



Public Administration and Constitutional Affairs Committee

Oral evidence: [The Scrutiny of International Treaties and other international agreements in the 21st century, HC 214](#)

Tuesday 7 June 2022

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Members present: Mr William Wragg (Chair); Mr David Jones; John McDonnell; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson; Beth Winter.

Questions 41-112

Witness

[I](#): Lord Frost, Former Chief Negotiator, Task Force Europe.

Examination of witness

Witness: Lord Frost.

Chair: Good morning, and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee will continue our inquiry into the scrutiny of international treaties in the 21st century. The session will focus on what role Parliament does, can and should play in the negotiation, agreement and implementation stages of international treaties. The Committee is delighted to be joined this morning by Lord Frost, the former Brexit Minister, then in the Cabinet Office. Lord Frost was also the chief negotiator for exiting the European Union from July 2019 to January 2020, and chief negotiator of Task Force Europe from January 2020 to March 2021. He therefore has first-hand experience of this topic, given his role in some of the UK's most recent international treaty negotiations. Lord Frost, good morning. Will you introduce yourself for the record?

Lord Frost: Absolutely. Good morning, Chair and Committee. My name is David Frost. I was the Government's EU exit negotiator from 2019 to 2020, and then Cabinet Minister for EU relations until the end of last year.

Q41 **Chair:** Thank you. The first question is from me. When you were appointed as chief Brexit negotiator in July 2019, the House of Commons



HOUSE OF COMMONS

had twice rejected the Government's agreement with the EU. What assessment did you make of why the House of Commons could not agree that deal? How did you seek to understand what changes were needed to get the consent of the Commons for any renegotiated agreement?

Lord Frost: Obviously there was a very wide range of views in that particular House of Commons, but the fundamental difficulty was that there did not seem to be a majority for delivering on the referendum result. We had to change that situation. The difficulty that had emerged with the Theresa May withdrawal agreement was the backstop, the requirement to stay in the customs union and parts of the single market, and everything that went with that. That appeared to be the focus of the difficulties. We had all the talks around the Malthouse compromise in the spring of 2019, which reinforced our belief that that was the problem. So that is where we started off.

When we came in, it was obvious that the thing that needed to change was the fact that the country was locked in the backstop, in the customs union, and that the future was predetermined. If we were going to have a successful withdrawal agreement, that needed to change. I think that Parliament could see that the withdrawal agreement that was on the table was not going to work. That is why we got to where we did.

Q42 **Chair:** How were the negotiating positions set for you, as the chief Brexit negotiator, back in 2019?

Lord Frost: The formal answer to that, and the correct answer, although it is only part of the story, is that formally the positions were set through Cabinet and the Cabinet Committee process. At the time, we set up the XS and XO Committees to take those decisions and to look at the no-deal preparations. The thing that needs to be understood, I think, is that that Government were very much living from hand to mouth. The administrative support for me as negotiator was very limited and patchy. Therefore, we were very much proceeding if not quite day by day, certainly week by week, as events evolved. I think we all remember the chaos of those months, and the order that we eventually brought to it.

Q43 **Chair:** How aware were you of what might be defined as red lines or mandates, such as they were, that had been set out by Parliament up to that point?

Lord Frost: Obviously there had been lots of debate in Parliament, in 2016, 2017, 2018 and the beginning of 2019, but the situation evolved constantly. There were maybe only two red lines that we took. First, the referendum result must be delivered and the country must leave the European Union. We felt that if that did not happen, there was a real risk of undermining all sorts of constitutional norms and confidence in the way Government worked. So that was the overriding priority.

The second red line was, as far as possible, not to predetermine the future. Unfortunately, the withdrawal agreement we inherited couldn't be changed in toto; we had to focus on the most important things. We wanted to ensure that what came after we left, and the negotiations about



HOUSE OF COMMONS

a free trade agreement, were as far as possible a negotiation among equals, and one where key elements of it had not been predetermined. That was what we aimed at in those three months of negotiations.

Q44 **Chair:** Do you feel that you had a clear sense of what Parliament wanted from these negotiations? I don't pose that purely as a rhetorical question.

Lord Frost: No, not really. I do not mean that dismissively. I think Parliament itself was obviously extremely conflicted by that point on what was the right way forward. We had those slightly absurd votes in March, April, May, with the multiple choice, in which all the options were rejected. That obviously left us wondering where to go. The only thing that seemed capable of commanding a majority was the Malthouse compromise, or some variation of it. That is what we thought was the centre of gravity, and the only thing that had any chance of getting through. That is why we focused on that as we did.

Q45 **Chair:** For the benefit of the Committee and anybody watching the proceedings, could you elaborate on why you thought the Malthouse compromise commanded that?

Lord Frost: It moved us at least partly, and in some versions wholly, away from the requirement that the laws in Northern Ireland, as far as trade and the single market were concerned, should be the same as those in Ireland proper. That was the fundamental commitment that came in the joint report that, in a way, determined everything else that followed, and caused so many of the problems that followed.

Q46 **John Stevenson:** Lord Frost, you subsequently led the Government in negotiations on the trade and co-operation agreement from February 2020. How were the negotiation positions set for you then? What involvement, if any, did Parliament have?

Lord Frost: Obviously we were in a totally different position after the election. We had won a very strong majority and the manifesto had been very clear about the fundamentals of the negotiating position: we were going to come out of the customs union and the single market; we were looking for a Canada-style free trade agreement; we were not looking for level play commitments; and we wanted to keep the Court of Justice out of it. All of that was set out in the manifesto.

Those fundamental provisions were part of what we inherited. Obviously that needed to be worked up into a proper negotiating position, which we did in January and February. We published that document on the UK's negotiating approach at the end of February, which set out in detail what we were trying to do. That went through the normal internal processes, signed off by Cabinet Committee and by Cabinet. That was how it was done. It was a lot easier because the fundamentals of where we were going were clear and not in dispute.

Q47 **John Stevenson:** Do you feel that Parliament had much say in that? Or was it coming more from the Cabinet and its Sub-Committees?



Lord Frost: At that point, it was very much an internal governance issue. That was because it was immediately after the election, which had been won so clearly and with such a clear mandate on these issues. That was the will of the Parliament that had been elected, and we saw our job as delivering that.

Q48 **John Stevenson:** Hindsight is a wonderful thing. Looking back as the lead negotiator of significant, complex and contentious international agreements, what do you think would be the most helpful role that Parliament could play at the start of such processes?

Lord Frost: I am not sure that this particular process gives any lessons for others, as it was so fraught and so politically difficult. Parliament was tearing itself apart over it—as was the country, to a very large extent. Ideally, none of that would have happened. There would have been, after the referendum, a clear view set by Parliament and Government that we sought to deliver, but obviously it never worked out like that. The situation could never really be recovered until the election had happened, until we had left, and some sort of normality was established. In normal circumstances, you would want Parliament to be expressing its view, at least in broad terms, fairly early on in the negotiation, but I think this one was just so fraught and difficult by the time we took over that there probably wasn't anything it could have done differently, I suspect.

Q49 **Mr Jones:** Lord Frost, would you set out for the Committee what the process of negotiating an international agreement involves and what the different stages are? To what extent did you depart from that normal pattern, if at all, in the two agreements you were involved in?

Lord Frost: There are formal stages and there are "thinking it out" stages, and the "thinking it out" stage is much the most important, obviously. It is in the internal reflection and the connection with stakeholders—the connection with Parliament and others who have an interest—where we work out what your actual objectives are, what is important to you and what isn't, and what you are going to say about those in public, because you don't necessarily want to reveal everything in your hand at that point. That has to come ideally before anything else, but certainly pretty early on.

What normally happens is that you then publish some version of what you are trying to achieve. You have a negotiation. You sign, ratify and implement. That is the normal sequence of events. We did all of those extremely quickly in 2019 and 2020.

Mr Jones: Especially the latter ones.

Lord Frost: Indeed.

Q50 **Mr Jones:** You effectively followed the usual pattern in those two negotiations.

Lord Frost: We did in 2020. That was a recognisably normal process that we followed with the document that I have referred to—the negotiating mandate. The EU did the same. We published our draft texts in the spring,



HOUSE OF COMMONS

as did the EU. I think the issues and how we took those forward were well understood during 2020.

The 2019 one was different. We had inherited a withdrawal agreement, much of which we were uncomfortable with, but much of which we had to live with. The whole process was highly political, and we had to live by the skin of our teeth in driving through something that we thought would just about command consensus. In the chaos of those months, it was very difficult to set out normal processes and follow the normal sequence.

Q51 Mr Jones: You effectively had changed the position of the previous Administration—in part, I think.

Lord Frost: We did. The nearest we came to having formal positions were the Prime Minister's two letters, in August to President Tusk—I forget when exactly, but it was about the 13th—and then there was one in early October to President Juncker, which set out the new position that we were taking. In the first of those, the Tusk letter, we explicitly said that we did not agree with the commitment in the joint report, paragraph 49, that said we were committed to alignment on the island of Ireland. We were changing it and we were clear that the backstop was a bridge to nowhere, as the PM said. We were also clear that we did not want the kind of high alignment—although I don't particularly like the term—soft Brexit version that the Theresa May Government seemed to want. We also had to change the political declaration in 2019 to accomplish that.

Q52 Mr Jones: You said that in 2019 you were in the position of facing, as you put it, the "shredding of our constitutional norms". What norms were they, and how were they being shredded?

Lord Frost: We had a situation where the people had spoken, there had been a referendum, all the parties had agreed to respect the result, and legislation aimed at implementing it had gone through, yet it couldn't be done. In that unprecedented situation, all sorts of norms got shredded: the fact that Parliament sought to constrain the ability of the Executive to determine its negotiating position; the refusal to allow an exit without an agreement; and the capture of the Order Paper and the legislative agenda so that by the end—by September or October—we effectively had a Parliament conducting its own foreign policy, as far as Brexit was concerned, without a meaningful opposition to that and no conventions for it. That Cromwell-style takeover—running things from Parliament—was totally unprecedented and had to change.

Q53 Mr Jones: Do you think those changes are irrevocable, or has normal service been resumed?

Lord Frost: I hope that normal service has been resumed. I am not a constitutional expert—far from it—but our system depends on the careful interaction between Government, Parliament and political party, with the discipline that is imposed by political parties. Through the usual way we do things—gradual evolution—we have established a system that works well. I don't think you can bolt on bits from other systems and expect it to work as well.



HOUSE OF COMMONS

One thing I should have mentioned, in answer to your earlier question, is the Fixed-term Parliaments Act 2011. That is an element from systems that work completely differently from ours. It was always going to cause problems. It did cause problems. It is very good that it has been resolved and repealed, and that we are back to normal again, I hope.

Q54 **Mr Jones:** In retrospect, do you think that the difficulties you have just described could have been avoided, and if so, how?

Lord Frost: Yes. Once we had the situation of the 2017 election effectively having been lost, and there not really being a majority for the Government's major policy, there were always going to be problems at that point. Maybe a more careful political handling through 2018 and the first half of 2019 could have helped. Some of the secrecy about the way policy was being conducted, what exactly the Government's negotiating aims were and why, and what it was seeking to achieve, didn't help establish confidence and probably took us in unprecedented directions.

Q55 **Mr Jones:** Do you agree that if we had not had a general election in 2017, things might have been completely different?

Lord Frost: They certainly could have been. Of course, the previous Government did not have a huge majority, but it did have a majority. The Theresa May Government started off with, in the Lancaster House speech, a version of Brexit that most of us recognise as pretty close at least to the one that we got to, despite the ambiguity about customs even then. Yes, it would obviously have been better.

Q56 **John McDonnell:** We will come on to the role of Parliament, and we might well address the Cromwell situation and the occasional decapitation that helps the process. You said earlier that you eventually secured some clarity in the negotiations, in terms of your mandate. The clarity was partly established by the general election. There was a clear mandate for the Government with its majority. Was there sufficient clarity with regard to the Irish protocol? There didn't seem to be clarity in some of the Prime Minister's statements to some of the Irish representatives in those negotiations.

Lord Frost: One of the unusual features of 2020 was the fact that two sets of negotiations were going on: there was the main one for the free trade agreements, and then there were the side negotiations designed to flesh out the protocol and some of the very broad-brush statements in the protocol about how it was going to work. The interaction between those two occasionally became problematic.

Q57 **John McDonnell:** Was that creative confusion?

Lord Frost: I don't think it was particularly creative. We tried to keep both in step. Both sides were always aware that the other set of negotiations was going on, and occasionally, as with the famous UKIM notwithstanding clauses and the processes that led up to that, they interacted with each other. Certainly in my mind, the broad way the protocol was going to work was always clear. The problem was that there were a lot of balancing statements and commitments in it—for example,



HOUSE OF COMMONS

the commitment in article 6(2) to avoid, as far as possible, checks and controls at the ports of Northern Ireland—that needed to be fleshed out. Until we had finished the negotiations in 2020, some of that detail was not clear. Maybe some people had slightly different things in their minds about it, but I always felt that that was clear.

Q58 John McDonnell: You are in a different role now: you are part of Parliament itself, rather than a Minister. Do you think the Prime Minister's statements at that time, particularly to our Northern Ireland colleagues, had sufficient clarity to reflect what you were actually negotiating?

Lord Frost: I do. Sometimes they were misinterpreted. For example, his famous statement about taking forms and throwing them in the bin, which was made during the election campaign, referred to checks and processes between Northern Ireland and Great Britain. Indeed, there are no such processes and we have refused to put any in place, so although that is often seen as a misleading statement, I don't think it was. The documents we published at the time were clear, and it was also clear that a lot remained to be sorted out afterwards, which is what we tried to do.

Q59 John McDonnell: A lot?

Lord Frost: In a different world, we would not have been in the position of having to pull together an entirely different Ireland protocol in three months, in a situation of incredible chaos and confusion. I definitely would not have started from there, and I think we could have got a better result if we had taken a different approach at a much earlier stage.

Q60 Tom Randall: Lord Frost, you have indicated that you were hampered in the renegotiation of the withdrawal agreement by having to renegotiate an existing text, rather than being able to negotiate at the more fluid stages. Can you elaborate on what you see as the fluid stages of a negotiation?

Lord Frost: What normally happens in a negotiation is that, at the start, each side puts lots and lots of issues on the table. They either explicitly or implicitly get sorted into the most important issues of principle and secondary ones, and then they get gradually winnowed down during the course of the negotiation, with usually a few at the end. Ideally, you are wanting to keep some balance between where you concede and what you agree, and to keep things that you might be willing to concede at the end in play till later, so that you have something to trade with. That is why it is important to keep a bit of ambiguity—within reason—about the level of importance of different issues to you.

The situation that we had with the protocol and the withdrawal agreement more broadly was that we had an agreed text of 500 pages or so, in which all those trade-offs had already been made. Our job was to come to the EU and say, "I'm afraid you've got to change at least one bit of that"—meaning the backstop—"We can't offer you anything. There is no trade we can make, because there is a lot of other stuff in this withdrawal agreement that we don't particularly like either. But for the sake of getting this done, we're going to focus on the backstop. You've just got to accept



that.” We did not have any ammunition or ability to do a genuine negotiation. It just became a question of saying, “This original version will not pass. You have to see that it needs to change if we are going to get an agreement that can be delivered.” That is why it was so brutal and confrontational in those three months, I think. In the end, it worked, but it isn’t ideally how you would do these things.

Q61 Tom Randall: Do you think there is a role for Parliament to play in those stages, either in your particular examples or more broadly?

Lord Frost: Yes, I think there is. In any significant international negotiation, Parliament ought to set out its view. Very often with the way our system works, it is going to be the same as the Government’s view—except at the margins, where there may be different politics in play and Parliament will want to emphasise some issues more than others. Then the negotiator has to reflect that and try to take it into account. The more information you have as a negotiator at the start of a process about how it might land at the end and what is and isn’t really important, the better it is.

Q62 Tom Randall: When you were negotiating the trade and co-operation agreement, you suggested that the EU did not take the UK’s position seriously at the start and that, as a result, the period for detailed negotiation was squashed. Why do you think the UK’s position was not clearly understood? Do you think there may have been a role for Parliament in helping to make that position clearer earlier in the negotiations?

Lord Frost: What I and we as a team found was that it took time for the EU to adjust to the fact that we were dealing with a new Government with a different mandate. Some people, as you would expect, on the EU team adjusted more quickly than others. I think they were still operating on the assumption that zero tariffs free trade agreement was a big concession on their part for which we would be ready to pay quite a high price. Actually, our view was that a zero tariffs FTA was very desirable, obviously, and we got it, but some things were even more important, such as sovereignty, removing the courts and no legal constraints. We were not willing to sacrifice those to get zero tariffs.

I think there was a fundamental misunderstanding at the start as to what we were trying to do. Part of that comes from the fact that the EU does not have a good model for dealing and having relations with other European countries that do not want to be members. It tends to see things through the membership or at least economic area framework and assume that countries want to be part of it. It took them a long time to realise that that wasn’t what we were after. That is why we were able to turn the tables slightly.

We had been told for four years that the only options were Norway or Canada, so when we came along and said, “Okay, Canada it is”, it took them some time to adjust to what we were actually asking for. I would say that that took most of the first half of the negotiation. Obviously, by then



HOUSE OF COMMONS

it was difficult and chaotic for different reasons, because of covid and the need to do it all remotely. If we had been able to do a more normal negotiation, where people were sitting round a table and talking and able to defuse and explain issues face-to-face, it probably would have gone quicker and more easily at that point.

On your question about whether Parliament could have helped in that, yes, it could have. If Parliament had been clear—and maybe the Government should have offered the opportunity—that the manifesto was the negotiating position and that the level playing field and the Court would not get through Parliament, that would probably have helped. I suspect that was, again, a casualty of covid and the general different kind of chaos at that point.

- Q63 **John McDonnell:** We want to pick your brains, as someone who has been in these sorts of negotiations, about what the role of Parliament is and how it can be best applied. We have gone through the six stages of the treaty process, which include setting the negotiation objectives, as you described, negotiation, signature, ratification, implementation and then post-ratification—amendments or derogations that need to take place. What role do you think Parliament should play at each stage, and which are the important stages for Parliament to intervene on?

Lord Frost: There are two, probably. One is fairly early on where Parliament should set out a position, which, as I said, will probably often be pretty close to the Government's position but may not be in every detail, and then at the end on ratification.

Speaking as a parliamentarian rather than an ex-Government official, it seems to me that—at least on significant agreements—there ought to be an up or down vote. That is what happens in most countries. It is what happens in the EU and the US. Obviously, the CRaG arrangements sort of provide for that, but in a slightly convoluted way, and it does rely on the Government giving time for a debate if they are to work.

Personally, I cannot see a good argument for there not being a yes or no vote on significant treaties. I don't think it will work for everything, but you have to define what is significant. Certainly, free trade agreements would be in that category, I would have thought.

- Q64 **John McDonnell:** Would you have a vote at the early stage of setting the objectives as well?

Lord Frost: Not a binding vote at that point. I imagine there would just be a motion—a Government motion or whatever Parliament nuances it, adds to it. There is debate around it, so you get a sense of where the sense of gravity is, but a chance to express the view is important.

The other thing—at least on the trade side, which is the bit I know best—is it is possible to set up arrangements that allow parliamentarians to have confidential access to some of the documents and some sense of how the process is going. The Americans and the EU do that.



HOUSE OF COMMONS

You have to carefully define the terms, the process and so on if it is going to work, because obviously if everyone fears a leak, it becomes a meaningless process. I do think we should look at something like that, so that people have a sense of what is happening. I don't think it would have worked in the Brexit negotiations because it was all far too political. There was no agreement on the fundamentals, but I think it probably could and should on a free trade agreement.

- Q65 **John McDonnell:** I just want to tease that out. Is that akin to the European Scrutiny Committee that we have had in the past, because that did not seem to work either? At the moment, our role seems to be shouting through the letterbox of a Government Department, rather than having a direct role or even setting objectives.

Lord Frost: In an ideal world, the Government would be trying to establish—for example, on free trade agreements—a relationship of confidence, understanding and exchange with the relevant Committees, such as the International Agreements Committee, the trade Committees and so on. That requires give and take and a degree of trust on both sides. It probably also requires some common ground on what you are trying to do.

If half of Parliament or half the Committee does not think we should be pursuing free trade agreements and just wants to cause political grief for the Government for doing so, it will never work. If there is a belief that we should be trying to do so, but we have different views about what should be in them, that could work, and it could work similarly in other areas. It works for other countries. It is a bit new for us, but then we have contracted out our trade policy for 50 years. Now we are taking it back, and we have to set up a whole set of new arrangements to reflect that.

- Q66 **John McDonnell:** To be explicit and to labour the point, there is some form of debate at the setting of the objectives stage, so the broad parameters are hopefully agreed to on a consensus basis. Then at the latter stage—the very last stage of ratification—that is when the major votes should occur, are you saying?

Lord Frost: Yes, that's right. An up or down vote before formal ratification.

- Q67 **John McDonnell:** On the withdrawal agreement and the trade and co-operation agreement, they were implemented with legislation that explicitly disapplied the 21-day rule—the Ponsonby rule. Why was that limit overturned?

Lord Frost: I think it just became unnecessary, both for the withdrawal agreement and the TCA. Both required different bits of primary legislation and the subsequent powers. It was obvious that primary legislation would be needed for both of those agreements. That was going to produce the necessary debates and votes in the Commons, so we did not need—it seemed unnecessary to have CRaG. Obviously, we did not know that the deadlines would be quite as compressed as they turned out to be. In an



HOUSE OF COMMONS

ideal world, that would have been different, but so be it. That is the basic reason; the tailored primary legislation was felt to supersede it.

Chair: Just on cue, we have Lloyd Russell-Moyle for his question.

Q68 **Lloyd Russell-Moyle:** Apologies; I had a delay at the Pass Office this morning. How aware were you of the need for implementing legislation for the agreements you were negotiating in 2019 and 2020? How did those affect your actions during the negotiations—in trying to either avoid or enhance the possibility of implementing legislation?

Lord Frost: We always knew that it would need some legislation. That was clear, both for the withdrawal agreement and the TCA. I do not think that it influenced our view very much in the negotiations. If there had been a serious choice of, “Can we agree either of these things without any need to implement legislation?” that would have been a different thing, but I do not think that was ever possible, right or realistic.

Once we were in the territory of, “What precisely is the scope of implementing legislation?” it became a different issue. On the TCA, we always knew that we would need something that covered, for example, law enforcement co-operation. We just took that as given in the processes and took it from there. At least for my bit of it, we were focused on issues rather than on what came afterwards.

Q69 **Lloyd Russell-Moyle:** So you are saying that, in the negotiations, it did not change anything if a course of action required implementing legislation or not; it was focused purely on the issues.

Lord Frost: Yes, exactly.

Q70 **Lloyd Russell-Moyle:** Has your view on the necessity or desirability of stricter parliamentary scrutiny changed since you joined the legislature?

Lord Frost: I have always thought it was a bit strange, to be honest. Obviously, the framework has been different; many treaties, until 2020, were agreed at an EU level, certainly in the area of trade, and Parliament’s practical say on any of those was zero—or pretty close to it—so we did not have the processes in place. It then turned out that the first big agreements were the Brexit agreements, and obviously they and the politics around them were totally exceptional. However, I have always thought that a national legislature should have the right to say yes or no to major international agreements, and that it is the job of the Government to make the case for those agreements.

Q71 **Lloyd Russell-Moyle:** Currently, we are only allowed to delay—not even say yes or no—under the CRaG arrangements. Should the legislature go further than being able to say yes or no? A number of other legislatures around the world can take sections, at least, of the agreement and say yes or no section by section. Would that have hampered your negotiating or enhanced it?

Lord Frost: It is tricky to start dissecting an agreement that is in one part, because you are effectively then trying to rerun the negotiation. You



have a set of trade-offs that are in the text and cannot then easily be unpicked.

Q72 Lloyd Russell-Moyle: The European side is able to do that, as is the American side if we negotiate with the US.

Lord Frost: A national legislature cannot change an international agreement. All it can do is ask the Government to go back and see if they can do better. In a way, that is sort of what happened with the withdrawal agreement and, in the end, we did do slightly better. I cannot see any reason, in principle, why Parliament should not say it objects to a particular part but, in practice, the effect of that is refusing the ratification, because you have to go back and redo parts of it.

Lloyd Russell-Moyle: I remember that, when I worked in a trade union, it was sometimes an effective negotiating tool to be able to say, "My members are very militant on this. They will have to vote on this at the end of the day, so you need to give me a bit more." It actually helped the negotiation because I could refer to the members being slightly more unreasonable than I, the reasonable union official, would be.

Lord Frost: Perish the thought.

Q73 Lloyd Russell-Moyle: Whether or not it was true, the negotiation was aided by that kind of discourse. Is there anything along those lines that might have aided you as a negotiator? Were you sometimes able to say to negotiators, "Parliament is very rebellious on this point. You need to give me a bit more"?

Lord Frost: Yes. Every negotiator tries to do that, and we certainly did it in varying ways. In 2020, we repeatedly said that Parliament would not agree a role for the Court or continued EU legal supervision of some kind. There was no point in pressing the negotiating team to accept it because it simply wouldn't be accepted.

The problem is that there has to be a degree of credibility to it. In 2020, they could see that we had a majority of 80, so we could probably push through most things, if not everything—not fundamental points of principle. You can't play that card the whole time; if you try, it becomes incredible. In 2019, we had a different problem: they did not believe, until right at the end, that we could pass anything at all. They didn't see why they should make concessions on anything, because they thought it would end up at the same point as in the first half of 2019.

So yes, you can do it. Everybody plays their domestic scene into these things and we did that, but you have to do it in a way that helps and does not just leave them not believing you.

Q74 Lloyd Russell-Moyle: Reflecting my earlier question about Parliament being able to go section by section, rather than yes or no on the whole thing, might it enhance the credibility of the negotiator to say, "These are the sections that my Parliament has clearly objected to"—perhaps not in a final binding vote, but at least in update votes, which other Parliaments



are able to have?

Lord Frost: That sort of position has the most effect if it is expressed at the start of the process in that debate, rather than at the end. If you are not careful, the effect is that it undermines the negotiators. That is one risk—if a deal that appeared to fit the mandate and looked like it could get through suddenly turns out not to. I distinguish the 2019 situation from that. The difference between that and the withdrawal agreement is that the withdrawal agreement, as the Theresa May Government brought it back, was not in line with the centre of gravity of Parliament, which was fairly obvious the whole way through. If you have a situation where the mandate is set out and negotiators negotiate in good faith, and then at the very last moment, when everyone thinks it is almost done and dusted, there is a problem, that can undermine your ability to get a good deal.

Q75 Lloyd Russell-Moyle: Would getting an initial mandate from Parliament on the opening parameters of negotiation—again, Parliaments in some parts of the world do this—be a solution to some of the issues you are talking about?

Lord Frost: I don't think it should be a binding mandate. Parliament should have a chance to express the political view—as I say, it will often be the same as the Government's view, but not always—so that it can be taken into account. The more information you have, the better. It would probably have happened on the TCA if it hadn't been for the pandemic and the general collapse of normal Government in the first half of 2020.

Q76 Lloyd Russell-Moyle: We are still struggling to get that on some of the trade deals—I sit on the International Trade Committee as well—but that is the next point.

Lord Frost: I think it should happen.

Q77 Mr Jones: Briefly continuing that discussion, Lord Frost, what was the impact on your negotiating opponents of the failed series of meaningful votes?

Lord Frost: The effect was multiple, really. Obviously, they could see the Government were in a terrible mess and did not know how to get out of it, and every attempt to get out of it seemed to make the situation worse. The effect was that they stopped believing that the Government could get any agreement through and started to think that maybe the referendum could be reversed, and that that would be the way through it instead—by creating the conditions for a second referendum or other such way out of the process, because nothing could get through.

That is why you got that very damaging dynamic in those months of a clear wish among some in the EU to reverse the result, and a clear wish among some in Parliament to reverse the result, and some commonality of action and exchange of views to get there. That definitely undermined us; there is no question. It undermined Theresa May's Government and undermined us.

Q78 John McDonnell: Democracy is a messy business, isn't it? That is what



HOUSE OF COMMONS

democracy is all about, in certain circumstances on certain issues. In another speech, you claimed that this was Parliament usurping the role of the Executive—we are back to Cromwell here. Wasn't it just Parliament fulfilling its duty ensure that the Executive responded to the wishes of Parliament, as in any other democracy? At the end of the day, when there is no agreement, you go back to the people, and that is exactly what happened. The Government then secured a mandate. There was nothing untoward. That was not Parliament going beyond its role; it was simply Parliament asserting its role.

Isn't it true that there may well be some immensely serious, complicated and important treaties that we will have to examine again? Parliament may wish to express its views to the Executive, and at times it may not support the Executive on some of the actions it will want to negotiate.

Lord Frost: What made it particularly toxic was the politics around it and the interaction between the different new elements that had been brought in, particularly the interaction between the Fixed-term Parliaments Act and the taking control of the Order Paper aspects, coupled with the fact that there was a referendum result, which is obviously unusual, which it seemed Parliament did not want to implement. There was a situation where Parliament was legally blocking a course of action by the Government, forcing the Government to get an agreement—any agreement—in order to deliver a referendum result, which we had been told we all wanted to respect, with no ability to dissolve Parliament, have a confidence vote or an election.

Obviously, in the end there was an election. Parliament was embarrassed into giving one, because it seemed so absurd to have this situation of stasis. I don't think you can identify one factor. A number of new elements in that year to 18 months were undermining the normal checks and balances in our system, creating this inability to deliver the result, to deliver any form of agreement, or to dissolve Parliament and move on in some other way.

Q79 **John McDonnell:** That is your assessment—that Parliament was blocking the will of the people in the referendum. Another view is that Parliament was simply trying to get the best deal possible, rather than to frustrate the will of the people.

Lord Frost: The correct thing that should have happened in a normal situation was for Parliament to have said it did not agree we should leave without a deal. What it did was pass a piece of legislation, the surrender Act—the Benn-Burt Act—which said, "You simply can't. You have to get an agreement. It doesn't matter what it is. You have to get some sort of agreement, so that we can leave."

The correct thing that should have happened was that Parliament should have said, "There's no majority for leaving without a deal. The Government either does a deal or says we propose to leave with no deal, and if it can't get that through, there's an election, because the Government can't get its major policy through." As it was, all those things seemed to be blocked. It unblocked in the end, because everybody got



HOUSE OF COMMONS

embarrassed into seeing that the system just couldn't work, but in principle that situation could have been sustained for quite a long time. The fact that the EU could see it meant that our negotiating hand was hugely undermined and we more or less had to agree what was imposed on us in order to be able to move forward and deliver the referendum result. It was all extremely unsatisfactory—that is the best one can say.

Q80 John McDonnell: I won't get into the emotive language of surrender Bills and so on, but the issue was that Parliament agreed on that election. Parliament fulfilled its duty of seeking to hold the Executive to account and seeking to advise the Executive on different options for a way forward. Eventually, when Parliament couldn't agree, it then fulfilled its duty by voting for a general election. That is what Parliament did, isn't it?

Lord Frost: What you say rests on a view of the separation of the Executive, the Government, and the legislature, which is not the way our system works. The two are merged. If you have a system like in many European countries where there is a formal separation of powers, Parliament can take different views from the Executive; it is understood that it has legislative powers to go with that and that the Government has to work within it. That is one situation. If you have a constitution that works like that, everybody adjusts to it and behaves accordingly. Ours did not work like that, and all of a sudden people tried to make it work like that. Our system of a Government in Parliament—where Ministers are Members of Parliament having sustained the confidence of Parliament—was hugely undermined by these new elements that came into it. That meant that the normal mechanisms—a confidence vote, an election and the Government's ability to get their business through the House through those means or face the consequences—were undermined.

Q81 John McDonnell: What new mechanisms?

Lord Frost: The Fixed-term Parliaments Act. It meant that Parliament could sit there for as long as it wished until whenever it would have been—2022, so about now—and refuse any sort of election and refuse the ability of the Government to close any agreement with the EU or any other agreement.

Q82 John McDonnell: Parliament had the right to call an election, which it did.

Lord Frost: It did. It did not have to do it. Normally in our system, the Government and the Prime Minister have the right to call an election. The ability to do that and have a confidence vote is one of the fundamentals that shapes the way our system operates. I don't think you can just change that without expecting anything else to change. A lot of things did change, and they were all extremely dysfunctional to the good operation of our system.

Q83 John McDonnell: There is an interesting new theory about who to blame for some of the negotiating problems that we had. Is it the Cameron agreement with Clegg on the Fixed-term Parliaments Act?



HOUSE OF COMMONS

Lord Frost: It was one of the factors. I have never made any secret of the fact.

Q84 **John McDonnell:** Leave it at that and I will be happy.

Lord Frost: I have never made a secret of the fact that I think Parliament undermined our negotiating hand in 2019.

Q85 **Chair:** That point of consensus is perhaps on the Fixed-term Parliaments Act. Lord Frost, you are outlining the case for parliamentary Government, rather than Government by Parliament. As we ruminate on these matters, I wonder, given your experience, if an enhanced role for Parliament is wishful thinking within those confines and in the context of treaty negotiation.

Lord Frost: No, I think you can go further than we have so far. Politics is different than it was 50 years ago when we were last outside the European Union and doing our own agreements. The assumption that the Executive could just agree things has changed. People expect more democratic oversight, and I think it is right to have more discussion. I cannot see any reason at all why there should not be an up or down vote. That is essentially what happened with meaningful votes. The question is with defining the category of agreements that should be subject to that process, I think.

Q86 **Chair:** It is interesting that you say categories. What about memorandums of understanding?

Lord Frost: Some MOUs can be extremely important, but they are not legally binding, and they do not create international law—at least not in the same way. If such an arrangement was going to work, you would have to define significant agreements—free trade agreements and extradition agreements. Those sorts of things that really play into domestic law would be important.

Chair: That's helpful. Thank you.

Q87 **Karin Smyth:** Just following up, as we have all become Cromwellians again. Parliament triggered article 50 way back. It is often forgotten in this discourse about what happened at the back end of things that authority was given to the Government to go forward. Parliament had an additional role that I think it played well. You said earlier that you would have taken a different approach at a much earlier stage than the stage at which you inherited. Do you want to elucidate on that?

Lord Frost: It depends on how far back you want to go.

Q88 **Karin Smyth:** They were your comments. At what stage do you think it all went wrong?

Lord Frost: The fundamental difficulty was the election result, from the Theresa May Government's point of view, and the fact that they did not have a clear majority to take things through after June 2017. Thereafter, some significant mistakes were made, particularly with the joint report and the run into the end of 2017: the acceptance of sequencing whereby



certain issues had to be sorted out before the future relationship and that one of those was the Irish border. The pre-commitment that we would always align in Northern Ireland if no other solution could be found was very damaging and allowed the EU—

Q89 **Karin Smyth:** Damaging to what?

Lord Frost: To our negotiating position, because it meant the EU could simply refuse to agree any other solution and we were committed to an alignment way out of it. Of course, that is what eventually became the backstop and staying in the customs union alignment for the whole country. We should have insisted much more strongly on the way the negotiation was conducted at the end of 2016 and in early 2017, when we seemed to be talking to the Irish quite effectively about what subsequently became known as alternative arrangements and managing the customs arrangements in a different kind of way. All that seemed to go away, probably in part because of the election result here. That is when the fundamental problems were created. I have written for the Policy Exchange that when the joint report was agreed—when it landed—we knew there was a big, big problem. The course of the negotiation was fundamentally predetermined in those few days in December in the texts that were agreed, and we could never get out from under that subsequently.

Q90 **Karin Smyth:** But they were agreed by the Government.

Lord Frost: They were agreed by the Government; there is no doubt about that. They made big mistakes in doing it, but by that point the ability to leave without a deal seemed to be receding pretty fast because the Government did not have a majority. I think negotiating mistakes were made, but I also think that the Theresa May Government and Olly Robbins had extremely difficult hands to play that weakened month by month.

Q91 **Karin Smyth:** Riding to the rescue then was the political declaration alongside the withdrawal agreement to move us on from the backstop. Let's leave to one side the alternative arrangements, which I don't think ever came to fruition, certainly from the EU side. In your view, what status did the political declaration have? How important was it?

Lord Frost: It was a political declaration, and although it was referred to in the withdrawal agreement, we didn't regard it as a binding text in all its aspects in the same way that the treaty was. It set out some aspirations. We did not regard it as nothing. That is why we put quite a lot of effort into changing it in October 2019. The other thing that happened in those negotiations was amending the old political declaration to make it much more neutral about the future. The previous one effectively enshrined a soft Brexit view of where this was going to end up. We did not agree with that, so it became much more open and neutral in its final version. But we did not regard it as a negotiating mandate. We regarded it as something that set out a broad approach. We—the Boris Johnson Government—had not agreed every detail of it ourselves; we had simply tried to make it neutral as regards the future. That is why I think there were some



misunderstandings in 2020 about exactly how it should constrain the shape of the future negotiations.

Q92 **Karin Smyth:** Do you think the Irish Government saw it in the same light?

Lord Frost: I think they were in the same position as the EU, in that they probably attached greater importance to it than we did as a framework for the future, and at a level of detail that we did not. We regarded it as just setting out that there was going to be a free trade agreement, it was going to cover certain areas, there weren't going to be institutional connections between the two parties, and a lot of the detail remained to be sorted out.

Q93 **Karin Smyth:** Can you explain what you mean when you say that it was not all agreed by Boris Johnson and his Government? It was negotiated by Boris Johnson and his Government.

Lord Frost: Well, there was a previous version that came with the autumn 2018 withdrawal agreement.

Q94 **Karin Smyth:** But we are talking about the political declaration from 2019.

Lord Frost: It was the same problem that I was describing earlier: I would not have started from here. We had to focus on what we could change within it. If we had been writing the political declaration from scratch, we would certainly have written something broader brush, with even less detail than was in it. As it was, we had to focus on taking out all the stuff that implied that the future relationship would be about alignment, that there would be a role for EU law, that there would be a role for the Court, and that there would be very close foreign policy and defence collaboration. All that had to be taken out. But in effectively a week of negotiations, there was no way we were going to be writing a new political declaration from scratch. In that sense, we inherited stuff that we would not have written that way ourselves but felt that we could live with, because it did not bind us unacceptably for the 2020 negotiations.

Q95 **Karin Smyth:** Do you think in retrospect that presenting that back to Parliament, and then as the mandate for the election as agreed, was honourable?

Lord Frost: Well, I think the political declaration enshrined a vision of the future that was in the manifesto, which was about a free trade agreement and no institutional relationship. It was very clear that there was no commitment to go into the customs union or the single market, and that is what was in the manifesto, so I don't see any contradiction between those two things.

Q96 **Karin Smyth:** If you have a memorandum of understanding between two Governments—let's take Parliament out of it for now—I think most people's view would be that it needs to be understood that both sides come to it in good faith and with honour, that they want the same things and that they have agreed the same things, without necessarily recourse



to legal binding. But you seem to be saying that you rushed it through in a week—your timetable—and that it was just a convenience thing to get you through a difficult scrape.

Lord Frost: No, not really. I would not say it was like that. It was a political declaration, not a memorandum of understanding, which typically includes more details in the text.

Q97 **Karin Smyth:** I do not have the date in front of me for when we did have the memorandum of understanding. These things all linked through to each other on the basic premise that we had mutual interest and mutual agreements with regard to Northern Ireland, and that was important. So they come from the same place, don't they?

Lord Frost: It was a political declaration about the future and, in many areas, it was completely open. It did not say that we had to be part of the same customs union. It did not say that we had to be part of the single market. It did not exclude those things either. The version we had was genuinely open, and we were very clear in the manifesto and the election about what we were going to bring to that openness: we were not going to seek to join the customs union and the single market. That was not in contradiction with the political declaration; the political declaration was neutral on the point.

Q98 **Karin Smyth:** The purpose of our inquiry is to look at how the UK Government approach international treaties—with honour and good faith. I think most people would assume, and incidentally our negotiating partners would assume, that when we agree to a declaration or a memorandum of understanding—as you say, it might not be legally binding—the approach is understood by both sides as wanting the same things.

Lord Frost: The problem is that, where the declaration is not clear as to the direction, what happens subsequently is still up for negotiation. We were 100% clear that if we won the election and came back to the negotiations we would not be seeking to join the customs union and the single market or to have a highly aligned relationship on law enforcement and so on in the way that was outlined in the old version. That was not in contradiction to the declaration. In that sense, it was a framework, but we were clear about the politics that we would bring to it.

As I said earlier, the EU probably brought a different view. They assumed that we still wanted to align, or to remain closer than we did. Both views are consistent with the political declaration, and it was the negotiation that sorted it out.

The political declaration itself is quite an unusual construct in the sense that it was there only as a sort of fig leaf for the then Government's inability to deliver both the withdrawal agreement and the future relationship agreement as they had originally hoped. The political declaration was a relic of that. It is not a particularly good precedent to follow for other negotiations. I think it was *sui generis*.



HOUSE OF COMMONS

Q99 **John McDonnell:** It was clearly not worth the paper it was written was it?

Lord Frost: No, I would not say that. One thing it made clear, and we were both happy with, was the breadth of the negotiations—that this would not just be about a free trade agreement but would cover all sorts of other things in principle—social security, law enforcement, fisheries, transport, aviation and so on. That was all understood to be part of it from the start, and that turned out to be quite important in 2020.

Q100 **David Mundell:** What, Lord Frost, was the size of the staffing and support you could draw on in negotiating the 2019 and 2020 agreements, beyond your own expertise?

Lord Frost: The 2019 agreement was very odd really. The Government had come in in an unusual way, it is fair to say. One Prime Minister was replaced by another and there was a wish to change significantly the policy of the predecessor Government. There was no clarity in July 2019 about whether we would be able to deliver on those aspirations, and a lot of people outside and within Government thought that we would not be able to do it. I think that affected the sort of support that we got internally. It took us a long time to pull together a team for the 2019 negotiations. To a large extent, I and one or two people working with me used our personal connections to find willing civil servants to come and sit in the team. It was not a particularly satisfactory way of doing it. Luckily, the 2019 negotiation was really only about one thing—the backstop; the Northern Ireland arrangements. You did not need a vast team. You just needed people who were focused on that bit of the job.

To answer your question, in principle, I had around me at the biggest stage of 2019 probably about 20 or 25 people. Obviously, we could draw on more expertise around Whitehall if we needed it, but that was basically how it looked.

In 2020 it was much more formal and we pulled together the so-called taskforce Europe to match the EU's taskforce UK. We got up to about 70 or 80 formally in the taskforce. I would need to check, but it was that sort of order. Certainly in the last three months we were pulling people from across Whitehall as well into those teams for particular bits of the negotiations. The number of people who were involved was probably quite a lot bigger than during 2020.

Q101 **David Mundell:** It was not just a change of Government. Olly Robbins was a senior civil servant and you were essentially a special adviser. How did that change work?

Lord Frost: I think it was a very good model, not surprisingly. But more importantly, a lot of civil servants thought it was a good model because the way we did it both in 2019 and 2020 was to have a mix of special advisers and civil servants working effectively to the Prime Minister. The advantage of this mix and of having a political figure at the top was that you could explain to those in the team you were relying on to conduct bits of the negotiation what the politics was—why you were doing it, what the



underlying drivers were, what was important and what was not—in a way that a civil servant cannot always.

I was a bit of an unusual figure, in the sense that you do not often find people who have both the technical knowledge and the political will to do the job. So maybe it will not work for everybody, but in both 2019 and 2020, having someone at the top who could do both the politics and the technicalities, and special advisers in the team who could support that and explain why we were doing things and what direction we were going in, worked quite well. I think it is a model we should use for the future. It is not a precise parallel, but the vaccines taskforce, although it was not political, brought in a mix of outsiders and insiders and different expertise. Just to rely on the bureaucracy probably would not have produced so good a result.

Q102 **David Mundell:** Obviously, we have touched on the politics of that period. If that is set aside, what kind of resources do you think parliamentarians need to scrutinise properly and understand international agreements of this kind?

Lord Frost: More than you have, probably. There needs to be a mix of legal expertise and trade policy expertise, which often means domestic expertise in the areas that are in a trade agreement. It is not traditional for parliamentary Committees to have large amounts of secretariat support, but, without creating a competing bureaucracy, there could reasonably be a bit more than there is at the moment.

Chair: We welcome Beth Winter to her first meeting.

Q103 **Beth Winter:** Thank you for coming today, Lord Frost. What interactions and consultations did you have with the devolved Governments during the negotiations?

Lord Frost: I am not sure whether much of it happened in 2019, because the circumstances were slightly difficult, but certainly in 2020 there was a Cabinet Committee. I forget the exact name of it, but there was the Committee in which the relevant Ministers of the devolved Administrations would meet. Michael Gove would chair those, explain where we had got to and take views. Sometimes I was able to go to the Committee and sometimes I was not, but that was the formal way.

My officials were certainly in touch quite a lot with devolved Administration officials on issues such as fisheries, where there was clearly a devolved interest. So it was a mix of the formal and informal, I would say.

Q104 **Beth Winter:** Would you say it was sufficient?

Lord Frost: Ideally, you would probably go at it in a more systematic way than we did. Again, because of the pandemic, some of the arrangements did not take place as frequently or systematically as we might otherwise have wanted. The other thing that shaped it was that the Government had a clear mandate for the kind of agreement they were seeking to reach in 2020. We knew many of the devolved Administrations would not agree with it, but there it was; we had won the election on it. Brexit itself was



HOUSE OF COMMONS

still highly controversial, so the scope for genuinely useful exchange about the technicalities and the details of an agreement was a bit limited in those special circumstances. I do not think it is necessarily limited for a normal free trade agreement in the way that it would be for the Brexit agreement.

Q105 **Beth Winter:** So you were willing to overrule the democratically elected devolved Governments in terms of the negotiations?

Lord Frost: Conducting international negotiations is a reserved matter, and that is how we looked at it. We had won the election with a clear policy, and that is what we were seeking to implement. As I say, in some areas we tried very hard to reflect the perspectives of the devolved Administrations, but in the end this was a negotiation that we were conducting and we had won the election on it.

Q106 **Beth Winter:** At which of the six stages that we discussed earlier do you feel that the devolved Governments should have been and were involved in negotiations? Obviously, lots of the areas being negotiated came within devolved competences, so there was a clear role for devolved Administrations in the implementation element.

Lord Frost: I think the up or down vote should be in the national Parliament—that is, here—because it is an international agreement and a reserved matter conducted by the UK Government. I would not favour separate votes in the devolved Administrations. I do think it is useful if the devolved Administrations set out their views at the start of the process—in the way that should probably happen here—in as much detail as they find useful, and if there is a continuing dialogue between the DAs and the UK Government throughout. The depth of that dialogue depends on what the agreement is.

Q107 **Beth Winter:** What is your response to the devolved Governments' clear statement that they do not feel that there was proper involvement of the devolved nations and that the priorities of the devolved nations were largely overlooked during the course of the negotiations?

Lord Frost: I do not agree that we overlooked their priorities in terms of what was important in the Brexit negotiations. I probably agree that we did not agree with the position of the Scottish Government, which was that we should not be leaving the European Union but if we had to, there should be a relationship of very high alignment. We just did not agree with that, so obviously we weren't going to reflect it in our negotiating position. What we could do was reflect, for example, Scottish concerns about fisheries as far as we possibly could in how we took that negotiation forward.

Q108 **Beth Winter:** Listening to your contribution this morning—thank you for coming—I think we can all agree that there are many lessons to be learned in negotiating international agreements. What would you change in the UK's current arrangements for negotiation, scrutiny and implementation of treaties and international agreements?



HOUSE OF COMMONS

Lord Frost: To summarise what has come up in this hearing, I believe that more parliamentary involvement is needed in a defined set of important international agreements. Parliament should be given time to express a view on those at the start and to debate them. At least for the most important ones, the Executive and Parliament should find a way of keeping up to date about what is going on in negotiations, at least in very broad terms. And there should be a yes or no vote at the end, before ratification.

Q109 **Beth Winter:** Can you give more specific examples? Looking at how other countries and nations work, we see clear differences, so can you be more specific about the changes that could be made?

Lord Frost: The parliamentary process thing is relatively straightforward. Looking at the way the Americans or the EU work, they have arrangements for confidentiality within which they brief parliamentarians, and those are respected by all sides. The Americans and, I think, the Europeans have a system whereby certain stakeholders from business, unions and so on also have private access, within limits, to some of the documents and to what is happening in negotiations, so that they can give the best support. I think we should look at that sort of model; I don't think we should necessarily replicate it, but there is room to be a bit more open with each other, so that we get results that stick and do the best possible job.

Chair: A quick question before we conclude from Lloyd Russell-Moyle.

Q110 **Lloyd Russell-Moyle:** Thank you very much for your evidence, Lord Frost. It is very useful indeed. I am interested in the issue of the devolved nations. Before Brexit, you held a number of positions representing Britain to the EU, whether as first secretary or with the British presidency. Did you end up working more closely and negotiating more with the devolved Administrations during the British presidency, or were you in more contact with the devolved Administrations during the Brexit process?

Lord Frost: Definitely more during the Brexit process. You cannot compare that with being first secretary in UKREP as was. The particular job I was doing was a Treasury-focused one, so much DA contact was not necessarily expected. My impression is that over this whole period—the 20 years or more I have been doing this—engagement with the devolved Administration has gone up and become more and more important. If there has been a hiccup in recent years, it is because everyone understood that those in charge in the devolved Administrations did not want to deliver Brexit. Obviously, that limited the quality of the interaction, but that need not be the case forever.

Q111 **Lloyd Russell-Moyle:** So you summarise that as "a hiccup". I might argue about whether that is the appropriate word, but you feel that is a temporary situation and that the norm should be greater interaction with the devolved Administrations in future trade arrangements.



HOUSE OF COMMONS

Lord Frost: Yes, I don't see any reason why there shouldn't be. Indeed, I think it is probably highly desirable, as long as all sides understand that negotiating external agreements is a national competence for the national Government, and in the end it is that Government who have to make the trade-offs and decide what they can sell to the national Parliament.

Chair: Lord Frost, on behalf of the Committee, may I thank you for coming to give evidence this morning? If there is anything that you feel you neglected to mention but that you have a burning desire to furnish us with, please feel free to write. Thank you very much indeed.