

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT SQUARE KILOMETRE ARRAY
OBSERVATORY (IMMUNITIES AND PRIVILEGES)
ORDER 2020

Wednesday 9 September 2020

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The Committee consisted of the following Members:

Chair: †SIR EDWARD LEIGH

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| † Brereton, Jack (<i>Stoke-on-Trent South</i>) (Con) | † Solloway, Amanda (<i>Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy</i>) |
| † Bryant, Chris (<i>Rhondda</i>) (Lab) | Tarry, Sam (<i>Ilford South</i>) (Lab) |
| † Daly, James (<i>Bury North</i>) (Con) | Thompson, Owen (<i>Midlothian</i>) (SNP) |
| † Drummond, Mrs Flick (<i>Meon Valley</i>) (Con) | † Tomlinson, Michael (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Fletcher, Mark (<i>Bolsover</i>) (Con) | † Twist, Liz (<i>Blaydon</i>) (Lab) |
| Fovargue, Yvonne (<i>Makerfield</i>) (Lab) | Huw Yardley, <i>Committee Clerk</i> |
| † Garnier, Mark (<i>Wyre Forest</i>) (Con) | |
| Gwynne, Andrew (<i>Denton and Reddish</i>) (Lab) | |
| † Lewer, Andrew (<i>Northampton South</i>) (Con) | |
| Mann, Scott (<i>North Cornwall</i>) (Con) | |
| † Mumby-Croft, Holly (<i>Scunthorpe</i>) (Con) | |
| † Onwurah, Chi (<i>Newcastle upon Tyne Central</i>) (Lab) | † attended the Committee |

Ninth Delegated Legislation Committee

Wednesday 9 September 2020

[SIR EDWARD LEIGH *in the Chair*]

Draft Square Kilometre Array Observatory (Immunities and Privileges) Order 2020

2.30 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Amanda Solloway): I beg to move,

That the Committee has considered the draft Square Kilometre Array Observatory (Immunities and Privileges) Order 2020.

It is a great pleasure to serve under your chairmanship, Sir Edward. The order was made and laid before the House on 14 July 2020 under the affirmative process. I will explain the rationale behind it. The order confers immunities, privileges, reliefs and exemptions to the new intergovernmental organisation, the Square Kilometre Array Observatory, the SKAO, under the International Organisations Act 1968. If the Committee agrees, the order will complete the UK's ratification of the convention signed in March 2019 and laid in Parliament in July of that year under the Constitutional Reform and Governance Act 2010.

Before I go into detail, I would like to set the context with a few words about the Square Kilometre Array project and the new intergovernmental organisation, the SKAO, which is being established to deliver and operate it. The Square Kilometre Array is an international megascience project to build the world's largest and most sensitive radio telescope. It is truly a global effort, involving 11 member countries and the participation of about 100 organisations across 20 countries. The SKA is one of the most ambitious international science projects of the 21st century, co-located in South Africa and western Australia. It will use hundreds of dishes and thousands of antennae connected together by optical fibre to monitor the sky in unprecedented detail. The SKA is many times faster and significantly more sensitive than any current radio telescope and of a scale never seen before, which will enable scientists to test some of the key questions in physics about the nature of the universe. For example, was Einstein right about gravity? What is dark energy and why is it so important in our universe, and where did magnetism come from?

The SKA will deliver significant technological advances in data processing and opportunities for business innovation. It will help to inspire the next generation of scientists and engineers. The SKAO, based in the United Kingdom at the Jodrell Bank Observatory, will be the intergovernmental organisation building and managing the SKA. It will manage the construction, operation and data processing of the telescopes.

The SKA is a flagship project for the UK Government and underlines our commitment to worldwide partnerships as part of the modern industrial strategy ambition, to ensure that the UK remains a global leader in science, research and innovation. The Government have already committed £100 million to the construction of the SKA—we are one of the largest contributors—and a

further £85 million for running costs over a 10-year period to 2026-27. Such investment gives the UK a leading role in the project during the construction and operation phases. That investment and the UK's hosting of this new intergovernmental organisation at its Jodrell Bank headquarters is a demonstration of our world-leading position and influence in radio astronomy and wider scientific collaboration and exploration.

On the details of the order, the convention was formally laid in Parliament under the Constitutional Reform and Governance Act in July last year and was completed in October. The order is part of the UK's ratification and provides the privileges and immunities to enable the SKAO to function as an intergovernmental organisation in the United Kingdom.

It is standard practice for intergovernmental organisations and their staff to be accorded privileges and immunities by member states, but I reassure the Committee that the privileges and immunities afforded to officers of the SKAO in the UK are limited to those required for them to conduct their official activities and are not for their personal benefit. They are in line with those offered to officers of other intergovernmental organisations of which the UK is a member and include limited immunity from jurisdiction and inviolability for its officers and employees, including immunity from legal process in respect of their official acts, and tax exemption. They do not include immunity from UK road traffic law. The SKAO convention also requires that the SKAO has legal capacity so that it can enter into contracts and take such other action as may be necessary or useful for its purpose and activities.

The order applies to the whole UK. However, some provisions of the instrument do not extend to, or apply in, Scotland. A separate Scottish Order in Council has been prepared to deal with those provisions within the legislative competence of the Scottish Parliament. That was laid before the Scottish Parliament on 10 August.

This order confers on the new SKAO and its staff the privileges and immunities that are necessary for the organisation to function effectively and conduct its official activities. The order will enable the UK to complete its ratification of the SKAO convention and make the global SKA project a reality. Completing ratification of the SKAO convention will bring us closer to answering some of the most important questions in advancing our understanding of the universe. The SKA will provide huge opportunities for technological advances and innovation, notably in the field of big data processing and in areas in which UK industry and research establishments are poised to benefit.

2.36 pm

Chi Onwurah (Newcastle upon Tyne Central) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward, and to follow the Minister in this debate on a subject of the greatest importance to humanity and to all of us. Space and its many unanswered questions inspire awe and excitement across the globe. For nearly 70 years, the official British space programme has been seeking to answer those big questions—as the Minister suggested—drawing on our world-leading science and research sectors. In fact, the British Interplanetary Society is the oldest space advocacy organisation on earth—there may be others elsewhere. As a nation, we have a proud

history of space exploration and international collaboration. In 1957, British Skylark rockets were launched from Woomera, Australia. In 1962, the UK partnered with NASA to launch the Ariel satellite programme, launching rockets from an Italian base off the coast of Kenya. And at the turn of the millennium, the British National Space Centre was the third largest financial contributor to the European Space Agency.

This statutory instrument is a welcome continuation of Britain's ambition and international collaboration in space exploration. I have been particularly inspired by the SKA since I attended a reception at South Africa House to present South Africa's bid back in 2011.

As the Minister said, the SKA is an intergovernmental radio telescope project, with headquarters based at our own Jodrell Bank and bases built in Australia and South Africa. It was first conceived of as a project in the early 1990s and has seen many delays over the years. On the expected completion date in 2027, the SKA will be 50 times more sensitive than any other radio instrument on earth and it will provide the highest resolution images ever seen in astronomy, surveying the sky 10,000 times faster than ever before. This is a significant step forward in our ability to understand our universe, and the UK will be playing a leading role.

The convention, Command Paper 154, treaty No. 27, signed by the UK Government in March 2019, defines the Square Kilometre Array Observatory as an international organisation and provides the appropriate framework—the framework required for it to function internationally. This SI will provide the SKA Organisation with the legal capacity and immunities that are granted to multinational intercontinental projects, allowing it to function freely. This ensures that the UK is acting in accordance with article 4 of the convention and is taking the necessary action to ensure the legality of the SKA Organisation.

I want to take this opportunity to congratulate British scientists and researchers on establishing the UK's world-leading capability in space to the extent that we are taking such a leading role in pushing back the boundaries of our understanding. The Minister and I agree on the importance of that. I do wonder, however, the day after a Government Secretary of State admitted to seeking to breach international law, whether the Minister thinks that our standing in relation to international agreements of this type will be undermined.

Has the Minister spoken with the Foreign Office or others to get a timetable for ratification from other signing nations? I found it difficult to discover which nations have signed and where we are in that process. What effect does the status of other member countries' ratification processes have on our ability to develop the SKA infrastructure needed in the UK?

This statutory instrument depends not just on international law and our rules-based order, but, as the Minister indicated, on the integral role that international collaboration plays in space exploration. The UK Space Agency recognises that, and has provided up to £152 million in grants over five years to the international scientific community as part of this international partnership programme. The programme closed in April, so I would be grateful if the Minister can tell us how much of that £152 million has been released in the first year of the scheme.

Even in space, there is no escape from Brexit. In December, the UK Space Agency committed to contribute £374 million a year for the first five years to the European Space Agency, ensuring the UK's continued participation in programmes such as Lunar Gateway. As we have said, this order is possible only because of the UK's leadership and international collaboration, so will the Minister confirm that that commitment will remain in place, regardless of the outcome of the ongoing Brexit negotiations? What does she want the future relationship between the UK and European space agencies to look like following the initial five-year investment?

In addition to the SKA, UK firms have recently secured funding to play a key role in the European Union's Copernicus Earth observation programme. Can the Minister guarantee that UK businesses that have contracts with delivery dates that run past 1 January 2021 will be able to deliver that work? Will she tell us what the Government are doing to ensure the long-term strategic and commercial benefits for UK businesses through the UK Space Agency from this programme and others? As we have heard, the UK is a world leader in science and research, and playing a key role in the SKA project is mutually beneficial. Some £6 million has already flowed into the Jodrell Bank facility in Macclesfield, which I visited—it is a credit to us all.

Space research is not only about broadening our horizons and venturing into parts unknown. NASA estimates that discoveries originating from space research have saved nearly half a million lives. UK Government figures estimate that the UK space industry has contributed £5.7 billion to the wider economy. The Minister spoke of the breakthroughs in big data anticipated as part of the SKA programme. What is her Department doing to secure the long-term viability of third-party organisations, and ensure the wider supply chain benefits from UK space research?

Labour is passionate about the long-term future and potential of the space sector. It provides high-skill, high-paid jobs, which are needed to address some of the challenges that we face. To achieve that, the space sector needs a long-term plan and clear direction from the Government so that it remains an attractive place for future projects similar to the SKA. Will the Minister commit to publishing a space industrial strategy to provide a roadmap for UK space exploration?

The Chair: Order. Some of the hon. Lady's comments are straying very wide indeed. This debate is quite narrowly framed, so we need to get back to the observatory and Jodrell Bank.

Chi Onwurah: I appreciate that comment, Sir Edward. I am just trying to set the order in context.

The Government have recently made a £400 million investment in the OneWeb satellite programme. Can the Minister set out whether that is a wider UK Space Agency programme, like the subject of this order?

Labour is eager to support the long-term future of the UK space sector, and this order is a positive step, but we need to see a clear strategic outline of the Government's vision for UK space. The SKA can provide the world with another giant leap, and we must see it as an example of the potential that can be unlocked through ingenuity, expertise and collaboration.

The Chair: I call Chris Bryant.

2.44 pm

Chris Bryant (Rhondda) (Lab): Thank you—I always want to call you Mr Leigh, but I suppose you are Sir Edward. It is an irony of being be-knighted that that is what happens. I am scandalised that the Minister says we have to discover where magnetism comes from, because it clearly comes from somewhere between Gainsborough and Rhondda. I do not think any more investigation is needed.

I have some serious points. Of course I support the measure before the Committee but I want fully to understand the dispute process—should there be any disputes. Clearly that is important whenever we enter into any international organisation. I remember when similar legislation was brought forward for the Olympic Delivery Authority and we had to be careful about the disputes process then. As I understand it from article 14 of the convention, disputes would happen in the Permanent Court of Arbitration, but is the Minister absolutely confident in the belief that we would get a good outcome from that if there were to be a problem?

Secondly, of course I understand the concept of immunity from suit. That is standard for all such international organisations and has been around since just after the second world war. However, I note that the Minister said it does not include road traffic law. I presume that means the congestion charge, parking and things like that; but does it include fraud? What other elements of criminal activity in this country would be exempt? Obviously quite a lot of people in this country are anxious about the way diplomatic immunity is waved around at the moment to protect people in relation to serious legal infringements.

Thirdly, obviously China is one of the signatories. That worries me to some degree. I note that it has not yet ratified, but I worry about its access to the intellectual property that is inherent in the matter, not least because article 11(1) of the convention, I think, says that IP policy has to be agreed unanimously. Obviously therefore China would have a veto on any intellectual property policy that it was not happy with. I worry about that, if I am honest, and I hope that the Minister can assuage my concerns.

I worry also about the measure relating to archives and premises. It is the archives bit that I am concerned about. I do not know what that means in terms of freedom of information—what access we would have in the UK to information, or whether there would be a bar to access. Who makes those decisions and how do we make sure that money is being correctly spent? I would be grateful to know who the two British Council members are, how they were appointed, and where they have come from.

Finally, article 8(8) of the convention says that the HQ, which obviously as things stand will be here, is decided by consensus. What happens if that consensus changes? Again, what role would China play? I note,

incidentally, that the original convention refers to India, New Zealand and Sweden as signatories, but the explanatory memorandum that we have had merely refers to South Africa, Australia, China, Italy, the Netherlands and Portugal. I wonder what has happened to India, New Zealand and Sweden. Have they fallen off the list somehow?

2.48 pm

Amanda Solloway: I acknowledge all the enthusiasm and passion expressed by the hon. Member for Newcastle upon Tyne Central. As she knows, we share a passion for the subject. I will attempt to answer most of the questions that have been asked but, if there are any I do not answer, we have already organised a further meeting.

I thank the Committee for its consideration of the draft order. We are looking at all the negotiations, and clearly, as the hon. Member for Newcastle upon Tyne Central mentioned, we have been talking to the Netherlands, Italy and South Africa. We are making sure that we have those continuing conversations. It is likely and expected in respect of those that we shall ratify shortly.

The hon. Member for Rhondda made many interesting points, and I was writing down some answers as I went along. We are working on all of the points that he raised, and we are more than happy to share that work as we do it. He is right that we have an international obligation. We have been working towards our roadmap, in which we have put all the things that we hope to do, and the UK Space Agency is at the heart of much of what we seek to achieve.

The hon. Gentleman mentioned diplomatic immunity. Clearly, what happened with Harry Dunn was unacceptable and I assure the hon. Gentleman that we are pursuing that in the best way that we can. The order confers privileges and immunities on the new Square Kilometre Array Observatory only as far as is necessary for its function as an intergovernmental organisation in the UK.

It is enormously exciting for the UK and our astronomy community to be a key partner in a global project. As the hon. Member for Newcastle upon Tyne Central said, we want to be the best in the world and unlock all the secrets of the universe. We remain committed to strengthening our position as a world leader in astronomy and space exploration. The order takes us one step closer to bringing the SKAO into operation. As one of the host countries, the Government remain committed to bringing the SKAO into being as soon as possible. By hosting the intergovernmental organisation in the UK, the UK will play a key role in bringing the project to fruition. Therefore, I commend the order to the Committee.

Question put and agreed to.

2.51 pm

Committee rose.

