



HOUSE OF LORDS

European Affairs Committee

Windsor Framework Sub-Committee

Corrected oral evidence: Strengthening Northern Ireland's voice in the context of the Windsor Framework

Wednesday 22 May 2024

3.30 pm

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Members present: Lord Jay of Ewelme (The Chair); Lord Dodds of Duncairn; Lord Elliott of Mickle Fell; Lord Empey; Baroness Goudie; Lord Lexden; Baroness O'Loan; Baroness Ritchie of Downpatrick; Lord Thomas of Gresford.

Evidence Session No. 3

Heard in Public

Questions 23 - 33

Witness

[I](#): Robbie Butler MLA, Deputy Leader, Ulster Unionist Party.

Examination of Witness

Robbie Butler.

Q23 **The Chair:** Good afternoon and welcome to this public meeting of the Windsor Framework Sub-Committee. We are today holding the third evidence session of our inquiry on strengthening Northern Ireland's voice in the context of the Windsor Framework.

We are joined today by Robbie Butler MLA, deputy leader of the Ulster Unionist Party. You are very welcome and we much look forward to hearing your evidence. Later today we will be hearing from representatives from the SDLP and the Alliance Party and we hope to engage with Sinn Féin and the DUP later on in our inquiry.

Today's meeting is being broadcast, and a transcript will be sent to you before publication to check for accuracy. Could I also refer to the list of members' interests as published on the committee's website? We have until 4.30 for this session so we will aim to finish by then and we hope to get through all our questions before that.

Perhaps I could start by asking you to assess for us the extent to which the voices of Northern Ireland politicians can be and are being heard in the context of the Windsor Framework. That is just a brief overall question. We will come to the more detailed questions later on as we go through our agenda. Over to you. Once again, you are very welcome, and it is very good of you to join us.

Robbie Butler: Thank you so much. Forgive me if I do not reach for names sometimes, because the names are not coming up on my screen. Some of you guys I will know and some of you guys will be new to me. If I talk too fast, please reach in and just tell me, "Robbie, please slow down".

In terms of the answers, there may be some crossover or repetition, but that should not be seen as a negative. We should see that as a positive. Throughout the time we have, we will probably revisit a number of issues that have probably been extant since Brexit and continue to be so through the different iterations of agreements that have been achieved at different times.

I want to introduce myself a wee bit further. I am Ulster Unionist deputy leader. I have stepped out of the Committee for Education because I understand that this is a very important piece of work. We are at a very important moment and I do see the value in the inquiry and the report that you will bring forward.

In regard to your question, context is absolutely important. I genuinely do not want to revisit too much of what has happened since Brexit, but the reality for me as a politician who has been in an elected capacity, and certainly for my peers and colleagues, is that there has been what we would call a democratic deficit of political voice up to this point. There is absolutely no doubt about that. It has been very clear.

Your question was more specifically in the context of the Windsor Framework. The Windsor Framework has, in some of its mechanisms, tried to address that. We are in the very early stages of testing and understanding those mechanisms and the bodies that have been alluded to in the Command Paper as well. Further into this interview we will probably talk about the outworkings of some of those things. We have the introduction of elements like the Stormont brake and applicability Motions, which we have had some experience of now in the Chamber. We can tease that out a little bit further on.

The reality is that Brexit has happened and the Windsor Framework has been negotiated. As a unionist and as a deputy leader of a party, I had no say or sway in that, which does not feel very good. In a lot of the negotiations, whether it has been at a London-EU level or the leanings of the political parties here, both those who pursued Brexit passionately and those who pursued the NI protocol passionately, unfortunately business and industry has been squeezed and the voice has been lost.

It has been the responsibility of politicians who may not have had that vehicle and perhaps still do not have the perfect vehicle for it at the moment to try to be pragmatic, to try to ensure that the best evidence, from the stakeholders and those people who it impacts most, is transferred into those bodies that do exist.

Unfortunately, we are probably slightly too early into the opening up of the Windsor Framework to understand fully the capacity and the validity of some of the solutions that it has brought to us.

The Chair: That is a very good start. Thank you very much for that.

Q24 **Baroness Ritchie of Downpatrick:** Robbie, you are very welcome. To what extent do the Windsor Framework's engagements enable the relevant stakeholders in Northern Ireland, including Members of the Assembly, business representatives, the wider community and the voluntary sector, to engage with EU legislation at an appropriate early stage in the legislative process?

Robbie Butler: That is a really good question, because it is the one that has perhaps vexed me most. I raised that point with the Secretary of State, not in my most recent meetings with him but certainly within the last year. It seems that everything tends to be reactionary to what has already been designed, unfortunately.

One of the questions and queries I raised with him was about the early warning systems that exist particularly in London, in the offices and departments that sit in Westminster. I asked what their early alert was for things that would impact specifically in Northern Ireland, because Northern Ireland is more impacted than any other region of the UK with regard to where we are now. Unfortunately, nothing existed a year or a year and a half ago, but the Windsor Framework has sought in some ways to address that.

We recognise the role of the joint committee. I might get on later to where that might go. Certainly, from engaging with industry stakeholders and business, they still find a frustration. They are prepared to wait and see and test, but at this moment in time there does not seem to have been a significant improvement in regard to understanding the complexity and where the rub points are for various businesses.

Anecdotally—this is only at a small level, but it is the type of unintended consequences that we are faced with—Northern Ireland, as you probably know, has a number of high-volume employers but is underpinned by SMEs, small and medium-sized enterprises. The majority of those businesses employ in the region of between 20 and 25 people. They are the heart and soul of our economy.

Recently, in my own town of Lisburn in Lagan Valley, a bakery was to get a piece of equipment from England. It was a mixing bowl. It was delayed by four weeks. There was a serious complexity in regard to even getting something like that. When you seek help to understand whether part of EU law applied or whether it is a derogated matter, it is sometimes quite hard to fashion that out in terms of efficiencies.

There is absolutely scope for agility and for change. At this moment in time, it is still early. I do not want to say this all the time. It is still early into the iteration of the Windsor Framework, but there has not yet been a marked improvement that I can see. Businesses are quite understanding, but they want to see some more fluidity and easements. At the end of the day, any difficulties or any increased administration that they face affects their profits.

Baroness Ritchie of Downpatrick: Do you feel hopeful about the engagement with the legislative process as an MLA?

Robbie Butler: We are into the territory, as a legislator, of probably starting to look at the Stormont brake and the applicability Motion system. Those are what we have picked up. Did you want to come in there?

Baroness Ritchie of Downpatrick: That applies to somebody else's question.

The Chair: We certainly are going to come to that. We will come to it a little bit later.

Robbie Butler: In terms of where we sit as legislators, we still do not have that upstream awareness of what changes are likely to come, whether those are new EU regulations or laws, or indeed whether there are other changes. There are going to be crossovers. At the moment, we do not have huge scope. We rely on the joint committee to an extent, but there will be options to look at other avenues for that early warning and early alert in terms of what will impact on Northern Ireland.

Q25 **Lord Lexden:** Robbie, welcome from us all. As you say, so much is untested in these early days, but how would you assess the potential of

the new measures—there was no lack of them—in *Safeguarding the Union*, the Government's recent document? How will these bodies fit? Will they fit successfully within the existing structures established under the withdrawal agreement, the Windsor Framework itself and that hugely important agreement, the Belfast/Good Friday agreement?

Robbie Butler: This is a really important question. Many people probably did not have an understanding of the complexities of the unique position of Northern Ireland, even at the point of Brexit and since, in terms of understanding the bodies that already exist.

You have touched on the most important to us in regard to good government, good governance and understanding in the Northern Ireland context. We have the Good Friday agreement. Within the Good Friday agreement, there are three strands that are important to understand. We have the sovereignty of the Westminster Government, but we also now have to take into consideration the further complexities of the bodies that have been created.

Your question was about the potential of the new measures. The potential of the new measures can only be realised if people have an explicit understanding of the political and socioeconomic context of where Northern Ireland sits within the wider piece. There were probably a number of missed opportunities in the failures to hear properly the voice of legislators here in Northern Ireland on the different iterations, whether that was the protocol or now the framework.

It is quite diverse. The Department for the Economy produced a paper this week. There are some infographics in it that give a pictograph and some supporting information in regard to the existing bodies, the new bodies, where they sit and how that will be.

The complexity of it will be around, as Governments change, their intentions for those bodies. We have already seen different iterations. Very recently, we have seen the removal of powers from different ministries in Northern Ireland. Around 20 areas of responsibility have been removed from ministerial control. There is complexity. There is complexity to how we govern ourselves and where we fit in the devolved nature of government in the UK. That is missed sometimes in how the bodies are constructed.

However, because we have government in Northern Ireland again, we are in a moment where we can work constructively to test those bodies and to ensure they work for Northern Ireland. To be quite honest and to be very blunt, as a Northern Irish politician, that is what is important. Northern Ireland has been through the mill over this last number of years because we are the frontier for this agreement.

It is important that whatever is seen to work works and whatever is seen not to work is removed or improved. We need to be aware of the complexity. That needs to be known by all, Lord Lexden. It is not the

answer, but I hope it gives you an essence of the complexity that there is.

We talk about the joint committee and EU-UK understanding, but, outside of that, for us here in Northern Ireland there are multiple layers that we either have a say in or do not have a say in. Again, there is a difficulty with that democratic deficit, which we need to face into at every turn.

Lord Lexden: You are giving us the impression that the devolved Government at Stormont and the Government here are simply not working closely enough together at the moment. There is a huge range of measures in the *Safeguarding the Union* document. Is there a danger that, because so much further has been proposed, with all the additional bodies to be set up, we will not achieve what we really want, which is a really good and effective working relationship between the two Governments.

Robbie Butler: Yes. You have hit on a good point. In my understanding, from the Northern Ireland Executive perspective, the First and Deputy First Ministers would speak to the joint committee and to London. If there is an improvement that could be made to that, it would be to suggest that that should be open to any Executive Minister, based on the portfolio of expertise that they are speaking to.

That is about simplifying and ensuring that the middle person does not convolute the message. As we have recently realised, veterinary medicines are still not sorted, although human medicines are to an extent. I remember being in Brussels about two years ago. We had this head-to-head. We had a meeting in the hemicycle there, where I was being told by the lead legal expert of the negotiation team from Brussels that human medicines had been sorted. He was adamant that that was a fact, but it absolutely was not. There was something missing in translation in terms of how that information was going from the Department of Health in Northern Ireland, when we had the Executive, to the EU.

There were instances where changes were not being made because the information was not being translated or shared effectively. I agree with you. There is a risk with too many bodies. We should be seeking efficiencies possibly within other bodies, but we need to have the right people in the room. That is key.

Lord Lexden: Thank you very much, and very best wishes for success in all your endeavours.

Q26 **Lord Elliott of Mickle Fell:** Good afternoon, Robbie. I am interested in hearing you developing a few of the points that you have made already, particularly whether the return of the Northern Ireland Executive and Assembly creates the potential for further engagement at a political level. Perhaps in slightly more concrete terms, could you comment on the political engagement that has taken place so far at UK level and EU level and whether you have had the opportunity to have input into the

engagement between the UK and EU?

Robbie Butler: I really appreciate the questions. You might need to revisit them and remind me, if that is okay. I can go down a rabbit hole sometimes with my answers. I will probably take those in reverse order.

I have neither seen nor noted any increased engagement, to be fair. There is no doubt that the Secretaries of State and the NIO have been open to communications, but the London Government are still, through their departments, trying to create the areas of business that will recognise the upstream scanning and the sharing of information. We should recognise that everybody is in a moment of transition, even the EU. The pinch point for us is that it impacts here in Northern Ireland.

We can increase that engagement. We have to recognise the issues of sovereignty. That underpins who we are and what we are. We need to work within those confines. There is absolutely no doubt that there are opportunities for efficiencies, but communication is absolutely key.

I go back to—I will probably keep using the same term—the feeling that we did not have advocacy, or of political disenfranchisement. It did not help. It did not engender good government here in Northern Ireland. In fact, it led into the instability. We suffered the two years without a Government here, which did not help anybody, to be fair.

Do you want to go back to the first question that you asked, Lord Elliott, if that is helpful?

Lord Elliott of Mickle Fell: Yes. That has been a really comprehensive reply. The area that I am particularly interested in is the discussions between the UK and the EU and whether you feel you have sufficient input into those discussions. That seems quite crucial to me.

Robbie Butler: In regard to that, the straight answer would be no. However, we are quite well developed in the information that is now available to us about where the actual impacts and pinch points are. That probably brings us closer to what has been developed out of the Windsor Framework in the Command Paper with regard to the mechanisms as a legislator.

Certainly, it is appropriate to now talk about the Stormont brake and the applicability Motions. Those give us a perceived level of agency and political involvement. At the moment, those remain untested.

To give you some level of update, we have had two applicability Motions in the Chamber. I will have to open my other screen here. I want to make sure you are aware of the content and what they were about. The first one was about organic pet food labelling, and the next one was about indications for craft and industrial products on the mainland. The vote for both was different. One was negative and one was affirmative, which I would suggest indicates a pragmatic application of the challenges and debates that will come to the Chamber. In essence, those two debates

indicate that, as an Assembly, we are prepared to look at things and assess them based on the merits they have.

The fear I have and we have specifically in regard to the Stormont brake, however, is that there may be an unintended consequence where Northern Ireland could find itself misaligned with the GB market and the EU. We have received verbal assurances that that is not the case. Until it is tested, we will not know because there are legal opinions on both sides.

We do not want greater divergence. We want to minimise divergence. We want to get to the point where we are friction-free and there is no divergence with the GB market. In terms of that dual divergence, we could find ourselves in the worst of all worlds, if we do not get it right.

I am not suggesting there is a need to test it just to pick that out, but there is a point that we need to get to where we need to test on a number of things, just to see whether they are effective. If they are not, we need to change them.

Lord Elliott of Mickle Fell: That was a clear reply. Thank you.

Q27 **Lord Empey:** Robbie, I wanted to tease out a bit more on the Stormont brake and the applicability Motions. We are aware of them, but we are interested in your assessment of the effectiveness of the mechanisms. I take into account the fact that there has been very little opportunity yet and it is at a very early stage. What is your assessment of how effective these institutions or these mechanisms are likely to be?

Robbie Butler: If we take them in turn, the one that I can speak about with some effect is the applicability Motion. The First and Deputy First Ministers lodged the Motion. It was selected at the Business Committee. We debated the two Motions. That is in *Hansard*. You can see where they are.

The direct impact of what happens then is still to be measured and tested. One of them was in regard to the labelling of craft items. My own party voted against it, because we did not have the information well enough in advance to understand the complexity of the topic and the issues. Therefore, the stakeholders perhaps did not even get time to react to that.

The learning from that was that a lot of pressure comes on the Windsor Framework Democratic Scrutiny Committee, which has been developed on our return to Stormont. Legislators like me, who already have quite large portfolios of work anyway, need to be over the detail of something very significant. The timeframes are very compressed. You are relying on that early alert from the joint committee, the EU or the NIO, and indeed for the First and Deputy First Ministers to lay it, although any other Member can lay it.

The Stormont brake is more interesting. It is a bit like our own petition of concern. Over the years, the petition of concern, which should have been

a good mechanism, probably has not had a great reputation because of how it was used. This is slightly more tied down and specific in terms of how and when it can be used, although it is open to interpretation.

The difficulty with the Stormont brake is not in actioning it, because when you action it you hand it back—it is not very clear what will happen—to the Government in London, and they have the power to either ignore that or apply it. If they apply it, the EU potentially has the power to override that.

This is where we find ourselves as legislators in Northern Ireland. We could make a decision and we could utilise that mechanism, but we could still remain quite neutered. That is not necessarily an overt criticism of it. It is just to alert the committee to the absolute complexity and the considerations that everybody is making in these matters.

Our confidence is not absolute. I am glad it is there, and it is something to look at, but I am certainly not overly confident that it will do what it says on the tin.

Lord Empey: We are still awaiting the first government response to one of the applicability Motions. I take it that we have had no response so far. The Stormont brake remains untested. Does it at least give the Assembly some ability to control events, or are you saying that there could be unintended consequences, such as the EU's response? They are entitled to respond to protect their own interests. It does not specify what those might be. Does that bother you or your colleagues in Stormont?

Robbie Butler: We should treat everything with an element of caution and a level of concern. We need to temper that level of concern based on what the material matter is.

Certainly, in my experience, in more recent times the EU has been a lot more amenable to the understanding of the on-the-ground reality for businesses, in particular, in Northern Ireland.

As a legislator, in terms of confidence, I have a concern because the EU represents 27 member states and not one single entity. I should have a concern because every member state will be trying to protect their own interests within the single market.

The joint committee should be very Northern Ireland-focused. Bearing in mind where we have come from as a country and the fact that we are an outlier in terms of the impact of the delivery of Brexit, there must be a much more Northern Ireland-focused result from the test, whether that is the EU or the Government in London. There are some parameters that are laid down for us in London in terms of the test for applying the brake. The bar is set quite high, to be honest.

Do I have confidence? I would definitely fall short of saying I have confidence, but I am glad there is something there.

Lord Thomas of Gresford: Can I just follow the way in which, to take an example, the pet food applicability Motion came into being? First of all, were there any discussions between Northern Ireland and the EU Commission about the formation of that particular regulation? Were there any discussions?

Robbie Butler: Lord Thomas, thank you for your question. Not that I am aware of, no. I cannot say so definitively, but I do not suspect so. Certainly, any negotiation will have been at a London level, possibly through the joint committee. It was a much more informed debate. It passed because the impact that it would have was much more evident. That is why I mentioned the pragmatism of the Assembly in the debate. The answer is that I do not know, but I do not suspect so.

Lord Thomas of Gresford: You do not have any manufacturers in Northern Ireland to whom the regulations apply at the moment, as I understand it.

Robbie Butler: Not that I am aware of, no.

Lord Thomas of Gresford: What happened? You were presented with this EU regulation and asked to accept it although you had played no part in its formation. Is that right?

Robbie Butler: Yes. To be fair, we have raised concerns previously about the impact of all the deliverables of Brexit. The deficit in terms of informing the debate and being upstream of the decisions that are made at the joint committee was always going to be a concern. It was an existing concern and it remains a concern. We are becoming reactionary. We are just a reactionary body here. It is really hard to get upstream on those things.

As I said in an earlier answer, the difficulty is that we do not have a lot of time. When something is lodged at the EU or we made aware of it through the NIO or a London department and the First Minister's office gets it, we have a very compressed timeframe to examine it.

Lord Thomas of Gresford: Is it 21 days?

Robbie Butler: Yes.

Lord Thomas of Gresford: It is so many working days, anyway. It is a very short period for your devolved legislation committee to consider, is it not?

Robbie Butler: It absolutely is. It is an Assembly-wide vote. You have the committee, which has not been adequately resourced, to be fair. That is another issue. You have a committee that is not adequately resourced. It has been set up very quickly. It needed to be set up, but it also needs to develop that informed expertise. That informed expertise will perhaps not exist until we test certain items and develop those communication lines.

Lord Thomas of Gresford: Any discussion about that particular European regulation would have been between the UK and the EU, if any, and you do not know of any. Is that right?

Robbie Butler: I am personally not aware of what that looked like with the joint committee. It will have passed through its passage. The mechanism at that level is something that we need to understand better. We need to understand the veracity and the level of detail that goes into the submission that they are looking at and that is passed to us, particularly from the London side of the joint committee, so we can have confidence in it.

Lord Thomas of Gresford: Am I right in thinking that the UUP spoke against it and voted against it in the debate?

Robbie Butler: We voted for the organic pet food. We voted against the indications for craft and industrial products.

Lord Thomas of Gresford: On what was your opposition based?

Robbie Butler: The opposition to the one that we voted against was the fact that we did not have enough information for our committee member to make an informed choice.

Lord Thomas of Gresford: Clearly, you feel you do not have enough information or enough time. Is that right?

Robbie Butler: Yes, there are compressed timescales. It will be specific to the item that is being debated at the time, because there is a lot less crossover and a lot less impact on certain issues. It will be much more complex on others. If the timeframe is the timeframe that is set—

Lord Thomas of Gresford: I appreciate that the Assembly does not have sufficient information in a timely manner. What about the Executive Office, which has been operating while the Assembly has been in recess, should we say? Is the Executive Office in any better position?

Robbie Butler: Do you mean the Executive Office as a department?

Lord Thomas of Gresford: Yes.

Robbie Butler: Again, I am not in the Executive Office. I am not aware so I would be foolish to comment on that. I am not over the detail of how much they would have been involved when there were no Ministers in place.

A lot of these things are political. The Permanent Secretaries in departments are very limited in what they can do. With the applicability Motions and the Stormont brake, we are talking about EU laws, divergence and so on. They are political decisions. I imagine there would not have been a huge amount.

The pipeline is not well known, so I suspect not. There is not an identified pipeline that we are aware of that is indicating whatever is coming next as a target.

Lord Thomas of Gresford: You need a pipeline to give you forward information of what is going to happen. You need time to consider it when a measure appears before you. Is that right?

Robbie Butler: That is absolutely correct. It is really important to do stakeholder engagement, wider than legislators, with business and industry. They have a vested interest in being alert to changes that sometimes come at very short notice. There is a need to get that expert opinion to inform good legislative decisions.

Q28 **Baroness Goudie:** Good afternoon. It is nice to see you again. Coming on from my colleague's question, is there a role for more direct Northern Ireland engagement with the EU structures, for example between the Northern Ireland Executive and the European Commission or between the Northern Ireland Assembly and the European Parliament or both?

Robbie Butler: In that regard, I have been doing some reading recently about how the UK is constructed, the value of sovereignty and the different echelons of devolved power, in terms of reserved, expected and those type of things.

We need to be very aware of the level of authority to make decisions that impact on the UK in a wider sense. In regard to that responsibility, we probably have some offices that exist that could be better utilised. We have the Northern Ireland Bureau, for instance, which is well placed. It has good relations in Brussels.

We need to utilise what we have better. Earlier I indicated that there could be an improvement in who appears before the joint committee to inform it. That is not about appearing in a reactive manner. It is about informing the joint committee so that it is better informed of what is happening on the ground in Northern Ireland. It should be a wider Executive approach.

When I have been in Brussels and I have engaged, it has been very positive, as it has been in London. It is very important that Northern Ireland politicians are in the room, particularly with the joint committee. It is about recognising the strands of responsibility of the Government in the UK and operating within that sphere but also being agile enough to make sure that mechanisms exist to ensure that legislators from Northern Ireland are listened to in the non-partisan and non-political manner that represents their constituents.

We definitely can step up, but I am cautious about suggesting that we set up another agency, given that, as we talked about at the start, we have a complex micro-system of body upon body upon body. Greater utilisation of what exists and some more flexibility might be enough.

Q29 **Baroness O'Loan:** A final welcome, Robbie, to the committee. I would

like to ask you about engagement with business and civil society stakeholders under the Windsor Framework. I know you have addressed those issues intermittently as you have been going through the other questions, but there may be something more that you want to say.

What opportunities are available for Northern Ireland business and civil society stakeholders to engage with the UK and/or the EU under the Windsor Framework? How would you assess the effectiveness of the existing structures? Could they be improved and, if so, how?

Robbie Butler: It is crucially important that we do speak in regard to stakeholders from the business sector.

I do not know whether you are aware of the Balmoral Show, which happens in Northern Ireland every year. You will, actually. It was a great success. It is in my constituency in Lagan Valley. All the business stakeholder advocacy groups were there and were represented, so I have had some very fresh engagement with those individuals. They are telling me that it is still very early, but they are still seeing complexities for their members. Those complexities are there. There is still a concern.

There is still a diversity of opinion within industry. If you were to lobby industry on the impact, it seems to be coming back that those who are more financially secure can be agile and work with the different bodies and functions that have come out of the different iterations. Those who find it more difficult still view any changes as unwelcome interlopers, shall we say, though they are in a better position than they were.

The main thing was that it is still too early to comment. At this stage there certainly do not seem to be any additional benefits in terms of increased trade that I am aware of. We are in a stage of opportunity, where we are trying to make the mechanisms work for us.

Fundamentally, we still do not have the data to appreciate fully the impact it is having at this moment in time. Later in the year that will become much more evident. I am sure the inquiry will be wound up before that.

In terms of the level of engagement, I do not know whether at this stage there has been a direct improvement since the Windsor Framework. People have become battle fatigued, to be honest. That is the other sense that I get. They have become battle fatigued because there has been no certainty, no surety and no sense of absolute direction. When things constantly change, business cannot thrive.

There is also the additionality that has been forced into business in paperwork, complexity and regulation. The backdrop of the cost of living crisis, which we have come through and are still experiencing at the moment, skills deficits, problems with employment and all those things have made it quite burdensome.

Whether it is through the Windsor Framework or some new initiative, the purpose of this is to simplify—that should be its core component—to exploit the opportunity that we are told will exist.

Q30 **Baroness O’Loan:** Just to unpack that a little, if you do not mind, can you identify specific new opportunities that have resulted from the Windsor Framework? Are there any other new opportunities that could be devised or new routes through which communication could occur? We know the inability to communicate is one of the biggest problems for industry in Northern Ireland.

Robbie Butler: I have already referenced the Northern Ireland Bureau. Again, it is very well placed for businesses in Northern Ireland. That is not necessarily its specific role. It has always existed. That is why there are opportunities through some of the existing mechanisms to utilise what is in the Windsor Framework and indeed the Command Paper to help businesses. I have directed a few businesses in that direction. To be fair, that was not necessarily specific to the Windsor Framework or any of its outworkings.

We have to recognise that there are there are written commitments that the Government have made, such as Intertrade UK. While we are looking at the increased opportunity in the EU, there is also the Intertrade UK piece, which should see increased trade from Northern Ireland to the mainland, which is still our biggest market. That needs to be recognised, built on and exploited. That was a cross-party ask as well. It is about informing people and ensuring that those agencies are resourced properly and they are not just they are not just paying lip service.

I am sorry that I cannot give you a better answer on this, but the feedback I got from the advocacy bodies that I was talking to was that there is still a sense of frustration. Certainly, there was not a sense that the light has come on now and things are getting better. There is still a lack of data for them. The Government have recently refused to outline the number of checks that are happening. If we do not have honest information about the checks, we cannot do a baseline of where we need to go and how we need to improve.

Q31 **The Chair:** Could I just pick up a couple of points that you have made during your evidence? First, right at the very beginning you were talking about Northern Ireland’s influence. You said that it is entirely reactionary or too reactionary. This point has come up once or twice in relation to the questions raised by Lord Thomas, for example. How do we switch from being too reactionary to being sufficiently proactive?

Robbie Butler: That is a really good question. Part of it is for the people on the joint committee to make sure they are pushing back in regard to awareness of the complexities of Northern Ireland.

We talked at the start about the things that we have to consider here in Northern Ireland because we have a different political settlement from anywhere else. We have slightly different trading arrangements from everywhere else. We have the threat of divergence looming over us,

which we want to get rid of. We absolutely need to deal with that once and for all. It cannot be held as some sort of scythe over Northern Ireland. That needs to become a joint and combined priority.

It is also about convincing people of the overall priority, which is to reduce the burden of Northern Ireland and make Northern Ireland a good consequence of what has happened as opposed to where it is at the moment, where it seems to be paying the price in terms of even our decision-making and stuff.

How do we do that? It is about changing attitudes and recognising or developing upstream systems for horizon scanning. At the moment, something changes and then it is sent down. How you do that I do not know, but I am sure there are very clever people who could possibly stratify that. Even if it were assumed that it was happening and it were not to happen, that would be absolutely fine. It is risk analysis. There are bodies who do that.

The Chair: I have one other question. You have talked once or twice about resources, or rather the absence of resources. Sometimes in this committee over the last couple of years we have had the sense that an awful lot of things from the Windsor Framework and so on are being put on Northern Ireland, and Northern Ireland does not have the resources in order to staff them and resource them properly. Is that a correct interpretation? Do you have any sense that more resources could be made available to you so you could do what you are supposed to be able to do properly?

Robbie Butler: There are two parts to that question. First, we need to understand clearly what we are supposed to do. I am not sure anybody has bottomed this out quite clearly. That is from talking to the industry and to legislators. The highest grade that I would speak to would be the Secretary of State. It is quite clear that nobody has quite bottomed out absolutely what is required. Until we bottom out absolutely what is required to go forward, we cannot identify the resource.

The resource will come with the need to have experts. We also need to identify where that expertise will come from. Part of it will be legislative and part of it will be legal. A lot of it will be industry. That mix is really important. Informing us in the Assembly is really important. We need to develop the resource for the purpose that it needs to be developed for and we need clearly defined objectives.

Having clearly defined objectives starts with eliminating the divergence between us and Great Britain and ensuring that not only do we remain a component part of the United Kingdom but we become the most successful part of the United Kingdom. From a staunchly unionist perspective, Northern Ireland flourishing as part of the union will come with prosperity. We need to see that prosperity. If we see that prosperity and we make people's lives better, guess what? Everybody will want to live here. If we are a vibrant part of the United Kingdom, that may be the time for me to retire, if we can do that.

The Chair: Thank you very much. That answer has sparked a question from Lord Empey.

Q32 **Lord Empey:** I just wanted to ask you, Robbie, one question about the Windsor Framework Democratic Scrutiny Committee and resources. I am familiar with Assembly committees in general. Does that committee have any additional capacity over and above what other committees have in the Assembly? Are you aware at this stage of any thought being given by the parties or the Assembly Commission to giving it additional resources? Have you heard anything about that?

Robbie Butler: You are absolutely right. The committee has been established, in the formal sense, in terms of its membership and its resources.

Given the critical nature of the debate that we are in and the political moment with regard to the Windsor Framework and the protocol, there is no doubt that it is not resourced effectively. My own party colleague Steve Aiken has made that quite clear a number of times. The purpose of that would be to make the committee more efficient and certainly better informed.

If that were the case, we could have pragmatic and useful debates in this Chamber in regard to the outworkings of that. I do fear that in the longer term, as divergence or the threat of divergence comes, the need to have a well-resourced and well-informed committee will be absolutely critical on a number of levels, including the stability of Northern Ireland and its prosperity. We need to recognise the pressures that have been on everybody over the past six to eight years as we have travelled through this journey.

Lord Empey: Just to be clear, Robbie, are you saying that the committee has been established and the staffing levels and so on are the same as other committees in the Assembly?

Robbie Butler: That is my understanding, yes.

Q33 **The Chair:** Thank you very much. Before you go, is there anything that we have not asked you that we ought to have asked you or anything else that you would like to say to us?

Robbie Butler: No. I just want to thank you for your time. You have been very kind. That is the first time I have been on this side of a committee. I am usually on the other side. It is much more comfortable being on the other side. You have been very gracious. Thank you to you all. I wish you a good day.

The Chair: Thank you very much for being with us. We have much appreciated that. That has helped us a lot.