

# DÁIL ÉIREANN

---

## AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

### JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

---

*Dé Céadaoin, 21 Deireadh Fómhair 2020*

*Wednesday, 21 October 2020*

---

Tháinig an Comhchoiste le chéile ag 9 a.m.

---

The Joint Committee met at 9 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Dara Calleary,	Lisa Chambers,
Marian Harkin,	Regina Doherty,
Brendan Howlin,	Sharon Keogan,
Ruairí Ó Murchú,	Vincent P. Martin.
Neale Richmond.	

Teachta / Deputy Joe McHugh sa Chathaoir / in the Chair.

## **Business of Joint Committee**

**Chairman:** We have received apologies from Senator McDowell.

*The joint committee went into private session at 9.01 a.m. and resumed in public session at 9.12 a.m.*

### **Brexit Negotiations: Members of the House of Lords**

**Chairman:** Before we begin, I draw to the attention of witnesses that they are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

I wish to advise witnesses giving evidence from a location outside of the parliamentary precincts to note that the constitutional protections afforded to witnesses attending to give evidence before committees may not extend to them. No clear guidance can be given on the extent to which evidence given is covered by absolute privilege of a statutory nature. Persons giving evidence from another jurisdiction should also be mindful of their domestic statutory regime. If they are directed by the committee to cease giving evidence on a particular matter, they must respect that direction.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I call Lord Kinnoull to make his opening statement. It is good to see him again. We look forward to our conversation this morning.

**Lord Kinnoull:** May I say how honoured we are to join the committee's meeting this morning. Our respective committees have enjoyed a strong working relationship in recent years. Today's virtual meeting is a welcome opportunity to continue that dialogue. To scrutinise the implications of Brexit for Northern Ireland and Ireland has been one of my committee's overriding priorities. In December 2016 we published our first report after the Brexit vote on Brexit UK-Ireland relations. That was the first of what is now 74 reports in our canon. We conducted a number of visits to Belfast, Dublin and the Border region.

Following our analysis of the original backstop in December 2018, we published detailed reports on the revised withdrawal agreement and protocol on Ireland-Northern Ireland in January and June 2020.

After last week's European Council, the Prime Minister said that the UK "should get ready for January 1 with arrangements that are more like Australia's based on simple principles of global free trade". The committee, however, has consistently held that it is greatly in the interests of all concerned that a mutually advantageous free trade agreement is concluded. Therefore our hope is that both the UK and the EU will be willing to make the necessary compromises to ensure that negotiations reach a successful conclusion.

On 16 October, my committee published a report on Part 5 of the United Kingdom Internal Market Bill ahead of its Second Reading in the House of Lords on 19 October. The report concluded that the UK Government has not disclosed any evidence that the EU has acted in bad faith, and has not explained why it chose not to use the withdrawal agreement's safeguard, arbitration and dispute resolution procedures, or why it chose instead to take pre-emptive and unilateral action through the Bill. In the absence of these explanations, the committee expressed the hope that the Government would undertake to remove Part 5 while seeking to reach an agreement with the EU both on the future UK-EU relationship and on the implementation of the protocol.

At the same time, the report acknowledged the UK Government's continuing commitment to the Belfast or Good Friday Agreement and its legitimate concern that a rigid interpretation of the protocol, by creating barriers between Northern Ireland and Great Britain, could undermine it. Yet the Belfast-Good Friday Agreement is itself made up of three interlocking strands: supporting North-South, east-west and internal Northern Ireland relationships. The challenge before the withdrawal agreement joint committee, which met earlier this week, is to come up with solutions on implementation of the protocol that maintain this delicate equilibrium.

More than ever, it is incumbent on all parties, including the UK Government, the EU, the Irish Government, and the Northern Ireland Executive, to work in a common endeavour to prioritise and address urgently the interests, stability and prosperity of the people and communities of Northern Ireland. As we concluded in our first report, anything less would diminish the efforts of all those who have worked so hard for peace and good relations across these islands.

We look forward to discussing these issues with the committee this morning.

**Chairman:** The committee members have a script before them. There was some interruption on the sound. We do not know where the technical problems are but I ask that everyone keep their microphones muted.

**Deputy Neale Richmond:** The report which the House of Lords committee produced on the Internal Market Bill asks why domestic legislation was followed up on rather than the formal arbitration mechanism that is allowed for. Has the committee received any response from the British Government as to why that is?

Moving to the general work of the House of Lords, for those of us who are not as familiar with the system, what was the impact of the regret motion which was passed by the Lords yesterday on the status of this Bill? When is the Bill due to be processed through the House of Lords to go back to the Commons?

On the wider issue of Brexit, as we meet here, Michel Barnier has again addressed the European Parliament and has and has answered the proposal that the European Union continues to be open to intensified talks and to seeking additional compromises if necessary. In our guests' opinions or in that of their committee, is there an opportunity for us to get back to the negotiation table this week, as I think it behoves both sides to do, as soon as possible?

**Lord Kinnoull:** Thank you. If there are some additional questions-----

**Chairman:** Lord Kinnoull, we have a difficulty with the line. I will take a second question and perhaps Lord Kinnoull can nominate one of his members or he can reply. I will take a second contribution. There seems to be a problem on the line here. Can Lord Kinnoull hear us?

**Lord Kinnoull:** I am afraid we cannot really hear you at all. There is a problem with the feedback.

**Chairman:** Can I check that everybody is switched to mute? It should switch to mute automatically. I suggest we suspend for five minutes to try to sort out the technical issues.

*Sitting suspended at 9.21 p.m. and resumed at 9.28 a.m.*

**Chairman:** We are back in public session. If Lord Kinnoull can respond directly to Deputy Richmond we will ensure we are switched to mute and Deputy Howlin can come in after that.

**Lord Kinnoull:** Thank you. I thank Deputy Richmond for those questions. I will make a brief factual response and then hand over to my colleagues. I should just say that as a committee we are balanced both politically and in our views on Brexit. The delegation before the committee today is also balanced in the same way. I will ask my colleagues when they speak for the first time to say which party they come from. I am non-affiliated. I came from the crossbench beforehand so I do not have a party.

The first part of Deputy Richmond's question was whether we had a response to our letter with nine questions of 18 September. The answer to that is we have not had a response yet. That is very rare and unusual because the Cabinet Office, in particular, is normally pretty good at responding. I suppose they are very difficult questions to answer. When we do have an answer I can assure the Deputy it will be made public immediately on our website.

Second, I will set out the factual background of the timings of the Bill. We have had the Second Reading and the regret motion, which I will ask my colleagues to comment on, but the amending Stages of the Bill are set down for seven days. We will have Committee and Report Stages and those seven days begin next Monday, 26 October, and finish on 23 November. I would expect the voting to happen in the latter part of those seven days on Report Stage. I think more than seven days will be required but there are a few extra days available within that timetable whereby we might see the process still end on 23 November. In common, no doubt, with Ireland's procedure, at any time the Government could choose in amending Stages to bring forward government amendments to remove Part 5 of the Bill. I have no doubt that would form part of a package that represents a future relationship deal, so procedurally it would be very simple for them to excise Part 5 of the Bill, which is being seen as so difficult with the withdrawal agreement.

That said, I will hand over to my colleagues. Perhaps I will start by asking Lord Wood to take up the running.

**Lord Wood:** I am very pleased to be with the Deputies and Senators. My name is Stuart Wood and I am a Labour member of the House of Lords and a former adviser on Northern Ireland to former British Prime Minister Gordon Brown. I have an interest in the topic from that perspective.

I have a political thought, possibly with my Labour hat on, and other colleagues will have different views. Yesterday's motion does not have much legislative force. However, it has much political force and it was the biggest British Government defeat since the reform of the House of Lords in 1999, when almost all hereditary peers were taken out of the House of Lords. Some leading Conservative Brexiteers supported the amendments, along with a large number - over 100 - non-affiliated peers. This is important as if the vote were to be seen as about Brexit, it would have limited force. The size of the vote suggests there is a general consensus that this

is about the rule of law rather than Brexit itself, and this has a political force.

As Lord Kinnoull has said, the next issue is whether, over the next few weeks, the negotiations give the British Government space and justification to introduce its own amendments to the Bill. It is very difficult to see how the Bill can proceed unamended, whatever one's political viewpoint. That really is the political nexus for the next three or four weeks.

**Lord Kinnoull:** Perhaps I could ask Lord Kerr to come in now?

**Lord Kerr:** I have very little to add to what Lord Wood has said. I should say that I am a cross-bencher, an Independent and a former diplomat. It is clear the British Government cannot get Part 5 of the Bill through. It is not clear at what point it will lose if it maintains the clauses. Lord Kinnoull has correctly said we normally vote on Report Stage but it is conceivable we will decide to vote on Committee Stage. A number of the Independents like me were arguing that the effort to restore the national reputation required us to remove these articles or clauses from the Bill at the earliest opportunity. It is conceivable we might vote on Committee Stage but as far as I know there is no clear plan to do that yet.

Lord Wood is absolutely right in that these clauses cannot survive because of the rule of law aspect rather than Brexit. The majority in favour of the regret motion would have been much smaller if the matter had just been about Brexit. It is, however, about the rule of law.

**Lord Kinnoull:** On this piece, the final person who I thought would like to contribute is Baroness Couttie

**Baroness Couttie:** I am Philippa Couttie and I am from the Conservative Party. One of the difficulties we face as a committee and in the House of Lords is the lack of evidence we have received to back up the Government's claim that the EU is acting in bad faith. If it was, it would mean the Internal Market Bill and its clauses did not break international law. Although one of our ministers stood up and said it did, we have also had Lord Keen and a minister, Mr. Michael Gove, alluding to the fact that they believed the EU is acting in bad faith. Nobody in the Conservative Party, the House of Lords or the British Parliament as a whole would want to break international law so there is a difference of opinion on where one comes down in the circumstances of not having evidence.

The question was asked about dispute resolution and why the British Government did not choose to use that mechanism, as opposed to Part 5. Again, there is no evidence, which makes the process very difficult. Informally, I have been told the concern was that if the joint committee classified all agricultural goods and food products moving from the UK to Northern Ireland as being at risk, this would cause such an impact on the Northern Ireland economy - and, possibly, the peace in Northern Ireland given the unionist desire to remain intact as part of the UK - it would have a serious detrimental impact on the UK as a whole in the short term. The time required to go through the disputes mechanisms would therefore be too long to save us from some of that impact. That is why Part 5 became important.

As I said, my committee has not seen evidence for that and it is very hard to comment further than that. I thought I would nonetheless put it in the pot.

**Lord Kinnoull:** Another member of the delegation would like to come in so I therefore ask that Lord Oates be allowed to contribute.

**Lord Oates:** I am a Liberal Democrat member of the House of Lords. As members are

aware, the Liberal Democrats have been a pro-European and anti-Brexit party but I endorse the comments of my colleagues that this is no longer an issue about Brexit but it is about rule of law and the reputation of the UK. Speaking personally, there is absolutely no doubt about the breach of international law. I note even that Lord Keen subsequently resigned from that position. We take it extremely seriously and I share the view of the majority of my colleagues, which is that in its current form, this Bill will not go through the House of Lords. We hope the Government will see that sooner rather than later and will remove the relevant part.

**Lord Kinnoull:** I hope that answers the series of questions.

**Chairman:** We appreciate that. We will now move to Deputy Howlin's questions.

**Deputy Brendan Howlin:** I thank Lord Kinnoull and the members of the committee for giving their time. In response to Lord Wood, we too are a very balanced committee, politically speaking, as all political parties are represented. We are also all balanced in our views on Brexit, in that across the political spectrum we are all opposed to it. That is representative of the view of Ireland.

We have been grappling with understanding Part 5 of the Internal Market Bill and the committee's report is extraordinarily helpful, giving us insight, along with speeches of members of the House of Lords. Arising from the discussions with the minister, Mr. Michael Gove, does the committee have a view on why such a proposal as Part 5 in the Bill was tabled at this time? The minister, Mr. Gove, has asserted it does not breach the Northern Ireland protocol but the committee seems to conclude in its report that it does. It seems, even from a technical perspective, a matter of concern that it would be introduced at a time when trade talks are at such a delicate and final phase. If there was an absolute necessity for such a proposal, it might seem appropriate for such a proposal to come when talks collapsed, if that were to happen.

The comments from members on the timelines of the Bill have been very helpful. I realise I am asking the witnesses to look into a crystal ball in a way, but knowing the views of members of the House of Lords and those who have spoken, what do they think will be the ultimate fate of this legislative measure?

**Lord Kinnoull:** They are two very interesting questions. What we will do now, so we can get to answer as many questions as possible, is have a couple of us respond to each question, if that is all right. What I will observe before handing over to Lord Wood is that we put a great deal into our letter of 18 September in terms of trying to get at the Government's reason for Part 5 of the Bill. Until we have the answer to that, we are not a lot further forward in truly understanding it because there are many conflicting statements from various members of the Government at various times. Personally, I do not have a settled view of that, but Lord Wood might.

**Lord Wood:** It is good to see Deputy Howlin again. I have a political guess about why this is inserted. As usual with Brexit issues, one must try to understand the dynamics within the Conservative Party, which are very complex. The Governments of both Theresa May and Boris Johnson have had very serious difficulty in getting any type of Brexit deal or any type of movement on the Brexit negotiating position past the more hardline Brexiteers in the party. That remains an issue for Boris Johnson's Government. My view is that Part 5 was included in this Bill as a reassurance in the event that compromises would have to be made to get a Brexit deal across the line during the transition. Essentially, it was signalling: "Do not worry if you do not like things that we may have to agree because ultimately there will be a legislative provision which enables us to override things you do not like." It is exactly the same tactic that was

tried to get the original Brexit withdrawal agreement through last year. That is my reading of why this was inserted. It is a type of insurance policy, a signal to the Conservative Party backbenches in the House of Commons. However, that is pure conjecture on my part.

**Lord Kinnoull:** We must hear from Baroness Couttie on that point.

**Baroness Couttie:** I am happy to speak on this. I take a different point of view. What I suspect happened is that the negotiations between the two sides got quite fraught and someone in the negotiations made some comment about the ability to behave vexatiously and use the joint committee to block goods flowing from Great Britain into Northern Ireland as a negotiating threat. The British Government's response to that was Part 5. It views it as a safety net. I, too, would like to see it removed after the negotiations have reached a point where we all can sign up to them and agree on a sensible way forward as far as Northern Ireland is concerned. I very much see this as a safety net and not a negotiating tactic within the Conservative Party at all. It is much more EU focused than internally focused.

**Lord Kinnoull:** That is where we can leave our answers to those questions.

**Deputy Ruairí Ó Murchú:** I thank the witnesses. They are giving quite comprehensive answers. I welcome the fact that they are here. I should put it on the record that on some level I would prefer that legislation that has an impact on any part of Ireland would not be carried out in Westminster, but we are where we are. People are giving their views on the basis that the questions have not been answered yet by the British Government, but the two views given on Part 5 of the Internal Market Bill are that either it is part of an internal negotiation within the Conservative Party or it is a matter of putting pressure on in negotiations with the European Union. There is a view here, and the Minister for Foreign Affairs and a number of others have voiced it, that the European Union, even as a marketplace, is too important for Britain. I could be wrong, but I understand that 45% of Britain's exports go to the European Union. On that basis, this is seen, to some degree, as a negotiating gambit.

I come from Dundalk, which is on the Border, and obviously we have worries about businesses and the impact. We would also worry if there was any possibility of circumventing the Irish protocol, if one believes some of the statements by Boris Johnson, Michael Gove or even David Frost, depending on what day of the week it is. We are very worried about there being contingencies. It is utterly unacceptable to impact on the lives of people in the Border area or that there would be any possibility of a return of a hard border. I wish to put that on the record.

In fairness, what a number of people have said here is that the major difficulty they have with Part 5 is the rule of law. If that is the means by which it falls, so be it. I am asking the witnesses for their view on where we go from here. I am seeking some type of assurance insofar as they can give it. They can give the general mood music between the House of Lords and the House of Commons regarding the chance of this legislative measure going through. If it did in any way, shape or form, it would be utterly unacceptable. The big question is whether the Minister for Foreign Affairs and Trade and others are correct, that a deal with the European Union is an absolute necessity and whatever Boris Johnson says about an Australia-type deal is just bluster at this point, if anybody is willing to go down that line.

**Lord Kinnoull:** I will comment on one thing, that is, the process of ping-pong where the two versions of the Bill are married up, which I believe will take place in early December. It is problematic for the Government because if it is forced to use the Parliament Acts, which is the formal process where the House of Commons trumps the House of Lords, that process takes 12

months. It would mean that the Bill would not be able to come into play immediately on leaving the EU. That is another relevant fact for the committee's deliberations.

I will ask Lord Kerr to take up the running on this area.

**Lord Kerr:** I do not know why the government came forward with Part 5 of the Internal Market Bill. There is another theory that it was simply to shake up the negotiation, to move fast on things and see if the deadlock in the future relationship negotiations could be cracked that way. If so, I personally believe it was a grave error. The degree of mistrust it created makes it more difficult to secure an agreement on level playing field enforcement and governance, which appear to be two of the three outstanding areas of difficulty in the negotiation.

I agree with what has been said about the desirability of securing a free trade agreement, and ideally a free trade agreement plus. The difficulties of implementing the Irish and Northern Ireland protocol would become much greater in the event that there was a tariff war between the United Kingdom and the EU. It is clear that many of the problems, such as the goods-at-risk problem, get much easier or disappear in the event that there is a deal. If the deal includes level playing field provisions, that removes another of the likely difficulties in implementing the protocol. Speaking personally, I believe it is very important that the protocol should be implemented in full. As the Chairman said, we all must hope for sensible compromises on its implementation. As to why we need a free trade agreement, it is not just in order to make the problem on which we are focusing this morning easier. The whole relationship between the UK and the EU is likely to go through a bad patch if there is no deal and no agreement. It is likely to become a bit rebarbative. Without a foundation to build on, and in order to build up other agreements, we will take a while to rebuild the relationship. This is particularly important with regard to matters like the Border and co-operation between law enforcement agencies. I was struck by the difficulty law enforcement will have if the UK no longer has access to the Schengen information service, the European arrest warrant and so on. It seems to me that it is not just about free trade but if there is no core of a free trade agreement, it will be very difficult to add on things like a security agreement.

**Lord Oates:** The issue of the rule of law is at the heart of this. Having worked in a number of countries around the world, particularly in Africa, where despite the UK's reputation being somewhat mixed in some respects, our reputation for upholding the rule of law has been very high, my huge concern is that this could cause a problem. It is not just about Part 5. If we feel we can act like this, the whole question about trust and how we act in different areas arises. Clearly, trust has been undermined. I share the view of Lord Kerr that this is probably about brinkmanship and an attempt to force the negotiations. I am not sure if it is effective but time will tell.

As to the seriousness of the UK Government's position regarding an Australia-type deal as it calls it, that is, it means no deal at all, Michael Gove told us that it would be content with that. What is clear is that our industry, be it manufacturing, services, farming or a new and significant aspect of our economy, would not be content with it. I think it would be catastrophic. We are not Australia. We are not 10,500 miles from the EU and, as we know, geographic proximity is critical in trade flows. I hope and pray that it is not the UK Government's genuine view that an Australia-type no-deal outcome would be acceptable. I still have hope that in the remaining weeks, minds will be concentrated and there will be shifts on both sides because this is mutually beneficial to all of us. I certainly do not think it has been helped by Part 5 of this Bill.

**Lord Kinnoull:** We would all love to speak more on this but I suspect we should try to get

through the question list.

**Senator Lisa Chambers:** I thank Lord Kinnoull and the rest of the members of the committee. We really appreciate the engagement this morning. My colleagues have touched on some of the key issues. The select committee's report is excellent and succinct and covers all aspects. The committee has touched on all the questions we have been asking. We would agree with the committee that the tensions, as the speakers from the committee have outlined, in the withdrawal agreement were known fully to both sides when it was signed up to so nobody went into that agreement with his or her eyes closed. Perhaps that is why it is such a surprise that this particular difficulty has arisen given that the agreement was only agreed less than a year ago.

Given there is no evidence of the EU acting in bad faith, and I agree there is no evidence of that and I do not believe the EU has acted in bad faith in these negotiations, and the fact that the dispute resolution mechanism within the withdrawal agreement was not utilised, one would have to ask what the real purpose or intent behind the Internal Market Bill was. Perhaps it was a negotiating strategy or, as one of members of the select committee said, it was to reinvigorate and kick start the negotiating process. Perhaps it was trying to be a bit too clever. I really do not know but, unfortunately, the outcome has left a bad taste in the mouths of those involved in the negotiations. The fact that this could happen has definitely bred much mistrust across the board. From an Irish perspective, it is important that a significant amount of blame is not being heaped on all Members of Parliament or the country. There is an appreciation that these are difficult negotiations, that it probably is a negotiating strategy and that the intention was not to harm Ireland, the North or the peace process. I do not think that was the intention behind it even though that has been suggested.

I have two more specific questions. The first is around state aid and the level playing field provisions. I am curious about the thoughts of Lord Kinnoull and the other members of the committee. Is there an appreciation of why this is so important? Is there an appreciation at Government level and in the UK Parliament as to why this is so important from an EU perspective? If there is going to be access to the market, similar rules must apply to all those in the market. Is that appreciated? Is it genuinely the view of the UK Government, and I know not everybody can comment on this, that it is an unreasonable request from the EU, that is, that if one wants free access to the market, one must apply the same rules and that level playing field provisions are there to safeguard matters and ensure that UK companies cannot get an unfair advantage over EU companies? Does Lord Kinnoull think this is understood?

We will get to a point where the Brexit process concludes. I hope sincerely that we have a free trade agreement - certainly by the end of the year - and can move past this. I would be interested in hearing the thoughts of the committee on what kind of mechanism it believes we should put in place for future engagement between Ireland and the UK because that is really important. From my perspective, and I am sure the view is shared across the board, the UK is a very close friend of Ireland. We want that relationship to be maintained. We want a very close and special working relationship with the UK beyond Brexit. The mechanisms that have been there between the two countries for the past 45 years have been at EU level. We have engaged weekly and monthly through the institutions and the European Parliament and we will no longer have that, so what does the committee think both countries should do to ensure that really close co-operation and working relationship post-Brexit when we put all this behind us and start working together?

**Lord Kinnoull:** The Senator's questions are excellent. I will make a few points before handing over to Baroness Coultie. The first is that we wrote a report entitled Beyond Brexit,

which covers some of those areas. I am incredibly tempted to talk to the joint committee for ages about what we think we should do but I will let my colleagues do that.

I refer the joint committee back to some of the evidence we took from Lord Frost in the past in terms of state aid. Essentially, what the UK has been suggesting are presidential provisions that have been contained in other treaties - both EU treaties with third countries and third country-third country treaties - because the state aid issue comes up in every single free trade agreement between different countries. Others will want to talk at greater length about that. I will hand over to Baroness Couttie.

**Baroness Couttie:** I will touch on the question asked about whether we are serious about an Australia-type deal, as it has been dubbed. The whole of the Conservative Party would want to have a proper free trade agreement with the EU but I do not think that this extends to “at any cost” among a significant number of people within the party. Therefore, when Boris Johnson says he is prepared to leave on Australia-style deal terms, which are pretty much the same as WTO terms, I think he is serious about that.

Building on what Lord Kinnoull said about state aid, again, the rationale behind pushing back on what the EU requires on state aid is not just because there are provisions that are used more normally in trade agreements between different countries, which we would be happy to adhere to. It is also about the sovereignty of the UK. We are coming out of the EU and wish to be an independent nation state and set our own rules. We do not wish to have legacy arrangements with the EU whereby we are left following rules over which we have no control, although we are prepared to sign up to standard trade agreement-type rules which cover the same issues. That is where the block is.

I entirely agree with the Senator that peace in Northern Ireland is of paramount importance. That is a generally held view across the whole of Ireland and the UK. I do not think there was any intention to undermine that in Part 5 of the Internal Market Bill, although some people have stated that that is its effect. I will not go into detail regarding why I do not think it will do so in practical reality, but I can understand that people are concerned in that regard. I touched on the reason for the Part being included in the first place in my earlier contribution. If what we are being told is true - I suspect it was a verbal comment and we have not seen evidence of it - there was a sudden realisation that the way the protocol was worded in terms of the joint committee could be used in a way that would be vexatious and cause enormous difficulties for the Northern Ireland economy and, although I hesitate to say it, the peace process as well. If a comment was made that the EU was serious about designating all products that came from the UK to Northern Ireland as being at risk, then the UK believed it needed to do something strong to fight back, probably partly as a negotiating tactic, but also to show that we were not going to be pushed around and agree to things to which we would not otherwise agree in order to avoid that possibility. As I stated, I hope it will eventually come out when some form of agreement is reached.

On the issue of liaison between Ireland and the UK, I sincerely hope that we continue to have a productive dialogue. It is useful for both countries. I hope some sort of committee, such as this one, will continue and that we will have regular contact with it. I refer to the report we produced and to which the Senator referred.

**Lord Kerr:** I am delighted to answer a question from Senator Chambers because she got exactly right the reaction of the House of Lords. She told the Minister for Foreign Affairs, Deputy Coveney, during the committee meeting on 7 October that on seeing Part 5 of the Internal Markets Bill she was gobsmacked. That is exactly right. One could say the House of

Lords was gobsmacked too. I think I speak for the committee on that. Speaking personally, I strongly agree with Baroness Coughtin that nobody intends to damage the Belfast treaty and the Good Friday Agreement and that nobody wishes to see the return of a hard border and all the problems that would create. I am sure she is right about that.

On the Senator's question regarding a level playing field, I am puzzled because I do not understand why the British Government stepped back from the political declaration it signed on 19 October 2019, the same day this agreement was reached. The language about geographical proximity and economic interdependence requiring a level playing field seems to me to be very reasonable language. More important, we signed up to it. I think the European Union overbid by suggesting that the level playing field had to be policed by EU institutions. That raises sovereignty issues, as Baroness Coughtin stated. It is clear where the landing zone is for an agreement on this issue. It is clear that Mr. Barnier has stepped back from insisting that the European Union should be the judge and jury and that he is looking for the British Government to commit itself to agreed principles and to an independent authority, future transparency and to a disputes settlement procedure. That seems to me to be a perfectly reasonable landing zone and I do not understand why the British Government is still finding difficulty with it. As a former negotiator, I have *d'information professionnelle* and I believe these problems should be relatively easy to settle. I think I know how the issue could be solved. As Lord Wood stated at the outset, the problem is that there are some members of the Conservative Party who would may find any concession on sovereignty grounds offensive, even a level-playing field solution where the involvement of the EU is limited to agreement now on principles and the ability to use a disputes settlement procedure. The Prime Minister must decide between doing what British business undoubtedly wants him to do and doing what a group within his party wants him to do.

**Lord Kinnoull:** I am sorry that my colleagues and I have not really grappled with the second of the Senator's questions, regarding what should happen in terms of building out the relationship. I note that the Chairman is a distinguished co-chair of the British-Irish Parliamentary Assembly, which seems to be an excellent thing. What I think we are strongly agreeing is that building out the relationship is important. I am reminded that we stated that not only in our Beyond Brexit report, we also stated it in our first report on UK-Irish relations, published in December 2016. We are absolutely in agreement with that principle.

**Chairman:** I thank Lord Kinnoull. I am grappling with whether I am a former distinguished chairman or distinguished former chairman. I will ponder that.

**Deputy Seán Haughey:** I thank the House of Lords committee for the work it has done and the interest it has shown in Ireland and Northern Ireland since the whole Brexit saga began. I know its members have visited Dublin on several occasions. Its work is really appreciated.

On the last point made by Senator Chambers, in the current programme for Government agreed between the three coalition parties that make up the current Government here in the Republic there are several commitments to developing the future relationship between the UK and Ireland. For example, it commits to undertaking a strategic review of the British-Irish relationship in 2020-21. Significantly, there is also a commitment to develop structures for regular meetings at Heads of Government, ministerial and senior official levels to take forward agreed programmes of work on matters of practical co-operation. We will lose the ministerial contact between the UK and the Republic of Ireland through the format of the European Union, so it is very important that we put these new structures in place. There is a commitment by the Government to put new structures in place and to build on the existing structures to which the witnesses have referred.

Is the legal action initiated by the European Commission a factor in all of this? Obviously, the UK is still subject to EU law up to 31 December. Is that legal action an issue in the deliberations of the House of Lords committee?

All of those present have referred to the hope for a free trade agreement, but what are the prospects for such an agreement? At the end of the day, do the witnesses believe we will have a free trade agreement?

I refer to the fisheries issue. Senator Chambers dealt with the level playing field. I note what happened at the European Council meeting, where President Macron of France led the way on the fisheries issue and Ireland joined in on the issue. Is the fisheries issue of practical significance to the UK or is it just a symbolic issue? I would be interested in hearing the views of the witnesses on that.

**Lord Kinnoull:** I ask Lord Wood to begin on this one, please.

**Lord Wood:** I thank the Deputy for his excellent questions. I could pretend to be a fisheries expert but I am not. The Deputy is right that the contribution of fisheries to the gross domestic product is very small. The significance of this is partly the historic relationship between the fishing industry and disputes within the EU but it has also become symbolic of regaining sovereignty for a significant part, not just of the Conservative Party, but in public opinion, and that is really one of the issues here.

On free trade agreement prospects, my personal view is that there probably will be, it will be quite thin and will probably satisfy not many people. I suspect still that a deal is going to be done but at what pace and coverage I am sceptical.

In terms of the first question on whether the EU proceedings against the UK are a factor, I do not think it is a factor in terms of affecting the political process domestically. As a moral challenge and an embarrassment, it is atmospherically a big factor. The timescale on which that would proceed I do not think will have a material bearing in terms of the process affecting the domestic legislative process. Definitely it has a clouding effect for those people who think that we should not be in bad standing with our allies and friends.

**Lord Oates:** Lord Wood has reflected my views on fisheries and the prospect of a free trade agreement so I will not repeat that.

On the issue of a post-Brexit relationship, one of the great things about the European Union, and we all know the economic benefits, was the fact that Ministers came together on a regular basis from countries across the EU. Obviously as the Minister for Foreign Affairs, Deputy Coveney, said in evidence to the committee before, in the post-Brexit environment British and Irish Ministers will not meet in that way so we need to make a special effort. I noted that he talked about having an intergovernmental conference between the two Governments at least once annually and perhaps twice. That suggestion might be something to pursue and I would certainly be very much in favour of that.

**Lord Kinnoull:** In the interests of time we probably would leave that there and hope that that answers the question.

**Chairman:** I thank Lord Kinnoull. Have we any other members indicating? As we wait for them, members who have contributed can ask questions a second time. Do members have outstanding questions?

**Deputy Seán Haughey:** Given that there is a second round of questions, I shall follow on from what I said about the prospects for a free trade agreement. If there is no free trade agreement, do the witnesses think that these issues will not go away? These various matters will still have to be resolved in some form or other. There is going to be a hit on the economy of the Republic. There is going to be a hit on the UK economy and that has been demonstrated by various reports. There are going to be queues at the port of Dover and so on. Is it not the case that if there is no free trade agreement Brexit is still not going to go away because the issues that arise from Brexit will still have to be dealt with? We are just going to have to do that and, hopefully, sooner rather than later. What do the witnesses think about the matter?

**Lord Kinnoull:** It is a good area to go back and I ask Lord Kerr to lead off on that for us.

**Lord Kerr:** Yes, I agree with Deputy Haughey. Speaking personally, I think that the Government's view that it would be easy to replace our close trading relationship with our neighbours with new relationships with Asia, the United States and Australasia is a bit of a mirage. There is an inexorable rule of trade, particularly with traded goods, that distance matters. I do think we are likely to find, if we end up causing difficulties in Northern Ireland and between Northern Ireland and the Republic, that there will be additional difficulties in securing closer free trade arrangements with, for example, the United States. If there is no free trade agreement and that, in consequence, complicates the problems of working out the details of the implementation of the protocol, I think that we would go through a rather bad patch that might be quite protracted. So, I very much agree with the Deputy but then I used to be a diplomat so I believe that agreement is, on the whole, a good thing and should be honoured.

**Baroness Couttie:** I agree with a lot of what Lord Kerr has said. If we get no deal or, indeed, a thin deal, as Lord Wood mentioned, there will be areas where it will simply be mutually beneficial between the EU and UK to sort things out and have further agreements, and further discussions. The transition if we get no deal or a very thin deal will be bumpy. Therefore, there will be an incentive to push ahead and get things agreed. I only hope that it does not take so long and is not so high profile as these negotiations have, inevitably, been. It is not just about negotiating with the other side to get the best deal. It is done in a very public forum with everybody criticising and there is the audience of the general public both in the EU and UK, which have to be satisfied, as well as the actual negotiations themselves and the politicians. That, in many ways, makes it harder to get to a deal. I would hope that if we do end up with a thin deal or a no deal that we can quietly get on and just sort out some of the issues that may not have been resolved in time.

**Lord Kinnoull:** I hope that we have answered the question. Obviously we are fully ready to answer any other question there is but if we had an opportunity to ask one or two questions of the committee then I think we would be very interested to hear the views of members on one or two subjects as well as our committee.

**Chairman:** Is that okay Senator Chambers and Deputy Richmond? Yes. A one-way street is not our game and we are happy to respond. Go for it, Lord Kinnoull.

**Lord Kinnoull:** Perhaps I could start off. I am very interested to refer to the point made originally by Senator Chambers about what we should be doing to build out our relationship in the next period. Looking beyond Brexit is now a real focus of our committee and I wonder what thoughts that Deputies and Senators have had about what we should be doing jointly and together.

**Deputy Neale Richmond:** I was going to ask that question.

**Deputy Dara Calleary:** Honour the existing agreements.

**Deputy Neale Richmond:** Leaving politics aside, both the Irish and British Governments and Parliaments need to look to the Good Friday Agreement as the template for our future relationship. Let us consider the institutions of the agreement be it the British-Irish Parliamentary Assembly, particularly the British-Irish Intergovernmental Council, the North-South Ministerial Council and the British-Irish Council. I have written about this issue a few times and there is a very strong case to be made for the following. The British-Irish Intergovernmental Conference should mirror the European Council's schedule of meetings so that if, for example, there is a DG AGRI meeting on the third week of May every year, the British-Irish Intergovernmental Conference could bring the British and Irish agriculture ministers together at that time. Equally, the British-Irish Parliamentary Assembly will have a much more important role going forward and must be taken far more seriously by everyone in the context of legislation and co-operation. It will be very difficult in these remote times but there is no time like the present in terms of beginning the necessary preparatory work. Of course, as Deputy Calleary said, the basis for a good relationship going forward is making sure that the withdrawal agreement is respected and the protocol is completely implemented as per the agreement.

**Senator Lisa Chambers:** This particular topic deserves more consideration. Both sides have given a shallow interpretation or a broad idea of what we could do next, but we must really think about this because whatever structures we put in place, we want them to last for a long time. It would be worthwhile for both countries to have a proper engagement on what we think the future relationship between our two countries will look like and how we can work well together. That said, it is a very positive starting point that both countries are saying that this is really important to us, that we want to do this and that we want a good relationship post Brexit. We want to have constant connectivity and dialogue between both Governments and Parliaments, which is a really positive starting point.

One of the consistent comments from this country throughout the Brexit process is how utterly saddened we are by the fact that Britain is leaving the EU, and I do not think that is ever going to go away. We are losing such a close friend and influential partner at the EU table. Britain was one of the members that helped to establish the European Union and underpinned so many of its fundamental values and freedoms that we enjoy today. Britain leaving is a huge loss and I hope that the door is always open, although that is not a conversation for now. Indeed, I do not think the UK wants to enter into that conversation now but I hope that the door is always open. We live in hope that some time in the future, further down the road, the relationship will become even closer again. Who knows what might happen? Future relationship structures are really important for both countries and the work should start immediately on putting them together and finding something that works for both countries.

I wish to raise a practical, day-to-day issue around the transit of goods through the UK, from Dover to Calais, from 1 January 2021. In terms of minimising the impact on this country, we would appreciate it if every effort could be made to ensure that there are not massive queues in Dover and that our trucks can get through. That is one practical starting point in terms of helping us from 1 January. Baroness Coultie made reference to a so-called thin future trading agreement, which is something we would be fearful of too. We do not want to see something cobbled together at the eleventh hour that is weak and not comprehensive enough to minimise disruption. I hope we can avoid that. I agree with her that if issues are not concluded by the end of the year, every effort should be made to tidy up any loose ends as soon as possible thereafter.

That would be in the interests of both countries. We are under no illusions at this point and accept that not everything will be completed to a gold-plated standard by the end of the year. That is just not possible at this point. I thank the witnesses very much for their engagement.

**Chairman:** I ask the witness to park the answers to those questions until we have heard from Deputy Howlin, Senator Doherty and Senator Martin.

**Deputy Brendan Howlin:** I fully endorse everything that Senator Chambers and Deputy Richmond have said. We really must think of a new paradigm of Irish-British relations, and that is a big job of work, but my concern now is the immediacy of the sundering of relations on 1 January next. Historically, we have had patches of poor relations but we have spent more than 20 years building the closest of relationships between our two countries. We must think about mitigating the harm of the next few months. Senator Chambers spoke about one aspect of that, namely, that 40% of our exports to the Continent transit through the UK and if there is a very significant disruption of that, it would compound our difficulties. If there is a fractious break, it will sour relations and people will start blaming other people. Fingers will be pointed and accusations made that one side did not give enough or that the other side was too intransigent and *vice versa*. Not only do we have to think about our relationship in the medium to longer term, we must also focus on mitigating the significant harm that can be done in the short term.

**Senator Regina Doherty:** I thank the contributors for their very insightful comments. I just want to follow up on something that was said by Senator Chambers and Deputy Howlin. It is really remiss of us at this late stage not to have planned what our interactions, as states and really important neighbours, are going to look like. We have had a really easy relationship at European Council meetings. Some of us here have had the privilege of attending same in recent years. I can only speak from experience but when I was new to the European Council, the first person I went to was my British counterpart, even though I had never met her, because I felt and thought, given the easy relationship between our countries, that she would be friendly and nice to me, and of course she was. We are going to miss that hugely. We will have no formal interaction other than through the British-Irish Parliamentary Association. We do have the North-South Ministerial Council, but with so many decisions being made at Westminster about what happens in the North, we should have formal engagements.

Deputy Howlin is right about the concerns if things do not go well, although I really hope they do. I am really impressed by the pragmatism of everyone who has spoken this morning in terms of what we expect in the coming weeks, but if things do not go well, on 1 January we are going to find ourselves in a “he said, she said” scenario and none of us wants to be the one who gets the blame. That is not the ideal environment for what has been a hugely fruitful, enjoyable and harmonious relationship for the most part for as long as we have been neighbours. Somebody should be thinking about that now and starting that process rather than waiting until we find ourselves with a thin Brexit, no deal, an Australia-style deal or whatever. That is not the best environment for us to continue our enjoyable, fruitful, partner-based relationship for the future.

**Senator Vincent P. Martin:** There is a complete unpredictability around what is going to happen and whether agreement can be reached. There is also a complete inevitability about the substantive point that the UK is going its own way in one form or another. We must look to the future and at relationship paradigms. While our immediate attention is on the sundering that is facing us, we must also look to the short, medium and long-term relationship. I am interested in hearing the witnesses’ views on a suggestion that comes up here from time to time in terms of structures for strengthening our relationship with our friends and neighbours, namely, the

Republic of Ireland revisiting the Commonwealth. Deputy Éamon Ó Cuív, who is a member of one of the republican parties, Fianna Fáil and a grandson of Mr. Éamon de Valera, raises it from time to time. Do the witnesses believe that would be constructive in terms of fostering good relations? I am just broaching the subject today and asking people to consider it. I have not made up my own mind on the question yet but I am clutching at everything and anything that might foster good relations with our closest friends across what we call the small pond. We are fellow English-speaking countries, but of course we have the Gaelic language here as well.

I am heartbroken that Britain is leaving the European family because it was pivotal to its greatest achievement, namely, peace in Europe since the Second World War. Do the witnesses realise that? We are where we are, however. In case I do not get another opportunity to ask this question of the august speakers from the House of Lords who join us this morning, do any of them have a view on the Commonwealth? Would they be prepared to share such a view with us this morning?

**Lord Kinnoull:** I thank the members for their series of very good questions. Perhaps I will start with a personal analysis of the sort of work about which we need to think as regards the way in which we interact with each other. There are a number of dimensions to any such relationship, including, in particular, the intergovernmental and interparliamentary dimensions. There are also other dimensions involved. On the interparliamentary side, I have met many of the members' colleagues at the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, COSAC, over several years and I have always enjoyed very good and fun interaction on all sorts of ideas. That must be replaced because it was a key part of the interparliamentary dimension and there is every chance we will not be invited, or not fully invited, to its meetings in the future. It is simply a matter of trying to analyse what we will lose, working out whether that matters and then replacing it with something else. There is a strong case for a mild increase in the level of engagement at interparliamentary and inter-governmental levels to reflect the closeness of the inevitable relationship between these islands.

Turning to the issue of the land bridge, I was going to ask Lord Wood whether he had any particular views on its importance and on what might be done in order to ensure that, whatever happens, the land bridge continues to operate after the end of the transition period. I am sorry because it is unfair thing to ask of him, but I feel he is probably the best qualified of us to give a view in this regard.

**Lord Wood:** I thank Lord Kinnoull. I have a couple of remarks on the excellent thoughts we have just heard from Deputies and Senators. Overall, one of the legitimate criticisms made of the UK as regards Brexit over the past two or three years is that we have done inadequate planning for a no-deal outcome again and again. This has partly been a negotiating ploy on the part of the Government. In no part of our relations with the rest of Europe and the world is the absence of no-deal planning more important than in respect of Ireland and Northern Ireland. Reluctantly, I believe we have to start thinking hard-headedly about arrangements for closer co-operation, as everyone has suggested, in the event of a very thin deal or no deal whatsoever. I totally agree with colleagues in Dublin who have spoken this morning about using the institutional network created under the Good Friday Agreement. This presents many opportunities for reinvigoration. I had not heard about it before, but I am very sympathetic to the idea of synchronising meetings with EU meetings. That would be a very good idea.

One of the issues with regard to trade between Northern Ireland and Great Britain which concerns me most - and it is something on which our committee has pushed the Government - is the question of exit summary declarations and what paperwork Northern Irish traders will

have to deal with when dealing with Great Britain and what regulations will apply. This has become a sort of lightning rod because it looks like a purely UK issue on one hand while, on the other hand, the EU's customs code requires documents to be completed. We asked Michael Gove about this a couple of weeks ago and he maintained that the Government's position is that no such declarations will be required. That is clearly contrary to the general view of what is required by the EU's code. I do not have really hard views on what must happen in this respect but, whether there is a deal or not, an intense network of institutions will be required to co-operate in policing such declarations, if they are required, and state aid. Lord Kerr raised the issue of policing or supervising adherence to rules. These will be matters of mutual interest for London and Dublin, as well as for everyone else in the EU. The sorts of institutional co-operation regarding these issues, which are very small but which could be incredibly destabilising if got wrong, about which we have been talking will be absolutely crucial, particularly in the first year or two. That is why the committee members' views on the strengthening of institutional relationships at all levels are so important.

**Lord Kinnoull:** I will now ask Lord Oates to come in.

**Lord Oates:** I thank the members for their interesting questions and responses. I very much share their view. I have always been most worried about our exit from the EU ultimately ending up with a lot of finger-pointing and everyone blaming each other while possibly having a little bit of right on their side. That would be terrible and we really need to watch out because, once one goes down that line, things can quickly ratchet up and become very difficult. We should all do what we can, whatever the outcome of these negotiations, to avoid that.

The issue of the Commonwealth was raised. Given the history of our islands, those matters should be entirely left to Ireland. I will leave that there.

I would like to ask a question. Lord Kerr raised the issue of the level playing field, adjudication mechanisms and possible landing zones. As one passionately against Brexit, the one thing that seemed a little difficult was the idea that governance arrangements would really be in the hands of the EU institutions. I noted that a number of the committee's members brought this up when taking evidence from the Minister, Deputy Coveney. He was understandably very cautious about expressing a view given the ongoing negotiations, but do any members of the committee have a view as to whether this is an area on which there might possibly be some movement from the EU side?

**Lord Kinnoull:** I thank Lord Oates. Perhaps we can park his question, which is a very good one, there. Would Lord Kerr be able to come in at this point?

**Lord Kerr:** As an ex-head of the Foreign and Commonwealth Office, I believe some things will not change. I am quite sure that the co-operation between British and Irish embassies around the world will continue and that the United Kingdom will be willing to help Irish citizens, from North or South of the Border, in countries in which there is not an Irish embassy. That will not change. New intergovernmental structures are definitely required. I was very pleased to hear what the Minister, Deputy Coveney, told the committee about new formal structures between ministers for justice, transport, environment and aid being considered in addition to structures at Head of Government level. It seems such structures will absolutely be required.

On Senator Martin's question, it is fascinating to see the unthinkable becoming thinkable. I was struck by the reactions, in both our countries, to President McAleese's invitation to the Queen to pay a state visit. By the way, that state visit went ahead back in 2011. The unthinkable

becomes thinkable but it is for Ireland to think about these sorts of questions rather than for us.

This kind of interparliamentary contact will also be very important. Things like COSAC, at which some non-member states may have observer status, will be very important. Meetings on the margins at bodies such as the United Nations, the World Trade Organization and so on will be very important. Such *ad hoc* meetings will not be enough. We will need new formal structures and I am very glad the committee is thinking about them.

**Lord Kinnoull:** I thank Lord Kerr. I hope the committee's questions have been answered.

**Chairman:** I thank Lord Kinnoull. I will speak myself and if any members want to follow up afterwards, they can do so. To go back to the original question of what we can do to look at future relationships, the work has already started, including the work that the witnesses have carried out as a committee on the United Kingdom's Internal Market Bill. When one goes through it, it is obvious that front and centre of that work is protection of the Good Friday Agreement. Looking at the witnesses' conclusions about the pragmatic compromise and providing proportionate safeguards, they have really delved into that in the report. This interaction and engagement is all about building confidence and this meeting has helped things along.

With regard to the Belfast Agreement, we continue to use the language about the unique circumstances on the island of Ireland. I think everybody knows what we are talking about. That has been reinforced repeatedly in negotiations between the EU and United Kingdom. One area where I feel we will have difficulty, as Deputy Haughey alluded to, is with fisheries. I know everybody raises the issue of fisheries and we are all with Lord Wood in saying we are not experts on fisheries. We are all experts on what fish tastes like but that is potentially as far as it goes. I live beside the sea and I am certainly not an expert. I know that once we get into the realm of sovereignty relating to fisheries, it is not just about fishermen. There is an emotive connection too. Great Britain is an island and Ireland is an island. There is a community connection. When one considers the pelagic sector, with mackerel spawning off the coast of Galway, spending time off the coast of Mayo and ending up in British waters off the coast of Scotland, we have issues relating to fishermen's rights and claims on the fish. Upwards of 45% of our fishing effort is in the pelagic sector, which is a multi-million euro industry, and it happens in British waters. It is a complex area. I know the witnesses' report did not go into sector-specific matters. It was a broad report. In future, if the witnesses are asking what we can do with regard to future engagement, we need to keep that on our radar, both with regard to the sensitivity of it and using language such as proportionate safeguards. An analysis of that has to be carried out.

We have a few minutes left and will go back to Senators Chambers and Martin.

Lord Oates asked a question about landing zones. I will be guided by the Minister for Foreign Affairs and Trade. We will leave that in the realm of the deliberations between EU negotiators and the United Kingdom negotiators. We might park that matter for the important talks that we will have in the coming period.

**Senator Lisa Chambers:** I was going to respond to what Lord Oates said. Lord Kerr initially spoke about landing zones. It is important that both sides are willing to fly a little bit to land in that zone and that there is compromise. Lord Oates has been quite persuasive in what he said about the potential need for an independent body to do that. I take on board that the UK had the right to leave the European Union and has the right to determine for itself as a nation what rules it will operate under. We fully accept and respect that. Given Lord Oates's party's position that it is pro-Europe and anti-Brexit, he made a persuasive point. It needs to at least be

relayed that this was discussed but I agree with the Chair that it will be a matter for the negotiating team and the Minister for Foreign Affairs and Trade, but it is a fair comment all the same.

**Senator Vincent P. Martin:** I anticipated an answer along those lines. I thank Lord Kerr in particular. I fully accept that it is Ireland's prerogative in the first instance. That is a given. When Deputy Ó Cuív and others spoke about it, it was about North-South reconciliation but maybe there is an added dynamic that we should look at, of east-west economic co-operation. Talking about unthinkables, while it is not for this forum, I will out the possibility of a physical bridge or rail link rising from the ashes of this fallout. The more times that is outed, the better. There could be some unthinkable brilliance that arises from this, which many would consider to be an economic and social catastrophe. Maybe the bridge will go back on the table, preferably linking the Republic of Ireland, maybe at Dundalk, directly to our neighbours. It could be a rail link to carry freight. Maybe that is something that we could look at in the long term. It is an old chestnut that raises its head every decade or so. Maybe Britain leaving the EU might focus people's minds to give that more serious consideration in the long term.

**Chairman:** I will go back to Lord Kinnoull and we will conclude after his contributions if that is agreeable.

**Lord Kinnoull:** To take the Chairman up on the matter of fisheries, we are a family of committees because it is such a big subject, so we have an environment subcommittee which has written a couple of reports on fish in recent years. Although it has not tackled those particular issues, because it has been working on landing obligations and such, it knows what it is talking about. It is quite busy at present. I will take back what the Chairman said and ask whether it might consider doing some work along those lines. It is a complex area. I thank the Chairman for those thoughts.

In closing, I note two things. The Ireland-Northern Ireland protocol is a pleasing document. It starts with the recitals, which set the scene and tone, and are aspirational statements that I think everyone who is on this call would agree with all round. There are two pages of aspirations and behind those are the hard legal terms of the 20 or so articles over the next few pages. The rest is essentially a list of EU law that will apply in Northern Ireland. Marrying hard legal articles with aspirational statements is something which will need trust. I think that trust has been dented in recent times, particularly with the arrival of Part 5 of the Internal Market Bill, for example. Rebuilding that trust is the sort of thing that interactions such as this will be key to. I will close by saying that we are keen to be part of that process of rebuilding trust and making sure that there is an enhanced dialogue at the interparliamentary level. We have a similar intention to have an enhanced dialogue with the Northern Ireland Assembly and we have good relations with it and its committees, and have joint committee meetings with them.

I thank the committee for welcoming us to its meeting today. I think we have all much enjoyed it and enjoyed the frankness that members have spoken with, as well as the high quality of questioning. I thank the committee and hope to be able to invite members to our committee. We certainly look forward to the time when we see the committee again.

**Chairman:** I thank Lord Kinnoull and his colleagues for this open and insightful conversation and analysis and for the work they carried out in advance. The one point that stands out is the committee's focus on the rule of the law, rebuilding reputation and trust. That is powerful language.

This engagement has been helpful. We are going through a public divorce. I am not aware

of any divorces that went smoothly, whether private or public. This has been a public divorce over the past several years. Key to the future is that relationship. I am reminded of a taxi driver in Armagh during a difficult period of the peace process more than 20 years ago who said that whatever one does, one must keep talking. Engagements like this and continued conversations are important whether it is through the British-Irish Council, the British-Irish Parliamentary Assembly or future mechanisms. If bigger and more creative thinking is needed, this committee would certainly be open to that.

Once again, we are grateful for the committee's time. Apologies for the technical hitches at the beginning. We got there in the end and this has been a productive and helpful session.

Go raibh míle maith agaibh go léir.

The joint committee adjourned at 10.51 a.m. until 9 a.m. on Wednesday, 28 October 2020.