



STREET PROTESTS: Loyalists during a rally against the Northern Ireland Protocol on Newtownards Road in east Belfast in September

Need for creative thinking on protocol

PEACE can never be taken for granted, especially in the north of this island. Anyone over a certain age will vividly recall how quickly the street protests with non-violent intent by the civil rights movement gave way to widespread shootings, bombings and almost 30 years of blood-drenched conflict.

There's no room for complacency. We have to make doubly sure that the younger generation of today never experience the likes of Bloody Sunday, Bloody Friday or any of the other horrors inflicted by different sides in the Troubles.

That's a major reason why the difficulties with the Northern Ireland Protocol must be resolved. It won't be easy.

Flexibility, creativity and some form of compromise are required.

The Belfast/Good Friday Agreement set a good example in this regard.

Loyalist leaders such as the late David Ervine supported the 1998 agreement despite a last-minute effort by the Reverend Ian Paisley MP to persuade them otherwise. I wonder how David would approach the current furore over customs checks and the Irish Sea border.

No doubt he would be looking for a solution that was both pragmatic and principled.

There were protocol-related riots and other forms of unrest involving loyalist elements last March and April in Derry, Belfast and Carrickfergus, in which 88 police officers were injured. Who can forget that burning bus?

To borrow a phrase from Gerry Adams: "They haven't gone away, you know."

I have previously suggested the arrangement between the European Union and countries such as the Ukraine as a possible way forward.

This provides for an arbitration panel to resolve disputes, with the European Court of Justice only becoming involved to interpret matters of EU law.

The ECJ has become a red line for the British side but if that line is thinned to a significant extent, surely a compromise

Deaglán DE BRÉADÚN



might be possible?

I have since explored the details of the Association Agreement which came into force in 2017 and provides for a "deep and comprehensive free trade area" between the EU and Ukraine.

That's not unlike the situation where Northern Ireland remains in the EU single market for goods.

There is very detailed provision for in-depth consultation and arbitration between Brussels and the authorities in Kiev when difficulties arise, eg, in relation to "customs and trade facilitation".

The ECJ only comes into play to issue a ruling "where a dispute raises a question of interpretation of a provision of EU law".

It comes across as a last resort but that wouldn't be enough to satisfy some unionists and Brexiteers.

In that context it is very interesting to read

what former EU official Michel Barnier has been reported as saying in the course of his current campaign to become President of France.

Until last March he was a central figure on the EU side in negotiations with the United Kingdom during the lead-up to Brexit and in subsequent trade talks.

He was so highly regarded in the Republic of Ireland that his first name was Gaelicised into popular culture from Michel to "Micheál", as in Micheál Martin.

He is currently seeking a nomination from the liberal-conservative party Les Républicains (The Republicans) in next April's presidential election.

Last month he was reported as saying at a rally that, in order to increase immigration controls, France must regain its "legal sovereignty in order to no longer be subject to the judgments" of the European Court of Justice.

A spokesperson later denied Barnier had taken this position.

However, the Politico website quotes him as saying, in the audio of his remarks, that France's legal sovereignty needed to be regained as it was being "permanently threatened by a ruling or a condemnation at the level of the European Court of Justice" or other judicial institutions.

Another website, independent.co.uk, reports that Barnier later tweeted that he did not want France to completely break free from the European courts, but to create a "constitutional shield" so that the country would have more power over immigration issues.

One might well draw the conclusion that EU representatives are not as dogmatic as their critics would have us believe and that there could be room for flexibility on the power and authority of the ECJ.

Given the departure of the UK, the current problems with Poland and the risks to peace in Northern Ireland, there is a real need for creative and imaginative thinking in the Brussels camp and indeed on all sides.

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ON THIS DAY

OCTOBER 27 1921

'Diehards' Confront PM

IN THE House of Commons yesterday, Sir J. Butler asked the Prime Minister whether he would give instructions that the letters and telegrams which recently passed between him and the member for East Clare (Mr de Valera) on the subject of Ireland should be published as a White Paper. Mr Lloyd George said earlier correspondence on an Irish settlement has been published.

Sir W. Davison asked the PM whether his attention had been called to the telegram sent to the Pope by Mr de Valera which had been published in the Sinn Féin Irish Bulletin in which Mr de Valera repudiated allegiance to his Majesty the King whom he described as 'the British King' and reiterated that the independence of Ireland had been formally proclaimed by its elected representatives and ratified by subsequent plebiscites and whether, in these circumstances, the Government intended to proceed with a Conference with the delegates of Southern Ireland who had themselves taken the oath of allegiance to an Irish Republic. (Cheers.)

Mr Lloyd George - I have read the telegram referred to and its publication - especially in the middle of peace negotiations - constitutes a grave challenge.

Mr Rupert Gwynne asked the PM whether it was under the terms of the Truce that the Sinn Féin delegates display the colours of the Sinn Féin Republic over the house occupied by them in London.

The Prime Minister - I am assured - and I have made some inquiries - that Sinn Féin colours are not displayed over the house occupied by the delegates in London.

Sir Thomas Bennett said Sinn Féin colours had been displayed on number 22 Hans Place for the last ten days and asked whether that was not great provocation to the people living in the neighbourhood. The PM agreed.

Coffin Clare Church

WHEN the parish clerk at Sixmilebridge [Co Clare] went into the Catholic church on Saturday he discovered a coffin place in the aisle facing the High Altar.

On the lid was a breastplate indicating the coffin contained the body of Constable Murphy who, it is stated, was kidnapped last March while conveying dispatches and was not since heard of. The police took charge of the coffin.

(As the London conference began to touch on the sensitive questions of allegiance and Partition, Lloyd George - effectively 'a prime minister without a party' - reliant on the support of the Tories who dominated the Coalition - came under increasing pressure from the right-wing diehards. Like the Tory leader and co-prime minister, Bonar Law, they were determined to protect the 'rights and privileges' granted to the Ulster Unionists under the 1920 Partition Act.)

EDITED BY ÉAMON PHOENIX
e.phoenix@irishnews.com