously. It also potentially gives you the opportunity to alleviate the misinformation and the fears that people have.

My appeal to each of you is that, within your own parties and your own spheres of influence, which I know are wide and varied, you share how important clear and unambiguous language is on this issue going forward. Lots of the difficulties we are experiencing now are due to a lack of honesty and clarity on the protocol in the past. That needs to stop.

**The Chair:** Thank you very much indeed. That is a powerful point on which to end. Thank you very much to both of you. That has been extremely helpful to us and we are very grateful to you.