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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
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

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# House of Lords

Thursday 16 March 2017

11 am

Prayers—read by the Lord Bishop of Chester.

## Royal Assent

11.05 am

The following Acts were given Royal Assent:

Supply and Appropriation (Anticipation and Adjustments) Act,

European Union (Notification of Withdrawal) Act.

## Adult Social Care: Funding

### Question

11.06 am

Asked by **Lord Warner**

To ask Her Majesty's Government when they expect to produce their proposals for a longer-term solution to the funding of adult social care.

**The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con):** My Lords, in order to meet the demographic challenges facing this country, the Government are committed to establishing a fairer and more sustainable system for funding adult social care. We will bring forward proposals in a Green Paper later this year.

**Lord Warner (CB):** I thank the Minister for that Answer, but can he confirm that the review which is ongoing will examine the lessons from Japan and Germany, where populations and politicians have recognised that, as we live longer, we have to prepare earlier for funding our long-term care? Can he also assure the House that, in securing a new funding system for social care, regard will be paid to the impact of that on the long-term sustainability of the NHS?

**Lord O'Shaughnessy:** The noble Lord has done much work on the sustainability of social care, including his work on the Dilnot commission. He is quite right to point out that there are lessons to be learned from other countries, and certainly we will be learning them from Japan, Germany and elsewhere. He will know that the measures announced in the Budget are specifically designed not only to help adult social care but also to help the interface between the NHS and social care to provide exactly the kind of sustainability he is talking about.

**Baroness Pitkeathley (Lab):** My Lords, some of us in this House are veterans of social care reviews that have led to very little change. Can the Minister therefore tell the House whether he is confident that the Green Paper will lead to urgent action? Will it consider controversial issues such as helping families prepare for care, savings products in the insurance market and perhaps even care vouchers?

**Lord O'Shaughnessy:** The noble Baroness is quite right that this issue has not been dealt with properly over a long time. The Green Paper has a wide remit and therefore will look at all the issues that she has brought to the attention of the House.

**Lord Skelmersdale:** My Lords, in a recent answer to a supplementary question, the Minister agreed with me that social care and health would operate properly only when they were under the same budget. Will the Green Paper go a little further and consider bringing them under the same management?

**Lord O'Shaughnessy:** As I said to the noble Baroness, Lady Pitkeathley, the Green Paper has a wide remit. It is trying to provide a comprehensive solution to social care funding, which has unfortunately eluded many Governments. In doing so, it naturally needs to look particularly at the interaction between health and social care. For many people now there is no particular distinction between those as they follow their journey, as it were, through the health and care system. The important thing is that the care is joined up and is of high quality.

**Lord Foulkes of Cumnock (Lab):** My Lords, is the Minister aware that he does not need to go as far as Germany and Japan to find good examples of this? Could he go up to Scotland, in particular to Ayrshire, and talk to Ian Welsh, the chair of the NHS health and social care partnership? That is a very good example of two bodies working together under a joint budget and joint administration. If the Minister were to take a few days off and go up there, I think he would find it very valuable.

**Lord O'Shaughnessy:** I will speak to the Chief Whip about taking a few days off. I thank the noble Lord for bringing that point to my attention. As he says, there are examples in the UK—in Scotland, England and Wales, and of course Northern Ireland has a joined-up system too—so clearly there are lessons to be learned from home.

**Baroness Brinton (LD):** My Lords, following the push by Norman Lamb MP for this review that the Government have been talking about and putting into the long grass, the independent specialist group that he convened gave its interim report this morning. It makes it absolutely clear that we have to look at how the NHS and social care are paid for. Can the Minister give an assurance that the Green Paper will address those Treasury issues, as well as the issues of care and the relationship between the NHS and social care?

**Lord O'Shaughnessy:** As I have said to several noble Lords, the intention of the review is to put the adult social care system on a sustainable and long-term basis and to make sure that it is fair and transparent and that it delivers high-quality care. It will address all the issues required to do that.

**Lord Lansley (Con):** My Lords, will my noble friend acknowledge that he does not start this process with anything like a blank sheet? In particular, does he recognise that there is continuing merit in the

[LORD LANSLEY]  
recommendations of the Dilnot commission? I will not elaborate on that, save to say that they include the fact that it was a manifesto commitment of the Government at the last election.

**Lord O'Shaughnessy:** I thank my noble friend for bringing that to the House's attention—some might describe it as a hospital pass, if noble Lords will excuse the pun. The Government remain committed to implementing Dilnot from April 2020. My noble friend is quite right that this is not a blank sheet of paper. There have been some really important reforms over the last seven years, including the better care fund and the Care Act. In the Budget, we have more funding for the short-term sustainability of the social care system, as well as a commitment to the Green Paper.

**Lord Crisp (CB):** My Lords, I would like to ask a question about children's social care, where I notice there is also a problem. For example, in the last year local authority support for palliative care services for children was cut by two-thirds, and it now provides only 1% of the expenditure on children's social care. First, does the Minister acknowledge that there is a problem here as well and, secondly, what are the Government going to do about it?

**Lord O'Shaughnessy:** The issue of children's palliative care came up in the debate the other evening on palliative care. A review is taking place with the charitable sector of the distribution of funding, particularly for children's hospices, over the next year. In terms of children's social care—this may come as a surprise to some noble Lords; it certainly did to me—the fastest-growing part of the adult social care budget is for adults with learning disabilities. Of course, that often comes in at the point at which people leave the children's social care system and the school system and move into the adult social care sector, so there is an important point about continuity from one to the other.

**Baroness Wheeler (Lab):** My Lords, does the noble Lord accept that the domiciliary care of people in their homes is in deep crisis, with 400 care home businesses declared insolvent since 2010? Large providers such as Mitie have recently been selling their home care health business—it sold it off for just £2, plus a £10 million pay-off to the new outsourcing firm for business trading losses and other costs. What impact do the Government assess that the £2 billion Budget cash spread over three years will have on halting home closures and reducing the risk of industry collapse? Will the future Green Paper look at finding a new, more sustainable model for providing and funding residential and domiciliary care?

**Lord O'Shaughnessy:** The noble Baroness brings up the issue of care homes closing. Inevitably, there is churn in the system. There has been a stable number of residential care home and nursing home beds, which is one metric. The other is the fact that there are many more home care agencies, with a lot more domiciliary care going on, and over 150,000 more social care jobs, so I do not think that the picture is quite as the noble

Baroness described it. However, making sure that we have a sustainable system is at the heart of the Green Paper plans.

## Prisoners: Voting Rights

### Question

11.14 am

Asked by **Lord Lester of Herne Hill**

To ask Her Majesty's Government whether they intend to introduce legislation in this Parliamentary session to give effect to the judgments of the European Court of Human Rights on prisoners' voting rights.

**Baroness Buscombe (Con):** My Lords, the Government have made it clear that there is no realistic prospect of bringing forward legislation to amend the Representation of the People Act 1983 or of Parliament lifting the current ban on prisoner voting in the current Parliament. The Government continue to engage in dialogue with Strasbourg on this issue.

**Lord Lester of Herne Hill (LD):** My Lords, until 12 years ago in the prisoners voting case, the United Kingdom had an unparalleled record of compliance with its obligations under the European convention, upholding the rule of law. Is the Minister aware that the example given by the United Kingdom in the last almost 12 years of flouting the binding judgment of the Strasbourg court has encouraged the Russian Federation, for example, to follow suit by authorising its Parliament also to flout judgments of the European court? Will she bear that in mind and enable Parliament, in exercising its sovereign powers, to pass judgment on this in an actual Bill in the lifetime of this Parliament?

**Baroness Buscombe:** My Lords, I say straightaway to the noble Lord, Lord Lester of Herne Hill, that this Government have an exemplary record on human rights and he will know that this is an exceptional case. With regard to Russia, there is no comparison between the track record of the UK and that of Russia in ensuring European convention rights for citizens. In 2015, the UK committed to a period of enhanced dialogue with the Committee of Ministers secretariat to discuss how best to address the judgment given the lack of appetite in our Parliament to enfranchise prisoners. The Government have fulfilled that commitment.

**Lord Anderson of Swansea (Lab):** My Lords, the Government have been in dialogue with Strasbourg for 12 years. Does the Minister agree that we give a very poor precedent—indeed, a welcome precedent—for Russia, Turkey and other serial defaulters, particularly when, under the margin of appreciation available and given the results of the parliamentary committee on this, several compromises are available?

**Baroness Buscombe:** My Lords, I am afraid I cannot agree with the noble Lord. A number of countries have argued that we should implement the judgment to ensure that the authority of the court and the power of the convention are upheld. However, we also know that a number of other countries—members of the Council of Europe—sympathise with our position.

They recognise that, on the one hand, we want to respect the judgment of the European Court of Human Rights, as we do in other cases, but, on the other, this parliamentary sovereignty is the essence of our democracy. We have no reason to suppose that our Parliament thinks any differently from when this whole issue was last debated in another place, whereby a Back-Bench Motion to enfranchise prisoners was resoundingly defeated by a margin of 234 to 22 on a free vote.

**Lord Phillips of Worth Matravers (CB):** My Lords, I served on the Joint Committee on the Draft Voting Eligibility (Prisoners) Bill and we made our recommendations over three years ago. They included this comment in relation to parliamentary sovereignty:

“We agree with the evidence of Lord Mackay of Clashfern, that the principle of parliamentary sovereignty is not an argument against giving effect to the judgment of the European Court of Human Rights. Parliament remains sovereign, but that sovereignty resides in Parliament’s power to withdraw from the Convention system; while we are part of that system we incur obligations that cannot be the subject of cherry picking”.

Will the noble Baroness kindly remind the Prime Minister of the need for this country to comply with its obligations under international law?

**Baroness Buscombe:** My Lords, I think the House is showing that there is a difference of opinion on this subject. I hear what the noble and learned Lord has said, but I must also make clear that at a Committee of Ministers human rights meeting in December 2016 my right honourable friend in another place, the Minister of State for Courts and Justice, Sir Oliver Heald MP, focused on this issue of prisoner voting and said that the UK would provide further information on its planned approach in December 2017. This is a complex—I would rather call it a difficult—issue and not one that we are ignoring. We are considering it and will be there in December when the Council of Europe will review the UK’s ban on prisoners voting.

**Lord Robathan:** My Lords, I wonder if my noble friend the Minister can help the House. The 2010 Conservative Party manifesto included a British Bill of Rights, which would have withdrawn us from the convention. Was it similarly a Conservative Party manifesto commitment in 2015 to have a British Bill of Rights, because that would sort out the issue just mentioned by the noble and learned Lord? By the way, I do not think Putin has needed any encouragement from us to behave in the way he has.

**Baroness Buscombe:** My Lords, I thank my noble friend for making that point. I want to stress that the UK has a proud tradition of respect for human rights which long predates the Human Rights Act 1998, brought in by the then Government. This Government remain committed to reforming our domestic human rights framework. We will consider the Bill of Rights further once we know the arrangements for our EU exit and we will consult fully on our proposals in the knowledge of the new constitutional landscape that will have been created.

**Lord Beecham (Lab):** My Lords, in the light of the ECHR judgment, will the Government take account of their own welcome commitment to promote offender rehabilitation?

**Baroness Buscombe:** My Lords, that will be part of the process we are considering.

**Lord Beith (LD):** My Lords, what arrangements exist for the large number of remand prisoners who are entitled to vote, and what would be the difficulty in extending those arrangements to, for example, prisoners who are coming towards the end of their sentences whom we are seeking to rehabilitate into society?

**Baroness Buscombe:** My Lords, that point is under consideration at the moment. During the Hirst case, which brought about this situation, the Government stressed that only the most serious of crimes receive a prison sentence and therefore the removal of the vote for all prisoners is proportionate. They argued that many other people in this country who have committed crimes receive non-custodial sentences and therefore retain the vote.

## Young Offenders: Sentencing Guidelines Question

11.21 am

Asked by **Lord Beecham**

To ask Her Majesty’s Government what steps they will take to assess the financial and other implications for probation and other relevant services of the introduction of new sentencing guidelines for young offenders.

**Baroness Buscombe (Con):** My Lords, sentencing guidelines are produced by the independent Sentencing Council. The resource assessment produced by the council concludes that these revised guidelines will have no or minimal impact on resources to respond to offending by children and young people as they are intended to ensure a consistent approach to sentencing, not to make significant changes to practice.

**Lord Beecham (Lab):** My Lords, the new sentencing guidelines for young offenders, with their emphasis on rehabilitation, are welcome, as is the recognition that many young offenders come from “deprived homes” and have,

“low educational attainment ... experience of abuse and/or neglect ... and the misuse of drugs and/or alcohol”.

Does this not suggest that, in addition to the work of an overstretched probation service, there needs to be greater investment in local health, education and children’s services with a view to preventing offending and promoting rehabilitation?

**Baroness Buscombe:** My Lords, I entirely agree with what the noble Lord has said—and indeed I have good news on that front. First, let me say that the youth offending statistics are very encouraging. Since the creation of the youth justice system, the number of young people in that system has fallen dramatically. More attention has been paid in recent years to low-level offending by children. An example of what the Government see as an important response to the noble Lord’s question is that, as a result of Charlie Taylor’s review of the youth justice system, the Government have committed to developing two new secure schools as a pilot to accommodate young people who are

[BARONESS BUSCOMBE]

currently being detained in youth offending institutions and secure training centres. There will be a strong focus on education and welfare. The schools will provide a new form of custodial provision with better outcomes for young people: in short, placing education at the heart of their detention to improve their life chances and deter reoffending.

**Lord Marks of Henley-on-Thames (LD):** My Lords, the new guidelines recognise that particular factors arising from ethnicity, such as a history of discrimination, should be considered when sentencing young offenders. On the MoJ's own evidence, the system currently disadvantages ethnic minority boys in particular. They are more likely to be arrested and charged, and then sent to the Crown Court to be sentenced and to receive a custodial sentence. How does the MoJ propose to address this inequality, and in particular what help with this can it offer young offending teams?

**Baroness Buscombe:** My Lords, the noble Lord is right that judges, particularly when children or young people are involved, consider the individual circumstances of each case to prevent reoffending and to stop young people falling into a life of crime. This includes being aware of the factors contributing to the overrepresentation of black and minority ethnic children and young people in the youth justice system. The new guideline aims to ensure a consistent approach to sentencing and to look in far greater detail at the age, background and circumstances of the individual child. This is in order to reach the most appropriate sentence that will best achieve the principal aim of the youth justice system, which is preventing reoffending.

**Lord Laming (CB):** My Lords, does the Minister agree that keeping young people in custody is financially very costly, and very costly to them on an individual basis? Would it not be better if we could devise better ways of diverting young people from custodial sentences to prevent this downward spiral into long-term criminality?

**Baroness Buscombe:** I entirely agree with the noble Lord. These guidelines have been developed following extensive public consultation, very much on this point, in 2016. Research with sentencers suggested that there may be a shift from custodial to community sentences for a small number of cases where a custodial sentence is currently imposed. The important thing is that we are paying more attention to low-level offending by children. We want to keep them out of custody where possible. It is quite clear to us that we have to tackle underlying factors that lead to children and young people committing offences, thereby blighting their life chances. Since the peak in youth offending in 2006-07 there has been an incredible 71% fall in the number of young people sentenced, from around 94,600 to just under 28,000 in 2015-16. Custodial sentencing has seen a 70% fall—this is amazing progress.

**Lord Cormack (Con):** My Lords, that is very encouraging, but, following on from what was just said by the noble Lord, is there not a lot to be learned from community restorative justice in Northern Ireland? Should we not be developing along those lines?

**Baroness Buscombe:** My Lords, as we continue to develop our plans for supporting young people and children—we are talking here sometimes about very young children—we look at every opportunity to consider how other countries manage, including what is happening in Northern Ireland. We are developing our framework very much in terms of what was recommended by the Charlie Taylor review because we think that that will take us in the right direction for the future of our children and young people.

**Lord Hain (Lab):** My Lords, will the Minister look at how the benefits system interacts with those who are released from custody, particularly young offenders but offenders more generally? I have long thought that the benefits system is far too rigid and far less generous than it should be to keep released offenders, especially young offenders, in a system that leads to a job—in their case, which trains them for a job. Otherwise, they simply fall back into their old ways, mixing with their old friends.

**Baroness Buscombe:** The noble Lord is right. We have debated this over many years in both Houses of this Parliament. This is one of the key recommendations which the Government have accepted and taken on board in putting the education, training and healthcare of these children and young people at the heart of developing pilot secure schools, for example, where these children will have education and training. There has also to be a focus on the benefits system to ensure that we encourage and incentivise them not to reoffend.

**Lord Bird (CB):** If we have to have custodial sentences—I am sure that in many cases they are appropriate and mine was certainly one of them—would it not be good if people who go in bad came out better? Is it possible for us to review the kind of institutions that we have and probably return to the good old days of what was called the reformatory system—the approved schools system—where people were got hold of, transformed, educated and brought back into society so that they did not become recidivists?

**Baroness Buscombe:** The noble Lord speaks with great passion about this. I have experience of it from going into the old what we called borstals and so on, and realising that for those children—perhaps the noble Lord was one of them—the future was bleak. I am pleased to say that, for example, in 2015 only some 6% of children and young people were sentenced to immediate custody. The system has changed and is changing. We are making progress and we want to make it better because we appreciate, through vast experience, that we have not done enough to date for our children and young people.

## Budget: Saving for Retirement *Question*

11.30 am

Asked by *Baroness Greengross*

To ask Her Majesty's Government what assessment they have made of the impact of the Budget on people saving for retirement.

**The Commercial Secretary to the Treasury (Baroness Neville-Rolfe) (Con):** My Lords, the Budget has supported people saving for retirement through setting a market-leading rate for the NS&I investment bond. More broadly, the Government continue to support people to save through automatic enrolment into workplace pensions. This will lead to 10 million people newly saving or saving more by 2018.

**Baroness Greengross (CB):** I thank the noble Baroness for that response but could she explain to the House how the ordinary person—we are given to understand that the Prime Minister is committed to protecting such people—can possibly plan for the future given changes such as those just announced to dividends, together with the introduction of lifetime ISAs, primarily designed to assist younger people in house purchase but which could undermine saving? How, with an ageing population and an ultra-low savings ratio, can we make sure of the vital necessity of younger generations saving for the future? What is the Government's plan to improve savings for much longer later life, which people on the whole do not even realise that they will experience?

**Baroness Neville-Rolfe:** I thank the noble Baroness for that and for all she does in this important area. I think we have a clear sense of direction and a plan to restructure our finances and to invest in the future. Of course, all taxes and reliefs are kept under review through the annual Budget process. Our priority has been to increase the personal allowance, which benefits everyone. The lifetime ISA, which comes into operation very shortly, complements automatic enrolment, which will help people to save so much more. All these changes will help people. I know that the changes to automatic enrolment are expected to generate an estimated £17 billion a year more in total workplace pensions saving by 2019-20. I know noble Lords here were involved in that. It will make a lot of difference. Obviously, we have longer-term problems but the sense of direction is important.

**Lord Davies of Oldham (Lab):** My Lords, the Minister is fiddling when, for so many people, Rome is burning. How are the just-managing meant to cope with a situation where there has not been a pay increase for the duration of this Government—a situation unparalleled since 1800? That is the crisis facing our people at present. It is therefore not surprising that unsecured household debt rose dramatically last year. No wonder the savings ratio fell last year from 2% to -0.03%. How can people save when living standards decline for the many—while, of course, lavish wage increases occur for the few, buttressed by a taxation policy that favours them?

**Baroness Neville-Rolfe:** As we have discussed before, living standards have been rising. Yesterday, it was announced that we had a record number in employment and a 40-year low in unemployment. Getting people into work makes a huge difference. We made a series of proposals in relation to both pensions—this step change with auto-enrolment—and savings products that help people to save. The most important thing is

to have a plan to restore our finances—we inherited a considerable mess—for everyone in this country, and for our children and our children's children.

**Baroness Kramer (LD):** My Lords, most people, in their busy lives, just want a savings scheme that is trustworthy, has a reasonable rate of return and does not eat a large amount of their savings through fees. Instead, the Government—and previous Governments—constantly come back with competition, incredibly complex rival products and switching. Will the Government finally identify someone—I would almost say anyone—whether a government Minister or regulator, to make sure that a workable product that meets most people's needs is actually delivered, rather than this endless tinkering, which only a sophisticated financial adviser can possibly unravel?

**Baroness Neville-Rolfe:** I certainly do not take such a gloomy view of the products. The NS&I investment bond, which we started on, gives a rate of 2.2% for three years. That is significantly higher than the market average of 1.38%. Savers know that they can trust products offered by NS&I. Obviously, rates of return on savings products have come down and that has to be reflected, but the £7 billion of additional government financing will be at a cost of £295 million compared to borrowing through gilts.

**Lord Flight (Con):** My Lords, while ISAs have their place, does the Minister not agree that pension schemes are the more attractive—and, tax-wise, the more generous—vehicles for people to save for their retirement? Does she also agree that many people have perhaps been mistaken in cashing in their pensions and incurring tax liabilities, when it would have been better for them to leave them to accrue for the ultimate stage of retirement?

**Baroness Neville-Rolfe:** I agree with my noble friend. The Government are at pains to make sure that our communications draw attention to the value of pensions on automatic enrolment, because of course the employer makes a contribution as well as the employee, and this has been a very important reform. However, ISAs, which now have an allowance of £20,000 from next month, and the lifetime ISA, which is particularly helpful to younger people and the self-employed, also have a place. We want to encourage people to save and I am glad that we are doing so.

## **Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017**

*Motion to Approve*

11.37 am

*Moved by Baroness Mobarik*

That the draft Order laid before the House on 6 February be approved.

*Considered in Grand Committee on 9 March.*

*Motion agreed.*

**Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) (Amendment) Order 2017**

*Motion to Approve*

11.38 am

*Moved by Lord Young of Cookham*

That the draft Order laid before the House on 6 February be approved.

*Relevant document: 26th Report from the Secondary Legislation Scrutiny Committee*

**Lord Young of Cookham (Con):** My Lords, I understand that this Motion may have a centrifugal impact on your Lordships' House so let us have a small pause. The draft order that we are considering today, if approved and made, will postpone the mayoral election for the Sheffield City Region, meaning that the mayor will first take office in May 2018, not May 2017; and will set the first mayoral term for a duration of four years, with the next election in May 2022.

In bringing this order before Parliament, we are responding to a request from the Sheffield City Region's local leaders. On 11 January this year these leaders met as the combined authority and concluded that it was no longer possible to achieve a mayoral election in the Sheffield City Region in May 2017. They agreed and announced that they would now be working towards a mayoral election in May 2018. In their announcement, the local leaders explained that they had reached these decisions due to the need for the combined authority to undertake further consultation before it would be possible for an order to be made conferring the powers on to the mayor and city region, as envisaged in the devolution deal which was agreed between the Government and the city region in October 2015.

Regarding the background to the need for additional consultation, Derbyshire County Council brought a judicial review against the Sheffield City Region Combined Authority, seeking that the public consultation which that authority had undertaken should be quashed on the grounds that it was misleading. On 9 and 10 November 2016, the case was considered by the court, and in December judgment was given that the consultation did not achieve its lawful purpose. While the court did not quash the consultation, as Derbyshire County Council requested, there was a need for further consultation before the statutory requirement on this was satisfied. The city region's local leaders have decided to prepare and carry out that necessary additional consultation, with a view to starting it after the May 2017 local elections—hence the need to defer the mayoral election until May 2018, by which time all necessary consultation can be expected to have been completed and the devolved powers envisaged in the devolution deal conferred on the combined authority and mayor.

Before turning to the specific provisions in the order before us, it may be helpful if I briefly recall how devolution is to be put in place in the Sheffield City Region. On 2 October 2015, the Government and the Sheffield City Region agreed a devolution deal giving brand new powers over transport, planning and other

key policy areas, along with budgets, to the combined authority. The deal also included a commitment to adopt a directly elected mayor covering the whole of the combined authority area. On 21 July 2016, the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016 was made after having been approved by Parliament, which established the office of mayor for the Sheffield City Region. That order provided that the first elections for this mayor would take place on 4 May 2017 and that the second election would take place on 7 May 2020. Thereafter, there would be mayoral elections every four years.

The next step in implementing the devolution deal was for a further order to be made conferring the powers agreed in the deal on to the combined authority and mayor. Before such an order could be made, the city region combined authority had to undertake a public consultation on the proposed conferral of powers. The Secretary of State is required by statute to be satisfied that no further consultation is necessary before he can proceed with an order conferring the powers. The city region also wished that any order conferring the devolved powers would, in addition, expand the area of the city region to include—with their agreement—the areas of Chesterfield borough and the district of Bassetlaw. The consultation that the city region undertook therefore covered proposals for devolving powers and for this expansion of the city region area.

The consultation started on 1 July last year but before it could be completed Derbyshire County Council, in which the borough council of Chesterfield sits, brought a judicial review against the combined authority. The case brought by Derbyshire questioned the legality of the consultation in two areas: whether it could be considered a public consultation in connection with the proposals in the scheme, and the fairness of the consultation. On 21 December 2016, the court ruled that the consultation did not achieve its lawful purpose as it did not include a question specifically seeking consultees' views on Chesterfield becoming part of the combined authority.

Accordingly, what is now required before the devolution deal can be fully implemented is for the city region to undertake a further consultation and submit a summary of the consultation responses to the Secretary of State. It is then for the Secretary of State to decide, having regard to those responses, what provision to include in any further order which, subject to Parliament's approval, would confer functions on the combined authority and mayor. It might also, if the Secretary of State considered it appropriate, provide for any expansion of the city region area which the city region leaders are seeking. Once such an order has been made it would be appropriate for there to be the first mayoral election, which is now envisaged for May 2018.

As to the detail, the draft order changes the date of the mayoral election from 4 May 2017 to 3 May 2018 and also sets the first mayoral term for a duration of four years, with the next election in May 2022.

In conclusion, this order postpones the mayoral election until May 2018. This is in the expectation that by that date, powers and budgets envisaged in the agreed devolution deal can, if Parliament approves, be devolved to the city region, which will have a mayor



who can deliver for local people and help the area to fulfil its long-term ambitions. I commend this draft order to the House.

11.45 am

**Baroness Hollis of Heigham (Lab):** My Lords, will the Minister accept that the biggest single obstacle to the devolution deal in areas outside big cities is the requirement to have an elected mayor, which most of the authorities do not want? For example, in Norfolk and Suffolk, we have an effective LEP arrangement between authorities without an elected mayor. The proposition for a devolution deal for Norfolk and Suffolk fell because of the requirement to have an elected mayor over two counties—most of which is rural, some of which is urban; most of which is Conservative, some of which is Labour, with UKIP and Green councillors making up the mix. The result was that there could be no agreement about what would be a rurally based elected mayor in perpetuity over the two counties of Norfolk and Suffolk, where the economic drivers for those authorities are the cities: Norwich, Ipswich and so on. If the Government were to detach the elected mayor from devolution so that where authorities wish it and they have a combined agenda, a combined outlook and perhaps a combined urban authority, doing so might be perfectly fine and make very good sense. But where there are the disparities that I have suggested in largely rural areas, such devolution deals will fall if one person is asked to be responsible for an area that is 120 miles long. Will the Minister consider detaching the requirement to have a mayor where authorities do not wish it but none the less need the powers of devolution, particularly on transport connectivity, to make their areas even more economically productive?

**Lord Cormack (Con):** My Lords, I am inspired by those words of the noble Baroness to say that she makes an extremely good point and one that would be warmly echoed in Lincolnshire where there has been a decision not to have a directly elected mayor because it is not felt suitable in such a large county and for a largely rural area. This obsession with elected mayors is frankly ridiculous. It may be appropriate in certain urban areas, although to me it is inimical to the British tradition of local government, but that is my prejudice and I readily admit it. It frankly does not sit happily in largely rural areas. For the Government to say, “You cannot have your devolution unless you have a mayor”, is a thoroughly unreasonable ultimatum.

Shortly after Mrs May became Prime Minister, I was greatly encouraged when it was noised abroad that she is not wedded to this idea. That is one divorce which I hope she will expedite because it is not a good idea in rural areas, it should not be persisted with and I hope my noble friend, while possibly rebuking the noble Baroness and me for talking about areas which are not the subject of this order, will take the message that is coming from both sides of the House and all political parties that in rural areas this is something up with which we should not need to put.

**Lord Blunkett (Lab):** My Lords, I have a great deal of sympathy with the points just put by my noble friend Lady Hollis and the noble Lord, Lord Cormack.

I shall address the order before us in relation to the Sheffield City Region. I obviously have no objection whatever to the order that is being laid. It makes sense in the light of the decision of Derbyshire County Council to take the judicial review. In this case, with some reluctance, the combined authority has agreed to an elected mayor and Chesterfield Borough Council wished to join the city region, as did Bassetlaw. Unfortunately North East Derbyshire District Council does not appear to have taken the same decision, even though travel to work, travel to leisure and the whole synergy of economic, social and cultural life would lead to the conclusion that it might in the future. Although I understand Derbyshire County Council's desire not to see its bailiwick confined, my concern this morning is to seek confirmation from the Minister, who I have known for a very long time, that the Government will continue providing the necessary support, encouragement and facilitation for the combined authority to be able to get on with the job, both with those aspects that have been devolved and those which would follow through from a mayoral election for the city region in 2018.

There are two reasons for this. First, it is really important that the vision strategy that was published on 17 February this year should be carried into fruition rather than languish on a shelf. Secondly, as some of us east of the Pennines have recognised, the difficulty that the Leeds City Region has been having with progression means that the north of England, Greater Manchester and to some extent Merseyside are now taking the lead on what the Government came to pronounce as the northern powerhouse.

There was a great deal going on before the northern powerhouse was “invented”, including One North and combined activity on transport and economic development. But there is a real danger that having the north-west of England as the driving force—even though it is clearly welcome and flows from very sensible bottom-up drivers, particularly from Greater Manchester—will imbalance the north of England. Yorkshire has a population slightly greater than Scotland, yet because we do not have a devolved block grant, its investment from national government is confined. It is really important that the inevitable delay spelled out in this order should not preclude government working with the city region to ensure that the driving force of not just economic change but also social change is encouraged and supported rather than being held back by the inevitable delays spelled out in the order.

**Lord Scriven (LD):** My Lords, I draw the House's attention to my interests as laid out in the register, particularly as a member of Sheffield City Council. It is always a pleasure to follow the noble Lord, Lord Blunkett. He may not agree with everything I am about to say, but he may agree with some of it. First, I welcome the devolution deal to Sheffield, even though it does not go as far as it should do and particularly, as other noble Lords have said, even though it is predicated on a mayor—I wish it was not, and was based on another model, but we are where we are and we have to go forward with the deal that has been negotiated between the leaders in South Yorkshire and the Government. But I thank the Minister and the

[LORD SCRIVEN]

Government for keeping their confidence in this, and for keeping going and being patient despite the most frustrating of circumstances, which are destabilising the confidence of some in South Yorkshire about whether the deal will actually go ahead under the leadership that has been shown so far there.

I will remind your Lordships how we got here. There has been infighting and dithering—and, as one businessperson said to me, complete incompetence—among the local leaders back in South Yorkshire about this deal. First, we thought it was signed, sealed and delivered, but then the leader of Sheffield City Council decided either that she had not read it or had not understood it, and that there were things in it which she wished to change. That slowed down the process and caused disruption and, again, misunderstanding among South Yorkshire businesses about what was happening. We then had the botched consultation, which I shall return to, and more recently the four leaders fighting about whether they are going to be in a Yorkshire deal or a South Yorkshire deal. All this undermines business confidence in the deal going forward, and it must stop. It does not instil confidence in local business, and it shows a lack of clear local leadership to deliver the devolution deal.

The botched consultation was a basic mistake. It did not ask the people in the consultation whether Chesterfield Borough Council should be a member of Sheffield City Region. Why did Sheffield City Region, the combined authority or the four local leaders of the councils in South Yorkshire not see this basic mistake? The error, for which no one has apologised, taken responsibility or been held to account, has cost the South Yorkshire taxpayer dearly. I thank BBC Radio Sheffield for putting in a freedom of information request that has shown exactly how much taxpayers in South Yorkshire are paying for that mistake. The consultation cost just over £104,000. The legal costs to Sheffield City Region to defend Derbyshire County Council's judicial review are £130,000. Furthermore, the taxpayers of Sheffield City Region have had to fund Derbyshire County Council's costs of £161,000. That is over £430,000 of taxpayers' money wasted on a consultation that has stopped, or at least stalled, the devolution deal that is about empowering our local area to deliver greater economic impact. The costs do not include the 500 hours of officer time at both Derbyshire County Council and Sheffield City Region, or the London fees. It is estimated that overall the deal will cost taxpayers £500,000.

I have three simple questions for the Minister. First, does he agree that local leaders in South Yorkshire, who have wasted £500,000 of taxpayers' money on this botched consultation, should be held to account and apologise? Secondly, does the in/out dithering approach to this £1 billion deal not undermine confidence locally and should it not stop immediately? Thirdly, what message are the Government sending to local leaders back in South Yorkshire that this kind of dithering and incompetence must stop to get the deal over the line so that business and our local economy can move forward?

**Baroness Pinnock (LD):** My Lords, I would like to add a little to the sorry tale that has just been amply described by my noble friend Lord Scriven. I declare my interest as a councillor in the Yorkshire borough of Kirklees and as a vice-president of the Local Government Association. It seems to me that the consequence of the ad hoc approach to devolution that the Government have taken, resulting in boundaries for the new combined authority overlapping with existing local government boundaries, has created a certain amount of resentment, as we have seen and heard, at the potential loss of power and responsibility, particularly, in this case, by Derbyshire County Council. The 26th report of the Secondary Legislation Scrutiny Committee refers to the process of “combination creep” through the involvement in combined authorities of non-constituent councils, which is exactly what has happened in this case.

The concerns of the local councils involved—in this case, Derbyshire County Council—need to be understood and respected. The Government's policy intention is to create a new authority based on an economic region rather than a geographical one, and the tensions that this has created have been left to localities to resolve. The balanced judgment in the Sheffield City Region is that the relatively small amount of devolved funding of £30 million a year combined with additional powers and responsibilities is sufficient to tip the scales in favour of the deal, although, as we have heard, it is not overwhelmingly supported.

What has not been resolved, however, is how one elected person, the elected mayor—the noble Lord, Lord Cormack, asked why we have to have one elected person—can gain the trust and confidence of the communities throughout this diverse city region. I can tell that it is diverse from living near it. That is the substantial flaw in the devolution agenda.

*Noon*

A significant democratic deficit is being created by the Government's approach; the ability to scrutinise and call decision-makers to account is, at best, limited. The links between the city region mayor and residents will be tenuous, at best. Because this devolution model is what we have on offer, a lot of places are saying, “Better the devil we know”. The test will be in the level of involvement in the election of the mayor. Let us see the turnout and, when decisions are made, how far they achieve the consent of residents. A lot of people in city regions are concerned that their residents, their council tax payers, will be funding a combined authority which will focus on the major city in the region, rather than the needs and concerns of the residents on the periphery.

Time will tell. We will have elected mayoral elections in May—for this authority, May 2018. Let us look at the turnout. Will it be greater than turnouts for the police and crime commissioners, which were abysmal, many of them falling below 20%? The commissioners have had little impact on the link between residents and policing. Time will tell whether this devolution model will succeed. What will succeed is devolution—the issue is with this model. I understand why areas are accepting it—because it is what is on offer—but I hope that the Government will have a flexible approach to

reviewing its success as we see whether voters support elected mayors and whether they achieve consensus throughout the regions for which they are elected.

**Lord Kennedy of Southwark (Lab):** My Lords, I first draw the attention of the House to my entry in the register of Members' interests and declare that I am an elected councillor and a vice-president of the Local Government Association.

This is one of a number of statutory instruments that we have been considering over the past few weeks in your Lordships' House. I should first say that I welcome further devolution, although I have concerns with all these deals about the level of funding provided. This order puts the election for the mayor back by one year. There is also an issue about the patchwork nature of the deals and, as many other noble Lords have said today, about the lack of any coherent framework for devolution in England. That is something that we should all be concerned about. In some areas, the devolution deal seems to have progressed well and important powers and functions have been devolved to the combined authority. In other areas, this has not been the case. In county areas in particular, a directly elected mayor perhaps does not feel right. My noble friend Lady Hollis referred to this as a particular concern. There is certainly a question over how these mayors fit in to the vision of future devolution in England. The Government have still been unable to explain their obsession with directly elected mayors—perhaps the noble Lord, Lord Young of Cookham, will do so now.

I lived and worked in the east Midlands for many years, I know Lincolnshire very well and I entirely agree with the comments of the noble Lord, Lord Cormack. It is a rural county and I just do not see how a mayor would work there at all. The Government should recognise that each area is different.

We need a coherent framework for devolution. The Government should set out what they mean by it so that there can be a proper debate and discussion in England about what it will be. Years ago we used to have things called Green Papers, which would come along and set out the Government's thinking on where they would like to go and invite that sort of dialogue to get local government and people engaged. That is certainly something that the Government should do. I am also aware that there have been a few changes in the department in recent days. I do not know whether that will have any effect on what will happen, but certainly the Government need to think long and hard about the whole question of mayors and why we have to have mayors in an area if that area does not want one.

As I said, huge changes have taken place in recent years. We have police and crime commissioners, which were referred to, who can now take over the fire service. We have the combined authority models, with or without directly elected mayors. This is not very joined up or coherent. In my view, it is not the best way to move forward.

There is a problem here. A contradiction arises with the drawing of quite artificial boundaries in the spirit of trying to put together a combined authority when they do not necessarily mirror community identities.

There has of course been the legal action from Derbyshire referred to by a number of noble Lords. Councillor Anne Western is someone I know very well. I regard her as a friend. She is a very competent leader of the county council. I have known her and worked with her for many years. There is no question that she is pro devolution and believes in the devolution of powers from Westminster to communities. Equally, I agree that the consultation was not organised very well. I agree with the comments of my noble friend Lord Blunkett. I do not particularly agree with the comments of the noble Lord, Lord Scriven; I think that some of them were designed for the front page of the *Sheffield Star*. We need to look carefully at where we are going with these devolution deals.

We need a proper framework. The Government need to come forward with one now. This is not the only place where we have problems. Other parts of the country have problems with these deals. The Government need to set out what they see for the future and how they are going to get there. That would certainly help the situation we have here today.

**Lord Young of Cookham:** My Lords, I am grateful to all those who taken part in this debate—some of which went slightly broader than the date of the election of the mayor. I was at this Dispatch Box yesterday having a rather uncomfortable time in connection with a manifesto commitment. Now my noble friend Lord Cormack invites me to break another one. The manifesto commitment is that we will devolve a wide range of powers and budgets to major cities that choose to have an elected mayor. That is the link. I am invited by a number of noble Lords to break that link. I hope that they understand that I am unable so to do. It is entirely a matter for the local area to decide whether it wants to go down this road. This is a choice that it did not have before. It can have a devolution deal and if it wants to it can put a proposal to the Government and then we can make progress. The Government have been absolutely clear that there must be an elected mayor to ensure that there is sufficient accountability, which we believe only an elected mayor can deliver.

**Lord Kennedy of Southwark:** I am sorry to interrupt the noble Lord but I think that is a little unfair. At one point he said that it is up to people in a local area to decide, but then that if they want one thing they have to have another. It is not the case that they can decide. Look at bus powers, for example. The Government are not just leaving it to the local people or a council to decide at all; they are setting conditions.

**Lord Young of Cookham:** With great respect, I disagree with the noble Lord. They have a choice, which they did not have before. They can either stay put, which is what used to happen, or they can have a devolution deal as offered by the Government, but with an elected mayor. That is a real choice. If they do not want to have an elected mayor, for all the reasons that we have heard, they can stay where they are—but at least they have a choice, which they did not have before.

**Lord Cormack:** I am deeply grateful to my noble friend—he is a friend in every sense—but does he really think that one man or woman can adequately know and relate to the sort of area to which the noble Baroness, Lady Hollis, referred, or to Lincolnshire, or for that matter to this extraordinary collection of towns and cities? How can one person—an elected Gauleiter—really relate?

**Lord Young of Cookham:** I would put a different question to my noble friend. Given that we are going to have combined authorities—and I think that there is agreement that that is a good idea—is it better to have one elected mayor as the accountable person or what we used to have with the old metropolitan areas, where there was much less accountability than you would have with an elected mayor? As we have seen in London, an elected mayor increases accountability over and above the other alternatives that you could have in those areas.

I turn to the other specific questions that have been raised, as we are obviously not going to get agreement on that one. The noble Lord, Lord Scriven, will understand that, although I do not want to get involved in a dispute between two local authorities—it is always regrettable when there is such a dispute, as it costs taxpayers money—I hope that what we have seen in this case is a one-off, and we do not have similar problems in future. In its judgment, the court did not quash the consultation, and what is needed now is an additional consultation on Bassetlaw and Chesterfield becoming part of the area of the Sheffield City Region Combined Authority. The noble Lord asked a number of questions. It is really for local people to come to a judgment on who has let their electorate down and who has not, rather than for Ministers to pontificate from the Dispatch Box. Local leaders are accountable to local people through the ballot box and, ultimately, it will be for their electorate to judge them.

The question raised by the noble Lord, Lord Blunkett, and other noble Lords—and I am grateful for what he said—was whether Sheffield City Region will still get its funding up front despite this hiccup in the process. The answer is yes. The combined authority is already in existence, and gain share funding, which is the name I understand has now been given to this pot of money, of £30 million a year can be paid to the combined authority once the consultation has been undertaken and it is clear that the councils are committed to the deal and an assurance framework agreed with government is in place. That can take place before the postponed elections of the mayor.

I think that the noble Baroness, Lady Pinnock, was suggesting that Derbyshire County Council should have a veto on whether Chesterfield should join. I am glad that she shakes her head, because I do not think that it would be right for a county council to prevent a constituent district from joining a combined authority if that is what was wanted.

Then we had the point which was reinforced by my noble friend Lord Cormack about whether a mayor could represent such a diverse area. I was around when the Greater London Council was started, which included bits of Middlesex and Surrey. London is very diverse, yet we have a Mayor of London. So I am not

sure that I would buy the argument that it is impossible for a mayor to represent an area that has a diversity in it.

**Lord Alton of Liverpool (CB):** Just before the Minister leaves that point, I think that the noble Baroness, Lady Pinnock, was making the point that as we go forward it will be important to keep under review how the provision actually works out in practice. I fully support the order being laid before your Lordships' House, and the next one, which deals with Liverpool and the Merseyside area, where there is agreement that we should have a combined mayor. But will the Minister have a dialogue in future with local councils about replication, whereby you can end up as Liverpool will with a mayor for the greater region, an elected mayor in the city and a lord mayor as well? That will cause confusion.

**Lord Young of Cookham:** There may be confusion, but this is what local people will have decided through their local councils. That is the system of running the area that they have chosen to have.

The noble Baroness, Lady Pinnock, asked about turnout. If one looks at the turnout for directly elected mayors, one can see that it has been roughly in line with local elections so far. I hope that she takes some encouragement from that.

Finally, the noble Lord, Lord Kennedy, said that there was a patchwork. I explained at the beginning that this is basically a bottom-up approach—the Government responding to areas that want to go down this particular road. It is inevitable from that approach that there will be a patchwork. The alternative, which I am sure the noble Lord would not advocate, is for the Government to insist on this regime for the whole country. We do not want to go down that route at all—but that is why there is a patchwork.

In conclusion, this is an important order, which will allow us to progress the devolution for the Sheffield City Region, and once again I commend it to the House.

*Motion agreed.*

### **Liverpool City Region Combined Authority (Functions and Amendment) Order 2017**

### **Tees Valley Combined Authority (Functions and Amendment) Order 2017**

*Motions to Approve*

12.14 pm

*Moved by Lord Young of Cookham*

That the draft Orders laid before the House on 6 February be approved.

*Relevant document: 26th Report from the Secondary Legislation Scrutiny Committee*

**Lord Young of Cookham (Con):** Well, let us see if we have less trouble over this one.

The draft orders, if approved and made, will confer important new powers on the mayors and the combined authorities for the Liverpool City Region and the Tees Valley. The Government have of course already made significant progress in delivering their manifesto

commitment to devolve far-reaching powers and budgets to large cities in England which choose to have directly elected mayors. In this House, we have now debated and approved a number of orders devolving powers to places including Greater Manchester, the West of England and more recently Cambridgeshire and Peterborough. We have also considered and approved an order enabling the Tees Valley mayor to take steps necessary to establish a mayoral development corporation; that is to be complemented by the order we are considering on Tees Valley today. We are grateful to the House for the attention it has given to these matters. Following our last debates, my colleague the noble Lord, Lord Bourne, has written to noble Lords, as he undertook to do. I hope that we are now drawing to the end of this first devolution journey, with possibly just a few more orders after those we are considering today.

The draft Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 brings to life the devolution deal which the Government agreed with the Liverpool City Region constituent councils in November 2015. We are taking that deal forward with the combined authority and its six constituent councils: Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral. The deal agreed between the Government and the Liverpool City Region means that the area will receive: a devolved transport budget and transport powers to help provide a more modern, better-connected network; new planning and housing powers to manage planning across the region; and control over an investment fund of £30 million a year for 30 years.

Noble Lords will want to know that the basis of the draft order is the governance review and scheme prepared by the combined authority and the six constituent councils of the Liverpool City Region in accordance with the requirement in the Local Democracy, Economic Development and Construction Act 2009. The combined authority and the six constituent councils published that scheme in June 2016 and, as provided for by the 2009 Act, consulted on the proposals in the scheme. That was a public consultation entirely undertaken by the authorities concerned. They decided the approach, which was a matter for them. The consultation ran for six weeks and was undertaken through a variety of methods and media, including engagement with regional and local media, web content, social media, workshops with elected members, targeted letters to key stakeholders, as well as material available in libraries and local council town halls. As statute requires, the combined authority provided the Secretary of State with a summary of the responses to the consultation. Before laying the draft order before Parliament, the Secretary of State considered the statutory requirements in the 2009 Act, and considers that they have been met in relation to proposals to confer functions on the Liverpool City Region Combined Authority.

In short, having regard to the summary of consultation responses, which had been submitted to him, the Secretary of State concluded that no further consultation was needed. He considered that conferring the functions on the Liverpool City Region Combined Authority would be likely to lead to an improvement in the exercise of the statutory functions across the Liverpool City Region. In this consideration, he has had regard to the impact on local government and communities.

Most significantly, the combined authority and six constituent councils have consented to the making of the order—that is, the democratically elected representatives of the area have agreed to the making of the order, if Parliament approves.

As required by the 2016 Act, we have in parallel with the draft order laid a report before Parliament which sets out the details of the public authority functions that we are conferring on the Liverpool City Region through the order. Noble Lords may recall that the requirement for this report was one of the additions that this House made to the 2016 Act during its passage. If approved by Parliament, the draft order will come into effect the day after it is made, except for the functions which are to be exercised by the mayor. The mayoral provisions will take effect on 8 May this year when the first mayor takes office.

The draft order gives effect to many of the proposals in the combined authority's June 2016 scheme, which reflects the agreed devolution deal. If approved and made, it will confer the following powers and functions on the combined authority to be exercised by the mayor: a duty to prepare a Liverpool City Region Combined Authority spatial development strategy, enabling an integrated approach to spatial planning; powers on land acquisition, disposal and housing, including a compulsory purchase power—the same powers as the Homes and Communities Agency and councils; power to call in planning applications of potential strategic importance; power to designate mayoral development areas, leading to the creation of mayoral development corporations; powers to work with the combined authority to draw up a local transport plan, leading to a joined-up approach to transport across the area, recognising that efficient transport is fundamental to securing economic, social and environmental objectives; and powers to enter into agreements with constituent authorities, to establish and manage a key route network of strategic roads in the combined authority's area. In addition to their existing transport and economic development powers, the combined authority will exercise powers and functions of: having the final say on the mayor's spatial development strategy and local transport plan; promoting road safety; and regulation of traffic.

These new powers will enable the Liverpool City Region to take a strategic approach to driving development and regeneration and stimulating economic growth, supporting effective use of the £900 million devolved budget. The draft order also provides for the necessary constitutional and funding arrangements to support the mayor and the combined authority.

I now turn to the draft Tees Valley Combined Authority (Functions and Amendment) Order 2017. This draft order will be another important step to bring to life the devolution deal that the Government agreed with the Tees Valley in October 2015. The deal agreed means that the area will receive: a devolved transport budget and transport powers to help provide a more modern, better-connected network; control over an investment fund of £15 million a year for 30 years; and new housing and regeneration powers for growth across the region. Noble Lords will recall that the implementation of the Tees Valley devolution deal agreed between local leaders and the Government

[LORD YOUNG OF COOKHAM]

has already seen three orders made in relation to the Tees Valley. The most recent of these was about devolving powers for a mayoral development corporation. We brought this last order forward in advance of today's order, as the area is eager to establish a mayoral development corporation in South Tees on which an 11-week consultation had already been undertaken.

This draft order has been prepared on the same basis as I have described for the Liverpool City Region order. If approved and made, the order will come into effect on 8 May when the first Tees Valley mayor takes office, with the exception of the provision relating to the establishment of an independent remuneration panel, which will come into force on the day after the order is made to enable the combined authority to make any necessary arrangements.

Let me turn briefly to the detail. The draft order will confer the following powers, to be exercised by the mayor, on the combined authority: powers to pay grants to the five constituent councils of the Tees Valley Combined Authority, with the condition that the mayor has regard to the desirability of ensuring that the councils have sufficient funds effectively to discharge their highways functions; and powers to produce a local transport plan for the area. The draft order also provides that the functional power of competence, already exercisable by the combined authority, is also exercisable by the mayor. Finally, the draft order confers various powers on the combined authority: powers to provide local passenger transport services—these powers were already delegated to the combined authority by the Tees Valley Combined Authority Order 2016; the duty to review housing need in the area; and funding and constitutional provisions to support the powers and functions conferred, including the establishment of an independent remuneration panel to recommend the allowances of the mayor.

In conclusion, the two draft orders devolve new, far-ranging powers to the Liverpool City Region Combined Authority and to the Tees Valley Combined Authority, giving effect to the bespoke devolution deal of each area, putting decision-making into the hands of local people, and helping the two areas fulfil their long-term economic and social ambitions. The draft orders are significant milestones contributing to greater prosperity in the Liverpool City Region and the Tees Valley and paving the way for a more balanced and successful economy and improving housing supply across the country. I commend the two draft orders to the House.

**Lord Alton of Liverpool (CB):** My Lords, I shall be brief. I enthusiastically support the remarks that the noble Lord, Lord Young, has just made, notwithstanding the minor caveat that I entered the Chamber as he was replying to the previous order and note the unnecessary duplication and replication which can cause confusion. I encourage him, and the Government generally, to stay in touch with the local authorities that will be affected by the implementation of these orders to see in what ways they impact on them and whether there can be further streamlining and clarification.

It is 45 years since, while I was a student in Liverpool, I was elected to represent an inner-city neighbourhood—a

slum clearance area—in the Low Hill ward in the heart of Liverpool. I served that ward on both the city council and on the Merseyside County Council that was created by the then Government, and then abolished by the following Government. During those years, I saw more changes than I cared to see in many respects. I served as deputy leader of the city council and as its housing chairman and had to deal with compulsory purchase orders, which were often imposed centrally with very little say locally on what their impact would be on the neighbourhoods they affected. Therefore, I particularly welcome what the noble Lord said about the devolution of compulsory powers to the city region and the opportunities for development corporations. The great success story on Merseyside, following the riots in Toxteth in 1981, was the creation of the Merseyside Development Corporation. The noble Lord, Lord Heseltine, has recently received some criticism in your Lordships' House but he deserves great tribute for the work that he did during that period and the achievements that were made. The extraordinary regeneration and renewal of the city of Liverpool had its seeds in the work that he did. In my view the orders that have been laid before your Lordships' House today with the agreement of the local authorities on Merseyside pave the way for the continued renewal and success story that Liverpool now is. Therefore, I very much welcome what the noble Lord said and commend the orders to your Lordships' House.

**Lord Deben (Con):** My Lords, I shall be short. My noble friend's explanation of the advantages that these measures will confer on Liverpool contains some very important lessons for central government. He talked about spatial planning which will bring together the whole range of interests in Liverpool. Would it not be a good idea if we introduced that nationally? We do not have spatial planning nationally; we have a ludicrous position in which planning lies with the department for local government. That is not a proper place for it given that local government makes appeals to the Minister for Local Government, which itself is wrong. All the other interests lie with other departments and we suffer from not having a department of land use.

We now have a Government who are busy giving local authorities powers to structure themselves in precisely the way we fail to structure ourselves centrally. The Government will look increasingly peculiar if their central structure is so far out of line with these new structures. However, the Government are not imposing them as they are welcomed by these larger, more powerful local authorities. We have looked afresh at how best to run local government in Liverpool and the Tees Valley and have come to the conclusion that it is better to do it this way. Although my noble friend may well argue that there is something unique about local government which means that it is, of its nature, to be organised differently, I suspect that the truth is that, looking at government, this is where you want to be.

I am reminded of the ability of Americans to ask other people to run their democracies in a way that they do not run their own. For example, they make sure that you do not have gerrymandering of boundaries, that you do not have Christmas tree Bills and that you restrict the amount of money that you spend. That is

what the Americans do to other people but they do not learn to do it themselves. I do not want our Government to behave in that way. I hope that we too will learn from what we have seen from our reorganisation of local government—that some very serious reorganisations are necessary at the centre to enable us to look after our land and to have a proper policy of spatial planning, with the special word “joined-up”, which I heard several times from my noble friend.

12.30 pm

**Baroness Pinnock (LD):** I agree with what the noble Lord, Lord Deben, has just said about the need for spatial planning across the whole country, and I remind your Lordships that it was the current Government who abolished regional spatial planning to the disadvantage of many local councils. However, I will address my comments to the two orders in front of us today.

I turn, first, to the Liverpool City Region. Following the remarks of the noble Lord, Lord Alton, it struck me that we ought to develop a new collective noun for mayors, and I have a couple of suggestions. Should it be “a charm of mayors”, as with goldfinches; “an obstinacy of mayors”, as with, I understand, buffalos; a “gaggle”, as with geese, or—perhaps not—a “murder”, as with crows? However, as has already been pointed out, there will be too many people in an area with the title of mayor and people will be confused.

Most residents think of a mayor as the civic mayor, and we ought to have come up with a different title for the ones whom we are proposing should be elected for the combined authorities. The difficulty that Liverpool may suffer from is having elected individuals with large egos—it already has one with a very large ego. The consequence will either be energetic co-operation or a dysfunctional system. I hope that the Government are thinking very carefully about how elected mayors will be able to co-operate effectively for the benefit of local people and for the regeneration and economic development of their areas.

We discussed some of the functions at Tees Valley two or three weeks ago in your Lordships’ House, and today I want to draw attention to the comments of the Secondary Legislation Scrutiny Committee. It draws to your Lordships’ attention that it was very clear that residents in the Tees Valley, when consulted, opposed by a clear majority having an elected mayor. The committee’s report says that,

“many people have in effect answered a question, ‘Do you want an elected Mayor for the Tees Valley?’, with the vast majority opposing it”.

Despite that, their views have been ignored. It is dangerous for local democracy to pose a question, get a response and then ignore it completely and do the opposite. They should not have asked the question if they did not want to respect the answer.

This is a very unsatisfactory way to proceed. The consequences are that Tees Valley will have an elected mayor, but that elected mayor will have to work extremely hard to gain the trust and confidence of local residents who, as we heard, opposed the measure. Huge effort will be needed and it may drag on the ability of the mayor to enable the development of economic regeneration and transport facilities, because

that effort and energy will need to go into convincing local people that this is the right way to proceed. With those comments, I wish both areas a successful devolution, but have considerable concerns about the models that have been adopted.

**Lord Kennedy of Southwark (Lab):** My Lords, turning first to the Liverpool order, I certainly support the arrangements before the House today. Like the noble Baroness, Lady Pinnock, I obviously wish the Liverpool and the Tees Valley combined authorities every success in the future. But I want to put on record that this is no giveaway for Merseyside local authorities from the Government—nothing could be further from the truth. As we have seen, local councils have suffered huge public sector spending cuts in recent years and Merseyside has not escaped that. Cuts to police and fire services, primary and secondary schools, Sure Start and so on far overshadow the comparatively small investment that the Government are making today. That investment will not deliver the Government’s vision for the northern powerhouse, although we seem to hear that phrase less and less from the Government. The foundations for devolution are being cut away by the Government every year, which is not helpful. It just makes the challenges faced by local government that bit harder. Having said that, I welcome the arrangements before us for devolution.

As I said in a previous debate, however, I am concerned about the whole question of patchwork. I accept that there can be difference, but I still think the Government should set out a framework. We have a messy patchwork, which does not bring the best things forward. We should set out what we want from devolution for England and how we see the country going forward. I certainly recall that in a debate last week on Cambridgeshire, the noble Lord, Lord Tebbit, referred to four tiers of local government in that part of the country. It is all a bit of a mess. We are not clear where the Government are coming from. I think the noble Lord, Lord Lansley, mentioned that in the debate as well. This is all a mess and we need some clarity from the Government about where they want to go in terms of devolution.

There has been a distinct lack of public engagement in the order for the combined authority for Tees Valley. It is important to engage the public in devolution discussions particularly where we propose to have mayoral elections. We want to get the agreement of the public because we will ask them to go out and vote for these people at some point in the future. It would be nice if the public engaged with that and agreed that they wanted this form of government. I think about 2,000 people responded to the local authority’s consultation but only 11 members of the public responded to the Government’s consultation, which from a population of 670,000 seems a derisory figure—0.001%, which is poor by any stretch of the imagination. Of those 11, seven had a negative view of the Government’s proposals. The Government should take account of consultation but also ensure that the consultation is done in a way that engages people and enables them to give their views to us.

As I said, it is necessary for the Government to set out clearly where they are going in England with

[LORD KENNEDY OF SOUTHWARK]  
 devolution, and they are just not doing that. That is why we have these problems in understanding what is going on with devolution. However, I certainly wish Liverpool and Tees Valley every success in the future.

**Lord Young of Cookham:** My Lords, I am grateful to all those who have taken part in this debate and I shall try to respond to the issues that have been raised. In response to the noble Lord, Lord Alton, we will keep this issue under review. Under the devolution deals, the Government of course stay in touch, and an evaluation of progress is made every five years. As this is a relatively new innovation, we will be particularly interested in seeing how it pans out. The noble Lord reminded me of my time as a junior Minister with Michael Heseltine in the 1980s after the White Paper into the riots, and he is right to point to the transformation that was undertaken in partnership with the local council and local MPs. As a result, substantial investment was made in the city. I am grateful for what he said about that.

My noble friend Lord Deben made a thoughtful comment in which he suggested, I think, that central government should seek to mirror centrally the sort of structure that is being developed locally. I have some sympathy with that. Against that, however, one of the signals we have been getting in central government is a plea for stability and certainty rather than further reform. One has to try to balance a move towards the sort of approach my noble friend has advocated with the plea for stability against a background of several planning Bills which have gone through the House. I say to my noble friend that the White Paper on housing is quite clear that neighbouring authorities should work together constructively. We are also going to look at the NPPF so that authorities must prepare a statement of common ground to work together. I will certainly feed in what he has said as we do that work on the NPPF.

In response to the noble Baroness, Lady Pinnock, and to some extent the noble Lord, Lord Kennedy, I should point out that there is some tension between the reported views of local residents, which both noble Lords referred to, and the views of the locally elected councillors. Of course, that reaches us only if the locally elected councillors have decided that this is the way they want to go. The Government's view is that it is legitimate to look to the locally elected representatives to come to a strategic view of where the authority wants to go rather than to a whole series of local opinion polls. I do not know whether the noble Baroness is a vice-president of the LGA—most people who speak in these debates seem to be. A long time ago, back in the 1980s, I was a vice-president of the AMA, but I think I was expelled when I abolished the Greater London Council. However, I think that the view of the LGA would be that it is perfectly legitimate to look to locally elected councils to reflect views.

I turn to the issue of having lots of mayors in one place. In London we have a Lord Mayor of London and a mayor, Sadiq Khan, and some boroughs have locally elected mayors. I think that people understand what is going on and while we could try to find a new name for mayors—the chain gang, or whatever you

call them—if this is the way local authorities want to go, it would be a very brave central government that forbade them to do so, even though in some areas this does result in parish, district, county and combined authorities.

These draft orders confer further new functions on to the Liverpool City Region Combined Authority and the Tees Valley Combined Authority, some of which are to be exercised by their respective mayors. The first ones are to be elected in May this year. I commend this order to the House.

*Motions agreed.*

## **Sky and 21st Century Fox: Proposed Merger Statement**

*12.43 pm*

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, with the leave of the House, I shall repeat a Statement delivered in the other place by my right honourable friend the Secretary of State for Culture, Media and Sport. The Statement is as follows:

“I came to this House on 6 March to give an update on the proposed merger between 21st Century Fox and Sky. At the time I said that I was minded to issue a European intervention notice on the basis that I believed there to be public interest considerations as set out in the Enterprise Act 2002 that may be relevant to this proposed merger and which warrant further investigation.

The grounds on which I was minded to intervene were, as I explained at that time, media plurality and commitment to broadcasting standards, but I also confirmed that, in line with statutory guidance, I would invite further representations in writing from the parties and gave them until last Wednesday to provide them.

Having carefully considered the representations from the parties and the other representations that I have received, I can now tell the House that I have today issued a European intervention notice on the grounds of media plurality and commitment to broadcasting standards. I have written to the parties, Ofcom and the Competition and Markets Authority, informing them of my decision.

While the representations from 21st Century Fox highlighted areas where it contested the position taken in my ‘minded to’ letter, none of the representations has led me to dismiss the concerns I have regarding the two public interest grounds that I previously specified. I am of the view that it remains both important, given the issues raised, and wholly appropriate for me to seek comprehensive advice from Ofcom on these public interest considerations and from the CMA on jurisdiction issues. I note that, overall, the parties have welcomed a thorough regulatory review, which is what will now happen as a result of the intervention notice I have issued.

Since my ‘minded to’ decision, I have also received just over 700 representations from third parties, the vast majority of which supported intervention. A number of these representations called for me to create a new public interest consideration which would require



a fit and proper assessment of the parties to the merger to take place as part of the intervention process. They also argued that it should be made clearer that matters of corporate governance, accountability and conduct could be taken into account in assessing the merger. These issues relate to questions about the application of the fit and proper test by Ofcom—I will come to these issues shortly.

As I previously set out, this decision will now trigger action by Ofcom to assess and report to me on the public interest grounds that I have specified and for the Competition and Markets Authority to report to me on jurisdiction. They each have 40 working days to prepare and provide these reports. This means that I will expect their reports by Tuesday 16 May. I will then resume my decision-making role in relation to the merger. To be clear, this intervening period, and indeed any time after that until a final decision on the merger is taken, is subject to the constraints that apply to my quasi-judicial role.

Mr Speaker, I am sure you understand that I cannot, nor can any other member of this Government, comment substantively on the case as it proceeds. I will, as I have done so far, keep the House updated once I have considered the reports of Ofcom and the CMA.

What I will comment on is that much of the discussion in last week's debate both here and in the other place focused on the question of Ofcom's assessment of whether a licensee is fit and proper, including the ongoing duty which falls to Ofcom under the Broadcasting Acts 1990 and 1996.

I have received representations from the honourable Member for West Bromwich East and from the right honourable Member for Doncaster North, as well as from a number of other parties, on adding fit and proper as a new public interest consideration in the Enterprise Act. I want to assure them that I have carefully considered the arguments they have put forward.

The grounds set out in the Enterprise Act that allow for intervention in media mergers are aimed at ensuring plurality of the media, which is essential to a healthy democracy—something I know Members of this House and the other place support. It is a view which I fully and unequivocally endorse. I am also clear that assessing whether someone is fit and proper to hold a broadcasting licence is a different requirement, and one that, quite rightly, sits with the independent regulator, Ofcom.

On Monday, Ofcom announced that it will conduct its fit and proper assessment at the same time as it would consider any public interest test in response to my decision to intervene in the merger. This means that Ofcom will conduct its assessment within the 40 working days it has to report to me on the public interests I have specified in the intervention notice. I welcome Ofcom's announcement, which will provide clarity for the parties but also provide reassurance to those who have expressed their own concerns about this issue, that this is a matter which Ofcom will now consider before the merger takes place.

I trust, as before, that this update is helpful to honourable and right honourable Members and that this Statement gives an opportunity to debate this important issue, but at the same time respecting the

limits of what I can say, as I mentioned earlier, given my ongoing quasi-judicial role in relation to this merger. I commend this Statement to the House”.

12.50 pm

**Lord Stevenson of Balmacara (Lab):** My Lords, I am obliged to the noble and learned Lord for repeating the Statement made in the other place. On this side of the House we welcome the decision that has been reached, that having been minded to go ahead with a full referral, the Secretary of State today confirmed that that is what she is doing. That is entirely right and appropriate. It is perhaps worth mentioning in the process, as alluded to in the Statement, that 21st Century Fox also welcomed the referral. That needs no further comment from me.

The two grounds on which the referral is made are broadcasting standards and the question of being a fit and proper person. I will deal with them both and ask a couple of questions around them. The broadcasting standards ground is a relatively new departure in this area because previous referrals have been done on much narrower grounds. Broadcasting standards is a very broad term but I welcome this. It is right that the consideration of this merger, since it involves a global media company, needs to engage with all areas that might affect the plurality of sources of information but also the entertainment and other features of the broadcasting world today. Will Ofcom have the power to investigate all corporate governance issues affecting 21st Century Fox, including anything that may arise from the phone-hacking scandal, any cover-up of illegality at News International, the rehiring of people responsible for corporate governance failures and ongoing sexual harassment claims currently being heard by a grand jury in the United States which, if proved to be the case, might lead to withdrawal of that company's licence to broadcast there?

Secondly, plurality is a term that probably needs to be reinterpreted as technology has moved on considerably since the first time this issue was raised in the events of 2010-11. The work done at that time by Ofcom, which involved a 40-day period of investigating similar but not necessarily the same issues, resulted in a report provided to the Secretary of State. The Secretary of State has the power to publish that report but, as far as I can understand, that has not yet been published. Can the report now be made available, since it clearly bears on the issues before us? Whether or not it is published, can and will the issues raised in that report by Ofcom with the then Secretary of State be considered in the work going forward at this point?

I welcome Ofcom's announcement that it will conduct the assessment under the fit and proper regulations at the same time as the other work it has been commissioned to do, so that we have a timetable of 40 days. That may prove a bit challenging given the amount of material that must be covered but it is important that we do so. The question of the “fit and proper” assessment is undefined in the legislation and it may be that there are, as we discussed in the Digital Economy Bill before your Lordships' House, questions raised about exactly what tests are required for this. In some ways, it may be appropriate to reconsider those, and we may be able to find time in the remaining stages of that Bill to do

[LORD STEVENSON OF BALMACARA]

so. Today, could the noble and learned Lord confirm that while the report issued after the fit and proper assessment at the time of the last merger investigation was largely couched in terms of directorial duties, this report will deal with not only individuals but the corporate structures within which they operate and that the level at which “fit and proper” persons are concerned will be adjusted to make sure that it covers the responsibilities inherent in a corporate as opposed to an individual structure?

Many of the questions I raise today and which are raised more generally by the approach that the Government are taking—which, as I said, we welcome—would have been considerably aided had they been informed by the work that could have been done under part 2 of the Leveson inquiry. That has been delayed and, for reasons that the Secretary of State gave at a recent meeting in this House, cannot be reopened until such time as judicial processes going forward are complete. I understand that and do not seek to raise any questions about it. But I put it to the noble and learned Lord that the issues that are likely to be part of that review will be germane to what we are discussing today, and I wonder if he has any comments on that.

Finally, on the question of powers, the founding document for the investigations being announced today is the Enterprise Act 2002. The current thinking is that sufficient powers to carry these out are available to Ofcom and the CMA under the different regulations that affect them. But will the Minister confirm that the Ofcom investigation has the power to obtain documents and compel witnesses to appear before it? That power is available to the CMA but may not be explicit in the regulations that are operating this investigation.

**Lord McNally:** My Lords, I, too, welcome the Statement and the way that the Secretary of State is approaching her responsibilities in this regard. The big problem is that we have been here before. In many ways, we are dealing with an issue that we have faced many times—since the end of the war there have been five royal commissions on the press, and Leveson—and yet we still have these concerns about power and influence.

I am still haunted by the word that Mr Murdoch used at the height of the hacking scandal when he appeared before the Select Committee and said it was the humblest day of his life. I always thought that that was an odd word to use. It is not humbling, it is not regretting, it is not “I am going to mend my ways”. In fact, everything that has happened since has warned us that there has been no change in the approach.

Can the Minister tell us what were the points that Fox contested? It would be interesting to know how it contested what we thought a week ago was a very good Statement. As the noble Lord, Lord Stevenson, said, where does this sit in the timetable of other decisions to be made about Leveson 2 and about setting up one of the great prizes of Leveson—a genuine, low-cost arbitration system under Section 40? It is important that we look at this in a holistic way, not a siloed way. I also worry about the 40-day time

limit. We should not put false timetables on these decisions because we will be stuck with them for a very long time.

I welcome the Secretary of State’s emphasis on her assurances about respecting her quasi-judicial authority. Will the Government also guarantee that any meeting or communication between Mr Murdoch and the Prime Minister, or their emissaries, is made immediately public, as well as the record of any meetings that do take place? There is a long record of Mr Murdoch having access outside the direct ministerial responsibilities, in all the jurisdictions in which he operates.

The wording of the Statement gives us confidence but will the Minister assure us that we are in a process which is going to satisfy somebody he will be well aware of—the man or woman on the Clapham omnibus? When we get to the end of this process, will it feel right? Will it smell right? Will it look right? If it does not, we will have created another problem that we will have to face further down the road.

**Lord Keen of Elie:** I am obliged to noble Lords for their observations on this matter. I will begin with a number of points raised by the noble Lord, Lord Stevenson; first, the question of commitment to broadcasting standards. When one is looking at broadcasting standards, one can have regard to broadcasting by way of television and radio within the statutory context but of course when actually applying a test of commitment, one is looking much more broadly at the behaviour of a particular party. That would include their behaviour in the context of news media, newspapers and other related conduct. This is not a narrowly defined issue. Commitment to broadcasting standards will embrace the conduct of a party. A party includes corporate parties and their relevant behaviour but also of course the behaviour of a controlling shareholder of a corporate party, or even a shareholder with less than a majority interest but a material controlling interest in a corporate entity. I seek to reassure the noble Lord that the question of commitment to broadcasting standards is approached on what, I suggest, is a broad basis.

With regard to plurality and the publication of reports, I understand that the last report was published in December 2010. We will publish reports arising out of this intervention, albeit I understand that they may have to be redacted to some extent on the grounds of commercial sensitivity.

On the question of a fit and proper person being undefined, clearly there is a crossover between “fit and proper” and the question of the commitment to broadcasting standards. As I understand it, that is why Ofcom has expressed confidence in being able to respond to the Secretary of State by reference to not only commitment but the fit and proper test that applies under the Broadcasting Acts of 1990 and 1996.

With regard to Leveson part 2 there is little I can say, as the noble Lord, Lord Stevenson, anticipated, in view of the undertakings given to the court pending the final disposal of the application for judicial review—an application, I would add, which was made not by this Government but against them. As regards the powers of Ofcom under the 2002 Act, it has expressed the view that it has sufficient powers. But I note that it

does not, in the context of discharging its duty with regard to fit and proper under the Broadcasting Act, have the power to compel the attendance of witnesses. Nevertheless, where it requests their attendance or the provision of documents and witnesses and documents are not provided, that has a material bearing upon its assessment of commitment to broadcasting standards. Somebody who is not prepared to answer simple questions about how they would discharge their obligations as a licensee would throw into doubt whether they have a true commitment to those standards. That may appear a little circular to the noble Lord but it is essentially an effective mechanism by which Ofcom can control this process.

Coming to the observations of the noble Lord, Lord McNally, I am not going to enter into a debate about the definition of “humbling”. Nevertheless, it appears on the face of it that what occurred had hit home not only with the corporate structure—the shareholders—but with individuals who held those shares. It simply would not be appropriate for me to identify the contested points made to the Minister at this stage. The Secretary of State is going to carry out a quasi-judicial process, on the advice of Ofcom and the CMA. We have to await the outcome of that process. The noble Lord mentioned the 40-day time limit. Again, that is a statutory provision and Ofcom is confident that it can adhere to that time limit. We therefore feel that it is appropriate.

As regards guarantees with regard to meetings, I am not aware of any meetings being planned or proposed by Mr Murdoch. A quasi-judicial decision will be made by the Secretary of State and the noble Lord, Lord McNally, may accept my reassurance that there is no question of inappropriate contact from any party with the Secretary of State pending the determination of that decision. With regard to the gentleman and lady on the Clapham omnibus—as originally invented, I believe, by Lord Denning—we will have to await their response to this process. But we have confidence in Ofcom and in the CMA, and we will see in due course whether it is necessary to take this on to a phase 2 inquiry at the instance of the CMA. I am obliged to noble Lords.

1.05 pm

**Baroness McIntosh of Pickering (Con):** My Lords, does my noble and learned friend agree that one of the most worrying things about this link and takeover is the threat to the dominant position already enjoyed by Sky News, the *Times*, *Sunday Times* and *Sun* newspapers, as well as talkSPORT radio? This could impact on bidding for sports programmes, TV shows and movies, as well as eliminating potential competition in the news. I should declare an interest in that I spent six months as an intern—perhaps more glamorously called a stagiaire in French—in the European Commission’s directorate-general for competition. Does my noble and learned friend have the timetable for that investigation, which is ongoing, and the impact it will have on the Secretary of State’s decision?

**Lord Keen of Elie:** I am not going to make any comment that would touch upon the merits of the proposed merger but the European Commission will

of course take forward its inquiry into the competition aspects of this merger. My understanding is that the timing of that will fall within the time limit for the present investigation at the instance of the Secretary of State.

**Lord Lansley (Con):** My Lords, I welcome my noble and learned friend’s Statement. Perhaps I may elaborate on the question relating to the grounds for the intervention notice relating to the commitment to the attainment of broadcasting standards. That relates specifically to the standards as set out under Section 319 of the Communications Act on the content of programming for television and radio services. My noble and learned friend suggested that “commitment” enables one to go much wider on those grounds. However, it relates to the programming of television and radio services. If the question of commitment was raised in relation to something that did not relate to television and radio services, how could it be seen as directly relevant?

**Lord Keen of Elie:** I am obliged to the noble Lord for repeating an inquiry that he made at the time of an earlier Statement on this same issue, with reference to Section 319 of the 2003 Act. It does refer in particular terms to television and radio; however, I stress the use of the term commitment. In determining that more general issue Ofcom is confident—rightly confident, I suggest—that it can have regard to conduct in other areas of media. For example, the way in which a party has conducted its newspaper empire or whatever may be directly relevant, and indeed often will be, to the question of whether it has a genuine commitment to broadcasting standards when it comes to television and radio. I stress “commitment” as being important in this context.

**Lord Deben (Con):** I thank my noble and learned friend for repeating the Statement, which will cheer a lot of us in its wording and in the commitment to high standards. Is he not also willing to accept that in a world in which we appear to be post-truth, and where there is considerable opportunity for people to create fake news, the position of broadcasters as a source of ensuring that what one understands to be true is true becomes even more important? When we talk about broadcasting standards, therefore, this now means something in our society that is a whole stage further than any consideration which we have had before. I therefore commend my right honourable friend for taking these steps, which enable so careful a consideration to take place.

**Lord Keen of Elie:** I am obliged to my noble friend and agree with him that any test, such as the commitment to broadcasting standards, has to be contextualised and must have regard to the current circumstances in which we operate with regard to our media. That would include the development on the internet of sources of news which may or may not be misleading. We must judge matters in that context.

**Lord Brooke of Alverthorpe (Lab):** My Lords, I would be grateful if the Minister will endeavour to answer my questions, which I pose on behalf of the ordinary—“ordinary” is very much the in word these days—consumer. Does the Minister believe that the

[LORD BROOKE OF ALVERTHORPE]

ordinary consumer has the confidence in Ofcom and in the CMA that he and the Government share? I am worried about Leveson, but I do not believe that the ordinary consumer is that worried. If one looks at the research that is undertaken among ordinary consumers, one will find that their interests are in costs and how they affect their pockets and their purses. The question that they would want to know that Ofcom is exploring in this context is: what benefit will accrue to the public from this exercise? What saving in cost, if any, will accrue to the individual consumer?

The majority of consumers do not spend their time watching TV programmes on parliamentary activities and politics, but a very substantial and increasing number of people in our country spend their time watching sport. They look at what Ofcom has endeavoured to do on sport. Last year, Ofcom and the CMA endeavoured to introduce competition into that area of activity, and we all support that, particularly between Sky, which had a monopoly at one stage, and BT, but we have ended up in a rather strange place—although we have competition, overall consumers are now paying much more money than they paid before. They are having to pay for BT and for Sky, and they are seeing precisely what they were seeing before. There are marginally more matches, but effectively they are paying more. I subscribe to Sky. I pay more to Sky now for an inferior service. It provides less than it provided five years ago. This comes about through Ofcom's activities and its work in this area and also the work of the CMA.

I am endeavouring to represent and capture as best I can the view of ordinary people. Will the Minister say whether the cost side is being examined, what benefit will accrue and why the Government have such confidence? Ordinary people feel that the Government spend a lot of time chasing the BBC about its licence fee of £150 or thereabouts, but Sky is charging £600 a year now for sport, let alone for films and the rest on top of it. They see little taking place other than the Government falling in line with the requirements of Mr Murdoch and his company. I would like to hear some of those questions answered.

**Lord Keen of Elie:** I am obliged to the noble Lord. The question of cost relates directly to media plurality. The noble Lord suggests that because competition has been introduced into the market, he is paying more. That may appear to be an immediate effect of more than one provider, each with a cost base, dividing a limited resource, but nevertheless I respectfully suggest that a monopoly situation has never ultimately obtained in favour of the consumer, a point Adam Smith made some years ago.

## Commonwealth

### *Motion to Take Note*

1.13 pm

Moved by **Baroness Anelay of St Johns**

To move that this House takes note of the United Kingdom's relationship with the Commonwealth, ahead of the United Kingdom hosting the Heads of Government meeting in 2018.

**The Minister of State, Foreign and Commonwealth Office (Baroness Anelay of St Johns) (Con):** My Lords, the Prime Minister announced on Monday that the 2018 Commonwealth summit, comprising the Commonwealth Heads of Government Meeting, will be held in London and Windsor in April 2018. For the first time, Buckingham Palace and Windsor Castle will be among the summit venues. The UK and our vibrant capital city are ready to welcome the Commonwealth family for a very special week, which lies between the Commonwealth Games in Australia and Her Majesty the Queen's 92nd birthday.

The summit, together with strengthening our relationship with the Commonwealth, is a priority for this Government. Last July, I had the privilege of being appointed as the UK's Minister for the Commonwealth as an institution and as Minister for the Commonwealth countries in the Caribbean. I have therefore seen at first hand that the Government are working tirelessly both here in London at ministerial and official level and throughout our network of diplomatic posts across the Commonwealth to ensure that this unique family of nations fulfils its undoubted potential. This is not the work of just one Minister or one department alone. It is embedded across all government work. When my noble friend Lady Mobarik winds up this debate later today, she will refer to some of the important work carried out across the Commonwealth by the Department for International Development.

First, I would like to place on record my thanks to the usual channels for enabling this government-led debate to coincide with Commonwealth Week and the many celebrations on Commonwealth Day, including those special events which took place with the Royal Family, including the launch of the Queen's baton relay and a series of video messages from many of our high commissions setting out what the Commonwealth means to them and their host country. The fact that the Opposition agreed with the Government to use time in this way today shows there is truly cross-party support for the Commonwealth.

The Commonwealth is a truly extraordinary organisation. It is a diverse family of 52 countries spread over six continents and home to more than one-third of the world's population, a billion of whom are under the age of 25. Its strength lies in its diversity, its shared history and myriad connections between its peoples. This strength is further enhanced by its global reach and the strong common instincts of its members to nurture open societies and open economies.

As a well-established family of co-operating nations, with these combined strengths and shared values, the Commonwealth could, and indeed should, play a greater role on the world stage. We are determined to do everything we can to turn potential into reality. We would like to focus on two areas in particular: reforming the organisation to strengthen it as a force for good and boosting intra-Commonwealth trade to increase the prosperity of all our citizens.

Ahead of the summit next year, reform is a top priority. It is vital if the Commonwealth is to achieve its full potential. We want to see an effective Commonwealth Secretariat driving an agenda that

benefits the whole membership and also sets a standard and a model beyond it. That is why we fully support the secretary-general's reforms and the work she has undertaken. A reformed, leaner and more efficient Commonwealth Secretariat could do even more to meet the aspirations of its people.

The theme for the Commonwealth this year is "A Peace-building Commonwealth". It is an area where the organisation has historically made a strong contribution, from supporting a peaceful transition from apartheid in South Africa to helping to resolve maritime boundary disputes in the Pacific. It truly has a global reach. However, peacebuilding is not just about resolving conflicts; it is about preventing them in the first place. Violent extremism is a growing threat in many Commonwealth countries and to the wider world. It is an area in which co-operation and information sharing are vital. Since the last Heads of Government meeting, the UK, together with Australia, has part-funded the establishment of a new Commonwealth countering violent extremism unit. It started work in January and will enable members to share expertise and strategies to protect their citizens better. This is a demonstration of the Commonwealth adapting to tackle the challenges of the day.

The Commonwealth could also have a positive impact on good governance worldwide. The values of freedom, democracy, human rights, development and prosperity are all enshrined in the Commonwealth charter. It states,

"international peace and security, sustainable economic growth and development and the rule of law are essential to the progress and prosperity of all".

We believe that the Commonwealth could help to promote these values to the wider world by drawing on its own experience.

How have we acted to support that work? Over the past seven months, I have held a series of discussions with Commonwealth Ministers and high commissioners, not only in this country but in their own countries, at the Human Rights Council in Geneva and at the UN in New York. Just last month, our UK ambassadorial team in Geneva convened Commonwealth countries to discuss priorities ahead of the Human Rights Council, which is meeting in March. This was an effective way of increasing the profile of the Commonwealth at the Human Rights Council. We want to see the power of the Commonwealth used more in this way and transform words into actions.

Last week, I had the real joy of meeting the chair of the British Youth Council, which works to empower young people under 25 to influence the decisions that affect their lives. The Commonwealth charter recognises the critical role of young people in the future success of our Commonwealth. The UK worked with the British Youth Council to help to establish the Commonwealth Youth Council in 2013, which serves as the official representative voice of young people across the Commonwealth. The Government will continue to place a strong focus on youth engagement and will ensure that issues that are important to young people living in the Commonwealth are an integral part of the Commonwealth summit next year.

It is clear that many member states share these aspirations to reform the organisation and increase its global influence as a force for good. The Government want to use the 2018 Commonwealth summit to turn all our aspirations across the Commonwealth into a reality. That work is already under way, and I will speak more about that in a moment or two.

Our second focus is on seeking to strengthen our relationship in the matter of trade. Boosting trade within the Commonwealth is a key element of our vision for a global Britain as we leave the European Union, as the Secretary of State for International Trade set out clearly at the Commonwealth Trade Ministers meeting last week. It will meet the Prime Minister's aim of reaching out to partners across the globe. It will also boost prosperity throughout the Commonwealth by spreading economic growth and opportunity.

Trade between Commonwealth countries is expected to reach \$1 trillion by 2020. It has consistently grown faster than the global average and we see significant scope for more growth. Furthermore, it costs, on average, 19% less to trade within the Commonwealth than outside it. That is a huge advantage, and something that we should all seek to exploit more effectively. That is why we supported calls at the Malta Heads of Government meeting for a Commonwealth Trade Ministers meeting and why we were delighted to co-host with Malta the inaugural meeting in London on Thursday and Friday last week.

The fact that Ministers and representatives from more than 35 Commonwealth countries travelled to London is a testament to the importance that Commonwealth countries place on enhancing trade and investment. There was consensus at the meeting on the potential to increase trade and the need to facilitate business-to-business links. There was also agreement to improve co-ordination between Commonwealth Governments, institutions and the private sector. Those private sector representatives who attended the meeting recognised the opportunities that trade within the Commonwealth represents, and they were very keen to engage. We will be working closely with them ahead of the next Commonwealth Business Forum in 2018, which will be held alongside the Commonwealth summit. It was noticeable that, at a time of rising protectionism around the world, Ministers reaffirmed the importance of open trade, free markets and a rules-based system.

I want to take this opportunity today to thank my noble friend Lord Marland, as chair of the Commonwealth Enterprise and Investment Council, for organising the first day of that two-day Commonwealth Trade Ministers conference last week and for working so hard to ensure its success. The meeting was an outcome of the 2015 Commonwealth Business Forum held in Malta. We were pleased therefore to be able to provide Lancaster House as a venue, and the Secretary of State for International Trade, the Minister for Trade Policy—my noble friend Lord Price—and I were delighted to attend. I also put on record my thanks to the honourable Kamina Johnson Smith, Foreign and Trade Minister for Jamaica, for her support in arranging and co-chairing with me on Wednesday

[BARONESS ANELAY OF ST JOHNS]

last week a meeting between Cariforum Trade Ministers and UK Ministers, namely my noble friends Lord Price and Lord Bates.

However we describe the work that has happened so far and the work that lies ahead for all of us, it is clear that the Commonwealth faces challenges: reforming its institutions, raising its international profile and boosting trade, all of which are crucial. The next summit is an excellent opportunity to take all this work forward, building on the success of Malta 2015. It is also an opportunity to strengthen our relations with the rest of the Commonwealth and to showcase global Britain.

In hosting the summit, our primary aim will be firmly to reposition the Commonwealth as an organisation of global importance in the 21st century. We plan to take a creative and innovative approach to deliver that aim: for example, by using social media to engage youth across the Commonwealth and taking a fresh look at the format of the summit itself. We are encouraging new thinking across the Commonwealth and the whole of government, working in close partnership with the Commonwealth Secretariat, with parties in this House and another place, and with Commonwealth parliamentarians more widely, as well as with business, non-governmental bodies and civil society. Civil society will be absolutely crucial in the part it plays.

We have created an inter-ministerial group on the Commonwealth, chaired by the Foreign and Home Secretaries, which will be supported by a cross-government unit at the Cabinet Office, led by the Prime Minister's chief executive officer for the Commonwealth summit, our experienced FCO diplomat and former ambassador Tim Hitchens. Under his guidance, ably supported by a cross-government team, we are already rapidly stepping up our engagement with member states and partner organisations, to listen to their views and aspirations, not only for the summit itself but for our Commonwealth chair in office until 2020, and for the future legacy of the organisation beyond that.

I have already made ministerial visits to a number of Commonwealth countries; for example, Barbados, St Lucia, St Kitts and Nevis, Sri Lanka, Kenya and Uganda. In all of them, I have had productive discussions with their Ministers, setting out the UK's high ambition for the Commonwealth summit and the importance of their engagement in making it a success. I shall shortly make further visits to Commonwealth countries in the Caribbean and will be delivering the same message. That is part of real consultation—not paper, but listening and acting on it.

The high level of UK ministerial engagement with Commonwealth countries underlines the priority we give to the organisation. In recent months, the Foreign Secretary has visited Pakistan, India, Ghana and the Gambia—where he gave his strong support for President Barrow's ambition to bring his country back into the Commonwealth. Mr Sharma has been to India, Bangladesh, Pakistan, Australia and New Zealand; Mr Ellwood has visited Rwanda and Nigeria; the Secretary of State for International Trade has been to Canada and India; and the Trade Minister, my noble friend Lord Price, has been to Australia and Singapore.

We are also working closely with the Commonwealth secretary-general and other member countries to develop the summit agenda. We will be drawing on our support for and engagement with all Commonwealth members, including the particular perspective of the small states, to ensure that the agenda reflects their interests. The Foreign and Commonwealth Office, the Department for International Trade and the Department for International Development are working with the Home Office and all other departments together, and closely with the Commonwealth Secretariat. I pay tribute to the secretary-general for her drive and initiative and very much look forward to continuing to work with her.

We will also work with our fellow members around the Commonwealth, and all the organisations that make up the Commonwealth family, to ensure we make the 2018 summit a success and to show a Commonwealth that is forward looking, revitalised and relevant to the new generations that have grown up since its formation—a Commonwealth that can play an essential role in resolving some of the world's greatest challenges and can build inclusive prosperity for all. That is our ambition for the next summit, and we intend to work tirelessly to achieve it.

Last Monday I had the privilege of attending the Commonwealth service in Westminster Abbey. I was delighted to see the prominent role played by my noble friend Lord Howell, who took part in Her Majesty the Queen's procession as president of the Royal Commonwealth Society. Her Majesty ended her address by reminding us that we can all find,

“further reward and fulfilment by continuing to collaborate with others in a spirit of goodwill to build a peaceful and abundant future for all Commonwealth citizens”.

In that spirit, I beg to move.

1.30 pm

**Lord Scriven (LD):** My Lords, I thank the Minister for bringing this timely and important debate on our future relationship and leadership role with the Commonwealth. As the Minister will be aware, and as noble Lords may be aware, the Foreign Office has five principles for its priorities for the Commonwealth. I hope all five will be promoted in our leadership role at the Heads of Government event that will take place in 2018.

The third of those priorities is “Promoting Human Rights, Democratic Values and the Rule of Law”. I want to highlight to noble Lords one area in that category:

“Promoting tolerance, respect, understanding, moderation and religious freedom for all Commonwealth Citizens regardless of race, gender, religion, physical ability or sexual orientation”.

It is important to raise that because while both trade and the structures of the Commonwealth are important, they are meaningless if the human rights of every single individual in the Commonwealth are not upheld. That must be a leadership role that we play. I understand that there is a very thin tightrope to walk in terms of not being seen as a western nation lecturing others where human rights may not be upheld. We must be supportive and encourage civil society, but at the same time show leadership and speak up when leadership is needed.

We talk about having shared values and beliefs, and working together across the Commonwealth on joint issues, and we sometimes we speak as though we in the Commonwealth are a homogeneous group, but clearly we are not. For example, would we in this House, or indeed most people in this country, say that gay people were disgusting? Would we say that homosexuality was unnatural and not a human right? Those are the words of certain Presidents in Commonwealth countries. Would we, as certain states in Nigeria do, have the death penalty for people who are gay? Would we want to see life imprisonment for people who are gay? Would we want to publicly name and shame people in the press for being gay, knowing that their lives, livelihoods and families were often at risk, purely because of the person they loved? I think the answer is no, and therefore we need to speak up—maybe a little louder than we do now, and maybe using our leadership role at this conference to ensure that these issues are central rather than seen to be muted.

I know the Minister has been superb on the issue of gay rights. There is no doubt about that at all, and all civil society organisations in the UK attest to that. However, maybe she is ahead of others in the Government, and we need to see the same leadership from everyone in the Government on this issue. I ask noble Lords to imagine that this was not about someone's sexuality but that those same things were being done because of the colour of someone's skin, their gender or their disability. Not only would we be outraged, as many of us are with regard to sexuality, but I think we would be a little stronger in pushing members of the Commonwealth and the Government to uphold human rights.

I ask the Minister to ensure that these issues are central. You cannot have good relationships within a family unless everyone in that family is respected and treated equally. We must remind members of our family that they need to do more, not by lecturing but in a way that is supportive and brings in others. I will come back to that in a moment. I draw the House's attention to the progressive words of the Prime Minister of Malta, Joseph Muscat, who spoke at the Commonwealth Day service at Westminster Abbey on Monday. He said:

"I want to single out respect for LGBTIQ persons. The lack of it in a remarkable number of our countries is, arguably, a considerable blot in our family of nations' standing. I have had conversations and am aware that there are leaders who know things must change, but are wary of how society would react to their first move. To them I say that the Commonwealth will be with them to help them make the first bold steps. History, I am sure, will judge them positively when they do so".

I thought it was particularly brave of that Prime Minister to raise such issues when it was difficult. I hope and ask that at every opportunity our Government, in the leadership role in 2018, raise with absolute clarity the issue of LGBTIQ persons in the Commonwealth in the way that he has done.

We in the Commonwealth are a family of nations. When families have disagreements, there are different ways of dealing with them. You could lecture, though that is not always necessarily the best role. You could put people on the naughty step, which is also not always the best way forward. You can debate and you

can discuss, which I am asking the Minister to do, but maybe you could also bring in the extended family to help—in this case, the extended family are the activists and civil society who support LGBT individuals who are persecuted in areas across the Commonwealth—to ensure that our family becomes a progressive one, and that all people are seen as equal and respected within that family of nations.

I shall give the Minister some suggestions for how this could be done and will ask specifically whether the Government will agree to these kinds of issues. I particularly thank the Kaleidoscope Trust, which has briefed me very well. It is one of the civil society organisations here in the UK that works across the Commonwealth with civil society groups to promote the equality of lesbian, gay and transsexual citizens. As the Minister will be aware, the Kaleidoscope Trust and its partners in the Commonwealth Equality Network have a strategy to implement, between now and the 2018 Heads of Government Meeting, an action plan, which is kindly being funded by the Foreign and Commonwealth Office. However, there is no funding to implement the action plan, so we may have a plan with very little action because the money is not there. Will the Government commit to fund the action plan that the CEN comes up with to ensure that the things that could happen to strengthen human rights across the Commonwealth can be implemented?

The CEN would also like the UK, potentially with other like-minded countries, to announce a ring-fenced funding stream to be held by the Commonwealth Secretariat to support the reform of outdated criminal laws—not just on sexuality, but any outdated criminal laws. I ask the Minister if the Government, in their leadership role, would also look at a ring-fenced fund to help to ensure that outdated laws are repealed and that, again, there is a fund to help civil society in that.

It would be helpful if the language that the CEN uses were to be included in the leaders' communiqué. Language is very important. The very fact that these issues are being raised in a sovereign Parliament in the Commonwealth will give strength not only to those in civil society who are fighting for this but to individual people who feel worthless or as though they do not have a voice. That is why it is important that the language of the communiqué should reflect some of the language used by the CEN.

In some of the plenaries and side events during the event, some of the civil society forums on subjects such as business, people, women and youth, which have been identified, have an LGBT element. It is important that that is not sidelined and marginalised in the plenaries and the civil society organisations.

My time is nearly up. I finish by saying that history will judge this family of nations and the leadership role that we take not just by what we say and not just by how we trade, but by what we do to support all people within our family of nations to be equal. That is why I ask that priority be given to human rights, particularly to LGBT citizens, and that they are not secondary to a trading bloc.

1.40 pm

**Viscount Waverley (CB):** My Lords, I rise with nostalgia. My first endeavour as a new boy in your Lordships' House was to table a Motion calling attention to the importance of the Commonwealth. I warmly encourage closer working relationships with the Commonwealth, noting that the UK enjoys reciprocally beneficial membership of this invaluable intergovernmental organisation of, as the Minister reminded us, more than 2 billion people in 52 countries spanning six continents.

The UK has received unstinting support over the decades—including in military conflicts, disaster relief and its role as a permanent member of the UN Security Council—from the Commonwealth family of nations. Our distinguished Commonwealth partner country, Malta—now president of the Council of the European Union—hosted the most recent Heads of Government meeting in 2015, exploring the theme of “The Commonwealth: Adding Global Value”. It was a timely and relevant theme for this leading Commonwealth country—ours—as we stake out the Brexit ground. We, too, must seek to add value globally.

When we joined the EEC in 1973, our formal bilateral trade, aid and investment relations with Commonwealth countries—the Commonwealth preferences scheme—ended. Picking up a theme of the Minister, subsequently, under the Lomé convention, the Cotonou agreement and the economic partnership agreements, Commonwealth trade was notionally with the EU but headed primarily for British markets.

Political hay has sometimes been made of punishment that the UK might receive because of our vote in the recent referendum. Will any such punishment extend to our Commonwealth partners? Thirty-six of them are small countries with small markets lacking the negotiating clout to fight their corner with the Commission. Will Malta and Cyprus, joint EU and Commonwealth members, help them to consolidate their position, or will they be hampered by their own small state status? It is possible—I put this thought in the minds of government negotiators—that we can create a Commonwealth free trade area compliant with WTO rules. However, that would require considerable political will and expertise to modify existing rules of other customs unions to which members may also belong.

There is both an economic and a moral imperative to address this issue during the impending Brexit negotiations and beyond. Media reports sometimes dismiss Commonwealth trade potential, yet intra-Commonwealth trade could reach US \$1 trillion by 2020, as the Minister also reminded us.

Opportunities await us. Commonwealth target growth sectors are financial services, technology, infrastructure, healthcare, tourism and sustainability. We in the UK are leaders in each and every one of those fields. Consider the welcome impact we could have in ensuring greater access to green technologies across the Commonwealth, particularly in areas plagued by natural disasters and sea level rise attributable to climate change.

Our expertise in the field of education is well recognised, as are the financial, research and cultural contributions to our country of increased numbers of international students and faculty—in significant numbers, from Commonwealth countries. Not only can this sector be enhanced here at home, but there is also significant comparative advantage for exports of technology, expertise and institution-building skills.

There exists much scope for our SMEs to enter and thrive in those Commonwealth markets, with access and performance eased by harmonised legal, regulatory and language frameworks—a happy circumstance described as “the Commonwealth advantage”. Many SMEs have not exported to the EU in part because of bureaucratic burden. They could and should now seize every opportunity offered for trade within the Commonwealth. I welcome the inaugural Trade Ministers meeting and the recognition of the timely benefits of improved intra-Commonwealth trade, industry and investment. The secretariat and the CFTC are well placed to co-ordinate Commonwealth business requests centrally, while Her Majesty's Government can officially support Commonwealth development finance initiatives, such as the trade finance facility, that dovetail with their own. That is mutually beneficial.

Why is it important to engage at this level? There is far more at stake here than just the trade numbers, attractive though they are. The Prime Minister of Malta, speaking to Heads of Government at the most recent CHOGM, reminded us of the Commonwealth's youth who, just like ours, can easily become aggrieved by being out of the loop, alienated by lack of respect, a poor standard of living and unemployment—and as easily seduced by extremist propaganda. Prime Minister Muscat pointed out:

“Terrorists are more scared of well-educated girls and boys who manage to get a good job than they will ever be of any army”.

Look no further than to the heartrending affair in Nigeria's north-east.

We therefore have a shared interest in seeking to improve education and job opportunities for our young at home and, importantly, across the Commonwealth. To do so would assist in reducing migration—irregular or otherwise—by mitigating the conditions propelling peoples to flee their home countries. In turn, perilous journeys to the European mainland could be reduced, far right policies would have less traction and people traffickers would be put out of business. That is a win-win situation, well within our grasp.

I conclude, as I did in 1994, with the wisdom of Mr Arnold Smith, the first Secretary-General of the Commonwealth, when he remarked:

“100 years from now, I suggest, historians will consider the Commonwealth the greatest of all Britain's contributions to man's social and political history”.

I trust that today, the message will travel Commonwealth-wide: your partner and friend is back.

1.48 pm

**The Lord Bishop of Derby:** My Lords, I thank the noble Baroness, Lady Anelay for her introduction and her leadership in international development matters and, now, the Commonwealth. I want us to think of



the Commonwealth as a global community which, like any community, will have very mixed ingredients, as we have already heard. Although it is important in our present moment to look at the potential for trade and its enriching, I want us to look at the wider context in which the meeting is happening and what the agenda for the Heads of Government might be to be fruitful.

I give your Lordships some headlines about the context in which the meeting in 2018 will almost certainly take place. We are moving into a time of increasing uncertainties about political values and identities—one where there are uncertainties about the liberal democratic institutions that so many of us have taken for granted. We are moving into a time of uncertainty about the viability of human rights. It seems to me that as the rhetoric and the noise about human rights get louder, there is more and more inequality, exclusion, poverty and suffering. We are moving into a time of populism, which is a mood expressing an emotional explosion from people but has no political shape or direction. That creates frustration and instability. We are moving into a time where the way to gather political consensus is to have a negative that people can all join in opposing. These are very testing times. This will be a unique meeting of leaders of 52 countries to make an impact in that kind of world.

I invite us to think positively, as the noble Viscount, Lord Waverley, has, about the Commonwealth and its potential, and for this meeting to be a significant moment in these testing times. The first thing I remind us of is that the Commonwealth is connected by common DNA and a common head. I stand here as a Bishop in the Church of England. Noble Lords will know that the Church of England is always rent apart by all kinds of disputes, different angles and different perspectives. That is almost inevitable because we represent all the people of the country. But we have a common head: the Queen is the Supreme Governor of the Church. That is a very powerful sign that whatever our differences and struggles, they need to be tackled in an ordered way under a common frame. The Commonwealth models that in the politically challenging world in which we are set: the importance of a holding loyalty, a common DNA and an ordered development, despite all the differences on the ground that people might bring to the table.

The second thing I want to commend about the Commonwealth is that by definition it is full of cultural and religious pluralism—the very things that test our understanding of who we are and what the political task is. India would be a good example of a struggle with cultural and religious pluralism. The Commonwealth has a charter, which is an invitation to subscribe to and go in a direction together that gives space for people to access it in their own way. There is a realism and maturity about that. As the noble Lord, Lord Scriven, said, there are different speeds and aspirations about human rights and LGBT people. We have to recognise that that is where we start from. The idea of the charter and the words the noble Lord quoted at the beginning of his speech give a common sense of direction and challenge all those in the charter to try to pursue it.

We live in a world where religious tensions make us see religion as negative, but many of the partners in the Commonwealth are places of deep spirituality and strong faith values. We need to see how that human spirit that desires faith and goodness can be nurtured and held together politically and economically. I invite noble Lords to think about a religious word. We live in a world that I see as a contract: “I’ll do this and you do that and we’ll try to find a way of making it work”. A religious word for holding people together is covenant, which is about the spirit in people that can unite them and give them a sense of direction. It was the word “spirit” that Her Majesty used on Monday in her address. I hope that leaders can show a spirit and exemplify it on the world stage, despite the differences of speed, aspiration, history, culture and religion—a spirit of the covenant to be walking together. That is a very profound thing that the Commonwealth has in its DNA. It is not prevalent on the world stage and it could be easily swept aside if we look just at trade, where we do need a contract to get the money we are due in the exchange. There is a deeper register that the Commonwealth can model.

I have another point on scale. The Commonwealth is 52 countries—what a huge bloc within the United Nations, which is 192 nations. How can this meeting galvanise that bloc about the sense of direction and the generous values and goodness in our DNA that is willing to have an ordered element under a common head? How can that help the United Nations get some purchase in this very challenging world?

That brings me finally to the sustainable development goals. That is a global agenda. This meeting could be a public laboratory on how 52 of the most diverse nations can look at the sustainable development goals and say, “We can make a difference in these ways”. I am involved in a movement called the Global Sustainability Network, sponsored by the Vatican, the Church of England, Muslim leaders and many others, trying to look at goal 8 on sustainability and modern slavery, which the Pope brought together in his encyclical *Laudato si’*. The Commonwealth is a very interesting place where sustainability, slavery, migration and trafficking could be looked at. All the ingredients and complexities are present, but this sense of covenant and common commitment might get some political purchase in the real world.

I welcome this opportunity of hosting the Heads of Government. I hope there will be some important work on trade, mutual flourishing and developing the institution creatively. I hope we will remember that the Commonwealth needs to be celebrated as a community with a covenant and with a sense of direction the world badly needs to see modelled positively and well.

1.56 pm

**Lord Howell of Guildford (Con):** My Lords, I declare an interest as president of the Royal Commonwealth Society and chair of the Council of Commonwealth Societies. I greatly welcome this debate and the heightened interest it reflects in the Commonwealth and its development. Indeed, I congratulate my noble friend Lady Anelay on the personal contribution she has made to this developing interest. It has been enormous

[LORD HOWELL OF GUILDFORD]

and we should recognise that. I greatly welcome all of the excellent speeches that have been made so far this afternoon—and there are many more to come.

Some people have somehow related the Commonwealth's future to our present dilemmas and debates about how Brexit will work out and about the single market. I have never seen the Commonwealth as in any way a substitute for access to the single market—which, of course, all countries have and we will continue to have, although we hope with some special arrangements now to be negotiated. The two bodies are totally different in character, origin, structure and relevance to the UK economy. While the EU is a political construct, the modern Commonwealth is an organic growth. While the EU is a mixture of supranational tendencies and intergovernmental co-operation developed with great skill over the years, today's Commonwealth draws its strength from the extraordinary connectivity at countless non-governmental levels that a common working language, common legal procedures, common accounting and commercial practices, cultural links of all sorts, a shared history and perhaps above all shared values allow and reinforce. What has emerged is a grass-roots-driven structure that could prove to be surprisingly more suitable to the expansion of trade and exchange in the digital age than the more dated trade blocs with a heavy top-down bias towards centralisation, scale and integration.

When the Commonwealth Trade Ministers met last week at Lancaster House in London for the first time ever, under the inspiration and leadership of my noble friend Lord Marland and with heavy support from the City of London, I heard some voices questioning whether this was really worthwhile. Some people said that the Commonwealth was not a trade bloc and never would be. That is right—I do not think so, anyway. Some asked what possible common interest there could be between giant nations such as India and the many small island states of the Commonwealth, and what the UK's economic interest in such a disparate grouping could be.

What those doubters were and are ignoring is that the nature of global trade has changed in the last decade radically, fundamentally and disruptively, and is continuing to do so fast. In effect, in what people call a fourth globalisation, production has become largely internationalised, with separate stages and processes being spread between different countries in a maze of new global value chains. Gone are the simple days when one country made a product and exported it to another, or one country imported raw materials and then churned out finished goods. The bulk of emerging market trade now is between each other—with one another. That is a vast change in the last two decades.

McKinsey has calculated that the soaring trade flows of data and information connecting up this transformed world of fragmented and dispersed production actually generate more economic value than the whole of global goods trade—which is a vital point for us here in Britain, given that we are an 80% of GDP service economy. These are conditions in which like-minded countries, with minimum language and culture barriers and maximum similarities in legal and commercial procedures, are bound to be the winners.

This is the serendipity of the scene: by luck as much as by good judgment or planning, the modern Commonwealth network fits like a glove on this new pattern and framework. That is the message that came over so strongly at Lancaster House last week, and it is a message that certainly my noble friend has accepted and that the Government as a whole have now grasped. Even some of the media may have grasped it; even the BBC may have grasped—faintly—what is happening.

I greatly welcome the development of this planned approach and pathway to the Commonwealth summit in the spring of next year, and I greatly welcome the appointment of a powerful Cabinet Office team, led by Tim Hitchens, to oversee—on a government-wide basis, not just on foreign policy, and in association with non-government agencies—a whole range of activities leading up to the occasion. Of course, I also greatly welcome the decision of Her Majesty the Queen to make Buckingham Palace and Windsor Castle available for Commonwealth summit events for the first time in history.

One further consideration is that we have now the colossally expanded dominance of China trade in the supply chain nexus, as the one belt, one road programme opens up central Asia. It is the biggest investment in history, labelled now at \$3 trillion—but possibly it will go further than that. When you add that to the pattern that I have described of digital trade transformation, it really becomes blindingly obvious just where trade strategies should be taking us—in other words, towards the closest possible ties with our friends old and new, in Asia, Africa and Latin America. Of course, the Commonwealth network is not that only beneficiary of this new trade landscape, but with English as the working language and with dozens of Commonwealth-wide professional links, with a network of 530 universities operating within a linked Commonwealth system and with a ferment of digital exchange of deals and initiatives expanding daily, it cannot but be the ideal and superbly fertilised seedbed in which both trade and investment of every sort are bound to flourish.

I will make one more point—in fact, more than one point—in the time available. The WTO rules have been downgraded by some people, but in fact they permit and encourage this new kind of trade rather efficiently. I commend for study the WTO trade facilitation agreement, which came into operation only last week and which offers still further encouragement and opportunities for open and free trade for everyone. That is what brought the Commonwealth Ministers together last week—and that answers the question of why they have not come together before. Unsurprisingly, this new momentum is attracting interest in the Commonwealth club from a growing number of other countries that would like to be in some way associated with it—one striking example being the Republic of Ireland. I hope that Ministers in our Government and the secretariat will consider its interest favourably.

There are other surprising interests. From Washington under the new President came word that they would like to know more about the Commonwealth. Indeed, I can report that the Royal Commonwealth Society has been encouraged to set up a branch in New York—and that is steaming ahead. On a lighter note,

through the noble Lord, Lord Alton, this morning I had a note from Liechtenstein asking what chance it had of joining the Commonwealth. So the word is around that this is a club worth joining.

Some time ago, the head of the Commonwealth, Her Majesty the Queen, with more percipience than many of her Ministers, described the modern Commonwealth as,

“in lots of ways, the face of the future”.

The description and prediction are both right and far-sighted. It could be said that, while the recent London assembly of Trade Ministers and the planned Commonwealth summit next year are about the future, the negotiations about to commence in Brussels to reform our relationship with the old EU into a new one are more about reforming the past than building this new future that is emerging.

I have one more comment to make in the minute that is left. Although so much of the Commonwealth is non-governmental, we need a strong and supportive secretariat. There is absolutely no doubt that there has been a campaign of vilification, largely unfair, against the Secretary-General, when she has been trying to do her utmost to reform and streamline the Commonwealth Secretariat organisation. Those who have indulged in this or gone along with it should examine their motives. We want a free press to print facts and opinions, not vicious and distorted rumours and abuse.

We live in a world falling apart yet coming together. The information and communication revolution, as it continues to unfold at breakneck speed, connects people and interests on a scale never before seen in world history. At the same time, it triggers powerful forces of devolution, separatism and rejection of central authority from which no country is immune, including ours and others in Europe. Within this unsettled and dangerous context, the Commonwealth, with its self-binding tendencies and common ties, reinforced by information technology, assumes a more central role not just for the United Kingdom but for the cause of global peace and security generally. For the UK in a post-Brexit world, the case for a decisive strategy of redirection, not only of trade and investment but of linkages of all kinds and both ways, towards the Commonwealth and developing country markets of interests, now assumes the highest priority.

2.07 pm

**Lord McConnell of Glenscorrodale (Lab):** My Lords, I, too, thank the noble Baroness, Lady Anelay, for introducing this debate so well and for all the incredible work that she does on behalf of this country and with our partner countries in the Commonwealth, and congratulate Ambassador Hitchens on his appointment to this important role. He is a superb ambassador who will do a fantastic job, and I am sure he is absolutely delighted to be taking on something so positive at the moment, when there may have been other options elsewhere in the Government.

One of the early pleasures I enjoyed as Education Minister in the Scottish Government in 2000 was attending the Commonwealth Education Ministers' summit in Nova Scotia. Rather cheekily, I invited the Education Ministers to hold their next summit in

Edinburgh in 2004. Little did I know then that I would be First Minister by the time they arrived. We organised alongside the education summit the Commonwealth youth assembly, which was the first of its kind, and which I think to this day is repeated as part of the education summit, turning a fairly stale occasion when Education Ministers simply swap information about their various initiatives in their own countries into a much more lively and dynamic occasion about the future of these young people. Perhaps that model of engaging young people across the Commonwealth is an idea the Government might be willing to take on board for CHOGM in the UK in 2018.

I think we would all agree that the young people of the Commonwealth, as across the world, will determine the future and deal with many of the problems mentioned by the right reverend Prelate the Bishop of Derby. The new United Nations Deputy Secretary-General, Amina Mohammed, has made it clear that we must,

“empower youth to participate in and shape the political and economic lives of their countries and communities; to be the agents of peace and development”.

In this year of peacebuilding for the Commonwealth, one of the most perceptive comments has been made by the Commonwealth Young Person of the Year, Achaleke Christian Leke; I hope I pronounced his name correctly. He is from Cameroon and leads an organisation called Local Youth Corner Cameroon, which is engaged in peacebuilding and countering violent extremism in that country. To mark Commonwealth Day, this week he said that peacebuilding comes from the heart—that we cannot just rely on Governments to engage in peacebuilding, but that if we all engage in it we can make the world a better and more peaceful place. That resonated with me because the Commonwealth, while it has over the years engaged in conflict prevention and occasionally conflict resolution, could do so much more in that area. I sincerely hope that 2017—this Commonwealth year of peacebuilding—will not be a one-off; peacebuilding has to be at the core of the work of the Commonwealth not just this year but in the years to come.

As part of the sustainable development goals—I think they are now called the global goals for sustainable development—the United Nations member states agreed goal 16, which is to:

“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

If that is not a core purpose of the Commonwealth in the 21st century, I would like to know what is. As our own ambassador to the United Nations, Matthew Rycroft, said recently, following a visit to the Lake Chad Basin, you have only to visit a place like it to understand just how important goal 16 is. With a United Nations that is perhaps overloaded with conflicts around the world to resolve and sometimes prevent, and with perhaps a challenge now to continental-based multilateral organisations following what has happened recently to the European Union, international co-operative organisations such as the Commonwealth could step up and help much more with the international effort on goal 16. The building of those democratic, stable, reliable institutions and the proper execution of

[LORD MCCONNELL OF GLENSCORRODALE]

the rule of law would fit well with the Commonwealth charter, but also with the challenges faced in our world in what are still the early years of the 21st century.

We need to remember that while we might have a moral duty to speak up for peace and justice in the Commonwealth, we also have a moral responsibility to development. The Commonwealth contains many of the poorest countries in the world. In Malawi, the twin threats of climate and population change are yet again this year causing serious issues, not just of poverty but of hunger. In Cameroon, the increase in population has negated much of the economic improvement there and, of course, the spillover of the conflict in Nigeria is affecting millions in that country. Nigeria—a wealthy country in many ways—still has the third-highest number of people living in poverty of any country in the world. Swaziland has one of the highest levels of HIV/AIDS in the world, and Mozambique one of the highest levels of malaria. Those problems and others are replicated in parts of India, Pakistan and some countries in the Caribbean and among the Pacific islands.

That means that our responsibility as a United Kingdom is not just to trade with the Commonwealth, but to ensure continued development of those countries in the Commonwealth. I worry that, at times, some of the more enthusiastic supporters of Brexit over the last year or two have sounded as though they would like to return to the days of the 19th and 20th centuries when we exploited the countries of the Commonwealth rather than worked with them as partners. It is critically important to recognise that, while we can trade with some countries in the Commonwealth on an even-handed basis, other countries in it need the building of a safe and secure business environment—the capacity-building that ensures that—before we are able to trade fairly with them. We need to approach that agenda with determination but also with humility, remembering our legacy and history, not just looking to serve immediate British economic interests in the short term.

Finally, I want to touch briefly on the great celebration that is the Commonwealth Games, which will happen next year alongside the Commonwealth Heads of Government Meeting. I had the immense pleasure last week of meeting Kate Jones, the Minister for the Commonwealth Games in Queensland, Australia. If her energy and enthusiasm are anything to go by, the Gold Coast Commonwealth Games next year will be a very successful and enjoyable occasion. I will always remember the tears of Bobby Charlton in Manchester when he saw his city transformed by an event that put it on the stage globally; the first night in the swimming pool in Melbourne, when Scotland led the medals table at the heart of swimming down under; and, in particular, the fabulous Games in Glasgow in 2014—a spectacular sporting and cultural festival that did so much both for the city and for great relations among the young people of the Commonwealth. Next year, we will have that opportunity again. Kate Jones asked me to invite in this debate Members of your Lordships' Chamber to take the opportunity next year to visit the Gold Coast and Queensland and enjoy the experience for themselves. I hope that many noble Lords will do so.

2.16 pm

**Baroness Benjamin (LD):** My Lords, I declare an interest as a vice-president of the Royal Commonwealth Society, and I thank the noble Baroness, Lady Anelay, for securing this important debate. I am a great admirer of her work at the Foreign and Commonwealth Office and I appreciate her personal commitment to strengthening the Commonwealth, which is very close to my heart. That commitment will surely only gain in importance as Britain looks to a new future outside the EU. However, I raise an issue on which I would like a change of approach from the Government ahead of the Commonwealth Heads of Government Meeting next year. That issue is frozen British state pensions, about which I have spoken several times in this House.

The freezing or active exclusion of some British people who live overseas from the annual uprating adjustments to state pensions is a national shame and a great injustice. It could affect any British citizen. The impact is predominantly felt by recipients living in the Commonwealth. In fact, of the 550,000 British state pensioners living with a frozen pension worldwide, 520,000 live in the Commonwealth. That includes 247,000 in Australia, 144,000 in Canada, 65,000 in New Zealand and 36,000 in South Africa. There are substantial numbers in other countries too—India, Pakistan, Nigeria, Malaysia, Antigua, St Lucia, Montserrat and other overseas British territories. The list goes on and on.

Let us be very clear. As a country, we, like other modern nations, rightly recognise that entitlement to a state pension should continue when a person moves overseas. That entitlement is linked to national insurance contributions made over the years, not to place of residence. But Britain is currently alone in our uniquely inconsistent approach when it comes to uprating policy. While our pensioners at home benefit from the triple lock, our pensioners overseas face a bewildering lottery of entitlement. Those who live in the EU, or more accurately the EEA, are protected by the social security provisions of the single market, and continue—at least for now—to get their pensions uprated as they would at home. So too do those living in a handful of other countries, including America, Turkey, Israel and the Philippines, where historic bilateral arrangements are in place. But for British pensioners living in most of the Commonwealth, their state pensions are frozen, with recipients destined to receive the same weekly rate for as long as they remain overseas.

One of the greatest benefits of the Commonwealth to Great Britain is surely the continuing economic and cultural ties that the countries in it have with the United Kingdom, and vice versa. Generally, what has preserved these links has undoubtedly been the historic and continuing movement of people. But many British people who decide to leave the UK and retire elsewhere—for a variety of reasons—are in for a nasty shock. In the Caribbean, for example, one of the biggest constant issues that British high commissioners have to deal with is that of frozen pensions.

I know from my correspondence bag that mild bewilderment quickly turns to an understandable anger and resentment when those who have worked all their lives in the UK discover, often only after having moved

overseas, that they will be landed with a frozen pension. It does not take great intelligence to work out the impact of pension freezing: incomes fall in real terms year-on-year. For the first few years it is an inconvenience but, as time goes by, it is a more serious concern. I met an 85 year-old recently who had had their state pension frozen since their retirement to Canada in 1998. At that time the state pension was £64.70 a week, and that is therefore what he continues to receive to this day. He is £25,000 poorer today than he would have been with an uprated pension and now, understandably, struggles to get by on his own income without the support of his family. He is, sadly, not alone. There are many older—and, as a result, poorer—frozen pensioners out there.

It really is a myth that all Brits who live overseas are wealthy. On the contrary, many rely on their state pension income just as they would at home. People migrate for many different reasons—sometimes for work, sometimes for health reasons, and often to be closer to their families, to help with grandchildren. The last thing they want to be is a financial burden, but without an uprated pension, frozen pensioners are losing their independence and facing pensioner poverty, which should shame us all.

We are invited today to debate how the UK might strengthen its relationship with the Commonwealth. It is a credit to the Minister that relations with the countries of the Commonwealth are generally so friendly. But the noble Baroness will be aware that frozen pensions remain a rare diplomatic grievance and that many Commonwealth leaders are openly puzzled by our approach to our own citizens abroad. We will need to do trade deals with these countries in the next few years, and this issue is likely to be raised time and again in this context.

I did not want to mention the “B” word in this debate, but there is no way to avoid it. The Brexit process is also likely to bring the frozen pension issue to the fore. Many of the 492,000 retired British expats living in the EEA are increasingly concerned that the Government have not provided more reassurance to them. They are living in fear that, without the legal protections of the single market, they too will end up with frozen pensions like their Commonwealth counterparts. In fact, when I asked the noble Baroness, Lady Altmann, about this matter in the House last year, she was very clear that state pensions are uprated,

“only where we have a legal requirement to do so”.—[*Official Report*, 24/2/16; col. 251.]

My understanding, therefore, is that the Government will now either need to determine a legally binding social security deal as part of the exit package or be forced to act unilaterally to maintain uprating rights for EU-resident British pensioners. Either way, I propose that the Government should take this opportunity—when so much else is up in the air—to take a more fundamental look at their approach to payment of the state pension overseas. A modern, global Britain should surely recognise that the movement of its people is a good thing. A modern state pension system should recognise, support and encourage this, especially at a time when our ageing population is putting increasing strains on public services here at home.

In the case of the Commonwealth, with increasing numbers of those who came to the UK in the 1950s, 1960s and 1970s now considering a return in their retirement years, there is surely an obligation not to penalise them, while allowing full rights elsewhere. Many of them helped to make Britain great over the years. The Commonwealth will surely be stronger if Britain recognises that it cannot expect only to enjoy the benefits of membership when it needs it, but that it must also meet its obligations when people move the other way. Will the Government consider putting right this injustice as soon as possible? I believe that change on this issue is possible and would be the right thing to do, as it would do much to strengthen Commonwealth relations in years to come. This should be part of our legacy for our Commonwealth family. I look forward to hearing what the Minister has to say on this issue.

2.25 pm

**Lord Goodlad (Con):** My Lords, it is a great pleasure to follow the noble Baroness, Lady Benjamin, who has done so much to entertain and inspire young people in this country and no doubt in other parts of the Commonwealth. I very much share her concern about the overseas pensioners to whom she referred and about whom I was greatly concerned when I was in Australia. She is quite right that the Government now have an opportunity to look at the issue again. I, too, congratulate my noble friend Lady Anelay on her introduction of this debate, and particularly on her tremendous work as our Commonwealth Minister.

The term Commonwealth of Nations was first used by Lord Rosebery, speaking in Adelaide in 1884, 10 years before he became Prime Minister of the United Kingdom. He was probably down under for the Melbourne Cup. Little can he or his hearers—who then thought only about the British Empire—have imagined what the Commonwealth of today would be. Those of us who have been privileged to visit most of and live and work in some of the countries of the Commonwealth, truly do feel part of a worldwide family, with shared values, vulnerabilities, hopes and aspirations.

The recent meeting of Commonwealth Trade Ministers at Marlborough House, to which my noble friend referred, clearly signified a new determination to make the Commonwealth a driving force for a better world. The resolutions about global trade, protectionism, the sustainable development goals, the so-called Commonwealth advantage, the needs of small vulnerable economies, intra-Commonwealth trade and investment, and a commitment to regular Trade Minister meetings in the future have produced a practical agenda for the secretariat. I am sure, from what we have heard from my noble friend, that the Government will play a leading part in forwarding that agenda.

I declare an interest as president of the Overseas Service Pensioners Association, which represents the surviving members of what was Her Majesty's Overseas Civil Service, who were responsible for the administration and development of the former colonial territories that now constitute the great majority of the member countries of the Commonwealth. I inherited that interest some years ago from the late Lord Waddington, to whom your Lordships recently paid tribute and

[LORD GOODLAD]

who is remembered by the Overseas Service Pensioners Association with affection, respect and gratitude.

Her Majesty's Overseas Civil Service came to an end in 1997 with the transfer of the sovereignty of Hong Kong to China, but the pensioner members are living out their lifespans remembering, I believe with justifiable pride, the achievements of their lifetime's service. Their dwindling numbers have led to the planned ending of the association later this year. The records of the service—and of the origins, therefore, of the Commonwealth—are being carefully safeguarded and enhanced by academic institutions here for posterity. Several hundred members of the association from all over the world will converge for a final event in London in June. They and their predecessors have made an immense contribution not only to the administration and development of the former colonial territories but to the very ethos of the Commonwealth as we know it today. I believe that we owe them all a debt of gratitude.

My noble friend the Minister is aware of the privations which have been suffered in recent years by those retired British officers who agreed with the British Government's request to stay at their posts after the unilateral declaration of independence in Southern Rhodesia, and again after Southern Rhodesia's independence. Despite the British Government's assurance at the time of the Lancaster House agreement, and by my noble friend Lord Trefgarne, who I am delighted to see in his place, that the constitution would contain full safeguards for pensions, the pensions owing to many of those pensioners by the Government of Zimbabwe have in recent years not been paid. Those involved now number between 1,200 and 1,500 people living in various countries. A debate was held in this House some years ago, introduced by Lord Waddington, during which the then Minister—the noble Lord, Lord Malloch-Brown—gave some hope that Her Majesty's Government might give some help to those pensioners, but that help was not forthcoming. Since then, there has been much correspondence and meetings with Ministers and officials, for which the association is grateful, but so far to no avail. I hope that, even at this late stage, my noble friend the Minister will be able to offer some hope that the Government will now look seriously at every possible way—perhaps through supporting the proposed Zimbabwe public service pension fund—of alleviating the undeserved penury, and indeed, in some cases, worse, of these loyal former servants of the Crown. Many people, including myself, regard it as if not a legal obligation, a moral obligation and a debt of honour.

The noble and learned Baroness, Lady Scotland, set out her personal vision of the Commonwealth in the Romanes Lecture in Oxford a few weeks ago. It is a very remarkable agenda and the noble and learned Baroness deserves all our support in fulfilling it. I wholly endorse the remarks of my noble friend Lord Howell in saying that the noble and learned Baroness, Lady Scotland, deserves—and I am quite sure will receive—the full support of Members of this House.

The setting up of the Commonwealth Office of Civil and Criminal Justice Reform is potentially a

ground-breaking development. To share templates for legislative reform and best practice in Commonwealth jurisdictions will benefit us all. Partnerships with the judiciary, prosecutors, police, national human rights institutions, international agencies and civil society organisations will make a widespread difference. The Tackling Corruption Together conference last May showed the determination of leaders in government, civil society and business to agree on practical steps to expose and make at least a dent in corruption. Although Hong Kong is sadly no longer a member of the Commonwealth, I hope that the experience of the Independent Commission Against Corruption, which has been such an enormous success there, can be built on elsewhere. This is an immensely sensitive area and the values and qualities that the Commonwealth countries share could, if successfully applied, have great potential not only in the Commonwealth but throughout the world.

The Commonwealth has been rightly described as a network of networks—networks of states, Governments, businesses and institutions, with fluid and dynamic patterns of allegiance, alliances and friendships, linked by our shared history, language, legal systems and values. We now live in the digital age—a new network linking the millions of young people in the Commonwealth who represent a huge proportion of the population of the Commonwealth, and who will be texting and tweeting each other with ever-increasing velocity as the years go by, bringing everybody closer and closer together.

I am totally delighted that the present Government are so wholly committed to the future of the Commonwealth in the ways in which my noble friend Lady Anelay so eloquently outlined. I join other noble Lords who have spoken in the hope and belief that, in the words of Ben Okri inscribed into the stone pillar of the Commonwealth Gates:

“Our future is greater than our past”.

2.35 pm

**The Earl of Sandwich (CB):** My Lords, it is a pleasure to hear and to follow the wise words of my old friend the noble Lord, Lord Goodlad.

The Minister has set out the ideals of the Commonwealth with her usual care, attention and deliberation, for which we are grateful. She has chosen an opportune time for this debate as we withdraw from the European Union. It is now fashionable—and we are hearing some of this today—to seize the moment of Brexit and call it an opportunity for all sorts of new trading arrangements, most notably with the Commonwealth, which is seen once again as a golden global alternative to the European Union.

When my father was a prominent anti-Marketeer in the 1960s, he and his “Suez group” used to talk endlessly about Commonwealth preferences and say that our EU membership was selling our oldest Anglo-Saxon cousins and ex-colonies down the river. I was sailing firmly in the opposite direction, studying the EU's institutions and European languages, determined that we in the UK should stop pretending to be a world power and recognise the realities of our position between Europe and the Atlantic. This is the view that I broadly hold to today.

Now that we have moved on, I want to scrutinise the negotiations very carefully, particularly on trade. I know that by leaving the European Union, which, although it needs radical reform, I still believe to have been a foolish decision, we and our overseas partners are likely to incur enormous losses if we are not careful, as well as finding so-called opportunities, and we have to recognise that. However, as the noble Lord, Lord Howell, said, it is not an either/or situation. I am a tremendous fan of the Commonwealth. I have lived in India and visited many Commonwealth countries. The Secretariat has reminded us of the many aid and technical assistance programmes the Commonwealth already offers to developing countries to improve their trading positions.

I spoke during Second Reading and Committee of the withdrawal Bill on the effects of Brexit on the poorest developing countries. The jury is, of course, still out on the true costs, and will be out for some months to come. However, already the Overseas Development Institute and others have estimated that poor countries will lose hundreds of millions of pounds currently received from Europe under the various treaties and conventions mentioned by my noble friend Lord Waverley. Therefore, I looked eagerly through the Secretariat's briefing for any signs to the contrary, but according to it, too, Brexit could cost Commonwealth developing countries as much as \$800 million if comparable EU preferences are unavailable, and that is a big if.

I received some reassurance in a letter on 9 March from our Brexit Minister, the noble Lord, Lord Bridges of Headley, which states:

"The Government is committed to ensuring developing countries can reduce poverty through trading opportunities".

He also says:

"DIT and DfID are working closely on the UK's future trade policy".

I am comforted by this, and I am quite sure that he and his fellow Brexit Ministers genuinely want to ensure that the trade interests of the poorest countries are properly protected.

But how can this best be done? The right reverend Prelate and the noble Lord, Lord McConnell, have already pointed the way. It seems to me a very powerful argument—namely, to place the 17 sustainable development goals and their related 169 targets much higher on the Commonwealth agenda, and the agenda of the next CHOGM in particular. In this way, Commonwealth members can all be aware that poverty reduction is the central focus for any aid or trade arrangements. This applies in particular to smaller and island states—highlighted by the noble Baroness, who has visited some of them—and to countries most affected by civil war, climate change and natural disasters.

This will also imply a much greater use of DfID funds to offset some of the losses in trade which we know will occur. The use of the Commonwealth Development Corporation could be helpful here. If the CDC is genuinely linked to poverty reduction, as it is attempting to be, then the use of the private sector in strengthening infrastructure such as rural roads and in other ways stimulating local economies and small businesses, for both men and women, in the poorer Commonwealth countries will be vital.

Some countries—not just small ones—are still highly dependent on the UK and are likely to remain so. There are three Commonwealth developing countries that send a substantial proportion—over 19%—of their total world exports to the UK: for Botswana, it is over half, or 54.4%; for Belize the figure is 22.7%; and for the Seychelles it is 19.3%. The UK takes more than 70% of the EU exports of two small island states, St Lucia and Tuvalu.

The question of free trade agreements came up in our own EU External Affairs Sub-Committee report, published last December, but the Government's thinking has moved on since then. The subject cropped up again during the Commons International Trade Select Committee's first inquiry into the UK's trade options post-2019, published on 7 March. That committee is quite clear that, although free trade agreements and the new WTO arrangements, mentioned by the noble Lord, Lord Howell, may work for the EU and developed countries, they can actually be to the detriment of some developing countries.

The committee was reminded by the Fairtrade Foundation that economic partnership agreements offered by the EU were resisted by many developing countries, which had to sign them under threat of tariff imposition. A much fairer solution, argued by all the major aid agencies, would be to offer non-reciprocal, tariff-free access to the most vulnerable countries, including the least developed, which currently benefit from everything but arms agreements and the generalised system of preferences—GSP Plus.

Although I know that the Minister can give no guarantees, I am sure that when she winds up she will want to make the connection between aid and trade as one response to the detrimental losses that will be caused by Brexit. She will, I feel, also want to mention the benchmarks set by the SDGs in relation to our trading arrangements with all these countries. I look forward to hearing that that is indeed the case and being told what the Government are working on.

Finally, I want to say a word about Nepal. The noble Baroness, Lady Anelay, has heard this once or perhaps twice before, but I remain firmly of the view that Nepal should be encouraged to apply to join the Commonwealth. I have been in touch with our ambassador in Kathmandu about this over a long period, and he is coming to London next week. I simply urge the FCO to do all it can to persuade the Nepalese that it would be in their best interests to join. It is a very independent nation. It does not want to be seen as a former colony or anything like that, but it needs to be encouraged, quite soon after its own difficulties and civil war, to accept that this would help it move forward.

2.44 pm

**Lord Gadhia (Non-Aff):** My Lords, as a British citizen of Indian origin born in Uganda, I enjoy a triple connection with the Commonwealth. I was therefore drawn—almost like a magnetic field—towards speaking in today's debate.

I would like to focus on two themes. The first is the relative roles of Britain and India as two linchpins among the Commonwealth's 52 members. In doing so, I draw your Lordships' attention to the various roles

[LORD GADHIA]

that I play in this bilateral relationship, including as a member of the UK-India CEO Forum. Secondly, I would like to suggest some bold steps which the Commonwealth should consider to secure its relevance well into the 21st century.

Britain's interest in rejuvenating the Commonwealth is self-evident. It suits our post-Brexit narrative and objectives, particularly on trade. However, multilateral organisations are not fashionable at the moment, given the rise of nationalistic and protectionist tendencies, so we should legitimately ask: why would 51 countries want to play ball with us? Before turning to this fundamental question, I should like to address India's role.

The modern Commonwealth effectively started in 1949 with the London Declaration, which allowed India to remain a member even though it was no longer a dominion, and thereby it became the first republic to do so. As part of this settlement, India agreed to accept the British sovereign as a symbol of the free association of its independent member nations and, as such, as Head of the Commonwealth.

This pragmatic solution secured the participation of India, which could easily have taken a more anti-imperialist stand. To its credit, India's leadership was more far-sighted and adopted Mahatma Gandhi's philosophy of "forget and forgive". Speaking on 17 May 1949 to the Indian Parliament, Prime Minister Nehru—previously an arch opponent of continued Commonwealth membership—said that,

"I had a feeling when I was considering this matter in London ... in a small measure perhaps, I had done something that would have met with the approval of Gandhiji".

Today, India represents more than half the Commonwealth population of 2.4 billion and is the joint largest economy alongside the UK. For obvious reasons, Britain has historically been seen as *primus inter pares* among Commonwealth members but I believe it is a mantle that should now be shared with India. This might be seen as a sensitive subject but we should not be afraid to address it directly. This is not to dilute the equal value and status of every member but it recognises the geopolitical realities and choices open to an emerging superpower such as India, for which a seat on the UN Security Council is long overdue and only a matter of time.

The second area which we should assess candidly is the future ingredients of success. Yes, the Commonwealth enjoys some alluring features: scale, growth, youth and diversity. All these are certainly necessary but in my view not sufficient to take the organisation to the next level. I would like to offer three specific suggestions.

The first is to aggressively add new members. As statisticians will confirm, the power of any network is proportionate to the square of the number of nodes, so that each new member is of increasing value to the others. It is hugely positive that Mozambique and Rwanda have joined in recent years and that South Sudan and Gambia are in the queue. However, the Commonwealth needs to be much more ambitious. Why not attract Japan or the Gulf states, or even some European countries—perhaps those sitting outside the

eurozone? Given the shifting plates of the world geopolitical order, this is an opportune moment to be brave and think big.

The second proposal is to create a sharper financial focus that provides some glue to bind us together. I mentioned the relative unpopularity of multilateral organisations but it is interesting to note that two new bodies have been created in recent years, both of them banks: the Asian Infrastructure Investment Bank and the BRICS' New Development Bank. The idea of a Commonwealth bank has been doing the rounds for some time but there is little point in creating a copycat entity. However, the other two are focused on infrastructure and development respectively, so there does appear to be a gap in the market for an institution focused on global trade finance. This would provide a sharper and more practical focus for the Commonwealth and should be considered very carefully.

Thirdly, I believe that it is appropriate to review the leadership profile of the organisation. In doing so, I want to make it absolutely clear that I am in no way criticising the current or previous secretariat of the Commonwealth and I fully echo the comments of my noble friends Lord Howell and Lord Goodlad in support of the noble and learned Baroness, Lady Scotland. However, I feel strongly that the role of Secretary-General should be seen as one of the top global roles that public servants covet in the same way that there is fierce jockeying for position to become the UN Secretary-General, the head of the IMF or president of the European Council. We should absolutely aspire to entice a David Cameron or a Stephen Harper; a Kevin Rudd or a Manmohan Singh to become Secretary-General. This would be a worthy ambition and help to take the organisation to the next level.

We might apply the "visitor from Mars" test to the Commonwealth and ask whether we would create the organisation if it did not exist today. My heart, influenced by my triple Commonwealth identity, would, of course, say yes, but my head would hesitate a little more. However, given that the Commonwealth does exist, we should unequivocally build and strengthen it further so that it achieves its full potential.

2.51 pm

**Baroness Berridge (Con):** My Lords, I, too, join with noble friends to thank my noble friend Lady Anelay for this debate. The Commonwealth is a 21st century, ahead of the curve multilateral, as its *modus operandi* is network. Over the last few years, we have heard of networking lunches, networking the room and of course virtual networks, so I join my noble friends Lord Howell and Lord Goodlad in assessing this as part of the essential DNA of this organisation. Her Majesty's Government recognised that in evidence to the House of Lords committee on soft power, saying:

"The UK lies at the centre of an increasingly networked world".

The report stated in relation to the Commonwealth that,

"it operates extensively at the level of people, below the radar of governmental and official contacts. This is of rapidly increasing significance in a world of personal and informal networks, where millions of individuals, groups and organisations are in daily and intimate contact".



Engaging with the Commonwealth Initiative for Freedom of Religion and Belief, which I work for, I have seen its flexibility. You can get to know who is interested in your issue among the secretariat, high commissions, parliamentarians and NGOs without all the formality and bureaucracy of the UN. We selected the Commonwealth not only because of its parliamentary democracies in countries that have either freedom of religion or belief successes or issues, but because it is a network. Both the current UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, and the former postholder are on our advisory board, so it is clear to them that the role of the Commonwealth in human rights is important.

The word “relationship” is important. Relationships are at their best when they are mutually self-sacrificing. There is much talk in the Commonwealth that the UK is back but that, “You forgot us while you are in the EU, but now you need us. You told us in 1973 that we were the past and the EEC was the future”. There is a fear among countries of being used by us to service our own economic needs again, which resonates badly bearing in mind the Commonwealth’s complex origins. The UK’s relationship should be about engagement to bring wealth and peace to all the nations of the Commonwealth, sometimes putting aside national self-interest for the benefit of all—a Commonwealth of equal partners who can put on the table as well as intra-Commonwealth trade, intra-Commonwealth migration. The question for Her Majesty’s Government is how to avoid Brexit alone framing this event. The involvement of British citizens of Commonwealth heritage is crucial to making this a Commonwealth event. This again is a network that can provide a solution.

Our migration has historically been and still is Commonwealth-focused. From census material from 1971 through to 2011, of the top five countries where people are born outside the UK, three out of five in each of those decades are Commonwealth nations: India—as my noble friend outlined—Jamaica, Pakistan, Bangladesh and Nigeria. According to the 2001 census, 88,378 Nigerian-born people were resident in the United Kingdom. By 2011, the census recorded 191,183—a similar figure to that of South Africans.

CHOGM will take place just over two months from the 70th anniversary of the arrival of MV “Windrush” at Tilbury, so involving the Commonwealth’s diaspora needs to be a priority and include careful planning and advice from our vast Commonwealth diaspora who can aid FCO staff. I know that the Minister has reached out to the Caribbean diaspora, but the Foreign Secretary needs to play a key role as he has existing relationships from his time as Mayor of London. As I asked earlier this week, do the Government have a strategic plan to engage this diaspora and involve it in CHOGM?

Although I am sure that the Lord-Lieutenant of London, Ken Olisa—the first black man of Commonwealth heritage to hold that title—will play a high-profile role, how will the Foreign and Commonwealth Office handle the visual of the diplomatic corps? From my research, there are 34 high commissioners and they are all white. I use the word “handle” carefully as our

diplomats are clearly being trained in digital technology. That is a group photograph that we do not wish to see. The Foreign Secretary hosting key British citizens of Commonwealth heritage could also make a plea for applicants for the Civil Service fast-track scheme at the same time. This is not just about issues on the agenda, but about creating a Commonwealth event and getting the hospitality right. One has only to go into the Robing Room in this building to see that it is an important value that is alive and well among many of Commonwealth diaspora. I remain saddened that the BBC never realised that the top dish on the Parliamentary Estate menu is jerk chicken with rice and beans, which outstrips everything else by a country mile.

Keeping the Commonwealth institutions at the centre of this event is also vital, as they represent the 52, not just the UK. Although there will be 60 civil servants helping to organise the event, they should not replace the role of the Secretary-General and her secretariat. Distance and respect by Whitehall are vital. I am grateful for the Minister’s outline of her support for the Secretary-General and her reforms, but reforms take resources, so I would be grateful if there could be discussions to ensure that the noble and learned Baroness, Lady Scotland, has sufficient resources to bring about these reforms and that Her Majesty’s Government will seek to get other Governments to give her their similar wholehearted support at this crucial time.

Although trade will be a large part of the ongoing relationship with the Commonwealth, so is the connection through parliamentary democracy. The CPA has a vast network of relationships across the Commonwealth. How will Her Majesty’s Government ensure that the training of holding Governments to account, on which we spend so much UK taxpayers’ money, will be put into practice at CHOGM? Perhaps the six best-performing Commonwealth countries in terms of female political representation could be asked to lobby the Heads of Government for an initiative through the Commonwealth on this issue. Those six are all African nations. That is the kind of leadership of a new Commonwealth of equal partners that we need to see in action.

In the field of freedom of religion and belief, how much better if colleagues from South Africa, Ghana, Trinidad and the Pacific islands lead on this issue. I commend the efforts of South African parliamentarians attempting to form their own version of an all-party group on this issue in their Parliament. Will Her Majesty’s Government specifically resource parliamentarians to engage at CHOGM? I commend my noble friend’s comments that civil society is absolutely vital, but there is a youth forum, a people’s forum, a business forum and a women’s forum but no parliamentary forum alongside CHOGM. I join the noble Lord, Lord Scriven, in saying that we need to look at outdated laws. That includes laws on mental health issues, sedition laws and laws relating to religion. At the end of the day, the parliamentarians are the legislators.

The UK’s relationship with the Commonwealth network has a further unexplored potential. Her Majesty is the Head of State of 16 Commonwealth realms and the head of a religious organisation, the Church of England, but the UK remains religiously plural. Religion

[BARONESS BERRIDGE]

and state are connected but compliant with international human rights norms. The population of the Commonwealth is primarily Hindu, then Muslim and then Christian, and in many countries, if you want to make progress on human rights, on climate change and even on business, you need their religious leaders. I have visited Nigeria only once to speak briefly at an event called the Holy Ghost Congress of the Redeemed Christian Church of God. Some 1 million people were physically present and it was shown on cable TV. The Vice-President of Nigeria is a former member of the denomination, so think of the influencers and decision-makers who were in that audience. How is the Commonwealth Heads of Government Meeting going to include this mass transnational network and seek to understand its influence?

The Commonwealth is uniquely placed as the world faces network challenges, as my colleague Professor Monica Toft outlined recently in the IPPR periodical, *Juncture*:

“Given the nature of religious beliefs that transcend national boundaries, it is not surprising that radicalism and its attendant violence has been promulgated through loose networks”.

As my right honourable friend Alistair Burt said to me only this morning, there will be no peace without religious tolerance.

Finally, who will the delegates meet at the forum running up to CHOGM—not only the Heads of Government but the speakers at forums, the conference organisers, hospitality staff and security? Last night I looked in detail at the Chevening Commonwealth and Marshall schemes, which are funded by £42 million of UK taxpayers’ money, but I could not find an equivalent scheme for further education or apprenticeships. Soft power exists beyond academic influence in the professions and government nowadays. UK taxpayers, the majority of whom do not have a degree, should surely see Commonwealth apprentices so that every nation state has young people not only studying at our universities and who can attend CHOGM, but also young people learning skills. I hope my research skills have failed me as otherwise the use of UK taxpayers’ money could be portrayed as elitist, as does any suggestion of *Empire 2.0*. I am sure this must have been a misreporting as that kind of language does not convey the notion of a Commonwealth of 52 and plays into the paradigm of elites running this country. The only way to avoid appearing to use, and in fact using, this network only for our own ends is to reach out to British citizens of Commonwealth heritage to reframe this event, as we risk running a UK’s Commonwealth meeting, not a Commonwealth meeting hosted in the UK.

3.02 pm

**Lord Cashman (Lab):** My Lords, I refer to my entries in the register of interests, in particular as the founder and founding chair of Stonewall. I want to begin my remarks by congratulating my noble and learned friend Lady Scotland, who became the Commonwealth Secretary-General in April last year and who has put human rights at the heart of her tenure. As noble Lords have said, she deserves our unreserved support. I welcome this debate and I congratulate the noble Baroness, Lady Anelay, on

setting the tone in her opening speech because there is much to celebrate among the Commonwealth of 52 independent nations and sovereign states pursuing shared goals such as development, democracy and peace. The 52 nations represent a combined population of 2.4 billion people.

I am grateful to the many organisations which have written to tell us of the benefits of closer relations, closer trade and developing artistic and cultural relations, celebrating the diversity of the nations of the Commonwealth—here I quote the sign outside the Commonwealth Secretariat—“Coming together for the common good”. I wish to recognise the vital work undertaken by the Commonwealth Secretariat in so many areas, but particularly in the field of human rights: universal human rights. I cite the work that the secretariat has undertaken with its programme on national human rights institutions and strengthening the capacities of parliaments and parliamentarians to promote and protect human rights. It has also undertaken important work with the African Union, delivering the first African Girls’ Summit in 2015 and working with the University of Pretoria and the African Commission by convening child marriage dialogues with civil society, national human rights institutions and traditional and religious leaders.

It has undertaken work on LGBTI people’s rights, but that has proved to be much more difficult and states have been deeply resistant to change. The secretariat is rightly trying to build capacity for parliamentarians and institutions to understand the vulnerabilities and the violations faced by lesbian, gay, bisexual, trans and intersex people. It would be churlish of me not to recognise that the number of countries where LGBTI people are criminalised has reduced—from 41 countries to 36. I, too, recognise and pay tribute to those local LGBTI activists and small NGOs who have undertaken the fight for equality, often resorting to the courts and facing threats to their personal safety and space, to their livelihoods and indeed to their lives. They have shown and continue to show courage and bravery almost beyond imagining. This is the area on which I want to concentrate the Government’s mind and those of the heads of government of the Commonwealth.

Working together for the common good is the aspiration of all, but the benefits of doing so evaporate if you are LGBTI. You are in fact denied the common good and even the common protection of the law, let alone equality before the law. This equality does not exist in 36 out of the 52 states of the Commonwealth. That is a shameful record and one that must be put right. Far too often when we in the north raise our voices, we are accused of neo-colonialism—but our accusers fail to recognise that the laws were imposed on their countries hundreds of years ago by us, a colonial power, and that it is now time for them to throw off such colonial laws. This is where the Government could lead at the summit in 2018 by offering an apology for the laws that we imposed, often with the harshest of penalties, and illustrating that we have now thrown off those repressive laws. By our apology we can encourage others in the Commonwealth to do the same. I do not expect an answer from the Minister, but I would urge the Government with every fibre of my being to consider this and to bring about a real

change in the dynamic of LGBTI rights—human rights—in the Commonwealth.

Let me remind your Lordships of the reality of this discrimination, as the noble Lord, Lord Scriven, described earlier. Criminalisation fosters egregious and systematic human rights violations across the generations and directly harms LGBTI individuals in numerous ways, regardless of whether the laws are actually enforced. It limits access to employment, education, healthcare and housing, and it outlaws LGBTI people's very identities and makes them second-class citizens in both the public and private sphere. It can result in gross violations such as murder, assault, "corrective rape", forced or coerced marriage and suicide. Sadly, I could go on because the list is long.

Criminalisation affects the non-nationals of those countries, too, such as LGBTI people who are asked by their Governments, NGOs or international companies to go to those countries—or indeed who are tourists. These discriminatory laws are largely excused by reference to culture, tradition or religion. I deeply respect culture, tradition and religion—but not as an excuse for such human rights abuses. Far too often, organised religions remain silent on the discrimination and persecution faced by LGBTI people and their families, and the silence should end. Whether from the Anglican Communion, the Roman Catholic Church, Muslim leaders or elsewhere, the silence must end.

At the last Commonwealth Heads of Government Meeting in Malta, the Kaleidoscope Trust, which does brilliant work in this area, along with its partner, the Commonwealth Equality Network, raised the issue of LGBT rights in a number of forums and had some influence on the final communiqué. Now is the time to build on that at the 2018 summit in order to achieve significant commitments to positive change

I believe, as do many others, that the Commonwealth summit is the perfect place to facilitate important south-to-south exchanges, and that the UK as the host Government are uniquely positioned to create the space for civil society to engage with decision-makers who are not normally willing or able to consider LGBTI concerns. I will look to the Government for support and will welcome their reaction to that approach. Once again, I believe that the most important way to ensure a way forward for other member states is by an apology from our Government for imposing laws through colonialism which criminalised LGBT people and led to wider discriminatory laws and practices.

Finally, I want to pay tribute again to the work undertaken by the Kaleidoscope Trust, the Commonwealth Equality Network, the Human Dignity Trust—which is so active behind the scenes—and Stonewall. Most of all, I want to remember David Kato, the kind, gentle, compassionate Ugandan LGBTI activist who was murdered and who even in death was refused a dignified burial by his church. I want to remember him and LGBTI activists and others in the Commonwealth and beyond who put their lives at risk by daring to ask to be treated fairly, justly and equally alongside others. These are the heroes and heroines who make me proud to be a member of the human race and a citizen of the Commonwealth.

3.11 pm

**Lord Watson of Richmond (LD):** My Lords, I declare two interests; first, as the former chairman of the Council of Commonwealth Societies, a post in which I have been so admirably succeeded by the noble Lord, Lord Howell of Guildford. I should also declare an interest as vice-president of the English Speaking Union, the role of the language in the Commonwealth and its future being of seminal importance.

By CHOGM next year, we should know a lot more about the direction and balance of Brexit. Brexit will be a key dimension to CHOGM, because it can reshape in many ways our relationship with the Commonwealth and its relationship with us and the European Union. Let us not forget that 32 countries of the Commonwealth are covered by specific EU agreements and it is calculated that our departure will end up making them pay well over £800 million per annum in additional duties to access the UK market and through the UK as a member of the European single market.

There are significant sums in sterling remitted to Commonwealth countries by individuals from the Commonwealth living here, and thus sterling's effective devaluation is already having a harsh effect. That was made clear to me at a conference I attended yesterday and the day before, the youth Commonwealth Africa summit. In many ways, it was a most encouraging conference, but strong feelings were expressed on that issue. Brexit cannot be ignored as blandly at CHOGM as it clearly was by the Chancellor in his Budget a week ago.

Many factors will affect our future relationship with the Commonwealth. In assessing them, we must recognise the huge contribution that Her Majesty the Queen has made to the coherence, the cohesion and the recognition of the Commonwealth. Just to share a personal recollection, I was born in South Africa of British parents. My father was in the church and an anti-apartheid activist in early days, close to Father Huddleston. I remember vividly as a boy the visit to South Africa in April 1947 of the then Princess Elizabeth and her broadcast—which incidentally was reprinted and distributed, even in apartheid days when the nationalists had come to power, to schools throughout what was then the Cape Province. I will remind your Lordships of the key words of that statement. She said:

"I declare before you all that my whole life whether it be long or short shall be devoted to your service".

I think that we all recognise, and the Commonwealth recognises, the extraordinary extent to which she has fulfilled that declaration. Let me express the view—of course, it is only a personal view—that the Crown's future relationship with the Commonwealth will matter much, both to the Crown and to the Commonwealth, and I hope that it will continue.

Turning more specifically to the economic landscape before CHOGM, let me warn against a temptation which is becoming evident in London to see our course as "a return to the future". Rhetoric around what has been dubbed "Empire 2.0" is not only misleading but in the Commonwealth will certainly be resented. There is a danger that we seek to rewrite history in reverse. After all, in the 1950s, 1960s and 1970s, as the

[LORD WATSON OF RICHMOND]

logic of European integration became clearer, British politicians sought to reconstruct Europe in some ways as a copy of the Commonwealth and the Commonwealth as a copy of the European Union. For example, Harold Macmillan's well-remembered note to Anthony Eden in the early 1950s read:

"The answer is not for Britain to join such a Europe but to propose the unification of Europe along Commonwealth lines".

A few years later, Harold Wilson, as he approached what would be the great Commonwealth Trade Ministers conference, argued in a sense for the potential of the Commonwealth to emulate the European Union as a trading bloc. He was bitterly disappointed.

The truth is that the Commonwealth cannot replace the European Union by seeking to emulate it—I agreed with what the noble Lord, Lord Howell, had to say around that subject. The Commonwealth Secretariat, wonderful organisation though it is, will never become, nor should it try to become, a kind of emulation of the European Commission: a driving, organising, administrative force for greater integration.

The way forward is to think afresh. I want to put forward five factors which are worth us considering and to seek a government reaction on them. First, what are the real focus points of potential in the Commonwealth for us now? The first, which is quite remarkable, is the growth of intra-Commonwealth trade, of which we are a part. The growth of that trade was largely unremarked on until Brexit and the discussion thereafter, but it is of great importance.

The second is the entrepreneurial opportunity presented by the youth of the Commonwealth—the vigour, the creativity and the entrepreneurial instinct of many young people within the Commonwealth today—and the fact that the great cities of the Commonwealth, particularly in Africa, are becoming markets of great importance to us and to them.

The third—here again I refer to the speech of the noble Lord, Lord Howell—is the information technology, the mobile telephony and the new connectivity which characterise a global economy but which are particularly important in the developing countries of the Commonwealth. The impact of mobile telephony, for example, on agriculture in Africa is an extraordinary achievement and we must make the best of that.

Fourthly, there is the shared English language, to which I briefly referred. The important thing here about English, which is not the official language of the Commonwealth but is its working language, is that it is also the working language of globalisation so that the future trade patterns that emerge will be substantially dependent on the English language.

Finally, we hear a great deal about shared values in the Commonwealth and we have also heard during this debate sad examples of where values, particularly on human rights, have not been respected. Again, at this conference yesterday and the day before, where there were many young people, I was very struck by shared aspirations—if not shared values. For example, there were aspirations about the primacy of law and the fight against corruption. I chaired a session in which there were two parliamentary representatives from the Commonwealth. It focused on corruption

and how you deal with it. I was astonished by how frank and practical that discussion was. Then of course there is the aspiration about the advance of parliamentary democracy inside the Commonwealth.

On balance, I am very hopeful about the future relationship with the Commonwealth and urge the Government to commit, with vigour, to the furtherance of these five dimensions—of course, there are others—which have such rich potential for the Commonwealth.

3.21 pm

**Lord Broers (CB):** My Lords, I, too, congratulate the Minister on calling this timely debate. These are early days, as many noble Lords pointed out, in our thinking about what we might do to resolve the difficulties that will be created by Brexit. Our ideas will inevitably be preliminary and incomplete. However, I decided to speak in this debate because it is valuable to identify the possibilities for doing this by expanding our interactions with the Commonwealth, even if, as was pointed out by the noble Lords, Lord Howell and Lord Watson, the EU and the Commonwealth are quite different constructs. I will focus narrowly on what we might do with Australia, but what I say applies equally to other developed Commonwealth countries. I apologise for this narrowness, but the breadth of the Commonwealth has been talked about a great deal.

I grew up in Australia and while I have not lived there for almost 60 years, I have over the past 20 years been involved in a number of activities, especially in Melbourne. To declare my interests, I was for several years a member of the Melbourne University council and have been a member of the advisory board of the Melbourne Energy Institute. I have held a Sir Louis Matheson visiting professorship at Monash University for the last six years and this year am acting as a consultant to the Commonwealth Scientific and Industrial Research Organisation. CSIRO is the 6,000-person federal government agency for scientific research in Australia. Its chief role is to improve the economic and social performance of industry for the benefit of the community. I have also chaired an advisory council for New Horizons, a \$400 million government-funded collaboration between Monash University and CSIRO. So I have been involved in a broad spectrum of engineering and scientific research activities in both academia and industry, and it is my observation that there is considerable potential for increased interaction with the UK. Put another way, there is very little interaction now.

I am also the non-executive president of the Australian Music Foundation, having in my youth been a singer and held a choral scholarship at Cambridge. The foundation, chaired by Yvonne Kenny, the opera singer, is a charity that helps highly talented young Australian musicians to further their studies and careers, especially in the UK. It has limited resources but accomplishes a great deal, although again it leaves a large reservoir of untapped potential, showing that the potential for increased exchanges spans the cultures.

Since the middle of the 19th century, there have been extensive interchanges between universities in the UK and Australia. Indeed, Australia's oldest universities were to a large extent based on British ones. These

exchanges spread in the 20th century to researchers in government and industrial laboratories. It is an understatement to say that there is a special relationship between Australia and Britain. It is my view, having lived around the world, and for the longest in the United States, that the culture of Australia is closer to that of the UK than any other country in the world—and I have not even mentioned cricket. This relationship has been sustained despite the UK's membership of the EU, although there is little doubt that educational, academic and industrial research exchanges would have grown more with the Commonwealth and especially with Australia over the last 44 years if the UK had not joined the EU. This is also the case more generally with trade, as pointed out by many noble Lords and the Minister.

Now there is the opportunity to take another look at how we can expand our educational, industrial and cultural exchanges with Australia. We could attract more students to our higher education institutions, enhance our research base by attracting more post-doctoral researchers and tap into Australia's rapidly increasing industrial and educational interactions with China and India. Australia is broadly in the same time zone as China and is taking advantage of this, rapidly expanding its interactions with Chinese industry and educational institutions. I know several Americans who moved to Australia because its proximity to China makes it so much easier to pursue Chinese interests.

There are areas of scientific interest where we have similar aims to Australia, ranging from the Square-Kilometre Array to biotechnology and medical advances. Melbourne is regarded as one of the world's top biotech hubs having, for example, produced the first cochlear implant, invented by Professor Graeme Clark in Melbourne in 1979. There are world-class and leading projects on bionic eyes and X-ray imaging, to name just two research areas. Next week at the All-Party Parliamentary Engineering Group, which I co-chair with Laurence Robertson MP, we are debating medical imaging with three remarkable engineers and scientists from the Crick here in London, from Cambridge and from Melbourne. These researchers all know each other well but do not collaborate directly. There is great potential for increasing research collaboration with Australia, perhaps through joint ventures with joint funding.

Many schemes support student exchanges with Australia, but there is potential for expansion. In fact, some of these exchanges, such as the scholars supported by the Menzies Foundation, now receive less support from the UK Government than they did because the Chevening money was withdrawn several years ago. We should look into how we can expand our exchanges to make up for the reduction in overseas student applications we are already seeing as Europe shifts its attention away from the UK.

Industrial joint ventures aimed at the Chinese market are another possibility. High-technology advances in a variety of industrial sectors might be better brought to Far Eastern markets through collaborations with Australian companies, rather than trying to do it directly and ending up having to compete with them.

In conclusion, this is the time to renew and expand our academic and industrial interactions with Commonwealth countries, and especially with Australia. The Commonwealth Heads of Government Meeting in 2018 provides an ideal opportunity to do this.

3.28 pm

**Lord Selsdon (Con):** My Lords, in many ways, the situation confronting the Government of the United Kingdom today is similar to that confronting the Government in 1621 with the formation of the Council for Trade and Plantations. The mandate given then was:

“To take into their consideration the true causes of the decay of trade and scarcity of coyne and to consult the means for the removing of these inconveniences”.

Now, there has been a growing tendency to dismiss the growth of trade and the balance of trade as matters of reduced importance to the British economy. The great Board of Trade exists in name only and the Department of Trade and Industry had the word “trade” ignominiously expunged from its title and was replaced by the Department for Business, Innovation and Skills—a most confusing title. The Secretary of State for Trade and Industry also held the historic title of President of the Board of Trade, and those Cabinet Ministers who have held this important job have usually been replaced within a year. These and other constant changes in the structure have led to a lack of continuity. This in turn has led to ignorance and a lack of understanding of the vital role that international trade has played and must play in the creation of economic growth and prosperity.

British international trade was historically described as “exports and imports” and concerned mainly the export and import of manufactures and materials. These were later known as “visible exports” and are now described as “trade in goods”. In the 1970s the importance of the growth of the service industry sector emerged as a part-replacement for the decline of the United Kingdom as a manufacturing nation. This sector became known as “invisible exports” and now is called “trade in services”.

I am not sure why I am standing here today. I think it is something to do with Australia. My great-grandfather was the first Lord Mayor of Melbourne. It all happened when, as Scots, we ran out of money and we could not find enough sheep to knock off and flog in the market. Someone said, “These sheep are available somewhere with a much better climate, where the wool grows better. We cannot remember the name of the place but it is a big blob at the bottom right of the map”. So we set up a shipping line and found that with chilling machinery, instead of just taking immigrants out to Australia we could bring back sheep, frozen. That worked extraordinarily well for a while, until we were stuck off South Africa. The ship would not work and there were all these frozen sheep beginning to melt. With the intelligence of those of a different religion, we realised that certain religions liked lamb and mutton much better. So we took them ashore and allowed them to melt a bit and rather pretended, but did not say anything, that they had just been slaughtered because no one would have believed that they had come from Australia—first of all, no

[LORD SELSDON]

one knew where Australia was. This went on and we then found that instead of sheep we were taking workers back.

I had a little moment before I knew that our family had lost its shipping line in the Tasman Sea when out of the blue I got a letter from a bishop who had sent me a little parcel of three stone jars. The letter said, “At 92, my diving days are over. This was the last bit of kit I could find from the wreck of the ‘Brahmin’, which belonged to your family”—I did not know we had owned a ship. But I kept them and this gives me some sort of good feeling.

When we come down to the practical moment of dealing with the balance of trade, exports and imports, and the value of sterling, in many ways the situation is the same as that which confronted the Government in 1621, as I said.

I wonder why we do not teach geography in schools any more—it seems there is a shortage—and why people cannot read a map or a chart. I suffer from one really great disadvantage. I love charts. When I joined your Lordships’ House I knew I was unimportant and did not realise quite how unimportant I was until I was summoned during the nationalisation of the shipbuilding industry and asked—because my family was associated with ships and I must know something about it—if I would please speak. I did, rather nervously, and some people from the Department of Transport very kindly came to see me afterwards and said, “We would like to invite you for a drink and to give you a little donation”. I went to see them and they pulled out a long box, and in it was a rolled-up chart, with lots of red on it all over the place, and little black dots, too. These little black dots, I was told, were British ships at sea or in harbour. The red on it was British and this was where we were, right the way around the world. It was amazing at that time but we forgot our shipping.

If we bother to say, “What can we all do to help?”, first of all, the relationships with the Commonwealth are pretty good. As I mentioned, the same situation confronted the Government in 1621. I am a great fan of the Commonwealth. I always wanted to be a good cricketer but I was not; I was a wicket-keeper. I found that that pays you back pretty hard 25 years later when you find you cannot really walk because your joints have gone. Then of course a bright Australian surgeon comes and says, “We’ll give you a new knee, mate. It’s not very difficult these days”. So I am in the difficult position of wondering whether I should sit down now—which I will—and think about my knee.

3.35 pm

**Lord Chidgey (LD):** My Lords, there can be no more thrilling spectacle than the sight of the flags of the Commonwealth nations flowing down the central aisle of Westminster Abbey, carried, two by two, by 52 young people. That is what I think, anyway. On Commonwealth Day, their youth, enthusiasm and sense of expectation underlined both the diversity and the unity of their Commonwealth of Nations.

The new Secretary-General of the Commonwealth, the noble and learned Baroness, Lady Scotland, was

absolutely right to recall Her Majesty the Queen’s observation, during her Silver Jubilee in 1977, that her role as Head of the Commonwealth represents,

“the transformation of the Crown from an emblem of dominion into a symbol of free and voluntary association. In all history this has no precedent”.

The noble and learned Baroness went on to say in the *Ministers Reference Book Commonwealth 2017*:

“A sense of continuity and building on the best of what we hold in common, enables it to flourish as a powerful influence for good ... Exchange of ideas, as well as trade, are the lifeblood of Commonwealth connection”.

Acting early to prevent violent extremism has to be one of the Commonwealth’s top priorities. By offering support to strengthen and stabilise national institutions, the Commonwealth can be a steady anchor in these turbulent times.

At this point I should declare an interest. I have been a member or officer of the APPG for the Commonwealth for some years, and I am currently the chairman of the National Liberal Club’s Commonwealth Forum.

As we prepare for the Commonwealth summit—CHOGM—in London and Windsor, to be held in the week beginning 16 April next year, we will find ourselves pretty well halfway through the UK’s Brexit negotiations with the EU. The received wisdom is that by then we will be forming a picture of to what degree the revival of long-neglected trading links with the Commonwealth will be feasible, and whether they can provide an essential cushion against the impact of the loss of preferential trade with the EU in 2019.

The International Trade Committee’s report to the House of Commons last week on UK trade options post 2019 provides some interesting insights. The 52 Commonwealth nations, ranging from developed to emerging to developing nations, present a bewildering array of potential trade options. A salutary factor is the marked decline in UK exports to the Commonwealth that has occurred since the UK joined the EU more than 40 years ago. Anyone who has ever been involved in international business development can tell you that it takes years to build customer confidence, trust and loyalty, and even longer to restore these when lost.

I well recall, working in Malaysia as a business development director for a UK international consulting engineering practice, the impact of the UK Government introducing a university fees structure for Commonwealth students which tripled their costs, compared to UK students. Two things happened. The USA and Australia almost immediately significantly increased the number of scholarship university places they offered to Commonwealth students, and the Prime Minister of Malaysia issued an edict to his country’s public and private sector procurement managers alike, to buy British last. The director of the Malaysian public water supply department reminisced with me over the wonderful times he had spent reading engineering at Glasgow University, and how he had followed the British systems and specifications for equipment. He therefore bought British goods and services throughout his professional life. I doubt very much whether his successors have followed his example, particularly as many now struggle to get a UK student visa, let alone assistance to attend a UK university.

According to the Commonwealth Secretariat, Brexit is likely to have far-reaching implications. Commonwealth members' trade with the UK has long been governed through EU policies. Under Brexit, many developing country exporters are concerned that their market access into the UK and Europe could be disrupted. Brexit may also have implications for broader co-operation to take advantage of the apparent 19% Commonwealth trade-cost discount. Enhanced co-operation will also enable the Commonwealth to be an effective force for global good, in pursuit of realising the sustainable development goals. There has been an unprecedented global slowdown which is threatening the efforts to build on the achievements of the MDGs. Now is the time for the Commonwealth to play a pivotal role in making international trade an effective means of realising the sustainable development goals—the SDGs. Growth has slowed from 2.4% per year to 1.7% in 2016. There has been a lost decade of trade gains since 2008, which has had serious development implications. We could find that we have had the slowest decade of trade expansion since World War II.

The SDGs outlined in *The 2030 Agenda for Sustainable Development* aim to reduce the number of people living on less than \$1.25 a day, which is currently 14%, to zero by 2030. The SDGs have extended scope to include the challenges of environmental sustainability, equity, inclusiveness, urbanisation and strengthening global partnerships. Reviving global trade flows while mitigating the consequences of Brexit is an important issue in keeping SDG implementation on track. The UK and the EU therefore need to work together to mitigate post-Brexit risks and manage uncertainties by continuing the trade preferences that developing countries currently enjoy in Europe and the UK.

The House of Lords Library has pointed out that in 2014, total UK exports to the Commonwealth were worth £48 billion, or some 9% of the UK's exports overall. UK exports to the EU, meanwhile, amounted to around £250 billion—some five times that of the Commonwealth, which by any reckoning requires a huge displacement to rebalance. In the inaugural Commonwealth Trade Ministers meeting last week, business and sustainability was identified as one of the six key pillars of the “Agenda for Growth”. This was one of the areas which will contribute to greater intra-Commonwealth co-operation and utilisation of the Commonwealth factor. Ministers anticipate that this will unlock new trade and investment opportunities for member countries. Recent research by the Business & Sustainable Development Commission shows that the SDGs will require something like \$2 trillion to \$3 trillion each year in new investment, but can help to unlock \$12 trillion in new market value across 60 sectors. These figures are beyond the scope of my imagination, but that is what they are.

The “Agenda for Growth” posed a number of key questions and I would be grateful if, in her reply, the Minister could share with noble Lords the answers that those Ministers arrived at in their panels. For example, do the SDGs provide a useful framework for businesses and Governments to understand the scale of the sustainability challenge that we face and restore public trust in states' abilities to meet this challenge? What role can the Commonwealth play in raising

awareness and helping Governments to meet this challenge? Finally, how can private investment be best mobilised to support the sustainability goals in countries where their credit and reliability put the risk assessment out of reach?

3.44 pm

**Lord Crisp (CB):** My Lords, I very much welcome the debate and appreciated the way in which the Minister introduced it. Over the last 10 years or more, I have worked mainly in Africa and have come to understand the Commonwealth much better—what extraordinarily strong links we have as a member of the Commonwealth; what a powerful voice in the world it is and could be; and how important it is, particularly for the poorest countries and particularly in Africa.

I know that these points are reflected in the Foreign and Commonwealth Office's priorities for the Commonwealth—I think here particularly of the last three. The third priority is:

“Promoting Human Rights, Democratic Values and the Rule of Law”.

I understand the enormous challenges in all three of those areas. I think in particular of the rights of people who are lesbian, gay, bisexual, transgender or intersex, which were so eloquently discussed by the noble Lords, Lord Scriven and Lord Cashman, and by others. As the UK strengthens its role in the Commonwealth, it is very important that it continues to speak up about these rights and voice its concerns, about not only those rights but other human rights abuses.

The fourth area of priority for the Foreign and Commonwealth Office is:

“Supporting sustainable development and prosperity”.

Those issues are important for the UK, as well as for every other member. Its final area is about “Championing understanding within” this wonderful, worldwide diverse community.

Against this context, I want to speak specifically about health, development and prosperity, and the links between the three. I stress the links because too often they are treated as if they are separate issues, but they are intimately connected. I want to put forward the argument that an emphasis on these three together should be made within the Commonwealth and should feature at the Heads of Government meeting next April. Doing so will contribute enormously to these wider goals.

I will make three main arguments, give a current example that is very effective and put forward a specific proposal for the future. The first argument is about the economic impact of health. This is often neglected and we think about health and health services as a cost. It is time that we showed that that assumption is wrong. There are costs and benefits from investment in health. It is perfectly true that the wealthier a country is, the more it can spend on public services including health, but it is equally true that good health is a driver of productivity and that poor health destroys it. We need only look at the HIV/AIDS epidemic in Africa to understand how it reduced economic growth over many years with detrimental impact throughout the southern part of the continent at least. We equally

[LORD CRISP]

need to look at other countries where they have had improved health which has led to improved productivity and economic performance. There is also the demographic dividend, which is that as children get healthier and survive more often, families become smaller and the dependency ratio within a country reduces. It is really a health dividend that we should be very conscious of in thinking about policy.

There is more to it than that. The recent UN commission on health employment and the economy demonstrated that employing more health workers is beneficial to the economy, improving health, education and economic prospects in the country as a whole, but there is even more to it than that. Health is the fastest growing major industry in the world. It is growing at 5% globally and at 8% in south-east Asia. Commonwealth countries need to have their share of it. We in the UK know that the biomedical and life sciences need to be a major part of our industrial strategy. We have 4,800 companies in this sector, turning over more than £55 billion. We heard from my noble friend Lord Broers who spoke eloquently about the need to work with Australia and other Commonwealth countries to invest and grow this sector, whether it is through the prosperity fund or other routes.

My second argument is about the links between health and all other aspects of development. There is abundant evidence that health and education are linked. We know that in India the children of girls with five years of education are 40% more likely to survive to the age of five, but we also know that it is the other way round as well and that ill-health impacts on education and opportunities. For example, in some southern African countries about 40% of children are stunted. That impacts on their mental development, all their achievements and subsequently on the economy and everything else. We should not see these issues as separate; the central point here is human development, or human flourishing, as Amartya Sen would call it.

My third argument turns to the House of Lords report on soft power, which was chaired by the noble Lord, Lord Howell. It emphasised that the UK is the best-networked country in the world. He and others have expanded on the idea of the Commonwealth as a network today. Health is an extraordinarily influential network. There are 6 million or so nurses within the Commonwealth and doctors are intimately linked with their partners in other parts of the world. There are any number of partnerships between UK institutions and health institutions throughout the Commonwealth. I am reminded of the health partnership scheme promoted by the Government and hope that it will indeed continue. People care about health; they link with each other and share. Health is one of the streams that will help us to have greater understanding within the Commonwealth. Investment in health provides wide-ranging economic and social benefits and the Commonwealth should see it as a priority.

Let me turn to my examples. The first is the current one: the Queen Elizabeth Diamond Jubilee Trust has money raised from the Commonwealth. It has set up a trachoma initiative with £41 million, which is being managed by Sightsavers. I had the great privilege to

chair the organisation at the time, although I no longer do so, and I declare my interest. It is having an extraordinary impact in the Commonwealth: 11 million people have been treated and it has great partnerships. There are all the benefits that have been talked about. It benefits the poorest most, it benefits women most, because women, surprisingly, are more likely to be blind, and it allows people suffering from this disease, and their carers, to return to work.

My second example for the future is to urge that the Commonwealth should play a major role in a new global campaign for the development of nursing. Members of your Lordships' House will well understand how vital nurses are in every country in the world, but particularly in low and middle-income countries where very often they may be the only health workers that anyone sees. A recent study by the UK's All-Party Parliamentary Group on Global Health, which includes Members of your Lordships' House, with the support of the Commonwealth Nursing and Midwives Federation looked at the development of nurses globally. It made three very important points. First, universal health coverage will not be achieved without developing nursing globally. They are the largest part of the profession. Secondly, nurses are very often undervalued and underutilised within the system, perhaps because they are women or perhaps because they are not doctors. We very often train them to a high level and then, in practice, we do not permit them to work to that level. Nurses could have an even more significant impact in the future. Thirdly—and this is a very important point—developing nursing will have a triple impact in contributing to three of the sustainable development goals: improving health, promoting gender equality and strengthening economies.

As the result of the popularity of our report with people around the world, we have decided to launch a global campaign to raise the profile of nursing globally, support the empowerment of women globally through employment and develop local economies. I am delighted to say that the World Health Organization has already given its support, and we are in very positive discussions with the Commonwealth. That has partly been with the Commonwealth Secretariat—I echo the comments of other noble Lords about support for the noble and learned Baroness, Lady Scotland, in the important and very difficult role she is playing at the moment. But we have also had discussions with a large number of members, and already Ministers, senior officials and health leaders in countries as far apart as Jamaica, India and Tanzania have given their support. My noble friend Lady Watkins and I are meeting with the Commonwealth Advisory Committee on Health next week to present this proposal. Planning is under way.

I very much hope that the Government will give serious consideration to including health, development and prosperity, linked together, and in particular this global nursing campaign on future Commonwealth agendas and at the Heads of Government meeting in April next year. I ask the noble Baroness, Lady Anelay, whether she would be willing to meet with my noble friend Lady Watkins and me, and the leaders of the campaign, to take this forward.



3.54 pm

**Lord Sheikh (Con):** My Lords, I am pleased to contribute to this important debate today. I thank my noble friend Lady Anelay for introducing the subject and congratulate her on the excellence of her speech.

I have spoken previously in your Lordships' House of my respect and admiration for the Commonwealth. Covering 52 countries, and a third of the world's population, it is an enduring symbol of unity. The Commonwealth is perhaps one of the world's most diverse unions, yet shares the values of democracy and the rule of law. Particularly at a time when the world seems so divided, we must celebrate this strength of unity and harmony. I am proud that we send high commissioners rather than ambassadors to Commonwealth countries as we do not regard ourselves as foreign in relation to each other.

Next year, the United Kingdom will host the Commonwealth Heads of Government Meeting. This is an opportunity for us to drive forward an ambitious and progressive agenda. The previous summit in Malta in 2015 made a great deal of progress in areas such as climate change, peace and security, and sustainable development. Indeed, given the size and breadth of the Commonwealth, it seems only natural that it takes a lead in addressing some of our biggest global challenges. I say this with particular regard to our upcoming exit from the European Union. We must now refocus our efforts on tackling global issues through new networks.

I will speak specifically about the importance of building our bilateral trade relationships. In an increasingly globalised world, there is great demand for bilateral trade agreements that help to build economies without sacrificing national sovereignty. We know that we need to develop a post-Brexit trading plan. As the EU acted as a protectionist bloc against trade with outsiders, so the Commonwealth can open our trading borders to an entirely new world. The Commonwealth itself is effectively a ready-made trading network. It contains a diverse range of economies, both large and small, developed and developing. Specifically, it contains some of the most dynamic and fast-growing economies, including two of the BRICs: India and South Africa. India is also a member of the "7% growth club", along with fellow Commonwealth nations Tanzania and Bangladesh.

Trade links between the United Kingdom and the wider Commonwealth are already strong. In 2015, total trade flow between the UK and Commonwealth countries was approximately \$91 billion. The Commonwealth Secretariat has calculated that, overall, the UK is the fourth most important export market for the Commonwealth, behind only the USA, China and Japan. Twenty-four Commonwealth countries send at least a quarter of their EU exports to the UK, and eight Commonwealth countries send around 10% or more of their total global exports to the UK.

There are long-standing reasons for the success of our trade within the Commonwealth. Our commonality of language, as well as of administrative and legal systems, plays a crucial role in tearing down barriers. Not least, we of course by definition share a proud heritage and long historic ties.

It has been estimated that when both bilateral partners are Commonwealth members, they often trade around 20% more and generate 10% more foreign direct investment. I would like to see more use of the internet and social media to enhance trade between the various Commonwealth countries. We must focus on channelling investments into sectors with the potential for new growth while helping developing Commonwealth countries to develop their infrastructure and productive capacity. We will need to be very ambitious and liberal in our scope for new trade agreements. We will also need to ensure timely and efficient implementation of such agreements in order to realise their full potential.

I can personally vouch for the level of interest from our Commonwealth friends in increasing trade with the United Kingdom. Earlier this week I attended the high commissioners' banquet at the Guildhall and discussed a range of issues with high commissioners from different countries. As someone who has a long-standing connection with the City of London, I was pleased to see the City of London Corporation hosting such an event. At dinner I sat next to the high commissioners for Kenya and Malawi. There was a clear appetite for closer trade ties in both cases.

In relation to Malawi, I also discussed the matter of establishing educational links between our academic institutions. I am a strong supporter of such initiatives due to the cultural benefits that they can provide to young students and the long-term economic benefits to our countries. When we learn from each other we gain from each other, and education, like trade, brings people together. Kenya and Malawi are just two of many developing countries within the Commonwealth with optimistic futures for their growth and prosperity. This presents us with vast opportunities for foreign relations.

I would like specifically to mention Sri Lanka, a Commonwealth country with which I maintain close links. I have previously tabled a debate in your Lordships' House on the matter of bilateral trade with Sri Lanka, and recently asked a Question about trade with that country. Our two countries have sustained healthy political and economic ties for over 200 years. Sri Lanka has experienced significant growth over the past 15 years and is forecast to grow by at least 5.5% this year. It has signed three regional trade agreements with other nations and one is under negotiation with China. I recently met the Foreign Minister of Sri Lanka; last week I had a meeting with the country's Trade Minister; and soon I will meet my noble friend Lord Price, accompanied by two Sri Lankan businessmen. I hope we can build closer ties for the benefit of both our countries.

It is important to note that we already have a large diaspora here from Commonwealth countries who bring knowledge and expertise with them. We must activate and nurture this pool of talent. We must also encourage them to take their knowledge and skills from here to their home countries. On migration policy, it is imperative that our immigration system serves our national interest. We should encourage some migration, subject to certain criteria, but must also assert control over our own borders, which we will be once again free to do. In any case, the renewed opportunities for responsible migration from the Commonwealth will

[LORD SHEIKH]

be most welcome. We must seek to promote the movement of the best talent from the Commonwealth to provide us with adequate staff to enable the country to progress further. Can consideration be given to formulating a suitable plan for the immigration of people from the Commonwealth?

We are entering an exciting new phase in our relationship with the Commonwealth. I applaud the meeting of Commonwealth Trade Ministers held in London last week, and pay tribute to my noble friend Lord Marland for his tireless efforts. I understand that the meeting comprehensively identified opportunities as well as challenges across the Commonwealth. I also commend the establishment of the Department for International Trade, and hope that it will place a heavy focus on Commonwealth countries. I hope that we will begin to appoint more trade envoys to Commonwealth countries to identify and investigate opportunities in greater depth. Do the Government intend to appoint more trade envoys?

Finally, I am pleased to note that work is being done among Commonwealth countries to combat radicalisation and promote human rights. I ask my noble friend how we can enhance these activities, as the two issues are very important.

4.05 pm

**Lord Hunt of Chesterton (Lab):** My Lords, I welcome this debate—and the excellent speech of the noble Baroness, Lady Anelay—to take note of UK relations with the Commonwealth leading up to CHOGM in 2018 in London and Windsor. Could we not have a wider range of UK cities? I declare an interest as having spent the first six years of my life in south India, where we used to enjoy dancing cobras on Christmas Day, and I am now a visiting fellow of Cambridge's Malaysian Commonwealth Study Centre, which supports an Asian network for climate science and technology. I am also director of CERC, a small consulting company in Cambridge which is working with environmental organisations in Malaysia. Like many businesses, we expect to work closely with both the Commonwealth and the EU.

We celebrate the Commonwealth for our common history, culture, science and language. In 2016, for those who are of the mathematical bent, we had the great celebration of Indian and British mathematics with the film of the great story of Ramanujan and his colleagues Hardy and Littlewood at Trinity. Of course, Indian and UK culture was celebrated last week in London at a certain museum.

Two weeks ago, I was at the Indian Institute of Technology in Delhi, which, to my amazement, was covered with the flags, posters and cranes of JCB—whose chairman is of course a Member of this House—the UK engineering company, which has a large factory and R&D centre in India. They were celebrating a scientific and cultural weekend of innovation. It was interesting: I have never seen such an event on any other campus. Other Commonwealth campuses could consider it.

My general observation from visiting many campuses around the world is that Commonwealth countries would derive more benefit from these exchanges if

there was a cultural and general educational exchange element connected with professional exchange. The UK provides this element for a select few Chevening scholars, but not to specialists. The United States, through its Fulbright programme, does not discriminate against scientists, engineers and technical specialists. I have been on many British Council academic visits and had many British Council visitors to the UK, but in none of the Commonwealth countries involved has there been briefing or information about the general or specific aspects of the countries to which people are travelling.

However, there has been progress. I have been moaning about this for 10 or more years. Recently, the British Council made progress. We had a day here in the House of Lords addressed by the Foreign and Commonwealth Office, the Chief Scientific Adviser and Members of the House of Lords in which a range of technical and specialist people were allowed to talk about politics, culture and the ways in which our different countries were working together. Scientists may be run by some countries; in some countries they rule the country, as they do in China. We should be taking a broader view of technical exchange.

The wider issues of openness should be a priority for the Commonwealth. We now have extraordinary sources of information, which many other noble Lords have discussed, that have great economic value. People have spoken learnedly about networks. All networks need information, with IT, satellites and so on, but we need a much greater culture of openness in all governmental organisations. One way of encouraging the culture of openness is through schools and communities. There is a great deal of secrecy; we see that in this country and I am afraid there is quite a culture of secrecy in many Commonwealth countries. This is the only way we will solve problems of health, the environment, improving business and so on.

I wondered whether one of the themes of this CHOGM might be more openness. People have talked about corruption, but openness is a much broader topic. We should be focusing on that. One of the other features is that openness comes with a greater breadth of knowledge and learning, and cultural attitudes towards it. I found it interesting when visiting a major university in India that it commented that the traditional, more specialist degree in UK and European universities is noticeably different from the broader research degree from the United States. It is the latter kind of training and teaching that equips people better for getting appropriate positions in developing countries such as India. It would surely be useful for Commonwealth countries to consider the most appropriate education policies for the countries and perhaps even push the UK in this direction of more openness.

One of the important features that other noble Lords discussed is the question of global climate change. It is accepted now as an overarching policy issue in all Commonwealth countries, but this goal is also pursued in conjunction with global programmes of the United Nations. Despite the slightly negative remarks of some noble Peers, the United Nations is an extremely important part of the functioning of the Commonwealth. Commonwealth countries benefit from it. We need to know where we can have the best

benefits. It is noticeable that scientists from many Commonwealth countries are involved in leadership positions in the United Nations, notably in some of the leading positions on climate change.

Another interesting feature is that if you go to tropical countries you find that they are now very interested in the poles—the Arctic and the Antarctic. They claim that they have the third pole, which is of course the Himalayas—that enormous area of snow—but now because of the melting of the Arctic ice, prospective future trade routes may involve shipping going right through the Arctic. That is why India, Singapore and other countries are observers in the Arctic Council, which is a big new development and another area in which the UK can collaborate.

The essential issue is to develop practical plans that connect health, economics and environmental preservation with reducing carbon emissions and adverse impacts. My noble friend Lord McConnell reminded us of the importance of the UN sustainability goals. They are one way to see about our progress. It is very important to see technical and commercial exchange between the UK and Commonwealth countries working in these practical areas. For example, just three weeks ago the Indian Space Research Organisation sent up one rocket with 100 satellites on it. That is quite something. Indeed, we will be discussing in the House of Lords next week British space legislation to have more of these small missions, focused on very specific applications. This is something we shall learn with other Commonwealth countries.

The other important point is that Commonwealth countries have great experience in non-carbon energy systems, both large systems and microsystems. There will be many opportunities for collaboration. One of the interesting features of many Commonwealth countries is that there is tremendous competition for space. Therefore, we have to find systems that are economical in land use, if not using offshore areas. The City of London is noticeable now for helping these new systems. As the noble Lord, Lord Broers, said, one of the important things is to have connections between the developed and the developing countries of the Commonwealth. Canada, for example, has great experience in nuclear and wind power systems. We shall look forward to these kinds of schemes.

4.14 pm

**Baroness Barker (LD):** My Lords, I declare my interests as vice-chair of the All-Party Parliamentary Group for Global LGBT Rights and a long-standing member of the All-Party Parliamentary Group on HIV and AIDS. This week the Prime Minister said:

“As we look to create a truly global Britain, the deep partnerships that we share through a 21st century Commonwealth can help us strengthen the prosperity and security of our own citizens, and those of our many friends and allies across the world”.

The noble Baroness, Lady Anelay, in introducing the debate, talked of the cross-governmental work going into reframing a fresh approach to the Commonwealth. I want to talk today about how we might work similarly to deal with a long-standing problem.

As we know, the International Trade Secretary, Liam Fox, is meeting representatives from Commonwealth countries to promote free trade deals between Britain

and African countries, an event organised by the Commonwealth Enterprise and Investment Council. It is a plan that has been internally dubbed “Empire 2.0” by some Whitehall officials. I hope that that tag does not stay, because the word “empire” is one that does not resonate well around the world. But that leads me to the point that I want to talk about. If this is to work, we need to create a new relationship within the Commonwealth, and one that reflects the new business reality. We need to create new conditions in which modern business can thrive. In 2015, the Human Dignity Trust noted that the,

“criminalisation of homosexuality is undoubtedly a specific Commonwealth problem. The Commonwealth alone encompasses 2 billion of the 2.9 billion people worldwide who live in countries where it is a crime to be gay”.

The World Economic Forum produced a report in 2015 on the cost of discrimination, saying:

“On a range of social and economic indicators, LGBT people, especially lesbians and transgender people, tend to fare poorly compared with the general population. Studies in multiple countries have found rates of poverty, food insecurity and joblessness to be elevated in the LGBT community ... These statistics represent untold personal tragedies for the individuals concerned; but they also reflect a senseless waste of human potential on a grand scale. Every trans youth thrown out of home or forced to miss out on an education is a loss for society. Every gay or lesbian worker driven to leave their job or even their country is a lost opportunity to build a more productive economy ... At a macro level, the cost to a country’s economy can be counted in the billions. According to a pilot study conducted for the World Bank last year, discrimination against LGBT people in India could be costing that country’s economy up to \$32 billion a year in lost economic output”.

The report goes on to say that part,

“of the solution lies with governments”,

who have the power to change laws. The noble Lord, Lord Cashman, set out some of the progress that has been made, but the rate of change is way too slow. If there is to be further progress, Governments need the active involvement and commitment of business, and in all likelihood, it will be the big, international businesses that are at the forefront of change. They need to be certain that they can send their employees into environments that are safe and inclusive of the LGBT communities. It cannot send them to places where their health is going to be compromised or cannot be sustained.

I pick up the point from the noble Lord, Lord Crisp, about HIV. The top 10 countries globally with the highest HIV prevalence are Commonwealth nations. Some nations, such as South Africa, are making great strides because of political change, but laws where criminalisation makes it harder for people to access services without fear of imprisonment or outing by local media also exist in Commonwealth countries. The Academy of Science of South Africa notes:

“The paradox of the laws that criminalise same-sex sexual conduct is while they are in part justified by their proponents as measures to improve public health, such laws have an immediate and destructive impact on health”.

Criminalisation and stigmatisation not only worsen physical health outcomes for those marginalised, unpopular parts of the population; they have an impact on crime, economic empowerment and the rule of law, all of which are essentials for business to thrive.

[BARONESS BARKER]

This issue needs political change. Many Commonwealth leaders deep down know that the change has to come but are fearful because of local politics, often—I say this to the right reverend Prelate—fanned by hateful religious rhetoric funded by Christian supremacists from the United States. In such a circumstance, politicians fear speaking out. We have had things such as the Harare Declaration of 1991, the Kampala communiqué of 2007 and the 2013 Charter of the Commonwealth. They do not talk explicitly about LGBT communities, but talk about human rights and freedom without distinction of any kind.

We in this country have led the way on this issue, but we did it over 50 years and it was a fraught process—not least for Members on the Benches opposite, who started from a more conservative position. Because of some of our legacy contacts with the Commonwealth, we are uniquely placed to enable political leaders in those countries to go through a similarly difficult journey. It will not be easy, but we should do it. Will the Minister pick up the comments made by the Prime Minister? Will she say how the Government see the summit as helping the process of developing diversity and prosperity? Discrimination is a very expensive business. Wasting talent, losing skills, keeping people in jail—these are so expensive that we in this country cannot afford to do them, and Commonwealth countries certainly cannot.

We have numerous mechanisms by which we can help that process of leadership to happen. We have links at governmental level between Foreign Ministers, Finance Ministers, Health Ministers, Women's Affairs Ministers and Education Ministers. We also have links with civil servants and across professions, such as in the courts and judiciary. Given the scale of that, and given that the Minister has started to indicate that this is a cross-governmental priority, can she explain how departments other than DfID and the FCO—for example, our business and trade division—will help in that key change, which has to happen?

I listened intently to what the right reverend Prelate said about the covenant. The role of religion in building that covenant in a manner respectful and inclusive of all is important. The Church is a key player in all this, and some of us will watch with interest the leadership role that it plays in ensuring that we are part of that covenant. I invite him to come and talk to the APPG when we start work on our next report, which is due to be on the role played by religion in LGBT equality.

The Head of the Commonwealth, Her Majesty, said that:

“The Commonwealth is not an organisation with a mission. It is rather an opportunity for its people to work together to achieve practical solutions to problems”.

It is time for us to change the terms of the debate away from cultural imperialism and exploitation by the north to one of mutual respect and the development of good business, for all Commonwealth citizens—especially women.

4.23 pm

**Lord Lexden (Con):** My Lords, like the noble Baroness, Lady Barker, I would like to address LGBT rights. In doing so, I inevitably reiterate some of the points

made so effectively not just by her but by the noble Lords, Lord Scriven and Lord Cashman, in powerful speeches earlier. All three are to me noble friends engaged in a common enterprise. Indeed, one recurring feature of our welcome and valuable debates on the Commonwealth in recent years has been the demonstration of strong, cross-party support for action to remove the suffering and discrimination endured by millions of homosexuals in its member countries who become criminals if they give expression to the love with which they have been imbued. Some 90% of Commonwealth citizens live in jurisdictions where same-sex intimacy is a criminal offence. It must be right that on all sides of the House we should stress again today the need to put a complete end to this grave violation of human rights, which so flagrantly breaches international law and is incompatible with the Commonwealth's own charter. When human rights are set aside, human misery inevitably follows.

That view, I believe, is widely supported on these Benches. It has been championed by my noble friend Lord Black of Brentwood in many debates. Unfortunately, he cannot be here today to renew personally his call for the removal of the terrible injustice that gay people endure in 36 of the 52 countries of the Commonwealth. Many of our colleagues share these sentiments—they were expressed with trenchancy, as many noble Lords will remember, on a number of occasions from these Benches by our Lord Speaker, before he took up his office. Of course, as has been pointed out, we must be careful not to adopt an unduly strident or insensitive tone in seeking to encourage those 36 Commonwealth countries to abolish oppressive discriminatory laws—they got them from us in the days of empire, as the noble Lord, Lord Cashman, reminded us. As a Commonwealth country that has rid itself of these laws, is it not natural for us to want to extend the same legal rights and protections as we now enjoy to gay people in other Commonwealth countries, united to us by ties of kinship, affection and history? We would be untrue to ourselves if we repressed the desire to liberate others as we ourselves have been liberated. Many in the Commonwealth agree. It is now over five years since the Commonwealth Eminent Persons Group unanimously recommended that Heads of Government should take steps to encourage the repeal of discriminatory laws against homosexuals.

How welcome were the words of one Head of Government—the Prime Minister of Malta—this week, in drawing attention to the blot on the Commonwealth's reputation created by widespread disregard of the rights of LGBT people, as the noble Lord, Lord Scriven, mentioned earlier. It was in Malta itself, two years ago, that the effects of the denial of those rights were brought closer than ever before to the centre of Commonwealth discussion and debate. The Kaleidoscope Trust—whose wonderful work has quite rightly been commended here today—working in partnership with the Commonwealth Equality Network, succeeded in raising LGBT issues in a number of forums during the Commonwealth Heads of Government Meeting that Malta hosted. It was an important breakthrough. The Commonwealth summit in London and Windsor next year must follow this up in a decisive manner. In Malta, the Commonwealth Equality Network's LGBT

activists from countries where gay people are criminalised were able to give first-hand accounts of the perils and dangers to which they are daily subject. Both the network and the Kaleidoscope Trust are convinced that, in their words, an approach involving those directly affected is essential for stimulating progress on LGBT rights.

My noble friend Lady Anelay will know all about this; she has shown great receptiveness to the views of LGBT organisations, whose respect she has won. They stand ready to work with the Government in creating a firm place for LGBT issues on the summit's agenda. The Commonwealth Equality Network has proposed the inclusion of presentations by countries in the global South which have decriminalised, enabling others to learn from their experience. What is the Government's view of that suggestion? Countries that want to decriminalise homosexuality should be able to look to the Commonwealth Secretariat for advice and guidance. For that, the secretariat will need adequate resources. That too deserves a prominent place on the summit's agenda. This summit could provide a turning point for LGBT issues in the history of the Commonwealth. We must not let the opportunity slip.

I touch briefly on one other wholly unrelated matter. Our Commonwealth debates often include references, always couched in the warmest terms, to the Republic of Ireland. My noble friend Lord Howell made brief reference to it today. Many of us would rejoice if our close neighbour and partner in so many enterprises could be persuaded to consider coming back into the Commonwealth family. It would find an organisation utterly different from the one it left nearly 70 years ago, and 52 wholly independent states working together on terms of equality would have their collaborative endeavours enriched if the Irish Republic was also involved in them. As regards Northern Ireland, it is now accepted on all sides that there can be no change in its constitutional position without the democratic consent of its people. With its own links to many different parts of the world going back centuries, the Irish Republic would find a natural home as part of the Commonwealth's great global partnership. This is not an issue which has so far stirred widespread interest in political circles in the Irish Republic itself. But with the Commonwealth at an important crossroads in its history, those at the helm of its affairs should surely be encouraged to reach out to all parts of these islands, for the Commonwealth is a unique family of nations. The Republic of Ireland belongs within our family.

4.32 pm

**Baroness D'Souza (CB):** My Lords, I, too, thank the Minister for ensuring that we have a generous amount of time for this important debate.

There has never been a time when the diversity and unity that the Commonwealth represents have been more urgently needed. Although there are continued challenges within the family of the Commonwealth, including discontent between the developed and the developing nations, small states and large states, tiger economies and fragile ones, let us not forget the considerable achievements—for example, the Declaration of Commonwealth Principles in 1971, the Harare declaration of 1991 and the setting up of the

Commonwealth Human Rights Initiative and the Commonwealth Ministerial Action Group. Of course, there is also the underpinning of work carried out the world over in co-operation with civil society organisations.

However, we face new, seemingly insurmountable, issues of radicalism, migration and trade. What can the Commonwealth do to counteract potentially divisive global trends? Is it equipped to act to its full strengths? Not as well as one might hope. That said, most multilateral institutions are having difficulty grappling with the big issues of the world today, in part because they were never designed to deal with such a rapidly changing political environment. The goal posts have shifted seismically. But is there more that could be done? What are the major obstacles?

Despite any number of agreements, there has been a failure by Commonwealth countries generally to implement fully the principles that underlie membership. For example, of the 52 member states, only 27 have signed the Arms Trade Treaty adopted in 2013, and of these only 20 have ratified it. This treaty, if universally adopted, would be a powerful instrument in reducing the destruction associated with the billion-dollar illegal arms trade. Surely, the Commonwealth could become a leader on this, creating awareness of the treaty and insisting on ratification. One can also look at access to information. Freedom of information laws and practice have become a consistent feature of functioning democracies. The Commonwealth was one of the earliest intergovernmental organisations, in 1980, to recognise the importance of people's right to know and to be involved in decisions that affect their lives and livelihoods. Despite strenuous efforts on the part of parliamentarians through many CPA programmes, in the shape of workshops on the concept, practice and experience of freedom of information, only 20 Commonwealth countries had introduced freedom of information laws by 2010—that is, roughly 30% in 30 years.

Commonwealth efforts to empower women in politics are another area worthy of scrutiny. Again, there have been innumerable meetings, workshops and reports, yet in all our regions the engagement of women, especially younger women, in political life is still modest. The Commonwealth Women Leaders' Summit last year concluded with strong practical recommendations in three thematic areas: violence against women, women in leadership and women's economic empowerment. We continue to look forward to hearing more in the coming months about the impact of these programmes.

The work of the Eminent Persons Group, set up in 2011, together with the Commonwealth Human Rights Initiative to look at options for reform arrived at an important conclusion: it is only when parliamentarians work with bureaucrats, civil servants and, crucially, NGOs that obstacles can be overcome. It is also now a well-researched fact that, unless the wider population is if not engaged then at least aware of parliaments' priorities, the chances of successful change will be slim.

The UK has the privilege to host the 2018 CHOGM. What steps can be taken now to ensure that there are measureable and lasting outcomes? The Minister has already confirmed the importance of parliamentary engagement in the CHOGM event but cautions that

[BARONESS D'SOUZA]

the agenda is agreed by consensus. Nevertheless, it is parliaments that drive Governments in agreeing legislation, in allocating budgets, in oversight and in ensuring implementation. Commonwealth parliaments, through their various linked bodies, are in an excellent position to discuss, agree and disseminate a few clear action-based programmes.

The Commonwealth has, over the years, taken upon itself a heavy agenda but the recurring themes are the promotion of human rights and democracy, youth engagement and the management of economic globalisation. The Commonwealth Secretariat is small and modestly funded. It could perhaps use the occasion of the UK CHOGM to downsize and sharpen its goals, while at the same time investing in ever greater networking and joint programming.

There is now a golden opportunity. Put very simply, there is just about time before CHOGM to encourage Commonwealth parliaments to decide on their own priorities, whether these be on peace measures, trade and/or security, and thereafter to communicate intra and inter-regionally, and to convene in the early spring of next year to agree which priorities should go forward to an organising committee of regional chairs. Once sifted, the task would be to agree, and draw up, a clearly worded action plan to be presented at CHOGM.

Such a programme would require good will, energy and commitment from parliamentarians throughout the Commonwealth. The synergistic effect of several parliaments across traditional divides, acting together with relevant NGOs, could be considerable. Furthermore, if managed, it would place parliamentarians at the centre of implementing Commonwealth values, which, to me, seems appropriate.

Many Commonwealth countries have deep links with the UK and, via the UK, with the EU. Inevitably there will be consequences from the UK's decision to leave the EU. These could entail moves to hinder all kinds of seemingly small but very important conventions that bind us together—for example, changes in facilitating remittances, travel, visas, tourism, investment flows and cultural exchange. CHOGM might perhaps take the lead in announcing its intention to protect these conventions through a programme of self-interest and solidarity.

It has been said by thoughtful people that the perils we face are greater today than at any time in history. That may be so and, as parliamentarians, we should be prepared to work across party and national boundaries to insist on measures agreed at CHOGM. The Commonwealth provides an ideal forum for the exchange of experience, for exploring the most effective ways of transforming obligations under international law into the domestic legal framework and for reaffirming our legal, cultural and political heritage. There is no shortage of Commonwealth bodies. I think that at the last count there were something like 90, ranging from law and journalism to business, youth, trade and aid. If united on the vital global issues, the Commonwealth and all its satellite organisations could emerge as a strong and capable leadership committed to ethical governance. Never has the time for the overt adoption and practice of such a role been more urgent.

4.39 pm

**Baroness Uddin (Non-Aff):** My Lords, I thank the noble Baroness, Lady Anelay, for taking a lead and calling this very timely debate. Given the remarkable historic trade summit and Commonwealth week of celebration in the presence of Her Majesty, I was inspired by the contribution in the City of London by the honourable Prime Minister of Malta, Joseph Muscat, and his far-sighted vision of a more united Commonwealth. As a daughter of the Commonwealth, I wish to focus my comments on the role of women in the Commonwealth.

Current leadership can easily give a false sense of comfort, with Her Majesty carrying the baton for equality, but there are only two women heads of government—in Britain and Bangladesh. But the speaker of the Bangladesh Parliament, Dr Shirin Chaudhury, is the chair of the Commonwealth Parliamentary Association and my noble and learned friend Lady Scotland is the Secretary-General. Her priority this year is to drive Women in the Changing World of Work: Planet 50:50 by 2030. The aim is to continue as pioneers towards gender equality and to achieve fully the economic and social inclusion of women and girls. I wish to take this opportunity to speak particularly about the importance of the political, social and economic inclusion of women at the heart of our trading and security relationship among the 52 Commonwealth countries, without which there cannot be lasting peace and prosperity in our world.

I am a member of the Africa Group in Parliament, and last year we concluded an inquiry. Among the many objectives was the role of aid in promoting human rights. The UK rightly takes pride in its aid policy and it is important leverage in our work alongside Commonwealth partners to pursue our common desire for social justice and equity, be it in peace or in times of conflict. My personal observation during that period was that while many Commonwealth leaders have unflinching loyalties, given the rising influence of a younger generation, a significant number of Ministers and leaders were mindful and stated in no uncertain terms in their evidence that aid cannot dictate the social justice policies of sovereign Governments and partner countries.

In this context, any reference to empire, old or new, raises legitimate questions about how CHOGM and other institutions surrounding the Commonwealth can benefit all the Commonwealth equally alongside British interests. The fact is that we have enjoyed an unfettered advantage. Many want to negotiate a new post-colonial relationship, and I am in total agreement with the contribution made by the noble Baroness, Lady Berridge, whose comprehensive analysis looked at how we can achieve levels of parity and respect among nation states.

Our Commonwealth Charter declares that,

“gender equality and women's empowerment are essential components of human development and basic human rights. The advancement of women's rights and the education of girls are critical preconditions for effective and sustainable development”.

These values of human dignity and gender equality must be intrinsic and present in all our trade and security relationships as we continue to strengthen our

ties. Of course, if women are absent in their thousands from executive governance and in Parliament, the consequence of limited progress towards gender equality in these areas at regional and national levels is inevitable.

Women's political empowerment and equal access to leadership positions at all levels are fundamental to achieving sustainable economic participation and a fairer world. With restricted growth in women's representation, the advancement of gender equality and the business of governance, peace and security are seriously threatened. Unsurprisingly, 2017 has seen a decline in women's political participation in a number of countries. Only two nations of the Commonwealth have female heads of government. This surely indicates that change has to be embedded in every corner of society. Progress in the number of women Members of Parliament worldwide is also moving at a snail's pace, albeit that the number of women Speakers of Parliament has seen a small increase. However, the number of Ministers remains unchanged. It is still far from gender parity and indicates that gender equality remains out of sight in structures of power and decision-making; economic power and high office remain the domain of men.

Without a fair and level playing field along with a concerted effort to protect and promote women's rights and leadership, we will not see a social environment in which entrepreneurship and small businesses can thrive. If we do not regard women as critical factors in our economy, there will be no equality in the market or the boardroom and they will not have financial independence, which will render the very fabric of our institutions undemocratic. We leave aside at our peril the importance of women as consumers of trade and business and as soft power generators. While many of these changes must come from within national institutions and Governments, the international community—and Britain in particular—has an onerous responsibility to ensure that gender equity can forge ahead unconditionally. It has to be the highest priority on our agenda for economic ties.

There seems to be a distinct excitement about the post-Brexit relationship with the Commonwealth. Successive Governments have overlooked the significant prospects for Commonwealth nations. Notwithstanding our colonial past, the people of the Commonwealth continue to defer to the UK's standing and political values, not to mention their adherence to the remnants of our own legal system and governance. Their systems are prevalently based on our model, although a little cranky at the edges.

We also have a forceful diaspora here with a deep-rooted Commonwealth heritage who contribute immensely to the UK economy. We should utilise these people as our assets and ambassadors to strengthen our economic and institutional ties. Many second and third generation Asians and Africans who were born and brought up in the UK are trail-blazing in business in their parents' birthplaces, seeking out emerging markets and opportunities as well as assisting in building community infrastructures such as schools, hospitals and charitable institutions. I have witnessed many such projects at first hand in Bangladesh and I know of many friends who are actively engaged in India, Pakistan and many parts of Africa. Of course this

means that our Government will need to refresh our policies on migration as well as trading arrangements and I cannot but mention the need for a welcome mat for international students beyond China. As an officer of the APPG on International Students, I must reiterate our call for international students to be taken out of net migration figures. It should be noted that the message that students from many parts of the Commonwealth are not welcome has been too harsh for too long.

The irrepressible presence of the Bangladesh, Pakistan and India diaspora of nearly 2 million people with financial clout represents a massive potential link to developing export markets. China is already cultivating and strengthening its position in these regions where our standing, history and friendship are far more significant. The much-respected and praised noble Lord, Lord Marland, has already opened the door of possibilities by recently organising the first ever Commonwealth heads of trade meeting with a view to increasing co-operation and trade between Commonwealth Governments and leading businesses. I had the privilege of having a conversation with the noble Lord and I wish him well in all his endeavours.

Finally, the Commonwealth Secretariat, in collaboration with the Commonwealth Youth Council, the Commonwealth Youth Gender and Equality Network, and Rotary clubs in Canada and the Caribbean, has launched the Commonwealth Women's Mentorship Scheme. I hope that some of our UK business leaders will participate and mentor the new generation of business women from the Commonwealth.

I conclude with the following questions for the Minister. First, what will Her Majesty's Government do to ensure that all future political, economic and trade discussions embed women's leadership at their core, as well as a recognition of the right of women to contribute to their nation's economic progress? Secondly, not just for the greater good of humanity but because of our historical contribution, what plans have been put in place by Her Majesty's Government to bring about peace among the various countries within the Commonwealth where long-standing conflicts rage, afflicting countless generations and exposing young people to the threat of extremism? India, Pakistan, Nigeria and Bangladesh are cases in point.

I will repeat my previous call made in this House about reparation and apologies for the hundreds of thousands of women of Bangladesh raped by the Pakistani army as a weapon of war. Will the Minister consider this proposition within the context of peace building? I accept that it demands courage and foresight, which she has in abundance.

Finally, I want to take this opportunity to salute Her Majesty, the Prime Minister and the Secretary-General for their continuous leadership to usher in a more peaceful and prosperous Commonwealth and look forward to the 2018 meeting.

4.51 pm

**Lord Popat (Con):** My Lords, I welcome the opportunity to debate the Commonwealth in your Lordships' House. I declare my interest as the Prime Minister's trade envoy to Uganda and Rwanda.

[LORD POPAT]

For those of us who have argued for many years that we have neglected the Commonwealth, leaving the European Union offers us an historic opportunity to reshape our foreign policy and rekindle relations with this amazing group of nations. I am very fond of quoting my noble friend Lord Howell, sitting just near me, who has said:

“Europe is our region, America our ally, and the Commonwealth our family”.

It is our family, and as in all families, we are all different yet united by strong foundations, none stronger than the amazing leadership of our sovereign, Her Majesty the Queen.

However, as a Member of the other House said in 2014:

“The Commonwealth has strong and deep foundations; but without constant renewal, these risk gradual decay”.

It is about such renewal that we have been talking today and we should continue to do so in future.

I want to ponder for a few moments where we have gone wrong. I think that there are four main causes. First, successive UK Governments gave little thought to how we could make the Commonwealth an effective trading body, and many of our Ministers and civil servants feared Britain playing a leading role in the organisation because of the “colonial” feel it might produce. This is both nonsense and cowardice.

Secondly, the signing of a new Commonwealth charter in 2012 was meant to give it a new direction. The members agreed to prioritise democracy and human rights. That has not worked, because we have prioritised over trade, where there is very little dispute, the areas where there is the most contention.

Thirdly, our membership of the European Union consumed a vast and disproportionate amount of diplomatic time and resources without delivering an equivalent amount of good outputs. Finally, our membership of the single market and customs union spread apathy among many of our businesses. British businesses which have created what should be world-leading products have limited themselves to our nearest trading partners, such as the European Union, and neglected emerging markets and the Commonwealth, where we really need to be.

If we are to give the Commonwealth purpose, let us focus first on trade. The Commonwealth comprises 52 largely English-speaking countries with a combined population of 2.6 billion; it covers a third of the globe; it has a combined GDP of more than \$10 trillion and includes five G20 countries, with trade projected to surpass \$1 trillion by 2020. Given that Britain’s trade deficit of £40 billion is the greatest economic challenge facing our country, we should keep it in mind that a recent report on the Commonwealth highlighted that it is 19% cheaper on average for a business in the Commonwealth to trade because of commonalities such as our legal system and language. By reforming the Commonwealth around a trade agenda, we solve one of our biggest problems and help to spread prosperity. Trade is of mutual benefit—for not just one but both countries concerned.

We are all children of the Commonwealth. As with my noble friend Lord Gadhia, I was born in that great continent of Africa. I now turn to our relations with

the 18 Commonwealth countries there. While there are many things we can do at a Commonwealth level to build trade links with all nations, there are also many things we should be doing at a bilateral government level as well. At the moment, seven of those 18 countries have trade envoys, including the noble Lord, Lord Hollick, for Kenya and Tanzania. We should as a matter of urgency appoint trade envoys and recruit a DIT staff member for the remaining 11 countries, including Zambia, Malawi and South Africa. Are there plans to do so? The trade envoy programme offers us a unique opportunity to build bridges with these nations and to spend time on issues that Ministers simply cannot always get to. I have been in the role for just over a year and we are on course to double trade with Uganda and increase it in Rwanda by up to 20 times the 2015 level.

There are other steps we can take. Our aviation links with African Commonwealth countries are woeful. The decision taken by British Airways to suspend flights with Dar es Salaam, Entebbe and others—flights that were almost always full—was shameful. Those were our bridge to these nations and I hope other providers will continue to step in and replace them. However, a replacement is difficult because there are no slots available at either Gatwick or Heathrow. We often talk about aviation policy in this House but in a post-Brexit world we need connectivity. We are 30 years behind where we should be. We need not just a third runway at Heathrow but a second at Gatwick, and others. When I see what other countries are doing in aviation, I am ashamed of our faint-heartedness.

Similarly, the decision taken by Barclays Bank to sell its African trading arm should be seen as a national scandal. It has been in Africa for 100 years, its brand is beyond compare and yet, because of legislation passed in this very House, it is selling away one of our great connections. That harms the great brand of UK plc.

I finish with an idea that I came up with when my noble friend Lord Howell was a Minister in the Foreign Office and I took up with the current Minister for the Commonwealth, my noble friend Lady Anelay. I proposed a Commonwealth bank that could unite the Commonwealth—or, more fittingly, the “Queen Elizabeth Commonwealth Bank”. Collective institutions bind organisations together. We already have a World Bank and a European Bank so why not a Commonwealth bank? I have in mind something like the Asian Infrastructure Investment Bank, of which Britain is a founding member, which could transform economic development across the Commonwealth, supporting major infrastructure projects and possibly lending directly to businesses. Across the Commonwealth there is a huge appetite for new infrastructure investment. New roads, rail and energy projects are all essential to economic development. A Commonwealth bank would be a great way of demonstrating our commitment to our family, showing that Britain is still an outward-looking nation. It would help all its members, particularly the poorest. Will the Minister commit to exploring the idea before the Commonwealth Heads of Government Meeting next year?

The recent Commonwealth Trade Ministers Meeting—a brilliant initiative driven by the Commonwealth Business Council and my noble friend Lord Marland—is



a good start. Next year's Commonwealth Heads of Government Meeting is another excellent opportunity. Let us be bold in our approach to the Commonwealth; let us unite around increasing trade, investment and cultural links; and let Britain lead the charge for a Commonwealth bank. It will bring the Commonwealth together in shared purpose, and would also be the most fitting tribute to Her Majesty's magnificent leadership of this wonderful family of nations.

5 pm

**Baroness Flather (CB):** My Lords, we have had a very interesting afternoon. We have heard a variety of speeches on a variety of issues. First, I thank the noble Baroness, Lady Anelay, for the comprehensive way she introduced the debate. I do not think she left anything out in her opening speech.

We almost always have a debate on the Commonwealth every year. Some of it is the same as ever because obviously the issues do not go away so we have to remind ourselves of them. I was very pleased to hear the support for the new Secretary-General, who has been a good friend to many of us. One of the newspapers said she was very greedy because she was asking for the same pay as the former Secretary-General. Is that greedy? Should she accept lower pay just because she is a woman? Somebody else said she was spending so much money doing up the flat but she says it was started beforehand. That is not in the papers. Nobody says that the works had started before she took office. These are the issues that even in our society women have to face.

That reminds me of women—not that I ever forget women. I am pleased that the noble Baroness, Lady Uddin, spoke about women. She spoke more about the leadership role of women. I have noticed how many Prime Ministers and leaders who are women do not focus on the needs of their sisters. It is very sad because they have to fight their way and they have to fight all the people around them, and are not terribly well supported in their roles. Certainly, if I go back to Mrs Gandhi, she did not do anything at all for women. Mrs Thatcher did more than people know but there are many women leaders and Prime Ministers who have done nothing for women.

My focus is always on the poorest women. Yesterday the noble Lord, Lord Watson, and I were at a conference on Nigeria. I said, "The women in Nigeria do three-quarters of the work and you give them nothing. They get nothing at all for that". The people there did not say, "No, no, they do not do three-quarters". Actually, I could have said they do almost all the work but I thought that would be a bit over the top, but they do. They do agricultural work and all kinds of other work and there is no return for them, and they are controlled totally by the men. They do not have any money, position or status.

As the noble Baroness, Lady Uddin, said, without the women we cannot have a change in society. Women are the only way to change the nature of society and the nature of society in the developing countries of the Commonwealth is not good—and that includes India. It is amazing. People say, "Oh, but India has so much money". Yes, India has money but it is not for the people. The money is for the individuals who have

money. That is the problem. Maybe Africa has money, I do not know, but it does not go to ordinary people and certainly not to the women. If we want a proper change, we have to start thinking about how to make it possible for women to have a reasonably good life and access to some money.

I have been involved in development issues since I came to this House. Everywhere I have gone, in every project I have seen, women earn a little bit of money; they change, their children change; they send their children to school—everything changes. Their health changes. I agree with the noble Lord, Lord Crisp, that health is a very important factor. What he said about nurses was extremely valuable. In India, which is a great place for health tourism, nurses are not valued at all. They are treated almost as if they are street women. So even in the professions or jobs where they are badly needed, women are not valued or treated well.

I have to say a word about Bangladesh. I do not know whether the noble Baroness, Lady Uddin, will agree but I have been to Bangladesh several times and it does better than India on every tick-box. It does better on food security, health, education and family planning—in fact, very much better on family planning. I believe that is because there are so many women in paid work. We always say how dreadful these garment factories are; they are dreadful to an extent but they employ girls and women, who change once they are employed. If they get even a small amount of money, they change and when they do, everything else changes with them. In their families, they do not want to have children or to marry too early. All sorts of things happen.

I was speaking a little earlier today to the noble Lords, Lord Watson and Lord Boateng. I said how important it was to have family planning and they both said, "It'll happen by itself—there'll be more education and a change in their circumstances". I do not quite know which circumstances they meant. I am sorry, but we have been saying for 50 years that everything will happen by itself and education will come. No, it is actually longer than 50 years because it was in the 1950s that we started saying, "Don't worry, education will come and everything will change in developing countries". Are we not still waiting?

When we have CHOGM next year it is my hope and expectation that we will be clear and straightforward, and not try to pretend that we must not say this or that. We have heard about the treatment of LGBT people. How can we tolerate that? We have to speak out about it. I say frankly that the religious and faith leaders have a real role to play in that. They have a real responsibility and should speak out openly and clearly to the faithful who follow them, but they do not. They are always a little ambivalent about it and they should not be.

We should not be ambivalent about issues which are extremely important and clear. We should not be ambivalent about the treatment of women, or about the fact that somebody like Zuma can build a huge palace for himself and it is said to be perfectly all right. It is not perfectly all right. What would Nelson Mandela say about Zuma? The value of the currency there has dropped like a stone, while he has this huge

[BARONESS FLATHER]

palace. There are issues in the Commonwealth which cannot be papered over as if they do not matter. We cannot paper over Mugabe. We ought to try to persuade other countries in Africa to say, “This is not the way to treat people”, when things are so bad. Zuma has now said that white farms are there to be taken. Everything seems to be going the wrong way round and they should not be doing those things.

At CHOGM, we ought to set down exactly what we want to see. It is not just about doing it for them; they have to do it for themselves but we have to help them and point out why. The noble Lord, Lord Crisp, also mentioned the rule of law. Nothing can happen in a country—no human rights or anything—if there is no rule of law. You can say, “All right, we have human rights”, but how will you make them happen? You cannot, so the rule of law is very important. I hope noble Lords will make sure that next year it is big on the agenda.

5.10 pm

**Baroness Jenkin of Kennington (Con):** My Lords, it is always rather a challenge to follow the noble Baroness, Lady Flather, especially on a day with so many excellent speeches from so many noble Lords. I start by thanking my noble friend Lady Anelay not only for introducing this debate with such a comprehensive opening speech but for her commitment to her brief, including her role as the Prime Minister’s special representative on preventing sexual violence in conflict. She is an inspiration to many of us here and outside this Chamber and it is clear from all the speeches today that she is held in immense respect by us all.

Earlier this week we celebrated Commonwealth Day, a time for us all to stop and reflect on and celebrate our rich diversity and shared values. The values that hold our unique partnership together are promoting democracy, championing human rights and extending social and economic development across all 52 Commonwealth member countries. Our family spans six continents and is home to one-third of the world’s population, some 2.2 billion people, and, with 60% of its population under 30, now more than ever the Commonwealth has the potential to be an unstoppable movement in delivering global social progress. I endorse the suggestion of the noble Lord, Lord McConnell, that young people should be engaged and welcomed at CHOGM next year. It would be a great opportunity to encourage and develop the next generation of leaders, and they should be properly supported on that journey to leadership.

Next year, the UK will resume the chair of the Commonwealth. The UK is already a leader in economic and sustainable development and is the only G7 country to give 0.7% of its GNI to international aid and development. It is transforming lives around the world every day. Our chairmanship will come at a critical moment for the world’s poorest and offers a unique opportunity to help to implement and deliver authentic, concrete action in support of the global goals for sustainable development.

There is much still to be done. Despite incredible progress, preventable diseases still wreak havoc across the Commonwealth and, indeed, the world. The collective

power of the Commonwealth means that we can make tangible plans to curb these debilitating and, in some cases, deadly diseases. Previous Commonwealth Heads of Government Meetings have shown that this is possible.

Let us take polio as an example. In the years leading up to the 2011 Commonwealth Heads of Government Meeting, outbreaks of poliovirus were occurring in places where it had not been seen for years. The disease seemed to be making a terrifying comeback, even though we had been 99% of the way to eradicating it for good. In response, millions of pounds of new funding were pledged from donor countries such as the UK and, importantly, the leaders of Pakistan and Nigeria, which accounted for the majority of polio cases at the time, pledged to prioritise the effort. Six years later, the situation with polio is vastly different. Only 37 cases were reported across three countries last year, compared to 650 cases across 16 countries back in 2011. Challenges remain that may yet derail such progress, but with the Commonwealth’s ongoing support we stand on the cusp of making polio the second human disease in history, after smallpox, to be eradicated.

The Commonwealth’s legacy on polio leaves lessons for other urgent causes. In working together to eradicate polio in the most remote, vulnerable and socially excluded communities, Commonwealth countries are constructing a blueprint not only for tackling preventable diseases such as malaria but for achieving the sustainable development goals as a whole. To this day, 90% of Commonwealth citizens still live in malaria-endemic countries. Malaria kills half a million people every year and although there has been significant progress in tackling this disease—Sri Lanka was declared malaria-free last year—more needs to be done to tackle what is considered to be the greatest killer disease of all time. The collective power of the Commonwealth can make this happen.

By the same token, the only way in which we will end extreme poverty in all forms is, as noble Baronesses have said in recent speeches, by prioritising the rights and needs of girls and women across the world. For too long, the efforts to ensure gender equality have fallen short, even among Commonwealth nations. To this day, each Commonwealth member country has at least one law on its books that discriminates against girls and women simply because of their gender. Further to this, at least six Commonwealth countries do not have legislation on domestic violence, while 15 still have exemptions that permit marital rape, ensuring that men only face criminal charges for raping their wives in very limited circumstances. This is not good enough. Women also face barriers when it comes to laws and practices affecting their right to work, financial inclusion, inheriting property and harmful practices such as child marriage. The Commonwealth can be a force for good in this world, provided that we first get its own house in order.

In these uncertain times, the Commonwealth has a real, legitimate chance to be a major power for social good in the world. Like the noble Lord, Lord McConnell, I am a former adviser to Global Citizen, which, with many other NGOs, is working to support Commonwealth nations to collectively address discriminatory laws and

practices, including gender-based violence—barriers that keep girls and women from realising their full economic and social potential. In the spirit of the sustainable development goals, Global Citizen believes that, by demonstrating the political and financial will needed to achieve a polio-free world by 2020, we can ensure that no one gets left behind.

Whatever your gender, and wherever you were born, you deserve a fair chance to live a healthy life of opportunity. The lives of women and girls and of children vulnerable to the devastation of polio and malaria cannot be forgotten. UK aid already has a tremendous impact on the world's poorest, something that we should all be incredibly proud of. When we take the chair of the Commonwealth next year, not only should we strengthen our ties with our old allies, but we should ensure that its awesome power is harnessed to give help to those around the world who need it the most.

5.16 pm

**Lord Luce (CB):** My Lords, I am very glad to follow the noble Baroness, Lady Jenkin, after the most amazing variety of speeches this afternoon. This all goes to show how all-embracing the Commonwealth is, but it also means that the Government, in working on their programme for the summit meeting next year, will have to take some very tough decisions about priorities. If we try to do everything, we will do nothing, so we have to select the kind of issues we want to focus on.

Over the last decade or so, I have taken part in most of the debates on the Commonwealth. There has always been a great deal of good will towards the Commonwealth, and a great deal of good will from the Government of the day, but precious little action, if any. When I was privileged to lead the last debate, 15 months ago, after the Malta conference, I saw perhaps the first signs that things might be beginning to move under the leadership of that excellent Prime Minister of Malta, Mr Muscat, but still I was sceptical as to whether there was really much movement. Now we have a different situation, with new momentum from the Government, and the irony is that it arises from Brexit.

Two things flow from that. First, there is no substitute for the EU in the Commonwealth: they are two quite different things. The noble Lord, Lord Howell, made this point right at the beginning of his speech. Incidentally, he has been tireless in support of the Commonwealth, not just over recent years but over decades, for which we owe him a very great deal. Secondly, we must not use that as a reason to step back into the past, and perhaps I am the best person to say that, as the last British administrator to take up a job in Kenya when it was still a colony. Things were not quite as bad as some people like to make out, but I can say, with great strength of feeling, that that is all the past. In leading the Commonwealth, as we are, towards the next summit, we cannot afford to show today any kind of paternalism, to lecture other countries or to try and impose our views on them too strongly.

I am pleased that the Prime Minister referred recently to the Commonwealth as a unique opportunity. That is exactly what it is, and we either take it or leave it. I am glad that she set up this unit to supervise the

summit meeting under Tim Hitchens, and I am glad that she is getting the departments of government to work together towards that end, working right across departments. Of course there is a culture in the Commonwealth, in which Her Majesty the Queen herself has set the lead, of personal rapport—of contact with people. It is almost an attitude of mind that Ministers in government—indeed, all of us who work with the Commonwealth—need to follow.

We should look first at other departments at home. Take the Department for Education. At the moment there is very little education in schools about the Commonwealth, yet it is a salient part of our history. I hope there will be leadership on that between now and the next summit meeting to stimulate schools to take an interest in their history and their past in the Commonwealth of today. There is something called Commonwealth Class, in which the BBC, the British Council and the secretariat work to get contact, through digital revolution links, between schools all the way around the Commonwealth.

Then there is DfID. As has been mentioned today, it has a very important role: it finances part of the institutions of the Commonwealth. However, it needs a more coherent strategy with the FCO on its approach to the Commonwealth, and I hope we will hear more about that in the near future. There is one thing it might like to think about in the longer term: we contribute 14% of the total resources of the European Development Fund and the multilateral work that the EU does. That could mean there could be something like £4 billion available in the period between 2020 and 2026, and I hope we could devote a lot of that to the Commonwealth, among other issues.

There has been plenty of discussion today about strategy. Others know far more than I do about trade but I join all those who have congratulated the noble Lord, Lord Marland. We need men and women of action who will set up projects and then move them forward, which the noble Lord has done with the Commonwealth Enterprise and Investment Council and with the Trade Ministers' meeting in recent days.

Of course, we have to keep perspective. Over 45% of our exports and imports are with the EU while under 10% are with the Commonwealth, but the Commonwealth is growing pretty fast. As we have heard, the projection is that there will be \$1 trillion of trade by 2020. It needs to be non-bureaucratic. I do not like this talk of endless treaties; we need non-bureaucratic agreements about trade to facilitate trade between us. We need to invite India to take an active part in this. Recent studies show that the potential for trade with India is enormous—within the Commonwealth, not just between our two countries.

On Africa, the all-party group recently produced a very constructive report suggesting ways to make it easier for Africa to trade with Europe and the rest of the world. If we want Africans to support the Commonwealth actively, there must be some advantages to that which would bring help in terms of the development of their people.

Then there is education. I declare an interest as chancellor of the University of Gibraltar and former vice-chancellor of the University of Buckingham. Here

[LORD LUCE]

we can take any number of examples. The scholarship and fellowship fund of the Commonwealth has 30,000 alumni, people in leading walks of life all over the Commonwealth who have important links with this country. The scope for developing much more in the field of education with the Commonwealth is enormous, to facilitate more movement between staff and students and more partnerships between universities. In fact, perhaps the equivalent of Erasmus in the EU can be projected into the Commonwealth as a whole. The Association of Commonwealth Universities has 500 members, and an enormous amount can be done through educational co-operation.

That leads me naturally to the role of professional bodies, of which, as we have heard, there are at least 80. I join others in robustly supporting the Secretary-General in the work that she is trying to do. The secretariat has limited resources, and there is immense advantage in forming partnerships with Commonwealth professional bodies for particular projects: groups of countries working together; Britain sometimes in the lead, sometimes not. It depends on the interests of the countries concerned. Through those professional bodies, enormous partnerships of great effect can be progressed. The Commonwealth of Learning has its role to play. The Commonwealth Foundation, of which I used to be chairman, has a role to play. We have not mentioned the Commonwealth Parliamentary Association, whose work at the moment emphasises the role of women and youth. Those two areas are vital, as we have heard.

There is an enormous amount to be done on security, for example; on corruption, where we could co-operate with President Buhari in Nigeria; and on the charter. I agree with everyone who has made speeches on human rights, but the best way to move them forward is not megaphone diplomacy but the reasoned arguments that we have heard today—through dialogue within the Commonwealth.

As Nehru always said, the purpose and value of the Commonwealth is that it can show a touch of healing, and that is exactly what we need.

5.26 pm

**Baroness Hooper (Con):** My Lords, I am most grateful for the opportunity to speak briefly during the gap, and declare an interest as a member of the executive committee of the Commonwealth Parliamentary Association and as a member of the All-Party Parliamentary Group on the Commonwealth. I have also had the privilege of participating in bilateral visits to Commonwealth countries, as well as of attending the international assemblies organised by the CPA and building friendships and channels of communication—soft power, soft diplomacy, call it what you will.

Given all the talk about trade today, which is of course of great future significance, I wish to emphasise the importance of the democratic process, effective parliaments and parliamentary co-operation. After all, many, although by no means all, Commonwealth country parliaments are based on the Westminster model, so we have an undeniable special interest. The noble Lord, Lord Luce, said that the Commonwealth Parliamentary Association had not been mentioned so far. My intention in speaking in the gap was to mention

it. I believe that it is fundamental, and the United Kingdom branch has played a leading role in developing parliamentary relationships, not only through bilateral visits but by setting up workshops, seminars and round tables to enable the exchange of information on parliamentary procedures and practices and ways of holding Governments to account—especially in encouraging more women to participate in parliamentary work. My noble friend Lady Berridge referred to that.

I therefore hope that the United Kingdom branch of the CPA will be recognised for the important work that it carries out, permitted to participate in the preparation for the CHOGM agenda, and guaranteed a place at the meetings—as well as being involved in appropriate fringe meetings. I hope that my noble friend will be able to give assurances on that.

As a postscript, and something else that has not yet been mentioned, I refer to the overseas territories—those tiny territories that are also part of the Commonwealth. I hope that they, too, can have suitable representation and presence at the CHOGM in London next year.

5.29 pm

**Lord Hussain (LD):** My Lords, I too am grateful for being able to speak in the gap. As many noble Lords have mentioned, human rights are among the basic values of the Commonwealth. Unfortunately, the record on human rights of some member countries is not so good. I draw your Lordships' attention to the human rights situation in what is known to be the largest democracy on earth, India, particularly in the part of Jammu and Kashmir under its control.

According to Amnesty International's report of 2016-17, the most recent one, in Jammu and Kashmir since July 2016 more than 80 people, mostly protesters, were killed in clashes and thousands were injured. At least 14 people were killed and hundreds blinded by security forces' use of pellet guns, which are inherently inaccurate and indiscriminate. Security forces used arbitrary or excessive force against demonstrators on several occasions. In August, Shabir Ahmad Monga, a lecturer, was beaten to death by army soldiers.

The Jammu and Kashmir Government imposed a curfew that lasted more than two months. Private landline, mobile and internet service providers suspended their services for weeks on orders from state authorities. The communications shutdown undermined a range of human rights. Residents reported being unable to reach medical assistance in emergencies. In September, Khurram Parvez, a Kashmiri human rights defender, was arrested and detained for more than two months on spurious grounds, a day after he was prevented from travelling to a UN Human Rights Council session in Geneva, Switzerland. In October, the Jammu and Kashmir Government ordered a Srinagar-based newspaper to cease printing and publication on vague grounds.

Over this period hundreds of people, including children, were placed in administrative detention. Will the Minister condemn these abuses of human rights in Jammu and Kashmir? Furthermore, will she ask the British Foreign Secretary to raise the issue of human rights abuses in Jammu and Kashmir with his counterpart in India at their next meeting to bring them to an end and bring the culprits to justice?

5.32 pm

**Lord Purvis of Tweed (LD):** My Lords, I have been in this House for only three years and do not have the depth of experience of many noble Lords who have contributed so well to the debate regarding the Commonwealth. Over those three years it has been a real privilege for me to develop my knowledge and understanding of the Commonwealth. It is a privilege of mine to serve alongside the noble Baroness, Lady Hooper, on the executive of the CPA. I was both delighted and slightly irritated when the noble Baroness contributed in the gap. I was delighted because she raised the CPA and the work that it does, but irritated because she said pretty much everything that I wanted to say, having sat here for a number of hours waiting for my moment to finally address CPA issues. The noble Lord, Lord Luce, gave a tantalising mention of it, and then the noble Baroness, Lady Hooper, spoke. I am sure that the House will forgive me if I repeat—perhaps I should say “emphasise and strengthen”—some of the noble Baroness’s contributions.

In some ways it remains remarkable to me that, with such a conflicted history of military occupation and economic exploitation, the UK retains such warm familial relations with such a diverse network of 52 independent sovereign states around the globe. It really is a remarkable 21st century network of countries, as the Minister said. Our debate on the UK’s relationship with this association quite rightly recognised that we no longer set the terms. Many contributions debated how the UK uses its relationship with this network and whether in some key areas it is perhaps not being proactive enough. Therefore, I thank the Minister very warmly from these Benches for allowing this debate to take place, for the manner in which she introduced it and for the work she does in her ministerial portfolio, which has rightly been recognised across all sides of the Chamber.

The diversity of activities under the umbrella of the Commonwealth and the number of organisations and bodies within that umbrella—as the noble Baroness, Lady D’Souza, said, it is now touching on nearly 90—is as diverse as the countries within the network. There are countries with populations over 1 billion and others with populations barely over 10,000 people. It really is quite remarkable. But when it comes to CHOGM and our discussions in the Commonwealth, they are all equal. Whether it is the United Kingdom or a Caribbean island, we are equal partners. Then there is the extraordinary work that the British Council does in partnership with the Commonwealth—this year is the UK-India Year of Culture—right through to the CPA work on cybersecurity, on the cutting edge of some of the challenges that parliamentarians have to face. A conference is coming up on cybersecurity, organised by the CPA, with more than 90 parliamentary delegates from across the Commonwealth.

This debate has also reflected diversity, from education to economic development, from development policy to diplomatic dialogue and from LGBTI injustice to shared values. But within all those interesting areas, the debate focused on the two broad themes of human rights and trade—perhaps rightly so, as they are issues that face the world at the moment and are a priority for the United Kingdom.

The Minister referred to the Commonwealth being a unique family of nations. One thing that struck me in her introduction was when she said that within the Commonwealth there are 1 billion young people. The future needs and opportunities for a whole global generation are reflected in the debates and dialogue that we have within the Commonwealth. The noble Lord, Lord McConnell, referred to his experience with young people, and the fact that they have a direct input into some of the global decision-making structures, including the development goals, and the challenges that they see. The Commonwealth can play a much greater role in supporting those developments from a neutral political standpoint. There are still immense challenges, but the Commonwealth has a very clear role.

The diversity of the Commonwealth being one of its strengths does not mean that there are universal standards on human rights. That has rightly been the focus of much of the debate this afternoon. My noble friend Lord Scriven said that the values and defence and promotion of human rights should be universal. He is absolutely right and he highlighted the scale of the challenge. Within the family of nations, as we have been referring to it, there requires to be much greater dialogue and open exchanges on addressing issues where we would like to see development.

For two-thirds of the Commonwealth countries, as the noble Lord, Lord Cashman, and other noble Lords said, representing 90% of the people in Commonwealth countries, the criminal code on private, consensual conduct between same-sex adults is something that we cannot support. The penalties for such include 10 years’ imprisonment and hard labour in Jamaica; 14 years’ imprisonment in Kenya; 20 years plus flogging in Malaysia; and 25 years in Trinidad and Tobago. Bangladesh, Barbados, Guyana, Pakistan, Sierra Leone, Tanzania and Uganda retain life imprisonment as a maximum sentence, and in 12 northern states in Nigeria the maximum penalty for male homosexuality is death. These are all independent sovereign nations in differing regions of the world, and we can no more dictate the terms of their legislation than they can ours. But if the Commonwealth is for anything, it is for having the relationship that my noble friend Lady Barker mentioned in her speech, which is one of equals, but one where we address this and address it proactively. After her really very strong speech, I hope that the Minister will respond positively.

As for offering practical support to the secretariat, after the speech of the noble Lord, Lord Lexden, and his request for extra capacity in the secretariat so that we have more ability to work with our friends and colleagues in the Commonwealth, I hope that the Government will see the benefit in that, and I hope that in their ongoing dialogue with the secretariat those things will be taken forward.

There are other issues that I know the Minister is passionate about. One concerns the retention of the death penalty. I declare an interest as a member of the All-Party Parliamentary Group on the Abolition of the Death Penalty. The majority of Commonwealth countries still have the death penalty on the statute book. I have visited Malaysia, and will be going to

[LORD PURVIS OF TWEED]

Uganda soon, to discuss with parliamentary colleagues ways forward for those who wish to see reforms. When we chair CHOGM, I hope that the abolition of the death penalty can be one area on which we move.

As the noble Baroness, Lady Hooper, said, one of the real instruments for allowing such movement to happen is for parliamentarians to work with parliamentarians. The CPA is now in its 106th year—it was formerly the Empire Parliamentary Association—and has 17,000 parliamentarians from 180 national, state, provincial and territorial parliaments and legislatures. But it is not just parliamentarians; clerks, committee staff, librarians and legal support all play such an important role in the developing capacity of parliaments around the world. I am pleased that there will be ongoing work in advance of CHOGM on this. In the discussions of the CPA UK branch, we are already taking the lead-up to CHOGM very seriously.

I have had the privilege not only of taking part in outward visits; in many respects, as a British parliamentarian I have found inward visits the most useful in learning from our Commonwealth friends, especially now that we have national parliaments in Edinburgh, Wales and Belfast. We can learn from developments in the unicameral parliaments of smaller countries. This week, there has been a visit by a very strong delegation from Canada. We can learn much from that wonderful federal country, to cite just one example. I apologised to the Canadian delegates that they were here in such an uneventful political week in the United Kingdom, as they visited Westminster and Scotland. We have much to learn from our Commonwealth friends.

The second broad area that we discussed today was trade. In my final minute I shall address one element that came through from my noble friend Lord Chidgey and others, including the noble Lord, Lord Luce—that we should not lose perspective. Of course there is huge potential for growth in our trading relations with Commonwealth countries. However, the perspective is that, of our top 25 export markets, only four are in the Commonwealth. The figure is only three for our import markets. Brexit is already having an impact. We have heard in the debate that the lower value of the pound, for countries such as Botswana, India and Nigeria, translates into reduced earnings and difficulties for their exports to us. If we do not have bilateral trading relations that are the same as the 32 FTAs that Commonwealth countries already have with the UK through the EU, there could be an increased burden on the least developed Commonwealth nations through increased tariffs.

I hope that the Government are seized of those areas, but ultimately the debate has been framed in positive terms. We all look forward to CHOGM and the British chairing of it, and wish the institution well for the coming year.

5.43 pm

**Lord Collins of Highbury (Lab):** My Lords, like the noble Baroness, Lady Barker, and my noble friend Lord Cashman, I am an officer of the All-Party Parliamentary Group on Global LGBT Rights. I am

also a member of a number of other organisations that promote human rights, particularly those of LGBT communities.

The Minister opened by stating that the aim of the Government was to help the Commonwealth to unlock its vast potential, and use the opportunity of hosting the Commonwealth Heads of Government Meeting 2018 to do just that. She is absolutely right to stress that there is cross-party support for that objective. When we debated the results of the last CHOGM 15 months ago in the debate initiated by the noble Lord, Lord Luce, she pointed out that it coincided with the European Union Referendum Act receiving Royal Assent. It is quite strange that today's debate also coincides with the Bill to trigger Article 50 receiving Royal Assent—I do not know if that is a coincidence or was planned by the Government. In that previous debate, the Minister emphasised that the choice facing the country in the referendum was not binary; our membership of both the EU and the Commonwealth complemented each other. For some, the UK's vote to leave the European Union means that our relationship with the Commonwealth assumes a greater significance.

I accept what the noble Lord, Lord Howell, said about the synergy that members of the Commonwealth have. There are undoubted opportunities but, as the noble Earl, Lord Sandwich, said, there are also threats. For members of the Commonwealth, Britain was—and remains, until we finally leave—a powerful advocate within the EU, with considerable opportunities to work in its broader interests. The Commonwealth, comprising 52 developed, emerging and developing nations, presents a range of potential trade options and challenges. Of course, trade between the UK and the bloc declined markedly between 1948 and 1973, with UK goods exports to the group and Commonwealth goods imports to the UK both falling from 38% to 18%. From 1991 to 2011, however, UK exports changed from 9.2% and 8.8%, bottoming out at 7.4% in 2006, while Commonwealth imports rose steadily from 7.7% and 10.6%.

Many noble Lords have reminded us, as the Minister did last week, that the promised inaugural Commonwealth Trade Ministers' meeting has taken place. As we have heard, its objectives were set in Malta in 2015 and reflected the commitment of Commonwealth member countries to a,

“transparent, free and fair multilateral trading system”,

and to define an ambitious Commonwealth-led agenda for growth. However, I am afraid that the International Trade Secretary travelling around the world to hold pre-negotiations with potential trade partners is no substitute for a clear policy. Perhaps if Dr Fox had first focused on policy rather than polemics, we might have been spared the embarrassment of him alienating Commonwealth Ministers with a vision of trade that his own officials refer to as “Empire 2.0”.

The UK must learn to engage constructively with the rich diversity of potential trading partners who are willing to work with us post Brexit. Many Commonwealth trading partners are concerned to see the UK, post Brexit, continue the EU's GSP-plus system of enhanced preference for countries that have implemented core human and labour rights as well as environmental and

good governance conventions. Least developed countries, in particular, need reassurance about the “everything but arms” arrangement, which grants duty-free and quota-free access into our markets to all products from those countries except arms and ammunition. Until the UK signs new FTAs with the nations of the Commonwealth, Britain will be in the odd position of having worse trading terms with these countries than Brussels has. As Sir Simon Fraser, the former head of the UK Foreign Office, noted recently, the damage goes beyond that, saying,

“these EU trade agreements are vital for”,

Commonwealth states’,

“development goals. The UK will no longer be able to champion their access to the EU market as we have in the past”.

Does the Minister not agree that it would have been better for the Government to present to Parliament and the country an international trade White Paper, setting out their international trade principles and a clear plan for what they intend to achieve through future trade negotiations—which may even assist members of the Cabinet to speak with one voice?

As the noble Lord, Lord Chidgey, said, it is vital for the UK and the EU to work together constructively to mitigate post-Brexit risks. Does the Minister agree that perhaps the best way of managing the related economic uncertainties would be to specify or include continuity of the trade preferences that developing countries currently enjoy in Europe? However, as we have heard in this excellent debate, the future of Britain within the Commonwealth goes further than trade.

As I have said, Commonwealth government leaders were firmly of the view that Britain within the EU represented a positive force in the development debate in both financial and influence terms, and in ensuring that the EU’s role as the world’s largest multilateral donor followed a more progressive agenda. Britain’s contribution to the EU aid budget has been substantial. In 2014, the Department for International Development distributed £1.14 billion of aid through the European Commission—that aid is considered the best form of support from a multilateral body—including £328 million through the European Development Fund.

The removal of British influence—of British government departments, NGOs and think tanks—from areas of development spending will have direct implications for achieving the sustainable development goals. On her election as Commonwealth Secretary-General, my noble and learned friend Lady Scotland committed to,

“build consensus on a revitalised Commonwealth”,

which will focus on the,

“twin goals of democracy and development”.

I totally associate myself with the remarks of the noble Lord, Lord Howell, and others about her absolute commitment, and how terrible and totally unjustifiable some of the attacks in the media have been. The 2015 final communiqué—

**Lord Hunt of Chesterton:** In the light of earlier remarks, does my noble friend think that our embassies should now fly the Commonwealth flag, given that our European embassies fly the national flag and the EU flag? Does he not think that would be a logical step forward?

**Lord Collins of Highbury:** As the Minister knows, I am keen on flags flying at embassies, including the rainbow flag, which we managed to achieve through her efforts. Certainly, I think my noble friend’s suggestion is a good idea.

The 2015 final communiqué welcomed the adoption of the 2030 UN agenda for sustainable development and the 17 goals and 169 targets. We have to keep reminding ourselves of these because it is a very tough agenda to deliver. I would certainly like the Government to engage this Parliament and this House more in discussing how those SDGs are implemented. The universality of the goals and the specific commitment to leave no one behind are key to the importance of Commonwealth involvement. We all have an obligation to be part of the SDGs’ implementation. None of us is immune from scrutiny as regards how well we implement them. In Malta, David Cameron announced a package of initiatives aimed at supporting efforts to build their resilience, increase their access to climate finance and reduce their reliance on aid. This included UK funds to support a new Commonwealth climate finance access hub. Could the Minister update the House on this and its success in leveraging private sector investment for green projects across the Commonwealth?

Another element of today’s debate is good governance and respect for the rule of law, which are vital to achieve stable and prosperous societies as well as efficient, effective and accountable public institutions. Reference has been made to the excellent work of the noble Lord, Lord Marland. As chairman of the Commonwealth Enterprise and Investment Council, he said that the focus on free trade agreements hides the real issue, which is that not enough small businesses are exporting. He argued that abuse of the rule of law and a lack of trust in trading partners were barriers to trade for UK companies, and he suggested that the Government should focus on increasing their capacity to support businesses confronted by such obstacles. I hope that the Minister will be able to address those specific concerns of the noble Lord. Of course, the Commonwealth agreed to make anti-corruption work a priority. It committed to strengthen efforts to tackle corruption, including through increased transparency and co-ordination among law agencies.

One area that has not been touched upon is tax havens and international finance policies, which have resulted in developing countries haemorrhaging billions of dollars in taxable financial resources. These tax losses could have been invested in reducing inequality and poverty, and in developing jobs and prosperity. Surely the time has come for this Government to work harder to achieve global agreement on tax, and that must be a top priority across the Commonwealth countries too. Can the Minister update the House on the work that has been done since the anti-corruption summit last year?

As the Minister said in her introduction and as she has said in previous debates, peace and security are also a key issue for the Commonwealth. Since Malta, a priority has been to counter extremism by increasing co-operation between member states. The UK funded a dedicated Commonwealth unit to deliver this. What assessment have the Government made of this work—in

[LORD COLLINS OF HIGHBURY]

particular, of the work with young people and education networks to counter extremism propaganda on the internet?

At the Malta CHOGM the Commonwealth reaffirmed its commitment to promote and protect all human rights and fundamental freedoms, and to support the empowerment of women and girls. As we have heard in this debate, LGBT rights remain a major source of division among Commonwealth members. I think that the point has been made that we do not have the right or the opportunity to force states to decriminalise, but we can work with them so that they understand the economic as well as the human rights issues involved in making the necessary change. As the noble Baroness, Lady Anelay, has said on numerous occasions, the 2015 CHOGM leaders' statement recognised the economic potential that can be unlocked by tackling discrimination and exclusion.

My noble friend Lord Cashman highlighted the fact that persecution and criminalisation of identity can also decimate efforts to halt the spread of HIV. It often results in gay people not being able to access the healthcare, education and employment that they need, and it prevents access to HIV testing and treatment.

The noble Baroness, Lady Anelay, has repeatedly stated the Government's belief that the Commonwealth must stand up for human rights, including LGBT rights. She has also confirmed in previous debates in the House that the Government are working on plans to ensure that that important message is delivered when hosting CHOGM in 2018. Because of the noble Baroness's efforts in this field, I doubt that I am alone in hoping that I am one of her GBFs.

The key to progress in 2015 was the way, as we have heard in the debate, in which LGBT activists from criminalising countries were able to lay bare the facts about life as an LGBT person in many Commonwealth countries. As the country of the host Government, the UK is uniquely positioned to create the space for civil society to engage with decision-makers who are not normally willing or able to consider LGBT concerns. How will the Government work with the Kaleidoscope Trust and the excellent Commonwealth Equality Network, which we have heard about in this debate, to include LGBT issues and tackle this problem at the summit? What is the Government's position on enabling countries from the Global South that have decriminalised to lead on this issue in terms of reforming outdated criminal laws, particularly sexual offences laws? I agree with the noble Lord, Lord Lexden, about providing government funding to enable the Commonwealth Secretariat to support the reform of these outdated criminal laws in Commonwealth member states.

These are uncertain times in intra-Commonwealth relations. It is possible that as well as threatening the future of the UK and the cohesion of the EU, the Brexit vote will also threaten the socioeconomic development and therefore the political stability of Commonwealth countries. I do not want to overplay that and raise the hyperbole, but the fact is that we need to focus on those relationships in a constructive and deliberate way, as partners, not as the former empire and former great nation. We must see ourselves

as partners in terms of trade. Ensuring that there is parliamentary engagement at CHOGM may be a key way of addressing those concerns. That was highlighted by the noble Baroness, Lady Berridge, and the noble Lord, Lord Purvis.

In December last year in an exchange on an Oral Question, the noble Baroness, Lady Anelay, recognised the importance for parliamentary democracies at CHOGM 2018 to have a way of communicating with the event and agreed to take forward the idea of how best we can ensure that there is parliamentary engagement. Will the Minister tell the House how far forward that has been taken?

6.02 pm

**Baroness Mobarik (Con):** My Lords, can I say just how much I have enjoyed listening to today's debate? I thank all noble Lords for their contributions. It is a reminder of the depth of interest in and support for the Commonwealth in this House. Today's debate has really done justice to such an important subject. I add my voice to those of other noble lords in paying tribute to my noble friend Lady Anelay for her excellent work as Commonwealth Minister.

This Government are strongly supporting moves to strengthen the UK's relationship with the Commonwealth ahead of the Commonwealth summit, which we will be hosting next year. The Commonwealth is a truly extraordinary organisation with immense potential for global influence. Its members, large and small, developed and developing, cover more than a quarter of the world's land mass. They are home to more than 2 billion people, two-thirds of whom are under 30 years old.

Those are staggering statistics. They mean that if the Commonwealth speaks as one voice, the world should listen. This is why the Commonwealth is so important to the UK. It is not only because of our strong cultural ties from the past, which of course matter to us enormously; it is also because of its potential to influence real change in the future. That is why we are investing so much in supporting the development of our fellow member countries: it is a crucial part of our expanded role on the world stage—the Prime Minister's vision for a truly global Britain.

The Government are intensifying our efforts to end extreme poverty and promote development. Developing Commonwealth countries benefit substantially from UK official development assistance. In 2015, 10 of the top 50 national recipients were Commonwealth countries and total official development assistance to all Commonwealth countries was more than £3.5 billion. We are investing in the future of the Commonwealth. We support the Commonwealth Youth Programme and the Commonwealth of Learning, and provide funding of £23 million to the Commonwealth Scholarship Commission, which allows young people from Commonwealth developing countries to study and work at UK universities. Furthermore, we have recently agreed to fund a new three-year programme worth more than £33 million for the Commonwealth Fund for Technical Co-operation, the Commonwealth Foundation and the Commonwealth of Learning. This is in addition to our assessed annual subscription of £5.4 million. The UK remains the principal contributor



to the Commonwealth Secretariat. This means that the UK plays a significant part in supporting the three Commonwealth intergovernmental organisations.

We are also literally looking to the future of the Commonwealth by supporting the work of the Queen Elizabeth Diamond Jubilee Trust to reduce avoidable blindness. Through its programmes, almost 50,000 people in Africa have had surgery to save their sight from trachoma, and more than 12 million doses of antibiotics have been distributed to people at risk. The noble Lord, Lord Crisp, asked about the trust, and I welcome his recognition of it. As I say, the trust is doing important work to eliminate blindness and I am pleased to say that we are providing £50 million of match funding to deliver such impressive results.

The Commonwealth is also important because of its potential to boost trade. The Prime Minister has been clear that leaving the EU presents an opportunity for Britain to revitalise its role as a great trading nation. Trade is a force for good, one of the most dynamic and transformational in the world. It creates jobs, raises incomes and lifts millions of people out of poverty. We believe that trade and development go hand in hand. Trade is a crucial driver of development because enterprise transforms lives, not just those of individuals but whole families, in particular when it creates jobs for women. That is why development is at the heart of the UK's approach to international trade. Helping developing countries to grow more quickly, trade more freely and break their dependence on aid, it also helps to build up our partners for the future. It shares wealth and prosperity across the Commonwealth and beyond.

That is why we want to encourage more trade between Commonwealth members. It is one of the reasons why we welcomed the decision to hold for the first time a Commonwealth Trade Ministers meeting and why we took the opportunity to co-host it here in London. This is a crucial moment to renew our partnerships with Commonwealth countries and to further strengthen those close relationships we already enjoy. We should all be making more of the comparative advantage of trading within the Commonwealth. I am delighted that there was consensus at the meeting on the need to boost trade.

In response to the noble Earl, Lord Sandwich, I say that leaving the EU means that we will want to make our own decisions about how to deliver policy objectives previously targeted by EU funding. We will be consulting closely with stakeholders to ensure that any ongoing funding commitments best help the world's poorest and deliver value for money. I agree with the noble Earl that the CDC Group, which was formerly the Commonwealth Development Corporation, is an important way of delivering tangible support to developing countries. Since 2012 the CDC Group has invested only in Asia and Africa, but its portfolio of more than £3 billion covers 1,200 companies in 70 countries, and in 2015 these companies created more than 1 million jobs.

**Baroness Flather:** My Lords, the CDC Group has paid a great deal of money to Narayana Health, a corporate health provider in India, but everything I have found out about it indicates that it is a very rich

organisation. If it is creating jobs in India, that is not the way to do it. If it can help people who cannot afford healthcare, it is not doing it.

**Baroness Mobarik:** I think the noble Baroness has raised this question in a previous debate. Perhaps I should write to her to clarify our position on that issue.

My noble friends Lord Papat and Lord Sheikh rightly recognised the important role played by our trade envoys in delivering our vision for a truly global Britain, particularly in enhancing our relationships with Commonwealth partners. I commend my noble friend Lord Papat for his personal work as trade envoy to Uganda and Rwanda since January 2016. I know that he has built strong links with both countries. The Department for International Trade has recently undertaken a review of the trade envoy programme and recommendations on its future direction are now with the Prime Minister.

The noble Baroness, Lady Benjamin, and my noble friend Lord Goodlad raised the issue of pensions. Uprating state pensions overseas is a long-standing policy of successive Governments. This has been the case for almost 70 years and there are no plans to change the policy.

To my noble friend Lord Sheikh I say that we are proud of our long and productive relationship with Commonwealth partners and are committed to delivering a future border system which welcomes investment and promotes prosperity. The precise arrangements for controlling immigration after the UK leaves the EU have yet to be determined. Openness to international talent will remain one of the UK's distinctive assets.

The noble Baroness, Lady Uddin, mentioned the importance of embedding women's rights in all future trade deals. I reassure the noble Baroness that the Government, through their delivery of a successful Commonwealth summit and their wider trade policy, are committed to building genuinely inclusive prosperity that benefits and provides opportunities for all. We welcome the opportunity for dialogue on human rights and good governance brought about by our close trading partnerships with countries around the world.

**Lord Goodlad:** My noble friend bracketed my raising the Zimbabwe pensioners with the uprating of the overseas pensions referred to by the noble Baroness, Lady Benjamin. They are completely separate issues. Can she say something in response to what I said?

**Baroness Mobarik:** I apologise to the noble Lord if I have confused the two issues. I will certainly look at what he said on that issue and get back to him in due course.

Another way in which we are strengthening our ties with the Commonwealth is through our support for reform. We want to see the organisation delivering effectively for its members as well as demonstrating its value and relevance on the world stage. The noble and learned Baroness, Lady Scotland, was mandated by Heads of Government to reform the Commonwealth

[BARONESS MOBARIK]

Secretariat. We support her plans to modernise and revitalise the secretariat and to focus the Commonwealth on where it adds distinctive value. That means strengthening its relevance to members across different regions and its contribution to tackling global challenges.

The Commonwealth's potential contribution to tackling these challenges could be immense. This is what we mean when we talk about the Commonwealth as a force for good. The global reach and extraordinary diversity of the Commonwealth mean that it has first-hand experience of most of the world's greatest challenges, from poverty and violent extremism to conflict, corruption and climate change. All these issues matter to Commonwealth members, and they matter to the world. We want the Commonwealth to do more to use its influence, building consensus on important issues as it did on climate change prior to COP21.

In upholding the values of the Commonwealth charter, the Commonwealth plays an important role in strengthening governance, supporting development and building small states' resilience to economic and environmental shocks. It also promotes co-operation on issues such as human rights and combating extremism. These are all areas in which the Commonwealth has valuable experience and expertise to share with the wider world.

The noble Lord, Lord Scriven, spoke of the importance of the work of the Kaleidoscope Trust in developing proposals to promote and protect LGBT rights at the Commonwealth summit. The Government greatly value the work of LGBT civil society organisations and our partnership with them to tackle discrimination and violence against LGBT people. We are aware that members of the Commonwealth Equality Network have drawn up a strategy setting out recommended tools and methods to engage LGBT civil society organisations ahead of the summit. We will consider how we can best support these endeavours. A number of noble Lords raised this issue and requested that we show leadership in this area. I absolutely agree with all noble Lords on that.

**Lord Scriven:** Very quickly, because I do not want to detain the House, if that is the case would the noble Baroness commit to meeting the Kaleidoscope Trust to see how they can take forward jointly the action plan it has come up with?

**Baroness Mobarik:** I have it on good authority that we are meeting a large number of civil society groups and we believe that the Kaleidoscope Trust is one of them. We believe the Commonwealth's experience would be particularly relevant in promoting the golden thread of good governance, transparency and the rule of law, as set out in UN sustainable development goal 16.

My noble friend Lady Berridge asked about the involvement of the Commonwealth diaspora and parliamentarians in the forthcoming summit. In planning for the Commonwealth summit, we will engage with a full range of stakeholders, including the diaspora and parliamentarians. We value the work of CPA UK and

CPA International. My noble friend Lady Anelay was pleased to recently meet both CPA UK chief executive Andrew Tuggey and CPA Secretary-General Akbar Khan. British high commissioners around our diplomatic network have regular discussions with parliamentarians and civil society across the Commonwealth, including in Kenya, Fiji and India.

My noble friend Lady Berridge rightly raised the role of religious leaders and the importance of advocating for human rights in the Commonwealth. The Government agree entirely and believe that good governance and respect for human rights are the foundation of the inclusive and sustainable development we all wish to see around the Commonwealth. Stronger trading relationships open up channels for engagement with partners. We will continue to use these opportunities to make this argument.

My noble friend also asked about support for the Commonwealth not appearing to be a UK-only project. Partnership and collaboration between all member states need to be at the heart of a successful Commonwealth. Every member has a different experience to offer and an equal voice in the Commonwealth family. As host of the next Commonwealth summit, it will of course be for us to work with the Commonwealth Secretariat to set the agenda and format but we will actively encourage all the other 51 member states to put forward their views and priorities as part of this. As part of this engagement, Tim Hitchens is meeting all high commissioners next week in smaller regional groupings to discuss the summit.

My noble friend Lord Goodlad asked about Zimbabwe pensions—we might have the right topic here. We frequently raise this issue with the Government of Zimbabwe. Last October, our ambassador in Harare secured written agreement from the Government of Zimbabwe that payments would resume when the economic situation allows. This issue will remain a key strand of the Government's dialogue with the Government of Zimbabwe.

My noble friend Lord Popat asked about a Commonwealth bank. Commonwealth countries are already well served by the current set of multilateral development banks. We are currently developing policy options that will deliver for the collective interests of member states and achieve real impact across the Commonwealth. I reassure my noble friend that the Government are considering options for building inclusive prosperity across our family of nations.

To the noble Baroness, Lady Uddin, and the noble Lord, Lord Hussain, I say that the Government welcome the good offices of the Secretary-General in mediating on protracted conflicts. As my noble friend Lady Anelay said at the start of the debate, this year's theme of a peacebuilding Commonwealth is an opportunity to look at what the Commonwealth can bring to bear in this area, through the sharing of experience and expertise.

My noble friend Lady Hooper spoke about the overseas territories. The UK is committed to strengthening the links between the overseas territories and the Commonwealth. Although the overseas territories are not able to attend CHOGMs and annual ministerial meetings in their own right, ahead of the 2018

Commonwealth Summit we will consult them on the agenda and will ensure that their views and interests are taken into account in our policy planning.

**Lord Hussain:** I asked two questions on human rights and I did not get an answer to either one of them.

**Baroness Mobarik:** It is the Commonwealth Secretary-General who leads on these issues and I am unable to give the noble Lord an answer today. I know that he is very committed to that cause and feels passionately and deeply about it but I am afraid that that is the only answer I can offer him today.

In response to the noble Lord, Lord Collins, we are continuing our transparency and anti-corruption work both with Commonwealth countries and with those that are not members. An update on the anti-corruption summit is a matter for another day and a broader debate.

In conclusion, this Government strongly support efforts to strengthen the ties between the UK and the Commonwealth ahead of the Commonwealth Summit in 2018. We are working hard to support development and boost prosperity across the Commonwealth, through well-targeted aid and encouraging more trade. We are also supporting the reform of the Commonwealth Secretariat. Successful reform will ensure that the organisation not only delivers for its people but exerts greater influence on the world stage, drawing on its wide experience to help address the world's greatest challenges.

We are delighted to be hosting the next Commonwealth Summit. Together, we will celebrate the achievements of this extraordinary family of nations, and make plans to take it forward into the 21st century as a truly relevant international organisation and a global force for good. Once again, I thank all noble Lords for their contributions, which have been extensive, both in their scope and depth, and visionary for the Commonwealth as a vehicle for peace and prosperity.

**Lord Cashman:** I reiterate that many noble Lords raised the issue of LGBT human rights. Will the Minister look in detail at the contributions and perhaps respond in writing to us? I thank her for her comments so far.

**Baroness Benjamin:** Just for clarification, the Minister said that there was no change in the Government's policy on uprating. Will that apply also to EU-resident British pensioners? If it is going to be changed for one group, it is not fair to the other.

**Baroness Mobarik:** I can say only that this is outwith the scope of this debate. I am afraid that I am not able to give the noble Baroness any more than I have already. In response to the noble Lord, Lord Cashman, of course we will look very carefully at all the speeches and contributions made by noble Lords on the particular issue of LGBT human rights. We will remain in touch and I am sure that this will be an ongoing dialogue.

Once again, I thank all noble Lords for their contributions—

**Baroness Berridge:** I raised a specific point about Commonwealth apprenticeships. It is really important that we have this as government policy. If my noble friend could agree to investigate this and write to me, that would be very helpful.

**Baroness Mobarik:** Once again, I have it on good authority that we will look at all the points raised here today, in what was an opportunity for noble Lords to express their views. The whole debate was very wide-ranging and useful, and it will be ongoing ahead of the summit next year in 2018. But today's debate was on the whole very positive in its content. It was constructive and I am very delighted that we have had it. We will look again at all noble Lords' contributions, which have been extensive in their scope and depth and vision for the Commonwealth as a vehicle for peace and prosperity.

*Motion agreed.*

### **Health Service Medical Supplies (Costs) Bill**

*Returned from the Commons*

*The Bill was returned from the Commons with a reason.  
The Commons reason was ordered to be printed.  
(HL Bill 113)*

### **National Citizen Service Bill [HL]**

*Returned from the Commons*

*The Bill was returned from the Commons with amendments.  
The Commons amendments were ordered to be printed.  
(HL Bill 114)*

*House adjourned at 6.25 pm.*

