

Co-operation Ireland – Written evidence (FUI0014)

House of Lords Sub Committee on the Protocol on Ireland/Northern Ireland:

Evidence on the Impact of the Protocol on Ireland/Northern Ireland Co-operation Ireland June 2022

1. Introduction

1.1. Co-operation Ireland is an all-island peace building charity. Established in 1979 as Co-operation North, we have for over 40 years worked to promote interaction, dialogue, and practical collaboration within Northern Ireland and between Northern Ireland and the Republic of Ireland. While our role has evolved in line with the changing priorities for peace on the island, at the core of our philosophy remains the belief that getting people to work together for mutual benefit, across religious, cultural, and political divisions, will promote greater understanding, respect and recognition of mutual interdependence.

1.2. We welcome this opportunity to contribute to the House of Lords Sub-Committee's inquiry into the impact of the Ireland/Northern Ireland Protocol. While we attempt to address the issues raised by the Sub Committee, we suggest an understanding of the impact of the Protocol and potential ways forward requires a wider consideration.

1.3. Reactions to the protocol must be understood in the context of historical relationships between the United Kingdom and ROI and the political peace agreement they jointly negotiated, and to which they are joint guarantors. The 1998 Belfast/Good Friday Agreement remains the single most significant

achievement of British-Irish relations in the past 100 years. It provided a peaceful and democratic route to resolve the conflict between competing British and Irish nationalisms on the island of Ireland. This agreement was the culmination of many years of careful diplomacy and relationship building between the UK and ROI governments and parties in Northern Ireland. Critical to this relationship building was a growing level of contact, formal and informal, between officials.

1.4. As a result of this long-term engagement, a high level of trust and mutual understanding developed which encouraged and reinforced an appreciation of alternative perspectives. This process was a vital element in the process of identifying potential concessions and building the confidence necessary to reach significant agreements of which the outstanding example is, of course, the B/GFA. It is hard to imagine that many of the difficult concessions that had to be made in that context, such as the early release of those with Troubles related convictions, or the relinquishing of Articles 2 and 3 of the Irish Constitution, could have been made without the prior investment described above.

1.5. It appears that at present there is no equivalent attempt to understand the very difficult issues that underlie the dispute over the Northern Ireland Protocol from the perspective of those who find themselves holding opposing views. The observation is too frequently made that in the current context trust and mutual understanding have diminished to a level not seen since the period before the B/GFA negotiations.

1.6. Two obvious facts need to be acknowledged in the current context. First, the existence of the EU, of which both the UK and Ireland had long been members in 1998, contributed significantly to the Peace Process by facilitating a degree of ambiguity around questions of identity and by softening the sharpness of questions involving sovereignty and territorial borders. While these factors did not remove the polarity of the long-term

aspirations of the main communities in Northern Ireland, they did stimulate a greater openness to dialogue and greater political stability. Second, the British decision to leave the EU and on the basis of a so-called "hard Brexit" has fundamentally altered those dynamics and disrupted a delicate set of relationships between Northern Ireland, the ROI and the UK.

1.7. There are differing views on whether and to what extent the Withdrawal Agreement and the Northern Ireland Protocol formally infringe elements of the B/GFA. What has to be acknowledged, however, is that there are genuine fears within the unionist community that its place in the Union is under threat and, as Britain continues to diverge from the EU over time, that Northern Ireland will increasingly become separated from the rest of the UK. These fears must be understood in the context of concessions already made, including provisions for a Border Poll, within the B/GFA. At the same time for the estimated 85% of Catholics¹ who voted to remain Brexit has brought to the fore dis-satisfaction with Northern Ireland's continuing place in the UK, increasing calls for a Border Poll.

1.8. It must also be acknowledged that the EU has legal obligations to protect the needs of all its member states. As such the EU must consider the implications for control of its borders across the European continent, particularly for the integrity of the EU single market. Northern Ireland is important, but so too are the 27 EU states and their treaty commitments to one another.

1.9. Those who negotiated the B/FGA were able to do so because of their ability to appreciate the perspectives of others and willingness to work together and take risks to achieve a common goal despite historic

¹ Similarly, 88% of those identifying as nationalist voted remain compared to 34% of those who identify as unionist. Data drawn from the 2016 NI Assembly election study, discussed in Garry et al, *How Northern Ireland voted in the EU referendum – and what it means for border talks*. Available at <https://theconversation.com/how-northern-ireland-voted-in-the-eu-referendum-and-what-it-means-for-border-talks-76677> [Accessed 25.04.21]

differences. Such a courageous approach is needed now. Regardless of Northern Ireland's future constitutional or trading status, on which Co-operation Ireland is purposefully neutral, it is imperative that steps are taken to rebuild relationships between the UK and ROI. Negotiations over the Ireland/Northern Ireland protocol are focusing attention on both countries joint interest in the future trading arrangements of Northern Ireland. Yet of equal importance is the ongoing trading, diplomatic and civic relationship between the UK and ROI as close neighbours, trading partners and allies and their respective treaty obligations to other EU member states.

3 June 2022

2. What is your assessment of the overall socio-economic and political impact of the Protocol on Ireland/Northern Ireland since the publication of this Committee's introductory report in July 2021? What lessons can be drawn from the Protocol's operation since it came into force?

2.1. It may be too early to judge the overall socio-economic impact of the protocol, particularly in the context of economic disruption caused by Covid 19 and other inflationary pressures brought on by the war in Ukraine. However, it is clear that Britain's withdrawal from the European Union, on the terms set out in the withdrawal agreement and including the Ireland/Northern Ireland protocol, has resulted in a deterioration of trust, good will and a worsening of diplomatic and political relationships. This is now hindering progress towards implementing mutually agreeable post Brexit trading arrangements and undermining political stability in Northern Ireland.

3. How can the current political impasse between the UK and the EU be resolved?

3.1. The UK Withdrawal Agreement was predicated on a high level of trust. For the first time the EU granted responsibility for control of its border to a third party. However, the UK Government's lack of action to implement commitments made under this agreement and unilateral extension of grace periods, whilst done to protect the interests of Northern Ireland in its view, has undermined trust between the EU and UK. It has also been immensely damaging to UK/ROI relationships. Resolving the political impasse will require action by all parties to restore this trust. This includes a recommitment to a multilateral process, cessation of unilateral or legal action and working together to identify and implement improved post Brexit trading arrangements, involving stakeholders most impacted in Northern Ireland and the Republic of Ireland.

4. What impact has the Protocol had on continued political stability and uncertainty in Northern Ireland, and vice versa? In the context of the outcome of the May 2022 Northern Ireland Assembly elections, how can these political disagreements over the Protocol be overcome?

4.1. Britain's withdrawal from the EU, on the terms set out in the withdrawal agreement and including the Ireland/Northern Ireland protocol, has had a destabilising impact on already fragile politics in Northern Ireland. Disagreements over the protocol and the Democratic Unionist Party's decision not to nominate an Assembly Speaker or a Deputy First Minister is currently preventing the Northern Ireland Assembly from functioning and the Northern Ireland's Executive from convening. This comes on top of its earlier decision to withdraw from the North/South institutions set up under Article 2 of the B/GFA. This is preventing the approval of new legislation, the scrutiny of the administration by Assembly Committees, approval of a new Programme for Government and of a multi-year budget. This is hampering efforts to address the cost of living crisis, support post COVID 19 recovery and implement public service reforms.

4.2. Overcoming the political disagreements over the protocol will require greater engagement by both the EU and UK politicians and officials with impacted stakeholders, including those from politics, business and civic society. It will also require a willingness from those stakeholders to understand the EU and UK perspectives and accept compromises for the sake of progress.

5. Do you see any grounds for compromise between the UK and EU's position that would respect both sides' concerns?

5.1. As recently demonstrated by their united response to the war in Ukraine, the UK and EU share a commitment to democracy, the rule of law, peace and prosperity in Europe. There is a long history of co-operation for mutual benefit between the UK and other European Nations and economic and social interdependence between us all, particularly between the UK and ROI, as

noted in the B/GFA. This co-operation, though codified in EU law, functions most effectively when based on trust and implemented in good faith.

5.2. Compromises between the UK and EU's position that respect both sides' concerns can be found if actions are first taken to rebuild trust and if all parties expend intellectual effort thinking their way into the perspectives of the other parties to the negotiation. This must include developing an appreciation of the concerns both Northern Ireland Unionists and the EU hold about precedents that may be set by any concessions made now regarding NI/UK/EU trading arrangements. It requires all parties to rethink their political approach to the protocol and to work together to find a more stable platform for NI/ROI/UK/EU relations.

5.3. To rebuild confidence, it is vital that practical steps are taken to reduce friction, to de-escalate tension and restore trust. Such steps could include:

- A veterinary agri-food equivalence agreement that would eliminate the majority of current checks.
- A de minimis limit, set on either value or volume, that would reduce or remove administration and checks required on the movement of low value goods into Northern Ireland so that the bureaucratic burden is proportionate to the value of goods and level of risk they pose.
- The establishment of a groups to facilitate trade between Northern Ireland and the rest of the UK.
- Enhanced customs collaboration, including proportionality in the number of customs checks undertaken.

- Mutual recognition of qualifications for services.

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