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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

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House of Lords

Thursday 20 October 2016

11 am

Prayers—read by the Lord Bishop of Southwark.

Introduction: Lord Fraser of Corriearth

11.07 am

Alexander Andrew Macdonell Fraser, Esquire (commonly known as the Honourable Alexander Andrew Macdonell Fraser), having been created Baron Fraser of Corriearth, of Corriearth in the County of Inverness, was introduced and took the oath, supported by Lord Lang of Monkton and Lord Goodlad, and signed an undertaking to abide by the Code of Conduct.

Introduction: Lord Caine

11.13 am

Jonathan Michael Caine, Esquire, having been created Baron Caine, of Temple Newsam in the City of Leeds, was introduced and took the oath, supported by Lord Black of Brentwood and Lord Empey, and signed an undertaking to abide by the Code of Conduct.

Unemployment: Disabled People Question

11.18 am

Asked by Baroness Deech

To ask Her Majesty's Government what progress they have made towards creating the conditions necessary to halve the unemployment rate of disabled people.

The Minister of State, Department for Work and Pensions (Lord Freud) (Con): Our ambition is to halve the disability employment gap—the difference between the employment rates of disabled people and those of people who are not. We will publish a Green Paper setting out our vision and options for longer-term reform. There are nearly half a million more disabled people in work than there were three years ago, but the gap remains too large.

Baroness Deech (CB): I fear—and I wonder whether the Minister agrees with me—that these schemes are destined to fail because the Government have not removed the barriers between disabled people and jobs. There is a lack of transport and an unwelcoming workplace. What disabled people need—and I hope that this will be favourable to the Minister—is that all buses should be accessible with audiovisual information and all the taxi provisions of the Equality Act should be brought into force. Tribunal fees, which deter discrimination claims, should be removed or lowered. Employers should be helped to understand what reasonable adjustments they should make. Will the Minister work across departments to promote those

recommendations of the Select Committee on the Equality Act 2010 and Disability, which I had the privilege of chairing earlier this year?

Lord Freud: We made a comprehensive response to that interesting report from the Select Committee—but on the fundamental point that the noble Baroness makes, we all have to acknowledge that this is not easy to achieve. Getting more people with disabilities into work is a complicated thing to do, and through the Green Paper we are looking to combine very big and complicated organisations in the shape of the health and welfare systems and employers. You have to do it across all three to have a hope of bridging this gap.

Baroness Thomas of Winchester (LD): Up to 600 disabled people a week are losing their Motability cars because of the harsh PIP reassessment test. Does the Minister not agree that, as many of them are of working age, this will not contribute to halving the disability employment gap?

Lord Freud: I want to make it absolutely clear: PIP is a better benefit than the DLA it replaces. More people are receiving the top rates of PIP than they are of DLA: 24% in PIP and 15% in DLA. We have other ways of supporting people who are in work and who have some element of disability but are not eligible for PIP, and we are looking very hard at building up the Access to Work system, and to increasing the numbers who can take advantage of it.

Baroness Smith of Basildon (Lab): My Lords, can the Minister confirm that “disability” also includes those with a learning disability? Secondly, funding for the new work and health programme appears to be just a third of what was available for previous programmes. Can the Minister explain to your Lordships' House how this funding will be allocated and why the Government consider it adequate?

Lord Freud: We are moving the emphasis away from more general support programmes such as the Work Programme towards the work and health programme because many of the people who need support have disability barriers. It is right for the new emphasis to be there. I absolutely accept the noble Baroness's point about people with learning disabilities. There are some shocking figures on this and it is a key issue. There are some 1.1 million people with learning disabilities and only around 6% of those are getting into work. Clearly, if we want to halve the gap, that is a central group for us to pay attention to.

Lord Low of Dalston (CB): My Lords, there was a lot of disappointment on the part of disabled people at the Government's response to my noble friend Lady Deech's Select Committee. Is the Minister willing to consider coming up with a plan of action for implementing the Select Committee's recommendations, or establishing a task force with disabled people and their organisations to come up with a plan?

Lord Freud: The way we are now addressing this will effectively encompass what the noble Lord is asking for. We are preparing to launch a work and health Green Paper and there will be a lot of work following it. We will need to work with the sector, the health system and employers to make sure that we have something that really starts to achieve our aims.

Baroness Stroud (Con): My Lords, one in six people who develop a disability while they are in work lose their employment within a year. Can the Minister explain to the House the structural changes he is making to universal credit in order to keep disabled people close to the workplace, particularly disabled people with fluctuating conditions, and to support employers?

Lord Freud: The fundamental change in the new benefit structure—a single benefit in the form of universal credit—allows people to stay in their benefit while they have varying amounts of work. Some of the main beneficiaries will be disabled people, many of whom do have fluctuating conditions. Today, they are frightened of going into work if they are having a few good months, because they could lose their entire package. At the moment, there are silo packages and a person can be labelled and told, “You are in this disability package; you cannot go into work”. Under UC, you can move up and down the taper depending on how you are doing, which is one reason why I was able to relax the permitted work rules when we went through the Welfare Reform and Work Bill. With universal credit, we no longer have to patrol so tightly the legacy system.

Lord Morris of Handsworth (Lab): My Lords, the Minister will be aware that, with help and support, some disabled people are able to work from home. What help, support and assistance are given to people who can take advantage of those opportunities in order to become self-sufficient and independent?

Lord Freud: I had not thought about that point, and I will do so. Access to Work works with employers, and there is a system there. To be absolutely honest, I am not sure how or whether it would work with homeworkers. I will check that out and write to the noble Lord. I thank him for raising the point.

Franchise: British Citizens Abroad

Question

11.26 am

Asked by **Lord Lexden**

To ask Her Majesty’s Government what plans they have to extend voting rights in parliamentary elections to British citizens who have been living abroad for 15 years or more.

Baroness Chisholm of Owlpen (Con): My Lords, I have good news. I am pleased to confirm that the Government have published details of their approach to removing the current 15-year rule on British citizens living overseas voting in parliamentary elections. I informed this House of that by means of a Written

Statement on 10 October. The policy statement sets out in detail how we plan to remove the current rule that means British citizens overseas can vote only for 15 years from the point they were last registered to vote in the UK. The Government intend to give the right to vote to all British citizens overseas who were previously resident or registered to vote in the UK. The Government welcome feedback on these proposals from any interested party.

Lord Lexden (Con): My Lords, the policy document to which my noble friend made reference is most welcome but do the Government understand the deep concern that has arisen among British citizens living overseas given that the legislation so clearly promised in the Conservative election manifesto has not yet been introduced? When will it see the light of day? Can the Government give an absolute commitment that all our fellow countrymen and women living abroad will be able to vote in the next general election?

Baroness Chisholm of Owlpen: I thank my noble friend for that. Introducing votes for life will require primary legislation to amend the Representation of the People Act 1985 and associated secondary legislation. There is no current timetable for introducing the Bill but the intention is to have the new arrangements in place ahead of the next scheduled general election in 2020.

Lord Grocott (Lab): Has the Minister heard the ugly rumour that the reason the Government are proposing to extend the franchise to people who have not lived, worked or paid taxes here for decades is not because of an important constitutional principle but because they think they are more likely to vote Tory? In order to dispel that ugly rumour, will the Minister tell the House from the Dispatch Box that no such consideration has ever entered her or any other Minister’s head?

Baroness Chisholm of Owlpen: I certainly cannot speak for anybody else but it had not entered my head. This will allow everybody who was resident in the UK and is now living abroad, but has been living there for more than 15 years, to vote in UK elections. It does not matter what party they vote for; we welcome them all.

Lord Tyler (LD): My Lords, will the Government examine all the options when they prepare this legislation? For example, will they examine the case for distinct, separate constituencies for our fellow citizens who now live abroad? Does the Minister recognise that there are Members on all sides of the House who have served as MPs and will know the advantages of being able to really speak for those people? As it stands, the average Conservative, Labour, Liberal Democrat—or whatever—MP will undoubtedly find it difficult to represent the voices and views of a small number of overseas electors when they have thousands of others who still live in their constituency. After 15, 20, 30, 40 or 50 years it would be very difficult to represent them.

Baroness Chisholm of Owlpen: We have set up consultations and are hoping to get responses from everybody who might be involved in this. That will no doubt be one of the things that comes up.

Lord Kilclooney (CB): My Lords, as Irish citizens in the United Kingdom have exactly the same electoral rights as British citizens, will the removal of the 15-year ban apply to Irish citizens abroad as well as British citizens?

Baroness Chisholm of Owlpen: My Lords, the noble Lord has slightly got me on that one. I will have to write to him.

Lord Cormack (Con): My Lords, has it occurred to my noble friend that, had we given due priority to this manifesto commitment, British history might be a little different?

Baroness Chisholm of Owlpen: This has nothing to do with the EU referendum. That was run under the Westminster franchise. This is a completely different set of rules, and the idea is to bring it in with primary and secondary legislation.

Baroness Hayter of Kentish Town (Lab): My Lords, I have twice asked the Minister's predecessor—or perhaps three times—whether this means that such people will then become permitted donors. This is serious: it means that non-doms, who may not have lived here for 50 years, who may not have paid income tax for 50 years and who have no real interest in this country, would be able to be permitted donors, and foreign money could pour into our political parties.

Baroness Chisholm of Owlpen: All those things are under consideration. I think that what the noble Baroness says is unlikely to be the case, but I will get back to her to make sure that that is correct.

Lord Forsyth of Drumlean (Con): My Lords, what is the possible justification for allowing people who have no contact other than past contact with this country and who pay no taxes in this country to have votes? Will my noble friend tell me which other countries in the world have such a system?

Baroness Chisholm of Owlpen: I think that quite a lot of people who live abroad still have houses and relatives here, and come here quite a lot. They still have a lot of connection with this country. There is no reason why they should not be allowed to have a view on the elections.

Lord Foulkes of Cumnock (Lab): Following the noble Lord, Lord Forsyth, if British citizens who have gone abroad to avoid paying British tax are allowed to vote, but EU citizens living and working in Britain, who pay tax, are not allowed to vote, what has happened to the principle of no taxation without representation?

Noble Lords: It is the other way round.

Baroness Chisholm of Owlpen: These people have not necessarily gone abroad to avoid taxes: they might be working. I have a son who has lived abroad for 13 years; he will soon be coming up to 15 years. He is there because of his job, but he still has a lot of interest in the UK. It is not only about taxes.

Gambling Question

11.34 am

Asked by *The Lord Bishop of St Albans*

To ask Her Majesty's Government what steps they are taking to protect those at risk of gambling-related harm.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, the Government are committed to ensuring that people are protected from being harmed or exploited by gambling and that those who require treatment receive it. The industry is required to contribute towards research, education and treatment programmes to prevent gambling harm. The majority of provision for treatment is through responsible gambling trusts and the funding of organisations such as GamCare, which provides helpline and counselling services. Local treatment can also be found through GPs and NHS clinics.

The Lord Bishop of St Albans: I thank the Minister for his Answer. Gambling-related harm is not restricted to people with problem gambling—it affects family, it affects friends, it affects even people who work in gambling shops. I recently put in a freedom of information request to the Metropolitan Police which revealed that since 2010 there has been a 68% rise in violent crime associated with betting shops across the capital. In the light of that, will the Minister tell the House what assessment the Government have made of the link between this rapid rise in violent crime associated with betting shops and the increase in the number of fixed-odds betting terminals in those shops?

Lord Ashton of Hyde: Any rise in crime figures is of course concerning, and Ministers and the Gambling Commission will look at those figures closely. One of the three licensing objectives that all operators must comply with is to prevent gambling being a source of crime. On the right reverend Prelate's specific question about the link between fixed-odds betting terminals and the rise in crime, I hesitate at the moment to draw a causal link between them in the absence of evidence on the specific means of betting. However, this is exactly the sort of evidence that should be provided to the forthcoming triennial review.

Lord Rooker (Lab): We should resist the pressures from the gambling lobby, because this is an incredibly serious issue. However, I want to deviate from the Question slightly to ask the Minister: what counselling help is available for someone who gambles a country for a political party and loses?

Lord Ashton of Hyde: The Gambling Commission will take a close interest in things like that, I am sure.

Lord Collins of Highbury (Lab): My Lords, one mechanism that the Government have in place to try to offer some sort of control over what goes on in the high street is the triennial review of betting limits. A number of noble Lords, including me, have asked the Government what has happened to the review, since it was due over 18 months ago and could possibly take another 12 months. Do the Government intend to publish or undertake the review soon? Or perhaps they intend to rename it. I think we are too late to call it quadrennial, but perhaps it could be sexennial.

Lord Ashton of Hyde: My Lords, perhaps I ought to point out to the noble Lord the position on the triennial review. The Gambling Act was introduced by the Labour Government in 2005 and in the following five years no triennial review was held by the Labour Government. The coalition Government held a triennial review in 2013, and the Conservative Government will hold a triennial review in 2016.

Lord Foster of Bath (LD): My Lords, fixed-odds betting terminals blight lives, lead to crime and damage local economies. As far back as 2005, the current Prime Minister expressed her deep concern about the harm that fixed-odds betting terminals had caused, and yet so far the Government have taken no action. As we have heard, the triennial review is already way behind schedule. Can the Minister say, in particular, when the Government will respond to the appeal by Newham Council and 93 other councils which want to be able to reduce the stake on FOBTs? That response from the Government was due by the summer but we still have not had it. When will we receive it?

Lord Ashton of Hyde: My Lords, I do not know whether the noble Lord was listening to what I said before. The last triennial review was held in 2013 and the next one will be held in 2016. As regards Newham Council's application under the Sustainable Communities Act, it is true that the second response—we have responded once—was due in July, so it is some months overdue. The best place to review the evidence in that appeal, which was about reducing the stakes on FOBTs—I accept that problems can be caused by those; I do not doubt that—will be in the forthcoming triennial review, which will call for evidence on these subjects.

Lord Watts (Lab): My Lords—

Lord Smith of Hindhead (Con): My Lords—

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): It is the turn of the Conservative side, I am afraid.

Lord Smith of Hindhead: My Lords, I declare my interests as set out in the register and as an occasional and responsible gambler. We know that about 70% of the UK's population regularly plays the National Lottery and buys scratchcards, and the recent GamCare report revealed that some people have a particular problem with these products. Putting aside the fact that it profits good causes, can the Minister tell the House what procedures might be in place to assist people who have an addiction to this type of gambling, particularly bearing in mind that it is open to those who are 16 years of age and older?

Lord Ashton of Hyde: My noble friend is right that FOBTs, although a particular subject of interest, are not the only form of gambling. The point is that addiction to gambling, whatever the source, is a serious problem which must be addressed. At the moment, there is a sort of tripartite arrangement. The Gambling Commission is the Government's statutory adviser, and its adviser is the Responsible Gambling Strategy Board. It advises and takes evidence on and researches into this problem. Of course, the industry is required to provide money for education and research, which it does to the tune of about £7 million a year.

Prisons Question

11.41 am

Asked by **Lord Ramsbotham**

To ask Her Majesty's Government what is their response to the call by the Prison Governors Association for an independent public inquiry into the state of prisons in England and Wales.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, safe and secure prisons are a fundamental part of our reform ambitions. The scale of the challenge we face is clear from the recent incident at Pentonville. However, we are determined to modernise the prison estate and empower governors so that we can tackle issues such as drugs and violence. That is key to making prisons safe. We will set out plans for prison safety and reform in a White Paper in the coming weeks.

Lord Ramsbotham (CB): My Lords, I thank the Minister for that reply. Tuesday's horrendous murder in Pentonville drew yet more attention to the fact that our prisons are in crisis. I regard the call for a public inquiry into their state by the very reputable Prison Governors Association as a vote of no confidence in the years of purely in-house tinkering with the system by successive Ministers and officials. The then Home Secretary, Kenneth Baker—now the noble Lord, Lord Baker of Dorking—called in my now noble and learned friend Lord Woolf and the then managing director of British Aerospace to conduct inquiries after the prison riots in 1990. I ask the Minister to advise the Secretary of State for Justice to listen carefully to those most affected by the current crisis and to acknowledge that an inquiry may well find that the in-house approach has been a prime contributor to, if not a main cause of, the current crisis.

Lord Keen of Elie: It is not thought that a public inquiry is the way forward when we are about to publish a White Paper on prison safety and reform, in which we will address these issues. Of course, the Prison Governors Association has expressed concerns. Like the Secretary of State, it wants safe prisons as the foundation for prison reform. It has welcomed the fact that initial funding has recently been made available, with the announcement of a £14 million pilot scheme for new public sector prisons operating in 10 selected sites.

Lord Beecham (Lab): My Lords, since 2010, the number of assaults on prison officers has risen from 3,000 a year to 5,500, with serious assaults doubling. Assaults with weapons on officers and fellow prisoners increased by 30% to 22,195 in six years. The level of self-harming has increased in the last two years by 50% to 34,586. Suicides last year totalled 105. Meanwhile, the number of prison officers has fallen from 18,500 to just over 15,000 in the last four years. When will the Government recognise that we have a crisis in our prisons and that it is necessary to reduce the overall prison population—including those on remand, many of whom do not end up with custodial sentences—substantially increase the number of trained staff, provide appropriate medical and other support, and move from housing people in large institutions, which are difficult to manage, to smaller custodial facilities?

Lord Keen of Elie: It is recognised that there has been an increase in violence in prisons in the past 10 years or more. It should also be noted that in the period from 2005 to 2015, the number of offenders in prison for violent conduct increased by 29%. So far as resources are concerned, we have already announced, as of 30 June this year, the allocation of an additional £10 million of new funding for prison safety. That funding is to include Pentonville prison. In addition, by March 2017 we expect to find 400 extra staff deployed in consequence of the funds being made available, as I mentioned before.

Lord Marks of Henley-on-Thames (LD): My Lords, Pentonville prison, where Jamal Mahmoud was stabbed to death, was designed to hold 900 prisoners but is now packed with 1,200. A public inquiry would bring long-term benefit, but will the new Justice Secretary now address the present crisis of too many people being sent to prison, overcrowding, understaffing, inadequate activity and squalid conditions, all of which are leading to endemic violence and any number of other disasters that are waiting to happen? Will she please act now?

Lord Keen of Elie: The Secretary of State has already announced a £1.3 billion programme for improving and increasing the prison estate.

Lord Elton (Con): As a former Minister for Prisons, I recognise the difficulty that the Government are in when something like this is proposed just as a new and expensive programme is launched. However, will my noble and learned friend bear in mind that an inquiry would offer two specific advantages? One would be that he and the Secretary of State might learn a good deal that they did not know, which would be valuable to them in managing their jobs. The second is that the result is likely to give them extra ammunition for dealing with the difficulty of getting money out of the Treasury.

Lord Keen of Elie: As I indicated earlier, there are imminent proposals for a prison safety and reform White Paper in which these matters will be addressed. In addition, it will be recalled that we had the recommendations of the Harris review; 62 have been accepted and a further 12 are under consideration.

Lord Patel of Bradford (Lab): My Lords, the Government have, I believe, acknowledged that one of the major contributing factors to the increase of violence in prisons is the use of psychoactive substances, especially Spice, and have taken steps to ensure that possession and supply is restricted in prisons. Does the Minister agree that it is important to have a co-ordinated response to tackling demand and all drug misuse—not only psychoactive substances but heroin, crack and cannabis, and the increasing misuse of prescribed drugs? If not, we will have a scattergun, reactive approach to tackling this issue. It is important to include drug misuse in the White Paper.

Lord Keen of Elie: It is acknowledged that drugs, in particular psychoactive substances, are a major problem and a source of violence in the prison community. Indeed, a report by the Ministry of Justice in 2013 noted that more than 80% of the prison population admitted using illegal drugs prior to their incarceration. The availability of drugs in prison remains a major problem and one that we are addressing. For example, new penalties in respect of the use of drones are being introduced and further reforms have been taken to try to reduce the ability of people to bring drugs into prison. However, we have to remember that individual prisons are communities with a massive movement of people in and out, whether they be new prisoners or visitors, and control of illegal substances is a major problem.

Business of the House

Timing of Debates

11.49 am

Moved by **Baroness Evans of Bowes Park**

That the debate on the motion in the name of Lord Wallace of Saltaire set down for today shall be limited to 3 hours and that in the name of Baroness Parminter to 2 hours.

Motion agreed.

Brexit: Foreign and Security Policy Co-operation

Motion to Take Note

11.50 am

Moved by **Lord Wallace of Saltaire**

That this House takes note of the implications for foreign and security policy co-operation with European countries of the result of the referendum for the withdrawal of the United Kingdom from the European Union.

Lord Wallace of Saltaire (LD): My Lords, this is the second debate on this theme in three days, so the Minister will now be prepared for the questions that many of us will pose. The purpose of this debate is to ask the Government what their intentions are in terms of continuing participation in or withdrawal from

[LORD WALLACE OF SALTAIRE]

European institutions, networks and exchanges of information and intelligence in foreign policy, defence, defence procurement, policing, counterterrorism and internal security after we leave the EU.

Posing these questions does not, as David Davis has suggested, amount to a demand to micromanage the Government's negotiations; it asks the Government to set out their overall objectives—their negotiating guidelines, without which they can neither conduct a successful negotiation with others nor carry their domestic public and the interested parties with them. The Prime Minister's repeated assurance that leaving the European Union does not mean that we are leaving Europe is as vacuous as her statement, "Brexit means Brexit".

For the past 43 years, substantial aspects of British foreign policy have been conducted through the mechanisms of European political co-operation, now rather optimistically entitled "common foreign and security policy". I remember Jim Callaghan's enthusiasm, as Foreign Secretary, for the usefulness of regular meetings with European Foreign Ministers, and the contributions of the noble Lord, Lord Carrington, to strengthening the mechanism and developing a secretariat.

British Ministers meet their European counterparts more often in such meetings than in any other multilateral forum. Co-ordination of policy with our most important neighbours—France, Germany, the Netherlands, Italy and Spain—flows from such meetings and the conversations around them. Western negotiations on nuclear weapons with Iran, for example, were conducted by the E3, as we called it—France, Germany and the UK, ably assisted both formally and informally by the noble Baroness, Lady Ashton, as the EU High Representative for Foreign Policy. Western responses to Russia on Ukraine have been managed through EU sanctions—though the British Government inexplicably opted out of the more active Normandy process, leaving it to Germany and France to handle the tough negotiations with Moscow. The EU caucus is one of the most effective groups within the UN General Assembly and its various committees, and in other global international organisations.

Do the Government propose to withdraw from the now extensive network of CFSP meetings, and to withdraw UK staff from the European External Action Service, as well as from the externally related directorates-general of the European Commission? If so, we will become an outsider, a marginal participant in multilateral discussions on approaches to Russia, the Middle East, north Africa and beyond.

Since the end of the Cold War, the subsequent transformation of European security and the withdrawal of most US forces from the European continent and the UK, the EU has also begun to develop a defence dimension, encouraged by the Americans and by NATO, as NATO lacks the range of military and civil options to respond to hybrid warfare, state collapse and non-state conflicts. The UK has played an active role in this, while at the same time insisting as far as possible on avoiding public commitments, first under the Blair Government, then under the coalition and now under the Conservatives. We signed a bilateral defence agreement with the French in 1998, intended to provide a lead for the reshaping of

other EU forces towards operations outside NATO territory. Liam Fox, no less, signed a reinforced UK-French agreement in 2010. We led, with the French, in developing cross-national battalion groups for such potential deployments. While resisting French proposals for an autonomous European headquarters, we have provided the multilateral HQ for Operation Atalanta—the anti-piracy patrols off Somalia in the Indian Ocean—at Joint Forces Command HQ Northwood.

As a Liberal Democrat Minister, I worked hard to attract more attention to this successful multilateral operation. My Conservative colleagues agreed to invite EU ambassadors to visit Northwood, and even a small number of MPs, but not of course to allow the press in. We take part in Operation Sophia in the Mediterranean and in assisting local forces in Mali and elsewhere across the Sahel. We are also a member of the European Defence Agency, a body of active interest to UK defence manufacturers. Do we intend to withdraw from all this as being incompatible with British sovereignty, or do we want to negotiate some way of remaining associated, like Norway, in a weaker and subordinate marginal capacity?

Then there is multilateral co-operation in development, which was mentioned by the noble Lord, Lord Collins, in Tuesday's debate. Reviews of the European Development Fund have rated it as one of the most effective multilateral bodies in aid and development. It helps many poorer Commonwealth countries as well as others in Africa, the Caribbean and the Asia-Pacific. Do we intend to walk away from that as well and to spend UK development funds through less efficient multilateral bodies or to shoulder the additional administrative costs of managing our entire development spending ourselves, unco-ordinated with other states?

Then there is co-operation among police forces, intelligence services and border control. I remember my first introduction to this area of European co-operation when in early 1990 the Metropolitan Police approached Chatham House with a request for us to host a seminar with police and interior participants from continental countries. They understood that, with the steady increase in the numbers of British citizens crossing the Channel and EU citizens visiting Britain, closer co-operation was becoming essential and that the demolition of the Berlin Wall had made all European borders more porous. Euroseptics should take note that this was in no way an attempt to build a mythical European superstate or to push powers away from Westminster to Brussels; it was a practical response by senior British police officers to changing patterns of cross-national movement. Those noble Lords who listened to the "Today" programme this morning will have heard a senior British police officer saying again how vital it is that we should remain a member of the European arrest warrant procedures.

British Ministers have led in pressing for exchanges of information on cross-border criminal networks, on passenger name information on travellers by air, while also asking for access to Schengen databases and playing a positive role within Europol. Do the Government now intend that we should withdraw from all of this when we leave the European Union, thus risking a deterioration in British security which tighter border controls will only partly mitigate? Or, again, will we try

to find some way of hanging around the edge of the institutions and networks that the EU has established to manage common challenges, which any British Government must continue to deal with?

The leave campaign refused to address any of these issues before the referendum and the Government have said nothing substantial about them since then. Boris Johnson and Liam Fox are in effect security deniers, sweeping such concerns away with assurances that NATO will look after us and that the EU is irrelevant to UK security. However, if we are going to depend solely on the United States, let us hope that we do not get President Trump, although the Foreign Secretary and the Secretary of State for International Trade would no doubt welcome him as a soulmate. The most curious speech in Tuesday's debate came from the noble Lord, Lord Farmer, who mentioned neither peace nor security, let alone the complex threats facing the European region and the UK as part of that region. He spoke as if he was defending the sovereignty of Mauritius against imperial Britain, standing up for a little island secure from all threats in the middle of an ocean. Perhaps that is the image of England that grips hard Eurosceptics, obsessed with the fantasy that Brussels is the front for a German-dominated empire.

In Tuesday's debate, both the noble Baroness, Lady Helic, and the right reverend Prelate the Bishop of Leeds quoted extensively from chapter 5 of the current Government's own strategic defence and security review of 2015. The decision to leave the EU now makes much of that chapter redundant and requires, as the noble Baroness suggested, a new overseas strategy and SDSR for a non-European UK. Paragraph 5.40, for example, states bluntly:

"A secure and prosperous Europe is essential for a secure and prosperous UK. We want Europe to be dynamic, competitive and outwardly focused, delivering prosperity and security".

Paragraph 5.42 continues:

"We will also continue to foster closer coordination and cooperation between the EU and other institutions, principally NATO, in ways which support our national priorities and build Euro-Atlantic security".

Few Eurosceptics appear to have read, let alone understood, last year's SDSR. When the noble Lord, Lord Forsyth, repeated the uninformed comment in a debate some months ago that, "the EU has nothing to do with security", I gave him a copy with marked-up sections in chapter 5, but he and others still seem to think that Britain needs a royal yacht sailing around the Gulf and the Indian Ocean rather more than close, continuing co-operation with our neighbours and allies.

If the Government are sincere in wanting to maintain mutually beneficial co-operation with our European neighbours after we leave the EU, which I think is the implication of what the Prime Minister is hinting at, they also need to pay more attention to the tone in which Conservative Ministers pitch their arguments. Several of us heard at a meeting earlier this morning from several contacts on the continent that willingness to offer the UK reasonable terms for continuing co-operation has lessened since they read or watched the nationalistic rhetoric of the Conservative Party conference. Playing to the Europhobe right may help to hold the Conservative Party together, but it loses the trust of those whose co-operation we will continue to need after we leave the EU.

Any effective foreign policy has to balance between domestic opinion and international diplomacy. We face a great many international challenges, from organised crime, cyberattacks, global migration and climate change to Russian hostility and instability across Africa, the Middle East and Asia. We will not make a constructive contribution to meeting these without working together with our European neighbours and allies. Outside these established European networks of co-operation, we will punch a long way below our weight.

So I have a final question to the Minister. When will the Government provide an outline of British foreign policy post-Brexit? We have heard nothing substantial from the Foreign Secretary in three months in office. The Government have not responded to the Joint Committee on the National Security Strategy's report of July, which urged that, "a detailed analysis" of the security implications of the UK leaving the European Union, "should begin immediately". We all suspect that silence indicates confusion, that Ministers do not know what foreign policy priorities to pursue next, or with whom. They need to work that out soon and give Parliament and the British people an answer.

12.03 pm

Lord Howell of Guildford (Con): My Lords, it is very good that we are having this debate and the noble Lord, Lord Wallace of Saltaire, certainly knows a very great deal about this subject, as he has just demonstrated. I will not unfairly describe him as an expert—we have to be rather careful with that phrase at the moment, but his knowledge is very extensive, as he has demonstrated. In slight contrast to the tone he has taken and what he has said, I have no hesitation in saying that we should regard the Brexit event, in the area of security and defence, as a golden opportunity for reform of our own and—just as important, of course—Europe's security strategy in an age of entirely new threats and challenges. Europe's stability and strategy has always been, remains and will always be our stability and our strategy as well.

I say that we should so regard it, but in practice we actually have no other choice. Some may look back and say that things should not have happened the way they have, but I believe that reform of the European Union as a whole is coming anyway, driven by enormous global forces and the immense power of the transforming digital age. Things could have been better handled on the British side, and possibly from within the EU, which I voted to remain in—although we lost, of course. But the decision is made and we can and certainly must make the very best of it. I see this all as part of the new European policy for which the Prime Minister has called, which we can get on and develop. I see no point at all in simply discarding it as vacuous. This is where we are going. This is the new European policy, which we now must build.

I liken this situation to the struggle we face in the wider Brexit debate against, for instance, the stupid polarisation of the argument between tighter immigration controls and trading in the single market, as though this was an either/or choice. I know this makes good copy for journalists and commentators but in the real world we have moved into, these facile absolutes do not apply. Free movement of labour, which was said to

[LORD HOWELL OF GUILDFORD]

be a fundamental EU principle, turns out, in the age of vast migration into and across Europe, not to be fundamental at all, while the single market of yesterday has long been perforated and reshaped by new trade patterns and supply chains, which I fear a number of policymakers still do not understand.

To come to security, first we have what might be termed the American view—and, slightly, the view of the noble Lord, Lord Wallace. I am afraid many Americans have never fully understood the European integration movement. Their view is that the UK stepping out of the EU means some vast detraction from European military and defensive strength. The contention is that since the UK contributes 24% of the EU's total military spending—not just CSDP stuff—and 50% to 60% of its airborne, heavy transport, early warning and electronic capabilities, as well as having the fifth-largest defence budget in the world at \$56.2 billion, and being one of its two nuclear powers, cutting out of the CSDP will somehow lead to European security loss all round, if indeed that is what we are going to do.

I take the opposite view. The common security and defence policy, from which the UK has anyway been walking away—rightly—for some years, is badly in need of shake-up. Transatlantic commentators never seem to grasp just how plain dysfunctional and in need of reform the whole European model is. With the euro currency in unending chaos, with Spain without a Government, with Italy going the same way, with Hungary linking up with Russia, with Brussels disliked in Poland and in Prague, and in every country a growing political discontent with the old doctrines of centralism, standardisation and uniformity, this is certainly a region that needs to pull together with a new defence approach. We are just as well placed to work for that outside the EU as inside—some might argue, probably better.

I will say a brief word on energy security, which was not mentioned by the noble Lord, Lord Wallace; he was concentrating on other things. But after all, our daily oxygen is really the key security requirement for this nation. Leaving the EU ought to enable us to tie up our physical links and interconnectors with the continent more quickly, to head off the prospect of future blackouts—so brilliantly imposed on us by previous energy and climate Secretaries of State—and to go for a cheaper low-carbon strategy. I confess that I am not hopeful, since the Government's Committee on Climate Change seems to be pushing us fast in the opposite direction. However, if we have the nous we could combine much cheaper energy, more reliability and better and much less costly low-carbon progress, now that we can stand aside from the EU strategy. We shall see. Frankly, the Hinkley Point decision—the most costly and risky low-carbon project of all—hardly bodes well in this respect.

We can start building an effective and efficient security policy for Europe, based on a stronger NATO and close relationships with France and Germany but also leaving flexibility for developing our defences outside Europe, where our security is just as much at risk. With the Indian and Pacific Oceans lying at the centre of global affairs and dangers, some new thought should

be given to Commonwealth military alliances, such as we had in the past, especially links with Australia, New Zealand, Malaysia and India—all members of the Commonwealth family.

Finally, the surprising and maybe counterintuitive prospect flowing from Brexit is that we are going to find ourselves not less close but closer to our European neighbours in many respects, particularly those we are discussing. There is no need for this to be encased in a labyrinth of overarching treaty patterns. We will have to deal in all sorts of areas—policing, intelligence or many aspects of specific industrial sectors—where we will again and again come back to the point that the vast network elaborated in the European treaties, as amended and finalised in the Lisbon treaty, is not a necessary adjunct to the way in which we have to work.

If anyone doubts my proposition that there are forces which will draw us closer to Europe regardless of whether or not we are in the EU, they should note that our neighbours the French are busy vigorously buying up vineyards in southern England. Depending on your point of view, this could be regarded as an intolerable invasion by foreigners, or a chance to have still better wines and some nice imbibing at low prices. This, I agree, has nothing to do with Brexit or defence but it has everything to do with market forces—and larger forces than markets—which anyway usually operate about a year ahead of Governments and the political and media debate, the bubble in which most of us in our innocence and ignorance still reside.

12.11 pm

Lord Liddle (Lab): My Lords, I congratulate the noble Lord, Lord Wallace, on introducing this very timely debate. There was not a word in his speech with which I would disagree. I also congratulate my noble friend Lord Collins on having introduced a debate on this subject earlier in the week. I am very sorry that I was not able to take part in that but it is a subject of vital importance.

I agree and have always agreed with the noble Lord, Lord Howell, that the EU needs substantial reform but it would have been a lot better for us to be doing that from the inside than from out. In the months of depression that I have suffered since 23 June, nothing has got me away from the terrible thought that this is the greatest foreign policy disaster that Britain has undergone since appeasement in the 1930s in terms of weakening our influence in the world. I hope that I live long enough to see the guilty men held to account.

The Brexiteers seem to live in a world of illusion about Britain's role in the world. I would describe their position as one of attempting to revive the Anglosphere, rebuild a close special relationship with the United States and strengthen our relations in trading and other areas with the old dominions and the Commonwealth, along with a view that we can have enormous influence as a result of the power of the English-speaking world. I am extremely sceptical about this proposition of the Anglosphere. For me, the only conceivable role for Britain in the world is to continue to seek the closest possible working relationship with our allies in the European Union.

On Britain and the United States, Macmillan recognised 60 years ago that the only way to sustain the transatlantic relationship was through Britain becoming a member of the Common Market and having influence in the gathering process of European integration. When Dean Acheson said that we had lost an empire and not yet found a role, influence in Europe was the only conceivable role for Britain. I find it very difficult to believe that we can strengthen our relationship with the United States outside the EU. My old boss Tony Blair used to talk a lot about Britain being the transatlantic bridge. I always remember that at one meeting I attended, Gerhard Schroeder said, “The trouble with your bridge, Tony, is that the traffic is all one way”. Of course, there was truth in that. The lesson of Iraq was that the British public did not like the idea of playing second fiddle to US foreign policy because, regrettably, it was demonstrated that Britain had very little influence in securing a successful outcome of that operation.

In the US election, we see the United States withdrawing into itself, unable to address the failure of the West in the horrors of Syria. It is shameful that we are allowing all this to go on. Today Mrs May should be going to Europe to bang the Council table about the need for common action for common purposes in our common interest. Syria affects Europe far more than the United States, yet she is going to go to talk to people at the dinner about Brexit. This is shameful.

We need a united Europe to face up to the gathering menace of Putin. Some people in my own party have to face up to that as well. I would like to hear some critical words about Mr Putin’s actions from my party leader.

On the relationship with the wider Anglosphere outside the United States, the Commonwealth has very diverse economic and security interests nowadays. Liam Fox may be right that the Australians will be keen to do a trade deal with us if and when we are able to do a trade deal with them, but I remember that when I was in Brussels the Australians used to look to Britain’s presence in the European Union as the most effective way of protecting their economic interests. A British-Australian trade deal will be useful, but it will not play that central role.

All our international effort will clearly go into trying to negotiate trade agreements. This will be much more difficult than people think as there is a gathering protectionist mood in the world, and we will have to pay a price for trade agreements. There will be a loss of much of our agricultural industry as tariffs come down. If we are going to do a free trade agreement with India and have a closer relationship with it, we will have to accept far more free movement of Indians to Britain under mode 4 of the GATT services deal.

This brings me to the view of Britain as having lots of soft power. I take what the noble Lord, Lord Howell, said about free movement. There is a lot of nonsense talked about the choice there, but you cannot be a global nation with global influence if you have as a firm policy objective reducing immigration to the tens of thousands. If we have that as our objective we will never be able to attract people to our universities and cultural institutions so that Britain will be a centre

of global talent. If the Government are serious about a global vision, they have to rethink their immigration policy.

Using soft power depends on leverage. I remember the G8 summit in 2005, where Britain played a big role. How did we play that role? Because on subjects such as climate change and the development deal for Africa, we were able to mobilise our partners in the EU in order to exert influence. We will not be able to do that outside unless we have the closest relationship with our partners, and that is not going to be achieved by Boris Johnson insulting his way around the capitals of Europe. For that reason, we have to wake up and recognise that we are in a weak position as a result of Brexit, and form the closest possible partnership with our EU allies.

12.20 pm

Lord Campbell of Pittenweem (LD): My Lords, it is both a pleasure and a privilege to participate in this debate, which has begun with three most excellent speeches—not all of which I agreed with—on an issue which is of fundamental importance. After all, the first obligation of any Government is the protection of their citizens.

I have changed my mind over Europe. Lest my noble friends on the Front Bench think this is a public declaration of apostasy, amid the chagrin and disappointment to which I was subject immediately after the decision, in the debate that followed in this House, I expressed a view, at least by implication, that there was little role for Parliament in the process which we were about to begin. However, this debate shows that there is more than such an opportunity, and I will spend a moment or two just putting this into what now seems to be the political context. It seems to me that the attitude of the present Government—Brexit means Brexit—is by implication creating a rather novel constitutional principle. We say here that Parliament is sovereign, and we know that no Parliament can bind its successor. That is why we can have a great repeal Act; that is why we can alter legislation. Yet the doctrine which appears to be emerging is that once there has been a referendum, Parliament is bound by it: there is no going back, even if Parliament is wholly opposed or has significant reservations. Even if there is a material change in circumstances, Brexit means Brexit. That seems to me to have an impact on our understanding of the sovereignty of Parliament—a novel understanding, with which we should clearly be concerned.

Supposing the decision had gone the other way and that by 2% the people of the United Kingdom had voted to remain. Do we imagine that the noble Lords, Lord Lawson and Lord Forsyth—unhappily, neither noble Lord is now in his place—would have heard the words, “Remain means Remain” from the lips of the Prime Minister, and packed their tents and silently stolen away? Of course not. They would have invoked the rights and sovereignty of Parliament to challenge that decision. That is why it is unfortunate that recourse has had to be made to the courts here in order to underline the sovereignty of Parliament and its right not only to be consulted but to have a part in the decision-making on an issue of such fundamental importance to the future of the United Kingdom.

[LORD CAMPBELL OF PITTENWEEM]

I offer just this point, which I have made reference to previously. It is essential to understand that we are negotiating not just with the European Union but with 27 other countries, all of which will have individual national interests that they will be determined to promote. I just ask the following question, which has been brought to my attention in representations made by representatives of Gibraltar, who are much exercised about the consequences for Gibraltar of Brexit. Suppose the Spanish Government were to decline to sign an agreement that was in other respects accepted unless they were granted joint sovereignty over Gibraltar. What then? Who would sign that? Who would take the responsibility for something of that kind—the Government alone? I should have thought that an issue of that kind should be determined by Parliament.

Suppose—this is perhaps slightly less significant—the Spanish Government were to say, “Unless the present arrangements for fishing remain, we will not sign any agreement”? That would drive a horse and cart through the enthusiasm of the fishing community in this country. Yet, so far as I can understand, the Government have no intention of having a vote other than one to accept or reject, with no opportunity for making particular points or for suggesting an agreement containing different clauses.

I have never flinched from my view that the EU is both economic and political, just as NATO is both defensive and political. The political strength of Europe is an essential feature of European membership and an essential component of our security. I offer two contributions made by Europe to our security. The first is the extraordinary part played by the noble Baroness, Lady Ashton, in helping to forge the agreement over nuclear issues with Iran, and the second, although again perhaps less significant, is the EU’s contribution to civilian policing in the Balkans. Had the UK sought to achieve either of those on its own, I doubt very much that we would have had any success. I believe, too, that our security is best to be found in the successful application of soft power, in political alliances and in asserting the common values and the respect for human rights that lie at the very heart of our political system. All these are dimensions that we can more effectively conduct through the opportunity provided by the EU. It has already been pointed out that there was very little discussion of these issues in the course of the debate prior to the referendum, and hardly any since then either.

It is said that NATO is sufficient. NATO most certainly provides hard power—not enough, some would argue, because of the failure of its members to meet even the minimum obligation of 2% expenditure of GDP on defence budgets—but hard and soft power are not alternatives; they are complementary. The EU and NATO are complementary, too; if they are not, why does President Putin set out with such enthusiasm to undermine the one and destabilise the other?

I am not starry-eyed about defence and Europe. I think there are risks in the notion being advanced by some, not that there should be greater European co-operation but that somehow there should be a European army, with a separate circumstance—command and control, for example—from that already in place

in NATO. Indeed, a senior general told me that he would vote to leave the EU because of the proposal for a European army. The paradox is that by withdrawing, we will no longer have a veto on something that we would regard as contrary to our interests and contrary to NATO. I will avoid the totally vulgar comment of Lyndon Baines Johnson but I shall put it this way: it is much better to be inside the tent than outside it.

12.29 pm

Lord Hannay of Chiswick (CB): My Lords, amid the cacophony of public debate about hard and soft Brexit, the relative priority to be given to immigration controls and remaining in the single market, barely a word has been spoken by the Government or anyone else about the subject we are debating today: foreign and security policy co-operation with the European states following the referendum. All the more praise, therefore, to the noble Lord, Lord Wallace of Saltaire, for bringing this matter forward, because it is an important issue which merits full and careful consideration before the Article 50 process is invoked. It is good, too, that this debate will enable the noble Baroness to fill in part of that otherwise blank piece of paper which so far contains nothing except the words “Brexit means Brexit”—for all the world like the examination paper of a student who discovers that he or she has not got any of the answers.

Why is the matter important? Because the EU’s CFSP is a living, working, policy-making network which makes itself felt in every part of the world and in every international organisation; because it has enabled the UK to extend its foreign policy influence, ever since the noble Lord, Lord Carrington, helped to set it up in 1980; and because it has some notable successes to its credit—pointing the way to a diplomatic solution to the Iranian nuclear crisis in the face of early US resistance, making progress on the relationship between Serbia and Kosovo, responding with economic sanctions to Russia’s aggressive actions in Crimea and eastern Ukraine and combating piracy off the Horn of Africa.

All this will be at risk if we simply sit here and allow Brexit to sweep us out of the EU foreign and security policy co-operation with nothing put in its place. Not only will we have sharply reduced influence on foreign policy decisions taken in Brussels and in Washington, where our voice has so far been amplified by our seat at the EU table; we will become what I would describe as a “me, too” country, falling in with decisions reached by others—by the US and the EU, by the US and China, and by the EU and its many developing country partners, who will find it more useful to work with the EU than with the UK living on its own. If we stand up on our own against human rights abuses, for example, we will now be that much more vulnerable to retaliation—and alas, I fear, therefore that much more timid about raising those issues.

So what needs to be done? First, I suggest, we need to make it clear straight away that we will be aiming to achieve the closest, most intimate external relationship with the EU’s common foreign and security policy that can be agreed, something more far-reaching than the EU has ever had before with a third country. Is that realistic? I believe it is. After all, we come to the

table with important assets—a worldwide diplomatic network and a permanent seat on the UN Security Council—and we are one of the two most effective member states in Europe in projecting power. We should make it clear that the EU and the US will remain our partners of choice, whose values and interests we share.

A positive approach like that will also be of value in demonstrating that we are not just cherry-picking, and in balancing other parts of the forthcoming negotiations, where more adversarial considerations will necessarily come into play. What, then, should this new external relationship with the EU's CFSP look like? Here, we should not, I suggest, be too prescriptive. There will be plenty of institutional ayatollahs on both sides, in Brussels and in Whitehall and Westminster, who will be drawing red lines and saying that this or that form of co-operation is inconceivable on ideological grounds. We should surely regain some of that pragmatism on which we pride ourselves, and have only one criterion: will it work? If it requires a proportionate financial contribution or needs us to co-operate with the sort of Brussels-centred military planning and headquarters arrangements that are clearly in the offing, we should not jib at that.

Other issues of great importance will of course be at stake in the Brexit negotiations, but we should not let them overwhelm the importance of the sector that we are discussing today. If we do so, we will live to regret it.

12.35 pm

Lord Marlesford (Con): My Lords, one reason why we owe a debt of gratitude to the noble Lord, Lord Wallace of Saltaire, for this debate is that it gives us the opportunity to reflect on why we are where we are and, therefore, perhaps see more clearly possible ways forward.

The year 2016 will go down as the year of the great revolt against the powers that be. So widespread is this revolt that I would liken it to 1848, the year of revolution in Europe. For the British, the vote on 23 June reflected a desire to cut off the shackles which were holding us ever tighter and closer to the EU. But that is not as easy as it seems. Big companies sometimes try to retain their key executives with golden handcuffs. Now the EU high command is seeking to warn us that cutting off the shackles will mean cutting our flesh if not our limbs, and reminding us that the shackles are made of gold—although I suspect it is more like a thin layer of gold leaf. My own hope is that our departure will free us so we can once again play our own role on the world stage. I just hope that our wings, for so long pinioned, are still strong enough to fly.

Foreign policy depends as much on diplomats as on politicians. We are aware that the Foreign and Commonwealth Office has been woefully short of staff to do what we want. We have had to produce quite a number of diplomats for the European External Action Service—the EEAS—which came into operation at the start of 2011 and now has 139 delegations round the world. I do not think it has been a success. As of April 2015, there were a total of 133 British diplomats working in the EEAS. It is therefore not surprising that while the UK had 224 overseas diplomatic posts in 2000-1, by 2015-16 there were only 211. So there is a resource to be freed up for better use by the Foreign Office.

I turn to the UN, to which the noble Lord, Lord Hannay, so rightly and knowledgeably referred. For years, the EU has been pointing out the lack of balance in the Security Council, whereby the permanent five represent the victors in 1945. Understandably, the Germans in particular have resented this. A year ago, the European Parliament produced a report pointing out that, while France and the UK hold two of the seats,

“according to the Treaty the EU Member States are obliged to coordinate their action in all international forums”.

The report recommended having comprehensive reform of the UN system, and especially the Security Council, to work towards,

“the EU having a seat on an enlarged Security Council”.

I wonder how long we, and for that matter France, would be able to resist backing that reform, and whether the European Court might not find some pretext to order us to do so. At any rate, our P5 seat is a jewel in our crown and we should make full and proper use of it.

That brings me to my third point. Noble Lords may remember that I have twice put forward a plan to deal on a global basis with the migration crisis. In this, the EU Commission demonstrated an astonishing insensitivity when it presumed to propose quotas for individual countries to resolve the crisis. Such an insensitive intrusion into national sovereignty was not well received—indeed, it was defied and has apparently been abandoned.

My plan involved getting a Security Council mandate to set up in Libya—with generous financial inducement to the Libyans to agree—a holding area to which all refugees could be transferred to be properly catered and cared for, with some going where they wanted, some being returned home and the remainder forming a new state, which I named “Refugia”. I did not advocate this as the best answer, but I hoped that it would provoke a better one than the cruel chaos of the present. Sadly, my suggestion fell on deaf ears as far as Her Majesty's Government were concerned. However, I was delighted that a fresh-thinking voice came this week from the heart of the EU. The German Interior Minister, De Maizièrè, stated:

“People who are rescued in the Mediterranean should be brought back to safe accommodation facilities in northern Africa. Their need for protection would be verified and we would put into place a resettlement to Europe with generous quotas, fairly divided between the European countries. The others have to go back to their home countries”.

I have one more point. The continuing attempts to set up an independent European army, clearly at the expense of NATO, to which the UK is the second largest contributor, would be a disaster. Once outside the EU, we could speak with a new confidence to the United States, which all too often has used its military might to reduce its world influence. As a military power we are of course the junior partner but, as a sagacious adviser on the ways of the world, we are an equal partner to the United States.

The basic reason for the revolt of which I have spoken is the alienation of people in many EU countries, as well as the United States, from the powers that be. They feel that their national interest, with which they can and do identify, is being ignored. Revealingly, on Tuesday

[LORD MARLESFORD]

this week, I heard the noble and gallant Lord, Lord Richards, say that when he, as Chief of the Defence Staff, attended the meetings of our National Security Council, he never once heard any member refer to our national interest.

I end by reminding your Lordships of the declaration of Lord Palmerston, in 1848—that earlier year of world chaos:

“We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow”.

12.43 pm

Lord Davies of Stamford (Lab): My Lords, I had better start with a confession: I think that I made a mistake—I do not think that I was alone in making it, but I think it was a serious mistake. A number of us who campaigned for the remain cause in the referendum campaign were quite excessively optimistic about what the result might be of our losing that contest and of the country voting to leave the European Union. Though I raised several times, both in the House and in meetings outside the House, the possibility that it could theoretically happen if we lost the Brexit vote, I never really believed that it was likely that any British Government would actually decide to deliver devastating, perhaps crippling, blows to the major assets of our economy—such as the City of London—by planning to leave the single market. That is exactly what we now hear the Government propose to do. It was extraordinary to hear the other day the Prime Minister, in exchange for half an hour’s popularity, fan the flames of Eurosceptic populism in her speech at the party conference, which led to sterling losing 6% of its value in the course of a few minutes and every person in this country finding himself or herself 6% worse off as a result of that irresponsible action. The question we have to ask today which is germane to this debate—a question to which we urgently need an answer from the Minister, so I hope we get one—is will this same spirit of frivolity, irrationality and self-destructiveness be applied also to our foreign and security policy?

A very important aspect of security policy that affects the lives or deaths of people in this country concerns our defences against terrorism, which depend fundamentally—not a single professional policeman or member of the security services would not say this—on our co-operation with our EU partners and co-operation between our police forces and the police forces of our EU partners. That is not *ex post*, *ad hoc* co-operation—that, of course, could exist if we were part of the EU or not—but permanent structured co-operation so that we exchange information in advance of any incident occurring for which that information might be relevant. That is what is important. The common arrest warrant, Europol—these things are vital. Are we going to throw them away for applause at a speech in which we make a xenophobic attack on the EU, immigrants, refugees and other foreigners coming to this country? Is that the real order of priorities on which the Government intend to conduct the nation’s business over the coming months? That is a very serious question to which we want a very serious answer.

I listen with horror to statements by the Government that we are now going to adopt a completely new set of foreign policies and that we are going to be much better off dealing with countries outside the EU because we have left the EU. On what possible basis is that statement made? It is quite extraordinary. What is more, it is quite contrary to the message we have been getting from those countries themselves. In the months before the referendum, all our major trade partners, including Shinzo Abe in Japan, Narendra Modi and Xi Jinping, all said, “Don’t leave the European Union. We don’t want you to leave the European Union”. There is absolutely no way at all that we are more interesting or valuable as partners for any of those countries, or any other country in the world, outside the EU than we are inside the EU. The Government have never come up with any concrete specific suggestions why we should be more interesting and valuable as a partner of those countries than we currently are. On the contrary, we are less interesting and less valuable; that is the terrible truth.

What in the world is the point of setting up a new ministry designed to negotiate foreign trade agreements and starting off the process by destroying 35 foreign trade agreements which we have with about 45 countries as a member of the European Union? Which rational person would proceed in that way in any other context? When it comes to negotiating foreign trade agreements the Government display extraordinary naivety. They say, “Wonderful, the Chinese want to talk to us. The Australians want to talk to us”. Of course they do. I say to the Government that people want to sell things in this world. When someone comes along and says “foreign trade agreement”, immediately people think, “Ah, we can sell them something which we could not otherwise sell them”. With the Chinese it is steel. They would love to sell us some cheap steel. Are we going to buy it? Are we going to close down the Port Talbot works? Are we going to get rid of the British steel industry? If the Government are prepared to do that—there may well be a free-market argument for doing that—perhaps that is what we should do, but are the Government prepared to do that? If not, what is the point of the policy? The Australians want to sell us a lot of meat. That is fine. They can sell us the meat, I am sure it is fine, but that would be at the expense of the British livestock industry. Has that been taken into account? No, not at all; so when you go into the talks, and they actually say, “Right, we’d like to sign this agreement and sell you the steel and sell you the meat”, we are going to have the problems then. How will they be resolved? It is an extraordinary way to conduct the business of this country. It is really quite horrifying. I hope the Government will think again and that the Minister will give us some straightforward and honest answers to absolutely critical questions about our future, here and now in the House this afternoon.

12.50 pm

Lord Teverson (LD): My Lords, I want to follow up the points made by the noble Lord, Lord Davies, but unfortunately—based on the Government’s track record—I suspect that we will not get any answers at all today. I hope I will be proved wrong, because the two mantras we have already heard are that there will be no running commentary and the Government do

not want Parliament to micromanage this process of Brexit. Parliament has no intention of micromanaging it; Parliament wants to “macro-check” the policy to ensure there is accountability. I would like to say a couple of things in that area, and then come on to defence.

The Government will not get through this process if they do not properly consult Parliament. They will not get through to the end. They have a relatively small majority in the other House, but even among their own party and among Brexiteers, if they do not actually lay out what they are trying to achieve and give some information, they will fail in this process. There will be a crisis at some point and it will not work, and that will not be in the national interest.

As for the ongoing commentary, we seem to have forgotten that there is another side in this negotiation. There are 27 other member states as well as the European Parliament and the European Commission. The Commission will keep the European Parliament in touch, and the European Parliament will be fully involved in the process. If there is no comment from the Government, there will certainly be comment from the other side of the argument. If there is a vacuum of information here in the UK, the press will make up information and everyone else will pile in with opinions. It is not a strategy that will work and it is not in the national interest.

Perhaps I may briefly return to the referendum campaign. On the whole, the campaign was about trade, economics and migration. However, one bit of the defence argument came in—it was mentioned particularly by the noble Lord, Lord Marlesford—namely setting up an EU army. Outside of the migration and trade areas, an EU army was the one threat being made. I have looked at all aspects of the issue and, as far as I can see, it is a myth, and I described it as such in the campaign. President Juncker rightly focused on defence in his annual address to the European Parliament after the Brexit vote, but his speech was about strengthening the co-ordination of defence in Europe; it was not about setting up a European army. Any of us who have had any involvement whatever in Europe—as I have, to a degree, had as a chair of Select Committees here and as a Member of the European Parliament—will know that there is no way that a European army could happen within the EU. I suspect that the German constitution would make it impossible for such a thing to happen. Furthermore, the French—who, like us, are very proud of their operational capability, and who are our only equivalent in the European Union in terms of not only defence expenditure but the ability to operate outside their own territory—would never seek the outcome of a European army. So we do not have to worry about that in terms of us leaving the EU.

The common security and defence policy is very important and I would like us to remain a key part of it. It is possible to participate in those operations from outside the EU. As has been said, the CSDP and EU defence strategies are absolutely complementary to NATO. NATO makes that very clear and the European Union does as well. They do not conflict. Long ago, the Petersberg tasks clearly laid out the defence objectives for what was then the Western European Union but is

now, under the Lisbon treaty, the European Union. The objectives do not cover hard territorial defence as that is clearly a NATO and not an EU mandate. The Petersberg tasks cover peacemaking, peacekeeping, and joint civilian-military operations—perhaps going into areas, particularly in Africa, where NATO involvement would not be appropriate. It is pretty clear that one is not a substitute for the other. They are complementary organisations.

What has struck me even more strongly is that of the 27—currently 28—EU member states, 21 have joint EU and NATO membership. The challenge is not that there will be a waste of resources if one organisation is stronger than another. The real challenge, as we all know, is to get the other countries—countries other than the United States, France and the UK; Greece is an outlier because of its problems with Turkey—to provide sufficient resources to make Europe resilient in its own defence. We know—not just because of Trump but even under Obama—that there has been a pivot to Asia, with issues in the South China Sea and East China Sea. America is focusing now on Russia because of Syria and Ukraine, but that is not the future. It is absolutely clear that Europe has to take far more responsibility for its own defence. I am convinced that Britain within the European Union, with our NATO membership as well, would have a much stronger influence in maintaining the pressure to increase capability to contribute to European defence. We still have that influence to a degree in NATO but we should remember that some important military states, particularly Sweden, are outside NATO and are therefore important within the European defence context.

One of the other things that impressed me about the CSDP and the External Action Service was that most of the EAS delegations were European Commission officers anyway and not a new burgeoning. In fact, where European citizens need help in countries where their country does not have an embassy, they can use another European Union embassy to get help. I suspect that that is another feature that will disappear when we stop being a member. CSDP announcements on foreign policy often led to a perception that Europe was divided. However, although some of its opinions may have been weak, the EU was united on many of the statements on foreign affairs internationally. The great thing has been that it has not been just the 28 member states, as 10 other countries—including Ukraine, countries in the Balkans, Iceland and Norway—usually came along as well. We were there as a European bloc. I very much hope that as we move to Brexit we will remain a part of that wider bloc. But what a humiliation to us that we will be there as an addendum to that list rather than there in the core, having an influence and changing policies.

12.58 pm

The Earl of Sandwich (CB): My Lords, the noble Lord, Lord Wallace, introduces this subject at an opportune moment, because strangely, in the Brexit debate foreign policy issues of the EU are often overlooked alongside the economy, trade and immigration. I was not sure, when I first heard the referendum result, whether the people who gave us Brexit were fools or clowns. I then remembered that they were rogue politicians

[THE EARL OF SANDWICH]

using smoke and mirrors to mislead the public and pretending to represent the people. They were a minority in Parliament and certainly not democrats, because no true democrat would wish to determine a constitutional principle by means of a first past the post majority. And no democratic Government would create a new policy without consulting almost half of the population on a matter of such significance. So I hope that the court case goes in favour of Parliament as soon as possible.

This was not even a manifesto for a general election; it was simply an indication of a new direction, and we are still waiting for the Government's instructions. Brexit is not Brexit; it is something quite different. The decision to leave Europe is of huge magnitude. I do not dispute the result of the vote but I regret the failure of the Brexit Ministers to see that half the nation, and probably many so-called "Regrexits", value that relationship because it sits on a deep foundation. In cultural and historical terms, it is the legacy of Dante and Petrarch, of Heine and Schumann, of Lorca and Brecht, and many, many others from the great historical past of Europe.

Without drawing too much on sentiment, I am one of those who grew up during and after the war convinced that our future belonged with all those European neighbours we had either fought for or with, or indeed against, chiefly across the countries of the Loire and the Rhine. I was never one for closer union, and I see why many people were put off the EU after successive treaties which contained that idea. But I was and remain certain, like the noble Lord, Lord Liddle, that, rather than going offshore, we need to find a new form of close association, and I believe that some Ministers, including those in other EU countries, are becoming certain of that too.

I can also see why people are attracted to so-called independence on the basis of geostrategic reality. They quote our Security Council membership, our friendship with the US and our membership of NATO and the Commonwealth. Indeed, Boris Johnson talks of "our own distinctive voice". Does he mean his own voice? But, although we retain important powers in the world, our insular independence is outdated. For years we have enjoyed interdependence—a network binding us in different directions and for specific purposes. Europe is central to that interdependence. We are not a mere offshore little England; we are Great Britain, belonging to the family of nations.

With Brexit, therefore, we have a new opportunity. We need to cultivate a new British identity in the world which, I would argue, is still closely aligned with Europe, even though it cannot be a part of it as before. This is not just about us; we also have to look across the channel and understand the effects of Brexit on our fellow members of the EU, and indeed of Europe at large. France and Germany, our important neighbours, would be sorry to see us go because we are rocking the boat and the boat could easily tip over. Yet we know that nothing will really change: we were argumentative before and we will be just as difficult as associates, fighting our own corner.

There are quite a few other countries, especially in eastern Europe, that feel like us on certain issues. Poland and Hungary were already pleased to see our

negative attitude to immigration, in contrast to countries such as Italy, which must be exasperated by our failure to take responsibility for so many Syrians and Afghans. We are still failing in that department.

Further south are the Balkans—the new and aspiring EU members—which have been badly let down. We were, after all, the champions of enlargement—that concept of support for countries emerging from the Cold War. Of course, that had and still has its political objectives. Will the Minister agree that these objectives must remain?

To me, enlargement, which can also be seen as conflict prevention, has been perhaps the most effective arm of European foreign policy. The agreement between Kosovo and Serbia, which has already been mentioned, was only one shining example of this, but it is an ongoing project in which we have played a leading role, and we should continue to do so.

Our Library has skilfully set out the mosaic of our current foreign and security relationship, and it is bewildering how interconnected we are and could remain in our many arrangements for defence and diplomacy, policing and even immigration. The noble Lord, Lord Howell, says that we will be even closer to Europe. I hope he is right, because I forecast that we will not, in the end, want to give up many of these connections; nor, in the context of anti-terrorism, as was pointed out just now, will we be able to afford to do so.

A good example is our participation in the CSDP, mentioned by the noble Lord, Lord Teverson, which supports a range of 17 civilian and military missions in countries such as Somalia and Mali, including the great Operation Sophia. Perhaps the Minister will confirm what the Defence Secretary has already implied—that we will want to continue with these missions even beyond Brexit. Neither the European Defence Agency, on the other hand, nor the Battlegroup concept are likely to be priorities.

Of course, we can criticise the effectiveness of the EU's foreign policy in various departments—for example, towards Ukraine and Russia, and the European Neighbourhood Policy—and we have done so through our EU Committee reports. Neither the EEAS nor the UK was properly equipped to anticipate or influence the events in Ukraine. Syria, despite Mrs Mogherini's strenuous efforts, is looking like a continuing foreign policy failure for the EU and for the world.

In conclusion, I strongly feel that Europe will continue to dominate our economic and political life far into the future and that in some form or other we shall remain part of it. I sincerely hope that the Minister, while no doubt unable to respond to us fully today, will at least show her understanding and sympathy with the arguments.

1.06 pm

Lord Suri (Con): My Lords, on this matter I should like to refer to the words of my right honourable friend the Foreign Secretary. After our vote to leave the European Union some months ago, he wrote in his regular column:

"Britain is and always will be a great European power, offering top-table opinions and giving leadership on everything from

foreign policy to defence to counter-terrorism and intelligence-sharing—all the things we need to do together to make our world safer”.

Even though we campaigned on different sides of the referendum, I could not feel more secure with this man as Foreign Secretary. The country voted to leave the EU, and this is not a mandate to be fudged or dodged. However, I strongly doubt that any of the Brexiteers would like to see our role in promoting western values diminished. We work together with 27 nation states to promote our strategic goals, and that is something to be safeguarded and cherished, especially in a world where the geopolitics grow more fractious.

Along with our European allies, the UK levies significant sanctions on Russia. Indeed, those sanctions may well mount as Russia bombs Aleppo to rubble to prop up its client dictator, Bashar al-Assad. I happen to be very much in favour of these sanctions as a way of applying outside pressure on Russia. However, Brexit has thrown the ability of the EU to apply sanctions into some doubt. There are officials, currently split between the Foreign Office, the Treasury and the Department for International Trade, whose job it is to do the hard and technical work behind our sanctions policy. This is not easy, and the expertise required will be hard to find, should we disengage from the programme. It would be in both our interests to maintain a unified face in the wake of further Russian aggression. Will the Minister make sure that the continuation of this programme is a priority in the relevant department that she represents?

The aggression is, of course, not confined to the Middle East but is also on the eastern flank of Europe. It is depressing to see some of the nation states in that region slip back into the Russian sphere of influence, but it is hardly surprising. More ominous is the build-up of forces along the Ukraine-Russia border. The UK possesses one of only two serious fighting forces capable of countering this threat in Europe and it would be a serious dereliction of duty for us to disengage from continental geopolitics at this critical time. We must continue to support close relations between the EU and Ukraine, as well as realise that Russian aggression undermines our aim to spread the values of democracy and freedom to all countries.

As we have already heard, we should refuse to be part of a European army, as the Commission President has suggested, but we should certainly work in close co-ordination with it to bolster stability in eastern Europe. Key to all this is a need to make sure that NATO is not displaced or sidelined by future developments. The alliance has created peace in Europe and we must remind the current generation of politicians of this.

Finally, I want to talk about intelligence sharing. Our membership of Europol is partly linked with our EU membership. I heard so many leave campaigners protesting that the two were totally separate, but that is patently nonsense. The head of strategy, Mr. Amann, has been clear that non-EU countries do not have the same access to certain datasets and services as EU countries, which is a risk to the UK. These are not trivial datasets. For example, the Europol Information System will not be available once we leave—the system has been a huge asset for our security services and there is a sad irony to the situation, as we pushed for it

and launched it while holding the Council presidency in 2005. However, we have an opportunity to show our constructive intentions. Europol will be getting a new legal framework in May 2017, in which we will be provided with an opt-in service. Treating this constructively will send the correct signals that, while we are leaving, we have every intention of being good allies and collaborating in the spirit of shared reward. I would be grateful if the Minister took these points on board.

1.13 pm

Lord Lea of Crondall (Lab): My Lords, a spectre is haunting Europe: the spectre of acrimony. Today, we are told that the Prime Minister, having made the big shift before the Conservative Party conference, says not only is there no going back but that any of the partial proposals people were attempting to put forward in our last debate, in July—and which were given a fair hearing at that time—have been ruled out. We are told that we cannot now think about a, b and c—I do not know whether that includes the single market and the customs union—or many of the things that were being seriously discussed in the context of Norway-plus or minus. All these options now seem to have been ruled out.

We might get into the position where, on hearing reports of the negotiations in Brussels, almost every newspaper—certainly those such as the *Mail* and the *Telegraph*; those controlled by Murdoch—will the next day say that Britain has been treated with contempt. That will be the headline in the tabloids every other week for the next two years. How can that have a happy ending?

At the same time, the Prime Minister has said that we want to be friends with everybody. If that is what we want to achieve, we will have to think about the criteria by which we are able to do so, rather than saying, “We are not going in for a new version of an even more special deal, we are out. We will have a different relationship and you can get on with your lives without us. We’ve always been probably the most difficult partner inside the EU. We are not a brake on you”.

Then, we come to a practical question: can we have an EU agreement on the next phase of our interface with the Russians in relation to Syria? That is the most practical thing in the world—we have RAF planes there and we want to be there, and indeed in other parts of the Middle East. There are many other examples around the world where we of course have to be part of an EU group. For example, when looking at criteria for distributing aid around Africa, in small countries with hardly any professional resources—we cannot have 10 different countries giving 10 different sets of criteria to one trained civil servant in Burundi, Mozambique or Madagascar. Also, I am sorry to disagree with my friend the noble Lord, Lord Marlesford, but the weekly EU meetings in these capitals are some of the most constructive of the meetings in many parts of Latin America and Africa. They work very well and pragmatically.

So instead of, “Let’s fight them on the beaches—never surrender”, how are we going to recoup following the seriously mistaken and premature decision by the Prime Minister to make this sudden announcement on the eve of the Conservative Party conference? The first thing that should happen following the change in tone

[LORD LEA OF CRONDALL]

from the Government is to remove the narrative that it is we remainers who are in denial. That is not the case: it is we who are pointing out that there are issues with the customs union, et cetera. The people in denial are those in favour of Brexit who deny that these questions even exist. They were not put to the people in the referendum. There was no prospectus—apart from the fraudulent prospectus about taking back control.

It is a globalised world of multinational corporations. The trade unions have learned pragmatically that, in European works councils, you have to co-operate with people. That is where our interest lies. But now, we are in the ludicrous position whereby we are told that there will be a rule of omerta and that Parliament will not know anything that is going on because it would show our negotiating hand. Who believes that? The reason for that, in large part, is that we do not have a road map. The Bus Services Bill gets more attention than this, times 10—we have an impact assessment, a Green Paper, a White Paper and every other sort of paper giving the case and setting up the pros and cons of the different approaches.

This is the biggest decision, and the most serious position we have been in internationally, certainly since Suez. Indeed, I agree with the noble Lord, Lord Liddle—I think it was him who said so—that this is the most serious position we have been in since before the war. Yet somehow, we are saying that we should take an oath of omerta.

What we have to do now is to nail the lie that, somehow, the British people decided on a plan and we have to fulfil that plan without any more discussion because the plan is out. There is no such plan. The British people were misled. I do not want to sound like Mr Trump, who says that democracy is not working because the people were misled—but goodness gracious, did the people think that a devaluation of 15% was what they were voting for? How many would have voted for that if they had been told? Ten per cent? I do not know, but not a lot more than that.

The narrative has to change. We will be at a crisis point if things go on like this. Little Englanders will have taken control of our destiny. I say that advisedly: it was not Little Scotlanders, Little Walesians or Little Northern Irelanders—or whatever the correct form of those terms is. There will be a break-up of a lot of processes in Ireland, and of a lot of relationships between England and Scotland. That is what Brexit would mean. I therefore ask the Minister whether she agrees that that is a message to which her colleagues should give very urgent consideration.

1.22 pm

Lord Maclennan of Rogart (LD): My Lords, I thank my colleague for initiating this debate on a subject vital to our future. During the campaign for Brexit, the indications were not clear at all. On one occasion, the former Prime Minister David Cameron mentioned the fact that we had had 71 years of peace in Western Europe, but it was largely a debate about migration. That was false and misleading.

The present Prime Minister has indicated that she wants to co-operate with the European Union after Brexit; she does not want to abandon Europe on

security and defence. That message has also been delivered by Sir Michael Fallon, the Defence Secretary. But I fear that the hostility to Britain will make it difficult for us to influence the common security and defence policy. Initiatives can be taken only if there is universal support within the Council of the 28 members—or rather, 27 members, as it might be. We will be on the outside of this influence, and I fear that we will have to come in on the act. The divide between member countries will not necessarily help us to influence outcomes.

Since 2003, we have been participating in supporting naval operations in the Mediterranean. That will be less certain in the future. Our defence operation is the second largest—second only to the United States—and if we cannot marry our defence operations with those of the rest of Europe it will be a catastrophe.

The United Kingdom has promoted, and participated in, intelligence sharing. How will we be able to do this after Brexit? The message we get from the other member countries will be one of anger, and about the insufficiency of common ground; that will be very unfortunate. We have enjoyed the sharing of intelligence up to this point, but although intergovernmental co-operation has worked with Norway, I think that the anger of the other European Union member countries will make it very difficult for us to co-operate. Consequently, the United States will feel less that we are their partner and more that we are going it alone.

In the United Nations, similarly, we will have to recognise that our voice is diminished. In the past, we have been able to exercise influence through the High Representative for Foreign and Security Policy. The noble Baroness, Lady Ashton, was wonderful in her efforts to restore commonality. We also exercised influence through the European External Action Service, which is represented in 139 delegations worldwide—but that is going to be cut off, too.

We influenced the sanctions against Russia, which was a very important initiative for us. We were able to gain the support of other European countries. Now that will not happen again. The manpower input into the common security and defence policy has been considerable, and we have done work in countering piracy off Somalia, which was also very important. However, I fear that unless the Prime Minister takes over this negotiation herself, we will not see an opportunity for this country to lead the way in foreign affairs and defence.

1.30 pm

Lord Jay of Ewelme (CB): My Lords, I am grateful to the noble Lord, Lord Wallace, for introducing this important debate, which is being held at an important time. I agree with him that, over the years, Britain has been fundamental in developing the European foreign and security policy that acts increasingly coherently across the globe. Of course, it has its failings and it cannot force togetherness, as Iraq showed clearly enough. But where there is a common will, there is a common way. As other speakers have said, we need only look at the constructive and often leading role of the EU during, for example, the Iran nuclear negotiations, or look at the success of Operation Atalanta with its headquarters at Northwood, which I was privileged to visit, in curbing piracy in the Indian Ocean.

Outside the EU, we will cease to have that influence on developing the foreign and security policy of the European Union, and I regret that. In my view, it will be to the detriment both of the EU and of the UK, and therefore of a coherent European voice in world affairs. The question now is how we compensate for that. Let me underline just one or two points.

As other noble Lords have said, our membership of NATO will be key, as will be the commitment to spend 2% of GDP on defence and to continue to encourage other NATO states to do the same. Fundamental to effective western security and defence policy will be effective co-operation between NATO, including the UK, and the European Union, excluding the UK. Perhaps I may gently suggest that Ministers should stop playing the old tune that they will not allow the creation of any European Union structures that could compete with NATO. Alas, we have effectively opted out of that debate. Our job now will be to ensure that NATO, as it evolves, and the European Union's foreign, security and defence policy, as it evolves—and it will not always evolve as we would like it to—will reinforce each other. That will require argument, persuasion, constructive relationships and even, dare I say, diplomacy. I hope that the Minister can give an assurance that that will indeed be our objective.

We must work in particular with France. I was in Paris yesterday on behalf of your Lordships' European Union Committee giving evidence to the Brexit committee of the French Senate. It is clear to me that whatever are the French concerns about Brexit, and there are many, there is a clear sense in Paris that Franco-British co-operation on security and defence transcends the European Union. I agree with that. Whether we are in the European Union or not, I find it hard to imagine any effective European security and defence policy in, say, the Middle East or north Africa without Franco-British co-operation at its core. I hope that the Minister can confirm the importance of that relationship as well.

I will make one final point. This debate is about foreign and security policy, but counterterrorism is a key component of our security policy. Our membership of Europol, the European arrest warrant and other justice and home affairs instruments are key components of our counterterrorism strategy. Recent evidence to the EU Sub-Committee on Home Affairs reinforced that. The crucial importance of our membership of Europol and participation in the European arrest warrant was borne in forcefully on members of the sub-committee during our visits this week to Belfast and Dublin. They are absolutely fundamental to countering the risk of terrorism on both sides of the border. We simply cannot afford to take risks with peace and security in Ireland, whether north or south. I hope finally that the Minister can confirm that British security and the Irish dimension of Brexit will be at the top of the Government's concerns as the negotiations get under way.

1.36 pm

Earl Attlee (Con): My Lords, I am grateful to the noble Lord, Lord Wallace of Saltaire, for introducing this debate about foreign and security policy. If I had the onerous duty of being a Foreign Office or defence Minister, I would certainly make sure that I touched

base at least weekly with the noble Lord, not least because I am confident that he would tell me something I did not want to hear.

I think that it would be helpful to the House if I give some indication of where I am coming from in the Brexit debate. While I am deeply Eurosceptic, I voted remain. We have had more than 60 years of grand strategic stability in western Europe with all the international chess pieces carefully laid out in relative harmony. Yes, of course the EU is seriously defective and needs reform and a rethink. Perhaps reform is inevitable, as my noble friend Lord Howell said, and I agree with the noble Lord, Lord Liddle, that it would have been easier if we were inside the tent. But why would one want to bang the table really hard and send all the chess pieces airborne without any idea of where they will come down, although in the certain knowledge that it is Mr Putin's most favoured outcome? That is why I voted remain.

I am pleased that the Prime Minister has made it clear that Brexit means Brexit and that she will accept the will of the people. But divorces can get messy, especially if you involve the lawyers and the courts. What I am not so happy about is the total and abject failure of the Government to hold out any form of olive branch to other EU states. In particular, we could say that any EU citizen with a legal national insurance number on 23 June 2016 has absolutely nothing to fear and can continue working in the United Kingdom. Furthermore, we could say that there would be no question of a work permit for EU-EEA citizens with well-paid professional jobs. Finally, there would be no question of EU-EEA citizens needing a visa to visit the UK. Why on earth would we want to do anything different? What we need to do is to regulate but not stop the flow of unskilled and artisan workers from the EU accession states. If the Government made some helpful statements about these issues it would show that we are not giving up on Europe, and that in turn would be beneficial for the defence and security of the UK and our EU friends.

It does not need to be anywhere near as painful as some in the remain camp seem to wish. Noble Lords who have spoken in favour of the remain camp have painted a very pessimistic picture of the future, but I do not see it that way at all. We have had dire predictions of what will happen if we cannot share intelligence with other EU states. My understanding is that many EU states are poor at sharing data with each other. On the other hand, I understand that we are quite good at sharing information about suspects, threats and intelligence with the French and there is no reason why that should not continue after Brexit. If there was anything that we could do to prevent a terrorist attack in France or any other EU state, why would we not want to do so? Why would other EU states not want to reciprocate, given that there are hundreds of thousands of EU citizens in the UK who are welcome?

Some noble Lords have called into question the European arrest warrant. Why on earth would one not want to have some successor system that has the same effect but uses a slightly different vehicle? I am not aware of any difficulties with the current system—

[EARL ATTLEE]

indeed, I have more anxieties about the US legal system and that country's addiction to extraterritorial jurisdiction.

When it comes to hard military power there are only two EU states that have the will and the capability to provide significant levels of combat power—the UK and France. Other noble Lords have already made this point. The noble Lord, Lord Hannay, worries about what influence the UK will have in the future on military matters. If we can deploy a carrier battle group we will always have influence. Indeed, there are very few states in the world that can deploy at least one armoured or mechanised brigade out of area. They are the US, Russia, France and the UK. Our aspiration is to be able to deploy at divisional level against a peer opponent. As long as we can do this we will always be of importance to the United States. I think that, in the current situation, allocating only 2% of GDP as defence expenditure is seriously insufficient, especially when we do not appear to have any intention to undertake a deployment exercise demonstrating the ability to deploy at brigade level.

However, if we are not doing enough, most of our EU partners are pathetic. To be blunt, they are relying upon the UK and France to provide the military muscle to keep them safe and not the other way around. My noble friend Lord Howell gave us some statistics and the noble Lord, Lord Teverson, made some very important points. I agree with the noble Lord, Lord Jay, about the importance of Franco-British military co-operation. That is never going to stop and even had we stayed in the EU I am sure that it would have been stronger than other EU arrangements.

In conclusion, the remain camp paints a picture of doom and gloom, with other EU states trying to almost bankrupt the UK or at least make it significantly poorer. As I have said, I do not see it that way. Ironically, it is those very same, mainly accession states that are adjacent to the Russian land-mass which are most reliant on a prosperous and economically fit UK, so that we can maintain a high-intensity war-fighting capability to deter any border incursion into an EU or NATO state.

1.43 pm

Lord Judd (Lab): My Lords, I thank the noble Lord, Lord Wallace of Saltire, most warmly for having introduced this debate and having introduced it so effectively. I shall pick out one speech almost every sentence of which I found myself applauding and that was the speech by the noble Lord, Lord Campbell. I confess that it is not the first time I have felt like that when he has been speaking.

To pick out one recent comment in the debate, I was greatly cheered by what the noble Lord, Lord Jay, said about his conversation with the president of the French Senate. I really am cheered to hear that the French believe that close co-operation in defence matters will be there whatever the outcome of the current situation.

It is very important to look at the issues that we face and that we will face in the future and to ask the Government specifically to put forward clearly to Parliament and the British people what their position is on these issues and how they intend to meet the challenges in the context of what has happened.

I start with Ireland. Ireland is a time bomb ticking away on our own doorstep. When we think of the effort that went into the Good Friday agreement and the central importance of the membership of the European Union to that agreement, we must ask what is now going to happen. We cannot just leave it; we need to know very clearly and precisely what the Government propose.

Russia is clearly in an aggressive mode of expansionism, in influence and, I think, territorially. How do the Government propose to meet this challenge from Russia if they are not closely involved with their European colleagues within the European Union? What are they actually proposing to do?

The same sort of questions arise, of course, in the Middle East and on the general issue of terrorism. Terrorism is globalised and highly sophisticated. Speak to anyone operationally involved in this area of policy, as I have had the privilege of doing in the Select Committee, and they highly value the co-operation that was there within the European Union. How do the Government intend to preserve this essential element in our security policy?

Crime is internationalised. Again, there is Interpol and the rest. We have been working to recognise that crime is internationalised and globalised and that we cannot simply look for our protection against global crime on an insular basis; we have to work with others. How are the Government going to do this?

The same applies, of course, on issues such as drugs and in other spheres, such as health. We have all seen the constant threat of pandemics in recent years and the easy spread of alarming new diseases. We know that when we were responding to what happened in Sierra Leone, one of the first things that the Government emphasised was their co-operation with Europe in meeting the challenge. What specific arrangements are going to be in place?

There is the huge issue of climate change. Anyone with any sense knows that the challenges and the events that are already occurring in the context of climate change cannot be dealt with on an insular basis. We cannot meet those challenges on our own, floating on a raft in the Atlantic; we have to work with others. How are the Government proposing to do that? How are they proposing to strengthen the role of relevant, constructive policy in meeting those challenges?

In the remaining moments, I want to concentrate on the issue of refugees. We have been terribly preoccupied in this House about how many child refugees we can have, how fast this is happening and how secure they will be, but look at the global reality. I have just double-checked with our excellent Library this morning, so I am going to get my statistics right. There are currently 65.3 million refugees and displaced people in the world, of whom 21.3 million are refugees; displaced people are very often in exactly the same predicament as refugees, but they do not have the status because they have not crossed a border. Lebanon has 1.1 million refugees; Turkey has 2.5 million; Jordan has nearly 0.7 million. We should look not only at the numbers but at the proportion of the total populations of those countries that the refugee population represents. How will

we have stability in those regions unless we work together in finding strategic solutions to the issues that face us?

As we fuss about the hundreds or thousands who may come to Britain, I am appalled to see the headlines that are going out to the world about whether or not children should be tested and whether there is any breaching of the regulations about age. For nine years, I was president of the YMCA in England, which does terrific work with the young. One thing we discovered was that 17 to 21 year-olds are every bit as vulnerable as children in many respects. What on earth is this neurosis that has overtaken us? Why is the message that is going out from Britain not one that says, “We are determined to be a warm, welcoming, compassionate nation”? That is not the message that is going out at the moment. How do we begin to meet those challenges unless that message goes out?

The point is that the refugee problem will not go away. Look at the size of it. It has immense implications for peace and security. How are we going to work with our European neighbours to ensure that we make a constructive contribution to the strategic issues that lie behind the numbers that are pressing on us at the moment?

1.52 pm

Baroness Ludford (LD): My Lords, in Tuesday’s debate the Minister, the noble Baroness, Lady Goldie, quoted John Donne’s marvellous words:

“No man is an island, entire of itself;
every man is a piece of the continent,
a part of the main”,

in support of her contention that we have a “mutuality of interest” with other countries, including those in the EU. I could not agree more, in common with most speakers today. But I am afraid she did not give any reassurance that those interests could be sufficiently nurtured, supported and organised outside the EU or how that could be done. I hope we get those answers today.

For instance, in relation to enlargement, the Minister said that,

“we continue to support countries committed to the accession process as a way of embedding stability and addressing challenges through reform, particularly in the western Balkans”.

How will we do that if we can no longer influence EU policy? She stressed that leaving the EU,

“does not mean that we fracture the relationships or various objectives that we have negotiated over the years on a bilateral level with individual countries in the EU”.—[*Official Report*, 18/10/16; col. 2314.]

That is fine but bilateral relationships cannot substitute fully for a set of multilateral networks and capabilities.

On Tuesday, colleagues, notably the noble Baroness, Lady Helic, and the right reverend Prelate the Bishop of Leeds, rightly asked what would happen to the 2015 *National Security Strategy and Strategic Defence and Security Review*, which was predicated on the EU being as central to our country’s security as NATO, with the EU being, as my noble friend Lord Wallace of Saltaire also said,

“the essential partner of NATO in meeting these threats and challenges”.—[*Official Report*, 18/10/16; col. 2306.]

Indeed, that review said, as my noble friend Lord Campbell of Pittenweem did, that the EU is “complementary” to NATO. One can see that clearly in areas such as cybersecurity and combating terrorism.

We really do need concrete answers today on how UK foreign and defence policy, and the safeguarding of our security, can possibly be as effective in the future on our own as they are now with the multiplying effect of participation in the co-operative structures of the EU to complement NATO. Even if we were, as the noble Lord, Lord Howell, suggested, as well placed to contribute to European defence outside the EU as inside—with which I do not agree—we are not well placed to contribute as strongly to EU security in its widest sense if we are outside the EU. Not only is the EU this essential partner and complementary to NATO but in its *Review of the Balance of Competences between the United Kingdom and the European Union*, the coalition Government—or the Conservative-led Government, as we more often hear it described on the other side these days—noted that action under the CFSP is,

“intertwined with external action under non-CFSP competences”, such as development assistance and trade; that is, the competences of the EU itself rather than the intergovernmental format of the CFSP. The EU Select Committee of this House made a similar point in its February report, *Europe in the World: Towards a More Effective EU Foreign and Security Strategy*. Even though the prospective transatlantic trade agreement—TTIP—is controversial, I hope it will succeed, but if the UK is not there, the chance to establish a transatlantic sphere of standards, rather than a Chinese sphere of standards, which is the alternative, will be undermined by our absence. In my opinion, this affects security.

We need to know how the co-operative process on sanctions as well as on a host of other issues will be replaced after Brexit and, crucially, how we will avoid lessening the impact of sanctions on countries such as Russia or Iran and on terrorists, which would weaken the security not only of the UK and the EU but of the entire western world. The Foreign Secretary asserted in his Conservative Party conference speech that in future the UK would be able to,

“speak up more powerfully with our own distinctive voice”,

outside the EU. But as my noble friend Lord MacLennan said, our voice will be diminished. How will that strengthen a common transatlantic and European defence and security effort?

A point made today by the National Crime Agency’s deputy director-general is that the UK’s withdrawal from Europol would damage our other “Five Eyes” allies because they rely on the UK to get information for them from Europol. Are not those, like Ian Bond of the Centre for European Reform, who warn that outside the EU the UK would be less able,

“to influence EU foreign policy priorities”,

absolutely right? Is it not also true that our absence from the EU will weaken and undermine its powers as well as our own and thus those of the entire western alliance? This fragmentation does not help anybody.

At present, the UK can veto CFSP decisions, but in future we will have only the choice of supporting them or not. We will have to be a “me, too” country, as the

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noble Lord, Lord Hannay, put it. It is not just a question of replacing the CFSP structures, mechanisms and instruments but of replacing the way that those currently mesh with the policies and functions of the EU itself in which we have hitherto played a leading role—not only enlargement and the neighbourhood policy but the whole justice and home affairs field, to which I will return shortly. I am sure that the former Prime Minister was thinking of all of these dimensions when he said last year that the EU was,

“vital to the UK’s security”.

The new Prime Minister, when she was Home Secretary, was cognisant of the importance of EU law enforcement measures to British security needs, which is why she played a major role in supporting the Liberal Democrats in government and the efforts of both Houses of Parliament in our staying a party to the famous 35 justice and home affairs measures, which include: Europol; Eurojust—the club of prosecutors; the European arrest warrant; the Schengen information system database; the Prüm exchanges of criminal data such as DNA and fingerprints; and the ECRIS system of exchange on criminal convictions. We have heard today from the National Crime Agency how it is urging the UK to opt into the updated Europol regulation and stay in the European arrest warrant. This is not some kind of kneejerk Europhilia; this is senior police telling us that, to catch criminals, it is essential that we stay plugged into these instruments.

It is through no random accident that Europol has a British director, in the person of Rob Wainwright or that Eurojust has had several British presidents, any more than it was an accident that the noble Baroness, Lady Ashton, was the first High Representative for Foreign and Security Policy. These appointments have been in recognition of the strong UK record, on the one hand, in policing and fighting crime and, on the other, on foreign and defence policy. Despite everything, this sort of record also motivated the bestowal on the new British Commissioner, Sir Julian King, of the security portfolio. We also have in Labour MEP Claude Moraes the chairman of the European Parliament’s Civil Liberties, Justice and Home Affairs Committee, LIBE, which I used to serve on. It does not strengthen any of those positions for the UK to fail to say how we will support European security in future. The Government welcomed Mr Juncker’s decision to confer the security portfolio on Sir Julian. How will they make that welcome more than an empty and meaningless word?

I confess that it is only because of the Library’s briefing that I came across a very useful background paper from May on the co-operation that we enjoy on justice and home affairs, as well as on CFSP. It pointed out—and was making the point positively at the time—that among non-EU countries it is only the Schengen states, such as Norway and Iceland, which are members of the Schengen information system, Prüm and the European arrest warrant. In fact, no non-EU countries are members of ECRIS, the criminal records measure. How are we to plug into those justice and home affairs measures as a non-EU member?

It is not only on law enforcement and anti-terrorism aspects of security that the UK adds value to the EU’s effectiveness. We also do so by our strong reputation

for upholding the rule of law. It has been to my eternal regret that the UK has not opted into all the defence measures, such as on fair trials, which go alongside the law enforcement measures because, frankly, we have the gold standard there.

Finally, given that we have been a leader in reinforcing European security through all the mechanisms mentioned today—CFSP, EU measures and justice and home affairs, even if we are not fully engaged on those—it is vital for our own country’s security and that of our friends and partners that we get some answers today as to how we will carry on contributing once we exclude ourselves from the EU. I ask that the noble Baroness really gives us some detail in her reply.

2.03 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Wallace, for enabling us to continue the debate we started on Tuesday. As the noble Baroness, Lady Goldie, rightly said on Tuesday, “none of us has a crystal ball to predict the future with certainty”. While acknowledging that we face significant challenges to peace and stability ahead, she asserted then, “that they are not ones brought about by the UK’s decision to leave the EU”,—[*Official Report*, 18/10/16; col. 2312.] and that they will not be exacerbated by our leaving. That is the crux of what noble Lords have raised today and what this debate is fundamentally about. I think what all noble Lords seek is an assurance from the Government that they will undertake, or have undertaken, a full and proper assessment of the impact Brexit will have on the United Kingdom. We need to be satisfied that the negotiations will be governed by one overriding principle: to fully protect the interests of the United Kingdom and its people.

I totally agree with your Lordships’ EU Committee, as highlighted by the noble Lord, Lord Teverson, that there is a middle way between micromanagement and the exclusion of Parliament. That is the role of constructive and timely comment on both the process and the substance of the negotiations. As your Lordships’ committee said, that will contribute to a greater sense of parliamentary ownership of the process, strengthening the Government’s negotiating position and increasing the likelihood that the final agreement will enjoy parliamentary and public support.

The noble Lord, Lord Wallace, emphasised in his introduction the development of the common foreign and security policy. In addressing our ability to maintain the UK’s influence in the development of that EU policy after Brexit, the Minister on Tuesday stressed the importance of bilateral relations. In particular, she emphasised the agreements we have with France that other noble Lords have mentioned, particularly on joint defence initiatives. But the Government could use a range of options to pursue their stated aim of a continued,

“commitment to the security of our continent”:

through NATO; through continued participation in EU structures and operations as a third-country nation; and, as was mentioned, through bilateral relationships with EU partners. Will the Minister confirm today that no option has been ruled out in the conduct of our Brexit negotiations? That is what we need to hear in terms of effective scrutiny of those negotiations.

In the debate today, noble Lords have mentioned joint operations through the common security and defence policy. Can the Minister tell us whether the Government intend to maintain the UK's participation in such initiatives and joint operations under the umbrella of that policy, after Britain leaves the EU? These are long-term plans and initiatives. We need to understand that nothing is being ruled out. I raised on Tuesday the European Defence Agency, which helps to facilitate collaboration in the defence industry and carries out research to promote the EU's defence capabilities. In response to a question in the other place the Defence Secretary, Sir Michael Fallon, did not comment on whether the UK would seek to participate in such areas as the EDA and EU Battlegroups after leaving the EU. Again, I think noble Lords would want to know that these matters are not being ruled out.

The first chief executive of the EDA, Nick Witney, has said regarding the future that,

“some sort of privileged partnership between the UK and EU looks like a reasonable goal”,

but that the difficulties of defining it, embodying it in a treaty change and its relatively low priority, compared to untangling economic and migration issues, mean that such a partnership might not be achieved “for many years”. Can the Minister tell us today what priority will be given in the negotiations to enabling the UK to continue participating in the EDA's research, even over the period that it takes to negotiate some more formal relationship?

Turning to the point made by the noble Lord, Lord Howell, I fear that he underestimates the problem with the EU developing its own distinct foreign and security policies without Britain's influence. That could put it at odds with the objectives of NATO, the UK and the USA, potentially destabilising the one organisation in which we are all putting much faith and impeding its ability to perform its defence role, the policy towards Russia being a particular concern in that respect. As noble Lords have said, most of the foreign policy risks faced by the UK, such as international terrorism, Russian aggression and climate change, will continue to require international action. One issue we have not addressed much today is cross-border cybercrime.

A very useful report was published this week by London First, which represents the views of a wide range of business and public sector stakeholders. It set out key issues that may affect the UK's security and, in particular, those that may arise from repeated terrorist attacks not just in the UK but against UK interests abroad. It welcomed the Government's commitment to continue co-operation on law enforcement and counterterrorism in the negotiations, which was confirmed by the Prime Minister on her arrival in Brussels today—but by what means?

Like noble Lords, London First argues strongly that the UK Government should pursue as far as possible continued involvement with EU security institutions, especially Europol. No doubt many noble Lords have seen the briefing from the Law Society recommending that we continue our involvement in Europol and agencies which focus on intelligence analysis to support the operations of national law enforcement agencies in member states. An example of the options we may

consider in negotiations is Norway, which has a relationship with Europol through a co-operation agreement with the EU. Any loss of Europol's security resources and connectivity will make the UK more reliant on bilateral collaboration with member states. That would undoubtedly be more complex and time-consuming, which would increase the threat to our nation. The Minister cannot give us the definitive answer on the outcome of the negotiations, but will she confirm that no option will be ruled out? UK business benefits from the police intelligence and information that flows from participation in the umbrella organisation. The irony is that, to date, the UK has arguably been the leading contributor in the development of pan-European, non-military security policies through the EU, exerting its influence to ensure that Europe's civilian security responses are as effective as possible. Successful UK security depends upon a successful economy, and thus the safety and security of UK business is critical to the overall UK national interest. Does the Minister agree that the UK public and private sectors should develop a national debate, especially incorporating business representatives, on the future of UK security?

This will be an ongoing debate. We have had two such debates this week. The most important principle is to ensure that the Government fully engage Parliament in the process so that we can ensure that negotiations are successful.

2.14 pm

Baroness Goldie (Con): My Lords, I thank all the noble Lords who contributed to this important and constructive debate. Many illuminating points have emerged.

The Government have made it clear that, as we leave the EU, we will not turn our back on the world. The UK remains a permanent member of the UN Security Council, the second-largest contributor to NATO and a leading member of the G7, the G20 and the Commonwealth. We take these responsibilities seriously. That underpins the fact that we will continue to be a strong and influential European voice on the world stage, promoting and defending global peace and security.

Nor will we be leaving Europe. We cannot geographically. We are part of Europe. There are a great many areas in which our interests and those of our European neighbours will continue to coincide. Foreign and security policy is one of these areas. We share the same challenges, and it is in all our interests to continue co-operating on them as closely as possible.

It is important to stress that the UK has constructive relationships with all EU states on a bilateral level, as the noble Lord, Lord Collins, mentioned. That is a very healthy situation. We also have important relationships throughout the EU. France is a particularly good example. I referred to it earlier in the week and make no apology to referring to it again as it illustrates the point well. We work with France in a wide range of fields, not just on foreign and security policy, but also on defence, energy, migration, transport and trade. We also have strong relationships with European states which are not members of the EU, such as Norway and Switzerland. When we leave the EU, we will not

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step back from these relationships or from the co-operative relations we have with existing EU states, EU enlargement states and other countries in Europe, such as Serbia, Ukraine and Georgia. It will be in our mutual interest to strengthen them.

The UK is currently a major contributor to EU foreign and security policy. Our input ranges from the political expertise of our diplomatic network to our military engagement in CSDP missions and from our support for EU development aid to our contributions to the EU's intelligence and situation centre. I remind noble Lords that our defence budget is the second-largest in NATO after that of the US and the largest in Europe, and we have committed to maintain defence spending at 2% of GDP. Our assets are used to great effect to support EU activity. Some noble Lords mentioned Operation Sophia, which has been successful and is helping to tackle illegal migration and to stem the flow of weapons to terrorists, particularly Daesh, in Libya.

Our contribution to the strategic direction of the EU's foreign and security policy is also important. A number of noble Lords rightly raised this because our shared security challenges, together with the UK's strong contribution to EU foreign and security policy, mean that it would be in all our interests for the UK to maintain close security co-operation with the EU after we leave. Defining the way we co-operate with EU partners and the EU as an institution on this issue in future will be an important element to be considered as we exit. This will include defining how the UK will interact with the EU's common foreign and security policy and common security and defence policy.

There are many other specific questions we need to consider, such as our future interaction with the EU on sanctions policy and overseas development. This area of policy is a topic of great interest to EU member states, as well as other key partners around the world, and we will therefore need to have detailed discussions with EU partners in due course to understand what kind of relationship would meet our mutual interests. A range of options could be envisaged, from ceasing work with the EU as a foreign and security policy actor entirely, to retaining a close and influential relationship with the EU's CFSP and CSDP. A close relationship would be possible in principle—provided it can be achieved in a way that delivers mutual benefits.

I will now try to deal with the contributions made today, and in the time available see whether I can make some effort to respond to them. I will deal first with the very eloquent contribution from the noble Lord, Lord Wallace, when he opened the debate. He raised a number of important points, and the ones I particularly noted down related specifically to the CFSP and CSDP. He posed the question of whether, if we withdraw, we become an outsider—I think that was the word used. I would very much hope that the mutuality of interest, because of the challenges confronting Europe, means anything but that. We have that big defence budget and are right at the heart of defence, which is why we will constructively explore ways in which we might work with the EU in the future to mutual benefit and advantage. Our role in defence and international diplomacy, to which the noble Lord, Lord Wallace,

referred, is of course cemented and underpinned by one of the largest and most influential diplomatic networks in the world. You can never disconnect defence from diplomatic endeavour and activity.

My noble friend Lord Howell, in a very thoughtful speech, deployed a most welcome element of pragmatism and insight. Although alert to the challenges, he identified opportunities for the United Kingdom to work outside of but with the EU to improve the EU approach to defence, given the challenges currently emerging within the EU itself.

The noble Lord, Lord Liddle, referred to his anxiety about an “Anglosphere” emerging. As a proud Scot who voted to remain in the EU, I do not want an Anglosphere—it sounds absolutely ghastly to me—but as a proud citizen of the United Kingdom, I want our global influence in terms of diplomacy, defence and economic reach to be the building block for new relationships both with countries in the EU and with those outside it.

My compatriot, the noble Lord, Lord Campbell, to whom it is always a pleasure to listen, graciously acknowledged the importance of this debate in demonstrating the role that Parliament can play, which was a very important point to make. He raised a number of interesting hypotheses on which I cannot comment in detail. I see him reaching forward in his seat with anticipation, and although it is not my desire to disappoint him, I am bound to, because the comment that he seeks would be premature at this stage, and if I tried to make it I should get into very hot water—not a prospect I relish. The noble Lord also mentioned Gibraltar. We will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their wishes. I can give him that assurance.

The noble Lord, Lord Hannay, expressed a concern about the UK becoming, I think, a “me, too” country. I observe that we were an influential power before we entered the EU, we remained such as a member of the EU and all the evidence suggests that that influence will continue when we leave the EU. I do not think that the title of “me, too” would be apposite, as I anticipate a role for the United Kingdom post-leaving the EU where we are forging relationships and are a global leader.

My noble friend Lord Marlesford also helpfully alluded to the opportunities. I understand the concerns about our diplomatic global reach, but I reassure him that our diplomatic network is hugely influential, and represented in over 85% of the world's countries. Some of the delegations to which he referred are, in my understanding, EU-funded, so that does not come out of the UK budget. Our overall diplomatic reach is significant and highly effective.

The noble Lord, Lord Davies, raised issues about defence capability and was worried about approaching the negotiations on matters of defence in a spirit of “frivolity”, I think he said. Those fears are unfounded. He rightly underlined the importance of intelligence relationships. It is fully acknowledged that global intelligence is a matter of singular importance. For example, the noble Lord will be aware that our “Five Eyes” intelligence-sharing partnership with the United

States, Canada, Australia and New Zealand is just part of the existing framework of intelligence infrastructure which is out there. I think the noble Baroness, Lady Ludford, referred to this, but of course we will have before us, as we enter into these vital negotiations for leaving the EU, the importance of doing everything we can to maintain intelligence-sharing relationships. That is made all the more significant because of the shared and joint interests we have with EU countries.

Lord Davies of Stamford: I am most grateful to the noble Baroness for her remarks and for giving way. Just to be absolutely clear, will it be the intention of the Government in conducting these negotiations with our EU partners that if we leave the EU, we remain nevertheless as part of Europol, of the European arrest warrant and of the arrangements for exchange of information between police forces, as at present?

Baroness Goldie: The noble Lord will appreciate that I cannot give specific answers to these questions. I can merely reaffirm what I have said, which is that we underline the principle of recognising the importance of what we currently have in terms of these structures and arrangements. The noble Lord is quite right to remind us of that importance. We will do everything we can within our negotiating process to ensure that the best achievements to safeguard the security of the United Kingdom are obtained.

The noble Earl, Lord Sandwich, in a very reflective contribution, raised the issue of a British identity which is inclusive and amenable to building relationships outwith the UK. I totally agree with that. After leaving the EU, we need relationships with Europe—that goes without saying. It will be the spirit, I am certain, of the negotiations to both respect and deliver on that spirit.

My noble friend Lord Suri engaged in some optimism about our direction of travel, for which I thank him. He mentioned Ukraine specifically. I confirm the UK continues to play a full role within the EU in supporting sanctions. The Ukrainian people have indicated a clear commitment to broader European values, and we certainly continue to uphold their position.

The noble Lord, Lord Lea, expressed frustration with the process. Although I cannot dispel his angst, I can reassure him that there is a process, that there is hope and that there are opportunities. Indeed, this debate itself has identified many strengths and many such opportunities.

The noble Lord, Lord MacLennan, raised the important matter of the influence of the UK, and the attitude to the UK, in the negotiations. He is correct. Like any negotiation, the parties must identify strengths, needs, and mutual influence and opportunities, which I am sure will prove to be a positive and fertile basis for discussion. If the noble Lord's personal model of courtesy were a template for all negotiations, that would be a very good omen for the future.

The noble Lord, Lord Jay, raised an interesting issue about developing a new European voice and argued that we will require diplomacy and constructive relationships. I agree that discussing how we maintain positive and cordial relationships with the EU once we are out of it is vital. He also alluded to the position of Ireland. There is a broad range of north/south issues

on which the UK's exit from the EU could have an impact, from energy to agriculture, but there are opportunities for both countries too. There is no reason to think that the outcome of the referendum will do anything to undermine the rock-solid commitment of the UK Government and the people of Northern Ireland to the settlement set out in the Belfast agreement.

My noble friend Lord Attlee rightly and wisely called for calm conduct rather than banging tables and throwing chess pieces in the air. I agree with that, and I hope some of the points I have made in my speech and my more detailed responses will go some way towards reassuring him.

The noble Lord, Lord Judd, also raised the question of Ireland, and I hope my response to the noble Lord, Lord Jay, addresses the matter. He also raised the challenging and disturbing plight of refugees, specifically in Lebanon, Turkey and Jordan. The UK has played a leading role globally in responding to the crisis. We have committed £2.3 billion in response to the conflict in Syria and £70 million for the humanitarian response to the crisis in Europe, north Africa and Turkey, making the UK the largest bilateral contributor.

The noble Baroness, Lady Ludford, credited me with poetic skills. I have to give the credit to the right reverend Prelate the Bishop who commenced the quotation, and all I had to do was finish it. The noble Baroness raised a number of significant security-related issues. On the 2015 strategic defence and security review, we do not agree that a new security review is needed. That review was based on a full analysis of the national security challenges facing the UK, and it had a clear national security vision underpinned by three enduring national security objectives. Those objectives and challenges remain valid.

The noble Baroness also raised important matters of intelligence-sharing and the reciprocity of legal process and procedures. These will be on the radar screen, but I observe that we maintain relationships with non-EU countries on such matters. Again, these relationships are born out of practical need and expediency within the framework of international law, so there is no reason to think that such matters cannot be negotiated sensibly.

The noble Lord, Lord Collins, spoke on the broad front of defence. I hope I have indicated in some of my remarks how defence will be at the heart of our negotiations and how in principle we will seek to see how we can achieve a close relationship that delivers mutual benefits. On the issues of security and law enforcement, the importance of law enforcement and co-operation with EU and global allies remains unchanged, and exploring options for once we have left means that we will have to do whatever is necessary to keep people safe. It would be wrong to set out a unilateral position on specific measures now, but we will continue to value co-operation on the matters that have been raised, including Europol, European law and Schengen.

In conclusion, foreign and security policy is an extremely important and complex element of our relationship with the EU and its member states. Although we are leaving the EU, we will remain a key European power and we will continue to co-operate with European

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partners to tackle shared challenges. The eventual shape of that relationship and the way in which it functions will need to be developed through detailed discussions with all the relevant parties.

Once again, I thank noble Lords for their contributions. I have found this an interesting debate. A number of issues have been highlighted and thrown into sharp relief, and I think the aggregate contribution from this House will in turn make a very important contribution to informing the negotiation process as we look ahead and seek to ensure that the matters so important to your Lordships, as identified today, remain at the forefront of the negotiating process.

2.34 pm

Lord Wallace of Saltaire: My Lords, I thank noble Lords for taking part in this debate. The debate demonstrates how far Parliament needs to be allowed to ask questions about the implications of Brexit in one area after another. Unless one takes the Bernard Jenkin approach to Brexit, which is that we simply abrogate unilaterally all our obligations and re-establish absolute British sovereignty, the simple decision to leave has all sorts of knock-on effects. If we wish to continue to be engaged in co-operation with our neighbours, we have to work out ways to do so.

Some of those here are just old enough to remember a very odd organisation called the Western European Union in the 1950s and 1960s, which the British did our utmost to keep alive when it served virtually no other purpose than that it was the one area in which we could discuss security and defence policy with the then six members of the European Union. We are going to have to try to invent things like that again. I recall talking in strong terms to a senior official who was the British permanent representative to the WEU, who told me that his major objective was to abolish it so that he did not have to go to the meetings.

Leaving the EU has real costs in terms of influence and access. Those who say we can simply go back to the Common Market that we had in the 1970s simply do not appreciate how much more complicated the international agenda has become. We did not have cyberattacks in the 1970s because we did not have computers. Heathrow was a relatively small airport in those days because people did not travel so much. The extent to which the world has become so much more interconnected, as the noble Lord, Lord Howell, reminds us so regularly, requires this sort of complicated response.

I say to the Minister that the complacency with which the Government insist that we are the largest spender on defence in Europe will not survive a further fall in the value of the pound. We spend money on defence in pounds but buy defence equipment largely in dollars, and that is going to get harder and harder as we go on. I expect part of the trigger for the next SDSR will be that we are running into another spending gap in our defence budget and are forced yet again to cut.

So there is a great deal more to discuss, and we will need to return to this topic. Few of us are yet persuaded that the Government have begun to have answers to some of the questions we have raised, and they need to develop them before they trigger Article 50.

Motion agreed.

Community Pharmacy in 2016-17 and Beyond Statement

2.37 pm

Baroness Chisholm of Owlpen (Con): My Lords, with permission, I will repeat a Statement made by my honourable friend the Parliamentary Under-Secretary of State in the other place on community pharmacy in 2016-17 and beyond. The Statement is as follows:

“In December 2015 the Government set out a range of proposals for reforming the sector. Our intent was to promote movement towards a clinically focused community pharmacy service that is better integrated with primary care and makes better use of pharmacists’ skills. I now wish to update the House on the outcome of this consultation and the measures we intend to take forward.

Let me be clear at the outset. The Government fully appreciate the value of the community pharmacy sector. There are now over 11,500 pharmacies, up by over 18% over the last decade. Indeed, the overall pharmacy spend has increased by 40% over the last decade and now stands at £2.8 billion per annum. However, we do not believe that the current funding system does enough to promote either efficiency or quality; nor does it promote the integration with the rest of the NHS that we, and pharmacists themselves, would like to see.

The average pharmacy receives nearly £1 million per annum for the NHS goods and services it provides, of which around £220,000 is direct income. This income includes a fixed-sum payment—called the establishment fee—of £25,000 per annum for most pharmacies, regardless of size or quality. This is an inefficient allocation of NHS funds when 40% of pharmacies are now in clusters of three or more, which means that two-fifths are within 10 minutes’ walk of two or more other pharmacies. Instances exist of clusters of up to 15 pharmacies within 10 minutes’ walk.

At a time when the overall NHS budget is under pressure and we need to make £22 billion in efficiency savings, it is right that we examine all areas of spend and look for improvements. The measures we are bringing forward today have at their heart our desire to be more efficient and spend precious NHS resources properly. Community pharmacy must play its part as the NHS rises to this challenge.

I am today announcing a two-year funding settlement. In summary, contractors providing NHS pharmaceutical services under the community pharmacy framework will receive £2.687 billion funding in 2016-17 and £2.592 billion in 2017-18. This represents a 4% reduction in 2016-17 and a further 3.4% in 2017-18. Every penny saved by this reset will be reinvested and reallocated back into our NHS to ensure the very best patient care. Furthermore, separately commissioned services by NHS England, clinical commissioning groups and local authorities will not be affected by this change. I want this commissioning of services to continue to grow.

From December 1 2016, we will also simplify the outdated payments structure and introduce payment for quality so that, for the first time, we will be paying

pharmacies for the service they provide, not just the volume of prescriptions they dispense. We will also relieve pressure on other parts of the NHS by properly embedding pharmacy in the urgent care pathway.

As we continue the path of reform, we will be informed both by the review of community pharmacy services being carried out by Richard Murray of the King's Fund and stakeholders such as the Royal Pharmaceutical Society. NHS England is investing £42 million in a pharmacy integration fund for 2016-17 and 2017-18. This will facilitate the faster movement of the sector into value-added services.

As an example, last week, I announced two additional initiatives to improve our offer to patients. First, those who need urgent repeat medicines will be referred by NHS 111 directly to pharmacies, not out-of-hours GPs, as at present. Secondly, NHS England will encourage national roll-out of minor ailment schemes already commissioned by some CCGs. This is expected to be complete by April 2018.

We are confident that these measures can be made without jeopardising the quality of services. In fact, we believe that the changes will improve them. To safeguard patient access, we will be introducing a pharmacy access scheme in areas with fewer pharmacies and higher health needs. We are today publishing the list of pharmacies which will be eligible for funding from this scheme. Copies are available on gov.uk and from the Vote Office. This list includes all pharmacies which are more than one mile from another pharmacy. These pharmacies will be protected from the full impact of the reductions.

In addition, we will have a review process to deal with any unforeseen circumstances affecting access, such as a road closure. We will also review cases where there may be a high level of deprivation but where pharmacies are less than a mile from another pharmacy, if that pharmacy is critical for access. This will cover pharmacies that are located in the 20% most deprived areas in England, are located 0.8 miles or more from another pharmacy and are critical for access. Additional funding over and above the base settlement will be made available as needed.

We have already announced NHS England's proposal significantly to increase the number of pharmacists working directly in general practice, with a budget of £112 million to deliver a further 1,500 pharmacists in general practices by 2020.

Colleagues will be aware that the Government consulted the Pharmaceutical Services Negotiating Committee and other stakeholders, including patient and public groups. I am grateful for the responses received, which reinforced the value of community pharmacy and confirmed its front-line role at the heart of the NHS. The consultation also confirmed that there is potential for the sector to add even more value. However, we are disappointed by the final response from the PSNC. We endeavoured to collaborate and listened to its many suggestions over many months. Sadly, we were unable to reach agreement. Its role is, in the end, to represent the business interests of its members, and I respect that. My role is to do the right thing for the taxpayer, the patient and the NHS.

I close by setting out my firm belief that the future for community pharmacy is bright. These vital reforms will protect access for patients, properly reward the quality of services delivered by pharmacists for the first time, and far better integrate care with GP and other services. That is what the NHS needs, what patients expect and, I believe, what the vast majority of community pharmacists are keen to deliver. I commend this Statement to the House".

2.46 pm

Lord Kennedy of Southwark (Lab): My Lords, first, I thank the noble Baroness, Lady Chisholm, for repeating the Statement made by her honourable friend in the other place. Community pharmacies play a huge role in our health and social care system. It is estimated that 80% of patient contact in the NHS is with community pharmacies. Elderly people and those with long-term conditions, in particular, rely on the service provided by their community pharmacy.

For all the warm words and reassurance from the noble Baroness, nothing in the Statement gives comfort to anyone. It confirms, despite concerns raised in this House and the other place and the concerns of the pharmacy sector, patients and the general public, that the Government are carrying on as before. Policy option 2 in the impact assessment, the Government's preferred policy option, states that,

"there is no reliable way of estimating the number of pharmacies that will close as a result of this policy".

So we have spending cuts—12% for the rest of this year, 7.4% for next year—and an impact assessment in which the Government admit that they have no idea how many pharmacies will close, but we are supposed to accept the claim at the end of the Statement, that "my firm belief that the future for community pharmacy is bright".

To make that claim have an ounce of credibility, the Government will have to do a lot better than the Statement produced today for the House.

We face unprecedented demand on health and social care services, and the importance of local pharmacies is greater than ever. When I go to my GP or my local pharmacy, there are always posters up telling people to go to their local pharmacy for a variety of conditions, not the GP or A&E.

Can the noble Baroness tell the House what she estimates the effect of the spending cuts will be on GP services in general, the out-of-hours service in particular, and on pressure on A&Es, where there is already a problem with people seeking treatment who should really be dealt with by other parts of the NHS?

There is very little information about the effect of these cuts, but some research has been commissioned on the effect of cuts to the pharmacy sector. The results are staggering: 36% of pharmacies could be forced to reduce their opening hours; 76% might have to limit currently free services, such as deliveries to housebound patients; 52% could reduce access to the pharmacist; and 76% could reduce staffing levels.

That does not sound like a bright future for community pharmacies to me; that sounds more like putting patient safety and welfare at risk with ill-thought-out plans. Can the noble Baroness say more about the effect of

[LORD KENNEDY OF SOUTHWARK]

the Government's plans on areas of greatest deprivation? Has she come across the pharmacy care law, a product of research undertaken by Durham University, considering the relation between community pharmacy distribution, urban areas and social deprivation in England? What evidence can she provide that the targeting of clusters in areas of the highest deprivation will not affect people who need healthcare services the most, and potentially further widen healthcare inequalities?

Can the Minister tell the House about the effect of the measure contained in this Statement on rural areas? We have heard the statement from the Government that no community will be left without a pharmacy. So can the noble Baroness, Lady Chisholm, give a commitment today that no rural area will lose its pharmacy as a result of these measures and tell us what specifically the Government will be doing to deliver on that commitment, as we need more than warm words? Has the Minister considered the impact that these measures could have on other NHS services? How does she square the desire from the Government for community pharmacies to do more to relieve pressure on GPs and A&E services when, as a result of these actions, opening times, services and the viability of these pharmacies could be put at risk?

In conclusion, if in the time allowed the Minister cannot answer all the points that I have raised today, I hope that she will give a firm commitment from the Dispatch Box to write to me and place a copy in the Library.

Baroness Chisholm of Owlpen: I thank the noble Lord for his questions. These reforms will make the necessary modernisation to provide the best possible service for the patient. He mentioned the problems with pharmacies closing and asked where that was going to leave us. We are investing £112 million to deliver a further 1,500 pharmacies in general practice by 2020. The NHS England pharmacy integration fund will be focused on the deployment of clinical pharmacies and pharmacy services in the community and primary care settings, including groups of general practices, care homes and urgent care settings, such as NHS 111. This will improve access for patients, relieve the pressure on GPs and A&E departments, ensure optimal use of medicines and derive better value, improving outcomes for patients.

The noble Lord also asked about pharmacies in deprived areas and rural communities. That is why we are setting up the primary access scheme and are today publishing the list of those pharmacies that will be eligible for funding from the pharmacy access scheme. These pharmacies will be protected from the full effect of funding reductions, and the scheme will include a review process to deal with any inaccuracies in calculations or any unforeseen circumstances. I hope that that answers the noble Lord's questions.

Lord Rennard (LD): The noble Baroness said in answer to my question on Tuesday:

"We are not suggesting that any pharmacies close",—[*Official Report*, 18/10/16; col. 2225.]

but then went on to imply that some of them would be closed. Does she agree with the former Health Minister, Anna Soubry? She said in the House of Commons on Monday that,

"there is great concern about the proposals",

and that if,

"there was ever a time to argue to increase the role of pharmacies, it is now".—[*Official Report*, Commons, 17/10/16; cols. 593-94.]

Does the Minister accept that it will often be the smaller, independent pharmacies that will be under threat of closure and that closing them will reduce competition, restrict choice and increase prices? Can she say a little more about the integration fund? I understand that it was originally announced as being worth £300 million over five years, but it now seems to be worth £42 million in the next two years. Has the promised cash disappeared?

Will the Minister confirm that the access fund is largely coming out of the general pot to support pharmacies and that most of the expenditure through it will therefore be at the expense of support for other pharmacies? When local authority funding is being reduced for public health projects as a result of cuts in funding from NHS England, is not this another example of a false economy—making short-term savings that will lead to greater costs and pressure on the health service in future, in particular on GP surgeries?

Baroness Chisholm of Owlpen: It is important that we offer a level of certainty and stability to pharmacy businesses and contractors providing NHS pharmaceutical services under the community pharmacy contractual framework, which will receive £2.687 billion funding in 2016-7 and £2.592 billion in 2017-8. The pharmacy integrated fund, as I said earlier, will make a huge difference to the NHS integrated fund, which will focus on the deployment of clinical pharmacy services in the community and primary care settings.

2.54 pm

Baroness Seccombe (Con): My Lords, as a great supporter of pharmacies, especially in rural areas, may I draw my noble friend's attention to one rural area where a pharmacist wished to open a pharmacy, but it was objected to by doctors, because they had their own pharmacies in their practice? That is a great disservice to the community, which had to go six miles to find a chemist's shop.

Baroness Chisholm of Owlpen: That is why the pharmacy access scheme is very much there to make sure that pharmacies in these rural areas will be fully protected from any funding reductions. But the competition is there. Pharmacies on the whole are privately owned. It is important and only fair that, in these strapped times for the NHS, private companies should in some way also help the publicly funded NHS.

Lord Lea of Crondall (Lab): My Lords, my question is in the same territory as the previous question. It is not just the nomenclature but the knock-on effects between this Statement and GP dispensaries that is concerning. Have I understood this correctly? On the one hand, the Government expect more traffic to be diverted into GP dispensaries but, on the other hand, people will ultimately pay more—someone is paying—through a mixture of pressure on the big chains, supermarkets and, of course, A&E.

Baroness Chisholm of Owlpen: The point about the pharmacy integration fund is that we want to think up more joined-up ways in which we bring everything together. That is why we very much focus on the deployment of clinical pharmacies and pharmacy services in the community and primary care settings. It will include groups of general practices, but it also includes care homes and urgent care settings, such as NHS 111.

Lord Lansley (Con): I am grateful to my noble friend for repeating the Statement. She has rightly highlighted that over recent years the number of community pharmacies has increased—indeed, by more than 1,000 pharmacies in the last five years. That is welcome, because it is a means by which there is a reach into the community that is unparalleled elsewhere in the health and care services. But it is about how we go about diversifying pharmacy income. For a long time, it has been clear that it should not be wholly reliant on dispensing fees and the global sum, as it has been in the past. We need additional services, enhanced and locally commissioned services, to grow. My noble friend's Statement said exactly that, but the question is how we do it. By and large, it will not be done out of the public health budget of local authorities, although some will be. It is potentially mainly out of things such as the better care fund, enabling us not just to have pharmacies embedded in GP and other health services but using the community pharmacies' reach in the community to deliver support to people with chronic conditions. Will my noble friend say that there will be an effort to promote this? At the moment, we have no good data from the past two years on local commissioning of those enhanced services. Can we get those data sorted out so that we can see whether pharmacies are being used as they should be and diversifying their income?

Baroness Chisholm of Owlpen: I agree with everything that my noble friend has said—data are extremely important. Of course, with those new reforms we will have the opportunity to make changes and be absolutely sure that the integrated services are working as we want them to work.

Baroness Donaghy (Lab): My Lords, this is beginning to sound like the fate of the post offices. In my local urban chemist—as we still call it; I have not quite got used to calling them pharmacies—I do not think I have ever seen anybody pay for their prescription, because the area is poor and has a high proportion of elderly and long-term disabled people. It already performs a very good public service in an integrated way as far as it possibly can. It seems to me that it is being asked to do even more. My concern is that none of the questions asked by my noble friend on the Front Bench was answered by the noble Baroness. She also did not give any assurance that she would answer his questions in writing. I am particularly concerned about the comments that he made on the impact assessment—it seems that it is not just the data that are very woolly, but the government thinking.

Baroness Chisholm of Owlpen: As I said, the impact assessment was published today. I think that I did answer the noble Lord's questions. He asked how pharmacies were going to be looked after in deprived areas and I

explained about the pharmacy access scheme and how these pharmacies will indeed be protected. He also asked about the integrated pharmacies and as I said there would be £112 million to deliver a further 1,500 pharmacies. They will be integrated into general, joined-up practices within the NHS. This has to be the way to go—multidisciplinary areas where we will be focused on the deployment of clinical pharmacies and pharmacy services in the community and primary care settings. This will make a difference to groups of general practices, care homes and urgent care settings that all have pharmacies within them.

Baroness Masham of Ilton (CB): My Lords, how will the community pharmacies be saved in rural areas? The numbers are very small but the people—such as elderly and disabled people who may not drive—are absolutely stuck. As it is, the pharmacies in my local villages are not open on Saturday afternoons or Sundays, which makes things very difficult, particularly in the summer when there are tourists around. As the surgeries are shut as well at weekends, the only alternatives are the A&E departments.

Baroness Chisholm of Owlpen: Pharmacies are privately owned and there is competition among them. On the whole, it is beneficial for them to provide the necessary services but, as I said earlier, as far as keeping pharmacies open in rural areas is concerned, we are absolutely committed to that with the pharmacy access scheme.

Brexit: Environmental and Climate Change Policy

Motion to Take Note

3.02 pm

Moved by Baroness Parminter

That this House takes note of the future of environmental and climate change policy in the light of the result of the referendum for the withdrawal of the United Kingdom from the European Union.

Baroness Parminter (LD): My Lords, the European Union has produced the world's most comprehensive body of environmental policy and legislation. It has protected our wildlife and biodiversity and has improved the quality of our water and other natural resources. It has also been pivotal in reducing greenhouse gas emissions and prompting the growth in renewable energy in our fight against climate change. As the House of Commons Environmental Audit Committee concluded,

“the UK's membership of the European Union has improved the UK's approach to environmental protection and ensured that the UK environment has been better protected”.

So the challenge now for our Government is to continue to improve our environment as we move outside the overwhelmingly positive, collective approach to environmental policy that we have been party to in the European Union over the past 40 years.

Given the bulwark of protections provided by that body of European environmental policy, it is good that the Government have confirmed that EU law will

[BARONESS PARMINTER]

be transposed into domestic law on the day that the UK leaves the European Union—protections such as rules that govern the use of pesticides and nitrates, ensure fewer toxic chemicals in household products, or deliver greater product efficiency standards, as well as the birds and habitats directive, the most significant and extensive system for protecting wildlife and wild places that we have. However, this does not mean that the hard-won environmental policy gains built up over 40 years are secure. The Secretary of State for Exiting the European Union, David Davis, has caveated this transposing with the phrase “wherever practicable”. The Farming Minister, George Eustice, called the birds and habitat directive “spirit-crushing” and, at a recent event that I attended, suggested that the need to designate special areas of conservation for harbour porpoises is an example of its inflexibility, despite a review by the coalition Government that showed that the directive’s implementation worked well.

We cannot allow “wherever practicable” to become a means to oust what is, to some, burdensome red tape when, in reality, that environmental policy framework has created a level playing field for companies and our farmers to trade fairly while tackling the threat of catastrophic climate change and environmental degradation. Further unpicking—as the Prime Minister herself said—to reflect UK preferences looks even more likely, given that a key plank on which all EU environmental legislation is built is that of the precautionary principle. The Government’s opposition to the precautionary principle has been all too clear, with their stance on the EU’s ban on three neonicotinoid insecticides and its approach to GM food. Moreover, this is a Government who pride themselves on championing deregulation. They refused earlier this year to reinstate the zero-carbon homes policy, arguing that it would place unnecessary burdens on small housebuilders, despite clear evidence that it would limit carbon emissions from future homes.

Let us make it clear that this House will insist on full parliamentary scrutiny of any proposed changes to environmental legislation—no using the back door of statutory instruments. I and my colleagues on these Benches will vigorously oppose any watering down of environmental outcomes of transposed EU legislation. Any changes should be made only when demonstrable environmental benefits would result.

Leaving the European Union will mean that we are no longer part of the common agricultural policy—a policy which has hugely impacted on our rural environment and natural resources, for good and for ill. The CAP currently provides much of the funding for the conservation of terrestrial biodiversity through our green environment schemes but it has also been a major driver of damage to the environment, despite reforms to green it in more recent years. Our departure presents a major opportunity for our Government to reshape our land management and agricultural policy. Liberal Democrats will contend that future policy, and the financial support allied to it, must reward farmers for the public goods that they provide, producing healthy food and protecting the natural capital of our farmed landscapes through building healthy soils, carbon storage, clean water and flood prevention.

There is no doubt that there will be political pressure to divert the £3 billion that farmers currently receive away from agriculture—who can forget the Brexit bus and its infamous promise of £350 million a week for the NHS? By allying a new agricultural and land management policy to the provision of public goods, political will to maintain farm support, which is critical to many farm businesses, particularly in environmentally sensitive areas, could be secured. I therefore ask the Minister to confirm that the consultation promised within a few months on the food and farming policy will dovetail with the Government’s proposed 25-year environment plan and actively encourage public engagement, and whether the Natural Capital Committee will be formally asked for its views.

The Government committed in their 2015 manifesto to this being the first generation to leave the environment in a better state than we found it. Work on the 25-year environment plan began a year ago and we are anticipating a consultation on a framework later this month. This plan now assumes a far greater importance as we move outside the framework of the EU’s seventh environmental action plan, with its bold ambitions up to 2050. Ministers should be clear: if their environmental plan fails to set ambitious targets for our stock of natural capital and biodiversity or to place a duty on all government departments and public bodies to implement it, it will be judged a failure. Moreover, the case for legislative underpinning of this 25-year environment plan is now even stronger. Up to now, the European Union policy process has made agreed environmental measures more stable, giving public authorities and private investors the confidence to plan ahead.

As we have learned from tackling climate change, intergenerational progress is best achieved when targets are underpinned by UK legislation, with a body to help deliver progress and hold the Government to account. So we need the 25 Year Environment Plan to commit to legislative underpinning, an environment Act with overarching targets for clean air, biodiversity, water and other natural assets, and to put the Natural Capital Committee, like the Committee on Climate Change, on a statutory footing to recommend actions, meet those targets and monitor progress.

The Government have committed to put the National Infrastructure Commission on a statutory footing to deliver the hard infrastructure we need. They should now commit to empower the Natural Capital Committee to do the same for our equally critical natural infrastructure. Nature does not respect national boundaries and some of the European Union’s major environmental successes have been in tackling challenges to shared resources such as our birds, air and water quality, and our fish. When we leave the European Union, the common fisheries policy will cease to apply. Recent reforms have started to deliver more sustainable fisheries with the principle of maximum sustainable yield and banning discards. The complexity of the transition to new arrangements will be huge and there is a real risk for fish stocks if negotiations are prolonged without a new deal and the UK falls into a default scenario for several years. I look forward to the report on this issue by the EU Agriculture, Fisheries, Environment and Energy Sub-Committee, ably led by my noble friend Lord Teverson, which we anticipate will be published shortly.

But what is already clear is that it will require strong political will to improve, based on British conditions, the policy interventions that the EU's common fisheries policy is delivering in reducing the environmental burden of industrial-scale fishing.

In a post-Brexit world, getting the right new policies in place will be critical, but so too will holding the Government to account for their delivery of environmental policy. As members of the European Union, both the Commission and the European Court of Justice are there to ensure that environmental policy is delivered, as the Government have found to their cost on numerous occasions. In December 2015 alone, there were three air pollution, two energy, two waste and three water cases active relating to UK non-compliance. Outside the EU these critical backstops will be gone and new ways of holding the Government to account will be needed if—or, more likely, when—they fail to live up to their obligations. Surely expecting individuals and organisations to fund costly judicial reviews cannot be the answer, as Dr Coffey, the Under-Secretary of State at Defra, suggested in a Westminster Hall debate earlier this week. Therefore, I ask the Minister: will the Government commit to ensure the proper enforcement of future UK environmental legislation? What mechanisms do they see replacing and replicating the current enforcement role of the Commission and the ECJ?

EU environmental policy is a mature body of work, although a less developed area is that around the circular economy—producing less waste and using our resources productively. The EU is grappling with this now and it looks likely that we will have left the EU before a circular economy directive will be in force. As someone who fought hard to persuade our coalition partners to introduce the 5p charge on plastic bags, I keenly anticipate the launch next month of the Government Office for Science report on how we should produce less waste and use our resources more productively. It should be a clarion call on the benefits of a circular economy. An early test of the Government's commitment to improving our environment outside the EU policy framework will be whether it embeds the principles of a circular economy in their forthcoming industrial strategy.

However, environment policy cannot remain static. As our scientific knowledge and evidence grow in future, the policies must develop too. Yet not only has Defra a severely depleted number of staff in its agencies due to sustained budget cuts, it will lose access to EU institutions and funding for research programmes and the vital collaborations that come with them. So what reassurances can the Minister give about our capacity post-Brexit to continue to develop evidence-based environmental policy?

As the Liberal Democrats' Defra spokesperson, I have naturally concentrated today on the issues around the impact on environment policy, and leave my noble friend Lady Featherstone and others on other Benches to focus on the other pillar of climate policy. In doing so, I am aware that the uncertainties and challenges in that area are no less severe. The rapid progress in ratifying the Paris climate agreement is welcome, as is the Government's acceptance earlier this year of the recommended seventh carbon budget of the Committee on Climate Change. However, we urgently need the

Government to produce their plan to deliver our emissions targets, which has been delayed. Such a plan is fundamental to giving investors and public authorities' confidence to plan to deliver the low-carbon infrastructure we need to transition our energy supply and move to a low-carbon economy.

Post-Brexit it is clear there are opportunities for improving environmental policy and outcomes, most notably the fundamental recasting of agricultural and land management policy to replace the common agricultural policy. But sizeable threats are clear too, including the watering down of environmental legislation, finding timely responses to managing shared natural resources as well as a lack of policy capacity and enforcement mechanisms to deliver them. Strong political will is required to secure policies we need to protect our environment, and the public and private investment to deliver it. The imminent framework of their *25 Year Environment Plan* will tell us whether this Government are prepared to deliver that or if, as some of us fear, outside the European Union we are about to enter a new dark age for green policy.

3.16 pm

The Earl of Selborne (Con): My Lords, the whole House will be grateful to the noble Baroness, Lady Parminter, for giving us this opportunity for a timely debate, and timely it is. I agree with her that full parliamentary scrutiny will be very important as we implement national regulations in place of EU directives as time goes by. I also agree with her that the EU directives have indeed provided a historic framework. That is not to say that they are by any means perfect or indeed cannot be improved with national, regional and local emphasis. I may refer to that a little later.

However, it is clearly essential for the Government to plan carefully for environmental and climate change policy in the context of the new industrial strategy—the strategy which the Prime Minister assures us will get Britain firing on all cylinders again. We are expecting the *25 Year Environment Plan* soon. It will be a framework document setting out the Government's environmental vision and their thoughts on implementation. The *25 Year Environment Plan* and strategy was originally proposed in the Natural Capital Committee's *State of Natural Capital* report, published last year, with a government response in September 2015. That response was positive. It said that the plan would:

“Help individuals and organisations at local, regional, national and international levels to understand the economic, social and cultural value of nature, the impact that their actions have on it, and to use this knowledge to make better decisions and facilitate the design of sustainable financing models”.

We all agree with the high-flown sentiments but they simply must be reconciled with sustainable economic growth and sustainable financing models. That is the important thing to pick up there.

After the outcome of the referendum, Professor Dieter Helm, who chairs the Natural Capital Committee, wrote to the new Secretary of State, Andrea Leadsom, to remind her of the manifesto commitment to improve the natural environment within a generation, and of the *25 Year Environment Plan*. The letter said:

“Following on from the referendum, you are now in a position to take a strategic view of how our environment is managed to maximise the total value of all the benefits it provides—including

[THE EARL OF SELBORNE]

clean air and water, flood protection, carbon storage, biodiversity, health benefits and recreation—and, in the process, maximising sustainable food production and supporting rural communities. This is the path to maximising sustainable economic growth”.

Again, I think he got the right emphasis on ensuring that we have sustainable economic growth without which you will not get environmental enhancement. The Secretary of State replied positively in August, committing the new Administration to the production of the *25 Year Environment Plan*. She said that,

“we must maintain the momentum and enthusiasm”

for the plan. We have, therefore, the prospect of a new industrial strategy and a 25-year environmental plan, both against the background of leaving the European Union with both opportunities and threats in so far as the environment is concerned. I see it as a once-in-a-generation opportunity to plan how we can deliver sustainable economic growth.

We start with some valuable assets to help plan our way forward. Yes, the EU directives and regulations—or most of them—are certainly part of those valuable assets. The work of the Natural Capital Committee is going to stand us in very good stead, going right back to the UK National Ecosystem Assessment, which was commissioned under the Labour Government and published in 2011. This was the beginning of taking into account natural capital, and pointed to a new way of estimating our natural wealth. Natural capital should provide the basis for financial support for environmental outcomes, but with the “polluter pays” principle providing the regulatory underpinning.

Some, but not all, of our ecosystems are still in long-term decline. However, just to look at some of the brighter prospects, freshwater quality has improved—we all know about fish coming up the Thames—and sulphur deposition has declined. I took some comfort from the National Flood Resilience Review, with its helpful pointers on how to deliver integrated catchment management. This has not yet been delivered, and there is much work to be done.

We are familiar with examples of long-term decline: the loss of soil carbon in arable systems and the reduction in insect pollinators, which are important to so many crops. While marine fisheries have levelled out, they have levelled out in terms of historic takes at levels that are way below what they were in the past.

Brexit has far-reaching implications for land management. We should remember that 75% of the United Kingdom is land. Pillar 1, which is most of the take from the CAP that comes to this country, is about £3 billion annually. It is a basic payment scheme, and some would say that there is very little compliance required. Pillar 2, which delivers the agri-environmental schemes, is only about a sixth of the funds. Therefore, I think everyone agrees that we have to move towards refocusing the Pillar 1 expenditure on ecologically sustainable farming systems. I mentioned soil status, for example, that delivers for the farmer, for society and for the environment.

I hope that we remember the economics of farming at the moment. Most farmers—I could not give an exact figure—rely on the basic payment scheme to stay

solvent. If you remove Pillar 1 payments too rapidly—and they will have to be removed ultimately—you are going to find small farms, particularly in the uplands and marginal lands, going bankrupt. We should remember the inexorable trends in farming at the moment: one in 10 dairy farms has closed in the past three years, but the number of dairy cows has increased by 113,000. We are seeing farms getting larger, with higher capital, and more intensive. That is necessary if you are requiring farming to compete with low commodity prices globally and to meet a cheap—or anyway, a cheaper—food policy than natural costs would allow.

I do not think that sustainable intensification is an oxymoron: some people find the two words incompatible. Some of the farms that have won prizes for conservation have also been extremely successful, and intensification does lead to releasing land. We have to be quite clear that we are expecting farms to be globally efficient and, at the same time, we have to make sure that we have in place a suitable policy for supporting the environment.

Integrated catchment management is something we talk about a lot, but its implications are never very effectively understood. If you can get the land manager who is responsible for the land involved, then it is going to be much more effective than having somebody from the water company who is a remote character telling everyone who is involved. Since the report of Professor John Lawton, where farmers were encouraged to get together in clusters, there have been examples—voluntary, of course—where farmers have worked together at the regional scale, or the landscape scale, to deliver environmental benefits. That is the only way we are going to achieve integrated catchment management.

3.25 pm

Lord Giddens (Lab): My Lords, I congratulate the noble Baroness, Lady Parminter, on having secured this debate and having introduced it so ably while struggling against what looks to be a pretty awful sore throat. I also have a sore throat, but it does not sound as bad, so I should be able to struggle through.

The Prime Minister of Luxembourg, somewhat improbably, made one of the best quips about Brexit. He said that the UK was in, but with lots of opt-outs, but wants to be out, with lots of opt-ins. In the case of climate change, which is a bit different from the single market, we hope that most of those opt-ins will be agreed by both sides.

In my speech, I shall concentrate on my concerns on the issue of climate change, arguably the most demanding challenge humanity faces in the 21st century. It is not only the most demanding, but the most intractable. On a worldwide level, virtually no progress has been made thus far in slowing the advance of global warming. World surface and sea temperatures in 2015 were the highest on record; 2016 is predicted by NASA to turn out even hotter.

Brexit seems insignificant compared to the global scale of the issue. After all, the UK creates only a small proportion of total global emissions. The country has a good track record in reducing those emissions compared to most other industrial states, and it has pioneered strategies of doing so that deserve to be emulated elsewhere. Climate change is a negative example

of how interdependent the world has become and the impossibility of extracting any country from that interdependence, positive and negative. In such a world, Britain will have to continue to collaborate with other states, both in a European context and on a worldwide level, and in many, many different areas.

The area of climate change and energy demonstrates, in only one context, just how tortuous and difficult the process of Brexit will be. As in all the other domains of co-operation, the UK will have to sift in detail through what is to be kept and what is to be discarded, and in a context where the other 27 EU states will take the core decisions. Those who thought leaving the EU would mean an escape from bureaucracy are in for a rude shock. So far as the UK is concerned, there is likely to be a sharp increase, since in many instances specific procedures will be needed to deal with the details of the British case.

The think tank Carbon Brief, with which I am sure the Minister is familiar, has listed 94 questions for the Government to answer on the implications of leaving the European Union for energy and climate change. That list, the organisation adds, “is probably incomplete”. The Minister will be glad to know that the Government have already managed to answer one of the 94, by endorsing a fifth carbon budget consistent with recommendations from the Committee on Climate Change. There are only 93 to go. I will be more modest in my demands and list only five, or at least five clusters of issues on which it would be useful if the Minister would give some idea of the Government’s preliminary thinking.

First, somewhat disturbingly, one of the new Prime Minister’s first acts on coming into power was to close down the Department of Energy and Climate Change as a separate entity, seemingly connected with the invention of new departments relating to Brexit. Will the Minister unequivocally confirm that this change does not mark a downgrading of the significance of reducing greenhouse gas emissions? It is to the credit of the previous incarnation of the Government that much of the structure that Labour set up has been kept in place. Will the Minister confirm that all this will not only—to quote an unfashionable term—remain but be further deepened?

Secondly, the Paris agreement has now been backed by the European Parliament and has recently reached the level of international endorsement to come into force globally. How does the Minister assess the issues that surround the UK’s involvement? Will the UK ratify the agreement as a member of the EU or rely on the fact that it is already an individual signatory? Will Britain continue to take part in the EU emissions trading system, and if not, what parallel procedure will be developed?

Thirdly, what implications will Brexit have for the complex connections between the energy industries in the UK and the rest of Europe? Energy is obviously deeply implicated in all this. Some 50% of the gas used in the UK is imported and the bulk of this comes through pipelines that go through EU or EEA countries. Imported electricity has been projected to increase under current arrangements by more than double over the next few years. All this depends on the integrated

arrangements made possible by the single market. Can the Minister say what happens if the UK is not able to stay a member of the single market, which is a distinct possibility if control of migration is taken to be the sine qua non of Brexit?

Fourthly, so-called hard Brexit—a pretty daft name, but it has come into currency—will have huge implications, both for climate change agreements and for energy more generally. In these areas, as in almost all others, the review of competences found that the existing arrangements worked well. It is an odd situation to be leaving the EU when that review went through every single connection and found that almost all of them worked well. If the UK were to leave the single energy market, a raft of environmental standards would have to be reconsidered. Moreover, the UK would be more vulnerable to the vagaries of energy markets than is the case at the moment. How would the Government handle these issues? As an addendum, personally I think that the UK will be vulnerable economically as it detaches itself from the EU because it is an open economy, subject to the whims of global investors. That is not taking back control.

Finally, how will the Government plan ahead in respect of climate change and energy policy when so many factors are in play, and when even the Chancellor has been forced to concede that economic turbulence is likely to be caused by Brexit? Assessments of impact will have to be carried out in the light of multiple contingencies, including possible changes in the wider world economy. The review of competences, which I just referred to, was child’s play compared to the multiplicity of issues that lie in wait and must be resolved.

Brexit sounds so simple and straightforward, especially now that Mrs May has explained to us what it means. However, the issues and problems it raises are dauntingly complex.

3.33 pm

Baroness Scott of Needham Market (LD): My Lords, I join noble Lords in thanking my noble friend for tabling today’s debate and giving the House an opportunity to debate an aspect of Brexit which was underdiscussed both during the referendum campaign and subsequently.

At the outset, it is worth reflecting on how far we have come in the last 40 years. Occasionally you still hear people of a certain age refer to London as “The Smoke”, which reminds us of what the air quality was like here in our capital just four decades ago. Many people who swam off Britain’s beaches will regale you with horror stories about doing the breaststroke through pools of raw sewage; just last week the *Guardian* published some pretty gruesome photographs of Blackpool beach 40 years ago, which showed just that. Standards of animal welfare have increased significantly, and measures to reduce the harmful effects of pesticides and fertilisers have had a significant impact.

However, of course there is still a lot to do. The World Health Organization recently warned that dozens of British cities were failing to meet air pollution standards and it is estimated that over 16,000 deaths in 2012 were caused by ambient pollution. Recently, 4.9% of bathing sites in the UK were revealed to have

[BARONESS SCOTT OF NEEDHAM MARKET]

poor water quality. We are just beginning to understand the impact of tiny plastic microbeads in our oceans on marine ecosystems. The threat to native species from habitat destruction, alien species, or diseases such as ash dieback is very real. The *State of Nature 2016* report found that more than 10% of species are at risk of extinction in the UK and nearly 60% have declined since 1970.

It seems to me that, in reflecting on how we have made the progress we have, we find the pointers to how we will deal with the challenges we have yet to face. It is true that some change has been effected by individuals and organisations who are motivated to do the right thing, and in some cases the power of public opinion alters behaviour. But overwhelmingly, public policy drives change, through fiscal instruments, regulatory measures or by using targets to alter behaviour.

The development of environmental policy in the European Union has taken place over the last 40 years and continues today. In doing so, it has revealed some of the many strengths—and, if we are honest, some of the weaknesses—of a common EU approach. However, it is based on the inarguable logic that most environmental issues are cross-border in character or impact, and are better addressed by co-operative action than unilaterally. The transboundary and sometimes global nature of many environmental issues means that a collective approach is either more efficient or simply essential to address them effectively. Obvious examples apart from climate change include the protection of migratory birds and air and water pollution.

The importance of the single market and its development has also given an impetus to create common EU rules, particularly for environmental and technical product standards, which enables benchmarking and target setting to take place. Negotiating common standards can allow a degree of environmental ambition which would not be available to individual Governments acting alone because of fears about short-term impacts on competitiveness. Common standards also inhibit the possibility of economic advantages accruing to those countries that have lower environmental standards. A further advantage of the EU system is that it has a range of legislative, funding and other policy measures which can work in combination, and of course EU environmental legislation is backed up by hard legal enforcement mechanisms of a kind that is rare in international agreements.

It is also true that the EU has several institutional advantages that other international fora lack. First, contrary to Eurosceptic myths, EU institutions make decisions on a democratic basis, through a process of debate and adoption by both the European Parliament and the Council, which gives them the authority to monitor, report back and enforce binding legislation. The requirement for member states regularly to report on progress has created a culture of transparency which allows citizens to see how their country is performing.

A practical example of that is air quality. Our Supreme Court ruled that the UK was in breach of the 2008 directive, which resulted in the UK Government publishing a new air quality plan last year. I am not

convinced that British citizens would have known about the scale of the problem or that government would have done anything about it had we not been subject to EU law. Indeed, the breaching of EU quality regulations was cited by Zac Goldsmith as a reason not to extend Heathrow, which shows that even the most ardent Brexiteer is not above praying the EU in aid when it suits their argument.

In the debate about “taking control” very little has been said about what that means for the future of our environment. The outcome closest to where we are now, the so-called soft Brexit, leaves the UK outside the common fisheries and common agricultural policies. I argue that that is a mixed blessing. But both the birds and habitats directives and the bathing water directive would no longer apply, and those policies have provided the backbone of conservation in the EU and have generated significant improvements for species and habitats. Of course, if we were to maintain some sort of access to the single market, we would still have to comply with a whole raft of EU environmental legislation, while having no say in its creation.

However, it looks as though we are heading for hard Brexit, and there is a wide consensus that this will create identifiable and substantial risks to future UK environmental ambitions and outcomes. Either because of political ideology or necessitated by a damaged economy, there is a significant risk that environmental standards will be lowered to seek competitive advantage outside the EU.

As we move towards the date identified by the Prime Minister for triggering Article 50, we should be seeing much more clarity from the Government on the relative priority they intend to give to environmental issues. If the approach is, as we have heard, to keep all the legislation at the point of exit and then to review it as we go along, that seems perfectly sensible, as it will mean that we will not have immediate legal uncertainty and can debate individual elements as time goes on. However, it is worth reading the report, published today, from the House of Lords EU Select Committee, which shows that even this relatively straightforward-sounding approach is not as simple as one might think. In the longer run, there is no reason why we cannot adhere to EU standards, if that is what we agree, but of course we will then fall outside the legal enforcement mechanisms, so we would have to think about how we would do that.

What business needs above all is regulatory certainty, and ironically it is often the slow pace of getting agreement in the EU that provides that certainty. Things, once agreed, are not easy to change. There is now a significant period of uncertainty, which could go on for some years.

Taking control means taking responsibility. We now have to decide as a nation what sort of agriculture we want. Is it about the production of cheap food or do we continue to put value on the environment, landscape and animal welfare? And if we do, are the Government prepared to reframe financial support for farmers to sustain this? What sort of framework do the Government envisage for managing fisheries in a sustainable way, and how do they intend to work with our European neighbours to achieve this?

The EU sub-committee which I chaired until May produced a report on regional marine co-operation which suggested that national Governments need to do much more in working together for the marine environment. I am afraid that the Government's response to that was pretty tepid. They will need to rethink that because, outside the EU, that will be the only show in town. In any event, the WTO is about to start discussions on a global fisheries scheme, so taking control may not be as easy as it sounds. In addition, are we going to hold on to the principles enshrined in the habitats directives, and the targets for recycling and ending land-filling?

It seems to me that as we go forward, while we cannot expect detailed answers, especially today, from the Government on how they will tackle all these things, we should expect a sense of how they are going about it. Whom are the Government talking to? Whom are they consulting to identify the risks and opportunities as we go forward? Significantly, from the point of view of this House, how is Parliament to be involved?

3.43 pm

Baroness Young of Old Scone (Lab): My Lords, I declare my interests as chairman of the Woodland Trust and as president and vice-president of a range of environmental and land management NGOs and professional bodies. I thank the noble Baroness, Lady Parminter, for securing this debate—and I hope she lives.

We are told that Brexit means Brexit, but what it does not mean is junking our standards of environmental protection. A number of public surveys during the referendum campaign demonstrated continuing public support for high levels of environmental standards. However, many of these standards have been negotiated as part of the EU framework over the last 40 years, and, as many previous speakers have said, the task of untangling them and taking control from a UK point of view is going to be very complicated.

Brexit might mean Brexit but no amount of wishing removes the UK from the European bioregion. We will continue to share air, seas and migratory species, so it is vital that we at least maintain the current standards of protection for air, water, land and biodiversity, and that we recognise the full range of regulation and legislation involved. The range is massive—25% of EU legislation is about environmental protection, and it will be a big piece of work to repatriate that. It is crucial that we maintain robust, well-enforced environmental and wildlife laws, and it is absolutely vital that we give business a sense of security and continuity in delivering to these standards. The last thing that business wants is absence of certainty or, even worse, the flip-flopping that we have seen on environmental standards from the Government over the last 18 months.

I welcome the great repeal Bill—a wonderful title. We have to watch that the tweaks made to ensure operability do not result in any watering down, either by design or by Sod's law. In particular, as the noble Baroness, Lady Parminter, stressed, we need to understand what will replace the compliance regimes that are currently ultimately ensured by EU processes such as infraction procedures and the European Court of Justice, to make sure that our environmental and wildlife

laws are enforced by domestic compliance regimes that are at least as tough. Can the Minister tell us the Government's initial thoughts on such monitoring, compliance and enforcement regimes?

We also need to take this opportunity to address the parts of our domestic policy framework that are failing. Trees and woodlands are crucial for a whole range of things: wildlife conservation, timber productivity, the management of carbon, enhancing farming output with shade and shelter for crops and livestock, the improvement of water quality, reducing soil erosion, flood control, access to recreation and human health. What is not to like about trees? Apart from that, the public love them. So people need trees, yet over 600 of our ancient woodlands—those cathedrals of woodlands—are at risk from proposed infrastructure and built development.

There is a huge loophole in the national policy planning framework that means that ancient woodlands have little protection compared to ancient buildings, and local planning authorities are therefore often unable to stop the destruction of ancient woodlands and trees. I press the Minister to say what the Government intend to do to improve the protection for ancient woodlands and to at least bring it into equivalence with the protection given to ancient buildings under the national policy planning framework.

I turn now to land management policy, which will be fundamental to Brexit. For many years, the common agricultural policy has been slated as being the major downside of European membership, along with the common fisheries policy. CAP is a major element of European activity, in that it accounts for 45% of the European Union budget, yet it has been pretty disastrous for about 30 years in driving the decline in our native wildlife and environmental standards. It is pretty odd that even the farmers—those who benefited from it—did not much like it either. Post-Brexit CAP demise may be the only silver lining. I am trying to stay enthusiastic in the face of the blackness that will follow Brexit by saying that, like the kid in the sweet-shop, we will have the opportunity to design, at long last, a properly integrated approach to land use policy, focused on multipurpose land use and public benefit.

Land is a scarce commodity; we are not making any more and, with climate change, we may have rather less. But it is not clear what we consider land to be for. Is it for food security; timber production; ecosystem services and the protection of air, soil and water; biodiversity; climate change mitigation; flood management; public access; or built development? We need to face the fact that all these are legitimate claims on land, and therefore a future land use strategy needs to take an integrated approach that balances all these needs. Will the Minister tell us how the Government intend to establish an integrated debate on this issue? All the competing interests need to be round the table at once, talking about it, not just part of a consultation after the Government have had unilateral and bilateral consultations and discussions with those various competing interests.

The Government should take this opportunity to combine their proposed environment and agriculture 25-year strategies. They are currently being prepared separately, although with some overlap, but they are both about what the same land is going to deliver.

[BARONESS YOUNG OF OLD SCONE]

Currently, 75% of our land is farmed, and land managers need to be incentivised and rewarded for delivering the full range of land-based services, but only for services that are delivered for public benefit. We need to see the integration of food and timber production with the delivery of ecosystem services, and that must be the basis of any incentive and grant system. As the noble Earl, Lord Selborne, was quite right to point out, this needs to happen on a landscape scale greater than that of individual farms. Public subsidies need to be targeted spatially to reward groups of land managers for delivering public good together.

It is vital that the new land use policy takes full account of the benefits to be gained from substantially increasing woodland cover. The current subsidies for woodland planting—with the benefits that trees bring, which I have already outlined—simply are not working. Last year, as a nation, we undershot the government planting targets by a whacking 86%. We are the country in the European bioregion with the lowest level of tree cover but we are now effectively deforesting. Will the Minister give a commitment to turn around this situation in the short term to get the planting rates back up, and make a longer-term commitment to enhance the creation of forest cover in a future integrated land use policy?

Before I finish, I want briefly to touch on two or three other issues. The first is the importance of integrating what we want to deliver for the environment for the future in all the current Brexit discussions. The industrial strategy will be fundamental, but it must have the environment at its heart. The trade strategy will be crucial, both to the standards we need to achieve in environmental terms and to the future viability of farming. The infrastructure strategies we need for future economic development must take full account of the environment, and likewise the climate change and energy policies we adopt for the future. Therefore, will the Minister let us know what government thinking is on putting the environment at the heart of all these key debates that are happening as we speak?

The law of unintended consequences is an axiom that if something can go wrong, it will go wrong—I am feeling that enthusiastic and optimistic at the moment. The range of what might emerge from trade negotiations is huge, from quasi-single market membership to the World Trade Organization. Let us not mess up the agricultural industry by mistake during those negotiations. Let us not develop a system of our own that is even more bureaucratic than the previous European one. Last but not least, please, we must have full parliamentary scrutiny as we transfer to the future—improved, I hope—system for environmental protection in this country.

3.53 pm

Lord Teverson (LD): My Lords, I would like to mention two main subjects, one of which is climate change. The noble Lord, Lord Giddens, has already given us an excellent exposition of that subject, but I will add one or two other points. The other is the fisheries policy, and I declare my interest as a board member of the Marine Management Organisation. I will also say a little about Defra itself.

About a year ago I was pleased to host a dinner for the All-Party Group for Energy Studies, which does great work for the two Houses and provides a good interface between parliamentarians and industry. Our guest was the then Secretary of State for Energy and Climate Change, Amber Rudd—now the Home Secretary. It was great to be next to her because she was still, rightly, celebrating the Paris agreement; this must have been at the very end of December or the beginning of January. She was talking about the great feeling of achievement not just for the UK but for Europe, and globally, because, despite all the difficulties and negative comments, and some of the problems in Copenhagen a few years earlier, the world had managed to come together and achieve a climate change agreement.

I suspect that the noble Lord, Lord Giddens, and I could give a 90-point list of all the things that were wrong with that agreement, but we were pleased about the fact that it was a way forward, there were ways in which it would succeed, and the world had come together. What was really instructive about the conversation between the Secretary of State and me at that time was the fact that we agreed that Britain, within the European Union, had been a major driver behind the success of that agreement. Clearly America and China coming together before that was equally important, but Britain had played a major role, not just politically but technically, such as in the preparations made beforehand by the sherpas. We had led a lot of those negotiations and we had brought about compromise: we had done the right work with the other nations and groups in Paris. Through that work, through our expertise in this country, and through our Civil Service and the determination of Ministers—the Minister himself played a part, and I am sure he would agree with this—we had a major part in achieving that success.

Given that leadership in Europe, and the importance that we were seen to have in a global context on a matter fundamental to our future, my question is: where do we now go, post-Brexit, in terms of that national role? It is one of the classic areas where not only is this potentially damaging to us, to our reputation and to what we can do, but, more importantly, we are blunting our ability to guide the world forward to a sustainable future in which those agreements can succeed. I shall be very interested in the Minister's comments on where, when we are not part of the European Union, we might stand. Do we group ourselves with, say, Japan—or with the developing nations, or with the G20? Where does the Minister see us playing our role? Once we have left, who will we be allied with and work with in the working groups before the meetings—the next of which will be in Marrakesh—and in the other conferences of the parties? Where will we stand, and how will we make sure that we can contribute in those areas? It is fundamentally important, from a global aspect, to understand where we might go.

To me, fisheries constitute one of the great ironies of the Brexit debate. When I was an MEP, in the 1990s and well beyond I was hugely critical of the common fisheries policy. Let us be clear: it was an area in which the Eurosceptics were absolutely right. They had hit the nail on the head. The precious stocks were going down. North Sea stocks were hugely challenged, the Baltic was equally bad, the Mediterranean was going

nowhere and there were huge challenges in the Black Sea—which, admittedly, was not completely under EU control.

The irony is that this was one of the fundamental areas of contention within the European Union where we actually managed to get change. It was Britain that drove much of that change. Because of that, we now have, as the Minister will know, two major changes in fisheries policy. We have, at last, a recognition that regionalisation works, as my noble friend Lady Scott said: we can devolve out of Brussels and make decisions that are right for where the fish stocks are, and where they migrate and circulate. The second change concerns the tragedy and obscenity of discarding. Coming in gradually, but being effective as it does so—resisted by parts of the fishing industry, particularly in Scotland—is the landing obligation, whereby we stop discarding. We are not yet close to sustainable yields, but we are moving in the right direction and I congratulate the Government on having pursued this relentlessly and on the agreements that have been made.

We now have another challenge in that the marine environment is quite naturally not one where fish, crustaceans and other marine animals understand borders. We have areas where control by a single member state in the western waters of the North Sea is just not possible. How are we going to approach this? I was pleased to hear the Minister responsible for fisheries, George Eustice, say to our committee that the landing obligation would remain in place. I welcome that statement. However, are we going to follow the Norwegian model post-Brexit? It is a positive one in that Norway has a good track record in terms of conservation and management of stocks, but there are huge challenges here. I would be very concerned indeed if we go down the route that some are advocating, which is that of saying that our EEZ boundary is it. We will do whatever we want to do here, no one else shall cross it, and we shall take advantage of our own stocks. While I realise that relative stability was probably not the best solution for us in the past, and we may want to try to negotiate that, I would be very concerned if we do not recognise the fact that marine species move across all boundaries. If we do not have an agreement, stocks are likely to be fished out in French, Dutch or Norwegian waters before they reach our own. Lastly, other speakers including the noble Baroness, Lady Young, have mentioned the trade issue. We should never forget that we export 80% of our fish, so increasing our catch will be of no use if we cannot actually reach our markets.

Finally, I come back closer to home, to Defra. If there is one department facing the biggest challenges in terms of Brexit, it must be Defra. There has to be a new devolved agricultural policy and a new devolved fisheries policy as well as other areas such as the environment and all the legislation that is primarily European. Can the Government say that, for our own safety and success following Brexit, the budget for Defra will be sufficient to make sure that all of this can be delivered to our national advantage?

4.02 pm

Lord Hunt of Chesterton (Lab): My Lords, I welcome this debate, introduced by the throaty noble Baroness, Lady Parminter. I hope that she recovers, as I did a

few weeks ago from a similar problem. The debate gives us an opportunity to speak on the future of environment and climate change policy following the EU referendum. The Labour Party has been strong in its support of environmental policies and EU policies, so many of us were of course very disappointed by the Brexit decision.

The UK's membership of the EU has provided many benefits in terms of influence on the environment, regulations, the financing of policies and practical actions to be taken. These have been set out in the helpful Library Note. Moreover, as other noble Lords have commented, the EU has been very effective in dealing with adverse climate change. I declare my interests, which are on the record. These benefits, with the UK leaving the EU, are under great threat and will affect considerably the UK's future. We have seen that the UK Government have been criticised in the courts recently for not meeting EU environment regulations, and the question is whether they will permit such legal challenges in the future. For example, the tendency to use the courts successfully in the UK is a relatively recent affair. Some 30 or 40 years ago I met the chief alkali inspector, who commented that the British Government had never lost a court case to do with the environment, but I am pleased to see that they do lose them now, and that has been greatly helped by our being in the EU. The other feature, of course—and I was involved in work in the old CEGB—is that one of the first areas of tremendous European collaboration on the environment was in monitoring and dealing with acid rain. This began as an intergovernmental collaboration and later became a strong policy of the EU. Transboundary pollution will continue to have to be considered and, without our being in the EU, presumably we will go back to the intergovernmental arrangements of the 1960s and 1970s.

Equally important, of course, was the way in which the EU established regulations for local air pollution, particularly in urban areas these have been taken very seriously by urban and national agencies across Europe. The UK's cities, and those of many other countries, are not meeting the required standards. In fact, in the UK 16 out of 43 areas are not meeting the standards. Furthermore, as we heard this week, the Treasury is not prepared to permit urban areas to develop their own standards because the Treasury says it has not got enough money. The inevitable result of having different standards across Europe will be costly and inefficient and will not help the motor car industry.

Although I have been in universities in the UK and working abroad on research collaborations to do with the environment and on practical benefits, this co-ordination has been greatly helped by the EC. We had a meeting last week at the Royal Society on the polar environment. It was very interesting that there was an organisation that deals with the environment in polar areas and co-ordinates research between countries not only in the EU but in the areas around Europe, in North America and so on. Quite interestingly, it says that it has been considering what is going to happen in future, and that the co-ordination work by the European Union will almost certainly continue but the difference is that the countries in the EU will have funding to pursue their research, whereas UK research people

[LORD HUNT OF CHESTERTON]

may be able to co-ordinate and go to meetings but there will be no EU money for their work. It is clearly very unlikely that the kind of funding that now arrives to UK institutions from Brussels will continue. That will mean that we will begin to fade out in terms of this leadership role. In fact, as I heard yesterday from one leading scientist, they are receiving very juicy proposals from universities in other parts of Europe saying, “Why don’t you come and join us? There’ll be lots of money from the EU, and you wouldn’t want to stay in Britain, would you, where there will be much less funding for your research”. It is going to be a very big issue.

I turn to the other question that many noble Peers have talked about, the water environment. It was interesting that when the BBC commented in relation to the way the EC has led on the environment, with nice pictures on the television, it emphasised the way in which the cleaning up of the coastline has been a considerable success and has been welcomed by tourist organisations and local authorities. It is, of course, impossible to understand why the areas of the country which have so benefited from these kinds of programmes are the areas which voted strongly for Brexit. Others may have some political solutions for that argument.

When I was thinking about this debate I recalled that it is not just a question of the EU having regulations that make us, as it were, advanced environmentally, but there have been examples of where the UK has made contributions to the environment of other parts of Europe. We should recall that. In fact, we have just heard about the UK helping greatly in fishery regulation. The UK was the first significant country to develop congestion charging, which is still moving very slowly in Europe. The other one, of course, which enables us to go into restaurants and bars across the rest of Europe, is the fact that we introduced the cessation of smoking in public places. There have been examples where we have led the way. Will that happen in future? I hope so.

However, the most important long-term environmental problem has not been mentioned: what to do with nuclear waste. This will slowly decay over tens of thousands of years—some people say even longer—and the storage and clean-up will need to be co-ordinated even if the UK leaves the EU, and negotiations are continuing about how we co-ordinate with Euratom, which has a big role in this. This is a field in which the UK has technological capability and should continue to do so in future. An interesting scientific area that Euratom has been able to work on, with UK participation, is the transmutation of radionuclides so that decay can proceed much faster, rather than having to rely on geological storage.

Of course, an equally long-term global environmental problem that requires European co-ordination is climate change caused by human emissions of carbon dioxide produced by fossil fuel combustion and other gases such as those emitted by refrigeration and air conditioning. The consequence of all these dangerous effects is that it is necessary to find ways in which to reduce the emissions, not only the ones that are produced by industry and transportation but those that are triggered, for example, by methane from the polar regions.

Currently the UK works effectively with other EU countries, as we saw in Paris. But the big question is whether we are going to come close to reducing the ultimate temperature rise to less than 2 degrees. We would expect that the UK’s participation will continue even if we leave the EU. Some of this will happen through the existing intergovernmental agencies such as the International Energy Agency, the International Atomic Energy Agency and the European Centre for Medium-Range Weather Forecasts, but the Government need to publicise the role of these agencies and use it in their future negotiations.

Finally, the EU is making a very large financial contribution to much of that climate research and it will be very important that the UK Government make their contribution. The politicians who advocated Brexit said that there was going to be lots of money to do things in the UK—in research as well as in health and so on—and we are waiting to see whether that will actually happen.

4.12 pm

Baroness Miller of Chilthorne Domer (LD): My Lords, I congratulate my noble friend Lady Parminter on her absolutely excellent introduction to this debate, which she secured. Unsurprisingly, there has been great consensus in this Chamber on what we do not want to see happen as a result of Brexit.

We do not want to return to our pre-EU membership status as the “dirty man of Europe”; nor do we want to allow the dramatic decline in our biodiversity to continue. It was very speedy in the latter half of the 20th century but it is continuing due to loss of habitat. Nor, quite honestly, can we afford a continuing decline in the number of foods in which we are self-sufficient, which is coupled with a poor-quality national diet that sees too much of the population obese, unhealthy and at risk of heart disease. The noble Earl, Lord Selborne, reminded us that often farmers have not been doing so well under that regime either, with low commodity prices and volatility. We have a food system that in some ways is pretty broken and a land-use system that leaves a lot of room for improvement. It is a moment of opportunity but also a moment of danger. There is one more thing I should mention before I leave what we do not want to return to: a point where low animal-welfare standards are the price paid, by the animals, for a cut-throat free-trade regime.

If we are to have Brexit, which it seems will be forced upon us, it will at least be an opportunity to redesign our policies and strategies so that we can deal with the challenges and grasp other opportunities. What sort of strategy should we aim for? We should aim for one that makes the most of our climate, rich grasslands, varied soils, temperate lowlands and dramatic uplands. We need to bear in mind the gains made under EU directives, such as otters returning to our rivers, red kites to our uplands and bitterns to our wetlands.

We will not achieve the sort of future that your Lordships have talked about this afternoon if we heed the siren calls suggesting that we should have a division in our land use. I have heard of all sorts of divisions being called different things by Defra and various NGOs. There is nature-sharing and nature-sparing,

where you have intensive agriculture and then set aside some land for nature. By others it is called rewilding—a slightly different concept, where you allow dramatic areas of the landscape to rewild. It is not quite plain to me whether the public will still be allowed access to those areas. It would mean rewilding in some areas, with forest growth and so on, and intensive agriculture in others. I do not believe that is the sort of future we are trying to design because we are a relatively small island, whose centres of population like to go out into the countryside to walk and see the farmed landscape. They enjoy that as a really important part of their lives. At the same time, we need a form of agriculture that will allow our biodiversity to thrive.

Fortunately, we have some great examples of how we can achieve the sort of future that we all want, which combine a successful farming business with careful stewardship of the countryside and its biodiversity. I was extremely pleased that yesterday the Minister, the noble Lord, Lord Gardiner, managed to spare such a generous amount of his time to attend the event hosted by the All-Party Group on Agro-Ecology. I declare an interest as co-chair of that group. I was very grateful for the time he spent in coming to meet the farmers and NGOs at that event because, with that approach to farming and food production, we have a design of the future that we are trying to get to. I know that agroecology is a difficult word; it really means trying to work with nature, rather than suppressing it. It is not about trying to corral nature into one area and food production into another. Nature's principal strategy is one of diversity—a healthy and diverse ecosystem—which in agriculture tends to mean mixed farms.

One example I want to ask the Minister about is that of agroforestry, which the noble Baroness, Lady Young of Old Scone, touched on in her contribution. Growing trees on land that is used for livestock or, for example, horticulture can have many benefits but Defra has so far resisted that system. I believe that it could have had support under either Pillar 1 or Pillar 2 but Defra has resisted it. It integrates trees into farming systems so that they offer or help with shade, windbreaks, pollution management, pollinator opportunities, homes for a diverse range of wildlife, integrated pest management and product diversification. That one small example of an agroecological system is one that we should aim towards. The noble Baroness, Lady Young of Old Scone, laid her finger on it in her very thoughtful contribution: we need a comprehensive land-use strategy that integrates farming into our land use.

I shall mention a couple of other things. One is that, as we redesign our systems, I would like the Minister to bear in mind the benefits of the healthy diet that is so often talked about in debates on health. Fruit and vegetables were the poor relations under CAP support. In a post-CAP world, horticulture needs to get a much better deal for the benefit of our population's health.

Overall, public subsidy for farmers in a post-Brexit world must be based on the output of public goods. Farming businesses produce a commodity and sell it, which is their basic business, and beyond that any public money is conditional on their producing public goods that the market cannot deliver or cannot fully deliver. Otherwise, in the longer term our urban

populations will have no inclination for their taxes to support the lifestyles of those in the countryside who are not delivering for public benefit.

Finally, my noble friend Lady Parminter mentioned the EU directive on the circular economy. In a farming context, it is particularly important because we should not be growing bioenergy crops, such as maize, for feedstock for our digesters. We should be moving to a scheme where farm waste is the resource and the Government encourage small, rural anaerobic plants. That feeds into the question of energy.

We could design a very exciting future for our rural areas and for our population's diet if we make the right linkages, but unless we join farming up with the environment and do not keep the two strategies separate, which the Government were inclined to do before, we shall never make that more positive future.

4.23 pm

Baroness Featherstone (LD): My Lords, I am very grateful to my noble friend Lady Parminter for securing this most important and timely debate. We have had excellent contributions from Members on all sides who have clearly understood the potentially negative impact that leaving the EU could have on our environmental, energy and climate change policies as well as the few opportunities.

There will indeed be huge challenges. My noble friend laid out with absolute clarity the crucial need for the Government to recognise the environmental benefits of access to the single market in their negotiations. Of course, as energy and climate change spokesperson, I implore the Government to recognise the equal need to ensure that energy and climate change take centre stage in those negotiations.

My noble friend called on Her Majesty's Government to commit, in the forthcoming 25-year environmental plan: to set ambitious targets enshrined in an environment Act; to put the Natural Capital Committee on a statutory footing to drive delivery; to ensure that food and farming policy and allied fiscal measures build a natural health service, producing healthy food and protecting our environmental resource; not to revise transposed EU environmental legislation unless environmental outcomes would be improved; and to build the principles of the circular economy into their industrial strategy.

We have heard a number of important comments from across the House. I shall not go through them all as it would take more than my time. The noble Earl, Lord Selborne, said that this is a once-in-a-generation opportunity to ensure sustainable economic growth. I could not agree more. The noble Lord, Lord Giddens, said that we will have lots of opt-ins instead of opt-outs and that most of those opt-ins will need to be agreed on both sides for our well-being in the future. My noble friend Lady Scott reminded us of the improvements in air quality, beaches, animal welfare, native habitats and species extinction and that the single market has given us the benefit of common EU rules. Without such rules, how will we trade?

The noble Baroness, Lady Young, asked what would replace monitoring, compliance and enforcement, as she tries to keep her enthusiasm in the blackness that

[BARONESS FEATHERSTONE]

follows Brexit. My noble friend Lord Teverson spoke to us of climate change, fisheries policy and Defra, and reminded us that Britain had been a major driver within Europe of the Paris agreement. He asked where we would stand, who we would work with and who our allies would be in the future. The noble Lord, Lord Hunt, raised the question of whether the UK Government would permit legal challenges. My noble friend Lady Miller asked how we will combine successful farming with people's need to be in the countryside and biodiversity. How will they thrive together to work with nature?

Obviously, I want to have my two pennies' worth, but before I go on to address some of the specific issues on energy and climate change that concern these Benches, I want to preface what I am about to say with an overriding concern about Her Majesty's Government—this Conservative Government—and their commitment to the green agenda. In the relatively short time I have been in your Lordships' House, this now Conservative-only Government have taken a number of retrograde steps on this agenda.

We had been doing so well during the coalition years, but the undermining of Britain's growing green industries, and the destruction of investor confidence by measures such as the precipitate withdrawal of support for many forms of renewable energy and the abandonment of commitments to investors in carbon capture and storage, mean that investors have seen this Government put party before country. Their nervousness can now only be magnified by the huge uncertainty of Brexit. We led in Europe on climate change, and although our Climate Change Act 2008 still stands, our ability to influence and raise the game of other EU countries will be lost.

The UK will no longer have to meet targets within the EU renewable energy directive, and as it stands the UK is off track to meet the 2020 renewables targets. I would have thought the Committee on Climate Change report, *Next Steps for UK Heat Policy*, made grim reading for this Government, who appear to be doing nothing much in terms of effort to meet that target and who are way behind on renewable heat. Without the pressure of being a member state signed up to those targets, I fear there will be even less chance that the Government will feel obliged to keep to them. Once outside the EU, a future Administration could simply overturn the Climate Change Act if they wanted and move climate policy in a completely different direction. All that would have to be changed would be UK law, as it would no longer be subject to any EU law. If that is "taking back control", then I have to say there is absolutely no gain in taking back control.

There is now huge uncertainty about what leaving the single market will mean for energy. EU countries already have significant control over their own energy policy, which is why there is this huge variety across EU countries. If we stay part of the energy union, we will need to continue to follow EU law, but we will not have a seat at the negotiating table. Energy is not like other types of trade. It is not so easy for us simply to say we will do trade deals with other countries such as China instead. We are connected to Europe—literally. Interconnectors, the guarantor of our energy security

in terms of managing peaks and flows, are, not surprisingly, connected with our European neighbours. We need to trade energy with them. We can already feel the short-term impacts of Brexit in, for example, the dramatic decline in exchange rates, which is pushing up energy bills. Do we really think that the European Investment Bank will still invest in us when we are outside the EU? I think that is highly unlikely.

We have been a strong voice within the EU for liberalising the energy market. Without the UK there, the direction of EU energy policy may well change and we will simply have to deal with that without having any influence. The independent report by National Grid shows that leaving the EU could cost the UK up to £500 million per year in the 2020s due to the uncertainty of energy and climate investments. The most significant Brexit risk to the energy sector, according to that report, is that it will lead to higher investment costs.

What about trading emissions and the internal energy market? The Government need to move swiftly and certainly to guarantee our commitment to the environmental, energy and climate change agenda—not just with words, but with actions. New nuclear, enabling and encouraging more fossil fuels such as shale gas and ignoring the differentials relating to good or bad biogas are not going to lead to the sort of thriving, go-ahead atmosphere for energy supplies in future, let alone an economic miracle. HMG seem determined to ignore that.

This is a world that is hungry for low-carbon services and products, which was the growth market after the 2008 crash. With the Paris agreement and the sustainable development goals, those are the very products and services that we could be offering to the world if the Government had any sense. Instead, we are falling away from the global race.

We need to be bursting with ambition to capitalise on economic opportunities. We need to drive innovation. We need an industrial strategy that invests in renewables in time for that industrial strategy. We need a green regional strategy that addresses structural funds. We need to be strong in our assurances and demonstrate our commitment to the low-carbon economy. We need to ensure that we do equal or better.

Life does not, and should not, stop at Brexit. We need to push ahead. Brexit should not mean a threat to the broader context of environmental legislation. It is vital to keep on improving. Now more than ever we need the Government to step up and demonstrate international leadership on climate change; not to strip back our investment in renewables but to be bolder than ever before; to step into new growth areas such as the Swansea Bay tidal lagoon; to have a clear plan on how we are going to fulfil the Paris agreement; to retain the EU 2020 climate and energy package; to participate in the 2030 package; and to bring forward a new clean air Act to tackle pollution, protections for nature and wildlife, and strong animal welfare legislation.

I reinforce my noble friend Lady Parminter's point about a new farming policy to provide much-needed subsidies to farms that deliver public goods, including the care of the natural environment. I am afraid this

Government have been found wanting on environment, energy and climate change policies. Brexit must not be their excuse to resile, undermine or take us backwards.

4.31 pm

Baroness Jones of Whitchurch (Lab): My Lords, I am grateful to the noble Baroness, Lady Parminter, for initiating this crucial debate and for the clarity with which she has introduced the many challenges, despite her croak. I echo other noble Lords in saying that I hope she recovers soon.

This subject is particularly important because, despite the best efforts of many in the Chamber today, the threats to the environment received very little media attention in the run-up to the referendum. Indeed, in a memorable moment of cross-party unity, the noble Baroness, Lady Parminter, my noble friend Lady Young and I spent a rather windy afternoon on Brighton beach with Boris Johnson's dad, Stanley, highlighting the Brexit threats to the marine environment. In the end other, louder voices dominated the outcome, sadly, but we did at least try. We are left peering into a void, with huge questions about the future direction of environmental policy in the light of the Brexit decision.

What do we know so far? The Prime Minister has made it clear that she wants to trigger Article 50 by March next year and complete the exit negotiations within two years—in other words, a hard Brexit. Given the complexities of these negotiations, there is a real danger that environmental issues will be marginalised, particularly as it appears that Defra has transferred only eight staff to the Brexit unit. Again, perhaps the Minister could clarify whether that is the case.

Sadly, Andrea Leadsom, the new Secretary of State, does not have a great record of voting on environmental measures, and indeed has raised questions as to whether there is any evidence for climate change itself. Similarly, as the noble Baroness pointed out, the Farming Minister, George Eustice, has described the birds and habitats directives as so rigid that they were “spirit-crushing” and would need to go. Both these Ministers actively supported the Brexit campaign, yet over 80% of our current environmental legislation comes from the EU, so we are quite right to be anxious about the future safeguards for our environment.

This has been exacerbated by the secrecy that has been draped over the Brexit negotiations. Various Ministers have been quoted as saying they are not prepared to give blow-by-blow accounts. That was never our intention. Given the importance of these negotiations to the future of Britain, though, Parliament should have the right to debate the negotiating strategy and to receive regular reports before the end of the Article 50 process. What plans are in place to update the House regularly on reports from those negotiating Ministers?

In this House, we have particular knowledge and expertise, not least in the EU Energy and Environment Sub-Committee, ably chaired by the noble Lord, Lord Teverson. How do the Government intend to make best use of the considerable body of work the committee will be publishing in parallel with the Brexit negotiations? How will they take into account the views of wider civic society, including the many environmental charities which have previously played such an important part

in shaping legislation? A recent YouGov poll found that 83% of UK respondents wanted the same or higher levels of wildlife protection as have been in place under the EU regime. How will all those voices be heard when the negotiations seem to be taking place behind closed doors?

I do not envy the Government in trying to untangle the complexities of our current obligations. There has been talk about a great reform Act, or something similar, which will embed existing EU requirements in our UK legislation until each section is reviewed, but, as many noble Lords have pointed out, even within Defra that has huge ramifications.

Many of these obligations are linked to wider international agreements. Others are in the pipeline, with a future implementation date. Many others are now governed by the devolved Administrations. Adopting existing EU legislation, even temporarily, is pointless without a UK system of governance and compliance in order to take action when the laws are breached. Can the Minister give us some idea of the mapping exercise, which I presume is taking place in the department, to capture all the EU and international regulations, and whether it will be published in due course? Can he indicate the Government's thinking about future UK structures to regulate and uphold those laws? Will he address the important point raised by my noble friend Lord Hunt about how future EU research collaboration will be funded?

It would be easy to have a negative debate today and to focus on the difficulties ahead, but there are real opportunities to improve our environmental standards and enhance the UK's reputation if the Government remain committed to their 2015 manifesto commitment to deliver an improved environment. First, will the Government reassure NGOs and charities of their longer-term commitment to the birds and habitats directives, which are a bedrock of our environmental policies?

Secondly, on climate change, I agree with my noble friend Lord Giddens and others that the UK has been more ambitious than some of our eastern European partners and other industrial nations. Although we will lose our wider influence on climate change, we also have more freedom to deliver our commitments in the Climate Change Act 2008, to follow through on the fifth carbon budget and to demonstrate our determination to roll out the Paris agreement. I hope that the Minister will confirm that that is the Government's intention.

Thirdly, a rethink of the CAP could result in a much more targeted use of agricultural subsidies based on improved environmental protection, with a land use rich in nature and wildlife and a greater sense of public benefit. Meanwhile, as we have heard, the Government have rightly taken a lead in reform of the common fisheries policy, leading to greater scientific input and improved stock levels. Whatever new mechanisms are in place, will the Minister confirm that we will continue our reform agenda to conserve fish stocks for the longer term?

Fourthly, on air quality, we should acknowledge our failings and introduce a clean air Act with the highest standards of pollution controls to protect

[BARONESS JONES OF WHITCHURCH]

public health. If the UK Government had complied with EU air quality and emissions rules in the past, we would all be breathing much cleaner air.

Finally, on waste, recycling and resource efficiency, the Government should reinforce the EU's 50% recycling targets and embrace the principles of a circular economy—a point that a number of noble Lords have reinforced this afternoon. This, of course, sadly runs counter to the statements of the new waste Minister, Thérèse Coffey, to the Environmental Audit Committee a few days ago, when she said she was not convinced about the concept of a closed-loop economy. Perhaps the Minister could commit to having a word with her about this and reaffirm the Government's intention to embed the policy in UK legislation.

There is still an opportunity for the Government to fulfil their manifesto promise and become a champion of the environmental cause. But one thing is clear: whatever the outcome of the Brexit negotiations, we cannot adopt an isolationist approach. The environment does not respect borders, and we have global responsibilities to clean up our planet. So whatever the outcome of the talks, we need to work closely with our European allies, which will require strong cross-government institutions in future. That is another layer of complexities that the Government will have to address.

I look forward to hearing what the Minister is able to say this afternoon to reassure your Lordships on this important issue. I hope that, at a minimum, the noble Lord can guarantee that the environment post-Brexit will be stronger and in better shape than it is even today.

4.41 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, I declare my farming interests as set out in the register. Although this is a debate about the environment, agriculture clearly comes into it very strongly.

I join your Lordships in expressing gratitude to the noble Baroness, Lady Parminter, for raising these important issues for debate. It has been a very thought-provoking debate, and I have listened carefully. I do not think that there were 93 questions, but I fear that I shall not be able to satisfy your Lordships as to all the numerous questions. I shall, of course, write in full after the debate.

My department leads on environment and climate change adaptation policy, and works closely with the Department for Business, Energy and Industrial Strategy, which has lead responsibility for climate policy generally. From the outset, I want to set out the Government's stance on the future of environmental policy. We are committed, irrespective of the result of the EU referendum, to delivering the environmental outcome laid out in our manifesto—to be the first generation to leave the natural environment of England in a better state than we found it. I say to the noble Baroness, Lady Young, that we want to enhance not maintain it—we want to go beyond that—which is why we are developing a 25-year environment plan to deliver this.

This plan will be key to informing our approach to environmental policy in the longer term. I am very pleased that my noble friend Lord Selborne rightly emphasised the work of the Natural Capital Committee.

Following the decision to leave the EU, we have the opportunity to widen the scope of the environment plan and design an approach and supporting regulation that are tailored for our country. That is something very much that the noble Baroness, Lady Jones of Whitchurch, sought to tease out in her questions. We have started conversations with stakeholders to understand views on opportunities for Defra policy outside the EU. My right honourable friend the Secretary of State is holding stakeholder meetings on farming and horticulture, fisheries, food and drink and the environment. The plan will set the direction for all our more detailed environmental policies and plans, and there will be full consultation with the Natural Capital Committee. Defra will continue to engage with the full breadth of stakeholders. The noble Baroness, Lady Jones of Whitchurch, referred to charities and civil society; we shall, of course, engage with all at official ministerial level.

As noble Lords have said, three-quarters of our landmass is farmed, and how we manage our farmland is key to tackling some of the environmental challenges. The 25-year environment plan will be developed to dovetail and sit alongside the 25-year food and farming plan. This was something that I think the noble Baronesses, Lady Young, Lady Miller and Lady Parminter, all raised. Again, I think that all of us recognise that the two plans need to work together to show how agriculture can contribute to our natural environment and, at the same time, be increasingly productive and provide good-quality, high-standard food for our country and to export.

We need to make sure that even more people are better connected to the environment and that everyone has the chance to appreciate the wonders of our country. We need to take account of our natural systems, such as river catchments, and landscapes. Local communities have an intrinsic role and are often best placed to secure the best outcomes for the environment. This engagement with local communities will allow everyone to understand better how agriculture and land management can work in harmony with improving our environment and, for instance, coping with flood risk. We want our water and seas to be cleaner, our air to be of better quality, our plants and wildlife to be healthier and our land to be better managed. We want to invest in woodland planting and peatland restoration, which will contribute towards achieving carbon targets as well as improving water quality, flood mitigation, biodiversity and recreation. To make this a reality, we will publish an environment framework shortly, which will start off a period of public engagement to help shape the 25-year environment plan. We aim to publish the full plan in 2017.

The UK has a long tradition of protecting the environment, which indeed pre-dates our accession to the EU—we have the National Parks and Access to the Countryside Act 1949, the Protection of Birds Act 1954 and the Clean Air Act 1956. We have recently taken action independently of the EU with, for instance,

the expansion of two national parks and we have announced plans to ban the sale and manufacture of cosmetics and personal care products containing microbeads. I was very taken by what the noble Lord, Lord Hunt of Chesterton, said about the coastline—only yesterday I was talking to the Marine Conservation Society about the important work that it does with volunteers to help clean up our coastlines.

We have already achieved some success—I think my noble friend Lord Selborne referred to this. Our rivers, beaches and air are cleaner than they were 50 years ago, household recycling levels have quadrupled in the last 15 years, tree cover has increased to its highest level in 600 years and 63% of our protected habitats have been restored. We have also seen the recovery of some species such as the lesser horseshoe bat and birds such as the tree sparrow, curlew and stone curlew. The 5p plastic bag charge introduced last year has already led to 6 billion fewer bags being handed out. But I am the first to say that, of course, more needs to be done. My noble friend Lord Selborne mentioned soil health, which is vital for food production and the state of the welfare of the planet.

A number of your Lordships, including the noble Lord, Lord Teverson, quite rightly mentioned sustainable fisheries. I very much remember the debate that was introduced by the noble Baroness, Lady Scott of Needham Market, about the North Sea. I am sorry if I was not quite as buoyant as her description suggested, but I felt very strongly about the important work on sustainable fisheries, and indeed what is starting to come out from that work, which is that—as the noble Lord, Lord Teverson, referred to—there are some success stories. We must look positively at the opportunities. There are lessons to be learned about what has happened in the North Sea in terms of sustainable fisheries and also about what has not worked. I was pleased to hear more from your Lordships on that. Of course, what we want from our fisheries policy is a more financially self-sufficient, profitable and responsive UK seafood sector. We also want to deliver a cleaner, healthier and more productive marine environment. Those two must go hand in hand.

We also have an ambitious manifesto commitment to plant a further 11 million trees. I join the noble Baroness, Lady Young of Old Scone, in admitting that I love trees. I think that they are absolutely essential to our lives—I have indeed planted a few myself. I was pleased also that the noble Baroness, Lady Miller of Chilthorne Domer, mentioned agro-forestry and its importance. I very much enjoyed the visit I had yesterday; it was really interesting.

We also need to do more to tackle invasive non-native species. As the Minister responsible for biosecurity, among other matters, I assure your Lordships that I am very strongly of the view that we need to help our environment in that regard.

We take air pollution seriously and are committed to improving air quality. Our national air quality plan for nitrogen dioxide, published last December, sets out a comprehensive approach for achieving compliance in the shortest possible time, including the introduction of clean air zones.

We will have opportunities through the 25-year environment plan to strengthen integrated planning at river catchment level. My noble friend Lord Selborne mentioned river catchment levels and a number of your Lordships mentioned the need for integration. That is absolutely clear and we must do that.

The decision to leave the European Union means that we have to consider how we achieve our long-term vision to be the first generation to leave the natural environment in a better state. It is an opportunity to design an outcome-focused regulatory framework, one which is effective, efficient, tailor-made and—I agree with the noble Baroness, Lady Parminter—evidence based, to ensure that it is right for the needs of our country.

The desire for certainty around what Brexit means for our regulatory and legislative framework is, of course, well understood. The noble Baroness, Lady Parminter, confirmed that the Prime Minister announced earlier this month our plans for a repeal Bill that will convert current EU law into domestic British law. We will also continue to honour our obligations contained in the numerous multilateral environmental agreements reached as a result of global action on environmental protection which the UK is a party to in its own right. I hope that is some reassurance to the noble Baroness, Lady Jones of Whitchurch.

The UK has already played a central role in securing a global agreement to bear down on the use of hydrofluorocarbon greenhouse gases over the next three decades. The agreement, secured only last week in negotiations under the United Nations Montreal protocol, is estimated to reduce cumulative emissions by the equivalent of between 60 billion and 70 billion tonnes of carbon dioxide by 2050.

Climate change remains one of the most serious long-term risks to the planet. The noble Lord, Lord Giddens, explained that in his usual way. I am afraid that I could not begin to deal with the 93 further questions, but I will make sure that I look at those more thoroughly and digest them before I next meet him. The Government's commitment to tackling climate change is as strong as ever.

We should all be proud of the role played by the UK's negotiators and the leadership shown by my right honourable friend Amber Rudd, as former Secretary of State for Energy and Climate Change, during the Paris conference. The comments of the noble Lord, Lord Teverson, about our civil servants and negotiators were absolutely right. My right honourable friend played a crucial role in building alliances, facilitating discussions on climate finance and brokering arrangements on pre-2020 ambition. Therefore, I hope the noble Baroness, Lady Featherstone, will accept that those were actions and not words. This was crucial to securing a successful deal.

The Paris agreement is a significant step forward, with 195 countries committing for the first time to take action to keep the average global temperature rise to well below 2 degrees centigrade above pre-industrial levels, pursue efforts towards a 1.5 degree centigrade figure and work towards a long-term goal of net zero emissions in the second half of this century. The noble Lord, Lord Giddens, asked me about our own

[LORD GARDINER OF KIMBLE]
 commitment to that. The UK has started domestic procedures to enable ratification of the agreement and will complete these before the end of the year.

We are fully committed to the global climate deal agreed in Paris and, in demonstration of that commitment, we have started the domestic procedures. Indeed, we are already playing our part in delivering the Paris agreement through our domestic climate framework set out in the Climate Change Act 2008. Under the Act, the UK was the first country to introduce legally binding emission reduction targets. We remain committed to meeting the Act's target to reduce UK emissions by at least 80% on 1990 levels by 2050, and adhering to the interim carbon budgets set out under the Act.

We have already made great progress. Provisional statistics indicate that UK emissions in 2015 were 38% lower than in 1990. Consistent with our commitment to the Act, in July, the Government set the fifth carbon budget in line with the recommendation of our independent advisers, the Committee on Climate Change. As a result of our strong domestic stance, the Climate Action Network rates us as second only to Denmark in taking action against climate change.

We are now looking ahead to our emissions reduction plan, which will set out how we will cut our emissions through the 2020s. This will form an important signal to the markets, businesses and investors. The noble Baroness, Lady Parminter, and other noble Lords mentioned the importance of signalling to markets and investors in business. We want to invest the time now to undertake the preparatory work necessary to ensure that we get this right. This will, of course, include engaging across businesses, industry and other stakeholders, on the shared challenge of moving to a low-carbon economy.

Looking to the future, the decision of the British people to leave the EU does not mean that we will step back from our international leadership against climate change. I know that this is of considerable concern to many of your Lordships who have spoken today. The key role the UK played in securing two recent major global climate agreements—one to combat aviation emissions at the assembly of the International Civil Aviation Organization and the other to phase down the production and use of hydrofluorocarbons under the Montreal protocol—evidences this fact. I hope, again, that the noble Baroness, Lady Featherstone, will accept that this is action, and not just words. Our relationships with the US, China, India, Japan and other European countries will stand us in good stead as we deliver on the promises made in Paris.

Domestically, we are preparing for the impacts of climate change, including the increased threat of extreme weather and flooding, working on a five-year cycle of assessment, action and review underpinned by the Climate Change Act. Adaptation is integrated across the policies and programmes of Government. Departments work closely together—as I know myself, with responsibility for the climate change adaptation sub-committee—to increase the nation's resilience to climate change, using the first ever national adaptation programme as a common framework.

Over the past few years, that adaptation sub-committee, under the exceptional leadership of the noble Lord, Lord Krebs, has made great strides in improving our understanding of the impacts of climate change. In 2015, that sub-committee published its first independent assessment of the progress being made. In July this year, the sub-committee published a comprehensive report for the second climate change risk assessment. This has provided a detailed assessment of those risks that are the most immediate priorities for action, and will form the basis of the Government's climate change risk assessment that we will publish in January and which will underpin our next national adaptation programme due in 2018.

Internationally, we continue to support countries to adapt to the impacts of climate change as well as enabling them to take action to reduce their emissions. Last year, we committed to provide at least £5.8 billion of international climate finance over the next five years, as well as continuing to mobilise funds from a variety of sources.

The noble Baroness, Lady Featherstone, asked about climate change ambition and consumer confidence. The Government are committed to tackling climate change. As I said, domestic legislation is supported across the political spectrum and is unaffected by the results of the referendum. As I also said, in July, the Government set out the fifth carbon budget, and our emission reduction programme will outline our plans to meet our targets.

The environment plan framework will be published shortly and there will be a period of consultation. I will ensure that your Lordships are all sent the documents when they have been published, and I very much encourage and look forward to responses. I should say to the noble Baroness, Lady Jones of Whitchurch, that it has always been the Government's intention that Parliament should be engaged throughout the process that has been described today. There is of course, as I think she concedes, a balance to be struck between transparency and good negotiating practice. I can assure your Lordships, and in particular the noble Lord, Lord Teverson, and his committee, that I know that they are undertaking important work and I very much welcome the opportunity for them to feed the results of their work into our policy development.

We have had some interesting exchanges today. As a representative of Defra in this House I very much want to assure your Lordships that I will always be available, both inside and outside this House. I want the issues that have been debated today to be current for me; therefore I welcome regular dialogue. They require our utmost attention. I conclude by assuring your Lordships of the resolve of all my ministerial colleagues, as well as myself, to secure an objective which we all share—that is good—which is that we want a better environment for all.

Baroness Jones of Whitchurch: My Lords, before the Minister sits down, can he clarify one thing? I absolutely agree with his sincerity. He talked about the great repeal Act. Will that be a blanket process, in which everything which is currently in EU legislation is absorbed into UK legislation, or will there be a process of sifting out what is fit for purpose and what is not?

Lord Gardiner of Kimble: I can quickly say but in more detail that this is to ensure that there are no gaps and therefore EU law will be brought into domestic law.

5.02 pm

Baroness Parminter: My Lords, I thank all Members who have participated in this debate. Again, they have shown the breadth of expertise in this House but also, as my noble friend Lord Teverson said, the breadth of environmental issues that Defra will have to cover as a

result of Brexit. I thank the Minister for the answers that he has been able to give to us today; there are clearly many unanswered questions. As we move outside the European Union, which acts as a backstop holding the Government to account, as does the European Court of Justice, we need to be that backstop. This House will make sure that we will hold the Government to account.

Motion agreed.

House adjourned at 5.03 pm.

