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Not Flying the Union Flag, the Irish Language and the Northern Ireland Protocol: Are we Seeing a Potential Return to Loyalist Terrorism?

by David Lowe

Introduction

The focus of this article is an analysis of the potential for Northern Ireland's loyalist terror groups to return to political violence following their 1994 ceasefire and the 1998 Belfast/Good Friday Agreement (GFA) that effectively brought the 1968-1998 Irish Troubles to an end. While loyalist groups have maintained their ceasefire, during this period they have been active in organised crime, including drug trafficking and dealing that resulted in a joint operation between the Police Service of Northern Ireland (PSNI), An Garda Síochána (Irish police) and the UK's National Crime Agency to tackle this. As these are not political crimes, they have not been investigated by the PSNI's counter-terrorism unit and the UK's Security Service (MI5) as they have done with dissident Republican groups like the New IRA (NIRA). Although since the 1994 loyalist groups' ceasefire they have not been involved in acts of terrorism in either Northern Ireland or the Irish Republic, in 2022 they made it clear that they will no longer observe the GFA peace process. Since the decision by Belfast City Council to stop flying the union flag over Belfast City Hall in 2012 all year round, the last ten years has seen an incremental move by loyalist groups towards violence that could cross over into political violence. Should they do so, such activity could result in dissident republican

groups like the NIRA carrying out revenge attacks on loyalist communities.

In assessing the current situation, this article examines how in the last ten years loyalist groups have become increasingly forceful in defending the territories their communities reside due to what they perceive as an erosion of their culture, history and political influence in Northern Ireland by analysing their response to the decision to stop flying the union flag over Belfast City Hall, the introduction of legislation that promotes the Irish language and culture and, of greater concern, the Northern Ireland protocol. The content of this article is part of a wider research project I am currently involved in in Northern Ireland on drafting a hate crime Bill and developing a wider strategy to safeguard those from being drawn towards paramilitarism and hate crime, with a focus on young people.

Loyalist Groups Defending Their Territory

Between 1966 to the 1994 ceasefire, loyalist paramilitaries were responsible for 997 murders, 75% of whom were civilian Catholics. This loyalist violence was underpinned by a hand painted slogan loyalist prisoners put up in jail during the Irish Troubles that said, 'Better to die on your feet than live on your knees in an Irish Republic'. The GFA, did not bring about a

diminution of loyalist groups like that seen on the republican side with the Provisional IRA. In December 2020 it was reported that loyalist paramilitaries have an estimated membership of 12,500, posing a 'clear and present danger'. Loyalists do not view themselves as a danger, rather they are 'the people of Ulster' and do not see themselves as terrorists or criminals, rather they see themselves as defending their territory from all enemies. Defending loyalist territory is an important issue with the rationale having echoes of the slogan of dying on their feet.

Geographical space has been flagged as a potential factor in radicalisation that includes 'places of vulnerability' and 'gateways' which can facilitate both exposure to extremist ideology and create and sustain social connections to people who endorse such ideologies. This can apply to all paramilitary groups in Northern Ireland, both dissident republican and loyalist, and, as seen in certain towns and cities in Britain, can arguably also apply to the influence of the far-right in relation to hate crime. It certainly applies to loyalist groups. Using the examples of two loyalist areas, the Shankill in West Belfast and the West Bank in Derry, both surrounded by nationalist/republican areas, it is very evident in these areas. Walking around Derry's city walls by the West Bank, one of the murals sums up how loyalists feel about their community, saying 'Londonderry West Bank Loyalists. Still under siege. NO SURRENDER'. Regarding the Shankill, it is a sectarian product of the militancy of the Troubles, especially because of its direct experience of republican violence. Republican violence during the Troubles spawned a paramilitary mindset in the Shankill against republican communities between which it is geographically hemmed. Post the GFA, this loyalist mindset is still present due mainly to what is seen as imprudent planning resulting in building houses that will be occupied predominantly by Catholics on land close to the Shankill that has resulted in the community's lack of confidence in mainstream local politics. This explains why housing segregation driven by paramilitary groups is rife in Northern Ireland, which is more prevalent with loyalist groups, who carry out punishment beatings and shootings on those within the community, they see as a threat.

At a Northern Ireland Committee meeting at Westminster in 2022, evidence from Northern Ireland's Committee in the Administration of Justice (CAJ) confirmed that because of their background people know it is not safe to move in and live in certain areas. At the meeting evidence was also submitted that people from minority and ethnic backgrounds were being 'severely impacted' by housing intimidation, leading the CAJ to say there is cowardice in public bodies and politicians not to call out the link between hate crime (both racist and sectarian) and the paramilitaries. The CAJ's evidence to Westminster's Northern Ireland Committee is a very rare official moment where paramilitary activity is linked to hate crime that goes beyond traditional tensions between republican and loyalist communities, and it is having a detrimental impact on those from minority and ethnic backgrounds living within these communities.

While intimidation like that seen from loyalist groups above is traumatic for nationalists or republican sympathisers living in loyalist areas, at least there is a fall back of obtaining support from neighbouring nationalist/republican communities. It is worse for those from minority or ethnic backgrounds, for example Syrian refugees where some members of both republican and loyalist communities will see as them as the other taking over housing and possibly gaining employment at the cost of those unemployed in traditional communities. Apart from the PSNI, they have little support or protection within either community.

While it is accepted that to walk through areas like the mainly republican Creggan community in Derry with unionist/loyalist symbols or the Shankill with republican/nationalist symbols presents an obvious danger to personal safety, in November 2022 a positive move was made the Department of Justice to open the Flax Street security gate in the predominantly Catholic area of Ardoyne in North Belfast after being permanently closed for 30 years. Surrounded by Protestant communities, compared to other Catholic areas in Belfast, the Ardoyne is a relatively small community where the peace wall with the Flax Street gate was erected to provide safety for that community. It was decided that after being closed for 30 years, the Flax Street gate can open from 06.30-18.00 where the opening of the gate not only allows ease of movement for Ardoyne residents, it also ensures the residents of newly built townhouses and the Brookfield Mill major redevelopment will be dovetailed with the Ardoyne. Welcomed by the Ardoyne community, Democratic Union Party (DUP) politicians said there was alarm at this development adding that any changes to interface structure should take place with the consent of residents on both sides of the interface, not made unilaterally. The neighbouring residents of the Protestant Woodvale area had previously expressed their opposition to the Brookfield Mill development and the opening of the Flax Street gate. The DUP and the Woodvale residents' response reinforces the siege mentality and the loyalist perception on securing the defence of their territory. In relation to the loyalist groups, any programme or initiative to develop geographical areas that will result in the mixing of communities be it from traditional Catholic, Protestant, minority or ethnic communities will be an anathema to them as they see such moves eroding their control over communities, a control that allows loyalist groups to continue virtually unhindered with their organised crime activities.

Loyalist Groups' Response to Belfast City Hall no Longer Flying the Union Flag and the Irish Language Act 2022

This in addition to other political developments that loyalists claim and continually peddle within their communities the erosion of their culture. Using two examples, the first was the 2012 decision by Belfast City Council's policy committee to recommend the Union flag no longer fly over City Hall from 365 days a year, only 20 days for special commemorations such as the Monarch's birthday. This triggered sectarian violence during protests in December 2012 involving

up to 1,000 loyalists. The violent protests continued through December 2012 resulting in 40 police officers being injured, rioters arrested, live rounds fired in Belfast and Alliance Party premises being damaged. The flag dispute was seen as a lightning rod for widespread disaffection amongst loyalists and was exploited by the Ulster Volunteer Force (UVF). Stating this was a political decision designed to erode their culture, the UVF encouraged young males under the age of 18 years to join its youth wing, the Young Citizen Volunteers, who the UVF deployed in the violent flag protests.

The second example is the Identity and Language (Northern Ireland) Act 2022. Due to the impasse in 2022 between the DUP and Sinn Fein, as a Bill it failed to be introduced at the Northern Ireland Assembly in Stormont. Ironically the Act, sponsored by the Northern Ireland Office, went through its passage with the UK Government in Westminster receiving Royal Assent in December 2022. The two SDLP MP's, Colum Eastwood and Claire Hana supported the Act where Eastwood said he will use the Act as a vehicle to introduce cultural aspects of the New Decade, New Approach deal as they look to promote a 'New Ireland'. The Act does not solely introduce the Irish language, it also covers Ulster Scots, seen as a Protestant language that come to the northern Irish counties during the migration of Scottish citizens in the 1600's. The Act amends the Northern Ireland Act 1998, introducing section 78F(2)(a) that states everybody in Northern Ireland is free to choose, affirm, maintain and develop their national cultural identity and express that identity in a manner that takes account of the sensitivities of those with different national and cultural identities and respects the rule of law. In relation to Ulster Scots, section 3 of the Act adds section 78R to the Northern Ireland Act, where a Commissioner must be appointed with a primary role to enhance and develop language, arts and literature associated with Ulster Scots and the Ulster British tradition in Northern Ireland. Regardless of this, loyalists still see the Act as further erosion of their culture and as evidence that both Westminster and Stormont are pandering to the requests of republicans, in particular Sinn Fein. This dissension and fear is another propaganda element used by loyalists to potentially initiate violence.

The Northern Ireland Protocol: Return to Loyalist Terrorism Violence?

Perhaps of greater threat to the GFA peace process and an increase in loyalist violence is the Northern Ireland Protocol. Brexit caused an issue in relation to the border with Ireland resulting in a conundrum for politicians in Northern Ireland, the UK, Ireland and the EU, the Northern Ireland Protocol. Following the GFA, with both the UK and Ireland being EU member states the freedom of movement of people, goods and services applied allowing post the Troubles greater ease in crossing the border. However post-Brexit this has caused a problem as, along with the freedom of movement, EU customs law would only apply in Ireland and not in Northern Ireland. To en-

sure no hard border was formed, an agreement between the UK, Ireland and the EU was to place the border in the Irish Sea resulting in the anomaly that although part of the UK, Northern Ireland was still subject to EU customs law and the jurisdiction of the Court of Justice of the European Union, with goods coming over to Northern Ireland from Britain being checked at the ports like Belfast and Larne before entering Northern Ireland. At the time of writing this position has not been resolved and has polarised positions among Northern Irish political parties and communities.

When the UK applied to join the EU in 1973 (which was then known as the European Economic Community) the DUP opposed it. While the majority of Northern Ireland's electorate voted Remain in the 2016 Referendum, two thirds of the unionist/loyalist electorate voted Leave in the belief that leaving the EU would enable them to regain their sovereignty and oppose further integration between Ireland and Northern Ireland. The fact the Protocol is still in place, for loyalists and most unionists, it is seen as an issue that not only erodes their sovereignty but is a step to ending the state of Northern Ireland due to further integration with Ireland ultimately leading to unifying all 32 counties. Recent Northern Irish elections is beginning to show cracks in the unionist block as people in unionist communities are increasingly shunning unionist politicians, who they see as leading them into poverty and Protocol pessimism and are opting for either progressive political parties like the Alliance party or, of greater concern, into the arms of loyalist paramilitaries. Regarding the latter, during the centenary year of the creation of the state of Northern Ireland in 1921 under the Government of Ireland Act 1920, young males from loyalist communities carried out violent protests around the peace gate in Springfield Road and other parts of Belfast regarding their opposition to the Protocol as they felt unionist parties were not defending Northern Ireland's place in the UK, with working class loyalists feeling forgotten and marginalised. This is building on the loyalists' narrative that the rot set in after the GFA where Sinn Fein and its allies used the agreement to chip away at Northern Ireland, removing royal symbols, remove the union flag from Belfast City Hall and erect Irish language signs. As seen in the 2012 flag protests, once more loyalist groups recruited and used young people to carry out violent protests.

In March 2021 the Loyalist Community Council (LCC), a legal organisation that represents loyalist terrorist groups the UDA, UVF and Red Hand Commando, wrote to the UK Prime Minister saying they were withdrawing its support for the GFA. Although the LCC's chairman, David Campbell, said the LCC was determined that loyalist opposition to the Protocol should be peaceful and democratic, there is the underlying, veiled threat that loyalist opposition may not always be through peaceful protest, as seen in the April 2021 protests. At that time, Billy Hutchinson, the leader of the Progressive Unionist Party (the UVF's political wing) said that while loyalists were angry, the

political process needs to take these fears away adding that in relation to the prospect of loyalist violence, ‘...it’s not the time to ratchet all this up’. The impasse in forming an Executive in the Northern Ireland Assembly at Stormont following the May 2022 elections, where the DUP is currently refusing to form an Executive by submitting a Deputy First Minister to Sinn Féin’s First Minister, that the DUP says is over the Protocol issue adding it needs to be resolved before they will form an Executive. This has led the Secretary of State for Northern Ireland, Chris Heaton-Harris having to make decisions to overcome the impasse. Consideration is being given to having another Assembly election at some time between January to April 2023. Another alternative is direct rule of Northern Ireland from Westminster, with one other consideration mooted being a joint rule between Westminster and the Irish Government in the Dail. The latter is a total anathema to loyalists and as a result, in November the LCC wrote to all the leaders of the unionist parties warning of ‘dire consequences’ should joint rule of UK and Irish governments be imposed on Northern Ireland. This led to Billy Hutchinson saying that tension among the loyalist communities is greater than at any point since the 1994 ceasefire, adding the tension is real and should not be ignored. Loyalist blogger, Jamie Bryson sees the Northern Ireland Protocol as a powder-keg situation saying the Irish Sea border should not be tolerated as it results in an economically united Ireland causing further erosion of unionist/loyalist culture and sovereignty.

In meetings I had with unionist party leaders (except the DUP who did not reply to my request), the leaders raised two main themes. One was they were convinced that joint rule of Northern Ireland by the UK and Irish governments would not happen, with Billy Hutchinson saying he did not want to see violence over this issue, adding that politics needs to work and can only be done if the UK government listen to the tension. The second was that the loyalist groups do not currently have the capability to reach the level of violence they did during the Troubles and if there was violence, it would be like that carried out during the 2021 protests.

The threat of a return to terrorist activity by loyalist groups emerged in March 2022 when two suspected UVF members hi-jacked a lorry at gunpoint and forced the driver to drive a device, he thought was a live IED, to Holy Cross church in north Belfast, close to where the Irish Foreign Minister, Simon Coveney was speaking at a peacebuilding event. This forced Coveney to abandon his speech and leave the area immediately, although it was later found to be a hoax device. On 20 November 2022 four East Belfast UVF members were arrested and charged with possession of a firearm with intent to endanger life following a PSNI operation where they seized eight handguns and three pipe bombs. While the March incident can be perceived as a stunt making a statement of their intent, albeit a dangerous intent, the November arrest of UVF members reveals that loyalist groups do have the capability to carry out terrorist acts. It is worth noting

the PSNI did not charge the four UVF members with terrorist offences such as planning or preparing terrorist acts as it was part of an investigation into criminal activity linked to drug trafficking and dealing. It does reveal that loyalist groups still have access to both firearms and IED’s should they wish to carry out a terrorist attack. Following the bomb hoax in March, terrorism is a potential move loyalist groups could take. No doubt loyalists are monitoring political moves linked to governance of Northern Ireland from the Dail. In Fine Gael’s November 2022 Ard Fheis, the then Irish Tánaiste, Leo Varadkar stated the Irish government needs to engage more with all communities in Northern Ireland, adding the current stalemate at Stormont is ‘not a realistic option’. Due to the coalition agreement with Fine Gael, on the 17th December 2022 Varadkar became the Taoiseach. Clearly Varadkar will look to support moves over setting up an Executive at the Northern Ireland Assembly and in dealing with the Protocol. As seen with the Coveney incident in March 2022, loyalist groups will see this as interference in Northern Ireland by the Irish government resulting in further erosion of their sovereignty, potentially triggering loyalist groups to return to terrorist violence, as indicated in the LCC’s letters to unionist party leaders.

Conclusion

Both the loyalists and dissident republican groups are exploiting the current political and socio-economic conditions to influence and recruit young people, posing a threat to programmes currently in place to safeguard people, in particular young people from being caught up with the paramilitaries and hate crime. Dissident Republican groups have been involved in many terrorist acts post the GFA since 2009, including the murder a PSNI officer in 2011, a prison officer in 2012 and a journalist, Lyra McKee, in the Creggan area of Derry in April 2019, riots in the Bogside, Derry in 2018 and 2019, where NIRA encouraged young people to get involved. More recently, in November 2022 NIRA varied out an IED attack on two PSNI officers in Strabane and, again in November 2022, forcing a delivery driver at gunpoint to deliver an IED outside Waterside police station in Derry. While loyalist groups have so far eschewed carrying out terrorist attacks, as seen above, the threat is there, and that threat is real. As stated, during the Troubles many loyalists attacked civilian Catholics and in defending their territory it is not inconceivable that loyalist groups return to this strategy. If they do, dissident republican groups do have the capability to respond in kind. This situation and the Northern Ireland protocol issue is not something many in Britain should see as a minor, irrelevant issue happening across the Irish Sea that is of no or little consequence to those living in Britain. If there is an escalation in terrorist violence in Northern Ireland it could increase dissident republican groups’ capability to do what they did during the Troubles and start a terrorist campaign in Britain, mainly England.