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PARLIAMENTARY DEBATES
(HANSARD)

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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

Thursday 7 June 2018

11 am

Prayers—read by the Lord Bishop of Carlisle.

Leave of Absence Announcement

11.07 am

The Lord Speaker (Lord Fowler): My Lords, the 19th meeting of the Association of European Senates is to take place in Bucharest next week. Accordingly, I seek leave of absence from your Lordships' House on Thursday 14 June.

Noble Lords: Oh!

The Lord Speaker: I take that as full-hearted consent.

Brexit Transition: European Parliament Membership Question

11.08 am

Asked by **Lord Kirkhope of Harrogate**

To ask Her Majesty's Government what plans they have made in the event of a transition period or extension of time in the European Union withdrawal process to extend the terms of the present United Kingdom members of the European Parliament to ensure ongoing democratic accountability and to protect United Kingdom interests in the negotiations.

Lord Kirkhope of Harrogate (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as a former Member of the European Parliament and a person in receipt of a European Parliament pension.

Noble Lords: Declare!

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): I am not in receipt of a European Parliament pension.

Noble Lords: Yet.

Lord Callanan: As the Prime Minister set out in her Florence speech, from 30 March 2019 the UK will no longer be a member state of the European Union. The United Kingdom will no longer sit at the European Council table or in the Council of Ministers, and we will no longer have Members of the European Parliament.

Lord Kirkhope of Harrogate: Is my noble friend aware of the decision taken and published on 7 February, which was a proposal to the European Council—currently going through the consent procedure between the European Council and the European Parliament—not

to reallocate the number of Members of the European Parliament from the United Kingdom until and unless the United Kingdom is no longer either part of the EU or involved in any of its processes?

Lord Callanan: As the noble Lord is well aware, Article 50 states:

“The Treaties shall cease to apply to the State in question ... two years after the notification”;

of Article 50. The UK notified its intention to leave the European Union on 29 March 2017 and will therefore leave on 29 March 2019. After that date, we will no longer have MEPs.

Lord Wallace of Saltaire (LD): My Lords, the Government have heard a lot from the European Research Group about how appalling it would be for Britain to become a rule-taker rather than a rule-maker. As we are heading towards a rather extended implementation or transition period of at least two years, does it not sound sensible to make sure that Britain continues to have some influence over decisions taken in that period, rather than cutting ourselves off but then continuing to follow all the rules, including those that continue to be negotiated, for that implementation or transition period?

Lord Callanan: During the implementation period, we have agreed to establish a joint committee of representatives from both sides, which will be able to resolve concerns if and when they arise. Of course, we have also agreed a duty of good faith on both sides.

Baroness Hayter of Kentish Town (Lab): Might I ask the Minister to quote Article 50 accurately in future? It does not say that we will leave two years afterwards, it says two years afterwards or such date as is agreed in the withdrawal agreement. Given that the Government seem to be quite unable to get that withdrawal agreement anywhere near ready, can the Minister also say—in agreeing to the wording I have just given—whether they have discussed perhaps reverting to appointing Members of the European Parliament, as we used to do, should that be necessary?

Lord Callanan: No, we have not agreed to that because we are leaving on 30 March 2019.

Lord Pearson of Rannoch (UKIP): My Lords, is the Minister aware that the UK has been outvoted on all 77 laws that we have opposed in the Council in the last 20 years? We have been outvoted more than any other country in the so-called Parliament. Does this Question not make the fundamental mistake of suggesting that there is any democratic accountability in the EU, which it is designed to expunge?

Lord Callanan: The noble Lord will no doubt be very happy that we are leaving on 30 March 2019.

Lord Cormack (Con): My Lords, what arrangements have been made for representation on the committee to which my noble friend referred and which will operate during the transition period? Are there going to be Members of both Houses or of one House on that group? What parliamentary input will there be?

Lord Callanan: The details of the membership of that committee are still to be resolved.

Lord Hannay of Chiswick (CB): My Lords, will the Minister perhaps go a little beyond his very selective quotation from Article 50, because he invariably takes out the reference in it to the possibility of prolonging the period of two years? I know that is not government policy, but the Government appear to be doing contingency planning on a lot of eventualities. What contingency planning are they doing about the membership of the European Parliament, if a decision were taken by unanimity to extend the period of two years?

Lord Callanan: We are not doing any contingency planning on it because we are not going to apply for an extension. An extension is not going to be granted because, as I have said on at least three different occasions today, we are leaving on 30 March 2019.

Baroness McIntosh of Pickering (Con): Does my noble friend agree, pursuant to the question of the noble Baroness, Lady Hayter, that there would be some merit in allocating observer status to existing Members of the European Parliament, or a number of them, for the very good reasons that my noble friend gave in his question? We should have some democratic representation in the European Parliament at that stage.

Lord Callanan: Whether that would be a good idea or not, it would have to be agreed with the European Parliament and as we will no longer be a member state, I cannot see that Parliament being happy about the prospect of a non-member state sending representatives to it.

Lord Foulkes of Cumnock (Lab): Will the Minister join me in commending the Electoral Commission for making provision for elections to the European Parliament, should we still remain as members?

Lord Callanan: We will not be remaining as members. The Government think it is a waste to spend money on an election that would be pointless because we will not have Members of the European Parliament. We also think it is pointless for the Electoral Commission to spend money preparing for an election that will not happen, and we have made that very clear to it.

Lord Watts (Lab): My Lords, the Minister says he is not going to make any preparations in case we do not leave in two years because we are going to leave in two years. Is it not the case that that would require the consent of the House of Commons? If it does not happen, he will not have a plan B.

Lord Callanan: We are leaving on 30 March 2019 because the House of Commons and this House agreed to the European Union (Notice of Withdrawal) Act under which Article 50 was notified, so the House of Commons has already agreed to it, as has this House.

Lord Garel-Jones (Con): My Lords, is it not the case that the Supreme Court has ruled that while Parliament did indeed authorise the referendum, it has yet to authorise the outcome of these discussions?

Lord Callanan: Well, Parliament will get the opportunity to do so when we have negotiated the withdrawal. We have said that we will put it to a meaningful vote in both Houses.

Lord Wigley (PC): My Lords, in answering me yesterday the Minister said the Government felt it was important that they planned for all eventualities. Why is he not planning for this one?

Lord Callanan: Because we think this is an eventuality that is not going to come about.

Online Material: Identification of Promoters *Question*

11.16 am

Asked by Lord Tyler

To ask Her Majesty's Government what steps they are taking to ensure online material, including that in social media, of a political or campaigning nature carries appropriate imprints to inform recipients of its promoter.

Lord Young of Cookham (Con): My Lords, the Government will begin a consultation this summer that will consider whether to extend the rules on imprints on printed electoral material to online electoral material. The consultation will seek views on introducing an electronic imprint and on how such a requirement could be appropriately framed.

Lord Tyler (LD): My Lords, the Electoral Commission recommended this reform as long ago as 2003, since when we have had four general elections and a referendum and the secret influence of the hidden persuaders has been ever increasing. Is this not a time for action rather than for yet more consultation? Is it not necessary for the Government to think now in terms of primary legislation so that we can have proper scrutiny in both Houses? For that purpose, may I offer my Private Member's Bill to the Government in case they do not have time of their own to deal with this very urgent question?

Lord Young of Cookham: The noble Lord is quite right that this was a recommendation by the Electoral Commission some time ago. During the Scottish referendum these requirements were introduced and the commission said that the rules, "caused some confusion amongst campaigners and the public". The commission recommended further consideration on how to make the imprint requirement on online material proportionate and relevant. That is exactly what we are doing with our proposed consultation.

In Scotland there was some debate as to whether Facebook and Twitter exchanges needed the imprint if they related to the referendum.

On the noble Lord's second point, if we did go ahead it would not require primary legislation; it could be done by statutory instrument. On his third point, I am looking forward to the Committee stage of his Bill, which contains an ambitious programme of electoral reform, not all of which may reach the statute book.

Lord Kennedy of Southwark (Lab Co-op): My Lords, the noble Lord, Lord Tyler, raises a very important issue. Does the Minister agree that the Question highlights that our laws around elections are woefully out of date and unable to provide the necessary framework, and that we urgently need to review, amend and update the legislation to meet the challenges of the digital world?

Lord Young of Cookham: Yes, I do agree. The Electoral Commission is currently conducting some inquiries into campaigning irregularities, and the results of those inquiries will be published in the next few months. When we have disposed of current cases before the courts, we will then be in a position to address the important issues raised by the noble Lord.

Lord Hayward (Con): My Lords, I echo the question from the noble Lord, Lord Kennedy, and express my concern about the general state of regulation and legislation, not only in relation to expenses but on a broader range of issues associated with elections. I suggest that when my noble friend considers this broad range of issues, he might consider regulations in relation to bar charts.

Lord Young of Cookham: I cannot think which political party my noble friend is referring to. On his first point, endorsing what the noble Lord, Lord Kennedy, has just said, in June 2017 the Conservative Party made the following statement:

“There is a broad consensus that election law is fragmented, confused and unclear, with two different sets of legislation and poor guidance from the Electoral Commission”.

As I said in response to an earlier question, once we have the information that I referred to we will be in a position to have a dialogue with the Electoral Commission about how changes in electoral law are made.

Lord Rennard (LD): My Lords, there appears to be some consensus on most of these issues. In the 2017 general election, the Conservative Party spent more than £2 million on Facebook advertising. If targeted at 100 marginal constituencies, it would mean an expenditure of more than £20,000 per constituency—yet only a few hundred pounds ever appeared in the constituency election returns. So is it not clear that, irrespective of any case currently before the courts, we need to revamp our election laws to restore the principle of a level playing field, in the way that Gladstone's Government did in the 1880s, so that thousands of votes count for far more than thousands of pounds?

Lord Young of Cookham: On the noble Lord's first point, he may have seen that Facebook will now require political advertisements to disclose who has

paid for them, and such advertisements will be labelled as political. But the consultation I referred to in response to his noble friend directly addresses the issue of what appears on Facebook and other social media and, whether, if it is relevant to an election, there should be the appropriate imprint. So, irrespective of what happens in the review of electoral law, if we make progress on that, it can be done by statutory instruments in advance of any broader change in electoral law.

Baroness Gardner of Parkes (Con): My Lords, what can be done about instances such as those during recent council elections when I had malicious texts put through my door listed as information for local elections? No one in the area has any idea who did it or knows anything about it, yet it could have been very damaging to the candidate. I wonder whether there is any way of handling that so that people know whether a communication is real or whether the whole thing is simply fake.

Lord Young of Cookham: I am sorry that my noble friend was distressed by some communications during the recent local government elections, but the Law Commission is reviewing online abusive communication, and analysis of that will be published by the end of the year, with recommendations to follow. There are also other initiatives on online safety, with the *Internet Safety Strategy* Green Paper last year and a White Paper to come later this year. If my noble friend's communication was on paper and related to the recently held elections, I think that the Electoral Commission would be interested to see a copy of it.

Baroness Wheatcroft (Con): My Lords, it is clear that propaganda from Russia flooded social media during the EU referendum, as it did during the US election. Can my noble friend tell the House how he proposes to put an imprint on that?

Lord Young of Cookham: That is a challenging question which will be addressed in the forthcoming consultation. On fake news, tackling disinformation is a key pillar of the digital charter. I have seen no evidence of successful intervention in our democratic process, but the Government are not complacent and are engaging with the social media platforms to make further progress.

Chronic Lymphocytic Leukaemia: Ibrutinib Question

11.23 am

Asked by **Lord Forsyth of Drumlean**

To ask Her Majesty's Government what plans they have to ensure that clinicians in England are able to treat chronic lymphocytic leukaemia by prescribing Ibrutinib in accordance with NICE guidelines.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con): My Lords, the National Institute for Health and Care Excellence recommends Ibrutinib for the treatment of patients with chronic lymphocytic leukaemia who meet specified clinical criteria. NHS England is required to make funding available so that clinicians can prescribe treatments in line with NICE's recommendations. NHS England has processes in place to transfer NICE's recommendations into its commissioning systems, and I will be meeting both NHS England and NICE on Tuesday to seek assurance that their processes were appropriate in this case.

Lord Forsyth of Drumlean (Con): My Lords, I am very grateful to my noble friend for that Answer and for his courtesy in meeting the patient support group at very short notice before the recess. What is the point of NICE if NHS England can get away with denying funding to some patients with relapsed chronic lymphocytic leukaemia, contrary to NICE guidance that Ibrutinib was an option for all patients relapsing after chemo-immunotherapy? Is my noble friend comfortable that clinicians in England, but not in Scotland or Wales, are being forced to reuse chemotherapy against their clinical judgment and at considerable risk and suffering to their patients? Is it not now time to listen to the advice set out in a letter to the *Times* of 18 May by our leading clinicians and bring the bean counters in NHS England to heel?

Lord O'Shaughnessy: First, I thank my noble friend for the question and for the opportunity to meet sufferers of this illness two weeks ago. As he and the House know, the point of NICE is to provide that expert, objective evaluation of the benefits of drugs both clinically and in terms of value for money. It has clearly made a recommendation in this case. I also know that there is concern about the discrepancy between NICE's guidance—or, I should say, the summary in section 1 of that guidance—and NHS England's commissioning guidance, which is narrower. It is precisely that concern about a discrepancy that we are investigating at the moment, and which will be the subject of the meeting that we are having. Once I have more information on that, I shall of course write to him and place a copy of that letter in the Library.

Lord Patel (CB): My Lords, I agree with all the things that the noble Lord, Lord Forsyth of Drumlean, has said. Ibrutinib as a drug was developed after an extensive study to understand the biology of the disease, chronic lymphocytic leukaemia, which increasingly affects older people. Because it was developed following an extensive biological study, it is a targeted drug. In technological terms, it is a tyrosine kinase inhibitor. Therefore, it is more effective in the treatment of this disease and has a better outcome, and some countries have adopted this drug as the first line of treatment. We have used the guidelines that say that the first line of treatment—apart from patients who meet certain criteria, such as those with 17p deletion, who will be given the drug—will be chemotherapy. That then subjects people who have relapsed to a second toxic treatment with chemotherapy, which is wrong. For NHS England to use criteria that are completely arbitrary, except

for cost, is also wrong. It should be required to produce the scientific evidence for that, and I hope that the Minister will agree.

Lord O'Shaughnessy: I thank the noble Lord for his question. There are two important issues here. First, on this treatment as a first-line treatment, the evidence that was put into NICE by the company itself did not propose its use as a first-line treatment, which is why it has been proposed as a second-line treatment. It is important to distinguish there. However, clearly there is this apparent discrepancy between the NICE guidelines and NHS England. I have, obviously, investigated this, subsequent to the meeting with my noble friend and sufferers. NHS England's view is that its commissioning guidelines are consistent with the commissioning when the drug was in the cancer drugs fund, and the full NICE guidance, but I also know that that is not satisfactory to some of the patients suffering from this illness who have been in remission for three years. That is precisely what I want to get to the bottom of next week.

The Lord Bishop of Carlisle: My Lords, I am most grateful to the Minister for meeting some of the patients suffering from this terrible disease. Can he tell us whether anyone directly affected by blood cancer was consulted before the initial decision was made by NHS England to restrict access to Ibrutinib? Can he assure the House that NICE guidelines will not often be varied—and then only after consultation with patients?

Lord O'Shaughnessy: I thank the right reverend Prelate for that question. As he will know, NICE consults widely with patient groups and others in making its decisions. I am not clear at this stage whether NHS England met patient groups and others in designing its clinical commissioning guidelines, which is of course what I shall investigate next week.

Lord Blunkett (Lab): First, I commend the Minister for being prepared to come to the noble Baroness Jowell's funeral last week, which was greatly appreciated. Secondly, I commend him for his obvious commitment and detailed understanding on this particular issue that has been raised this morning. Is it not exactly the same issue as Baroness Jowell was raising, although on a very different treatment and challenge, which is that the best and most appropriate treatment should be available as quickly and easily as possible everywhere and to everyone, wherever they live?

Lord O'Shaughnessy: I am grateful to the noble Lord for that. I was privileged to be invited to the funeral, which was a very moving occasion for a very special lady. On his overall point, NICE approves 71% of cancer drugs that are applied for, so there is an absolute focus on making sure that the most effective cancer drugs can be brought to patients in England as soon as possible. Under the reformed cancer drugs fund, that can now happen from the point at which there is a draft guideline, which is often many months before it would otherwise be the case. That means that tens of thousands of people have been able to access cancer drugs earlier than they would ever have done before and, as a consequence, many lives have been saved.

Baroness Jolly (LD): My Lords, the NHS constitution states that patients have a legal right to,

“drugs and treatments that have been recommended by NICE for use in the NHS”.

At the moment, in England, there are many men and women who have cataracts that are deemed by NICE as being ready for operation and for replacement, but the CCGs are refusing to commission and they are having to wait longer and longer. Can the Minister shed any light on this?

Lord O’Shaughnessy: I am afraid I do not know—it is a slight handbrake turn on the topic. I would of course be happy to meet the noble Baroness to discuss this issue; I was not aware of it, but I will be happy to investigate it for her.

Baroness Secombe (Con): My Lords, can my noble friend the Minister explain why this NICE recommendation was rejected for the treatment for chronic lymphocytic leukaemia? NHSE operates a closed system whereas NICE is in direct contrast. There is no input in NHSE from patients or experts on this dreadful condition. If it is not reversed, will we not see poorer results for patients and, ultimately, higher costs for the NHS?

Lord O’Shaughnessy: I thank my noble friend for that question. This debate has highlighted just how passionately people care about this issue and making sure that we have good and quick access to the most effective cancer drugs. It is important to point out that, for this particular disease, Ibrutinib is available for many groups. There is clearly a concern about a potential discrepancy between the NICE guideline and the NHS commissioning guidelines. That is what I will try to get to the bottom of next week. I have to restate, however, that NHS England’s view is that its guidelines are based on the full guidance that came from NICE, not just the summary; it is that that I need to explore.

Psychiatrists: Referral Fees *Question*

11.31 am

Asked by Baroness Thornton

To ask Her Majesty’s Government what steps they will take to address concerns that psychiatrists treating patients suffering from addiction have been receiving referral fees from private clinics.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O’Shaughnessy) (Con): My Lords, the General Medical Council is the independent regulator of doctors in the United Kingdom. Its guidance is clear that doctors must not allow any financial interest to affect the way that they treat patients. The GMC is aware of the allegations in the media, will consider the evidence and, if it finds that doctors have breached its guidance, will take action. Serious or persistent failure to follow the GMC’s guidance may put a doctor’s registration at risk.

Baroness Thornton (Lab): I thank the noble Lord for that Answer. Like many noble Lords, I am sure, I was alarmed to read allegations that people suffering from addiction were being used for what sounded like profiteering, which is absolutely against the rules. However, the wider issue seems to be that there is a shortage of mental health experts in the system at all levels and cuts in budgets, so there is vulnerability in the system that is being exploited. What are the Government doing to increase the number of psychiatrists and other physicians in mental health, and to increase funding given the amount lost in the mental health system?

Lord O’Shaughnessy: If these allegations are substantiated, there must obviously be serious consequences for the doctors concerned and clearly it is right that the GMC investigates that. In terms of the noble Baroness’s overall question, there is of course local authority-commissioned alcohol and drug treatment available; it does not need to be purchased privately. More generally, in terms of mental health support, she will know that there is a commitment to recruit 21,000 more mental health staff and that, through the new mental health investment standard, CCGs have to continue increasing their mental health spending year on year.

Baroness Jolly (LD): My Lords, is there any evidence to suggest that these are isolated cases or more common practice?

Lord O’Shaughnessy: We do not have any detail on further cases at this point. Of course we would always welcome any evidence, as would the GMC, in order to investigate that. It is important to point out that doctors are revalidated medically every year and fully revalidated every five years. In that process, they are asked to demonstrate that they have stuck by the ethical guidelines in the GMC practice and, if any evidence aligns contrary to that, it would put their registration at risk.

Lord Brooke of Alverthorpe (Lab): My Lords, as someone who has been in this area for quite some time, this exposure in the *Sunday Times* comes as no surprise whatever—it has been going on for many years. More importantly, is the Minister aware that there is a growing crisis in the private sector provision of alcohol and drug treatment centres? The numbers are declining and many are closing. The CQC produced a very critical report on the standards, which showed that 60% to 70% of them are failing to meet the appropriate level of performance, and that there is a distinct possibility that even less money will be available to provide for this kind of service in 2020, when the funding shifts to business rates. Is the Minister concerned about these kind of developments, and if so, would he be willing to talk to people who are equally concerned about it to try to find some way forward with better prospects for the future?

Lord O’Shaughnessy: I am as disturbed as the noble Lord is, not only by the stories we have seen in the press but by his view that this came as no surprise. If substantiated, from a professional perspective this

[LORD O'SHAUGHNESSY]
is clearly a great cause of concern. I would be interested to meet him to talk about the overall support for the private sector. Clearly the CQC has a role in providing for patient safety and quality, but we need to make sure that publicly funded services are available for people recovering from alcohol and drug addiction.

Lord Hamilton of Epsom (Con): My Lords, is it against the guidelines of the BMA for doctors to go to luxurious resorts on so-called conferences at places with plenty of golf courses, paid for by drugs companies?

Lord O'Shaughnessy: I do not know whether it is against the standards of the BMA. However, the General Medical Council is explicit in its guidance that doctors must not allow any financial interest—either the fact or the perception of it—to impact on the way they treat or refer patients, and they must declare any such conflicts or perceptions of conflicts to patients while treating them.

The Earl of Sandwich (CB): Can the Minister confirm that Public Health England is now, finally, going ahead with its review of prescribed drugs and addiction to those drugs? Is he aware that the guidelines from NICE on this subject are very out of date, and will there be a parallel review of them?

Lord O'Shaughnessy: I can confirm that the PHE review is going ahead. I do not know whether there is a concomitant review on the NICE guidelines, and I will write to the noble Earl on that subject.

Business of the House

Timing of Debates

11.37 am

Moved by Lord Taylor of Holbeach

That the debate on the motion in the name of Lord Steel of Aikwood set down for today shall be limited to 3 hours and that in the name of Lord Scriven to 2 hours.

Motion agreed.

Procedure

Motion to Agree

11.37 am

Moved by The Senior Deputy Speaker

That the 4th Report from the Select Committee, *Explanatory statements on amendments; Oath taking; Topical oral questions and topical questions for short debate* (HL Paper 135), be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the report proposes three changes to the House procedures that are designed to assist Members and the House. The first proposal introduces a procedure

to allow Members to add explanatory statements to amendments to assist the House in consideration of a Bill. Explanatory statements would be allowed in Committee, on Report and at Third Reading, and should be drafted within the limit of 50 words. Further details on how explanatory statements would work are set out in the report. If agreed, this would be introduced for a trial period for selected Bills. After the trial, the committee would evaluate the result of the pilot and make a recommendation to the House on whether explanatory statements on amendments should be extended to all Bills.

Next, we make two proposals relating to arrangements for oath taking in response to concerns raised by Members. The first proposal would move oath taking on the opening day of debate on the Queen's Speech in a new Parliament—that is, on the afternoon of the day of the Speech itself—so that it takes place at the end of business rather than at the start. This would avoid the delay to the start of business due to oath taking, which in June 2017 took 15 minutes. The proposal relates only to the day of the Queen's Speech, and on subsequent sitting days the current arrangements would continue as usual.

Secondly, we propose that, after officeholders and Front-Bench Members have taken the oath, precedence is given to Members with a disability or impaired mobility. There would also be an expectation that, if there is a long queue, other Members will make way.

Finally, the report proposes new guidance on the criteria for assessing topicality for the topical Oral Questions ballot, and amends the criteria for Topical Questions for Short Debate so the two are aligned. The proposed new guidance is set out in the report. I hope noble Lords will support these proposed changes. I beg to move.

Lord Foulkes of Cumnock (Lab): My Lords, I support the Motion and think this is a very good report. I was at the meeting that took place and supported all the recommendations. I also commend the Senior Deputy Speaker for the way in which he conducted the meeting and for his sympathetic consideration of all the points raised.

A noble Lord: He'll go far.

The Senior Deputy Speaker: Given that surprise, I commend the Motion to the House.

Motion agreed.

Palestinian Territories

Motion to Take Note

11.41 am

Moved by Lord Steel of Aikwood

That this House takes note of the situation in the Palestinian Territories.

Lord Steel of Aikwood (LD): My Lords, I put in for the ballot for today's debate just after the terrible slaughter of 62 Palestinians inside the Gaza fence, which included eight children. I should at the outset

declare a former interest. I served for seven years as president of the charity Medical Aid for Palestinians—and I am delighted to see that the current president, the noble Baroness, Lady Morris of Bolton, is to speak in this debate. During that time I visited Israel, the West Bank and Gaza several times, once touring Gaza just after the Cast Lead operation, when I saw for myself the wanton destruction of hospitals, schools and factories in what was described by David Cameron as one vast prison camp.

Before anyone accuses me of being one-sided, let me also say that I spent an afternoon with the local Israeli MP in the Ashkelon area in the south of that country and fully understand the intolerable life of citizens there threatened by rockets fired by Hamas from inside Gaza.

In fact, long before I got involved with MAP, back in 1981, I first met Yasser Arafat, leader of the PLO, at a time when our Government would not speak to him on the grounds that the PLO was a terrorist organisation refusing to recognise Israel, a mistake that we have repeated with Hamas. As I got to know Arafat over the years, I recognised that he was a brilliant liberation leader but a disappointing failure as head of the Palestinian Administration. Indeed, it was the incompetence and even corruption of that Administration which led to the success of Hamas in the election in Gaza. But those of us who pride ourselves in democracy cannot just give them the cold shoulder because we did not like the result, and yet that is what happened. The lesson of the successful peace process in Northern Ireland should surely have taught us that the only route to peace has to be through dialogue with those we may not like, rather than confrontation.

That brings me to the policy of the current Israeli Government, backed by the United States of America and, sadly, by our own Government. Israel's great tragedy was the assassination of Prime Minister Rabin, who had been relentless in his pursuit of an agreement with the Palestinians. The current Prime Minister, Benjamin Netanyahu, is very different. I met him once at a breakfast meeting in Tel Aviv. I admired his obvious ability and indeed swagger. He could, had he so wished, have gone down in history by heading an Administration to pursue a legitimate settlement with the Palestinians based on the 2002 Arab peace initiative, when every member state of the Arab League had offered to recognise Israel and host her embassies in their countries in return for the establishment of a proper Palestinian state. Instead, he has allied himself to the most reactionary forces in the Knesset and come close to destroying any hopes of such an outcome with the growing illegal Israeli settlements on occupied Palestinian land, the construction of the wall, routed in places condemned even by the Israeli courts, and the encouragement of Donald Trump's opening of the American embassy in Jerusalem.

It was that last event that provoked the mass demonstration at the Gaza fence, dealt with not by water cannon but with live ammunition from the Israel Defense Forces. That resulted not only in the deaths that I mentioned but in over 3,600 people being injured. One Israeli soldier was wounded. According

to the World Health Organization, 245 health personnel were injured and 40 ambulances were hit. Last week, Razan al-Najjar, a 21 year-old female volunteer first responder, was killed while carrying out her work with the Palestinian Medical Relief Society. She was clearly wearing first-responder clothing at the time. In the meantime, the Israeli Defense Minister, Avigdor Lieberman, one of the reactionaries to whom I referred a moment ago, has declared that there are "no innocent people" in Gaza, while an UNRWA report declares that the blockade situation is so bad that Gaza is becoming unliveable in.

I do not know whether the Israeli Government know or care about how low they have sunk in world esteem. When I was a student in the 1950s, many of my friends, not just Jewish ones, spent their vacations doing voluntary work in a kibbutz, such was the idealism surrounding the birth of the Israeli state, but that is no longer the case.

The reason I joined the Liberal Democrat Friends of Israel group was that I got fed up with being blamed, as Liberal leader, for the then Government's Balfour Declaration encouraging the establishment of that state, people forgetting that the famous letter included the words,

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

The conduct of its present Government is a clear betrayal of the basis on which the Lloyd George Government welcomed a state of Israel.

I spent some years active in the Anti-Apartheid Movement. Only much later did I realise one noted fact about those who had led the white population's opposition to apartheid—my dear friend Helen Suzman, Zach de Beer, Harry Oppenheimer, Hilda Bernstein, Ronnie Kasrils, Helen Joseph, Joe Slovo and so many others were predominantly Jewish—which was that they knew where doctrines of racial superiority ultimately and tragically led. I rather hope that the recent slaughter in Gaza will awaken the international conscience to resolute action in the same way that the Sharpeville massacre led to the ultimately successful campaign by anti-apartheid forces worldwide.

The Israeli Government hate that comparison, pointing to the Palestinians who hold Israeli citizenship or sit in the Knesset, but on visits to that beautiful and successful country one cannot help noticing not just the wall but the roads in the West Bank which are usable only by Israelis, just as facilities in the old South Africa were reserved for whites only.

Recently some of us met a couple of Israeli professors in one of our committee rooms. They stressed to us the urgency of staying with UN Security Council Resolution 2334, passed as recently as December 2016, which roundly condemns all the illegal activities of the current Administration. It is worth reminding the House of just three of its 13 clauses, beginning with this one:

"Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of

[LORD STEEL OF AIKWOOD]

Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law”.

A second clause reads:

“Underlines that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations”.

A third reads:

“Stresses that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the grounds that they are imperilling the two-State solution”.

Those are not my words: they are taken from the UN Security Council. My mind went back to 1967 when, as a young MP, I was present when our then UK representative at the United Nations, Lord Caradon, led the drafting of Resolution 242 which was supposed to be the building block for peace after the Arab/Israeli war. My complaint is that the international community, including successive British Governments, have paid only lip service to that and allowed Israel to defy the United Nations and trample on the rights of the Palestinians.

But there are signs of hope. The noble Lord, Lord Ahmad, knows how high he is held in the opinion of the House and we cannot expect him as the Minister of State to change United Kingdom policy, but when the Statement on Gaza was made in the other place, two senior and respected Conservative ex-Ministers gave strong voice objecting to our current stance. Sir Nicholas Soames hoped that our Foreign Office would,

“indulge in a little less limp response”,

to the,

“wholly unacceptable and excessive use of force”,

while Sir Hugo Swire said that,

“one reason it is a festering hellhole and a breeding ground for terrorists is that each and every time there has been an attempt to improve the livelihoods of the Gazans, by doing something about their water ... or about their quality of life, Israel has blockaded it”.—[*Official Report*, Commons, 15/5/18; cols. 140-41.]

We are entitled to ask the Minister to convey to the Prime Minister that she needs to be more forceful, honest and frank when she next meets Mr Netanyahu. Yesterday’s Downing Street briefing said she had,

“been concerned about the loss of Palestinian lives”,

which surely falls into the description of a continuing limp response.

We cannot allow the Israeli Government to treat Palestinian lives as inferior to their own, which is what they consistently do. That is why our Government should not only support the two-state solution but register our determination and disapproval of their conduct by accepting the decisions of both Houses of our Parliament and indeed the European Parliament and recognise the state of Palestine without further delay.

11.51 am

The Marquess of Lothian (Con): My Lords, I congratulate the noble Lord, Lord Steel of Aikwood, on securing this very timely debate. I agree with much of what he had to say. The Middle East is currently facing a struggle for hegemony between Iran, Saudi

and Turkey. On this occasion, Israel seems intent on joining in. I do not believe that this is about preserving or strengthening Israel’s security but, on this occasion, about physical acquisitions with potentially disastrous implications for the Palestinians. The so-called American deal of the century, if what we hear about it is true, would permanently dispossess the Palestinians of the West Bank. It is an increasingly real threat and one of which we should be very much aware.

At the same time, Israel is my friend, but certain actions cannot pass without comment. We owe our friends our honesty. Over the years, I have often praised Israel and the Israeli people, for whom I have great admiration. But Israeli actions against the Palestinians which are legally and morally wrong should be condemned. It cannot be morally or legally right to lay claim to parts of someone else’s territory by building settlements on it or by building a wall across it, which effectively creates a new territorial border.

Nor is it right, with or without ill-judged United States support, unilaterally to proclaim the whole of Jerusalem the capital of Israel, in the process striking a vicious blow to the search for a two-state solution. Nor is it enough to pray national security requirements in aid of otherwise illegal or immoral acts. No level of threat from Palestinian protests on the border of Gaza can excuse the killing of innocent children or medical staff, as the noble Lord, Lord Steel, referred to. Nor can the disproportionate and one-sided shooting of some 70 Palestinian protesters on that same border be anything other than totally unacceptable.

What worries me is the West’s reaction: concern, yes, but condemnation, no. I do not believe that it does anyone any favours to stay our tongue. Perhaps I may say to my noble friend the Minister that I do not believe it is enough to call them either disappointing or disturbing. I have long been a friend of Israel and I remain a friend because I believe in it, but I have no hesitation in condemning its recent behaviour. Equally, I condemn unprovoked acts of violence by those who oppose Israel, but many of them cannot be in the same category of friendship as Israel is to us. Democratic Israel should know better than what it is doing at the moment.

Just as I am a friend of Israel, I am a friend of Palestine. Just as I believe in Israel, I believe without qualification in the statehood of Palestine. I believe in a secure Israel alongside a viable and independent Palestine. In short, I believe in the two-state solution because I can see no other lasting or fair alternative. But it must be based on fairness, and fairness to the Palestinians is today in very short supply.

11.55 am

Lord Hain (Lab): My Lords, I am both a long-standing supporter of the Palestinian cause and a friend of Israel. As a British Minister for the Middle East from 1999 to 2001, I worked closely with both Israeli Government Ministers and Palestinian leaders. My background of fighting apartheid, racism, Islamophobia and anti-Semitism is recorded. For decades I have favoured the internationally supported two-state solution as the best plan for peace and the fairest outcome, but

is this now in any way feasible? Prime Minister Netanyahu and other members of his Government and MPs have recently spoken out against it, endorsed by the renewed “Greater Israel” discourse of the growing Israeli right calling for the annexation of Palestinian territories. Negotiations between Israeli and Palestinian leaders have failed, as has a reliance on the US to deliver Israeli co-operation. Europeans, meanwhile, have been unable to deliver the settlement freeze they advocate.

Today, the situation of Palestinians living on their own land resembles a harsh civil rights struggle. Gaza is under Israeli siege. Palestinian life in the West Bank and east Jerusalem is untenable because they have little or no say over the running of a land that has increasingly become an archipelago of isolated Palestinian territorial islands in a sea of Israeli-controlled land, checkpoints, bases and settlements. If Israel’s relentless expansion into Palestinian territories cannot be stopped, we face one of two possible outcomes. The first is that all Palestinian presence in the West Bank and east Jerusalem remains in a permanent and ever more formalised “Bantustan” status; islands of minimal self-governance with the continued denial of basic rights, facing perpetual insecurity and possible future physical removal, deprived of full access to water and subject to all manner of restrictions on land rights and free transport across their own territory. The second is that they are absorbed into a common Israeli-Palestinian state with the opportunity for pluralism and human rights advancement.

Tense and difficult though the current standoff may be for Israel, it is not going to be defeated and therefore holds the stronger hand. Would Palestinians, absorbed into their traditional homeland, albeit alongside Jewish citizens with a narrow majority over them, drop their historic grievance and quickly adjust to the new reality? That is optimistic to say the least. But if the window for the two-state solution has indeed closed, should the EU, the US and the UK make it plain to Israel that a one-state alternative may be the only one available to ensure its own security? If so, what guarantees might there be for Jewish citizens both within Israel and worldwide if they agree to this merger? Could the Arab nations join those in the West like the US and the UK to provide the post-World War Two guarantee of “never again”? Could a federal or confederal state provide a way forward, with common security, a unified economy, common civil rights and guarantees of religious freedom for Jews and Muslims, but considerable political autonomy for the territories within it of “Israel” and “Palestine”?

Is it not the blunt truth that we must either undertake a massive social and geographical reverse engineering to re-enable a genuine two-state outcome, with two sovereign independent states based on 1967 lines with equal land swaps—and without all the unreasonable Israeli caveats that drain the Palestinian state of any real meaning—or recognise a common-state reality and make it truly democratic, with enfranchisement and rights for all?

I am making a plea for honesty because it seems that the international community is publicly sheltering behind the policy of a two-state solution, while privately knowing that it has become a convenient mantra rather than a deliverable policy.

Noon

Baroness Sheehan (LD): My Lords, I will start with violations of the Geneva Convention, the UN Convention on the Rights of the Child and international humanitarian and human rights law by both sides in the Israel-Palestine story.

Let us start with the Israeli Government. Their actions include: the demolition of homes for which planning permission was repeatedly sought but not granted by the Israeli authorities; the demolition of schools; forcible transfers; illegal settlements on occupied land; the forced evacuation of Palestinian villages such as Khan al-Ahmar, which is under daily threat; the confiscation of land in occupied territory; and collective punishment. The Israeli Defence Minister, Avigdor Lieberman, claimed that, “there are no innocent people in the Gaza Strip”, which has a population of 2 million.

The Israeli Government have also used live ammunition on civilians, including children and health workers. Recently in Gaza, 128 Palestinians—of whom 15 were children—have been killed and over 13,000 injured, many by tissue and bone-destroying ammunition. Among those killed was Razan al-Najjar, a 21 year-old female carrying out humanitarian duties. She was wearing her first-responder vest. Forty ambulances were also hit. This killing of a health worker was described by Mark Regev as “surgical”. On 2 June, the Minister of State requested “urgent clarification” on the circumstances of the death of the young Palestinian, Razan al-Najjar. Has any clarification been given?

I will continue with my list of violations. There is the blockade of civilian populations. A 2012 UNWRA report found that without radical change, Gaza would be unliveable by 2020—many would say that it is unliveable today. Then there is the imprisonment of children, torture, the denial of clean water and the denial of sanitation development. Save the Children reported that three children drowned in pools of open sewage. Then there is the denial of medical assistance, the detention without trial of Palestinians and the restriction of basic construction materials, which runs counter to international classification of dual-use goods. The Israeli human rights group B’Tselem reports the denial of entry for materials essential for the maintenance and repair of fishing boats. Lastly, there is the imprisonment of conscientious objectors to military service.

Israel is a sovereign state. It has the right to self-defence. But the litany above patently gives a lie to the claim that Israel’s actions can be justified by self-defence. These are the actions of an occupying power, maintaining de facto military control over the occupied territory while brutally subjugating the citizens of the land it occupies.

Let me briefly address forcible transfers. Forcible transfer is a grave offence from an international humanitarian and criminal law perspective, since it amounts to a war crime under both the Geneva Convention and Rome Statute of the International Criminal Court. Let me be clear that the same rules apply on the Palestinian side. However, it would be easier to catalogue abuses if access to Gaza were allowed. Currently, not even MPs can get in.

[BARONESS SHEEHAN]

I ask three things: the Government should recognise the state of Palestine, with no more prevarication; support the UNOCHA humanitarian funding appeal for Gaza and help make up UNWRA's shortfall since the US's shameful pulling of support; and, lastly, pursue accountability for all violations of international humanitarian and human rights law, as well as violations of the Geneva Convention and the UN Convention on the Rights of the Child.

12.04 pm

Lord Hylton (CB): My Lords, I thank the noble Lord, Lord Steel of Aikwood, for introducing this debate. I follow him in urging that we should stand in solidarity with the Palestinian people in all their current suffering. Perhaps we can recall that Canning and Gladstone in the 19th century stood by the South Americans and the Bulgarians in their suffering.

I have two questions for Her Majesty's Government. First, will there be a special British contribution to the current Gaza medical emergency? If so, how large will it be? The Minister will know, I am sure, that the International Committee of the Red Cross is providing two surgical teams to do half of the estimated 4,000 necessary operations resulting directly from sniper fire. Other Gazan people have suffered from inhaling tear gas and smoke. One just hopes that the medical system already in existence can cope with that. I support the many calls that have already been made for an independent inquiry into the clashes.

My second question concerns self-determination. Will the Government do all they can to help the Palestinians decide on their own future? Palestinian leaders from the time of Haj Amin al-Husseini in the 1930s right up to President Abbas at the present moment have been much criticised. Some of this criticism may be justified, but the fact remains that Palestinians have never been able to exercise national self-determination. They could not do so in the chaos of 1948-49. It is significant that self-determination was not mentioned in UN Resolution 242 of 1967 or the later Resolution 338. The Oslo agreements were also silent on this point and in themselves did not provide self-determination. We all know that the Palestinian Legislative Council has long ceased to function. Also, millions of Palestinians in exile in Jordan, Lebanon and elsewhere have never been consulted about their long-term wishes. Israelis, by contrast, have enjoyed the fullest self-determination while Palestinians remain disfranchised.

I suggest that this country has a moral obligation following the Balfour Declaration, which has already been mentioned, and the terms of the Palestinian mandate. The UN also has a moral obligation to remove the causes of war and violence. I agree that it has been frustrated by vetoes in the Security Council, but I must ask: will Her Majesty's Government honour both of their own responsibilities?

12.09 pm

The Lord Bishop of Chester: My Lords, in this immensely complex situation, I want to comment on three historic issues which affect contemporary circumstances. The first was what I will call a reaction of the indigenous Palestinian people 70 years ago not to accept the

decision of the United Nations to support the establishment of a mainly Jewish state and a separate Palestinian state—we must remember that that was part of the 1947 resolution. It may be that it will not work, as the noble Lord, Lord Hain, said; it may not have been endorsed later, as the noble Lord, Lord Hylton, said, but that was the original plan, and not a later plan, to sort things out. Whether we look back 3,000 years to biblical times, 100 years to the growing Jewish resettlement of Palestine or to the Holocaust, there was, I believe, an inevitability and rightness about the emergence of the modern state of Israel. This clearly required, and still requires, a parallel Palestinian state.

I have visited Israel and the Palestinian territories seven times since I became a bishop. Perhaps the most obvious fact on the ground is Israel itself: an extraordinarily prosperous, modern state whose emergence in just a few decades has almost been a modern wonder of the world for those who see it and a great credit to the Israeli people. It is a tragedy that the indigenous Arab, mainly Muslim, people of Palestine, admittedly with the support of surrounding nations, thought that they could stop the establishment of the modern state of Israel or subsequently destroy it in the disastrous wars of 1967 and 1974. It is a tragedy that a two-state solution was more possible 70 years ago than it is today.

The second mistake was the failure of the United Nations in 1948 properly to manage the emergence of the two new states, as envisaged in the resolution adopted in November 1947. It needed money and a peacekeeping force, and neither was provided. The withdrawal of the British mandate simply left a vacuum, which is not a good story about the responsible action of the United Nations at the time. One result was the refugee camps, with all the problems that have arisen from them to this day. I believe that the international community bears a greater responsibility for today's problems than we often recognise, although I am not sure whether the Palestinian Arab community could have been helped and persuaded to the two-state solution 70 years ago.

The third major error of judgment, to which reference has already been made, was the Israeli decision to create Jewish settlements in the Palestinian territories. We have to make some distinctions. The Gaza settlements were handed back to the Palestinian Authority in 2005, with 8,500 settlers removed, some very publicly and forcibly. I went and looked into those settlements at the top of the Gaza Strip a couple of years ago. It seems that nothing has happened on them. I would be interested to know why the Gaza people do not occupy the land that was then released.

Jerusalem is a special and unique case. I do not think that we could simply go back to the pre-1967 lines. However, on the West Bank, I regard the settlement policy as a major political blunder—in political terms, it is equivalent to apartheid; it is a similar type of political error of historic proportions. I cannot see peace without its reversal. Although the Gaza situation is currently in the headlines, the demise of Hamas and the reassertion of a co-ordinated Government of the overall Palestinian areas should focus attention back on the most fundamental obstacle to the two-state solution, the West Bank settlements. Those settlements undermine the moral authority of Israel to promote a

lasting solution. Sadly, I have come to think that Israel cannot see a solution, and it is left to the rather brutal management of affairs, as we have so sadly witnessed.

12.14 pm

Lord Luce (CB): My Lords, I agree with every word that has been said by the noble Lord, Lord Steel, and find it hard to disagree with any of the speeches that have been made since then. It is an endless cycle of violence when we meet in this Chamber, year in and year out. Of course, we are absolutely right to condemn it, but at the same time we all know that, until there is a political settlement, this cycle will go on, will grow and will get worse.

It is easy to condemn and much more difficult to build. What are the prospects? They do not look good, as everyone so far has said. There is no will among the parties to talk and settle. The Palestinians are divided and weak. The Arab states are preoccupied by the Iranian problem. The Israelis are following the status quo, which means more and more settlements. I remember meeting Mr Shamir back in the 1980s and recording in my diary what he intended as a *fait accompli*: allow it to happen and then the whole of the West Bank will be settled by Israelis. We are fast moving to a one-state situation, rightly highlighted by the noble Lord, Lord Hain, with all the dangers that follow from it. The United States has undermined its own mediating role by moving its embassy to Jerusalem. The international community is supine. The European Union and, of course, the United Kingdom are preoccupied by Brexit. It is not a good situation.

In these circumstances, what should we do? I suggest three things. First, at a people-to-people and community-to-community level, we should help to build trust between Israelis and Palestinians on the ground. Admirable organisations such as Forward Thinking are getting Israelis and Palestinians together to talk about practical problems and to impart our experience in Northern Ireland, which is very valuable to many of these people. Other organisations, including a new one called Tracks Of Peace, are creating projects on the ground between Palestinians and Israelis. The noble Lord, Lord Turnberg, plays a leading role in that and I certainly support him. These are practical things that are long-term and intended to build trust between people.

Secondly, I come to Her Majesty's Government. Here, I agree with everyone who has said that we have a major responsibility to keep the flames of hope alive. That is our role. We helped to build and recognise Israel in 1948; we must now work vigorously to recognise a new Palestine. That is not happening at the moment. We must certainly do everything multilaterally, working with other countries such as France, Germany and elsewhere to ensure that all the Security Council resolutions are not eroded but maintained, including Resolution 242.

Lastly, we must prepare the ground for the recognition of a Palestinian state. I see no alternative to our leading the international community towards helping to create conditions among the Palestinians that mean they are more unified and we can recognise them internationally. It was a great Finnish mediator for the UN who said:

“Peace is a question of will. All conflicts can be settled, and there are no excuses for allowing them to become eternal”.

It might help, however, if some leaders of the quality and vision of Mandela and de Klerk emerged to help the process forward.

12.18 pm

Lord Cope of Berkeley (Con): My Lords, I am grateful, as I am sure the whole House is, to the noble Lord, Lord Steel, for introducing this debate and for the excellent speech with which he did so. The noble Lord, Lord Luce, said that the question is: what should we, the United Kingdom, do now? I believe that it is time for us to recognise Palestine—that is, for Her Majesty's Government to recognise it, as the House of Commons and so on already have.

As the right reverend Prelate the Bishop of Chester suggested, it would perhaps have been best if we had been able to recognise Palestine at the time we recognised Israel. That was, after all, the start of the two-state solution, when the United Nations set it down. It had been discussed a great deal but that is when it was first laid down by the UN. The two-state solution has existed since then and it goes on from there.

However, the reasons I support recognition now are not merely historical. The two-state solution, as has been said by the noble Lord, Lord Hain, is at risk because of the huge amount of Israeli building and development in the Occupied Territories since 1967 and because of the ruthless and brutal nature of the occupation, both generally and particularly, of course, in Gaza. The United States has long helped Israel ride roughshod over the United Nations' authority in that part of the world, and now President Trump and his Administration have broken ranks again by moving the United States embassy. Peace can come only by wide agreement, and in my view British recognition of Palestine would help to redress the balance between the two and change the terms of the argument.

As a matter of fact, it is the symbolism of this that matters most—as it was, indeed, with the recognition of Israel all those years ago. It is the symbolism of moving the embassy that matters most. The present symbolism is of the United Kingdom refusing to recognise Palestine, which 130 out of 193 members of the United Nations have done. Palestine, after all, is a country which Britain told the Security Council in 2011 had developed the capacity to run a state; we said that that was the best way for it to live in peace with Israel. Above all, recognition would give the Palestinians hope. Over the 50 years that I have been going to Palestine and Israel as a result of my wife's family connections, there have been times when hopes have risen. The Oslo accords were a prime example, when the PLO recognised Israel. But these days it is very difficult to see any hope in the present situation. Of course, when people have no hope they despair, and desperation is the seedbed of terrorism.

So we in the United Kingdom should not simply go round and round the old arguments, deploring the killings, the fighting, the settlements and so on. We should do what we can to move it all forward. We should recognise Palestine as soon as we can.

12.22 pm

Lord Anderson of Swansea (Lab): My Lords, as the noble Lord, Lord Luce, said, all political problems are capable of settlement, however intractable, as we have seen in Northern Ireland and South Africa. Looking at the Israel-Palestine problem I am reminded of the old Polish question, what is the difference between an optimist and a pessimist? A pessimist says, “Things cannot get any worse” and an optimist says, “Oh yes they can”. It is so easy to despair of any settlement, looking at the current problems, the continued Israeli control of much of the West Bank, the expansion of settlements, the building of new settlements, the division in the Palestinian leadership which allows Israel to say that there is no negotiating partner, the emigration of many young Palestinians who see no future for them in Palestine, and the threats of a further intifada because of the deep frustrations. All this at a time when Israel has the most right-wing Government in its history and when the US has abandoned any aspiration to be a mediator—as it was, of course, when President Clinton devoted such energy to a settlement and when Secretary Kerry criss-crossed the two areas so frequently.

Then there is Gaza, mired in deep social division, vacated by Prime Minister Sharon only to allow the firing of rockets into Israel. Hamas now admits that 50 of the 60 people killed on 14 May were actually members of that organisation, which plays into the Israeli narrative of their over-reaction.

Then there is the population explosion in Gaza, which is not frequently mentioned. In 1947 there were 250,000 people in Gaza. There are now more than 2 million in that small area. Yet international donors and the UN refuse to do anything serious about family spacing and tackling that population problem, which can lead only to further frustration and extremism.

Externally, the situation for the Palestinians has worsened recently due to a number of factors, such as the turmoil in the region and the fact that Arab Governments appear to have lost interest in the Palestinian cause and make common cause with Israel against Shia Iran. Israel now speaks from a position of enormous strength. Surely there is no better time to seek peace before the demographic problems for Israel mount and the threat from Hezbollah makes frontiers less relevant because of its great arsenal of rocketry.

Prime Minister Netanyahu parrots the possibility of a two-state solution—at least, he has until recently—while his settlements policy makes it impossible, creating facts. Clearly, there is no plan or vision with the objective of reaching any port; the objective is merely to keep the ship afloat, to manage the situation. The Palestinians are led by old men, imprisoned by the past and unwilling to modernise. Abbas plays to the gallery by implying that Jews were partly responsible for the Holocaust and is content to foster hostility towards Israel via the textbooks. There is a policy of illusion, not realism, as shown by the demand for the right of return, which would be the end of Israel. It is unreal, it is nostalgia. Until new leadership can take over, the problems will continue.

Alas, the only way forward is through the micropolicies mentioned by the noble Lord, Lord Luce: that is, by building bridges; by exchanging universities; and through

technical expertise, including the greening of the desert. All this is possible and is being done in preparation for what, I hope, will ultimately be a settlement. Blessed indeed are the peacemakers but they are all too few in this tragic situation.

12.27 pm

Lord Palmer of Childs Hill (LD): My Lords, I would like to ask noble Lords to look at how to actually solve the problem—to provide security and recognition for Israel alongside a viable and non-belligerent state of Palestine. The problem is not only Israel; it is partly because the Palestinians believe that the route to independence is via international pressure on Israel. The Palestinian leadership must take responsibility and be given responsibility for the situation in the Palestinian Territories—which, after all, is the title of the debate.

This will not happen by debates in this House or even resolutions of parts of the international community. It will happen only if Israel and the Palestinians—including Hamas—sit down at the negotiating table without preconditions. Sadly, both sides say they have no preconditions—and then lay down their conditions. The international community has a role, as my noble friend Lord Steel so eloquently said. The role is also to bully or persuade both sides to the negotiating table and to get them to understand long-term realities. That is the role of the US, the EU, the UK, the Saudis, Egypt, the Gulf states and others.

The Palestinians have limited resources but the question is: are those resources used to further the peace process and thus create a Palestinian state or are the Palestinians misusing the powers they have, waiting for the wonderful international community to deliver? The desire to be a martyr seems so opposite to our feelings in the West, and indeed in Israel, where every life is sacred.

A recent report on education, just referred to, includes some graphic examples of this. In the mathematics grade 4 paper, Palestinian students are instructed to calculate the number of martyrs in Palestinian uprisings as part of a maths exercise. A photo of a funeral accompanies the question. Another such question gives the numbers of martyrs of two intifadas and asks students to add the figures together for an answer. Currently, the science grade 7 paper used by the Palestinians on Newton’s second law says:

“During the first Palestinian uprising, Palestinian youths used slingshots to confront the soldiers of the Zionist Occupation and defend themselves from their treacherous bullets. What is the relationship between the elongation of the slingshot’s rubber and the tensile strength affecting it? What are the forces that influence the stone after its release from the slingshot?”

What great education that is.

Other noble Lords ask Israel to vacate the West Bank but, in a land where history is often a guide to current thought, Israel unilaterally withdrew from Gaza 13 years ago. This included the removal of 8,500 settlers—there is not one left there—but this was not met with any hoped-for peace. Noble Lords have spoken about the siege by Israel of Gaza but I remind the House that Gaza has a border with Egypt as well, and that border is more tightly controlled than the one with Israel. Egypt had a responsibility when it ran the

Gaza Strip and it has responsibilities now. So yes, blame Israel for its border crossings but there is one with Egypt as well. Why does no one ever mention it?

As recently as 29 May, Hamas fired the largest amount of rockets and mortars since the end of Operation Protective Edge in 2014. One of those rounds landed in a kindergarten. Hamas uses its limited resources in the wrong way. It is clear that Hamas cares more about destroying the Jewish state, I am afraid, than about the welfare of the Palestinians under its control. It is very sad for those people of Gaza, and indeed of the West Bank, who are suffering. Life in the Palestinian territories cannot be improved by Israel alone. Ultimately there needs to be a two-state solution, agreed at a negotiating table without pre-conditions.

12.31 pm

Lord Ahmed (Non-Afl): My Lords, I too thank the noble Lord, Lord Steel, for providing us with this opportunity to express our views. This debate is timely and important not only because the UN Coordinator for Humanitarian Aid and Development Activities, Robert Piper, has stated that Gaza has crossed the threshold of being unliveable in but because Mr Netanyahu is in London, trying to divert the international community's attention from Palestine to Iran.

Gaza desperately needs our attention. Access to safe water through the water network plummeted to 3.8% in 2017, so 96% of the groundwater is unfit for human consumption. There is a chronic electricity shortage in Gaza. The WHO has warned that the health system is,

“on the brink of collapse”,

with 42% of essential medicines completely depleted. Permit approval is needed from the Israeli state for patients seeking urgent treatment outside Gaza. Many innocent people have died through denial or delay. Although there are no Israeli forces in Gaza itself, it remains the occupying force. Under international law, the primary obligation to provide for the humanitarian needs of Palestinians in the Occupied Palestinian Territories rests with Israel.

Since 30 March and the demonstrations regarding the US embassy and the right of refugees to return, Israeli forces have killed at least 121 Palestinians and wounded 13,000, as was stated earlier, including the paramedic Razan al-Najjar. To the best of my understanding, firing on ambulance staff, paramedics and children is against the Geneva convention and is classed as a war crime. Last month, a resolution calling on the UN Human Rights Council to,

“urgently dispatch an independent, international commission of inquiry”,

was backed by 29 members, while two voted against and 14 abstained. Does the Minister agree that an independent international investigation is necessary to establish the facts regarding this and the killings of innocent people, with a possible ICC prosecution? Would the UK Government support such an investigation? I do not need textbooks to calculate that 3,838 Palestinians have been killed since 2005, many of them children and women. Last week we saw a draft resolution at the UN that deplored and demanded a halt to the use of, “excessive, disproportionate and indiscriminate force”,

by the Israeli military. However, we have seen the Israeli regime flagrantly disregarding international law. State murder is rampant.

I join other noble Lords who have asked Her Majesty's Government to recognise Palestine as a state alongside the state of Israel, which was promised by the British Government 68 years ago; to call for an end to Israeli settlements and support the right of return; to stop selling arms to Israel that are then used to kill Palestinian men, women and children; to ban British citizens from serving in the Israel Defense Forces; and to stop abstaining from UN and UN Commission on Human Rights resolutions supporting values that we claim are dear to us in this country. The UK Government need to stop treating the Israeli state as if it has some unique right that means it can do what it wants when it wants, including killing and maiming innocent children and women.

12.36 pm

Lord Dykes (CB): My Lords, those in this debate who are friends of Israel, including myself, have no need to fear criticisms of the Israeli government policy on this matter. What an enormous tragedy we face in the Middle East with this problem—an enormous, unconscionable tragedy that has now gone on for 50 years. Saddam Hussein was rightly expelled by the international community after his invasion of Kuwait one year later and everyone supported that, but Israel is still in occupation 50 years later. Many Israeli citizens are now fed up to the back teeth with this policy. The trouble is that the very right-wing newspapers in the British press rarely report anything other than what the Israeli Government say, and indeed what the American Government say. This unspeakable President is the worst in American history; what he has done in Jerusalem is disgraceful. Because of that reporting we get a false picture, but a lot of moderate Israeli people that I know of, along with a lot of the Israeli press and organisations such as Haaretz, B'Tselem and Peace Now, want a change. They want negotiations and they want to see a two-state solution.

Israel is quite rightly the unbeatable military power because when it first began it always needed protection. That having been established beyond all measurements, though—including the illegal holding of nuclear weapons, apparently—Israel is now an established state. It has been so for 70 years, and the celebrations of that were very joyous. Because of that, however, it has the solemn obligation to take the lead in these negotiations. It is not up to Israel to say, “Oh well, there's no one to negotiate with”. It has to give the lead.

I thank the noble Lord, Lord Steel, for securing this debate. I agree with everything that he said in his excellent speech; and the noble Marquis, Lord Lothian, and the noble Lord, Lord Hain, said very similar things: we are friends of Israel but nevertheless we are asking for proper negotiations. Those can come only by Israel taking the lead. It is no use waiting for the hopeless Mahmoud Abbas of the Palestinian Authority, who has lost all authority over the Palestinian citizens in those territories. Hamas has made proposals that have been ignored. The 2002 offer by the Arab League was ignored and dismissed out of hand by the Israeli Government of the time, a disgraceful reaction to

[LORD DYKES]

such a special offer of instant recognition of Israel by all the Arab League member states. That massive problem has never been repaired, as the noble Lord, Lord Steel, said.

The other part of the tragedy is that we have the two worst leading politicians in Israeli history dealing with this matter. Netanyahu is a hopeless Prime Minister, despite all the publicity that he gets and the glowing support for him from right-wing extremists in Israel. There is a growing number of the latter at the moment, which is a disturbing factor in an otherwise very tolerant and fair-minded country that I always enjoyed visiting, although I must say I do not like going there very much at the moment. Meanwhile I believe I am right that Mr Lieberman is the only Foreign Minister to live in a foreign country; he actually lives in the Palestine Occupied Territories, occupied illegally because the United States has now imposed 37 vetoes allowing Israel to ignore international law, disagree with the international community and do what it likes.

This cannot go on. It is not right for Israel to think that this is a good policy. Israel will suffer as well as this goes on and gets worse. Arab and other countries in the Middle East have different views about these matters and want some action on Israel so that there are proper negotiations. It can be done.

Where is the de Gaulle in Israel? Where is the Rabin? What a tragedy that he was murdered, as the noble Lord, Lord Steel, said. Where is the de Klerk or the Nelson Mandela? There is no leadership of that quality yet, but it will come as the Israeli public wake up and improve their electoral system, which is very flawed and seriously adds to the extremism of the present political process in Israel in a very disturbing way. It can be done: the will is there. The United Nations must be allowed to ask the international community to respond properly and faithfully in this case.

12.40 pm

Lord Polak (Con): I refer the House to my non-financial interest as president of CFI and I, too, pay tribute to the noble Lord, Lord Steel, for initiating this debate.

Last week, I had the pleasure of meeting Ali Jafar from al-Sawahera, near Ramallah. He had just completed his shift as a senior manager at SodaStream at Idan Hanegev industrial park close to Rahat in southern Israel. Among the 250 workers under Ali's management on that shift were Bedouins, Palestinians, Israeli Jews and Israeli Arabs, all working together in what they themselves call an island of peace. I urge noble Lords to take a look at their short video on YouTube. As of yesterday, they had 2,841,420 views.

Ali himself now has a two-hour commute each way. Previously it was 20 minutes when the factory was in Mishor Adumin. The factory was moved due to the pressure of the need to expand coupled with the pressure mounted by the BDS campaign, because Mishor Adumin is in the disputed territories. I guess that no one from the BDS movement consulted Ali, nor his 800 Palestinian co-workers who lost their jobs, before mounting their campaign. Today, only 90 Palestinians have permits to work at SodaStream. The news is better for the Bedouins of the south, where 500 have well-paid, secure jobs.

For the sake of people such as Ali, for the sake of the 800 Palestinians who lost their jobs, and for the sake of the overriding majority of people in the region, I ask my noble friend to consider the following ideas that are gaining ground and currency in Israel and beyond? I must at this point thank my friend Shlomo Lazar and his creative colleagues.

There may be an historic opportunity where peace can be negotiated now between moderate Sunni Arab states and Israel. The ideas suggest that the Palestinians could be granted a state with interim borders encompassing the vast majority of the Palestinian people. A peace treaty with Saudi Arabia and others could be an acceptable trade-off for Israel to accept the formation of a Palestinian state. Israel and those Sunni nations would enjoy not only enhanced security against common enemies; they could also transform the Arab petrol economies into high-tech powerhouses. Economic advancement could also be the catalyst to benefit the daily lives of the Palestinians.

Let me go one stage further. Peace between Israel and the moderate Sunni Arab states could be had on the basis of the formation of a Palestinian state with expanded access to the Temple Mount. Most experts agree that no true peace can be achieved without a long-term agreement for the Temple Mount. The goal would be that Israel would grant Muslims permanent access to and building rights on most of the Temple Mount, and the Jews be granted permanent access to and building rights on a much smaller portion of the Temple Mount itself.

Negotiations on borders and refugees could be held with the Palestinian state over an extended period and, at the same time, the UK could join the US, the Saudis and other allies to execute a new system of aid, the fund being controlled by the sponsor nations to be put into local infrastructure projects to enhance the Palestinian economy, thus improving the daily lives of Palestinian people to a point where they could demand from their leaders a "warm peace".

These ideas are indeed creative and, in the time allotted, I have only scratched the surface. The UK and other western Governments must decide. Do we want more of the same policies that have achieved very little over the decades? The time has come to be bold and to seize an historic opportunity to help Ali Jafar and his colleagues. We must move away from the blame game. The UK can take a lead in moving world opinion towards creative solutions that are real and sustainable to ensure a better future for all the peoples of the Middle East.

12.45 pm

Lord Turnberg (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Polak. There can be no doubt that the Palestinians deserve better. I feel as deeply as anyone about their parlous position, especially those 2 million citizens who exist in a limbo of deprivation in Gaza. But where I depart from some speakers is in ascribing their terrible situation entirely to Israel's actions. Of course, Israel's Government are far from innocent, but the Palestinians, and in particular Hamas, must bear some responsibility.

We should remember that in 1947 the UN partition plan divided Palestine into a Jewish and Arab state. The Jews accepted what was an almost indefensible thin sliver of land along the coast, while the Arabs immediately rejected what then was a very much larger state, which included a huge piece of land that later became Jordan. What a huge mistake that was. It would have avoided so much pain, bloodshed and death on both sides, and it is unfortunately the case that the Palestinians have continued to reject the very idea of a Jewish state in the Middle East. Hamas constantly preaches death and destruction for the Jews, and even the seemingly more moderate Mr Abbas has never accepted the Jewishness of Israel. One only has to glance at the Palestinian Authority school textbooks to see how they are feeding their children a frightening anti-Semitic diet.

It is little wonder that attitudes in Israel have hardened and, unfortunately, turned to the right. It is hardly surprising, too, to find that the two-state solution is in very cold storage, when Palestinian attitudes have stalled and one looks at the threats that Israelis see surrounding them on all sides. While the UK Government's policy is to support a two-state solution—quite rightly in my opinion, as it is the only show in town—for now it is impossible to imagine that it can be achieved when Iran constantly spouts a virulent anti-Semitic diatribe and a keen desire to see Israel and the Jews completely destroyed. The history of the Jews makes them take it very seriously when someone threatens to kill them off. Iran is creeping ever closer to Israel's northern border, while its proxy in Lebanon, Hezbollah, is pointing over 100,000 armed and increasingly accurate missiles at Israel, ready to fire when Iran dictates. Of course, there is also Hamas, funded and armed by Iran, posing its own threat to Israel from Gaza, not on the same scale, of course, but bad enough for local Israeli residents to rush to their shelters every day. While Israel builds shelters, Hamas builds tunnels.

So with all that going on around them, Israelis are not going to be too happy to have yet another independent Arab state on its long border with the West Bank without a reliable security arrangement. They see that an independent Palestine would soon be vulnerable to an influx of belligerent extremists, probably allies of Iran, as they seek to take over the whole of the Middle East. While Hamas knows that it cannot throw Israel into the sea, as it threatens, it can provoke the sort of response that brings opprobrium on Israel from the international community that we have heard about today. The more Hamas pushes its citizens into the firing line, the better—and the more they refuse medical aid from Israel, and the more they blow up the Kerem Shalom crossing to prevent aid from Israel arriving, both of which they did recently, the more they gain sympathy for their plight. A year or so ago, Hamas prevented the construction of a desalination plant in Gaza, built by UNESCO, because UNESCO wanted to use Israeli technology.

So where are we with the two-state solution? The details have been on the table for many years, but we seem no nearer. Meanwhile, the Palestinians continue to suffer. The only glimmer of hope seems to be the Arab peace initiative, proposed by the Saudis, who

may be able to exert some pressure on both sides to reach an agreement. The peace dividend is enormous. I fear that it will be entirely dependent on new and braver leaders on both sides.

12.49 pm

Lord Hannay of Chiswick (CB): My Lords, the 70th anniversary last month of Israel's recognition as an independent state should have been an occasion for congratulation and for the recognition of Israel's many achievements in the intervening period, since it struggled against the odds to establish its security and its economic and political viability. But, alas, it was an occasion that was stained in blood as a result of the disproportionate force used that day on the border with Gaza. Israel's Prime Minister, Benjamin Netanyahu, said it was, "a great day for peace".

If it was that, it was a Carthaginian peace, which is the peace of the grave. If some regard that view as a little harsh, then Israel and its US ally have only to permit an independent international inquiry into the events of that day which, up to now, they have done their best to prevent. Of course, such an inquiry should include the recent launching of rockets and mortars from Gaza into Israel.

Israel's wisest Foreign Minister, Abba Eban, used often to say that the Palestinians,

"never missed an opportunity to miss an opportunity",

in the search for peace. For a long time, he was quite right but, now, that affliction has fallen on the Israelis themselves. As, by a long way, the most powerful state in the region, with improving relations with important Arab countries, such as Egypt and Saudi Arabia, the Israelis could now move towards a two-state solution from a position of strength. But there is not the slightest sign of that. Instead, there is just triumphalism and the call for us to recognise what are called the "new realities", which include the occupied territory of east Jerusalem being part of Israel's capital. Well, those new realities include plenty of other breaches of international law in the Occupied Palestinian Territories, expanding settlements principal among them. They also include a concept of a greater Israel which, in the not-too-distant future, is likely to leave a majority of Arab inhabitants. That sounds to me a little bit like an apartheid state; I do not think those who say that are wrong but, if that phrase grates, let us at least recognise that it is a colonial situation. This country above all others should recognise that colonial situations based on the use of force are not sustainable in the long term.

What can be done? I make no apology for revisiting the recommendation of your Lordships' International Relations Committee that the UK should recognise the state of Palestine. In that way at least we could demonstrate that we would not accept anything that fell short of a two-state solution. I know the Government's response by heart—that this will occur only as part of a negotiated solution to the Arab-Israeli dispute. Indeed, I know it so well by heart that I used to use it when I was a working diplomat, and that was 23 years ago. That position had some credibility when there was an active peace process in being; today it has zero credibility and it is a shame that we are still deploying it.

[LORD HANNAY OF CHISWICK]

What can be said of US diplomacy in the region, so long regarded—probably correctly under Presidents such as Carter, Bush senior, Clinton and Obama—as the indispensable ingredient to any peace settlement? Well it is not that any more. It resembles more the activities of a child with a box of matches wandering around a store room full of cans of petrol. Whether President Trump’s shift of the US embassy to Jerusalem was born of ignorance of the likely consequences or of a desire to please his evangelical electorate, it makes the prospect of any US initiative prospering vanishingly small. That leaves the Europeans, the UK among them, in a fix. Of all the outside powers, the Europeans have the most to gain from a settlement and the most to lose from a continuation of the present inflammable impasse.

The case for attempting, even in the present extremely unpromising circumstances, to keep some peacemaking activity in being seems compelling, as too is the case for continuing to support the UN’s humanitarian work in Gaza and the West Bank, and for filling in any shortfalls caused by US intemperant desistance. I hope that the Minister, in replying to this debate, will say that we intend to follow up all these points, including recognition.

12.54 pm

Baroness Morris of Bolton (Con): My Lords, I join other noble Lords in thanking the noble Lord, Lord Steel of Aikwood, for his powerful introduction to this important debate.

A couple of weeks ago, my son and his girlfriend recommended that I listen to the 2016 “Desert Island Discs” recording of a remarkable man called David Nott. A leading vascular surgeon in the UK, he also dedicates his time and expertise to help those in war-ravaged countries. He has worked in Syria and Sudan, and in 2014 he was in Gaza. I defy anyone who listens to him not to be moved to tears. In a week, among many weeks, where too many people have died, the inexcusable shooting of Razan al-Najjar, a young nurse volunteering to help injured demonstrators—who had her hands in the air—makes it hard not to cry again for the sheer waste of life we have witnessed.

I mentioned David Nott so that I could pay tribute to the extraordinary number of British medics, and those from other countries, who regularly and tirelessly travel to Gaza to operate, to train, to rehabilitate and to help mend the less obvious injuries—the broken minds of those living with life-changing injuries—and to treat the effects of life under occupation of some 290,000 children who, according to the UN, are in need of psycho-social support.

In this I declare my interests as set out in the register, especially, as already mentioned by the noble Lord, Lord Steel of Aikwood, as president of Medical Aid for Palestinians. I am enormously proud of the wonderful work that it and other exceptional organisations undertake in difficult and often harrowing circumstances. Across the OPTs, MAP does many things, from mobile clinics to complex surgery, and in 2016, in answer to the urgent need of the then 11,000 Palestinians injured in Gaza, many who had lost limbs, we established, in partnership with the Ideals Charity, founded by leading

British surgeons, a permanent limb reconstruction unit at the Al-Shifa Hospital. It is now run entirely by a dedicated team of Palestinian surgeons, nurses and technicians, and, tragically, will be greatly needed for many years to come.

All this, and all the extraordinary work that other British charities undertake for the dignity of the Palestinian people, would be impossible without the generosity of donors, many from the Jewish community. Here I also place on record thanks to all the Israeli organisations which do so much to help their neighbours. Thanks should also go to the Government—to the FCO and to DfID—for all that they have done over the years and throughout the whole of the Occupied Palestinian Territories, but particularly for the money they have just given to the International Committee of the Red Cross for help in Gaza with extra surgeons, equipment and desperately needed drugs.

Last week the indiscriminate firing of rockets from Gaza into Israel into a kindergarten—where, thank God, no one was injured—was rightly condemned by Governments across the world. These actions of the Islamic Jihad movement and Hamas do nothing to bring about a just and lasting peace and, like all acts of violence, ultimately do nothing to help the Palestinian cause. But the Palestinians in Gaza have every right to protest against the circumstances in which they live. With over half the population living in poverty and with chronic unemployment, they suffer food and water shortages, only four hours of electricity a day, shortage of medicines and, too many times, denial to leave Gaza for cancer treatment or to accompany their children to hospitals elsewhere. Despite being well educated, entrepreneurial, resourceful, resilient and just decent, good people, they are powerless to change these circumstances, because they are not in control of their own destiny.

Palestinians in Gaza and throughout the Occupied Territories simply long to enjoy the civil rights which we all take for granted and the freedom to live ordinary lives. Recognition of the state of Palestine would be the first step in that long journey.

12.59 pm

Baroness Ludford (LD): My Lords, I am grateful to my noble friend Lord Steel for initiating this debate. As a staunch friend of Israel, and vice president of Liberal Democrat Friends of Israel, I am adamant that Israel’s long-term security depends on achieving a just settlement with the Palestinians. Israel cannot be a healthy democracy when it lives alongside poverty, misery and despair and occupies the territory of a resentful people. A colonial occupation morally demeans Israel as well as harming Palestinians, so Israel needs a Palestinian state—but preferably as a result of a political negotiation.

While I have no problem in principle with unilateral recognition of a Palestinian state, I never get an answer when I ask how that helps to catalyse the final-status talks. No answer has come so far today, either. I found the creative ideas of the noble Lord, Lord Polak, very interesting and I will perhaps find out more about them from him afterwards. I am very clear about my own strong criticisms of the Israeli Government, whose political feelings are rather far from my own. These

have been enumerated: the “Greater Israel” concept, which is total anathema to me; illegal settlements; disproportionate lethal force without independent investigations; the encouragement of the US embassy move to Jerusalem; withholding revenue from the Palestinian Authority; administrative detention, including of children—all these I deplore.

However, Israel has a right—as does Palestine—to live in security, and to have its existence recognised, including by its neighbours, as a homeland for the Jewish people and those of predominantly Jewish identity; these are terms I much prefer to “Jewish state”. I agree completely with my noble friend Lord Palmer and with much of what has been said by other noble Lords, including the noble Lords, Lord Anderson and Lord Turnberg, about the responsibilities and failings of the Palestinian leadership as well as those of Israel—not least, the glorification of violence and antisemitism. Many years ago, I went to a Palestinian refugee camp on the West Bank—to a hospital; the walls were covered with pictures of AK47s, which I found completely wrong.

In the context of Palestinian responsibility, it is very unhelpful that the UN special rapporteur on the human rights situation in the Palestinian territories is mandated to look at violations committed only by Israel, not by the PA, Fatah, or Hamas, some of which have been well documented by bodies like Human Rights Watch. The UN special co-ordinator for the Middle East peace process is, in my opinion, more balanced. He documents that, between 28 and 30 May, over 200 projectiles, rockets and mortar shells were fired from Gaza towards Israel. Most were intercepted but 77 were hits and, as other noble Lords have mentioned, one was on a kindergarten yard. Mr Mladenov called such acts “completely unacceptable”. He also pointed out that rockets fired from Gaza had damaged electricity installations on the Israeli side, resulting in a reduction of over 30% in the only electricity supply to Gaza, which is somewhat of an own goal.

This is not the fault of Israel; neither was the destruction of the infrastructure that the Israelis left behind in Gaza when they pulled out. The special rapporteur is obliged, alongside condemnation of Israel, to point out that punitive measures imposed on the authorities in Gaza by the Palestinian Authority continue to impact negatively on the human rights and humanitarian situation of Gaza’s residents—so there is more balance here. Therefore, although I very much agree with the weight of responsibility on Israel, I believe this is also shared by the Palestinian Authority, Fatah and Hamas.

1.04 pm

Lord Lea of Crondall (Lab): My Lords, I am inclined to welcome the speech by the noble Lord, Lord Polak, but my question is: how far would Mr Netanyahu’s Government support that initiative? The problem seems to me to be that there are two camps in Israeli politics and one is moving further away from a serious two-state solution. We hear from time to time, indeed increasingly, that there is a God-given right—as with the whole territory of Gaza—for the settlements on the West Bank, which are growing apace, to be a permanent part of the state of Israel.

That sort of view is growing in Israel; I hope the noble Lord, Lord Polak, is right that an opposite or different view is also growing. I have to mention President Trump and, perhaps, Moscow here. We have to find out who can be party to this initiative. As has been mentioned, it obviously cannot be just Saudi Arabia. If we are not careful, with any such initiative, people will ask who is behind it—we all know the name of that game.

Let us consider the views of the man on the moon: the middle ground in Israel should reflect on whether he would say that Israel is being over-confident and paranoid at the same time. What would be the advice of the man on the moon? I have special contact with him, so I think the answer might be that this is an opportunity we must take to ensure there are some credible players who will go along with such pressure. I hope the Minister can respond to that, even though this may not be precisely what is in his brief at the moment.

I was very taken with the comment by my noble friend Lord Hain—who knows a thing or two about the Northern Ireland question—that some very interesting lessons can be learned, not least from the policy of “we never talk to the IRA” and other such analogies. Some big players, including the President of the United States, were heavily involved on the ground in the peace process there. Does the Minister think the European Union—which I believe in this sphere we should continue to be part of or, in the modern argot, closely aligned with—should take part in that strategic pressure?

Finally, on the point about Jerusalem, the UN co-ordinator says:

“Given its importance to Jews, Christians and Muslims, Jerusalem is a highly sensitive and charged issue for millions of believers around the world. Therefore, upholding the status quo at the holy sites remains critical for peace and stability.”

The Archbishop of Canterbury made the point, during an interesting debate recently about the position of Christianity in the Middle East, that we have to recognise there are three religions in Jerusalem—there have been for quite a few years now—and this should be a factor when we look at the future of Jerusalem. We have to have a balance of equals. At the moment, the question is: can we get the balance of forces from outside to recognise the need for that equality of recognition?

1.09 pm

Lord Warner (CB): My Lords, I, too, congratulate the noble Lord, Lord Steel, on obtaining this important debate and on his characteristically forensic analysis. I shall focus on Gaza, which I have visited several times, and on recent events there.

After a decade of blockade, Gaza remains an open-air prison—David Cameron’s description, I think—that was described by the UN as unliveable in. Half this prison population are children, who live without hope, and unemployment is at about 45%. Water is undrinkable and raw sewage pours into the sea. The great majority of people live on humanitarian aid. If they are lucky, they have four hours or so of electricity a day. The head of Israeli military intelligence, Herzl Halevi, has warned his Government that Gaza will “blow up” eventually.

[LORD WARNER]

Despite Gaza's grim situation, the protests around Nakba Day on 15 May were relatively moderate. In so far as any protesters were armed, it was with catapults and stones, some Molotov cocktails, admittedly, and a few flaming kites. At a press conference on 10 May, the Hamas leadership congratulated its personnel on abstaining from gunfire—a rare event. It seems that only one Israeli soldier was injured. On the evidence available, little attempt was made to disperse protesters by non-lethal means such as tear gas or water cannon. In that situation, the Israeli military behaved like people auditioning for a Sam Peckinpah film, killing at least 50 Palestinians and probably more. Estimates vary upwards from 60 to 100 and include about 10 children. Many of those killed were shot in the back while running away or had their hands up. On Israeli intelligence's own assessment, fewer than half of those killed were said to be, to use its own term, "Hamas militants"—whatever that means.

In addition, it was claimed by *Time* magazine in its edition of 28 May that,

"Israeli soldiers methodically cut down some 2,700 Palestinians". That number has subsequently risen. Some of the victims were children playing football too close to the border and some were health workers. This was not Israel defending its homeland; it was an international atrocity that needs to be investigated by the United Nations. Does the Minister agree that the UN should be involved?

We should not be surprised by this episode, because the IDF have form on the use of disproportionate force. For example, in 2014 another 2,000 Palestinians were killed in the Israeli invasion of Gaza, when Israeli deaths were about 50. The truth is that, after 50 years of illegal Israeli occupation, Palestinian lives now have a very low value for many Israelis. To many outsiders, Israeli soldiers look a bit like James Bond and seem to be licensed to kill by their political and military command structures. Those in authority politically know only too well that they face no effective deterrent response from the Governments of the US, the UK, Europe or other Arab countries.

We should perhaps reflect on the views expressed by the late and—by me—lamented Gerald Kaufman MP, who was the son of Polish Jews and whose grandmother was killed by the Nazis. Gerald once described Israel as a "pariah state" requiring the application of economic sanctions. After recent events in Gaza, I think that he had a point. As the noble Lord, Lord Steel, said, the UK Government should now follow Parliament's lead and recognise a Palestinian state as a response to this latest Israeli outrage.

Baroness Goldie (Con): My Lords, there has been a bit of time slippage. I respectfully remind your Lordships that when the Clock shows "4", the allocated time has expired.

1.14 pm

Baroness Uddin (Non-Aff): My Lords, I thank the noble Lord, Lord Steel of Aikwood, for his distinguished leadership.

Although I welcome yesterday's report that our Prime Minister has raised concerns with the Israeli Prime Minister about the state-perpetrated and indiscriminate

violence by Israeli forces against unarmed women and child protesters, I cannot fathom why the UK Government abstained last month in a crucial vote on the UN Human Rights Council resolution seeking an independent investigation following the killing of an estimated 110 unarmed Palestinian protesters and the injuring of more than 12,000.

The abstention by our Government was utterly unjustified. It was said to be on the basis that the investigation would not include an investigation into the actions of what they referred to as "non-state actors"—Hamas. I find it extraordinary that the Government refuse to accept that the investigation is a direct response to what the UN Security Council refers to as,

"the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians".

Our Government must surely be aware that such a request for an extension to the terms of the investigation to include Hamas will be seen simply as an irrelevant, politically driven diversion to avoid accountability, and that Britain will be seen only as safeguarding Israel and being devoid of any care for the plight of Palestinian people.

What assessment have our Government made of the implications of failing to challenge such breaches by Israel, not only in terms of international human rights laws and the potential impact on the ever-growing international terrorist threat but in terms of the long-term danger of repression, state-inflicted killings, such as the murder of Razan al-Najjar, and the brutalised generation of young people growing up imprisoned in the appalling inhumane conditions inflicted on every man, woman and child in Gaza?

Does the Minister accept that it is time to stand up to the truth that the indiscriminate and disproportionate use of force by Israeli forces is morally indefensible—a charge repeatedly made in this House and outside by many, including the former Foreign Office Minister and chairman of the Conservative Party, the noble Baroness, Lady Warsi, in the aftermath of merciless killings in 2014 by Israeli forces, which left more than 2,000 Palestinians in the Gaza Strip dead?

Does the Minister accept that the Government's current position does not stand up to scrutiny in this regard and that it is inconsistent with our values, specifically our utmost commitment to uphold the rule of law, which we rightly advocate at home and internationally? Given that Israel appears on our list of countries with a human rights record "of significant concern", is it not time for Britain to review its position on selling arms to Israel, which is at odds with our laws and our fundamental British value of protecting innocent citizens globally?

Will the Government condemn outright Israel's announcement this week that it intends to build 3,900 new illegal-settlement homes on the West Bank? It is worth noting that one of our own Ministers, Sir Alan Duncan, last year claimed that the West Bank settlements were a "wicked cocktail" of illegality and occupation, and that those who supported them should be barred from public office? Do the Government accept Sir Alan Duncan's advice that only the illegal settlements stand in the way of lasting peace in the Middle East?

Is it not time for our Government to accept that their complicity and silence are wrong, and that continued blind appeasement of Israel is untenable, while we justify our inaction and not calling for sanctions by demonising Hamas, which has a democratic mandate, whether we like it or not? Will the Minister accept the legitimate right of occupied Palestinians to protest and to demand an end to the crippling Israeli-Egyptian economic blockade of Gaza?

Baroness Goldie: My Lords, I gave an indication to your Lordships that there is now a serious time slippage. I ask noble Lords to please adhere to the time limit of four minutes, which has now expired.

1.19 pm

The Earl of Sandwich (CB): My Lords, the noble Lord, Lord Steel, has been in Parliament since 1965 and has espoused many causes since that time, I remember, including Palestine. Like him, I have been a supporter of voluntary organisations such as MAP and I have great pleasure in joining him in this debate. The background is that, while they were remembering those important dates of 1947 and 1967, at least 116 Palestinians, including 14 children, were killed by Israeli troops, and 13,375 have been injured in clashes on the Gaza-Israel border during the weeks since March. That happened during demonstrations against two terrible but distinct situations: Gaza's deteriorating living conditions and the US decision to move its embassy from Tel Aviv to Jerusalem.

I visited Gaza as a member of Christian Aid's board some years ago and I can well remember the conditions there and the organisations involved. We have already heard that ambulances and medical staff were targeted in that event. One of those killed last Friday was a 21 year-old volunteer medic, Razan al-Najjar, from Christian Aid's partner organisation, the Palestinian Medical Relief Society. Razan was shot by Israeli forces as she provided vital medical assistance to injured protesters in Gaza.

I fully understand that our primary concern today is humanitarian. We have heard on that side that the ICRC is sending surgeons and trauma experts and we urgently need to help 11 hospitals to cope with the increased need for surgical equipment, drugs and dressings. For the longer term, the noble Baroness, Lady Sheehan, mentioned UNRWA, which is in need of more support. However, it is events like these that should also focus the minds of politicians in Israel, in the US and in the EU. There is a much wider danger to Israel involving Hamas, Hezbollah and others, but that is not for today. There was an event in Westminster Hall about Hezbollah yesterday. We cannot expect the people of Gaza to tolerate, as they have, such disproportionate and destructive action for much longer. Many people in Israel too are demanding a rethink of policy, whether it is a two-state or a single-state solution, and I hope that our Government are rethinking their own interpretation of Balfour and what that might mean for a new state of Palestine.

Christian Aid and 12 other aid agencies have made a strong protest on behalf the Palestinians. Many of those organisations are in Palestine. The statement says:

"Palestinians in Gaza are demanding their rights and dignity, which cannot be achieved under permanent closure, occupation and displacement. We call on the UK Government to reconsider its position on the UN-mandated Commission of Inquiry. In addition, the UK Government must call on Israel to fully adhere to its international legal obligations as the occupying power in Gaza, and work intensively with its international partners to bring the closure and the occupation permanently to an end so as to finally realise the rights of the Palestinian people to live in freedom and dignity".

That speaks for itself.

I have just one question for the Minister about creeping diplomacy. How can we ensure that, with the US decision, our consulate and consulates of the EU will not inevitably be upgraded into embassies?

1.23 pm

Lord Shinkwin (Con): My Lords, I thank the noble Lord, Lord Steel of Aikwood, for securing this debate and refer to my entries in the register of interests.

We may differ in our opinions, but this debate surely shows that we are united in our sorrow at the tragic situation that the world saw played out on the Gaza border only a few days ago. I seek neither to judge nor to justify the Israeli response, only to attempt to rationalise why a country would seek to defend itself so robustly. Israel has been accused of using excessive force. Fear often informs the use of force, so I simply ask: can anyone accuse Israel of excessive fear? What might excessive fear look like? I wonder whether it might look like the reaction I had when I saw the crematorium at the Majdanek concentration and extermination camp on my recent trip to Poland with March of the Living. Abandoned intact by the Nazis as they fled the rapid Soviet advance, the ovens, the pipework and valves were practical and almost pristine, a model of German engineering—so much so that the ovens looked as if they could be turned back on tomorrow. I saw the unimaginable with my own eyes and it terrified me.

It is so much easier to criticise Israel from the safety of this Chamber rather than imagining ourselves as Israelis in one of the 28 communities living within five kilometres of the Gaza border fence. The noble Lord, Lord Palmer of Childs Hill, and my noble friend Lady Morris of Bolton mentioned the Israeli kindergarten that was fired on with a mortar recently. I wonder whether we would accuse the parents of the young children attending that kindergarten of excessive fear. The leader of Hamas recently declared that he would, "take down the border and tear out their"—

the Israelis—"hearts from their bodies". Was he talking about soldiers? No. In the 24 hours before infiltration attempts on 14 May, maps were distributed on Gazan social media detailing the fastest route to reach Israeli civilians in the closest communities to the fence.

I cannot accuse Israel of excessive fear. The Hamas terrorist regime hates Israel just for being. It is a hatred that we have never encountered. Israel's citizens' fear is commensurate with the actual threat and with the trauma of knowing that their people were victims of attempted annihilation within the lifetimes of some noble Lords; we are honoured to be joined by a Holocaust survivor today.

[LORD SHINKWIN]

Like all who have spoken, I long for peace, but would the Minister agree that the Hamas terrorist regime's violent rejection of Israel's right to exist is a recipe not for peace but for the perpetuation of suffering?

1.28 pm

Lord Judd (Lab): My Lords, I thank the noble Lord, Lord Steel, for having secured this debate and for the masterful way in which he introduced it. I also want to put on record my appreciation to a number of organisations deeply involved in the issue, there among the people struggling with the situation, and thank them not only for their work but for the excellent briefs that they supply based on the authority of experience.

Firing rockets on Israel is wrong and counterproductive, but we must see it in context—years of harsh and highly damaging blockades, which leave Gaza struggling to survive, its health service tottering, its schools in a parlous state.

There is the issue of the military courts which are still being operated by Israel, particularly for the young, and operating in contravention of the Geneva conventions and international law. There is the constant daily harassment of people living in the West Bank and recently we have seen the United States, significantly, in its human rights report for the area fail for the first time to mention the term “occupied territories”.

There are certainly two sides to this story. We need to thank a lot of people, among them the UN special co-ordinator for the Middle East peace process, who does a valiant job on our behalf; UNICEF for its telling observations that remind us of our overriding moral responsibility for the well-being of children; the incredible work of UNRWA over the years with limited resources, particularly in the sphere of education; and UNHCR. I was glad to hear the noble Baroness, Lady Morris, make the point about the very many people within Israel itself who courageously and selflessly put themselves voluntarily at the disposal of the Palestinian people to help their well-being. We need also to take the OCHA appeal very seriously and I hope that the Minister will update us on our latest response to that appeal and what we intend to do to increase our support.

We cannot escape the issue of Jerusalem and the provocative action by the President of the United States which was designed to destabilise the region. I am convinced that we have to stay with the two-state approach, but if we are to do that, the recognition of Palestine cannot be delayed. It is absolutely imperative that if we mean what we say about a two-state solution, and if we really respect the Palestinian people, we have to give them equal status with the people of Israel, and that involves recognition.

1.32 pm

Lord Singh of Wimbledon (CB): I too would like to record my gratitude to the noble Lord, Lord Steel, for securing this important debate. I believe that the Bible has something to say about the difficulty of trying to build a structure on sand. It is equally difficult to try to build peace on the politically motivated prejudice

and hatred that we see in Israel and Palestine. Seeing others as lesser beings through the distorting lens of prejudice has long been a cause of conflict in much of the world. Guru Nanak, the founder of the Sikh faith, was a witness to terrible suffering from claims about the superiority of one belief over those of others and he bravely declared that despite superficial differences of diet, dress and faith, we were all equal members of one human family. A world reflecting on the horror and carnage of two world wars also gave expression to the same sentiments in the UN Universal Declaration of Human Rights, which emphasises the common humanity, dignity, equality and human rights of all members of our one human family.

The root cause of the tragedy of Palestine today lies in the Balfour Declaration of 1917, which contained two irreconcilables. In the questionable belief that Jews could prosper only in a country of their own, it promised a Jewish state in the land of Palestine while paradoxically stating that nothing would be done to harm the civil and political rights of those already living there. Since the creation of Israel in 1948, Palestinians have seen a constant erosion of their rights and the seizure of their land by the new state of Israel, sadly helped by the United States, Britain and other European powers. Nothing can justify Israel's expansion of its borders to twice its original size or the creation of dozens of settlements in the dwindling remaining area of Palestine. Legitimate anger against these policies is met by brute force, often against unarmed civilians. We have seen the systematic demolition of Palestinian property and the eviction of Palestinians from east Jerusalem and the West Bank. In Gaza, with 40% unemployment and people starving, all access by land, sea or air is controlled by Israel.

The much talked about two-state solution, with large Israeli settlements dotted right across Palestinian territory, is now completely unviable unless Israel withdraws to its 1948 boundaries. Even if that were possible, I would still be concerned. Two-state solutions are a sure way of converting transient suspicion and distrust to permanent hatred. Think of India and Pakistan with two full-blown wars, Cyprus and, closer to home, the partition of Ireland and the ensuing century of violence. I believe that the way to more enduring peace lies in a single state in which both communities enjoy equal rights and recognise common interests of peace, security and economic well-being, as well as the support of the western powers. That can begin with small initiatives and lead to wider collaboration and a lasting peace built on mutual respect.

1.36 pm

Baroness Tonge (Non-Affl): My Lords I congratulate the noble Lord, Lord Steel, on obtaining this debate, but sadly it gives me no pleasure to take part because this matter has gone on for far too long.

It is some 50 years since the Six Day War, when the intentions of the Zionist movement became clear: to carry on expelling and killing Palestinians, and grabbing their land and their homes until the ambition of a greater Israel is achieved from the Jordan to the Mediterranean Sea. It is not fooling us any longer. Our Government have stood by feebly, often abstaining on UN resolutions while slaughter and dispossession

continue, bleating about a two-state solution and refusing to recognise the state of Palestine. We recognise Israel, of course we do, but which Israel is that? Where are its borders? What are we recognising? If that is the excuse for not recognising the state of Palestine, it applies to both states, and both states should be recognised as soon as possible, as many noble Lords have said.

The most recent excuse given by the Government for abstaining from UN resolutions and taking no action against the Israeli Government is, of course, the activities of Hamas. Most recently, our Government would not condemn Israel for the killings during the “Great March of Return” in Gaza because Hamas might have had a hand in it. Slings and stones were used against one of the strongest armies in the world with a nuclear arsenal. The Israel Defense Forces were shooting indiscriminately at children and medical personnel, as well as other Gazan people. Shame on them and shame on us for not reacting.

What if Hamas did have a hand in it? What if it did? I would remind this House that the Government of Israel helped to create Hamas. It is the product of Israeli Government policies, not the cause of them. A legitimately elected Hamas Government were prevented from taking office in 2006—never forget that—and we are supposed to be democrats.

Gaza, as we have heard, is a toxic slum and will be uninhabitable by 2020, according to the United Nations. Nearly 2 million people, over half of them youngsters, are being slowly squeezed to death, with no prospects of a future. Of course they protest, and they do so as violently as they are able. Many of them would rather die than continue as they are.

But we say, “It’s not our fault. Balfour was a long time ago. We have to have the international community with us. We cannot do anything”. We listen to the Government of Israel trying to make Iran the object of our attention. We obey our masters in the United States of America, who obey the Israel lobby, as I suggest we do here. Of course, we must listen to the trade gods of Brexit.

For the sake of Jewish people who do not support the present Government in Israel, for the sake of the Palestinians, for the sake of the wider Middle East and for the conscience of our nation, I beg this Government of ours to take action, stop selling arms to Israel, impose sanctions and support justice for Palestine.

1.40 pm

Lord Grocott (Lab): My Lords, the speech of the noble Lord, Lord Steel, in introducing the debate was quite outstanding. It is not the first time that I have heard him speak here and in the other House on both this issue and apartheid. If only people had listened to some of the things that he has said on these issues over the years.

One thing struck me in particular, which I think is worth repeating. My memory in Parliament does not go back as far as the noble Lord’s—although I speak from 40 years of experience—but he mentioned how the mood has changed and how it was dramatically different when such debates took place. Overwhelmingly, debates 40 years ago did not recognise the rights of the

Palestinian people. Most of them were described as terrorists for wanting a Palestinian state. This time, the position has been dramatically reversed. I have noted that as the speeches have gone along. By my reckoning, 17 of the 25 speeches so far have been massively understanding of the unremitting plight of the Palestinians. I hope that that, if nothing else, might occasionally make people on the other side of the argument think. I have to put it in those terms to acknowledge that opinion is moving—and not, either here or internationally, to the side of the position that has been adopted by the Israelis.

For all that, the debate, although important, has been profoundly depressing. I do not think that anyone seriously expects anything to change. In the four minutes I have, my message is this: something has to change. With great respect, I am afraid that I know what the Minister will say: that he supports the two-state solution, condemns violence on both sides and wants to support the Middle East peace process. I have read those words from where he is sitting from time to time over the years, but something must change. What can the British Government do? Things are not static; they are getting inexorably worse. As the noble Lord, Lord Hannay, said, the International Relations Committee in the Lords—which I am very pleased to be a member of—said this a year ago about the two-state solution:

“On its current trajectory, the Israeli-Palestinian dispute is on the verge of moving into a phase where the two-state solution becomes an impossibility and is considered no longer viable by either side”.

Will anyone in this Chamber say that its assessment was not accurate? No.

Nor can anyone say that things are not now substantially worse than they were 12 months ago when that statement was made, apart from the almost predictable number of Palestinians killed in the 12 months following that statement, the US declaration on Jerusalem and the continuing growth of settlements. Occupation and settlements are somehow treated differently when Israel is doing it. Israelis ask why the world picks on them, but when states occupy neighbouring states, the international community takes action, by and large—it certainly did when Russia was occupying neighbouring states—but 50 years down the track I can see no such action here, other than people saying, “Please don’t build these settlements”. Well, the Israelis have long since not bothered to take much notice of that.

We can do one thing, which the International Relations Committee recommended. We could be just one country, among the 136 states of the United Nations, or 70% of its membership—although we are not among them at the moment—that recognises a state of Palestine. We will take as read the Minister’s commitment to the two-state solution and the condemnation of the settlements, but I ask him—I know that he cannot do this on his own authority, but perhaps he can with the rest of the Front Bench—to listen to the many voices in this House asking him to give the Palestinians, amidst all the suffering and bloodshed, the dignity of hearing that we recognise their right to a state and will join forces with the vast majority, and increasing number, of UN states that know that this is the right and proper thing to do.

1.45 pm

Baroness Janke (LD): My Lords, I entirely support the remarks of the noble Lord, Lord Grocott. I also thank my noble friend Lord Steel for securing the debate. I agree with him that although this is a profoundly depressing debate, it is important for our concerns about the worsening situation in the Palestinian territories and the suffering of the Palestinian people to be put on record in this House again. This issue seems to be so easily forgotten by the outside world. Like the noble Lord, Lord Grocott, I hope the Government will support the state of Palestine. I also hope, as has already been said, that they will condemn the action taken on 14 and 15 May; provide immediate access for urgent relief, medical supplies, food and water; and support an independent inquiry into the recent events.

At this stage of the debate, when a great deal has been said, I want to highlight the plight of children in particular. A UNICEF report from 2017 stated:

“The 2014 Israel-Gaza war took a heavy toll on Gaza’s children: more than 500 were killed, 3,374 were injured—nearly a third of whom suffer permanent disability—and more than 1,500 were orphaned. Hundreds of thousands were left in trauma”.

The noble Baroness, Lady Morris, said the same thing. The report also stated:

“The war devastated infrastructure that was already teetering on the brink of collapse. The ... health sectors were particularly hard hit ... 258 schools and kindergartens were damaged, including 26 schools that are beyond repair. Seven health facilities were destroyed and 67 hospitals and clinics were damaged”.

I would ask noble Lords who spoke earlier about schools to consider that.

The report described Gaza as,

“one of the most densely populated areas on earth”.

As the noble Lord, Lord Warner, said, Gaza will soon “blow up”. As the noble Baroness, Lady Tonge, said, we cannot allow the complete misery and desperation of the people who live there to continue. Gaza has an unemployment rate of nearly 44%. Nearly 80% of the population is dependent on international aid. It is even worse for people between the ages of 15 and 29: more than 60% of them are out of work. So, there are plenty of reasons for protests to continue. The people of Gaza are justifiably angry. They have no wish to see their children die in a fruitless struggle but they are cooped up in what they often call the world’s largest prison.

In highlighting the plight of children and young people, we have to consider that any peace or solutions to the problems must involve them. The younger generation, who have heard all the old stories and history, need special investment to enable them to build trust and harmony. The noble Lord, Lord Luce, talked about various initiatives and the noble Lord, Lord Polak, mentioned some of the schemes that he knows about where successful partnerships have been initiated. Of course, we all recognise the need for security, but occupation is the fault line that undermines a successful democracy such as Israel. History shows that military occupation cannot be sustained indefinitely, and it is hard to see how any peace initiative can be sustained with the current situation in Gaza. It is essential to restore public services, education, health, water and fuel. Before any peace process begins there

must be confidence that this will happen and that the blockade will be lifted. As I said at the beginning, I also support recognition of the Palestinian state. I hope that the Government will take a strong and active lead in making progress.

1.49 pm

Baroness Meacher (CB): My Lords, I also thank the noble Lord, Lord Steel, very much for tabling this Motion and his incredibly powerful speech. Before saying more, I assert that concern for the people of Palestine is entirely legitimate. It is quite strange that one feels a sense that one needs to say that. It is shocking that anyone who expresses such concerns is dismissed by some as anti-Semitic. Some of the people I most admire in this House and in the wider world are Jewish. I am no anti-Semite. However, as a supporter of human rights and fair treatment of all people, I strongly support the substantial minority of Israeli citizens who are profoundly embarrassed and, indeed, profoundly angered year on year by the unlawful and cruel behaviour of their Government.

The UK, of course, has a huge responsibility for the unfolding disaster in the Palestinian lands. We need to remind ourselves, as others have done, of the British commitment to the Palestinian people at the time of the Balfour Declaration. We know that Commander Hogarth was sent to Jordan to provide assurances to King Hussein. These assurances were incredibly important. Had the UK honoured those commitments the situation in Palestine and Israel would never have developed as it has. Commander Hogarth’s assurances will have been quoted in this House many times over the years, but I will quote them again. The UK said at the time that,

“we are determined that no people shall be subject to another”.

Britain supported the right of the Jews to go to Palestine, but only in so far as this was compatible with the freedom of the existing population, both economic and political.

As a British person, if I am honest, I feel ashamed of my country for our treatment of the Palestinian people at the outset of this saga. In the end, Britain’s failure to deal with the Israel-Palestine conflict fairly from the start has not been in the interest of either community. The UK, more than any other country, surely has an obligation to the Palestinian people.

One entirely cost-free action, as others have said, would be the recognition of Palestine as an independent state. There are overwhelming reasons for us to take that action. Parliament voted in favour of recognition of Palestine by 274 votes to 14 in October 2014. Why did we not honour that commitment by our Parliament at that time? More than 136 of the 193 UN member states already recognise Palestine, as the noble Lord, Lord Grocott, quoted. What on earth has Britain been doing remaining outside that overwhelming majority of UN member states? We have already waited far too long. When we recognise Palestine, the remaining European laggard countries may well join us.

The recognition of Palestine has become urgent to sustain the two-state solution, which, as many noble Lords have said, is being eroded before our eyes by illegal settlement expansion on an unprecedented scale.

The US is no longer a reputable international player while the current President remains in office. The role of Europe has become far more important than ever before.

The recognition of Palestine is important to differentiate legally and politically between the legitimate Israel founded in 1948 and the Israeli settlers in east Jerusalem and the West Bank, which, of course, are illegal under international law. Our Government consistently condemn the settlements but up to now have taken no meaningful action. Again, recognition of Palestine would send a very strong signal to Israel's Government: get on and sort out the two-state solution. I urge the Minister to support the call of the noble Lord, Lord Steel of Aikwood, for UK recognition of Palestine without further delay.

1.54 pm

Lord Leigh of Hurley (Con): My Lords, I begin with the usual declaration of non-financial interests as in the register. I have been to Israel dozens of times since my first trip in 1972 and have come to admire the only country in the Middle East where Jews, Christians, Muslims, gays and atheists can flourish in total equality and freedom. I also chair the Jerusalem Foundation in the UK, which invests substantial funds to promote coexistence and relief from poverty for all citizens of Jerusalem, including east Jerusalem.

How did we get to this position where living cheek by jowl is one nation that is booming, prosperous, free and self-confident, ranking 11th in the happiness ranking—the UK, by the way, is 19th—next to the desperate and heart-wrenching sight of its closest neighbour and near twin at birth, many of whose people are clearly suffering and desperately unhappy? Arguments over who had historical sovereignty over the land is futile when trying to consider some positive ways ahead. There has been massive displacement of people, much discussed in this House. Less discussed is the 850,000 Jewish people who were forcibly expelled from their Arab homes—the Jewish nakba of people who had lived in their host countries peacefully for some 3,000 years. There have been injustices all round.

What hope is there? Can there be any prospect of peace negotiations to achieve what many people believe is the ideal of a two-state solution? Like the noble Lord, Lord Hain, I am not so sure that that will be the way forward. The three-hour speech that President Abbas gave on 30 April before the Gaza incidents was widely condemned as anti-Semitic. It is hard to see how an Israeli Prime Minister can continue to talk to someone who claims that the Jews have no real historic ties to the Middle East. Abbas, who, when originally elected, seemed like a partner for peace, has, at the age of 83, clearly given that up. In Gaza, as has been mentioned, rocket attacks have returned. It is clear that the tragic loss of life on the border was largely caused by Hamas inciting its activists and others to what they knew would be suicidal acts. Tragically, the leadership in Gaza refused to accept humanitarian aid of medical equipment and supplies specifically because it came from Israel.

Israel has remained committed to negotiations to peace, with the only condition being recognition of its right to exist. Interestingly, when Egypt and Jordan

recognised Israel's right to exist, peace came immediately. Settlements are cited as a roadblock, but they are not. All those in Gaza were given back, as the right reverend Prelate said, and the ones in the West Bank can and will be as well. The people of Palestine deserve peace negotiations but in my view they will not get them. Abbas is too weak and regards his legacy as steadfastness—he has used the word himself. It means that he wants to be seen, like Arafat and the Arab leaders in 1948, as someone who consistently says no to everything.

Increasingly in the West Bank other options are emerging. One is some sort of Palestinian country or autonomous place within an Israeli state. Interestingly, opinion polls in the West Bank show younger Palestinians looking to the Israeli system as the one they want for themselves, with equality, rights, a system of benefits to all citizens and an independent judiciary. Will they ever get it from their current leaders? I doubt it.

Arab states are turning away from the Palestinian cause towards Israel throughout the region and against Iran, so new thinking is needed in the region. It is a brave Palestinian who raises this route, but it has many attractions, as Israel will look at anything that guarantees its security, as Mr Netanyahu said only a few hours ago this morning at One Great George Street.

It is perhaps up to those of us who care—I believe all speakers in this House do care—for the welfare of all those in Palestine and Israel to allow new and imaginative routes to be explored as the only short-term options available. Given our historical responsibilities, as some have mentioned, it is the least we can do.

1.58 pm

Baroness Northover (LD): My Lords, I too thank my noble friend, Lord Steel, for securing this debate and his immensely statesmanlike introduction to it. All contributing have expressed their hopes for a peaceful way forward, even if there is disagreement over what that route forward might be and what the underlying issues are. I share the view of noble Lords that this is a very dangerous situation for Palestinians and Israelis, as well as their neighbours in the region and far wider than that—for all of us.

This has been an intractable problem: a homeland established for one group after the horrors of the Nazi period, to which the noble Lord, Lord Shinkwin, rightly referred, while displacing another. But both my noble friend Lord Steel and the noble Marquis, Lord Lothian, referred to the only partial delivery of the Balfour Declaration.

I, like others, pay tribute to Israel's success in establishing itself so quickly as a prosperous nation in the region, but the UK Government have long contributed through their aid to the consequences of that settlement, the history of which noble Lords have referred to, through their support to those now in the West Bank and Gaza, or in refugee camps elsewhere in the region. Like the noble Baroness, Lady Morris, I pay tribute to DfID and many organisations for their work in Gaza and the OPTs.

Recognising international law, the UK Government condemn illegal settlements which undermine the possibility of a two-state solution. They have objected

[BARONESS NORTHOVER]

to the inflammatory move of the US embassy to Jerusalem, to which my noble friend Lady Ludford and others referred. Many here seem to agree that the best resolution is a two-state solution, even though things are reaching a point where this may no longer be viable, as the noble Lords, Lord Hain and Lord Singh, so clearly outlined.

One strong recommendation has emerged in this debate: that one step towards establishing that two-state solution must be to recognise Palestine. I urge the Minister to get the UK Government to do what 130 other Governments around the world have done; that is, to recognise the state of Palestine, as my noble friends Lord Steel and Lady Sheehan, the noble Lords, Lord Cope, Lord Hannay and Lord Warner, and the noble Baroness, Lady Morris, and others have urged. This is my party's position after much fiercely argued debate. I know the government formulation, as I used it in the coalition: "when the time is right". When my noble friend Lord Steel describes the language as weak, the Minister will understand; I have seen his wry smile and that of his officials, to whom I know I should not refer. Sir Vincent Fean, Britain's official representative to the Palestinian Authority until he retired in 2014, has said that,

"the time is right for the United Kingdom to recognise the state of Palestine ... If we choose to act decisively, we change the dynamic in the EU and at the UN ... a further abstention is abdicating responsibility".

The region is a tinderbox—we have often said that. Syria, the outflow of refugees into neighbouring states which have supported Palestinian refugees for decades, the instability across the MENA region, the pulling of the rug from the Iran nuclear deal, unpredictability in Saudi Arabia, the blockade of Qatar: all should concern us.

This spring has marked 70 years since the time that the Palestinians mark as a disaster, and protests have built on the Gazan border. As Oxfam notes, while Hamas may have then endorsed and encouraged such protests, there is no doubt of the asymmetry on the two sides of the Gazan border. The excessive force used by the Israeli forces has been shocking and disproportionate, as others have said. Since the first Gaza protest on 30 March, Israeli forces have killed more than 128 Palestinians and injured more 13,000. Fifteen children have been killed. One Israeli soldier has been lightly injured.

According to WHO, 245 health personnel have been injured and, as we have heard, 40 ambulances have been hit. Noble Lords have referred to the death of the first responder. I echo my noble friend Lady Sheehan's questions as to whether the Israeli Government have clarified that and what action is being taken to hold to account those responsible for her killing.

Israel has argued that Hamas has manipulated the protests to present a threat to the border and intended to attack Israeli civilians inside Israel. Human rights groups have argued that Israel has failed to demonstrate a clear threat to life that warranted the use of lethal force. That is why a full independent international investigation is required. Surely the Minister agrees.

This must also be a time to address not only the immediate crisis in Gaza but the deep-seated challenges there, as my noble friend Lady Sheehan, the noble Baroness, Lady Morris, and the noble Lord, Lord Judd, spelled out. Since 2007, Gaza has been blockaded. The economy of the territory has collapsed. As noble Lords have referred to, David Cameron noted in 2010 that Gaza had become a "prison camp".

As other noble Lords have noted, in August 2012 an UNRWA report found that, without radical changes, Gaza would be unliveable by 2020. In 2015, the World Bank reported that the unemployment rate in Gaza was the highest in the world—not a recipe for stability. Others have spelled out conditions there. The noble Baroness, Lady Morris, gave a moving account of the psychological damage done to those in Gaza, especially children, as did my noble friend Lady Janke. It is in Israel's as well as the Palestinians' long-term interest to build the economy of Gaza and not to strangle it.

Although Gaza has seen the acute recent crisis, the ongoing challenges in the West Bank remain unresolved. Illegal settlement expansion continues. Only a few days ago, on 30 May, almost a further 2,000 settlement housing units were approved. A European Union report from the end of last year found that Israel added nearly 8,000 housing units in the West Bank, including east Jerusalem, in the first half of 2017. New guidelines for settlement building have been issued, allowing for faster expansion with greater geographical spread than before. Demolition of Palestinian homes continues. I note that the Foreign Secretary, Boris Johnson, stated on 1 June:

"Palestinians have found it virtually impossible to obtain building permits in Area C of the West Bank, an unacceptable situation that leaves them with little option except to build without permission".

Then there is the issue of Jerusalem. Trump's unilateral decision to recognise Jerusalem as simply the capital of Israel has serious implications for the peace process. At the end of last year, the UN General Assembly rejected Trump's action. We know the threats made by the Americans to countries that received aid. President Trump has cut funding to UNRWA—again, noble Lords have referred to that. As the noble Lord, Lord Luce, pointed out, the US has abdicated its position as a mediator. President Trump cannot act as an honest broker in this situation, capable of delivering a two-state solution. Indeed, the Vice-President, Mike Pence, has said publicly that,

"we don't want to be a broker. A broker doesn't take sides ... America's on the side of Israel".

I note what the noble Lord, Lord Turnberg, said about the need for new and braver leaders on both sides. Surely the noble Lord, Lord Luce, is right when he argues that it is in everyone's interest that European countries take the lead. The noble Lord, Lord Hannay, made the point that Europe has the most to lose and the most to gain from such engagement. Clearly, our pulling out of the EU does not help, but to leave it to the two parties to the conflict to resolve this by themselves does not recognise the imbalance of strength between them and is therefore unlikely to lead to a stable settlement. I note what the right reverend Prelate the Bishop of Chester said—that Israel cannot see a solution—and the noble Lord, Lord Anderson, noted

that the Israeli Government seemed to have “no plan” in this regard, as settlement expansion undermined lip service paid to a two-state solution. There is often in these debates an element of whataboutery. It is because of that that we need international engagement that is not partisan, as the US has now declared itself to be.

This has been an intractable problem leading to instability, fear and lack of security on both sides in the region. That is why the human rights and dignity of all individuals must be recognised and international law respected. Full international engagement, especially from Europe, in this situation is essential so that brave steps are taken, progress can be made and we do not have to have endless repeats of this debate today.

2.09 pm

Lord Collins of Highbury (Lab): My Lords, I, too, thank the noble Lord, Lord Steel, for initiating this debate, prompted by the terrible violence we saw on 14 and 15 May. The majority of injuries were caused by live fire rounds designed to destroy every organ of the human body. Why does the IDF use such lethal rounds when, clearly, non-lethal crowd control means could have been used? Human Rights Watch described Israel’s response as “disproportionate and illegal”, a theme echoed by noble Lords. As noble Lords have also pointed out, however, Human Rights Watch also said that Hamas certainly supported the protest and that criticism of Hamas can be met with arrest and torture.

The UK Government have said that they fully support the need for an independent investigation into the Gaza protests and the response to them. Yet during the United Nations Human Rights Council session last month, the UK abstained from calls for a commission of inquiry, arguing that the substance of the resolution was not impartial and balanced. The UK’s response now is to call directly on Israel to carry out a transparent inquiry into the IDF’s conduct at the border fence, to ensure its independence, to make its findings public and, if wrongdoing is found, to hold those responsible to account. I ask the Minister: did the Prime Minister raise this call with Mr Netanyahu this week and what was his response? What is the Government’s view now on the commission of inquiry that has been set up? Alistair Burt suggested just before the Recess that,

“as supporters of commissions of inquiry in general”,
the UK,

“will encourage parties to engage constructively with the HRC”.—
[*Official Report*, Commons, 24/5/18; col. 475WH.]

What is the Minister’s current assessment of this approach?

As we have heard, the restrictions imposed on movement in and access to Gaza have caused infrastructure and services to collapse. In such a critical situation, it is more incumbent than ever on the global community to act to safeguard the health and well-being of the residents of Gaza. It is therefore appalling that the Trump Administration have chosen this critical moment to halve their funding of UNRWA. Its budget last year was \$760 million and, as a direct result of its work, tens of thousands of children in Gaza received schooling and tens of thousands of their parents received healthcare that would not otherwise have been

available to them. Others have tried to plug the gap, including the Saudis, but when all they can offer are one-off contributions the funding crisis is only delayed rather than stopped. That is why Labour calls on the Government to take the lead in a longer-term solution by initiating a special global funding conference such as those held in response to humanitarian emergencies—the difference in this case being that we must not wait for the emergency to strike before acting.

As we have heard so eloquently in the debate, Gaza has endured three wars in the past 10 years—a spiral of violence to which we must respond that has created a toxic cocktail of hopelessness and desperation. Our collective failure over the years has left people wondering where their hope will come from. I am a patron of Labour Friends of Israel; there is no doubt that Israel has a right to defend itself. The role of Hamas has certainly not helped that situation but a two-state solution is the only way forward, which is why the Labour Party completely supports it. I hear what my noble friend Lord Hain says about this and I totally accept the need for action more than simply words. The international community must respond, and we need ideas. Certainly, we need the ideas that have been discussed in Israel itself, including those from the Israeli Labor leader for economic aid from Israel and Arab neighbours, which could be positive in rebuilding the economy of Palestine. It is appalling, however, that a lot of these initiatives are being ignored and thwarted by the Government of Netanyahu.

I certainly agree with the noble Lord, Lord Luce. On Monday night I attended the launch of Tracks of Peace, which promotes human, racial and religious tolerance among communities and nations in conflict. Interestingly, that event was addressed by both the Palestinian and Israeli ambassadors: both spoke of the importance of engaging people in projects of common interest, in areas such as business, education, the environment, health and religion, thereby advancing friendship among individuals and communities. The assumption that underpins that project is that an integrative approach that involves all levels of society will develop trust between nations in conflict, paving the way for politicians to make concessions and reach a peace agreement. I know from previous debates that the UK Government have supported intercommunity initiatives. Certainly, many of my noble friends, including my noble friend Lord Turnberg, have been involved directly in these initiatives. I hope the Government are able to tell us what their assessment of this project is and whether they will support it.

It is the Labour Party’s policy, if elected, to recognise the state of Palestine immediately. I wish the Israeli Government would do the same. It would go a long way towards building a two-state solution in the region. My question to the Minister is: why do the Government not recognise Palestine now—and if not, when?

2.16 pm

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I join all noble Lords in thanking the noble Lord, Lord Steel, for tabling this debate and introducing it in such an exemplary manner, drawing on his insights and wide experience. I also thank noble Lords for all

[LORD AHMAD OF WIMBLEDON]

their contributions. As has been said, there may at times be differing opinions but I think the common cause is to bring peace, stability, prosperity and progress for all people across both Israel and Palestine. In this regard, let me say at the outset that while I have heard the opinions expressed in your Lordships' House, the UK and the Government remain committed to supporting a negotiated peace settlement that leads to that viable, sovereign and stable Palestinian state, living alongside a safe, secure, prosperous and progressive Israel. Indeed, those adjectives we use for either side apply to both.

That is why we strongly support the state-building efforts of the Palestinian Authority in particular. When I visited Israel and Palestine recently, I made that very specific point, about the importance of the UK's continuing support, to Prime Minister Hamdallah in Ramallah. That is why we continue to encourage the US Administration to bring forward detailed proposals for an Israeli-Palestinian settlement. The Government remain committed to the two-state solution as the best way to bring about stability and peace in the region and to realise the national aspirations of the Palestinian people.

While there was some talk of this debate being somewhat depressing at times, as an eternal optimist I never give up hope. In the contributions we have heard today, there is hope. Let me assure the noble Lord, Lord Hain—I address him directly—that I totally agree with him, as do the Government: we believe that the occupation in the Palestinian Territories is unacceptable and unsustainable. Anyone who has visited Israel and Palestine would make that assessment. A just and lasting resolution that ends occupation and delivers peace for both Israelis and Palestinians is long overdue.

My noble friend Lord Lothian also made the important point about commitment to the aspirations of the Palestinian people. Let me assure noble Lords that we are so committed. The recognition of the Palestinian state was raised by many noble Lords, including the noble Lord, Lord Steel, in opening the debate, my noble friend Lord Cope, the noble Lords, Lord Ahmed, Lord Hannay, Lord Dykes and Lord Judd, and many more.

It is important that we see the creation of a sovereign, independent, democratic and viable Palestinian state. Our commitment to that vision is why the UK has been a leading donor, as many noble Lords have acknowledged, to the Palestinian Authority and such a strong supporter of the state-building efforts. For example, in 2017-18, UK aid to the Palestinian Authority helped pay the salaries of up to 30,000 teachers, doctors and nurses, midwives and other essential educators and public servants on the vetted list. I listened carefully to the contribution of the noble Lord, Lord Grocott, who said he had had sight of my notes in the response I would give on recognition. The position of the Government, of course, remains the same at this time: we will formally recognise the state of Palestine when we believe it best serves the cause of peace.

I am the Minister for Human Rights, among my other responsibilities at the Foreign and Commonwealth Office and I have listened very attentively to the expressions and sentiments of your Lordships' House in what I believe has been a very meaningful and constructive

debate: those sentiments have registered quite significantly. Recent events have prompted the tabling of this debate, and the events in Gaza are a case in point—the shocking violence at the border in mid-May, which tragically resulted in many Palestinian deaths and injuries, and the barrage of rocket attacks last week from Hamas and Islamic Jihad in Gaza, which indiscriminately targeted Israeli civilians.

Lord Hunt of Chesterton (Lab): Were British arms used in these events?

Lord Ahmad of Wimbledon: On our arms policy, as I have said repeatedly from the Dispatch Box, we always ensure that the most rigid processes are applied in terms of arms sales, not just to Israel but to other countries. We also seek those assurances when we are negotiating any deals we have with international partners.

I sought to visit Gaza on my last visit to Israel. It was extremely regrettable and, indeed, tragic but because of the escalating nature of the situation, that visit had to be cancelled literally in the morning. Nevertheless, I went to the Palestinian Territories and saw for myself in areas such as Hebron the challenges and the causes of suffering of many people across the Palestinian Territories. This is not something that Israel wants to see: Israel wants to see a resolution because resolutions require peace and peace will ultimately mean peace for both people. Both sides know that peace efforts will not be advanced by violence. As the noble Lord, Lord Singh of Wimbledon, started the account in his very poignant contribution I thought I was listening to “Thought for the Day”, but he made the very pertinent point that peace efforts cannot be advanced by violence.

Turning to some of the specific questions, the noble Baronesses, Lady Uddin and Lady Northover, raised the issue of the Human Rights Council and the resolution that was passed. The UK's position was articulated by the noble Lord, Lord Collins. We listened very carefully to the debate which ensued and the reason we took the decision to abstain was that we did not feel that the resolution was balanced. It did not call for an investigation into the action of non-state actors, a point made in various ways by noble Lords during this debate. The noble Lord, Lord Collins, referred to the statement from my right honourable friend Alistair Burt on the United Kingdom's co-operation with any such inquiry. As my right honourable friend stated, we are supporters of the Human Rights Council and continue to support the inquiry in this respect. The detail is still being worked through by the Human Rights Council.

On the specific case of Razan Al-Najjar, the medic who was serving in the Territories, in Gaza, raised by the noble Baroness, Lady Sheehan, the noble Lord, Lord Ahmed, and the noble Earl, Lord Sandwich, among others, I stand with all noble Lords in decrying any loss of innocent life anywhere in the world—Gaza is no exception—particularly those medics who put themselves in the line of fire. We stand together in solidarity in recognising their service and, in the case of Razan, her ultimate sacrifice. I assure noble Lords that in the meeting between Prime Ministers May and Netanyahu issues around Gaza were specifically raised.

We understand there was a preliminary Israeli military investigation into this, but yesterday the Prime Minister reiterated the UK's support for an independent, transparent investigation into events in Gaza during her meeting. The noble Lords, Lord Collins and Lord Warner, and the noble Baroness, Lady Northover, all spoke of its importance. The Human Rights Council has made this resolution, as I said earlier, about a commission. While the UK is not required formally to take any further action, as a supporter of the commission's inquiry in general we will encourage parties to engage constructively with the Human Rights Council and all its mechanisms and processes.

The noble Lord, Lord Ahmed, and the noble Baroness, Lady Sheehan, referred to the ICC referral. We respect the independence of the prosecutor and her role in undertaking a preliminary examination into the situation in the Occupied Palestinian Territories. On 8 April, the prosecutor made a statement explaining that recent events and any future incidents may fall within the scope of this preliminary examination. In any event the UK fully supports and recognises the need for an independent and transparent investigation into the events that have taken place in recent weeks, including the extent to which Israeli security forces' rules of engagement are in line with international law, and the role that Hamas played in the events.

On the issue of leadership on the Middle East peace process, the noble Lord, Lord Lea of Crondall, raised the role of the United Kingdom. On the situation in the Occupied Palestinian Territories, both parties must show bold leadership to help move us closer to the shared goal of peace. This includes taking steps to build an environment that is conducive to negotiations. In the first instance, that means both sides avoiding actions that undermine trust and threaten the viability of the two-state solution. On the Israeli side, this includes settlement activity and the demolition of Palestinian structures. This was mentioned specifically by the noble Baroness, Lady Sheehan. As noble Lords will be aware, the UK Government consider Israeli settlement activity illegal under international law. Just last month the Israeli Government announced they are advancing plans to construct over 3,100 new settlement units, many deep within the West Bank. These include 120 housing units in Kiryat Arba, near Hebron, and over 90 units in the settlement of Kfar Adumim next door to Khan Al-Ahmar. As my right honourable friend the Foreign Secretary made clear in his Statement, the UK is gravely concerned about further settlement in the West Bank. We urge the Israeli authorities to reconsider plans that undermine prospects for a two-state solution. Indeed, I made a point, when I visited Israel and Palestine, to visit one of these Bedouin camps.

I assure noble Lords that we have constructive dialogue with our Israeli counterparts. I have always found my engagement with Israeli Ministers to be constructive—yes, challenging at times but very respectful. I raised our concerns about the occupation when I met the Israeli Justice Minister Ayelet Shaked and Israeli Minister for Regional Cooperation, Tzachi Hanegbi, in April. The Minister for the Middle East raised his concerns with his Israeli counterparts during his visit last week, and the Foreign Secretary and Prime Minister

have also made clear the UK's opposition to the policy of settlement expansion to Prime Minister Netanyahu during meetings this week.

We have also repeatedly made it clear that we consider the demolition of Palestinian structures in the West Bank to be entirely unacceptable. In all but the most exceptional cases, demolitions are totally contrary to international humanitarian law. Every single demolition, or eviction of a Palestinian family from their home causes unnecessary suffering and calls into question Israel's commitment to a viable two-state solution. The Government are particularly concerned by the imminent threat of demolition of the Bedouin village of Khan Al-Ahmar. This would pave the way for future settlement expansion in E1, directly threatening a two-state solution with Jerusalem as the shared capital. This community has lived there peacefully for many decades. We believe that demolishing the village is unnecessary and not the way to treat people with whom you want to live in peace.

The UK has repeatedly called on the Israeli authorities not to go ahead with these plans. The Minister for the Middle East, my right honourable friend Alistair Burt, visited Khan Al-Ahmar just last week, spoke about his concerns publicly in media engagements and raised them with Deputy Foreign Minister Hotovsky. The Foreign Secretary released a strong statement setting out the UK's position. Once again, we urge Israel to abide by international humanitarian law and stop its plans to demolish the community of Khan al-Ahmar.

As we know, Israeli settlements and demolitions are not the only obstacles to the two-state solution—or indeed to peace. As the noble Baroness, Lady Ludford, the noble Lord, Lord Turnberg, and my noble friends Lord Leigh of Hurley, Lord Shinkwin and Lady Morris reminded us, terrorism and incitement also pose grave threats. On two days last week, 216 projectiles, rockets and mortar shells were fired from Gaza towards Israel—the worst attack since the 2014 war. They were fired indiscriminately at civilian targets, including towards a kindergarten—and a few landed in the kindergarten. We reiterate our belief that Israelis have the right to live free from the threat of terrorism. That is a view that I believe we all share. We therefore call on Hamas and other terrorist groups to end their attacks on Israel once and for all.

We also strongly condemn the use of hateful language that stirs up hatred and prejudice among communities, and incites violence. We therefore encourage both the Palestinian Authority and the Government of Israel to reject hate speech and incitement, and to prepare their people for peaceful coexistence, as the noble Lords, Lord Luce and Lord Anderson, called for, including by promoting a more positive portrayal of each other through education, cultural and human rights exchanges between civil society groups. I listened carefully to the contribution of my noble friend Lord Polak about the importance of economic co-operation. I will speak to him after the debate about the details of his proposal to provide that hope to Ali Jaffer. Violence against Palestinians by extremist settlers in the West Bank, including east Jerusalem, is also deeply concerning, despite stronger law enforcement by the Israeli authorities. We condemn this violence in the strongest terms.

[LORD AHMAD OF WIMBLEDON]

All noble Lords talked about Gaza, and rightly so. It is a complex situation and we recognise Israel's legitimate security concerns. At the same time, the restrictions imposed by Israel and Egypt on movement and access into and out of Gaza contribute significantly to the dire humanitarian situation. The UK will continue to work with Israel to get more goods into Gaza to alleviate the situation and stimulate economic activity. The noble Lord, Lord Palmer, talked about Egypt's role in this process. We are encouraged that, during the holy month of Ramadan, which we are in the final and most poignant 10 days of, Egypt has opened up the Rafah crossing for this period. We therefore urge Israel, Egypt and the Palestinian Authority to work together to find a lasting solution to the situation in Gaza. In this regard, the UK welcomes the proposals of Nickolay Mladenov, the special representative of the UN Secretary-General.

I am conscious of time and there are many issues still to be covered. I will write to noble Lords. On human rights, the noble Baroness, Lady Janke, raised the issue of children. As Minister for Human Rights, I raised this issue directly with Ministers during my visit, particularly the military detention of children in the Occupied Territories, which is of particular concern to me. I pressed the Israeli Justice Minister, Ayelet Shaked, for improvements in their treatment when I met her in April. The UK continues to fund a number of human rights projects on this issue, including providing legal aid to minors, and capacity building.

Finally, I will set out what we are doing financially to support the Palestinians. My noble friend Lady Morris, the noble Baroness, Lady Sheehan, and the noble Lords, Lord Steel and Lord Hylton, spoke poignantly about this. We continue to support the Palestinian Authority. Last year our support enabled around 24,000 young Palestinians to get an education, and provided up to 3,700 immunisations for children and around 185,000 medical consultations. We recently announced a further £1.5 million of urgent humanitarian funding to the ICRC appeal to provide medical treatment for Gazans. This is in addition to our support through the United Nations Children's Fund, to provide clean water and better sanitation for up to 1 million Gazans. We also remain a steadfast supporter of the UN Relief and Works Agency for Palestinian refugees, which provides basic health and education services to 1.3 million people in Gaza, as well as 800,000 refugees in the West Bank. Last year the UK provided £50 million to support this initiative.

The noble Lords, Lord Judd and Lord Lea of Crondall, among others, raised the specific issue of Jerusalem. Jerusalem is often cited as a centre of conflict. It is also the centre, poignantly, of the three Abrahamic faiths: Judaism, Christianity and Islam. Its significance to those three faiths and those three peoples is immense. I remember as a young child, as a Muslim in a Christian school, being taught about Judaism. When I returned home, my mother put it poignantly to me: "The foundation of our faith, Tariq, is Judaism. Without the foundation of that house, the walls of Christianity could not be erected, and without the walls of Christianity, the roof of Islam would not complete the house of Abraham". Perhaps therein lies the solution: Jerusalem,

the city of peace—by name, by definition—bringing people together. I believe that this debate has added to the constructive and progressive dialogue that we are having on this important issue. As a good friend to both parties, the United Kingdom Government and I, as Minister for Human Rights, believe that there is a pivotal role to play in building that hope, for Israelis and Palestinians alike, for people of all faiths and none, to ensure that we build that peace—to build that Jerusalem.

2.35 pm

Lord Steel of Aikwood: My Lords, I shall be very brief in response to the debate, for two good reasons. One is that the debate itself is strictly time-limited and the other is that I am booked on the 4 pm flight to Edinburgh. I thank the Minister for his speech, particularly the closing part of it. I think we are entitled to ask him one more thing: will he please convey to the Foreign Secretary and the Prime Minister the mood of this House during the debate? He nods in agreement. I think that is important. I do not agree that the debate was depressing. There was a nugget of good sense in every single speech—and that is not something you can always say about debates in this place. It was quite remarkable.

The noble Lord, Lord Grocott, said that something has to change. The thing that has to change is the recognition of the state of Palestine. Really, we have missed an opportunity. This was a good opportunity to make that decision now rather than waiting until some indefinite time in the future.

I have time to mention only one or two speeches. I was interested in what the noble Lord, Lord Polak, said about access to the Mount and what the noble Lord, Lord Turnberg, said about the need for Israeli security. I have always believed that in future Jerusalem can be the capital of both states, provided there is an international force there to police it. I say to the noble Lords, Lord Hain and Lord Singh, who argued for a single state, as a federal democratic process, as an alternative to the two-state solution, that that is certainly possible in the future, but I believe that the two-state solution is still there on the table. It is the policy of the Government, of the United Nations and of nations around the world. We should not lose sight of it or give up on it yet—if at all.

I will end with a quotation from Jeremy Bowen, the BBC's very experienced Middle East editor. He wrote this recently:

"The pattern will continue until there is some hope, some prospect of change, some chance for Palestinians to live in peace and freedom alongside Israel".

I think he is right. What we need is hope, and the debate was full of hope.

Motion agreed.

Heathrow Airport

Statement

2.38 pm

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, with the leave of the House I will repeat in the form of a Statement the Answer given by my honourable friend

the Parliamentary Under-Secretary of State for Transport to an Urgent Question in the other place. The Statement is as follows:

“First, let me thank the right honourable Member for raising this issue. As the Secretary of State set out in his Oral Statement on Tuesday, we recognise the strong feelings on this matter from some Members, and their constituents, across the House. I am aware of the various representations that have been made in the Chamber that the Government would be liable for Heathrow’s costs should they decide to withdraw support from the scheme.

These representations appear to stem from a clause in a non-legally binding agreement between Heathrow and the DfT that has been taken out of context. This non-issue was addressed by the Secretary of State for Transport on Tuesday, and by the Prime Minister yesterday. So let me repeat in the clearest possible fashion: there is no liability here. The Government have not entered into any agreement that gives Heathrow the right to recover its losses in the event of the scheme not proceeding, and nor would they accept any liability for any of the costs that HAL has incurred or will incur in the future.

For the avoidance of any doubt, please allow me to quote directly from the document in question. It says that, ‘this Statement of Principles does not give either HAL or the Secretary of State any right to a claim for damages, losses, liabilities, costs and/or expenses or other relief howsoever arising if, for whatever reason, HAL’s Scheme does not proceed’.

We are absolutely clear of our responsibilities to Parliament when a liability, or indeed a contingent liability, is incurred.

Yesterday, the Government laid before Parliament a Written Ministerial Statement and departmental minute that set out a contingent liability for statutory blight, which will start if the proposed airports NPS is designated. The liability is contingent because the Government have rightly protected the taxpayer by entering into a binding agreement with Heathrow Airport Ltd, whereby the airport assumes the financial liability for successful blight claims if the scheme proceeds. With regard to wider scheme costs, the answer is simple. We have not notified Parliament of any liability because there is no liability”.

2.40 pm

Lord Tunnicliffe (Lab): My Lords, I thank the Minister for repeating that Answer as a Statement, but it is, in my view, not realistic. Having looked at Tuesday’s Statement, liabilities about cancellation were not covered but there was certainly a commitment to surface access, with extensions to the Piccadilly line, improved connections to Crossrail et cetera. Without these surface transport improvements, the air-quality commitments will be unachievable, and they have to be met. The statement of principles document has allowed Heathrow Airport Ltd to set out what it will not pay for. On surface access, it has essentially said that it will pay for the roads that have to be moved and no more. If HAL is not going to pay, what are Her Majesty’s Government going to do, given the commitments they have made on surface access? In reality, the Government are committing themselves to billions of expenditure. I have extended the odd Tube line, and it is very expensive.

Baroness Sugg: My Lords, the statement of principles was a snapshot in time. It was published publicly in October 2016 and is not legally binding. As I said, the document will expire if the scheme proceeds and the NPS is designated. The Government will of course define their relationship with Heathrow in a new agreement if the scheme proceeds. On surface access, Heathrow Airport Ltd has pledged to meet the costs of any surface access proposals that are essential to deliver airport expansion. Many of the schemes which the noble Lord mentioned—HS2, Crossrail and the extension to the Piccadilly line—are already committed. For any other scheme currently under consideration, such as western and southern rail access, there will be an appropriate contribution from the developer.

Baroness Kramer (LD): My Lords, when the PPP companies Metronet and Tube Lines collapsed, the Government found themselves having to step up with millions to make up the damage to London Transport because it was essential. It will be exactly the same with Heathrow if there is any failure in the successful completion of this project, and the Government should be honest about that. From doing years of infrastructure funding, I can say that there is no way that any responsible shareholder or lender would put money into a project with so many potential liabilities—for transport, environment, community impact and damage to other airports—without some form of implied government backstop. Will the Government please come clean and provide their estimate of the liabilities that the taxpayer will be exposed to before the vote in the Commons?

Baroness Sugg: My Lords, there is of course a risk that in certain circumstances Heathrow Airport Ltd could pause or cease the development of the scheme. However, the regulator will hold Heathrow to account on the delivery of the scheme through its regulatory licence. I say again that the Government are clear that airport expansion should be financed solely by the private sector and that Heathrow Airport Ltd has no claim to damages or liabilities.

Lord Trefgarne (Con): My Lords, may I raise a matter which I touched upon briefly yesterday? Can my noble friend confirm that, when and if this new runway comes into service, there will unfortunately have to be the end of fixed-wing aviation, at least, at RAF Northolt? Has that been taken into account?

Baroness Sugg: My Lords, we are not aware of that impact at Northolt at this stage. It is an airspace issue and there is a big project on airspace modernisation, which we are taking forward over the next couple of years. That will need to be carefully considered, but I am fully aware of the historical importance of Northolt and, as I said, we are not aware of that impact at this stage.

Lord Trefgarne: My Lords, with your Lordships’ permission, this is a very technical matter. If my noble friend were able to write to me, I would be grateful.

Baroness Sugg: As I said, we are in the early stages of the airspace modernisation, but I will certainly write to my noble friend to explain in what detail I can.

Baroness McIntosh of Pickering (Con): Will my noble friend put my mind at rest? I should perhaps say in passing that I was Conservative transport spokesman in the European Parliament for nine years. There is concern across the north of England that a number of direct international flights, which have built up very successfully from regional airports such as Leeds Bradford Airport, Doncaster Sheffield Airport, and perhaps East Midlands Airport as well, will lose those direct connections as part of the deal that has been negotiated with the expansion of Heathrow Airport. That would be a very regrettable step, and I hope that my noble friend will take this opportunity to put my mind at rest. Will we continue to enjoy a raft of choices for international flights, directly from regional airports across the north of England, to make sure that we are not adding to congestion at London Heathrow?

Baroness Sugg: My Lords, I am happy to confirm to my noble friend that we absolutely continue to support regional airports. With an expanded Heathrow, we will still see regional airports growing and benefiting from long-haul flights, such as the recent introduction of the flight from Manchester to China, which has been so successful.

Baroness Kramer: My Lords, can I suggest that the Minister may have missed the point? In order to pay back its financing and its shareholders, Heathrow will need to fill those runways as rapidly as possible. The obvious way to do that—I am sure this is deeply embedded in Heathrow's plans—is to suck in traffic from other airports across the UK, not just in London and the south-east but elsewhere. Will she confirm that that is indeed part of the business plan and give assurances otherwise to the various regional airports, because it will require government action to make sure that that does not happen?

Baroness Sugg: My Lords, there is a huge amount of pent-up demand at Heathrow and I imagine that those flights will be some of the first coming in when the new runway is built, which Heathrow expects to be in around 2026. I have spent much time in many regional airports and they have all been welcoming of the expansion of Heathrow, particularly on the domestic connectivity point where we expect to see up to 15% of slots reserved for domestic flights.

Lord Tunnicliffe: My Lords, if the Minister will forgive me for extending my question, she ran through a number of schemes which she said were committed. Who is committed to paying for these claims and under what sort of process are they committed?

Baroness Sugg: The schemes which I mentioned—those that are already in progress on HS2, Crossrail and the Piccadilly extension line—are already committed and agreed on. The other two to which I referred for southern rail and western rail are still in development.

Lord Tunnicliffe: But who is paying for the committed schemes?

Baroness Sugg: Those schemes have already been currently funded, and I will have to write to the noble Lord with exact details.

Baroness McIntosh of Pickering: My Lords, in the event that I perhaps did not express my question as well as I might, it is particularly the point-to-point regional flights between airports such as Leeds Bradford through Amsterdam, and onward to international connections, that I have in mind. Can my noble friend give me a categorical assurance that these will not be poached by Heathrow?

Baroness Sugg: I am afraid that I cannot predict exactly what is to happen with future flights. All I can do is to reiterate our support for regional airports. Another announcement we made yesterday was on making best use of existing capacity, which will allow regional airports to grow as long as they get permission from the local authority area. As I said, regional airports are supportive of Heathrow expansion and, even with that expansion, we expect them to continue to grow.

Lord West of Spithead (Lab): My Lords, notwithstanding all the complexities and costs, this thing has been studied to death. Does the Minister not agree that it is about time that we jolly well got on and did it, because it is so important for UK aviation and UK industry?

Baroness Sugg: I could not agree more with the noble Lord. We are in desperate need of expanded capacity in this country if we are to continue to succeed as a nation. I would very much like it if we could proceed.

Baroness Kramer: My Lords, could I just push the Minister on the funding of surface transport?

Noble Lords: No!

Baroness Kramer: There are still two minutes to go—unless someone else would like to ask a question. As the Minister will know, the Heathrow Southern Railway scheme requires the diversion of trains, typically going to Windsor, to the airport. The plans actually consume capacity that has been designed to meet not only the needs of the current Heathrow Airport but the growing demands of the local community. While the local community is going to be displaced, who is going to provide that replacement transport? There are both capacity issues and huge cost issues associated with that, but the airport could very easily claim that they are not directly related to bringing passengers to the airport.

Baroness Sugg: My Lords, Heathrow Airport Ltd has pledged to meet the costs of any surface access proposals that are essential to deliver airport expansion. Any work that will benefit the wider transport system, not just the airport, may require some taxpayer contribution, but proposals will need to represent value for money. As those proposals develop, those agreements will be made.

Northern Ireland: Supreme Court Ruling *Statement*

2.50 pm

The Parliamentary Under-Secretary of State, Northern Ireland Office and Scotland Office (Lord Duncan of Springbank) (Con): My Lords, with the leave of the House, I will repeat the response to an Urgent Question given by my right honourable friend the Secretary of State for Northern Ireland in the other place:

“I thank the honourable Member for Walthamstow for this Question and want to pay tribute to and recognise all the honourable Members who contributed to the debate on these issues in this House on Tuesday. I recognise the strength of feeling and the personal stories that lie behind this issue, many of which we heard on Tuesday. This is the case regardless of where people’s views lie. As I have said in this House before, abortion is an extremely sensitive issue and there are many strongly held views across all sides of the debate for reform right across the UK, including in Northern Ireland.

Members will be aware that this morning the Supreme Court issued its judgment in this case. The Government are carefully considering the full judgment and its implications. No formal declaration has been made by the court and the appeal has been dismissed, but the analysis and comments of the court on the issue of incompatibility will be clearly heard by this House and politicians in Northern Ireland. While the court made no formal declaration, a majority of judges stated their view that the laws of abortion in Northern Ireland are incompatible with Article 8 of the European Convention on Human Rights on the right to respect for private and family life in cases of fatal foetal abnormality, rape and incest. This is clearly a complex area of law and an extremely sensitive subject that raises a number of different issues to consider. The judgment, at over 140 pages in length, will need further consideration.

I am continuing to engage with parties in Northern Ireland, where these issues are understandably being raised and discussed. It is therefore important for all of us, including the people of Northern Ireland, to consider the judgment and to approach ongoing debate on this issue with due care and sensitivity. My urgent priority is to continue to engage with the parties in Northern Ireland to re-establish devolved government in Northern Ireland so that decisions can be taken there”.

2.52 pm

Baroness Smith of Basildon (Lab): My Lords, I thank the Minister for repeating the response today. The case today was in effect dismissed on a technicality because the Northern Ireland Human Rights Commission is an organisation, not an affected individual, but we are all too familiar with the individual cases and the individual women who have faced restriction under the current law, in extremely distressing circumstances in some of the cases that we have heard about, which has been harrowing for them and their families.

As the Minister said, a majority of judges found that the laws covering abortion in Northern Ireland are incompatible with Article 8 of the convention. The noble and learned Lord, Lord Mance, stated:

“Those responsible for ensuring the compatibility of Northern Ireland law with the Convention rights will no doubt recognise and take account of these conclusions, at as early a time as possible”.

There is some urgency now to ensure that the law is fit for purpose, as well as to debate the wider issues around decriminalisation and the accessibility of services across the UK. The ideal scenario, and I know the Minister agrees with this, would be for a devolved

Assembly to take hold of this moment and debate changes to the law at Stormont. However, there is no functioning devolved Government in Northern Ireland. In the absence of a functioning Executive and Assembly, will the Government set out a clear timetable saying that if local parties are not prepared to come back to an Assembly then Westminster will have an obligation to act, on the moral and legal basis that UK law must be compatible with our convention obligations?

The wider issue here is that this case vividly highlights the importance of having a functioning devolved Assembly and Executive in Northern Ireland. Could the Minister please update the House on the Government’s most recent actions to bring this about? I do not at all underestimate his commitment, but we need to know what actions are being taken rather than hearing warm words such as “the Government want” and “it is a priority”.

Lord Duncan of Springbank: I thank the noble Baroness. I wish I could give more than warm words at this time. We have to consider the judgment very carefully; it is 140 pages long and came out only this morning. However, the early analysis suggests that the technicality that the noble Baroness and I have both touched upon will in due course be addressed by another case, and that technicality will be eliminated.

The issue is therefore how this matter shall be addressed in Northern Ireland. Clearly, as I have said on a number of occasions on a number of matters, we would prefer a devolved Administration—a devolved Executive—to take these issues forward. None the less, the last time that the Assembly in Northern Ireland debated this issue on a cross-party basis—on each occasion regarding each of the elements that were part of the judgment today: the fatal foetal abnormalities, rape and incest—the Assembly itself did not endorse progress on these matters. It is important that the issue is addressed with some urgency but also with some care, because there are a number of wide implications that we must take on board. That is why at this stage we will consider the judgment very carefully to ensure that we understand exactly what it is saying, so that we can appreciate how to take the next steps.

Lord Wallace of Tankerness (LD): My Lords, this is obviously a very charged and sensitive issue. As the Minister and the noble Baroness, Lady Smith, have said, the judgment will require a lot of detailed consideration. None the less, it is clear that there was a majority in the Supreme Court who, but for the fact that there was no legal standing on the part of the Northern Ireland Human Rights Commission, would have found a declaration of incompatibility. Given that under paragraph 3(c) of Schedule 2 to the Northern Ireland Act 1998 human rights and the observance and implementation of our international obligations, including human rights obligations, are an excepted matter and therefore fall within the responsibility of the Westminster Parliament, and given that both the relevant United Nations committee and now a majority in the Supreme Court have said that the current law of abortion in Northern Ireland is lacking with specific regard to Article 8 of the European convention, is there not some responsibility on the UK Government to address this matter with a degree of urgency, as the noble and learned Lord, Lord Mance, encouraged?

[LORD WALLACE OF TANKERNESS]

I certainly agree with those who have said that it would be far better if this were dealt with by the Northern Ireland Assembly. Indeed, my colleague in the Alliance Party of Northern Ireland, David Ford, had already brought in a Bill before Stormont was suspended with regard to addressing fatal foetal abnormality in relation to abortion. While that is obviously the best route to go down, as long as the Northern Ireland Assembly is not functioning there is within the current devolved settlement a responsibility on the UK Government to do something.

Lord Duncan of Springbank: I thank the noble and learned Lord. He is absolutely right that the judgment itself, even on a cursory reading, does not allow us to escape the conclusions that have been drawn simply because there is a technical matter there. The obligation for us right now is to ensure that we are able to move forward on this matter. The challenge, however, is that we must ensure clarity from the parties and communities in Northern Ireland as to how. We do not wish to be seen as, in essence, trying to interfere from over the water deliberately to change what are clearly very deeply held views by a number of parties. None the less, the finding itself will need to be considered very carefully and we must do that in order to be clear that we are upholding our obligations, something that the Government will continue to do.

Baroness Tonge (Non-Aff): My Lords, this is a strange situation where the judgment is a non-judgment. Are the Government aware that the current situation on abortion in Northern Ireland is considered to be gender-based violence by the United Nations Committee on the Elimination of Discrimination against Women? In the face of that, while we have effective direct rule in Northern Ireland, could we not, if the Government are reluctant to do anything before the Assembly reconvenes, at least insist that a referendum is held on this issue in Northern Ireland?

Lord Duncan of Springbank: I thank the noble Baroness. Abortion has been a devolved matter in Northern Ireland since long before the Executive. It is clear that the view across the communities in Northern Ireland when last tested in Stormont did not reach the position that she outlined. It is therefore important that we make progress in this matter on the basis of consent—that there is recognition within the communities of exactly what is going on. The idea that we would seek to act precipitately in this matter has wider constitutional implications. We need to spend a little more time considering the judgment, none the less recognising that elements within it need to be taken on board. I do not believe that a referendum is the way forward in this matter, particularly in the absence of the Stormont Executive and Assembly, but progress will need to be made. It is a question of how we do so.

Lord Hope of Craighead (CB): My Lords, as the noble Baroness said, the judgment gives the appearance of being a non-judgment, but that is for a technical reason which is easily cured. There is no shortage of effective persons who could bring proceedings and, if

they did, due to the way that judicial precedent works, the result would be perfectly obvious. Will the Government bear in mind very carefully the fact that the judgment is just a hair's breadth away from a declaration of incompatibility at the instance of an effective person?

Lord Duncan of Springbank: The simple answer to the noble and learned Lord is yes.

Lord Cashman (Lab): My Lords, human rights and our international obligations under human rights conventions are not a devolved issue. I therefore reiterate the point made by my noble friend Lady Smith of Basildon: it is imperative that the Government set out a timetable to re-establish devolved government. In the absence of meeting such a timetable, will the Government stop kicking the can of the human rights of women and others in Northern Ireland down the line in the hope that someone else will solve a problem that seems intractable?

Lord Duncan of Springbank: The can cannot be kicked down the road for ever. A solution needs to be found. We desperately and dearly hope that that solution is found by a new Executive recognising their responsibilities to deliver for the women and girls of Northern Ireland.

Lord Thomas of Gresford (LD): My Lords, the judgment makes it clear that—

Viscount Younger of Leckie (Con): My Lords, I fear that the time for Back-Bench questions is up.

University Admissions: Equality *Question for Short Debate*

3.03 pm

Asked by Baroness Deech

To ask Her Majesty's Government what steps they are taking to promote equality of opportunity in university admissions.

Baroness Deech (CB): My Lords, I declare an interest in that I was once chair of admissions at Oxford, and I took Oxford and Cambridge college entrance exams nine times before I got a place. The subject is topical because there was a focus on Oxford University a few days ago, but it has much wider, national implications, and it is wrong to obsess about Oxford and overlook the successes of diversifying student entry throughout the country. The equal entry rate for women, which we now take for granted, is recent and heartening. At all universities, the composition is now 56.7% women, 43.3% men, so men are underrepresented. The outstanding success of some—if not all—ethnic students is remarkable. Ten per cent of all students are Asian, but they form only 7% of the population. The country has much to be proud of, and it needs to be acclaimed, not least in the effort to continue to attract international students.

We are discussing equality of opportunity, not of outcome, which is unattainable and inappropriate. Equality of opportunity to secure a place—albeit competitive—was under question in the discussions about Oxford University. How misguided most of that conversation was. There was no evidence of discrimination, in that the same proportion of BME young people went to Oxford as there are in the UK young population. For the 2017 entry, UK black students had an average offer rate of 16% across all Oxford courses. This compared with a 26% offer rate for UK white students, but there are explanations for this to come.

There should be no concept of overrepresentation or underrepresentation in considering the make-up of university students. We should eschew the notion of proportionate representation. The problem is uneven distribution of BME students among prestige colleges and among subjects. There are colleges in London where white students are in the minority. Is anyone going to complain that there are too many students from one race or religion? The notion of quotas should be alien. Restrictions on the entry of certain groups to higher education is a hallmark of totalitarian regimes.

I want to focus on solutions to the problems that exist. First, I deplore the ill-informed comments made by politicians about Oxford, not only recently but in the past: by Gordon Brown in 2000, about the state-educated applicant Laura Spence; and by David Cameron in 2005 and 2011, about black students. The impressive, expensive outreach work done by top universities is damaged by reporting that gives the impression that they discriminate against black candidates. In no other country would a senior politician speak like this about a top national university, thereby undermining its reputation and all the efforts made to open up access. In fact, nothing gives lecturers more pleasure than discovering and nurturing talent in students from less privileged homes. After all, they want the brightest to share their passion for their academic subjects, and the success of their students is their success, too.

When politicians attack Oxbridge as a bastion of white, upper-class privilege, they reinforce the prejudices of teachers, 40% of whom do not advise pupils to try Oxbridge, who tell their students that they will not get in or that it is not for the likes of them. A period of silence, or at least better information, from senior politicians would be welcome. That is what students say: 1,170 Oxford students, including BME students, have written a public letter stating,

“we fear that all this data release will have achieved is dissuading applications from those we most want to apply”.

Secondly, courses have to adapt to modern demand. Intending students not only get the wrong advice from home and school about where and what to study; they may find that the subject they most want to do in this modern age is the most competitive. National statistics show that BME students are heavily attracted to law, medicine, economics, management and computing: 40% of the black student applications to Oxford were for law and medicine, whereas only 12% of white applicants chose likewise, so of course there will be large-scale disappointment. In these popular courses, the numbers accepted are minuscule compared with, say, classics or modern languages. It is time to switch

places from large, less competitive subjects to those that students today want to study. It is understandable that minorities of whatever background have had the propensity to choose a professional, safe career and believe that the luxury of studying history or geography is too risky for them, but the consumerist approach to higher education should not win out. It is about ambition, articulacy and developing critical thinking, regardless of subject. Hopefully, with better advice and the passage of time, BME students will go for a wider range of courses with a better chance of success. State school candidates show the same propensity towards certain subjects as do BME candidates.

Thirdly, the admissions system is confusing and difficult. Poorer students have less information and guidance on choosing and writing personal statements. They may not be able to afford to travel to open days. A-level over-predictions and under-predictions are both damaging. We need more transparency and consistency in the contextualisation of entry requirements. One-to-one assistance with the UCAS forms has been shown to be helpful.

Fourthly, the Government should encourage the Office for Students' Director of Fair Access and Participation and its new national collaborative outreach programme to support the disabled, consider measures to prevent the higher dropout rate of BME students, engage parents and prepare teachers. Mental health at university is a priority. The office should ensure that every university, working with local providers, has ample and affordable childcare.

Fifthly, the Government need to restore the maintenance grant to help students who want to move away from home to the university of their choice, which may be far away. There is a wealth of evidence that BME students—Indian, Bangladeshi and Pakistani students, especially girls—stay in their home towns to study. This may be for cultural reasons, for fear of new surroundings, or in order to save money. However, if BME students stay in their home towns to study, then of course they are not going to be represented as they should be in Oxford and Cambridge, Durham or St Andrews. If a student borrows the full amount allowed for accommodation away from home, they can end up with a debt of £53,000 after three years, not just £28,000.

To my mind, the biggest obstacle to social mobility and diversity is the inclination—whether willing or for financial reasons—to study at the local university and live at home. This amounts to segregation, exacerbated by the Government's misguided removal of maintenance grants. It is possible to be educated in a school that is entirely of one ethnicity, live in a similarly homogeneous neighbourhood, stay at home to go to the local university made up of the same people, pair up with someone there, then after graduation stay there too, with lower graduate earnings than might be achieved further afield. Moving long distances to study, at extra expense, is largely the preserve of the better off and the white middle class, who leave home; the rest commute. But upward social mobility is associated with moving to a large city and leaving one's region of birth. It is pointless challenging our top universities to attract more poor and BME students if they do not have the

[BARONESS DEECH]

maintenance grants to live away from home—albeit that in fact there will be more financial support from Oxford and Cambridge, if they get there, than elsewhere.

I grew up in a shabby, war-damaged part of London, now a madly fashionable suburb, and my £300 maintenance grant from the LCC enabled me to live comfortably away from home. The LCC even paid for me to travel home and back to university and threw in something extra for support in the vacations. I wish today's students could benefit from the same farsighted largesse; instead, immobility is their lot. I imagine that many of us in this Chamber benefited from maintenance grants. I do not want to see the ladder of opportunity pulled up behind us. Let us challenge the Government to restore those life-changing grants.

3.13 pm

Lord Norton of Louth (Con): My Lords, I congratulate the noble Baroness, Lady Deech, on asking this important Question. It is topical, but the issue is long-standing. I declare an interest as professor of government at the University of Hull. That is relevant in the context of this Question. A report published last month by the Higher Education Policy Institute ranked Hull as the best-performing university in terms of fair access.

Throughout more than 40 years of teaching at Hull, I have benefited enormously from having students drawn from a range of backgrounds. A good number have been first-generation university students. That, I might add, applies to the parliamentary placement scheme that I have run for 30 years as part of an integrated degree programme. Such placement schemes are more akin to degree apprenticeships than they are to unpaid internships, integrating as they do academic study with work-based learning. I have seen a good number of students from disadvantaged backgrounds admitted to the programme who are now successful professionals and who have really valued the experience. Widening access brings in students who may appreciate the value of education more than those who treat university admission almost as a right.

Promoting equality of opportunity matters. It facilitates individuals reaching their full potential and making a success in life. That benefits the individual, but it is also a public good and to the economic benefit of the nation. Producing an educated and content population which makes an economic contribution enriches society. We should therefore be viewing today's debate not as incidental to wider debates on education but as core to them.

Universities recognise the need to act—many are devoting considerable resources to outreach—but there is a lot more to do. The challenge for government and the OfS is balancing the need to encourage equality of opportunity in admissions and maintaining institutional autonomy. There is scope for the OfS to work through access and participation plans and to act as facilitator and funder of dissemination of best practice. I would also like to see greater resources devoted to encouraging applications from mature students from disadvantaged backgrounds. I would also like to see a holistic strategy for applicants from disadvantaged backgrounds, encompassing the undergraduate career and not just admissions. For those with no family background in

university study, higher education can be a daunting experience. Getting them to apply for admission is necessary, but not sufficient, to enable them to get the full benefit of a university education.

I appreciate the role of government is limited, given university autonomy, but it can contribute enormously in giving guidance, promoting the case for equality of opportunity and acknowledging and applauding those HE institutions that are most successful in achieving it. I would welcome an assurance from my noble friend Lord Younger that this is what the Government will do. If my noble friend would like to visit Hull, I am sure an invitation can be arranged.

3.17 pm

Baroness Wyld (Con): My Lords, 23 years ago I was coming to the end of lower sixth at my comprehensive school in Newcastle-upon-Tyne when my history teacher asked me whether I would consider applying to Oxford or Cambridge and said that, if I did, she would help me to prepare. Until that point, fuelled by some of the messages I got from a minority of other less-supportive teachers and fellow students, Cambridge was not really for the likes of us. Could someone with a Geordie accent get through an interview? That is genuinely what we were asking ourselves. But I had advantages in supportive parents and a teacher who believed in me, and I had two wonderful interviewers at Cambridge who were enthusiastic about the work I had sent in advance, and went out of their way to put me at ease. So, like many of the students we are talking about today, first I needed awareness, and then I needed belief. But when I got my place at Cambridge, I realised this was only the start of an amazing but daunting journey.

Given the pace and rigour of the demands of university life, I have sympathy for those making decisions on admissions. I have yet to meet anyone involved in admissions at universities who does not believe passionately in widening access so that we can benefit from talent that too often stays hidden. It is right that the Government continue to push all universities to up their game, but it is a finely balanced decision, and it is only fair to all potential students to be absolutely sure they can flourish. There is only so much we can ask universities to do in the face of a postcode lottery of school performance, which I know the Government continue to address.

What steps are the Government taking to ensure greater collaboration between high and low-performing schools, including looking at better support for schools in isolated areas? I declare my interest as a member of the Select Committee on Regenerating Seaside Towns. Does my noble friend the Minister agree that this goes further than a list of academic grades, and often requires a boost in confidence within schools and homes? Could the Government look at the possibility of bespoke training packages for teachers in schools with poor success rates, so that all teachers are able fully to support underrepresented groups in their applications to universities? Could we encourage schools to involve parents in that process?

For me, the parts came together—home, school and university—and even then I could have done with greater resilience and a wider range of skills in order

to respond to the culture change and the academic step-up that awaited me. My confidence on paper far outweighed my confidence in group discussions or presentations. I noticed that students from similar backgrounds were sometimes the same. When I worked on an outreach programme—then called Target Schools—people worried, much like I had, about their accents and presentation skills, possibly because they simply had not had the chance to hear them engaged in formal debate. Over the last two decades in various work environments, I have managed very talented young people educated in the state sector who have freely admitted that they wish there had been a greater focus on oral presentation skills at school. Can my noble friend the Minister say what the Government are doing to address this through the curriculum?

I have spoken in this House before about the need for leaders across education, business and public life to seek out a broader range of talent rather than wait for it to come to them. I genuinely believe that, by doing so, the UK will be more creative, more competitive and, frankly, a bit more interesting.

3.20 pm

Lord Rees of Ludlow (CB): My Lords, the topic of this debate is in the context of Oxbridge, but we should surely see the issue as a broader one. A good degree has become a prerequisite for many jobs for which it was not needed in the past. In consequence, a degree is crucial for social mobility. Eighteen year-olds who have been unlucky or ill advised in their schooling or come from deprived backgrounds do not have a fair chance of access to the most selective courses, even if they have great potential—and they have no second chance.

I declare an interest as a member of Cambridge University, which spends £5 million a year on access initiatives. A special initiative targets young people in care and we are discussing a transfer year programme. Last year, 22% of our home admissions came from an ethnic minority. We take background into account in admissions, though we do not have quotas. Incidentally, we took 58 black students—not many, but a third of all black students in the country who had two A* grades. Cambridge gives a bursary to one home student in four; increasing this is a prime goal of our current fundraising. But Oxbridge could do more to widen its appeal. I would favour, for instance, a cut-back in activities that sustain a Brideshead image of extravagance and entitlement. However, even after all realistic outreach efforts, there will be high-potential young people who, through unfavourable circumstances, do not reach the bar at 18. That is why it would send an encouraging signal if Oxbridge were to reserve a fraction of its places for students who do not come straight from school but have caught up by earning credits online, at another institution or via the Open University. Indeed, I suggest to the Minister that there is a case for formalising some system of transferable credits across the whole HE system.

Some critics of Oxbridge cite America's Ivy League as a model to which we should aspire. I would strongly contest that claim. A recent survey revealed that more than 20% of the Ivy League's intake had families in the top 1% of income, whereas only a few percent were

in the bottom 60%. Moreover, Harvard overtly offers an inside track to the children of alumni or donors—that is something that we in Oxford or Cambridge would absolutely not countenance. What makes Cambridge and Oxford special is that they combine the strength of world-class research universities with the pastoral and educational benefits of the best American liberal arts colleges. They are unique worldwide in doing that. That is why, according to a recent HEPI report, their students show a higher satisfaction rating—and work harder—than those studying elsewhere. Incidentally, in terms of student satisfaction, HEPI found little difference between Russell group and non-Russell group universities. This is not surprising, because league tables focus on research, which is, at best, weakly correlated with teaching quality.

There is in any case a need for more diversification among universities. They should not all try to compete in the same league table. So let us hope that some universities, right across the UK, emulate US liberal arts colleges in offering high-quality teaching, and thereby counterbalance the special allure of Oxbridge to students. Moreover, there is too sharp a demarcation with further education, aggravating concern about our skill levels, apprenticeship quality and so on, as compared with other advanced countries. Let us focus on these broader deficiencies, rather than just on Oxbridge.

3.25 pm

Baroness Finn (Con): My Lords, I thank the noble Baroness, Lady Deech, for calling this important debate on the promotion of equality of opportunity in university admissions. The noble Baroness is impressive in so many ways but has, in particular, been a superb force in promoting real social mobility, especially during her years at Oxford.

I should like to stress the personal significance of today's debate: I was one of the lucky ones. At a time when low academic attainment and low aspirations prevented many Welsh youngsters from applying to top universities, my comprehensive school in Swansea bucked the trend and, in the 1970s and 1980s, regularly got 10 to 15 pupils a year into Oxbridge colleges alone. These results were down to some outstanding teachers who were prepared to stand up for academic excellence and encouraged us to apply for great universities from a part of the country where there was simply no such tradition. This progress, however, is not guaranteed. Young people today harbour fears similar to those of my peers—fears about cost and value, about community and fitting in and about the life they can expect to lead during their studies and upon graduation. These are the concerns that must be addressed if we are to truly champion equality of opportunity and enable all to flourish.

There are those who seek to place responsibility for lack of opportunity with the universities themselves. This is simply not justified, and I welcome the findings of UCAS, which demonstrate that there is, "no evidence of systemic bias in the admissions system".

As many suspect—and despite noisy aspersions to the contrary—universities are as eager as ever to welcome the most willing and able students. It is simply not the case that the universities impede equality of opportunity; on the contrary, they are one of its strongest champions.

[BARONESS FINN]

But they will not and must not compromise on standards. Universities should be academically elitist, not socially elitist. So we must draw from the widest pool of talent but we must not ask universities to lower their standards, otherwise the product is damaged and this helps nobody.

There exists a fashionable perception that insufficient numbers of particular groups are finding their way into the universities, a claim notoriously difficult to substantiate and one that should not be accepted at face value. If true, it must be tackled at source, which is to improve the quality of primary and secondary education. The former Secretaries of State for Education, Michael Gove and Nicky Morgan, made encouraging progress in improving the quality of such provision with their programme of academies and free schools, which are open to all. I welcome further government efforts to advance this initiative.

The salient issue is how we reconcile extant institutional fairness with perceptions that, even if you are sufficiently capable, university might not be for you. These are students who could, and would, go to university, but do not because it is not encouraged in the communities in which they grow up or because their school teachers tell them that the universities are “not for the likes of you and me”. The solution is not to arbitrarily mandate that a certain proportion of a certain kind of young person go to university—irrespective of aptitude or preference—but rather to stimulate the imaginations of these students and inculcate in them aspirations of self-betterment and societal contribution. My alma mater, Lady Margaret Hall in Oxford, seeks to do this through the implementation of a foundation year, which allows those who are capable, but who may have never considered an Oxford application, to experience the process first hand and decide for themselves afterwards whether they would like to pursue a degree at Oxford or elsewhere. We need to address practical barriers as outlined so sensibly by the noble Baroness, Lady Deech, such as paying for train tickets for those schoolchildren whose families might not be able even to afford the cost of a visit.

As my noble friend Lady Wyld has said, however, the responsibility for improving equality of opportunity lies not exclusively with the universities. It is with the schools, the teachers, the families and the students themselves to believe in—and create—the change that they would like to see. In the higher education landscape of modern Britain, it truly is the case that if you can dream it, you can achieve it. It is this we must encourage, just as my teachers did for me many years ago.

3.29 pm

Baroness Berridge (Con): My Lords, I too thank the noble Baroness, Lady Deech, for securing such a timely debate, as this week there was welcome coverage on university admissions from black and minority ethnic backgrounds.

As a working-class alumni of Emmanuel College, to hear Cambridge University accept that it needs help from parents and schools prompted me to speak. I agreed wholeheartedly with the Universities Minister, when he said:

“Years ago we were having the same debate about Oxford and Cambridge as we are today, and that is very disappointing”.

I thought that 12 years after beginning work with black and minority ethnic communities we would have come further, and I believe that speaking out is one of the useful tools we all have.

As the noble Lord, Lord Rees, stated, only 58 first-year students of black British heritage were admitted to my old university in September last year—2.2%—whereas 7% of the total UK university first-year undergraduates are from black British backgrounds. This is despite black and minority ethnic students being overrepresented as a percentage of higher education figures. In 2016-17, 33% of first-year, UK-domiciled students were from black and minority ethnic backgrounds, whereas according to the 2011 census figures for 15 year-olds only 18% were black and minority ethnic students.

Of Cambridge colleges,

“more than one in four ... failed to admit a single black British student each year between 2015 and 2017”.

The university said in response:

“22% of UK students admitted as part of the 2017 admissions cycle identify themselves as having a black or ethnic minority background. This is a record high”.

There is a specific focus on recruitment for Oxbridge of candidates from the black British community. However, there is a wider issue of the concentration of black and minority ethnic students for various reasons outside the Russell group. I am pleased that the Race Disparity Unit will meet 12 vice-chancellors and the Office for Students later this month to discuss bold and ambitious responses. However, I have three further thoughts on this issue.

First, can the Minister confirm whether Her Majesty’s Government will look at recommending that the admissions process, like the Civil Service recruitment process, will be made name-blind? Secondly, the HESA data for 2016-17 outlined that only 1.6% of academic staff are black, and only 2.9% of non-academic staff. Of course, not everyone goes to university to become an academic but they want to see an institution which is inclusive and where they can see themselves.

Finally, in a debate in your Lordships’ House I outlined:

“Overall, between a third and a half of our main ethnic groups attend a religious service once a week”.—[*Official Report*, 6/7/15; col. 70.]

I was very pleased to learn that Oxford University has reached out to the largest UK black-led Christian denomination in the country, and I hope this model of best practice can be spread. Can the Minister outline whether the Prime Minister’s faith communities’ adviser, Jonathan Hellewell, will be looking at connecting these networks on this issue? Cambridge needs to go beyond parents and schools to look at such wider networks.

We all have a role to play in this regard. I shall be reaching out to my old college, and I hope to extend an invitation to all noble Lords who have spoken in this debate to join an event organised by a network called Elevation Networks, which has over 5,000 African-Caribbean student alumni, so that we can hear directly their views on this issue. I hope that the lowest performing university, Exeter, is being proactive, as the new Home Secretary, Sajid Javid, is an alumnus.

3.33 pm

Baroness Wheatcroft (Con): My Lords, I apologise to the House, and in particular to the noble Baroness, Lady Deech, for not having been in the Chamber at the very start of this debate. This is an important debate; we have heard some impassioned speeches for social mobility, and equality of opportunity is a fine aim. However, we must beware of damaging our world-class universities by instituting systems which may reduce their reputation for academic excellence. The noble Baroness, Lady Finn, was absolutely right: we must not lower standards in our search for social mobility.

We all want youngsters from disadvantaged backgrounds to be able to flourish. The best way to ensure that they do is to give them the best possible education from the start. The quick fix of offering lower entry qualifications to certain students is now widely adopted, but it is flawed. The dropout rate has risen in the last three years for our universities, and it is higher among students from disadvantaged and ethnic minority backgrounds. Research by the Social Market Foundation shows that in universities with a low proportion of students from socially disadvantaged backgrounds—less than 10%—the dropout rate was as low as 2%, but if there are more than 50% of students who have started at a disadvantage, that level escalates to as much as 15% and more. Students from disadvantaged or ethnic minority backgrounds are less likely than average to gain a first class or an upper second class degree. They start off disadvantaged, and we are at risk of seeing them finish disadvantaged.

Students from disadvantaged backgrounds are now being offered places at two grades lower than the average by many universities. This is not the way to do things. To embark on a university course from a lower academic level than the majority on the course puts students at a disadvantage. In the words of Reading University's vice-chancellor, Sir David Bell, it is patronising. But worse than that, it sets people up to fail. Of course, universities can help students to overcome this handicap with extra tuition, but few have the resources to do this.

If they are to get the most out of a university education, students have to have the right foundations. That means ensuring that every child has access to a fine education from an early age. I applaud the Government's introduction of 30 hours of free childcare a week for three and four year-olds. But I would like to think that all nurseries are nurturing their charges as effectively as the most expensive that Kensington has to offer. Children from the poorest backgrounds have the most to benefit from good education at an early age. Research shows that the benefit from age three of good nursery education is equivalent to a £10,000 to £15,000 increase in parental income. That is a big step up towards social mobility.

Higher education should be available for all, but university education is not for everyone. Technical apprentices are important, and we should all applaud the growth in apprenticeships. I agree with the noble Lord, Lord Rees, that the Open University is another avenue that students ought to consider. They can choose the time at which they take their course, spend longer on it if they start from a low base and do it without running up massive debts.

Whatever we do, we must not risk lowering the quality of the education our universities produce. We are now discriminating against those who come from more affluent backgrounds, which cannot be right. Universities can and should reach out to students from all backgrounds, and should be blind to those who have had a good start, just as they should be to those who have not.

3.38 pm

Baroness Garden of Frognal (LD): My Lords, I thank the noble Baroness, Lady Deech, for her very timely debate. Like her, I was struck by the open letter to the *Guardian* yesterday from Oxford students of diverse backgrounds, which expresses the real concern that all this publicity will do is to dissuade, "applications from those we most want to apply".

That would be unforgivable. We know from briefings from Oxford and Cambridge, the LSE, the Russell group, Universities UK and others—and I know from first-hand experience—the amount of time, resource and money which universities and colleges devote to widening access. Many Oxbridge colleges have very substantial wealth and could do more, as the noble Lord, Lord Rees, indicated, to publicise the financial support available—the bursaries and scholarships—as well as providing travel passes to those for whom the cost of travel to interview will be a deterrent, as the noble Baroness, Lady Finn, indicated. They are all looking at admissions procedures, including the issues which the noble Baroness, Lady Berridge, brought up, to help those unfamiliar with their systems, looking at additional exams and how interviews are conducted—should intrepid applicants get that far. Interview technique can let down candidates not used to looking people in the eye or proffering a handshake. Recent years have seen increases from state schools, from ethnic minorities and from disabled students, but progress is still much slower than we all wish, and as the noble Baroness, Lady Wheatcroft, indicated, the drop-out rates are concerning.

A professor from Coventry University recently explained to me that Coventry has wide diversity and prides itself on equality. As a former polytechnic, it continues to draw many students from the local community; as we have heard, disadvantaged students tend to study in their home town rather than bear the expense of living away from home. Other former polytechnics, however high-ranking they are now as universities, will doubtless also benefit from being historically "the local university".

The professor also made the comment that you have to start with Sure Start. I think that is right and therein lies an answer. We should not rebuke universities for lack of diversity if young people are not encouraged, from very early days, to aspire to reach their potential. What advice is given to teachers in disadvantaged schools to instil the belief and confidence in their pupils to consider Russell group universities? As we have heard from the noble Baronesses, Lady Deech and Lady Wyld, how often do those on outreach to non-traditional schools hear from staff and parents that these universities are not for the likes of them? It was encouraging, therefore, to hear the noble Baroness,

[BARONESS GARDEN OF FROGNAL]

Lady Finn, tell a different story. They may be concerned that disadvantaged students will feel like fish out of water in hallowed surroundings and may be more comfortable going somewhere less demanding, less exciting. But what a waste if the choice is less matched to their talents. True equality of opportunity would see students studying in places where their talents, potential and interests best lie, not restricting them to places on the doorstep.

However, equality of opportunity is not just for the young. As the noble Lord, Lord Norton, indicated, we should not forget mature and part-time students, whose numbers have fallen off dramatically in recent years. Changes in funding have had catastrophic effects on these learners. I ask the Government again to look at measures that will support those who wish to engage in learning later in life, as a second chance—in conjunction with family responsibilities—and who wish generally to be able to contribute more to society by improving their education. Such valuable institutions as the Open University and Birkbeck specialise in promoting equality of opportunity, yet they have seen their numbers drop dramatically as funding changes work against the very learners the country needs to encourage.

How are careers advisers bolstering the aims and ambitions of young people? Equality in university admissions is an issue for all the educational community, from the littlest people onwards. Schools should consider it part of their educational duties to instil ambition, aspiration, self-confidence and self-awareness, too, into their pupils. Universities must try harder to break down barriers, but so too must schools, teachers and parents.

3.42 pm

Lord Watson of Invergowrie (Lab): My Lords, I too pay tribute to the noble Baroness, Lady Deech, for initiating this debate, but I have to say I was surprised by the defensive stance she adopted on behalf of Oxford. I got the sense that she protested rather too much. She referred to students fearing what she termed “data release” and the idea that comment on it was responsible for dissuading students from applying to university. I certainly accept, as was referred to by the noble Baroness, Lady Garden, that schools need to do more for the students in terms of raising aspiration. But is the noble Baroness, Lady Deech, suggesting that information on admissions should somehow be suppressed? Surely not.

Several of the most prestigious Oxford colleges each admitted only two black British students as undergraduates in the last three years; six of Cambridge’s colleges each admitted fewer than 10 BAME students between 2010 and 2016. Surely more transparency is required on admissions, not less. As regards Oxford, Wadham College is an excellent example, admitting 68% state-school students and sitting in the top five college rankings, while making considerable efforts to widen its participation programme with visits to schools. If it can be done at Wadham, I do not see why it cannot be done at other colleges and, indeed, other universities; it points, perhaps, to a question of priorities. On the remarks of the noble Baroness, Lady Deech, I think it was slightly disingenuous to refer to the overall

numbers of the student population from black and minority-ethnic backgrounds. The real issue, surely, is where those students are studying and what that means for career opportunities.

Widening participation is, as we know, a key part of the Government’s agenda and the Office for Students states that its aim is to make higher education more representative of wider society; we all sign up for that. Yet in nine of the Russell group’s 24 universities, the proportion of state-school pupils fell over the past year, so it seems that efforts to widen student participation at universities have hit the buffers.

There is no doubting the good intentions of both the OfS and all universities, but good intentions are without merit unless they are acted upon. One clear failing concerned the issue of unconscious bias; perhaps the most egregious example of that was in terms of the admissions process highlighted by UCAS’s own researchers last month, when they reported that more than half of all applications flagged for possible fraud were from black applicants, even though they constitute just 9% of applications. That is, surely, wholly unjustifiable and clearly the result of bias. Whether it is entirely unconscious bias is a moot point.

As I said, greater transparency in the process is necessary. We believe that every university should be obliged to publish all its access and admissions data on an annual basis. Perhaps the Minister will say whether he agrees and if not, why not. The Government cannot escape their share of responsibility. Ministers claim that unprecedented levels of disadvantaged students are going to university, but that is misleading and tells only part of the story. While more free-school-meals students are going to university than 10 years ago, the increase has not been at the same pace as the number of non-free-school-meals students going to university. Since 2010, the gap between students from independent schools going to the most selective universities and students from state schools going to those universities has risen substantially. To put it another way, disadvantaged pupils’ progression to university is as far behind that of their more affluent peers as it was seven years ago.

Of course, it is no coincidence that analysis from the Institute for Fiscal Studies has shown that the ending of maintenance grants found students from low-income families graduating with the highest debt levels, in excess of £57,000. I am fully in agreement with the noble Baroness, Lady Deech, that the grant must be reinstated as a matter of urgency. No matter how much effort universities put into improving their admissions policies, much more remains to be done to reduce the barriers that prevent those from under-represented groups fulfilling their potential.

I conclude with a quote from the former Leader of your Lordships’ House and now the director of the School of Oriental and African Studies, the noble Baroness, Lady Amos:

“The UK has some of the best universities in the world—but what is the point of that if we are not offering real equality of opportunity?”

I invite the Minister to offer the noble Baroness a response.

3.46 pm

Viscount Younger of Leckie (Con): My Lords, I am pleased to answer this Question for Short Debate and I thank the noble Baroness, Lady Deech, for raising the important issue of equality of access to higher education.

The Government are clear that they want to ensure that everyone with the talent and potential to succeed in higher education has the opportunity to do so, irrespective of their background. This aim is central to the Government's reforms of higher education. My noble friend Lord Norton said that it was core to what we should be doing to promote aspiration, and he is correct.

Admission to higher education is of course an issue where the autonomy of higher education providers plays a significant role. Universities rightly have autonomy over their admissions. In fact, as this House will no doubt remember, the Higher Education and Research Act goes considerably further than previous legislation in recognising this principle.

Of course, admission to higher education is a complex issue, and higher education providers are best placed to decide which students are appropriately qualified or have the potential to succeed on a course. However, the Government can act, and, to reassure my noble friend Lord Norton, they have asked the new regulator for higher education, the OfS, to push higher education providers to make more progress on access and participation for students from disadvantaged and underrepresented groups more generally. We want providers to go further.

Our first guidance to the Office for Students in February this year set out the Government's priorities for access and participation. The OfS will now focus not only on access to higher education but on retention, attainment and progress into employment or further study for these groups of students. We have also specifically asked the OfS to focus on priorities, including the gap in outcomes covering retention, attainment and progression from higher education for different groups of students, such as the attainment of black students in higher education, and to work with the sector to ensure that the funding being spent by the sector is based on evidence and has an impact.

It is important to look at what the data on entry shows. There has been significant progress in widening access to higher education, but there is still more to do. University application rates from 18 year-olds for full-time study remain at record levels: the proportion of disadvantaged 18 year-olds entering full-time higher education increased from 13.6% in 2009 to 20.4% in 2017.

There is also progress in the number of students from ethnic minority backgrounds entering higher education. Eighteen year-olds from ethnic minority backgrounds are now more likely to go to university than ever before. Black 18 year-olds have also seen the largest increase in entry rates to full-time higher education over the period, increasing from 27% in 2009 to 40.4% in 2017—a proportional increase of 50%. However, although we have seen record proportions of disadvantaged 18 year-olds entering selective universities, those from

the most advantaged areas in the country remain 5.5 times more likely to enter selective institutions than their disadvantaged peers.

I know that the noble Baroness, Lady Deech, is concerned that the recent debates in the media on admissions detract from the efforts being made across the higher education sector to address these issues, and we share those concerns. We need to raise aspirations, not limit them. We know that the most selective institutions, including Oxbridge, are already taking steps to address these issues, but, although progress has been made, there is more that they can do. As has been said in today's debate, both institutions have acknowledged that in the press in recent days. The Government have specifically asked the OfS to challenge the more selective institutions to make greater progress in widening access to higher education.

As part of this broader debate on admissions, there have been suggestions that universities should consider the courses they offer to help attract more students from disadvantaged backgrounds. The noble Baroness, Lady Deech, raised this very point. It is clearly a matter for higher education providers to determine the types of courses they wish to offer, but it is right that universities should look to the future and consider the courses that they offer for a changing world.

Clearly—a point that has not been mentioned today—good careers advice is key, and our national careers strategy set out what we plan to do. Work is now under way, co-ordinated by the Careers & Enterprise Company, to help schools and colleges to develop and deliver careers programmes in line with world-class career benchmarks. This will help people to choose the career that is right for them.

I am pleased to see the announcement of the year 3 TEF results at institutional level. I also welcome the introduction of the subject-level pilots, which will help prospective students compare the different courses on offer across institutions—not just the institutions themselves—and shine a light on course quality.

The subjects available at university and careers guidance are important. However, the overriding factor in predicting access to higher education remains the prior educational attainment of pupils. Making progress on access is a matter not just for higher education but for the education system as a whole. I note the ideas raised by the noble Lord, Lord Rees, to better encourage disadvantaged pupils to make the cut, such as online credits. However, Cambridge has made it clear in recent days that it will not lower standards—a point made vehemently and quite correctly by my noble friend Lady Wheatcroft.

The noble Lord, Lord Rees, raised the question of formalising transferable credits across the higher education system—a point raised during the passage of the legislation last year. Through the new regulatory framework, higher education providers must provide the OfS with, and publish information about, their arrangements for students who transfer.

We recently published our response to the Schools that Work for Everyone consultation. This includes a package of measures to foster cross-sector collaboration

[VISCOUNT YOUNGER OF LECKIE]

to improve outcomes for pupils across the education system and create new good school places that are accessible for all children.

Many higher education providers engage in outreach activities to build aspirations and encourage access and participation in higher education, working closely with schools. Through access agreements for 2018-19, universities and further education colleges plan to spend around £197 million on outreach activities, and the OfS encourages providers to work with not only potential applicants but parents and carers from primary school age upwards.

I took note of the comments made by my noble friends Lady Wyld and Lady Finn. My noble friend Lady Wyld in particular made the point that she felt very fortunate to go to a school with a positive teacher and to have positive parents who were able to encourage and push her. My noble friend Lady Finn similarly stated that she was a beneficiary of that. We should do as much as we can to promote all schools to push students to reach their best potential. I will write to my noble friend Lady Wyld about her important point about encouraging schools to promote presentational skills. Many independent schools do that as a matter of course and I know that it gives pupils a lot of confidence if they are encouraged to present on a regular basis—it becomes a matter of course.

Through the new Office for Students we continue to fund the National Collaborative Outreach Programme. This has set up consortia involving universities, colleges and schools targeted at years 9 to 13 in areas where higher education participation is low. Given the depth of their expertise, many higher education providers are establishing stronger long-term relationships with schools such as school sponsorship, opening free schools and supporting mathematics education in schools.

As the noble Baronesses, Lady Deech and Lady Garden, said, there are some concerns that disadvantaged students and those from black and ethnic minority backgrounds tend to study at institutions closer to home. The noble Baroness, Lady Deech, cited a range of potential disadvantages for the student of this, and she is right. The work under way to raise aspirations should help and we also need to ensure that advice is available so that these students consider all the options available to them. Particular support may also be required for these students, including pastoral and other services such as childcare provision, as the noble Baroness, Lady Deech, mentioned. My noble friend Lady Finn mentioned travel help, which is another important point. Providers will need to consider the full range of support that they provide for their students, and many already take these responsibilities seriously.

The IFS report published today shows the importance of students selecting the right institution and the right subject in determining future earnings. This puts to bed the myth that differences in eventual earnings can be attributed solely to class and academic performance during school. After controlling for prior attainment and background, the researchers found significant differences between the earnings of graduates across different subjects and providers. These findings imply that studying the same subject at a different institution

can yield a very different earnings premium. The choices that students make about what and where to study matter—a point made by the noble Lord, Lord Watson.

To ensure that we see real progress, the OfS will be able to take action if a provider does not comply with its obligations, including on the access and participation of students from disadvantaged and underrepresented groups. My noble friend Lord Norton asked about encouraging applications from mature students from disadvantaged backgrounds. We agree that studying later in life brings considerable benefits and we have had several debates in this House on that subject. We intend to provide financial support to part-time students—the main route of study for this group, similar to that for full-time students.

The OfS has access to a range of interventions and sanctions which incentivise improvements. They include placing additional registration conditions on providers, suspending providers from the OfS register and imposing monetary penalties on a provider. This means that the new regulator has a range of measures—it has teeth—to address areas of concern.

The noble Baroness, Lady Deech, raised an important point about mental health, which is a growing issue, particularly in universities. It is a priority for the Government and is a cross-government issue. Our children and young people's mental health Green Paper outlines our plans to set up a new national strategic partnership. The noble Baroness spoke at some length about the possibility of offering a maintenance grant. We recognise those concerns and, as she will know, the post-18 review will consider and address how disadvantaged students and learners receive living costs support.

My noble friend Lady Berridge suggested that admissions could be name blind—I think that that was her expression. That is a matter for the sector. UCAS looked at the impact of a name-blind application and found no conclusive evidence of any impact in a report published in 2017—but I will look again at the point she made.

Considerable progress has been made in widening the access and success of students from disadvantaged and underrepresented groups. However, more could be done; we want to see progress made and have charged the OfS to lead that. A key reform in this area is the introduction of the transparency duty through HERA, an important point raised by the noble Lord, Lord Watson. The duty requires certain HE providers to publish data on the application, offer, acceptance, completion and attainment rates of students, which can be broken down by ethnicity, gender and socio-economic background.

To conclude, this greater transparency, which again is a very important point made by the noble Lord, Lord Watson, will shine a spotlight on where higher education providers need to do more to widen the access and success of students from disadvantaged and underrepresented groups. We have seen some progress and we are expecting to see more. We must not, as my noble friend Lady Wheatcroft said, set up these groups to fail. Far from it; we must ensure that the admissions process at universities is robust enough to ensure the future success of the student, and on into a successful career.

Vulnerable Persons Resettlement Scheme

Motion to Take Note

4 pm

Moved by Lord Scriven

To move that this House takes note of the report of the Chief Inspector of Borders and Immigration, *An Inspection of the Vulnerable Persons Resettlement Scheme*.

Lord Scriven (LD): My Lords, I am pleased to be able to introduce this debate. I want to try to set a tone at the outset that what we are about is how to improve the lives of the most vulnerable of vulnerable people who are fleeing the terrible situation in Syria and coming to the UK. This is not about unnecessary criticism of the Home Office and I hope that when the Minister comes to reply, it will not be a blind defence of what is happening, but a reflection and perhaps a move forward in the light of what the chief inspector has said and what some noble Lords will say in this debate.

We have to remember that this is about families and individuals who are fleeing from torture; some of them may have been tortured. This is about lesbian, gay, bisexual and transsexual people who are fearful of being thrown off buildings. This is about children who have been terrorised by conflict and war. Therefore, it was warming to read the observation of one senior manager that the section within the Home Office which deals with the vulnerable persons scheme, has a “culture that feels different” from other parts of the Home Office; it is making a real difference to people’s lives. That is something the Home Office should be proud of, but should we really have only one section in the Home Office, the one dealing with refugees, where the staff feel they are making a difference? So the report is important and should be reflected on.

However, I have to say that the initial response of the Home Office to the report was disappointing and, in the words of the chief inspector, the Government appeared to be,

“closed to the idea that there is any room for improvement”.

That is disappointing for the people who are relying on this scheme, so let us hope that on reflection after this debate, the Minister’s response will be much more about a culture that makes a difference to people’s lives, rather than saying that there is no room for improvement.

The Home Office must also be congratulated on actually meeting the target of 20,000 people coming from Syria on this scheme. That shows a can-do attitude and all noble Lords should recognise that. But we must be clear that the scheme is not just about numbers or quantity; it has to be about the quality of what we as a country are doing in reaching out to vulnerable people, making sure that they are ready when they arrive here, and then looking at how they are integrated and supported during what will be a very difficult transition period in their lives. That is what I wish to concentrate on.

I want to ask the Minister clearly and simply to forget the structures and the systems. Is there in the Home Office an idea of what a good system looks like from the individual’s point of view? What does it mean to a human being—a mum, a dad, a brother or a sister? Do we humanise or do we just operate a bureaucratic system, and if we do, how is that spelt out in the Home Office? If that is not done, I would ask the Minister to ensure that it is, so that we have policies and a system that are humanitarian and not just bureaucratic.

We need to overcome the big problem talked about in the report, which is a lack of co-ordination. We also need to have a greater understanding of the cultural expectations of individuals. That is the crux of what this report talks about.

I want to use LGBT issues as a reason why this is important; I think that the Minister would be surprised if I did not. Reaching out to LGBT people is not about them coming to you. You have to work with civil societies in the countries that are part of the scheme. You have to understand that they are not going to be up for it and that their trauma and fear will not be readily overcome. For that, you need very different systems. We need to be clear. We need a number of systems, not just one, that are appropriate to the needs of the people we reach out to, whether they are people who have been tortured, families, young people or LGBT people.

Data is the lifeblood of good planning, operational effectiveness and reviews. It is clear that there is a real weakness in the system for not just data collection but data use; that is, looking to data for how we can change things. I asked the Home Office a number of questions on 19 May; the Minister responded to most of them on 29 May. To questions such as how many people are in work and have been integrated through this scheme, nearly every answer was, “We do not have this data”. The Home Office could not even answer a question on how many people from the different UNHCR categories have come into this country. Interestingly, the report states those exact statistics based on Home Office data up to the end of last year. We need to get hold of data. It helps people, it helps us and it helps others to get answers. Other than digitisation, what real work is happening in the Home Office to bring data together so that it can be used more effectively?

I also want to look at the issue of the 35-week period between somebody being accepted on to the vulnerable persons scheme in their country of origin and arriving in the UK. Let us go back to being human. At the moment, the period is too long; we need to look at how we can shorten it. Even when people are in the middle of that period, we become bureaucratic. Why do we not regularly keep in touch with them? Why do we not say more about what they can expect in the UK? Why do we not make the information that we give them more targeted? It is no good giving someone information about an urban area if they will live in rural Yorkshire. We need to personalise this and keep in touch. These people need to know who to get in touch with. We cannot just outsource this to the UNHCR. We need to take control. What work will be done to humanise the waiting period? How will we better respond to and work with the UNHCR, which is working in this area?

[LORD SCRIVEN]

Co-ordination when these people arrive here is also important. It is clear that a number of people are being passed from pillar to post. A number of government policies clash. When somebody tries to get employment and they look for benefits to help them, they are told that they do not meet residency criteria for certain benefits. Two huge government policies are clashing. We need greater co-ordination at a national level. What work is being done nationally to co-ordinate policy and iron out these clashes?

If we are to humanise this issue, it has to be devolved. We cannot use a national system. Every section of government that is involved, including local government and the third sector, needs to be delegated responsibility so that it can make personalised interventions—not just local, but personalised decisions—across the remit of issues that people face, such as housing, employment, English and interpretation. That is the crux of what is going wrong. I go around the world looking at government systems. A bureaucratic national system is not meeting individual need. I ask the Minister: can and will she and the Home Office look at making this a much more localised system, with delegated powers and responsibility so that local boards in the third sector and the statutory government sector, including local government, can make localised approaches to deal with the needs of families and individuals coming into our country, which will humanise what is going on, rather than trying to deal with everything nationally?

As I said, some good work has gone on and I believe that the Home Office's intention is to try to make this a system that works and that welcomes and opens our hearts and arms to the people in this situation, but the report clearly says that some really serious issues need to be addressed. I hope that, in the light of the few issues I have raised—I am sure other noble Lords will raise others—the Government, the Minister and the Home Office, while they might not be able to answer today, will reflect and look at how to make this not a hostile environment, but a human one in dealing with these people. I hope that they look at the data and understand that dealing with it is vital. I hope that when the Minister replies—and when we see things changing, maybe in the months ahead—it will be about that can-do attitude and culture of changing people's lives for the better, not simply saying that the bureaucracy is too difficult and we are doing everything we can.

4.11 pm

Lord Ramsbotham (CB): My Lords, I shall start by paying three compliments. I am afraid that my complimenting will cease there. First, I congratulate the noble Lord, Lord Scriven, not only on his thorough covering of all the issues, which I shall not repeat, but on tabling this Motion. Secondly, I thank Thomas Brown for his admirable Library briefing. Thirdly, and this is nothing to do with the subject other than that he is to follow me in the debate, I say to the right reverend Prelate the Bishop of Carlisle how much I and, I am sure, many other noble Lords have appreciated the way he has read the Psalms this week.

Like the noble Lord, Lord Scriven, I recognise that this report is not entirely negative about what has been achieved, but Mr David Bolt, the Chief Inspector of

Borders and Immigration, has described the Government's response to his report, of which it accepted only two, while partially accepting five, of his seven recommendations, as "disappointing". As the noble Lord mentioned, he added that the Government—meaning the Home Office—appeared,

"closed to the idea that there is any room for improvement", in how the scheme was managed and operated.

These last words immediately resonated with me because I have had countless experiences of exactly the same Home Office attitude to outside recommendations since I first became associated with the immigration system in 1997. As Chief Inspector of Prisons, I was asked to take on the inspection of what were then called immigration detention centres. Almost immediately, I was asked to inspect Campsfield House near Gatwick, where I found that a series of riots, which had resulted in the destruction of the library and much other damage, had been started by a group who I did not think met the criteria for immigrant detainees, namely ex-prisoners. They had been sentenced to be deported, but instead of having their deportation processed while they were in prison—so that, at the end of their sentence, they were taken straight to the airport and out, as happens in the UAE, for example—the deportation process was only started when they arrived at an immigration detention centre, following release from prison. I have been campaigning against this practice since 1998 and have recommended change many times in this House, without success.

I also found that immigration detention centres were using totally inappropriate prison rules, as opposed to UN and European detention rules, on the orders of the Immigration and Nationality Directorate, in the Home Office, which was responsible for the immigration system. After my inspection, my inspectors, working with officials from the directorate, produced more appropriate rules that are still in use today.

Together with my noble friends Lord Sandwich and Lady Mar, I was a commissioner on an independent asylum commission which reported in 2009 with more than 70 recommendations after an exhaustive investigation in which we involved the then UK Border Agency. Regrettably, we found what we described as a "culture of disbelief" in the Home Office, fuelled by the direction that it was then under from Tony Blair that there was to be a tipping point beyond which no further immigrants should be admitted, the policy being for officials to ensure that more applications were refused than granted. The most public manifestation of this attitude was when the then Minister for Immigration, when asked about our report on "The World at One", about which I had spoken on the "Today" programme, replied that he had not read it but disbelieved every word of it.

I shall not go through every disappointing dealing with the immigration department of the Home Office, which the noble Lord, Lord Reid, when he was Home Secretary, dubbed as "not fit for purpose", except to mention two which are germane to this debate. In 2012, I chaired an independent inquiry into the unlawful killing by G4S escorts on an aircraft at Heathrow of Jimmy Mubenga, an Angolan whose removal they were enforcing. During this inquiry, in which I again invited a senior Home Office official to attend every

meeting, we became extremely concerned about the poor quality of casework, including the lack of supervision. We made a number of recommendations, none of which has been actioned, designed to improve the whole process of enforced removal. The fact that I had so many knowledgeable experts on my panel, and that all our evidence was carefully documented, was studiously ignored by the Home Office.

Together with the noble Baroness, Lady Hamwee, I took part in the Refugees All-Party Parliamentary Group's review of the asylum and immigration system, which reported in 2015 and in which we recommended a review of the whole immigration system because there were so many flaws in it—a recommendation I would repeat today. Control of our borders is a laughable proposition under the current dysfunctional system, and I have no idea how it will cope with the demands of Brexit or the inevitable strains that will be put on it by population movement, possibly inflated by climate change.

Therefore, I plead with the Minister to encourage the Home Office, and particularly that part of it involved with the immigration process, to change the bad habits of the last too many years and stop deluding itself that all its operations are adequately managed. If it continues to refuse to listen to, or take account of, advice from those who know more about the realities of the human content of the immigration process than officials appear to do, then God save us as a nation.

4.17 pm

The Lord Bishop of Carlisle: My Lords, I thank the noble Lord, Lord Scriven, for securing this debate. I also extend my thanks to the inspectors for their helpful report. While I am about it, I thank the noble Lord, Lord Ramsbotham, for his kind words.

Most of all, I thank all those who have contributed to the good aspects of the vulnerable persons resettlement scheme thus far: Home Office officials, particularly the resettlement, asylum support and integration directorate; local authorities and devolved Administrations; refugee charities, and, not least, faith and community groups who have played their part in offering a very warm welcome. Expanding our resettlement offer from 750 people a year to the number under VPRS has required compassion, courage and not a small degree of competence.

But the work is not finished or perfect, as we have been reminded. Therefore, I want to use this speech to highlight some of the questions raised by the report that we must answer if our resettlement work is to receive approval in future reports. As the current report indicates, the 2015 expansion of the VPRS happened very quickly. This led to central government making a commitment and then offering a generous package of funding to ensure that local authorities would deliver that commitment. Such a model of top-down policy-making may well have been necessary at that point, but it is not sustainable in the longer term and stands in stark contrast to the policy design and delivery that has happened since.

From a Church of England perspective, we can testify to the directorate's commitment to working collaboratively with the whole of society to welcome

and integrate refugees. The design of the community sponsorship scheme has been a particular success and I pay tribute to the work our national refugee welcome co-ordinator is doing alongside Home Office and civil society partners to see this scheme grow.

The success of the whole policy, however, relies heavily on trust between the stakeholders. The Home Office must further develop this spirit of collaboration, as the noble Lord, Lord Scriven, emphasised, as decisions are made about our resettlement commitments beyond 2020. Civil society, local authorities, metro mayors and the devolved Administrations all have a part to play in this, and the Government will struggle to coerce anyone into any policy that they alone own. So I ask the Minister: what is being done to ensure that future resettlement commitments are made and owned by the whole of society and not just Marsham Street?

May I also ask the Minister for an assurance that the negotiations around the global compact on refugees at the United Nations will be approached in that same spirit of collaboration? Tragically, as we are only too well aware, the Syrian conflict shows no sign of resolution. Beyond 2020, there will still be a need to offer protection and a home to those affected by it. Yet there are also other refugee crises in need of our attention. We cannot ignore those displaced by conflicts in Iraq, Libya, Afghanistan and the DRC, among others. Our future resettlement must be responsive to other humanitarian crises, but of course we cannot do this alone. The UK should be a world leader in welcoming refugees and vulnerable persons, not simply by doing it better than everyone else but by enabling everyone else to do it better as well.

Such leadership is not just about refugees who arrive through resettlement. Domestically, we need to dismantle the two-tier system identified in the APPG on Refugees 2017 report *Refugees Welcome?*. Doing this will involve facilitating widespread support for asylum seekers and refugees, particularly during the very vulnerable stage of the move-on period immediately after refugee status is granted. Dismantling the two-tier system will also involve heeding the report's recommendation of an integration strategy for refugees, learning perhaps from Scotland's "New Scots" strategy. I hope this recommendation will form part of the integrated communities strategy.

I also hope we can continue to learn from the experience of other countries. For instance, Canada's private sponsorship programme allows community groups to name refugees they wish to sponsor, enabling the scheme to be used as a sort of family reunion. We might explore a pilot, allowing refugees already welcomed through the VPRS to work with their communities to do something similar with their family members, on the condition that they meet the UNHCR vulnerability criteria. Doing so would improve integration outcomes and would draw primarily on community assets rather than government resources.

As Canada teaches us, this work is the stuff out of which communities are built and on which they thrive. We hear from many involved that, while it has taken a community to integrate a family, it also seems often to have taken a family to make a community. The act of welcoming brings people together in new and deeper

[THE LORD BISHOP OF CARLISLE]

ways. I am confident that in future historians will write of the role VPRS had in helping Britain reimagine itself at this significant moment in our history. We are profoundly grateful for what has already been achieved, but we are also deeply conscious of the size and importance of the task of resettling vulnerable persons that lies ahead.

4.25 pm

Lord Roberts of Llandudno (LD): I appreciate very much the opportunity to take part in the debate introduced by my noble friend Lord Scriven. We all know that, ultimately, the answer lies in Syria and the Middle East, and somehow bringing together a new understanding there. The whole area is the victim of history. Countries like ours, France, Turkey and now Russia want to impose the most individually advantageous solutions on this part of the world. The United Nations appears impotent in the face of so many vetoes and certain voices that cause great discontent and destruction, as we saw in Gaza in recent weeks.

Would it be possible to approach the Syrian conversation not by saying, “This is the policy we recommend; this is what we want to achieve”, but by saying instead, “This is the religious policy”; “This is the policy of the ethnic people”; “This is the political policy”? Somehow, we should try to get people to discuss the religious argument. The people of the various religious faiths should be able to talk together and bring something to light that is different. Can faith move mountains? I think it needs a chance.

The report we discuss today concerns how we in the United Kingdom can try to fulfil a historical obligation to ease the calamity that affects so many Syrians and so many others in the Middle East. We were among the nations that drew the boundaries of the countries of the Middle East, so I suggest we have a moral duty to help those who for many decades have been affected by our decisions. It has already been mentioned that the doorway to the UK for refugees is the Home Office. Over many weeks we have been saddened by reports on immigration matters: the Windrush generation, including a former mayoress in East Anglia, who have been here for 30 or 40 years and now face deportation; even a wealthy owner of a football club was not able to have his visa renewed—I hope it has happened by now. Hundreds of thousands of Home Office decisions have been overturned on appeal.

How can this situation be resolved? Do we start with the staff dealing with immigration; is that where the weakness lies? Many of them, remember, do everything they can to complete tasks which are often extremely complicated and difficult. We owe them a great deal. Is the weakness at a ministerial level? Who is leading and inspiring on the immigration question? Often, it seems that no one is leading or directing the team. Are Ministers themselves satisfied that the present system is fair, efficient and not really in need of improvement? The report on the vulnerable persons resettlement scheme includes at the very beginning different interpretations of the meaning of “vulnerable”. Who are the vulnerable? There is disagreement on the reliability of evidence to prove identity. There is the accusation

that Home Office monitoring lacks depth and shade. Doubt is cast on the value of Home Office data, as we have already heard.

We sometimes complain that sufficient funds are not available to train, pay and expand the number of employees. But when we examine the budgets, as the report does, they are nearly always underspent. One year £29 million was budgeted but only £15.6 million was spent. Another year the budget was £98.5 million, of which £75 million was spent. Another year the budget was £113.7 million and only £66 million was spent. There is money there. In addition, in 2015 the Home Office had a budget of £36 million for exceptional costs. But the report says that by December 2017 only £2.4 million of that had been spent.

The report is unhappy with the extent of the search for direct information from refugees themselves. It states that the Home Office interviewed nine refugees and then met a refugee family from Amman. If anyone came to north Wales, they would meet more refugees than that. So we question whether there is enough data and evidence from the refugees themselves. The report damned,

“the absence of a national integration strategy”.

The pace of immigration settlement leaves a lot to be desired. The target was to settle several hundred Syrians over three years. But by September 2015 only 239 had been settled. That works out at 22 refugees a month. The civil war in Syria has lasted far longer than envisaged when David Cameron pledged that the UK would welcome 20,000 refugees by 2020. As the report says, there is no commitment to continue resettlement after that year or to increase the number from 20,000 to accommodate the extra years of civil war.

As has already been mentioned, it takes 35 weeks from acceptance on a resettlement scheme until the refugees are actually on a plane to the UK. Then they are given a two-day cultural orientation workshop. I suggest that some of the problems arise because the folk, many of whom do not speak English, are not given that introduction which is essential for them. Then there are the interviews and decisions. So many initial Home Office decisions are overturned. Currently the decision is made by one person. One move we could make to improve that immediately would be to have two people interviewing, as we do in many other organisations, so that they could help each other out and confer. There is money there in the budget. Having two people could avoid many wrong decisions.

We will have a new immigration Bill—I am sure the Minister is looking forward to it—which will give us the opportunity to put right much that is the cause of anxiety, confusion and poverty. In a world where we have 66 million displaced men, women and children, it is disgraceful if our one aim as a United Kingdom is to reduce the numbers welcomed here instead of leading at home and globally an attempt to give every vulnerable person a home. We can do better than that. Anyone who talks of sending them “back where they came from” to cities such as Aleppo or Idlib is living in fantasy world. We have to adapt ourselves so we can be a welcoming country. Of course there will be difficulties but we can do something that will give hope to so

many people who are in a situation that we are fortunate not to be in. More than anything else, we need a leadership on immigration matters that has vision, compassion and inspiration. With that sort of leadership, we might restore the hopes of the millions of people who have lost families, homes, education—everything. I suggest that this is our moral obligation.

4.34 pm

Baroness Hamwee (LD): My Lords, I too thank my noble friend Lord Scriven for giving us the opportunity for this debate and for his thoughtful and humane, as well as human, introduction. As the right reverend Prelate did, I thank the independent chief inspector and his staff and, of course, all the individuals involved in the scheme. We each have more time available to debate this Motion this afternoon than I had anticipated. I fear that I may take more advantage of that than some other speakers. I will also use this opportunity to say how sorry I am that there could not have been more of an equalisation between this debate and the earlier debate, although I dare say that the four-minute time limit produced some pretty sparky speeches earlier today.

It was pleasing to read that the scheme is “essentially effective”, although that is obviously within its own terms. I will try not to stray too far from the scheme, but the House will recognise the ambitions of these Benches regarding refugees and asylum seekers. The inspector expressed his disappointment at the Government’s response committing to “few if any actions”. I share that disappointment, not least because the issues have wider application than the VPRS, which is a particular scheme about particular cohorts. But external review and assessment are relevant to other schemes, other situations, other asylum seekers and refugees as well as to future participants in the vulnerable persons resettlement scheme.

We are told by the Library—like the noble Lord, Lord Ramsbotham, I am grateful to it for a very helpful briefing—that the International Organization for Migration has said:

“Resettlement cannot be viewed as a one-off effort”.

It referred to it as “a holistic process”. We will all have met refugees who say how relieved they were to reach the UK and how grateful they are to the UK, but then describe the difficulties they have encountered and the obstacles to their becoming able to play their part in society and in the community which has adopted them.

The Government’s response to the chief inspector’s report is framed in terms of accepting or partially accepting the recommendations. Looking at that from the other side, partial acceptance means that the findings of the report—the basis for the recommendations—are, at least in part, not accepted. I realised that I do not know the extent of the Government’s engagement with the inspectorate on this. The report sets out the methodology, which to me looks pretty energetic. However, I do not have the expertise and have no idea about the optimum sample for each aspect of the process, so I do not know whether I agree or disagree with my noble friend Lord Roberts on this. The report included a walk-through of casework, allocations, arrivals

and so on, along with the examination of 154 case records and interviews. I have not picked up whether there were similar exercises with DfID and the Ministry of Housing, Communities and Local Government, which are partners in the scheme.

I have a technical question to the Minister about whether the Home Office has discussed the recommendations with the inspectorate. If it did, was that before publication? I am interested in understanding whether, for the Government, this was a paper exercise or something more exploratory.

I have two particular reasons for being interested in this. Yesterday the Joint Committee on Human Rights, of which I am a member—I see that my colleague the noble Baroness, Lady Prosser, is listening to this debate—questioned the Home Secretary and a senior civil servant about the detention of members of the Windrush generation. I had a question for him about challenging Home Office processes—internal challenge, that is—and the civil servant mentioned quality assurance. Inspection, it seems to me, is part of quality assurance.

One of the recommendations in the report is about best practice and guidance based on monitoring, analysis and evaluation. The Library has helpfully drawn our attention to the National Audit Office report of September 2016 on the scheme, along with the work that the Commons Public Accounts Committee did based on that, following the NAO report. The NAO recommended greater monitoring and development of evaluation measures while the Public Accounts Committee recommended improved monitoring and evaluation of certain aspects. There is something of a theme here, perhaps related to my noble friend Lord Scriven’s reference to the use—I stress “use”—of data.

There is something of a thread, too, running through the inspector’s recommendations on the use of the pre-departure period and the scheme’s communications strategy and the Public Accounts Committee’s recommendation on,

“full and clear communication with refugees about the programme—including the services they can expect, their entitlements, restrictions, and the implications of having ‘humanitarian protection’ status”.

That is a direct quote from the committee’s report. On the use of the pre-departure period, we are told that the Government accept the inspector’s recommendations in full. There seems to have been something of a “but” there, though, because the government response then went on to say:

“Implementation of any changes, however, will depend on the establishment of a credible evidence base for changing the current process and timescales as well as an assessment of the benefits of any changes, which would need to outweigh any additional costs. The Department will review the feasibility of options to help reduce the anxieties of those waiting for an arrival date”.

That does not seem to be a wholehearted acceptance of the point made in the report.

The chief inspector has also referred to learning English for reasons of work, study, volunteering and community activities—I think I would sum that up as everyday life. This cannot be a surprise to any noble Lords. No one disagrees with the importance of facility in the language, but it is an issue that is always raised in discussions about what is most helpful to refugees in settling in the UK. In 2016, the organisation Refugee Action published *Let Refugees Learn*, a report on the

[BARONESS HAMWEE]

challenges and opportunities to improve language provision. It included comments from a number of refugees. Pauline, from the DRC, said that,

“when you can’t talk to people, it’s really very hard. They smile but can’t talk to you and you can’t talk to them”.

I thought that was a very moving summary of the position.

This week, the same organisation told a meeting that I attended about the same issues as in that report of two years ago, in the context of loneliness experienced by refugees. People are asking for more hours per week—I do not mean more hours in the week but more hours of teaching—as many of them get no more than two hours; the need for childcare while the parents attend a class; and comments that too often classes are not accessed by or accessible to women. I had not taken in before that it is the head of the household who is enrolled at the jobcentre, so that is the person who is referred for language lessons—and that is of course usually the man.

One particular point in the Home Office report puzzled me. It was about the treatment of pregnant women and their fitness to fly. The response confirms that the department will,

“strengthen internal guidance and staff training on how to deal with cases that involve pregnant women, to further emphasise that there should not be an automatic assumption that they should not travel”,

but it goes on to say that those cases,

“will only be prioritised where UNHCR categorise it as urgent or an emergency”.

Urgency is not a static condition. There may not be urgency in the earlier months of pregnancy, but I think that one can fairly reliably expect that the matter will become more urgent as the months go by. That is about future family. My noble friend talked about family. I am told that often, a refugee’s first question on arriving here is: “When can my family join me?”. It is the most important of their many concerns.

Finally, the inspector commented on the front-loading of the pipeline of referrals. The report tells us that,

“planning and resourcing for operations in the region beyond mid-2018 is a challenge”.

We are in mid-2018, so I end by asking the Minister: what is the position on this issue now?

4.46 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I congratulate the noble Lord, Lord Scriven, on securing this debate on the report by the Chief Inspector of Borders and Immigration, *An Inspection of the Vulnerable Persons Resettlement Scheme*. As noble Lords will be aware, the report was published last month and, rightly, gives the Government and their partners credit for the success of the scheme, acknowledging that it is largely achieving what it set out to do. That is not to say that there cannot be improvement, and I think that the chief inspector’s report expresses disappointment that the Home Office has not done more to share best practice and look to a greater consistency of treatment and outcomes.

As noble Lords will be aware, the scheme was started in 2014 as an initiative of the then Home Secretary, now the Prime Minister, Theresa May, to provide emergency sanctuary in the UK for particularly

vulnerable Syrians displaced by the ongoing conflict in that country. The programme has a number of priorities: those people who have survived torture or violence, women and children at risk and those requiring urgent medical attention. There are other conditions to the scheme: it is open only to Syrian nationals who left the country at the start of the civil war and who are resident in particular host countries. If I am right, they are Turkey, Iraq, Lebanon, Jordan and Egypt. The scheme has been amended several times since then. When David Cameron was Prime Minister, the scheme expanded to include up to 20,000 of the most vulnerable refugees to be moved here by May 2020.

This has been generally welcomed, although we can debate what more could and should be done to provide assistance in one of the most devastating civil wars in recent memory. The noble Lord, Lord Scriven, made the important point that we are dealing with human beings, and it cannot be left to a bureaucratic approach to deal with these matters; I entirely agree with him.

We have seen those who arrive here being granted refugee status and five years’ limited leave to remain for those arriving after 1 July 2017. Those who arrived prior to that can now apply for that status. There have been previous reviews of the scheme before the one we are debating today. In the report from the chief inspector, there were seven specific recommendations, and I want to go through each one, comment on them and pose a few questions to the Minister.

The first recommendation looked at staffing and was only partially accepted by the Government. The recommendation suggested that, in addition to ensuring that the roles are clearly defined and set at the right grade, staff training and flexibility were important considerations. Could the Minister explain about the changes to IT systems that could hold matters up? What progress is necessarily reliant on securing the necessary IT changes?

The second recommendation looked at the issue of data and, again, was only partially accepted by the Home Office. Why should we have confidence that appropriate management information is already being used appropriately and securely shared with relevant bodies? The noble Lord, Lord Scriven, posed a number of questions to the noble Baroness on this issue. How can we ensure that good decision-making is taking place if certain data are not being collected at all in the first place?

The Government are right in allowing the UNHCR to identify and refer the most vulnerable victims. Can the noble Baroness tell us something about these new digital tools that are being developed? When are these tools expected to come online, and can we have an assurance that a vigorous testing regime will take place to ensure that bugs and other problems do not make matters worse, even if only for a short time?

The third recommendation concerned best practice and guidance and, again, was only partially accepted by the Government. I agree with quite a lot of what the Government say in response to this recommendation, but could the Minister explain, as the noble Baroness, Lady Hamwee, also asked, what is being issued as advice concerning pregnant women? It seems that the advice has an assumption that they should not travel.

I thought that there was a time when, medically, women would be advised not to fly, at around 36 weeks into the pregnancy. Why would we be suggesting anything different to that standard medical advice? Perhaps the Minister can explain

The fourth recommendation concerned more effective use of the pre-departure period, which seems to contain very sensible proposals. I think what can be done in this period depends on how long it is and managing expectations, for getting the matching process right first and then, if time allows, looking at language skills. If that is not possible, that has to be done when refugees arrive here in the UK, but a clear plan is a good thing to establish in the first place. There is some excellent work taking place in the UK to help refugees when they arrive with the language skills they need to navigate our systems, to be able to shop and provide for their family.

Morley College down the road, by St George's Cathedral, covers the communities in the boroughs of Lambeth and Southwark. It has a scheme whereby many refugees come in to learn language skills. It really is a fantastic scheme. If any noble Lord wanted to visit, it is well worth going. I took the noble Lord, Lord Hill, down there when he was Leader of the House to see the work being done by the college. It is definitely well worth a visit.

The fifth recommendation concerns contact with local authorities and, again, is only partially accepted by the Home Office. There is always room for improvement here; when you are dealing with large organisations, delays occur. Unfortunately, that is a fact of life. When I read this, I felt that the Home Office was being unduly defensive in this regard, as it is in respect of the sixth recommendation. I accept fully these are complex matters, which require a number of agencies to deliver different parts of the programme to get a refugee family here to the UK safely and properly settled, which needs proper forward planning and procedures and the reviewing of such matters to ensure that all agencies are delivering what is required. That is a good thing and not something to be defensive about.

The final recommendation is important. While I accept that the Home Office has good connections across government, that does not stop it or any other government department acting in silos. We have had many debates in this House where we have seen departments acting in silos and not talking to each other, and one thing being agreed in one department which is a major problem in another. I am talking about the DWP and housing, for example, in terms of universal credit. So I think it has good connections, but things could be done better.

In conclusion, the report says the Home Office is generally doing a good job and should be congratulated. Things can always be improved, and where they can they should be but, clearly—the right reverend Prelate the Bishop of Carlisle made this point—lots of good work is taking place in the department and with partners in local government and the charity sector to help deal with the terrible tragedy in Syria and to help UNHCR deliver its role. That should not be lost, but there is certainly more that we could possibly do. If we can do things better than I hope the Government

would want to strive to achieve that. Generally, as I have said, the Government should be congratulated on that work, and the report validates what they have done.

4.55 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I join other noble Lords in thanking the noble Lord, Lord Scriven, for securing this debate and for his and others' very human and humane contributions to it. I will say at the outset that I am very proud of the long-standing tradition that we have in the UK of offering protection and shelter to those who are most in need. The contribution that the UK makes to the needs of refugees, both in the region and here in the UK, is recognised across the world, and in particular by UNHCR. But it is absolutely right that we take time to reflect on what we have collectively achieved over the last few years and also to learn lessons for the future, as noble Lords have said. This report by the Independent Chief Inspector of Borders and Immigration is a helpful part of that process, and it is good that the issues are aired.

Before I turn to the report, it might be helpful if I take some minutes to set out the context. The vulnerable persons resettlement scheme is one of four resettlement schemes operated by the Home Office. These resettlement schemes offer a safe and legal route to the UK for the most vulnerable refugees. The scheme was launched, as noble Lords know, in 2014 and has helped those in the greatest need, including people requiring urgent medical treatment, survivors of violence and torture, and women and children at risk—as the noble Lord, Lord Scriven, says, the most vulnerable of the vulnerable. He touched at one point on LGBTI refugees who, in many cases, must be in one of the worst situations of all. We need to be very sensitive in our treatment of them, particularly, as the noble Lord said, given the part of the world from which they are fleeing. I know that UNHCR has undertaken particular efforts to ensure that LGBTI individuals are able to register and, in addition to sensitising and training staff on LGBTI issues. UNCHR works closely with partner NGOs supporting the LGBTI community in the region to facilitate registration, to ensure access to services and to explore available durable solutions, which may include consideration for resettlement. The NGOs are thus able to refer such cases to UNHCR where particular protection concern exists.

In September 2015, as noble Lords know, the then Prime Minister announced that the scheme would be expanded to resettle 20,000 Syrians in need of protection by 2020. In July 2017, the Government took the further decision to extend the scope of the scheme to include refugees who have fled the conflict in Syria but do not have Syrian nationality. The department works closely with the United Nations High Commissioner for Refugees—UNHCR—which is uniquely placed to identify those living in formal refugee camps, informal settlements and host communities who would benefit most from settlement in the UK. Although the UK has been resettling refugees since 2004, the announcement that we would resettle 20,000 people fleeing the conflict in Syria within five years represented a considerable increase in the scale of our resettlement programme.

[BARONESS WILLIAMS OF TRAFFORD]

I am sure that noble Lords will agree that, with over 1,000 refugees resettled within the first three months, and over 11,000 refugees resettled by March 2018, this upscale is a significant achievement. Noble Lords, in particular the noble Lord, Lord Kennedy, acknowledged this.

On the report, the Government are pleased that the inspector, too, recognised the considerable achievements of the scheme. The Government welcome the recognition that the processes on which the scheme relies are essentially effective and that there is every reason to believe that it will achieve its target by the deadline. Furthermore, the Government welcome the finding that the flexibility in allowing local authorities to decide how best to spend the funding provided for each refugee—that goes to the point made by the noble Lord, Lord Scriven—has enabled some to participate in the scheme who may not otherwise have been able to do so.

In responding to the publication of the report the UNHCR said that it has been impressed with the UK's ability to scale up its VPRS programme significantly and swiftly, co-ordinating closely with it. It went on to say that the UK programme is flexible and that the UK receives some of the most vulnerable refugees. The VPRS and the UK's other resettlement programmes allow UNHCR to address serious refugee protection needs. The VPRS makes the UK one of the world's largest resettlement states, and it is taking a leading role in promoting resettlement.

However, we are not complacent and recognise the need to keep improving to ensure that the scheme continues to work well. A comprehensive evaluation of the scheme is under way, and the department continues to engage with key stakeholders and delivery partners. I am sure that the noble Lord, Lord Scriven, will acknowledge the lack of defensiveness in that statement, but it is important that we continue to challenge ourselves and our own policy.

On the human point, which many noble Lords made, including the noble Lords, Lord Scriven and Lord Kennedy, the new Home Secretary made that point quite clear, saying that the Home Office deals with individuals, day in and day out. These are people; they are human. The noble Lord posed the question of what a good system looks like. In the Home Office it is when people feel as if they have been treated as human beings, efficiently and effectively, and feel that a fair process has been undertaken throughout.

The chief inspector made seven recommendations as part of the report. The noble Lord, Lord Kennedy, helpfully went through each one of them, and I shall do so in turn for his benefit and that of other noble Lords, and will try to respond to each. The report recommended that the Home Office review the scheme's staffing, ensuring that roles are clearly defined and set at the correct grade and that staff receive training that enables at least some of them to be deployed flexibly, as required. The department believes that roles in the team are set at the correct grade and it has already deployed staff flexibly within the team. The activities of certain roles will be reviewed in terms of case sign-off and categorisation when staffing levels allow. Any changes in process or responsibilities will be

reliant on securing the necessary changes to IT systems. I know that the noble Lord, Lord Kennedy, challenged me on what those changes mean. I will have to write to him on that. I asked the Box, and it has just occurred to me that I have not given a full answer.

The report recommended that the Home Office ensure that the data required to support the efficient and effective management of each stage of the resettlement process is defined, captured, shared and processed or analysed, and the results shared with all relevant parties. The department has a suite of internal management information and progress reports to enable the effective management of the VPRS, and is working to develop new digital tools to enhance automation and increase efficiency of casework, allocations and arrivals processes. That might be the IT changes; I shall confirm it. The collated management information is shared appropriately and securely with the relevant bodies involved in the resettlement of vulnerable individuals under the scheme, and is used by Home Office analysts in monitoring and publicly reporting the operation of the scheme.

The noble Lord, Lord Scriven, commented about there being not enough grip on the data and ensuring it is used, and asked what the Home Office is doing to improve the recording and monitoring of the reasons for referral to the UK, as the noble Lord knows, and we manage people's needs carefully. We do not believe a more granular approach—which I know he has pushed for, and has pressed me for time and again through Written Questions—would make any material difference to the support received by the refugees who are referred or accepted for resettlement. But I know exactly the point he will make now.

Lord Scriven: This is an important point if we are to get this right and start to plan before people arrive. The UNHCR does more than just give a primary reason. If people are coming with complex needs, and we want to plan, we need to know about them before they are here. Why do we not look at more than just primary recording—as well as using that to help plan, both before and while people are here?

Baroness Williams of Trafford: I take the point. I am sure that we will get better at collation of data and disaggregation of data in the future. Of course, UNHCR then refers the cases for resettlement to the UK, so it makes a judgment—but I am sure that some sort of statistical assessment by ourselves would be useful.

The resettlement process relies on UNHCR to undertake identity and nationality checks when registering cases as refugees. The report acknowledges that UNHCR's screening processes are very effective in this regard. The dossier approach provides UNHCR with flexibility and allows people to be resettled more quickly. The department will continue to monitor and assess UNHCR processes through assurance work, including whether to trial additional interviewing, as part of the commitment to keep processes under review and our approach to security dynamic.

To answer the question of the noble Lord, Lord Roberts, any wholesale change to the ways of working would need to be weighed up against the costs and benefits.

This will be taken into account in future resettlement planning. The department will review internal processes in terms of the documentation required to facilitate the issuing of UK visas in resettlement cases.

In reaching its determination that an individual has met the criteria required of the 1951 Refugee Convention, UNHCR has conducted its own assessment of credibility, which we rely upon. UNHCR is well versed in this area. Its resettlement handbook, its refugee status determination guide and its own internal standard operating procedures provide clear guidance to its caseworkers on credibility assessment. In addition, it has produced guidance on credibility assessments for EU asylum systems.

UNHCR's position on DNA testing is that it should be done only:

"where serious doubts remain after all other types of proof have been examined".

The Government take regard of UNHCR's view on this and will commission DNA testing where it is considered appropriate.

The inspector's report recommended that the Home Office should, through monitoring, analysis and evaluation, and calling on the expertise of others as appropriate, determine what constitutes best practice at each stage of the resettlement process, as well as producing, and updating as necessary, the scheme's guidance documents, ensuring that they are comprehensive and coherent and that they drive towards consistent best practice. It set out a list of issues that this should cover and this recommendation was partially accepted by the Home Office. In some instances, this is because clear guidance already exists and the Government have a clear and established rationale for the process as it stands.

The Home Office already has a monitoring and evaluation process for the VPRS, which is well under way. This includes a monitoring framework containing seven high-level integration outcome areas, with a detailed set of indicators beneath each area. Early integration outcome data on a considerable number of refugees resettled under the VPRS has already been captured and a detailed analysis undertaken.

That early integration outcome data has already been shared with strategic migration partnerships, which were encouraged to pass it on to local authorities to promote continued engagement with the underlying data collection exercise—in which local authorities are playing a really valuable role—and encourage a focus on how services are being delivered and whether they might be adapted to further support refugees' integration. Service delivery is also a key focus of the comprehensive qualitative evaluation being conducted by Ipsos MORI, and the department is very keen to share the output of its work with partners once available.

The Government do not accept that there are no processes in place for dealing with referrals of families of six or more and those which are too complex or difficult to deal with on paper. The department does accept, however, that these processes could be clearer and more comprehensive, and it will make sure that this is immediately addressed in the standard operating procedures.

In the report, the chief inspector suggests that the Home Office should consider the treatment of pregnant women, including how their resettlement might be expedited to avoid "fit to fly" concerns—a point raised by the noble Baroness, Lady Hamwee. Where practicable, existing processes seek to ensure that resettlement takes place while those who are pregnant are fit to fly and able to travel, but a number of factors will impact on the feasibility of this—for example, an individual's willingness to undergo a TB screening X-ray. Having been pregnant, I can understand that people might be wary of that. However, the department will strengthen internal guidance and staff training on how to deal with cases that involve pregnant women to further emphasise that there should not be an automatic assumption that they should not travel. The Government do not accept that cases involving pregnant women should be expedited or prioritised before other vulnerable cases simply on the basis of pregnancy. Cases that involve a pregnancy will be prioritised only where the UNHCR categorises them as urgent or as an emergency.

Lord Kennedy of Southwark: The report suggests that people should not move and I do not understand why that is the case. I understand why resettlement in these cases might be expedited but why should such people not travel?

Baroness Williams of Trafford: The point I am making is the opposite of that. Where people are fit to fly, they should be able to fly. Pregnancy in and of itself does not make someone vulnerable, and a case involving pregnancy will be prioritised only where the UNHCR categorises it as urgent or as an emergency. In other words, if a woman is in an unwell state, as opposed to just pregnant—

Lord Kennedy of Southwark: I get that and that is very helpful. Maybe I am wrong but the report suggests the reverse—that there is an automatic decision that people should not travel—and that seems perverse.

Baroness Williams of Trafford: I will just repeat what I said—it is written down. Where practicable, existing processes seek to ensure that resettlement takes place while those who are pregnant are fit and able to travel. However, if someone refuses a TB screening X-ray, that obviously creates a problem in the process.

I have only one more minute. I will scoot through a few points that noble Lords have made. The noble Lord, Lord Scriven, talked about a more local approach. We are very grateful for the ongoing support of local authorities. They have enabled resettlement to take place and provided a vital role. However, before committing to offer resettlement, we have to think about whether they are able to put in place the infrastructure and support to vulnerable people—I think that noble Lords would accept that. They are obviously provided with the funding to enable them to provide vulnerable refugees with a safe environment and the chance to rebuild their lives.

The noble Lord, Lord Ramsbotham, asked about enforced removals and case work. All aspects of our detention and removal processes are subject to external

[BARONESS WILLIAMS OF TRAFFORD]
scrutiny from HMIP and independent monitoring boards, and the Home Office is leading a review of our practices, including the use of de-escalation techniques and assessments of individual risk. As part of this review we will engage external partners, including Her Majesty's Inspectorate of Prisons.

I have run out of time. There are some specific questions that noble Lords have asked, including the noble Lords, Lord Ramsbotham and Lord Roberts, and the noble Baroness, Lady Hamwee. I shall put my answers in writing to them. I thank noble Lords once again for taking part in the debate.

5.16 pm

Lord Scriven: I thank all noble Lords who took part in the debate. It goes to prove that sometimes debates are not about the quantity of people participating but the quality of the interventions and discussions. I will not keep the House, because I am aware of the time; it is a Thursday evening.

I thank the Minister for being not totally defensive and a little more open-minded in terms of some things that may have to happen over and above the Government's initial response. It comes down to a number of issues. I noted that the Minister said that this was about a fair and humane system—that that is how people should be treated and how the Government saw success.

Perhaps there should be some monitoring of people who have been through the system to evaluate whether it was fair and humane. If that is what it looks like, we should ask the people who are going through it.

Many noble Lords talked about data and how that needs to be dealt with. A number of principles need to be set, such as being humane, fair and flexible—another thing that many noble Lords said. We also need to set up an open and collaborative approach. The right reverend Prelate the Bishop of Carlisle clearly talked about that—not just within government but within churches, faith groups and the third sector. There needs to be more devolution to and empowerment of not just local government but the churches and the third sector locally to deal with and have flexibility with regard to those principles.

There also needs to be good review and evaluation based on data, and also of the human aspects of the people who move through the system. That would lead to a less defensive, more humane and more responsive approach, which all noble Lords who spoke wish to see. Again, I thank all noble Lords for their contributions and the Minister for being open and for listening and for going back to look at what can be done. I beg to move.

Motion agreed.

House adjourned at 5.18 pm.

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