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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
Con Ind	Conservative Independent
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Lab	Labour
Lab Ind	Labour Independent
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Thursday, 2 July 2015.

11 am

Prayers—read by the Lord Bishop of St Albans.

London Airport: New Runway Question

11.06 am

Asked by **Lord Spicer**

To ask Her Majesty's Government what is their estimate of the start date for building a new London airport runway; and when they expect that it will be ready for use.

The Parliamentary Under-Secretary of State, Department for Transport and Home Office (Lord Ahmad of Wimbledon) (Con): My Lords, following the Airports Commission's final report, published yesterday, we are considering the commission's full body of work before deciding how and at what pace to respond to its recommendations. In terms of delivery, the Airports Commission's analysis indicates that the Gatwick scheme could be delivered by 2025, while the two Heathrow schemes could be delivered by 2026.

Lord Spicer (Con): Is the Minister aware that my Question is a day late? I am sure that he is. Is he further aware that many of us who have spent a lot of time thinking about this subject believe that the Government are to be fully supported in saying that they will take a firm decision this year? I personally think that it should be based on the Davies report but I recognise that there is no commitment on that.

Lord Ahmad of Wimbledon: I was going to say that my noble friend's timing was impeccable—almost. He is quite right to say that now that we have the Davies commission report, as I said yesterday in repeating the Statement of my right honourable friend the Secretary of State, it is right that the Government should now consider carefully the very detailed and balanced report. My right honourable friend the Prime Minister said yesterday during Prime Minister's Question Time:

"The guarantee that I can give ... is that a decision will be made by the end of the year".—[*Official Report*, Commons, 1/7/15; col. 1473.]

Lord Teverson (LD): My Lords, surely the challenge for government in the immediate term is utilising best the airport capacity that we have? Stansted's runway is only 50% used and it has a useless rail link that is slow and unreliable. Should not the Government be investing in that rail link to make sure that that capacity is used first and used effectively?

Lord Ahmad of Wimbledon: The noble Lord raises a very valid point and we are looking at areas of surface transport. He will be well aware that the commission made an interim report. Various recommendations came out of that on improving certain facilities: for example, the station at Gatwick Airport

is being improved. Issues were raised about road networks, which is part of our investment strategy, and regional airports such as Birmingham and Bristol are, among others, receiving support in terms of improving the surrounding road network.

Lord Lea of Crondall (Lab): Is it not the case that the only reason the Government did not say yes to Heathrow straight away is the bombast of Boris Johnson and the difficulties of that type within the Conservative Party?

Lord Ahmad of Wimbledon: I think that it is right to say that the views of the London mayor are important views to consider. However, the report commissioned in 2012 has now reported. Any responsible Government would consider the findings of that report before coming to a final decision.

Lord Soley (Lab): I do not think that there is a great deal more to be said after yesterday's very helpful report, and I am sure that everybody wants the Government to get on with it as soon as possible. However, the Government ought also to use the time available to look at the way in which we got ourselves into a mess where it has taken—certainly since my early involvement in this—more than 20 years to work out what we do on major infrastructure projects of this type. The general rule with airports should be that they should be allowed to expand, subject to very stringent noise and pollution issues, which the report emphasises. If we do that, we will add greatly to this country's chances of economic growth.

Lord Ahmad of Wimbledon: The previous Government and indeed this Government have said repeatedly that it is important that we look at the capacity of airports around the south-east. It is a major part of UK plc's offering on the global stage. As the noble Lord pointed out, this report looks at the key considerations in terms of the environment and community engagement, and due weight will be given to them in our assessment of the report.

Lord Skelmersdale (Con): My Lords, how long will the extra runway last us before we have to consider yet another expansion of airport capacity?

Lord Ahmad of Wimbledon: The commission report, which I recommend to my noble friend, considers all these areas. We are running near to capacity at Heathrow and at Gatwick as well, so the immediate task for the commission was to look at addressing those needs. The report also looks at further needs beyond 2050.

Lord Empey (UUP): My Lords, it will be 10 or 15 years before any additional capacity is available. Meanwhile, our internal regional access to our one current hub at Heathrow continues to be at risk. Given that Europe controls the slot allocations at Heathrow, will the Minister give consideration to the Government positively pushing Brussels so that we can regain control over our own national, fundamental piece of aviation infrastructure?

Lord Ahmad of Wimbledon: I assure the noble Lord that the Prime Minister and the whole Government are fully committed to pushing Brussels to get greater control over a raft of issues concerning national sovereignty.

Baroness Jones of Moulsecoomb (GP): My Lords—

Lord Rosser (Lab): In 2009, as we know, the Prime Minister said that he would not support a third runway and did so with a certain degree of finality, since he said “no ifs, no buts”. Can the Minister confirm that that still represents the Prime Minister’s and thus the Government’s policy on a third runway at Heathrow? If it does not, could he draw our attention to any statement by the Prime Minister retracting his very clear policy statement that he would not support a third runway at Heathrow?

Lord Ahmad of Wimbledon: I suggest to the noble Lord that he might be minded to read the response of my right honourable friend the Prime Minister to the acting leader of his party during Prime Minister’s Questions yesterday, where he gave a commitment that the Government would make a decision by the end of the year. On the noble Lord’s reference to “no ifs, no buts”, as I am sure he is well aware, the Prime Minister ruled out a very different proposition in 2010.

Lord Naseby (Con): Since one of the key elements of this report is about emissions and noise, will Her Majesty’s Government consult deeply with the aero industry, particularly in the context of quieter jets, more efficient jets and jets that produce that far fewer emissions? Certainly, a great many of us on this side think that this is fundamental.

Lord Ahmad of Wimbledon: My noble friend is quite right that the development of aircraft has resulted in larger but quieter and more fuel-efficient aircraft. In coming to their final decision on the report, the Government will ensure that all key players are fully consulted.

Devolution Question

11.13 am

Asked by **Lord Forsyth of Drumlean**

To ask Her Majesty’s Government whether they plan to establish a Constitutional Convention to consider the implications of devolution for each part of the United Kingdom; and whether they plan to publish a white paper setting out the consequences for the rest of the United Kingdom of fiscal autonomy for Scotland.

The Parliamentary Under-Secretary of State, Scotland Office (Lord Dunlop) (Con): The Government have no plans to establish a constitutional convention. Our focus must be on delivering the commitments that we made to the people of England, Scotland, Wales and Northern Ireland. The Government do not support full fiscal autonomy for Scotland and have no plans to publish a White Paper on the issue. The Government’s

priority is the delivery of a balanced constitutional settlement that is fair and sustainable for all parts of the United Kingdom.

Lord Forsyth of Drumlean (Con): My Lords, that was not terribly helpful. Given that that the Barnett formula allocates resources to Scotland, Wales and Northern Ireland on the basis of a set proportion of the amounts voted on English programmes by the House of Commons, how can it be fair, sensible or even democratic to introduce English votes for English laws while retaining the Barnett formula as the means of funding? Is it not high time that Conservatives returned to Conservative principles: that constitutional reform should be careful, cautious and on the basis of consensus?

Lord Dunlop: My Lords, the Government will honour the commitment to retain Barnett made by all three party leaders in the run up to the referendum. The fact that Barnett has endured for 40 years and 16 Scottish Secretaries shows that there are no easy alternatives. However, the significance of Barnett will reduce as the Scottish Parliament becomes 50% self-funded. The UK Government and the Scottish Government will agree a new fiscal framework to work alongside Barnett, which must deliver a financial settlement that is fair to both Scotland and the rest of the United Kingdom. There will be more said in Statements in this House and the other place about English votes for English laws but Scottish MPs will continue to take part, as now, in the votes that determine the block grant allocations.

Lord Kinnock (Lab): My Lords, before the Prime Minister plunges into further fragmentation of the United Kingdom, is it not clear that the Government should make a positive response to the case made by the noble Lord, Lord Forsyth, and others for a full, broad and thorough constitutional commission? Would that not be the best way to ensure some vital coherence in planning for the future? Would it not be democratically and strategically superior to the short-termist stumbling that is now putting the union in serious peril almost by accident?

Lord Dunlop: My Lords, the Government are addressing the imbalances in our constitutional arrangement which we inherited from the previous Labour Government. Let me give two examples. The Scottish Parliament was set up with significant powers to spend money but little responsibility for raising it; and the previous Labour Government established a strong Scottish Parliament without properly addressing the implications for England. Our programme addresses each part of our United Kingdom and we are committed to a balanced settlement for all parts of it.

Lord Tyler (LD): My Lords, will the Minister now address the wider point raised by the noble Lord, Lord Forsyth? He will be aware that a large number of Members on his side of the House—his noble friends—have consistently argued against the piecemeal, ad hoc approach to the constitution. Surely, at the very least, the present proposals put before the House at the other end of the Corridor which will be put before our House later on, should form part of the agenda of a

wider consideration of the implications of devolution for Parliament and our constitution? Surely a constitutional convention is the only way forward so that these issues can be considered in their proper context.

Lord Dunlop: My Lords, when discussing constitutional conventions, what always springs into my mind is a remark made by, or attributed to, Harold Wilson when he talking about royal commissions—“They take minutes and last years”. I cannot see any evidence of public support for a convention. The public want us to get on and deliver the constitutional commitments we have made to each part of our United Kingdom.

Lord Hennessy of Nympsfield (CB): My Lords—

Lord Grocott (Lab): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): This is a classic example of where the House is calling for the noble Lord, Lord Hennessy.

Lord Hennessy of Nympsfield: My Lord, given the multiple uncertainties facing the constitutional arrangements of our islands, in the Minister’s judgment, of what magnitude does a constitutional question have to be before it justifies a convention?

Lord Dunlop: I acknowledge the noble Lord’s great expertise in this area. The Government are addressing the various strands of our constitution in Wales, Northern Ireland, Scotland and England. Our priority is to deliver those commitments rather than spending time on a constitutional convention. Of course, if others want to set up their own convention they are welcome to do so. I read with interest the debate last week on the constitution. It is clear that constitutional conventions mean all things to all people. As my noble friend Lord Bridges said in this House last week, getting agreement on a convention would itself need a convention.

The Lord Bishop of St Albans: My Lords, the Minister would have picked up concern on every side of the House on this particular issues and I, along with a number of Members on this Bench, share that concern. In principle we would like to explore the possibility of a constitutional convention. The pastoral letter that the bishops issued earlier this year stated:

“The impatience of politicians or the desire for party advantage must not be the driver for constitutional change”.

If we are not going to have a constitutional convention, how do Her Majesty’s Government intend to involve as many as possible of those people who are passionate to be involved in this so that together we can think carefully about the vital question of the future governance of the UK?

Lord Dunlop: I am sure that noble Lords in this House and others outside it will come forward with proposals. The Government will engage with those proposals and will be happy to discuss them.

Lord Lang of Monkton (Con): My Lords—

Lord Morris of Aberavon (Lab): My Lords—

Baroness Stowell of Beeston: My Lords, if we are taking turns, it is actually the turn of the Conservative Benches, and the noble Lord, Lord Lang, is the chairman of the Constitution Committee.

Lord Lang of Monkton: My Lords, reflecting on the fact that the unbalanced form in which the Scottish Parliament was created was in fact the product of the deliberations of a constitutional convention, I welcome my noble friend’s caution on these matters. They may sound simple and easy to set up, but they may create many more difficulties along the line. However, I urge him to reflect on the importance of consultation: this should be carried out during a reflective period of calm when the House is not subject to a constant flow of devolutionary measures that have not been properly considered and have to be rushed through this House. A period of calm reflection is surely the best way forward.

Lord Dunlop: I can only agree with my noble friend that consultation is a key element in any proposals that come forward. Since January, when we tabled the draft clauses for the Scotland Bill, we have been consulting and we will continue to do so.

Cyprus Question

11.22 am

Asked by Lord Anderson of Swansea

To ask Her Majesty’s Government what assessment they have made of the recent reconciliation talks between the President of Cyprus and the leader of the Turkish Cypriot community in the North of Cyprus.

The Earl of Courtown (Con): My Lords, we welcome the renewed sense of optimism around the settlement talks in Cyprus. Both President Anastasiades and Mr Akinci are committed to a settlement and their positive leadership is creating a real sense of momentum. There is now an opportunity for the sides to reach a just and lasting settlement. We hope the leaders will use the impetus to make progress on the key issues. The United Kingdom will continue to support the UN-led process and both communities.

Lord Anderson of Swansea (Lab): My Lords, Cyprus is a valued member of the European Union and the Commonwealth and a haven of relative stability in the eastern Mediterranean. Is it not really good news, as the Minister said, that at last, thanks to President Anastasiades and Mr Akinci, the elected leader of the Turkish Cypriots, there is now a new atmosphere and a new move forward? Two days ago, serious negotiations began. Can the Minister confirm, first, that the offer to release part of the sovereign base area remains on table? How is it that the guarantor power status—post-colonialism and post-1960—still appears relevant when it is not and Cyprus is now a full member of the European Union?

The Earl of Courtown: On the first part of the noble Lord’s question, concerning the sovereign base area, my right honourable friend the Foreign Secretary

[THE EARL OF COURTTOWN] confirmed to Parliament on 1 June that the UK has made this generous offer as part of a proper and comprehensive settlement. We will surrender nearly half the land mass of the sovereign base area territories. The noble Lord then went on to ask about the guarantor power situation. The United Kingdom meets its current obligations under the Treaty of Guarantee through support of the UN-facilitated settlement process, which is aimed at achieving a bi-zonal, bi-communal federation with political equality as defined by the relevant UN Security Council resolutions. This arrangement is not altered by Cyprus's membership of the European Union.

Lord Hannay of Chiswick (CB): My Lords, does the Minister agree that the very helpful coincidence of two leaders in Cyprus who are genuinely committed to a settlement provides an opportunity to lay to rest one of the most prevalent myths in Cyprus; namely, that it is not Cypriots who decide these things but the great powers outside? Will the Government take every step that they can to discourage any other outsiders from doing other than what the noble Earl said we would do, which was to give full support to the UN process?

The Earl of Courtown: The noble Lord, Lord Hannay, with all his experience in this area, is absolutely right. We have a situation whereby two community leaders in Cyprus are willing to talk and try to reach a settlement. All the encouragement that we can give them to make that come to fruition has to be a good thing.

Baroness Hussein-Ece (LD): My Lords, in April, the Turkish Cypriots demonstrated that they were willing to go ahead and that they want peace. They want change from 50 years of embargoes and isolation. The talks are very much to be welcomed. Will the Minister say whether the British Government, as a guarantor country, will now, in bringing forward some confidence-building measures, address the inequality in both communities? The economic situation in the north is quite dire. If there were to be a peace agreement later this year, there would be real problems in bringing equality to both communities. What will the Government do to lift some embargoes to allow some trade and economic prosperity for the north?

The Earl of Courtown: The noble Baroness poses a number of questions. Basically, we are prepared to consider options that would help to encourage progress in these talks.

Lord Maginnis of Drumglass (Ind UU): My Lords, is there not a predisposition in some circles to overlook the 1974 Greek-Cypriot rebellion against President Makarios, led by EOKA-B under Nicos Sampson's leadership; and to ignore EOKA-B's Akritis and Ifestos plans to ethnically cleanse all Turkish Cypriots? Would it not be more realistic and helpful if we were to cease to refer to the so-called Turkish invasion as though it were the beginning of history and recognise that 1974 brought 40 years of relative peace after the previous 11 years of ethnic cleansing? Is it not time that we had balance in how we approach this problem?

The Earl of Courtown: The noble Lord, Lord Maginnis, makes some points on this very serious issue. The events of 1974 continue to cast a long shadow over Cyprus. We hope that the UN-facilitated settlement talks will enable both communities to secure a just and lasting settlement to these issues. The United Kingdom will continue to fully support their efforts towards this end.

Lord Bach (Lab): Perhaps I may tell the Minister, from the opposition Benches, that we very much support the line that he has taken from the government Benches today on this important and serious issue. We, too, support a comprehensive, just and lasting solution. Do the Government still believe that, subject to certain conditions, as set out by the EU Commission, it would be helpful to repeat that this country supports Turkey's eventual entry into the EU?

The Earl of Courtown: The noble Lord mentioned Turkey's entry into the EU, on which there have been recent talks. We still support its entry and it still wishes to join the EU.

ISIL Question

11.29 am

Asked by **Lord West of Spithead**

To ask Her Majesty's Government what assessment they have made of the level of threat posed by ISIL to the United Kingdom.

The Minister of State, Home Office (Lord Bates) (Con): My Lords, we remember particularly at this time the victims of the attack in Tunisia last Friday. We now know that at least 29 British nationals were killed. My thoughts, and, I am sure, those of the whole House, are with the victims and families caught up in this terrible attack. The threat to the UK from international terrorism, including from ISIL-linked terrorism, is severe: an attack is highly likely.

Lord West of Spithead (Lab): My Lords, I thank the Minister for his reply. Although dire, that does not sound like an existential threat or a threat to the existence of our nation. I am looking more externally. In military terms, it makes no sense not to have air attacks in Syria, which means talking with Assad. Also, we need information from Chilcot, because there is now an operational imperative not to make the same mistakes that we made in Iraq. My Question is: what do we see as victory over ISIL? Is it pushing it out of Iraq—that will not be victory; it will still exist in Syria—or finally to defeat it? That will need ground operations in Syria. The prospect of what that means for the whole region is enormous. What do the Government see as "victory"?

Lord Bates: Clearly, it is the defeat of the poisonous ideology behind these attacks. On the territorial point, the noble Lord will be aware of our activities in the airstrikes. The RAF has flown 1,010 missions in support of the coalition activity in Iraq. The result of that is that ISIL's advance has been stopped, and it has lost, according to American sources, some 700 square

kilometres of land. Clearly, the point about Syria is pressing. We are providing some training and support there. The Prime Minister said on Monday that there must be a “full-spectrum response” to deal with ISIL, “at its source, in places like Syria, Iraq and Libya”.

British aircraft are delivering the second-highest number of airstrikes over Iraq. Our surveillance aircraft are already assisting other countries with their operations over Syria and British forces are helping to train the moderate Syrian opposition. That is our response, but we are in no doubt whatever as to what the task is: to defeat ISIL.

Lord Cormack (Con): My Lords, does my noble friend share my sense of incredulity at the reported comments of the director-general of the BBC, who says that the BBC should remain neutral between Islamic State and the West? Is not this an utterly incomprehensible statement? Did the BBC remain neutral when we faced the Nazi threat? Is not this threat, in its way, as vicious and as evil?

Lord Bates: As a Conservative politician, I am on sensitive ground here in being invited to remark on the BBC and feelings of incredulity. This is the serious point behind the Prevent strategy: if ISIL is to be defeated, it requires everyone to speak up for what British values are, to stand firm for them and to speak out against those who seek to undermine them.

Baroness Falkner of Margravine (LD): My Lords, would the Minister accept that when the Defence Secretary said on the “Today” programme this morning that MPs need to rethink attacks in Syria, he did not define a legal basis for those attacks if President Assad is still considered the foe, as was repeated by his colleague the noble Baroness, Lady Anelay, only last week in my debate on Syria? Secondly, would the Prime Minister’s “full-spectrum response”, very clear sighted though it is, entail going into Afghanistan and Pakistan when ISIL is dislocated from the Middle East into those countries, or further still?

Lord Bates: Clearly these are very fast-moving situations. National security is the principal responsibility of Her Majesty’s Government. Therefore, they will have to take these factors into account and respond accordingly. I read out a very precise statement of what the Prime Minister said. That remains the Government’s position on this issue at this time.

Lord Wright of Richmond (CB): My Lords, in the light of reports on the news this morning that the Defence Secretary was considering launching air attacks against Syria, subject to a vote in the other place, could the Minister please give us two reassurances, or at least seek two reassurances from his colleagues: first, that any debate in the House of Commons on this subject will be accompanied by a debate in this House; and secondly, that the Government will consider the need, however difficult, to co-ordinate any attacks against ISIL with the Government of Syria?

Lord Bates: The noble Lord is clearly very experienced in these matters, in the workings of the Civil Service and in giving advice to Ministers. If he will forgive me for saying this, he will be aware that at present we are

actively engaged, along with 60 other countries, in the activity in Iraq. We are providing technical support in Syria. That remains our position. If there is any change, clearly the House will want to reflect on how it handles that.

Lord Rosser (Lab): We on this side associate ourselves with the Minister’s words about the victims of the atrocity in Tunisia and their families. Will he reassure the House that no requests for additional resources—whether human, equipment or financial, from our intelligence organisations, police or Armed Forces—to address the threat posed by ISIL to this country have been declined or not answered?

Lord Bates: The Government—and, indeed, the previous Government since 2010—are very clear that we have protected the budgets for counterterrorism police work and of the security services. The Prime Minister announced last November, in response to developments in Iraq and Syria and the ISIL threat, that there will be a further £130 million. We continue to keep that under review but let there be no doubt whatever about our commitment to providing the resources that are needed.

Lord Trimble (Con): My Lords, has the Minister seen the speculation in the press recently that the Turkish Government may be about to intervene in Syria to create a safe haven and prevent the creation of a Kurdish-controlled area? If he has seen that speculation, would he like to comment on it?

Lord Bates: I have not seen the speculation and therefore I trust that my noble friend will allow me not to comment on it, but I note the point.

Business of the House

Motion on Standing Orders

11.36 am

Moved by Baroness Stowell of Beeston

That Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with on Wednesday 8 July to enable the European Union (Finance) Bill to be taken through all its remaining stages that day.

Motion agreed.

Business of the House

Timing of Debates

11.37 am

Moved by Baroness Stowell of Beeston

That the debates on the Motions in the names of Lord Wallace of Tankerness and Lord Ashdown of Norton-sub-Hamdon set down for today shall each be limited to two and a half hours.

Motion agreed.

Human Rights and Civil Liberties

Motion to Take Note

11.37 am

Moved by Lord Wallace of Tankerness

That this House takes note of the challenges facing the culture of human rights and civil liberties in the United Kingdom.

Lord Wallace of Tankerness (LD): My Lords, for decades, as a Liberal and Liberal Democrat candidate and MP, I supported campaigns to incorporate the European Convention on Human Rights into our domestic law. “Bringing Rights Home” was our call, and so understandably I welcomed the passing of the Human Rights Act 1998. However, it never occurred to me during all these years of campaigning that I would be the first government Minister in the United Kingdom to be on the wrong end of a decision under that Act—yet that is what happened on 11 November 1999.

As Justice Minister in the newly established Scottish Government, I had inherited a sheriff court administration which relied on temporary sheriffs to keep the system in working order. However, the Scottish Appeal Court ruled that because the Lord Advocate was involved both in their reappointment, or not, and was also head of the Public Prosecution Service in Scotland, temporary sheriffs could not be regarded as sufficiently independent of the Executive that an accused might have a fair hearing before an “independent and impartial tribunal”. As a result, I was forced to suspend every temporary sheriff in Scotland overnight.

I am not going to pretend: on that day I would much rather that the case had been won. Losing put significant pressure on resources and made for a time the operation of our sheriff courts more difficult. But here is the thing: in the cold light of day, the court was right. What was happening was wrong and, because of the Human Rights Act, it was put right. For all the difficulties this decision caused me, officials and, indeed, the public, I would rather live in a country where there is such a human rights check over decisions and actions of Ministers and the Executive than in a country where Ministers and the Executive can ride roughshod over basic human rights. This, I believe, shows the value of the Human Rights Act. As Liberal Democrats, we on these Benches are instinctively suspicious of government. We believe that the state has the power to improve people’s lives—but, equally, the power to damage them. Such power should not operate in a vacuum. There must be a check on the ability of the state to wield its power, even when its actions are carried out with the best of intentions, and there must be a check to protect individual citizens against the arbitrary use of state power.

This debate is about the challenges facing the culture of human rights and civil liberties in our country. My experiences as a Minister both in Scotland and in the coalition Government have given me some understanding of those challenges and the difficulties of balancing interests that sometimes compete with human rights and civil liberties, not least the need to keep the public safe. I do not pretend that it is always easy. The

appalling events in Tunisia last Friday and our response to them have once again thrown into sharp focus the challenge of balancing liberty and security in an age when terrorism stalks the globe. The Prime Minister rightly argues that, armed with our values of justice, democracy, liberty and tolerance, we will prevail over hateful intolerance and its evil manifestations. But the challenge is to ensure that in doing so we do not undermine the very values that we cherish and seek to uphold.

The Home Secretary said in the House of Commons last week—it is pleasant to be able to agree with her—that,

“security and privacy are not ... a zero-sum game”.—[*Official Report, Commons, 25/6/15; col. 1085.*]

It is incumbent on the Government to consider issues of privacy and liberty when promoting security and on those on our Benches to reflect the need for this balance and ensure that when we are promoting liberty and privacy we also take account of the interests of security.

I am sure that in this debate we will hear contributions about the communications data Bill—the so-called “snoopers’ charter”. All I shall say on this subject is that I can assure the Government that if they seek to introduce intrusive new laws, rhetoric and assertion by Ministers will not be a substitute for hard evidence that such measures are necessary and proportionate, not least given the recently published report by David Anderson QC, which found the operational case for a number of the proposals far from persuasive.

The ability to challenge the Government is a core part of our liberty and democracy, and one which we must seek to uphold. The European Convention on Human Rights may have been born in the aftermath of the war against fascism and in the face of the spread of communism, but it took the 1998 Act to allow people in Britain to vindicate their convention rights in British courts. I believe that that is something we should cherish and uphold. Let us be clear: when I say that the Human Rights Act gives us the ability to challenge the state, I do not mean in some sort of philosophical debate; I mean on ordinary, day-to-day issues that people often take for granted.

The right to life is not just about life being protected by the state. The right has ensured justice for the families of victims of domestic violence and the families of hospital patients who were not properly supervised and who then tragically took their own lives. The prohibition on torture has ensured that the use of restraint on an older woman in hospital was able to be challenged and that authorities are accountable for failing to protect children who are being abused. The right to liberty and security has ensured that people with mental health problems are not unlawfully detained.

The right to a fair trial or hearing was used by a mother who had suffered mental health problems and had her child taken into care. The court found that the council’s attempts to delay her re-establishing contact with her child and its failure to notify her that the child was already placed with an adoptive family constituted a breach of her right to a fair hearing. The right to respect for private and family life has often been lamented in the press as a block to deporting

foreign criminals. But this right helped a couple who had been married for 59 years to live in the same nursing home when their local authority threatened to move one of them to a nursing home too far away for the other to visit. It also secured proper support from a local authority for a child with Down's syndrome.

Freedom of expression was perhaps most famously protected by the European Court of Human Rights reversing a unanimous decision of the Judicial Committee of your Lordships' House in the early 1970s and thus allowing the *Sunday Times* to expose the thalidomide scandal and pave the way for compensation for its victims and their families. Freedom of assembly and association has protected the rights of people to join a trade union and engage in union-related activities. The right to marry has ensured that the needs of transgender people are accommodated by requiring the Government to issue a new birth certificate. The prohibition on discrimination ensured the right of unmarried couples to adopt and has been used in numerous cases to protect disabled people.

I cite these cases because they are examples of what human rights mean in practice—what our convention rights allow us to protect when the state overreaches. These are examples of how we reflect our British values in the country we wish Britain to be. Yet the Government have made clear their intention to do away with the Human Rights Act and to replace it with a British Bill of Rights. The question is: what values will such a Bill of Rights enable or secure that are not already enshrined in the Human Rights Act through its incorporation of the European Convention on Human Rights?

Are there rights which we currently enjoy that the Government are keen to strip out of a UK Bill of Rights? Surely it cannot be the protection of freedom of speech or the right to a fair trial, or the right of religion and freedom of assembly, or the right to a private life. Is it the right to free elections that they fear or the right to protection of property, as they pursue their attempts to sell off housing association homes? Which one of these freedoms and rights would not be in a Conservative Bill of Rights? If the answer is that they would all remain, why are the Government so keen to abolish the current Act and put into jeopardy the jurisprudence and case law that have gone with it?

Perhaps the real problem is not with the Human Rights Act but with the fact that it gives United Kingdom citizens a pathway to the Strasbourg court, with the ability to challenge—in Europe, no less—a decision made by government. The right to take a case to Strasbourg will not be revoked by the repeal of the Human Rights Act. Citizens were taking cases to Strasbourg before 1998. The whole point of the Act was to make the convention rights more readily justiciable in our domestic courts. Is it really the Government's intention to cut off any redress by appeal to Strasbourg, especially when under Article 35 of the convention, the United Kingdom has undertaken not to hinder in any way the effective exercise of this right? What is the Government's view on Article 46 of the convention, which imposes on all states parties a binding international obligation to abide by final judgments against them?

Repeal of the Human Rights Act would not alter the international obligations that the United Kingdom has undertaken.

The last published edition of the *Ministerial Code* states as a general principle the overarching duty on Ministers to comply with the law, including international law and treaty obligations. If, as suggested in the Conservative manifesto, the Government wish to curtail the role of the European Court of Human Rights, is the Prime Minister prepared to suspend that part of the *Ministerial Code* in respect of the European Convention on Human Rights, with all the consequences that would have for a Government who protest the importance of the rule of law—or would the Government renounce the convention, and with it our membership of the Council of Europe?

Often in your Lordships' House, we talk about Britain's soft power as an influence for good in the world, but the opposite side of that coin is that if we are backsliding, we become an influence which justifies others' injustice and intolerance. If hitting the pause button on the Human Rights Act reforms is perhaps a consequence of the Government waking up to the international ramifications of their objectives—on the basic ideal of the rule of law and its international and diplomatic consequences—it should also be an opportunity to consider the domestic consequences of ill-thought through proposals, not least in relation to the devolved institutions of the United Kingdom.

In particular, Northern Ireland has an important relationship with the Human Rights Act and the European convention. The Good Friday agreement enshrined a fundamental role for the ECHR in moderating the values of plurality and equality in Northern Ireland. Human rights protections were a central feature of the peace process; they cannot lightly be brushed aside. There are also international implications, specifically in relation to our relationship with Ireland. The agreement was incorporated as a treaty between the United Kingdom and Ireland and lodged with the United Nations. Article 2 of the treaty binds the United Kingdom to implement provisions of the agreement which correspond to its competency, and paragraph 2 of the "Rights, Safeguards and Equality of Opportunity" section of the agreement states:

"The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights ... with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency".

That commitment was given legislative effect through the Human Rights Act. I fear that the United Kingdom's international standing and its relationship with Ireland could suffer grievously if its obligations under the Good Friday agreement were not observed. Pulling Northern Ireland out of the European convention would violate international law and surely have severe ramifications for the peace process.

Also, the plans may well be stopped in the Scottish Parliament or the Welsh Assembly. The Scotland Act and the Government of Wales Act define the legislative and executive competences of the respective devolved institutions by reference to the convention rights, as defined in the Human Rights Act. Adam Tomkins, professor of public law at Glasgow University, has

[LORD WALLACE OF TANKERNESS] speculated on whether a legislative consent Motion would be needed in the Scottish Parliament to repeal the Human Rights Act. He went on to take a clear view that if any British Bill of Rights contained new rights which impinged upon the exercise of the Scottish Parliament's legislative powers or the Scottish Ministers' executive powers, a legislative consent Motion would be needed.

Professor Tomkins, for whom I have the highest regard, is now a constitutional adviser to the Secretary of State for Scotland. Is it the Government's view that legislative consent Motions will be necessary? What happens if they are not forthcoming? Could we have a position where citizens' rights in Scotland are different depending on whether the public authority exercises devolved or reserved responsibilities? It has the making of a dog's breakfast and is perhaps a reflection of a policy that was not properly thought through.

What are the real motivations in embarking on a course fraught with constitutional danger? Is it part of a wider move by the Government to make it more difficult for those with legitimate reasons to challenge them? Why are the Government so scared of such challenges? Could it be because the Government fear that a number of their policies coming down the track—cuts in working-age benefits, cuts in disability benefits and the compulsory sell-off of housing association homes—may well be susceptible to challenges in the courts? The Human Rights Act allows us to challenge the decisions of the state, and I would be interested to hear what guarantees the Minister can give us today that the proposed Bill of Rights would continue to allow such challenges to the same extent as we have today.

This is a fight, or a debate, that we would rather not be having. The contract between the state and the public needs to be retained and enhanced, not diminished or swept aside. Rather, we should look to the future and to ensuring that our fundamental rights and liberties are protected in a way that is compatible with the new technologies of the day. We should be looking to the creation of a new digital Bill of Rights that will help safeguard and protect our citizens online and ensure that the same rights enshrined in our law in 1998 hold true as we enter a world of new technology that does not respect boundaries.

At one level, the Human Rights Act is simply a vehicle for bringing convention rights into our domestic law, but it has become more than that. It is woven into the devolution settlements and is widely seen as symbolic of our country's commitment to openness, tolerance and the rule of law, to which even government is subject. I am sure that the Liberal Democrat Benches are not alone in this House in being unable to comprehend what purpose the Government think they are serving by abolishing such a fundamental Act, which is well understood by the courts and respected around the world. The only apparent rationale is to replace convention rights with a British Bill of Rights which curbs existing rights or to exclude resort to the European Court of Human Rights, putting the clock back almost 50 years with all that that entails in terms of reneging on international obligations.

It is often said that eternal vigilance is the price of liberty. The Government should be in no doubt that we on these Benches will be especially vigilant. I beg to move.

11.52 am

Lord Lexden (Con): My Lords, I have difficulty in getting used to the fact that the noble and learned Lord, Lord Wallace of Tankerness, is no longer addressing us from the Government Front Bench, of which he was such a conspicuous adornment. I thank him for bringing this important debate before us today. I would like to offer just a few comments on some aspects of human rights in his debate.

First, I make clear my support for the European Convention on Human Rights. As is well known, the convention owed much to the legal acumen and drafting skills of an influential Tory, Sir David Maxwell Fyfe—who, by the way, was a man of rather gloomy disposition, prompting a little ditty among his colleagues at the Bar:

"The nearest thing to death in life,
Is David Patrick Maxwell Fyfe".

Churchill warmly welcomed and indeed applauded the convention. Speaking in Strasbourg on 17 August 1949, he expressed his special pleasure that the European court that was to be established would, in his words,

"depend for the enforcement of its judgments on the individual decisions of the States now banded together in this Council of Europe".

Among its many contributions to progress in our land, the convention has assisted powerfully in the removal of gross inequalities and social stigmas that so long blighted our society and to which the noble and learned Lord made reference. It has enlarged and protected our freedoms. Speaking in the debate on the Queen's Speech on 1 June, my noble friend Lord Black of Brentwood, executive director of the Telegraph Media Group, stressed the importance of Article 10 in safeguarding the precious freedom of the press, which politicians are often sorely tempted to try to weaken. Because of the reliance that newspapers have been able to place on Article 10, safeguarding freedom of expression, they have been able to serve us and our democracy more faithfully and fearlessly. There surely could be no more telling or powerful example of the convention's importance.

A profoundly important process of consultation on the future of human rights legislation in our country is now under way. It is surely essential that this consultation should exclude no political party, organisation or individual that may wish to contribute to it. We need to achieve a wide consensus about the shape of our future arrangements in this fundamental department of our constitutional and legal affairs—indeed, in all departments, as my noble friend Lord Forsyth of Drumlean mentioned earlier today.

It is good to see the phrase "one nation" back in fashion. We owe it, incidentally, not to Disraeli but to Stanley Baldwin, who was the first to use it, saying in a speech on 4 December 1924 that his party, then known as the Unionist Party, needed to bring together, "those two nations of which Disraeli spoke two generations ago; union among our own people to make one nation of our own people".

To achieve a one-nation approach for the construction of a British Bill of Rights, fully compatible with the European convention, do not we need to ensure that all parts of our country and all relevant interests within them are fully consulted?

I refer to just one of the crucial issues which needs to feature prominently in the process of consultation—the uneven enforcement of certain rights in our country today. The existence of this issue is in part a consequence of the establishment of devolved legislatures and Executives. Northern Ireland, a part of our country in which I am deeply interested, has been affected particularly significantly. Encouraged by my friend the noble Lord, Lord Lester of Herne Hill, I have on a number of occasions brought before your Lordships' House the wholly unsatisfactory state of affairs that now exists in Northern Ireland in relation to the law of defamation. For the first time in our history, Northern Ireland has a different libel law from that in England and Wales, because the Northern Ireland Executive refused without giving any reasons to implement the Defamation Act 2013. One most serious and baleful result, as the noble Lord, Lord Lester, recently stressed in a fine lecture, is that publishers have to meet different standards in different parts of the country, even though free speech is a fundamental right. Ought not a fundamental right to be given effect in the same way throughout the realm? As things stand, Northern Ireland seems destined to stand apart from the United Kingdom for years to come.

In November last year, the independent Law Commission in Northern Ireland began a consultation on the law of defamation that ended on 20 February this year. A few weeks later, the Law Commission was effectively shut down. Its work has been subsumed within the Northern Ireland Department of Justice—part of the very Executive who are blocking Northern Ireland's access to a major right in its current form enjoyed by the rest of us. It is the same story with same-sex marriage. My gay friends in Great Britain can get married if they wish to—my gay friends in Northern Ireland cannot. An application for judicial review has recently been lodged in the Northern Ireland courts. There are other examples of serious disparities in human rights between Northern Ireland and the rest of the country. Are we content that such a state of affairs should continue to exist, or do we want to do something about it? It is an issue that those preparing the ground for a British Bill of Rights must not dodge.

11.58 am

Lord Cashman (Lab): My Lords, I welcome the decision of the noble and learned Lord, Lord Wallace, to have this very important debate, and I am pleased also to follow the noble Lord, Lord Lexden.

I have not made any notes today because I wanted to speak in a personal capacity. First, I must declare an interest as a co-founder of Stonewall. I do not understand why the Government are taking this approach to the Human Rights Act, which has worked magnificently for 15 years, with the consequence that if we adopt the proposals the Government outlined in 2014, we could very well move away from the European Convention on Human Rights. That has consequences beyond

human rights, which some noble Lords may well welcome. Indeed, it would perhaps prohibit us from remaining a member of the European Union.

I cite the European Union for a very good reason—because the Council of Europe, which Churchill took great pride in, the European convention and our Human Rights Act all stem from an amazing point in history: the end of the Second World War. The founders of a new Europe looked across Europe and stated that what happened should never happen again. The convention, the Council of Europe and the European Union were quite literally born out of the ashes of the Second World War, the ashes of peoples' hopes and dreams and, yes, the ashes from concentration camps dotted across Europe.

We have seen the least favoured defended—people like me in the 1980s, having no rights as a gay man—through Stonewall and through courageous individuals pursuing their cause, literally dragging their cases through the courts of the United Kingdom to prove that they could go to the court in Strasbourg and achieve a judgment. That is one of the reasons why I can now stand in the United Kingdom and almost enjoy equality. Sadly, simply because of their sexual orientation and somebody else's religious belief, people in Northern Ireland cannot enjoy those same rights. The jurisprudence we have gained from the European Court of Human Rights is what our rights here are based on.

It is good to see the Minister in his place. I owe him an apology because I talked about these issues in the debate on the gracious Speech on 1 June but was not in my place for his winding-up speech. Subsequently, as I hope noble Lords expect good East End boys to do, I wrote him a letter of apology. In his winding-up speech he referred to the fact that we do not need Strasbourg in order to achieve rights. That is absolutely correct. We need Strasbourg when Governments do not want to give those rights and when Governments believe that equality is inappropriate for certain individuals or sections of society. The Conservative Government could introduce equal marriage in the other place precisely because of the courage of organisations and individuals who had gone through our courts and to Strasbourg in order to achieve jurisprudence and a judgment upon which the Government could decide to act, or not to act. In the early 1990s, when the European Court of Human Rights gave its judgment that the ban on lesbians and gays serving in the military was wrong, the Government, quite rightly, could have merely noted the judgment and continued with the ban. They chose to do the right thing and recognise the judgment.

Here I come to one of the central points of the Motion of the noble and learned Lord, Lord Wallace: the challenges. One of the biggest challenges is the misinformation and disinformation about the European Court of Human Rights and the Human Rights Act, largely purveyed, I am saddened to say, through our newspapers and the reactions of some politicians. The reaction of politicians, from all political parties, to the judgement on the blanket ban on prisoners having the vote was shameful. It was misrepresented as Strasbourg once again interfering with a sovereign parliament.

[LORD CASHMAN]

However, it is up to Parliament to accept the judgment or not; it is Parliament that decides to change its laws, or not.

Before I conclude, I thank noble Lords for indulging me today. For me, this is personal as well as political. As I have often said in this House—I believe that I even said it in my maiden speech—I am an atheist, although someone pointed out to me that perhaps I am a recovering Catholic. What I have to do, as a human rights defender, is always defend the other—defend the right to religious belief and defend the right to difference, because if I do not, how on earth can I ever expect anyone to defend me? Great democracies, beacons of democracy such as the United Kingdom, are such because we have had the courage to speak externally for the rights of others and internally for minorities. All great democracies are judged not by how they treat their majority but by how they treat their minorities—the least favoured, even someone who wants to use the Human Rights Act to escape deportation. Is it not better that we have a handful of cases where there is an abuse of law, rather than see a majority denied access to justice and access to law and equality?

The noble and learned Lord, Lord Wallace, mentioned the international aspects. I am deeply worried that what we do in these Houses will give succour to those who thought that they could use teargas and shoot rubber bullets at the gay parade in Istanbul last week, or members of the junta in Burma who feel it is absolutely right openly to condemn people merely because of their sexual orientation.

These arguments have been going on for not just the past century, but centuries. I will perhaps commit a small theatrical blasphemy by paraphrasing William Shakespeare, who co-wrote a brilliant play called “Thomas More”. Thomas More is called to the Tower of London as the citizens of London are rebelling because the “strangers” have made their way from Calais to Dover. He comes out, and with one hand quells the mob—if only we politicians could do the same—saying, “You bid that they be removed? The stranger, with their children upon their back, their belongings at their side, their family around them. Imagine you are the ‘stranger’ with your children upon your back, your family at your side, your belongings at your feet. Imagine that you are the stranger and then bid that they be removed—and show your mountainish inhumanity”. Now is the time for all of us to speak against inhumanity and in defence of human rights.

12.08 pm

Lord Lester of Herne Hill (LD): My Lords, it is a great privilege to follow three such powerful speeches. I cannot match the eloquence of the speech just now from the noble Lord, Lord Cashman, but I hope that it will be read by members of his party and indeed of all parties and none after this debate. It is a pleasure to speak in the presence of the noble and learned Lord, Lord Irvine of Lairg, since it is he, more than any other Minister in the Labour Government, who takes credit for the Human Rights Act. I am very glad that he is here.

No law can save our human rights unless there is a culture of liberty that is deep-rooted and popular.

Law is not a panacea. It has to enjoy public confidence and to be respected by Ministers in what they do as well as what they say. The Human Rights Act requires Ministers to state whether they believe a government Bill to be compatible with rights protected by the convention. It requires all three branches of government—Parliament and the Executive as well as the judiciary—to act compatibly with the convention rights. It preserves parliamentary sovereignty. Our courts may declare legislation to be incompatible with the convention, but may not strike it down. The Human Rights Act leaves it to the Executive and Parliament to choose whether and how to comply with a declaration of incompatibility, or to leave the claimant to seek redress in Strasbourg.

The Act requires our courts to have regard to Strasbourg judgments, but not to be bound by them. Our Supreme Court has been robust in recent years in subjecting Strasbourg reasoning to critical scrutiny, and explaining where it begs to differ. A valuable dialogue now takes place, and the judgments of our courts are influential in Strasbourg.

Today the main threats come from a Government of zealots. If they succeed in doing what they threaten to do, their legacy will be to have weakened the protection of human rights and undermined the culture of liberty. The newly elected Government, unrestrained by their former coalition partner, threaten to tear up the Human Rights Act and replace it with a weaker British Bill of Rights that may not be anchored in the convention. They also threaten to ignore judgments of the Strasbourg court with which they disagree, undermining the rule of law here and across Europe.

The new Lord Chancellor and Justice Secretary, Michael Gove, is in charge of human rights policy. His predecessor, Chris Grayling, and the Home Secretary, Theresa May, are hostile to the Human Rights Act and to the Strasbourg court. So is Michael Gove’s junior Minister Dominic Raab, as he showed in replying to the Westminster Hall debate on Tuesday. On 23 June, Dominic Raab told the Commons that the Government’s, “plans do not involve us leaving the convention”, but he added that,

“our No. 1 priority is to restore some balance to our human rights laws, so no option is off the table”.—[*Official Report, Commons, 23/6/15; col. 748.*]

On Tuesday, he again told the Commons the same thing. I ask the Minister to explain quite unequivocally whether leaving the convention is or is not on the table as a possibility.

Were we to replace the Human Rights Act with something weaker and no longer anchored in the convention, that would be used by Europe’s pseudo-democracies in the former Soviet empire to justify flouting European human rights law. As the noble Lord, Lord Lexden, said in his powerful speech, it is dispiriting that a great political party that played an inspiring role under Churchill in creating the European convention system should be led by Europhobes who would weaken the effective protection of human rights by the European Court of Human Rights and even by our own courts.

I say that the Government are zealots because they know that they are right and are not interested in genuinely open dialogue with those who disagree. When

the Prime Minister decided not to rush to introduce a Bill while striving to renegotiate the UK's membership of the EU, I wrote to Mr Gove welcoming the decision and asked him to meet to discuss the issues. I received no reply, not even a formal acknowledgement by his private office. Mr Gove has issued guidance to his civil servants on the importance of writing grammatically in their correspondence. Further guidance is needed from the Prime Minister on the need for good ministerial manners.

Mr Gove told the Commons on 28 May that, because the Official Opposition and the SNP oppose the Government's plans, they,

"have already ruled themselves out of the debate on reform that we need to have".—[*Official Report*, Commons, 28/5/15; col. 292.]

That no doubt includes Liberal Democrats, because we strongly oppose the manifesto threats.

Then, on 23 June, Dominic Raab told the Commons that the Government intend to consult,

"fully, including with the devolved Administrations, in due course".—[*Official Report*, Commons, 23/6/15; col. 748.]

I hope the Minister will explain in his reply how he squares that with Michael Gove's statement. Can he tell us the discussion that Michael Gove had with the Justice Minister in the Scottish Government last week, and whether it included the Government's human rights plans?

I served as a member of the Commission on a Bill of Rights that reported in 2012. The Minister was a fellow commissioner. You had to be a masochist to serve on that commission. He wrote a separate paper with another Conservative commissioner, Jonathan Fisher QC, in which they attacked the Strasbourg court for what they regard as undue judicial activism and suggested that the cause of human rights would be better served by withdrawal from the convention so as to free it from the strictures of the court.

Their approach was embodied in the Conservative election manifesto. Before those pledges were made, the Prime Minister removed Dominic Grieve as Attorney-General, who explained in the debate this week that the Human Rights Act has conferred,

"huge benefits on this country".—[*Official Report*, Commons, 30/6/15; col. 410WH.]

The former Solicitor-General, Sir Edward Garnier, said in the same debate that,

"the political reality is that there is no majority in this House"—that is, the other place—

"and there certainly is not in",

the House of Lords,

"for a repeal of the Human Rights Act—still less for our removal from the European convention".—[*Official Report*, Commons, 30/6/15; col. 418WH.]

Dominic Raab is concerned that what he calls "rights inflation" has diluted personal responsibility. The only example he gives is of a claim that failed, and he complains that the Human Rights Act has exposed us unnecessarily to too much "judicial legislation", as he puts it, in Strasbourg and at home. These criticisms are not, in my view, fair or reasonable.

This Government threaten not only our culture of liberty and respect for the European rule of law but the unity of the UK. However much the Government

say they will consult the public, they are guilty of at least the appearance of prejudgment and a lack of interest in seeking a consensus on what are major constitutional issues. If the Government go ahead with their plan to tear up the Human Rights Act and flout judgments from Strasbourg with which they disagree, they will face deep hostility in Scotland, Northern Ireland and Wales and, I dare say, much of England, too. The public will not welcome a weakening of the legal protection of their fundamental rights, and the unity of the nations will be undermined.

If Michael Gove was serious about a one-nation justice policy, he would not adopt the policy that he now seems to be pursuing. There is a crisis in what is a two-nation civil and criminal justice system. What use is the rhetoric of a UK Bill of Rights if only the wealthy and the powerful can enforce those rights in our courts?

12.18 pm

Lord Carswell (CB): My Lords, I have to confess to a degree of hesitation about entering into a debate on the topic of human rights with the noble Lord, Lord Lester of Herne Hill, whose knowledge of the subject is encyclopaedic and whose experience is unrivalled. However, I have a point to put before your Lordships and a suggestion to make, therefore I shall dare to be a Daniel.

Sir John Major said some time ago, echoing Disraeli, that:

"We have no need of a Bill of Rights, because we have freedom".

There has been a great deal of discussion, both before your Lordships and elsewhere, about the Human Rights Act, the Convention for the Protection of Human Rights and Fundamental Freedoms—to give it its full and proper title—and the possibility of substituting for it a British Bill of Rights. My thesis is that there is a simple, straightforward and pragmatic way forward, which will avoid many of the difficulties, which I shall outline very briefly.

I start by saying straight out that I have no hesitation in saying that the convention was in itself an excellent idea. It was promoted by statesmen of great standing imbued with the desire to preserve liberty against the type of oppression about which and against which we had fought a long and testing war. It was a worthy attempt to encapsulate the basic standards for the relations between states and their citizens. It is worth while just sitting down and reading straight through Articles 1 to 18 of the convention, which confer the rights. They set out the rights and freedoms in terms which enshrine principles that should be fully acceptable to all civilised people.

In my view, the real trouble has arisen from the interpretation and application of the wording of those principles. I need not dwell on the well-publicised results, which have caused justifiable concerns to sensible citizens and have been well rehearsed in the press—somewhat noisily at times. So I shall not go on about cats or about people who choose to think that a monitoring tag is an explosive device designed to blow them up. Much of the problem stems from the approach of the European Court of Human Rights in Strasbourg.

[LORD CARSWELL]

It has certain similarities to what is called the *acquis communautaire* of the other European institutions. There has been a ratcheting and one-way process, ever expanding the breadth of the meaning of the convention's articles and, your Lordships may note, expanding with it, too, the power and reach of the court. The justification of this has been the interpretation of the convention, resorted to by the court, as a "living instrument".

I have to say with a degree of regret that our domestic courts have in many cases showed themselves perhaps rather too keen to adopt a similar approach. That has been compounded by what I believe has been a mistaken process of following the Strasbourg decisions and pronouncements rather too literally. I have to hold my hand up and plead guilty to having been party to this when sitting in your Lordships' Appellate Committee, but in my own defence I have to say that it would have been rather difficult to hold out against the very widespread acceptance by my colleagues of such a process.

The wording of the Human Rights Act requires our courts to "take account" of Strasbourg decisions. It was deliberately so framed and was very much the product of the ideas of the noble and learned Lord, Lord Irvine of Lairg, when Lord Chancellor in this House. The intention seems to have been pretty clear at the time of the passing of the Act: that some flexibility should be left in handling Strasbourg case law. I think it likely that those who framed the wording and those who approved it on many occasions were surprised by the way in which the courts applied it, but the courts were steeped in the long common-law tradition of being rigidly bound by precedent and they never got their mindset away from that.

In spite of the problems which have arisen—and there have been many—I would not support withdrawal from the convention. If it were sensibly applied, I would regard it as a perfectly acceptable series of principles. Of course, if we were to withdraw, that would, as the noble Lord, Lord Lester, and many others have pointed out, undoubtedly be used as a reproachful criticism—a stick with which to beat our Government and our country—as indicating a desire to depart from the standards of the convention. That might indeed be wholly unfair, given the long history in this jurisdiction of restraints on attempts to impose oppressive laws on our citizens, but it is a real risk and a further strong reason against withdrawal.

The same considerations do not apply to the Human Rights Act 1998. That introduced the requirement for domestic courts to follow Strasbourg decisions, in some fashion, and to set aside or declare incompatible legislation enacted by our Parliament. Frankly, I think that events have shown that we would now be better off without the provisions of the Act and I favour its repeal.

The noble and learned Lord, Lord Wallace of Tankerness, referred to a dog's breakfast. I fear that what we have now takes something of both canine breakfast and dinner. Should we substitute a Bill of Rights for it? I say no, for two good reasons. Once a written instrument of this kind is produced it creates a vehicle for endless litigation and an industrious and ingenious search for loopholes. We have only to look

at the terms of some of the suggested worthy and very well-meant attempts to draft a possible Bill to see that they are completely stuffed full of such possibilities for dispute.

My suggestion is simple: forget withdrawal from the convention and forget a British Bill of Rights—just repeal the Human Rights Act 1998 and leave it at that. We should then be back to where we were before 1998. That does not involve rejection of the principles of the convention, let alone withdrawal from it; though to listen to some criticisms of the present proposals one would think that simply repealing the Human Rights Act would immediately mean an abandonment of the convention—it means no such thing.

The courts would be able to pay as much attention to the Strasbourg decisions on the interpretation and application of the convention as they thought fit. From previous experience, I think that they would, in practice, examine those carefully in every case where the principle becomes an issue to see whether a contemplated decision accords with the Strasbourg jurisprudence. The current authority is obviously a useful guide if a point might be decided either way, but the courts would not necessarily have to follow it if they disagreed with it or if the clear terms of a domestic statute required them to reach a different conclusion. That would still leave it open, as before, and as now, for an aggrieved party to take his case to Strasbourg and seek a remedy there. There was a steady flow of such applications prior to the 1998 Act, some of which were successful, but it was not on such a scale that we could not as a country tolerate it. I suggest that it would be worth putting up with that again to gain a degree of freedom from the shackles of the Strasbourg decisions.

The continued existence of the right of appeal to Strasbourg should act as a brake on any temptation to impose excessively draconian legislation and influence courts not to fly in the face of clearly correct Strasbourg case law. Perhaps some decisions of our courts would continue to raise eyebrows and give rise to headlines—whatever the system, we will get decisions like that. But appeals and appropriate legislation should operate to correct it.

A tailpiece, if I may mention it in closing. Some of your Lordships have referred to the importance in Northern Ireland of the Human Rights Act and the convention. I do not attempt to speak for any authority or people in Northern Ireland, but my view, based on 40 years of experience in the law before 1998, partly as a practitioner and partly as a judge, is that we did get along pretty well. I put that mild point before your Lordships.

I commend to your Lordships the course of action I have suggested.

12.29 pm

Baroness Ludford (LD): My Lords, it is a great pleasure to follow noble and learned colleagues in this debate and I have appreciated all the contributions. I am surprised to realise that I am the only woman contributing to this debate, which seems a bit odd particularly in a debate on human rights and civil liberties.

I have found it disorientating and disconcerting to observe just how un-Conservative is the attitude behind demands to repeal the Human Rights Act, to defy the Strasbourg court or even to pull out of the convention. My noble friend Lord Lester referred to this attitude as one of zealotry; I am coming to regard it as a sort of “Syriza Tory” attitude. It is a revolutionary spirit that one does not associate with the Conservatives—the clue is in the name. We have always thought that we could rely on the Conservatives to be rather resistant to extreme change.

As I travelled in on the Tube today, I saw a poster advertising a book on Churchill by the aspirant Prime Minister, Boris Johnson. It is called *The Churchill Factor* and is apparently in the top 10 list in the *Sunday Times*. This is the same Boris Johnson who, like Syriza, wants to have two referenda, with the public being told to vote no in the first one in order, apparently, to get more leverage in negotiations with the EU before a second. Well, it does not work for Syriza and I do not think that it will work for Boris Johnson.

I shall not repeat what the noble Lord, Lord Lexden, said about the Conservative role in the writing of the European Convention, but there is also a strong history of Conservative support for incorporation of the convention into British law. I am reminded that in 1976 the Society of Conservative Lawyers recommended that,

“the ECHR should be given statutory force as overriding domestic law”.

There are other examples; I am sure that my noble friend Lord Lester is very familiar with them. So to call the Human Rights Act “Labour’s Human Rights Act”—I am sure that Labour in some ways wants to take credit for it—is simply not accurate.

The Prime Minister has given laudable support to the UK’s role in upholding human rights internationally. The Foreign and Commonwealth Office is championing effort to combat sexual violence and I warmly welcome the role that the Foreign Secretary William Hague had in that; it has been taken up now by our colleague, the noble Baroness, Lady Anelay. So why do we not want to take a lead in Europe on upholding human rights? In the European Union context, we are not in the euro nor are we part of the Schengen agreement, so it has always seemed to me—I spent 15 years in the European Parliament and was on the justice and civil liberties committee with the noble Lord, Lord Cashman—absolutely appropriate that the UK should play a leading role on justice and rule of law issues. I should perhaps express a note of regret that the UK has so far declined to opt in to the EU directive on access to law, which has nothing to do with legal aid and does no more than express what we already do in the UK. We are missing opportunities to put into practice our strong record.

My noble friend Lord Lester drew attention to the incoherence that we are hearing from Conservative Ministers, from the Prime Minister down, about whether their intention is to leave the convention. I join my noble friend in saying that I would welcome clarification on whether that is the aim. Certainly, the former Justice Secretary, Chris Grayling, has said that,

“it is time to examine how to curtail the involvement of the European Court of Human Rights in UK domestic matters”.

Many have commented that the only effective way to do that is by denouncing or withdrawing from the convention. That would have repercussions for our role in the European Union—maybe that is the intention—because Article 6 of the Treaty on European Union makes the declaratory statement:

“Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union’s law”.

So it is clear that you cannot be a member of the European Union if you are not a party to the European convention.

We understand the wish in the Conservative manifesto for our Supreme Court to be the ultimate arbiter of what the convention means in this country but, as others have said, it is already. Except for final judgments directly applying to this country which we are bound to implement under international law through Article 46 of the convention, our courts only have to take account of Strasbourg judgments. A fruitful dialogue has developed. There may have been a bumpy period but now there is a creative partnership between our Supreme Court and the Strasbourg court.

It was not Parliament’s intention in the Human Rights Act for domestic courts to be banned by the convention. However, I understand that during the passage of the Bill a Conservative Peer, the late Lord Kingsland, tabled an amendment to make convention case law binding on British courts—another example of a Conservative input which is thoroughly at odds with what we are hearing these days. The court cannot enforce a change in the law in the UK and Parliament remains sovereign. I have heard my noble friend Lord Lester say in the past that the Human Rights Act is a brilliant balancing act of the tension between the different branches of government. It was a wonderful solution to the dilemmas of how to right it.

It seems that the ultimate wish of these revolutionaries, these “Syriza” Tories, is to throw off external supervision of the Executive on how rights are observed in the UK—whether that is external to government, meaning the courts, or external to the UK, meaning Strasbourg—so that the Executive are able to pick and choose which aspects and beneficiaries should count as worthy of protection. That, of course, is completely against the spirit of universal human rights protection.

It would be fatal to our international reputation, to our role in the EU, the wider Europe and the Council of Europe, and to our moral authority to withdraw from the convention. However, that has to be the logic of what is proposed by the Conservatives. Frankly, I do not want to be on the same level as Belarus. It is not worthy of the Conservative Party. I am upset and angry that this short-sighted, cynical and irresponsible party policy could help to see the end of our United Kingdom as well as the end of our centuries of leadership in Europe and internationally. I hope the Minister can assure us that that is not going to happen.

12.38 pm

Lord Addington (LD): My Lords, when I put my name down for this debate, it was not because of the suggestion about changes to our legal framework but

[LORD ADDINGTON]

because of the reference to culture of civil liberties and human rights. As someone who has been concerned with disability, both inside and outside the education sector, for more years than I care to remember, I feel at the moment that that group's hard-won rights are under threat.

We do not implement the rights that we have, and the big legal Acts are seen as great threats to get people to do the minimum. We are wasting huge amounts of time, effort and human resource running between those big rights at the front and their implementation on the ground. That is not a criticism just of this Government, but of probably every Government I have known since I came to this House—and I have been here for just over 29 years. All Governments pass a big Act and the politicians go, "That's done, so now what is the next big Act?", and we move on. We forget about implementation, and the "performance of duty" level is not considered. If we talk about taking away any strand of the overarching legal framework, even that which we have already got seems more and more vulnerable.

There is a great deal of implementation activity in education and special educational needs. We now have a good framework, which was slightly improved by the last Government through the Children and Families Act 2014—and I think that my own party made a real contribution to making sure that young people's rights go on until they are 25 years old. We all know that the education system is something of a conveyor belt, so it is important to ensure that, if people have a problem, they are given a little more time to get themselves back on to that conveyor belt.

But if we have a culture where rights are taken away because they are inconvenient—people do not understand and say, "There is a little bit too much bureaucracy and it is getting in the way, and you just don't understand the real world", which is all part of the culture of interfering with regulation—you suddenly find that the people who are dependent on support in order to become full members of society begin to feel vulnerable. Add into the mix some talk of the "scrounger culture" when it comes to disability benefits, and we will be heading backwards. I saw the wheelchair protesters who upset Parliament a few days ago, something I have not seen since the early 1990s when that sort of action was required to get the first Disability Discrimination Act through. We are not giving the impression that we are taking care of people.

I turn to the other bits and bobs in this area. Education Ministers talk all the time about "catching up" and "maintaining standards". Some 20% of the school-age population has some form of special educational need, so catching up is not on for many of them; it is about learning differently. Working hard in special lessons will not work because that just reinforces what has already failed. Indeed, the Labour Party tried very hard in this area by investing money in after-school literacy clubs and so on. They did not make that much of an impression for the simple reason that it is not about working harder but about working smarter. If we really wanted to do something, we would not be passing another law, we would do

something radical like teaching our teachers how to deal with people who do not have mainstream learning patterns.

At this point I think I should restate my interest in this as a dyslexic, but doing so once in every three debates is probably sufficient now. We should be trying to encourage people to work more cleverly, and all the talk about red tape and needless intervention by the state will actually go against what we are doing. Why is dyslexia called the "middle-class disease"? It is because middle-class parents—or exam-passing parents—expect their children to succeed, and when they do not, they ask why. Those who come from a culture where people have not passed exams say, "Well, I didn't, so why should they?". It is that simple. We have discovered that dyslexia is passed down through families, so guess what we have got: a nice downward spiral. Unless we implement the Acts we already have and we intervene, we will not get there.

All areas of disability have this. We have had debates about bad implementation and, for example, how some police have not been aware of autism, and how they have interacted badly with someone and then been terrified to admit that they have got it wrong. Some hotel rooms simply are not accessible to someone in a wheelchair or even, perhaps, someone who just has bad knees and cannot get in. Hotels are supposed to have dealt with that issue for decades. Unless we address the implementation of law and stop saying that everything is bad if it comes in regulations, we will create more problems. We just shift the problems.

I now intend to get a bit of reflected glory from something with which I am associated only in name but not by deed. Microlink, of which I am chairman, has been working with Lloyds Bank. We have had a good, practical example in the business environment of how to help people. I should probably give the snappy title, which is the "Lloyds workplace adjustment case study"—I can see that tripping off everyone's tongue. With Lloyds, we discovered that if management says, "This is important", things happen. The management has to say to the line manager, "It is your problem, so deal with it—it comes out of your budget". Things happen if you drive things from the top. The net result was that Lloyds got absenteeism down and saved money. If law is implemented across departments and you make sure that things happen quickly and easily, you will not always have to go back to the big beasts up there. After that, you might think about changing the law. Until you have done that and have a culture that comes down and drives forward, those big Acts are needed. Without them, nothing happens and there is no potential big stick and there is nothing to achieve results.

Let us look at the culture and make sure that it goes down through the legal framework. We must implement what we have and should not be terrified of making a regulation that says that something should happen quickly or saying to someone, "Another little regulation has come in—why haven't you done it?". People should not be allowed to say, "But you are interfering with a great structure and you do not understand the bigger picture". When most people talk about the

bigger picture, they are talking about their own very small one. They do not understand that it goes bigger than them.

If education changes are not implemented in a school because they are too expensive for the school budget, it is not the school which ultimately pays but the taxpayer because there are people on benefits for far longer than needed. That is what we are talking about. If we continue to attack the big pillars before we have something to replace them—and we may never be able to replace them—and fill in the gaps and make sure that things work, we will always have trouble. The cultural background is very hostile to taking positive action. Please can we make sure that we look at implementing what we have already said we will do? Unless we do that, we will have very little room for any form of manoeuvre.

12.48 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, there is a dangerous tendency on the part of lawyers to talk about their own cases. Many years ago, the last Lord Chancellor of Ireland published the first of what was expected to be a two-volume set of memoirs. After the first volume appeared, there was an unaccountable delay but one of his colleagues discovered the explanation. He said, “I am told that the compositor has run out of capital ‘I’s.”

In the general debate last week on the implications of the proposed constitutional changes, I touched on a number of the issues raised today by my noble and learned friend Lord Carswell. Rather than return to those matters, I thought it might help bring some of the issues alive if, instead, I was allowed to mention just one or two of the innumerable Strasbourg cases in which I have been involved in one form or another over the last 35 years. In the late 1970s and early 1980s, as Treasury counsel I used regularly to go to Strasbourg and there lose most of the Government’s cases. My overall record was, I think, played 12, won one, drew one and lost 10, which was not such a bad record in those days. Mostly the cases were about disadvantaged minorities, prisoners, immigrants, mental health patients and so forth. In those long-ago days, despite our nation’s proud tradition of liberty, tolerance and democracy, majority rule can now be seen to have accorded scant sympathy towards those unpopular interests.

Indeed, there were occasions when the Government were quite happy to lose their cases. Take prisoner rights: in those days the Home Office, to its credit, was keen to liberalise prison practices, but the Prison Officers’ Association was a militant union that was fiercely resistant to change. The result was a series of prison cases under the convention, all of which the Government loyally contested but comprehensively lost. So they became able, armed with Strasbourg’s adverse rulings, to force the union’s hand into accepting the changes required. For example, no longer were prison governors able to read all a prisoner’s correspondence, in and out, including his letters to his lawyers. The noble Lord, Lord Lester, will remember these cases; I rather suspect that we might have been against each other in some of them.

Another case that, rightly, we lost, was *Malone*, where the United Kingdom’s long-standing practice of telephone tapping—which in those days was authorised just by the Home Secretary’s warrant, with no legislative backing whatever—was struck down. That led to the *Interception of Communications Act 1985*. There was then a series of further adverse Strasbourg rulings and a succession of further legislation here to regulate our intelligence agencies and to control surveillance and the invasion of property and privacy rights, culminating in *RIPA 2000*, which is now again under review.

Later, but still before the 1998 Human Rights Act “brought rights home”, came cases such as *ex parte Smith*—the so-called “gays in the military” case—which the noble Lord, Lord Cashman, touched on earlier, and which I heard in the Divisional Court in 1995. Mr David Pannick QC, as he then was, to my mind comprehensively won the argument for the complainants, but the common law of England at that time made it impossible to find in their favour—a decision that was then reluctantly upheld by the late, much-missed Lord Bingham, Master of the Rolls, in the Court of Appeal. But I expressly stated in my judgment:

“I for my part strongly suspect that so far as this country’s international obligations are concerned, the days of this policy are numbered”.

So, of course, it proved to be, but it needed the convention to achieve it. In 1999, in the same case, *Smith and Grady v United Kingdom*, Strasbourg unanimously found us to be in violation of Articles 8 and 13, the *Wednesbury* irrationality test here proving too high a threshold for domestic courts to be able to adjudicate properly on the sensitive questions of necessity and proportionality arising under Article 8(2).

Doubtless, when we first signed up to the convention it simply never occurred to us—certainly not to military chiefs, who wrote a lot of fierce letters to me—that eventually we would be required by the Strasbourg court’s developing case law to allow homosexuals to serve in the Armed Forces. But do we really want, on that account, to take a backward step to where we were before the Human Rights Act brought rights home? So, too, in the case of life sentences for murder: before the Human Rights Act, under primary legislation it was solely for the Home Secretary to decide whether and when such prisoners should be released. However, Strasbourg held that it was for judges to decide the appropriate tariff term and, later, that it was for the Parole Board to decide after this term when the prisoner could safely be released.

I turn briefly to one or two cases which were decided here after the Human Rights Act came into force but which, on subsequently being taken by disappointed applicants to Strasbourg, were there decided against the United Kingdom. Take the case of *S and Marper* about the retention of DNA samples and fingerprints. In 2004, the Appellate Committee of this House held unanimously that it was perfectly lawful to hold these samples indefinitely in the interests of solving future crimes, irrespective of whether those who had provided them were later convicted or acquitted. Strasbourg held that approach to be unlawfully indiscriminate and eventually, of course, we legislated to require the destruction of such samples after a given period, certainly in the case of those acquitted. I

[LORD BROWN OF EATON-UNDER-HEYWOOD] confess to remaining unrepentant about our original decision in that case, as, too, about the decisions we took in the appeal committee here regarding, for example, stop-and-search powers in the case of Gillan and control orders in the case of AF(No.3), where, again, Strasbourg subsequently disagreed with us.

However, I recognise that many people, not just extreme libertarians, preferred Strasbourg's judgments on these issues to ours. Certainly, I remain unpersuaded by the Government's case for repealing the Human Rights Act and substituting for it a more restrictive domestic Bill. Rather, I remain convinced that there is altogether more to gain by loyally submitting to this supranational court in the wider interests of all who are within the Council of Europe countries than by defying its rulings, as, alas, we continue to do on prisoner rights, let alone by withdrawing from our basic commitment to the convention.

I agree that our courts should be careful not to gold-plate convention rights—not, that is, stray beyond the limits of those rights as already clearly established by Strasbourg. But I believe that we should continue faithfully to give effect to convention rights in so far as they have now been clearly and authoritatively established.

I have, I fear, now run out not only of capital "I"s but also of time. I can only crave the House's indulgence for my self-indulgence.

12.58 pm

Lord Roberts of Llandudno (LD): My Lords, this has been a fascinating debate with so many different spheres and approaches. I was certainly struck by the most impressive speech of the noble Lord, Lord Cashman, and by the fact that he admits to being an atheist and a recovering Catholic. I suggest that he might find the Welsh Methodists a little bit more attractive. His eloquence would sway the Welsh pulpit. I will talk to him about these things after the debate.

I do not wish to go back to the European convention but to Magna Carta 800 years ago. Since then, the battle for rights and liberties has continued in the United Kingdom. We had the Great Reform Act 1832, and, since then, a wide diversity of people have been enfranchised. It does not matter whether you are male or female, anyone over 18 now has the vote. It is wonderful. We believe that having the vote gives us a voice and an influence. In Scotland, the 16 year-olds came out in their thousands and that has brought to light a greater feeling for democracy and the involvement of young people. Of course, that is being carried on in the United Kingdom, where we have a campaign to try to bring the voting age down to 16.

Votes are important—yes, every vote—but are all votes equal? In some constituencies an MP can be elected with less than 30% of the vote. In my own constituency of Aberconwy, 58% of folk voted against the sitting MP but he won because 42% voted for him. Over in Anglesey, 68% voted against the sitting MP but that is all right because 32% voted for him. Is this democracy? In Wales we have 40 MPs but only four had more than 50% support in their constituencies. Throughout the United Kingdom the

Conservatives polled 37% and the rest of us got 63%. That means that they have an overall majority of 12, which is what we have at the present time.

I will be interested to see the Electoral Commission's judgment not only on the voting but on the money that is being used to fight some of these constituencies. I am sure that at some point we will need to look at the funding of election campaigns. I am told that more than £1 million could have been spent in one or two constituencies. I find it hard to believe but I look forward to that report from the Electoral Commission.

Does the present electoral system give the Government the right—the mandate? When there are only two parties, one will get 51% and the other will get 49%. You have to accept it. But today, with so many parties, the situation is very different. This 37% to 63% is totally undemocratic and cannot be justified. The Government introduce legislation without a mandate. They abolish the railway plan, threaten the Human Rights Act, sell off homes and say that if immigrant nurses are not able to earn £35,000 after five years here, they should be deported—all without a mandate, on a minority vote.

I am honorary president of Bite the Ballot—me, an elderly person, president of this campaigning youth organisation. This year we were so delighted that half a million youngsters were registered to vote for the first time. I thank the team who worked so hard to ensure this. I can now go into schools and colleges and say, "My friends, I want to thank you so much for registering to vote but I have a story to tell you: only one-third of you will vote for a winning candidate. The rest of you might as well have stayed at home and not registered at all because under the present system your vote will not count". If we are to get rights and liberties for the future, we have to get this right.

We can tell the youngsters, "You might have better luck next time", but this time the vote of 63% is not carrying any real influence. I say to the Conservatives and people on the other Benches: please think this through. Can you really justify this? You say we had a referendum on AV. Yes, that would be one answer but it was a referendum on a system we do not advocate. Can you say that 37%—a minority—is justified in claiming a mandate to rule the 63%? It just is not. It is not democratic. This 37% have enabled, perfectly correctly under our first past the post system, one individual to enter 10 Downing Street as Prime Minister—power rests with the minority.

I had a letter appointing me to this place some years ago now and it came from 10 Downing Street. But he is there with only 37% and yet he, or whoever is working with him, is able to appoint the people in this House of Lords. Therefore not only is the House of Commons unrepresentative but this House of Lords is as well. I am delighted to be here and I will do my best under the present system of appointment but I would much prefer an elected Chamber where people would feel, "We have a validity. We have a right to be here". Most of us are here just by a stroke of luck and yet we have rights because of that—but no mandate. Yes, let us rejoice in the human rights, the European convention and so on, and the civil liberties that we have achieved over the years but there is a great deal yet to be done

until we are able to say that we are a democracy and the elected Parliament has the mandate to carry out these various pieces of legislation.

1.05 pm

Lord Marks of Henley-on-Thames (LD): My Lords, we have had a very strong debate, at a time when the Conservatives' manifesto commitment to, "scrap the Human Rights Act and introduce a British Bill of Rights",

appears at least to have softened. The Government are now to bring forward proposals and there is to be a consultation. Will the Minister clarify what is intended? Will we have an open consultation seeking ideas for a new Bill or will it be based on a set of proposals or a draft Bill? While there may be advantages in saying what is proposed, there may also be benefits in inviting broader new ideas. I hope that the Minister will also respond to my noble friend Lord Lester's invitation to confirm that the Government will not leave the European Convention on Human Rights. If so, it must follow that the Government accept our convention obligation to comply with the decisions of the European Court of Human Rights in Strasbourg.

During the debate on the Queen's Speech, the noble and learned Lord, Lord Mackay of Clashfern, who is not in his place today, said that the failure to implement the court's decision on prisoners' voting rights had left our obligation,

"in suspense in the sense that it has not been complied with", and he expressed,

"great anxiety that the United Kingdom, with its tradition for respect of the rule of law, not the rule of lawyers, should be in breach of a treaty by which it is bound".—[*Official Report*, 1/6/15; col. 179.]

I share that anxiety. The noble and learned Lord suggested a possible way forward. It might be possible, he said, to negotiate an amendment to the convention for a country such as the United Kingdom in which the courts have no power to strike down legislation, permitting Parliament to resolve not to implement a decision of the court for stated reasons. That suggestion has generated considerable discussion, which is not surprising considering its provenance. I hesitate to disagree with noble and learned Lord but, on reflection, I have three reasons for not pursuing his suggestion.

The first is purely practical: I doubt that other contracting states would agree to it; indeed, I see no reason why they should. Secondly, given the United Kingdom's traditional international leadership on human rights, we should not be trying to negotiate what is essentially an opt-out from the convention. Thirdly and most importantly, it is precisely because the United Kingdom is bound by its obligation to comply with the court's decisions that the convention acts as an effective international guarantee of our human rights, particularly given that our courts cannot strike down incompatible legislation. The danger of Governments securing parliamentary approval for non-compliant government action when they dislike decisions of the Strasbourg court is something we should be vigilant to avoid.

The noble Lord, Lord Cashman, movingly emphasised the point that human rights are needed to deal with exactly those rights the Governments do not like. The

noble and learned Lord, Lord Brown of Eaton-under-Heywood, made the same point, with a very large number of examples, in a different but equally effective way.

If this proposal is to proceed, a new Bill must preserve the careful balance found in the Human Rights Act between Parliament and the courts whereby the courts are bound to interpret legislation in a way which is compliant with the Act where they can but, where they cannot, have the power not to strike down legislation but to grant declarations of incompatibility, leaving Parliament to make the final decision as to whether to change the law. This careful balance, mentioned by my noble friend Lady Ludford, is part of the genius of the Human Rights Act. Will the Government retain it?

Any new Bill must also ensure that the existing United Kingdom jurisprudence on the convention is preserved. The noble and learned Lord, Lord Hope of Craighead, memorably described it in the Queen's Speech debate as embedded in our law like Japanese knotweed, an analogy so graphic that he should perhaps be forgiven its pejorative overtones. The Commission on a Bill of Rights established by the coalition Government was tasked with investigating the creation of a UK Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights. The majority of the commission, including the Minister and my noble friend Lord Lester of Herne Hill, agreed that there should be a British Bill of Rights—although, as my noble friend pointed out, the Minister questioned the view that we should be committed to staying within the convention. The minority comprised the noble Baroness, Lady Kennedy of The Shaws, and Professor Philippe Sands. They were concerned particularly that opening up this area might risk a reduction in the protection of human rights in this country. I share their concerns, and on these Benches, we will be determined to ensure that any new British Bill of Rights continues to guarantee convention rights in United Kingdom law no less effectively than does the Human Rights Act.

If this proposal is to go ahead, we would like to see it as offering an opportunity to Parliament to entrench extra, distinctively British rights in a new Bill of Rights, as recommended by the Joint Committee on Human Rights in their 29th report in 2008. In the justice field, the right to trial by jury in serious criminal cases in England, Wales and Northern Ireland is fundamental. Would it not be fitting to mark the anniversary of Magna Carta by enshrining that right in a new Bill? We should also, I suggest, restate our commitment to administrative justice. The development of administrative law over recent decades has been one of the greatest achievements of the modern common law. Should we not therefore guarantee a right to administrative action that is lawful, reasonable and administratively fair? Such a right is entrenched in the South African constitution. We would also strongly support incorporating the United Nations Convention on the Rights of the Child in domestic law. At a time when mistreatment and abuse of children and their condemnation by government agencies has been the subject of such shame for some in this country, that step would mark our commitment to children in our society.

[LORD MARKS OF HENLEY-ON-THAMES]

The consultation will provide an opportunity to consider incorporating fundamental social and economic rights, as the 2008 report of the Joint Committee suggested. Jurisdictions including South Africa, some in Scandinavia and some other European jurisdictions have done so. Fields which might be appropriate include healthcare, education and basic subsistence housing, subject to an “available resources” exception. In this way, I would hope that we might develop the Government’s proposals in a way which both meets the challenges facing human rights, presented by those who do not sufficiently value them, and defines and enshrines in law our commitment to many of the fundamental values that underpin our society. The fundamental point remains, however. On these Benches, we will oppose any attempt to reverse the incorporation of convention rights into domestic law.

My response to the noble and learned Lord, Lord Carswell, is that his solution of repealing the Human Rights Act while retaining the convention would involve limiting the citizens of this country to their remedies in Strasbourg, with all the expense and delay that that would necessarily involve. It would also remove the domestic courts and Parliament from their legitimate role in interpreting and enforcing convention rights within the United Kingdom. That role is preserved by the Human Rights Act, and Parliament and the courts are able to take their part in our system of human rights. That role is something which I suggest we should always preserve and cherish.

1.15 pm

Lord Beecham (Lab): My Lords, the maxim that the safety of the people is the supreme law has been with us for two millennia. It remains an essential obligation of government, not least at a time when the lives of innocent men, women and children are threatened by the brutal, indiscriminate violence of fanatics of whatever religious or political persuasion. But a society which prides itself on pluralism, democracy and freedom of speech and thought must balance the threat to its people and those core values against the impact of the steps it takes to protect them. External circumstances change with growing rapidity. Cicero’s maxim was written, no doubt, with stylus and ink. Today, give or take the odd political headstone, we are in the world of the internet, with social media and video imagery reaching millions within moments and with the capacity to inform or malign, shock, damage or incite. Inevitably, these massive changes raise difficult questions about the relationship between the citizen and the state, and between the state and those who would undermine these cherished values.

Britain’s record in this area has been creditable, and it is a matter of great regret that there are some who, in their anxiety to distance this country from Europe, misrepresent the impact of the European Convention on Human Rights, the European Court of Human Rights and the Universal Declaration of Human Rights. As we have heard, this country played a leading role in the drafting of the convention and the universal declaration, with both major political parties engaged—and, as the noble Lord, Lord Lexden, reminded us,

with Sir David Maxwell Fyfe, by no means known for liberal views on most other matters, very much in the forefront.

In recent years there has been a relentless campaign to denigrate both the convention and the court, and to misrepresent their relationship to and impact upon our legal system. The Human Rights Act 1998 does not require our courts to strike down legislation, merely in appropriate cases to declare its incompatibility with the convention. As the Library Note reminds us, Parliament is not obliged to amend the law—a point made by my noble friend Lord Cashman and the noble Lords, Lord Lester and Lord Marks. The campaign against the convention and the ECHR, and the Government’s declared intention to substitute a British Bill of Rights, are rooted in a blinkered, partisan approach to fundamental issues which transcend national boundaries.

Consider the articles of the European convention set out with clarity in chapter 7 of Lord Bingham’s seminal *The Rule of Law*, a chapter which begins with the rubric:

“The law must afford adequate protection of fundamental human rights”.

He set them out: Article 2, the right to life; Article 3, the prohibition of torture; Article 4, the prohibition of slavery and forced labour; Article 5, the right to liberty and security; Article 6, the right to a fair trial; Article 7, no punishment without law; Article 8, the right to respect for private and family life; Article 9, freedom of thought, conscience and religion; and Articles 10 and 11, freedom of expression and of assembly and association. The noble and learned Lord, Lord Wallace, referred to some of those very important provisions.

Lord Bingham described how,

“the leading nations of Western Europe put their heads together to identify the rights and freedoms which they regarded as the basic and fundamental entitlement of those living in their respective countries”.

Writing five years ago, he said:

“Over the past decade or so, the Human Rights Act and the Convention to which it gave effect in the UK have been attacked in some quarters, and of course there are court decisions, here and in the European Court, with which one may reasonably disagree. But most of the supposed weaknesses of the Convention scheme are attributable to misunderstanding of it, and critics must ultimately answer two questions. Which of the rights discussed above would you discard? Would you rather live in a country in which these rights were not protected?”.

The noble and learned Lord, Lord Brown of Eaton-under-Heywood, touched on that theme.

Another dimension, which other noble Lords have referred to this afternoon, is the impact of the UK’s withdrawal on the rest of Europe—a Europe in which nationalism in an ugly form is manifesting itself again. Think of the treatment of Roma in some of the countries of eastern Europe or of the strength of the far right in Hungary. For too long, particularly in the last five years, Britain has failed to give a lead on many issues, including those we are debating today. That departure from the bipartisan traditions of half a century and more is to be deplored. The noble and learned Lord, Lord Wallace, my noble friend Lord Cashman and the noble Baroness, Lady Ludford, referred to this. It would be deplorable if Britain’s

influence was not to be available to support those in the rest of Europe who very much need the protections which we are discussing today.

Dominic Grieve, the highly respected former Attorney-General, has pointed out that many of the 47 states contracted to uphold the convention have poor records on human rights and continue to face problems. He said:

“The decisions of the Court of Human Rights regularly centre on these states. They often relate to violations of basic rights, such as being beaten up in police cells, being denied access to a lawyer ... in almost all cases the judgments are implemented ... It has made the Convention one of the most effective global tools in improving human rights”.

He went on to criticise a Conservative paper advocating repeal of the Human Rights Act and an approach which would invoke human rights laws only in “the most serious cases”. Pointing out that most decisions have been taken by our own courts, he concludes:

“The effect will not be to free our courts from following Strasbourg decisions—something they are already doing ... but of reducing their ability to apply Convention principles to individual cases”.

He describes that as “a recipe for chaos”.

To these strictures from such an eminent source must be added some observations from the Joint Committee on Human Rights published on 11 March. The committee drew Parliament’s attention to,

“the strikingly small number of declarations of incompatibility made by UK courts under the Human Rights Act during the lifetime of this Parliament, which confirms the significant downward trend in the number of such declarations since the Human Rights Act came into force in 2000”.

The report also welcomed the process of ECHR reform and the,

“increasing prominence ... gradually being given”,

to the role of national parliaments,

“in scrutinising the implementation of Court judgments and ... Convention compatibility”.

It went on to assert that the UK Government are,

“in a good position to provide strong leadership on this question”.

That of course would cease to be the case if the UK withdrew from it. Could the Minister indicate when the Government will be responding to the committee’s report containing these and other recommendations and observations?

There are of course other matters than the Government’s important, if deplorable, intentions toward the convention and court which have been considered in this debate. One is the response to the report of Mr David Anderson, the Independent Reviewer of Terrorism Legislation, and his key calls for judicial oversight of all interception warrants and some communications data—a call backed by my right honourable friend the shadow Home Secretary Yvette Cooper—for a new law to comply with international human rights safeguards and for investigatory powers tribunal rulings to be subject to appeal on matters of law. Many of us will have noticed, with regret, the frigid response of the Home Secretary to the proposal for judicial oversight in particular.

We in your Lordships’ House will be debating the role of the Lord Chancellor next Tuesday. That will perhaps be a more appropriate occasion to welcome

the arrival of a successor to Mr Grayling, but many of us will have read Mr Gove’s speech to the Legatum Institute with interest. In fairness, it was about reform of the justice system, but one might have hoped for a reference to some of the issues we are debating today, not least the topic of judicial review, a critical tool in upholding human rights and civil liberties—if I might venture a slightly critical note of the noble and learned Lord, Lord Wallace, I would say that the Liberal Democrats of course supported the late Government’s restrictions on judicial review—but also relevant to such matters as the conditions of our overcrowded prisons and asylum centres. Too often, they are an affront to human dignity and very much raise the issue of civil liberties and human rights. Could the Minister indicate whether the Lord Chancellor will conduct, in addition to the review of legal aid, a review into the changes to judicial review?

The House will be grateful to the noble and learned Lord, Lord Wallace, not only for his very distinguished service to the law—in particular in your Lordships’ House and as a member of the last Government—but for affording us the opportunity for this debate. On behalf of the Opposition, I thank all noble Lords who have contributed to it. I am sure that we are all very much looking forward to the Minister’s reply. I hope that the Government will reflect very carefully before proceeding with very substantial changes to the culture that has been built up in the last few decades, underpinned particularly by the Human Rights Act, in a way that would damage our system but also our reputation.

1.26 pm

The Minister of State, Ministry of Justice (Lord Faulks) (Con): My Lords, I am very grateful to the noble and learned Lord, Lord Wallace of Tankerness, a former ministerial colleague, for initiating today’s debate. The subject is, of course, always of critical relevance but perhaps never more so than today, when we face challenges to civil liberties and the Government are faced with trying to balance civil liberties with the security of the nation. The debate has been instructive and thought provoking, graced by contributions of a very high standard. I have listened to all the contributions with care and would stress that the Government have a clear mandate on the question of the current legislative framework for human rights but nevertheless are currently very much in listening mode.

On that point, I am disturbed that the noble Lord, Lord Lester, received no response from the Lord Chancellor. I know that the Lord Chancellor is anxious to see as many people as he can and that, in fact, the noble Lord, Lord Lester, is on the list of those he would like to see. I cannot explain any administrative failing, but I can assure the noble Lord that he will be most welcome and that, if he could put up with the company of a couple of zealots, we would be happy to discuss these matters with him.

Noble Lords are aware that, as Minister of State for Civil Justice at the Ministry of Justice, I am responsible for representing the department and the Government in this House on the subjects of human rights and civil liberties. I share this task and responsibility with my ministerial colleague Dominic Raab. We are both equally

[LORD FAULKS]

committed to coming up with lasting solutions to meet the challenges which this responsibility entails.

Brief reference was made during the debate to the so-called snoopers' charter, which is understandable, because we are shortly to have a debate on the report from David Anderson QC. I was on the pre-legislative scrutiny committee for the original draft communications data Bill, so I have some personal knowledge of the issues, which perhaps particularly illustrate the difficulties that a Government have in balancing individual privacy with security. I know that the Government are carefully considering David Anderson's report and will have to consider how that balance is best reflected. It is a little unfortunate that the journalese expression "snoopers' charter" has been so widely adopted. It demeans a very difficult argument that has to be undertaken by all those who care about these things.

The noble Lord, Lord Addington, mentioned vigilance over disability rights, and made some valuable points about the need not to characterise or mischaracterise those with disabilities—and how we as a Government, or any Government, should tread very carefully in this area.

In a debate involving the Liberal Democrats, it was perhaps no surprise that the noble Lord, Lord Roberts, mentioned the perennial subject of electoral reform, and the lack of a democratic mandate. Of course, what he said will be regarded by many as a valuable contribution to the debate, but I hope that he will forgive me if I do not go into a long response on questions of democracy.

I shall focus considerably on the question of the reform of the Human Rights Act, which has formed the bulk of the debate in your Lordships' House. It is beyond dispute that the United Kingdom has a strong tradition of respect for human rights, which long predates our current arrangements. The Government are proud of that tradition and, in developing proposals for reform, will make sure that the tradition is not only maintained but enhanced. However, we take the view that all is not well with the current law in relation to human rights, and the Government were elected with a mandate to reform and, where appropriate, modernise the United Kingdom's human rights framework. Therefore, we will bring forward proposals for a British Bill of Rights, which will replace the Human Rights Act. Our Bill will protect fundamental human rights, but also prevent their abuse and restore some common sense to the system.

We will consult fully on our proposals before introducing legislation. I hope that will be acknowledged around the House as an appropriately cautious way in which to proceed—not a sign of weakness or second thoughts but a sensible way in which to undertake reform of a major constitutional nature. I do not want to pre-empt that consultation, but it may be useful if I give the House some pointers to our current thinking, without prejudice to any final conclusion on what is or is not in the consultation. It is unfortunate that so many noble Lords make the assumption that any British Bill of Rights would contain rights that are "more restrictive" than those in the convention.

The Human Rights Act was passed shortly after the Labour Party won the general election in 1997. As a number of noble Lords observed, it was a very clever piece of draftsmanship. The narrative was that the Act would bring rights home, obviating the need for a trip to Strasbourg by UK citizens. There was much speculation about what the impact of the Human Rights Act would be on our law domestically; many thought that the effect would be marginal. In fact, there is virtually no aspect of our legal system, from land law to social security, to torts and consumer contracts, that has not been touched to some extent by the Human Rights Act.

The noble Lord, Lord Cashman, in his passionate speech said that the Act had worked magnificently—and certainly I would not quarrel that there have been good decisions influenced by it. But he should not, and the House should not, underestimate the capacity of the courts before the Human Rights Act and the capacity of the court of Parliament, to protect human rights by showing an ability to pass new legislation to develop the common law. This Parliament passed the Modern Slavery Act and the previous Government passed the equal marriage Act. One issue about equal marriage was whether there would be difficulties with Strasbourg if the Act came into force. So we should not underestimate what this country has in its capacity to protect human rights.

Many lawyers are very enthusiastic about the Human Rights Act. I have to say that my own experience as a practitioner does not make me an unequivocal supporter of it. As a barrister representing public authorities, I saw the incursion of human rights law into the fields of social services, education and police investigations. It contributed a great uncertainty to the law, and I am afraid that I am not persuaded that it resulted in any real improvement in the protection of fundamental rights. It certainly resulted in a great deal of additional expense in areas where budgets were already tight. But whatever views might be taken of the effects of the Human Rights Act—and I do not want to embark on a litany of cases for and against; views can reasonably diverge—I think it would be accepted that the Act has not endeared itself to the public generally. That was one conclusion that the commission reached. Not all of this is the fault of the tabloid press; the problems with Abu Qatada and others, prisoner voting—on which there can reasonably be different views—and some of the frankly trivial claims have not helped.

Lord Lester of Herne Hill: The Minister and I were on that commission. Is not it right that our report, which I have here, showed that there was overwhelming support for the Human Rights Act in Scotland, Wales and Northern Ireland, and among those who answered our two consultations?

Lord Faulks: I am grateful to the noble Lord, and of course I shall come to the question of Northern Ireland and Scotland in due course. There were two consultations, of which the Government will take account, along with their own consultation, to enable them to form the fullest picture possible of the way forward.

Section 2 of the Human Rights Act, as noble Lords have correctly observed, requires courts only to take into account the Strasbourg jurisprudence. As the

noble and learned Lord, Lord Carswell, frankly admitted, the superior courts—the Supreme Court and the Court of Appeal—went rather further than simply taking into account the Strasbourg jurisprudence. I think that it is now generally acknowledged that the Ullah case involved a wrong turning. As noble Lords have said, it is true that something by way of a dialogue has ensued. It is also true to say that the Supreme Court has shown something of a retreat or modification of its approach to Section 2. None the less, there is need—there may be some general agreement on this—for clarification. The Strasbourg court should not be demonised, as some of its decisions would continue to be useful, whatever our precise relationship with it, but it may not be the only source of wisdom. We should not pivot entirely off the Strasbourg court when there are useful decisions elsewhere in the world—and, of course, it should not impede the development of the common law as it has always developed.

The convention was drafted, as has been said, by Conservative politicians, and is a remarkable achievement in itself. To encapsulate human rights is perhaps a philosophical task, but I do not think the Government have a difficulty with how they are expressed—it is, of course, only in their interpretation. However, the convention must be seen in the context in which it was drafted, in the aftermath of the Second World War, just as the Magna Carta, so much commented on, must be seen in its particular historical context.

I should make it clear, in answer to a number of questions, that it is no part of our plans to leave the convention. The noble and learned Lord, Lord Brown, referred to the number of cases that he had lost, no doubt having valiantly argued them for the Strasbourg court. When our British Bill of Rights becomes law, as I hope it does, there will still no doubt be some cases before Strasbourg and the successor to the noble and learned Lord, Lord Brown, may achieve better or worse results.

The Prime Minister, in his speech at Runnymede—

Lord Wallace of Tankerness: The Conservative manifesto also said something about curtailing the role of the European Court of Human Rights. Could the Minister, for the benefit of the House, elaborate on what was meant by that part of the manifesto?

Lord Faulks: I am reluctant to say very much more, for the very reason that we have an open consultation. I think I have made it clear that our minds are not closed on this. Earlier in my comments I referred to Section 2, and that particular provision, and its relationship with the Strasbourg jurisprudence. That is a matter that will be considered carefully as part of the consultation for reasons that a number of noble Lords have given.

The Prime Minister made this comment during the celebration of Magna Carta:

“Magna Carta takes on further relevance today. For centuries, it has been quoted to help promote human rights and alleviate suffering all around the world. But here in Britain, ironically, the place where those ideas were first set out, the good name of ‘human rights’ has sometimes become distorted and devalued. It falls to us in this generation to restore the reputation of those rights—and their critical underpinning of our legal system”.

We want our human rights law to be fair and just and to regain public confidence. We intend that a British Bill of Rights will be a positive response to the challenges facing the culture—the subject of the debate—of human rights and civil liberties in the United Kingdom.

It is not just a question of this Government believing this needs to be done. Previous Administrations seem, by what they have said, to have reached similar conclusions, but then have, for one reason or another, failed to follow matters through. During an appearance on the BBC in May 2006, the noble and learned Lord, Lord Falconer of Thoroton, said about the Human Rights Act:

“We all agree about liberty, about the right to life, the right to privacy, those issues. And the problem is not a subscription to those rights, it is how it operates in practice”.

The last Labour Prime Minister, the right honourable Gordon Brown MP, in July 2007 said in the other place,

“it is right to involve the public in a sustained debate about whether there is a case for the United Kingdom developing a full British Bill of Rights and duties”.—[*Official Report, Commons, 3/7/07*; col. 819.]

Talking to the BBC later the same year in October, he said:

“Jack Straw is signalling the start of a national consultation on the case for a new British Bill of Rights and Duties... This will include a discussion of how we can entrench and enhance our liberties—building upon existing rights and freedoms but not diluting them—but also make more explicit the responsibilities that implicitly accompany rights”.

He said that on BBC News on 27 October 2007.

I also refer the House to comments made by the noble Baroness, Lady Falkner, in May’s edition of *Prospect*. She said:

“Britain can replace the HRA and retain a decent, humane legal system. The human rights lobby has reacted with horror at the government’s proposal. But they are mistaken ... A British Bill of Rights is a good idea”.

A majority of the commission on a Bill of Rights thought the same. I served on that commission, as the noble Lord, Lord Lester, said. He was part of the majority. I would not claim for a moment that our reasoning was precisely the same, but the conclusion that we reached was identical.

Many other countries, within the Council of Europe and outside, have their own equivalent of what we will have in a British Bill of Rights. I hope that by engaging in a proper consultation on our proposals for how the United Kingdom’s human rights framework should be reformed we will be able to identify many points of agreement across the whole political spectrum, including with more members of Her Majesty’s Opposition. It has quite rightly been said, I think by the noble Baroness, Lady Ludford, and others, that at various times different political parties have varied enthusiasms for a British Bill of Rights. We intend to try to produce a Bill of Rights that can produce real consensus across the parties.

The noble and learned Lord, Lord Wallace of Tankerness, no doubt had an eye on devolution when tabling this Motion for today’s debate. Certainly, since the election and since the debate about the shape of the future human rights framework has begun in earnest, it has been repeatedly raised as an apparently

[LORD FAULKS]

intractable issue that will stump any reform and of which the Government are currently unaware. The Government are fully alive to the devolution dimension, and we will consider the implications of a Bill of Rights for devolution as we develop our proposals. I think the noble and learned Lord will understand if I do not comment on meetings that the Secretary of State has, or on discussions, but I assure him and the House that we will fully engage with the devolved Administrations and the Republic of Ireland in view of the relevant provisions of the Belfast, or Good Friday, agreement. I heard what my noble friend Lord Lexden said in that regard.

It is important to emphasise that the United Kingdom's international obligations neither begin nor end with the European Convention on Human Rights, a point underlined by the fact that, as we debate here today, a team from the United Kingdom is being questioned about our country's performance against the commitments we have signed up to in the United Nations International Covenant on Civil and Political Rights. Whatever form the Bill of Rights finally takes, the Government have no intention to resile from its many other international obligations, such as those arising under the United Nations convention against torture, which prevent removal of a person to another country, "where there are substantial grounds for believing that he would be in danger of being subjected to torture".

We were not a lawless country before 1998. We will not be in the future. We will comply with our many international obligations.

I am sorry that the position of those in my party was compared to Syriza by the noble Baroness, Lady Ludford. We have been described as zealots by the noble Lord, Lord Lester, who has previously described the position that we take as being part of the Tea Party tendency in the Conservative Party. Worst of all, he accused me the other day of being a Eurosceptic. None of those things I believe to be true.

I am grateful to noble Lords who have spoken in this debate and to the noble and learned Lord, Lord Wallace, for calling it. Much of what has been said has been extremely valuable. I hope the debate, both formally and informally, will continue. Much of what has been said will help to influence what the Government decide. I am glad that my noble friend Lord Lexden reminded us that the originator of "one nation" was Stanley Baldwin, not Disraeli, as is so often thought. "One-nation government" is a phrase that has been bounced from one side of the Chamber and possibly beyond recently. We intend to govern as a one-nation Government. This British Bill of Rights will, I hope, be quintessentially a one-nation document, including all the parts of the United Kingdom and, so far as possible, the agreement and consensus obtained from all the parties. I am grateful for all contributions. I know this debate will continue.

1.47 pm

Lord Wallace of Tankerness: My Lords, I thank all noble Lords who have contributed to this worthwhile debate. We have had the benefit of historical perspectives from the noble Lord, Lord Lexden, and some very keen legal analysis from my noble friends Lord Lester

and Lord Marks and the noble and learned Lords, Lord Brown of Eaton-under-Heywood and Lord Carswell, while practical issues, particularly disability rights, were raised by my noble friend Lord Addington. We heard a very passionate speech from the noble Lord, Lord Cashman, which brought home the real personal meaning of rights for many people. Those who heard the noble Lord's speech will remember it for some time to come. He reminded us that one of the important issues about rights is that they are often about trying to protect minority interests against what is sometimes referred to as the tyranny of the majority. Some of the case examples given by the noble and learned Lord, Lord Brown of Eaton-under-Heywood, showed how majority interests can sometimes ignore minority interests.

I listened carefully to what the Minister said. I am very grateful for what he said about consultation and the invitation from the Lord Chancellor that will be speeding its way to my noble friend Lord Lester. He made a number of points. He said that there is a willingness to consult. That is a far cry from some of the rhetoric at the time of the election and beforehand. If he wonders why there is concern that rights are going to be restricted, it is because of the kind of rhetoric that has driven this, and we are right to be vigilant. He talked about enhancing rights. My noble friend Lord Marks of Henley-on-Thames gave him a wide range of additional rights that could be added.

The Minister gave a very clear indication that there is no intention to leave the convention. I think that answers the question my noble friend Lord Lester asked about whether that had been qualified by Ministers in the other place saying that everything is on the table. He seems to have made it very clear that leaving the convention is not on the table, which is welcome. I take the point he made about having regard to the devolved Administrations. We look forward to making our contribution to any consultation that takes place. As I indicated in my opening remarks, we will be extremely vigilant because there are very important rights that have been used in so many practical ways and we do not wish to see our standing as country that upholds the torch of human rights being diminished.

Motion agreed.

English Votes on English Laws

Statement

1.50 pm

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, with the leave of the House, I will now repeat a Statement made in another place by my right honourable friend the Leader of the House of Commons. The Statement is as follows.

"With permission, Mr Speaker, I would like to make a Statement on the Government's plans to provide fairness for England in our constitutional arrangements. I am proud to be a Minister in a Conservative and unionist Government. As an administration we are passionate supporters of the union, and we are taking a whole range of measures designed to strengthen it and to secure its future.

To achieve that goal, we are committed to delivering a balanced and fair constitutional settlement for all the people of the United Kingdom. One of the first things this Government did after the election was to introduce legislation to give new powers to Scotland, with legislation devolving more powers to Wales and Northern Ireland following closely behind. We are giving the people of Scotland, Wales and Northern Ireland that stronger voice within the union, and it is only right and fair that we do likewise for England. With the Scotland Bill already at Committee stage, I think it is important to make a start on that process now.

In 1977, when the then Labour Government first proposed a devolved assembly in Edinburgh, the veteran Labour MP Tam Dalyell posed what has become the great unanswered question of our constitutional arrangements. Why was it right that after devolution English MPs would lose the right to vote on key issues affecting his constituency in West Lothian, while he would continue to vote on those same issues in their constituencies? Since devolution was actually introduced in the 1990s, the West Lothian question has been very real and has remained unanswered. It is right that we strengthen our union by extending the powers of the devolved assemblies, but it is also right now that we ensure real fairness to our constitutional arrangements. It is that process that we will begin today.

Our proposals build on careful consideration and debate. I am indebted to the work of my predecessor as Leader of this House, William Hague, to Sir William McKay and the work of his commission, and to colleagues from across the House who have contributed their views and expertise.

These are matters about which there are different views and concerns across the House. The proposals that I am setting out today are designed to make a real start in addressing those concerns. They will give English MPs, and in some cases English and Welsh MPs, a power of veto to prevent any measure being imposed on their constituents against their wishes. No law affecting England alone will be able to be passed without the consent of English MPs. They will give English MPs a power of veto over secondary legislation and on a range of English public spending Motions on matters that affect England only. They will give the decisive vote over tax measures to MPs whose constituents are affected by those changes once further planned devolution to Scotland takes place.

Many laws are of course common to England and Wales, which share a legal jurisdiction. The devolution settlements in Northern Ireland and Scotland are much broader than in Wales, where key areas like policing and justice are not devolved. So it is right that we extend this principle to Wales too: no English and Welsh law will be made on matters devolved to Scotland or Northern Ireland without the agreement of English and Welsh MPs.

I am today circulating an explanatory note for Members to set out how the new procedure works, but in summary it is this: to establish if a matter is covered by this new procedure, you, Mr Speaker, will be asked to certify if a Bill, or elements of it, are devolved in Scotland, Northern Ireland or Wales,

and are therefore to be treated as England only, very much in the way that you currently certify if a matter is a financial one and therefore a matter for the Commons only.

In considering such measures, we have endeavoured where possible to keep our proposed new process as close as possible to the existing parliamentary procedures, with all Members from across the United Kingdom continuing to vote at Second Reading, in most Committees, at Report and Third Reading, and when considering Lords amendments.

The key difference is that our plans provide for an English veto at different stages in the process. There will be a new stage of parliamentary consideration before Third Reading in which English, or English and Welsh, MPs will be asked to accept or veto English and Welsh provisions that meet that devolution test. For England-only Bills, Committee-stage consideration will be undertaken by English MPs. This will give them a voice in shaping the content of laws that affect their constituents. All other Committees will be unchanged.

There will be no changes to procedures in the House of Lords. That House will retain the right to scrutinise and amend Bills as it does now. The two Houses will continue to agree the text of Bills, as now, through the exchange of messages or ping-pong. The only difference is that there will be an additional veto when Lords amendments are considered in the Commons. All MPs will vote on them but, where they affect England or England and Wales only, they will need the support of a 'double majority' in the House of Commons, with both English and UK MPs needing to support an England-only amendment for it to pass. This new double-majority system will use a new system for recording votes in the Division Lobbies. In future, votes will be recorded on tablet computers, so it will be possible to give the Tellers an immediate tally of whether a measure has a majority of English MPs as well. I am grateful to the clerks, who have arranged a demonstration for Members of this new double-majority voting process that forms part of the Government's proposals, which can be viewed between 1 pm and 2 pm today in the No Lobby.

Much of the important law-making that we do in this House is through means other than full programme Bills. Other key votes determining the distribution of spending will also be covered by these changes, such as on the revenue support grant in England and police grants in England and Wales. Overall spending levels will remain a matter for the whole House.

The rules governing the votes and procedures that I have described are set out in the Standing Orders of this House, and we propose to make English votes a reality through changes to these. We will table a Motion in the coming days but the text of the changes that we propose to the Standing Orders will be made available in the Vote Office to Members after this Statement and will be published on gov.uk.

Explanatory notes and a guide to the process will also be made available to ensure that Members and all those with an interest have the full details of what we propose. In addition to today's Statement, there will be a further opportunity to consider the proposals

[BARONESS STOWELL OF BEESTON]

when they are placed before the House of Commons for full debate and decision shortly before the Summer Recess, as I indicated earlier, on 15 July.

There will of course be views about the operation of the proposals in practice, and I should inform the House that I have written to the newly re-elected chair of the Procedure Committee, my honourable friend the Member for Broxbourne, to signal that I intend to invite his committee to undertake a technical assessment of the operation of the new rules. We will also involve Members on all sides of the House in assessing the new system and what else we might need to do to strengthen the fairness in our constitutional arrangements. I see today's announcement as an important first step in getting this right, so we will hold a review of the new process once the first Bills subject to this process have reached Royal Assent next year. There will be a clear opportunity to assess the workings of the new rules and consider whether, and in what ways, they should be adapted for the future.

Today we are answering the West Lothian question and recognising the voice of England in our great union of nations. This change is only a part of the wider devolution package but is a vital next step in ensuring that our constitutional settlement is fair and fit for the future. I commend this Statement to the House".

1.59 pm

Baroness Smith of Basildon (Lab): My Lords, we are grateful to the noble Baroness for repeating the Statement—and what a Statement. This is an issue of major constitutional significance. Action to ensure that the voice of English Members of Parliament is heard loud and clear has to be addressed. Indeed we recognise that, with the deepening of devolution in Scotland, Wales and Northern Ireland, the need to ensure that the views of English MPs are heard is clearly important. Both the McKay commission and the former Leader of the House of Commons, William Hague, in his Command Paper reported on this issue. But what is proposed by the Government today goes far beyond what has previously been considered and reported to Parliament. These are far more wide-reaching changes, with far deeper implications, but with no proper analysis of how they will work in practice. I find some irony in the opening lines of the Statement describing the Government as both Conservative and unionist. The credibility of claims to be unionist is fading fast.

We could be forgiven for thinking that on an issue of such constitutional importance, on detail that has never even been seen, let alone considered or debated, before today, and on an issue that has such profound implications for how Parliament operates, there would be an opportunity to wisely consider legislation. Should there not be a Green Paper, a White Paper, or possibly even a Bill that would be debated in both Houses—proper effective scrutiny to ensure that any proposals not only address the fundamental principles but, equally importantly, how this could work in practice? But no; this issue, if the Government get their way, will be done and dusted within the next couple of weeks, with no consultation

or any scrutinising debate in your Lordships' House. How? This will be done merely by amending the Standing Orders of the House of Commons.

The Government have today published 20 pages of amendments to the Standing Orders of the other place. The implications of these changes are hugely significant. Given that, the noble Baroness has to address the question of why there has been no consultation or expert scrutiny outside the immediate narrow circle of the Government. Can she tell me when such constitutional proposals have been dealt with merely by amending the Standing Orders of the House of Commons? Twice in the Statement she referred to making a start on the process. This is not just a start. It will be done, dusted and finished within two weeks? With the Government's obvious fear of any genuine scrutiny in what most of us consider would be the normal, most sensible and practical way in which to make such significant changes, the noble Baroness will have to convince your Lordships' House that this does not have the whiff of political expediency about it.

We will all want to reflect further on the detail, given that many of the specific proposals are new and have not been considered previously. For Bills that the House of Commons Speaker certifies as England-only in their entirety, the proposals appear to be fairly clear. However, today's Statement goes much further than that. It outlines a process of sorts where a Bill contains some proposals that are considered to be either Welsh or English. There is not time today to go into all the complexities and complications of how that would work in practice, but it is sufficient to say that there will most certainly be complexities, complications and, of course, potential for chaos. Legislation rarely divides itself neatly into geographical areas. So if the Government are no longer talking about individual Bills but apparently individual clauses in Bills, this surely creates significant scope for additional complexities—and indeed risk.

With the proposals being published only this morning, the full implications of how this will affect the work of your Lordships' House cannot yet be fully clear. In this Chamber we press votes only when necessary. We try to effect change by working with the Government with debate, discussion and presentation of the facts. However, on issues that will be defined as English, an amendment passed by this House will be subject effectively to a double lock. Will that mean the Government will be less willing to engage on English-only issues, because in this Parliament, and generally, the other place has a majority of Conservative MPs in England, so that whatever we say or do, they could vote your Lordships' House down?

The Statement refers to using a procedure to identify English parts of a Bill as similar to that used for certifying financial privilege. Many noble Lords will recall that Peers from across the House have had several heated exchanges over the years with the Government in recent years over their refusal to engage with amendments passed by this House and ask the Commons to reconsider—and the issue raised has been financial privilege. Does the noble Baroness have any concerns about how these proposals will affect your Lordships' House? Unless the Government already

have a blueprint or precedent of how it can be made to work in practice, should not some thought and debate have gone into these proposals?

When William Hague presented his Command Paper to Parliament, he clearly did not envisage such proposals as those being brought before us. He was clear that there were a number of serious issues to be addressed, consulted on and decisions taken. Today's Statement bypasses any such process. Mr Hague considered how a constitutional convention could be established and the kind of issues that could be addressed. The noble Baroness would have heard in Questions today the calls from right across this breadth of your Lordships' House on how a constitutional convention could assist the Government, Parliament and the country. Laws rushed in rarely get it right.

Finally, we have concerns at the way in which this has been announced, and that has been reflected in other measures brought before us. This has been done without consultation or apparent thought for any possible unintended consequences. It is hardly reflective of the significance of the Government's proposals. Yesterday, I spoke in your Lordships' House of our concerns about the Government's approach to the Childcare Bill and our recognition of the wider implications of the Government's approach. The Constitution Committee, even since the beginning of this Session, has described a trend since the last Parliament, "towards the introduction of vaguely worded legislation that leaves much to the discretion of ministers".

This, the committee states,

"increases the power of the Executive at the expense of Parliament".

On this issue, we are told that an assessment will be conducted in 12 months' time by the Procedure Committee in the House of Commons. But what about your Lordships' House? Again I have to ask the noble Baroness: has she given any thought to the implications for this Chamber? Will we get any opportunity to assess any impact that it may have had on the way in which we work? We have to do better than this. If we do not do it properly, the potential risks are enormous.

Lord Wallace of Tankerness (LD): My Lords, first, I thank the noble Baroness the Leader of the House for repeating the Statement. We very much welcome the fact that it is being repeated in our House, given that, as the noble Baroness, Lady Smith of Basildon, said, it clearly raises wider issues that go far beyond the Standing Orders of the House of Commons.

The Statement was right to reflect on the long history of this issue, the so-called West Lothian question, and there is general agreement that we are beyond the stage where the best way to answer that question is not to ask it. There is an issue there that needs to be addressed. This is the Government's attempt to give a clear and comprehensive answer to the "English question". The Prime Minister, when he first mentioned this on the morning after the referendum—when I very much regret that he switched mode from Prime Minister of the United Kingdom to leader of the Conservative Party—made the comparison between the position of Members of the Scottish Parliament in relation to Scottish devolved issues, and English MPs. But, of course, Members of the Scottish Parliament are elected

by a system of proportional representation. I am not holding my breath in the expectation that the Government will ensure that any committee of the House of Commons will also be convened on a proportional basis. We have already seen at the outset a breakdown between the comparisons that were being made.

The Statement boldly claims:

"There will be no changes to procedures in the House of Lords".

I echo the points made by the noble Baroness, Lady Smith. Is the Leader of the House absolutely sure about that? For example, the new procedures in the Commons may well affect the overall management of the parliamentary business timetable. Ping-pong may well have to be a more measured process where an English-only or English and Welsh-only Bill, particular clauses or amendments are concerned. Will she join me, at an appropriate point, in asking the Procedure Committee of your Lordships' House to look at any implications of the changes to the Standing Orders of the other place? In addition, when your Lordships' House amends a hitherto English-only Bill to affect Scottish, Welsh or Northern Ireland constituents, how will the Commons deal with that when the Bill returns here?

There is also the issue of defining an English-only Bill or provision. I recall the Bill that introduced top-up tuition fees for English universities being taken through the other place. It is often held up as an example of a decision being swayed only by the votes of Scottish MPs. I was the Higher Education Minister in Scotland at the time, and I had to bring in legislation in the Scottish Parliament months later to address the consequences of that Commons vote. It is not always easy to identify a Bill with impact only in England, or only in England and Wales.

The trial period for the 2015-16 Session is welcome. Will the review then examine the provision's success or failure? What happens if there has been only limited or no experience of its operation? The "double majority" and "English veto" introduce significant new constitutional departures, and it is important that we examine these in some detail. Of course, as the Prime Minister said, taking the comparable position—putting England in the same position as Scotland—Members of the Scottish Parliament do not have the last word if Westminster chooses to override it. Section 28(7) of the Scotland Act 1998 makes it clear that Westminster has not lost the power to legislate in regard of Scotland. However, what is being proposed here is in effect an English veto, by a Committee comprised solely of English MPs, and that is not Parliament. Parliament's rights are being inhibited.

The question we must ask is, if what is sauce for the English goose is sauce for the Scottish gander, should the Scottish Parliament be able to veto any provision in a UK Bill that relates to devolved matters in Scotland, in the same way that this English Committee can veto any matters relating to England? When we go down that road we open up a very interesting set of issues—which may well take us toward federalism, which I would not object to. Again, however, has this been fully thought through? I hope that the Leader of the House can answer that.

[LORD WALLACE OF TANKERNESS]

The Statement refers to making a real start on the task of how, when and in what format Ministers intend to take this forward. Will there be an opportunity for this House to have a much wider debate on these issues, and in particular how they will affect proceedings in your Lordships' House?

Baroness Stowell of Beeston: My Lords, first, as I said in the Statement I repeated, much has been done already to devolve more power to Scotland, Wales and Northern Ireland. We in this Government firmly believe that it is now time to address this unfairness in England, which has existed for too long. The proposal that has been put forward by my right honourable friend the Leader of the Commons today for English votes for English laws is a pragmatic and proportionate solution to this issue, which is very much wanted by the people of England and which will address the unfairness they perceive. It is very important for us as a House to understand from the start that the changes to procedures that are being brought in through this measure are changes to procedures in, and only in, the House of Commons. This House's procedures are not being changed by what is being introduced in the House of Commons.

The noble Baroness, Lady Smith, said that what is being proposed today goes far beyond what was proposed before. I disagree with that. It is a very straightforward, pragmatic, proportionate response. We have simplified beyond what was in the Hague proposals, which were there for people to comment on. When my right honourable friend Mr Hague was still Member for Richmond and leader of the other House, he was at pains to ensure that a cross-party approach was adopted to consider how to address this issue. It is worth noting that when the Opposition in the last Parliament were invited to participate in that process, they declined to do so.

The noble Baroness also suggested that it was necessary to pursue this by legislative means and to introduce some pre-legislative scrutiny. As I say, this issue has been around for a long time: it has featured in my party's manifestos for at least the last three elections. In the last Parliament the coalition Government asked the McKay commission to look at this issue, and it came forward with various recommendations. Therefore, there has been a long period of discussion and consultation.

The noble Baroness then made some points about amendments by the House of Lords and asked whether these would be, as she described it, subject to a double lock. I must emphasise—as I will continue to do during this debate—that the way we do our work in this House will not be affected by the new processes being introduced in the House of Commons. We will still have the same powers we have now, and we will amend Bills in the same way we do now. However, when our amendments go to the other place for the Commons to consider, there will be a certification process by the Speaker, consideration of those amendments will be done together in a single way, and then there will be a vote in the House of Commons. If the measures in question are certified as England-only or England and Wales-only, when the Commons divides

and decides what to do, the Government will be required to listen to and seek the agreement of both the House of Commons as a whole and the English MPs, or the English and Welsh MPs if the measures apply to England and Wales. It is important to understand that English MPs cannot overrule the whole House, and the whole House cannot overrule English MPs.

The noble Baroness and the noble and learned Lord, Lord Wallace, asked whether the House of Lords should review these procedures once they have been in play for some time. As my right honourable friend the Leader of the Commons indicated in his Statement, the Commons Procedure Committee will review those procedures once the Bills that will be affected by them in this Session have received Royal Assent—therefore, in about a year's time. Because our procedures are not affected, it would be unnecessary for our own Procedure Committee to carry out a review of these proposals in this House. However, clearly, when these proposals are in operation, if anything comes to light that we feel it is important to feed into the review process, I expect that we would want to do so.

Finally, I will address a point made by the noble and learned Lord, Lord Wallace—although I speak to the whole House—who questioned whether what is being introduced for English MPs in the House of Commons via English votes for English laws is comparable to devolution in Scotland. It is vital that we are clear that this new measure ensures that the power and authority that all MPs in the House of Commons have right now as regards their role in Parliament is not diminished in any way. English MPs are being given a voice for the first time on matters that affect only their constituents, and their constituents want to see that happen. Therefore, this is not about taking power away from anybody, but about making sure that for the first time, when Parliament is considering matters that only affect English MPs who represent English constituencies, English voices are the ones that get heard, as they rightly should.

2.18 pm

Lord Howarth of Newport (Lab): My Lords, the noble Baroness has offered no justification at all for the Government introducing major constitutional change by way of using their majority in the House of Commons to alter the Standing Orders of that House and that House alone—thereby sidelining this House, for which she should speak—and in the process annexing vast power for a majority of Conservative Members of Parliament in the southern part of England to impose their preferences on urban and northern communities where they have no representation. How is that fair?

On the matter of the duty laid upon the Speaker to certify that such measures would apply exclusively to England or England and Wales, as the noble and learned Lord, Lord Wallace of Tankerness, advised us, that will not be a straightforward matter. He cited the question of tuition fees, but the Statement envisages that there would be a veto, to be exercised by English MPs only, on decisions about the distribution of resources within England, or rates and thresholds of income tax within England. But let us suppose that there were lower rates of income tax in Newcastle than in Glasgow,

or that a Government wished to stuff the northern powerhouse with gold: that would have a very important bearing on the fortunes of the Scottish economy. The Speaker would be asked to make not simply a judgment of fact or a technical judgment but a political judgment, and that would not be fair.

Finally, the Leader of the House of Commons says, rather grandly and rather absurdly, “Today, we are answering the West Lothian question”. Does that mean that the noble Baroness can give us an assurance that this Government will have no truck with proposals for an elected second Chamber or a federal second Chamber?

Baroness Stowell of Beeston: I hope that the House will forgive me if I do not answer all the questions that the noble Lord has asked; I think that he extended them beyond the number that we would normally have time for. He suggested that I had somehow played a part in annexing powers. I cannot stress enough to the noble Lord and to the House that the way in which we operate, how we do our business and the powers that we have are not affected by the changes happening in the other place. We will continue to be able to do precisely what we do now. The change is taking place in the Commons. When we seek to amend a Bill and it applies specifically and only to England, clearly it is right that the English MPs have a voice. However, as I have said, the House of Commons as a whole will retain its voting rights.

Lord Baker of Dorking (Con): My Lords, I warmly welcome the Statement and the Government’s decision. More than 10 years ago I took a Bill through this House to do this but it fell to earth in the Commons, so I welcome this announcement. Does my noble friend agree that it is an affront to representational democracy that the Scottish Member of Parliament for, say, Glasgow Central would be allowed to vote on domestic matters in the constituency where I live—Dorking—on housing, education, highways, agriculture and planning when she could not vote on those issues in her own constituency? I happen to remember when Enoch Powell, in responding to Tam Dalyell’s incessant speeches, dubbed this the West Lothian question. I am very glad that after 40 years we have been able to find an answer to it.

Baroness Stowell of Beeston: I am very grateful to my noble friend. He described exactly the issue that we are trying to address here. At the moment, a lot of people who live in England feel it is unfair that Scottish Members of Parliament are able to contribute to decisions on matters that affect only people in England. That is what we are trying to address with our pragmatic and proportionate approach to giving MPs in England a stronger voice.

Lord Butler of Brockwell (CB): My Lords, I, like the noble Lord, Lord Baker, welcome the fact that the Government are grasping the nettle of the West Lothian question. If the result of the election had been a Labour Government with a Conservative majority in England, this question would have become very urgent. As things are, with a Conservative overall majority in the House of Commons and a Conservative majority in England, there is not the

same urgency about it, and there should at least be time to have a thorough debate about the Government’s proposals.

The noble Baroness said that the result of these proposals is that the majority in the House of Commons will not have a decisive say on only English and Welsh questions over English and Welsh Members, and vice versa, but surely that is not correct. As things stand in these proposals, the English and Welsh Members of the House of Commons will have a veto in the House as a whole on Bills that affect only England and Wales. The Conservative Democracy Task Force, which I advised in 2008, proposed an alternative way of dealing with this, which was that on England and Wales-only Bills, English and Welsh MPs should be able to vote on amendments but the House as a whole should have a vote on the Third Reading, thus preserving the supremacy of the House of Commons overall. Would that not be an equally effective but also simpler and less divisive way of dealing with this question than the proposal for an English and Welsh veto, which seems to be both provocative and possibly unconstitutional?

Baroness Stowell of Beeston: I shall try to explain why I do not quite accept what the noble Lord has said. First, once an England-only Bill or a Bill with provisions for England and Wales gets through its Report stage, there will be a grand committee where the relevant MPs from England or England and Wales consider what was agreed on Report. If the English and Welsh MPs do not accept what the House wishes to do and the matters concerned affect only their constituencies, they will have the option of disagreeing. However, there will be a process whereby the whole House will then reconsider the legislation. The point is that these two groups of MPs will be seeking to reach agreement. If agreement cannot be reached between the relevant MPs and the House as a whole, the matter will fall. However, this is about agreement or consent. It is not about having a veto; it is about trying to find the right way forward.

I say to those who are concerned about whether Members from Scotland will have a proper role in this process that this is designed to ensure that they continue to be included, as they should be, in matters that are considered in the UK Parliament. Therefore, I do not accept the description that the noble Lord has given.

Lord Reid of Cardowan (Lab): My Lords, lest anyone should think that I believe this is a question that should not be addressed, I want to make it clear that I think that it should be. I have long thought that. Indeed, I thought that it became an inevitable question to be addressed when the Prime Minister, a week before the referendum—I declare no interest, because I was not consulted and nor was anybody else in Scotland as far as I can see—unilaterally decided that he would offer more powers to the Scottish people if they voted no. I am sure that that was done out of principle rather than panic. There was as much consultation on that as there has been on this issue, but it made the addressing of this issue inevitable.

I want to make three very quick points. The first concerns the House of Lords. I think that the noble Baroness’s assurances on this carry all the weight of

[LORD REID OF CARDOWAN]

her predecessor's assurances that, if this Chamber became elected, it would not affect the House of Commons. It was an assertion without any evidence historically and without any rational foresight of the future. Historical dynamics will make sure that if this change goes through, it will have implications for the House.

My second point concerns the manner in which this issue has been addressed. The Minister said that we were answering the West Lothian question. I have to say to her that this is not an answer; it is a guess, and it is not even an educated guess. It is not an answer based on wide consultation, deep discussion, analytics or any form of rational analysis of the likely outcome.

The third thing I would mention is the practicalities. The explanatory notes say that the Speaker will decide what is an exclusively English matter. They allude to the fact that the Speaker already makes such decisions on financial matters. However, the two are not comparable. It is much easier to make a decision on a financial matter, and indeed it is much easier to make a decision on a matter that should be devolved to Scotland, because there is a Bill and there are references, and it is a small nation, whereas England represents 85% of the MPs, probably 85% of the legislation and 80% of the income. This matter is much more difficult.

For all those reasons, I urge the Government to think again about addressing not the question but the manner in which they are dealing with it. This is not a trifling issue and, with the best of intentions from the Government's point of view, it would be very easy to end up with the worst of all worlds. To paraphrase WB Yeats, I urge the Minister to tread softly on this because she is treading on the union, and many of the attempts by people who thought that they were great defenders of the union have ended up having the opposite effect.

Baroness Stowell of Beeston: On the noble Lord's final point, I genuinely believe that if we leave matters as they are without seeking to address the "English question", we will actually be weakening the union. This is something that we have to address. As to the noble Lord's description of this as a guess, there has been an extraordinary amount of debate on and consideration of which process to adopt to take us forward in addressing the West Lothian question. I refer to what happened in the last Parliament. It is now becoming increasingly urgent that we get on with doing something—as I say, for all of us who believe in the union, this is urgent—and therefore the Government have come forward with their proposal. My right honourable friend the leader of the other place has made it clear today that, in about a year's time, there will be a proper review of the way in which this is operated, using Bills that are actually happening. Rather than continue to debate and consider options and not get anywhere or make any progress, let us follow this proposal and then come back and have a look at it.

As to the role of the Speaker, I would make two points to the noble Lord. When considering whether to certify a Bill as being for England only or for England and Wales, one thing the Speaker will be required to do is consider whether this is a matter that

has already been devolved to Scotland, Wales and Northern Ireland. The onus will be clearly on the Government in their drafting of Bills, but I believe that the requirement placed on the Speaker is a reasonable one and we will follow our responsibilities in ensuring that we play our part in making this work.

Lord Elis-Thomas (PC): My Lords, I thank the Minister for repeating the Statement in this House today and I warmly welcome it. There is nothing new here. Those of us who have operated devolved legislation recognise nothing here except the development of such legislation in relation to England. Does the Minister agree that the definition of legislative competence that has been pursued in the devolved legislatures is exactly what the Speaker of the House of Commons is being called on to follow in deciding whether a Bill is for England? Does she also accept that we already have the territorial competencies and applications set out in every Bill that goes through both Houses of Parliament, and that we are, at last, dragging the House of Commons towards electronic voting, which obviously, as a former Member of that House, I also support?

Baroness Stowell of Beeston: I do not want to comment on the processes of voting in the other place, but I do not think that they are getting as far as electronic voting. I am very grateful to the noble Lord for his warm welcome of what the Government are bringing forward today and agree with the points that he made in his contribution.

Lord Cormack (Con): My Lords, anyone who believes in the integrity of the union will recognise that what is being proposed has profound implications. All I would say to my noble friend—who has presented the Government's Statement entirely properly—is that this House should have an opportunity to debate something that has profound institutional implications for the future of the union. Even if we had to sit one day later in July, surely we could have a proper debate. There is a great deal of expertise and experience in this House and it would hardly damage what is being proposed if it were thoroughly examined and scrutinised in the way that legislation is in your Lordships' House.

Baroness Stowell of Beeston: My noble friend is a very experienced parliamentarian, but I really am not sure that I agree that, at this stage, this is something that requires this House to debate it. Before rising for the summer, the House of Commons will have a debate on changes to its own Standing Orders. Presumably, it will divide and decide on that. As I say, the procedures and powers in this House will not change. If that were to be the case, and something were to be different in the future, I would clearly reconsider the answer that I have given to my noble friend.

Lord Tyler (LD): My Lords, I wonder whether the Leader will reconsider what she has just said. It may be true—we cannot tell yet—that these proposals will not affect the powers of your Lordships' House. However, they are clearly going to affect the practice and process of the way in which we operate—there cannot be any doubt about that. She said that the proposals were only giving English MPs a voice, but the Statement

makes it clear that that is not what they are being given—they are being given a veto. I beg her to listen to the noble Lord, Lord Butler, and indeed to the noble Lord, Lord Cormack. There are very important implications for the whole of the way in which Parliament is going to operate. Will she please clear up one other point? She says that there will be an assessment of the way in which this is operated after the completion of this Session. There seems to be a discrepancy between the Statement, which refers to a technical assessment of the operation of these new rules, and what she is saying. It is not just a technical assessment we need; it is a full political assessment of its impact on the way in which Parliament operates.

Baroness Stowell of Beeston: The Statement refers to a technical assessment by the Procedure Committee in the other place, but I also know that the committee will look at how this works over the next few months and there will be a proper process of review in that way. I feel that there is not really much more I can add to what I have said already to the noble Lord and to the House. It will be different in the House of Commons. I am not suggesting that it will not be. However, we will receive Bills here and then do our work in exactly the same way as we do now. We will not be constrained in any way. It is important that we do not lose sight of the fact that giving English MPs a voice on matters that are relevant only to their constituents is something that the public at large feel is right. That is what we are trying to deliver.

Lord Hylton (CB): My Lords, why is this being done in such an enormous hurry? If a question has been unanswered for 38 years, why is it suddenly to be disposed of in two to three weeks? Surely it would be most regrettable if an important question appeared to be dealt with by sleight of hand.

Baroness Stowell of Beeston: I do not think that the noble Lord will be surprised to hear that I completely reject his description of what is going on. As he himself acknowledges, this issue has been around for a very long time. In the course of the last few months, we have decided to give even greater power to Scotland. There is also a Bill for Wales coming along very soon, and more powers, I hope, for Northern Ireland. In our manifesto at the last election we were very clear about what we intended to do and how we were going to address this imbalance, which has to be addressed. We feel that we have a pragmatic and proportionate solution to address this matter. That is what we feel the English people really want and that is what we want to deliver for them.

Global Challenges

Motion to Take Note

2.38 pm

Moved by Lord Ashdown of Norton-sub-Hamdon

That this House takes note of the United Kingdom's role in addressing global challenges posed by terrorism, conflict, climate change and mass migration.

Lord Ashdown of Norton-sub-Hamdon (LD): My Lords, it is a great privilege for me to lead this debate on behalf of my party.

A little over 100 years ago, in the midst of the last conflict in which a collection of military primitives in a faraway mountainous country defeated the most powerful military force on earth—I refer of course to the Boer War and the British Army—AE Housman wrote the poem *A Shropshire Lad*. It is famous for marking the futility of war and its pity. What is sometimes a little overlooked is the fact that it was also predicted that we were seeing a change in the times. I draw your Lordships' attention to one stanza in particular—which, by the way, was said to echo in Churchill's brain in the 1930s:

“On the idle hill of summer,
Sleepy with the flow of streams,
Far I hear the steady drummer
Drumming like a noise in dreams.
Far and near and low and louder
On the roads of earth go by,
Dear to friends and food for powder,
Soldiers marching, all to die”.

What Housman seemed to identify was that the long sylvan summer of stability of the 19th century was drawing to a close. The years in which he wrote the poem marked the last great shift of power from the old nations of Europe to the new rising nation of the United States. In the vacuum left behind by the old powers of Europe was played out the two great, terrible Golgothas of the 20th century.

You might argue that history comes in two phases. In one of them, the gimbals on which power is mounted are steady, stable and unchanged—these are predictable times, times when we can look ahead with confidence and know what will happen. They are not necessarily peaceful times but they are at least unbewildering times. Then there are the second phases, which are the times of change, when power shifts—these are turbulent times, puzzling times and, all too often, bloody times. We are living through the second of those, not the first. All is changing, although you would not think so to look at our foreign policy or our defence policy, for they are anchored firmly in the past and pay no attention to the new world which is now emerging. In this speech, I want to talk about two of those power shifts and then a third element which I think changes everything and needs to be addressed if we really want a foreign policy that serves the interests of our country.

We are experiencing not one power shift but two. We are experiencing a vertical power shift. Power is now migrating out of the institutions of the nation state, created to hold power to democratic accountability and to legality, on to the global stage, where, by and large, the institutions of democratic accountability are non-existent and the institutions of legality are very weak. If we look at the global stage, we see that the powers that are growing are those that have no relevance, no reference, to the frontiers of nation states, and we see other things which by and large we like; for example, the free transfer of information over the internet, the free transfer of trade, the mass movement of people, the power of the satellite broadcasters and the power of this great, vast, swirling money-go-round now circulating at increasing velocity—a volume of money 52 times the amount necessary to fund the trade that it was all created for. We see also the power of the international speculators which nearly wrecked everything only a couple or three years ago.

[LORD ASHDOWN OF NORTON-SUB-HAMDON]

For the powerful, generally speaking, having lawless spaces is not unhelpful—we rather enjoy it because we can make up the rules for ourselves—but, sooner or later, the lawless spaces get occupied by the destroyers and that is exactly what has happened. For in this space now is also terrorism, which is international; and crime, which is international. The revelation of 9/11 is that you may be the most powerful nation on earth, but it will not save you one bright September day from a faraway danger of which you knew little, which invades your own space and destroys your citizens by using your own systems. It is calculated that 60% of the \$4 million taken to fund 9/11 passed through the financial institutions of the Twin Towers.

In what looks to me like a deeply turbulent age, our capacity to create greater stability rather than greater turbulence will depend on our capacity to bring governance to the global stage. There is a sort of rule about stable democracies which is: where power goes, governance must follow. It seems to me, therefore, that if it is true that the globalisation of unregulated power is one of the great threats of our time, then one of the great challenges of our time is to bring governance to the global space. It is entirely in the interests of a medium-sized country such as the United Kingdom for us to assist in making that happen. My own view is that this will not happen through the spawning of further multilateral UN institutions—we need the UN; if we did not have it, we would have to invent it; it is necessary as an international forum; it is necessary as a legitimiser and developer of international law; it is necessary as a legitimiser of actions—but when it comes to taking difficult action in non-permissive circumstances, my guess is that coalitions of the willing will have greater effect. When in Bosnia, I had to report twice a year to the UN Security Council for the conduct of my mandate, but my managing board was the Peace Implementation Council—those who had committed to peace in Bosnia.

As we develop systems of governance on the global stage, I think that they are more likely to be created through the growth of treaty-based institutions. We see those already emerging: the WTO is one; Kyoto is another; the International Court of Justice is a third; and the G20, which is not quite a treaty but it has quasi-treaty powers, is another. It must be in our interests for us Britons to create, and to play our part in the creation of, such new institutions that bring governance to the global stage. We are a medium-sized nation. David Miliband when Foreign Secretary used to talk about a rule-based world order. It must be in our interests to do that, yet this features nowhere in the Government's foreign policies. We are not actively playing our role. British civil servants and diplomats were the people who created the United Nations; we have an immense role to play. But our response is not only to ignore it but to cut the budget of the Foreign Office at the very moment when it has a significant role to play in something that is of real interest to our nation.

The second great power shift, and I need hardly talk about it, is that from west to east. Put your hand over the side of the boat. Feel how strong that tide is running. It is an economic tide to date, for sure, but

that will develop into political power and military power. Let us look at where defence budgets are being augmented and where they are being diminished: they are being diminished in the west and being augmented in the east. We are seeing a new world developing that is totally different from the world that we have had. We are moving from 50 years—rather unusually, by the way—of a monopolar world dominated by a single colossus to a multipolar world in which the role of our foreign policy and our defence will be wholly different. If you want a model of what comes next, do not look at the last 50 years, as it seems to me myopically we do; look rather at the Europe of the 19th century, the famous five-sided concept of Europe, the European Areopagiticus, as Canning and Castlereagh used to call it. Britain's role there was not fixed; it was always to play to the balance—a period of much more subtle foreign policy. Canning once said that Britain has no fixed allies, but it has fixed interests. It plays the relationships with the rest of the world. The revelation that we see now is that the 400 years of the hegemony of western power, western institutions and western values—I date 400 from the end of the Ottoman Empire—is over. We now have to share power in a multipolar world. I think that the United States will remain the most powerful nation on earth for the next 20 or 30 years, but the context in which she holds her power is wholly different.

Now, if we want to operate in the world, we have to move beyond the Atlantic club; we have to bring in other partners, and we have to bring in the Chinese. To those who say that the Chinese would play no part, I say that of course they would, because they have an interest in this, too. What is the number of Chinese serving under the blue flag and the blue helmet of the UN in the world today? Does anybody know? The figure is 3,700. In Africa, already committed to multilateral defence, what is the largest naval unit that is today fighting Somali pirates? Well, you are ahead of me: it is the Chinese—of course, it is; they want to keep the sea lanes open, just as we did in the days of our mercantile power. We have to begin to develop those relationships. We have to move into a wholly different kind of policy where we will, of course, rely on the Atlantic alliance as our primary alliance, but we will have to build alternatives and new coalitions beyond that. Where we do that is where we will succeed, and where we do not do it is where we will fail.

We have to get out of the kinetic age. We see a problem in the world and our first instinct is to bomb it. Clausewitz said that war is the extension of politics by other means. We remember the war, but we forget the politics. And so, we forgot the politics in Afghanistan. We did not co-operate with the neighbours; we did it all by kinetic power. We forget today the politics in ISIL; we do it all by kinetic power when there is a great, wide coalition to be built—Canning and Castlereagh would have understood—which would have involved Iran and Russia in order to isolate ISIL; and then you can use your military power to greater effect. We will never beat ISIL simply by using more western high explosive to kill more Muslim Arabs; it needs to be much wider than that. At this very moment, we believe that we live in the kinetic age, but we do not: we live in the new age of diplomacy, in which your capacity to

build those wider coalitions to achieve the interests of your nation at the time—not necessarily coalitions of values, but coalitions of interest—will really define success or failure in the age to come. Canning and Castlereagh would have understood that very well; our foreign policy seems to ignore it completely.

Some believe that this means that this is the age of the network, so we do not have to worry about Europe as we can build wider networks with the Commonwealth. However, foreign policy depends on who shares your interests, not who shares your systems. It is madness that we should move away from Europe at this stage. Do we not understand how much the terms of trade have changed in Europe in the past 10 years? We no longer have a United States looking east across the Atlantic but one looking west across the Pacific. We do not have a United States any longer with troops in Europe dedicated to the defence of Europe. They are here because it serves their operations elsewhere in the world. We do not have a United States any longer that we can depend on as a defender of last resort and a friend in all circumstances.

On our eastern borders we have an aggressive Russian president who is prepared to use tanks to capture European territory. To our south-east we have an Arab world in flames. To our south we have a Maghreb in chaos right the way down to Mali. All around us are economic powers which are individually more powerful than any of us are individually in Europe. Is this the moment to abandon our solidarity with the rest of Europe? It is madness—it is madness beyond madness—in pursuit of what is called sovereignty, the totally elusive sovereignty of the cork bobbing around behind someone else's ocean liner. This is not the moment to abandon that.

The third element that is changing is that this is no longer a world made up of nation states: it is a world which is uniquely interdependent in a way it never has been before. You have swine flu in Mexico; it is a problem for Aberdeen in the next hours. You have Lehman Brothers collapsing; the whole world goes down. You have fires in the Russian steppes; there are food riots in Africa. You have the irresponsible burning of fossil fuels in the west, and the drowning of Bangladesh. We are deeply interconnected and it is that interconnection that matters. We have to realise that there are no longer sovereign states. We used to pretend that there were issues which were domestic and others which were foreign policy. There is no domestic issue that does not have a foreign policy quotient to it. It is no longer the case that the nation state acting alone can determine its future.

When I was a young soldier fighting in the jungles of Borneo in the last of the imperial wars, if you were to ask me about the defence of Britain I would have said that it depended on a strong Navy, a strong Army, a strong Air Force and strong allies. Today that no longer applies. Today the Minister of Health is involved in the security of Britain because pandemic diseases are a threat to our security; the Minister of Industry—if we had one—would be involved because the cyber capacity of our enemies is a threat to our security; and the Minister of Home Affairs is involved because what that second-generation Muslim family in that terraced house in Bolton does is a threat to our security. The

security of Britain no longer rests with the Ministry of Defence but with our capacity to network across the piece. It is the network—not the vertical high ground and the command structure—which is the paradigm structure of our age, and Whitehall knows that not at all.

Imagine that it is not me speaking today but that the year is 1879 and Lord Roberts of Kandahar is telling you about Afghanistan—not about how he lost but how he won. He would talk about his screw guns and his brilliant generalship. He would not mention drugs or poppies growing in the fields because they were not connected to anything. Afghanistan has always been a centre of the opium trade. Nowadays it is connected to crime in our inner cities. He would not have mentioned the mad mullah in the cave, although he had those too. The mad mullah of the time was called the Wali of Swat, about whom Edward Lear wrote a poem in which he asked who or what is the Wali of Swat; is he short, is he fat, is he squat? He would not ask today who or what was Osama bin Laden because he is connected to that terraced house in Bolton. Everything is connected to everything. He would not talk about collateral damage—he caused a lot of that—because it did not matter. Nowadays that piece of American high explosive falling on that wedding party in Afghanistan inadvertently matters very much and it is round the world a nanosecond later. Everything is connected to everything. It is no longer our vertical ability that matters but our ability to network. The most important thing about our nations and our organisations are the interconnectors, the docking points, that help us to build the wider coalitions that produce effective actions, rather than pretending stupidly sometimes that we can act alone or only with our friends.

One final thought. Now that we are interconnected and the enemy is now inside the gates and not only outside, something else has changed. For the past thousands of years—I suppose since history began—defence has depended on collective defence; it is been our capacity to stand together that matters. If you are interconnected, you share a destiny with your enemy. It was the realisation of that that enabled me as a young diplomat in Geneva in the 1970s to participate in the Strategic Arms Limitation Talks with the Soviet Union. We understood that we shared a destiny and that using the weapons that we possessed would destroy not only ourselves but the others. It was an understanding of that shared destiny that brought peace, at last, to Northern Ireland. It is a failure to understand that shared destiny between Israel and its Arab neighbours which is the biggest impediment to peace in the Middle East today.

So it is that, in the modern interconnected age, it is not only collective defence that matters but an understanding of common security as well. This has been the common proposition of saints, heroes, visionaries and poets, but now it moves from a moral proposition to a necessity to shape and frame our policies for the future. The great John Donne's poem states:

"Each man's death diminishes me,
For I am involved in mankind.
Therefore send not to know
For whom the bell tolls,
It tolls for thee".

[LORD ASHDOWN OF NORTON-SUB-HAMDON]

For him, it was a proposition of morality; for us it is part of the equation for our success, perhaps even our survival.

2.56 pm

Lord Howell of Guildford (Con): My Lords, it is good to follow the magisterial speech of the noble Lord, Lord Ashdown, about the utterly changed world that we and the whole of Europe now face and how we play our part in it. I think that it was the Akond of Swat rather than the Wali of Swat, but the rest was absolutely terrific—I did not agree with it all, but it was terrific. As I have only five minutes, I shall have to speak in shorthand in making my comments.

First, whether we like it or not, the role and direction of the United Kingdom is rapidly being recast and reshaped by forces much larger than any Government or current government policy. Technology and the on-going information revolution and the rising power of Asia, Africa and Latin America are changing the landscape radically and we have to adapt much more quickly to this change, both to survive and to address the world challenges listed in the Motion.

We have been painfully reminded over the past few days that our enemies are in the Middle East, the Mediterranean and north Africa and that the direct mortal threat to our nation and the British people lies there on the sunny beaches of the Mediterranean shores. That is now our front line. We have now to commit fully and decisively to our friends in the region—such as Jordan, Egypt, when it gets its internal difficulties in better order, and other countries, including if possible Turkey, which is undergoing a great change of view at present—to crushing ISIS and closing down the vicious religious civil war bisecting Islam. We particularly need to crush ISIS, which is clear, undiluted and unqualified evil.

Secondly, our biggest competitors in this new world that the noble Lord, Lord Ashdown, has so well described are the Chinese. They are on every continent operating everywhere and have a very active presence in the Middle East. Not only are they competitors but we have to work with them—I think that it is called “co-opetition” as well as “competition”. I am glad that we have signed up to the Chinese-led Asian Infrastructure Investment Bank, although we must respect the sensitivities of the other giant world economy in Asia, that of our old and good friend Japan, whose help we need in many sectors. China is building its way through east Asia to the Middle East, to the Mediterranean and to south-east Europe. Even now, as we speak, it is taking over the Athenian harbour of Piraeus. As climate change comes into the debate, world decarbonisation depends overwhelmingly on China and India.

Thirdly, our prospects, our economic survival and our capacity to address these challenges now lie in the great emerging markets of Asia, to which the Commonwealth nations are both central and a gateway. That is a new reality that has not yet been fully grasped in Whitehall.

Fourthly, the central ocean of world development is now the Indian Ocean, not the Atlantic Ocean, and our defence interests and our defence against

terrorism are coming to lie there just as much as in the north Atlantic, where they have been for the last 70 or 80 years.

Fifthly, our export and world economic strength is in services of every kind—not just financial, but in health, education, creative arts, every kind of design and project consultancy. I note with interest that in China services are now a bigger proportion of GDP than manufacturing. The same is going to happen here—it may have happened already—and all our manufactures are now bound up with and contain a big service element. They are all woven together. In fact, the statisticians should stop separating manufactures and services, because they are not separate.

Sixthly, the whole world energy equation is changing fast, although not, I am afraid, in the current direction of either UK or EU policy. Above all, developing countries need plentiful, cheap energy. That is the key to their development. Our trade partners simply have not yet shifted to this new situation, nor has our defence and security thinking. I agree with the noble Lord, Lord Ashdown, on that. Developing states need support with their defences and security as well as with their economies and development. I see no reason why our aid budget should not meet the cost of these needs where we provide them. We have to adjust our methods of deploying power and influence. We have to adjust our methods of trade promotion and export finance to match our rivals. As mentioned by the noble Lord, Lord Ashdown, our current struggle with the EU, not only to change our relationship with it but to reform the whole of the EU to meet 21st-century challenges, is a step along this new road.

To see the totally altered world through a new lens demands a changed mindset among policymakers and the flag carriers in Britain of global business. We are contemplating nothing less than a grand repositioning of the United Kingdom in a networked world utterly transformed by the information and digital ages and presenting new and urgent tasks.

3.01 pm

Lord Hunt of Chesterton (Lab): My Lords, I welcome this debate. I would like to make a few points about the UK’s role in meeting these great challenges via collaboration and, in some respects, via advances in science and technology. Governments and Parliaments need to explain more clearly the benefits of working through national and regional organisations, which have been mentioned already in the previous speech. We can be more effective in dealing with these problems through improved and broader training of civil servants in government. I had some experience as head of the Met Office, dealing with many UK agencies.

By comparison with France, Germany and some other countries, the broader training that their officials had gave them some advantage. We have very technical ones and this partly goes back to our university and school system where we teach people in a very narrow way. There are, of course, few who can quote great lumps of poetry, but they probably had military training and military experience, which is rather remarkable in the training world. The idea that people should have broad training is positively Napoleonic.

Sadly, in recent years, Governments have been reducing funding for civil servants' training. One of the reasons for having a much broader training in understanding Governments around the world is that the role of civil servants is to represent the UK in many of these important agencies and international bodies. Sometimes we see the difference between them and representatives from our European partners. One of the interesting points about the Ministry of Defence, which I worked with because the Met Office was then part of the MoD, was that substantial numbers of officials and officers had considerable knowledge of foreign countries and foreign languages, not least Russian.

My second point is that the UK Government and Parliament need to realise that we can tackle global issues only through collaboration, and that UK politicians should desist from the "anti" phraseology all the time of "taking the lead". It seems almost like a mantra for civil servants and politicians, in addressing an issue, to say, "We have to take the lead". I am afraid that other countries rather snigger at this posturing in our country. If we are doing good work, the good work will be apparent. Indeed, as I saw in the world in which I worked, if you do make substantial contributions, or very important leadership is provided in committees, it is not a good idea to keep saying, "The UK made a lead on this or that or the other". For example, I saw this where great improvements were made in improving forecasts of natural disasters. The person dealing with the effects of climate change and disasters is an extremely effective official from Public Health England—but it is not a good idea to boast too much about that.

My third point concerns how the UK should collaborate more effectively with other countries through international agencies. This has been touched on already. This is the vital element in dealing with climate change and other civil challenges. I have spoken before about the need for the UK to make more use of our membership of the UN agencies—as the noble Lord, Lord Ashdown, commented. It is an essential role in reducing carbon emissions. So these are very technical issues.

Shipping is responsible for 15% of carbon emissions and the figure is rising, while aircraft are responsible for 7%. This was discussed yesterday. These are dealt with by the International Maritime Organization and international aviation bodies. We have to deal with road transport and the heating and cooling of buildings. All of these are areas where progressively, if we focus on them, we will be able to deal with these huge challenges. The co-ordination and publicising our role needs to be much greater. I think that the Foreign Office has a department for dealing with this and it does not do this as strongly as it might do.

Recently, the Select Committee on the Arctic—of which I was a member—commented on the difficulties for the FCO to participate in some of these international bodies, particularly those dealing with the Arctic. This is not the fault of the officials, but of the fact that the budgets are very weak. One possibility is that there are many NGOs who can participate—I am president of an NGO that does participate in the Arctic discussions. Maybe this is one way forward. It will no longer be possible for a paid official to attend these relevant meetings.

Finally, I will go from the Arctic to the Equator, where most people live and where there is a huge and increasing population. Through the Newton programme, the Government are funding research groups, universities and SMEs to participate. This is one way in which we are dealing with perhaps one of the most critical challenges in the world.

3.08 pm

Baroness Manzoor (LD): I, too, wish to congratulate the noble Lord, Lord Ashdown, on securing this debate. He can be relied upon to give an interesting and inspiring contribution and today was no exception.

I begin by offering my deepest and heartfelt condolences to all the families and friends of those who lost loved ones in the barbaric atrocities that were perpetrated by extremists in Tunisia, Kuwait and France in the past week or so. I am deeply saddened that such acts of wanton violence are being committed in the name of Islam and I find it very difficult to comprehend that some young people are leaving the sanctuary of caring families and compassionate communities to join extremist groups such as Boko Haram and the so-called ISIS. The Government must do more to understand and address the complexity of factors that are driving some of our young into the arms of extremists.

Clearly, the war in Iraq and the West's interventions in Syria and Libya have all contributed to creating widespread instability in the Middle East while simultaneously providing a fertile breeding ground for extremist groups and sectarian conflict. This is a terrible tragedy and there seems to be no end in sight to this cycle of instability and violence, but bombing Syria without a legal basis can only add to that turmoil.

Our Government must be consistent in their foreign policy and foreign aid programmes. It should be unacceptable for the Government to condemn human rights abuses or dictatorships in one country but appear to turn a blind eye to seemingly identical circumstances in others. This type of inconsistency only plays into the hands of the extremists and fundamentalists. Conflicts are a failure for all of us. UN figures indicate that, as at 31 May 2015, there were 3.9 million registered Syrian refugees and that around 7.6 million people had been internally displaced by violence. Of these, it is estimated that half are children and that many more millions are in need of humanitarian assistance.

Eight of the Countdown countries with the highest mortality rates for under-5s are currently affected by conflict. They include Afghanistan, Yemen, Chad, Iraq, Somalia, Sudan and Pakistan. Although the direct short-term effects of armed violence and conflict usually receive considerable attention, the indirect and long-term impacts are often overlooked. For example, only 43% of Syria's hospitals are fully operational. The health system in many areas has totally collapsed. This has led to a downward spiral of all major health indicators that were improving before the war.

Violence and conflicts disproportionately impact on women and children. Even when they survive these terrible acts and all the associated hardships, they find themselves locked in a vicious cycle of poverty, deprivation, malnutrition, ill health and abuse. Children in conflict

[BARONESS MANZOOR]

zones are at increased risk of dying from preventable illnesses such as measles, diarrhoea, malaria, malnutrition, respiratory infections and adolescent pregnancy.

I strongly support the work that DfID and the FCO are doing to raise the profile of women and girls on the political agenda and I welcome the Minister's personal commitment to this. But if our Government are serious in wishing to empower women and girls, they must do more in areas such as family planning and maternal health in areas that are affected both by conflict and sectarian ideologies such as those in some Sunni and Shia communities. Perhaps the Minister will say what further steps are being taken by the Government to address these issues.

I note that DfID spends £900 million per year on health in developing countries and that the UK is one of the top two funders of the World Health Organization, UNICEF, the Vaccine Alliance, the Global Fund and the ICRC. Noble Lords may be interested to learn that these investments have led to over 36,000 maternal lives and over 64,000 neonatal lives being saved since the 2011 strategy. Perhaps the Minister will say whether there are any plans to further develop these strategies, particularly in those areas affected by conflicts.

Finally, I am sure that noble Lords will agree that we live in very difficult and troubled times. I passionately believe that we must make more concerted efforts to understand the mindset of those who seek to harm us, divide us, create fear in our midst and perpetrate brutal acts of violence against our citizens. But we, too, need a new and cohesive narrative between East and West. It is incumbent on our Government to protect us, but we must not allow the cornerstone of our civil liberties to be swept away in the process. We must defend our values of freedom, openness, compassion and tolerance. Undermining these values will be a victory for the extremists and a damning indictment of all the principles that we hold most dear.

3.13 pm

Lord Evans of Weardale (CB): My Lords, the United Kingdom remains a significant force in international relations, despite the changes in the last few years. The noble Lord, Lord Ashdown, is right that connectedness poses a challenge not only within government but within business and the whole technical world, which causes its own problems. Over the years, I have sat at a number of discussions where the prediction was that the nation state would be less significant in the future. Strangely enough, the nation state still seems to be alive and kicking. I suspect that that will continue to be the case for quite a long time.

Over the past 20 years, the UK has taken a very interventionist approach to international problems of the sort that we are discussing today. The results have been of mixed benefit. We have seen certain interventions that have undoubtedly been very positive—for instance, that in Sierra Leone—but we have seen others where the outcome has been very far from positive, such as in Iraq and, arguably, in Libya. There are others where the jury is still out; I cite particularly Afghanistan.

In the past two or three years, there seems to have been a certain turning away from this activism, partly as a result of political will perhaps being less evident,

partly as a result of challenges in resourcing and partly because, in certain areas, we have been sidelined and others have taken the lead. On the whole, the reduction in activism has probably been to our advantage and a good thing. Two or three years ago, there was some enthusiasm for our intervening militarily in Syria. At the time, we would have had very little idea of what we were getting into. We would have had very little idea indeed of what conditions we would like to achieve and which were necessarily deliverable. I suspect that, had we intervened two years ago, we would now be rueing the day as the security problems from that area would have been even more complex than they are today.

Equally, there has been a certain amount of concern that the UK's voice was not very evident in the discussions around the future of Ukraine, where we saw Germany and France taking a lead. That was probably the best outcome for us, partly because it is a good thing if Germany, in particular, and France take the lead on some of these issues, rather than our feeling that we have always to be at the party, and because, given the nature of the relationship between the United Kingdom and Russia, I suspect that, had we been involved, it would have made it more difficult to come to a resolution. In fact, there was not to be resolution but I do not think that it would have made it any better if we had been there.

Does that mean that I advocate a full reduction in the UK's involvement in these issues? Not at all: I do not think we should see the recent reduction in activism as a loss of nerve. Ambition without capability to affect an outcome is entirely vacuous. I have a strong recollection in government of sitting around a number of tables while there were long and complex discussions about the British position on some problem or other, where we had absolutely no ability to affect the outcome whatever. It would have been better if we had spent our time focusing on areas where we could make a difference rather than feeling that we should have an opinion for every occasion.

My view, therefore, is that we should maintain strong capabilities, including strong military capabilities. Given my previous career, I obviously think we should maintain strong intelligence capabilities. However, we should use them very sparingly. We should use our capabilities only when we can make a real difference and when our interests are at play or where we feel that our contribution can make a significant difference to international stability of one sort or another. If we were to take that approach, our credibility would be increased and our tendency perhaps to overstretch our commitments sometimes would be reduced.

3.18 pm

The Lord Bishop of Worcester: My Lords, I begin by expressing my profound sadness in the wake of the recent horrific terrorist attacks. A student from the University of Worcester was killed in Tunisia, which brought home to people locally that these problems are not “out there”. It demonstrated very clearly the connectivity, of which the noble Lord, Lord Ashdown, spoke so eloquently.

What should our response be to the unprecedented times described so well by the noble Lord? While

recognising that we have faced more difficult times, as the First World War commemorations remind us, we need to hold on to the strategic objectives that have underpinned British foreign policy since 1945 but adapt them for these new circumstances. We need to recognise that, although we live in an unprecedentedly connected world, it remains fractured and broken, and we need to work ever harder in partnership with others for the global common good.

The House of Bishops' pastoral letter, *Who is my Neighbour?*, which was issued before the election, places emphasis on our belonging to a community of communities at home and a family of nations internationally. I quote:

"Just as the myth of personal autonomy distorts human communities, so the illusion that a nation can flourish without strong international alliances distorts the bigger picture of our shared humanity".

The Government have rightly emphasised the economy. As Duncan Sandys noted when a Minister of Defence in the 1950s, the degree to which a country can have an active foreign policy is linked to the health of its economy. That said, we need to remember that the UK has the sixth-largest economy in the world, the world's fifth-highest defence budget, one of its two main financial centres and the second-largest contribution to international financial assistance, which is pretty impressive for a country with 1% of the world's population, even as power shifts east.

In view of that, we cannot shirk our responsibility to be a force for good in the world. The type of challenges highlighted by this debate can be managed only in partnership with others—working to win hearts and minds, as well as being involved in any defence initiatives. With this in mind, the Government have made some sensible choices, such as reinvesting in international development to help build stability and growth in vulnerable regions of the world, and leading the international campaign to combat sexual violence in conflict, to cite two examples.

In this new age, however, perhaps one of the greatest threats we face is not external but domestic: the continuing questions that hang over the union at home our place in Europe. I am a fervent supporter of both the union and our engagement with Europe. Like the House of Bishops' letter, to which I have already referred, I would not argue for the structures and institutions of the European Union as they stand now exactly, but I would argue, in the words of the letter, for,

"continuing to build structures of trust and cooperation between the nations of Europe. Ignoring or denying the extent to which European people share culture and heritage suggests that questions of identity and belonging have no currency except as political bargaining chips".

Finally, the most pressing question of our age is climate change. In the newly launched Lambeth declaration, representatives of the major faiths, including the most reverend Primate the Archbishop of Canterbury, reminded us that climate change has already hit the poorest of the world very hard and that urgent action is needed to protect future generations. I hope that the Government will use the partnership to which I referred in the forthcoming international climate change talks in Paris this December. Climate change has the capacity to affect for ill the world and our place in it

more than any other single factor. As the noble Lord, Lord Ashdown, observed, quoting that wonderful 17th century priest and poet, John Donne, the imperative to which he referred is now not only a moral one, but a practical one.

3.23 pm

Lord King of Bridgwater (Con): My Lords, I congratulate the noble Lord, Lord Ashdown, on the vigorous and most interesting way he delivered his speech, in the luxury facility of 15 minutes, about which I feel extremely jealous. I shall therefore restrict myself to very few remarks.

The first is on questions of activism and what we can actually do, in the kinetic way in which the noble Lord, Lord Ashdown, described it. I look on what happened in Afghanistan and recall the phrase that almost wilful ignorance of local realities led to the West's failures in Afghanistan. We have been there for 14 years now, and I see that the new Chief of the General Staff, General Carter, said very recently that the most important lesson that he learned was, before you get involved in these problems it is very important to have a good understanding of what the problem is and then limit your ambition accordingly. Those words could have been well taken into account many years ago.

Following on from that was what I regard as the disastrous invasion of Iraq, which unlocked the Sunni/Shia conflagration that we have now, running from Mali to Mumbai. Unlike the turbulence that the noble Lord, Lord Ashdown, referred to—some of which, such as that of the Lehman Brothers, were capable of early solution—I do not see any early resolution of the conflagration of that sectarian struggle.

Against that background, I do not have time to discuss the need for sensitivity and intelligence in the approach to Russia at the present time in Ukraine and Georgia, where EU or NATO activity could easily provoke a very difficult situation, which is the last thing that we can afford at the present time. I regard what is happening in north Africa, the Middle East and beyond as just the beginning of what could be an absolutely catastrophic situation. I do not know whether noble Lords noticed an announcement in the paper only yesterday that Jordan has stopped food coupons for half a million refugees currently outside their camps. Nobody has any idea how those people will be fed.

The World Food Organisation says that the World Food Programme is running out of funds. The figures for displaced people in Syria are absolutely enormous. I have just checked the population of Yemen: it was 8 million in 1980; it is now 26 million. It imports 90% of its food, it has a shortage of water and a war going on right across its territory. The implications of what that might lead to are quite terrifying. As the noble Lord, Lord Evans, knows very well indeed, social media and the communications that can develop from it underpin the speed of things happening in this area.

I want to make one fundamental point. The noble Lord, Lord Ashdown, gave us four global challenges. He left out one: population. That is an issue that we do not talk about but which is devastating. Why did

[LORD KING OF BRIDGWATER]

they demonstrate in Tahrir Square? It is because they did not have any jobs. The outcome of that is that there are even fewer jobs now. If you look at the explosion in population and at Tunisia, the man who committed this outrage was quite well educated, but he did not have a proper job. Some 3,000 of his chums have gone through Libya, training for Syria and other places, and there is a lack of jobs right across the globe. Saudi Arabia has a population of 24 million at the moment; it is forecast to be 48 million in 20 years' time. That is not exclusive to them; it is all round the region. Part of the jihad I believe is built on the frustration of lack of jobs.

I pulled out an article that David Attenborough wrote in 2001 in the *New Statesman*. He wrote:

"The population of the world is now growing by nearly 80 million a year. One and a half million a week. A quarter of a million a day".

He wrote that that is going to have to stop: it is a finite planet and it will stop at some point, and that,

"that can only happen in one of two ways. It can happen sooner, by fewer human births—in a word, by contraception",

and family planning.

"The alternative is an increased death rate—the way that all other creatures must suffer, through famine or disease or predation. That, translated into human terms, means famine or disease or war—over oil or water or food or minerals or grazing rights or just living space".

It is a terribly difficult subject to tackle. The absolute priority for the world now, looking at the longer term, is that our own aid programme and the United Nations efforts into family planning and contraception have to be a central ingredient in any approach that we take to tackling both the long-term and appallingly difficult short-term problems that we face.

3.29 pm

Baroness Falkner of Margravine (LD): My Lords, in the limited time that I have today I shall concentrate on Syria. Before I do so, I congratulate my noble friend Lord Ashdown on the magisterial tour d'horizon that he gave us of the changing world that we face in the 21st century.

Syria is now in its fifth year of war. In Parliament we have had two serious occasions to reflect on what the United Kingdom Government should do about it. We had our first debate on 30 August 2013. At that point, several people in this House and in the other place felt that taking action against Syria was the right thing to do. I note that the noble Lord, Lord Evans of Weardale, suggested that we probably would not have had a legal basis and that it probably would not have gone right. I respectfully suggest to him that that is a counterfactual. We cannot know because we decided not to do it. From my perspective, we had a clear legal position. The Chemical Weapons Convention had been breached and, as I had warned in many months leading up to that point, we were in a position where, if we did nothing, we would see the rise of jihadi movements. I did not predict that it would be called the Islamic state but that is what many of us in this Chamber had talked about at that time.

We had the other debate on 26 September 2014, where the House overall took the view that this was not something in which we should get engaged any

longer. That was after we had seen the rise of ISIL. At that point, the impression given by both President Obama and our own Prime Minister was that air strikes would be sufficient and that we could crush ISIL and then get back to the problem of dealing with Bashar al-Assad in Syria.

It has become evident that air strikes are no longer sufficient, and we have the Defence Secretary priming Members in the other place to the expectation that we will have yet another vote on whether we should expand the air strikes into Syria from Iraq. The legal basis in Iraq, of course, was that the Iraqi Government had invited us to come and assist them.

I asked the Minister at Question Time today what he imagined the legal basis would be for going into Syria, because that would be a clear distinction. As far as I can tell, the position of the Government is still that Bashar al-Assad has to go—in other words, that they are not prepared to talk to Bashar al-Assad. If Bashar al-Assad is the enemy, along with ISIL, how can the United Kingdom, without United Nations authorisation, come up with a legal base for intervention and carry out belligerent air strikes in a country where we have not been invited and where, coincidentally—and, I would say, rather seriously—another UNSC member, Russia, has significant interests?

Many talk about the end of the Cold War. I fear that we are seeing a new kind of cold war as we start going back to the 1970s and those kind of adventures. I would argue that when the Prime Minister talks of a full spectrum response, he needs to be mindful of how full and complete this country's capabilities are in terms of a full spectrum response. More than that, leaving aside this country, the impact of a full spectrum response against a grouping that mobilises on the basis of theology and religion, would in effect be seen in the Muslim world as a full spectrum response against Muslims, particularly as ISIL has moved into Afghanistan—we know that as it beheaded 11 Taliban only recently—as it has moved into Pakistan and is moving further east still. It is already in Africa. Boko Haram has already pledged allegiance to it. Therefore, I would caution the Government against again responding disproportionately. We are back, I fear, to the Blair/Bush era of disproportionate responses. I do not for a second want to diminish the pain and suffering felt by the people who have lost family and friends in the ghastly attack in Tunisia, but there has to be a sense of proportionality.

In closing, I say to the Minister that there is another way. That other way was taken by France, which is a United Nations Security Council member. France chose to sit aside from that first post-9/11 war in Iraq. It has not suffered significant losses. I accept that it has a terrorism problem but it has not suffered losses in any other sense by having stood aside. We could do the same. We could be the honest broker. We need Russia on side for Iran and Syria and many other things. We could be the honest broker in trying to be the only United Nations Security Council member that pushes for a peace settlement—a peace accord—because that is what we need to do. We need to move back to resolving disputes through peaceful measures rather than resorting to bombs every time something goes wrong.

3.34 pm

Lord Jay of Ewelme (CB): My Lords, I, too, am very grateful to the noble Lord, Lord Ashdown, for introducing a debate which has already become a good example of what WH Auden—referring, it must be said, to diplomacy in China—described as a, “conversation of the highly trained”.

Like the right reverend Prelate the Bishop of Worcester, I should like to start with one or two important key points. Ours is the fifth largest economy in the world. We are an open trading nation with our economic development dependent on global stability and respect for the rule of law. Like other nations, we are at risk in different ways from terrorism, conflict, climate change and the pressures of migration, which, as the noble Lord, Lord Ashdown, rightly said, have led us into an unpredictable world.

We have respected and effective national assets, including our Armed Forces, to which I shall briefly return, a global diplomatic service—still, just, global but in need of reinforcement—effective security services, a substantial aid programme and, although no one has mentioned it yet, a highly effective British Council and BBC World Service, which play a key role in our soft diplomacy. So we have clout and we have assets, but we need to make certain that our assets match and enhance our clout.

We have long recognised—rightly, in my view—that we cannot protect and promote our interests around the world on our own. We need to engage with and help to shape the key international organisations, political and economic, to which we belong. Here, too, I agree completely with the noble Lord, Lord Ashdown. I want to refer to just two of those—NATO and the European Union—although that is in no way to suggest that the others which I shall not mention are not important.

First, there is NATO. The role of NATO has changed and is changing, rightly, after the collapse of the Soviet Union and as the world adapts, but the resurgent activism of Putin’s Russia shows that we still need NATO as part of a measured response to that threat. The United States and others look to us to help to ensure that it remains effective in the years ahead. We, of course, need to make certain that we get our economy in order, but, for example, promising to devote 2% of our GDP to defence and appearing to renege on that shortly after does not inspire confidence in our commitment to a strong defence. On an issue as important as defence and in a world as uncertain as today’s, we should surely be leading and influencing, not contracting.

The same is true of the European Union. We are a European country: look at a map. Terrorism, migration and conflict around Europe’s borders affect us and require a European response and European solutions. We need in our own interests to be playing a full part in negotiating those solutions, not opting out of the process. The same is true of the EU’s common foreign and security policy. I admire the determination of Chancellor Merkel and President Hollande, with support from President Obama, to go to Minsk to try to find a resolution to the conflict in Ukraine. I am not persuaded by the argument of the noble Lord, Lord Evans, that

it did not matter that we were not there. I regret that we were not involved, and I hugely hope that that is not a precedent for the future. That is not in the great tradition of this country’s management of its foreign policy.

I hope that the Prime Minister’s negotiations on the European Union succeed. I hope that the referendum will be won. I hope that we will then play a full part in the European Union’s future development, and I see no conflict at all between doing that and developing strong political and economic links with China, India and Brazil and with Commonwealth countries around the world. It seems to me that we can and need to do both in the pursuit of our own interests.

3.39 pm

Lord Brooke of Sutton Mandeville (Con): My Lords, the noble Lord, Lord Ashdown, is to be richly congratulated on the title of his debate, even if it smacks of the four horsemen of the apocalypse. We have one and a quarter minutes on each of their four horses—terrorism, conflict, climate change and mass migration—although that may be pushing it a bit. It is also an awesome privilege to follow a former Permanent Under-Secretary at the FCO in a debate of this scope. Before I move away from the mover of the Motion, I concur on the significance of the Congress of Vienna—the subject of Henry Kissinger’s notable book—and likewise on the role of Castlereagh.

I do not possess ministerial experience akin to that of my noble friends Lord Howell and Lord King at the FCO and MoD respectively. When last night I surveyed the rich package of material provided by the Library in anticipation of this debate, I realised that the night would not be long enough profitably to absorb it all. I therefore went back two-thirds of a century to an earlier life as an amateur classicist and that agreeably Delphic device, the *Sortes Vergilianae*, whereby if confronted by a dilemma you first put your finger on a random page in Virgil and then put a pin into a random line on that page, hoping that the line serves you with guidance. Given that the Battle of Waterloo was precisely 200 years and one week ago, and was an heroic moment when we were nationally flying high, I have transferred from Virgil to the Duke of Wellington, who was not only the conqueror of Bonaparte at Waterloo but later a Conservative Prime Minister, and was still serving in the Conservative Cabinet 30 years after Waterloo. Linnaeus might well have regarded *Sortes Wellingtonianae* as a subspecies of tree but the range of his career up to this summer’s bicentennial should offer some guidance.

Somewhat telegraphically and with occasional quotation, I will offer random career experiences and accomplishments of the great Duke in broadly chronological order. When he was still what Bonaparte called a “sepoy general”, having commanded armies of 40,000 men in the field, received the thanks of Parliament for his victories and been made a Knight of the Bath, he was reduced to the command of a brigade of infantry. He replied to a sympathiser:

“I have ate the king’s salt; and therefore I conceive it to be my duty to serve, with unhesitating zeal and cheerfulness, when and wherever the king or his government may think proper to employ me”.

[LORD BROOKE OF SUTTON MANDEVILLE]

On the other hand, he was never a pushover. There is his later famous reply to a political master:

“My Lord, if I attempted to answer the mass of futile correspondence that surrounds me, I should be debarred from all serious business of campaigning. I must remind your Lordship—for the last time—that so long as I retain an independent position, I shall see that no officer under my Command is debarred by attending to ... mere quill driving in your Lordship’s Office—from attending to his first duty—which is, and always has been, so to train the private men under his Command that they may, without question, beat any force opposed to them in the field. I am, My Lord, Your Obedient Servant, Wellington”.

There is a passage in Spain in 1809 when he showed rich Irish common sense relating to the attendance of Catholics in his army at Mass—I declare a Protestant interest of being three-eighths Irish—and another in 1811 when he responded equally imaginatively when it had come to his notice that Methodism was spreading very quickly in the Army. Colonel Stanhope’s *Notes of Conversations with the Duke of Wellington* does not imply a dietary discipline similar to Bonaparte’s—eight minutes for lunch and 12 for dinner—for Stanhope asserted:

“You little know what you are going to meet with. You will often have no dinner at all; I mean ... literally no dinners, and not merely roughing it on a beefsteak or a bottle of port wine”.

Again in the peninsula, the Duke wrote:

“It is very necessary to attend to all this detail, and to trace a biscuit from Lisbon into the man’s mouth on the frontier, and to provide for its removal from place to place, by land or by water, or no military operations can be carried on”.

Likewise in the peninsula, he opined in 1809 about his Spanish allies:

“I am sure I don’t know what we are to do with these people. Put them behind stone walls, and I dare say they would defend them; but to manoeuvre with such rabble under fire is impossible”.

But by 1813 he wrote that the French were beaten back,

“in the most gallant style, by the Spanish troops, whose conduct was equal to that of any troops that I have seen engaged”.

All these characteristics and beliefs came together in his legendary remark on the very morrow of Waterloo, quoted by Creevey:

“It has been a damned nice thing—the nearest run thing you ever saw in your life”.

His impact on others can be derived from his nickname among his troops of Old Nosey. In the words of John Kincaid, who, as some have a good war, had a good battle two centuries ago last week:

“The sight of his long nose among us on a battle morning was worth 10,000 men any day of the week”.

Your Lordships may ask in what respect all this is about the subject of the debate. The great Duke’s Anglo-Irish qualities and values are still what this country is all about. To adapt from Shakespeare, if we are true to our own selves, we could not then be false to any man.

3.45 pm

Lord Judd (Lab): My Lords, I unreservedly thank the noble Lord, Lord Ashdown, for his speech. It was powerful, analytical and challenging. I just hope that the Prime Minister and the Foreign Secretary find the time to read and ponder it. I also hope that all the

contenders for the leadership of my own party read it, think about it and analyse its significance for what they attempting to do.

There is a tremendous paradox about the age in which we live. We have on the one hand a total interdependence, illustrated by climate change, terrorism, health and all aspects of the global economy. But on the other hand there is an almost unprecedented period of unpredictability, instability, insecurity and vulnerability. In the context of all those issues, there is a desperate search by so many people to find a sense of identity. It is how we bring them together that matters in our foreign policy. Do we have in place not just the arrangements but the culture in Whitehall to see that what is essential to meet the challenges is interdepartmental co-operation? It can no longer be the preserve of this or that department because it crosses the frontiers of almost every significant department in government.

It also means that we must realise that we should be betraying the British people, and I do not use “betraying” lightly, if we do not help them to understand that we can no longer talk as we used to about our national interests in what we are doing. We have to understand that our interests, as people living in the United Kingdom, are best served by the interests of the wider international community of which we are essentially a part. Our leadership will therefore be judged by the contribution it makes to strengthening what is necessary to handle that reality of interdependence. We played a key part in founding so many of the indispensable international institutions after the Second World War. We need to regenerate an understanding in Britain that we must strengthen those international institutions, and our part within them, to meet the challenges that we now face. Sadly, so often, it seems to be about trying to run away from that reality and find solace in a kind of popular isolationism. That is a disaster for the British people. Their interests will be found in facing up to the reality and strengthening our part within it.

I want to make a couple of specific points in this context. I care desperately about the effectiveness of the non-proliferation treaty—of course I do, as any sane person must. Yet there is in the eyes of the world an interesting situation, as we try to impose limits on other people’s nuclear capability in the interests of humanity while insisting that our well-being depends upon our nuclear capability. I am a realist and, having been a Defence Minister as well as a Foreign Office Minister, I realise that we are where we are. But when the NPT was originally achieved, there was definitely a firm understanding that the existing nuclear powers would contribute steadily and demonstrably to the limitation of their own nuclear capability. Where is the evidence for that? How can we have successful influence in the world unless there is credibility?

There will be huge new challenges on China. We also face the challenges of the ugly realities, if I may use that phrase, of Russia today. We will be judged by how we contribute to enabling the world as a whole, starting with Europe, to face up to these challenges. However, it means not institutionalising the differences that are there. Dialogue with Russia and China is crucial. When the Russians proposed a federal solution to Ukraine, we may well have mistrusted their intentions

but that does not mean that we should dismiss the concept of federalism in itself. We must be prepared to take up a challenge and an idea to see what we can do towards building bridges.

3.51 pm

Baroness Williams of Crosby (LD): My Lords, it is a great pleasure for me to follow the remarks of my noble friend Lord Ashdown, who has given us an extraordinarily challenging picture of the world in which we live and which, alas, is opening before us. I begin by underlining something that was said by the noble Lord, Lord Jay of Ewelme, who of course knows the Foreign Office very well. He said, and he was absolutely right, that the failure of the British Government to go to Minsk was an abdication of responsibility, which was central. We should remember that we signed the Budapest memorandum, which made the United Kingdom one of the guarantors of the independence of Ukraine. It was a crucial commitment. For us then not even to appear at a critical meeting about the future of Ukraine, which is still deeply unresolved, was frankly an abdication of our responsibility. That is not the right way to deal with a troubled and increasingly perilous world.

The noble Lord, Lord Jay of Ewelme, might have gone on to point to another dangerous abdication. It is that, sadly, the United Kingdom has now clearly abdicated any responsibility for the huge range of refugees who are now flooding Europe and the world more generally. Even being willing to take one part of the 400,000 refugees the United Nations High Commissioner for Refugees is trying to settle would have been an indication of a moral duty that we share with our fellow Europeans, and from which we cannot abdicate. I found that extremely sad. The United Kingdom has a responsibility, as a past great power and a present still very significant power, to show a willingness to recognise that we cannot just walk away and leave refugees rotting in their camps all over the Middle East in countries such as Lebanon and Jordan, which are far poorer than we are, and to which we then refuse to give any example of some share in the responsibility for running this difficult world.

I want to talk briefly about two specific things, both squarely within our range of responsibility. The first is that we have made a very impressive start on getting a serious agreement out of the Paris environmental conference which is due to start at the end of November this year. It may well be our last chance to avoid steady deterioration to a situation where we once again abdicate from literally saving our own world. Between 1880 and now, there has already been just under a 1% increase in global temperatures. That is half way to the 2% that most of the world's greatest scientists—including our own, such as the noble Lord, Lord Stern, and others—have indicated clearly is the point at which the world cannot easily survive. We are half way there already, and 1% more will take us into the 2% level where, I repeat, many of our own and the world's greatest scientists are clear that the world's future becomes counted in very short terms indeed.

Therefore, can the Government say, first, whether they will keep entirely to the commitments they made when my excellent colleague Mr Ed Davey was Secretary

of State for the Environment, to ensure that we retain that energetic effort to cut carbon emissions and resolve that we will take dramatic steps to lower emissions in this century? Will they say that they are still committed to that ambitious and inspiring plan? Secondly, will they also say what they suggest should happen in respect of sanctions against those countries—there are several of them—that simply refuse to be bound by any international commitment to addressing climate change? Sanctions can be very effective, and without them we can say in advance that the environment faces a steady deterioration. The right reverend Prelate the Bishop of Worcester was absolutely right in pointing out that it is the poorest in the world who are the first and most serious victims.

I will quickly add one other thing before I sit down. It is also crucial that we face up to the huge onward rush of migrants. The noble Lord, Lord King, with his usual extraordinary insight and common sense, pointed out how serious this is. We need to come up with something very close to a Marshall plan—a huge effort to build up the economic standards of those living in poorer countries. For example, our scientists might simply look at the extraordinary solar potential of the Sahara and ask whether there is not some possibility of addressing the problems of the people of the Sahara flooding out of the area because, currently, it spells death. That could of course be a major step forward for the climate if we only had the imagination and the wisdom to try to do it.

3.57 pm

Lord Hannay of Chiswick (CB): My Lords, the noble Lord, Lord Ashdown, is surely to be congratulated both on the timing and the content of today's debate and on the typically forceful and perceptive way in which he introduced it. I still remember when he was a lone voice in the 1990s warning us that our response to the conflicts in the Balkans was hopelessly inadequate. He was right then to sound a note of alarm and he is right to do so now.

No one who is not terminally complacent can dispute that the many global challenges we face now are real and daunting and that our responses to them, both nationally and collectively, fall short of what is required if they are to be managed and mastered. In particular, we must recognise that the multilateral organisations on which we have come to rely so much—none of these challenges can be handled by Britain acting alone—are struggling to find the right responses. That is true of the UN and its Security Council, where large and vulnerable no-go areas have opened up in respect of Syria, Crimea and Ukraine, and the disputes in the East and South China Seas. It is true, too, of NATO, where we are having to recreate effective deterrents towards a Russia which has decided, unjustifiably in my view, to treat us once again as an adversary. It is true of the European Union, where the problems of mass migration, the Greek economy and stabilising Ukraine are testing the organisation to its limits. If we are being honest with ourselves, we must recognise that the rules-based international community, whose laborious construction we have devoted so much energy and resource to since the end of the Second World War and above all since the end of the Cold War, and

[LORD HANNAY OF CHISWICK]

on which our security and prosperity depend, is eroding and frail. How can we reverse this drift towards a “new world disorder”? I make no apology for using a phrase that was the title of a book that I wrote some years ago.

We clearly need to do all we can to ensure that the two big UN conferences later this year—the sustainable development one in New York in September and the Paris conference on climate change in December—come to successful and meaningful conclusions. I would suggest that we need to roll back some of those Security Council no-go areas. One day, perhaps not tomorrow, the UN could provide the framework for a settlement in Syria. Is not it also time for the Security Council to lay down the parameters for a two-state solution of the Palestine problem and revive the momentum towards direct negotiations between the parties, which has faltered so badly? Should we not press the case for the disputes for the East and South China Seas to be submitted to international arbitration, either under the law of the sea convention or through the International Court of Justice?

What then can one say about our own British contribution to dealing with these many challenges? As a single word reply, I would suggest “patchy”. For the two big UN conferences, our commitment to the UN target of 0.7% and our performance in shaping the EU’s leadership role on climate change should enable us to operate effectively and influentially—and that is about where the good news stops. Our abdication of a leading role on Ukraine cannot be masked by reiteration of our support for economic sanctions. Our contribution to the fight against IS is pretty marginal. Should not we be stepping up our involvement and overcoming our reluctance to strike ISIS assets in Syria? I raised this issue in the debate on the Address, and I would very much welcome a response from the noble Earl when he winds up this debate. Would not that, too, enable us to call more forcefully for better co-ordination of both the military and the political campaigns, which is so sadly lacking? As for NATO, we will lack both the credibility, the influence and the ability to respond, if we cannot commit ourselves to the 2% target for the years ahead.

The Prime Minister’s negotiations for reform of the European Union are clearly a necessary prelude to what is now an inevitable in-out referendum. Britain’s influence in the EU has been far greater over the years than the Eurosceptics will give credit for, but it can be sustained only by pursuing objectives that all members can support, and by demonstrating commitment to the overall enterprise rather than just trying to carve out a few more niches for ourselves. In that context, while I support the objections of the Government and others to the EU having a system of mandatory quotas for immigrants, I regret—and, indeed, I feel shame—that the Government have been unwilling to make a voluntary offer to take in some additional bona fide asylum seekers.

Lord Ashton of Hyde (Con): My Lords, I just quickly point out that we are currently exactly on time and that if anyone goes over the five minutes now we will cut into the winding-up speeches.

4.03 pm

Baroness Tonge (Ind LD): My Lords, I congratulate my noble friend Lord Ashdown on securing this debate—and I must say that it was good to hear him in full cry, just like the old days. I wish to declare an interest as chair of the All-Party Parliamentary Group on Population, Development and Reproductive Health, and point out a factor that is not in the title of the debate but which, thank goodness, the noble Lord, Lord King, addressed earlier. I call it population dynamics. It includes population size, the growth trends of the population, age structure and urbanisation. These are terribly important issues.

In two weeks’ time, my all-party group will launch a report we have been working on to coincide with World Population Day, entitled *Population Dynamics and the Sustainable Development Goals*. It includes sections on mass migration and conflict, because we were interested in the relationship between rapid population growth and the factors in the title of this debate. I hope noble Lords will read it. It follows a previous report of the group, four years ago, entitled *The Return of the Population Factor* and the paper from the Royal Society, two years ago entitled *People and the Planet*.

These links must be made. Countries with high fertility rates and rapid population growth are mostly the fragile states with high proportions of young people with no access to education or employment. This leads to unrest, migration to find better live—and conflict. In areas where they are suffering floods or desertification because of climate change, which my noble friend Lady Williams spoke about, they are even more likely to try to migrate or to start wars against other people, fighting over what is left of the land. Across the Arab world, millions of young men outnumber their fathers and grandfathers, are receiving no proper education and have no prospects for the future. Is it any wonder that they are attracted by extreme ideologies that offer a future and a purpose for their lives?

As the noble Lord, Lord King, said, people are afraid of mentioning population growth—or dynamics, which I prefer to call it—conjuring up as it does the previous century’s terrible attempts at coercive birth control. Birth control can be done voluntarily. Many countries are doing it, if supplies are available, and there is evidence worldwide that that is now happening. We must take it seriously. We must ensure at the lowest level that every woman has access to contraception to be able to have the number of children she wants. I am glad to say that the previous Government led the way. This way, not only will countries have fewer people to cope with in the future, but women will be empowered and able to take their rightful place in society. They cannot do that if they are just breeding machines. If women take their rightful place in society, it benefits everyone. The World Bank has shown that when women are empowered and take part in their society, the economy benefits.

My final point is that western developed democracies must take climate change seriously. We must cut the greed and energy consumption that is causing climate change and forcing people to flee the countries affected and come to our shores seeking a better life. Why

should they not? I hope noble Lords will read our paper as I have given only a taste of it. Denial of climate change must stop and much greater efforts must be made to stabilise the number of people in this world. Action must be taken for all our sakes.

4.07 pm

Lord Selsdon (Con): My Lords, I came into this debate realising how little I knew and wondering what the problem was. Then I suddenly thought, “It’s geographic”—we do not teach geography any more. Then I realised that the problem was tribalism. I went to the Library and tried to find out what tribes there were in the world. I started with Scythia in the ninth century BC. I realised that those who had tribes probably now have to look at history—which is not taught very well by anybody, and geography is not taught, and getting a map of the world is becoming extremely difficult—and the empires to realise who were the people who created these empires.

Listening to what I have heard today, I realised that we, the British, were the ones who created the greatest empire long after the Scythians and others in the ninth century BC, who were followed by others. Therefore we—partly because of the English language—have a greater responsibility than anyone else to try to put things right. Since we do not teach geography and history, our knowledge of other people’s territories—excepting that of the eminent people in the Foreign Office—is relatively limited, and we have forgotten that one of the reasons we went out into the world was because of the produce and minerals that could be produced which created that added value. At one time it was sugar, and now perhaps of equal importance is fresh, pure water.

My question to us all today is: what can this Government do to follow this up and which countries have historic relationships with their own area? I wanted to look up Scythia in the Library but we could not find out where it was; it was rather difficult. I looked out the histories of all the territories and frontiers. One of my favourite subjects is of course the coastal areas of the world and the sea, which is so productive. I have argued bitterly that we, the British, have the greatest control over the seas because of the 200-mile exclusion zone, and that if we got together with the French we would have 75%.

With which other countries can we help at this point in time to bring about a recovery in those countries that do not have enough to eat, do not have enough food and do not have pure water? We have all these skills within us here. The French have an interesting phrase, which I learnt when I worked with them in Africa and other territories: it is called “grenouiller”. I wondered what it was and was told that if you are confronted by something and you are a “grenouille”, you have the opportunity to “sauter”—to jump over it—or to go under it. I assumed that this was the origin of the phrase “frogging about”. But no: grenouiller means that you stir the pot when you are cooking a stew to see what comes to the top.

In a way, we have stirred the pot today. We know that it is not necessarily a defence of the realm issue, but it is an issue where we should be able to encourage those countries that were productive in

the past, and were part of colonial empires, to be able to reproduce their food, their livestock and other things. It is not a big problem, but I hope that the Minister will tell us all what this Government are going to do to take the lead in bringing about a recovery. Because of our geographic position and for other reasons, I believe that we have a greater responsibility than any other nation.

4.11 pm

Lord Ramsbotham (CB): I, too, congratulate the noble Lord, Lord Ashdown, on obtaining this debate and on the masterly way in which he introduced it. Although the Motion says that the House should take note, like the noble Lord, Lord Judd, I too hope that the Government will also take note of many of the wise things that have been said today.

I declare an interest as a member of the Joint Committee on the National Security Strategy. Several foxes having been shot in what I was going to say, I shall concentrate on conflict, one of the challenges that the noble Lord introduced in his Motion. I was extremely disappointed that during the recent election campaign I saw precious little evidence, if any, of any consideration of the role of this nation in the world. I have not yet seen any evidence that the Government have come up with a national security strategy on which our response to the various challenges that have been mentioned can be based. That is particularly worrying in the case of conflict, because a national security strategy is needed to inform the defence and security review that we are promised in the early autumn—with the ringing example of the failure of the flawed 2010 review, which was not so based.

In connection with that, if we look at our ability to take on conflict, we cannot but recognise that we have an extremely unbalanced order of battle, which is more akin to Cold War requirements than to meeting the challenges that have been so eloquently described by many noble Lords today. For an island race, we have very few small ships. I beg the Government to reconsider the reduction they are making in the size of the Army, considering that in recent years—in addition to the places the Secretary of State for Defence described this week where the Army was operating—the Army has dealt with the foot and mouth problem, undertaken strike-breaking for ambulance and tanker drivers, provided security for the Olympic Games, coped with the floods, dealt with Ebola overseas and is now dealing with the earthquake in Nepal. If you undermine something that is supporting the fabric of the nation, you are actually undermining the ability of us to meet many of these challenges.

I was particularly pleased that the noble Lord, Lord Ashdown, mentioned that when any ministry is involved in thinking about what it is going to do, it must consider the role in the world that that thing may be playing. I pick on one aspect, which is mass migration. At present, the ability of the Home Office to handle the numbers of people coming into this country is hampered by the millstone of over half a million unresolved cases, which means that anyone coming in will have to wait an extremely long time to get to the head of the queue. In meeting these challenges, we therefore must consider how we are

[LORD RAMSBOTHAM]

going to deal with them practically. I agree with my noble friend Lord Howell that, when looking at these challenges, we must consider that our aid programme is now a front-line weapon, particularly in relation to our role in the world.

My feeling is that the role of the country in the world and the meeting of these various challenges have been ignored by the Government, unfortunately, and I do not see any evidence that planning is being made to meet them any better than it has been. I ask the Minister that, following this debate, we in this House should have regular opportunities for updates on this subject and to discuss our role in the world and the meeting of these challenges, to make sure that any momentum started is maintained.

4.16 pm

Lord Hylton (CB): My Lords, Syria is torn by terrorism, which causes mass migration, but there is a ray of hope. I have spoken twice in this Parliament about the three cantons of Afrin, Kobane and Jazira, and have visited the last of those. A journalist from Aleppo told me in London that Afrin is still free; we know that Kobane and Jazira are now reconnected, following defeats for ISIS. Why do our Government ignore the admirable self-administration by these cantons? Will they visit Jazira, where access is quite easy? Surely they should support the aim of the cantons for common citizenship for all ethnic and religious groups, and for equality for women. The cantons are built up from local communities. They seek a federal solution for Syria.

Will the Government provide modern equipment and arms for the YPG? Will they give scholarships to Syrians, especially those whose studies have been stopped by the war? Such people have huge potential for rebuilding Syria.

Your Lordships will have heard of the murders by ISIS in Kobane of 25 June. Over 320 people were killed and injured—men, women and children. This was revenge, probably mounted from Turkey, with no military purpose. The atrocity caused more deaths than attacks in Tunisia, Kuwait and France put together but has been shamefully underreported. I have met two eyewitnesses of Kobane, that Stalingrad of Syria. They said that the town was 80% destroyed by the long siege. Of the four hospitals, two were half-destroyed and two severely damaged. Six schools were destroyed and another nine may be repairable. All the utilities need urgent attention.

Will the Government provide medicines, school books and seeds for next year's harvest? Equipment and training for clearing mines and unexploded shells will be more important still. If the Government cannot provide that directly, will they at least mobilise the international agencies? I ask our Government to ignore contradictory criticism that the PYD, the largest party, is linked to the PKK in Turkey and to the Assad regime. The leaders of Jazira, whom I met, struck me as ordinary decent democrats doing their best under difficult circumstances. We should remember that all three cantons have acted only in self-defence, mainly against attacks from ISIS.

Something worthwhile and hopeful is happening in these cantons. Their neighbours could and should be more helpful to this positive experiment. The Kurdistan Regional Government could help by improving access to Jazira by bridge and by land. Turkey should stop talking about invading and making a buffer zone, and should allow uninterrupted passage for medical and relief supplies. We recognise that it has been helpful over refugees, but will Her Majesty's Government ask for free passage for relief supplies and for grain exports from Jazira? As a NATO ally, Turkey should stop helping ISIS. Saudi Arabia and some Gulf states, which claim close relations with us, should also disown and cut off all support for ISIS. Enough harm has been done already. When different ancestries, cultures and faiths want to co-operate and to live together, they deserve our full help and support.

4.21 pm

Lord Wallace of Saltaire (LD): My Lords, I hope the Minister will understand when I say that he has my full sympathy in having to wind up a debate like this one. One of the few compensations of no longer being in government is that I do not have to do things like that.

I begin with a point that my noble friend Lord Ashdown started the debate with: that the UK's set of assumptions about foreign policy is stuck in the 1980s, having failed to reconcile itself to how transformed the world has become. Timothy Garton Ash wrote some years ago about all British foreign policy being footnotes to Churchill. In some ways, it is footnotes not just to Churchill but also to Thatcher. My wife reminded me the other day that she had been in the front row to hear the Bruges speech, and afterwards Mrs Thatcher came up to her and said, "Yes, of course, my dear. But you know, they owe us so much". That is a one-sided view of our relationship with our European partners. Part of the problem we now face is that we have an English nationalist nostalgia in which the refusal to recognise that there is another perspective that we need to understand is regarded as very important. Dominic Lawson's attack on Philip Hammond in the *Daily Mail* last week was a classic of that. He asked whether the Foreign Secretary had "gone native". What was Philip Hammond's crime? He had gone round the other 27 member states and listened to their Foreign Secretaries and Prime Ministers and understood that they also have a point of view. Unless we are able to work in a multilateral world, which we no longer dominate, and listen occasionally to other countries' points of view, we will not succeed. The attack on the BBC for not pursuing a much more nationalistic interpretation of ISIL is a good example. The BBC is an example of soft power partly because it does not always follow the most narrow-minded British perspective. We have to recognise that.

Several noble Lords have mentioned the decline in our knowledge of foreign languages and foreign countries. Every time the Foreign Office is cut further, that decline goes further. It is extremely important that we maintain an ability to understand how others go. I myself was much concerned when our Prime Minister went to Warsaw and he appeared not to have been

briefed in advance about how the Poles see their relationship with the UK. For example, they see their contribution to our war effort in the Second World War, and the inability of the British to respond at the end of the war, as a very important part of that relationship. If you do not understand things like that, you will not get on terribly well with your partners. There is a resistance, as a number of noble Lords have said, to recognising how transformed our global agenda has become. Remember that in the 2010 SDSR, the list of top-tier threats to Britain were almost entirely non-military: climate change, organised crime, terrorism, global pandemics and so on. The foreign policy debate in this country has not really grasped how important those have now become.

Co-operation on managing migration and organised crime has been mentioned. With regard to co-operation on managing organised crime, Europol is not a threat to British sovereignty but is essentially a part of how we have to handle all these transnational dimensions. When I was briefly a spokesman at the Home Office and was briefed by people from the Yorkshire regional organised crime unit, they started by saying that there is no such thing as domestic serious organised crime. All criminal networks cross boundaries, and that is therefore the world in which we absolutely have to operate.

I agree strongly with the noble Lord, Lord King, and my noble friend Lady Tonge that population growth is also a vital matter. William Hague and others did very well to stress the importance of transforming the role of women as one of the ways of tackling the enormously important issue of overpopulation. When I was in government, I asked the Foreign Office whether sexual frustration played a part in recruitment to ISIS and in violent terrorism. In short order I received some fascinating and rather horrifying studies of the extent to which young men who have no jobs, no prospects and no access to women work out their sexual frustrations by becoming violent extremists. All those things are caught up together and therefore they have to be part of our broader foreign policy.

The nostalgic looking to Washington and wanting to be validated by Washington all the time as being still a great power is to be found in the *Daily Mail*, the *Daily Telegraph* and other newspapers as part of the British foreign policy debate. This is as old as the hills. John F Kennedy said that he wanted to rebuild an Atlantic community on the basis that Britain would be one of its major European partners, along with France and Germany. Yet we are still saying, "Please can we come to Washington because we don't want to have to deal with the French and the Germans". These days, of course, Washington is looking primarily to Berlin as its major European partner rather than to Britain.

The inability to love our neighbours, as the right reverend Prelate the Bishop of Worcester would put it, is absolutely a part of this. Resentment of Germany and France is clearly there in the current Eurosceptic debate. The other week I had a look at the website of Historians for Britain—part of the campaign for Britain—which states, "Europe is a threat to British Values". That is fascinating and horrifying. It goes on

to argue that European culture has historically been far more anti-Semitic than that of the British, which, for those of us who have dug into the history of St William of York—my saint name—and others, skates over the circumstances in which the English expelled the Jews and others.

Therefore, we are deeply muddled about who we are, where we are in the world and what our identity is. David Starkey, one of the leading historians in Britain, held a wonderful debate at the Hay Festival the other week with Jonathan Sumption about Magna Carta as an exclusively English phenomenon, having nothing to do with the French or the papal legate who were at Runnymede or all the others who were necessarily concerned. Some of us will remember that the reason Magna Carta survived was that Simon de Montfort, a French nobleman who happened to be the king's brother-in-law, insisted on pushing Magna Carta against an authoritarian king. The European Union is a highly imperfect body but it is the basis on which we have to found the multilateral diplomacy with which we work in the world.

We have confusion in our policy towards the Middle East. I was rather horrified at a conference the other week to hear a senior Israeli Minister describe Saudi Arabia as a moderate power. We are in severe danger of finding ourselves caught on the hard-line Sunni side of a Sunni/Shia divide. If and when a settlement on the nuclear issue with Iran is formed, the possibility of being able to moderate a growing Sunni/Shia conflict will come up and we should grasp it. However, a range of issues, including the commitment to increase British forces in the Gulf and expand our base in Bahrain, suggests that the British Government do not fully understand the complexity of Middle East relations or have not entirely thought through how much we need to pursue a multilateral diplomatic effort there. So we have a foreign policy that is based on nostalgia, status and a claim to walk tall in the world, to punch above our weight and to leadership, but without being prepared to pay for the cost of global leadership in military or diplomatic terms.

The Prime Minister's insistence on the 2% pledge at the Cardiff NATO summit and not following it through is another good example of the gap between rhetoric and practice. That gap leaves our public deeply confused. We are confused most of all because we are still talking about British foreign policy and British sovereignty standing tall in the world, but it is a sovereignty that is defined as threatened most of all by the European Court of Human Rights telling us that prisoners must have the vote, whereas we are happily selling off British companies to foreign companies or selling increasing chunks of Whitehall to Chinese, Arab or other investors to be converted into hotels along the state processional route—a subject on which I have a Question next week. So we are also confused about what British sovereignty is about.

We need a multilateral foreign policy covering a much broader agenda than defence and classic diplomacy, and we need, above all, to explain that to our domestic public in terms that they can understand and will support.

4.31 pm

Lord Bach (Lab): My Lords, I want to thank all noble Lords who have spoken in this debate and, above all, thank the noble Lord, Lord Ashdown, for securing the debate, which has given the House some time and space to consider, not so much in specific detail but in general terms, what this country's role is and what it should be when we are faced with a plethora of global challenges. If I may say so, the mood of the House is that the noble Lord's speech was a brilliant speech. All who have spoken in the debate have risen to the challenge that the noble Lord, Lord Ashdown, set us. In my remarks I will attempt to pick out some themes that seem important to Her Majesty's Opposition and make some general points, too.

It was on 5 December 1962, at the military academy West Point, that the by then former Secretary of State, Dean Acheson, made his now almost clichéd remark:

“Great Britain has lost an empire and has not yet found a role”.

No doubt an expression of topical American frustration, but it is a statement that, over 50 years later, still perhaps reverberates. Many of us believe that joining the EC and becoming a player in the expanded European Union was an important part of the answer to Acheson. But, to put it mildly, it has not been without its difficulties. It has in fact become, in many ways, the obsession of modern British politics.

In his briefing paper, *A Force for Order: Strategic Underpinnings of the Next NSS and SDSR*, Professor Malcolm Chalmers from RUSI puts it rather differently. He argues that up to 1939 the UK pursued a predominantly nationalist grand strategy but that since 1949, with the formation of NATO, the grand strategy has been based on a,

“permanent alliance and economic partnership with fellow democracies in the US and Western Europe, and on support for the rules-based international order created after 1945”.

If that grand strategy analysis is correct, and it seems fairly convincing, it too has to face now the global challenges that were never even foreseen by the signatories to NATO or the original EC.

Six days ago, 30 of our fellow citizens were brutally and obscenely massacred while holidaying on a beautiful beach in a country that had made some progress in modernising and democratising its system. They were killed by one individual, probably helped by others, who presumably thought that he was performing God's will. NATO was not set up to deal with that sort of threat, the threat that ISIL particularly represents: an appalling mixture of medieval barbarism and modern technology that can fatally strike in Tunisia, Kuwait and France in just one day.

What should Britain's role be in combating this powerful, evil threat? One thing is certain: it should not be to pretend that we can somehow escape, that we can hide away, pull up the drawbridge, hope that it just goes away and, even if it does not go away, that it will just not notice us and pass by. Withdrawal from the world is not an option for us. Our common sense, our history and, most importantly, our values do not allow us even to contemplate that.

There is an argument about whether our country is gradually retreating anyway from the world. Many will have seen the *Economist* article, which described “Little Britain” as,

“a shrinking actor on the global stage”.

We hear that the Americans are pressing us to be more proactive. I share the views expressed by the noble Lords, Lord Hannay and Lord Jay, and the noble Baroness, Lady Williams, that what we did not do as far as Ukraine is concerned is a blot and not in the British interest.

Whatever our view may be on the issue that I have raised, I hope that we are all agreed that Britain can and should continue to play a leading role in global affairs and must never allow a false choice to be created between nation building at home and engagement on the world stage. We can and must do both. Future success and security depend on us doing both. Our membership of all the bodies that we belong to, from the EU to the Security Council, right through to the Commonwealth, NATO, G7 and G20, and of course, vitally, the EU, makes us unique—and we can add to that Britain's history, language and culture. Of course, we should not try to boss the world, but we should always be there as a supporter of multilateralism, of partnership, persuading, advising, advocating and leading where necessary in finding solutions to the world's most intractable problems.

This is the country that in the last century only has given the world the BBC, the British Council and the National Health Service—just to name three world-beating organisations—and, over a longer period, perhaps parliamentary democracy and the rule of law. We still have an important part to play. We are and have been and must always be an outward-facing country.

Among our strengths around the world are of course—and this needs to be said; the noble Lord, Lord Ramsbotham, mentioned it—our Armed Forces, who continue rightly to be admired. Their roles as peacekeepers and, in the last analysis, as our protectors are crucial. I hope that the House will want in this debate to pay a tribute to them and to all others—by whom I mean all our diplomats and all those who work for us at home and abroad—who not only protect our country's interests, which is vital, but seek to build a better world.

All the global challenges that are in the title of this debate are connected. Mass migration is an area where until recently the European Union—and I am afraid that includes the UK, too—has not behaved at all well; in fact, we have behaved extremely badly. The disgraceful decision, taken last autumn, to stop the Mare Nostrum scheme and to impose Operation Triton, which, frankly, meant that boats were not permitted to be further than 30 miles off the Italian coast—as if that would somehow prevent desperate people trying to cross the Mediterranean—was roundly criticised in this House, not least by the noble Lord, Lord Ashdown, and other noble Lords. It was a terrible mistake I am afraid—I say that as a great pro-European—by the European Union and our Government. There will be an important debate in this House next week on that matter, and I ask the Minister whether we can have a

generous, humane policy, more in keeping with our traditions as a country, from Her Majesty's Government in the future.

I finish by saying a few words about climate change, which is included in the title of this debate. It is an enormous threat. It is an issue of global and national security and I am sure the Government want a strong agreement in Paris which sets ambitious targets for the future.

We are grateful to the noble Lord, Lord Ashdown, for introducing the debate. It has given us an opportunity to have a general debate and to discuss different and detailed policies. We all look forward to the Minister's response.

4.40 pm

The Earl of Courtown (Con): My Lords, it is a pleasure to speak on behalf of Her Majesty's Government in this debate with a speakers' list that would be the envy of any second Chamber throughout the world.

I pay tribute to the distinguished contribution of the noble Lord, Lord Ashdown of Norton-sub-Hamdon, to foreign affairs over the years and to his formidable speech in which he described very aptly the multipolar interconnected world in which we now live. I welcome the important role he will play in the Srebrenica commemoration event at Westminster Abbey on Monday. My visit to the country and to Srebrenica last August will for ever remain in my memory.

I also thank all noble Lords for their valuable contributions today. I will do my best to answer all questions but, if I am unable to do so in the available time, I will write and place copies in the Library.

We have heard today how terrorism, conflict, climate change, mass migration and population present new and evolving challenges to our national and global security—challenges more complex than those identified under the strategic defence and security review in 2010. In the past five years the threat levels from violent extremism and terrorism, Russian aggression, cyber attacks and global conflict have grown. Ebola, which was mentioned by many noble Lords, and the flooding over the winter of 2013 highlight the continued risk to the UK from public health issues and extreme weather.

The United Kingdom has an integral role in tackling these challenges head on. Our military, diplomatic and development capabilities are respected around the world and, as other noble Lords have done, I pay tribute to all those involved. The Government are clear that there will be no reduction in Britain's influence. Our next strategic defence and security review, in consultation with this House, the other place, our key allies, industry, academics and other interest parties will be positive and assertive about Britain's role in the world and keep this country safe now and for the future.

A number of noble Lords, including the noble Lords, Lord Jay and Lord Ramsbotham, commented on our defence budget. We have the second largest defence budget in NATO and the largest in the EU. We are one of only four countries that spends 2%. We are the US's largest partner in the coalition air effort against ISIL, bearing more of the load in terms of strikes in Iraq than we did in either of the Gulf Wars.

The budget means we have been able to commit to spending more than £160 billion on equipment over the next decade to keep Britain safe. This includes new joint strike fighters, more surveillance aircraft, hunter-killer submarines, two aircraft carriers and the most advanced armoured vehicles.

Let me now take each of the four themes of the debate in turn. The global terrorist threat has become more diffuse and more diverse. At home and overseas, more groups seek to do us harm than ever before and their ideology of violent extremism is spreading. I join the noble Lord, Lord Bach, my noble friend Lord Howell and the noble Baroness, Lady Manzoor, in paying tribute to the 38 people who lost their lives in a despicable act of terrorism in Tunisia almost a week ago. British experts and officials have been working around the clock since the attack to support British nationals, and to help gather evidence. It is right that tomorrow we will hold a minute's silence to remember all those affected, and to show that we will not be cowed by hatred and intolerance.

As my right honourable friend the Prime Minister said in his Statement on Monday, we will pursue a full spectrum response to the kind of appalling terrorism we saw in Tunisia, in Kuwait and in France last week. That means we must make sure that the powers we give our security services keep pace with changes in technology. We must deal with the security threats at source and take on the radical narrative that is poisoning young minds. Our work overseas is critical to that response. We are and must continue to be at the forefront of international efforts to combat them. We work in close partnership with other Governments on shared counterterrorism priorities and building their capacity in a manner consistent with our values and which strengthens the rule of law. As my noble friend Lord Howell said, defeating ISIL and its like, safeguarding our citizens, our values and our way of life, will be achieved only by co-ordinated international action. As leading members of the global anti-ISIL coalition, our Armed Forces have made a significant contribution to dismantling ISIL militarily.

Our diplomatic network, working through international fora, is focused on stemming the flow of foreign fighters and resources to terrorist groups, strengthening borders and countering extremist narratives. We are helping affected regions build the long-term political stability and effective governance that will reduce the operating space for terrorist groups.

That brings me to the second theme, which is that of conflict. Conflict and instability prevent economic development and trap people in poverty. More than 1.5 billion people now live in fragile and conflict-affected states. Conflict and instability overseas affect the UK directly, providing fertile ground for terrorists and organised crime groups. A number of noble Lords have mentioned Syria. With more than 230,000 dead and 12.2 million in dire need of humanitarian aid, Syria is arguably one of the most difficult and tragic conflicts of our generation, and it is affecting families here.

If we do not tackle the root causes of conflict and if we do not invest our resources in enabling political settlements, we will spend more on trying to deal with

[THE EARL OF COURTOWN]

the consequences. The Government's work to promote stability in fragile countries is not only morally right, it is a sound investment and in our national interest. That work is made strategic and integrated through our Building Stability Overseas strategy. Since its launch in 2011, the Government, working together with NGOs and international partners, have established an improved early warning system to inform early action that helps prepare for and prevent conflict. A £20 million rapid response mechanism has been created to enable the Government to respond more effectively to new cases of conflict and instability, and the conflict pool has been replaced by the conflict, stability and security fund, which is worth more than £1 billion. It draws together new and existing resources from across government under the strategic direction of the National Security Council.

A distressing aspect of conflict is the despicable and systematic use of sexual violence—a practice this Government are determined to end once and for all. A year ago, London hosted the Global Summit to End Sexual Violence in Conflict. That landmark summit was a powerful demonstration of the British Government's resolve to build concerted international action to end impunity and bring perpetrators to justice. But that was just the beginning. I am delighted that my noble friend Lady Anelay of St Johns has been asked to continue this important work as the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict. I know that she will give it her tireless commitment and support.

Climate change was mentioned by the noble Baroness, Lady Williams, and other Peers. It is not isolated from the other challenges of this debate. As well as our environment, it threatens global prosperity, national security and poverty eradication. Just as with other challenges, we can address it only by working with our international partners, as we did at the G7 summit this month and as my noble friend Lady Anelay has done this very week at the United Nations.

A global climate deal is the only way to deliver the scale of action required. I am proud to say that the UK's leadership is recognised worldwide. We have reduced emissions by 25% from 1990 levels and will reduce emissions by 80% by 2050. We pressed hard for the European Union to commit to reduce emissions by at least 40% by 2030. We have committed £3.87 billion over the last five years to support the poorest and most vulnerable countries to reduce emissions and adapt to the impacts of climate change.

A key part of protecting the United Kingdom's security is controlling and managing migration. Not only do we wish to protect the human rights of migrants and stop human trafficking and smuggling, but migration has links with many other priorities, including those we have debated today. We have to address the humanitarian tragedy unfolding before us but we know that rescuing those in distress at sea intensifies the pressure on countries to cope with those who have to be landed in European ports.

The European Union member states agree that we cannot resolve this crisis without a long-term comprehensive approach that tackles the drivers of

this problem. We are already taking concrete steps. For example, we are part of the core group of the Khartoum process, which is an EU-African Union initiative to tackle trafficking and smuggling in the Horn of Africa. We are working hard to help bring order and stability to Libya, not least to make it more difficult for the smugglers and traffickers to operate.

The noble Lord, Lord Hannay, mentioned the statement made earlier today by my right honourable friend the Secretary of State for Defence. ISIL poses a threat to Britain. Last September, my right honourable friend the Prime Minister told the House of Commons that ISIL needs to be destroyed in Syria as well as in Iraq. The Prime Minister made clear then that he believes there is a strong case for us to do more in Syria, which remains his view today. However, as he said in September, it would be better if there was a consensus supporting such action in the House of Commons—so his views have not changed.

It is right for MPs to think about these issues and what more we can do to tackle ISIL. Clearly, these issues need to be considered properly and any proposal to play a bigger role in airstrikes over Syria needs to be carefully deliberated. The NSC has discussed military proposals to take part in airstrikes in Syria during this new Government. The Prime Minister has always been clear that we would return to the House. Her Majesty's Government think that there is a case for doing more in Syria but more thought, deliberation and time are needed before we decide whether to return to Parliament.

The noble Baroness, Lady Falkner, suggested that we need a United Nations Security Council resolution for a military response. Action has already been taken by partners in Syria, which we support. The Government's support for actions being taken against ISIL and other terrorist groups in Syria, as well as in Iraq, should be made clear. United Kingdom intelligence, surveillance and reconnaissance were already part of the international effort in Syria and were essential in keeping the United Kingdom safe.

The noble Lord, Lord Hylton, asked whether Her Majesty's Government would take full cognisance of the three northern cantons, now free. The United Kingdom does not intend to make specific contact with the Kurdish cantons on political issues in Syria. We do not support the Democratic Union Party formation of temporary administrations in the Kurdish areas of Syria. This move was not conducted in consultation with the wider Syrian population or the international community. It will be for all Syrians to decide the exact nature of the political settlement in Syria as part of a transition process, including whether an autonomous region will be created for the Kurds in Syria.

We also recognise the difficult circumstances that the Syrian Kurds face in the midst of the continuing civil war and their fight against ISIL. However, the United Kingdom does not provide lethal equipment to anyone in Syria.

The noble Lord, Lord Hylton, also asked whether Her Majesty's Government would give scholarships to Syrians prevented from completing their studies. The United Kingdom has tripled the budget for Chevening scholarships—founded by the Foreign and

Commonwealth Office and partners—for Syrians to study postgraduate courses at United Kingdom universities in 2015-16, increasing the number to 34.

The noble Lord also asked whether Her Majesty's Government will provide medicines, medical equipment, schooling and books. The United Kingdom has allocated £900 million in humanitarian assistance for those affected by the conflict in Syria. This includes funds for health services, education for children and support for agriculture and livelihoods. The United Kingdom is not currently funding demining in Syria, but we do not rule out funding it in future.

We continue to discuss Syria on a regular basis with our Turkish allies. Decisions of this kind are a sovereign matter for the Turkish Government. Of course, we continue to press all our international partners to work towards a political solution to the Syrian crisis. Only a political solution can bring about the inclusive, unified government that Syrians need, and which can effectively combat the extremists.

The noble Baroness, Lady Williams, mentioned the global challenges in climate change, which is one of the most serious threats we face. It threatens economic prosperity, national security, poverty eradication and the environment. The United Kingdom is playing its part, but this is a global problem and all countries must act. The best way to achieve this is with a global climate deal in Paris in December, but we need the right deal. It needs ambitious emission targets, binding rules and a mechanism to increase ambition over time, and it needs to send the right signal to businesses and investors.

The noble Baroness also asked whether the targets from the previous Government were still being set. As I think I said earlier, we are committed to meeting our climate change target of an 80% reduction in emissions by 2050. We have already made great strides towards that goal, with emissions down by 30% since 1990.

The noble Lord, Lord Hunt of Chesterton, asked whether the Foreign and Commonwealth Office could do more with wider UN agencies, NGOs and scientists to address climate change. The Foreign and Commonwealth Office engages with a wide range of UN agencies, other international agencies such as the OECD and the International Energy Agency, NGOs, academics and business groups in its climate change work across the world. The FCO Prosperity Fund funds projects overseas with a wide range of agencies and NGOs to address climate change. The noble Baroness, Lady Manzoor, and other noble Lords also congratulated the Government and the previous Government on the DfID budget and the work that it is doing throughout the Mediterranean at the moment.

My noble friend Lord Howell and the noble Lord, Lord Hunt, mentioned partnerships with international organisations. Working in partnerships with others will be crucial to our success in building stability. We are working with the UN, the EU and the Commonwealth and are engaging them to take an integrated response to building stability and preventing conflict. The Foreign and Commonwealth Office is also talking to key regional powers, such as South Africa, India, Brazil and China to increase co-operation in tackling conflict.

The noble Baroness, Lady Manzoor, mentioned our pledges to Syria. The United Kingdom has pledged £800 million in response to the humanitarian crisis, making us the largest bilateral donor after the US.

To conclude, the Government will be unrelenting in using the UK's global role to tackle the international challenges of terrorism, conflict, climate change and mass migration. We will do so through a long-term, comprehensive approach, using our world-class Armed Forces, diplomats and overseas aid to build stability, security and prosperity. And we are committed to using the full weight of the United Kingdom's unique position as a member of the UN Security Council, NATO, the EU, the G7, the G20 and the Commonwealth as a strong and stabilising force for good in today's uncertain world.

5 pm

Lord Ashdown of Norton-sub-Hamdon: My Lords, it is been a great privilege to listen to this debate, which has been quite remarkable for containing so many weighty contributions, let alone to have introduced it. I am most grateful to the Minister for his comprehensive reply and to all others who have spoken, especially for the kind words that were said.

I want to say two brief things in the three or four minutes that are left to me. First, I pick up the telling intervention of my noble friend Lord Wallace, who said he had been informed that there were no international criminal gangs in Britain that were domestic. The whole point is that there are no longer any issues in Britain that are domestic and that do not have an international dimension. We used to separate domestic affairs from foreign affairs. I do not understand why we have not discussed foreign affairs because, in fact, there are no domestic affairs, not the economy, mortgages, crime, the environment or security—nothing that we call domestic—which do not have an international dimension. What that means is that you cannot deliver to the citizens of this country the things you want to deliver to them simply by working within our borders: you have to work internationally. Internationalism is an essential theme and stream of being able to deliver good governance because, if you will not work effectively with international partners, you cannot deliver within an interconnected world the things you want your citizens to have. That is why it is so important that we should discuss this today.

Secondly, oh how Canning and Castlereagh would have loved this age of movement! There are not one but many powers and shifting alliances. It is an age when you have national interests and you put together alliances that serve those interests in the short term, not the long term. Of course, the cornerstone of all we do will be Europe and NATO but it is how we build alliances beyond that which matters in being able to deliver the best interests of this country. So a shifting, much more subtle foreign policy is required. Yes, I know, in those days the French called us “perfidious Albion”, but that was only because they were jealous of our success. The truth is that that is what we have to do again. We have become obsessed by shock and awe into believing that this is the kinetic age—you see a problem, you bomb it. God knows

[LORD ASHDOWN OF NORTON-SUB-HAMDON]
 how many times we have done that in the world and ended up not with success but failure, and we are doing it again.

It is diplomacy that creates the context that makes military action effective. That is what Clausewitz said, and that old truth still applies fundamentally today. Unless we learn it, we will go on failing and being puzzled and bewildered as to why we fail. This is not the kinetic age, this is the diplomatic age—a new diplomatic age. So what a terrible tragedy that at this time, when we who are so skilled and good at this, decide to cut our Foreign and Commonwealth Office. If there is one lesson to learn from this debate, which has been remarkable in many ways, it is that to underperform on the diplomatic front is a sure way to going on ensuring that what we try to do in the world we succeed in far more often than we certainly should, at grave cost to our national interest and, even more, to the lives and blood of many of our own citizens and far too many of the citizens of other countries too.

Motion agreed.

Health: Diabetes

Question for Short Debate

5.04 pm

Asked by Lord Harrison

To ask Her Majesty's Government what steps they are taking to assist those with type 1 and type 2 diabetes to educate themselves about the management of the disease.

Lord Harrison (Lab): My Lords, I welcome the noble Lord, Lord Prior, to the fight to beat diabetes. He is a doughty warrior, as are all my other colleagues who join me today to focus on educating all diabetics—types 1 and 2—to manage their condition better through structured education and training.

Believe you me, managing diabetes is a pain in the neck. For someone with type 1 diabetes, it means constantly estimating how many carbohydrates you have eaten and figuring out the right amount of insulin to inject while taking into account the amount of physical activity you have taken. For someone with type 2 diabetes, it means learning how to treat the condition with diet and exercise, and possibly also coming to grips with having to take medication and insulin. For everyone living with diabetes, it means being aware of potential complications that can develop. It means not only keeping a careful watch over your blood glucose levels but having your cholesterol and blood pressure checked, looking out for your eyes and examining your feet. Everyone with diabetes needs to understand what the condition means for them in relation to holidays, employment, driving, maintaining a balanced diet and being physically active.

There are currently 3.9 million people living with diabetes in this country. If this trend continues, that will rise to 5 million by 2025. The NHS already spends 10% of its budget on diabetes but the majority of that is spent on treating complications that are largely preventable through good care. But when people do

not have the necessary skills and knowledge to manage their condition, their risk of developing nasty complications such as heart disease or kidney failure shoots up. Such complications are not only expensive to treat; they are devastating for the individual and often lead to early death. For example, diabetes is responsible for more than 135 amputations every week, but diabetes-related amputations are avoidable. We can do more to help people reduce the risk of developing complications that result in amputation by offering the opportunity to attend diabetes self-management education.

When I was diagnosed in 1969, I was never offered any form of diabetic education. Like many people living with type 1 diabetes, I learned over many years of private trial and error how to adjust the insulin to what I was eating. Diabetes self-management education now has an opportunity to make a marked difference to diabetes care. It enables diabetics to take charge of their own care, reduces the risk of developing complications, improves individuals' well-being and has the potential to save the NHS money and allow valuable resources to be deployed elsewhere. Despite these clear benefits, according to the latest data published by the National Diabetes Audit, fewer than one in six people newly diagnosed with diabetes has been offered access to a diabetes self-management course. This number is lower still for all people who are currently living with diabetes.

The All-Party Group for Diabetes recently did a year-long inquiry into the low take-up of diabetes education. We found that many diabetics had never been offered an opportunity to attend self-management education. We discovered that too few such courses were commissioned across the land. In my own Cheshire and Merseyside Strategic Clinical Network, only three in 10 diabetes patients said they had ever been offered access to a programme.

Even when diabetes education is commissioned, barriers arise. Too many GPs are lukewarm in encouraging patients to attend these education courses. Information about participating in them is too scarce, so patients do not always understand the benefits. Another barrier is that even where there is diabetes education, there are simply too few courses offered, so the newly diagnosed diabetic does not get on to the course in the first place, and thereby benefit. Other barriers include having the wrong places to meet for such courses or long periods of time off work. Could the Minister look into whether more corporate social responsibility might be taken, to the advantage of the firms involved, to encourage diabetics to take these courses as time off work to improve not only opportunities for themselves but the contribution they make to the firms they are involved in?

However, there is substantial evidence that these barriers can be overcome and uptake rates can be increased. The Health Foundation's work on person-centred care and diabetes has demonstrated that in helping people help themselves, we can improve the monitoring of diabetics so that they self-monitor blood glucose levels, take appropriate medication and go for regular eye examinations. Its Co-creating Health programme showed how self-management support

programmes have helped to improve the knowledge, skills and confidence—collectively known as patient activation—of people in managing their own condition. Diabetes UK has also outlined a series of strategies that are being used across the United Kingdom to dramatically improve the number of people attending. How does the Minister respond to what Diabetes UK has done?

Access to diabetes education is a real problem for everyone, but particularly children. We have programmes such as DAFNE for type 1 diabetics and DESMOND and X-PERT for type 2, but they are not tailor-made for children. Can the Minister say a little more about that and the carers involved? If a mother needs to inject a baby or a child, that produces potential psychological problems. We should be running education courses for carers as well, in my view.

We would also advocate education for healthcare professionals, who too often do not fully understand the opportunities that arise, especially when new technologies appear. Again, will the Minister address that in his reply? Is there also a role for pharmacies? I have found that one of the most useful places to get information on treating my diabetes is from the very helpful Morrisons pharmacy in Chester. Can we take opportunities such as that?

A big worry I have, which I hope the noble Lord might address, is that I do not know whether the very useful Patient Experience of Diabetes Services survey will persist. I understand that Jane Ellison, the Public Health Minister, is looking at it, along with the national clinical audit. Someone wrote to me recently following the diabetes think tank to say:

“At a time when we know the resources are tight, it is a crime not to capitalise, through patient education, on the biggest resource we have—the patients themselves”.

I wonder whether the Minister might reply to that.

I conclude by saying that we need to improve the outcomes for all people with diabetes and to reduce the cost to the healthcare system. Will the Minister explain how NHS England plans to deliver on its promise, made in the five-year forward view, to support people in managing their own health and to invest in self-management education courses? Will he commit to setting up the necessary infrastructure and governance arrangements to do that?

It was a great loss when Adrian Sanders, the former chair of the All Party Group for Diabetes, lost his seat at the last election. He told us that he had two constituencies: the one he lost at the election, and all the diabetics throughout the country. He served them well, and the Minister can do the same.

5.16 pm

Baroness Manzoor (LD): I congratulate the noble Lord, Lord Harrison, on securing this debate and on his insightful and well-informed views on the issues of diabetes. Like many in your Lordships’ House, I am familiar with the effects of diabetes as, unfortunately, a family member has a history of it. I therefore declare my personal interest in the disease.

Looking at the range of speakers in today’s debate, I am sure that diabetes in the UK will be covered very well. As I have recently taken on the brief of spokesperson on international aid and development, I thought that I

would take an international perspective on the disease, which I hope will not throw the Minister off his stride. It is certainly not my intention to do that.

The next big issue in diabetes internationally will be TB-diabetes co-infection. However, before I move on to that area, I want to restate that our NHS spends about £10 billion on diabetes every year, equal to 10% of its entire budget. This is an important disease to research, diagnose and treat effectively in the UK. It should also be a priority to ensure that any variations in treatment—the noble Lord, Lord Harrison, alluded to this—are minimised across the population, particularly as there are currently 3.9 million people living with diabetes in the UK.

The International Diabetes Federation estimates that, worldwide, there are 387 million people living with the disease, equal to 8.3% of the global population. It also estimates that, by 2035, an additional 205 million people will develop diabetes. The World Health Organization estimates that in 2012 diabetes was the direct cause of 1.5 million deaths and projects that diabetes will be the seventh leading cause of death by 2030. The total number of deaths from diabetes is projected to rise by more than 50% in the next 10 years globally. These figures are scary—even more so when you consider that 80% of diabetes deaths occur in low and middle-income countries, many of which may already be ravaged with disadvantage, poverty and conflict.

We in the UK should take a lead in increasing global awareness of this disease through our meetings with the UN and the EU, so that sufficient resources are made available to address this epidemic. As has been seen in the UK, diabetes care is costly and has the potential to cripple any healthcare system. According to the International Diabetes Federation, \$1 in every \$9 spent on healthcare is currently spent on diabetes.

It is interesting to note that type 2 diabetes used to be seen as a disease of the rich world and that, when it started to affect the better-off in poor countries, it was perceived as a sign of development. Now, three out of four people with diabetes live in low and middle-income countries. This rise in type 2 diabetes is being driven by ageing populations, rapid urbanisation and lifestyle changes. In developed countries, most people with type 2 diabetes are above the age of retirement, whereas in developing countries those most frequently affected are aged between 35 and 64. This means that in low and middle-income countries, type 2 diabetes affects many more people of working age, which has a profound effect on economic productivity.

Of course, type 2 diabetes treatment and care are not yet routinely or widely available in developing countries and, when treatment is available, it is rarely free. For individuals in developing countries, the out-of-pocket costs to treat type 2 diabetes are very high, often leading households to sell their possessions to pay for their treatment. In India, for example, treatment costs for an individual with diabetes make up, on average, 15% to 20% of household earnings and many poor people often cannot afford to get treatment or cannot access it easily.

At a national level, the type 2 diabetes epidemic threatens to overwhelm health systems and, potentially, to reverse development gains made in low-income

[BARONESS MANZOOR]

countries—countries where we are spending a lot of money. Therefore, through DfID, more targeted investment is needed to support fragile health systems and stretched national healthcare budgets and to prevent economic progress from being undermined.

However, there is yet another threat. Low to middle-income countries now face a double burden of disease: rates of non-communicable diseases, such as type 2 diabetes, heart disease and stroke, are on the rise, but at the same time low to middle-income countries are still grappling with high burdens of infectious diseases, such as TB, HIV/AIDS and malaria.

In TB-diabetes co-infection, high blood sugar levels suppress the immune system, making individuals with latent TB—someone who does not have symptoms, is not sick and cannot spread the disease to others—more at risk of developing active TB. This is similar to how HIV undermines the immune system and makes individuals living with the virus more susceptible to developing TB. People with type 2 diabetes are three times more likely to develop TB, and type 2 diabetes is responsible for causing an estimated 15% of all TB cases. Brazil, China, Indonesia, Pakistan, India and Nigeria together account for 52% of people living with TB and 50% of all people living with diabetes. This is important for the UK, because of the strong ties that we have with these countries, and we must also not forget the fact that some parts of London have the highest incidence of TB in Europe.

What we are seeing happen now with TB-diabetes is similar to what we saw happen with TB-HIV. When HIV rates rose in the early 1990s, with the immune systems of people with HIV being weakened, that caused TB rates to skyrocket, particularly in Africa. We must make sure that history does not repeat itself by tackling TB-diabetes head on. Failing to act could lead to significant increases in avoidable disability and early death and could have disastrous consequences for health systems. There needs to be more integration between TB and diabetes programmes, similar to how it has been essential to integrate TB and HIV programmes. Perhaps the Minister could reassure us that NHS England in the UK has collaborative frameworks in place to enable this to happen. Could the Minister also reassure me that the Department of Health works collaboratively with DfID to develop policies on TB-diabetes and could he say whether those policies enable more co-ordination between programmes and countries with a high burden of TB and escalating rates of diabetes?

Finally, I know that preventing diabetes and promoting the best possible care for people with diabetes are a key priority for our Government, which is to be welcomed. However, not only does more need to be done to educate our own population about type 1 and type 2 diabetes, but we must also ensure through our aid programme that this epidemic is not forgotten. We are world leaders in providing excellent health services and we have a significant and well-developed research base. That puts us in a strong place to provide a global leadership role and we should embrace that in this key area.

5.25 pm

Baroness Masham of Ilton (CB): My Lords, I thank the noble Lord, Lord Harrison, for initiating this debate. I consider him an expert on this subject. If one has a long-term condition, one knows at first hand the ins and outs of the condition and, if one accepts the situation, one knows how important it is to look after oneself to the best of one's ability, but not everybody who has diabetes is like the noble Lord. Many people deny having it and are fearful that it will interfere with their life, their job and their insurance.

My husband was found to have type 2 diabetes after he had a stroke. It was never decided whether the stroke triggered the diabetes or the diabetes triggered the stroke. It was not an easy time because my husband loved food, such as ice cream. I found a place which made wonderful ice cream, and some of it was specially made for diabetics. Are these special foods suitable for diabetics? I hear it is debatable.

One of my friends in your Lordships' House went for an occupational health check up and it was found that he is diabetic. It was suggested that he went for a teaching session at St Thomas' Hospital, but his GP said that it was not necessary and that he would see to it. The receptionist was difficult about making a suitable appointment, and the result is that he has not had proper advice and is not testing himself.

I cannot stress enough the need for prevention if at all possible as diabetes is complex and needs careful attention as it progresses. It is important that NHS England sees that CCGs are looking after their diabetic patients. The situation for the NHS is chronic. In the UK, there are currently 3.2 million people living with diabetes, which costs the NHS £10 billion in direct costs and £23 billion in indirect costs. One in seven hospital beds is occupied by a diabetes patient. By 2025, the estimate suggests that there will be 4 million people living with diabetes. NHS England recently launched the national obesity and diabetes prevention programme. It is a joint initiative between NHS England, Public Health England and Diabetes UK and aims significantly to reduce the 4 million people in England expected to have type 2 diabetes by 2025. It is good news that these bodies are working together instead of struggling in isolation. If all patients were able properly to manage their condition, many complications could be avoided.

Just think of having diabetes and suffering from dementia. One in four people admitted to hospital with heart failure, a heart attack or a stroke has diabetes, and every week there are 100 amputations as a result of diabetic complications. It is clear that the condition is not always managed properly. I have seen various numbers about amputations across England in the research done by the All-Party Group for Vascular Disease. Care is very patchy across the country. Will the Government try to improve the treatment and results of poor hospitals so they reach the standards of the best? There should be a national standard across the country. In London, at hospitals such as St Thomas' and King's College Hospital at Denmark Hill, the results are good, while in the West Country and some places in the north the results are poor. There are

elements of a patient's regime which should be managed and balanced: food, exercise, the correct medication and no smoking.

If a person is on insulin, they will know that different types of insulin can act very differently in different people. Insulin regimes suitable for individual patients are tailored by diabetic care teams and are different for both type 1 and type 2 patients, as they have separate needs. I found, with my husband's different complications, that the specialist diabetic nurse was invaluable. Things could get very complicated, and being able to telephone and get advice was very important. I only wish that all health trusts realised how important specialist nurses are for specialised conditions, of which there are many.

It is good that technology is improving and is now available so that patients can gain an instant reading of their glucose levels. Any programme of education for people with diabetes should include information and an explanation about the different technologies and treatment options available.

Ongoing research is so important for these costly long-term conditions. I read recently that type 1 diabetes can be reversed with a cheap and effective inoculation that has been used to treat tuberculosis for a century. Will the Minister look into this and perhaps write to us about it so that we know whether it is accurate? It would be good news for patients, but it must be accurate otherwise their hopes may be raised falsely.

Yesterday, I met Ben Moody from the Juvenile Diabetes Research Foundation, Dr Martin Tauschmann and Dr Hood Thabit, who are part of a team at the University of Cambridge doing work on the artificial pancreas, which connects an insulin pump to a continuous glucose monitor so that it automatically delivers just the right amount of insulin at just the right time. It would take away a lot of the burden for type 1 diabetes, as people with type 1 might do six to 10 injections, and a similar number of finger-prick blood checks, a day. They have to count carbohydrates in every meal and cannot exercise, eat or drive without taking into account the effect of their condition. It is positive and good that experts are working to improve the lives of people with diabetes, which is an increasing worldwide problem.

5.33 pm

Baroness Young of Old Scone (Lab): My Lords, I thank my noble friend Lord Harrison for prompting this debate and for so eloquently telling the House about how hard a job it is for people with diabetes to manage their condition on a day-to-day basis. I also thank the noble Baroness, Lady Masham, for continuing with that theme. It is not an easy condition. I should declare an interest as chairman of Diabetes UK.

Previous speakers have highlighted how diabetes of all types is a very serious and expensive condition, affecting 3.9 million people and their families in the UK—a figure that continues to rise. Diabetes impacts not only on people but on the NHS: it now accounts for 10% of the NHS budget, and 80% of that is spent on the complications associated with diabetes. That is a pretty staggering sum—80% of £10 billion—and it is heartbreaking that some 80% of the complications are avoidable. So we are talking about big money being spent on complications such as blindness, stroke, heart

disease, kidney failure and, ultimately, premature death, many of which are avoidable. Fundamental to this is that people with diabetes need to be supported and educated about their condition, so that they are engaged and encouraged to manage it effectively and reduce the risk of complications, for both their own good and that of the NHS.

Managing your condition on a day-to-day basis is a hard task, and there is remarkably little help in some cases. There are 8,760 hours in a year, and for only three of those are you in front of a healthcare professional. The remaining 8,757 hours are up to the person with diabetes. It is a very technical condition, which needs hour-by-hour management of diet, medication and physical activity to make sure that the magic blood glucose level is kept healthy and steady. It requires knowledge, engagement and skills, yet less than 16% of newly diagnosed people with diabetes—both types 1 and 2—are offered any formal education or learning programme at all. Less than 3.4% of newly diagnosed people take up programmes. Does the Minister agree that that is unsatisfactory and lamentably low, when so much is at stake in terms of both the individual and the pressure on the NHS?

Why is education for self-management not offered to more than 16% of people? First, there is a lot of mythology about the costs. A programme for a person with type 1 diabetes costs about £308; for type 2 diabetes it is somewhere between £65 and £75. It is not an insignificant cost bearing in mind the numbers of people we are talking about, but education for self-management is hugely effective. Department of Health research shows that an education programme for type 1 diabetes could save the NHS £48 million a year. Other evidence shows that the savings from an education programme for type 2 diabetes could be as much as £367 million per year. Yet we see that the up-front cost of the programmes is a disincentive to commission sufficient education, and there are just not enough programmes around. Commissioners are concerned about short-term costs rather than seeing the longer-term savings that would result.

Offering programmes is only one issue; take-up is the other. When programmes are offered, why are they not taken up by more than 3.4% of people? First, people with diabetes are not always told when they are diagnosed just how serious their condition is. We still get stories from people with diabetes who describe their moment of diagnosis, mostly in general practice, as being told that they have “a touch of diabetes”. That is like being “a touch pregnant”—it simply does not exist. If you have diabetes and are not given proper care, support and education to help you manage your condition, you run the risk of developing the serious complications we have talked about.

Education is also not taken up because sometimes it is provided in a rather traditional, inflexible way—perhaps at the wrong time, at the wrong place, in too long a period that results in people having to take time off work, in the wrong language, or in the wrong culture. We have to press the commissioners and the providers to look at new ways of providing that vital education, using new technology, online opportunities, peer learning groups, lay educators, flexible times and

[BARONESS YOUNG OF OLD SCONE]

flexible locations. We have provided programmes based in Starbucks and in village halls. We need to find ways that are as attractive as possible to that huge range of people now developing diabetes, and offer easy-access programmes—tiered education, where people get taster courses that might encourage them to go on to better and more substantial education programmes. Particularly, we need to learn from some of the countries that the noble Baroness, Lady Manzoor, talked about—lower-income countries which have had to find more cost-effective ways of meeting mass markets for diabetes education. We hear of text-based systems and, particularly, group-based lay educator-led programmes.

We need follow-up, too, if people do not attend their educational programmes; we should not just take no for an answer, so we need electronic registers and follow-up systems. Most of all, we need good marketing: we need to use the best available modern marketing techniques, which are currently used in the commercial sector, to encourage people to take up these programmes. It can be done: 40 people went through Bexley's education programmes in 2009; by 2010 the figure had gone up to 1,000. There is evidence that education works to reduce blood glucose; to improve people's confidence in managing their condition, and to improve their psychological state as a result; and to improve their real health outcomes. I will quote one example, of Allan, who did not get any such education until he had lived with type 1 diabetes for over 30 years. He said:

"Before the course I was being scraped up literally by paramedics due to hypos at least once a week. One week three times in a week. Since the course I have not needed outside assistance once. Four years now since the course".

Diabetes UK got rather excited when the *NHS Five Year Forward View* was published; in fact, we got rather frisky, for two reasons. I will briefly thank the Minister for the commitment and the implementation of the diabetes prevention programme that is currently under way; that is an important move. However, there were also commitments in the *NHS Five Year Forward View* to empowering patients. It said that the NHS,

"will do more to support people to manage their own health ... managing conditions and avoiding complications. With the help of voluntary sector partners, we will invest significantly in evidence-based approaches such as group-based education for people with specific conditions and self management educational courses, as well as encouraging independent peer-to-peer communities to emerge".

That is great stuff. We were, therefore, pretty excited, but perhaps a bit overexcited. When the joint implementation statement from NHS England and others, *Five Year Forward View: Time to Deliver*, was published, there was absolutely no mention of how that element of empowerment would happen. I understand that there must be priorities, so I am hoping that the next version for next year's NHS plan will focus on that area. Perhaps we can encourage the Minister to say today what will be done to make that five-year forward view commitment on patient empowerment real for people with diabetes, and when.

I hope that the Minister will be able to tell us how people with diabetes will be enabled to become confident, informed experts in their own condition. Can the Minister tell us what the Government will do to engage and educate those 3.9 million people with diabetes to

ensure that they live long and healthy lives and that the avoidable complications of diabetes do not sink the National Health Service?

5.42 pm

Viscount Falkland (CB): My Lords, I thank the noble Lord, Lord Harrison, for again giving us the opportunity to discuss diabetes, and I congratulate him on the very comprehensive way in which he introduced the debate. I do not think anybody reading his opening remarks in *Hansard* to find out what this is all about could get anything better online.

Education, which is part of the title of this debate, is so important, and this debate is important because so many people have stressed the importance of education. I suppose that I was rather complacent, because I did not have a doctor when I was diagnosed with diabetes. I was 64 years old, in this House, and I did not think that there was anything wrong with me. I knew that I was having a little difficulty making speeches in your Lordships' House—I used to dry and feel a little nervous. When we were talking about it, a friend in the House said, "I think you've got diabetes". That was just before Easter in 1999. He said, "I think you ought to have it looked at straightaway. I'll ring up my doctor"—a private doctor. I said, "I have no doctor, so thank you very much". The doctor was very efficient and certainly did not say what the noble Baroness, Lady Young, said; I did not have a "touch of diabetes". My sugar levels were almost catastrophic—no wonder I was feeling odd when talking to the House.

Noble Lords probably know that for a person whose metabolism and pancreas are working properly, the blood sugar levels will be around 5.5 or 6.0. Mine were 29. I was very fortunate in that the doctor acted quickly. He got me the last appointment before Easter—or I would not have been seen until the following week—with a diabetes specialist in a clinic the following day. The professor said, "This is a very sad situation, isn't it?". I said, "Yes. It sounds as though it really is". He gave me an hour of education about my condition. He said some important things apart from explaining what the condition is—the malfunction of the beta cells of the pancreas and the whole business of metabolism. He said, "One thing that I must tell you is don't be worried about this condition. What we're going to do for you, and what we're going to provide by way of education and advice, will make you able to control not just your diabetes but your life. You will be eating better and taking more exercise". That is exactly what happened.

I have been on a learning curve since then. In eight of those intervening years I was on ordinary medication and then, because I ran out of my own insulin, I was put on synthetic insulin, which noble Lords will be familiar with. There are two lots, one of which carries me through the night. As all diabetics know, when you are asleep your liver produces sugar. I also have the insulin which I take before every meal. Every day I check myself on a wonderful machine. The technology that is available to enable one to supervise one's condition is excellent.

I found myself an NHS doctor. I have nothing but praise for the NHS but it just does not have the time to provide the necessary education. I was approached by

a member of staff of this House who knew that I had spoken previously about diabetes. He said, “My doctor has told me this week that I’ve got diabetes”. I asked what the doctor had said and was told, “He didn’t say very much and that’s why I’m asking you what it’s all about”. I replied, “You need some information. It means that you really have to alter your life”. I ran across to the nurse in the House of Commons and she was horrified to hear of the doctor’s reaction. She said, “Send him here and I’ll give him some of the leaflets that we have here, so at least he’ll know the basics”. I imagine that that experience of a member of staff here is replicated all over the country.

Baroness Young of Old Scone: I hope that the noble Viscount referred him to Diabetes UK as well.

Viscount Falkland: Diabetes UK is an excellent organisation and I congratulate the noble Baroness. The last time we had a debate on this, I think she was only just starting in her role. Having heard her excellent speech today, I would say that she has obviously been on a very successful learning curve. I was very interested in everything that she said.

I now find myself at the age of 80, which is around the age that the doctor predicted I would live to if I looked after myself, and I still feel pretty well. I still ride a motorcycle and so on. I hasten to say that I check myself with my machine before I go anywhere near a vehicle, because it is very dangerous to have diabetes and to drive a vehicle. I hope that most people who have the condition report it to the DVLA, because not to do so would be very serious.

With this complaint, education never stops. We are constantly developing treatments, machines and monitors, and we have different kinds of medication, so we have to adjust to changes the whole time. It is ongoing. I absolutely agree with the noble Baroness, Lady Young, on what we could save in the National Health Service if we got education right—she produced the figures; I could not find them. It is short-term thinking because, as she said, the upfront cost is very high. But the cost if people have heart disease, amputations or all the other dreadful things that can happen, as she outlined in her speech, is astronomical compared with what one would spend on education. Unless they have education, people will not look after their condition. I hope that the Minister can reassure us that there is movement in the right direction on this because it is a growing threat.

I am very glad that the noble Baroness, Lady Manzoor, drew our attention to what happens in the third world, or the developing world as we now call it, and how awful it is for people who do not have our fortune in having a National Health Service that gives us important parts of what we need to treat our conditions. In those countries, a high proportion of their income is spent on this disease. The worry and stress that that must cause is absolutely appalling. The noble Baroness made a very interesting contribution on that.

It is going to get more expensive. One noble Baroness—I cannot remember which one—mentioned the replica pancreas that is now being developed in the United States. That will all become very expensive. People who come here from Saudi Arabia with diabetes can, I suppose, afford it, but people here will not be

able to. Important developments are going on, which is good news, but the rising cost beyond the high levels that we already have in the NHS really does mean that organised education is the only way. This is the argument I am making and I hope that the Minister will also make it. And it should not just be short-term education—people really need a course.

The nurses in my NHS practice are absolutely excellent. When they go on a course, they are marvellous. Most of them are immigrants, I might add, so noble Lords will understand that I have no sympathy with UKIP. In the National Health Service, they are marvellous. They love what they learn and they pass it on; they are an important part of the future. I hope that this debate, which I knew would be good but has been better than I expected, will result in an improvement in the NHS service and for patients.

5.53 pm

Lord Morris of Aberavon (Lab): My Lords, not for the first time, I congratulate my noble friend Lord Harrison on initiating a debate on diabetes. I am grateful to the House of Lords Library for its briefing pack. We have just heard from the noble Viscount, Lord Falkland, an exceedingly valuable speech on education, which was of service to the House. That certainly is paramount in the subject of the debate.

The background to our concerns are the words of the noble Baroness, Lady Young—we have just had the advantage of hearing her speak and it has been most helpful to have her participate in this debate—in the foreword to Diabetes UK’s *State of the Nation* report. She said that diabetes is,

“doubling in prevalence every 17 years, and 13 million people were already directly affected or at serious risk”.

I hope that the Government will acknowledge that this is indeed an epidemic and a national crisis, and that the sooner we learn this, and in particular look at the way that expenditure is allocated in the National Health Service, the better.

Understandably, the documentation provided concentrates on type 2 diabetes because of the sheer numbers. I have, in the past, declared a family interest in type 1. The striking comment about type 1, where the numbers are much smaller and which I shall concentrate on, is that it is one of the examples of poorer care. The report states:

“What is particularly striking is that ... those with Type 1 ... are receiving considerably worse routine care than other people with diabetes, and are achieving poorer outcomes”.

It was a disappointment that the department, in setting up the national commissioning service, rejected a request from clinicians and researchers that type 1 be commissioned separately or at least differently. I fear that the outcome stated in the document underlines the concern that they expressed at that time. In the absence of a disaggregation of expenditure on type 1, could I return to the issue by asking for up-to-date figures for medical research into finding the answer to the problems of type 1? There is, I fear, despite what we have heard, no simple solution.

As I have told the House previously, I have visited research centres at Cambridge—my university—at Oxford and at King’s College Hospital, London, to discuss

[LORD MORRIS OF ABERAVON]

the research into the only possible solution, which is the successful creation of an artificial pancreas. I have had its progress explained to me, for which I am most grateful, and I have maintained an interest in the great work being done at those three centres and, I am sure, at others as well.

We are told that NHS England will also have a direct commissioning role to support the new commissioning system. I would like to know from the Minister what exactly is in mind and proposed for NHS England as opposed to the commissioning boards locally.

However, in the documentation, there are repeated references to type 2 and its prevention but much fewer to the management of type 1, with its effect on an incredibly high and unexplained number of children suffering from it. My interpretation may be wrong, but it would be helpful if there could be much clearer differentiation in figures, guidance and advice between type 1 and type 2.

Perhaps I may select a few figures. In 2012, fewer people with type 1 diabetes received each of the eight recommended care processes: 41% of people for type 1 compared with 62% of people for type 2. Type 1 is less likely to meet the recommended treatment targets for blood glucose and cholesterol. Similarly, and particularly important for this debate, structured education was offered to 2.4% of people with type 1 diabetes compared with 6% of those with type 2. There were similar figures for actual attendance for structural education. These figures mean something, and this is what this debate is about. They are exceedingly low and need some kind of attention. The high number of children with type 1 underlines the problems of underachievement.

Although the figure for children receiving care processes has almost doubled, it is still well below results for adults. There are considerable variations between CCGs in terms of care process completion rates and achievement of treatment targets. The key question that is asked in the Diabetes UK document, which appealed to me considerably and I repeat, is:

“Would you want to live in a place where less than 10 per cent of people with Type 1 diabetes meet all their treatment targets?”

That is a fundamental question. My assertion would be that, where there is a responsibility and supervision nationally, there cannot be justification for this postcode lottery. I ask the Minister in his reply, or perhaps by letter, to address specifically how the postcode lottery will be dealt with.

The documentation refers to England. Regrettably I am not aware—certainly no one has recently corresponded with me—of the up-to-date figures for Wales, a devolved responsibility. Perhaps Welsh Ministers may tell me. I am sure that the noble Baroness, Lady Young, as the head of Diabetes UK, which is a UK organisation, will fill that gap in my knowledge so that I can compare my own country with England.

I could go on with the differing achievements for type 1 and type 2 in glucose levels, development of cardiovascular disease and achieving realistic targets in checking cholesterol levels. It is quite frightening to read of the emphasis on eye screening, foot checks and

kidney checks and the questions posed by differing degrees of achievement. More than a quarter of children and young people have unacceptable blood glucose levels and only 12% receive all the recommended health checks. These are salutary and frightening figures. Can we allow these poor standards to continue?

We have been told, and rightly so, by many in this debate, from the noble Lord, Lord Harrison, to the noble Baroness, Lady Young, that education can equip people with skills to manage their conditions effectively, but only a handful of people attend courses. There is both an individual and an institutional health responsibility. I am sure we will be told by the Minister how it is proposed that the differing commissioning boards will be encouraged to make an increased effort to meet the need of availability and an update of education and learning opportunities. Otherwise, the cost to the National Health Service of resulting complications will be enormous in the years ahead.

6.01 pm

Baroness Wheeler (Lab): My Lords, I, too, congratulate my noble friend on securing this debate and on focusing on the key issue of how people with diabetes can be helped and supported to manage their condition. My noble friend has done a great service campaigning for improved diabetes care over a number of years and ensuring that this important issue remains an ongoing focus and priority for this House. As well as playing a significant role in the development of the strategy for diabetes care, he speaks from his personal experience as a diabetic and his contribution therefore is all the more valued and powerful for that.

This has been an excellent, authoritative debate and, at this stage, the stark facts relating to diabetes have been comprehensively covered by previous speakers. The 3.5 million sufferers could rise to 5 million by 2025 unless we are able to make substantial progress on achieving wider access and take-up of the education and management programmes we are discussing today. The most alarming statistics of all are that an estimated 24,000 people are dying each year when better management and care could have prevented their deaths; and that 10 million people are at risk of developing type 2 diabetes.

Like other noble Lords, I commend the excellent APPG report, *Taking Control*, which shows the way forward for addressing problems of access, availability and quality of diabetes education. I also pay tribute to the work of the diabetes think tank which, as we have heard, brings together key stakeholders and policymakers from the diabetes community. I was not able to attend its meeting this week but I read its pre-meeting documentation underlining the importance of the future plan for diabetes properly addressing the needs of people already living with the condition. That is really what today's debate is about. Getting a better balance between this and action to prevent people getting diabetes is crucial and there is a wide recognition that in the past this balance has not been achieved. It stresses, for example, that repeatedly linking diabetes with obesity risks stigmatising people with type 2 diabetes and ignoring the needs of people with type 1 diabetes whose condition is not preventable.

The APPG report also underlines the importance of focusing on ensuring that everyone living with diabetes, whether type 2 or type 1, has the necessary skills and support to manage their own health and reduce the risk of devastating consequences and long-term complications. My noble friend Lord Harrison and other noble Lords have outlined the powerful case on the cost effectiveness of diabetes education and the importance of ensuring that the NICE guidelines and technical appraisal programmes on the provisions of education are adhered to. Patient education programmes help people with diabetes to understand more about their condition and to develop the skills needed to effectively self-manage their diabetes, as we have heard from noble Lords across the House.

Recent economic analysis undertaken by the York Health Economics Consortium, for example, showed that the DAFNE course for people with type 1 diabetes will pay for itself within four to five years due to the reduced complication rate expected from improved management of an individual's diabetes. Patients with type 1 diabetes are monitoring and adjusting their treatments several times a day, making clinically significant decisions, so the absence of attending structured and ongoing education for these patients is particularly serious in terms of reducing the risk of serious complications resulting from poor management.

Noble Lords might have seen a recent feature article in the *Health Service Journal* which starkly brings this point home. It told of the experience of a 19 year-old student, who after a shock diagnosis of type 1 diabetes, was sent home from hospital with an injecting kit and practically no educational back-up. The result a week later was her first hypo. She said:

"The hospital wanted to see me inject myself before I went home to make sure I could do it. I was given a blood glucose monitor and a strips box, but broke it. I really felt I was on my own and I didn't know what I was doing".

It was not until three years later, when she moved to London, that she was offered her first structured education course.

For both type 1 and type 2 diabetes, the APPG report refers worryingly to the mountain of evidence it received from experts—including clinical staff, academics, academic health science networks and strategic clinical networks—calling for what it refers to as,

"the ongoing deadlock in the provision and uptake of diabetes education".

GPs and hospital staff must be the advocates and champions of structured education programmes, but the APPG makes it clear that a significant culture shift in the attitudes of some GPs and other staff as to the importance and efficacy of the courses needs to take place.

These are key workforce development issues. Many doctors report concerns that aspects of training and development in the delivery of diabetes care beyond the hospital have not caught up with how diabetes care needs to be delivered today and in the future through different care models, and in settings away from hospitals and GP surgeries with multidisciplinary team involvement. For example, the APPG cites advice on identifying and using new diabetes technologies as "patchy at best". Are the Government confident that Health Education England's training and development strategies

are able to address these key issues? Noble Lords have referred to the APPG's concerns on the lack of emotional and psychological support and mental health issues, such as anxiety and depression, which are often experienced by people with diabetes. I look forward to the Minister's response.

The noble Baroness, Lady Manzoor, spoke about the international perspective and particularly the key link between TB and stroke. Like her, I should like to talk briefly about diabetes and stroke in this country. Diabetes is a major risk factor for stroke and one-fifth of hospital admissions are for people with stroke, heart failure or heart attack. Having type 1 or type 2 diabetes almost doubles your risk of stroke and is a contributing factor to 20% of strokes in England, Wales and Northern Ireland. Good management of blood glucose, blood pressure and cholesterol is essential. The Cardiovascular Disease Outcomes Strategy acknowledges the common risk factors and the interlinking nature of cardiovascular disease—including coronary heart disease, stroke, hypertension and diabetes—and the fact that people with more than one CVD condition can often receive care from multiple and different teams in a disjointed way. Managing the diabetes condition in these circumstances can be particularly challenging.

I understand that NHS England is now reviewing the programme of work on CVD, but it is far from clear how they propose to take the Cardiovascular Disease Outcomes Strategy forward. How is the strategy to be implemented and how it will relate to NHS England's prevention plans, including the National Diabetes Prevention Programme?

Support from carers, families and health professionals is key to successful self-management. People without carers or family support have especially to rely on a consistent and active two-way relationship with the health team members involved in their care. Caregivers play a key role in their family member's diabetes management. They help the person they care for to make healthcare decisions and to stick to a care management plan. Helping carers to better understand the condition is vital. The access problems and postcode lottery situation in the local availability of education courses affects carers and family members as well as the cared for, so family-focused education is important, as are localised peer support programmes.

When researching for this debate, I saw another article about a young carer. It shows just what family members face in helping to support their loved ones. I am a carer and a trustee for our local carer support group in Elmbridge. The local community magazine reported a very moving interview with a 16 year-old carer who looks after her mother who has diabetes. She said:

"I've helped her from a young age, testing her blood sugar level and getting sugary snacks when she needs them. When the disease took its toll on mum's sight, I also started shopping, cooking, collecting prescriptions. And I support her when she feels down ... I love helping mum ... but caring comes with responsibility and I often miss out on seeing friends. Plus if mum needs help and I have homework to do, the homework has to wait".

The five-year forward review promises significant investment by NHS England in self-management and educational courses for people with specific conditions.

[BARONESS WHEELER]

I look forward to hearing from the Minister how this pledge is to be translated into addressing the challenges and problems for people with diabetes, their carers and families, as raised by the all-party group and noble Lords today.

6.11 pm

The Parliamentary Under-Secretary of State, Department of Health (Lord Prior of Brampton) (Con): My Lords, I thank the noble Lord, Lord Harrison, for introducing this very interesting debate—I have certainly learned a great deal. I will reflect on a number of themes that came out of the debate before turning to my prepared speech, and obviously I will come back to education and prevention.

First, I was struck by the contributions from noble Lords who have suffered directly from type 1 or type 2 diabetes—the concept of the expert patient is clearly very strong and important here. The noble Lord, Lord Harrison, looks very well on it: he has obviously looked after himself extremely well. Self-care will be a very important part of going forward. Secondly, we have to do better on education. The noble Baroness, Lady Young, made some interesting suggestions about how we can increase the uptake of education. The work that Diabetes UK does is terrific. It must be one of the most active charities in dealing with these terrible long-term conditions. Thirdly, on the relationship between diabetes and other long-term conditions—be it stroke, cardiovascular disease or other things—the number of people now living with multiple, very complex long-term conditions is a huge challenge for the National Health Service. That challenge was simply not there in 1948 when the NHS was set up. We have to change the way in which we deliver care very radically to address these issues.

The noble Baroness, Lady Masham, talked about the importance of diabetic specialist nurses who provide a tremendous resource to people suffering from diabetes. The noble Viscount, Lord Falkland, talked about the growing use of technology and referred to the artificial pancreas, which was also mentioned by the noble Baroness. That illustrates another huge challenge to the health service, as many of these developments will be hugely expensive. Whether a tax-funded healthcare system can afford these very expensive treatments will be a big challenge for the National Health Service as we go forward.

Over the past year I have heard many things said about the five-year forward view but never before have I heard it said that it made someone feel frisky. However, I am pleased that it made the noble Baroness, Lady Young, feel that way. The five-year forward view recognises the challenge of long-term, difficult conditions such as diabetes, and it offers a way of dealing with them. The noble and learned Lord, Lord Morris, referred to medical research, particularly into type 1 diabetes. His concern was that type 1 diabetes was getting less attention than type 2 diabetes, a point that was very made well.

Diabetes is a priority for the Government. Frankly, it would be a priority for any Government, because more than 3 million people—probably nearer 4 million people—have been diagnosed with diabetes and maybe

a further 500,000 are undiagnosed. The noble Viscount, Lord Falkland, was one of those undiagnosed people. With a blood sugar of more than 29, I think he said, it is remarkable that he is still here with us. I am very pleased that he is, but that just illustrates the fact that many other people have it less catastrophically badly than the noble Viscount and are undiagnosed.

Diabetes is directly responsible for some 5,000 deaths per year and is a major contributor to causes of premature mortality, such as heart disease and stroke. The noble Baroness, Lady Masham, described her husband's conditions as both diabetes and strokes. There are, I believe, 22,000 avoidable deaths attributable to diabetes each year. This is a very serious illness. It not only has huge and tragic consequences for many individuals, but, as we have been told by other noble Lords, is a cost to the NHS of some £10 billion a year and a much wider cost to the economy as a whole.

On prevention, the noble Lord, Lord Harrison—I thank him for giving me sight of his speech before the debate—spoke of his personal experience of living with type 1 diabetes. Although we know that type 1 diabetes is not preventable, it is estimated that some 80% of type 2 diabetes is indeed preventable.

I thank the noble Baroness, Lady Manzoor, for her contribution. I apologise to the noble Baroness, but I was not going to address the international implications of diabetes. The statistic that she gave—that some 387 million people suffer from diabetes worldwide—is indeed sobering. I know from experience that in some parts of the world, for example in the Middle East, prevalence of diabetes is particularly strong. Her points about co-infection with TB were well made. I am very happy to put the noble Baroness in touch with my opposite number in DfID if that would be helpful.

The NHS diabetes prevention programme is a joint commitment from NHS England, Public Health England and Diabetes UK to help people identified as being at high risk of developing type 2 diabetes to take personal responsibility for lowering their weight, increasing their physical activity and improving their diet. It will be the world's first national at-scale prevention programme. It will link into the NHS health check programme—commissioned by all upper-tier local authorities—which invites adults between the ages of 40 and 74 to a check for risk awareness, assessment and management of the key risk factors leading to premature death and disability in England. These checks take place every five years and include a diabetes risk assessment and blood test for those at risk, which could enable early detection of 4,000 cases of diabetes each year. Since the programme began, more than 10.5 million NHS health checks have been offered and more than 5.2 million checks have been undertaken. The fact that that is only 50% take-up reinforces the point made by the noble Baroness, Lady Young, that we should be able to do more about marketing these schemes to ensure a higher take-up.

On patient education, the noble Lord, Lord Harrison, and other noble Lords stated that once a patient is diagnosed with diabetes, education is vital in ensuring that they can manage their condition as effectively as possible. We have heard that GPs in some cases perhaps do not give sufficient encouragement for sufferers of

diabetes to do this. There has been an interesting observation that companies, through their corporate and social responsibilities, should do more to ensure that their staff and employees take up the opportunities for better education.

The *NHS Five Year Forward View* sets out a clear ambition to do more to support people with long-term conditions to manage their own health and care. To achieve this, NHS England has set up the Realising the Value programme, which will help strengthen the case for change, identify a set of evidence-based approaches and develop tools to support their wider implementation across the NHS and local communities.

The NICE quality standard for diabetes sets out that people with diabetes should receive a structured educational programme as this is key to ensuring that they are able to manage their condition as successfully as possible. Sixteen per cent of people newly diagnosed with diabetes were offered structured education in 2012-13, compared with 8.4% of those diagnosed in 2009, so there is improvement but from a very low base. In the same period, the number of people newly diagnosed with diabetes offered or attending structured education rose from 11% to 18.4%. I can only agree with noble Lords and the noble Baroness, Lady Young, that that is still far too low and that we must do more to increase that take-up. I agree with the noble Lord, Lord Harrison, that sharing best practice across areas is vital in increasing patient education.

To support this, we have increased transparency through the creation of *Healthier Lives: Diabetes, Hypertension and NHS Health Check*. This is a major online tool from Public Health England which has revealed large variation in the prevalence and treatment of diabetes. I am afraid that variation exists between hospitals as well.

The clinical commissioning group outcomes indicator set also provides clear, comparative information for CCGs, health and well-being boards and local authorities.

I think that eliminating variation is the only way of addressing the postcode lottery to which the noble and learned Lord, Lord Morris, referred. I could refer him to PHE's atlas of variation, but the more we can publish about the performance of individual CCGs and, indeed, GP practices, the more we can eliminate variation.

I turn to children's education. The most recent national diabetes audit report noted that the take-up of patient education was particularly low among younger people who develop type 1 diabetes in childhood. To incentivise improvements, the best practice tariff for paediatric diabetes provides an annual payment for the treatment of every child and young person under the age of 19 with diabetes, providing that 13 standards of care are met. One of these standards is to ensure that each young person has received a structured education programme tailored to meet their and their family's needs, including their carer's needs—a number of noble Lords referred to that—both at the time of initial diagnosis and ongoing updates throughout their attendance at the paediatric diabetes clinic. The noble Lord, Lord Harrison, referred to the important role of pharmacies in this regard. Increasingly, we will see a primary care system which is not just a traditional GP practice but encompasses pharmacy and other activities, and perhaps hospital outpatient clinics.

Once again, I thank the noble Lord for highlighting this vital issue. The Government are fully committed to combating and preventing diabetes. I hope I have demonstrated that we are working hard—although we are by no means fully satisfied yet with our results—not only to ensure that those who have diabetes are empowered to manage their condition as effectively as possible, but that those who are at risk of diabetes are given the tools, knowledge and support they need to reduce their chances of developing it.

House adjourned at 6.24 pm.

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