

Select Committee on European Affairs

Sub-Committee on the Protocol on Ireland/Northern Ireland

Corrected oral evidence: Introductory inquiry into the operation of the protocol on Ireland/Northern Ireland

Wednesday 28 April 2021

11.15 am

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Members present: Lord Jay of Ewelme (The Chair); Lord Caine; Lord Dodds of Duncairn; Lord Empey; Baroness Goudie; Lord Hain; Lord Hannan of Kingsclere; Baroness O'Loan; Baroness Ritchie of Downpatrick; Lord Thomas of Gresford.

Evidence Session No. 1

Virtual Proceeding

Questions 1 - 10

Witnesses

I: Professor Duncan Morrow, Lecturer in Politics, Ulster University Jordanstown; Jess Sargeant, Senior Researcher, Institute for Government.

Examination of Witnesses

Professor Duncan Morrow and Jess Sargeant.

- Q1 **The Chair:** Good morning and welcome to this, the first public meeting of the new European Affairs Committee Sub-Committee on the Protocol on Ireland/Northern Ireland. We are launching the committee with an introductory inquiry examining the current situation in Northern Ireland as it relates to the protocol, including the views and concerns of communities and stakeholders, the current state of play on the protocol's operation, the continuing dialogue between the UK and the EU on the protocol in the withdrawal agreement joint committee and the governance bodies reporting to it, and efforts to identify solutions to the problems so far identified.

We begin our work today with an evidence session with Professor Duncan Morrow from Ulster University and Jess Sargeant from the Institute for Government. Both of you are very welcome and we much look forward to what you have to say. Today's meeting is being broadcast and a verbatim transcript will be taken for subsequent publication, which will be sent to you to check for accuracy. May I invite all members of the committee to declare any relevant interests the first time they speak? I do so by referring to my interests as published on the committee's website. We need to finish this session by 12.45 pm at the latest, which should give us plenty of time to cover the questions that have been prepared.

What is your assessment of the overall socioeconomic and political impact upon Northern Ireland of the protocol on Ireland/Northern Ireland, since it came into force on 1 January? How would you assess the impact of the protocol on the Belfast/Good Friday agreement?

Professor Duncan Morrow: May I say how honoured and grateful I am to be asked to speak to the committee? I hope that my introductory remarks each time can be followed up with any questions that you think are relevant to probe them further. The impact of the protocol in socioeconomic terms is still very difficult to assess. We are in a very early period. We have seen the first month, when of course there was the initial introduction of checks. We have seen the prolongation of the period of the implementation. We have also seen different patterns of trade emerging in January and February. It is still very difficult to say what is initial impact, what is Covid impact and what is long-term structural change.

In socioeconomic terms, we can definitely see the disruption, which has been widely publicised, particularly in relation to those areas where Northern Ireland has a strong interest: agri-food, textiles, transportation and some consumer items coming into Northern Ireland. There is some evidence of shortages of particular items and difficulties in getting them. There have been conversations and long discussions, which have not yet kicked in, I suppose, about the long-term potential around pharmaceuticals, but also particularly around SPS—we will talk about that later—and veterinary impacts on agri-food and those kinds of products.

There has also been an evident change in the pattern of trade. Since the delay in implementing some of the aspects of the protocol, the Northern Ireland ports have seen an increase in trade, whereas trade running through the Republic of Ireland ports has declined. There is therefore evidence of an increase, in some of the statistics that we are getting, of north-south trade. That may be partly to do with that diversion of trade. There are clear impacts on Ireland-Great Britain trade, where we have seen a decline in both imports and exports of between a third and two-thirds. That is covering January and February.

All these things accumulate, in many ways, in a complex pattern. Different industries are feeling this differently: manufacturing differently, supermarkets differently. As I say, it is a moving picture. It is difficult to give a final conclusion on where it is from this point. We know that it is

disrupting and changing things, and some of those things have been directly impacting on consumers. At the same time, most items remain, so we cannot talk about general shortages. We will no doubt see this rolling out as we move forward.

The Chair: That is a very helpful introduction for us all. Jess, do you want to add to that or produce your own comments?

Jess Sargeant: One thing I will comment on is the state of UK-EU relations since the protocol came into force. There was some optimism in December, following the joint committee decisions that were made at the beginning of the month, where the decision around at-risk criteria was made. The UK and the EU seemed to come to quite a pragmatic agreement that allowed most goods to travel from Great Britain to Northern Ireland without paying tariffs. That was a positive move.

Perhaps naively, I certainly did not predict what then happened when the protocol came into force, where we had the issues around Article 16 and the EU nearly triggering that. That had knock-on implications for some of the positions of the political parties in Northern Ireland. In a response to, I think, what they saw as an undermining of the logic of the protocol, they decided to take perhaps a harder line against its implementation. Similarly, there are the unilateral measures that the UK Government have announced more recently in relation to some of the grace periods. While I can understand the logic of that, in allowing businesses more time to adapt, it is regrettable that that was done on a unilateral basis, rather than with agreement with the EU.

There has been some deterioration in the UK-EU relationship, which has had implications for the situation in Northern Ireland. Ongoing discussions in the joint committee are making positive noises, so I hope there is a way for us to come back to a more co-operative, collaborative method of working. It remains to be seen whether solutions can be found to the difficult problems, such as the ones that Duncan mentioned there.

The Chair: Those two contributions have got us off to a very good start. You have both raised points that will be raised, I think, in subsequent questions as well.

Q2 **Baroness Ritchie of Downpatrick:** I refer to my interests, as published in the Lords register for this committee. My question has three parts to it. What would you identify as the main technical, economic or political issues that have so far arisen in relation to the protocol's operation? How significant have these problems been and what practical impact have they had? What impact has the protocol, and UK withdrawal more broadly, had on trade flows between Great Britain, Northern Ireland and Ireland, and the rest of the EU? Has the protocol had any discernible positive impact for Northern Ireland? I realise that is quite a complicated, complex question.

Jess Sargeant: There is a lot to cover there and Duncan has already given a fairly good overview of the technical issues on the ground. To add

to a few of them, it remains to be seen whether the problems we have seen are short-term teething issues or more long-term structural problems. There are certain issues around, for example, parcels. Quite soon after 1 January, we saw some couriers pull out of Northern Ireland because a lot of the guidance on those parcels, for example, came really late in the day, about 12 hours before it came into effect. That was an example of where that might be a teething problem, but there obviously are long-term issues to resolve on the customs side there.

To echo what Duncan said, SPS is going to be one of the main challenges. We have already seen some of that. The horticultural sector has faced particular problems there, with certain products that it is no longer able to transport between Great Britain and Northern Ireland because of EU law, which may have prohibitions in that area or on the way in which those goods are prepared or transported. As Duncan mentioned, we do not fully know exactly what the effects of the protocol, as it is in law, will be, because a lot of it in those areas is not implemented.

We have had the grace period for SPS paperwork for supermarkets and their suppliers. That was meant to come to an end in April, but the UK Government have said that they will extend that. If there is not a further extension or a long-term solution, I think there will be more disruption, to supermarket supply chains in particular, so there is the need to find solutions in that area. Because of Covid and the fact that retail and hospitality have been closed throughout this period, we do not really know what the implications on those particular sectors will be yet.

Of the information that is available on supply chains and trade between Great Britain and Northern Ireland, the best measure we have so far is the Covid impact on business survey that the Government have been conducting fortnightly. This suggests that about 50% of businesses that normally send goods between Great Britain and Northern Ireland are doing so at the same volume, so a lot of trade is normal. Around a third of businesses say that they have decreased the volume of goods that they would usually send between Great Britain and Northern Ireland.

The difficulty is that, when you ask them why there have been these delays, the answers are very sporadic and vary quite a lot week to week. There is also quite a small sample size there, so it is very difficult to assess whether it is the protocol that is causing those changes, or whether it is Covid or other factors, including the fact that a lot of businesses had stockpiled before 1 January in preparation for these changes. We still do not know exactly what the implications of the protocol are. There is a need to make sure that we keep an eye on those changes.

In terms of the positive impact, I will say something briefly and let Duncan come in after that. The obvious positive is that Northern Ireland will have unfettered access to both the EU and the GB markets. There is a tendency to sometimes be a bit dismissive when various people make that point. As Invest Northern Ireland says, Northern Ireland will be the only place where businesses can operate without customs declarations,

rules of origin certificates or non-tariff barriers to both the GB and the EU markets.

It is too early to tell whether that is attracting the investment that we might hope it has. There is potential there, certainly in highly regulated sectors such as chemicals or agri-food, but only time will tell whether those benefits are realised. There also needs to be an active effort to ensure those benefits are realised. It is not something we can perhaps expect to happen completely on its own. I hope that covers, to at least some extent, each part of your questions.

Professor Duncan Morrow: Much of the technical detail has been covered. I will make the point that it is expected that short-term disruption would be the first experience and the benefits would have to be measured in a longer timeframe. The evidence of changing trade patterns and, at some level, increasing trade, if that is a benefit, is already there in some of the north-south flows, although, again, some of that may be to do with diversion of trade and the use of ports. Exactly what that is and how that looks is critical, but it will require some monitoring over the next period to see whether those benefits are there.

I should comment a little on the part of your question about the political issues that have arisen, which may also refer back to the first question about the impact on the Good Friday agreement. There is no doubt whatsoever that it has been very destabilising. Looking at it, there are a number of issues that are very obvious.

The underpinning relationship of the United Kingdom and Ireland has certainly changed as a result of the whole Brexit process. The ability of the Governments to act collectively in relation to Northern Ireland as a mediating force, which has happened at various points since the agreement was signed, is very important for the stability of Northern Ireland, certainly when the local institutions appear to be fragile, as we know they are and have been.

Probably more importantly, the issue of Brexit as a whole raises the question of where you put the border. This is the very obvious point. The implementation of any kind of enforcement border, in the case of customs, is a symbolic issue of extreme importance. The protocol has created very major problems, or at least questions, inside the unionist community about whether it actually has a long-term constitutional purpose. We see, as a consequence of that, at least in the public domain, much more conversation about constitutional change than we had seen certainly five years ago as normal.

The fundamental notion of the agreement as a partnership seems to be, currently at least, in dispute. That is maybe the weakest way to put it, but certainly there seems to be once again a public question. We have seen people withdrawing their support for the Good Friday agreement. We have seen the disturbances on the street. We have seen some more agitation around different questions. I simply want to put on the record that, since January, we have seen a notable escalation in some of the

potential risks that have been evident for some years. Since the implementation of the protocol, we have seen those in Northern Ireland at least in some dimension.

Q3 Lord Caine: I will start off by saying I have no relevant interests to declare. Duncan, you referred to the recent disturbances in your answer there. How significant do you think the protocol has been in fuelling those disturbances, compared to other issues? Do you agree with me that there is a range of factors at play here and that some long-term issues, such as disaffection within loyalism and criminality, have played a part? How significant has the protocol been in adding fuel to the flames, as it were?

Professor Duncan Morrow: Thank you for the question. It is a good question and a hard one to be very specific about. This is clearly a cake rather than an ingredient. In other words, there are several ingredients that go into the making of what we have seen. There is no doubt that loyalist agitation around the issue of the protocol has been a very significant factor, particularly since January. We have seen an increase on the airwaves and in the street, with graffiti and so on. We have seen those kinds of things as real things. It is certainly not possible to take the sense in loyalism that the protocol is a strategic defeat, or at least a weakening of the union, out of the equation. It is one of the ingredients.

However, it would be totally impossible to say that the protocol led directly to what we saw. There are a number of other very evident ingredients. We saw the initial trigger with the funeral and the issues that arose around policing. That is another political issue, which gave a certain context for what happened. We also have significant issues of disaffection in loyalism in general, which have been there for many years and sometimes crystallise around a general complaint that there has been no peace dividend in some of the areas. There are other issues around the Government's tackling paramilitarism programme, which may have an impact on the current position of paramilitary leaderships in certain places. There may be destabilisation of that through that very programme and this may be an opportunity. That is an opportunistic one.

Finally, there is the more general issue that is probably evident across the whole of the world, which is Covid-19, its impact on young people and the stage we are at, in terms of third lockdown, people coming out and the particular time of the year. That is a very toxic mix. It means that trying to address that issue is also complex. It requires a really quite thoughtful approach, not just a kneejerk approach on a single issue.

Lord Caine: I would concur with a good deal of your analysis and comments. Jess, do you have anything to add to that at all?

Jess Sargeant: I will defer to Duncan's expertise on that one.

Lord Caine: Going back to the Belfast agreement itself, on Monday, you will have seen that an Irish official who was involved in negotiating the protocol, Rory Montgomery, described the procedures by which the Assembly would consent to the continuation of the protocol as a "brutal

deviation" from the Belfast agreement. Normally, any significant or controversial measures would be decided with a cross-community vote. Would you agree with him that the procedures in the Assembly represent a brutal deviation from the Belfast agreement?

Professor Duncan Morrow: There is a degree of complexity even in that question too. As I understand what he said, the issue is that this was an international agreement and, therefore, the issue of consent, either in relation to Brexit itself or in relation to the protocol's operation, was a matter for international relations and should not have been in any way devolved. The second point is that—and I suppose this is fairly clear—as soon as you move away from the principle of cross-community consent, you are into difficult territory within the context of the agreement around some of these issues. The question of where and when you moved away from cross-community consent then comes into a significant political dispute.

Here we have this problem. There is one way of describing the entire Brexit process as happening only with one community's consent, which is usually responded to by saying it was a United Kingdom-wide vote and therefore sovereignty resides with the United Kingdom. There is a second level that says that the protocol's agreement breaks consent and, therefore, is a breach of the Good Friday principle of community consent, in terms of its implementation. There is a third way, which says that cross-community consent is required to change the agreement in a certain way, which is how it operates.

There is a sense in which the entire process we are engaged in, in Brexit, has really put Northern Ireland's systems and principles of consent into significant problems. It suggests to me that the British and Irish Governments should look at this again to confirm how this is going to be guaranteed, how this would be implemented in the future and where it would apply. It goes back to this question you asked at the beginning around what the impact on the agreement has been. Is a border compatible with the agreement? Is the protocol compatible with the agreement? It suggests that we need somebody to look at this and make suggestions as to how we can restabilise the purposes of the agreement in the current or new context.

Lord Caine: We could probably spend the rest of the day discussing those issues.

Jess Sargeant: The consent mechanism was intended to give the Northern Ireland Assembly and the Northern Ireland community some say on the protocol. There was a commitment accompanying that to have wider engagement with Northern Ireland civil society and people in Northern Ireland. That is the most important element that needs to be happening. It should not all be about the vote. There is a wider engagement piece here that needs to be thought about and put into action.

Q4 **Lord Dodds of Duncairn:** Thank you, Duncan and Jess, for your

answers so far. I refer to my entry in the register of interests published on the committee's website. Could I ask Jess about concerns that have been expressed about the democratic deficit that is at the heart of the protocol, in view of the continued dynamic alignment and application of significant areas of EU law to Northern Ireland, without any representation or participation by the UK in the EU institutions? How significant are these concerns and how can they be addressed?

Jess Sargeant: That is certainly a legitimate concern. Northern Ireland is in a very unique position of being subject to law it has no opportunity to influence directly, at least through formal institutions. That poses a democratic problem, but it also poses potential practical and policy problems, in ensuring that EU law fits in the Northern Ireland context.

There are a few things that can be done through engagement with the EU to try to ensure that Northern Ireland-specific considerations feed into that policy process, most obviously through the withdrawal agreement structures. The joint consultative working group needs to be not just a forum for the exchange of information but a genuine forum for consultation. Where necessary, the option should be available for the joint committee to either tweak the application or think about how certain law applies in Northern Ireland.

There are also opportunities for Northern Ireland to participate, in an observer status or through other methods, in some of those EU institutional programmes, potentially attending working groups, for example through the Committee of the Regions. There is also an option, where these issues intersect with areas of north-south co-operation, for the Republic of Ireland to represent all-island concerns. There are also informal opportunities for the UK Government and the Northern Ireland Executive to influence EU law.

One of the key issues here is whether changes to EU law introduce divergence between Northern Ireland and Great Britain. That is not just the responsibility of the EU to consider, but for the UK as a whole. It is not just the UK Government here, where these areas are devolved. There also needs to be consideration from the Scottish and Welsh Governments. I know that some of the members here are on the Common Frameworks Scrutiny Committee and so will have heard me say this before. Common frameworks provide a good opportunity to consider the implications of changes to EU law applicable to Northern Ireland for the UK internal market as a whole, although they do not cover all aspects, so there will need to be other mechanisms.

At the end of the day, Northern Ireland will not have discretion to decide whether to apply EU laws in many of these areas, but the Governments of Great Britain will have discretion to decide how to respond to that. If divergence is to arise, the implications need to be fully thought through and understood. Where necessary, efforts need to be made to mitigate potential trade barriers or other problems that might arise as a result of that divergence. Neither the EU nor the UK has got very far in its thinking on this; nor has the Northern Ireland Executive, necessarily. In order for

the protocol to be sustainable in the long term, it really needs to be looked at.

Lord Dodds of Duncairn: Thank you very much for your very comprehensive answer. There is a lot in that that merits further debate and discussion. I do not know whether Duncan wants to add anything on that.

Professor Duncan Morrow: It is probably more to underline a number of things. The sense, over the last few years, of having no real input into what the outcome is going to be, except from the side, is a common experience across Northern Ireland. There is this paradox that it is a central point of debate, but many people in Northern Ireland feel that they have no ultimate input into the final decisions. There is a general level of democratic deficit that probably needs to be addressed.

At a more specific level, Jess has already pointed out some of these things. There is the potential for Northern Ireland to act independently and for pressure to be put on the European Union in relation to the ways in which Northern Ireland can at least influence and have direct input into issues that are of specific relevance to Northern Ireland. What is that channel of communication going to look like? How do we develop that?

The second thing is through the United Kingdom Government. The UK Government, in their relations with the EU, however they are further extrapolated, have a responsibility to include Northern Ireland within their understanding of the United Kingdom, not simply treating it separately. They need to therefore negotiate with the European Union, or at least influence the European Union's thinking about these things, so it is a direct implementation of that.

The third thing is already in the Belfast/Good Friday agreement, where it says that the North South Ministerial Council should consider the European dimension of relevant matters, including the implementation of EU policies, programmes and proposals under consideration in the EU framework. Arrangements are to be made for the views of the council to be taken into account and represented appropriately at relevant EU meetings. It would be important, given the changed context, to understand what that means in the new framework. There are at least three dimensions of potential institutional reconsideration that need to be taken into account.

Lord Dodds of Duncairn: I am sure we will return to these issues in much more detail as we progress. Thank you very much, both of you, for your answers.

Q5 **Baroness Goudie:** Good morning, Jess and Duncan. I declare my interests as in the members' interests. I would like to take questions 9 and 10 together, as they fit well together. Is there a viable alternative to the protocol? I sometimes think about that myself. What work would you like to see the committee undertake in scrutinising the operation and the impact of the protocol? I was quite interested, although that is not for

this question, in how it works with the Good Friday agreement, which I am very familiar with as well. It is tricky, but that is for another day. It is the other two questions I am interested in.

Professor Duncan Morrow: Thank you very much for the question, which is, again, a really complicated one. Let us start and say that any alternatives we would think about to the protocol are all fraught with difficulties. Therefore, before even answering the question, yes or no, the reality is that Northern Ireland poses problems to anything that is designed on a bilateral basis and is designed to create what might be called firm or hard frontiers. Enforcement by one state of regulations against another, or at least in the face of another, is always going to create huge difficulties in Northern Ireland.

In some sense or other, the agreement was designed precisely to do the opposite. It was to try to ensure that enforcement was minimised, that legitimacy for enforcement was maximised and that we had the potential, therefore, to at least move away from the urgency of the question of who was in control of the state. Because of this persistent and real problem of division over constitutional issues but also the history of resort to violence, Northern Ireland creates really significant challenges for anybody thinking about straightforward agreements.

The protocol then emerges. The truth is that lots of things were tried between 2016 and 2020. There are lots of different versions of that, part of which depends on the positioning of the United Kingdom vis-à-vis the EU. In other words, how hard is the border going to be? You have asked about viability and real viability. If we take the real-world situation, so that we have the decisions as we have them now, to be honest with you, most of the variations in it are to do with how it is implemented.

Peter Shirlow wrote an article that appeared in the *Guardian* on Monday. He said that, in a sense, Northern Ireland asked Britain and Ireland for a constitutional innovation in 1998, which was quite extensive. It now asks the United Kingdom and the European Union, with Ireland playing a part in that, to also think through the specific needs of Northern Ireland and to see whether adjustments can be made. Simply applying diktats from above always creates significant problems in Northern Ireland, because it runs against this constitutional question. I do not want to go on for too long.

There are some people who say that the answer to this, at a very blunt level, is a united Ireland and, therefore, to remove Northern Ireland from the United Kingdom. It is not clear to me, from reading the numbers, that an opposition to Brexit, or even to a hard border or the protocol, rides immediately into a positive vote for a united Ireland. In those terms, it is simply not in the gift of anybody to implement these kinds of things.

You could close the border with Ireland. We could withdraw. There could be a unilateral withdrawal from the protocol. That creates almost a crisis in Ireland, at a local level but also in how that would be implemented, and in relations that are very important for us, for example on border

security issues. I suppose you are then into what the practical, very pragmatic things that can be done are.

One of the important issues here is that the European Commission, which, probably for the first time, has become the legal actor in this situation, needs to develop a capacity to manage and to work in the Northern Ireland context. For example, the Article 16 incident demonstrated that, when something that literally is only peripherally, and in fact hardly at all, to do with Northern Ireland is taken at that level, it has pretty massive impacts on us. Avoiding that kind of situation in the first place and developing that technical and political intelligence is really very important.

The requirement in the United Kingdom to move with international law is really important, because unilateralism and uncertainty are probably the single biggest risks that Northern Ireland faces. In the middle of uncertainty and unilateralism, we tend to get pre-emptive violent action, and that is why most people are therefore extremely nervous of that.

Finally, there is the capacity of the United Kingdom—we will come on to this in the SPS discussion—to see whether alignment with the EU is always considered to be a kind of defeat of national ego, or whether it would be possible to find pragmatic ways to align certain aspects of UK regulations, without loss of face or creating a sense of permanent rebellion within the political system in the UK.

Jess Sargeant: I would agree with everything Duncan said there. I would underline the point that, in my opinion, there is no clear alternative to the protocol that satisfies both the EU's aim of protecting the integrity of the single market and the UK Government's aim of ensuring complete regulatory autonomy for at least Great Britain. Either one of those has to give if we are to find another option, to a lesser or greater extent.

I would like to answer the Baroness's second question about the work of the committee. I should apologise; I forgot at the start to say thank you so much for inviting me here. I am really honoured to be here in your first evidence session. Scrutiny of the protocol is a really important aspect now, particularly given the political situation. In the long term, there is a risk that, when the political attention dies down, these arrangements get slightly forgotten about. That would be highly problematic.

A key role the committee could play is in amplifying voices from Northern Ireland in Westminster and Whitehall. The Brexit process has shown that there is sometimes a lack of understanding in both those institutions about Northern Ireland. Giving businesses and members of society political voices and the opportunity to discuss their experience of the protocol in forums such as this could be really valuable.

The role of document scrutiny is also going to be very important. I mentioned earlier the concerns there are about EU law applicable in Northern Ireland creating divergence with Great Britain. It is not just

hypothetical; it is actually happening already. I do not think there are the mechanisms in place at the moment to ensure that that is caught and considered. The committee can play a really important role in that regard.

Finally, an overall monitoring role would be hugely important. The protocol is not a static thing. It will not be done once the final details are worked out and it is fully implemented. It will change over time. A lot of the effects are completely unknown and we need to keep an eye on that. The joint committee needs to keep an eye on that and be open to changes and flexibilities where necessary. The committee will have a really important role in that ongoing scrutiny as well.

The Chair: That is very helpful. I agree with that.

Q6 Lord Thomas of Gresford: Can I declare that I have no relevant interests? Duncan, it is very early for me to despair of any solution to this problem in the life of this committee. Can I ask this? In view of the different perspectives on the protocol, what baseline requests for action could the parties represented in the Northern Ireland Executive agree to put to the UK Government and the EU in relation to the protocol? What are the basic points that could be made at this stage?

Jess Sargeant: I would like to start by pointing to the joint letter by the First Minister and the deputy First Minister that was published last November, which raised some specific issues around supply chains, particularly of supermarkets. That was a really powerful thing. Obviously, I was not party to the discussions in the joint committee, but I think it made the case quite convincingly for some extra flexibility and grace periods in those areas. That underlines how powerful it can be when different parts of the Northern Ireland political community come together to make joint recommendations.

In terms of specific asks, those with experience of how the protocol is working are best placed to determine that. It has been a really positive thing that the business community in Northern Ireland and certain business groups have been so vocal and clear about the challenges they face and the solutions they need. I know there are really good mechanisms for those groups to co-ordinate with politicians in certain parties—for example, through the Northern Ireland Business Brexit Working Group. That provides a really useful opportunity to try to come up with specific asks of the UK and the EU that have the support of lots of different voices in Northern Ireland, not just the political voices but the business community and perhaps community groups as well. Those sorts of joint asks are likely to be most successful.

Professor Duncan Morrow: Jess has already covered, as ever, a lot of the answers to this question. I suppose we are covering some of this ground. There is the absolute requirement for taking the Northern Ireland context into consideration. In other words, exactly as the Good Friday/Belfast agreement sought to take the Northern Ireland context into consideration while designing political affairs, that is going to be an

ongoing requirement. The practical approach and the willingness to resolve practical issues, certainly at this stage, seems to be really important.

This may be critical in relation to the European Commission. The Commission has taken on a formal, consequential role in the internal affairs of Northern Ireland in a way that was not true before. There is a need to develop what that means, in terms of the capacity the Commission has to develop in this area. From our point of view, that would be very useful.

We raised the question last time about representation. It should be an integral part of UK Government engagement with the wider European Union and a constant factor. The second one is, on the north-south border, through the Irish Government. The third one is that there needs to be an opening between the Executive and the European institutions.

More practically and basically, things around SPS agreements are of particular importance. How can we maximise alignment on those issues, within the political constraints we have? If we do not do that, the amount of checks is significantly increased or decreased, depending on what arrangements we can make on veterinary and SPS agreements. If there are additional costs around unfettered access, I suspect that some way to meet those costs needs to be part of the Brexit deal within the United Kingdom, if those are sustained, chronic and long term.

I understand that this has never materialised, but it is important to keep on top of digitalisation and technology as they evolve, because that could also reduce a lot of the actual physical problems. While it is clear that there is no digital solution at the moment, it is also clear that technology will change in the coming years. Keeping abreast of that will be very important.

Lord Thomas of Gresford: What was your reaction to the fact that neither the UK, in relation to the extension of the grace periods, nor the EU, in relation to the vaccine block, used the resolution mechanisms within the protocol?

Professor Duncan Morrow: "Alarm" is the answer to that. If there is no resolution mechanism, no resolution when something like that happens is really serious. In the case of the Article 16 incident, effectively reimposing a hard border in Ireland without any consequence and without any use of any mechanism is of immediate and sudden impact on the ground in Northern Ireland. The failure to use the mechanism within weeks is simply clear evidence of a real problem that has had downstream consequences. There is something that needs to be discussed there and resolved.

The second thing is unilateralism. The sense that the British Government act in their own interests first and do not use the mechanisms is now causing significant long-term problems, because the consequence is a more legalistic approach to enforcement. Therefore, the consequence in

the long run is the opposite of what is intended. The purpose is to make grace periods longer. The long-run consequence may be that we have ever tighter legal regulations.

From our point of view, there is a real need to take the specific circumstances seriously, to try to find solutions that are as practical as possible, and to use the mechanisms. That is critical as a way to ease the gap between the protocol as a legal instrument and its impact on the ground on businesses and people.

Jess Sargeant: I would agree with everything Duncan said there. The debacle around Article 16 could have been avoided if proper protocols were used. That is a real shame.

In terms of the unilateral action on the UK's part, there is a sense that what the UK Government are doing here is applying tactics that they think worked in UK-EU future relationship negotiations to what is, in theory, not meant to be a negotiation. It is meant to be a discussion through the joint committee. As Duncan says, there is a question of whether that is appropriate, given the circumstances and the implications that has for the debate in Northern Ireland. Perhaps Lord Frost thinks it is more likely that the UK will get what it wants, but there is still a question of what that behaviour says about the UK Government and the implications it has for the debate in Northern Ireland.

Lord Thomas of Gresford: Can you help me? If the joint committee cannot sort it out, where does it go?

Jess Sargeant: That is a very good question. As you mentioned, the dispute resolution procedure set out in the withdrawal agreement has various options for arbitration panels and similar. I would have to check the exact details. Ultimately, the withdrawal agreement is a treaty between the UK and the EU. Throughout all processes, it really is political will that matters in some of these areas.

The Chair: If you were able to write to us with a little more detail on that, that would be very helpful for the committee.

Jess Sargeant: Sure, I will, no problem.

Q7 **Baroness O'Loan:** I have no interests specific to this committee to declare. I refer to the general register of interests. You have moved on into another area of discussion. This is the specific question I want to ask you: what is your assessment of the UK Government's approach to the protocol and their engagement with Northern Ireland stakeholders since it came into force? What steps should the Government take to engage with and take into the account the views and concerns of three groups: citizens, businesses and communities in Northern Ireland?

Professor Duncan Morrow: Again, that is a good question that takes us on from what we have had, rather than just repeating it. There is a real problem. I do not want to beat around the bush. Queen's University and the ESRC last week published a survey on attitudes to the protocol. The

single most striking figure that came out to me personally was that 1% of people in Northern Ireland trusted the British Government a lot, and 4% on top of that trusted it a bit. So 5% of the people of Northern Ireland, unionist and nationalist, trust the UK Government, which is their sovereign Government.

That is a really significant issue. Especially in the context of street violence and difficulties in the Assembly, the word used when you talk to people is "void". There is no clear sense of direction. The biggest single consequence of the protocol has been disorientation, confusion, and a certain type of fog about direction and who is actually in charge. The Government need to at least move to a position where people in Northern Ireland have the sense that the stability and prosperity of Northern Ireland is one of their core concerns, in a way that does not come second to other concerns. That has been implied, whether or not it is intended. I do not think it is intended, but the consequential outcome is that many people in Northern Ireland feel that Northern Ireland stability is an issue of secondary importance, rather than of primary importance, if it comes to negotiations with the European Union.

That means ensuring and maintaining something that Northern Irish unionists, nationalists and people who do not align directly there can at least see as a direction, consistent with the direction that the Good Friday agreement was trying to uphold around reconciliation, tolerance, mutual trust and these other rather highfalutin but nevertheless critical ideas of equality, partnership and mutual tolerance. Those kinds of elements in Northern Ireland remain critical.

If you asked me about the Government's engagement, they have felt like something outside, as another party, rather than as a sovereign Government acting in consort. Unilateralism and uncertainty in that context create all sorts of people looking for other people to look to.

The second thing is a function of our politics. The political party system, as it operates in England, Wales and Scotland, does not really have an analogy in Northern Ireland. Therefore, having ways to engage with business, civic society, political parties and different interests is really critical. In the context of change that is occurring as a result of international relations or geopolitics, it is really important that there is some mechanism for listening and for two-way communication between the Government and different interests. That should not undermine local government, but needs to complement it and, in my view, be more energetic.

Finally, there needs to be a degree of clarity in the engagements. The position of the Government in relation to the protocol has appeared, at times, to be not fully articulated. Is it the Government's intention to unilaterally diverge from the protocol? Is it their intention to enforce the protocol? How do they see it working in Northern Ireland? Where are the areas of negotiation and pragmatism that we should seek? There is an energy in relation to ensuring that relations with the Irish Government

are at least clear. Obviously there are issues that have to be resolved there, but clarity in that relationship is very important.

To summarise, a strategy that is not just about managing Northern Ireland but about trying to land Northern Ireland at stability and progress in the middle of a very difficult setting, engaging all sides of the community in that and working with business and the community would be strongly to the advantage of the Government. It would certainly be to the advantage of us in Northern Ireland.

Baroness O’Loan: That was very illuminating.

Jess Sargeant: I would echo everything Duncan said. Engagement on a political level has been quite poor. As Duncan says, the UK Government need to demonstrate very clearly that the interests of Northern Ireland are a priority. That involves engagement at the highest level. A lot of the engagement at the moment at a political level in the UK Government has been through the Secretary of State for Northern Ireland. Obviously, there is a clear role for him to play. Engagement from other Ministers could be particularly helpful in that area.

The Government’s tendency to perhaps not acknowledge the reality of what the protocol means on the ground, and what they signed up to, has hampered those honest conversations that needed to have taken place about what it means and what the Northern Ireland community needs as a result of that.

On a slightly more optimistic note, engagement with business on some of the technical implementation aspects has been better. We have seen good engagement between businesses, HMRC and the Border and Protocol Delivery Group. It has not always been perfect, but some issues, for example, around groupage, where lorries are carrying multiple consignments from different people, have been resolved because of Defra working with DAERA, which is also working with industry. There have been some more positive things to say there.

There is also the trader support service, which has a helpline for businesses on customs, and the movement assistance scheme, which has been assisting businesses with their SPS requirements. Those have been really positive and have prevented some disruption that we might have expected to take place because of the lack of business readiness at the end of last year. There are some positive things to say, certainly on the more technical aspects. At a political level, there is a lot of work that the UK Government need to be doing.

Q8 **Lord Empey:** I would like to declare that I am a member of the British-Irish Parliamentary Assembly’s Committee A on Sovereign Matters. We have touched to some extent on what I am going to ask. What is your assessment of the EU’s approach to the protocol and its engagement with Northern Ireland stakeholders? How can the two sides rebuild trust in the context of the triggering of Article 16 and the unilateral extension of the protocol grace periods? What steps would you

like to see the Irish Government take to help address concerns over the protocols?

Jess Sargeant: We have discussed some of the formal mechanisms that could be used by the EU to ensure that it consults and adequately considers Northern Ireland's position. The biggest amount of work that needs to be done at an EU level is not in convincing the Commission of the need to be flexible, or ensuring that the Commission has a good understanding of the Northern Ireland protocol, but ensuring that that education is also there for member states. While the Commission is more convinced of the need to be flexible and understands the political situation in Northern Ireland, I do not think that is fully understood among member states. Some of the solutions that we are looking for to the problems in the protocol will require buy-in or, potentially, agreement from some of those member states.

It is not just about the EU engaging in Northern Ireland but about making sure that that education takes place throughout all the EU institutions and member states. The Irish Government have a really important role to play there. I know they are conscious of being seen as an EU member state and not a Government in between the UK Government and the EU. Equally, they have a very good understanding and can talk to other member states, to ensure that they are educated about Northern Ireland and its particular circumstances.

Rebuilding trust is really important in order to move forward. Although the technical issues on the protocol remain the same as when it was first negotiated, and the EU's position has been, "We have already done this", essentially, it needs to acknowledge that the political situation has changed and that it had a role in that. It is easy to underestimate the implications of what happened over Article 16 and how that changed the debate. It is important that the Commission takes responsibility for that. Even if it says it was an accident, it still had those consequences.

The UK Government need to be very clear that they will uphold their international obligations under the protocol. It is very difficult to see how the European Commission and EU member states could be expected to agree to additional flexibility when there is still a question about whether the UK Government will implement what has already been agreed. That is incredibly important.

Ultimately, both sides need to think about where they might be willing to compromise. The protocol itself, when it was negotiated, was a compromise. It is easy for both sides to lose sight of that. It would be a great shame if that protocol now stopped working because either side was not prepared to bend a little more here. Here, we need the EU to think about whether the measures in place are proportionate to the risk that Northern Ireland poses to the single market. Equally, the UK Government need to think about whether complete unhindered regulatory autonomy is a price worth paying for friction between Great Britain and Northern Ireland.

It sounds like there have been some positive discussions going on at official level in the joint committee, but we are going to need political interventions and movements to get us over the line on some of those issues. An agreement showing that both the UK and the EU recognise the problems that the protocol has created and are prepared to be flexible and find solutions could be really powerful at this point.

Lord Empey: Duncan, perhaps you can give your perspective. Do you feel that the Northern Ireland issues have been used as a bit of leverage in the Brexit negotiations, almost to the point of being improper? What is your take on it?

Professor Duncan Morrow: Again, it is a very important question. There are two things. First, in general, disputes that engage, at whatever level, constitutional questions are really dangerous and significant for international relations. The fact that Northern Ireland and its issues have become involved in these conversations means that the EU must pay attention.

Secondly, as you say, having made it an important part of the EU's position that there was a special deal on Northern Ireland, that comes with consequences around responsible action inside Northern Ireland. That may be quite hard, from a small place, to raise to something as high and large as the European bureaucracy. There are not just long-term consequences. There are immediate consequences of an Article 16-style decision, which are significant at an international relations level. It is an early warning that needs to be taken seriously.

What does that look like? Internalising that it is a direct actor means putting in early warning mechanisms and factoring the potential of consequences for Northern Ireland into the way that the Commission makes its decisions. The trust would have to be built in terms of promises made and kept, consistency over time, not having recurrences around Article 16 and the full use, from the EU side, of the dispute resolution mechanisms foreseen under the protocol.

There are issues in terms of the way the Irish Government help address these things. The Irish Government have been quite clear that the issues of the constitutional position of Northern Ireland and the protocol are not the same. These are distinct questions that do not logically, necessarily run between one another. They have to be dealt with in their own terms and in the terms that the agreement sets forward. While of course there are political links on the ground and it may change opinions, that is different from anything automatic. This is about consistency in implementing the legalities of treaties and finding good ways to do that that stabilise Northern Ireland. It really is about upholding the peace.

It might be something for the Irish Government to develop proposals through which Ireland raises issues within the European Union that are to do not only with Northern Ireland but with how Northern Ireland's specific interests are represented in the European Union. There may be proposals as to how that could be done, not simply through the voice of the Dublin

Government but with the promotion of Dublin, with some ability to raise issues of a specific nature.

In all cases, the use of the dispute mechanisms and, as Jess said, maintaining the principle that these are founded in international law with proper dispute resolutions is going to be really important. The alternative is what we have already seen, which is the potential that this becomes a plaything. That has hugely destabilising consequences internally.

Q9 Lord Hain: I declare the interests on the website, including that I was Secretary of State for Northern Ireland. Before I ask my specific question, Jess, you made a remark about the fact that the protocol had not, as I understood it, been fully implemented. I would be interested if you could comment on that in a moment. Is the fact that the agreement came so late compared with the implementation of the protocol in a few days really at the root of the problem? Is the root of the problem also that the politics has got in the way of the practicalities, including some of the disjunctions between Brussels and London? There has been a breakdown in trust between Dublin and London, Brussels and London, and, for everybody, with Belfast?

Duncan, you say that HMG had such a low rating. As part of that trust, could there be more of an honest broker role for HMG? Could you comment on these more general questions? I will then ask my specific point on SPS.

Professor Duncan Morrow: You touch on, in some ways, the heart of the problem from the Northern Ireland perspective. The result of the protocol that we have observed has been the sense that there is no trust between the key actors on some of the core issues, and that the British Government and the European Union still see each other with, if not increasing, certainly a degree of unresolved suspicion about the intentions of the other. That is, at a very deep level, from a Northern Ireland perspective, quite serious, because it allows people to play in that area of suspicion and suggests that the Northern Ireland issues are secondary.

Your point that the agreement came very late is itself connected to the point that the agreement came late because it was quite difficult to find trust. These things are a little bit "chicken and egg". There is no doubt whatsoever that the sense that there are games or unresolved issues being played outside Northern Ireland is very serious.

Therefore, attention to closing that loop and rebuilding some kind of sustainable relationship between Britain and Ireland, but also with the Commission, is really a priority for Northern Ireland, if only to create a framework within which Northern Ireland's political parties can begin to realign their own expectations and behaviours as we go forward. At the moment, in that vacuum—that may be overstated, but it is certainly an area of uncertainty—we are already seeing a huge effect on the ability of Northern Ireland politicians to engage in this conversation with their own ideas of practical solutions.

Lord Hain: Jess, on this point about implementation, what scope is there through the joint committee arrangements, which have not really been made to work yet, to resolve some of these sticky problems that have caused so much unrest, especially in loyalist communities?

Jess Sargeant: As you mentioned, I said that the protocol was not fully implemented. That is because of the grace periods that have been agreed. There are at least four that I am aware of, and there may be some others hiding. The biggest one is on SPS paperwork for supermarkets and their supply chains. These are the checks that will be most onerous for Northern Ireland businesses. They will require frequent documentary checks and physical inspections. You are going to need border infrastructure to conduct those and we have not seen that work really start.

Some temporary arrangements have been put in place, but at the scale of the checks required under the protocol as written, in accordance with EU law, assuming that there is no further derogation or agreement, we are not ready. The reason for that, to some extent, was the late agreement from the joint committee. The bigger factor was that the UK Government did not acknowledge what the protocol might entail until May. That is not a very long time to erect an entire border. We have seen that the GB-EU border arrangements have been delayed further again. That was always going to be a very impossible task. The Institute for Government warned right back in January last year that that was unlikely to happen.

There is also a political dimension here, in that it is the Northern Ireland Executive's responsibility to build the facilities necessary to conduct agricultural checks because agriculture is a devolved responsibility. We have seen the Agricultural Minister be unprepared to do that because of his opposition to that agreement. Not only are there practical challenges; there are also political challenges. That moves me on to your second question, Lord Hain, in that there is a need to find resolutions to this that will minimise the frequency and, potentially, even the nature of those checks.

There are various options that the joint committee could look at. One option would be to extend the grace periods again. Earlier in the year, Michael Gove asked for those grace periods to be extended until 2023. If that were to happen, there is a question of what happens in terms of GB alignment because, in exchange for the grace periods, when they were first agreed, Great Britain promised to stay aligned. Because of changes that have now happened to the EU agricultural regime, Great Britain is no longer aligned, so there are some long-term questions.

Similarly, on medicine, where there is a year's grace period, some changes are coming into force in EU law that GB is not planning to replicate. There is the question of whether you could have a grace period with that level of divergence.

The second issue would be to create some kind of bespoke, Northern Ireland-specific solution. There has been talk about some kind of trusted trader scheme, building on that at-risk principle that already exists in relation to whether tariffs apply from Great Britain to Northern Ireland. That is one option. There are some political difficulties there in order to get the EU to agree to that. It might consider that a threat to the integrity of the single market.

The third option would be a UK-EU veterinary agreement. We have heard this proposed in a number of scenarios. That could take different forms. You could have a more Swiss-style agreement, which would be complete regulatory alignment and would remove the need for almost all paperwork and checks. Something more like New Zealand would reduce the frequency. There is a whole suite of options here. At the very heart of this, you still have this tension between the UK wanting complete regulatory autonomy and the EU wanting to protect the single market. There will need to be compromise in any of those options, but it has become very clear that—

Lord Hain: Is there sufficient flexibility to allow that compromise within the joint committee arrangements?

Jess Sargeant: One of the big questions here is what the joint committee can do. From the very start of the protocol being negotiated, there has been a difference of opinion between the UK and the EU about what that can do. The UK would argue that the joint committee has the power to amend the withdrawal agreement for specific omissions or things that were not foreseen initially. That could possibly cover the situation that we have seen in Northern Ireland recently. On the other hand, the EU would argue that the joint committee is not there to discuss how or whether EU law should apply. It is just there to discuss the very specific roles given to it under the protocol.

There is a question of, legally, what would be needed to implement any agreement that was reached in the joint committee, whether the joint committee would have the power to do that itself, whether it would require a change to EU law, and whether there would need to be some other UK-EU agreement to supersede elements of the protocol. Fundamentally, that issue is not insurmountable. All it requires is political will and that is the bigger question: whether that is there.

Lord Hain: This is, in many ways, the core of what might form the basis of our report. If it was possible to engage outside the formal hearing with you on some of this detail, it would be helpful. Duncan, do you agree with Jess or would you like to add anything?

Professor Duncan Morrow: The political stability of Northern Ireland depends on, in the end, minimum enforcement in the relationships between Britain and Ireland, and so maximum openness in relation to trade and commodities. For me, that is a fundamental point. The fewer obstacles you have, the easier it is to create a stable framework in Northern Ireland. When you have these things, the functioning of the

mediation system is utterly critical. In the sense that Jess has talked through, making that happen would be the key or, as she said, the heart of the matter. There are practical questions as to how you do that.

The SPS issue is probably the single biggest thing that could be done in practical terms. If there were alignment or some way to make sure that that could be operated in a seamless way—

Lord Hain: Is there a way without alignment?

Professor Duncan Morrow: I will come to that point. From an agricultural and agri-food point of view, and for consumer issues, plant issues and so on, it would at least remove all those barriers very quickly. If you were to see a single issue that could change things, that would obviously be something in terms of practical impact. As you say, apart from alignment, all we have is agreed minimal checks and mediation frameworks, so making that work is critical.

Finally, to go to Jess's point, the ultimate question is political will. What is the political will for this? How is the ability of Northern Ireland to use the protocol, in the positive way that is foreseen, to be maximised within UK Government and, eventually, European Union interests? That is an impossible question, partly because of the issue of this level of trust but also because it is extremely hard to get formal clarity on the position of the Government. For a long time, the issue was that there was no border at all or that the borders would not require checks. A degree of political honesty would be extremely important in allowing us to start talking about what practical things we can engage with. Other than that, we remain in this area of political guesswork.

The Chair: "All it requires is political will". Jess, that is a rather telling phrase to come out of this session.

Q10 **Lord Hannan of Kingsclere:** As the final questioner, may I say thank you to both of our witnesses today? That was an enormously detailed, comprehensive, useful and informative presentation. I have no relevant interests to declare for this committee. Jess, I wonder whether I could take you on from your last answers to Lord Hain about the waivers or unilateral derogations. What negative consequences has the EU suffered in terms of the integrity of the single market as a result of the UK awarding itself these unilateral extensions?

Jess Sargeant: It is a good question and one that I imagine is being discussed a lot in the joint committee. It is difficult to tell at this point. We started off by talking about the lack of concrete information on how the protocol, as it is operating at the moment, is affecting trade flows. There is evidence that there is some diversion of trade from existing GB-Republic of Ireland routes to GB-NI routes. It might be that that trade is destined for Northern Ireland anyway and, therefore, we are not seeing a diversion of trade. It could be that they are just avoiding a transit procedure. It could be that the Republic of Ireland is just using the land bridge less.

It is still very much up in the air about what those consequences are, whether it looks like it has changed trading patterns in a way that might concern the EU, or whether this is just trade going the same way but through a slightly different route. It has become apparent that, in the joint committee, the UK Government is very keen to hold off waiting to find solutions until there is that evidence. It is important that any solutions or arrangements on the Northern Ireland protocol are proportionate to the risk. As I said earlier, that is important for the EU to consider. In order to understand what the risk is, there needs to be a collection of more information.

During these grace periods, GB has been aligned. I think the EU itself would say that it does not consider there to be much risk of, for example, agri-food products going from Great Britain to Northern Ireland, if Great Britain has the exact same regulations. It is not clear that the UK is willing to continue to commit to that. As I mentioned, we have already seen some divergence that would change that underlying position. We come back to the issues about the difficulty of the lack of evidence and the trade-off between the UK's desire for Great Britain to align and frictionless trade.

Lord Hannan of Kingsclere: As I understand it, the impact was mainly trade diversion rather than, as it were, leakage into the single market. Duncan, do you have anything to add to that?

Professor Duncan Morrow: Part of the problem here is the definition of the risk. As Jess has outlined, the practical risks arising at the moment are probably very small given that we are starting from a position of alignment and there has not been serious divergence. There is a possibility of trade diversion, but we have not yet seen anything that would look like the dilution of the single market. We may not see it. There is another risk, which it appears is being managed. That is the risk of unilateralism and the suspicion that there is a political risk in the longer term if it is not fought in the shorter term. How the suspicion is managed seems to me to be important as to whether we can then find pragmatic solutions. The two go together.

There is an issue of how we create sufficient negotiating trust between the parties to get to the point where we are dealing in pragmatics and actual risks. As long as they are saying, "We do not trust you in the longer run", these pragmatic issues, in effect, seem to be handled like a sledgehammer cracking nuts. There needs to be progress on both fronts here.

Lord Hannan of Kingsclere: This is the final question to the two of you, rounding it up. If you had to look forward to the year 2031, are we still going to be having these same arguments? Are we going to have a series of extended opt-outs, waivers and derogations? Will the protocol have been replaced as something else? It was originally, of course, put forward as a temporary backstop. Will there be a new UK-EU agreement or a 32-county Irish Republic? What do you see as the long-term solution to this?

Professor Duncan Morrow: There are two ways to look at this. There are two metaphors, which will get mixed, unfortunately. One is the lack of systemic direction at the moment and the other is the metaphor of so many moving parts. The consequences of the way in which the Brexit process and the protocol have happened for Northern Ireland, at a technical level, are extremely complicated and are clearly moving. There is a possibility, I suppose, that it will settle down and you will end up with a fairly well-functioning agreement mechanism and some rules. Obviously, none of the political players at the moment is static, internally in Northern Ireland, within the United Kingdom or within the European Union, and so 2031 is beyond me. As I should say, the future is not my period.

Jess Sargeant: That is a very difficult but very good question. I would not want to prejudge the results of the consent vote in 2024. We should not take for granted that it will go any particular way. There is almost an assumption that consent will definitely be given. We should not take that for granted. It is important to keep all options open to that extent.

I would echo what Duncan said about there being many moving parts, not least the UK Government of the day and potentially even the UK's relationship with the EU. That may evolve over time, which might change some of the problems. Certainly in the short term, the issues that the protocol is trying to resolve are those that the UK and the EU have been grappling with for the last five years. At least in the next five years, it is not impossible to think that we might still be struggling to grapple with them. I could not give you a definitive answer as to exactly what that would look like. We will have to see.

The Chair: Thank you very much indeed, Duncan and Jess, for that session. It has been a really helpful session to get us going. I am already getting one or two emails from members of the committee saying how extraordinarily helpful and constructive you have been, which I can only echo. We will send you a transcript in due course for you to look at. I would like to say, once again, thank you and thanks to all members of the committee for having taken part.