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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

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House of Lords

Tuesday 4 July 2017

2.30 pm

Prayers—read by the Lord Bishop of Truro.

Oaths and Affirmations

2.36 pm

Several noble Lords took the oath or made the solemn affirmation, and signed an undertaking to abide by the Code of Conduct.

Health: Medically Unexplained Symptoms Question

2.37 pm

Asked by *The Countess of Mar*

To ask Her Majesty's Government who is responsible for ensuring the implementation by Clinical Commissioning Groups and hospital providers of the *Guidance for commissioners of services for people with medically unexplained symptoms*, published by the Joint Commissioning Panel for Mental Health.

The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con): My Lords, the Joint Commissioning Panel for Mental Health is not a government body and implementation of the guidance that it published is not mandatory. Regarding the classification of chronic fatigue syndrome and myalgic encephalomyelitis, or CFS/ME, the Government accept the World Health Organization's classification of the illness as a neurological condition of unknown origin.

The Countess of Mar (CB): My Lords, I am grateful to the Minister, although I am disappointed that we cannot pin anyone's foot to the floor on this. There is no definition of medically unexplained illnesses in the paper mentioned in my Question, but in interpreting it, hospitals and other providers have somehow made CFS/ME a medically unexplained symptom and have recommended graded exercise and cognitive behavioural therapy as treatments. Graded exercise in many cases is known to make people sicker and to damage them, the scientific reasons for which are also known. Cognitive behavioural therapy has been shown to work for only about six months. The PACE trial which recommended cognitive behavioural therapy and graded exercise is now discredited, and NICE is reviewing its guidelines on it. Who is responsible for worsening the condition of patients who are advised or coerced into taking cognitive behavioural therapy and graded exercise?

Lord O'Shaughnessy: I congratulate the noble Countess on the important work that she does through Forward-ME on behalf of the illness's sufferers. On who takes responsibility for the care of those suffering from CFS/ME, it is of course clinicians. They work to evidence of best practice, which is guided by NICE.

She alluded to the fact that the NICE guidelines are being reviewed to make sure that we have the best possible understanding of what is effective in the treatment of the illness, but I reiterate to her the point that the Government's acceptance of the WHO classification of it as a neurological disease has not changed.

Lord Hunt of Kings Heath (Lab): My Lords, the approach taken by the NHS and child protection services to CFS/ME and other unexplained symptoms has had a sorry history. Some clinical commissioning groups state with great authority that graded exercise and CBT are the appropriate response. The point made by the noble Countess is that in many cases they are not, and can cause damage. Unfortunately, where children are involved, patients who resist such therapies often find themselves in problems with child protection agencies—there was an excellent programme about this on Radio 4 over the weekend. Prior to the NICE guidance coming out, will the Minister look with his officials at whether CCGs might be given some rather more authoritative advice, because it is clear that some CCGs have got this wrong?

Lord O'Shaughnessy: I am certainly happy to investigate CCG practice and commit to write to the joint panel to make sure it understands both the nature of the classification of the illness and the fact of the NICE guidelines. Of course, those are guidelines for clinicians; they are not mandatory in themselves.

Baroness Jolly (LD): My Lords, the commissioning of mental health services has a chequered past at best, particularly when involving many agencies such as in this case. However, good commissioning practice exists. What training is available for commissioners of such complex services and what opportunities are there for sharing innovative practice?

Lord O'Shaughnessy: Of course, a suite of training is available for those treating illnesses such as this one, which affects about 220,000 people in England. It is not a rare disease; unfortunately, it is far too common. That treatment is there and also a number of networks exist, such as the Academic Health Science Networks, to spread innovation and best practice for treatments around the NHS.

The Lord Bishop of St Albans: My Lords, many of us are glad to have this report published by the Joint Commissioning Panel for Mental Health on services for people with medically unexplained symptoms. There is a welcome stress in it on trying to get integrated care—a both physical and mental approach. Would the Minister comment on the need to have an integrated approach to the spiritual dimension of this as an essential aspect of addressing these medically unexplained symptoms?

Lord O'Shaughnessy: Of course, the difficulty for sufferers of these illnesses is precisely the unknown origins of them. There are obviously physical aspects—that is the whole point of this being a neurological condition—as well as mental health aspects in terms of dealing with it. No doubt, spiritual guidance and uplift can help those dealing with these awful conditions.

Overseas Development Assistance Question

2.43 pm

Asked by **Lord McConnell of Glenscorrodale**

To ask Her Majesty's Government how much United Kingdom Overseas Development Assistance is currently spent in co-operation with, or through, the European Union.

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, the UK contributed £935 million in overseas development assistance to the EU budget in 2015 through core funding. In addition, DfID contributed £392 million to the European Development Fund. Overall, these contributions to the EU made up 10.9% of the UK's overseas development assistance.

Lord McConnell of Glenscorrodale (Lab): My Lords, that is a significant contribution. The Government's own analysis indicates that European Union development funds are among the most effective from any multilateral organisation. In the current atmosphere, perhaps there will be some let us say knee-jerk reactions from time to time about the way in which Brexit happens in relation to specific powers. Can we get a guarantee that on these programmes, which are ultimately about saving lives and about people who are in very vulnerable positions, the Government will seek a proper transition period to ensure that these programmes are not left on the edge of a cliff?

Lord Bates: I am certainly happy to give that assurance. Of course, it was the multilateral development review that we undertook last year that the EDF scored so well in. Around the world we work in partnership with the EU and through its funds, and I cannot envisage a situation where we could do that effectively in the future without working very closely with the European Union. With regard to the fund itself, decisions on whether we want to contribute or stay out will be made as part of the process of exiting the European Union. Now at least we have a choice.

Lord Deben (Con): Will my noble friend the Minister tell me how much it is going to cost to disentangle ourselves from these arrangements in the European Union? Can I have his undertaking that none of that money will come from our overseas aid budget? If he does not have a figure, perhaps I might point out that it is the habit of this House to want to know the cost before we agree to action.

Lord Bates: A number of organisations oversee that important element of the budget. There are the Independent Commission for Aid Impact and the National Audit Office—all these organisations will be scrutinising the amounts of money that go out. In relation to the European Development Fund in particular, which is the focus of the Question, that amount is an annual supplement and therefore it should not be that difficult to make a decision on an annual basis, along with other multilateral partners, about how much we put in.

Lord Collins of Highbury (Lab): My Lords, the Government's new approach to trade policy towards developing countries has just been released by DfID. The proposals are welcome, but they are not as generous as they may appear. The strategy addresses the EU's "Everything But Arms" agreement, which allows for the UK to negotiate agreements unilaterally, but does not address the economic partnership agreements, which are vital to many developing countries in terms of trade going into the UK and the EU. How are the Government going to address this issue in negotiations for Brexit?

Lord Bates: The partnership agreements to which we are party will continue until we exit the European Union. The Secretary of State for International Trade and the Department for International Development announced an indication to say that with 48 countries in particular we wanted to ensure that that duty-free, tariff-free access to our markets—which is so crucial for them, as well as beneficial for us—continues. The details with regard to the other countries, again—I am sorry to keep repeating this—will be handled as part of the exiting the European Union strategy.

The Earl of Sandwich (CB): My Lords, the problem is that we are having to think the unthinkable. It is unthinkable, for example, that we will not be beside the EU in rescuing refugees from the Mediterranean and putting them into Italian ports. Has the department made any plans for the biggest humanitarian programme, which is ECHO, and how we are going to relate to that?

Lord Bates: I share the noble Earl's view that it is inconceivable. Wherever I travel around the world, the EU is there, represented in force. We have to remember that wherever we operate, particularly in development, we are always working in partnership. We are working in partnership with the G20—for example, at the Hamburg summit this weekend. We are working in partnership with the African Union and the UN agencies; the whole thing is about partnership. That is one of the reasons it is so effective.

Baroness Sheehan (LD): My Lords, the Asia-Latin America programme is funded from the European budget. Therefore, the UK would no longer make direct contributions. However, the programme, particularly in Latin America, is a major source of influence in a region where we do not have a major bilateral presence, and there may be advantages in remaining part of the programme. Will the Minister assure us that some thought has been given to maintaining arrangements for the UK to remain associated with the programme?

Lord Bates: We continue to work to the UK's strategy, which is a cross-government, cross-Whitehall approach about where our priorities should be, in consultation with our international partners. In relation to Asia, we have some bilateral programmes. One of the areas where we work quite closely is with the new Asian Infrastructure Investment Bank which has been established. We were a founder investor in that. We will continue to keep all these things open and will continue to work in partnership.

Baroness Berridge (Con): My Lords, in a debate this morning in Westminster Hall, a number of MPs highlighted the correlation between the fragile states in which DfID spends much of its money and high levels of persecution of people on the grounds of faith or belief. I would be grateful if the Minister could assemble a meeting of interested MPs and Peers, particularly with his counterpart the right honourable Alistair Burt, the DfID and FCO Minister for the Middle East and North Africa region, so that we could discuss in detail how DfID's priorities and programming could support increasing religious tolerance in these fragile countries.

Lord Bates: I am very happy to do that and also to invite along my noble friend Lord Ahmad, who leads on religious freedom in these areas at the Foreign Office. Human rights are a fundamental building block of human development. We all appreciate that. Therefore, Article 18 of the universal declaration is a key element. I was looking at the Prime Minister's words on 28 February when she spoke at a reception in Downing Street. She said:

"It is hard to comprehend that today people are still being attacked and murdered because of their Christianity. We must reaffirm our determination to stand up for the freedom of people of all religions to practice their beliefs in peace and safety".

We stand by that.

Lord Bruce of Bennachie (LD): Together the member states and the EU collectively deliver more than half the world's official development assistance. This will not be the case when Britain leaves the European Union, yet we rate the EU as one of our best partners. It is not just about transition. Is it not about having a long-term commitment to work with allies across Europe who share the same values, including the only countries that have actually delivered 0.7%?

Lord Bates: I agree that there has got to be that essential partnership. There has got to be an essential partnership with the US as a major deliverer of international aid. We have to work with the Commonwealth, which is a major recipient and also an important partner in resolving a lot of the conflicts. We work with the Nordic Plus states in the development arena. We have to work in partnership. We have an overarching aim, whether we are in the EU or not, and that is the sustainable development goals. That is our target: the eradication of extreme poverty by 2030. We are all working towards that wherever we are.

Lord Tebbit (Con): My Lords, is my noble friend aware that, unlike some noble Lords who have spoken on this Question, I have at least as much confidence in our very good Secretary of State, Priti Patel, as I have in the bureaucrats of the European empire?

Lord Bates: I share my noble friend's absolute confidence in our Secretary of State on these matters because she has been strong in emphasising that it is not just the amount that we contribute to overseas development that determines its effectiveness but how it is spent and focused. That is a key target and a key aim of reform, which she has avowed, not only in our department but in the UN institutions.

Lord Tomlinson (Lab): My Lords, does the Minister agree that his view on the Secretary of State is a view on her present pronouncements about development, not on her former pronouncement that the department ought to be abolished?

Lord Bates: I think it is always best to judge politicians by their actions. When you look at what the Secretary of State is doing, what she has announced, the places she has been and the focus she has given to economic development, disability rights and family planning, in all these areas she has been at the forefront of humanitarian aid. The fact that she does so with an edge of demanding realism rather than sentimentality in approaching these things strengthens the delivery of the product.

Brexit Question

2.53 pm

Asked by **Baroness Ludford**

To ask Her Majesty's Government, in the light of their 2017 manifesto commitments, what are their criteria and specific objectives for Brexit; and how they intend to forge a deep and special partnership with the European Union.

The Minister of State, Department for Exiting the European Union (Baroness Anelay of St Johns) (Con): My Lords, the objectives for our partnership with the European Union are as the Prime Minister set out in her Lancaster House speech on 17 January, the White Paper of 2 February and the Article 50 letter. Supporting our exit from the European Union is a cross-Whitehall effort. We are conducting negotiations in a constructive manner to ensure a strong and prosperous Europe with the UK as its closest partner.

Baroness Ludford (LD): I thank the Minister for that reply. The Government have reportedly dropped their cake-and-eat-it approach to Brexit negotiations, but freelancing by individual Ministers is creating an even more dizzying pick-and-mix confusion. The fisheries, financial services and pharma sectors are getting this treatment as well as cars. What, if any, coherent partnership framework—the word mentioned in the manifesto and the Queen's Speech—is all this fitting into? Is the Prime Minister actually in charge?

Baroness Anelay of St Johns: My Lords, yes, she is, which is why she has formed a series of Cabinet sub-committees to consider the full range of issues—some of the crucial issues, as the noble Baroness pointed out, that this country needs to address as we leave the European Union and as we look at the implementation period. Our overall objective is to ensure that there is no cliff edge and that we have security for all those practising business, whether agribusiness or financial services. That is why this is a true cross-Whitehall effort. It is not easy, and it is not necessarily the way Whitehall has worked in the past—but it does now.

Lord Cormack (Con): My Lords, in order to put one misused phrase to flight, does my noble friend agree that it is perfectly possible to have your cake and eat it but that you cannot eat your cake and have it?

Baroness Anelay of St Johns: My noble friend has a real way with words. I agree.

Lord Kerr of Kinlochard (CB): My Lords, can the Minister tell the House why the Government have not put forward their proposals for the framework, as required by Article 50, for the future relationship, and when they will get round to doing so?

Baroness Anelay of St Johns: My Lords, we have set out our framework from the point of view of the objectives in, for example, the Prime Minister's Lancaster House speech, repeated in the White Paper. That is the framework to which we are working and the one which our colleagues in the European Commission see as part of our negotiations. We have already had one round of those negotiations, and are looking forward to the second, starting on 17 July.

Lord Hain (Lab): My Lords, how many EU nationals in the UK have the Home Office removed under article 14.4(b) of directive 2004/38 because they did not satisfy its work requirements? Does not this provision enable EU nationals not in work to be returned home while the UK still remains in the single market and the customs union?

Baroness Anelay of St Johns: My Lords, I will certainly seek advice from the Home Office on the specific statistic, if that is to hand, but the noble Lord quite rightly points to all the issues that need to be considered as we work through our offer on citizens' rights—the rights of EU citizens who are here and have played a very valuable role in our economy but also the rights of UK citizens who live overseas. Our recent paper on this seeks to address some of those issues. These are the matters that we are discussing, not just at headline level, but in minute detail, with our colleagues in the Commission.

Lord Wigley (PC): My Lords, is it possible to negotiate an agreement to facilitate barrier-free single market participation on the basis of allowing the free movement of working people taking up specific jobs? Would that be within the Government's negotiating criteria?

Baroness Anelay of St Johns: My Lords, the negotiating framework looks very carefully at how we can ensure that we will continue to be able to recruit the brightest and best here and that those who have employment in specific fields where they need to go across borders are able to do so. That underwrote of course some of the paper on citizens' rights which we published recently. The noble Lord raises an issue which goes to the heart of all the considerations about how we then protect employment rights. Protection of employments rights was one of those 12 principles which were set out so clearly by the Prime Minister.

Baroness Hayter of Kentish Town (Lab): My Lords, I am delighted that the noble Baroness has talked about partnership. Does she agree with her DExEU colleague, Steve Baker, that the EU is an "obstacle" to world peace and "incompatible" with a free society? Is that what her department thinks?

Baroness Anelay of St Johns: My Lords, I have to say I am thoroughly enjoying working with my colleague Steve Baker. He brings a different perspective on many matters, but all of them constructively, as a Minister. It is a real pleasure to work in a department where everyone is focused on one thing, and one thing only—getting the best agreement for the UK and the European Union, because that is the one that will work.

Lord Hannay of Chiswick (CB): My Lords, does the Minister not agree that it is a little anomalous that so far the only detailed paper we have from our side is that published last week on status, whereas on the European side there are a plethora of papers putting forward their views? Does she not think that it would be desirable that on for example scientific co-operation, justice and home affairs, and foreign policy and security issues, some piece of paper could emerge into the light of day setting out the British Government's extremely positive objectives in these fields, and does she not feel that that would help to create a positive atmosphere in the negotiations?

Baroness Anelay of St Johns: My Lords, the noble Lord is right to point out that it is important to be able to set out issues such as that, but we must do so in a way that is in sync with our negotiations across Europe. Further papers were released by the European Commission just at the end of last week, which I have read, and we will be responding to those shortly. I hope we will then be able to share those more widely.

Baroness Smith of Newnham (LD): My Lords, in response to the International Relations Committee's Middle East report, where we raised the issue of the importance of bilateral relations with our EU partners, the Government said that,

"until the Government's negotiations on exiting the EU have concluded, there will be no decisions on specific post-Brexit arrangements".

Is there any evidence that the Government have a clue where they are going? Should we be worried? Is Steve Baker helping?

Baroness Anelay of St Johns: My Lords, we work closely with the Foreign and Commonwealth Office—my own department until recently—and clearly the Ministers there look very seriously at this issue, particularly at a time of the remembrance of the Balfour declaration. I assure the noble Baroness that the security issues across that region are crucial to us, which is why the Prime Minister made it clear that security co-operation must be a vital part not only of the first tranche of discussions, which they are, but of the agreement to be reached.

Immigration Centre Detainees: Pay *Question*

3.01 pm

Asked by **Baroness Hamwee**

To ask Her Majesty's Government what plans they have to review rates of pay for work undertaken by immigration centre detainees.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, paid work is provided in immigration removal centres as a means to meet the

recreational and intellectual needs of detainees and to relieve boredom. The work is not compulsory. All policies and processes are kept under review, and an internal review of the rate of pay of detainees is under way.

Baroness Hamwee (LD): My Lords, does the Minister accept the irony of providing menial, albeit voluntary, work—as she says, it is to meet detainees’ recreational and intellectual needs and provide relief from boredom—when asylum seekers are not allowed to work at all? Is the rate of £1 an hour for people who have committed no crime something that as a society we can be proud of?

Baroness Williams of Trafford: My Lords, it is important to recognise that immigration detainees have lawfully had their right to work in the UK, if indeed they ever had one, curtailed by virtue of an immigration decision or by the decision to detain them. Therefore, their position regarding pay rights is not the same as for people who are not subject to immigration detention.

Lord Rosser (Lab): My Lords, a freedom of information request to the Home Office in 2014 apparently found that in May that year hundreds of detainees had been paid £45,438 for 44,832 hours of work. If that work were not done by detainees in the immigration centre “volunteering”, as the Government seem to describe it, presumably it would have to be done in total or in part by paid staff of Serco or whoever is running the centre. If the figures I have cited for one month are correct, that suggests that the saving from using detainees at £1 per hour, compared to paying employed staff on the minimum wage, would be in the region of £300,000 a month. Who gets the benefit of this apparently considerable financial saving each month? Is it the Government or the firm running the immigration centre who reap that financial benefit?

Baroness Williams of Trafford: My Lords, it is important to recognise that the work undertaken is entirely voluntary. It is not to supplement the work of the contractors. Contractually, the IRC providers must make a minimum number of opportunities available for detainees to participate voluntarily in this paid activity. As I explained to the noble Baroness, detainees’ position regarding pay rights is not the same as for those who are not in detention.

Lord Paddick (LD): My Lords, perhaps I can give the Minister another opportunity to answer the Labour Front Bench question. Can she confirm that most of the immigration centres are run by private companies, in which case, what happens to the additional profit that these companies make from employing inmates at £1 an hour instead of employing someone on at least the minimum wage to do the same tasks?

Baroness Williams of Trafford: My Lords, I have to repeat myself: people are not compelled to work; it is entirely voluntary. The money that they are paid is not in line with rates of pay for the non-detention population and therefore is entirely different. The work is not there to prop up these private companies’ profits, but they are obliged to make these opportunities available should detainees wish to avail themselves of them.

Baroness Boothroyd (CB): My Lords, the question being asked is: who benefits? That was the original question to which we are all waiting to hear the answer.

Baroness Williams of Trafford: Who benefits is the detainee.

Noble Lords: Oh!

Lord Elton (Con): My Lords, can my noble friend kindly tell us, if the volunteers did not volunteer, would the work be done and, if so, by whom?

Baroness Williams of Trafford: My Lords, if the volunteers did not volunteer, there would be no problem. The fact is that they want to do this work, and therefore work is provided for them.

Baroness Lister of Burtersett (Lab): Surely they want to do the work because it is the only way they can get any money. In the leaked document, it was suggested that £1 an hour seems high. On what criteria does the Home Office believe that £1 is high pay for an hour of a person’s labour?

Baroness Williams of Trafford: I will repeat it again: this money is not a wage as the ordinary working population would see it. It is being reviewed, as I am sure that the noble Baroness knows, and that review will report at the end of the year.

Lord Roberts of Llandudno (LD): My Lords, is the Minister really satisfied that the recipients are not allowed to work for 12 months? After that time of boredom, I imagine that they would volunteer for anything. I have asked this question a thousand times: is it not time that the Government reduced that period to, say, six months or nothing? Also, the payment of £36.95 a week has been in place for at least six years. Is it not time that the Government looked again at the whole situation?

Baroness Williams of Trafford: My Lords, while someone is claiming asylum, they are not a citizen of this country, and it is through this process that it is determined whether they can stay in this country or need to be removed. The detention process is part of this. Detention is not done on a routine basis; it is the last resort.

Education: Funding

Statement

3.08 pm

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, with the leave of the House I shall now repeat a Statement made in the other place earlier today by my right honourable friend the Minister for School Standards and for Equalities. The Statement is as follows:

“Mr Speaker, this Government are determined to ensure that all pupils, regardless of where they live, receive a world-class education. Over the past seven years we have made significant progress. There are now 1.8 million more children in schools that are rated good or outstanding than there were in 2010, and today we saw an 8% rise in key stage 2 results, as pupils and teachers rise to meet the challenge of the new, more demanding curriculum and assessments.

[LORD NASH]

Looking beyond schools, the Government have prioritised funding for all phases of education. At the spending review, we announced that we would be investing an additional £1 billion a year in early education entitlements, including funding for the new 30 hours entitlement and funding to increase the per-child rate that providers receive. We protected the national base rate per pupil for 16 to 19 year-olds in sixth forms, sixth-form colleges and further education colleges in England and, in his spring Budget, my right honourable friend the Chancellor announced new investment in technical education for 16 to 19 year-olds, rising to an additional £500 million per year. We have maintained funding for the adult education budget, which supports adult skills participation in cash terms at £1.5 billion per year. We have implemented reforms to higher education to drive greater competition and teaching standards. Together, this adds up to a comprehensive package of support for education at all stages of life.

We want to ensure that every school has the resources that it needs, which is why we have protected the schools budget in real terms since 2010. We set out our intention to increase funding further in our manifesto, as well as continuing to protect the pupil premium to support the most disadvantaged pupils.

We recognise that schools are facing cost pressures. Beyond the total amount of funding going to our schools, we know that there are two crucial questions. First, we know that how schools use their money is important in delivering the best outcomes for pupils. We will continue to provide support to help schools use their funding effectively. Secondly, we know that how funding is distributed across the country is anachronistic and unfair, and that the current system is in desperate need of urgent reform.

We have gone further than any previous Government in reforming school funding. The second stage of our consultation on a national funding formula for schools closed in March, and I am grateful to all 25,000 people who responded, as well as to honourable Members who contributed in the more than 10 hours of parliamentary debates on school funding, and many face-to-face meetings, during the period. It is important that we now consider carefully how to proceed. As outlined in our manifesto, we will make sure that no school has its budget cut as a result of the new formula. We remain committed to working with Parliament and bringing forward proposals that will command a consensus. We will set out our plans shortly”.

3.12 pm

Lord Hunt of Kings Heath (Lab): My Lords, the House will be grateful to the Minister for repeating that Answer—but whatever gloss he puts on school funding, the fact is that the amount of money per pupil is due to go down between now and 2022. As a result, class sizes will grow and schools will replace qualified teachers with unqualified staff. The Minister had nothing to say about this, yet it is worrying parents up and down the country—except, perhaps, in Northern Ireland. Can he confirm that there is now to be an increase in school funding of £150 per pupil in the Province?

The Minister said that no school would have its budget cut as a result of the new funding formula. Can he confirm that that is in real terms and not just in cash terms? His party’s manifesto promised £4 billion of additional money; £650 million of that was to be obtained by scrapping infant school meals. The Minister in the other place has said that that policy has now been scrapped, so where will that money come from? Is it still the Government’s intention to provide universal free breakfast in primary schools—and, if so, does he now have a proper costing of that manifesto offer? Furthermore, is the Government planning to fund new and expanded grammar schools, or has that also been abandoned?

Lord Nash: I am grateful to the noble Lord for his questions. To be clear, first of all, on grammar schools, as the noble Lord will know there is no education Bill in the Queen’s Speech and the ban will remain in place, although we will keep working with the Grammar School Heads’ Association and good grammar schools to see how their excellent practice can be spread more widely.

As far as breakfast is concerned, we do not plan to introduce free breakfasts, although we will continue to work on a number of schemes for breakfast clubs, such as Magic Breakfast.

There has been a lot of talk about the expansion of class sizes. Despite the fact that, by this September, schools will already have experienced an increase of more than 3% in their cost base, the actual increase in class sizes in the last six years has been very marginal indeed. This is at a time when we have 1.8 million more pupils in good and outstanding schools and have created nearly 750,000 new places. I have already said that there will be no cuts in per-pupil funding as a result of the national funding formula. We will be responding in full to the consultation shortly and I am afraid that the noble Lord will have to wait until then for the answers to the rest of his questions.

Lord Storey (LD): My Lords, I am grateful to the Minister for his Statement. He is right to say that funding is anachronistic in England. I was pleased to hear that there will be no cuts to any school budgets. Presumably with the fair funding system there would be winners and losers, so he is clearly saying that the losers—in other words, those whose budgets will not go up—will not be cut at all. However, there is a problem now. When I asked an Oral Question back in March, I pointed out that audit figures showed that, on average, over the next four years, every primary school will be £74,000 worse off and every secondary school will be £291,000 worse off. In his reply, the Minister said it was about organising things differently and that better deployment of staff, efficiency savings and redeployment of non-teaching staff in schools could save £1 billion. He has never said how and where that is going to happen.

My main question is in regard to sixth-form colleges. The Minister believes in fair funding for all secondary and primary schools, but he clearly does not believe in it for sixth-form colleges—because only those which have become academies are VAT exempt. Those that choose to remain maintained have to pay VAT. That is

surely grossly unfair. Why is the Minister not prepared to allow the same advantage to all sixth-form colleges? If he did, it would mean an immediate amount of money for the maintained ones. At the same time, why has the full amount of funding for sixth-form colleges—£200 million—been held back? That could be released to them as well.

Lord Nash: I am grateful to the noble Lord for recognising that we have been the first Government for some time to grasp the issue of the anachronistic state of school funding. It was never going to be easy—that is quite obvious from the debates we have had. However, we are determined to press on and make school funding fair. As I have said, there will be no cuts per pupil as a result of the national funding formula.

I would invite the noble Lord to come into the department and see the extensive work we are doing on school efficiency and organisation to make sure that schools fully understand how to make the resources available in a more efficient way so that there are many more resources for the front line. I recognise the pressures that schools are facing, but it is a fact that under the Labour Government schools received a 5.1% per annum increase in their funding in real terms and that during that time we slumped down the international league tables in the performance of our schools. So it is not just about money; it is about the efficient deployment of resources.

Baroness Andrews (Lab): My Lords, the Minister has been insistent on fairness in both the Statement and in what he has just said. I am sure that he is familiar with the work of the Education Policy Institute, which said in a recent report that:

“The most disadvantaged primary and secondary schools in London are expected to see an overall loss of around £16.1 million by 2019-20 ... In addition, the distribution of funding based on area deprivation ... shows that pupils who live in the least deprived areas experience the highest relative gains”.

What is fair about that?

Lord Nash: The noble Baroness refers to the Education Policy Institute, with which I am very familiar as I attended its one-year anniversary event only a couple of weeks ago. It is a very excellent organisation, ably chaired by my ex-colleague David Laws. As I have said, we are determined to make the funding formula fair. As the noble Lord, Lord Storey, said, it is clear from what we have said that we have looked at the issue of losers. We will redress that in the fact that no school will have its budget cut on a per-pupil basis as a result of these changes. Certainly, as part of the consultation—the 25,000 responses we have had—the point made by the noble Baroness has been made.

Lord Alton of Liverpool (CB): My Lords, the Minister probably shares the concern of other noble Lords about the number of teachers who are leaving the profession prematurely—especially young teachers, some of whom have told me recently about the unbearable pressures and stress that they have had to endure, which is why they are pulling out of teaching. Given the great cost involved in training teachers to work in our classrooms, does the noble Lord share that concern? Can he tell us how many teachers have left the profession over the course of the last 12 months?

Lord Nash: I completely share the noble Lord’s concern about teacher retention. In fact, the news recently has been quite good. I will write to him with precise details but we are seeing more multiacademy trusts having much better teacher retention programmes because they have much better career development programmes for their teachers. I think it was the case until quite recently that a young teacher coming into the profession could look forward to perhaps becoming a head in about 20 years, but it was very difficult to have any visible career structure in the meantime. As a result of schools coming together in teaching school alliances and multiacademy trusts, teachers can now look forward to perhaps being head of a subject in their mid-20s and even being head of a primary school in their late 20s or 30s. There is a much clearer teacher hierarchy and career development structure, which bodes well for teacher retention in the future. It is also fair to say that we have a much more fluid workforce, and in many professions people leave their chosen line of work and change jobs.

Baroness Manzoor (Con): My Lords, due to changes in universal credit, local authorities are no longer routinely advising schools on which students are entitled to pupil premium and free school meals. That means that head teachers are having to contact the local authority to find out this information for themselves, if parents are not able to do so or are unaware that they need to give the information. Therefore, some schools in very disadvantaged areas are losing quite significant sums of money. Can the Minister say how the Government can help to ensure that local authorities are carrying out this duty diligently and are not charging for what was originally free?

Lord Nash: My noble friend makes an extremely good point. That point has been brought to my attention and we are looking at it. I will write to her with some further thoughts on this.

European Union (Information, etc.) Bill [HL]

First Reading

3.22 pm

A Bill to make provision for information and statistics to be available in various public places about the European Union; and to provide information to further the establishment of twinning arrangements between towns in the United Kingdom and elsewhere in the European Union in accordance with the European Union’s town twinning support scheme.

The Bill was introduced by Lord Dykes, read a first time and ordered to be printed.

Anonymity (Arrested Persons) Bill [HL]

First Reading

3.23 pm

A Bill to prohibit the publication of certain information regarding persons who have been arrested until they have been charged with an offence; to set out the circumstances where such information can be published without committing an offence; and for connected purposes.

The Bill was introduced by Lord Paddick, read a first time and ordered to be printed.

BBC (Independence) Bill [HL]

First Reading

3.23 pm

A Bill to provide for the independence of the British Broadcasting Corporation.

The Bill was introduced by Lord Lester of Herne Hill, read a first time and ordered to be printed.

Local Housing Authority Debt Bill [HL]

First Reading

3.24 pm

A Bill to replace the current regime of limits on local housing authorities' debt with limits determined by the existing prudential regime for local authority borrowing for non-housing-related purposes.

The Bill was introduced by Lord Sharkey, read a first time and ordered to be printed.

Middle East (IRC Report)

Motion to Take Note

3.24 pm

Moved by Lord Howell of Guildford

To move that this House takes note of the Report from the International Relations Committee *The Middle East: Time for a New Realism* (2nd Report, Session 2016–17 HL Paper 159).

Lord Howell of Guildford (Con): My Lords, in moving this Motion I should declare an interest as I am on the advisory council of the Kuwait Investment Office here in London.

First, I thank all those who took part in our inquiry, which gave birth to this report before the House today, especially our absolutely excellent clerks, our many witnesses and, of course, all my colleagues on the committee. I also thank the Foreign and Commonwealth Office for its just-in-time response to the report—it came through last night—which is broadly supportive, although, needless to say, it does not accept all our strictures or suggestions and, in my view, misses one or two key points to which I will return.

It is customary when debating reports from your Lordships' committees to say that the report and the debate are timely but, in this case, both our report and this debate have been hard pressed to keep up with the onward rush of chaotic events in the Middle East region. Since we published this report back in May we have seen, first, the horrors of Syria grow even worse, if that is possible, with a quarter of a million people dead, with Russia drifting into growing conflict with America and the American-led coalition of which we are part, and where we still seem to be fighting, confusingly, on two fronts, against both Daesh and Bashar al-Assad, and in collusion with some very strange allies. Then we have seen President Trump go down to Riyadh, where he was received royally, although undoubtedly by his words he helped to raise the temperature between the Gulf states and Iran.

Meanwhile, the GCC states themselves have now fallen out with various parties lining up for and against Qatar; Iran has started firing missiles into Syria; and President Assad has received one “punishment” dose of American missiles and has now been again accused of planning chemical weapons attacks and has been threatened with, as it were, a repeat-as-necessary dose. The Libyan chaos has deepened and the killing and cholera in Yemen have spread further.

One more-positive development is that the ISIS caliphate story is reaching closure, or seems to be—at least in a territorial sense—as coalition forces close in on the heart of the old city of Mosul. Tabqa in Syria has been liberated, and hopefully Raqqa will soon be next. But the franchised violence round the world of a stateless Daesh is proving just as poisonous—of which we have had a terrible and tragic taste here in Manchester and in London in recent weeks. Meanwhile, 4 million-plus refugees languish in camps in Greece, Turkey and of course in Jordan and Lebanon, and others flow from the Maghreb through Italy—12,000 last week alone. Millions, even tens of millions more—so we were advised by witnesses—are to come.

We have to ask: can we disengage or stand back from this maelstrom? Our report concludes that we cannot possibly disengage, even if we wanted to, but that our engagement must develop in radically changed ways in a radically changed Middle East region. Technology is unravelling the whole global world order, including in the Middle East, and if I have one reservation about the government response, it is that it does not seem quite to fully recognise this colossal development.

Our report addresses these changes at three levels. First, looking at the longer cycle of historic change over the last century, the Middle East is clearly no longer the vital and dominant oil and world energy source it was, although it is still significant; the states which were born 100 years ago from the line-in-the-sands carve-up between France and Great Britain have been and are being challenged; and Russia is of course back in the region with a vengeance.

Secondly, coming up to more recent times, we are seeing Syria and Iraq fragment in hideous civil wars. We have seen the Israel-Palestine conflict harden, and the problem of Hamas remains unsolved, although some interesting talks are beginning. We have seen the ill-named Arab spring—which the Foreign and Commonwealth Office admits caught it by surprise—turn to ashes everywhere except, I hope, possibly in Tunis. We have seen the great country of Egypt go through the full cycle, from autocracy to warped democracy and then back to military rule and some kind of stability, which we must devoutly hope survives. Iran has become a little more amenable although we cannot be sure how deep that goes. That is certainly not the view held by some of the Gulf states, which see Iran consolidating an arc of power across Syria to its Hezbollah surrogate in Lebanon. Meanwhile, the whole region is looking much more to the East for its markets, investors and allies so that its stability—or gross instability, which is what it is—is no longer just a western issue in this post-western age.

Then we come up to the present moment, to the boiling edge of now, when the whole scene is shifting again. President Trump's America is emitting uncertain messages, posing for us the question of whether we need to reassess the relationship. The government response seems to think working with the USA just carries on as before. Our report in fact disagrees to a certain extent. Meanwhile, Russia and Turkey are patching up their past quarrels, although which way Turkey is going remains hard to assess. Is Mr Erdogan's NATO allegiance now in question? We do not know. Turkey has certainly given up on EU membership.

The whole Middle East and north Africa region is one of extreme youth with 60% of people aged under 30. Tens of millions are unemployed, although almost all of them are empowered by digital communications technology—the mobile phone, the web and social networks—the impact of which it is almost impossible to overstate. Also, there is what has been described as a Cambrian explosion in cheap and lethal high-tech weaponry, in drones and missiles of all kinds, so that every tribal group and cell now acquires immense and lethal firepower which conventional forces find it almost impossible to cope with, as for example in Yemen at present. Of course, the Islamic religious divisions, which in past centuries were—from time to time—relatively quiescent, have now been disastrously inflamed.

Meanwhile, the Iran nuclear deal is now in question, thanks to President Trump and the US Congress; the Kurds are fighting for state identity as never before; and, as has already been mentioned, the GCC states are divided, with Qatar in the dock, although with allies from Turkey to Oman, and Kuwait seeking to be an intermediary. It is a very serious development for us since Qatar is a huge investor in UK infrastructure and assets—an issue on which we just cannot take sides.

So what is our way forward in the face of this ugly and bloody tangle of issues? First, and obviously, there are no neatly comprehensive strategies for such a varied region, divided by staggering contrasts between massive wealth and massive poverty, and in so many other ways as well.

Secondly, post Brexit, we will need to carve out our own course and agenda and define anew our interests, with less automatic reliance on the USA in underpinning the whole region's security. I know that Henry Kissinger was reported the other day as saying that Brexit could bring the US and the UK closer together, but that depends on whether the USA turns away from protectionist, unpredictable and inward-looking policies. The government response to our report has nothing to say on this aspect, nor, while it talks of UK regional interests, is it clear as to how these may be profoundly changing.

Thirdly, after Brexit we are certainly going to need to work much more closely than ever with some of our neighbours, especially France, with her enormous experience in the Middle East—sometimes in the past pitted against us—and her world power status and position at the UN and so on.

Fourthly, we argue in the report that we should stick with the Iran nuclear agreement—the so-called joint comprehensive agreement—even if America does not.

Fifthly, we argue that the two-state solution remains the only feasible goal for Israel and Palestine. On that front the Trump ambitions to bring the Arab states and Israel much closer together may be in the right direction. Tony Blair, no less, suggests that this is an opportunity to change the whole dynamic of the region in a positive way. Let us hope so.

Sixthly, supplying arms so plentifully, as we do, to the Saudis involves us in the Yemen imbroglio and humanitarian crisis, whether we like it or not. We urge that a firmer line should be taken with the Saudis about weapons use and if necessary some further export licences should be suspended, but I am not sure the Government agree with that.

Seventhly, we must strengthen our old bilateral links and secure new ties, or foster old friendships and new partners, as the Prime Minister likes to put it. With Jordan, Lebanon, Tunisia and Morocco we should cement our already strong friendships. Algeria, too, should be a friend. We should intensify our soft-power deployments on every front, not just trade and security, through our considerable intellectual and creative firepower. We should act through the spearhead of our universities to open minds and close down old hatreds, just as we already link up with hundreds of universities across the Commonwealth network today.

The Government are acting positively in some of these areas but we can do much, much more: by being as open as possible ourselves; by welcoming Middle East students, and indeed taking students out of the overall immigration figures, which we asked for—a step which the Government continue firmly to reject; by using our powerful communications networks to counter false and fake stories and insist on distinguishing between facts and shallow opinions; by resourcing properly our diplomacy and our main soft-power agencies, such as the British Council; and by maintaining up-to-date, agile and best-equipped Armed Forces for careful deployment where the opportunity for discourse or dialogue simply does not exist, as in the case of Daesh, which does not wish to talk, only to kill.

In the end, the battle is not between religions, sects of religions or states but between moderate and extremist futures—two separate narratives and visions—throughout the whole Middle East: one violent, one peaceful. There are clear limits to what we in the UK can do but we can play a strong part in that struggle both through our own example of tolerance here at home and through the utmost respect for the Muslim faith, as well as with constant and vigorous support for the rules-based global order, whether through refurbishing old institutions from the past century or helping to build new and parallel ones in a networked world, especially with the new Asian powers.

This report offers many other ideas and proposals for what is in effect a new panoply of world, and Middle Eastern, conditions. I have given the House a summary of the new realism we call for, and I hope it will find favour with your Lordships and more broadly. I beg to move.

3.36 pm

Lord Stone of Blackheath (Lab): My Lords, this report and what has already been said confirms what I have learned in 50 years' involvement in many projects

[LORD STONE OF BLACKHEATH]

in the Middle East: the situation is complex, multifaceted and interconnected; apportioning blame and trying to negate the narrative of “the other” just makes things worse; and solutions are best developed by the people in the region.

Progress can be made with well-meaning groups on all sides working simultaneously, both horizontally and vertically: horizontally across the piece, straddling the various divides between individuals of differing cultures and religions, and across the leaders of the nations in the area; and, at the same time, vertically with small local projects at ground level and, at the mid-level, with leading academics, businessmen and NGOs, and then with the heads of state and Governments at the top. Were we to co-ordinate these both vertically and horizontally, we could make further progress.

I should like to offer your Lordships some hope by describing actual projects at all levels. At tier 1—at ground level—next month I shall be visiting a small, budding project whereby very religious Jewish ex-settlers who were told to leave Gaza and live in Eilat need someone else to grow their food in their sabbatical year. Every seven years, religious Jews are, by dint of their beliefs, not allowed to work their land and must let it rest. Across the border in Jordan, the Bedouin women whom I am visiting have offered to work the land and create a business supplying these Israeli religious Jews with food in that seventh year. However, the women can work only during the day, so Syrian refugees in southern Jordan have joined the partnership to work the night shift. Entrepreneurial Jordanian nationals have seen that there is a business to be had in working these fields by exporting the high-quality crops every year to other countries in the Middle East. I love it: Israeli Jews, Bedouins, Syrians and Jordanians—a win-win-win-win situation with a combination of interests, and I am going to try to help them.

Another group, PICO Jerusalem—an innovation hub melding people from all cultures to work together in start-ups in Jerusalem—is in the process of launching an initiative to bring education in technology, innovation and entrepreneurship to adults, youths and children in Jerusalem with all its environments. On the ground there are hundreds of such projects.

At the next level up, a movement called Two States, One Homeland—I have spoken about this before—is asking the people on both sides to try to understand the narrative of the other and to accept, with compassion, that that is the genuine belief of those on the other side. For example, many Israelis are accepting that the Palestinians believe that the region is their homeland and they want consideration of their right to return. Palestinians, on the other hand, are accepting that Jews believe that the whole area is their homeland and that living in parts of the West Bank is precious to them. Having accepted these as differing historical contexts, they have agreed to work together on a plan called Two States, One Homeland, which comprises the state of Israel, a state of Palestine, but also a confederation across these two sovereign states.

The best international lawyers are agreeing to help the people on both sides to create a constitutional settlement for a confederation, and international security

experts are deciding how the separate countries run their own military and police force and co-ordinate this with the confederation. On trade and investment, finance and currency, there is already a team of Palestinians, Israelis and international investors working on this. On the holy sites, rabbis, bishops and imams are all working together.

Thirdly, at the highest vertical level and horizontally across the whole region, there is a group promoting a regional initiative. Prominent Israelis, business people, ex-military and security figures, diplomats, scholars and Middle East experts are working together with Palestinians, Jordanians, Egyptians, the United Arab Emirates and Saudi Arabia and have recently developed a regional diplomatic proposal to resume negotiations that leverages the Arab peace initiative and the Israeli peace initiative. The spread is wide and deep. President al-Sisi of Egypt can see the rightness of this for the region and for his 90 million people, and is encouraging us. The aim is that in this whole contiguous region, over one-third of all those living in the Middle East—150 million people—will find work, welfare, health and education and human rights.

As the report shows, we in the United Kingdom are in a unique position to move things forward, and it would be in our own interests to do so. We have expertise in education. British people helped to set up and develop the great universities in Israel, including the Weizmann Institute of Science, where I am a life governor, the Hebrew University, Ben-Gurion University, and the Shenkar College of Engineering and Design. We are now working in Egypt, together with UK universities, to build a new university on 200 acres of land in Cairo, with 30,000 students in year five. I declare an interest as an adviser to Knowledge City Cairo.

In health, media, the arts and, of course, business, the UK has a unique soft power. We can help triangulate partnerships. For example, Egypt has the best long staple cotton in the world. The noble Lord, Lord Alliance, has worked for five years with Manchester University on a research project that shows that now is the time to regenerate the Lancashire textile manufacturing industry, using Egyptian cotton. Israel is the world expert in these technologies and the farming methods. We are helping them all to work together.

The United Kingdom is uniquely placed to give assistance to these processes. The report suggests that we should not be trying to influence people by laying down rules and telling them what we believe is right. We have made too many mistakes like that in the past. However, we have the skills to be able to host and facilitate complex conversations at all levels to help people reach a consensus, and all these people would feel comfortable and safe here in the United Kingdom and here in these premises. In 2004, I hosted, here on the Estate, senior officials from 22 Arab countries who agreed the Arab peace initiative in 2004.

I am suggesting that Her Majesty’s Government, together with us in Parliament, set up a system to host a series of meetings with people horizontally from across the region and within the nations vertically, from top to bottom, so that those people can feel comfortable and safe and discuss projects and help to

meld them into an overall, cohesive plan. The report is a good basis for us to kick off such a project. Let us do it.

3.43 pm

Lord Purvis of Tweed (LD): My Lords, I refer noble Lords to my entry in the register of interests and to the more than 20 visits over the past year or so that I have made to the region. The title of this debate and the report call for a time of new realism. The speech made by the noble Lord, Lord Stone, suggests that we also should not totally lose sight of idealism, but it is very hard, given the fact that the first three and a half minutes of the chairman's speech were taken up simply listing the atrocities, conflicts and tensions that exist within the region.

Over the weekend, I was in my home area in the Scottish Borders and there was a festival at Galashiels Braw Lads that marked ceremonies that took place on the Tweed in 1503 on the marriage between the English and Scottish royal families. The war between the two countries continued and peace was fragile for centuries still.

Modern Arab history started with the Ottoman conquests in 1516-17. Regions have long folk memories—and conflict-afflicted areas have significantly long folk memories. From the end of the Ottoman conquests to the end of the First World War, when western powers staked claims, then to the Cold War and the growth of Arab nationalism and Baathism, and now more recently a region convulsed by intrareligious tension and desires for liberties from the rule of hierarchical and closed systems of powers, we are seeing a major instability, as the committee report states and as the chairman so ably outlined. The birth of modern Arab history also saw the end of rule by themselves for four centuries. The global power bases of Damascus, Baghdad and Cairo were replaced by Istanbul, then London and Paris. The fall of the Ottoman empire a century ago heralded a century of flux, and on the anniversary of that we are now facing a century to come where we have few answers and, in many respects, few hopes.

We are perhaps in the first decade of a new period of the regional history. The failure in many respects of the nation state and the removal of a regional order is to be replaced by the birth of a technological century focused on young people—but young people with fewer opportunities ahead of them than previous generations, with record levels of unemployment and the ability for technology to spread fake news and extreme ideology as well as the positive elements of their own societies.

We have to take stock and it is right that we debate what role Britain can play in the century to come. We cannot wipe clean our history within the region, nor should we be restricted by it. I commend the committee staff and our policy adviser for helping us consider the areas we should be focusing on in the next century.

We start from considerable UK interests in the region. As the chairman said, our annual trade with the GCC states is worth a hefty £38 billion; British Armed Forces are involved in both Syria and Iraq as part of the coalition against the hideous Daesh; and humanitarian assistance from the UK is second only to the US, with over £2.3 billion committed. It is

saving lives every day of every week and we should be proud of it. Our staff in the region are doing sterling work. NGOs from the United Kingdom are also doing fantastic work. As Boris Johnson alone says—he likes to be quoted in regard to our relationship with Qatar—they own the Shard, the Olympic Village, Harrods and Chelsea Barracks, and London City Hall is owned by Kuwaitis. The list goes on and shows the depth of our relationship, not only in military and diplomatic but also in economic ties. However, I detect that there is a greater enthusiasm from the Government to highlight the economics and the trade rather than a wider interest in the political and social relationships within the region, and that that is likely to be the focus as we enter a new post-Brexit scenario.

Given the breadth and complexity of the current position, we could dedicate days of debates on each of the different individual issues—on Syria, on the Israel-Palestine question, on Iraq and the future of that country, on security in the eastern MENA and Maghreb region, on the Gulf tensions and the relationship between Turkey, Iran and Saudi Arabia, not to mention the incoherence of US policy and the aggression of Russia. All these issues warrant deep and careful consideration, so inevitably we must limit ourselves in this short debate to observing a number of issues and making recommendations.

I have some sympathy with the Government's response to the committee. They argue that because there is so much complexity there is no one single solution nor one single approach. I welcome the Government's response that we now have a one Whitehall approach on the Middle East, as they put it. I cannot speak for other members of the committee, only for myself, but I was not able to witness that within the evidence the Government presented to the committee. I hope that at least, if nothing else, we have stimulated some focused thinking within Whitehall.

The Government cite regularly our P5 status in the Security Council, our unique history in the region, our EU membership, up until now, and our very close ties with the United States. But with this comes responsibility. I hope the Government are taking seriously the observation from the committee that the UK has had an inconsistent approach and lacks vision, because it was meant with great sincerity. I agree with the consensus of the committee in its recommendation that the role we wish to play in the region needs fresh, forward-looking thinking—one that should focus almost relentlessly on the next generation of young people, in addition to their relationships with their nation states. We can at least enhance the next generation's view of us and what we represent as a country, our values and interests. The problems are complex and multifaceted, but as Chris Doyle of CAABU put it:

“British Middle East policy has never been consistent or even ethical. And that is almost certainly an unrealistic goal, but it should aspire to narrow the gap between perceived interests and its proclaimed values, though it has to be clearer what both are in the first place”.

In a much-lauded speech in December last year on the UK being back east of Suez, the Foreign Secretary said that,

“any crisis in the Gulf is a crisis for Britain—from day one; that your security is our security and that we recognise the wisdom of

[LORD PURVIS OF TWEED]

those who campaigned for a policy of engagement east of Suez—that your interests military, economic, political—are intertwined with our own”.

If we are back east of Suez, the test most surely would have been in the current tension within the GCC, but where has the UK been on this to seek a resolution? With inconsistency from the US, which the chairman alluded to, and inaction from the State Department we simply must draw the conclusion that the Foreign Secretary’s speech was, if not irrelevant, certainly a considerable overstatement. I suggest that there is scope for a London conference, where we would use our pretty considerable relationships in the region to seek not only a temporary solution but a deep solution addressing deep and complex relationships between the two.

On Syria, we detected inconsistency. That was highlighted simply in the Foreign Secretary’s session with us: at the beginning of the session, he had a policy, but it had altered by the end. The Government’s response to the committee adds a little more clarification, but not wholesale. On Syria-Palestine, our recommendations are clear, and I hope that the Government will give an equally clear recommendation.

In my final moments I wish to address the humanitarian crisis that is afflicting the region. We have migration in the region, perhaps even more than during the Lachish campaign 3,000 years ago—it is an unprecedented historical crisis. In last week’s Queen’s Speech debate, I asked the Government whether the international community was meeting its objectives for raising the funds. Last year, the noble Baroness, Lady Anelay, stated that £12 billion had been raised in one day; the largest amount ever for a humanitarian crisis. Last week, the Minister told me there was £8 billion and only £6 billion has been allotted. I hope he can provide clarification.

The committee report deserves cold, realistic reflection. I hope that this debate will be the start of that and that the Government will continue to give it due consideration.

3.53 pm

Baroness Coussins (CB): My Lords, I have the privilege to serve on the International Relations Committee and to have been part of the inquiry into the Middle East. I echo the grateful thanks we owe to our clerks and policy analysts for their superb support.

The first point I would like to make is about our methodology. We were conscious that, in the region of our inquiry, young people between 15 and 24 make up more than one-quarter of the population, and in some countries this figure is even higher: for example, in Jordan 70% of the population are under 30. The young tend to be excluded from formal political processes, but they are well-informed and connected by technology, not only within their own country but globally, and so have become increasingly activist and questioning. We were keen to reflect the views of young people from the Middle East in our evidence. The views of the usual suspects, if I may respectfully refer to them like that—current and former ambassadors, Ministers, senior civil servants, diplomats and professors—are, of course, absolutely vital, but that was not going to give us the inside story of what young people think.

Our round table, attended by 19 young people from 14 countries, was both enlightening and innovative. Their views surprised us on some issues, reassured us on others and certainly gave us some ideas and perspectives that we could not possibly have heard from anywhere else. A great summary of what they said they welcomed as positive British social and cultural influences was: the BBC World Service; Premier League football; and Monty Python. I suggest that this form of consultation with young people might be a standard feature of methodology for all Select Committee inquiries to consider, whatever the topic.

Two prominent themes to emerge from our discussions with the young people are important threads throughout the report: stability and soft power. I want to make a few brief comments on these, in particular on the role which language skills play both in promoting stability and exercising soft power.

A core conclusion we reached was that the priority for British policy should be to encourage efforts at stabilising the region. A number of witnesses, including some of the young people, told us that they would choose stability over democracy any day. It was clear to us that one of the most effective drivers of stability across the region is support for the expansion of educational opportunities and educational reform, and the UK has a crucial role in this.

We are talking about education in the countries concerned as well as creating more opportunities for young people from the region to come to the UK to study. On the former, the British Council is already playing a huge and constructive role, with a presence in 17 countries in the MENA region and 1,600 staff. Its work is not only in teaching English but in programmes which promote various skills of public life, such as debating and social activism. One British Council initiative has delivered 100 social action projects since 2011 among the displaced Syrian community, spanning education for children, community peacebuilding and women’s economic empowerment.

On the other side of the educational coin, the report also recommends that the UK should continue to encourage young people from the region to study in the UK, which will increase our influence among future leaders and decision-makers. However, as the noble Lord, Lord Howell, said, we strongly agree with other reports to your Lordships’ House stating that the UK Government should stop treating students as economic migrants and remove them from calculations of immigration figures. It is extremely disappointing to see that the Government response continues to resist this recommendation.

But education cuts both ways, and our inquiry also revealed something of a skills deficit in the UK as far as the Arabic language is concerned. Speaking another language is not just about mastering grammar and vocabulary but brings with it the cultural understanding which promotes greater facility in diplomacy, trade, security and community cohesion. It is a myth that everyone speaks English. Even though speaking English is almost always an advantage in today’s world, speaking only English is a huge disadvantage. Arabic is the fastest-growing language on the internet and social media. We are fortunate that the BBC World Service is

expanding its reach in the MENA region. In its evidence to our inquiry, it told us of its investment in the Arabic service's digital offer and plans to strengthen existing TV and radio output.

However, our witnesses from both the World Service and the British Council pointed to the deficit of Arabic speakers in the UK. Despite the need for speakers of Arabic, and indeed of Farsi, for access to the region, this remains a need insufficiently supported by Her Majesty's Government. This is very short-sighted, as a British Council analysis found that Arabic is important for the needs of export growth and future trade relations, as well as for security and influence. It also said that the learning of Arabic was about British young people being more,

"internationally mobile, open and curious to the world".

Yet, the head of Arabic services at the World Service told us that its attempts to recruit Arabists, or Arabic speakers, in the UK usually come to nothing. Indeed, it is shocking that Arabic is offered at degree level at only 15 UK universities out of 167. Somewhat surprisingly, the learning of Arabic has increased in schools, but these are overwhelmingly those belonging to the Association of Muslim Schools, which are faith schools, and the Arabic being taught is more likely to be the classical Arabic of the Koran than modern standard Arabic, which is taught in only a handful of mainstream state schools, often as an extra-curricular subject. Just for the record, and in case our report should confuse or be misinterpreted, I must point out a misprint in paragraph 396, where the words "Modern Standard Arabic" are misplaced and look as if they refer to the classical Arabic of the Koran rather than the Arabic being taught in mainstream schools. Of course, MSA and classical Arabic are not the same thing.

The report recommends that the Government should invest in a long-term plan to increase the UK's expertise and proficiency in Arabic. There is a good model for this in the existing £10 million a year partnership between the Government and the British Council with the Mandarin Excellence Programme. However, the Government response says that this is not on the cards for Arabic because Arabic, unlike Mandarin, is not sufficiently established in schools. Surely that is a circular argument: the Government appear to be saying that they will not invest in boosting Arabic because it is too weak in schools; it is weak in schools because it is not getting enough government support. Is the Minister prepared to reconsider the Government's position on this and come up with something similar for Arabic, including an equivalent level of financial investment in what is clearly in Britain's long-term interests?

4.01 pm

The Lord Bishop of Chester: My Lords, in my contribution to our debate on these complex matters, I will comment on two areas. I do so with great appreciation for the report, so comprehensively introduced by the noble Lord, Lord Howell. It is full of excellent, empirical detail. We ought also to pay attention to certain overarching factors or narratives.

For my first point, I go back 30 years to the excellent BBC series presented by the historian John Roberts, "The Triumph of the West". A book of that

title was published to accompany the series. I reread it recently and thought how perceptive and prescient it was. Perhaps politically correct censors would not allow the title these days, but John Roberts' compelling thesis was that the essential message of contemporary history was the dominance and penetration of western civilisation, driven on by the power unleashed by modern science. The term "globalisation" had yet to be coined, but in part of course it names the phenomenon. Modern science derives from western European civilisation from the 16th century onwards and carries many of the implicit assumptions of our culture. John Roberts' name is not as well known these days as it should be. I knew him a little because he was a history don and later warden of my old college, Merton, although in those days I was an unreconstructed and perhaps even reprobate chemist. Sadly, he died prematurely but his works are still worth reading again, as I say.

Modern rejection of western civilisation, often presented in what I agree is a false Islamic guise, can probably best be seen as a kick-back against the very triumph and hegemony of that which it protests against. Of course, ironies abound, as when the report says that the IS/Daesh conquest of Mosul in 2014 was enabled in part by 40,000 tweets on Twitter in one day by the conquering forces. They use the products of western civilisation in their very protest against it. Unless we understand better the underlying dynamics of what is driving events, our political responses are likely to be either ineffective or even counterproductive. Although the term "culture wars" can be overplayed, there is a significant element of truth in that description of what is going on today, focused in a particular way in the Middle East.

Secondly, and following on from this, we need to recognise, as the report does, that our reaction to the various events we call the Arab spring was far too naive, simplistic and, indeed, optimistic. The report calls our reaction "muddled". We were too optimistic that the Iraq war would usher in modern, western standards of democracy and human rights. We were much too optimistic in our backing of the original protest and rebel groups in Syria, as we are gradually coming to realise. In saying this, I recognise the monstrous character of the behaviour of Saddam Hussein and of President Assad—certainly of the forces under his control. But despite the appalling dimensions to their character and behaviour, we also need to acknowledge the downside of the chaos in Iraq since the end of the war and in Syria since the uprising began there. In Iraq, for example, it is estimated that more than three-quarters of the Christian population has either fled abroad or been killed.

Warnings went unheeded. I used to be a member of the Central Committee of the World Council of Churches, which comprises about 150 representatives from around the global Church. I recall six or seven years ago the anguish of two Syrian Christian leaders at the support of western Governments for the anti-Assad forces. Despite his other failings, Assad had protected the minority communities in Syria, and they feared that this protection would disappear, which is exactly what has happened. The experience of the substantial Christian communities in Syria has been a sad and sorry tale of displacement and persecution. The report touches on

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these matters, but I think it could more honestly and fully acknowledge the—entirely well-motivated—failures of western policy in Syria, not least in relation to other religious minorities.

I have said nothing about the Israeli dimension to the situation, although Israel is the country in the area that I know best. I have visited it half a dozen or more times while I have been a Bishop and I have taken more than 500 people from my diocese on pilgrimage visits there, including more than 100 just a few weeks ago. We will be debating Israel tomorrow in relation to the Balfour Declaration, but let me tie it in in this way: Israel represents—or presents itself as—a highly economically successful, militarily sophisticated and powerful western state. That is how it actually impacts when one goes there. In its own way, it testifies to the triumph of the West in the midst of Arab and Muslim cultures that can find this very difficult to accept and accommodate. Our policies in the Middle East need to take a careful and sophisticated account of these underlying cultural and, yes, religious issues. The religious side could be overplayed, but I think the report tends to underplay it.

My conclusion, which the report echoes here and there, is that our future influence in the region will rely much more on soft power than coercive or military approaches, with education and aid to the fore. Indeed, quite a lot of our foreign aid already goes to the region, but education has been underplayed in what the report calls a “transactional” emphasis in our relationships with the countries of the region, as the noble Baroness, Lady Coussins, has just so clearly explained. Somehow we and other western countries need to appear less “in the face”—if I may put it that way—of the countries of the Middle East, seeking less cultural dominance, as it is perceived by them, and a greater spirit of collaboration as the countries of the area evolve in our irreversibly global world.

4.08 pm

Lord Hannay of Chiswick (CB): My Lords, I suspect that it was clear to all of us on the International Relations Committee that we were going to need a strong injection of humility as we embarked on an analysis of a Middle East in chaos, confusion and rapid movement. If we demonstrated that humility in the report—I hope that we did—it owed much to the wise leadership of our chair, the noble Lord, Lord Howell of Guildford, whose introduction to the debate was a good summation of what we have tried to say.

After all, we need that humility because Britain’s interventions in the Middle East region since the Second World War have not been a series of unblemished successes: the overthrow of Mosaddegh, the Suez fiasco, the bungled occupation of Iraq and the power vacuum in Libya. There have, of course, been some successes: the noble Lord, Lord Carrington, persuading the European Union to champion the two-state solution for Palestine, the reversal of Iraq’s aggression against Kuwait in 1991, the saving of the Kurds from Saddam Hussein’s wrath and the nuclear agreement with Iran. So there is a balance, but there is plenty on the negative side, which is what pushes the case for humility.

It also pushes the case for a complete review of Britain’s policy for a period ahead more likely to be characterised by continuing tensions and turmoil than by stability. That case seems to me to be unanswerable. I have to say that we found the Foreign Secretary’s rather bombastic claim that Britain was back east of Suez pretty unconvincing. That is a slogan, not a policy. The advice given by an experienced American witness, Dr Richard Haass of the Council on Foreign Relations—“Above all, do no harm”—seemed closer to the mark. It also seems clear to us that all the outside players who dominated the Middle East region throughout the 20th century—the United States, the Soviet Union and then Russia, Britain, France and Turkey—are no longer in a position to call the shots and they should not be trying to do so. However unpromising the short-term prospects may be, the countries of the region should be given a greater say than in the past.

The single most worrying trend in a deeply troubled region is the mounting rivalry between Saudi Arabia and Iran, which is often presented, rather misleadingly, as an age-old conflict between Sunni and Shia. The view that the report takes is that it is in fact fundamentally contrary to our own and our western allies’ interests to see that rivalry being perpetuated or, worse still, for it to spin out of control into open hostilities and that a fortiori we and our allies should not get involved on one side or the other of this rivalry. That is what makes President Trump’s intemperate and ill-judged remarks during his recent visit to Riyadh a cause of such deep concern. There is plenty wrong with many aspects of Iran’s external policies, which need to be resisted, but to launch a rhetorical onslaught on the newly and fairly re-elected President Rouhani, who had committed himself to a policy of deeper engagement with the outside world, was surely not a wise judgment and to be proved to have given to Saudi Arabia and its friends a blank cheque to accentuate tensions with its neighbours, a step uncannily similar to the blank cheque that the Kaiser gave to the Habsburg empire in June 1914, which did not end terribly well, seems to us pretty reckless.

Considerations are taking place, no doubt, about how to resolve the problem that has arisen with Qatar, but I hope that the Minister can say something in his reply about the consultations that presumably have taken place and are taking place between us and our closest ally over all this and over the heightened tensions within the Gulf Cooperation Council.

Then there is the matter of the Iran nuclear deal, in support of which the Government’s firm line, along with four of the five other members of the P5+1, is very welcome. But would it not be wise to seek to move on and to remedy at least one of the main defects of that agreement—its relatively short duration—by generalising and globalising the constraints that are set out in it for the future, so that Iran is no longer treated as a pariah but merely on the same lines as other non-nuclear states in the world? That course was recommended in our report. However, the Government’s response to it is Delphic to the point of obscurity and I hope that the Minister, in replying to this debate, may have something a bit clearer to say on that.

No report on the Middle East can afford to neglect the issue of Palestine. To try to wish it away or to behave as if it does not exist has never worked in the past and will not work in the future, particularly not while illegal settlements in Jerusalem and on the West Bank are proliferating and making matters worse. That is why our report put forward a proposal that the Government should consider recognising Palestine as a state, which would be the clearest possible way of showing our continued firm support for a two-state solution. The Government's response to that seems to me to lack any credibility and seems to be drawn from a set of briefings that I can remember from something like 30 years ago.

One other theme runs through our report, which is that we cannot and should not turn our backs on the Middle East. The noble Lord, Lord Howell, set out clearly why that is not a viable policy. The region's future development directly affects our own future prosperity and our security, whether as a source of refugees, a source of terrorists or a source of natural gas and whether as a potential source of dangerous, destabilising conflict or, if we can only make some progress in stabilisation, as a source of prosperity and reduced tension. We need a clear set of policies towards the Middle East region, post Brexit, and they need to be different from the failed policies of the past.

4.17 pm

Baroness Helic (Con): My Lords, I congratulate the Minister on his appointment, including on his role as the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict. I pay tribute to his predecessor, the noble Baroness, Lady Anelay, and also join my noble friend Lord Howell in thanking everybody who made the work of the committee possible.

I fully support the Government's efforts against terrorism: there is no more important responsibility, and I am aware of how challenging it is. But I was concerned during our inquiry by the impression that British foreign policy towards the Middle East has narrowed into the fight against Daesh, and that less emphasis is being placed on the long-term goal of more open and stable societies in the region. Even though this task has undoubtedly become even harder in recent years, we cannot lose sight of it, and I am sure the Minister will agree.

I know that many noble Lords wish to speak, so I will quickly reflect on three areas in our report, all linked to UK policy towards Gulf states. The first is Yemen. Millions of Yemenis are facing dire food insecurity, cholera and potential famine—not because of a natural disaster but because of the conduct of the war by all sides, including the blockade imposed by the Saudi-led coalition. Whatever the complexity of the conflict, the UK and our partners should use the full weight of our diplomacy to insist on immediate and unfettered access for food, medical supplies and humanitarian assistance. I hope that the Minister can update the House on this.

The suffering of civilians in Yemen has also heightened existing public concerns about the use of UK defence exports to Saudi Arabia, with £3.3 billion of licences approved in the first year of the Yemen conflict, as our report shows. I know from my experience that Ministers weigh such decisions extremely carefully and scrupulously,

and that they are not easy, but I put it to the Minister that the time has now come to reconsider any defence exports that could be used for offensive purposes in Yemen in order to be able to give the public more robust assurances.

The Foreign Secretary told the committee that he believed the United Kingdom to be “narrowly” on the right side of international humanitarian law when it comes to defence sales to Saudi Arabia. In my view, our country should never rest on being “narrowly” in the right. We must always strive to be absolutely sure, and wherever there is doubt we should err on the side of law and our principles. I say this while recognising the great importance of our security and defence co-operation with the Gulf states and of our defence industry.

The second issue is the demand from Saudi Arabia and others for the closure of Al Jazeera. The Government have been careful to avoid taking sides in the dispute over Qatar, but UK policy should be unequivocal on a fundamental issue concerning freedom of the press. Whatever our thoughts are on Al Jazeera, no country has the right to interfere with freedom of expression in another. Can the Minister assure the House that this is the UK position, in private and in public, with all the countries involved? Can he also shed light on any assistance that the UK is offering to mediate in the crisis?

Our report calls for much greater transparency in UK relations with the Gulf countries, recognising their importance to us. An immediate step that the Government could take towards this transparency would be the publication of the report into the funding of extremism and radicalisation in the UK. The public have a right to know the extent of the problem and the action that will be taken to address it. I hope that the Government will publish the report as soon as possible and do whatever they can to share information with Parliament.

Finally, I will take this opportunity to draw the Minister's attention to the influence of Saudi charities in the Balkans, where non-European ideas and teachings are creeping into the European Islam of countries such as Bosnia and Kosovo and poisoning the minds of young people in the region. I hope that the Foreign and Commonwealth Office will not lose sight of this as, together with nationalism, corruption and secessionism, it is becoming a growing threat to security in the region—and, by extension, a danger for this country, too.

The Government have their hands full with Brexit and counterterrorism efforts, but the world has not stopped and we cannot afford to ignore it. I therefore hope that we can rediscover both our focus and our ambition to defend Britain's national interest and to pursue a more comprehensive policy across the Middle East.

4.22 pm

Lord Turnberg (Lab): My Lords, the noble Lord, Lord Howell, and his committee are to be congratulated on this valuable report. I resonate to the very wise remarks of the noble Baroness, Lady Helic.

It goes without saying that the situation across most of the Middle East is unstable and very dangerous. The committee has done a remarkable job in analysing

[LORD TURNBERG]

many of the issues. The idea that we should do more to reach out, especially to the more pragmatic states in the region, is certainly very well made. The problem is, of course, that the issues change every day. The recent stand-off between Saudi Arabia and Qatar is but one example, while the dangerous flurry of activity across Syria's border with northern Israel is of concern. Some things never change, of course; Iran's continuing belligerent stance against the West in general continues unabated, and, while I agree that we should try to get the Iranians to behave towards their dissidents in a more humanitarian way and that we should maintain some sort of relationship with them, we should sup with them with a very long spoon indeed. Their daily threats to annihilate Israel should be deeply worrying to us.

I will concentrate my remarks on the Israeli/Palestinian conflict, where our efforts in the UK are, quite rightly, to press for a two-state solution. According to recent opinion polls, incidentally, that is also the strong and heartfelt desire of the majority of both the Israeli and the Palestinian population.

The question I raise is whether the tenor of the report will help or hinder the desired two-state solution. I fear that it may be unhelpful in one or two ways. If we are to be taken notice of by either the Israelis or the Palestinians, we have to be sure to be even-handed and unbiased one way or the other. In this, I fear that the report may not be as balanced as it might be. Inevitably, that will make its recommendations less acceptable and less likely to be taken notice of in the region.

The reason I say this is that, in focusing heavily on the settlements and settlements alone, the report may be missing a trick. Of course the settlements are problematic. They encroach on Palestinian land and make it difficult for the Palestinians to develop their own state, and I would not downplay their importance in any way. But I fear that that is far from the whole story and that there are many other causes of the failure to reach the two-state solution that we all want—and unfortunately they are missing from this otherwise excellent report.

Israel is hardly going to be convinced to withdraw from the settlements on the basis of its experience after it withdrew from Gaza and from four settlement blocks in the West Bank in 2003. That just brought out the worst that a belligerent Hamas could inflict on Israel: multiple rocket attacks and a charter that promised the annihilation of Israel and the Jews. The 10-month pause in settlement building a few years later by Mr Netanyahu, at the behest of the Americans, in the vain hope that Mr Abbas would resume negotiations, was far from encouraging.

Little wonder that my Israeli taxi driver—those drivers are never short of an opinion, nor are they inhibited from expressing it—said, “The Palestinians just want to drive us into the sea”. If Israel is to be encouraged to withdraw from settlements, it is unlikely to do so without something more positive from the Palestinians—but continuing incitement to terror and violence by Hamas and, I fear, by Fatah too, fails to offer any reassurance on that front. They will have to offer something that will give the Israelis confidence

that their security will not be compromised if they simply withdraw. They will have to see the Palestinians be more open to the idea that Israel will not be able to accept all the refugees, now grown from the original 750,000 to about 5 million; that not all of Jerusalem, including the Western Wall of the Jewish Temple, can become the capital—they may have to be satisfied with half of Jerusalem; and they will have to accept that Israel is a Jewish state, as Balfour and the British Government proposed 100 years ago.

Of course, all these ideas are not set in stone, and will have to be hammered out in direct negotiations between the two of them—yet there is little sign that Mr Abbas is willing even to start negotiations. That is why I fear that simply pressing the Israelis to withdraw from settlements in isolation from everything else that needs consideration is unlikely to be helpful. It is also unfortunate, too, that not much mention is made of the Arab peace plan emanating largely from Saudi Arabia. Should we not be doing more to encourage that?

Paragraph 247 of the report states:

“As political authority collapses in many Middle East countries, the UK needs a good working relationship with the remaining stable countries. We also recognise the shared interests: defence sales, non-defence commercial interests and trade, the fight against terrorism, and security of energy supply throughout the Gulf”.

This paragraph applies to the Gulf states, but could it not apply equally to Israel, a stable, democratic state with just as many shared interests that are enormously valued in the UK? The report talks elsewhere of the need to protect the Christian communities in the Middle East. Israel is the only country in the Middle East where the number of Christians is rising.

I was pleased to read the Government's response, with its stress on bilateral negotiations between the two parties. That seems to me more rational than the idea of internationally inspired negotiations that the report seems to stress. I hope that the Minister will consider that my remarks have been made in a constructive way towards the two-state solution that we all want.

4.29 pm

Lord Alderdice (LD): My Lords, I looked forward to the report and this debate, not only because of the chairmanship of the noble Lord, Lord Howell of Guildford, and the distinguished membership of the committee—because I have always found that what he has to say and what other members have to say is thoughtful, helpful and challenging—but also because of the title, *Time for New Realism*. I declare my interests as the director of the Centre for the Resolution of Intractable Conflict at Oxford and the Centre for Democracy and Peace Building in Belfast, especially its work with the Arab Network for Tolerance and the Westminster Foundation for Democracy on our own report on diversity, participation and tolerance in the Arab world.

The notion of a time for realism speaks to analysis of the problem. When as a doctor I found patients not getting better or even getting worse, it was a time not simply to redouble one's therapeutic enthusiasm and increase the dose of medication but rather to pull back and ask whether I had made the right diagnosis in the first place. The very title of this report presses us to

think again about how we view the situation in the Middle East, because our policies and approaches have manifestly not been successful. Therefore, it is a little unfortunate that the Government's response—what I have been able to read of it—tends to speak to the things that the Government are doing or have been doing, when there is a faulty analysis of the problem in the first place.

When I started to take an interest in these things, “Middle East peace process” meant relationships between Israel and the Arab countries. After a while, it moved to mean relationships between Israel and the Palestinians—but now when we talk about the Middle East and the possibilities for peace we discover that disorder has spread through the whole of the region and much beyond. That speaks to a faulty, mistaken and thoroughly unsuccessful approach to politics in the region, and the essential British diplomat, the noble Lord, Lord Hannay of Chiswick, pointed that out in delightfully understated terms. It is a mess—a disaster—and it is getting worse, so we must ask ourselves, “What is wrong with our analysis?”.

When I started to get involved in these things, I took the approach that has been taken in Northern Ireland—to go and meet all involved, including those involved in violence on all sides. I well recall, in a series of conversations with Khaled Mashal, who at that time was the leader of Hamas, him saying to me, “You know, people in the West don't have to listen to us. They can ignore what we have to say, but they need to understand this: we are prepared to work the system. We will stand for elections and, if we lose, we will be in opposition; if we win, we will be in government. We might well do things that you might not like, but we will work the system. But people need to understand that, if things do not move ahead—and this is simply an observation—there are those coming after us who do not want to work the system; they want to burn the system”. Frankly, anybody who did not expect al-Qaeda and Daesh has not been paying attention to what has been happening for over a century in the Muslim world.

Going back 100 years, we have the Balfour Declaration—which, by the way, in a very short paragraph gave a national homeland, rather than a state, to Jewish people, but not only for Jewish people; it was very clear that the civil and religious liberty of those who were already there also had to be observed. Like many decisions of the time, part of it was observed, and part not. The same happened on my island. Going back 100 years, we had liberal democrat parties; in Egypt, for example, there was a real flourishing of liberalism. But when, after 20 or 30 years, liberal democracy did not seem to have been successful in freeing up countries to follow their own lights and wishes and those countries continued to be dominated by the West, it was replaced by pan-Arab nationalism and Nasser. When he was defeated in 1967, there was a further deterioration into authoritarian leaders. Eventually, when that was unsuccessful, there was a further deterioration and so on. The Arab spring, as it was mistakenly called, was simply a further fracturing into chaos of everything in the region; and no good comes from chaos.

We have to understand that this is the inevitable consequence if a group of people becomes frustrated every time it moves to take responsibility for its own affairs. Of course, if they take their own responsibility they will come up with different ways from ours of governing themselves. I remember Charles Kennedy telling me about a conversation he had with Tony Blair, who was complaining about the Welsh Liberal Democrats taking a particular position. Charles Kennedy said, “You see, we are a devolved party”. Tony Blair said, “But you are the leader: tell them what to do”. The Prime Minister of the time did not really understand that in Wales they had the right to make their own decisions about what to do—it seemed an alien concept to him. If people are elected and we encourage them to have democracy they will make different decisions about how they want to govern their country, guided by their lights, culture and approach. If we continue to interfere and prevent that happening because we do not like the outcome, the consequences will be disastrous, and that is what has happened.

We cannot press others to follow our lights; that is also true of Israel. It is not for us to tell Israel how it should behave, but it also is not for Israel to tell us how we should behave. I do not think a two-state solution is possible any more. For years I have heard Foreign Office Ministers say, “If it is not done by the end of this year, it is off the agenda”. The next year, and the next year, the message is the same. As the noble Lord, Lord Hannay of Chiswick, said, the message has been the same for 30 years. I do not think it is possible any more. Let us be clear: it is time for new realism; there is not going to be a two-state solution. If there is, we should recognise Palestine and get on with it. If not, and some are not prepared to do so, we must say to Israel: “You have not occupied, you have now annexed and you must govern the whole of that country with proper recognition for all the people who live there, not as a kind of apartheid state—which you yourselves would reject—but as a proper country”. We cannot continue because, apart from the difficulties it creates for those people in that place, it sends out the message to the whole of the Muslim world, from Indonesia to Morocco, that we say one thing but do something different, particularly when it involves Muslims. No amount of fine language persuades people in the Muslim world of anything different when they see the way we act.

It is time for a new realism and I hope the committee and the House take this report and go even further in following the consequences of a more realistic analysis of where we are in the Middle East.

4.38 pm

Lord Luce (CB): My Lords, I am delighted to follow the noble Lord, Lord Alderdice. I know, as the House does, how much he has done in fostering dialogue and co-operation at a local level between Arabs and Israelis and passing on his experience of the peace process in Northern Ireland. Organisations like Forward Thinking can do an enormous amount to help in the dialogue and discussion on how to find peace between Israel and the Palestinians in the longer term. I too thank the noble Lord, Lord Howell, and all members of the committee who clearly worked extremely hard at this report, which makes us think again—which we

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need to do in the Middle East—and think afresh. I agree with the broad thrust of the report—there are parts of it with which I do not totally agree—and believe that it is making an important contribution.

As we have all discussed, the Middle East today is going through its own dark ages. We have been through ours in Europe centuries ago. Today, the Middle East is tearing itself apart with Arab versus Persian, Sunni versus Shia and dictators versus citizens. All this is exploited—as it will be, of course, so long as it lasts—by extremists such as Daesh and al-Qaeda. There is a collapse in Arab self-confidence and a deep anger and frustration, particularly among the young. We should all be very grateful for the discussion on young people as they are critical for the future of the Middle East. The shockwaves from extremism and migration are transmitting outwards, affecting us all. They have now become everybody's problem.

We should pause and reflect for a moment and remind ourselves a little of the history. In the two centuries after the Prophet Mohammed, there emerged a great Arab empire which extended from Baghdad and Asia to north Africa and Andalusia. It was driven forward by innovation, scientific learning, a great diversity of races and culture, even freedom of travel—a contemporary issue—and a great deal of tolerance. This empire brought about advances for humanity through architecture, textiles, commerce, art, astronomy and mathematics. We have only to look at Andalusia today to see that extraordinary historic achievement. That so-called Arab enlightenment of that period all that time ago demonstrated a separation between faith and reason. There were fierce philosophical debates at that time but since then we have seen centuries of crusades, the Ottoman Empire and the colonial empires. This has led to a hardening of views, sometimes of both religions, and certainly to a growth in fundamentalism and a collapse in self-confidence at the end of the day. Today, in the Middle East we see poor standards of governance, lack of confidence, no internal capacity to escape oppression, economic mismanagement and the great frustration of unemployment, particularly for young people. We need to learn some lessons.

I want to reflect for a moment on this history. First, it is in keeping for Islam to have a separation of politics and religion. Conservative theocracy is not a necessity for Islam. Secondly, there is no case for having a clash of civilisations between Islam and the western world: 13 million Muslims live in Europe and 3.5 million live in the United States, many of whom live there happily. Thirdly, against the background of this collapse of Arab self-confidence we must remind ourselves that they should not wait for outsiders to solve their problems—exactly the point that the noble Lord, Lord Alderdice, made. It is for them to solve their own problems. I understand that the Arabic interpretation of the great British saying, “God helps those who help themselves” is, “Trust in God but tether your camel”. They need to tether their camels a bit more.

My fourth reflection is that the West has no interest at all in trying to run the affairs of the Middle East. I have seen it all myself. I am the son of a former governor of Aden and political resident in the Gulf.

Those days are over but we have a role in supporting and helping these countries to resolve their conflicts where it helps them and where it responds to their wishes.

On the United Kingdom's role, I broadly agree with the report. We have to work multilaterally to help those countries find political resolutions to their conflicts. We have to use whatever influence we have, given our present post-colonial resources. We have to work multilaterally—I agree with the report that we should try to work as closely as possible with France, although with a sense of realism about that, trying to avoid the Sykes-Picot rivalry of the past. We should also have a comprehensive approach to the Middle East, not just trade or security but education, healthcare, culture and other areas as well, working in areas that we know something about and others may know less well. We should recognise the emerging powers of the Middle East—Saudi Arabia, Iran and Turkey. We need to work with them and strike our own position with regard to the United States but be consistent in our advice and the views which we express to their Administrations.

I agree with the noble Lord, Lord Hannay, that the rivalry of Saudi Arabia and Iran is absolutely key. It is a tinderbox which could lead to much wider conflict including in Syria, Iraq, Lebanon and Yemen. They are both important regional powers. Saudi Arabia has its 2030 vision of a way forward with which we can work and co-operate. On Iran, we should keep that nuclear agreement which prevents a nuclear weapons capability. What point is there in withdrawing it other than to exacerbate the tension? However, we need to take seriously the proxy wars that are going on, and I like the committee's recommendation that we should use the same multilateral group for dialogue with Iran on proxy wars and try to help both those powers to move forward. We should certainly work with Iran in developing trade links and easing banking services and regulations. However, at the end of the day, only those two regional powers can find a solution to the regional conflict.

On the Gulf, I first visited that area in 1959, and today it is unrecognisable. With the change in oil prices it will change again, and we will see a different Gulf in 10 years' time. We have some long-standing friends there, such as Oman and Kuwait—the two rulers of those countries—but we are moving on to a new age. The monarchies have survived although many forecast that they would not, but if they want to be stable, as we want them to be in the future, they have to evolve into their own form of a kind of Arab constitutional monarchy. We have critical links with the Gulf—£30 billion of trade in the last year—and we need to develop that relationship.

As to Saudi Arabia and Qatar, this has happened before—it is not the first time, although the situation is tenser this time. I suggest that the new GCC-UK strategic partnership which the Prime Minister formed in Bahrain last December should also provide a framework, not for us to interfere but for us to have a dialogue with the Gulf countries about the definition of the groups and individuals that cause instability in the Middle East and to try to help them reach a common view about that.

Lastly, on the Arab-Israel issue, I would like to see—one day, in 10, 20 or 30 years—that remarkably vibrant nation of Israel have a closer and closer rapport with some of the Arab countries, to the benefit of the Middle East as a whole. I do not want to give up on the idea of a two-state solution and I support the recommendations of the report that we should try to help by recognising the Palestinian state internationally.

It will be a painful and long haul. We cannot yet see the framework for the future post Daesh. I would like to echo to the Government the advice given by that excellent journalist, Jeremy Bowen, in his recent broadcasts: “Don’t make things worse. Try to make things better”. The report certainly helps in that regard.

4.49 pm

Lord Polak (Con): My Lords, it is an honour to follow the noble Lord, Lord Luce. When he said he might have to wait 10, 20 or 30 years, my view is that we will not have to wait that long because there is so much activity already between Israel and some of the Arab countries. I congratulate my noble friend Lord Howell on his report. I have admired him over his many years of political service—his knowledge and wisdom are widely appreciated. I refer the House to my non-financial registered interest as president of the Conservative Friends of Israel.

I will concentrate on areas where I have some knowledge. I have a theme for my few words—it is called a blind spot. On Iran, I understand the concentration on the nuclear deal but there is hardly a mention of Iran’s support for Hamas and Hezbollah. In Britain we have proscribed the military and not the political wing of Hezbollah. I have raised this before and I do not apologise for raising it again. Hezbollah has 150,000 Iranian rockets in south Lebanon facing Israel. Hezbollah is proscribed by so many countries in its entirety—the United States, Canada, the Netherlands, the Gulf Cooperation Council, the Arab League—but not us. Hezbollah does not distinguish among itself so again I call on the Government and the Minister to look again at proscribing Hezbollah in full.

I agree with the report that the UK should position itself for a better relationship with Iran, but again, as I mentioned, the blind spot is that there is no mention of the support of terror in the report. On the Israeli/Palestinian dispute, as has been said, things move so quickly. Paragraph 253 says,

“President Trump dropped the US commitment to a two-state solution”.

No he has not. It says he has threatened, “to move the US embassy to Jerusalem”.

No he has not. It says the new ambassador, “David Friedman ... may raise tensions”.

No he has not, either.

However, I agree with the noble Lord, Lord Turnberg, and refer to paragraph 266 where it says:

“A negotiated two-state outcome remains the only way to achieve an enduring peace that meets Israeli security needs and Palestinian aspirations for statehood and sovereignty, ends the occupation that began in 1967, and resolves all permanent status issues. We condemn the continuing Israeli policy of the expansion of settlements as illegal and an impediment to peace”.

This is totally one-sided. There is condemnation of Israel but where is the condemnation of the Palestinians’

incitement, the Hamas control of Gaza, the rocket attacks and the terror tunnels? That is not in the report at all.

Paragraph 270 talks about the balance of power in the delivery of peace lying again with Israel. It says, “the UK should be ready to support UNSC resolutions condemning those actions”.

Again, it is one-sided. The best way to show a determined attachment to a two-state solution is to encourage the two sides to sit together and, while at it, encourage the Palestinians not to be the two sides on their own.

Tomorrow, as the noble Lord, Lord Turnberg, mentioned, there is a debate on the 100th anniversary of the Balfour Declaration. There are so many speakers so perhaps today I can deal with one particular issue—again, there is a blind spot. The noble Lord, Lord Alderdice, just reminded the House about the second part of the Balfour Declaration and he was right to do so. The last part of the Balfour Declaration says,

“it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine”.

However, it does not end there. The sentence continues, “or the rights and political status enjoyed by Jews in any other country”.

I remind your Lordships that in 1948 there were 726,000 Palestinians who became refugees but there were 856,000 Jews living in Arab lands. In reality, two refugee populations were created at that time—Palestinians and Jews displaced from Arab countries—yet since 1947 the UN’s predominant focus has been on the Palestinians. Over the years there have been more than 170 resolutions on Palestinian refugees, 13 UN agencies and organisations have been mandated or created to provide protection and relief for the Palestinian refugees, and tens of billions of dollars have been disbursed by the international community to provide for the Palestinians. But during those same years there have been no UN resolutions, no support from UN agencies and no financial assistance to ameliorate the plight of Jewish or other refugees from Arab lands. I believe that it continues to be a serious injustice by the international community to recognise the rights of one victim population, the Palestinians, without recognising equal rights for the other victims of the same conflict—that is, the Jews, Christians and other refugees from Arab countries.

Noble Lords should not take my word for it; I have proof, which I shall share with the House. It was 22 November 1967 when Resolution 242 adopted the words laying down the principles for a peaceful settlement. It stipulated a,

“just settlement of the refugee problem”.

There was no distinction between Jew and Arab. On 16 November, a few days before, the UK submitted a draft which was not exclusive in calling for a just settlement. Four days later, the Soviet Union submitted a further draft restricting the “just settlement” to only Palestinian refugees, but on 22 November the Security Council gathered and the UK version was voted on and adopted unanimously. The Soviets did not want a vote on their draft, although Ambassador Kuznetsov later said that the Soviet Government would have preferred the adoption of the Soviet draft. Thus the

[LORD POLAK]

attempt by the Soviets to restrict the just settlement of the refugee problem to only the Palestinian refugees was not successful. The international community's adoption of the UK's inclusive version signalled a desire for Resolution 242 to seek a just solution for all, including Jewish refugees.

In conclusion, last night we had the government report. Today, a research document called *Supporting a Two-State Solution: Effective UK Policy to Boost Israel-Palestinian Relations* was published by BICOM, the Britain Israel Communications and Research Centre. I picked up what I think the House will agree are the five key, relevant points. The first is the role of the UK, in concert with others in the international community, in helping to create the conditions for the peace process to succeed and to bring about a two-state solution. The second is the need to concentrate on areas where the UK is well placed to make a practical difference, increasing funding to train Palestinian security forces and promoting civil society initiatives. Thirdly, the UK could use its good standing in the world—we are on the United Nations Security Council and have a good relationship with the Arab states—to promote new opportunities for diplomatic engagement. Fourthly, UK finance for the Palestinian Authority should be based on appropriate measures to ensure that financial aid reaches appropriate places and recipients and that funds are not misused. Finally, with budgets under pressure, the UK should ensure support for international initiatives that have a positive impact on improving conditions for the future.

There is hope and one should never give up, but I urge the committee to eradicate blind spots and hope that the UK will do all it can to bring the Palestinians and Israelis around the table to hammer out a solution, which I believe is within reach.

4.58 pm

Baroness Cox (CB): My Lords, I thank the noble Lord, Lord Howell, for introducing this debate, highlighting many issues of profound importance in a violent and fragile region in which countless innocent civilians are suffering.

I wish to focus on Syria. During recent visits, everyone whom we met, including representatives of different faith communities and professions, highlighted four concerns. The first is the UK Government's commitment to regime change and the removal of President Assad. It is impossible to condone violations of human rights, including the use of torture, by President Assad and other Middle Eastern Governments, but everyone to whom we spoke now sees President Assad as the only effective bulwark against ISIS and its related militias. These include people active in opposition who took part in the demonstrations that erupted into the current war. There is a widespread fear that any regime change and the removal of Assad would lead to a far greater evil—another Libya or Iraq.

In Lattakia, approximately 1 million people have been forced to flee their homes, many having suffered atrocities perpetrated by ISIS and related groups. I met many of them, among them a Muslim woman who had been forced to flee from her home by ISIS. Weeping, she embraced me and told me how her

husband and brother and their sons had been beheaded in front of her. She said, "In war, people on both sides are killed by shelling. But on one side, you die from shells; on the other, you die from shells and beheadings, and we don't want the beheadings. The Government protects us from these". Another person put the position very vividly, and his feelings were typical of many whom we met. He said, "I never voted for Assad. I always called for reforms and change. But now I would die for him". Among those most fearful of regime change are religious minorities and women. Even those most critical of President Assad acknowledge his commitment to the protection of religious minorities and to the promotion of women's rights. These approaches are to be respected.

The second concern is the UK Government's role in the war. To many, it seems that the UK is now keener to strike at Syrian government forces than to destroy ISIS—which should surely be the priority. Robert Fisk, in the *Independent*, used virtually identical words regarding US policy. Britain is reportedly supporting and training so-called "moderate rebels". Many are active members of radical groups, some of whose fighters are among the most ruthless in the Middle East. The UK has also effectively given air support to ISIS by apparently striking pro-Assad forces on more than one occasion.

I say "apparently" because it is difficult to be certain; the US, the UK and other allied forces operate under the appellation "coalition". However, in December 2016 the coalition admitted killing 82 Syrian soldiers in Deir ez-Zor, where they were defending that city against ISIS, and the British Government have not denied participating in that appalling action. More attacks were committed recently against forces allied to the Syrian Army in the Tanaf area on the Syrian/Iraqi border, allegedly to protect British and other forces working with anti-Assad militants—a mission for which British forces had absolutely no mandate from Parliament or the UN. Many civilians were killed in these attacks.

I ask the Minister for his response to deep and widespread concerns that the UK has no legal grounds whatever to intervene militarily in Syria. There is no UN mandate to do so, there has been no request from the legitimate Government of Syria to intervene, and the UK has not been attacked by Syria. In addition, I will ask two related questions: what has UK taxpayers' money done for peace for Syria, and will the Government provide public accountability for the use of taxpayers' money in supporting rebel groups in Syria?

The third concern is the US/UK response to the alleged use of chemical weapons by Assad in April. To recapitulate, on 4 April a severe aerial attack occurred in Idlib, the stronghold of al-Qaeda in Syria. Reports emerged of the possible use of chemical weapons by Assad's forces. Within two days, without proper investigation, the Americans retaliated with 59 Tomahawk missiles, hitting an airbase used in the fight against ISIS near the government-controlled city of Homs. The UK Government praised President Trump's response, despite the fact that questions remain about the details of the initial attack.

The Organisation for the Prohibition of Chemical Weapons produced a report concluding that sarin was used but that no conclusions could be reached concerning

the dispersal mechanism—in other words, whether it was delivered by a bomb. The OPCW report itself has many flaws. The team of inspectors were unable to visit the site, as it is controlled by jihadists. The team took at face value evidence provided to it by people and organisations linked to the al-Qaeda affiliate, al-Nusra. The report also pays scant attention to disconfirming evidence, such as the fact that video evidence shows responders exposing themselves to materials which, if they had traces of sarin, would have killed them.

Moreover, a team from Médecins Sans Frontières, treating victims from Khan Sheikhou at a clinic 60 miles to the north, reported that,

“eight patients showed symptoms ... consistent with exposure to a neurotoxic agent such as sarin gas or similar compounds”.

MSF also visited other hospitals that had received victims and found that patients there,

“smelled of bleach, suggesting that they had been exposed to chlorine”.

In other words, the evidence suggested that more than one chemical was responsible for the symptoms observed, which would not have been the case had the Syrian air force dropped a sarin bomb, which has no percussive or ignition power to trigger secondary explosions. The range of symptoms is consistent with the release of a mixture of chemicals, including chlorine and organic phosphates, used in many fertilisers, which can cause neurotoxic effects similar to those of sarin.

Yet, despite the lack of firm evidence, the President of the United States has warned the Syrian Government against a repeat of the April incident, threatening a devastating strike. Our Defence Secretary applauded President Trump’s threat and our Foreign Secretary continues the allegations that Assad bombed using sarin. These threats and allegations by the United Kingdom are deeply disturbing. Surely the priority should be defeating ISIS and related terrorists and protecting civilians rather than striking at those forces which are attacking ISIS and kindred jihadi groups. Moreover, President Trump’s threat is causing widespread, profound terror among civilians throughout Syria and can provide the jihadis with every incentive to stage a fake attack, with civilian victims, in order to precipitate the US strike that President Trump so unwisely promised.

Fourthly, I turn to humanitarian needs and the effect of sanctions, which are crippling the state and preventing it from providing essential supplies to its people. Syria is struggling to get machinery, raw materials, fuel and basic necessities such as flour and medicines. This is causing great suffering to innocent civilians. When we met the Syrian doctors’ society in Aleppo, it emphasised the disastrous effect of sanctions on the procurement of essential medicines and equipment such as prostheses, exacerbating the suffering of innocent civilians.

The effect of sanctions on food supplies is also having a detrimental effect on attempts to encourage people who have been displaced by ISIS to return to their homes once they have been liberated. The effect of food shortages was graphically expressed by a community leader from the predominantly Christian town of Maaloula. This town had been captured by ISIS, which perpetrated atrocities, including martyrdom of Christians who refused to convert to Islam. It was

subsequently liberated and he is trying to encourage citizens to return to their homes. This is difficult because of the lack of food. The situation regarding food shortages is exacerbated by the fact that much of the wheat-growing land in Syria is under ISIS control. This community leader told us, “If you don’t die from the bombing and the bullets, you die from the beheadings. If you don’t die from the beheadings, you die from starvation thanks to sanctions”.

Given the continuing suffering of the people of Syria, exacerbated by UK foreign policy, I was encouraged to read the committee’s conclusion:

“British confusion and disarray in Syria is a reflection of the contradictions in international policy on President Bashar al-Assad, which must be rethought. The objective of displacing Assad as a prerequisite of any settlement, with the current means and policy, has proved unachievable. Despite the chemical attack and the recent escalation of military conflict Assad, with Russian support, remains in power ... There are no good options available in Syria but the recent chemical attack, the urgency of the humanitarian crisis, with the potential to destabilise the EU and countries of the Middle East with refugees, requires the UK, and international community, to redouble its efforts to achieve a negotiated solution”.

I emphasise the fact that deep concern over the UK’s policy regarding Syria is not new. Before Christmas last year, three former UK ambassadors to Syria signed a letter to the *Times* in which they expressed their criticism of the UK position regarding regime change. Will the UK Government consider establishing an embassy in Syria? It seems utterly unjustifiable to deny this when the UK has embassies in North Korea, with its deplorable human rights record and current concerns on nuclear weapons, and in Khartoum, despite the fact that the President of Sudan has been indicted by the International Criminal Court and is continuing genocidal policies against his own civilians in Darfur, South Kordofan and Blue Nile.

Finally, I and many others were deeply disappointed by the Minister’s response when winding up the debate on the gracious Speech. It was a repetition of the Government’s mantra commitment to regime change and the displacement of President Assad. However, the situation in Syria has changed fundamentally and the committee’s report has recognised these changes, making well-argued recommendations for changes in UK policy. I therefore conclude by urging the Government to respond positively to the well-reasoned and significant recommendations promoted in this important report.

5.10 pm

Lord Judd (Lab): My Lords, I declare an interest because of past ministerial responsibilities and having spent a great deal of my life in the non-governmental sphere which is in many ways highly relevant to the situations we are discussing.

As a non-member of the committee, I place on record my absolutely unlimited delight at reading a report of this character. The report must be one of the wisest, most thoughtful and most provocative intellectually that there has been for a very long time. I hope the Government are therefore taking it very seriously. There are encouraging indications that this may be the case, and I hope that is so. I also am confident that my noble friends with responsibility in this sphere will take it very seriously indeed. So thanks to all concerned, both Members of the House and the staff of the committee.

[LORD JUDD]

The Government have rightly taken great pride in the part they played in bringing to a successful conclusion the Arms Trade Treaty. That was a very constructive role by the Government. Of course, we will be judged not just by what we did to get the treaty but by our consistency and integrity in applying it to our own affairs. There can be a big gap in that respect, and I am one of those who is deeply worried about the prevarication and equivocation on the issue of Saudi Arabia and Yemen. Instead of looking for rationales and excuses as to why things are as they are, we should say categorically that, in terms of the treaty of which we were essentially pioneers, along with others, it is crucial that we take decisive action and leave the Saudi Arabians in no doubt whatsoever of where we stand.

At the turn of the century, I spent several years working as the rapporteur to the Council of Europe on the bitter and horrible conflict in Chechnya—I visited Chechnya nine times. There are certain things seared on my memory from that time. One is that the brutal, indiscriminate, insensitive action by the Russians was building up extremism. President Putin would say at that time, “But Lord Judd has to understand that we have an acute security problem on our southern flank”. That was certainly true—I did not differ at all from that analysis—but if that was the case, why were we driving people into the arms of the extremists who were making things worse?

What I like about this report is that there is a theme going through it: that these are the kinds of issues about which we should be thinking very deeply. How do we avoid making things worse? How do we stand up for principle? Bearing in mind that we cannot have it both ways, it is simply nonsense to pretend that there are not implications for security in this country arising from the way we may be conducting foreign policy. I wonder just how much we have thought about how many young potential recruits there are for extremist positions in this country by virtue of our failure to stand up as we should have done on Saudi Arabia.

On Iran, the report is magnificently written and the position of the committee members is courageous and right, but there are certain immediate points that we cannot brush under the carpet. I declare an interest as a member of the All-Party Parliamentary Group on Human Rights. In light of paragraphs 204 and 205 of the report, does the International Relations Committee agree that it is not appropriate for Iran arbitrarily to arrest and detain British citizens, including British-Iranian dual nationals, and sentence them under judicial processes that fall far short of international standards and that Iran should release all such citizens immediately, including Kamal Foroughi and Nazanin Zaghari-Ratcliffe? Furthermore, given the grave concerns about the deteriorating health of those individuals since their arrest and detention in May 2011 and April 2016 respectively, with the 77 year-old Mr Foroughi facing significant health risks of prostate cancer and blindness due to untreated cataracts and Ms Zaghari-Ratcliffe suffering serious mental health problems and the apparent denial of appropriate medical care by authorities in Evin prison, is it not essential that more must be done immediately to ensure their release and that further irreparable harm to their health does not occur?

Generally on Iran, on the strategic issues I am glad that the committee is as firm as it is. I am also glad that it made it pretty clear that the present President of the United States is not helping in finding a way forward.

On Palestine/Israel, I cannot help remembering that, as a young Member of Parliament, I was in Tel Aviv when the 1967 war started. I had arrived there for an international conference and the war started the next morning. Deeply implanted in my memory was how during a heavy period of bombardment and fighting, when I was taking shelter with some Israeli people, they were listening to radio messages beamed into Israel by people who were of a rather militant frame of mind in supporting Israel. I remember some of them turning to me in that situation and saying, “It’s all very well for these people, but we have to work out a future in this region and we have to think of our long-term relationships with the Arab world around us”. I have never forgotten that.

In the same way, I have also always admired those members of the Israeli armed services who have stood up to be counted and said that they are not prepared to be part of something which they believe is not acceptable. I also have great admiration for young Israeli lawyers who stand up and defend young people in military courts. From that point of view, we must ask why we have not been more firm in our position. Of course, the two-state solution is the right one. I cannot think of anything guaranteed to build more insecurity into the future of Israel than to abandon the two-state solution. We want a solution in which Palestinians have confidence, self-respect and citizenship that means something in their own society.

I am sorry to keep quoting experience, but when you get to my age you begin to think about your experiences in life. On the negotiators, I had a while as chairman of the Committee of Middle East Questions for the Inter-Parliamentary Union. I began to feel at times that the negotiators in both camps had become institutionalised, that in a sort of way they might be playing a game that they both understood. If you caught them in social moments, they would be laughing, talking and chatting together. They would not be sharing a drink for obvious reasons. Well, they would share a drink but not alcoholic ones, necessarily. I thought there was a huge challenge there to build more opportunities for understanding to grow up around the negotiators and political leaders.

The contributions of the noble Lord, Lord Alderdice, today have been very important, as they always are. His work is absolutely terrific. However, we should seek ways in which young people and professional people can meet from both communities, looking, talking and sharing experiences in areas where they have mutual concerns. That could do a great deal to help in building up a situation in which progress becomes possible.

Obviously I would like to say far more, but my final point is simply that we must learn—I am so glad to hear this repeated, and stimulated by the excellent report we are discussing—now at last that we cannot manage the Middle East situation any more than any other similar situation in the world. The solutions must be found by the people themselves. Our job is to assist in generating experiences, atmosphere and relationships

that can help with solutions being found. In so far as we start establishing deadlines, management targets and so on, it is disastrous. We should have learned that in recent years. Thank you to all those involved in the report, which is very refreshing and excellent. We are fortunate to have it.

5.23 pm

Viscount Waverley (CB): My Lords, I declare that I am associated with a major Middle Eastern entity, although naturally the views I express are mine alone.

I offer congratulations to the noble Lord, Lord Howell, and his team on their many thought-provoking assessments. As the title of the main report indicates, the region under consideration is primarily the Middle East, although extending to north Africa and the Levant. Defining a region can be elusive. I would always classify the Levant as being in the Middle East and wonder why there is not more consideration of Israel's contribution within the Middle East. I remember well a conversation with Crown Prince Hassan in Amman when we discussed the role of Israel in the Arab world, as applicable then as now. Regional tensions might be reduced if Israel focused more on the Arab world rather than Europe or the United States and, conversely, if the Arab world was more accepting of Israel, although I accept that positive moves are afoot. The common thread of extremism and terrorism, cyber or otherwise, has to be tackled.

North Africa, included in the report under the banner of MENA, has a different dynamic from that of the Middle East. MENA, as it impacts north Africa—expedient geography to the Foreign Office, Brussels and the OECD, with their development initiatives on governance and competitiveness—is of course very much of the world of Islam, but with differing politics and trade issues. It is a pity, but in the circumstances understandable, that the committee was unable to visit Riyadh and Tehran—two Middle East linchpins. It is preferable always to test the broader world view from within rather than solely as perceived from London. Both offer a world of opportunity for the United Kingdom. All commentators inform me that the UK is lagging behind in connecting with Iran. The signing of a \$5 billion contract with Total is testament to that. I see the inability of the Iranian embassy to open a bank account in London as a detriment. I ask the Minister: are there any developments in that regard and what is holding back the ability to do so?

Iran's significant historical and current influence, the unresolved Israel-Palestinian situation and the recent Gulf rifts with Qatar exacerbate old and new regional tensions. Multiple crises define the MENA region. One also should not be blind to Afghanistan; the effects of the refugee exodus reaching directly into Europe, Italy in particular; and the bilateral tussle between Morocco and Algeria over Sahara. Matters are compounded on the one hand by an apparent withdrawal by the United States, while still defending its national interest combating ISIS and al-Qaeda, and on the other hand by Russia and its interests becoming increasingly centre-stage, with support for Syria and nuclear activities in Iran. Co-operation generally between these state actors needs to be established. Events have the potential to get out of hand.

The Middle East requires vital stabilisation. Trust and confidence-building measures are urgently required. Yet throughout the Arab world, with all its turmoil, Arabs, barring extremists, are intrinsically a peaceful people; to raise one's voice is considered very much a non-Arab trait. Undeniable contributors to a more settled region would be a greater role for women in society and state affairs; a strengthened civil society; and, I suggest with respect to regional elders, a move to a younger leadership pattern, currently in the offing in Saudi Arabia, together with the acceptance of social media as a practical reality. Of course I recognise that these issues are anathema to many but they are none the less unavoidable for tomorrow's leaders. There is much to reflect upon.

The report's emphasis is more on political and security issues than trade. Given the importance of trade to a post-Brexit United Kingdom, perhaps I might offer one or two pointers. The unintended consequences of low oil prices and political instability are giving great cause for concern to UK trade with the Middle East. Trade figures show that the low oil prices are affecting spending plans, with countries now urgently seeking new models for financing future plans. The UK leads in this area and it is where we can help. On the positive side, wealthier GCC countries have adequate financial buffers to insulate them from the current volatility in the price of oil and other global factors, where non-oil sector growth is supported by high government expenditures on infrastructure, including public transportation, housing, healthcare and aviation. A real effort is taking place to diversify economies away from oil and gas. A good example of this is the *Abu Dhabi Economic Vision 2030* and Kuwait's recently announced five-year plan, while in Egypt, where a more challenging market exists, the economic and political outlook should improve with enhanced security conditions, reduced fuel subsidies, tax-system reform and the Suez Canal expansion project.

However, trade finance for international trade remains a major challenge for economic recovery and development. For my part, I am engaged with two emerging initiatives. A new committee for Middle East trade—COMET—will work in an advisory role highlighting opportunities and challenges for members and government. COMET will provide a new approach in the UK by working with government and the private sector stimulating interest for British exporters where no UK advisory body exists. It is felt that the immediate future for UK trade should focus on British partnerships in medium-sized ventures, particularly those that support employment coupled to training, while keeping a watching brief on the high-value projects, most of which are long term. Key areas for growth range from legal and Sharia-compliant financial services to energy infrastructure, defence and security, educational and vocational training and healthcare. The key question is how the UK can best co-ordinate and mobilise its resources during these challenging times to ensure that British companies maintain their interest and do not turn away from these markets.

In addition, a meeting, lunch and gala dinner on 10 October under the banner of the global CEO club will take place in London. The royal families of various countries, together with industry leaders from throughout

[VISCOUNT WAVERLEY]

the region, are to attend. I have been asked to encourage the Prime Minister to address a strong guest list, and I wonder whether the Minister would consider this through his good offices. The purpose of the event is to introduce leaders in the region to partner with United Kingdom interests. There is much to play for.

5.32 pm

Lord Wallace of Saltaire (LD): My Lords, I, too, congratulate the noble Lord, Lord Howell, and the committee on this excellent report. I welcome the Minister to his new post and very much hope that he will continue the occasional briefings that his predecessors had for Members of the House of Lords; I suggest that some of the issues in the Middle East might be a very strong candidate for such a briefing.

I am not a Middle East expert, and I learned a lot from this report, including about the incoherence of British responses to the changes which are under way. It sets out very clearly the underlying instability of the region, the rapid rise in its population, with unemployed but educated young people, and the rapid transition from traditional society to cities and mass communication in one or, at the most, two generations. It has weak states, mostly run by old men or military men, but now some Gulf states are run by young men in a hurry. The Arab spring was a failed attempt at transition away from autocratic regimes, but the conditions that led to those popular eruptions across the region are still there and unresolved and are likely to create further eruptions.

Climate change threatens to make the situation worse. The likelihood of outward migration on a large scale is there for multiple reasons: refugees, economic migrants and the politically discontented. Migration from the Middle East and North Africa, not from eastern Europe, is the long-term immigration challenge that the UK and other European states face, unlike what Migration Watch UK and the leave campaign have been trying to sell to the British public over recent years.

The report also sets out very well the loss of western influence and the limits of British influence. After all, Britain's moment in the Middle East ended 60 years ago with the disastrous intervention in Suez. The report does not go very far into the influence of Middle East states and elites in Britain, but the complexities of the relationship work both ways. Qatari, Kuwaiti and other Gulf investment in London property and British banks and companies is highly visible. The personal links between Gulf royal families and others and British high society is evident to anyone who goes to Royal Ascot or walks through Belgravia and goes into its restaurants. The question of who is influencing whom is not easy to determine.

At the other end of the social scale, there is a significant flow of influence and finance to Muslim communities within the UK. Saudi and Salafi influence within Pakistan flows indirectly back into British cities, mosques and madrassahs. The diversity of our British Muslim community means that conflicts across the Muslim world risk spilling over into our own country with attacks on Ahmadis or Shias in our cities. Much of the Turkish community in London is Kurdish, and some is Alevi. In Britain, Arabs and Turks, Iranians and Kurds breathe the freer air and plot peaceful or

revolutionary change at home to the concern of their autocratic Governments at home. So we cannot disengage, but we have to recognise, as the report makes clear, that we have limited influence on our own and must work with others—above all, as the report suggests, with other major European states, mainly France and Germany, and, in so far as we can with the volatility of the Trump Administration's policies, the United States.

The latest crisis is that between Qatar and rest of the GCC. Some of us are quite worried that this could become a long-term breach. For example, there have been suggestions from ambassadors of the UAE, which were reported in our newspapers, that third countries may after a while have to choose whether they wish to trade with Qatar or with the UAE and Saudi Arabia. It is not at all in our interests to have to make choices like that. Given Saudi claims that Qatar is the main sponsor of terrorism across the Middle East, the case for publication, at least in part, of the UK government report on the Muslim Brotherhood and on Saudi support for radical groups in the UK and elsewhere is now even stronger than before. Will the Minister say what the Government's intentions are on this? If we are to understand and respond to the comments and lobbying that some of us are getting about the positions we take on this dispute, it would help a great deal to have some sense of the Government's interpretation of the Saudi record. There were promises to Liberal Democrats before and after the 2015 election that these reports would be provided. At the very least, we need a confidential briefing for parliamentarians. I note that this report supports a cautious dialogue with the Muslim Brotherhood, which is a rather different position to the hard lines adopted over the past week or two by Dubai and Riyadh, and is cautiously critical of Saudi support for Wahhabi approaches to Islam in other Muslim states. I recently read a very worrying article in the *Atlantic* magazine on King Salman's recent visit to Indonesia and the influence which the Saudis have had in Indonesia in changing the tolerant attitude which Islam has had to other faiths and to different varieties of Islam into a much less tolerant version.

There is a real danger that the UK will end up too closely aligned with the Sunni Gulf states in their political and sectarian conflict with Iran. I note that a number of noble Lords say that it is a fundamentally political not sectarian conflict, but when it reaches the ground, some Sunni kill Shia, so it unavoidably becomes deeply sectarian. The report again recommends a cautious but positive approach to Iran, encouraging the moderate and open elements in that country's complex political system against the hard-liners. Iran is a major potential trade partner and a necessary element in any more stable Middle East. British Conservatives should not fall in behind US Republicans in their obsession with Iran as a global threat, which is itself fuelled by Benjamin Netanyahu's Government in Israel.

The next crisis in the region will be over the future of Iraq and Syria after the defeat of Daesh, with Turks, Kurds of different factions and from different regions, Iranians, Saudis, Qataris, Russians and Americans all with different preferences to push. Britain, again, will have only limited influence but will be affected by what happens, and our influence will best be exercised in co-operation with our European allies.

The report is rightly critical of the confusions of British policy towards the region and of Britain's failure to adjust. Boris Johnson's speech last December on returning "east of Suez" was a blast of imperial nostalgia that had no strategic rationale behind it. Why are we expanding our military footprint in the Gulf? Is it to join the GCC states in containing—or even fighting—Iran, to impress the Americans with our claim still to be a global power, to compete with the French in selling arms to the Gulf states, or what? Was it wise to accept the Bahraini Government's offer to pay for an expansion of our naval base there, which must look to the majority Shia population of Bahrain as a British commitment to defending the current regime against future change? The Government promised us a Gulf strategy paper before the end of last year. It has not appeared, presumably because there is no coherent Gulf strategy. Can the Minister tell us what plans the Government have to publish such a strategy?

The report notes that Brexit makes UK foreign policy more dependent on relations with other regions outside Europe and that Liam Fox, as International Trade Secretary, sees enormous potential for further growth in economic interdependence with the Middle East, above all with the Gulf states. But the report also notes time and again that we have to work with others and that it will be wise to co-ordinate our approaches as closely as possible with France and Germany—as the UK government did successfully in the nuclear negotiations with Iran.

I worry about the incoherence of government policy towards the Middle East almost as much as I worry about its incoherence towards the European region. It is still operating on the assumption that we should follow the United States as closely as we can and still sees ourselves as wiser and more global than other European states. I wish that government policy were closer to that which this report recommends.

5.42 pm

Lord Alton of Liverpool (CB): My Lords, all of us who have been fortunate enough to serve alongside the noble Lord, Lord Howell of Guildford, both here and in the House of Commons, have come to recognise his telling wisdom and prescience. He and his committee are to be warmly congratulated on this excellent report.

In several places, the report reminds us that the UK cannot act alone in addressing issues in the Middle East, while also highlighting the remarks of Dr Richard Haass that, in this world of bad options,

"not acting can be every bit as consequential as acting".

As a BBC correspondent put it to the committee, in the Middle East,

"things come back and bite you if you walk away"—

a point referred to by the noble Lord, Lord Wallace of Saltaire, in his remarks a few moments ago about the effect in our own cities of events taking place in remote parts of the world.

I first visited Syria in 1980, on the day the Iran-Iraq war broke out, when my noble friend Lord Wright of Richmond was British ambassador in Damascus—where, like my noble friend Lady Cox, I regret the absence of a British diplomatic presence today. Over the ensuing decades, the consequences of failing to act, as Dr Haass put it, have been lethal for millions of people. One such

consequence has been the migration and refugee crisis in which millions have been caught up. An estimated 13,000 have perished in the Mediterranean, the equivalent of both Houses of our Parliament being wiped out 10 times over.

Another consequence has been the spread of a murderous ideology that has no respect for the sanctity of human life, a point referred to by the right reverend Prelate the Bishop of Chester earlier today. Perhaps the Select Committee could use a future report to examine our response to outright genocide and the slaughter of the region's minorities. A region without diversity and without minorities will of course also be a far worse place for the majority too. Only last week, there was a truly shocking report in the *Independent* newspaper and elsewhere about how the region's only Yazidi MP, Vian Dakhil from Iraq, wept as she described how a baby was butchered and fed to its own unwitting mother by ISIS, which had taken the mother as a sex slave. That Member of Parliament then went on to describe the rape and death of a 10 year-old girl in front of her father and five sisters. Such nauseating obscenity and barbarism breaks hearts but should also stir consciences. Imagine for a moment that this was your daughter, your sister or your wife.

Nearly 10,000 Yazidis are believed to have been killed or captured by ISIS, which reserves particular contempt for this minority group. Many women have been kept as sex slaves. Others have been discovered in mass graves. But the House will also recall the 21 Coptic Christians taken to a Libyan beach and executed by ISIS after they refused to renounce their faith. ISIS says of the Copts that they are its favourite prey. Then think of the countless atrocities in Raqqa and Mosul. Antoine Audo, the Chaldean Bishop of Aleppo, says that two-thirds of Syrian Christians have either been killed or driven away from his country.

Zainab Bangura, the United Nations special representative on sexual violence in conflict, has authenticated reports of Christian and Yazidi females—girls aged one to seven—being sold, with the youngest carrying the highest price tag. One 80 year-old Christian woman who stayed in Nineveh was reportedly burned alive. In another Christian family, the mother and 12 year-old daughter were raped by ISIS militants, leading the father, who was forced to watch, to commit suicide. One refugee described how she witnessed ISIS crucify her husband on the door of their home.

Three years ago, on 23 July 2014, I warned in an opinion piece in the *Times* that,

"the world must wake up urgently to the plight of the ancient churches throughout the region who are faced with the threat of mass murder and mass displacement".

But the world chose not to wake up, and for those caught up in these barbaric events, the stakes are utterly existential. If the Minister does not believe that these acts are part of a genocide, perhaps he would tell us precisely what despicable acts would have to occur which would constitute genocide? The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, of which we are one of 147 signatories, lays on us a duty to protect and to punish. The convention

[LORD ALTON OF LIVERPOOL]

of course was the work of the lawyer Raphael Lemkin, who lost 49 of his relatives in the Holocaust, and says that “international co-operation” is needed,

“to liberate mankind from such an odious scourge”.

In Syria and in Iraq, we have signally failed to do this.

It is 14 months now since the House of Commons, on 20 April 2016, voted unanimously to approve a Motion expressing the opinion that ISIS was inflicting genocidal atrocities on religious minorities. Our subsequent failure to act makes us derelict in our obligations under the 1948 convention. The Government have simply said they will collect evidence. Perhaps the Minister could update the House on how well this evidence collection is going. Are we, for instance, in touch with Ms Dakhil, the Yazidi MP I referred to earlier, to take a detailed statement from her about the appalling crime that she described?

I have been receiving disturbing reports from charities on the ground that very little evidence collection is under way and that crime scenes have been hopelessly contaminated while we have dithered. Is that true? How much evidence have we collected? Is it also true that those collecting the evidence have decided to disregard the atrocities committed against the Christian communities?

As we have seen in Manchester, at London Bridge and here at Westminster, these issues can indeed “come back” to “bite” us, as that BBC correspondent remarked. The Government need to see the clear link between the security and survival of the people of the region and our own citizens here in the UK. What security can there be when International Criminal Court-category crimes are left unpunished?

The committee’s report notes on page 4 that Russia is an essential partner if a global solution to problems in the region is to be achieved. What is stopping us from at least tabling a United Nations resolution at the Security Council to begin the prosecution of the ISIS leadership, even if it is just in the territory of Iraq alone?

The report also talks about the importance of building non-governmental links. Yes, but with a caution. Will the Minister confirm that he has received the letter I sent to the United Nations High Commissioner for Refugees last Sunday about how UNHCR hands over control of its camps to local officials who have ideological agendas, impose sharia, intimidate others and on whose watch persecution, rape, robbery and violence occur, which is why many from those minorities avoid the camps? In other words, UNHCR is failing to provide safety and security to the very people who require it. I am told that locally contracted translators intimidate, browbeat, insult or threaten Yazidis and Christians, deliberately falsify information, lose files or tell such applicants to try elsewhere.

In this maelstrom, where is the future? The noble Lord, Lord Howell, pointed us to the changing face of our NATO ally, Erdogan’s Turkey. Last week, Turkey sequestered 50 monasteries, churches and cemeteries. I have stayed at Mor Gabriel on the Tur Abdin plateau. It was founded in 397. It is the oldest surviving Syriac Orthodox monastery in the world. I have written to the Minister about these sequestrations. Perhaps he could tell us where he thinks these seizures leave Turkey’s minority communities.

Meanwhile, across the border, joint Kurdish and Assyrian forces have recaptured a number of villages in the Khabur river valley area. They will need enormous help to find and dispose of mines and make homes and villages safe again. Will we be enhancing their military capability—their ability to protect themselves? Will we be guaranteeing, as John Major did in his day, a no-fly zone? What will we do to rid of munitions and armaments a region where assault weapons are more numerous than cooking pots?

In Washington recently, I met Bassam Ishak, the president of the Syriac National Council of Syria. He said:

“Without achieving the full rights of all the minorities of Syria, no new Syria will emerge and no political actor will win”.

His vision for the region is one where rights are based on citizenship; where all people, regardless of ethnicity, religion or gender are treated equally; and where women have a prominent role in the structures. Will we provide serious support for the Kurdish-Assyrian democratic self-administration governmental structure, with its commitment to civil society and the rule of law? Will we be backing the creation of the multid denominational Marshall plan called the Nineveh reconstruction project, which has already begun to rebuild and resettle thousands of people back in their homes and farms?

Matters are now at a tipping point: if these minorities fear that they will be unable to recover their homes, towns and villages, it will severely undermine the wider social and economic renewal of the region and result in thousands more refugees. There are incalculable benefits from religious pluralism, including stabilisation, growth and an easing of sectarian tensions. Of 12,000 known families, 500 have already returned to Telesqof, 74 homes have been repaired in Qaraqosh, and work is under way with other villages in the Kurdish-controlled areas. The project aims also to include provision of employment and the reconstruction of schools. Almost 13,000 homes in nine Christian villages in the Nineveh plains have been damaged, burned or totally destroyed in this genocide. Private charities alone cannot remake the broken places. Aid to the Church in Need, on whose board I sit, has costed the rebuild for homes and services in nine villages—excluding Mosul and Alqosh—at £254 million.

Our Government must play their part by ensuring that these ancient communities have fair and equal access to international and DfID humanitarian and development assistance; that persecuted minorities are part of the political settlement at national, provincial and district level; that safety and security of these minorities is provided in both the immediate and long-term; and that those who have terrorised and murdered them are brought to justice.

5.54 pm

Lord Grocott (Lab): My Lords, it was a privilege for me to be a member of the committee. The report that we compiled has been pretty well received by most of its contributors. A special thanks, of course, to the noble Lord, Lord Howell, who did a great job as chairman, and a very special thanks to the staff of the committee. It may not be apparent from the text of the report, but it was compiled in great haste because of the advent of a completely unexpected—certainly on

my part and, I think, on that of most other people—general election, which put a heavy burden on our staff, particularly our policy analyst, who was outstanding in putting it together.

It has to be said that the evidence that we received and many of our findings about the Middle East today do not make happy reading. To describe much of the region as troubled and unstable is a huge understatement. As we put it:

“The region is violent; disfigured by inter- and intrastate conflict and by sectarian divisions”.

There is also the involvement of foreign powers in the region. One witness said to us in terms that there have been massacres and brutal episodes of sectarian violence intermittently for 1,400 years in the region but, he added, in the broad sweep of history, it is noticeable that tensions have been at their most bloody when external powers have been involved.

This inevitably raises the question of Britain’s involvement in the region. Our activities have been intense, over a very long period and often in dramatic ways. There is the drawing of international boundaries in the colonial period, the involvement in the region during two world wars, the Balfour Declaration, the overthrow of Mosadeq in Iran, the Suez crisis, wars in Iraq, Libya and Syria, the oil trade and arms sales—on and on, not all triumphs.

It is not unreasonable to ask: might it not be better for Great Britain and everyone else if we disentangled ourselves and left well alone? The committee’s view was that this would be neither realistic nor desirable, if for no other reason—in truth, there are many reasons—than, as one of the witnesses pointed out,

“what happens in the Middle East does not stay in the Middle East”.

It seems impossible to discuss any aspect of British foreign policy these days without mentioning Brexit, and our committee does not disappoint. Nearly all the witnesses were questioned on the subject, and I can report—wait for it—that our conclusions are essentially benign. As we report:

“The significance of Brexit on the Middle East is, on balance, less than elsewhere. Policy in the region relies on bilateral relationships and security commitments”.

Sir Derek Plumbly, former British ambassador to Egypt and Saudi Arabia, told us that Arab Governments, “tend instinctively to look beyond the EU to national governments”, and we received evidence that a number of states in the region would welcome the development of bilateral trade and other relationships with Britain post Brexit.

On overseas aid, where much of our budget is channelled through the European Union, and while there can be economies of scale in doing so, in the words of Neil Crompton, director of the Middle East and north Africa department at the Foreign Office, Brexit might be “slightly liberating”, in that UK diplomats spent,

“an awful lot of time negotiating EU positions that we do not always agree with”.

Surely anything which eases the pressure on diplomats cannot be all that bad.

However, while our membership of the EU may not be pivotal to our trade, aid or defence policies in the Middle East, there is no doubt that our key allies in

Europe remain, and will continue to remain post Brexit, enormously important. As Jack Straw, who gave evidence to the committee, said, the reality has always been that foreign policy at EU level requires France, Germany and the United Kingdom to agree to it, and that is how it will be in future.

That is particularly true in the case of Iran. As we write in paragraph 205:

“It is in the UK’s interests to pursue a better relationship with Iran, and we recommend that this should be a key priority for the UK”.

A pivotal part of that relationship is the joint comprehensive plan of action involving Britain, France, Germany, the US, China and Russia. The signing of an agreement on a subject as sensitive as Iran’s nuclear programme, while undoubtedly a considerable achievement, was unsurprisingly viewed with a mixture of anxiety and hostility by the Saudis, the Gulf states and Israel. And yet—and this is one of those things that often comes out when you are taking evidence—despite all the national rhetoric, frequently, and in many important ways, relationships between the Gulf states and Iran, and even between Saudi and Iran, in trading terms if nothing else, are developing all the time, whatever the comments by national Governments. But of course the Trump Administration are hostile to the deal and, as Jack Straw again said in his evidence, there is a feeling among the Iranians that their country was humiliated by the deal and has received nothing in return. Our committee said that it was in our country’s interests to continue to support the deal, irrespective of any opposition from the US, and that it is in our economic as well as our strategic interests to open up new sources of finance and investment in Iran.

While at least we could identify a strategy that, albeit slowly, might improve the Iranian situation, there was nothing positive whatever to report about Israel/Palestine. While virtually every international actor and, indeed, the principal parties to the dispute themselves pay lip service to a two-state solution, the prospects of it being achieved according to our witnesses are at best on hold or at worst diminishing by the hour. The central problem—and there is no way of evading this—is the continued growth of illegal Israeli settlements in occupied Palestinian land, which makes the possibility of a viable Palestinian state ever less credible. Since 2009 alone, more than 80,000 settlers have moved into Palestinian land, bringing the grand total to well over half a million. Our witnesses ranged from Jack Straw, who said that the settlement activity made the establishment of a two-state solution incredibly difficult, to the then Minister, Tobias Ellwood, who said,

“the growth of settlements is coming perilously close to making that”—

a two-state solution—“an impossibility”.

Yet I am sorry to say that our Government have been sending mixed messages, as we report, on this crucial issue. We supported UNSC Resolution 2334, which said that,

“the establishment by Israel of settlements in the Palestinian territory ... constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution”.

[LORD GROCOTT]

Yet on 29 December, we distanced ourselves from then US Secretary of State John Kerry, when he said that the,

“status quo is leading towards one state and perpetual occupation”. In January this year, we again distanced ourselves, this time from the Paris conference, which included 70 countries that reaffirmed their commitment to the two-state solution.

It was absolutely clear from our witnesses that the two-state solution itself is perilously close to moving from being a difficult though feasible strategy to a meaningless, unattainable mantra. The Israeli Government’s public position is to support the two-state solution but, in practice, their policies are not even benign ones of inactivity; they are active ones of settlement-building, which inexorably makes their declared strategy unachievable. Our committee was clear that the consequences of the two-state solution becoming impossible would be a grave development for the region, and that playing our part in resolving the conflict must be a high priority for British foreign policy. Irrespective of any contrary view coming from Washington, we should give our clear support to the French-led international initiative. If the Israelis with their settlement activity further imperil the prospect of a solution, we should be ready to support appropriate United Nations resolutions. As a demonstration of our commitment to two states, we should give serious consideration, as the Commons did in the last Session of Parliament, to recognising a Palestinian state. There is a logical gulf somewhere between supporting a two-state solution and only recognising one state.

It would be easy to be overwhelmed by any inquiry into the scale of the problems faced by a region as vast and challenging as the Middle East. We concentrated our recommendations on those areas where we could make practical suggestions that we felt were important for British foreign policy while being realistic about our country’s capacity to change things for the better. But doing nothing, as we are frequently reminded, is in itself a policy option, and by no means always the best one. I have focused on just a couple of areas, Iran and Israel/Palestine, where our extensive involvement goes back decades and where I believe we still have the capacity to make a difference—and I believe that we should.

6.04 pm

Baroness Deech (CB): My Lords, the report skilfully struck a note, not of pessimism, of the sort that drives Stephen Hawking to advise quitting this planet, nor of optimism, based on mantras of hope, love and expenditure solving everything, but somewhere in between. It is entitled, *The Middle East: Time for New Realism*, and new realism is the measure by which we should consider it. There must be praise for the report’s recognition of the cultural good that the UK has and will provide, including through the BBC World Service, which must be maintained, and especially in education. The oppressed people of the Middle East, especially women, could be helped by British pressure on human rights issues. There is a delicate balancing issue to consider, however, for British universities have taken very substantial amounts of money from Middle Eastern states, some of which is directed at promoting the agenda of the

donor and buying influence. Any reduction in the UK’s reliance on Middle East oil would be welcome. I have just bought an all-electric car.

The recognition in the report that Christians in the Middle East are in danger is also welcome, in part because of the reflection it throws on religion as the cause of conflict. While the Middle East is in flames, as so graphically described by my noble friend Lord Alton, it is somewhat unrealistic to place Israel at its fulcrum, or as an exceptional flashpoint. The excessive focus on Israel by the UN and, indeed, by this House, has not been conducive to trust in peace brokering. Nevertheless, there are signs that the UK may be coming round to a better understanding. Our departure from the EU gives us a fresh chance to be constructive, rather than bludgeoning, and to increase our leverage. The UK has started actively to oppose the misinformation, distortion and discriminatory treatment regarding Israel in the United Nations and other international bodies. The Government’s statement to the UN Human Rights Council on 24 March that they will in future vote against UNHRC resolutions if they are not impartial, is very welcome, and may make amends for the incomprehensible support that the UK gave to UNESCO resolutions in October last and in May, which ignore the 3,000 year-old Jewish connection to Jerusalem and its holy sites.

The treatment of Israel by UN bodies has done much to undermine the reputation of such international bodies as forces for good. The large voting bloc of the Islamic states with their allies are in a position, by virtue of numbers, to push through resolutions in UN bodies containing a litany of false allegations and distortions against Israel. One cannot help but contrast this with the non-intervention policy towards, say, Pakistan and Turkey, where the most dramatic breaches of human rights and the rule of law go unpunished for strategic reasons.

It was also realistic on the part of the UK to ignore the Paris Middle East conference, which took place without Israeli or Palestinian representatives, and which might harden Palestinian negotiating positions. The EU has maintained the position that Jerusalem should be divided, and it is at odds with Israel over labelling goods from the settlements. While the EU is happy to trade with Israel and benefit from its technology, its stance has been one-sided and not cognisant of history. As a country free from the EU, the UK will have a chance to restore its influence, especially if the UK takes the opportunity of the Balfour centenary to recognise how it was responsible for the current situation, both the good and the ill.

Our failure to take sufficient action against anti-Semitism and intimidation of Israelis and Jews at universities, and British failure to prevent boycotts and inflammatory propaganda and hatred at demonstrations in our streets and campuses, does not help. It is well publicised in Israel and indeed worldwide that our universities have seen violence against Israelis giving talks there, and that hostility on campus towards Israel-supporting students goes unpunished. Neither the Charity Commission nor HEFCE has upheld the Equality Act provisions when it comes to boycotts against Israel by students and university authorities. So why, asks Israel, should that state take advice from the UK in relation to matters of peace in the region,

when peace on campus is impossible to maintain? On the other hand, this is countered by the heartening co-operation between the UK, Israel and Palestine on scientific, education and health initiatives. That is the way forward and I earnestly hope that the Minister will pledge ongoing support to the wonderful scientific and other collaborations that are pointing the way forward, under the radar.

It is striking that no Israeli point of view was taken in the gathering of evidence for the report. One Israeli student is listed as participating at the round-table discussion, and the witness most cited in the section on Israel is a Briton heading up an American agency. He and it have a reputation for their anti-Israel and pro-Hamas stance. Evidence was taken from many Arab sources. This cannot add up to a realistic picture of Israel in the Middle East: its voice was not heard. Moreover, there is no mention of any pressure to be put on the Palestinian Authority—or Hamas—to stop its terrorism, incitement, tunnel building and hate education for children. There is no mention of its repeated rejection of a state. Recognition of a state of Palestine is unrealistic because the skeleton of a state does not exist; there is no unifying political structure; it will not recognise or live in peace with its neighbour. Indeed, recognition has already been extended by some states without making a scrap of difference to the situation. The Government are turning a blind eye, or colluding with payment of taxpayers' money to support terrorists and prisoners: some \$1 billion over the last four years from the Palestinian Authority. Funding other expenditure of the authority simply frees it up to use other funds, to which the EU is a massive contributor, to encourage more so-called martyrdom. Grant aid should be conditional on it ceasing to support terrorism. This works: when the World Bank withheld funds, reform followed rapidly. Funding should be directed towards state building and the excellent science collaboration I mentioned previously. Establishing a viable Palestinian economy is an essential condition for a successful two-state solution and would facilitate political progress towards peace. Israel has shown willing to co-operate on scientific and trade matters, as the noble Lord, Lord Stone, frequently mentioned, has invested in developing the Arab-Israeli economy to that end, and would be a constructive partner.

Israel's fears should be recognised, including the less-than-reassuring nuclear deal with Iran. The report was right to draw attention to Iran's planning for the development of nuclear weapons after the expiry of the agreement. Remembering that the surrender of Gaza led not to a new small state but to a rocket launching pad, realism requires a demilitarised Palestinian state, and a right of return to that state for the refugees.

This House has been vociferous and unanimous in not accepting the notion of pawns when it comes to European citizens in this country, but the Palestinian refugees have been used as pawns by the other Arab states for 70 years and we should be just as vociferous in condemning that. I still believe that it will be easier to solve the problem of Israel than the rest of the Middle East. Most Israelis still support a two-state solution and I believe that that will come about long before the other risks which noble Lords have mentioned in this debate have dissipated.

6.14 pm

Baroness Smith of Newnham (LD): My Lords, I thank the noble Lord, Lord Howell of Guildford, for his excellent chairmanship of the International Relations Committee. I am a member of the committee, so I declare an interest. I was there, making a nuisance of myself, at the start when the advisers and clerks were saying that we were going to do a report on the Middle East. Some of us were a little bit truculent about this and said, "It is simply too big: how on earth can we manage to do a report on the Middle East?". We were politely reminded by our excellent adviser that she had sent around an idea for the group's remit. It was going to be about Saudi and Iran, not every possible aspect of the Middle East. That may have been slightly overshadowed in today's debate, and I will talk a little bit more about some of the other issues. The committee's starting point was to think about two key players—Saudi and Iran—and to think about the Middle East in a slightly different way, moving on beyond the question of Israel and Palestine, which we could have spent all our evidence sessions looking at.

However, as the noble Lord, Lord Grocott, mentioned, the work of the committee had a bit of a focus on Brexit. In part, this was because when our new committee was set up last year, just before the referendum, there was a question about what our role was going to be. The quite natural assumption was that we should be thinking about the wider world beyond the European Union. We clearly had no interest in trampling on the toes of the excellent EU Committee and its sub-committees. We had our first meeting, then there was the referendum and at our subsequent meeting we began to say that, as the UK had voted to leave the European Union, our committee might be of increasing importance in thinking about the United Kingdom's role in the world post Brexit. As the noble Lord, Lord Grocott, mentioned, there were questions about Brexit and I was the person typically deputed to ask these. There was nothing calculating about the questions nor, I hope, the answers. They were intended to elicit from evidence-givers objective ideas about the impact of Brexit on the UK's role in the Middle East and the wider world. Would it lead to enhanced opportunities, as the noble Baroness, Lady Deech, is suggesting, or could there be complications? Brexit will suddenly change the nature of the UK's engagement globally, but it will also change the nature of the UK's relations with the Middle East, precisely because so much of our activity is, and can be expected to be, with our present European partners.

We started off with the idea of a relatively narrowly defined inquiry, looking at Saudi and Iran and the relations between them. However, we had already heard the Foreign Secretary, Boris Johnson, talking about proxy wars; there were already ideas that we were going to go well beyond just those two countries. The themes we were particularly looking at, and on which I will focus, were: the background context of the Middle East; human rights; arms sales; and, in particular, the changing demographics and educational opportunities in the region. I am not going to get into the nitty-gritty of every possible conflict in the Middle East. Otherwise, I will be winding up at 10 pm tonight and, as I am meant to be speaking in the next debate, that is probably not a good idea.

[BARONESS SMITH OF NEWNHAM]

The issue is how the UK can think about its role in the Middle East. Was the committee going to write a report that a think tank could have done, simply saying, “Here are a set of challenges in the Middle East. Isn’t this terribly difficult and complicated, and can we come up with some possible solutions?”. The committee needed to think through what role the United Kingdom has played, what role it can play and how that role is viewed in the Middle East.

It was for that reason, in part, that we had the round tables with young people that the noble Baroness, Lady Coussins, mentioned. They were very much intended as a way of eliciting ideas from a different group of people. It was not as wide and open as it might have been. We did not go to the countries concerned and find ordinary citizens. We did not go to the villages, and we certainly did not go to any refugee camps and talk to people on the ground. So we cannot claim that we have been able to talk to ordinary individuals. Almost by definition, the students who are studying in the United Kingdom are some of the brightest and most privileged of the people coming from the Middle East. Nevertheless, they at least gave a different perspective. They also gave a different demographic perspective, because they were all under 35 and some were in their early 20s. Therefore, it was quite different from simply taking evidence from experts, many of whom, as has already been pointed out, tend to be ambassadors or retired ambassadors, who may be very erudite and expert but whose views will not necessarily accord with young people’s understanding of the problems in the region.

The insights from the young people were of interest, but in particular, as the noble Baroness, Lady Coussins, touched on, for many of the young people the key issue was not democracy, as many of us might have expected, but stability. They were not saying, “Please liberate us and deliver us to a democratic system”, but rather, “Actually, we want stability”. However, they also want opportunities. They want to be networked, and many of them are, but they also want the opportunities offered by education.

Our report, like so many reports in the last year, urged the Government to think again about how they view international students. At this point I declare my interest as an employee of Cambridge University, where in part I co-direct a master’s in international relations, and where we have students from the Middle East writing about their region and certainly coming to, and studying in, the UK. This is one area where the United Kingdom could play a major role. The soft power that we see does not come just from the BBC or the British Council; it also comes through the export of higher education, and that means students coming to this country. It was deeply disappointing that the Government’s response to our committee report in many ways tried to answer the questions we had raised but on the issue of international students simply rehearsed the same answers we have heard again and again. Therefore, I yet again ask the Minister to ask his colleague the Home Secretary, and in particular their line manager the Prime Minister, whether they could begin to think about the importance of higher education

and international students, because it would deal with one of the issues that is so intractable for them—immigration. I ask them to think again about that.

My committee colleague the noble Baroness, Lady Helic, talked about Yemen, and the noble Baroness, Lady Cox, spoke movingly about Syria, and the noble Lord, Lord Alton, talked about ISIS. In doing so, they raised two other issues of fundamental importance. One is the issue of human rights. We talk about human rights, and there is a lot of rhetoric about supporting democracy and human rights—we tend to put those things together. And then there is the question of what the United Kingdom is doing, the extent to which we bother at all to respond to those issues and how we deal with one country in particular—namely, Saudi.

We continue to sell arms to Saudi and, as the noble Baroness, Lady Helic, pointed out, some of those weapons may be used in the ongoing war in Yemen. I believe that is what she said, and it is certainly one of the issues in the report. It would be possible to impose sanctions on Saudi and thereby reduce arms sales to it. Will the Minister reflect on that? Will the Government consider whether they would be willing to reduce arms sales? As my noble friend Lord Purvis made clear in his excellent contribution, there is a danger when we are thinking about international relations and our role in the Middle East, that, in looking for opportunities arising from Brexit, we focus on bilateral trade, some of which concerns the arms trade. Some of those opportunities may be about delivering security, and there may be good reasons for selling arms. However, they may just be about commercial interest. As my noble friend Lord Purvis suggested, sometimes economic interest seems to trump the issues of politics, culture and, I suggest, human rights.

Therefore, I conclude by asking the Minister what work Her Majesty’s Government are doing to take seriously questions of human rights, because at the moment, as my noble friend Lord Alderdice suggested, the answers to the committee’s report do little more than rehearse certain platitudes.

6.24 pm

Lord Collins of Highbury (Lab): My Lords, I thank the noble Lord, Lord Howell, not only for chairing the committee but for his excellent, concise introduction. I also thank all noble Lords who served on the committee for their excellent report. However, as the noble Lord said, we are dealing with circumstances that are changing daily—in fact, hourly. One of the issues I have already raised with the Minister is my hope that he will continue to engage with noble Lords on foreign policy by continuing with the forum started by the noble Baroness, Lady Anelay, which ensured constant engagement in these changing circumstances.

The key message I took from the report was for the UK to fundamentally rethink its approach to the Middle East, and potentially distance itself from the unpredictable leadership of President Trump. As the noble Lord, Lord Howell, said:

“From inward investment to the UK, the impact of refugees from the region and our continuing reliance on gas and oil exports, our interests will continue to be intertwined with those of the region and the Government must ensure it has the right plan for our relationship with it”.

However, as Patrick Wintour of the *Guardian* put it, this message may also appear to be,

“a warning to the foreign secretary, who has devoted considerable personal energy to the Middle East and set great store by his relationship with the Trump administration”.

The Foreign Secretary claims that the refusal to challenge Trump in public has led to changes in US thinking, including towards NATO, Syria, Russia and even Iran. I very much hope that the Minister will provide the evidence for this at the end of the debate, especially in relation to Iran, as noble Lords have raised it. Suggesting that influence with Iran had dwindled, the report concluded that the Foreign Secretary should do more to,

“support the Iran nuclear deal”.

Let us not forget that seeking an agreement with Iran over its nuclear programme was the right thing for the international community to do. It was a vital step not only in confronting the threat of a nuclear-armed Iran but in moving towards the restoration of diplomatic ties between Tehran and the West. Therefore, we on these Benches back calls on the US to continue to honour its commitments under the agreement, particularly on waiving certain sanctions, and we urge the UK Government to do more to protect this hard-won deal in their relationship with Washington.

While we share the committee’s view that:

“It is in the UK’s interests to pursue a better relationship with Iran”,

including “political and economic engagement”, we remain deeply concerned about the continued reports of human rights abuses, as has been highlighted by many noble Lords. As my noble friend Lord Judd said, we strongly condemn the Iranian authorities’ continued imprisonment of British-Iranians, particularly Nazanin Zaghari-Ratcliffe, Kamal Foroughi and Roya Nobakht among others. There are others, of course. It is no longer good enough for Downing Street and the Foreign Office to quietly raise concerns about these cases. We urge them to speak out against the continued detention of these citizens and we call for their release on humanitarian grounds.

Labour remains committed to a comprehensive peace in the Middle East, based on a two-state solution: a secure Israel alongside a secure and viable state of Palestine. I agree with the committee’s criticism of Boris Johnson’s decision to distance himself from the French diplomatic efforts last year to reach a solution in the Middle East. The Government argued in their response, which I received only an hour before the debate—I noted that the noble Lord the chair of the committee received it last night; however, I had the opportunity to read through it—that they were always clear that a conference so close to change of the US Administration and without the attendance of the two main political parties was not the best way to make real progress. A year on, is the Minister able to say whether the time is right for the UK now to support an initiative meaningfully, both politically and financially, as recommended by the committee?

Our position on Israeli state settlements on the West Bank, in line with decades of UK foreign policy under both Labour and Tory Governments, remains unchanged: settlements are an obstacle to the peace process and a clear breach of international law.

The Government should be more forthright in stating their views on these issues, despite the views of the US Administration. However, as my noble friend Lord Turnberg said, the Israeli-Palestinian conflict cannot be reduced to the issue of the settlements alone. We are clear, in particular, that the security of Israel remains an absolutely necessary precondition for a lasting peace, and we unequivocally condemn any and all attacks on innocent civilians in Israel. The UK must show leadership internationally, and we must support in our bones every effort to facilitate the negotiations between Israelis and Palestinians, which are ultimately the only means by which a lasting agreement can be reached.

The committee, anticipating the possibility of public concern about a possible UK-Gulf trade agreement, stressed the need for a transparent negotiating position. In its first summit in December 2016, the UK and the Gulf Cooperation Council issued a joint communiqué in which the leaders agreed to launch the GCC-UK strategic partnership to foster closer relations in all fields, including political, defence, security and trade. Following the summit, the GCC and the UK committed to hold a working group on counterterrorism and border security. Is the Minister able to update the House on whether the working group has met, and if not, when is it scheduled to be held?

In today’s *Guardian* there is an article on the report on the foreign funding of extremism in the UK that was commissioned by David Cameron and given to the Home Secretary and the Prime Minister in 2016, as referred to by the noble Lord, Lord Wallace of Saltaire. The Home Office Minister, Sarah Newton, said that it has improved the Government’s understanding of the nature, scale and sources of funding for Islamist extremism in the UK. Will the Minister explain just how this report has improved our understanding of relations in the Gulf and what implications it has had for the UK’s efforts to de-escalate the crisis currently developing?

Over the weekend it emerged that the GCC has extended its deadline for Qatar to accept a series of demands and that if it does not, it could face further sanctions. These demands, as we have heard, include closing down the television network Al Jazeera. What is the Government’s view on that serious breach of the right of freedom of speech?

One of the most alarming parts of the blockade includes the closing of Qatar’s border with Saudi Arabia—its sole land link to the rest of the world and a key route for food imports. Some UK banks have ceased trading in Qatari riyals for retail customers. Does the Minister agree that an extended blockade could have a significant impact on the country?

On 29 June the Foreign Secretary, Boris Johnson, met with the Kuwaiti Minister for Cabinet Affairs and the following FCO press release stated:

“The UK and Kuwait reaffirmed their commitment to cooperate to ensure a de-escalation, with the UK fully supporting Kuwait’s mediation efforts. They urged the need for dialogue and for all sides to work together to ensure Gulf unity”.

What further action will the Government take if the GCC decides to implement further sanctions against Qatar? The Foreign Ministers of Egypt, Saudi Arabia,

[LORD COLLINS OF HIGHBURY]

the UAE and Bahrain are meeting in Cairo today to discuss the crisis. What ongoing discussions are the Government having with these countries to ensure that the meeting does not result in further escalation and further sanctions against Qatar?

The report also deals with the crisis in Syria. Many noble Lords have referred to the confusion and disarray over Syria, particularly the policy over the displacing of Assad. Our first priority must be to do everything we can to help bring this brutal civil war to an end. We particularly condemn the continued use of chemical weapons—in flagrant violation of international humanitarian law—and we agree totally with the Government that there should be no impunity for the war crimes committed. We must ensure that we are able to act on this.

In conclusion I shall refer briefly to the situation in Yemen, which is facing a catastrophic humanitarian crisis, with the UN recording 4,971 civilians killed since the escalation in the conflict in March 2015. There have been over 1,300 deaths from cholera in the last two months and, more importantly, 6.8 million people are at risk of imminent famine. The civil war has pushed Yemen, already one of the poorest countries in the region, to breaking point. The committee suggested that there was a,

“considerable degree of public concern”,

about British-supplied weapons being used against civilians in Yemen. But I would put it much more harshly than that. I have raised this issue in this Chamber on many occasions, particularly when we have had evidence provided by UN sources. I agree with my noble friend Lord Judd that the Government’s published response is totally inadequate. It cannot be right that, when faced with the conflict we see in Yemen and the scale of civilian casualties, the Government’s primary involvement is selling planes and weapons to the Saudi-led coalition, with no guarantees that they will not be used against civilians.

As the committee says, the Government must demonstrate that their private diplomacy is working, and that if not,

“it should speak out clearly at the UN, within the Human Rights Council, condemning violations, intentional or not, in clear terms”.

Labour has repeatedly called on the Government to immediately suspend any further arms exports to the Saudis pending a full and impartial investigation of the alleged violations of international law, and to prioritise efforts to allow humanitarian access as a matter of urgency. I hope that the Minister will take these calls seriously and that he will respond tonight.

6.39 pm

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I thank all noble Lords for their thoughtful and at times insightful contributions to today’s debate. I am also extremely grateful to the International Relations Committee for its thorough and thoughtful report, to which the Government have responded. The noble Lord, Lord Collins, raised the issue of having sight of the Government’s response. That was indeed published last night, but I made sure, in light of the debate, that it was also emailed to all noble Lords who took

part today. My apologies if it arrived a tad later than I expected but certainly I actioned it this morning to make sure everyone at least had sight of the report. I also put on record my thanks to my noble friend Lord Howell. As other noble Lords have articulated, he led, and continues to lead, the committee both through experience and a very thoughtful guiding hand on the contributions.

The Government’s response to the report set out their detailed reflection on the 99 recommendations which, as I have said already, was circulated to all noble Lords. The committee’s report opened with a section entitled “Profound Disorder in the Middle East”. Indeed, in 2017, as my noble friend Lord Howell said so eloquently, the challenges in the region have been significant and numerous: the civil war in Syria; the great challenge of Islamist-based extremism—as someone of the faith of Islam, I say that it is the most perverse interpretation of a noble faith; the desperate need for political settlements, as we have heard, in Libya, Yemen and Iraq; and the stalled Middle East peace process.

Many of the challenges are long standing. Their roots reach back decades, perhaps even centuries. Some reflect challenges faced in many parts of the world such as a feeling of disempowerment, particularly among young people, as we have heard today from the noble Baroness, Lady Coussins, among others, and demands for better governance and economic opportunities to meet people’s hopes and aspirations. These were some of the underlying issues that led to the so-called Arab spring in 2011 but by 2017, as we have heard, the early shoots of hope have long withered away. The issues were bubbling away under the surface but the Arab spring still came as a surprise to many inside and outside the region. As pointed out by the right reverend Prelate the Bishop of Chester, hindsight is a wonderful thing and the reactions to it might have been somewhat different.

These events certainly put into perspective the political developments in the UK over the last couple of years, as we prepare to leave the European Union. Nevertheless, the decision to leave has been a momentous event for this country. I raise it because many noble Lords have raised it today; indeed the noble Lord, Lord Grocott, directly raised how this decision will impact foreign policy. I assure noble Lords that I wholeheartedly agree with the view expressed by the committee that the Middle East matters deeply to our country and requires our sustained attention, understanding and energy.

As we prepare to leave the EU, the UK continues to be an outward-facing, free-trading nation, a global Britain working every day to build security and prosperity in the world. We have great expertise and experience to build on in the years ahead. The noble Lords, Lord Wallace and Lord Collins, among others, referred to the briefings that were held by my predecessor, the noble Baroness, Lady Anelay, engaging directly with noble Lords in this respect. I assure noble Lords and put on record that not only will that continue, but I hope that we can talk in honest and candid terms at times about the influence that the UK should and will continue to have on policy across the board. I assure all noble Lords, most notably the noble Lord, Lord Alton,

on the issues—and I will come to them—of freedom of religion and belief and the noble Baroness, Lady Smith, on human rights. As the Minister responsible for both these important issues at the Foreign Office I look towards all in this Chamber for how we move these important agendas forward.

Several noble Lords mentioned the current issue of Qatar and the GCC. I assure them that the UK fully supports Kuwait's mediation. That is not just from behind the scenes. We are directly involved and looking to de-escalate the current tensions in the Gulf. As we have already heard, my right honourable friend the Foreign Secretary has met various parties in this respect, including the Kuwaiti Minister for Cabinet Affairs. Equally, my right honourable friend the Prime Minister raised this issue in a call with Prince Mohammed bin Salman, calling for direct efforts to de-escalate the situation. Through usual channels and briefings I will seek to update noble Lords as I can on this fluid situation. However, I have heard very clearly the sentiments and concerns expressed by noble Lords on the situation, not least as the noble Lord, Lord Purvis, illustrated in his contribution about Qatari investment in various interests around the United Kingdom and the need to seek early resolution.

The noble Lord, Lord Wallace, talked about the GCC strategy as well. I assure the noble Lord that, as the Prime Minister said in her speech to the Gulf Cooperation Council in December, we will look to step up our relationship with the GCC on a number of matters, including security, counterterrorism co-operation, defence co-operation, cybersecurity and, indeed, trade. Work is under way in this respect and I will be happy to brief noble Lords as we move forward on this agenda.

We are working directly with countries in the region and with key global powers, including our European partners, who we believe very strongly can help move the region closer to solutions. Our determination also applies to our international responsibilities as a permanent member of the UN Security Council and as a leading member of NATO and the G20. As the Minister at the Foreign Office responsible for the United Nations I will again look to update noble Lords on this, particularly as we move towards UNGA in September.

I also assure noble Lords that we are committed to our international partnerships, to deepening them and working together to tackle pressing global issues. As an aside, I have already talked to my noble friend—albeit somewhat briefly—and we will convene more formally on the role of the Commonwealth as we move forward, and on important agendas and the influence and role that the UK has in that respect.

The report finds that UK foreign policy has not always adjusted to new conditions in the region. I will set out how we have modified our approach to policy-making to make it more responsive to the changing environment in the Middle East and perhaps allay in part some of the concerns expressed. We have established a clearer, simpler, more strategic policy-making process, with increased direction set out by the National Security Council. We have country and regional strategies drafted and agreed across government departments to foster a common approach. These draw on the expertise of a

wide range of specialist advisers, experts on conflict and stabilisation, experts on governance and economic reform and, importantly, experts on humanitarian assistance and gender issues. The noble Lord, Lord Purvis, talked about the need for a cross-Whitehall strategic approach. My right honourable friend the Prime Minister has created a joint ministerial position to cover Middle East issues for the Foreign and Commonwealth Office and the Department for International Development. This will allow a more strategic approach and allow us to better integrate our diplomatic and development activity across that important region.

I also assure noble Lords that we have bolstered our overseas network. For example, we spend over £200 million annually in the Middle East through our Conflict, Stability and Security Fund addressing the causes of instability. These programmes provide expertise to countries at risk of instability in support of reforms and economic growth. Several noble Lords asked whether these interventions were working. They work better with countries because they meet the aspirations of their people in a constructive way. This approach is helping us to face some of the ongoing and emerging challenges in the Middle East.

National security is important to the region, but also to the United Kingdom for our own security and stability. In the 21st century it is abundantly clear that the Middle East's security challenges are our challenges. The Middle East has always engaged our national security interests, so this is not new. We heard from the noble Lord, Lord Hannay, about our historical roles. In the 1970s we helped Oman defeat a communist insurgency. In 1991 we helped evict Saddam Hussein from Kuwait. However, these were faraway engagements, fought to protect friends and uphold the international order. Today's challenges in the Middle East impact more directly on British lives and politics. Islamist extremism has long posed a threat to both the region and the West. We, along with our allies and friends in Europe—France, Belgium and indeed right here on our own streets in London—have experienced the consequences of terrible and most heinous terrorist attacks.

The Syrian conflict and migration through ungoverned space in Libya have contributed to the largest migration challenge that Europe has faced since the Second World War. Our long-term goal is to see lasting stability in the region, to benefit it and the UK. That requires progress in three linked areas, which I will briefly mention in turn. The first is conflict resolution, and tackling the fallout from failures of governance.

The fight to defeat Daesh has required a hard-edged military response, and this has been the right response. To help keep the streets of Britain safe, we must continue to focus on attacking Daesh militarily in Iraq and Syria. We have a comprehensive strategy to defeat Daesh, working as part of a 71-member global coalition, in which we continue to play a leading role. Our Armed Forces have conducted more air strikes against Daesh than any coalition partner other than the United States—and, importantly, they have trained 50,000 Iraqi troops engaged in ground operations against Daesh. Our military response has been consistent with the vision for military preparedness and collaboration set out in the committee's report.

[LORD AHMAD OF WIMBLEDON]

The noble Baroness, Lady Cox, asked what had been achieved in Syria. She raised some specific questions and perhaps I may write to her on those. However, the coalition assesses that Daesh has lost 70% of the territory that it occupied in Iraq and 51% in Syria. More than 4 million people have been freed from its rule, and many who escaped have now been able to return to their homes. Defeat in Mosul and Raqqa will devastate Daesh's so-called caliphate, but neither will be a fatal blow. This is a fight that will take time and require patience. Any long-term solution will also require political settlements in Iraq, Syria, Libya and Yemen. We also need to find diplomatic solutions to address the underlying failures that triggered the conflicts and created ungoverned space.

I turn to the contribution of the noble Lord, Lord Alton, particularly on human rights. Quite rightly, he pointed to the sickening, inhumane and heinous acts committed by Daesh. He specifically mentioned a Yazidi MP. As schedules allow, I will be pleased to meet her so that I can gain an understanding directly from someone who has experienced these crimes on the ground. The noble Lord also mentioned a letter. I have yet to see it but, as a government Minister, I know that sometimes such letters appear in the system. Therefore, although I have not seen it directly, I will follow it up and ensure that we respond to him on the issues that he raised.

The noble Lord also referred to minorities in Iraq. It remains our Government's policy that there should be a judicial judgment on a declaration of genocide. That said, there is no doubt about the terrible crimes that have taken place in Iraq. I assure him that that is exactly why my right honourable friend the Foreign Secretary has launched a campaign to bring Daesh to justice, and I will follow up on specific matters in this respect.

The noble Lord, Lord Alton, along with others, also raised the important issue of freedom of religion and belief. From private discussions that we have had in this respect, he already knows that this will be a priority for the Government.

More generally in Syria, we continue to work for a political solution, in support of the work of the UN special envoy and the political process in Geneva. We call upon Russia to use its influence on the regime to help deliver a sustained reduction in violence and full humanitarian access. If Russia is prepared to use its influence positively, we will work with it in support of a political settlement.

Turning to some of the terrorist groups, the UK condemns those on all sides of the Syrian conflict who target innocent civilians and pursue a terrorist agenda. This, of course, is not only Daesh; as I have said repeatedly in previous roles, terrorism goes way beyond the Syrian conflict. I assure my noble friend Lord Polak that we will continue to keep under review whether groups should be proscribed and remain proscribed due to the actions that they are taking. For example, in 2001 the UK proscribed Hezbollah's military wing, and al-Qaeda also remains of great concern to the UK and the international community. As noble Lords may know, in May 2017 the UK domestically proscribed Hay'at Tahrir al-Sham, a violent terrorist organisation aligned with al-Qaeda.

My noble friend Lady Helic, along with the noble Baroness, Lady Smith, specifically talked about Yemen. The UK continues to play a leading role in diplomatic efforts at the UN Security Council, and we have also spoken out about concern for the humanitarian situation. We are currently the third-largest donor on the ground, contributing in the region of £139 million. I assure my noble friend that we will be working with our partners across the region and the international community.

Along with other noble Lords, including the noble Lord, Lord Collins, my noble friend also raised the issue of arms sales to the Kingdom of Saudi Arabia. I assure her that we take this issue very seriously. All export licence applications are assessed on a case-by-case basis against the consolidated EU and national arms export licensing criteria. The key test in relation to our continuing to export arms to Saudi Arabia is whether there is a clear risk that these items subject to licensing will be used in serious violation of IHL. I have heard the sentiments expressed by noble Lords and I assure them that we will keep this under careful and continual review.

Lord Judd: I am grateful to the noble Lord for giving way. As pioneers of the Arms Trade Treaty, do we deal with the situation with Saudi Arabia, and the implications for Yemen, by taking a maximalist approach and saying, "What reasons are there for exporting arms?", rather than asking, "How can we possibly justify exporting arms?"

Lord Ahmad of Wimbledon: In the interests of the issues that remain to be covered the time available, I will come back to the noble Lord on that if I may. However, as I said, it is on the Government's agenda.

I turn briefly to the Arab-Israeli conflict. Of course we need to make progress on this. I listened carefully to the various contributions with their different perspectives on the issue from the noble Lords, Lord Turnberg, Lord Alderdice and Lord Grocott, and the noble Baroness, Lady Deech. My noble friend Lord Polak also raised important issues, and the noble Lord, Lord Hannay, spoke from great experience. I make it clear that the Government's position remains that we need to see a lasting solution to this crisis, which has gone on for far too long. We heard about the 1967 crisis, which occurred before I was born. This is an important issue which needs a resolution, and the Government's position is consistent. The noble Lord, Lord Collins, articulated it very well, saying that we need a negotiated settlement which leads to a safe and secure Israel, living alongside a viable and sovereign Palestinian state—and that is where our efforts will continue. I assure noble Lords that we will continue to work with France, the US and others to reinvigorate the peace process and support efforts to move towards a quick peace deal that meets the requirements of both parties and reflects our long-standing support for a two-state solution.

Stability beyond conflicts is the second key area where we are working for progress. We are promoting long-term stability beyond immediate conflicts across the wider region. The noble Lord, Lord Judd, said that at times there was a perception that this was a battle between Islam and the West. As a Muslim Minister and a Muslim of the West, I assure him that I

am not self-conflicted. Indeed, I am proud that I am not the first Muslim Foreign Office Minister to stand at this Dispatch Box; I am the second to appear over a short period. That reflects the positive nature of Islam's relationship with the West—it is a personal but, I think, practical example. The extremists who seek to create these battles need to be defeated by a unified front, and I assure noble Lords of our Government's absolute commitment across all sectors. Whether it is the Foreign Office, the Home Office or other departments, we work hand in glove. We must defeat this menace, but we must do so with a unified response.

Finally, in addressing conflicts and sources of instability, we are also encouraging sustainable political and economic reform. We are taking a range of initiatives, including teaching Arabic in UK schools—a point that I noted from the valuable contribution of the noble Baroness, Lady Coussins. Equally, we are working alongside other regions through, for example, the North Africa Good Governance Fund. We have also looked to invest in new development zones in Jordan, and we have jointly funded a scientific programme with Egypt to bring more than 200 of their brightest students to study in the UK. I will write to noble Lords about other ambitious programmes that we are running, including supporting Saudi Arabia's blueprint for reforms, Vision 2030, which the noble Lord, Lord Luce, mentioned.

In conclusion, once again I thank all noble Lords for their important and valuable contributions.

Lord Hannay of Chiswick: I wonder whether the noble Lord would be so kind as to address one element which came up in innumerable contributions today and which is absolutely central to our report. I refer to the rivalry between Saudi Arabia and Iran. He has said not a single thing about our policy towards Iran—not a thing.

Lord Ahmad of Wimbledon: If the noble Lord will bear with me, there is one more important area which I was about to mention in my concluding remarks. There is an extensive response on that issue. Of course we are working with Iran in expanding not just our diplomatic ties. There have been issues since the visit of the then Foreign Secretary Philip Hammond and subsequent ministerial visits also focusing on trade. It is a policy of engagement. For example, we are committed to the full implementation of the historic joint comprehensive plan of action, the nuclear deal. The UK has always sought a productive relationship with Iran, and we see the nuclear deal as central to ensuring the long-term stability of the region and Iran's role in the Middle East. As the noble Lord and others have said, it is crucial to the future stability of that region.

In the longer term we want Iran to play a very constructive role in the Middle East, ensuring an end to its continued support for terrorist groups and militias across the region. In having that productive and constructive relationship, some of the issues touched on by, for example, the noble Lords, Lord Judd and Lord Collins—in particular the human rights issues relating to that agenda—will be addressed. On a wide agenda and on the wide report, if specific questions were raised that I have not answered, I will of course, as ever, seek to write to noble Lords in this respect.

This has been a wide-ranging debate, which has focused on conflicts and overcoming security challenges in the Middle East. It also requires us to work quite extensively in the region with interested parties on future generations, on economic empowerment and on educational initiatives, to really ensure not just the long-term security of the region but its long-term stability. We are equally committed to working very collaboratively to bolster stability in the long term. Ultimately, we want a peaceful, stable and prosperous Middle East, with all key players having a key role in the partnership. That is the key to combating security threats and terrorism in the region and achieving the economic prosperity and peace that we seek.

7.01 pm

Lord Howell of Guildford: My Lords, it remains for me to thank all those who have taken part, including the Minister. Like many others, I do not want to lose Al Jazeera. Its world coverage is often as good as the BBC's—and, dare I say, in some cases even better. No one could expect solutions to these vastly complex problems, even from the wisdom and experience of your Lordships. But I believe that the case for the new realism that the committee is arguing for has been sustained. What we mean by “new realism” is the capacity to understand what is really happening in an utterly transformed international landscape, changed by digital power, technology and international relations on a scale never before known in history, and to respond as skilfully and wisely as we possibly can. That is the argument that I think has been sustained this evening. I beg to move.

Motion agreed.

Brexit: Acquired Rights (EUC Report)

Motion to Take Note

7.03 pm

Moved by Baroness Kennedy of The Shaws

To move that this House takes note of the Report from the European Union Committee *Brexit: acquired rights* (10th Report, Session 2016–17, HL Paper 82).

Baroness Kennedy of The Shaws (Lab): My Lords, in the immediate aftermath of the referendum, the European Union Justice Sub-Committee, which I chair, embarked on an inquiry into one of the most pressing issues to arise: what happens to the rights of European Union citizens who live in the UK, and what happens to the rights of UK citizens living in other parts of Europe? Being part of the European Union means that people can live, work, study and set up businesses in a member state of their choosing. Millions have chosen to do that. While the report we published did not deal with commercial rights, many of the legal principles applied as much to companies as to individuals.

Before the referendum, there was a lot of speculation and claims that people would be protected by the doctrine of acquired rights in international law, so that they could just carry on as before. This turned out to be what nowadays is called “fake news”. The evidence we heard was clear that this was a red herring and it distracted from the very real problems posed for people by our withdrawal. International law provides no

[BARONESS KENNEDY OF THE SHAWES]

meaningful protection. The committee received anguished letters from families, and it is family issues that will be most testing for the Government. This is about people and their lives. When we talk about trading, at the end of the day its purpose is to enhance lives. In the end, it is always about human beings.

We recommended that the UK Government should take unilateral action. We felt that that was the moral thing to do and that it should have been done before we ever entered into negotiations. We urged that upon the Government, but it was not accepted. The Government's response was that this might leave at risk our citizens living in other parts of the European Union. Unfortunately, the response seemed to be, "If we can't help everybody, we'll just help nobody", so it was left until now, and it is still looking very difficult to resolve.

We accepted that the much-vilified European Convention on Human Rights might provide some protection, particularly against deportation. It would also protect against loss of possessions, physical or intangible, such as commercial rights, which are currently protected by European Union law. Similarly, bilateral investment treaties might provide limited safeguards for investors from losing European Union rights, but only when to do so does not clash with European Union law.

However, it became very clear to us that the thousands of rights that derive from European Union law are simply not replicated in other instruments, and there would be a real deficit of rights without an agreement to protect. Professor Sionaidh Douglas-Scott and other very distinguished legal experts gave evidence before us that certain European Union rights could be protected only within the withdrawal agreement itself. That was the inescapable consequence of the evidence we had. The Government, it seems, are coming to agree. Any agreement on citizens' rights will end up being binding under international law. Many of our British folk living in other parts of the European Union believe that the offer being put on the table by the European Union 27 is a more comprehensive offer, and we should listen to what they are telling us.

We recommend that the rights safeguarded in any withdrawal agreement should be frozen at the date of Brexit. We emphasised that the majority of such rights would be reciprocal, with parallel European Union rights, and it was therefore necessary that they be applied consistently with European Union rights. In other words, there would have to be a level playing field. That means that as the parallel European Union rights evolve over time, so it is likely that UK law will have to evolve with them.

The 27 are urging that the ultimate overseer should be the European Court of Justice. That is the question that we have to keep asking: who has the last word? We will come up against that question time and time again in the course of these negotiations over all manner of rights. When you have cross-border relationships—whether they are trading relationships, relationships through marriage or relationships on consumer rights—you will end up having to ask that question. Who has the last word? Who will be the ultimate arbiter?

I am not alone, nor were my colleagues on the committee, in being concerned about this matter, which seemed to be neglected by having a line drawn through any possibility of our having anything to do with a supranational court. We made it clear that a mechanism could be developed to ensure that UK law takes account of developments in EU law in the jurisprudence of the European Court of Justice, and that EU law takes account of relevant developments in UK law in the same way, so that it is reciprocal. That is what happens in the EEA under EFTA. Some sort of court has to exist. The EU 27 have made their offer, and the Government have now made a corresponding offer, but questions remain to be settled. There are serious and important questions.

I remind this House of something that has come from the Bar Council. Lawyers who have been looking at this emphasise:

"Rights are not worth much if they cannot be enforced".

So the issue is very much about enforcement. They state:

"Clear and useable enforcement mechanisms are essential to the rule of law. Certainty is currently provided by the interpretive role of the",

European Court of Justice,

"and to reject this would deprive EU citizens in the UK of that safeguard".

They point out that you have to deal with the problem that can arise when someone says, "The courts in Britain are not protecting my rights as a European", and that there may have to be resolution somewhere else. In the same way, a British person living in Spain may feel that the Spanish courts are not doing the right thing by them with regard to their rights and will want to go to a court beyond Spain—perhaps to the European Court or some such court, depending on what we arrange. The Government have to be mindful of that.

A number of questions still arise and I ask the Minister to respond to them. Is settled status for life? That is a question being asked by Europeans in Britain and our citizens living in other parts of Europe. Will European Union nationals lose their right to vote? If they are given settled status surely they should be allowed to vote, not only in local and European elections but also in our general elections if they live here and pay taxes. Will they be able to bring in spouses without meeting the UK's minimum income threshold requirement? Will European Union citizens have the same rights as UK citizens, where families, including parents, dependants, adults and children, can move from one country to another? As my mother could come down from Scotland and live with me, or children I may have had before who lived in Scotland or in Ireland could come and join us, can a settled French family bring over their granny to join them? Could a woman who has remarried in Britain and has been living here for 15 years bring over her 17 year-old son she had previously when she was living in Germany with her German first husband to join her here at this stage? If he was shared between the two of them over the years and spent his summer vacations here, could he come to university here? What are the family reunification rights?

The same question will be raised by British people who live in other parts of Europe. Will they have reunification rights with regard to family? What happens to EU nationals married to Britons who are not exercising EU treaty rights, such as housewives who are not working, not setting up companies, but doing important work in rearing children? Will they get settled status too or will they have to apply under UK immigration rules, requiring therefore another five years' spouse status before qualifying for indefinite leave to remain? Will rights to pensions, healthcare, work, rights of establishment and mutual recognition of qualifications all be safeguarded?

Can we ring-fence a definitive agreement soon in advance of other parts of our negotiations? We keep hearing that it is not over until it is over but some people want it to be over and want to know now what the position will be because uncertainty is so painful. These are deeply serious matters because, in the end, it is about human lives.

The issues of contention will be resolved initially by immigration departments—we know this—but will end up being dealt with by poorly trained officials making significant decisions against tight deadlines, and the risk of endless litigation is high. More than 3 million people in Britain alone will be making applications for this special status. What will we do about administering those applications in a fair and just way? Our relations with the rest of Europe and our neighbours abroad will be deeply damaged if we get this wrong. Getting it right from the outset is vital and it should be done in a spirit of generosity, not pettifogging strictures to keep people out. I urge the Government to be welcoming and to make any system simple and clear, and to give people certainty soon.

I hope the Government will welcome our report. We have received no response from them and I am looking forward to what the Minister will say tonight.

7.14 pm

Baroness Smith of Newnham (LD): My Lords, I welcome the report by the European Union Justice Sub-Committee. I did not serve on the committee and so I can say that it is a splendid report. It would be easy simply to say that the noble Baroness, Lady Kennedy of The Shaws, has said everything that needs to be said and sit down, but, needless to say, I have a few questions that I would like to raise with the Minister.

It is often suggested that debates are timely, as was said at the start of the previous debate on the Middle East; it is always said that the debate is timely, but this is beyond timely. For the past year, Members of your Lordships' House, Members of the other place and ordinary citizens in the United Kingdom and elsewhere in the European Union have been crying out for answers to questions about the rights of EU nationals resident in this country and UK nationals resident elsewhere in the European Union. It has been apparent to almost everyone that some of these questions could be dealt with unilaterally and could have been dealt with last summer. However, Her Majesty's Government chose not to do that.

After a year, some proposals were published last week. The noble Baroness, Lady Kennedy, said that the Government have not formally replied to the committee's

report, but we now have the government paper on safeguarding the rights of citizens. It has been six months since the committee produced its report, during which time men, women, husbands, wives, children, extended families have been unclear about what the future holds. One of the biggest difficulties since June 2016 has been the mantra that we kept hearing that, "Nothing changes until the day we leave". However, everything changed on 24 June 2016 for people who were living in one country but with family in other countries. All sorts of questions have been raised again and again, and we still do not have many answers. The paper brought forward last week on safeguarding the rights of citizens does not go very far in dealing with the uncertainty that has been raised. It goes a little way—I give it a cautious welcome—but not very far.

Last year the noble Lord, Lord Lucas, introduced a debate from the government Back Benches on the rights of EU nationals. He asked: what is the problem? Surely there is a way of dealing with the rights of EU citizens resident in the United Kingdom. There appeared to be only one problem at that stage. I thought, and it was muttered at the time, that perhaps it was the former Home Secretary, who then became the Prime Minister, who was the one person who might have had the ability to say that we would secure the rights of EU nationals. Recently, the former Chancellor of the Exchequer, who has been reincarnated as a journalist and editor of the *Evening Standard*, has suggested that Her Majesty's Government wanted to secure unilateral rights for EU nationals and that the one person who refused to do that was Theresa May.

It is therefore with reluctance and perhaps schadenfreude that we listened to the Prime Minister's words last week when, on introducing the paper on *Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU*, she stressed, "we want certainty". So does everyone else; the difference is that we have all been saying it for a year. She went on to say:

"I have always been clear that I want to protect their rights".—[*Official Report*, Commons, 26/6/17; col. 302.]

So do we all; the difference is that none of us individually was able to change government policy. The one person who could have been clear and made decisions a year ago was the Prime Minister.

It is good to see the safeguarding paper, but it is rather little and rather late. The proposals are an improvement on the uncertainty that has dogged people for a year, but it is far from the generous offer that was being heralded. At best, it gets down to the "fair and serious" that has been suggested more recently, but it still relies on reciprocity. Certainly over the last months and the last year, as the noble Baroness, Lady Kennedy, pointed out, many people will have received letters, emails and pleas from UK nationals resident in other EU countries saying, "What about us? You keep talking about the rights of EU nationals in the UK. Don't you care about us?". Of course we do, but reciprocity raises certain issues.

The only way there will be a reciprocal deal is if there is a negotiated solution for withdrawal. At the moment, the European Union expects that the rights of its citizens should be dealt with by the Court of

[BARONESS SMITH OF NEWNHAM]

Justice of the European Union. In its paper, the British Government seem to suggest that cannot be the case and that any decisions would be taken by UK courts. How are we going to get to a solution that allows reciprocity and justiciability that will not leave UK citizens and EU citizens uncertain and insecure?

There are some welcome elements of the paper, particularly that EU citizens will no longer have to prove that they have had comprehensive sickness insurance. That is one of the slight peculiarities at present about proving they have the right to be here and have been here for five years. But the tests of residency remain rather unclear. Will the Minister explain to us what the streamlined processes and light-touch approach the Prime Minister has talked about mean in practice? How will continuous residency be shown? Can we be assured there will be no more 84-page documents?

What will the cost be? Getting British citizenship is prohibitively expensive. One of my cousins is married to a German national. She has not taken British citizenship because it is simply too expensive. Many people are in that position. It is often suggested by those who have perhaps not thought about the cost, “Why don’t people just take British citizenship?”. It is because it is time-consuming and expensive, and people have assumed they have not needed to. For those EU citizens legally resident here for five years, who we understand from the Government’s document will be given the right to remain—so indefinite leave to remain or settled status—will it be possible for them to do that free of charge, or at a minimal cost, perhaps akin to getting a British passport, rather than going through the costs we have seen for residency rights or taking citizenship?

Will the Minister tell us what is meant in the safeguarding paper by,

“these rights will apply to all EU citizens equally and we will not treat citizens of one member state differently to those of another”?

I ask that because three nationalities are currently treated differently: citizens of the Republic of Ireland, citizens of Malta and citizens of Cyprus, the latter two being Commonwealth citizens. At present, if you are a citizen of Malta or Cyprus, you can vote in local elections and European elections but also British general elections; if you are an EU national other than from Malta, Cyprus or Ireland, you do not have the right to vote in general elections. If they are all being treated the same, are we proposing to take away voting rights from Irish, Maltese and Cypriot nationals? Are we proposing to give voting rights to the nationals of other EU countries? Or is that something the Government simply have not thought about?

All this presumes there will be a satisfactory outcome to the negotiations. After all, the Government’s offer is predicated absolutely on reciprocity, and that presumes a deal. What happens if there is no deal? We have heard a lot about no deal being better than a bad deal. For EU nationals resident in the United Kingdom, who have suddenly been given a glimmer of hope by the Government’s paper on safeguarding their rights, no deal would surely be worse than a bad deal. Yet, if the UK is so reluctant to countenance a role for the

Court of Justice of the European Union in enforcing the rights of EU citizens, do Her Majesty’s Government really expect to get a deal?

There are many questions. Some of the questions raised in the European Union Committee’s report had been partially answered by the Government’s safeguarding paper, but only partially. If the Minister can give us some answers this evening that, would be most welcome.

7.24 pm

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I congratulate the noble Baroness, Lady Kennedy of The Shaws, and her committee on an excellent report on this most challenging of Brexit subjects. I hope she does not feel that the Government’s recent and generous offer on safeguarding the position of EU nationals living in this country has in any way stolen her thunder; it is but the opening—I hesitate to say—shot in the UK’s negotiations. I, too, wish the offer had been able to have been made sooner.

It is a generous first offer, even if it does not go all the way to continuing the freedom of movement that many in this House sought for the 510 million EU citizens. Instead, it extends the ability to apply for settled status to the 3.2 million already living in the UK on 29 March, including access to benefits, pensions, education and healthcare for them and their dependents. As the noble Baroness suggested, there are many important issues still to be resolved.

The overarching challenge is how to agree a deal that is both fair and reasonable. When the Maastricht treaty introduced the concept of European citizenship, few envisaged that millions of people would wish to travel to one European country and settle there. Indeed, for many member states this would have been impossible under communism. But the population of the UK has risen by 5.6 million in the past 11 years and has been estimated by Migration Watch to rise a further 5 million to 70 million by 2025, although only some of this increase represents movement here from EU countries.

We have always been an outward-looking nation, welcoming and in the early days even seeking immigrants, who have in turn contributed to the richness of our cultural life and the wealth of our businesses. More recently, our public services simply could not have functioned without the excellent professionals who have chosen to live here. The same is true of many other industries, including building and tourism. So immigration is, has been and will continue to be a good thing for the United Kingdom post Brexit. Most of us will continue to feel European after Brexit, even if we do not see our identity defined as being part of a political structure called the EU. But there must be a tipping point at which uncontrolled immigration just puts too much stress on our public services, housing stock, jobs and public finances. If that leads to resentment, acts of xenophobia, as identified in the committee’s report, and community unrest, it will risk much of what successive Governments have achieved in creating the vibrant, multicultural society we live in.

By all means, let us construct a very generous offer to EU citizens living in the UK. Equally, let us construct an attractive route to UK residence for those whose services or businesses we decide we need in the future,

either by quotas, permits or other means. We have a long way to go in our negotiations for defining and ensuring reciprocal rights. What is proving to be even more challenging is deciding how those rights can be safeguarded in the future.

If we are to regain fully our judicial sovereignty, then there can be no role for the European Court of Justice—a scenario which is unacceptable to the EU. There surely can therefore be only one solution, which is for an independent court or tribunal to act as a binding arbiter. As with many matters during these complex negotiations, a compromise will be required. This will need to reflect the competing desires of a United Kingdom that wishes to regain control over judicial matters and the need to provide certainty to those EU citizens whom we wish to continue living and working here. As the report suggests, there is both a moral and an economic case that the sooner this happens the better.

7.28 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, I too congratulate the committee and its staff on producing this excellent report, and the noble Baroness, Lady Kennedy, on her illuminating opening of this debate. There is comparatively little I want to say about the substantive rights of EU citizens and their families to be enshrined in the withdrawal agreement. Mostly, I will focus on the enforcement of that agreement.

As to substantive rights, to my mind it is unsurprising that once we leave the EU, so that EU nationals no longer enjoy EU citizenship rights as such, we shall wish to put those who come to acquire settled status here on the same, rather than better, terms than British nationals, not least with regard to bringing in family members from overseas.

I would also entirely understand it if the UK were to reject what I understand to be proposed as a term of the rights to be protected—this is in paragraph 21(b)(ii) of the annex to the European Commission’s negotiating directives of 3 May—namely, certain social security rights, set out in two particular EU regulations, “including future amendments of both Regulations”.

Surely, after withdrawal, acquired rights must be as fixed at that date—

“frozen as at the date of Brexit”—

as is suggested in paragraph 136 of the committee’s report.

As to the questions asked by the noble Baroness, Lady Kennedy, on how long into the distant future such rights will remain, I suppose that they will last as long as the person remains settled, with the consequent right in future to apply for UK citizenship. Perhaps the Minister will tell me whether my supposition is correct.

It is suggested that the EU 27 are disappointed by our proposals for EU nationals living here. What precisely, besides the question of enforcement, are the particular matters which concern them, and what do our own nationals living in other EU members states think about these proposals? Do they feel sold short by the UK? Let us remember that they will enjoy reciprocal rights under the agreement.

I turn to the enforcement of the withdrawal agreement, which is addressed by the committee in its report at paragraphs 136 to 138. In her Statement on the European Council on Monday 26 June, the Prime Minister said with regard to the offer on citizens’ rights:

“Our obligations in the withdrawal treaty with the EU will be binding on the UK as a matter of international law. We will incorporate commitments into UK law guaranteeing that we will stand firmly by our part of the deal”.—[*Official Report*, 26/6/17; Commons, col. 303.]

In the Government’s published proposals of the same date, Command Paper 9464, at paragraph 58 and under the heading “Legal status and enforceability”, appears this:

“The arrangements set out above will be enshrined in UK law and enforceable through the UK judicial system, up to and including the Supreme Court. We are also ready to make commitments in the Withdrawal Agreement which will have the status of international law. The Court of Justice of the European Union (CJEU)—

which, I interpolate, is still generally referred to as the ECJ, which was its earlier incarnation—

“will not have jurisdiction in the UK”.

It is all very well for the UK Government to say that our obligations will be binding as a matter of international law, but, for my part, I could understand why that rather bland assertion might be greeted by the other 27 with some scepticism. In the Government’s original February 2017 White Paper on exiting the EU, in chapter 2 under the heading,

“Taking control of our own laws ... Ending the jurisdiction of the Court of Justice of the European Union in the UK”,

paragraph 2.3—I shall not quote it all; it is all easily available—ends thus:

“We will bring an end to the jurisdiction of the CJEU in the UK. We will of course continue to honour our international commitments and follow international law”.

This red line in the Government’s position is plainly among the most damaging obstacles to the prospects of successful Brexit negotiations, as the noble Baroness, Lady Kennedy, said, on several fronts. Let me focus on that last sentence:

“We will of course continue to honour our international commitments and follow international law”,

which, of course, is what the Government now say in the present context of safeguarding citizen’s rights, but how confident of this can the other 27 states be? We have an international law commitment under the European Convention on Human Rights to give effect to Strasbourg court judgments, but we are in flagrant breach of that commitment on prisoner voting, for example. That may have been a dubious ruling, and it is highly likely that many in this country and all too probably several in Parliament muddle up Strasbourg judgments, which are those of the human rights court, and Luxembourg judgments, which are those of the EU court, and wrongly blame the ECJ for the prisoner voting decision and for other contentious decisions such as those which have periodically inhibited our ability to deport foreign terrorists.

Although this may go some way towards explaining our misconceived hostility to the European Court of Justice—its absurd and unfair demonisation, as I described it in last week’s Brexit debate—and the Government’s wish simply to acknowledge an international law commitment

[LORD BROWN OF EATON-UNDER-HEYWOOD]
to abide by the terms of the withdrawal agreement, I am unsurprised that the EU 27 demand more; in short, that EU citizens' acquired rights here should be put beyond the reach merely of the UK's parliamentary sovereignty.

How then should this requirement best be met? The EU Committee recommends a reciprocal mechanism be established to ensure that UK and EU law each takes account of the relevant developments in the other's law. To this end, the committee suggests an arrangement akin to that provided for under the 2006 extradition agreement between the EU, Norway and Iceland—see particularly Articles 36 and 37 of that agreement, as set out at paragraph 134 of the report.

For my part, however, I would regard this as a needlessly cumbersome and ultimately less effective route to finding a satisfactory, supranational tribunal to which a disappointed party could turn for a final definitive interpretation and application of an agreed provision—why not the ECJ itself? To anyone who questions that on the basis that, after Brexit, the ECJ will not be an independent supranational court but rather will be akin to the supreme court of one of the parties to the withdrawal agreement—namely, the other 27 EU states—I would respond, first, that this is an unreal objection given that, whatever the court were to rule on a reference would apply no less to UK nationals now settled in other member states. Indeed, those expatriate UK nationals will have no less, and sometimes perhaps rather more, of a need for a supranational tribunal to which to appeal from another member state's supreme court. Secondly, I would suggest that, even though there may no longer be a UK judge on the ECJ after Brexit, one could be specifically nominated as a member of the court for the purpose of any UK reference. A close analogy here would be with the ECHR, where, on any application against a member state whose own judge may in the circumstances for any reason be unable to sit—they may be conflicted, unwell or whatever—that state can nominate another judge. Indeed, I twice sat on that basis as an ad hoc judge in the Strasbourg court.

If there is to be any hope of a successful Brexit negotiation on a number of issues, including that now before us, the Government will have to modify their puzzling ideological resistance to any future acceptance of the ECJ's jurisdiction. Surely this would be a good place to start.

7.39 pm

Lord Judd (Lab): My Lords, those were very important legal observations from someone with a particularly distinguished legal career behind him. It will be important to hear a clear answer to what was covered.

I am a member of this sub-committee. I put on record what a privilege and joy that has been. We have an outstanding chairman in my noble friend Lady Kennedy of The Shaws. She is always lively and stimulating, enabling us to work well together to produce particularly useful observations. I thank her most warmly.

It is totally unacceptable how long it has taken the Government to reply to this report, given the importance of the issue with which it deals. Much more importantly,

there is all the anxiety and distress meanwhile suffered by ordinary people in this country and abroad. I do not like living in a Britain where that kind of distress is unnecessarily suffered by people who live here or where my fellow citizens serving abroad, often to very good effect, or living abroad after distinguished lives are equally in anxiety. I ask myself what kind of Britain we want to be. Of course, it would be a great thing if we had acted forthrightly and decisively right at the beginning. That would have earned us immense standing in the world. Yet we wasted that opportunity and anything we do now will be trying desperately to regain ground lost in terms of our place in the world.

I am also concerned because the Government we have at the moment always stress strongly and repeatedly their commitment to family. As my noble friend put so well in her introductory remarks, what is this doing to the whole concept of family and all the love, emotion and relationships that go into family life? Why are we continuing to perpetrate all this uncertainty?

We had a particularly telling morning in the committee when we took evidence from the French, Romanian and Polish ambassadors. It was not an easy morning. They were very forthcoming to the committee. When we asked them what had been the immediate impact on their work in this country as representatives of the people of their countries, they were all in agreement that they had been besieged by numerous people worried stiff about their future well-being and status.

We are not just relying on what was said in a committee such as ours by the ambassadors. We think of our own lives. I live in one of a small set of houses, a close-knit community in rural Cumbria. One of my fellow citizens is a Polish lady who has worked hard in a professional capacity in Leeds. Her husband is a Yorkshireman of Irish origin. They are very sincere Catholics. They are a lovely couple. She was in tears about the situation immediately after the vote on 23 June. This is also what the ambassadors said: their people have come to them, saying, "We had been making homes here, we had felt part of the community in which we lived. Suddenly we find ourselves strangers with no certainty about our future". This Polish lady said what was wonderful was how, at work in Leeds, her colleagues rallied round her in no time at all. They were only upset that she was so upset. In personal terms, they did a great deal to reassure her. I am very upset myself that we can be generating these kinds of social and emotional realities in our midst. These are people. They are people with children—as my noble friend said, they have grannies and the rest. It is terribly urgent not only that we get a convincing formal reply from the Government to our report but that we settle this matter. We should have done so right at the beginning.

One of the things I came to appreciate in my schooling many years ago was, in the history of Europe, the importance of citizenship. It is a fact that, through the referendum on 23 June last year, we unilaterally stripped thousands of people of their citizenship. They had European citizenship to which they believed they would be entitled in perpetuity. There may have been all sorts of qualifications at the time that that was agreed but this is what they believed. They always built

their lives in Britain on that basis and we removed that. That doubles the urgency and importance of making sure that whatever we do is watertight and generous. I repeat that word, “generous”, because we owe so much in this country to many of these people for what they have done for us. It is crucial we get nothing less than a generous settlement that puts the situation in unquestionably legally enforceable statutes.

7.47 pm

Viscount Waverley (CB): My Lords, I could not agree more with the noble Lord, Lord Judd, when he asked what type of country we wished to be. I further note—he prompts me in suggesting this—that, frankly, all successful economies have inclusive immigration policies. I will refer to the game of poker during my remarks. What a winning hand that during consecutive debates this afternoon I should follow the noble Lord, Lord Judd.

I must congratulate the noble Baroness, Lady Kennedy, and her committee team. She has done the House, the Government and the country, together with all those most directly affected, wherever they be, an inestimable service. Emotions understandably run high on this issue, both here and on the continent. Some issues belong elsewhere. Matters that impact targets should be recognised but tagged for resolution in legislative debate and amendments to the appropriate Acts. But what we are dealing with today is the here and now. I have detained the House on multiple occasions already as I, too, will be impacted by the end result, as a long-term resident on the continent—but I will not rehearse what is already on the record. An equitable divorce is sought, but I sense that the situation has the potential to get out of hand.

Mrs Golding, a barrister specialising in EU law and a tenacious chair of the British in Europe movement, represents the interests of the two combined groupings of the 4.5 million Britons on the continent and EU citizens in the UK. Allegations that the Government of the United Kingdom are neither listening nor engaging are troubling. There is a view that the Government are playing poker with the lives of millions of good, decent people, who are caught up in a situation through no fault of their own. Although UK Ministers have made themselves available, the Secretary of State has been described as “elusive”. Conversely, it appears that Monsieur Barnier and his team, representing the European Commission, have had constructive and transparent meetings with the group’s representatives and are described as supportive.

A number of issues have emerged following the Prime Minister’s offer to the European Commission, as highlighted by Mrs Golding. The UK proposal does not respond to the comprehensive offer made by the EU on 22 May to guarantee the vast majority of rights, but instead represents an entirely different form of offer founded in UK law, which relates to the future immigration status of EU citizens in the UK. Thus, when comparing the two proposals, it is not possible to compare like with like, and the application and principle of reciprocity is complicated.

The UK proposal lacks detail on safeguarding the rights of UK citizens in the EU. By contrast, the EU offer is a detailed proposal to guarantee the vast

majority of the rights that UK citizens in the EU currently have. This includes free movement and would protect the rights of UK citizens in the EU, subject to certain clarifications as regards freedom of establishment, the position of students commencing their studies now, and voting rights. Arguably, therefore, the offer set out in the UK proposal for EU citizens in the UK represents the substitution of acquired rights of EU citizenship under EU law with a lesser “settled status”, for which EU citizens will be required to apply and which is not for life. This status could be lost following a two-year absence from the UK, and these citizens would then have to apply to return to the UK under UK immigration rules unless they could prove that they had “strong ties” to the UK—a vague concept that is not defined.

It is also claimed that EU citizens would no longer benefit from the same family reunification rights or from the overarching principle of equal treatment to British citizens in the UK. In addition, the position as regards both groups on other rights, such as pensions, healthcare, rights to work, rights of establishment and the mutual recognition of qualifications, requires clarification. We are aware that the UK proposal states that the ECJ,

“will not have jurisdiction in the UK”.

Opponents argue that, given the cumulative experience in case law of the ECJ on the rights of both groups, reference by UK courts to the ECJ would clearly represent the easiest and most practical option.

Perhaps a more efficient and pragmatic solution would be to create a dispute resolution body with jurisdiction to enforce citizens’ rights, offering a way for all affected individuals to safeguard their rights as regards the final guarantee set out in the Article 50 withdrawal agreement. Divergent interpretations of the rights of EU nationals living in the UK before Brexit and British nationals living in the EU before Brexit must be avoided.

The EU insists that nothing is agreed until everything is agreed. Is this wise? Instead, a separate and definitive agreement on citizens’ rights should be reached now, well ahead of the main Article 50 negotiations, if current anxiety and uncertainty are to be alleviated. The definitive agreement needs to be confirmed in the Article 50 withdrawal agreement to give it treaty status and the force of international law.

An additional issue must once again be flagged. Families, many with children, face the stark reality of enforced separation because of the quirks of being a non-EU spouse and not meeting immigration criteria for residence in the UK. So for the fourth time I ask the Government: will the repeal Bill ensure that UK law conforms to the European Court of Justice ruling C-127/08 on the implementation of directive 2004/38/EC for the rights of non-EU spouses of EU citizens to move freely in the EU, with unfettered access to the UK? A government response claims:

“United Kingdom law relating to the rights of EU nationals and their family members”—

this is the key point—

“to enter and reside in the UK is fully compliant with the decision”,

of the ECJ. Will the Minister ask her officials to look very carefully at this, and state unequivocally that

[VISCOUNT WAVERLEY]

non-EU spouses and family can enter and reside in the UK without precondition? Will she kindly ensure that a copy of that response is placed in the Library?

Recognising the gravity and importance of what is before us this evening, I have asked my own IT development team to ensure that relevant papers pertaining to citizens' acquired rights—including a link to the committee's report, the expert opinions presented by Mrs Golding and today's proceedings—be made readily available for public viewing. To this end, I have registered a domain—eumatters.uk—and invite members of all parliaments in the European Union, Governments and the public at large to keep abreast of proceedings.

I cannot believe for one moment that 4.5 million people deserve such potential disruption to their lives. Is it possible that the matter is becoming overcomplicated and we are losing sight of the woods in contemplating each tree? It is entirely possible that EU citizens can simply become dual nationals, as people all over the world do when they wish to obtain or retain dual rights. Certainly, British citizens currently in the EU have more limited rights as residents than if they became citizens of the countries wherein they currently live. At present they must comply with national residency criteria, particularly with the 183-day rule, taking into account primary residence status and centre of economic interest; pay national social security and municipal taxes as required; and convert driving licences, and so on. This visible and verifiable commitment of intent and compliance with these rules should then allow for an absolute right to remain status.

The Government assure us that their offer ensures that EU citizens in the UK will have the same rights as UK citizens in the UK. Are British citizens being offered the same protections, rights and benefits across the EU? It is the duty of government to act to protect the equal legal and moral rights of all citizens, regardless of origin. This House should attempt to steer the Government and the negotiations away from the cliff edge and the abyss beyond.

8 pm

The Duke of Somerset (CB): My Lords, this valuable report makes it quite clear that one of the most serious implications of the Brexit decision is the position of EU citizens living and working in the UK and the corresponding position of UK nationals in the European Union. I congratulate the committee on the rather hard-hitting stance it has taken.

The outcome of the negotiations will impact directly and hugely on the lives of millions of human beings, their families, livelihoods, businesses and place of residence. That sentiment was echoed by the noble Lord, Lord Judd. These people are not trifling pawns in a great game; they are our fellow neighbours and citizens and as such they deserve properly thought-out, compassionate decisions as these will affect their lives for ever. As the Government wrote in their paper *Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU*:

“The UK is one of the most tolerant and welcoming places in the world and will remain that way. ... We recognise the need to honour that expectation”.

However, there are not many people affected by the current state of affairs who have much confidence that the Government are showing any inclination to do so.

We know that many of our industries and institutions will fail without a continuing supply of non-UK labour, and many of those who might come here have already been frightened off. Other speakers have made this point and made it clearly. I declare a sort of interest in that two of my children are living in Europe, forging careers that they wish to continue for a long time. Many thousands of other young people wish to do the same, to benefit from an Erasmus education, to broaden their horizons, to learn other languages and not to be confined to the narrow—brackets, minded, close brackets—borders of our island. Other people—retirees, for example—are distressed about pensions, healthcare and residence and employment rights during this uncertain period.

The unilateral immigration announcement of last week, which was derided in some quarters as too little and too late, is at variance with the general tone of the Home Office's bureaucratic, long-winded, nit-picking procedures, which are highlighted in the report. Indeed, it notes the Court of Appeal's comment that the rules are “Byzantine in their complexity”. How telling is that? It seems that this department of government wants to exercise the letter of the law, but not necessarily the spirit.

There is a lot of uncertainty over various terms that are being thrown around in the Brexit debate, such as “acquired rights”, “residence”, “citizenship”, “comprehensive sickness insurance cover” and “parties to treaties”. These terms are all capable of different interpretations, and they badly need clarifying and defining throughout the EU.

The report goes into detail to discuss various treaties and articles that may govern the future position and possible discrimination, but it does not point to very clear conclusions, save that there may be confusion and litigation. The report recites various agreements, such as the citizens directive 2004, the TFEU of 1993, Article 20 and the ECHR. All these purport to address rights, and they partially overlap, yet there are still gaps. I believe that we need an overarching commitment in EU and UK law. That is why these matters must be addressed in the withdrawal agreement. Will the Minister confirm that that is the Government's intention, as that will give the greatest legal certainty in future?

Concurrently, in the event of the UK exiting without any agreement, safeguards must be maintained by national law. I ask that the forthcoming repeal Bill includes the continuation of the Immigration (European Economic Area) Regulations 2006 as they implement the EU citizens directive. As we know, reciprocity is not within the Government's power to deliver, but now that they have finally acknowledged the principle of unilateral protection for EU citizens here, which this House has long called for, one is hopeful that the other member states will be more inclined to offer full protection for UK nationals in their states. In order to fulfil their pledge, the Government need quickly to safeguard the full scope of EU citizenship rights in the withdrawal agreement. This is recognised as a moral obligation by the report and by most other commentators. It is also economically vital in order to maintain our labour market.

I shall ask the Minister a couple of questions. The first is about visas. Does she envisage UK nationals having to apply for a visa to go to Paris for the weekend in two years' time? Will we have to queue up at airport passport control with the multitude of other third-country nationals? If so, will this encourage our business men and women to travel to Europe to make trading deals there?

What about the cost of the fees, which we have already heard about? Does the Minister consider the £7,500 quoted in the report for a family of four to make an application for settlement in the UK affordable and reasonable? There is reference to the new simplified online system coming in in 2018, which I hope will address this matter in a proper manner.

My reading of the report is that the Government are determined to reduce immigration numbers considerably. However, they have had the legal opportunity to reduce non-EU migration for many years but have failed to act. Instead, they have concentrated on soft targets, such as students, and now are turning their fire on EU citizens. This is unacceptable from a moral and economic standpoint. Acquired rights must be addressed properly under Article 50, with reciprocity, speed and indivisibility. These rights should be frozen at the date of Brexit.

All these points are very well made in the committee's report, and I urge the Government to act on them and perhaps to confirm them this evening.

8.08 pm

Baroness Ludford (LD): My Lords, I concur with the praise for our chair, the noble Baroness, Lady Kennedy of The Shaws, who does a splendid job, not least in steering and shepherding us to this report.

I can try to answer the question from the noble and learned Lord, Lord Brown of Eaton-under-Heywood. Like others, I have had the very useful briefing from British in Europe, a coalition of UK citizens in Europe which has joined with the 3million, representing EU citizens here, to produce a response to the Government's paper. Both groups feel very let down. They maintain, rightly, that their acquired rights are being retrospectively taken away. This is because there is a mismatch between the EU and UK offers. As the noble Viscount, Lord Waverley, and the noble Duke, the Duke of Somerset, said, the EU approach is a mutual guarantee of status and rights derived under Union law, with an overarching principle of equal treatment for EU citizens here and British citizens in the rest of the EU. The UK paper does not respond to that offer. It is not an affirmation or incorporation of such acquired rights but a proposal for a different offer: a new status under UK immigration law, called settled status, which has to be applied for and appears to be essentially indefinite leave to remain—perhaps the Minister could explain how it is different from ILR. This is a significant reduction in protection, despite paragraph 3 of the paper claiming that there is no “unravelling” of “previous commitments”. There is some misunderstanding in the paper, in that paragraph 14 talks about how, after we leave the EU:

“Free movement rights will come to an end and therefore cannot be carried forward, as an EU legal right, into the post-exit UK legal regime”.

This conflates and therefore confuses the new acquisition of free movement rights in the future, after we have left the EU—unless we stay, let us hope, in the EEA—with the retention of rights acquired while we were in the EU. That is a pretty fatal confusion.

The two offers do not legally correspond and cannot be fitted into a framework of reciprocity aimed at mutual guarantees—a vital framework of reciprocity. As I heard the Italian ambassador to the UK say this morning on the “Today” programme, it is not only inaccurate but patronising to people who have made a huge contribution to this country, and done so under their EU law rights, to call the UK offer a “generous” one. On perhaps the true spectrum of criteria, from “fair” to “unfair”, I would say that the Government's proposals are found wanting.

I do not know what has been gained by having to wait until now to come up with this not-so-generous offer. The offer—or rather an affirmation of acquired rights—should have been proposed immediately after the referendum. It would have provided certainty for individuals and families and avoided all the anxiety they have suffered. It would have avoided the haemorrhage of skilled personnel—I read in the *Financial Times* that some enterprising Polish carbon credits trader has set up a website called Expat Exit. The report describes him as arguing that,

“Britain's Brexit vote has created a market for highly qualified workers who have burnished their skills in the UK but are now returning to the continent”—

ouch.

If the government offer had been made a year ago, it could have avoided putting people through the hassle, expense and waste of time of applying for permanent residence—the new procedure that was invented last July. They must feel rather mocked, having done this in good faith and now been told that it is essentially worthless. It is good that the Government are now saying that there is no need for private health insurance, which is their translation of comprehensive sickness insurance, although that of course has been the subject of legal difference with the European Commission. So why did they put people through all that bother, expense and worry of having to get private health insurance? Could the Minister perhaps also explain whether the lack of need for private health insurance applies to the future as well as to the past? Could the Government not at least make some amends to those people who went the permanent residence route by giving them settled status automatically, not just offering some kind of streamlined procedure for those who already have the permanent residence document that they did not need but they felt they needed to get in the absence of anything else in the past year?

Why can the Government not now say what the cut-off date is? Surely it should be the date of leaving the EU. After all, the Government's paper confirms, as the Government themselves have done many times, that, while the UK remains a member of the EU, EU citizens resident here continue to enjoy rights that they have under EU treaties. So why can that not be followed through by saying that the cut-off date will be when we actually leave the EU?

[BARONESS LUDFORD]

I share with colleagues other questions that have been asked tonight. Will the rights be for life? Will family members have their rights protected for life in the case of death or divorce? Will there be votes, at least for local elections? Will there be recognition of qualifications and the diplomas and certificates relating to them? What will the fees be? I gather that the current cost of an ILR application is £2,297, a huge amount for a family. Will a minimum income threshold be applied to people who want to stay? How light-touch will the application process be? What evidence will need to be provided? In what way will it be simpler than ILR? What does the phrase “The Government seek to protect healthcare rights” mean in practice? The word “guarantee” is absent from the paper. Will there be free access to the NHS or will people have to pay an NHS surcharge? I would welcome answers on that.

It is proposed to make deportation easier, but what will the precise criteria be? It is said that those criteria will include “serious or persistent” criminals. What kind of crime does it need to be to qualify as persistent—dropping litter in the street? How will the European Convention on Human Rights apply to those deportation criteria? Will there be a right of appeal against a refusal of settled status or temporary leave and, if so, within what parameters? What about EEA and Swiss nationals, and vice versa? Are they included under the proposals?

Lastly on my list of questions: the residence document that is proposed will be a *de facto* ID card. I hope the Government can assure us that this is not a back door to an ID card scheme for British citizens as well. Is the proposal that there should be evidence of biometric information designed to mean fingerprints? If so, or even if it does not, is the proposal for a residence card, which presumably will be backed up by a residence database, compliant with the CJEU judgment on the German residence database in the case of *Huber*?

The proposal that family reunion would be in line with British nationals, not on the basis of EU free movement law, is a diminution of current rights. The British rules have recently been adjudged the least family-friendly of 38 developed countries. If settled status is in reality ILR, how are the Government going to avoid the ILR rule that a two-year absence automatically means a loss of status? The document talks about having strong ties here being a safeguard in these circumstances. How will that work? What do “strong ties” mean? The fear is that this vagueness will deter people from taking up jobs that involve overseas postings if they do not know whether an absence of more than two years is going to mean that they cannot come back.

Other noble Lords, including the noble and learned Lord, Lord Brown of Eaton-under-Heywood, have talked about enforcement, which is a key issue. If these rights are enshrined only in UK law, the fear would be a future amendment, abrogation or repeal, perhaps in response to public pressure about too many foreigners. The document makes no mention of how any breaches of the rules agreed, or any enforcement, are to be ordered. Can the Minister fill that gap in our knowledge? This is key because the enforcement issue cuts both ways. There is no clear explanation of how the

Government expect to protect the rights of British citizens in the rest of the EU. The national approach that they have taken regarding EU citizens here is not going to help UK citizens in the rest of the EU because it is not an EU law approach. There is no dimension of European citizenship or recognition of EU legal jurisdiction. It appears to the groups representing UK citizens that they are essentially being abandoned.

Although the paper is better than no paper, it leaves many questions unanswered; it is too little, too late, because what is in it could have been said a year ago, to be a catalyst for reciprocity. I remind the noble Baroness that her colleague, the noble Lord, Lord Howard, said to us in the Committee last year that a unilateral recognition of the rights of EU citizens here would undoubtedly have triggered a reciprocal guarantee of the rights of British citizens in the rest of the EU. So this bargaining chip approach has been both unnecessary and unproductive. I look forward to the Minister’s response.

8.20 pm

Lord Kennedy of Southwark (Lab): My Lords, first, as have other noble Lords, I congratulate my noble friend Lady Kennedy of The Shaws and the other members of the European committee on their excellent report. I should make it clear that I wanted the United Kingdom to remain a member of the European Union. That, for me, was the best place for us to increase our prosperity, protect jobs and living standards and maximise our influence in the world, where we increasingly see spheres of influence on a global rather than national basis.

It is disappointing that the Government have not responded to the report. It is not the first time that House reports have been either not responded to before debates or responses have arrived just a day or two before the debate. It is disrespectful to the House, and the Government need to sharpen up their act in this respect.

Having said that, I fully respect that the decision of the UK was to leave the European Union, although I sometimes feel that some of the outrageous claims made by the leave campaign need referencing again. We forget “£350 million a week for the NHS if we leave Europe”, when Boris Johnson, Michael Gove and others stood in front of that poster during the leave campaign. Of course, they were given the opportunity to vote for that in the Commons, but they voted against it. We need to keep reminding people what went on in that campaign; some of it was quite outrageous.

We need a Brexit that protects British citizens, jobs and investment. For all the Government’s claims, it has not been going too well so far. Their position can be characterised as to talk big and tough in the UK, threaten walkouts and demand that a trade deal be the first thing on the table, but, when we get to the detail, there is a climb-down and a negotiation set out on the timescale determined by our 27 European partners. The noble Baroness, Lady Bloomfield of Hinton Waldrist, referred to the Government’s offer to the European Union. It is a start, that is for sure, but I suspect that it is far from where we will need to get to for an agreement acceptable to both UK and the European Union.

The Government's approach so far has been far from sensible in the preparation for and the process of negotiating our exit from the European Union, as the noble Viscount, Lord Waverley, mentioned. He is right to say that we need an equitable agreement to separate, but that this could get out of hand and the Government could be accused of playing poker with people's lives.

My noble friend's report considers one of the most important aspects that has arisen from Brexit: what happens to the rights on which so many of us rely when the UK leaves the European Union. The report focuses specifically on the rights of those European Union citizens who have chosen to live here in the UK and those UK citizens who have chosen to live elsewhere in the European Union. In both cases, they are choosing to exercise their right to live and work anywhere in the European Union. The report looks at the issue of acquired rights and whether people will be able to rely on this protection under international law. There is great concern for those European Union citizens living here and British nationals living elsewhere in the European Union that this protection will not be enough, and to ensure proper protection it must be enshrined in the Brexit agreement.

Since the referendum we could have struck a very different note, of course, and straightaway made it clear that the rights of European Union citizens would be protected in full in the UK, as long as a similar guarantee was given to British citizens living elsewhere in the European Union, as the noble Baroness, Lady Smith of Newnham, said. That is not giving away a card or a negotiating point; it would have been a sensible move, acting in good faith with your friends, allies and partners, whom we want to remain our friends, allies and partners after we leave the European Union.

The concept of being a citizen of the European Union was first introduced into EU law by the Maastricht treaty in 1992; the citizens directive codified many of these rights, and it applies to the EEA states as well. All these rights are directly enforceable; they do not need to be granted by a member state. The rights of non-EU nationals in the UK are considerably more restrictive than the rights of EU nationals in the UK, meaning that the loss of EU citizenship would create a major loss of rights. After Brexit, the UK will become a third country for the purpose of EU law. UK nationals in other EU member states will become subject to common EU immigration rules for third-country nationals. I accept that all this depends on the agreement finally reached, which is why we should be on the front foot and positive.

Third-country nationals would have considerably fewer rights and have more restrictions when it comes to living, working and studying in the EU. British citizens may have to satisfy integration rules and apply for EU long-term residency status if resident in a member state for five years. There are concerns from citizens of other member states living here in the UK. This was brought home to me the day after the referendum result. There is a cafe that I often call into for a coffee and a croissant on my way into the Lords, which is run by two French people. They asked me the following morning whether they would be made to go back to France. These are people who have built up a business here;

they employ local people and provide a great service to the local community. They play by the rules and make a positive contribution to the economy. They will be fine; they have lived here for many years, but they are one example of people living in uncertainty every day. My noble friend Lord Judd made a similar observation from the village where he lives in Cumbria.

There are thousands of EU nationals in the same uncertain position, and with uncertainty comes loss of confidence and loss of opportunity, and we all lose. My noble friend Lord Judd correctly identified how much uncertainty has been caused for families. I just do not understand how the Government think that that attitude will benefit the UK and its reputation and standing in the world.

The largest group of EU nationals living here include Polish, Romanian and French nationals. We have seen a rise in hate crimes and xenophobic abuse, which is shameful. The UK has a proud reputation as a safe, tolerant country which welcomes people and is a safe haven for people in peril, and on a number of fronts that reputation in recent times has been tarnished. UN statistics estimate that there are 1.2 million UK nationals living elsewhere in the European Union. Concerns have been expressed by UK citizens resident abroad to consular officials through FCO channels, including worries such as whether they will be able to continue living abroad or have to apply for residency. Will their qualifications be recognised? Will they require work permits? These concerns of UK nationals living elsewhere bear a striking similarity to those of EU nationals living in the UK. The noble Duke, the Duke of Somerset, made reference to this; there are huge concerns about the effect that it is having on people's lives, and I agree very much with the remarks that he made today.

Those are the two groups of people most affected individually by Brexit, and neither is supportive of how the British Government have handled the negotiations so far. I agree very much with the committee when it says the Government have a moral obligation to provide certainty to UK nationals living, studying and working in the European Union. I agree that the most certain way to protect acquired rights is to put them into the agreement. The noble Baroness, Lady Williams of Trafford, could tell the House whether she agrees with that when she responds to this debate, because the protection of these rights by any other means seems fraught with difficulty. Article 70 of the Vienna convention protects acquired rights, but refers to states rather than individuals or companies. The principle of acquired rights in international law relates primarily to property rights. Public or civic rights to vote or reside in a particular state are not enforced under this agreement.

It could be said that the protection of acquired rights can be sought and enforced under the European Convention on Human Rights, as my noble friend Lady Kennedy of The Shaws referred to when moving the Motion. The noble and learned Lord, Lord Brown of Eaton-under-Heywood, was entirely correct when he referred to the "unfair demonisation" of the convention by various individuals and organisations. He is right that the Government are going to have to modify their ideological opposition to the convention. Thankfully, we have not pulled out of the convention—we are still a signatory—and I hope we never do. However, it all

[LORD KENNEDY OF SOUTHWARK]

gets very messy, complicated and difficult; not effective, not good for individuals, not good for the UK. While any rights safeguarded in the withdrawal agreement should be enforceable, the agreement should freeze the legal situation at the moment of exit, so that all rights are at that point until repealed or altered by Parliament. My noble friend Lady Kennedy of The Shaws referred to that and her point about who is the final arbiter needs answering.

There is still time for the Government to make a more positive offer to our partners in Europe. Whether we are in or out of Europe, in whatever form, Europe will remain our major trading partner in all respects. It is the place our citizens will interact with first, be drawn to and enjoy. For Europe's citizens, the same is true of this wonderful country, with our culture, history, love of sport, aptitude for business and the generosity of the British people. The country deserves better from the Government as we bring into effect probably the most important decision we have made since the Second World War.

This excellent report, so ably introduced by my noble friend Lady Kennedy of The Shaws, shows the Government what they need to do in respect of acquired rights. They should follow its recommendations; it will go a long way to getting the good deal that we all want as we leave the European Union.

8.32 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank the noble Baroness, Lady Kennedy, for bringing this debate to the House this evening. A number of noble Lords have asked why we have not yet responded to the report. I understand the importance of engaging with Parliament and the courtesy of responding to reports, and this is no exception. I undertake that we will, of course, respond to it in due course, but I hope that tonight's debate goes some way to give a flavour of the Government's thoughts. It is obviously a very important topic, particularly at this time. As the noble Baroness said, this is about people's lives and we cannot forget that. The Government have listened carefully to the recommendations made in the report and the concerns raised in it, in this House and across the country, on the rights of those citizens who make such an important contribution to the UK and to the member states in which they choose to live. As noble Lords have alluded to, last week we published our offer for EU citizens in the UK and our expectations for UK citizens elsewhere, which responds to those concerns and recommendations. I am grateful for the opportunity to discuss these in greater detail with noble Lords this evening. If I run out of time or do not answer every question, I shall of course respond in writing.

We have been clear that we want to give EU citizens in the UK certainty about their future. This report noted our obligation to provide certainty and clarity to EU citizens in the UK and British nationals living elsewhere in the EU, and we have done so. Indeed, I remind noble Lords that last year the Prime Minister sought to agree on this very issue with the EU, but was told at the time that there could be no negotiation without notification.

We committed to this House that we would undertake comprehensive work to examine each of the rights afforded to EU citizens under EU law and examine the different circumstances in which people find themselves to ensure that there are no unforeseen or unintended consequences as we move forward with the process of exiting the EU. Providing certainty on what could be achieved for those individuals also requires consideration of the other member states' position. The EU set out its position on citizens' rights on 9 June 2017 and we responded promptly and appropriately, with the Prime Minister publishing ours soon after. It is now clear that there is much common ground between the UK and the EU positions and we are confident that we can reach an agreement on this issue early in negotiations. Our starting point is that it is the Government's intent to reassure all those EU citizens who are in the UK and who have made their lives and homes in the UK that no one currently lawfully resident will have to leave as a result of our exit from the EU. What is more, we are clear that we will not see families enjoying their lives here together split apart.

The committee's report rightly notes that the rights to live and work in another member state and to gain a permanent right of residence in that state after five years are the most fundamental of EU citizens' rights. As the report accurately describes, these are the rights that are necessary for EU citizens and their families,

"to conduct their lives in an EU Member State of their choosing on equal terms with the nationals of that State".

We share the committee's assessment that international law does not provide for these rights to be retained automatically. After we leave the EU, the UK will no longer be subject to EU law. Free movement rights will come to an end and therefore cannot be carried forward as an EU legal right into the post-exit UK legal regime. However, this Government are clear that it is right and proper that the substance of those rights noted by the report should be protected, and that EU citizens who have built their lives here and who came to the UK on the basis that they would be able to settle permanently should have that expectation honoured. This Government are committed to honouring that expectation.

As noble Lords have also noted, it is not just these people's ability to live in the UK that we are committed to protect; we also want to ensure that EU citizens continue not only to be able to live here as they do now but to enjoy other important rights such as access to healthcare, education, benefits and pensions. That is why, on 26 June this year, we laid before Parliament a policy paper proposing that all EU citizens lawfully here when the UK exits the EU will have the opportunity to regularise their status to remain in this country, and all EU citizens here before a specified date will have the opportunity to acquire settled status after five years' residence. This will enable EU citizens to reside in any capacity, as a worker, a student, a stay-at-home parent and so on, and undertake any lawful activity. We also intend to treat EU citizens with settled status in the same way as if they were UK citizens for the purposes of education, benefits and pensions. We have listened to the concerns of EU citizens who have made

the UK their home and the concerns raised in this report. Those concerns are reflected in our offer and we believe that it is a fair and serious offer.

Noble Lords have also talked about the application process. We are determined that EU nationals who have built their lives here should continue to be able to live their lives here as they do now, and we have proposed a fair process to ensure that these rights are enforced. To this end, we will be providing eligible EU citizens with documentation enabling them to enforce their rights and prove their continuing right to live, work and access public funds and services in the UK after we leave the EU.

The noble Baroness, Lady Ludford, asked about the documentation and whether it amounts effectively to an ID card. I echo the comments of the Secretary of State for the Department for Exiting the EU, who said that,

“it is not an ID card. We are talking about documentation to prove that people have the right to a job and the right to residence, but they will not have to carry that around all the time. It is not an ID card”.—[*Official Report*, Commons, 26/6/17; col. 373.]

We have listened to concerns about the application process by which the resident population of EU citizens will be able to acquire settled status, which the noble Baroness, Lady Kennedy, asked about. This is why we have been clear that we will improve upon the existing application system, and why we have committed to ensuring the process is as simplified, streamlined and user-friendly as possible. For example, unlike EU law, which requires economically inactive EU citizens such as stay-at-home parents to hold comprehensive sickness insurance to acquire the right of permanent residence, we have proposed that no one will be required to demonstrate that they have held comprehensive sickness insurance to be eligible for settled status.

We want to reassure EU citizens that they will be able to acquire the necessary documentation confirming their status quickly and easily. We are working hard on this new system and expect it to be up and running in 2018. The noble Baroness, Lady Smith of Newnham, asked for the details of this system, and of course we will provide further details in due course. What is more, we have committed to providing a grace period, which we expect to last up to two years after we leave the EU, to give EU citizens the time and opportunity to regularise their status.

The noble Baroness, Lady Smith of Newnham, asked about Ireland, Cyprus and Malta. On Ireland, we have both been clear about the shared desire to protect the freedoms our nationals currently enjoy in each other's states. Irish citizens residing in the UK will not need to apply for settled status to protect their entitlements. I hope I can write to the noble Baroness on Malta and Cyprus.

The noble Baroness, Lady Ludford, asked what “strong ties” means when we are offering protections to those who have left the UK for more than two years. Settled status would generally be lost if a person was absent from the UK, unless they have strong ties here. This approach replicates the approach to returning residents with indefinite leave to remain under the Immigration Rules.

The noble Baroness, Lady Smith of Newnham, also asked about the costs of the application process. The fees are being looked at as part of negotiations, but the aim is to keep them as reasonable as possible.

Family members were talked about, particularly by the noble Baroness, Lady Kennedy. We have listened when EU citizens told us their concerns that their families would be divided once the UK leaves the EU. My first point is that all EU citizens, be they children, students, husbands or partners, who arrive before the cut-off date, will be able to apply for settled status in their own right. However, I recognise that many EU citizens have family members who are not EU citizens, as the noble Viscount, Lord Waverley said. That is why we have proposed that family dependants who join a qualifying EU citizen in the UK before the UK's exit will also be able to apply for settled status after five years, irrespective of the specified date. The Government are clear that we do not want to see families who have made their lives here together while we are still a member of the EU split apart.

Viscount Waverley: I apologise to the Minister. Maybe I misheard it, but I would just like a clarification. Supposing a non-EU spouse was married to a UK citizen but living on the continent, how will the five-year system that she has suggested work?

Baroness Williams of Trafford: I am sure that the noble Viscount knows the system now. If a dependant who joined a qualifying EU citizen in the UK before the UK's—sorry—

Viscount Waverley: Perhaps the noble Baroness would care to write to me.

Baroness Williams of Trafford: I think I know the answer, but I do not want to be quoted as giving your Lordships' House—

Viscount Waverley: Would the noble Baroness kindly consider writing?

Baroness Williams of Trafford: I will.

Baroness Kennedy of The Shaws: I want to ask the noble Baroness a similar question. I raised an issue that arose from a letter that the committee received. It involves a family where an Englishman is married to an Italian wife, his wife is an only child and her parents are elderly and in Italy. It is expected that, when one of her parents—the in-laws—dies, the lone in-law is allowed to come here, but it may not be within the next two years. What happens in that situation? Will it be possible for an in-law left alone in another country in Europe to be able to join their daughter or son to live here?

Lord Kennedy of Southwark: Can I possibly ask a question and then we can get it all out in one go? The noble Baroness just said that families can apply for settled status. Is applying for settled status a formality, or could it be refused?

Baroness Williams of Trafford: I will write to the noble Lord on the absolute detail about whether it could be refused. I am sure there will be circumstances under which it could be refused, and I can imagine the sort of circumstances that we might be talking about. As I have said, we intend settled status to be a very simple process, literally perhaps proving, perhaps with a gas bill or a rental agreement, that you are actually here in the UK. I will write to the noble Lord on the circumstances under which it might be refused.

I was about to come on to the noble Baroness's question about the ability of those currently resident in the UK to bring in family members after we leave the EU, such as the elderly member of that family. It is important to note that they will have the opportunity to do so either by applying under post-exit immigration arrangements for EU citizens who arrive after the specified date or by applying under the same rules as those joining British citizens. I hope that answers the question.

Baroness Kennedy of The Shaws: I am sorry, but I have just one more point. It is another letter from someone who came here as a European and bought a property here but because of his work is now working abroad. Is that continuing tie of owning a property in Britain enough to establish his entitlement to apply for settled status?

Baroness Williams of Trafford: Can I write to the noble Baroness on that as well as I do not want to give her duff information either?

The noble Baroness, Lady Ludford, asked about the income threshold to qualify for settled status. EU nationals will not have to meet the income threshold. Further details on the eligibility criteria will be set out in due course, but the policy document sets out what the essential conditions will be—an applicant who arrived before the cut-off date and has been resident for five years and has had an assessment of conduct and criminality. That goes to my point, which I will clarify with the noble Lord, about refusal of settled status.

Baroness Ludford: I apologise for another interruption, but can the noble Baroness also address another of my questions? Will there be a system of appeal against refusal of settled status in whatever application of the criteria there are? I take it the noble Baroness will circulate all the letters to all of us.

Baroness Williams of Trafford: I will circulate letters to all noble Lords and place copies in the Library. I do not know the answer to the question about appeals and will write to the noble Baroness. I have just been told that I am running out of time, so I hope that I do not have to take too many more interventions.

Perhaps I may address the point about ECJ jurisdiction. It has been suggested by noble Lords that EU citizens should depend on the CJEU to defend their continued rights in the UK. Once the UK has left the EU, the EU courts should no longer have jurisdiction in the UK. However, we remain wholly committed to ensuring

that EU citizens' rights are respected and believe that our world-class judicial system, some of whose members are represented here, is the right and appropriate place to enforce that.

The noble Baroness also asked whether we would comply with our ECHR obligations. We will of course comply with our obligations under the ECHR and, as the Government set out, we will remain signatories to it for the duration of the next Parliament. It is also why we have been clear that we want to see agreement with the EU on citizens' rights included in the withdrawal treaty—a point raised by, I think, the noble Duke, the Duke of Somerset, and the noble Lord, Lord Kennedy. That will ensure that our obligations to EU citizens in the UK, and vice versa, are binding upon the EU 27 under EU law and upon the UK as a matter of international law.

This country has always been compassionate in dealing with people, irrespective of whether they are from the EU or outside it. These principles define us as a nation and are reflected in the offer that we have put forward to the other member states. There is already much common ground between the positions of the UK and the EU, and we are confident that we can reach an agreement on this early on in the negotiations. EU citizens can have our full and unreserved reassurance that we will put citizens first in our exit negotiations. We will do all we can to provide reassurance to the EU citizens who have made the UK their home—and likewise for UK nationals who have done the same in countries across the EU.

Again, I thank noble Lords who have taken part in this debate, particularly the noble Baroness, Lady Kennedy, who secured the debate. I will of course write to your Lordships on some of the matters of detail that I dare not declare at the Dispatch Box in case what I say is wrong.

8.52 pm

Baroness Kennedy of The Shaws: I thank everyone who has participated in this important debate. It has emphasised that this is not an easy matter and that reaching an agreement is vital because people want certainty—people from other parts of Europe who are living in this country, contributing hugely to our society and enriching our lives, and our citizens living in other parts of Europe who are enjoying and taking delight in having lives there. We owe it to all those people to resolve this matter generously and speedily, and in a way that will not be expensive but recognises that rights need courts. There is no denigration of our judges in saying that at the end of the day people will ask, "Where is there a court beyond?", if they feel that our nation or the nation that someone is living in in Europe is not meeting their rights. I am afraid that the Government will have to give careful thought to how to resolve that very difficult issue.

I thank everyone, including the Minister, who has kindly responded to this debate.

Motion agreed.

House adjourned at 8.54 pm.