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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Thursday 24 November 2022

11 am

Prayers—read by the Lord Bishop of London.

Introduction: Lord Evans of Rainow

11.08 am

Graham Thomas Evans, having been created Baron Evans of Rainow, of Macclesfield in the County of Cheshire, was introduced and took the oath, supported by Baroness Williams of Trafford and Lord Davies of Gower, and signed an undertaking to abide by the Code of Conduct.

Introduction: Baroness Foster of Aghadrumsee

11.14 am

The right honourable Dame Arlene Isobel Foster, DBE, having been created Baroness Foster of Aghadrumsee, of Aghadrumsee in the County of Fermanagh, was introduced and took the oath, supported by Lord Dodds of Duncairn and Lord Godson, and signed an undertaking to abide by the Code of Conduct.

Adult Social Care
Question

11.18 am

Asked by ***Lord Scriven***

To ask His Majesty's Government what assessment they have made of the Local Government and Social Care Ombudsman's *Annual Review of Adult Social Care Complaints 2021–22*, published on 12 October, which said that social care is a "system with a growing disconnect between the care to which people are entitled and the ability of councils to meet those needs".

Lord Scriven (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper, and in so doing, I draw the attention of the House to my interests in the register.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con): The Government have noted the findings in the report. Our priority is for everyone who is entitled to adult social care services to get the right support they need, at the right time and in the right place. The Government recognise the immediate pressures adult social care is facing, which is why the Chancellor has announced up to £2.8 billion of additional funding in 2023-24 and £4.7 billion in 2024-25.

Lord Scriven (LD): My Lords, the extra money is to be welcomed, but two years' extra funding is not a viable and sustainable response to the problems facing the social care system. Does the Minister agree with the Conservative chair of the LGA Community Wellbeing Board, Councillor David Fothergill, who says:

"Adult social care will remain in a crisis state until a comprehensive plan is in place to fully fund the care needed"?

If he does, when will that comprehensive funded plan be forthcoming?

Lord Markham (Con): I think we all agree on the vital necessity of adult social care—I think the noble Lord has heard me say it many times from this Dispatch Box—and that is what the £2.8 billion and £4.7 billion are about over the two years. The noble Lord is correct that we need to look longer-term, because the whole health service and the care of our elderly are obviously dependent on us getting this right.

Baroness Wheeler (Lab): My Lords, the backlog of care assessments, estimated at 500,000 by ADASS, lies at the heart of the complaints coming through to the ombudsman. They are all about assessment delays for people and their carers, not enough funding or staffing to deliver those assessments that are agreed and failures in home care and care home support. The latest NHS figures show that 145,226 people in England have died waiting for social care over the past five years, and nearly 29,000 previous self-funders have made a new request for council social care support because they have depleted their funds. Can the Minister tell the House exactly what impact the 200,000 more care packages to be delivered in place of the two-year cap delay will have on the huge backlog of assessments and what percentage of the original money earmarked for social care this actually represents?

Lord Markham (Con): I thank the noble Baroness. As mentioned, 200,000 care packages is a significant number and will make a significant impact on everything we are talking about here, and that is in conjunction with all the other measures we have put in place, including the £500 million discharge fund this year. In terms of the precise percentages of those allocations, I will quite happily commit to write on that, but I can say to your Lordships that the £4.7 billion represents a 22% increase in 2024-25. By any standards, I think that people would agree that a 22% increase is a significant amount.

Lord Forsyth of Drumlean (Con): My Lords, has my noble friend read the report of this House's Economic Affairs Committee entitled *Social Care Funding: Time to End a National Scandal* published some years ago? In particular, the point is made in the report that to try to fund social care by allowing for an increase in council tax is highly regressive and inequitable because the tax base of the local authorities is least where the demand is greatest.

Lord Markham (Con): I have not read the report, which was published a few years ago—I will always stand up and say when I have read something and when I have not, and will not pretend to have read something that I have not. But I am aware of the issue. I was a local councillor many moons ago and am aware of the issue of the narrow tax base on which we are sometimes asking to draw, so it is a much wider

[LORD MARKHAM]
question. That is why I am glad that a lot of this funding has come from central government as a down payment towards that. As I have mentioned many times, I accept that we need to find some long-term solutions in this space.

Lord Turnberg (Lab): My Lords, the question of pay is very important of course, but the other element is the respect and self-respect that a professional is due. That can come only if they have a nationally recognised training programme, qualification and registration, none of which they have. Will the noble Lord think about how we might achieve that? At least that will bring more people into the profession.

Lord Markham (Con): I agree with the noble Lord that we need to make this an appealing profession and, as the noble Lord says, that involves more than just pay. We know that retention is vital, so I agree that having it properly recognised professionally is the direction of travel. At the same time, I am very glad to say that, for a lot of the money we are talking about—the £2.8 billion next year, for instance—some 70% will trickle down into wages, so I am pleased that it will actually be felt in the pockets of the carers, which again will help with recruitment and retention.

Lord Kirkhope of Harrogate (Con): Can my noble friend advise us what is in place from the Government to look into the necessary social care of those mental patients who have had to be discharged from institutions and elsewhere, where the history is a very poor one. I speak as a former mental health commissioner. I feel that it is very sad that the community is not able to take care of people who should not be in institutions but in the community. What are the Government doing about this?

Lord Markham (Con): I thank my noble friend. I think we agree that, where care can be considered and put in place in the community, that has to be the best place to do it. These funds are not just limited to care homes. The whole reason that they are allocated through local authorities is that it allows them to put the money where it is most needed in their local area. I have to say at this point that, despite all the issues we talk about, 89% of people are satisfied with the care they receive and 64% or so are very or extremely satisfied. In the context of all this, we have to recognise that the numbers are showing us that this is a service that people are satisfied with.

Lord Blunkett (Lab): My Lords, in following up the question raised by the noble Lord, Lord Forsyth, perhaps the Minister could outline to us the ratio of spend over the next two years in relation to what is being raised from council tax and what is actually coming from the Exchequer.

Lord Markham (Con): Of the £2.8 billion increase next year, £1 billion is coming through the grant, with the other £1.8 billion available for the local authorities. In 2024-25, of that £4.7 billion, £1.7 billion is coming through the central grant.

The Lord Bishop of London: My Lords, the Archbishops' commission on social care, which will be publishing its report next year, is also concerned about the inequitable funding when funding is raised through council tax. Can the Minister indicate how central money will reduce this inequality to accessing care and whether the Government are doing any evaluation of that?

Lord Markham (Con): Obviously, the central grant is raised through general taxation and so is distributed and raised in the way we all know. We can all have a question as to what the balance should be between the two. At the same time, I think we all believe in localism and we all believe, as part of that, that local authorities are the best placed to make decisions. That means that they have some of those fundraising abilities, so they can put more funds into the area where it is required. Whether we have the balance right is something we need to keep under control, but right now the most pressing thing is putting in more money for next year and the year after, and I am very glad—and I hope the whole House will welcome—that we have committed to do that. We put our money where our mouth is to create 200,000 new care packages.

Baroness Brinton (LD): My Lords, surely the most pressing thing is the emergency winter fund to help remove and reduce delayed discharges this year. The Secretary of State for Health has said that he wants to reduce the bureaucracy, so why are the rules for accessing the emergency winter fund so complex that the *Health Service Journal* is full of local authority and senior NHS staff saying that they do not understand why the Government are insisting on this bureaucracy?

Lord Markham (Con): Believe me, I am no fan of complexity. At the same time, I want to make sure, as I am sure we all do, that the funding goes to the places of most need and is really being spent on the areas that it is being spent on. Having said that, I will take away those comments at face value and will look into the complexity because, clearly, that is in no one's interest.

Baroness Altmann (Con): My Lords, the crisis in social care has been worsening since I was advising the Dilnot commission in 2011. What plans do the Government have to improve the situation rather than watch it deteriorate? Age UK estimates that there are about 2 million elderly people needing care who are not receiving it, so 200,000 care packages are hardly going to make enough difference.

Lord Markham (Con): I thank my noble friend. As the population grows older, we must look at how to cater for these areas. We have been having real-term increases year after year of 2.5%, and 22% by 2024-25 is a substantial increase by any measure. At the same time, satisfaction levels are high. Do we need to do more? Clearly, we need to keep up in this space.

Ukraine: Post-conflict Reconstruction

Question

11.30 am

Asked by ***Lord Lancaster of Kimbolton***

To ask His Majesty's Government what discussions they have held with allies concerning post-conflict reconstruction in Ukraine.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, we engage regularly with our partners to ensure that the international momentum behind Ukraine's recovery is sustained. We attended the German-hosted Ukraine reconstruction conference on 25 October and next year we will be hosting the Ukraine recovery conference in London, bringing together allies to signal our continued support and to co-ordinate efforts. We aim to build on the progress made at this year's Ukraine recovery conference using our international influence and our commitment to drive delivery of Ukraine's recovery.

Lord Lancaster of Kimbolton (Con): I thank my noble friend for his Answer, I am grateful for his and the Government's work and for the support of His Majesty's Opposition in ensuring that the United Kingdom has been a leader in this field. However, before we collectively pat ourselves on the back, it is worth reminding your Lordships' House of the scale of the challenge. In June, the World Bank conducted a rapid damage assessment and concluded that $349 billion would be required to reconstruct Ukraine. That figure is already six months out of date. According to the latest figures from the World Bank, we have raised $19.1 billion, less than 5% of what is required. My concern is this: in our rightful desire to end this brutal conflict, how do we ensure that Russia is not let off the hook but pays its fair share towards the reconstruction of Ukraine?

Lord Ahmad of Wimbledon (Con): My Lords, I thank my noble friend for his remarks. Of course, he is right. We have seen real unity of purpose and action from the United Kingdom on Russia's illegal war in Ukraine. I agree with him that the economic recovery issue is immense. It is worsened by the fact that, after a degree of respite a couple of months ago, Russia's subsequent carpet bombing of Ukrainian cities set back some of the recovery work that had taken place. For example, the United Kingdom has been engaged in reconstructing health centres, hospitals and schools.

That said, in the first instance we have also applied £37 million to a multi-donor partnership fund for resilience in Ukraine. Through UK Export Finance we have committed £3.5 billion to cover infrastructure, health, energy and security projects. However, the situation in Ukraine is incredibly unstable and vulnerable communities are suffering. Currently, about 60% of people in Ukraine are living on less than $5.50 per day—up from 2% in 2021. We are playing a significant role bilaterally. The UK has also unlocked £1.375usb billion of finance for Ukraine through working with multilateral institutions and multilateral development banks.

Lord Browne of Ladyton (Lab): My Lords, both Iraq and Afghanistan have taught us that for the rebuilding of a country we need strategic patience, and the international community does not have enough of that. We also need transparency and accountability, or else we will fail. Ukraine, for all that it deserves, is one of the most corrupt countries in the world according to Transparency International. It is fundamental to the investment of reconstruction money into this country that we set up accountability and transparency regarding where the international money is going. I hope that we take a role, because of our experience in both Iraq and Afghanistan, to ensure that it is right.

Lord Ahmad of Wimbledon (Con): I agree with the noble Lord. One of the real challenges we have in any conflict is ensuring that money reaches those who require it. It is a continued commitment. The noble Lord referred to Afghanistan and Iraq. I know first-hand of the continued challenges, with people looking to intervene and interject, particularly with financial support throughout the country. These are the very points that we are focused on in respect of Ukraine. We need a continued strategic approach from a UK government perspective, but equally, whether it is the United States, the EU, ourselves or other key allies, we need to be totally aligned and working to a single objective.

Lord Purvis of Tweed (LD): My Lords, on the Government's co-ordination work and commitment, I ask two things of the Minister. If it helps Ukraine, will the Government consider funnelling any additional support into the Team Europe fund, to which €19 billion was committed at the October conference, so that there is greater efficiency in the delivery of that work? Secondly, will the Minister please commit that any future support for Ukraine's reconstruction will not be offset by cuts to developing countries, so that they do not pay the penalty for Putin's aggression?

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's second point, as I said in response to him yesterday, we remain committed to key objectives in respect of our ODA spend. Of course, the ODA spending and the challenges we faced in providing support for Ukraine has impacted on some of the work we are doing around the world. However, we continue to stand steadfast on some of the key conflicts. Afghanistan, which was mentioned a few moments ago, is a notable example.

On the noble Lord's earlier point, of course, we want to ensure every fund, but it comes back to the point made by the noble Lord, Lord Browne: it must be efficient, effective and transparent, ultimately ensuring delivery of the true purpose—the reconstruction of Ukraine.

The Earl of Clancarty (CB): My Lords—

Viscount Waverley (CB): My Lords—

Lord Howell of Guildford (Con): My Lords—

Noble Lords: Cross Bench!

The Earl of Clancarty (CB): My Lords, one of the things that Russia has tried to do is destroy Ukraine's identity as a separate and independent country. Much of that identity resides in their arts and culture, which is extremely important to them. What further help can we give to continue to protect Ukraine's arts and culture, and to assist with the rebuilding of churches and other buildings of cultural significance when this conflict is over?

Lord Ahmad of Wimbledon (Con): Again, I assure the noble Earl, Lord Clancarty, that we remain very much committed to the reconstruction of Ukraine across the piece. He mentions arts and culture. In visits to Kyiv and other parts of Ukraine prior to the conflict, I saw the richness of its cultural and religious history. We are working with key partners, but there is also an important role for institutions such as UNESCO, focusing on heritage sites to ensure that they are protected.

I welcome the fact that my noble friend Lord Howell has not yet converted to the Cross Benches.

Lord Collins of Highbury (Lab): My Lords, I return to the original point of the Question: how do we hold Russia to account? Earlier this month, we had the UN General Assembly resolution on mechanisms for reparations. What other UN bodies are we working with to hold Russia to account? How will we engage with and involve civil society in Ukraine, which will be vital to the reconstruction of that country?

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's second point, he will be aware that we are a key part of the Atrocity Crimes Advisory Group, to which we have allocated £3.5 billion. We are also working with the US and the EU on that, and with civil society organisations. There is a real request from the Ukrainian Government regarding the importance of Ukrainian civil society organisations. On the broader point about the UN, frankly, as the noble Lord knows, the UN system was not, beyond the World Food Programme, for example, ready for a conflict such as Ukraine. However, we have been working in partnership with key UN agencies, including UNICEF and OCHA, and will continue to do so. Civil society delivery is key to that, particularly civil society organisations that know Ukraine best—the Ukrainian ones.

Lord Howell of Guildford (Con): My Lords, what we have done so far is good, and there has been of talk of a new Marshall plan. But does the Minister accept that in 1945, the Marshall plan took two or three years to get going and was entirely paid for by the United States, whereas in this case, we will be raising funds from all around the world—not least Russia itself but also international institutions, the UN and many other countries, including ourselves? This will require very careful administration and possibly a slightly different model from the Marshall plan.

Also, whereas in 1945 the war was over and there was defeat, and therefore a peace scenario in which to operate, here this will not be the case at all. Russia, even if defeated, if that is right word, will probably continue rearming and have another go. Therefore, we will need a model and an approach that has not been tried before. The more that we hear about it and develop it, the better.

Lord Ahmad of Wimbledon (Con): My Lords, we do need a kind of strategic endurance, if I can term it that way, again referring back to the point made by the noble Lord, Lord Browne. The world today is very different from 1945: there are institutions such as the G7, the G20 and of course NATO, which will be key to ensuring that we give the military and humanitarian support required, allowing Ukraine to continue to operate economically and to reconstruct in the long term. Work has started in this respect and there are good partnerships, but we need co-ordination and that must continue.

Water Framework Directive

Question

11.40 am

Asked by ***Baroness McIntosh of Pickering***

To ask His Majesty's Government what plans they have to maintain their commitments to water quality, currently provided for in retained EU law such as the Water Framework Directive.

Baroness McIntosh of Pickering (Con): I beg leave to ask the question standing in my name on the Order Paper and draw attention to my interests as set out in the register.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I too refer noble Lords to my entry in the register. This Government are committed to protecting and enhancing water quality. Reform of retained EU law will not come at the expense of our already high environmental standards. Our Environment Act has strengthened regulation since we left the EU. We have consulted on legally binding targets for the water environment, covering pollution from wastewater, agriculture, abandoned metal mines and reducing water demand. We are also the first Government to instruct water companies to significantly reduce storm overflows.

Baroness McIntosh of Pickering (Con): My Lords, while I welcome that Answer, of course storm overflows are one of the later pieces that will come into effect. We are in danger of creating a perfect storm: building 300,000 houses a year with nowhere for the wastewater and sewage to be safely disposed of. Does my noble friend agree that the European water framework directive, the drinking water directive, the bathing water directive and others played a great part in the 1980s under Margaret Thatcher in ensuring the improvement of water quality in this country? Will he set out what the Government's plans are, under retained EU legislation, to ensure that we maintain the highest environmental standards we possibly can, and that there will be no going backwards?

Lord Benyon (Con): I can absolutely give my noble friend that assurance. The water framework directive is the retained measure of our performance in terms of water quality, but the vehicle that will deliver it will be the environment improvement plan, which is due to be published in January. It sets out the steps the Government intend to take to improve the natural environment. She will know that the Office for Environmental Protection is the UK's independent statutory environment body, which will hold Governments and public authorities to account in their implementation of environmental law. The OEP has powers to scrutinise, advise, and enforce compliance, including the ability to bring legal proceedings against public authorities.

Baroness Jones of Moulsecoomb (GP): My Lords, I am so angry. The Minister knows full well that the water framework directive was a very precise, scientifically based measurement of ecological well-being that the Government quietly dropped in 2017. They have replaced that with this talk of "natural state" for 75% of rivers. What does "natural state" mean in scientific terms? I would argue that it is incredibly woolly and totally meaningless and that this Government do not have a suitable plan.

Lord Benyon (Con): Well, I live to make sure that the noble Baroness is not angry and is reassured that this Government are absolutely determined to have the highest science-based evidence to support the targets that we will impose on ourselves and future Governments in this area. The Environment Act really is a very powerful piece of legislation and the structures it has created will do precisely that. Good environmental status has not been achieved in any country in Europe. We, along with other countries in Europe, are failing to meet the demands of the water framework directive. We are now able to produce standards bespoke to the United Kingdom that will be scientifically based and will be able to be scrutinised by your Lordships, by people in the other place, by civil society and by individuals, and implemented, if Governments fail, through the Office for Environmental Protection.

Baroness Hayman of Ullock (Lab): My Lords, Ministers have discussions—as the Minister has told us—with the Environment Agency and with Ofwat, company executives, farmers, and community representatives, but these happen at different frequencies and the various players do not necessarily all talk to each other. The Minister may not be able to solve the problems relating to water quality single-handedly. Does he recognise the power that he and departmental colleagues have to bring people together on this? Is he doing that, and is he formulating a comprehensive national plan that will command broad support?

Lord Benyon (Con): Within the constraints of the fact that this is a devolved issue, we are certainly doing that in England. I hope that I have got across to noble Lords, in responses on 7 September, 25 October, 31 October, 2 November and 14 November, my and my department's determination and commitment to make this work. We are precisely bringing these different organisations together. Interestingly, the reason why rivers fail is, first, because of physical modification—water is impounded, there may be weirs that have to be taken away—secondly, because of pollution from agricultural and rural land, and, thirdly, because of pollution from wastewater. There are also many other reasons. We have to work across society to make sure that this is co-ordinated, that the targets we will announce in January will be effective and that the Government can be held to account on them.

Baroness Parminter (LD): My Lords, the Minister refers to the power of the Office for Environmental Protection. This week, the OEP said that the retained EU law Bill should include a provision that no legislation should be revoked without an equivalent or enhanced level of protection. Do the Government agree?

Lord Benyon (Con): Yes.

Baroness Browning (Con): Three weeks ago, I asked my noble friend what was happening to change building regulations to reduce the volume of water needing disposal, which would thus be an advantage with things such as storm overflows. My noble friend told me that there were discussions going on, but I realise that this is a cross-cutting matter between departments, and that always makes me nervous. I wonder whether my noble friend would write to me, and put a copy in the Library, about exactly what discussions are going on and what plans there are to change building regulations to reduce the capacity of water, and with some sort of timetable that is being given to developers to make sure that it is complied with.

Lord Benyon (Con): This comes down to the thorny issue of nutrient neutrality. The problem that we have in this country is that most of our houses have mixed clean water and dirty water going into the same sewer. This is what is causing the problems in the sewage overflows. We have a new legal duty on water companies in England to upgrade wastewater treatment works. A new nutrient mitigation scheme established by Natural England is helping wildlife and boosting access to nature. But the cost to retrofit a separated system would be somewhere around £345 billion to £600 billion, which would be quite a considerable hit on individual households. But there has to be a plan to resolve nutrient neutrality, or the backlog of houses that are needed by people will not be able to be built—so I will certainly write to my noble friend.

Lord Campbell-Savours (Lab) [V]: My Lords, with blue algae sightings in the Lake District from farmland nutrient runoff and overflowing septic tanks, and with Derwentwater, Bassenthwaite, Ullswater, Loweswater and a number of reservoirs under threat—and Windermere actually dying—why cannot responsibility for water quality and pollution be removed from an overstretched Environment Agency and transferred to a new water pollution control authority with lay membership, similar to the regional flood and coastal committee structures that currently cover flooding issues? It is food for thought.

Lord Benyon (Con): It is indeed. We are constantly looking at the whole landscape of how we deliver government through our agencies. Maybe there is room for changing certain parts of what we do in the wider Defra family. Windermere is a really interesting case: the Environment Agency monitors occurrences of algal blooms. We think that the largest reason for that is private sewage treatment, such as septic tanks and missed connections. There is of course an ongoing issue on a great many waterways where we have to look at it in the round. People like to find one villain when in fact there are many people at fault, sometimes ourselves. There will be people in this Chamber who have a badly connected or defunct system of sewage treatment which will be polluting a waterway. I might be one of them.

Lord Wallace of Saltaire (LD): My Lords, the Brexit campaign promised us that leaving the EU would lead to a bonfire of regulations and massive deregulation, getting rid of unnecessary red tape. Does the Minister's answer to my noble friend Lady Parminter mean that Defra has no intention of following through that promise any longer, but intends to maintain at least as high a level of regulation as the EU provided?

Lord Benyon (Con): Yes, I absolutely say that, because we have commitments in the 25-year environment plan and the Environment Act and we have commitments to reverse the decline of species by 2030. We will not be able to achieve those commitments by just getting rid of regulations. What we want is better ones. We want ones that are not designed for an environment that goes from the Arctic to the Mediterranean. We want ones that are suitable for these islands. That is what we are seeking to do. We want at least the same levels of protection. We think that in many cases they can be better for both the user and the environment.

Qatar: FIFA World Cup

Question

11.51 am

Asked by ***Lord Foulkes of Cumnock***

To ask His Majesty's Government what representations they have made to (1) FIFA, and (2) the government of Qatar, regarding restrictions on players and fans attending the FIFA World Cup.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, Ministers and senior officials have raised the concerns of visitors to the World Cup with Qatari authorities at all levels and will continue to engage on this issue. Qatar has repeatedly committed that everybody is welcome to the tournament, including LGBT+ fans. We will continue to encourage equal treatment and respect for individual rights, and to identify what action the Qatari authorities are taking to match that commitment.

Lord Foulkes of Cumnock (Lab Co-op): Is the Minister aware that in discussions we in the Parliamentary Assembly of the Council of Europe had directly with the Qatari authorities and FIFA, we got categorical assurances that the human rights of fans and players would be properly respected? Since during the World Cup the venues and the surrounding areas are effectively international territory, will the Minister make it absolutely clear to the authorities in Qatar that they should honour human rights based on international norms?

Lord Ahmad of Wimbledon (Con): My Lords, the answer is yes. Indeed, I have already done so. I am Minister for the Middle East and North Africa. I and my colleague the Minister for Sports have met the Qatari ambassador, and my right honourable friend the Foreign Secretary visited Qatar and met the Deputy Prime Minister and the Foreign Minister. I thank the noble Lord for his work and that of the Council of Europe. He will know that the same assurances have been given, and we are working very constructively with the Qatari authorities. This is a time for celebrating football, and everyone, no matter who they are or where they are from, is part and parcel of that celebration. We look forward to the World Cup being a successful one and perhaps one, finally, of success for the home nations.

Lord Wigley (PC): May I draw the attention of the House to the case of Professor Laura McAllister, a former Welsh international soccer player, who, when she entered a stadium earlier this week, had her multicoloured bucket cap removed by the officials working there? Will the Government make it clear to the authorities of that country that in no circumstances can similar international events be supported in that country if that is the way they treat visitors to it?

Lord Ahmad of Wimbledon (Con): My Lords, I agree with the noble Lord. We are aware of that case and have made that representation. Indeed, referring back to some of the meetings we have had, I have made it clear that there will be some supporters who may not be themselves part of the LGBT community but who wish to display solidarity and support. Indeed, many fans will be wearing the rainbow flag around their necks, walking down the streets of Qatar. That point is understood, and we have assurances from the ambassador, as I said. I am sure there will be instances, as the noble Lord has articulated, but we will follow up very quickly, as we are doing. I say to every noble Lord that if particular issues arise during the course of the World Cup, please raise them with me directly and we will make sure that the authorities in Qatar are made fully aware of our strong opinion on this matter.

Lord Addington (LD): I have just heard that a German Minister has decided that they will wear the OneLove armband when sitting next to a FIFA official while watching one of the matches. Will the Government give us an assurance that a gesture at least as important and as direct will be made if we have any representation at these matches? If not, why not?

Lord Ahmad of Wimbledon (Con): My Lords, first and foremost it is for every individual to make whatever support they wish to indicate any community and any suppression of human rights. What is more effective in our advocacy—I am giving an answer and, while the noble Lord, Lord Scriven, may not wish to hear it, other noble Lords do. That is not the way of the

House; it is appropriate to listen and hear. At the same time, I take on board what the noble Lord, Lord Addington, said. It is right that we make these issues very clear. Whatever issue of human rights is raised, we will raise it directly with the authorities, and we are working very constructively in this respect.

Lord Cashman (Lab): My Lords, teams have been banned from wearing the rainbow armbands. As we have heard, the Qatari authorities have banned fans from wearing rainbow T-shirts and rainbow hats. Does the Minister agree that such overreactions help no one, certainly not FIFA and certainly not Qatar, and they do not suppress the human rights abuses that are being carried on within Qatar and the other Gulf states?

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's second point, we have a debate later today and I know we will discuss all elements of human rights. On his earlier point, I agree, as I have said. I am thankful to him and the noble Lord, Lord Collins. There were issues that arose in advance of the World Cup that were highlighted to me concerning particular demonstrations that took place, and I hope the noble Lord, Lord Cashman, feels that we handled that sensitively and effectively and resolved matters. That is the constructive way I am engaging on this issue.

Lord Sherbourne of Didsbury (Con): My Lords, I am grateful to the Minister for having made representations, but can he tell the House whether they have had any effect?

Lord Ahmad of Wimbledon (Con): My Lords, obviously we rely on the reassurances of those in the most senior part of the Government. Instances are arising, as have been highlighted during the course of this Question, and as they arise they need to be dealt with effectively and in the interests of the fans concerned. We will continue to adopt that approach.

Lord Collins of Highbury (Lab): My Lords, we recognise that the game is going on and we may be celebrating the victory of teams, but we should not forget the families of the workers who suffered as a consequence of FIFA's decision. Some 6,500 workers died building the infrastructure for this cup. In November and January of this year, I raised the ILO's report on this matter. Can the Minister reassure me that he has raised this issue with the Qatari authorities and that proper compensation will be given to the families of the victims who suffered as a consequence of building those stadiums?

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's second point, of course I will follow up. I am fully aware of the ILO report, and we have engaged directly with the Qatari authorities and the ILO on its findings—that was last year, in 2021—to ensure that this is followed up and that each individual case is dealt with on its merits, so that those who have suffered are given the appropriate support and indeed compensation. We will continue to engage with this issue, not just during the World Cup; it is important that we do it as a follow-up after the event as well.

Lord Birt (CB): My Lords, the football authorities have been found severely wanting, FIFA self-evidently for siting the World Cup not only in Russia but now in Qatar, UEFA for presiding over the near disaster—the calamity—at the Stade de France, and the FA for its supervision of the Euro final just a few years ago. When the World Cup is over, will the Minister suggest to the Secretary of State for Culture that she invites the leaders of those three associations to meet her and to explain to her how they all plan to raise their game?

Lord Ahmad of Wimbledon (Con): My Lords, the noble Lord makes a very valid point. Of course I will follow up exactly as he suggests.

Lord Campbell of Pittenweem (LD): My Lords, does the Minister share my disappointment that FIFA threatened the captain of the English team with a yellow card if he were to wear the OneLove armband?

Lord Ahmad of Wimbledon (Con): My Lords, on a personal level, I do. There have been significant moments, such as taking the knee to stand up to racism and showing solidarity for every suppression of human rights. It is important that in an international tournament people get on with the game but, while it is a matter for FIFA, I am sure we all have our personal perspective on this issue.

Lord Kamall (Con): My Lords, one of the questions being asked is how we ended up in this situation. Can the Minister advise the House what representations are being made to FIFA so that future tournaments are not awarded to countries that raise similar concerns?

Lord Ahmad of Wimbledon (Con): My Lords, as my noble friend will know all too well as a former Minister in DCMS, this is a matter for that department. At the same time, the main engagement on this issue has been through the Football Association directly with FIFA, which is the normal way. But, to go back to the point made by the noble Lord, Lord Birt, it is important as we look forward that the issue is not just about celebrating tournaments. We should look at the countries that are chosen and taken forward to celebrate international events, but that is the time for profiling human rights in their own backyard. It provides an opportunity to have constructive engagement. In future decisions, which are for other people, we should make our views clearly known.

Lord Tugendhat (Con): Does my noble friend agree that the only real heroes of Qatar are the Iranian footballers, the only people who have actually made a protest for which they are going to have to pay a price?

Lord Ahmad of Wimbledon (Con): My Lords, as we celebrated England's victory, I think we were all were touched by the poignancy and solidarity shown by the Iranian football team, people who were in solidarity particularly with the brave women of Iran. It was an

[Lord Ahmad of Wimbledon]
incredibly courageous step, and we stand very much with everyone who is standing in unity with the Iranian people.

Scottish Referendum Legislation: Supreme Court Judgement

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Wednesday 23 November.

"I am grateful to the right honourable Member for providing me with the opportunity to address the House on this important ruling of the Supreme Court on the issue of the competence of the Scottish Parliament to legislate for a referendum on independence.

The UK Supreme Court has today determined that it is outside the powers of the Scottish Parliament to hold an independence referendum, and I respect the court's clear and definitive ruling on this matter. The Scottish Government's Lord Advocate referred this question to the Supreme Court, which has today given its judgment, and the UK Government's position has always been clear: that it would be outside the Scottish Parliament's competence to legislate for a referendum on Scottish independence because it is a matter wholly reserved to the United Kingdom Parliament.

We welcome the court's unanimous and unequivocal ruling, which supports the United Kingdom Government's long-standing position on this matter. People want to see the Scottish Parliament and the Scottish Government focus on issues that matter to them, not on constitutional division. People across Scotland rightly want and expect to see both their Governments—the United Kingdom Government and the Scottish Government—working together with a relentless focus on the issues that matter to them, their families and their communities.

The Prime Minister has been very clear, and has demonstrated since day one, that it is our duty to work constructively with the Scottish Government. We fully respect the devolution settlement and we want to work together with the Scottish Government on vital areas such as tackling the cost of living, growing our economy and leading the international response to Russia's illegal war in Ukraine.

At this time of unprecedented challenges, the benefits of being part of the United Kingdom have never been more apparent. The United Kingdom Government are providing the Scottish Government with a record block grant settlement of £41 billion per year over the next three years, and the people in Scotland are benefiting from unprecedented cost of living support announced by this Prime Minister and our Chancellor. It is important now that we move on from constitutional issues, to focus on tackling our shared challenges. I therefore welcome the Supreme Court's judgment, and I call on the Scottish Government to set aside these divisive constitutional issues so that we can work together, focusing all of our attention and resources on the key issues that matter to the people of Scotland.

The United Kingdom Government are proud of their role as the custodian of the devolution settlement. The United Kingdom is one of the most successful political and economic unions in the world. By promoting and protecting its combined strengths, we are building on hundreds of years of partnership and shared history. I will conclude by saying that when we work together as one United Kingdom, we are safer, stronger and more prosperous."

12.01 pm

Baroness Smith of Basildon (Lab): My Lords, I always feel I have a slight vested interest in this issue, being a living example of an English-Scottish relationship, with an English mother and a Scottish father. Like many others in your Lordships' House, I remain committed to a stronger union.

However, today in Scotland there are wide and acute concerns about the health service, education and the economy—concerns shared across the whole of the UK—so it continues to disappoint that independence remains the SNP's top priority, rather than an absolute focus on improving public services and changing lives now. However, does the Minister acknowledge that there has been a failure by this Government to illustrate clearly why the case for independence is built on myths and false hope? Will he accept, as we do on these Benches, that a strong commitment to the union goes hand in hand with effective and practical devolution?

The Parliamentary Under-Secretary of State, Scotland Office (Lord Offord of Garvel) (Con): My Lords, the UK Government note and respect the unanimous ruling by the Supreme Court that the Scottish Government do not have legislative competence to hold a referendum. The people of Scotland want both our Governments to concentrate all our attention and resources on the issues that matter most to them. That is why we in the UK Government are focused on restoring economic stability, getting people the help they need with their bills and supporting our NHS. As the Prime Minister has made clear, we will continue to work constructively with the Scottish Government on tackling all the challenges that we share and face.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, is the Minister aware that the First Minister of Scotland has said that, although it is now clear that there is not going to be a referendum, she will continue to spend British taxpayers' money on Civil Service and other preparations for this non-existent referendum? Is that not a disgrace, particularly today when teachers in Scotland are on strike because they are not getting enough of a pay increase?

Lord Offord of Garvel (Con): The noble Lord will be aware that under the devolution settlement the UK Government do not prescribe to the Scottish Government how to spend the money sent north of the border. That allows the Scottish Government to make grown-up decisions on their own behalf and on behalf of the people of Scotland. The judgment of the Supreme Court has given us helpful clarity on the difference, which we all knew about, between reserved matters and devolved matters. The constitution is therefore clearly reserved, while the spending of £20 million in that area is a matter for the Scottish Government. The

noble Lord will know that that could be the equivalent of 1,000 new nurses, 650 police officers or 600 teachers. On a day when schools are out on strike, it is for all of us to point out within the Scottish environment that the Scottish Government should be directing their attention to matters for which they have devolved responsibility.

Lord Forsyth of Drumlean (Con): My Lords, when I was a councillor, if a council spent money that was ultra vires, the councillors were personally liable. Given the behaviour of the Scottish Government, should we not be extending the ability to surcharge Members of the devolved Administrations where they incur expenditure that is ultra vires?

Lord Offord of Garvel (Con): My noble friend is an eminent former Secretary of State for Scotland and knows his territory well. He will also be aware of the architecture put in place at the time of the 1998 Act, which has been further improved by the 2012 and 2016 settlements. Within that, the UK Government give the Scottish Government the discretion to spend their money on behalf of the Scottish people, and it is down to the Scottish people to give their view on that at the ballot box.

Lord Bruce of Bennachie (LD): My Lords, the outcome of the Supreme Court judgment was predictable end inevitable. It has been a distraction and a complete waste of time and Scottish taxpayers' money, and I speak with personal affront about that. Will the Minister consider in any future referendum setting out the conditions and criteria by which a referendum would be triggered and conducted, so that people know the circumstances and do not have to suffer this never-ending push? Does he agree that for the SNP to complain about democracy is to forget that they have betrayed the people of Scotland, who have twice voted for devolution and never voted for independence?

Lord Offord of Garvel (Con): The noble Lord, another eminent Scottish politician, is well aware of the circumstances in which they are operating. There is no need to be talking about another referendum. The Supreme Court has made it very clear that there is no avenue for that within the Scottish Government. More importantly, there is no appetite now. When the referendum was held in 2014, there was consensus across both Parliaments, all parties and civil society that the referendum should be held. Some 3.6 million Scots voted, 2 million of whom voted to stay in the UK while 1.6 million voted to leave. That is a decisive result and, given that since that time the SNP has consistently polled only in the region of 1.3 million to 1.4 million votes, it has no more than one-third of the population who want to pursue a separatist agenda, in which case there is no need for us to consider another referendum.

The Earl of Kinnoull (CB): My Lords, at home, on the register in Perthshire, there are four voters. I have kept the election communications from the May 2021 election. These communications from the SNP and from the Scottish Green Party are extremely smart. They are brimming with reasons why you should vote for either the Scottish Greens or for the SNP, but nowhere do they mention the idea of a referendum or independence. How does the Minister feel that chimes with the claimed mandate of the SNP Scottish Government for a referendum?

Lord Offord of Garvel (Con): The Scottish Government have been dominated by the Scottish National Party for eight elections in a row. They have done that on the basis of 1.3 million to 1.4 million votes, and under that they have a legitimate mandate to govern the UK—sorry, I mean within the Scottish Government. [*Laughter*] In the other place, we know that UK Governments can effectively govern on a mandate of 35% to 40% of the vote. No one is disputing that that is a mandate to govern, but it is not a mandate to break up a country. Where there continues to be no more than one-third of popular support to break up the UK, there is no need for us to pursue the case.

On my travels abroad, I was recently in Iceland and met the Icelandic Prime Minister. She had just had a meeting with Angus Robertson, who I think was passing himself off as the Foreign Secretary of Scotland. She said to me, rolling her eyes, "The poor people of Scotland are so oppressed, not being allowed to leave. There is obviously majority support for independence. Why won't the UK Government allow the Scottish people to have their freedom?" I said, "Prime Minister, I believe you had your independence from Denmark in 1944." She said yes. I said, "I believe you had a vote." She said yes. I asked, "What was the vote in favour of independence?" She said it was 96%. I said, "The SNP currently has 37%." She smiled and said, "Let's talk about energy."

Lord Reid of Cardowan (Lab): My Lords, the decision of the Supreme Court will not have come as a surprise to anyone who understood the legislation. It was a complete diversion. As the Minister said, the task in front of the Government of Scotland is surely to address the present economic crisis and its effect on the dreadful performance in education and health. If that is true in Scotland, though, it is surely also true for the British Government. Will the Minister therefore assure me that the Government have no plans to introduce wholesale constitutional changes over the next few years that would just divert us from addressing the main problems facing this country?

Lord Offord of Garvel (Con): I assure the noble Lord, Lord Reid, another distinguished former Scottish Secretary, that there the UK Government have no plans to alter the constitutional settlement any further. Scotland is a very well-funded country. It has two Parliaments and a surplus of democracy, as the Supreme Court said yesterday.

In the meantime, it receives a record grant of £41 billion from the UK Government. We continue to support 1,700 Scottish shipbuilding jobs on the Clyde with a £4 billion settlement. The levelling-up funds of £172 million are also coming through. We are establishing two Scottish freeports and £52 million is supporting our Scottish producers in fisheries. For farmers, there is £1.6 billion and £1.5 billion has been committed to 12 city deals, which is my responsibility. Scotland is

[Lord Offord of Garvel]
very central in the United Kingdom Government's plan for prosperity and growth. Scotland has a very, very good deal.

Lord Wigley (PC): My Lords, I may be the only Member of this House who will take the view that I am about to. In view of the court case and the right to hold a referendum having been confirmed as being here, and in view of the fact that the overwhelming majority of elected Scottish MPs support having a referendum, will the Minister publish a document clarifying the way in which such a referendum can be held or is he going to maintain an everlasting veto on the aspirations of the people of Scotland?

Lord Offord of Garvel (Con): The SNP does not have a majority in Holyrood and therefore cannot say that it has a majority. As the noble Earl, Lord Kinnoull, pointed out, the SNP's own prospectus for government was not based on independence; it was based on, apparently, being able to run Scotland better. On that basis, there is no need, given yesterday's judgment, for any further tinkering on the subject.

COP 27: Commitments

Motion to Take Note

12.11 pm

Moved by ***Lord Harries of Pentregarth***

That this House takes note of the commitments made at COP27.

Lord Harries of Pentregarth (CB): My Lords, I would like to begin by paying tribute to Peers for the Planet for all it has done over nearly three years to keep pressure on the issue of climate change, and for the regular briefings it has provided. These briefings recognise that facing the crisis involves every aspect of our public policy. I much look forward to hearing from your Lordships, who I know will raise questions across a range of areas.

António Guterres at the opening of COP 27 defined climate change as the defining issue of our time. Few will disagree with that. COP 27 was one of the defining moments in meeting that challenge. The first question is: how successful was it at really facing up to what is predicted will happen, and what were its successes and failures? The second question is: what are the implications of the agreements made for the policy of our own Government, in particular for our own nationally determined contribution—our NDC?

First, the decision to establish a loss and damage fund and to put it into operation in the coming period is much welcomed. Whether or not this is viewed as a just restitution for the damage caused by the industrialised nations over the last 200 years in relation to less developed ones, the fact is that there is now—and will be so in the future—severe loss and damage and dire human need. We now have an agreement that there will be a fund to enable the world to respond to it. However, no agreement has been reached on who should pay the money, how or how much. Recommendations will be made on operationalising the new funding arrangements next year. The process of reaching agreement on payment will need to be kept under close scrutiny in the year ahead before COP 28 in December 2023.

The immediate question for our Government is this. Where is our contribution going to come from? It is not good enough to divert money from the foreign aid budget, which is already reduced to 0.5% from the pledged 0.7%. That would simply mean that other vulnerable people formerly helped by aid projects will suffer. I know that the Government have said that the reduction is temporary, and they intend to restore the 0.7%, but even if this happens, the loss and damage fund is meant to be an extra resource and not a diversion from other much-needed projects. I hope that the Minister will address this issue. Exactly the same point applies to the Adaptation Fund; it should not come from diverting money from other much-needed projects. This issue has been raised in your Lordships' House on a number of occasions and the answer has never been very satisfactory.

The key issue is the need to reduce the rate at which the globe is warming. COP 27 reaffirmed the Paris Agreement temperature goal of holding the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels and agreed to pursue efforts to limit the temperature increase to 1.5 degrees. This is very soft language. The reality, as a number of people have noted, is that the 1.5 degrees goal is either dead or on life support. It is not totally impossible to achieve the 1.5 degrees reduction, but to achieve it will require all nations to do much more than they are now. While COP 26 requested countries return to COP 27 with improved nationally determined contributions, only 34 countries did so, and some, including the UK's, were largely unchanged.

As stated at COP 26, the world is heading for a 2.4 degrees rise in warming under the current 2030 target. The UN emissions gap report states that, under current global policies, there is only a 1% chance of limiting temperatures to 1.5 degrees and only an 8% chance of limiting temperatures to 2 degrees. Emissions, which have risen by 1.1% a year over the past decade, must fall by three times that amount each year just to limit temperature rises to 2 degrees. The challenge is absolutely enormous.

In his Statement in the other place on November 9, the Prime Minister said that

"we will fulfil our ambitious commitment to reduce emissions by at least 68% by the end of the decade",—[*Official Report*, Commons, 9/11/22; col. 259.]

and to achieve this mentioned accelerating transition to renewables, investing in nuclear power stations and giving financial support to the green industrial revolution. One promising development, as mentioned the other day by the noble Lord, Lord Howell, is the new deal with Morocco on wind and solar power. It has the sun, and the trade winds there, unlike our own, are steady. This could supply 8% of the UK's electricity demand by 2030. Perhaps the Minister will say more on this source and how it fits with our overall plan to reduce emissions faster.

It was recently announced that Sizewell C is going ahead. James Lovelock, the distinguished scientist and environmentalist, very early became concerned about the threat of global warming. In 2004, he broke with many fellow environmentalists by stating that only nuclear power could halt global warming. In his view, nuclear energy was the only realistic alternative to fossil fuels that has the capacity to both fulfil the large-scale energy needs of humankind while also reducing greenhouse gas emissions.

I understand that the aim is for 25% of the UK's energy to be supplied by nuclear power. However, with five generators closed or being phased out, are the Government confident that we will have enough capacity to achieve that target? More than that, is the target high enough? France has 70% of its energy needs supplied by 56 reactors. China has only 4.9% of its energy supplied from its 53 nuclear reactors, but over the next 15 years it is planning to build 150 new reactors, which is more than the whole of the rest of the world has built in the last 35 years. Should we not be raising the amount of energy from nuclear generation from 25% to at least 50%?

The purpose of this transition to nuclear power—and other measures, of course—is to stop having to use fossil fuels, but nothing was agreed at COP 27 about stopping their use. The final text did not advance on the previous policy of a phase-down of unabated coal power and a phase-out of inefficient fossil fuel subsidies. We all recognise the current difficulties caused by the war in Ukraine and the consequent sanctions against Russia, but that war will have to come to an end sooner or later, and we already need to look beyond it to be rid of this key cause of global warming. Will the Government say something about their policy in relation to new oil drilling? Are they still committed to ending the use of coal power by October 2024?

Like many of your Lordships, I heard the speech of the President of the Maldives, which is low lying and under severe threat from rising sea levels, as well as the rising number of typhoons. Whole villages there are being relocated to higher ground. The President made the point that, in addition to spending 30% of its GDP on this kind of work, it is paying 24% to service its national debt. Like many of your Lordships, I was around in the last century, when many poorer countries were totally crippled by debt. But the pressure of the Drop the Debt campaign, initiated by churches and NGOs, eventually led to significant relief at the millennium. The President of the Maldives put forward the idea of a certain amount of debt relief—debt being cancelled—with the money being used to finance high-quality decarbonisation projects, or "debt-for-climate swaps", as he termed this. This seems a helpful idea; have the Government given any thought to it yet?

In relation to our own country, the Committee on Climate Change's progress report to Parliament found that the gap between future levels of risk and planned adaptation had widened in the last five years and that planning for a global warming level of 2 degrees was not happening. The CCC also found that many of the UK's critical energy, water, digital and transport providers are struggling to take account of climate-related risks to connected infrastructure systems, which could lead to cascading failures. Can the Minister confirm when the Government intend to act on the priorities identified by the CCC, in particular by ensuring that adaptation plans incorporate proposals to accommodate temperature rises of up to 2 degrees? What progress have Government made in addressing risks to critical infrastructure?

Important progress was made on sustainable forest management and conservation, with the launch of the Forest and Climate Leaders' Partnership—FCLP—which aims to unite action by Governments, businesses and community leaders. Some 27 countries, representing 60% of global GDP and 35% of the world's forests, have already joined the new partnership and are committed to leading by example on one or more of the FCLP's action areas. There is also the special partnership of Brazil, Indonesia and the Congo. To ensure accountability, the FCLP will publish an annual global progress report that will include independent assessments of global progress towards the 2030 goal. We look forward to receiving and discussing that report in due course.

In this connection, I note that there is new hope in the election of Lula da Silva and his pledge to reverse the policy of his predecessor and protect the Amazon forests from the terrible devastation that they have been experiencing. I very much hope that the Government will be able to offer significant moral and political support to him and his Government, for this matter concerns the whole globe. It should also concern the whole globe, but sadly does not at the moment, that West Papua, which has huge forests that are being devastated, is being immorally and brutally occupied by Indonesia. The Government in exile have promised that, when a proper referendum takes place and they are elected, they will turn West Papua into a green state.

It is clear that, whatever we do to reduce carbon emissions, our country and the whole globe will face increasingly turbulent weather conditions. As John Gray recently pointed out, countries such as Saudi Arabia and Russia could not move suddenly out of oil and gas without imploding and anarchy following. He also pointed out that the switch to renewables is not cost-free: there is both the political scramble for the rare metals needed—lithium, nickel and cobalt—and the environmental cost of mining them. So we have to be realistic and realise that the progress to net zero will be slow and fraught with political difficulties, and all the time we must face and prepare for the very severe turbulence that lies ahead and, not least, help the least developed countries both to do this and to repair and rebuild when they have suffered—hence the importance of the loss and damage fund, which we can indeed celebrate. I beg to move.

12.25 pm

Lord Howell of Guildford (Con): My Lords, I warmly congratulate the noble and right reverend Lord, Lord Harries, on securing this debate and on the very realistic assessment he has just given us. He has shown not only speed but agility in giving your Lordships' House a chance to address the post-COP 27 situation so early. We will of course come back to it again and again, because all the issues are enormous and ongoing.

[Lord Howell of Guildford]

Outside, there has been a mild—or, more than that, a quite strong—feeling of disappointment at what came out of COP 27. But there was no surprise because, even before it got going, many people felt that the priorities remained wrong in relation to the serious issues that we face. I will quote the excellent chair of COP 26, Alok Sharma, who I believe will join us shortly in your Lordships' House. As he said, there was no mention in the text of emissions peaking before 2025, and emissions of course continue to increase at a considerable rate, collectively. We are drifting further and further away from the Paris targets—this realism has to be faced if we are going to mobilise the right answers to the situation.

Alok Sharma added that there was no

"Clear follow-through on the phase down of coal."

That is understandable, because Asia and Africa are driven largely by coal, and new coal stations are being constructed now. The proportion of electricity, or power generally, generated from coal across Africa and Asia is not decreasing, I am afraid; on the contrary, it is increasing. He also said that the text of the communiqué did not contain

"A clear commitment to phase out … fossil fuels."

Again, that is a reflection of an ugly fact: 85% of the world's energy still comes from fossil fuels. So, over two or three decades, we are talking about the most colossal undertaking in human history, far exceeding the industrial revolution or any other vast technological change in the past, to transform the world so that it no longer depends upon fossil fuels. It will take time and will have to be orderly, and just passing resolutions and putting them in texts is no contribution at all.

Most people rightly point to what is missing from all this. There are clearly some good things: the idea of a loss and damage fund to help those in real difficulty over climate change is obviously desirable, but it has to be formulated and organised. But everyone says, "Where's the strategy? What is the grand strategy to meet this huge challenge to the stability of nations and the well-being of the 8 billion people, as we now are, on this planet?"

To my mind, the priorities are wrong on two levels. First, on our own contribution, which the noble and right reverend Lord, Lord Harries, mentioned, if you ask the experts what we in the United Kingdom are doing, the answer is, first, setting an example. I am always a little uneasy about that: if you talk to friends in Delhi, Beijing or anywhere in Asia, they do not seem to be taking much notice of our example. Still, we are trying and doing our best, and I do not deride that for one moment. The second answer is that we are aiming for net zero—for production, not consumption, because of course we continue to import massive amounts of carbon through our huge import facilities. Will that contribute much, given the size of the challenge? We produce about 1% of world carbon emissions; I am told that China produces in a week what we do in a year, so it is a very small pimple on this vast problem.

I am sure we could do much better in our contributions if we were more focused on what the issues really are. The issue is the ever-rising level of emissions from thousands and thousands of coal-fired stations, and thousands of other sources of carbon throughout Asia, owing to the size of the human race. If we are to make an effective contribution—more than just feeling we have done our bit with net zero—we will have to mobilise our technology and resources on a scale not contemplated since the wars of the past. Even they were on a smaller scale because we were talking about a far smaller world population and a far smaller problem in the world. We are now being called on to face up to the need to use our most brilliant talent and to make real sacrifices in the interests of curbing the ever-rising level of emissions.

I have long argued, as have many others, that the immediate national role that we can develop—I should like to hear how the Minister thinks we are getting on with this—is using our technological skill to reduce and cheapen considerably the methods of carbon capture, storage and usage. We should also cheapen the methods of installing those carbon-capture technologies in, as I said, thousands and thousands of smoking chimneys from coal-fired stations across the whole of the developing world, particularly in Asia and Africa, and using that to start curbing the main sources of emissions growth. That is where these emissions are really coming from. America is the biggest source—it may be getting some kind of grip on it now, although it has a long way to go—but the really fast-growing sources are India and China. We do not really know about the figures for Moscow. They say they are doing things and planting trees, but the net effects are not easy to see.

These areas are where we can really make a contribution, nationally, with our technological skill, but I am not convinced that we are doing that now. I am not convinced that the resources we are putting into NZ might not be better used for contributing the technology that will actually reduce climate emissions globally. It may not make us feel so good, but that is where the real impact can be made nationally.

Then we come to the wider world effort, and here the scene does fall short. As the noble and right reverend Lord, Lord Harries, rightly said, it falls very considerably short of what we should be achieving. We must bring a halt to, or start reducing, the parts per million of carbon in the atmosphere, now reckoned to be at the level of 422 parts. That is much too high—it must come down. The UNFCCC says that it must come down, our own Climate Change Committee says that it must come down and every expert says that it must come down. How can it be done? The answer is that we have to move on to a totally new area of innovation in carbon absorption: the direct extraction of carbon from the atmosphere on a scale not yet contemplated—and, alas, not discussed very much at Cairo.

This is where we should take a lead nationally, in a huge international effort to create the kind of schemes that Imperial College is now proposing: huge new carbon sinks and huge new ecosystems of every kind around the world, which can be developed. The first is now being suggested in Morocco. The noble and right revered Lord, Lord Harries, mentioned Morocco, as I did the other day; it can supply us with about 10 gigawatts—three or four nuclear power stations' worth—of solar, low-carbon electricity in a few years'

time. More than that, it and other countries can provide huge desert areas in which new ecosystems can be built.

None of this was discussed, as far as I can make out, at all in Cairo. Therefore, I think the time has come for us to raise our game massively and to recognise that this is the biggest single move in the organisation of our planet since the Industrial Revolution. I saw a figure this morning that said it would require $100 trillion. I think that is far too high and we can do it for less, but we need innovation and ingenuity on a scale we did not see at Cairo. I hope, however, that in this nation we can at least point out the realities and raise our game.

12.35 pm

Lord Leong (Lab) (Maiden Speech): My Lords, thank you for the opportunity to make my maiden speech today. As someone who faced discrimination in my country of birth, I am immensely proud to have studied, worked and created businesses in the United Kingdom. This country has become my much-loved home. It has given me hope, opportunities, freedom and, most importantly of all, a voice. In this Chamber, I will use that voice to speak up for the discriminated against, the disadvantaged and the displaced, and to defend social justice in the United Kingdom and across the world. As the first Labour Peer of east and south-east Asian heritage, this will of course include providing a voice for these communities in the UK.

I begin by offering my thanks to the incredible staff here: the doorkeepers, security personnel, clerks and other officials without whom none of us would survive in, or indeed escape from, this building. I must also give them fair warning that I will undoubtedly continue to depend on them all for some considerable time. However, while the complex traditions of this institution may be confusing to newcomers such as me, and completely baffling to most members of the public, the unquestionable importance and urgency of today's debate, on the need to take action on climate change and to safeguard our planet for future generations, is understood by more and more people.

On a personal level, I understand this keenly. Last week, as I was introduced to this House in so many ways by my supporters, my noble friends Lady Smith of Basildon and Lord Kennedy of Southwark, we were watched from the Public Gallery by my 90 year-old mother, who had flown thousands of miles especially to be here. So my appearance in this Chamber has already generated a significant carbon footprint, one I feel honour-bound to offset by my activities here.

The titles and traditions of this House reach back centuries, yet the world is changing increasingly rapidly. For example, it is estimated that 85% of the jobs that will exist in 2030 have yet to be invented. Alongside noble Lords with esteemed careers in politics, the law and public services, we may in the future also be introducing YouTube content creators, social media influencers and renewable technology entrepreneurs to our Benches. It is those young entrepreneurs whom I will be seeking to encourage, develop and support, as it is they who will need to find innovative ways of delivering on the commitments made by today's political leaders, not least on climate change—a heavy responsibility indeed, and one not necessarily of their making.

The outcomes from COP 27 in Egypt were profoundly disappointing. There were further delays and dilution of targets, promises of funding remained unfulfilled and there was a failure to agree stronger language around fossil fuels, despite extended discussions. World leaders need to do more, and to do so more quickly; they—we—must connect with the passion and urgency of our children and grandchildren now to safeguard the planet for the future. Yet I am hopeful because, in my experience, young people possess an incredible "can do" attitude and fantastic enthusiasm and optimism. This is not necessarily limited to one area of their lives. The passion and urgency with which young people engage with TikTok, Snapchat or the next level of computer games, as any parent who has tried removing them from their device of choice will know, is matched by their passion for preserving the planet, demanding action on climate change, and calling out their elders when they do not feel that we are doing enough, quickly enough.

The computer gaming industry is a huge UK success story of recent decades, contributing over £7 billion to our economy last year. There is no reason why the UK cannot lead the world and have even greater success in the growing green technology industry. Labour's shadow Cabinet Ministers here and in the other place have already developed plans to drive this green growth, decrease our dependence on imported fossil fuels and create well-paid, high-skilled jobs in this sector.

We have seen the remarkable changes in a world that has shifted from analogue to digital. Generation Z and the generations beyond them—whatever they are to be called now we have reached the end of the alphabet—will experience a further leap from the digital to the quantum age. I want to find ways to harness the creativity, passion and energy of our young people to enable them to become environmental entrepreneurs; to equip them with the skills they need to survive in the rapidly changing world of their future and to be as agile, responsive and nimble in running their businesses as the avatars in their virtual worlds; and to empower them to meet the environmental challenges, known and unknown, that they will face through their lifetimes and into the 22nd century.

I look forward to working alongside many noble Lords across the House during the months and years to come on the challenges laid out in this debate. As I do this, I shall always imagine my mother watching me from the Public Gallery, as she did last week, expecting and encouraging me to do better, to do more and to make a difference for those who will be here long after I have gone.

12.42 pm

Baroness Hayman (CB): My Lords, it is an enormous pleasure to follow the noble Lord, Lord Leong, and to congratulate him on what I think everyone will agree was an outstanding maiden speech. The noble Lord is very modest in his summary of his own career. He has been a hugely successful and entrepreneurial businessperson and has had great and creative success in many organisations, but what came over loud and

[Baroness Hayman]
clear from his speech is his commitment to making a difference. That thread has gone through all his achievements, not just in publishing and business but in all areas of his work within the Commonwealth and beyond. He has made a commitment nationally—in this country, of which he has become such a loyal citizen—and internationally.

He has had great achievements, and he will understand that I was particularly delighted to hear of his passion for making progress on climate change. No one in this Chamber begrudges the emissions caused by his mother's flight to be here. I am sure that the quality of his contribution today makes us all certain that he will more than offset those emissions in his future contributions to the House. I first heard of the noble Lord because he was vice-chairman of Future First, an organisation which my own son was involved in setting up. At the time, I asked my son about his vice-chairman, and he said, "He's one of the good guys". I think that is an assessment we would all make after having heard him speak today.

I declare my interest as co-chair of Peers for the Planet. I congratulate the noble and right reverend Lord, Lord Harries, for the way he introduced this debate and his success in securing it in such a timely slot. I thank him, too, for what he said about that organisation.

I think all three of the speakers before me used the word "hope". I am always interested in the distinction people make between optimism and hope—optimism being a fairly passive belief that things will be all right or turn out okay; hope being much less certain about whether things will turn out well, but believing that if things are done properly, they can turn out well. As the noble Lord, Lord Howell, mentioned earlier, we heard Alok Sharma's view of COP 27:

"Emissions peaking before 2025 … Not in this text. Clear follow-through on the phase down of coal. Not in this text. A clear commitment to phase out all fossil fuels. Not in this text. And the energy text, weakened, in the final minutes. Friends, I said in Glasgow that the pulse of 1.5 degrees was weak. Unfortunately, it remains on life support."

That is not an optimistic view of COP 27.

However, there is reason to have hope. The Prime Minister went to COP 27, which was important in terms of UK leadership—an issue that the noble Lord, Lord Howell, spoke about and that I will come back to later. The Prime Minister said—I think this is very important for those of us in this House—that in playing our part,

"Keeping the 1.5 degrees commitment alive is vital to the future of our planet … More must be done."

He went on to say:

"It is not the work of any one Department or any one Minister; if we are going to make this commitment work, we are all going to have to play our part."—[*Official Report*, 9/11/22; col. 263.]

That is absolutely right.

We made important commitments at COP 26, and we made a historic breakthrough at COP 27 in agreeing to set up a fund to assist vulnerable nations hit by climate disasters. But much more difficult will be delivering on commitments and getting agreement on how the world can come together to fund this and, crucially, how we can resurrect global ambitions for reducing the emissions that cause the damage in the first place.

The other thing that discussions at Sharm el-Sheikh brought into sharp focus was that while the destination we are all aiming for may be the same, the challenges we face as individual countries in responding to the climate crisis are not. In the UK, legislators focus on the potential of a green economy, the opportunities for better health, air quality and jobs, and all sorts of opportunities for our entrepreneurs and innovators in the new industries that the noble Lord, Lord Leong, spoke about. But for legislators in other countries, their focus is on survival, and on managing the devastating impacts of climate change they are facing immediately. Every country will have its own unique climate challenges and will have to plot its own pathways out of the crisis.

There is much we can do nationally, but there are many issues where we do not have that pipeline or attention in every department in every way. The Minister will not be surprised that I raise the issue of onshore wind with him; it is a perennial favourite, and one I would be very happy to ditch by getting a good result on it. In this country, if we cannot even agree that we should have a normal planning process for onshore wind development and the replacement of existing onshore wind, I will lose the will to live on how we will achieve all the much bigger things that we need to do. It is one example, but there are many others. The Procurement Bill, which reaches Report in your Lordships' House next week, still has no reference to climate change, despite the enormous potential in it for both good and bad in terms of climate. So there is much that we can do to put our own house in order.

The noble Lord, Lord Howell, talked about our contribution as a country and whether other countries looked to our example. He is absolutely right that we will not be judged by the quantity of the emissions that we reduce as a country compared to everywhere else in the world; we will be judged by the quality of the leadership we give and the innovation we nurture and showcase, which can be used in other countries. I believe that we will not have the credibility to do that unless we put our own house in order. That is why the ongoing work of achieving our own goals and creating the green economic future that we talk about are so important, and why I feel hopeful—if not optimistic—that we can build on what came out of COP 27.

12.52 pm

Baroness Sheehan (LD): My Lords, it is always a pleasure to follow the noble Baroness, Lady Hayman. I add my support to her words on onshore shore: it really is a missed opportunity of mammoth proportions. It is low-hanging fruit, so we should grab it and not put artificial barriers in its way. I also thank the noble and right reverend Lord, Lord Harries of Pentregarth, for securing this very important debate. I add my congratulations to the noble Lord, Lord Leong, on his excellent maiden speech—it will be good to have yet another strong voice in support of tackling climate change.

I declare my interest on the register as a director of Peers for the Planet. I begin by saying a few words about why the COPs—the Conferences of the Parties—matter. Recently, there has been much said about them being only a talking-shop, where promises are made but not followed through—much of which is warranted. However, while there is much truth in this assertion, it misses the bigger picture. The COPs are important for several reasons.

First, they have great convening power, particularly of world leaders—witness our own Prime Minister bowing to the inevitable and succumbing to the pressure to attend COP 27. The power of crowds is a sociological phenomenon and describes the crowd's ability to exert influence. When world leaders are physically together, the atmosphere palpably changes to one of "can do", and agreements are reached which previously seemed impossible. Secondly, COPs give climate scientists a forum where they have the attention of world leaders. Thirdly, they are important in giving voice to smaller developing countries which are already suffering massively under the impact of climate change. It allows them to share a stage with the big emitters. Last but not least, COPs attract a media gathering par excellence, with a resultant high profile of the main issues under discussion. For a period of two weeks, climate issues are at, or very near, the top of the news agenda.

Without the COPs, progress that has been made to date would not have been possible. The rise in energy from renewable sources has been given momentum by these annual talking-shops, and the role of fossil fuels is becoming more marginalised. We could all hope for a far faster elimination of fossil fuels, but I think that is only a matter of time, given that the economics are so much against fossil fuels at the moment.

What has the 27th Conference of the Parties achieved and not achieved? I will focus primarily on two issues: first, one that is seen as a success of this COP, that of climate justice for vulnerable countries, known as loss and damage; and, secondly and to a lesser extent, on fossil fuels, a lack of action on which can be seen as a shortcoming of this COP.

First, the bald fact is that loss and damage matters, because countries in the global South cannot lift themselves out of poverty if they face increasing devastation from climate-related disasters, which for some of them are becoming routine occurrences. Failure to tackle the climate crisis has been perpetuating reliance on a humanitarian aid system that was not designed to respond to cyclical shocks of such scale and frequency. The polluter pays principle is well established, but are we really saying that it is only applicable for western entities? Why does it not apply to countries in the global South that are bearing the brunt of climate devastation, which they, in practical terms, did not cause? Justice must prevail. It is utter hypocrisy to insist that developing countries must reduce their reliance on fossil fuels when they are the ones suffering the effects of our historic emissions today, with, to date, no funds in place to help them cope with the loss and damage they suffer. So I welcome the major achievement of COP 27 in establishing for the first time a fund for loss and damage. This is a historic achievement, and it is crucial that it is urgently operationalised so that countries on the front line of the climate crisis can quickly access fair and automatic financial assistance and support in the wake of immediate climate impacts and slow-onset impacts such as sea level rise.

I have two questions for the Minister. How does His Majesty's Government believe that a loss and damage finance facility should function, and how should contributions be calculated? Will the Government consider a debt swap arrangement, like the one advocated by the Maldives, where the debt of vulnerable countries is cancelled in exchange for commitments to invest in high-quality decarbonisation projects, which they would dearly like to do but cannot afford to do both?

Secondly, I turn to fossil fuels. While emissions already in the atmosphere mean that further heating of the planet and associated loss and damage are unavoidable, the best way of minimising loss and damage is to ensure that fossil fuels stay in the ground. It is deeply concerning that countries have failed to agree on an equitable and urgent phase-out of all fossil fuels at COP 27, and, as hard as it may be to believe, it is a fact that coal, oil and gas still enjoy massive financial support from both state players and commercial entities.

The COP 27 decision text agrees to phasing out inefficient fossil fuel subsidies. Our Government have argued that they do not give any fossil fuel subsidies because they use an International Energy Agency definition of consumption subsidies as

"measures that reduce the effective price of fossil fuels below world market prices".

However, the IEA does not claim that this is the only type of subsidy. Indeed, the OECD has done a more detailed analysis of consumption and production subsidies, which found that UK subsidies in 2021 gave £200 million for decommissioning, £250 million for oil and gas investment, £1 billion for fuel oil, £1.5 billion for ring-fenced oil and gas trade corporate income tax relief and £2.1 billion for red diesel. Each of these measures provides support to the oil and gas industry which could otherwise be supporting rollout of low-carbon electricity, heating and transport.

Are our Government committed to phasing out all forms of fossil fuel subsidy, and in a way which supports the UK's net zero objective by transferring the support to low carbon technology? We must walk the talk at home and fulfil promises made on the world stage to phase down reliance on fossil fuels. A year ago at COP 26 we asked countries to accept that fossil fuels must be phased out. How does the Minister reconcile that statement with the announcement that we will resume the issuing of new licences for oil and gas exploration? The fact is that just a few weeks ago, the UK opened up a new licensing round to allow oil and gas companies to explore for fossil fuels in the North Sea, despite threats of a legal battle from climate campaigners. Almost 900 locations are being offered up for exploration.

Finally, will the Minister urge the Government to revoke licences for North Sea oil and gas exploration, scrap plans for the Whitehaven coal mine in Cumbria, and urgently roll out a just transition to renewables, which would secure our energy supply and prevent further emissions in the atmosphere devastating communities and the environment?

1.02 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the noble and right reverend Lord, Lord Harries, for securing this debate and welcome the noble Lord, Lord Leong, to this place; I very much enjoyed his speech. It is also a great pleasure to follow the noble Baronesses, Lady Hayman and Lady Sheehan. The figures the noble Baroness, Lady Sheehan, has just set out and the commitment she asked for if the UK is to claim any form of leadership require that those subsidies end now. That is a statement of the absolutely obvious.

However, today we are focused on COP 27. At the start of COP 27, there were many reasons to be concerned about what might happen. One of the more minor factors, but rather telling, was that especially for the occasion, the Tonino Lamborghini Convention Centre had been renamed the International Convention Centre for the length of COP 27, which perhaps left a loud throaty echo in the background.

There were 35,000 delegates at COP 27. Of those, more than 600 were oil and fossil fuel industry lobbyists—more than had ever attended a previous COP. There were more lobbyists from the oil and gas industries than from the 10 countries most affected by the climate emergency.

I want to draw on the interesting work of Alix Dietzel, senior lecturer in climate justice at the University of Bristol, who analysed last year's COP. Men spoke 76% of the time, indigenous communities faced language barriers and racism, and significant numbers of those who could not obtain visas to get into the UK were excluded. I was also at COP 26, just as I have been at a number of previous COPs, and saw for myself how difficult it was for those crucial voices to be heard. But Dr Dietzel was again at COP 27 and found that Africa's COP was even worse: the high prices, the surveillance concerns, the fears of Egypt's police state and the extreme pressures on civil society all had an impact.

None the less, when I look back to COP 26, my most memorable recollection is a speech by Jumas Xipaia, from the Xipaya people in the Pará state in Brazil, at an event I chaired on ecocide. That was such a powerful voice that it moved everyone in the room. Voices such as that, which I have often called the "shadow COP"—not the official negotiations, but the gathering of civil society, people, campaigners and indigenous groups from around the world—have an enormous impact. I will come back to that.

An account in the *London Review of Books* by Laleh Khalili is well worth a read. Wandering around the pavilions she sees PwC, Deloitte and EY—representatives of the financial system that is built on and continues to fund the ongoing oil and gas exploration and exploitation that the noble Baroness, Lady Sheehan, referred to. She also noted the presence of Agip, ExxonMobil, Shell, Chevron and Total. Will the Minister make a commitment? Will the UK agree to push at future COPs to exclude oil and gas lobbyists, just as big tobacco lobbyists are excluded from WHO deliberations on tobacco control? The model is there.

That point is particularly interesting because the next COP will be in the UAE. Your Lordships' House has just debated the World Cup in Qatar, which has some similar parallels. We have heard how the UK has been lobbying for respect for human rights and an open voice for civil society. Will the Minister commit the UK to pushing the UAE to have as open a COP as it should be?

I have been a bit depressing up until now, so I will get more cheerful. Despite all those barriers and difficulties, there was powerful evidence at COP 27 that campaigning works, although not that it is always very quick. For 31 years there have been calls, pushes and work on getting loss and damage payments—what is, in effect, as the noble Baroness, Lady Sheehan, said, the polluter pays principle put into action. Finally, it was delivered, or at least started. There is still a huge way to go, but this was a big win for climate justice and, I would posit, a win for something much further. It is a win for the whole issue of reparations and the damage being done by robbing the global south of wealth and resources and the labours of its people to enrich the global north. A principle has now been set. What plans do the Government have to work with others—the G77 plus China and civil society groups—to deliver on loss and damage?

I apologise for now going back to being depressing. Noble Lords may not know that there is one country in the world that is on the path to deliver the 1.5 degrees that the world agreed to at COP in Paris: Gambia. Well done, Gambia. That does not, of course, cover the UK. The practical reality is that talking about net zero by 2050 and all that the Government plan is just kicking climate action down the road. We cannot afford to do that. What the UK has to do is to commit to net zero by 2030. That is the figure that is in line with 1.5 degrees. It should be put out loudly and clearly that that should be our contribution. I do not expect the Minister to commit to that today, but you never know; I will put it on the table, at least.

It is worth looking at the words of Mary Robinson, chair of the Elders, a group of former world leaders, and a very respected, clear voice. She says that

> "the world remains on the brink of climate catastrophe … Progress made on [cutting emissions] has been too slow. We are on the cusp of a clean energy world, but only if G20 leaders live up to their responsibilities, keep their word, and strengthen their will. The onus is on them."

As we stand in your Lordships' Chamber today, it is clear that the onus is on the UK Government.

I want to point to some positive things and have questions for the Minister. If he is not able to answer them now, perhaps he could write to me. We have seen agonisingly slow but significant progress in just energy transition partnerships, with South Africa at COP 26 and with Indonesia at COP 27. Can the Minister tell me what accelerated progress is expected and what the UK is doing to contribute to more and much broader ways in which we can deliver essential development for the global South with the support of the global North?

I come back, finally, to the point that I made about the shadow COP, and the points made by the noble Baroness, Lady Hayman, about hope and optimism. It is worth noting that, as is often the case, one of the best events at COP 27 was the people's plenary. During that event, the participants drew attention to the

continuing incarceration, as I speak, of Alaa Abd el-Fattah. They chanted, "Free Alaa!", and chanted his watchword, "We have not been defeated".

The message that comes from COP 27 is the one that comes from all COPs: that we have a huge societal determination to stop trashing this planet as we are doing now, while also delivering a society that works for all the people on this planet. We have to change COPs and change our politics, and we have to change our society. The slogan that I have chanted on many a street is, "System change, not climate change". COP is part of this process, but only a small part of it.

1.12 pm

Lord Prescott (Lab): [*Summary of Lord Prescott's speech*]

As a Member of Parliament in the other place for a long time—I was there from 1997—I made recommendations on all matters of climate change. I have tried to come to this Chamber and get back to doing the work that I was doing a long time ago. It was a major question—and this country has had some major achievements, along with other nations. I have learned a lot from that, in looking at what has happened since that period. I was very proud to take the regional chair at COP 3 in 1997.

There are only so many times this can be put forward. It has been a tragedy. All countries had hoped there would be a statement to be made on CO_2 which would make things better. We can hope to have a better achievement and that it will go on to include other countries.

It is good that we are having this debate. I was not here for the last discussion on this in this House, about 10 days ago, but I wanted to say that we have an opportunity to make progress, and that is crucial. But with all the claims that have been made about these measures, they have not achieved what was said would happen, in the way that we set out to at the start. After those days spent at the COP, we are the only country that has failed to produce what we said we would.

I am very pleased to be here again—and I thank noble Lords.

1.21 pm

Baroness Worthington (CB): My Lords, I declare my interest as a co-chair of Peers for the Planet. I congratulate the noble and right reverend Lord, Lord Harries, on securing this debate and on his introductory comments. I also congratulate the noble Lord, Leong, on his excellent maiden speech.

I want to make three points in this timely debate. As the noble Lord, Lord Howell, said, we will return to these topics, which are so fundamental to so many issues. First, I want to reflect on the COP process and to posit that we are now, perhaps, setting unrealistic expectations for a single event and a single treaty under the UN framework. I also want to talk about the role of legislators in international treaties and to touch on the policy and technological exemplars that the UK can provide.

On expectations and the way the UN climate talks proceed, it strikes me that we are putting too much hope and expectation on a single instrument. Climate change touches on virtually all aspects of human development and nature. To expect one set of talks to solve this, even if they happen annually, is utterly unrealistic. It may explain why we have this odd paradox where the negotiations are not actually achieving very much. Much of the new framework was determined and decided in Paris. In those talks and in that rulebook, it was stated that countries are now able to determine their own contributions. There is no longer any top-down process to be negotiated; the rulebook is now largely set. Yet, outside those negotiations, an enormous body of people—stakeholders, influencers and representatives—is seeking and demanding more of this process. We probably need to look at making a higher level of demand of the UN, not simply focussing on UNFCCC which is now 27 years old and has not necessarily covered itself in glory in getting to grips with the problem. As other speakers have stated, from the time of the first COP to now, emissions have consistently risen. We do not appear to have a handle on this problem.

Supplementary treaties and negotiations are almost certainly needed. There is already one—the Kigali amendment to the Montreal protocol was recently ratified by the US. It is a sign that we can, when we put our minds to it, come forward with much tougher, top-down regulations that constrain the source of the problem. There may be other gasses for which we can do this. Perhaps we need to start thinking about the supplementary treaties we need to request the UN to initiate. Methane might be a good example. Methane emissions are rapidly rising. They do not receive the degree of attention that they need. There are many technological fixes for methane, in the oil, gas and coal sectors, for example. New solutions are also coming to market in agriculture. More targeted and focused negotiations on this problem may produce a more rapid response and results than UNFCCC can be expected to manage within its broad framework.

Another example is a plastics treaty. In March, a new mandate was adopted to negotiate a formal plastics treaty. Talks in Uruguay in the coming weeks will begin to put a shape around this international agreement on plastics in response to the huge, growing concern about the impact of plastics on the environment. It should be noted that plastics are one of the fastest growing sources of demand for fossil fuels. There is a direct read-across from it to our climate goals.

A resolution was agreed at UNGA very recently on international tax co-operation. If we are to solve this problem, we need to work out how we will pay for it. Private sector investment will be a key feature. As Governments, we are not unable to collaborate on finding new sources of revenue. The effect of an international tax co-operation mandate under the UN could reveal new sources of finance to help us bring about the huge transformation that the noble Lord, Lord Howell, pointed to. It is an extraordinary undertaking. We need to harness all the tools available to us.

Another example where a dedicated treaty could be considered is in the fossil fuel supply sector. Paris, by and large, involved all nations in looking at the demand for fossil fuels and their combustion at a country level. However, fewer countries are responsible for the supply of those fossil fuels. At present, there is nothing to

[Baroness Worthington]
stop them continuing to exploit and develop fossil fuels to the extent that they will rapidly burst through any kind of safe climate budget.

One example of why supply is such a difficult problem can be seen in the UK. Here we are, leading on climate change and recognised globally for that leadership. Yet we are considering licensing new coal mines and new rounds of oil and gas and, not long ago, we even considered fracking. It shows a real tension. This cannot be solved by cutting with one side of the scissors; both blades are needed. Both supply and demand sides need addressing. A fossil fuel treaty which negotiates a fair and equal glide path to constraining supply, with the rich and more developed countries going first, would allow some room for developing countries to continue to exploit it. This makes absolute sense. Calls for it are growing. Two countries—Tuvalu and Vanuatu—have already taken this idea to the UN. I hope this is a sign of growing interest in constraining supply and in deciding on a fair and equitable rulebook that can help us take action to constrain the ultimate tragedy we have in common. Every country will want to extract and sell fossil fuels. Without a rulebook, I cannot see how we can prevent a huge overshoot in our climate emissions.

In other sectors, there is already the potential for rules to be written. The IMO governs shipping. The ICAO governs aviation. These are examples of UN treaties brought into being in the 1950s to facilitate global trade. They now exist as rule-making bodies which can pass ambitious laws to help us decarbonise these sectors. I recently noticed that the global steel industry is asking for something similar. It has come together under the Global Steel Climate Council and is now calling on legislators to bring in a global standard for environmentally friendly steel. This is a call to the UN to legislate. This kind of level playing field will facilitate industry and benefit everybody. We need to see much more attention given to sectoral level standards to drive investment.

I will quickly touch on agricultural subsidy reform. Agriculture is responsible for a quarter or more of our global emissions. It is the one sector where public money is driving the problem. In most other sectors, some sort of tax has to be levied or regulations imposed. With agriculture, all that is needed it to divert current public spending into solutions and away from problems. We need a G8 a G20 or some form of GX conversation around agriculture subsidy reform. It is an easy lever; we should be pulling it as fast as we can.

In my remaining time, I will pick up on the role of legislators. I was lucky enough to attend a grouping of parliamentarians in Luxor ahead of COP, organised by the Climate Parliament. It brought together over 100 legislators to discuss important issues, including how we can make greater progress domestically and have our voices heard internationally. It is time we recognised the hugely important role of legislators in the COP process. Often, they are forgotten and not even classified as stakeholders, yet when countries come back from talks and want to see action domestically, they need their legislators to be able to support it. They need an informed, cross-party consensus that action is needed. If we can include legislators more formally in this process, we will see a smoother transition from pledges made at international talks to domestic delivery. So I encourage all future COPs to make a more formal arrangement for the role of legislators in driving both collaboration and domestic action.

Finally, the noble Lord, Lord Howell, and the noble and right reverend Lord, Lord Harries, in opening, mentioned technology and what the UK can offer in this respect. There are two technologies where we are world-leading, and we should be very proud of this. The first is in transmission: the boring process of connecting countries together with sub-sea cables to allow us to trade electricity across borders. We have a hugely important story to tell there, as it is a fundamental aspect of any kind of transition to clean electricity. We have already demonstrated that we can lay these cables over thousands of kilometres and other countries are looking to follow our lead. We should be very proud and encourage others to do the same.

The second technology is nuclear. We have a choice ahead of us. We can either become an importer of technologies from other countries or go back to our strengths and develop a UK reactor that has export potential. We can develop a modern, high-temperature nuclear reactor in this country that all countries, especially those in Asia, can use rapidly to replace their coal-fired power stations, repowering those sites with high-temperature reactors. The UK can lead in this. I strongly encourage the Government to continue on the path they have already started, as these advanced reactors will be hugely important. We are at the lead and should continue on that path.

1.32 pm

Lord Birt (CB): My Lords, I applaud, as I am sure all other noble Lords will, the manifest expertise of the noble Baroness, Lady Worthington—an example of the House of Lords at its best. I also of course welcome the noble Lord, Lord Leong, and congratulate him on his maiden speech. I hope he will carry the ideas of this place into not just the United Kingdom but the wider world.

It was one step forward in Glasgow, but I fear more than one step back at Sharm el-Sheikh. While we should not forget that emissions across the G20 are in general decline, in four countries—China, India, Indonesia and Russia—they have massively increased in the 10 years since 2010 and, importantly, continue to grow. In spite of the melting glaciers, the unfreezing of the tundras, the calamitous floods, the raging forest fires and the ever more blistering temperatures, a permissive approach to hydrocarbons crept back on to the agenda at the very last moment at Sharm el-Sheikh, demonstrating that the global battle of ideas is not yet won. However, as others have touched on, Alok Sharma's passionate and punchy riposte at the very conclusion of the conference demonstrated that the fight is still very much on.

Present the will, all nations can achieve net zero. Take the progress the UK has made in the past quarter-century in massively reducing the role of coal in electricity generation and incentivising the switch towards renewables. In the eight years between 2012 and 2020, UK territorial emissions of CO_2 dropped by 30%. It can be done.

With 40% of Europe's share of north Atlantic wind blowing hard across the UK, continuing investment at scale in offshore wind offers us an easy and cost-effective opportunity and commands wide assent. However, I do not think that we should save the planet by bespoiling our part of it. Some land sites are perfectly appropriate, but there are areas of our unusually beautiful country that need to remain unspoiled. A couple of months ago, I walked the Cumbrian Way with my wife, right through the heart of the Lake District from south to north. It is one of the most glorious landscapes on earth, but I did not welcome the sight of a wind farm at its gateway.

We all understand that renewables are intermittent and that nuclear has a key role to play in offering a carbon-free baseload on the national grid. But we do need to speed up. I was working at No. 10 in 2005 when the decision to rekindle the nuclear programme was made, yet Hinkley C will not be commissioned until 2027, more than two decades later. What about Sizewell C? Three decades later? Our inability as a country to deliver major infrastructure projects expeditiously has become a national malaise. Our can-do 19th-century forefathers turn in their graves.

As to next steps, as a country we have recently been far quicker to sign up to bold and welcome net-zero targets than to explain how we shall meet them. The challenges ahead are certainly far harder than those faced hitherto. Various technologies such as green hydrogen and carbon capture and storage have their energetic champions, but their economics as yet remain uncertain, as some excellent but largely ignored analytical work on hydrogen by BEIS officials demonstrates.

I am the owner of an electric vehicle and have direct experience of the perils of charging. Can the Minister say when the Government will set out a comprehensive, coherent framework defining the route map towards easy access to charging—wherever you travel or live, whether in a tower block, a terraced street or a remote village—and the responsibilities and accountabilities for delivering that? When I installed a charger at my village home, the engineer joked that I was lucky that I was the first in the village to do so, as there was as yet insufficient power for a second. Where is the plan to upgrade our local electricity distribution networks?

When will the Government define the road map towards decarbonising the heating of homes and buildings? With the oldest housing stock in Europe, only a tiny fraction of which is insulated, and with heat-pump technologies slow to build up heat and produce a comfortable ambient temperature in winter, how will we incentivise the decarbonisation of heating homes and buildings? What will we do about our vast current dependency on gas? By what multiple will we have to increase electricity generation as a country over the coming decades, and how?

I do not underestimate for one minute the difficulty of these challenges. They would be enormous for any Government. However, can the Minister explain the mechanism—I presume it is in the Cabinet Office, and I do not mean a Cabinet sub-committee—for plotting the optimum route to net zero for the UK and for marshalling the many departments across Whitehall that need to combine effectively if that target is to be achieved and delivered? The prize is to be one of the countries showing the way, for the benefit of everyone on earth and our and their grandchildren.

1.39 pm

Lord Desai (Non-Afl): My Lords, I thank my noble and right reverend friend Lord Harries for introducing this topic, and we have had a great maiden speech from the noble Lord, Lord Leong, whom I congratulate.

Let me start with a contrast to the proposition made by the noble Baroness, Lady Hayman, about hope and optimism. I am going to talk about disappointment or despair, but not cynicism. Sharm el-Sheikh was a complete failure. The whole process by which we think we are going to achieve 1.5 or 2.4 or whatever degrees by international or inter-governmental negotiations—45,000 people turned up at Sharm el-Sheikh—is a delusion. Many people are very idealistic, and I respect their idealism; they sincerely believe they know what has to be done, and they hope that their Governments will agree to these sorts of steps. The Governments are all cynics, of course; they say yes at the conference, then go home and do something entirely different. We have had this proposition that somehow the globe is one. We saw a picture of the earth from space, and we suddenly got the delusion that the globe is one and that therefore our interests are identical, but our interests are not identical—certainly not as represented by Governments.

Sixty years ago, I got to America from India and the most popular book was Rachel Carson's *Silent Spring*, which argued that the use of insecticides kills birds, and that this was the first signal that we were doing things that were against our own nature. Early in the 1970s, there was a conference in Stockholm on climate change with a slogan: "One week to save the world". That was in 1971. Fifty years later, we are still trying to save the world. It is quite clear that we live in a system not of identity of global interests, but of power relations, where powerful countries do what they want, as they want and when they want. We saw that at Glasgow. In Glasgow, poor Alok Sharma was practically in tears because he could not convince India and China to agree to the coal target.

The same thing happens again and again. At Sharm el-Sheikh, everybody says, "Oh, there has been a fund created". That fund has a quarter of 1% of the original planned fund—£250 million. The original planned fund was in billions, so this is pin money. It is not seriously going to compensate anybody for anything, but it salves the consciences of the various parties who are there. The world ought to really ask whether there is not a better process for doing these negotiations and making these decisions, because it reminds me of the worst kind of things done in the United Nations. The United Nations has a General Assembly. Whatever the General Assembly does, it does not matter a hoot because the five permanent members decide what the UN will do, and the five permanent members do not obey anything decided by the UNGA. We live in a very unequal society and therefore it is no good pretending that somehow the next conference, or the conference after next, will arrive at a decision which we will all agree to and heaven on earth will descend.

[Lord Desai]

We have to hope that we can achieve better results on the carbon front within the UK, and the noble Lord, Lord Birt, and various other speakers have already detailed what we can do to clean up our environment, whatever anybody else may do. That at least can be done.

I welcome the remarks made by the noble Lord, Lord Leong, that, ultimately, we will have to rely on enterprise and innovation, which will come from the private sector and not from anywhere else, to find alternatives and better ways of doing the things we do so badly now. I do not know what they are because I am not technologically literate, but during my lifetime on a number of other fronts, such as communications, telephones, digital technology and so on, things have happened which have considerably simplified the world. They all happened because people wanted to profit. They will not happen for any idealistic reasons; they will happen for profit. Going along that path, I hope that we will get some solution. It will not come from any number of meetings of any number of countries, anywhere. In business, solutions pay for themselves. This would be paid for by taxpayers.

En passant, I ask: who decided to meet in Egypt? Why do we go and meet in the worst dictatorships going? We are going to the UAE. Why do we not just have every conference denouncing fossil fuel in Saudi Arabia, so at least we know we will not get anywhere? We will all have a fun time going there, but at least we will know that the outcome will be hostile to whatever we want to do.

However, at some stage we will have to find ways of making international decisions where global problems are involved in a way other than what we have constructed from the Rio conference onwards to many other international meetings, also attended by NGOs and very idealistic people, who all have to be disappointed. There are urgent tasks that need to be fulfilled. For example, who will look after the people who will face rising sea levels and will be made homeless? Do we have any plan to move those people away to safer countryside? That will be an urgent problem because people will drown if we do not do something like that.

We ought, at least privately, on our own as the UK, to try to think of some of those problems and see what we as a single country, and as one of the P5, G7, or whatever we are, can do. We are an important player in this context. We as a country ought to think through on our own what the urgent problems are so that we can solve the world's problems, regardless of what the rest of the world does. I hope the Government will take on that task along the lines suggested by the noble Lord, Lord Birt, and I hope we get somewhere.

1.48 pm

Lord St John of Bletso (CB): My Lords, I am grateful to my noble and right reverend friend Lord Harries for introducing this topical debate and join in congratulating the noble Lord, Lord Leong, on his most impressive maiden speech and his commitment to the work of your Lordships' House with his vast experience.

I have to say that I have mixed emotions after this conference. My son, who is a climate change management consultant, was in Sharm el-Sheikh for the entire two weeks so I had a daily update on what progress was being made, and particularly on what progress was not being made. On the one hand, it was good news that the nations historically responsible for the climate crisis agreed to pay for the loss and damage that it is causing, particularly to less-developed countries. This is a huge step forward for justice. It is well known that Africa accounts for less than 4% of global greenhouse gas emissions but suffers from some of the worst impacts of climate change, from flooding to increased droughts and reduction in access to clean water, as well as food insecurity.

On the other hand—the negative—it was exasperating that, yet again, there was no tangible progress on emissions reductions and insufficient action to keep within the immediate 1.5 degrees centigrade global temperature rise. My noble and right reverend friend Lord Harries was right when he said that the 1.5 degrees centigrade target is us simply being on life support. If the global temperature rises to in excess of 2 degrees—figures have been raised of us potentially going irreversibly to 2.4 degrees—the Arctic is likely to keep melting and there will be flooding as a result in many parts of the world, which the noble Lord, Lord Desai, raised, and the coral reefs will continue to die.

Sadly, the loss and damage costs will inevitably come to exceed the ability of any group of countries to pay for them, and of nature to regenerate. One of the key points I want to make is that the 2 degrees increase in global temperature is not a target. It is a scientifically proven point of no return. I noted the comments of the United Nations Secretary-General at the start of the conference when he said:

"We are on a highway to climate hell with our foot on the accelerator."

Despite the ambitious climate targets made at COP 26 in Glasgow last year, the Global Carbon Project reported that carbon emissions from fossil fuels hit a new record high this year and that they are on track to increase by 1% every year. The World Benchmarking Alliance found that 40% of financial situations disclosed long-term net-zero targets but only 20% acknowledged this impact. Renewables account for only 80% of new power generation capacity in 2021 but comprise only 4% of the global energy mix. It is well known that energy demand is expected to grow by 6% globally every year.

We are transitioning, but not fast enough. McKinsey estimates that to reach net zero by 2050, $275 trillion of investments will be required. That equates to $9.2 trillion a year. Clearly, the question is: where will this investment come from and how will the world be able to achieve a "just transition" to one that brings maximum energy to the planet with minimum emissions and, I hope, allows the underdeveloped world to see the standards of life that we see here in the West? While I warmly welcome our Government's *Ten Point Plan for a Green Industrial Revolution*, can the Minister tell us what is being done to embrace new technologies and new innovations to achieve the objectives? This question was raised by the noble Lord, Lord Howell, and my noble friend Lady Worthington.

By way of example, algae when used in conjunction with AI-powered bioreactors is up to 400 times more efficient than trees at removing CO_2 from the environment. I welcome the initiatives of the Centre for Climate Repair in Cambridge, spearheaded by Sir David King, who was the Chief Scientific Adviser to four of our recent Prime Ministers. The centre is working on projects with the potential to remove at least 1 billion tonnes of CO_2 from the atmosphere per year, such as refreezing the Arctic by marine cloud brightening and marine biomass regeneration. I hope also that the Minister can give us more encouragement on what is being done in order to transition to more nuclear power in the UK.

When addressing climate change, we need to differentiate between mitigation and adaptation. It is clear that, with rising global emissions and a lack of policy consensus on how to reduce emissions, this COP has been a failure in the mitigation agenda, with a lack of a global road map for how to move forward. However, it has been heralded as a success in the adaptation agenda, helping the world to adapt to the consequences of climate change which are being felt, sadly, by many underdeveloped countries, including, I might mention, many countries in Africa, where I have a special interest.

We need to transition to a balance between mitigation and adaptation. On the positive side, one of the successful breakthroughs at the conference, which no one has so far mentioned in the debate today, was in the building sector. I understand that the global building sector accounts for 37% of global emissions. Countries and companies, both public and private, at the conference committed to transitioning to a net-zero building target with investment in green cement and tighter regulations. I notice that the noble Lord, Lord Birt, earlier was speaking about the call for decarbonisation of homes and buildings. Clearly, there has been a commitment and I hope there will be some follow through on this.

In conclusion, while I had mixed feelings about the successes and failings of the conference, I welcome the public and private sectors working together. The UK can, and simply must, do more to lead the global green transition and become a leading example of positive change.

1.56 pm

Lord Thomas of Cwmgiedd (CB): I too thank the noble and right reverend Lord, Lord Harries of Pentregarth, for securing this debate and congratulate the noble Lord, Lord Leong, on his excellent maiden speech.

Before one criticises the progress that was not made at COP 27, we ought to recognise the huge progress that has been made and the general recognition that climate change is now a real problem. What happened at COP 27 is an illustration of a familiar problem: namely, where the pain to avert damage in the future, and long in the future, does not at present seem real or entails costs, it is very difficult to persuade people to live to their commitments. I want to deal with three matters: first, the rule of law; secondly, the issue of transparency; and, thirdly, leadership, because they are all clearly interlinked.

First, let me address the status of the Paris Agreement. It is a legally binding commitment, and we sometimes forget that. Our commitment as a state has always been to uphold the rule of law, and we must continue to do that. We cannot expect to set an example of leadership without doing it. In most countries, it is impossible for domestic courts, either because they do not have the guts to do so or because their legal system does not permit it, to force Governments to comply with international obligations. There is no international tribunal or court that can force states to comply with their obligations.

So what is one left with? One is left with transparency. I think the German Federal Constitution Court in considering the German Act of 2019 put the matter very well in relation to Paris. It said:

> "The purpose of the transparency provisions is to ensure that all states are able to trust that other states will act in conformity with the target … Creating and fostering trust in the willingness of the Parties to achieve the target is therefore seen as a key to the effectiveness of the Paris Agreement."

Therefore, I think that if we are to comply with the rule of law and set an example for others to do so by our leadership, that leadership must include transparency because it is critical.

Are we achieving that? Turning to the domestic plane, having moved from the international plane, we have a great deal to give thanks for to those who created the Climate Change Act 2008, but its basis is essentially transparency. You cannot hold people to account, you cannot make them do things, unless there is transparency. Here, the courts can help. In the very recent decision of the High Court in Friends of the Earth v the Secretary of State for Business, Energy and Industrial Strategy, the court looked at what had been made available, decided that it did not comply with the Act, and ordered the Secretary of State to do so. To his great credit, the then Secretary of State accepted that. I am sure that he did so because the mechanism of our Act is transparency. You cannot expect our Act to work unless all the facts are put forward as to how the climate reduction plan and the carbon budget are to work, unless there is total transparency.

I mention that case and the decision of the then Secretary of State because it is a powerful demonstration of the importance of transparency, and of leadership, as well as compliance with the rule of law. It is important that, although the UK makes a tiny contribution to global emissions, we can make an enormous contribution to these three areas.

The third area that I want to mention very briefly is the position of corporations. Here it is essential that we continue to take leadership. There is the question of corporate purpose. The British Academy is to be congratulated on the work that it is doing on the future of the corporation. Is our company law sufficiently up to date that there is an emphasis on the long term rather than the short term? Is there sufficient emphasis, if it is the right thing to do, on the accountability and duty of directors and shareholders in the company to the public good? Our Companies Act goes some way, but we need to ask ourselves whether that is enough, and we can certainly show leadership here.

[Lord Thomas of Cwmgiedd]

Are our regulations that force disclosure, and therefore transparency, clear enough? It is essential that if we are to move to a system that works in practice, the disclosure regulations must be clear, and there must be international standards. We cannot in this respect think that we are on our own. We must recognise what goes on elsewhere. Also, are our regulations strong enough in relation to carbon credit, trading, and the emission trading scheme? We have seen that greenwashing across this whole sector is a major problem.

This is all very important, but I cannot emphasise enough, when one looks across the litigation that is being brought by NGOs across the world, how critical disclosure is. You need to be able to persuade people that companies which do not live up to their legal or other commitments are companies that you should shun or avoid. The market should be used for that effect. Equally importantly, if banks, through syndicated loans or otherwise, are investing in companies that are responsible for emissions, public pressure can be brought. One can see the effectiveness of this in the actions being brought by NGOs across the world, virtually. In this respect, we must show leadership. We have a leading Act, we believe in the rule of law and we have a reputation for that—which I hope is still intact—and we are pushing transparency.

But I also think that in the leadership we show—as has been mentioned by others in the course of this debate—we must lead in respect of technology transmission as well. I was in Malaysia last week and was delighted at the work being done by His Majesty's ambassadors in this respect. This is an area where again one can say that this is of benefit to us, apart from our worldwide leadership.

So what is the ultimate problem that we have to tackle? If transparency is to work, we must find a means of ensuring that what is made and put into the public domain is put in it without party-political or other spin. That is a huge challenge. I hope that this will not be a party-political issue but that we can rely on one person who is outstanding for their contribution on climate change, who can be seen as a spokesman and who will be properly supported to make our case as leaders, as believers in transparency, and as a nation, tiny though it is, that can make a real contribution. I hope that is the lesson from COP 27.

2.05 pm

Baroness Walmsley (LD): My Lords, it is an honour to open the winding-up speeches in this very important debate, on a matter about which our Benches, like all other Benches, feel particularly passionate. I know that a number of my colleagues were particularly disappointed that they were prevented by other commitments from being able to speak today. On behalf of all of us, I thank the noble and right reverend Lord, Lord Harries of Pentregarth, for giving us this opportunity today and congratulate the noble Lord, Lord Leong, on his excellent maiden speech.

As the noble and right reverend Lord, Lord Harries, said early in his speech, there was something to welcome in the outcome of COP 27, specifically—as my noble friend Lady Sheehan also mentioned—the commitment to create a fund to address the loss and damage done to some poorer countries as a result of climate change. I think that we all believe that its success will depend on the specific details. I think we would all like to know, from the Minister, what practical and financial commitment the UK Government will be making to this fund.

The noble and right reverend Lord, Lord Harries, also raised the issue of forest management: those vital carbon sinks. That is why I particularly welcome the commitment of President-elect Lula of Brazil to stop deforestation in the Brazilian Amazon. The damage done under President Bolsonaro has been disastrous for the future of the planet. Can I therefore ask the Minister whether the UK Government will be offering any practical help, such as surveillance, to President Lula, to assist him with enforcement and to crack down on the criminal loggers who are clearing his forests?

However, at COP 27—as the noble Lord, Lord Leong, said quite sadly—it was disappointing that there was no increase in ambition on mitigation from the partners, including the UK, to reduce damaging emissions any faster than the commitments made at COP 26, despite the fact that the world is moving towards a disastrous 2.4 degrees of warming. As the noble Lord, Lord Birt, noticed, Alok Sharma MP was clearly very disappointed by the outcome. Given the further evidence of the urgency of the matter over the past year, with serious adverse weather events such as flooding, drought and wildfires, one would have hoped for better.

Many good points have been made during the debate. The noble and right reverend Lord, Lord Harries, and my noble friend Lady Sheehan mentioned debt relief, so that countries such as the Maldives can use the money to help with their protection from and adaptation to global warming. That is a really important point. The noble and right reverend Lord, Lord Harries, also mentioned the costs of moving to net zero, particularly the availability of materials such as lithium, cobalt and nickel, many of which are mined by workers in very poor working conditions and human rights situations. That matter was raised with the Minister yesterday in the debate on the report of the Science and Technology Committee on batteries and fuel cells. The noble Lord, Lord Howell, pointed out that we produce only 1% of carbon emissions: of course, we must all do our bit, but I do agree with him that we have a leadership role in helping others to reduce theirs through our technological developments—more about that later.

In his maiden speech, the noble Lord, Lord Leong, emphasised the role of the next generation, and how poignant that is when we are destroying the planet. The noble Baroness, Lady Worthington, mentioned many exciting technical solutions in the growing green technology area that other people had not mentioned—things to do with methane and plastics. We heard about more exciting developments from the noble Lord, Lord St John of Bletso. The noble Baroness, Lady Hayman, reminded us of the Prime Minister's words at COP 27 that reaching net zero is a cross-government responsibility in the UK, and also an international responsibility, so we must address it in the spirit of co-operation. My noble friend Lady Sheehan emphasised the importance of world leaders getting

together at COPs and also of giving a voice to small countries and drawing the attention of the world to the challenge of climate change.

However, it is our own emissions over which we have most control, and we could start by stopping subsidies for fossil fuels, which my noble friend Lady Sheehan and the noble Baroness, Lady Bennett of Manor Castle, called for, but we also have an opportunity to take a lead and to benefit from economic opportunities if we are more ambitious and innovative. The UK has done quite well on renewables since the lead given by my right honourable friend Ed Davey MP when he was Secretary of State for Energy in the coalition Government. The climate change performance index currently ranks the UK 11th in its 2023 report, but the Egyptian presidency of COP 27 called for "bold and immediate actions" on mitigation to ensure that the rise in global warming remains below 1.5 degrees. The Glasgow climate pact from COP 26 called on parties to accelerate the transition to low-emission energy systems, but COP 27 disappointed on that.

So the matter is urgent, and it is about the balance and resilience of our UK renewable energy policy that I wish to speak. According to the Autumn Statement, Sizewell C will be eye-wateringly expensive and will not produce a single gigabyte of electricity for a decade, so why not invest in a renewable energy that has been largely ignored but can produce energy long before that? When I was a little girl, I went on holiday in north Wales with my bucket and spade, and when the tide went out my dad and I dug for lugworms in the exposed sand and stuck them on hooks to go fishing for dabs. The tide came in and covered the holes we made, and then it went out again—and it did that again every day of our holiday. Then my father explained to me the link between the tides and the gravitational pull of the moon. It occurs to me then to ask, in the week that the Americans revitalised their ambition of putting man on the moon again with the launch of their Artemis rocket: if man can go to the moon, why can we not harness the regular, predictable energy of the tides?

So I would like to ask some questions about the potential of tidal stream energy—TSE—which does not vary like solar and wind and therefore has the potential to fill a valuable place in our energy baseload and keep battery storage topped up. Currently, marine energy is more expensive per kilowatt than other zero-carbon methods, but I am grateful for an excellent briefing from the catapult on offshore renewable energy, outlining research on what support is needed to reduce the levelised cost of energy—LCOE—produced from the tide and showing how it could, with the right support, be cheaper than nuclear by 2035.

It is no accident that both solar and offshore wind have reduced significantly in cost over the past two decades. It is because they have benefited from significant public development funding and energy generation subsidies. When I first installed solar panels in a property 15 years ago, the cost was pretty high, but when I installed solar in my current home, six years ago, the cost was much less because economies of scale had kicked in. That was because of government action. However, political support for the tidal stream sector has been inconsistent. This has slowed down investment and technology development compared with alternative renewables. Consequently, there has not been the chance to unlock cost reductions through deploying commercial-scale arrays, and there are only a handful of projects across the UK to date. But the opportunity for TSE to contribute to the resilience of the UK renewable energy mix and to export both technology and energy around the world and contribute to growth is considerable.

Through a number of demonstration projects, the industry in the UK has achieved a reduction in its levelised cost of energy since 2016 of more than 40% with little or no revenue support, so it is crucial that this technology continues to drive down costs to become competitive with other forms of energy. However, the industry needs the help that other forms of renewable energy have received. Its innovation and development and its effective demonstration projects warrant government support to help us achieve the title of "science and technology superpower" and reach zero carbon emissions.

So, what is needed? The first answer is long-term commitment and certainty. Will the Government set a long-term deployment target for the sector? Secondly, the supply chain needs to see a clear project pipeline to enable investment in workforce and facilities. The Marine Energy Council's UK target of one gigawatt of ocean energy by 2035 is feasible, and there is no reason why TSE should not make up around 900 megawatts of that. Such a target would encourage the flow of private capital, but an industry target needs to be backed by consistent revenue support. In the UK, the best way to support an industry in this crucial early stage is to maintain a ring-fenced amount in upcoming contracts for difference rounds. That is important, since TSE is an emerging technology and currently unable to compete with the large scale of more established forms of renewable energy.

I hope the Minister will consider these requests in the interests of energy security, diversity, resilience, predictability and the opportunity for serious export opportunities and growth.

2.17 pm

Lord Bassam of Brighton (Lab): My Lords, before I embark on my comments, I echo the thanks given by all Members of the House today to the noble and right reverend Lord, Lord Harries, for introducing this debate, with his prescient and occasionally optimistic summary of the outcome of COP 27.

I also join all those who have congratulated my noble friend Lord Leong on his maiden speech today. As he reminded us, he is Labour's first Peer of east Asian origin; we hope to have many more. I have known my noble friend for some years, and his warmth and generosity of spirit are very welcome in your Lordships' House. I loved his comment about seeking, by joining us, to offset his mother's carbon footprint, and the fact that he balanced that with his enthusiasm for inspiring a new generation of young people concerned about the future of our planet. Worthy words indeed.

Before moving on, I very much welcome my noble friend Lord Prescott to the Chamber today. He played a major part in ensuring that the British Government

[Lord Bassam of Brighton]
addressed at the Kyoto conference the impact of adverse environmental activity across the world. As one of our first major leaders and spokespeople on the environment, he played a key part in ensuring that we kept to the task in tackling major environmental issues.

Because the Prime Minister raised it in his Statement following COP 27, I want to raise again the case of Alaa Abd el-Fattah, which the Prime Minister also raised when he was in Sharm el-Sheikh. Amnesty International reported yesterday that after ending a seven-month hunger strike, Alaa is in critical condition. It is vital that he be released as soon as possible and gets the urgent medical care he needs. In view of the Prime Minister's comments, I wonder whether the Minister can update us on what further steps the Government are taking to end his suffering.

The implementation plan agreed at COP 27 and its breakthrough agreement to create a fund providing loss and damage funding to vulnerable countries that have been victims of climate disasters is very welcome. This ends almost 30 years of waiting for the nations facing the devastating impacts of climate change. Sadly, there was nothing in the Prime Minister's Statement on loss and damage. Other noble Lords have said that we need more detail on our funding commitment. I look forward to the Minister picking up that point.

There were other welcome developments, as noble Lords have said, such as pledges on adaptations—that is, adjustments in ecological, social or economic systems in response to climatic changes—totalling more than $230 million. The SCF will report on doubling finance in this area at next year's COP in Dubai. The noble Lord, Lord St John of Bletso, raised the importance and value of looking at both adaptations and mitigation.

The implementation plan also set out the cost of moving to a low-carbon economy. This is a small but important step towards it, priced at around $4 trillion to $6 trillion per year in investment. There were other, vital continued deliberations on the $100 billion pledge, climate finance and global stocktake, which will hopefully continue to lead to further progress in these areas.

Outside the implementation plan, the new annual high-level ministerial round table was a welcome development in symbolic terms; in future, it could be a productive tool in raising global ambition. Less welcome was that most Ministers in attendance said that limiting temperature rises to 1.5 degrees—which we will all be talking about and which I will say more about—was a red line.

A joint work programme was launched in respect of the UN Framework Convention on Climate Change, which will surely play a key role in accelerating the development of technologies that do not yet exist, but which we will be unable to reach net zero without, and to which noble Lords have referred. We also saw the launch of the Forests & Climate Leaders' Partnership—a too-often forgotten aspect of the climate fight—following last year's declaration. Forest loss and land degradation simply must be stopped. Using the $12 billion committed at last year's COP and the further $4.5 billion since in an effective joined-up way must be a priority. Here in the UK, we are beginning a much-needed debate on our own lost rainforests and their recovery.

Despite all this welcome progress, the fact is that on the most crucial issue of 1.5 degrees, the summit in Sharm el-Sheikh cannot be seen as anything but a failure. The UN Secretary-General, António Guterres, has warned of what we face. He said, quite simply, that

"at the present level, we will be doomed".

He is not wrong.

What are the Government going to do in the next year to change direction? A number of noble Lords, such as the noble Baronesses, Lady Sheehan and Lady Hayman, raised the issue of leadership. We have had lots of Secretaries of State for the Environment, but an absence of leadership. This is long overdue; we need clarity of direction.

We are currently at 1 degree of warming compared to pre-industrial levels—the hottest the world has been for over 100,000 years—and we are already witnessing the disastrous effects. According to the UN, instead of another 0.5 degrees, the limit we need to halt at, we are currently on track for another 1.8 degrees. Unless something changes, and changes now, our generation will leave behind a shameful legacy.

We should be leading on the climate. It is our responsibility, but also an opportunity to set the pace and transform the UK for the future. This does not just mean turning up at COP once a year. How will the Government show leadership every day? That is what is needed. Will they commit, as the Opposition have, to a 2030 zero-carbon power system—the new gold standard of international leadership? Will they end the damaging ban on onshore wind and the blocking of solar, which are the cheapest and cleanest forms of power available to us? Will they acknowledge the continuing damage of fossil fuels?

It was of course welcome that the outgoing COP 26 president, sadly sidelined by the Government, argued that the conclusions of COP 27 should include their phasing out—but these efforts were ultimately unsuccessful. COP 27 did not conclude with a timetable or even reassurance that polluting fuels would be phased down by all countries. India's proposal foundered after opposition from oil-producing and gas-producing nations. The extraction of the reserves that remain would lead to warming far beyond 1.5 degrees, yet that is the path that the Government are set on. Dashing for new fossil fuel licences—a number of noble Lords referred to these—which will have minimal, if any, impact on the bills that the country is currently struggling with, and refusing to rule out a new coal mine in Cumbria, speak loudly of the Government's commitments in the wrong direction. So why are they continuing along this path, while arguing that the rest of the world should stop?

This is a form of international hypocrisy. Leadership on the climate also means meeting targets, not just setting them. Will the Government finally get on track with the targets that we have set and fix the net-zero strategy, which was found to be unlawful? Indeed, at Copenhagen in 2009, wealthier nations committed to mobilising $100 billion per year by 2020 to address the needs of developing countries. Despite the worsening climate crisis, and following COP 26, this target has still not been reached. How will the Government

ensure that the target is not only met but exceeded during the five-year period to 2025 and beyond? In the Minister's discussions with other countries, has the Government's decision to cut our overseas aid budget been helpful in achieving that end?

Next year, leading up to the 2023 global stocktake, is the last real chance to save the target of 1.5 degrees. In years to come, every Government and politician will be judged on how they responded at this moment of jeopardy for the world. I hope—the noble Baroness, Lady Hayman, spoke passionately of hope today—that the Government might begin to give the House some clues about how they aim to rise generally to the challenge of that jeopardy.

2.26 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): I join other Members in paying tribute to the noble and right reverend Lord, Lord Harries, for bringing forward this debate on the commitments made at COP 27. It has been excellent, and I will endeavour to address as many of the points made as possible.

Before that, I join the noble Lord, Lord Bassam, and others in paying tribute to the noble Lord, Lord Leong, on his superb maiden speech. In welcoming him to this place, we can reflect on his excellent business career at home and internationally. We recognise his success in establishing Cavendish Publishing, which went on to become one of the country's biggest academic law publishers. We also recognise his work in social enterprise and establishing networks such as the Mulan Foundation Network and Future First, all of which work to promote social inclusion and raise awareness of the various issues that he described. I am sure that I speak on behalf of the whole House in saying that we very much look forward to hearing all his contributions in the future. My only regret is that his excellent business entrepreneurial career obviously has not made him a Conservative, which it surely ought to have.

I was also delighted to hear the contribution of the noble Lord, Lord Prescott. Again, I am sure that I speak on behalf of the whole House in saying how delighted we are to see him back in his place. We can all pay tribute to the enormous contribution that he has made to this important policy area throughout his long and distinguished career.

I also place on record my thanks to the COP unit, and all the other departments in government involved in representing the UK on the global stage, for all their work in representing us at COP and demonstrating the UK's commitment to keeping 1.5 degrees alive.

Given the broad range of questions raised by noble Lords, I will address them in two halves. I will first address questions regarding COP 27 and then follow that up with some comments on the domestic points raised.

Let me start by disagreeing with the noble Lord, Lord Desai, and, unusually, agreeing with the noble Baroness, Lady Sheehan, in saying that COPs matter. They have the convening power of world leaders to make agreements, they bring forward voices from across the world, and they help to put climate at the top of the news agenda. The noble Baroness, Lady Worthington, suggested that there were perhaps unrealistic expectations for a single event to cover all sectors, and I think that she is right; perhaps placing too much hope on a single instrument is indeed not sustainable. However, as she also reminded us, work is also going on outside this space; to take one example, the UK has signed up to the global methane pledge at COP 26, we published the UK's methane memorandum, and the COP 27 cover decision reiterates an invitation to parties to consider further actions to reduce by 2030 non-carbon dioxide greenhouse gas emissions, including methane.

The UK continued to show global leadership through its COP 26 presidency in Glasgow. As the House will be aware, all 197 parties agreed to the Glasgow climate pact to urgently keep 1.5 degrees centigrade alive, and to finalise the outstanding elements of the Paris rulebook. When we began our COP presidency, just one-third of the global economy was covered by net-zero commitments. Today it is 90%, with 34 new or updated NDCs submitted since COP 26, including the UK and countries such as Australia, India, the UAE and Indonesia.

This represents progress towards implementing the Glasgow climate pact and helps to keep 1.5 degrees centigrade within reach, and these have all been core objectives of the delivery of our presidency year. At COP 27, as has been noted, we had to fight to keep 1.5 degrees centigrade alive, and obviously we were disappointed not to make progress on fossil fuels. The deal in Egypt preserves the historic commitment that countries agreed to last year in the Glasgow climate pact, but we did not make progress. However, as the noble and right reverend Lord, Lord Harries, and the noble Baroness, Lady Hayman, both reminded us, 1.5 degrees centigrade remains on life support. It is clear that we need to see much more progress ahead of COP 28 in the UAE, and this Government will certainly be working towards that.

Now, as raised by many Members of the House, including again by the noble and right reverend Lord, Lord Harries, and the noble Baroness, Lady Sheehan, action on loss and damage matters, and it is not something that developing countries can solve themselves. Crucially, COP 27 saw a breakthrough on funding arrangements for loss and damage, with an agreement that a fund will be created to support the most vulnerable. This deal responds to the concerted calls from the poorest and most vulnerable countries.

In response to the noble Baronesses, Lady Bennett and Lady Walmsley, and the noble Lord, Lord Bassam, I can assure the House that the Government will continue to work with other countries on the details and design of the fund and wider funding arrangements. These will be worked up next year through a transitional committee. A range of sources and contributors are to be considered, with parties affirming that funding for loss and damage comes from humanitarian development and climate communities. The UK would assess the value of providing a contribution once the modalities of the fund have been agreed. I thank the noble Lord, Lord Desai, for his question about the level of funding for the new loss and damage fund but reiterate yet again that no level of the fund has yet been agreed.

We all know that we must continue to support climate-vulnerable countries—a point raised by the noble Lord, Lord St John—by making sure that these

[Lord Callanan]
commitments on adaptation and loss and damage are honoured, driving real, practical action on the ground. A key part of making progress has been to ensure that the views of those at the front of tackling climate change are part of these crucial conversations. This was something that the noble Lord, Lord Leong, raised—the importance of youth in climate. This was also a view held by the COP presidency, which supported indigenous youth attending COP 27, and the Climate Youth Negotiators Programme helped young negotiators from the global south across those climate change negotiations.

The noble Baroness, Lady Bennett, also raised the issue of the exclusion of some voices within COP and fears about the limits on civil society. We expect that the discussion of lobbyists will have new momentum behind it. The UK's priority, as always, is on ensuring that the voices of important non-party stakeholders such as indigenous people, women and young people are heard in addressing and responding to the important issue of climate change. At COP 26, the UK was pleased to fully fund an indigenous people's pavilion, which proved to be an important space for indigenous-led events. The Glasgow climate pact also saw strengthened language on the role of indigenous peoples. During our presidency year, we worked closely with Egypt to stress the important role played by indigenous peoples and young people in civil society in calling for higher levels of ambition.

The noble Baroness, Lady Bennett, and the noble Lord, Lord Bassam, raised the important human rights case of Alaa Abd el-Fattah. The UK Government remain deeply concerned about this case, and we continue to work hard to secure his release. We continue to raise his case at the highest levels of the Egyptian Government. The Prime Minister raised the case with Egyptian President Sisi, and COP 26 president Alok Sharma followed up with Egyptian Foreign Minister Shoukry. We continue to use all channels to raise the gentleman's case with the Egyptian authorities.

COP 27 was hailed as an implementation COP. As the outgoing presidency, we were clear that targets needed to be underpinned by real progress on the ground. At COP 27, the UK presidency demonstrated that the UK is once again leading global efforts and decarbonising faster than any other G7 country. As the noble and right reverend Lord, Lord Harries, and the noble Lord, Lord Bassam, raised, the UK led, with other world leaders, the launch of the Forests and Climate Leaders' Partnership to accelerate momentum to halt and reverse forest loss and land degradation by 2030.

Although I accept the point raised by my noble friend Lord Howell and the noble Lord, Lord Bassam, about coal and fossil fuel phase-out not being included in the cover decision, I remind the House that we have made progress. We have accelerated the clean energy transition, maximising the implementation of and opportunities from commitments made at COP 26. The pipeline of new coal power projects has continued to collapse, with 76% of planned projects cancelled since 2015. Countries have delivered robust policies on financing fossil fuels. We have announced over £65 million of investment to help speed up the development of new green technologies; that funding is much needed, and it responds to the point made by my noble friend Lord Howell.

The breakthrough agenda launched at COP 26 will have tangible actions taken forward by countries accounting for over 50% of global GDP. One of these will be creating standards for green steel, which I am sure the noble Baroness, Lady Worthington, will be delighted to hear. The noble Lord, Lord Leong, and the noble Baroness, Lady Walmsley, both discussed the important issue of green jobs. Again, here the breakthrough agenda will make clean technology affordable, available and accessible to all, and in so doing create millions of those important green jobs worldwide. The noble Lord, Lord St John, raised the need to address emissions from buildings—something close to my own heart. We are delighted that France and the Kingdom of Morocco are planning on launching a buildings breakthrough under the breakthrough agenda to help address this.

Of course, none of these actions will be possible without mobilising climate finance. We continue to work with countries, international financial institutions and private financial institutions to meet the commitments they have made and help secure greater access to finance. The Prime Minister announced at the world leaders summit that the United Kingdom is delivering on our commitment of £11.6 billion of finance.

The noble Baroness, Lady Bennett, also raised the issue of the slow progress on energy transition projects. We were delighted to see strong progress with South Africa, which presented its just energy transition partnership investment plan at COP 27. The new Indonesian transition plan was also launched at the G20 in Bali, and that will mobilise $20 billion over the next three to five years. The UK once again continues to lead, and there are EU efforts towards a similar agreement with Vietnam.

I turn now to some of the points raised about our domestic policy, starting with those of the noble and right reverend Lord, Lord Harries, the noble Lord, Lord Birt, and the noble Baroness, Lady Walmsley. I can say that the Government remain committed to nuclear energy as a key part of our energy security strategy, providing the baseload energy which many noble Lords talked about and which is required to keep the lights on, even when the sun is not shining and the wind is not blowing. In last week's Autumn Statement, the Government announced that we will proceed with the new plans at Sizewell C. With respect to the enormous potential of solar energy, including from countries such as Morocco, I can confirm that we have had early-stage discussions with the Xlinks interconnection project.

We continue to be grateful to the Climate Change Committee for its analyses. It has agreed that our net-zero strategy and the British energy security strategy represent comprehensive and viable plans for reaching our world-leading 2050 net-zero target. To answer the questions on climate adaptation raised by the noble and right reverend Lord, Lord Harries, and the noble Lord, Lord St John, the Government accept the Climate Change Committee's view that more action is needed to improve the UK's resilience to climate change, and

Defra is currently working across government to develop a third national adaptation programme which we expect to be published in summer next year.

To address my noble friend Lord Howell's question on the importance of technology and carbon capture to reduce emissions—which was also echoed by the noble Lord, Lord St John—we are committed to this domestically, and we announced the phase 2 shortlist for CCUS in August. We will use our strengths as an innovative nation and the net-zero strategy committed at least £1.5 billion-worth of funding to support net-zero innovation between 2022 and 2025. Internationally, I note the announcement of £65 million-worth of support to the Clean Energy Innovation Facility to accelerate a deployment of clean technology globally. The Government will of course continue to look carefully at the full range of technologies available to meet our net-zero targets, and we will carefully consider the points about tidal power raised by the noble Baroness, Lady Walmsley.

On the issues raised by the noble Baronesses, Lady Hayman and Lady Sheehan, and the noble Lord, Lord Birt—I expected nothing else from the noble Baroness, Lady Hayman—the Government recognise the importance of onshore wind to our energy mix. As one of the cheapest sources of electricity generation, we will undoubtedly need more of it. However, the Government understand the strength of feeling that some people have about the impact of wind turbines in England—a point made by the noble Lord, Lord Birt—so we will consider all options for increasing deployments in Wales that local communities will support.

In response to the point raised by the noble Baroness, Lady Sheehan, on the issue of the proposed Cumbria coal mine, I am sure that she will understand that I cannot comment since a government decision is due in a couple of weeks. However, I stress that our net-zero strategy makes it clear that we are phasing coal out from our electricity mix by 2024.

On fossil-fuel subsidies, the UK supports international efforts to reform inefficient fossil fuel subsidies and to promote greater transparency. Moreover, in response to points made on fossil fuels by my noble friend Lord Howell and others, no other major oil and gas-producing nation has gone as far as the UK has in addressing the role of oil and gas in their economy. Our signal on the withdrawal of international fossil fuels, our transformation of the North Sea transition deal and our new checkpoint for licensing all provide a global example of the shift away from hydrocarbons. The noble Baroness, Lady Sheehan, will know that the point I continue to make is that it makes much more sense to gain gas as a transition fuel, which we will continue to acquire from our own resources, rather than importing carbon-heavy liquid LNG on tankers from across the world.

To answer the point made by the noble Baroness, Lady Bennett, our 2050 net-zero target was considered in line with advice from the Climate Change Committee as the earliest feasible date for achieving net-zero emissions.

On the point made by the noble Baroness, Lady Hayman, about the Procurement Bill, your Lordships will be aware that the national procurement policy statement covers climate change and will be put on a statutory footing in that legislation.

In answer to the noble Baroness, Lady Worthington, we are introducing three environmental land management schemes that will help reward farmers for delivering public goods.

The noble Lord, Lord Birt, talked about EV infrastructure. The Government have committed £2.5 billion of funding towards electrical vehicle transmission since 2020, over £1.6 billion of which will be used to support charging infrastructure. I quite understand the noble Lord's frustration that it is not always available in the places where we would want it immediately, but we are making progress.

On home insulation, reduction in energy demand is obviously a national effort. That is why the Government have announced a new long-term ambition, which noble Lords will have seen from the Chancellor's Statement, to reduce the UK's final energy consumption from buildings and industry by 15% by 2030 against 2021 levels. We have also announced the establishment of Energy Efficiency Taskforce.

To address the question from the noble and learned Lord, Lord Thomas, on the judicial review ruling: we of course accept the court's judgment on the levels of detail provided and will respond in due course.

In answer to the remarks of the noble Lord, Lord Bassam, on the net-zero strategy, it remains government policy and has indeed not been quashed.

As I have set out today, the Glasgow climate pact remains the blueprint for accelerating climate action in the critical decade to keep 1.5 degrees in reach. The noble Baroness, Lady Hayman, raised an excellent point about the balance of optimism and hope. I agree with the noble Baroness, Lady Sheehan, again—twice in one speech—that the UK has been and will continue to be a leader in tackling climate change, with the Prime Minister's attendance at COP demonstrating this. The UK's ground-breaking presidency year has been a pivotal moment when we redouble our efforts, resist backsliding and ultimately go further and faster. We cannot collectively retreat from that and achieving our net zero target must be a shared international endeavour requiring action from all of us and everyone in society.

Baroness Bennett of Manor Castle (GP): I welcome the Minister's celebration of the contribution of indigenous people and civil society to successive COPs, but I asked whether the UK would work to exclude oil and gas lobbyists from future COPs?

Baroness Walmsley (LD): May I request that the Minister writes to me about tidal stream energy?

Lord Callanan (Con): I am happy to write to the noble Baroness, Lady Walmsley, on the important objective of tidal stream energy. With regard to fossil fuel lobbyists, it was not a cheery sight, although there are different issues and many fossil fuel companies are also engaged in renewal energy. Many of the biggest players in our own country are fossil fuel companies as they seek to transition through. We will certainly look closely at the issue of lobbyists, but who does and does not attend is not necessarily always our decision.

2.48 pm

Lord Harries of Pentregarth (CB): My Lords, it remains only for me to thank all noble Lords who have spoken. There have been a number of very interesting and important contributions; some of the suggestions may not always be heard in debates such as this. I thank the Minister for his thoughtful response and express the hope—if I may on behalf of us all—that some of these interesting, and not always usual, suggestions will be passed on to the appropriate departments.

In 1987, I was part of an Anglican Peace and Justice Network meeting, in which the agenda was dominated by the question of third world debt. At the end of the meeting, those of us from the developed world who had far too many meetings looked languidly at our diaries and thought about a meeting perhaps three or four years ahead. At that point, a good friend of mind, a bishop from a country where something like 80% of the country's income was being used to service debts run up by corruption, exploded with anger. This, for him, was literally a matter of life and death. Ever since then, his sense of righteous anger has echoed in my mind on a number of issues. Clearly, this issue will continue to come before the House, as it ought to. I believe it needs something of the urgency that my friend felt, with something of that righteous anger also echoing around. I commend the Motion to the House.

Motion agreed.

Gulf States: Human Rights Abuses

Motion to Take Note

2.50 pm

Moved by ***Lord Scriven***

That this House takes note of the steps His Majesty's Government might take to address human rights abuses in the Gulf States.

Lord Scriven (LD): My Lords, I am sorry that we are having to have this debate, but it is clear that it is needed. Let me start by calling out the issue often thrown at those of us who wish to highlight human rights abuses in the Gulf states—that somehow we are naive and seek disengagement. We are not, and we do not. Over the last five years, I have constantly asked to meet the Bahraini ambassador in London, but so far have not been given the opportunity to do so. We seek positive engagement, but when the evidence shows that things are not improving or are deteriorating, we have to say that engagement should be reviewed or in some cases suspended.

The Government seem to refuse to accept that some things are getting worse and are putting trade deals, gas supply and arms sales above human rights with regard to Gulf states. The topic is in sharp focus, as the FIFA 22 World Cup is under way in Qatar, which has rightly been criticised for its treatment of migrant workers and over its repressive laws on LGBT+ rights.

As vice-chair of the APPG on Democracy and Human Rights in the Gulf, along with colleagues in both Houses, we scrutinise government's close relationships with the six Gulf states that make up the Gulf Cooperation Council. Last year, the APPG published a report on the integrated activity fund, now referred to as the Gulf strategy fund, which provides UK-funded support to the six Gulf state monarchies. Our report found that after 10 years of British taxpayer-funded assistance to these wealthy regimes, their human rights records have largely deteriorated, often in flagrant violation of international law. All six states that we are discussing today can be described as non-democratic, with severe limitations on freedom of speech, political participation and the media. Migrant workers make up most of the labour force in each state and are often denied basic rights. Women and LGBT+ people face systematic discrimination.

I am concerned about the ongoing trade negotiations between the UK and GCC states, particularly as there is a continued omission of human rights provisions within them. Based on the human rights records of the respective countries, we must not surrender our principles in pursuit of this deal. Last week, the Prime Minister met Mohammed bin Salman at G20, in the latest example of an easing of the diplomatic isolation that MBS faces, after being identified by the US Government as having ordered the assassination of Jamal Khashoggi. Saudi Arabia has responded to the resumption of regular public meetings with western leaders by doubling down on repression. Earlier this year, the then Prime Minister Boris Johnson was due to arrive in Saudi Arabia to negotiate over oil. The Saudi Government executed 81 people, the largest state killing in the kingdom's history. We are also seeing an increase in digital repression in that country. In August, Salma al-Shehab, a Saudi student at Leeds University who had returned home to the kingdom for a holiday, was sentenced to 34 years in prison for retweeting dissidents and activists on Twitter.

According to Human Rights Watch, despite the soft power campaigns by Dubai and Abu Dhabi, the UAE remains repressive. Domestic critics are routinely arrested and, since at least 2015, UAE authorities have ignored or denied requests for access to the country by United Nations experts, human rights researchers and critical academics and journalists.

Last week, we heard the disturbing news that Kuwait had resumed the use of the death penalty for the first time since 2017 by executing seven individuals. Omani authorities continue to block local independent newspapers and magazines critical of the Government, harass activists and arrest individuals because of their gender identity and sexual orientation.

I turn to Qatar and, in particular, LGBT+ rights. This week sees the beginning of the World Cup where it is illegal to be gay. According to a shocking report from Human Rights Watch, LGBT+ people in Qatar are pursued, arrested, beaten and forced into conversion therapy. This is the appalling reality of life for members of the LGBT+ community in Qatar. Not only is their sexuality illegal and their basic rights not respected, they are also in danger of physical violence and even death as a consequence of whom they choose to love.

Last month, we heard our Foreign Secretary tell LGBT+ England fans who choose to visit Qatar that they must flex and compromise. In plain terms, to the ordinary person, this means to go back into the closet. Why has this become the official policy of the UK Government for British citizens travelling to the World Cup? Despite all the smooth, velvet words from government Ministers, it might shock some Members of this House and of the public to hear that Qatar has received UK taxpayer-funded support to prepare for the World Cup through the Gulf strategy fund. The UK Government's website from August 2022 stated—this is not parody—that the fund has paid for

"preparations for World Cup 2022, in particular the provision of UK expertise to support Qatar's football policing capability along with values and legacy initiatives."

There we have it. The Government are spending our taxes through a discredited fund that has trained and helped to pay for state homophobic policing of the World Cup. Why has this been allowed? Why has government taxpayer funding been used, not to improve policing and uphold British values, but to support the repression of LGBT+ people going to Qatar to see the World Cup?

I have repeatedly raised the relationship between Bahrain and our country in this House. Engagement has not made any real improvements. During the past 10 years, we have seen increased ties between ourselves and Bahrain. The country has become more repressive by nearly every metric. After Bahrain's pro-democracy movement was crushed in 2011, the country's limited democracy was abandoned and severe restrictions imposed. Leading opposition activists suffered torture in the aftermath of their arrest. Those included Hasan Mushaima, whose son is here watching this debate, and Abdulhadi al-Khawaja. They remain in prison. Dr al-Singace, a leading opposition activist, remains on hunger strike to demand a return of his confiscated academic work. The UN special rapporteur on the situation of human rights defenders issued a statement about Dr al-Singace, calling for his release.

According to Freedom House:

"Bahrain was once viewed as a promising model for political reform and democratic transition, but it has become one of the Middle East's most repressive states."

Its Government have intensified their harassment of Shia clerics, imprisoning several of the highest profile, including Sheikh Isa Qassim, the spiritual leader of the Shia Muslims in Bahrain. Shias are also overrepresented among Bahrain's estimated 1,400 political prisoners. More than 500 are serving prison sentences of more than 20 years. Bahrain was given the highest ranking of any Middle Eastern country for imprisoning its population by the World Prison Brief. Its treatment of political and death-row prisoners has been condemned on multiple occasions by the UN.

In 2017, Bahrain ended a temporary moratorium on the death penalty, and death sentences have risen by more than 600%. As of 2022, there are at least 26 prisoners on death row, 12 of them sentenced in political cases. All 26 inmates are at imminent risk of execution. Last month, a report from Human Rights Watch and the Bahrain Institute for Rights and Democracy revealed that Bahraini courts have convicted and sentenced defendants to death following manifestly unfair trials based solely or primarily on confessions that have allegedly been got through torture and ill treatment. This includes the application of electric shocks to the chest and genitals, sleep deprivation, beatings and attempted rape.

The United Nations Working Group on Arbitrary Detention ruled that the detention of Bahraini death-row inmates and torture victims Mohammed Ramadan and Husain Moosa are in contravention of international law. It calls for the men to be immediately and unconditionally released, stating that

"no trial of the two men should have taken place."

If this Government are concerned about the continued use of the death penalty in Bahrain, as stated in the most recent human rights and democracy report from the FCDO, can the Minister explain why they continue to support Bahrain—including through money from the Gulf strategy fund—although they say that they will not fund countries that have death penalties, while it continues to have such an approach to the death penalty?

Rather than making any progress towards democracy, Bahrain's latest elections have been described by a report from BIRD as the most restrictive since the return of parliamentary elections in 2002.

In the Minister's response, I expect him to refer me to Bahrain's oversight bodies, such as the ombudsman. I have taken his advice previously and engaged with the ombudsman on multiple occasions. I found it to be particularly ineffective. My assessment is shared by the United Nations Committee Against Torture, which raises concerns that these bodies are not independent or effective, as when complaints are made to them they are passed to Bahrain's Ministry of the Interior. Can the Minister supply the House with evidence showing that they are truly independent? If not, why does he keep referring people who have concerns to these government institutions?

Despite the Government's recognition of Bahrain's human rights issues, listing Bahrain as a "human rights priority country", my attempts to scrutinise their relationship with Bahrain have not always been welcomed. As one recent example, I asked the Minister on three occasions,

"further to the Overseas Security and Justice Assistance Guidance, published on 26 January 2017, on what dates in (1) 2021, and (2) 2022, they sought an assurance from the government of Bahrain that the practice of the death penalty"

would no longer be carried out, and why they continued to provide funding to the Government of Bahrain despite the death penalty still being in place, in contradiction to their own overseas security and justice assistance guidance. The Answers were so pathetic as to be useless: a general statement about the UK not supporting the death penalty. Well, blow me over with a feather. There was no specific answer because it is becoming clear that, in 2021 and 2022, the Government broke their own rules on this.

In fact, the Government have doubled their funding to Bahrain. They announced a doubling of the amount of UK taxpayer money to be provided to the Gulf strategy fund, some of it going to the Qatar World Cup preparations. Will the Minister make public his evidence of the improvements to human rights in the

[LORD SCRIVEN]

Gulf that can be directly related to British taxpayers' money? If not, what are the Government hiding? What independent evidence do they have that the oversight bodies which I and others keep being referred to, which are in receipt of GSF funding, are working to international standards?

I end with a direct request to the Minister. Watching the debate today are three victims of torture at the hands of the Bahraini regime: two Bahraini torture survivors, Ebtisam al-Saegh and Sayed Ahmed Alwadaei, and Ali Mushaima, the son of torture survivor Hasan Mushaima. I have met each of them on several occasions. Will the Minister commit right now to meeting each of them and hearing what they have to say? I beg to move.

3.05 pm

Lord Hayward (Con): My Lords, I first welcome this debate, instigated so ably by the noble Lord, Lord Scriven, and thank him for the opportunity to discuss a broad range of issues. With his approval, I do not intend to cover the matters he touched on, but to deal with FIFA, the World Cup and its sponsors, because those who support the events in the Middle East, in Qatar, at the moment are, in effect, supporting Governments there, and it is therefore relevant to raise this subject at this point.

I welcome the unbelievable courage displayed by the Iranian team in their match the other day against England, and also the actions by the German team in covering their mouths to indicate their objections to the silence being forced on teams and participants in the World Cup.

I am not going to pursue matters between one Government and another. The noble Lord, Lord Scriven, and others will, I am sure, deal with those in detail. I think we should look at the question of the influence that sport can have. We have all been brought up with the attitude that sport and politics should not mix, but the reality is that, for all of our lives, sport and politics have mixed, in terms of the eastern bloc, drug taking, performances at sporting events, and always aiming to prove that their system was the best. As a point of history, it is possibly worth bearing in mind, when the first reaction of many people is to say, "Oh, sportsmen should boycott these events", that these events come round only once every four years. It is totally unfair to impose the burden on the sportsmen and sportswomen when it is the organising authorities that chose to put these events in Beijing or Qatar, or the like. The first boycott I can trace is that of the Dutch team for the Olympics in 1956, after Hungary was invaded by the Russians.

Sporting events are supposed to be free areas, where things that may not normally apply in particular country are accepted. This certainly applies to the World Cup in Qatar. What do we get just before the World Cup started? The Qatari World Cup ambassador saying of homosexuality that

"it is damage in the mind"

and:

"They have to accept our rules".

There is no indication of the freedom of a world tournament. What was significant about those statements was that FIFA said absolutely nothing. Nor did any of the football associations, as far as I can establish, and nor did any of the sponsors of the event. The response to those comments was utterly supine and there was no question that, when those comments were made, the event had become political.

I think it is worthwhile looking at those companies that sponsor the event, and FIFA: Coca-Cola, McDonald's, Adidas, Budweiser. They too have said nothing, although Budweiser has marginally indicated its embarrassment that the restrictions on beer sales have suddenly been imposed, to its disadvantage. Earlier this week, Coca-Cola held an event at the Two Chairmen. I was invited and I accepted. I went and asked questions of the senior person from Coca-Cola—I have the recording, which they knew I was making. I asked them to comment on the Qatari football ambassador's observations and on the rant by Mr Infantino, the head of FIFA, just before the tournament started. I asked Coca-Cola to comment in relation to the ban on OneLove armbands. I have it all on my recording.

In response to Bloomberg asking Coca-Cola what it thought of those actions, Coca-Cola's press statement declared that

"sport has the unique potential to bring the world together and be a force for good"—

well, it does if it is followed in the right way. It continued:

"We are a long-time supporter of football and through our event partnerships, such as the FIFA World Cup, we see the potential to inspire and unite people."

We can all agree with that.

"We strive for diversity, inclusion and equality in our business"—

not in some wider community, but "in our business"—

"and we support these rights throughout society … Our experience has shown that change takes time and must be achieved through sustained collaboration and active involvement."

There was no reference to challenging unacceptable comments.

I probably ought to declare some knowledge in these circumstances because I was, for a number of years, head of personnel for Coca-Cola Bottlers, and I was also head of the British Soft Drinks Association and therefore represented Coca-Cola, among others. It has done and said absolutely nothing.

This takes me to a quote often attributed to Burke: "The only thing necessary for the triumph of evil is for good men to do nothing". In fact, as far as historians can establish, he never ever said it. However, it is a good quote that is well worth thinking about, and it is worthwhile the sponsors in particular thinking about it. In fact, JS Mill said:

"Bad men need nothing more to compass their ends, than that good men should look on and do nothing. He is not a good man who, without a protest, allows wrong to be committed in his name".

The sponsors have a culpability for the events that we are witnessing in Qatar at this moment. They cannot just say, "Oh, it's other people's responsibility". It is their responsibility because they are providing funds. They are providing the support, and if they do not object from a privileged position, is it surprising that FIFA's absence of comment has to impose on the unfortunate footballers the responsibility of staying silent because they can do nothing else? Given what we are watching, I welcome every act of genuine

protest from sportsmen and sportswomen in these circumstances, but it is done with courage and likely very substantial loss. It would be far better if the sponsors and organisers of this event took the courage into their own hands and did and said something.

On that basis, given that we are witnessing a complete continuity of what we witnessed in Beijing only a few months ago, it is about time that we, as an LGBT community and as people who believe in human rights, turned around—I include people in this Palace and in government departments—and said, "We will not purchase Coca-Cola, McDonald's products or Budweiser". It is only on that basis that companies that sponsor events in unacceptable locations and circumstances will hear the message. I hope that broadcasters in the media around the world will ask these companies what on earth they are doing and what they should be saying. Above all, it would be easiest in the case of Coca-Cola to answer questions from CNN, because they both have their headquarters in Atlanta, Georgia, and they could go just a few miles from one headquarters to the other to broadcast their responses—as long as they are better than the one I have read.

3.15 pm

Lord Cashman (Lab): My Lords, it is a real privilege to follow my friend the noble Lord, Lord Hayward, and I agree wholeheartedly with every word that he said. Of course, personal boycott does work. It worked with Miller beer in the United States and with orange juice and Anita Bryant. I also congratulate my friend—I have a lot of friends in this—the noble Lord, Lord Scriven, on the timely debate, and associate myself with his excellent opening statement.

I will highlight abuses against LGBTQ+ people in the Gulf states but express my concerns against all human rights abuses, particularly those outlined by the noble Lord, Lord Scriven. Of the 11 UN member states that prescribed the death penalty for consensual same-sex relations, three are Gulf states: Saudi Arabia, Qatar and the United Arab Emirates. Among the Gulf states, only Bahrain does not formally—I underline formally—criminalise LGBTQ+ people. Across the other states, penalties for same-sex relationships range from three years' imprisonment to the death penalty. In several of the states being trans is formally criminalised, and in all these states there is evidence that these penalties are rigorously enforced.

Oppression and the arbitrary detention of LGBTQ+ people is a reality across all these states; it is a day-to-day experience of discrimination, exclusion and hate crime. It is worth noting that there are no human rights defenders openly working on LGBTQ+ issues because it is completely unsafe to do so. In Qatar, same-sex relationships are criminalised with a penalty of up to seven years' imprisonment or stoning under sharia law. These are human rights abuses and we should condemn them without hesitation

It is incredible that, in 2022, Qatar and other countries around the world and organisations such as FIFA are so terrified of diversity and inclusion, and the concept of the universality of human rights, that they ban rainbow armbands, OneLove armbands, rainbow hats and any display of solidarity. It is pathetic. They are terrified of diversity. They are terrified of loving relationships between human beings—loving relationships which are the building blocks of civilised societies. Any Government, theology or culture that denies, denounces and restricts human rights such as these will ultimately fail.

Though I am, as I said, speaking of LGBTQ+ people in the Gulf states, there is a common denominator. Those who criminalise, demonise and misrepresent one minority quickly move on to another. Indeed, in some instances we see the total marginalisation and discrimination against the majority: women.

For me, there is no hierarchy of human rights and civil liberties; the denial of one group or individual is a threat to us all. Human rights should not exist as a ladder of rights, afforded to minorities and women as they are ranked on that league ladder. I believe that human rights and civil liberties exist as a landscape. Imagine that landscape—the one stood beside the other, beside the other, beside the other; and then take one away, and another, and a minority, and another and another; and then look at how the force on that landscape is diminished. Those who are left are made vulnerable by the disappearance and the denial of the rights of those no longer favoured.

All rights are connected; that which happens to the women of Iran, or to migrants fleeing across Europe or across the English Channel, are as important to me as if they were happening to me. That is similarly true of what happens in the Gulf states and around the globe. It is pure chance that we are not in their place, their shoes, their danger. That is why we must always stand with the most defamed and the most disfavoured. We must have the courage to stand in their shoes and imagine that it were happening to us. If we would not want it to happen to us, how dare we allow it to happen to others. This is the defining concept of the universality of human rights, and why the mirror that we hold up to ourselves we should have the courage to hold up to others.

Here I bring my points back home. The mirror that we hold up to ourselves in this country has, until recently, been a positive reflection. Sadly, that mirror has become distressed by culture wars, in which one minority is pitted against another; in which one group is portrayed as deserving while others are defamed, ridiculed and shamefully misrepresented. Culture wars in the United Kingdom have been promoted not only by and within the media but by politicians, who should desperately know better, and by some members of this Government.

My plea to the Government is to lead by example: show Britain at its best; bring forward an inclusive ban on the inhumane conversion therapies, include trans people, and end these culture wars in which minorities are being portrayed as undeserving of the equal protection of the law. Stop the defamation, the blatant stereotyping and hate speech against trans women and trans men, and their families. Show that what we expect of others and of other countries we expect of ourselves. We are not equal until we are all equal. Equality does not diminish the rights of the other, it reinforces them. We abide by the same laws without exemption.

[Lord Cashman]

Let us ensure that our trade agreements, such as with the Gulf states, enshrine respect for human rights and the rule of law, and the concept of non-discrimination, and that such agreements are accompanied by mechanisms for upholding such principles. EU free trade agreements convey and maintain these principles, and so should we, as with the Cotonou agreement with the African, Caribbean and Pacific countries.

Let us in the United Kingdom make the social and economic case for equal rights, as well as the civilised case. To stay silent, to look the other way, or to do nothing, whether here or abroad, is to condone inequality and abuse. FIFA and world football have placed a spotlight on the Gulf states, but human rights abuses are also happening elsewhere. It is a spotlight that will last long after the final match. It is a spotlight that reminds us that that which is done against people in other countries is as important and as urgent as if it were happening to us. I say to the Government that, on the world stage, we must lead by example. That is the most effective approach that we can take to effect real change elsewhere. We cannot, on these defining issues, face both ways.

3.23 pm

Baroness Featherstone (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Cashman.

I came to the Bar of the House to watch your Lordships debate the final part of the legislation on same-sex marriage, which I was the originator and architect of in the coalition Government. I stood on the shoulders of giants, some who fought and died for equal rights and some who are here in this debate today. It made me proud beyond description as I watched your Lordships stand full square in support of LGBT rights, and of many a Lord who said that they were not sure but that their grandchildren refused to ever speak to them again if they did not vote this through. Change and enlightenment comes in many forms.

I went on to be a DfID Minister. Coterminous with that, David Cameron made me national ministerial champion for tackling violence against women and girls overseas, across the whole world, on my own. The thing that became crystal clear to me, in Africa, Asia, the Middle East, the Gulf states and beyond, is that where women are oppressed and suppressed, the gay community is imprisoned and killed. So it is in Qatar. Of course, the tournament should never have been given to Qatar, but it has. Given that, and given that it is happening right now, I congratulate my noble friend Lord Scriven on this timely debate and his excellent opening remarks.

Wearing statement armbands is not enough. Under threat of eviction from the tournament, I am not surprised that the England squad decided not to do so, although it would have been excellent if they had. Ultimately, it is not their responsibility. It is national Governments that need to lead on this and to put pressure on FIFA and, as the noble Lord opposite said, the advertisers. I hope that the Qatari Government—or more accurately, Qatari rulers—abide by their public commitment that visitors can be who they are without harassment or intervention. But it does not look so good. Their agreement to allow beer to be drunk outside the stadium has already been changed, and they arrested a guy in a T-shirt they did not like. They are supported by a feeble FIFA, which appears to be led by—I do not know what words could possibly describe the speech of Mr. Infantino: a case of nominative determinism, if ever there was.

It is clear from the way things have gone and are going that money talks. Money bought the event; money bought Beckham and Robbie Williams; and so on. It is the way it is. We may make a few sotto voce criticisms, but that is about it.

I received a letter, as we all did, from the noble Lord, Lord Ahmad, about the forthcoming arrangements for the tournament. We have a huge army of personnel there—police engagement officers, Ministry of Defence advisers, even squads tasked with countering terrorism and other potential threats—and I trust that all of them are on alert to protect the freedoms we are told will exist during the tournament.

Peter Tatchell, the fearlessly brave LGBT campaigner, went to Qatar and staged the first public LGBT demonstration in the Gulf state. He said he did that

"to shine a light on Qatar's human rights abuses against LGBT+ people, women, migrant workers and liberal Qataris."

He said, rightly:

"FIFA has failed to secure change in Qatar. There have been no legislative reforms on LGBT+ or women's rights. Improvements for migrant workers have been patchy at best. FIFA is letting Qatar evade many of its pledges when it was granted the right to hold the World Cup".

The opportunities for Qatar to do that have not been capitalised on, and it would seem that the agreements FIFA did get are not holding. But the real work to change regimes with inhuman and inhumane laws is outside of football; it is in our everyday diplomatic and trade relations, where we have traction. But currently, our desperation for trade deals with anyone is clearly trumping the Government's commitment—or lack of it—to human rights. The Government are jettisoning their original plan to use Brexit trade deals to spread and enforce human rights around the world, according, apparently, to a leaked letter from the International Trade Secretary. "Principle for sale": that seems to be us right now.

We in this Chamber are continually told that the Foreign Office frequently raises the issue of human rights with such Governments. Sadly, that is all that we are told. My own experience as a Minister in DfID, when it was a separate entity from the FCO, was that Foreign Office Ministers were incredibly timid and nervous of broaching difficult human rights issues. But you know what happens when you stay silent: "First, they come for…"

You may find allies in unlikely places but you will never know, never facilitate advances, never change the status quo if you shy away from raising challenging issues. I spent two years travelling weekly to Africa and Asia, delivering both FCO and DfID messages to Ministers of repressive regimes; sadly, there are a lot of them. I found that the FCO was extremely reluctant to raise such issues: not individual cases such as we have heard about today—I am sure it does raise those—but the inhumane laws of the land, where FCO angels fear to tread.

I shall cite a couple of my many examples. One was a visit to Nigeria where, in the north, human rights were hideously abused. Prisoners from rebel groups were being kept in cages underground without food or water. There was disease and hunger—it was beyond appalling. I was briefed prior to my meetings with the Nigerian Minister by FCO and DfID officials. The FCO officials suggested that if I raised the issue of abuses, the Nigerian Minister would simply refuse to answer me because I was a woman, that he would get his right-hand man to bat me away, and that it was the FCO's preference that I refrain from raising such human rights issues. The DfID official, then head of our Nigeria office, said that it was up to me but he saw it as an opportunity. I did raise the issue, the Nigerian Minister did answer me directly, at my third time of trying, and he did not bat me away. He did, of course, deny what was happening. I made the points that needed to be made—diplomatically, obviously. He did not like what I was saying, but he assured me that human rights were important to the Government and that he would ensure that water, living conditions and so on were seen to. It may or may not have changed anything, but the positions were clear. DfID carried a lot of soft power before it merged with the FCO.

Another example occurred in Ethiopia. I went there to meet then President Meles Zenawi. I wanted to raise the issue of gay rights. As in Qatar, being gay is haram and is punishable by prison or death. I would always meet LGBT activists in advance of meeting the potentate, to ask their advice. Sometimes they had to meet me at night and in secret, so dangerous was it. In this case, it was actually at lunch. About half of them felt that I should not raise LGBT issues at all, as local activists were worried about a backlash; the other half wanted me to because they did not want to lose the opportunity.

Meles and I sat on what appeared to be two thrones in a room full of people. The first issue I raised was the expulsion of women's NGOs from the country. He agreed to revise that order and allow them to operate again in the country—amazing. Then, he made me laugh. He said conspiratorially that they had brought in that law specifically to keep out evangelical women's groups, so he had actually done me a favour. It was going so well, and I was about to raise the issue of healthcare and support for AIDS victims, as that was a good segue into LGBT issues. I felt the moment was right when, out of the blue, and to the ambassador's and officials' shock and my delight, Meles said, "My children don't think there is anything wrong with homosexuals"—there was a gasp in the room, I have to say—"but then, they were educated in England. I don't think there is anything wrong with it either. Sadly, my wife still believes it's an abomination, but it will change over time, I have no doubt." That was an extraordinary statement, in public, from the president. Perhaps he googled me—I do not know. It was a breakthrough moment but, tragically, he died three months later. I always felt there could have been a way forward, but the next president was not interested.

The point I am making is that we have to go on raising issues diplomatically and using trade deals to support brave LGBT and human rights activists. My plea to the Minister is to ensure that Ministers are actually raising human rights issues, not just the individual horrific cases, and to ensure that we fight the human rights fight at all opportunities and beyond, including by having arguments and discussions about laws.

Finally, will the Minister say—he can obviously write to me—how often in the past 12 months FCO Ministers have raised the issue of laws in countries that punish LGBT people, women and human rights in general? How do those conversations go? What sort of responses does the Minister get? Can we have examples? Does he see any opportunity for change in any of those conversations? Is there annoyance? Is there reference to our colonial past? Do we point out that we have moved on, and so should they? I would be delighted to find that this is a priority and that all Ministers do indeed raise these issues, particularly on individual cases and, just as importantly, in terms of human rights. Given that we are part of the United Nations of the world, I hope the Minister will be able to be specific to a degree in his response. There can be nothing more important than human rights.

3.34 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the noble Lord, Lord Scriven, for securing this debate and for his very powerful and clear introduction. Like the noble Lord, I begin by paying tribute to the Bahraini human rights defenders and torture survivors who are observing in the Gallery today. I also pay tribute to all those who are languishing unjustly behind bars and face unspeakable repression and the death penalty, both in Bahrain and across the Gulf region. They of course are unable to watch today.

In August the *Times* reported that the UK Government had doubled their funding to Bahrain and Saudi Arabia under the controversial Gulf Strategy Fund. That completely disregards serious human rights concerns and the knowledge that the recipients of GSF funding in both countries have been repeatedly implicated in the perpetration and whitewashing of serious violations of human rights and international humanitarian law. Bahrain received £1.8 million in support while Saudi Arabia, which has executed a horrifying record number of people this year—something that I will come back to—received £1.8 million and the UAE received over £1.5 million. We have to look at that in the context of the ODA cuts, where we have seen massive collapses in British assistance for women's and girls' reproductive rights and to many other crucial human rights and public health issues.

I can partly answer the question from the noble Baroness, Lady Featherstone, about when the Government are raising these issues. On Saturday the Secretary of State, James Cleverly, gave a speech at the Manama Dialogue in Bahrain that served to greenwash Gulf abuses by congratulating the states on green energy and touting the upcoming UK-GCC free trade agreement—an agreement from which the Government have removed all human rights objectives. The Secretary of State failed to mention human rights or democracy once—that is all on the record—despite the region's abysmal rights record. That speech was given at the same time as Bahrain held sham elections and Saudi Arabia continued with the execution spree to which I referred.

[Baroness Bennett of Manor Castle]

I am sure the Minister is aware that cross-party parliamentarians have repeatedly called for the Gulf Strategy Fund to be suspended. In October, Human Rights Watch and the Bahrain Institute for Rights and Democracy published new evidence implicating GSF beneficiaries in Bahrain in the use of the death penalty against torture victims such as Mohammed Ramadan, Husain Moosa, Maher Abbas and Zuhair Abdullah, who are all currently on death row and at risk of execution. On top of that, it was extremely concerning to see a report in the *Telegraph* in October that the Government may have

"broken its own rules by allegedly not properly assessing its financial support to Bahrain's judicial system, whose use of capital punishment should have attracted the highest level of government scrutiny."

That of course is required under OSJA guidelines.

In August 2019 the governance board of the GSF, under its previous name, identified the need to "rebrand" the fund and reported that a "root and branch overhaul" was needed. A key area for improvement that was identified was to strengthen the

"transparency, accountability and governance of the fund".

Despite that, the Government continue to run the GSF with high levels of secrecy and refuse to disclose OSJA assessments of its programmes.

In response to a freedom of information request submitted by the Bahrain Institute for Rights and Democracy, the Government confirmed that they had

"neither sought nor received written assurances from the Government of Bahrain",

since they did not consider that GSF-funded projects delivered to Bahrain over the periods in question presented an enhanced risk of the imposition or use of the death penalty. But the Government have refused to disclose the OSJA reviews of those same projects. I ask the Minister directly to explain to the House why the Government are so sure that the GSF programmes provided to that body run no risk of facilitating the imposition of the death penalty. Why did they not even bother to seek assurances from Bahrain, in accordance with their own policy?

Can the Minister help us understand how the UK Government can possibly justify the doubling of these funds, particularly in the context of the slashing of so much other official development assistance and despite serious concerns over its recipients' involvement in horrific rights violations? Can the Minister explain how the Government have not violated their own guidelines? Will the Minister commit to sharing with this House the OSJA assessments conducted on the GSF programmes in Bahrain, so that Parliament and the taxpayer can be sure that the right decision was made?

I mentioned the horrific spree of executions currently ongoing—possibly right at this moment—in Saudi Arabia. I am going to raise one specific case of the utmost urgency, which has been drawn to my attention by Reprieve. Hussein Abo al-Kheir is at risk of imminent execution. He is an elderly Jordanian man from a very poor socioeconomic background who was tortured into confessing to drug offences after being arrested in 2014. He has now spent seven years on death row and at the weekend was moved into what is known as a death cell. His execution could happen at any moment.

There have been 20 drug-related executions in the past fortnight in Saudi Arabia. My understanding is that Ministers received assurances from the Government of Saudi Arabia that there was a moratorium on executions related to drug crimes. So I have direct questions for the Minister. Have the Government specifically called on the Saudi Government to reprieve Hussein Abo al-Kheir? What steps has the department taken in this specific case? Will the Minister condemn the spate of executions in Saudi Arabia, which is being conducted in defiance of the assurances that the UK Government received? Will the Minister acknowledge that Saudi Arabia has broken promises made to the UK Government?

In light of that, I have to raise the fact that Saudi Arabia is an enormous customer for UK arms sales. We are pumping weapons into a state that is one of the world's most repressive of human rights. Will the Minister justify to me today how we can continue Saudi arms sales?

Finally, I associate myself entirely with all the remarks of the noble Lords, Lord Hayward and Lord Cashman, about the situation in Qatar. They have covered this very powerfully and extensively, so I will not go into it at great length. But I will raise an issue related to the Saudi arms sales: the extremely close military co-operation between Qatar and the UK Armed Forces, particularly the RAF in the form of joint squadrons. British air forces are working with the Qataris in a joint operation over the skies of Qatar.

We all want to ensure that the crowds, players and everybody at the World Cup is kept safe, but what is going to happen after the World Cup is over? Will there be a continuation of this incredibly close military co-operation? I do not think most people in Britain are aware of this and would be quite shocked if they were aware of it. Will the Government reconsider this close co-operation with a regime that has such an appalling human rights record?

3.43 pm

Baroness Brinton (LD): My Lords, I congratulate my noble friend Lord Scriven on securing this important and timely debate and thank him for his excellent contribution, in which he laid out the issues and why it is so important for His Majesty's Government to take clear action, both publicly and privately, with those states that are, absolutely evidentially, breaching human rights. I also thank the Bahrain Institute for Rights and Democracy and the Lords Library for their helpful briefings.

All the previous speakers have set out the background to the six countries in the Gulf states that form that political and economic alliance and why they are important to the United Kingdom—but also why the UK has a responsibility to press these states where individual human rights are at risk or, worse, clearly and outrageously infringed. We have already heard of many cases which demonstrate that that is the case.

It is important to say right at the start that the United Kingdom—its Ministers, parliamentarians and wider public—has to constantly look at our own human rights record. There are always questions and debates in your Lordships' House to remind us that fighting for human rights here at home must and will remain a

priority, whether for asylum seekers and the past victims of the Northern Ireland Troubles or LGBTQ people facing discrimination, harassment and hate crimes. The noble Lord, Lord Cashman, was so right to talk about us holding up a mirror to ourselves—and so we should. I particularly echo his endorsement of abolishing conversion therapy, from which a young friend of mine suffered very badly some years ago and was thrown out of his church for being gay. Also, we should remember particularly the trans women and men in our community, who have become an object of absolute hate and derision—only by a minority, but it is a vocal minority. This is completely against the principles by which our society operates. Picking out people because of something about them and then deriding them or trying to remove their rights to access daily services must stop.

This debate seems to go to the heart of the tension that every Government face in trying to assess their relationships with these six states and in telling individual states that the infringement of the human rights of their citizens and residents, especially state-sponsored infringements, is just not acceptable. The Minister has spoken on many occasions about different issues in different countries, and everyone in your Lordships' House knows that he speaks with absolute good faith. Members of this House understand the tensions between the public and private debates that need to happen. In his usual helpful way, the Minister made it plain at the Dispatch Box earlier today that the Foreign, Commonwealth and Development Office will inevitably have to have those difficult conversations in private. But we are hearing in this debate that we would like more to be said in public, which is why it has been rather disappointing that the issues relating to Qatar and its treatment of LGBTQ people and their allies, including football fans, have not been robustly responded to in public by the Foreign Secretary or the Government.

I appreciate the balance between blunt words behind the scenes, hoping to influence another state, and what can be said in public. However, in advance of the World Cup, the Government said that supporters going to it would not be bothered, but we know that that is no longer true. So will the Government follow the Minister from the Government of Germany's example in a public statement, whether by wearing a OneLove emblem in front of or beside Qatari Ministers or by publicly saying that we value all LGBTQ people, celebrate them and believe that they should be treated the same way across the world, and supporters of LGBTQ people should not be harassed in the way that they are being harassed not just at World Cup venues but on the streets?

Will the Minister also put on the record that the Government are dismayed at FIFA's behaviour in selecting Qatar? Everyone warned that this would not work. When Qatar broke the rules that it set with FIFA, FIFA delayed telling national teams what was and was not acceptable until it was too late for the England team and the FA to do anything. For FIFA to suddenly threaten Harry Kane, two hours before a match, with a yellow card and suspension if he wore the OneLove armband was totally inappropriate, especially as the FA had asked FIFA this exact question weeks ago. FIFA's behaviour is disgraceful.

Sitting behind this are the very poor human rights abuses of LGBTQ people in these six Gulf states. Although prison sentences and even the death penalty for same-sex relationships—the latter under sharia law—may be a very visible breach of human rights, the problem is that this permeates every part of daily life for citizens in those states, meaning that LGBTQ people cannot live freely.

This affects women too. While there have been improvements in some of the Gulf States, notably, and most recently, women being allowed to start driving in Saudi Arabia, and, for example, higher percentages of women being allowed to work or drive, providing their family member—husband or father—gives permission, the reality is that for most women their lives are still heavily controlled. While Iran is not a Gulf state, the brave women who have been demonstrating against the morality police and the regime by cutting their hair and removing their veils in public have been curbed by an appalling response from the Iranian authorities, so it was heart-warming to see the very brave Iranian football team not sing their national anthem.

Women also face problems in the Gulf states. Amnesty International and Human Rights Watch say that women still experience discrimination in marriage, family, and divorce, and it is a very particular problem in Saudi Arabia. From Bahrain, female human rights worker and defender Ebtisam al-Saegh is here today. She is known for her work in reporting and publicising human rights violations, and in May 2017 she was detained, sexually assaulted and tortured by security officers at the National Security Agency. A BBC Arabic documentary "Breaking the Silence" found that institutions in Bahrain, which received UK support through the GSF's predecessor and continue to receive that support today, were implicated in her abuse. Can I ask the Minister if the Government will now review the doubling of the Bahrain grant under the GSF in light of that evidence?

I referred to the discrimination that women more generally face in their families. In particular, the treatment of most women is not visible to us, but one Gulf state leader, the ruler of Dubai, has shown appalling coercive control of his former wife Princess Haya, sister of the King of Jordan. She fled to the UK in 2019, fearful of her safety, and had to go to the High Court to get the campaign of fear, intimidation and harassment to stop, which included threats, surveillance, phone hacking, buying properties opposite hers and his behaviour in litigation. The High Court judge found him to have been

"abusive to a high, indeed exorbitant, degree".

There have also been serious concerns about the wellbeing of his two daughters by another wife, the Princesses Shamsa and Latifa, who were abducted on his orders. We only know of these three appalling cases because these brave women fled, or tried to flee, and their stories were heard because they were high profile. My point is that the power of husbands and fathers in these states is not visible: women denied the chance of the education that they want, the marriage that they want, the job that they want, and the threats that can be made, and not acted on by others, in keeping them silent.

[Baroness Brinton]

This is human rights at absolute grass-roots levels. Many forms of human rights are either being abused or are under threat: access to democracy; putting personal views on social media; criminalisation for people just being themselves, or having to spend their lives under the control of others. I want to applaud all of those, visible or invisible, for trying to uphold their own and others' rights, and I thank particularly the witnesses here today and the organisations like Bahrain Institute for Rights and Democracy, Amnesty International, and Human Rights Watch. I hope that the Government will take their evidence and make it plain to these six states that financial support will be under threat unless human rights improve in these six states.

3.53 pm

Lord Londesborough (CB): My Lords, I also would like to thank the noble Lord, Lord Scriven, for bringing this timely debate to the House. When I say timely, I refer to the World Cup currently being staged in Qatar, which though highly controversial, has at least brought the world's wider attention to systematic human rights abuses not just in Qatar but across the Gulf.

Sadly, the World Cup has demonstrated that, even with a world-wide audience of 3 billion people, an extraordinary and grotesque spend of $220 billion to stage a four-week sporting event, its impact on human rights looks set to be very modest: notably for immigrant workers, women's rights, and the LGBT community, despite the claims of a much-discredited FIFA. I will return to this subject later.

First, I have a quick word of introduction, as I am relatively new to this place. I do not claim to be either a Middle East or human rights expert, but I lived and worked as a journalist in Iran for a year back in 1978, which turned out to be the last year of the Shah. While Iran is not a GCC state, I learned at first hand that in this region, neither freedom of expression nor a free media was considered a human right. Indeed, one ill-judged word as a journalist and you were put on a one-way flight—if you were lucky. I also witnessed the extraordinary concentration of wealth, power, patronage and corruption, as well as the brutal suppression of opposition. Arbitrary arrest was commonplace in Iran—it still is—and there was next to zero accountability. Above all, the nation's culture was dominated by a combination of absolute monarchy, or dictatorship, and the strong culture of religion—Shia Islam in the case of Iran, which even the Shah underestimated, leading to his downfall and the Islamic revolution.

In my subsequent years, I founded and ran a country risk information service on all developing regions around the world, which included Middle East Monitor and quarterly reports on every country in the Gulf. Interestingly, there was a very strong demand for these reports from national businesses in each GCC state, but the censors and customs officials ensured that delivery was virtually impossible, most notably in Saudi Arabia and Bahrain.

Turning to the Gulf states and human rights in general, the culture and wealth of this region make it formidably difficult to make the sort of progress that we would all like to see. Culture is deep-rooted and resistant to change on many fronts, whether family, hierarchies, race, women's rights, education or sexuality. We are also talking about six of the world's richest states. In terms of GDP per capita based on purchasing power parity, five of the six are in the world's top 20 wealthiest countries, with the exception of Oman, which sits in 27th place. Thanks largely to their huge energy reserves, they do not need our financial assistance. GDP per capita actually understates the issue, because the GCC's distribution of wealth is one of the most uneven in the world. The top 10% of the region's 54 million people own more than 75% of assets—this in a region that has an annual GDP of £1.2 trillion. That makes it all the more challenging for our Government and others to exert influence on their approach to human rights.

Returning to the richest of those states, Qatar, we are reminded of the concentration of power and money by two relatively trivial developments in the World Cup. I say trivial only in relation to other far more serious human rights issues, but they are illustrative. First, as the noble Lord, Lord Hayward, highlighted, we had the sudden ban on sales of beer at football stadiums, despite a $75 million sponsorship deal between FIFA and Budweiser. This turned out to be a last-minute decision from Qatar's ruling emir, which, it is stated, is "non-negotiable". FIFA, representing 200 footballing nations, simply caved in. We then had the absurd ban on European team captains wearing OneLove rainbow armbands, and Welsh supporters even having their official rainbow bucket hats confiscated at the turnstiles. As the noble Lord, Lord Cashman, put it so eloquently, they are terrified of diversity.

In terms of buying influence, we also have the profoundly disappointing sight of David Beckham, England's former football captain—an incredibly wealthy man in his own right—being paid a reported £15 million per year to be an ambassador for Qatar, and declaring on a promotional video that this will be the first ever carbon-neutral World Cup. That is a ludicrous claim that has been emphatically dismissed by a chorus of scientists and climate experts—first sportswashing, now greenwashing.

As we know, Qatar is a country whose workforce is 90% dependent on immigrant labour, working on low pay and often in appalling conditions. Both Amnesty International and the *Guardian* have estimated that 6,500 migrant workers have died since 2010, the year Qatar was awarded the World Cup, in building World Cup-related infrastructure. When I raised the issue of migrant labour deaths in a supplementary question to the Minister last November, the Qatari head of the World Cup claimed, at that time, that the real number of such fatalities was a barely credible three.

I finish by addressing the challenging question raised by this debate: what steps might be taken by His Majesty's Government to address human rights abuses in the Gulf? It is especially challenging in this economic climate. The UK's trade with the Gulf stood at a significant £33 billion last year. At a time of declining trade with Europe post Brexit, the UK is in dire need of economic growth and an export-led recovery, and should be signing free trade agreements across the world. We are led to believe that signing an FTA with

the GCC would add some £6 billion to our trade with the region and some £1.6 billion in net added value to the UK economy. However, the key question remains: do we want more trade at the expense of human rights? I ask the Minister: if we sign such an FTA, what priority would we give, and which terms or conditions would we apply, to human rights as part of the deal—or is it true that human rights have simply been dropped from the list of objectives?

The Foreign Secretary, James Cleverly, said:

"The UK has a strong history of protecting human rights and promoting our values globally and we continue to encourage all states, including our friends in the Gulf, to uphold … human rights obligations."

I ask the Minister what this statement actually means in relation to the Gulf, specifically in relation to the FCDO's £10 million per annum Gulf strategy fund. Like the noble Baronesses before me, I ask him why, in the financial year 2021-22, the UK has more than doubled its allocated funding from the GSF to both Saudi Arabia and Bahrain, two of the region's worst human rights violators, at a time when we were cutting our global overseas aid budget by some 30%. I appreciate that the GSF does not come out of the ODA budget, but the thrust of my question, and those of others, remains.

4.02 pm

Lord Hussain (LD): My Lords, I will speak about Qatar because I recently visited it as part of a parliamentary delegation of seven European countries, comprising the UK, France, Italy, Ireland, Finland, Serbia and Romania, on the invitation of the National Human Rights Committee of Qatar to look at Qatari reforms in this field, particularly with regard to foreign workers. We noted the introduction of a basic minimum wage for foreign workers on top of free accommodation, including lighting, heating and three-times daily cooked food. As I calculated, Qatar's basic minimum wage works out to be slightly better than that of the UK after paying for living costs and food.

We visited a huge housing complex for 60,000 workers in Doha, with medical and sports facilities on-site. The accommodation is not five-star, but we considered it good enough for any one of us to live there. We visited the International Labour Organization's office in Doha and received a briefing from its members. They were quite content with the progress that Qatar has made in recent years in its human rights reforms.

We also learned that Qatar has signed a memorandum of understanding with the European Union on human rights. That is encouraging to note. At the end, the visiting group unanimously agreed that Qatar has made huge progress in its reforms, although it is far from being perfect. However, the progress it has made in recent years has to be appreciated and welcomed. The visiting group's Governments may want to continue to work with Qatar for further improvements.

4.05 pm

Lord Purvis of Tweed (LD): My Lords, I warmly commend my noble friend Lord Scriven on securing this debate. It is not only timely but of extreme importance for our relationship with this important region.

As my noble friend and others have said, the breadth of the relationship between the UK and the members of the GCC ranges from trade and strategic interests to areas where the UK needs a strong voice on serious concerns about breaches of international norms and values. He raised very specific issues in his comprehensive opening of this debate and I hope that the Minister, who is highly regarded in this House as Human Rights Minister, will respond in detail today.

As the noble Lord, Lord Londesborough, said—I valued his contribution greatly—we have an extremely long-standing and deep historical relationship in this geopolitical region. It includes security, trade interests and cultural links, but increasingly energy and commercial dependency in many key sectors. That has to be the context in which we consider our relationship going forward.

There are many positive aspects to this relationship, but today we rightly raise the significant concerns about the sometimes egregious human rights issues. We need to pause and reflect on our relationship, given that the Government are seeking a full free trade agreement with the GCC. This is the time to do that, before it is too late with an FTA brought for ratification.

I have raised many concerns about the lack of a comprehensive trade and human rights policy. Amendments to the then Trade Bill that this House passed, which were rejected by the Conservative majority in the Commons, are still valid. We should be looking at our trade relationships starting from our human rights and our wider interests and then focus on the commercial.

Reading the Foreign Secretary's contribution to the Manama Dialogue, I also felt that some elements were jarring. References were made to Syria, Lebanon and Yemen without the nuance that it was a committee of this House that said that the UK was on the wrong side of international humanitarian law with the supply of arms for that conflict. Concerns were raised in this House about Gulf relations within the Syrian conflict, the use of child soldiers, and the horrific impact on civilians in the Yemen conflict. It is jarring when the British Foreign Secretary ignores entirely the other side of the debate.

I recently had long discussions with a female Afghan MP in exile. She implored me and our Parliament to raise concerns with our friends in Qatar and the Gulf about their impact on the ongoing issues in Afghanistan. This is where we need to debate and be frank that our values and interests going forward for democracy in the world are not always aligned with our allies in the Gulf. In fact sometimes, they are diametrically opposed.

Since we are debating football I should say that I noticed in the press, as no doubt other noble Lords have, that in the Afghan capital a sporting ground was used in the last few days as the site of a public flogging for those in breach of the human rights restrictions of the new Taliban regime in Afghanistan. Questions were rightly raised about the UK relationship through the Gulf strategy fund and leading up to the values component of the World Cup. I hope that the Minister can respond to my noble friend in clear terms. This is an event for which the majority of awarding members are now either indicted or have been struck off because

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of corruption. We seem to have learned nothing from the concerns of the previous World Cup, hosted by Russia.

A joint RAF and Qatar squadron is currently in the skies overlooking sporting grounds of a global event run by an extremely wealthy global organisation closing its eyes to global norms and freedoms. It has somehow debased itself into considering that love is a political statement. I looked at the 2018 Foreign Affairs Committee report on the World Cup and was struck by the Government's response to the committee, in the stance that the Government took then to Russia. They stated in clear terms:

"We disagree strongly with the Russian government over their attitudes towards LGBT+ rights and will continue to raise our concerns",

and went on to say that they sought continuous assurances for the protection of those rights during the sporting event. The Government said:

"We remained in touch with FIFA during the tournament to ensure that those assurances, for example on flying the rainbow flag at matches, were being met."

Why are the Government so reticent now when they seemed so assertive then? If the flying of rainbow flags was something that the Government then had not only lobbied for but sought assurances that they would be protected, I hope that every British representative will wear that representation when they attend the sporting tournament in 2022.

Of course, the noble Lord, Lord Cashman, is absolutely right—we need to look at home. I felt slight distaste that the then Minister, Anne-Marie Trevelyan, was almost giddy when the Saudi investment fund, directly controlled by the Crown Prince, bought Newcastle United Football Club. As we have heard, in the past three weeks there have been 17 beheadings, and there have been 130 executions this year, in direct contradiction of commitments that had been provided to the UK Government that there would be a continuing moratorium on executions for drugs. There is now significant concern about assurances for those under 18. What reassurances are the Government seeking in those areas? I hope that the Minister, in his capacity as Minister for Human Rights, will meet those people whom my noble friend Lord Scriven mentioned—and I repeat the calls that others have made with regard to Husain Abo al-Kheir in Saudi Arabia.

A significant document that we have to rely on is the US Department of State report of the country's human rights practices, published in April 2022, which lists all six GCC countries as having multiple, significant and credible human rights violations in a range of areas. Abuses common to all included arbitrary arrest and detention; serious restrictions on freedom of expression and media, including censorship and criminal libel laws; and interference with the freedom of peaceful assembly and freedom of association. Other abuses included torture and cases of cruel, inhuman or degrading treatment; harsh or life-threatening prison conditions; arbitrary or unlawful interference with privacy and restrictions on internet freedom; serious and unreasonable restrictions on political participation; serious government restrictions or harassment of domestic and international human rights organisations; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender or intersex persons; and significant restrictions on workers' freedom of association—and this notwithstanding some progress that has been made with the removal of the sponsorship system and improvements in human trafficking and forced labour.

We were promised the FCDO's *Human Rights and Democracy* report, covering 2021, before the Summer Recess. Can the Minister say when we will receive it? My noble friend Lady Featherstone, who is remarkably tough, indicated that this goes wider than the Commonwealth, and she is absolutely right. We should not restrict this to the Gulf, because such views are commonplace.

I have a significant concern going forward. In many key areas, the UK is now dependent on energy, arms sales, investment and securing purchases of sovereign debt. We have seen this dependency with the importation of goods from China. Our ability to raise serious concerns and to suggest triggering mechanisms as consequences is therefore limited. If we are to have a free trade agreement, it must start with clear chapters, published in advance, on human rights, with triggering mechanisms through which we can raise our concerns. Otherwise, the UK will be in a position not of strength but of weakness.

4.15 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Scriven, for initiating this debate. It is timely not only because of the events in Qatar at the World Cup, but because we have had the state visit of President Ramaphosa. When the Lord Speaker greeted him after he had addressed both Houses, he remarked that we are all neighbours. I spent many years working for a trade union. Cyril Ramaphosa was a trade unionist in South Africa, and we gave him detailed support. I was struck by those words, "we are all neighbours". That is what this debate is about.

I hope that everyone who watches the World Cup will be much more aware of workers' rights and the human rights concerns that persist in the Gulf region. The noble Lord, Lord Londesborough, said something that I also said at Oral Questions today: that each match we watch should be a brutal reminder of the 6,500 migrant workers who have died building the infrastructure for this tournament since 2010. We must remember that for each one of those 6,500, there is a family who needed that income. As I said earlier today, I hope we press really hard for the proper compensation due to these family members.

As we have heard, there are 2 million migrant workers in Qatar and, while some progress has been made on workers' rights, there are huge problems with the implementation of reforms. Wider concerns also remain about the investigation of workplace deaths and accidents involving migrant workers. I raised the issue of the ILO report from October last year. What assessment has the Minister's department made of plans for a permanent centre in Qatar to provide advice and help for migrant workers? This appears to have been somewhat stonewalled.

The risks facing migrant workers in Qatar have been highlighted in recent weeks, but we need to consider the situation elsewhere in the Gulf, as we are

doing in this debate. The ILO Regional Office for Arab States is tasked with promoting decent work throughout the region. It has warned, for example, that in Kuwait female migrant domestic workers are particularly vulnerable to exploitation. Multilateralism, global civil society and in particular the ILO can be credited with recent progress, but there is much more to do.

At last week's G20, the ILO and the Islamic Development Bank signed a memorandum of understanding to increase co-operation on labour market concerns. Has the Minister's department assessed whether this will be a useful vehicle for improving workers' rights in the region? Are we engaged with the ILO on its implementation?

Unfortunately, in Qatar and across other Gulf states, migrant workers are not the only group whose human rights are consistently violated. I pay tribute to my noble friend Lord Cashman, the noble Lords, Lord Hayward, Lord Purvis and Lord Scriven, and the noble Baroness, Lady Featherstone. It is absolutely right that we focus on LGBT rights because, as has been highlighted, this tournament is a community of nations coming together, and those rights will be focused on. Fans going to the World Cup are going to a country where their sexuality is criminalised.

The UK Government have said they will continue to work with Qatar to ensure all fans are welcome, but there remain serious concerns about their safety. We should remember that when the tournament draws to a close, people across the Middle East will still be persecuted for their sexuality—when fans go home, those people will still be there—including in the United Arab Emirates, where being gay is still punishable by death. I hope the Minister can update us on what steps the Government are taking to build relationships with civil society and groups working to protect those individuals across the Gulf states.

As the noble Lord, Lord Scriven, reminded us, the Foreign Secretary recently urged LGBTQ+ fans in Qatar to show

"a little bit of flex and compromise"

and to

"respect the culture of your host nation".

We have heard about scarves, hats and armbands, but what does the Minister think the Foreign Secretary meant? I think he meant that behaviour that he thinks is normal and acceptable for him and his family is not normal for my family. To kiss or hug my husband is punishable by death. That is what we should face up to. It is not just about hats and scarves, but basic human behaviour. I will not go back into the closet or hide who I am, and I will not deny the love I have for others. That is what we have to face up to.

It is not just LGBT people. The noble Baroness, Lady Brinton, was right to highlight women across these states, who are still deprived of many basic human rights. Human Rights Watch has said:

"No country restricts the movement of its female population more than Saudi Arabia."

Women in Oman are still denied equal rights for marriage and divorce, according to Amnesty International. Next week we have the Preventing Sexual Violence in Conflict Initiative Conference, where we will hear from civil society. A major issue for women's rights in these countries is the increase in or maintenance of domestic violence as a way of controlling women. I hope we can continue to raise this issue.

I echo one of the points raised by the noble Baroness, Lady Bennett, and the noble Lord, Lord Scriven: the executions that have taken place in Saudi Arabia. In the last two weeks, 19 people have had their heads chopped off for drug offences. The noble Baroness raised the case of Hussein Abo al-Kheir, who could be executed at any moment. He has been moved to a death sentence cell. I echo her questions to the Minister and plead with him to make a personal plea to the authorities in Saudi Arabia to stop that execution and save that man's life.

I led an Oral Question this week on human rights defenders, and the Minister has played a terrific role as human rights Minister, but I have raised with him on a number of occasions—and I joined the noble Lord, Lord Scriven, in this—the situation in Bahrain. I too pay tribute to those human rights defenders who are here, particularly the son of Ali Mushaima, the imprisoned opposition leader, who is watching this debate. We want to hear how we are going to speak out strongly about those abuses. I would like to highlight the case of the Bahrain human rights defender Abdulhadi al-Khawaja, who recently received the Martin Ennals Award and is now facing a series of criminal charges in Bahrain in reprisal, in the form of judicial harassment, for his protest activities within prison. I hope that the Minister will take this case up strongly with the Bahraini authorities.

I have run out of time. I think this has been an excellent debate. It has proved that we are all neighbours, and we are concerned about human rights everywhere.

4.26 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, I am in total agreement with the noble Lord, Lord Collins. This has been an insightful, impassioned, emotional and detailed insight into an issue which is—I thank noble Lords for acknowledging this—as I have often said, an important and for me the most valued part of my responsibilities within the FCDO and His Majesty's Government, but equally the most challenging portfolio that I have.

I was struck by the incredible speech, both in terms of substance and tone, of the noble Lord, Lord Cashman, and I thank him. I hope I am right in saying he knows that, as he raises issues, particularly in relation to the LGBT community around the world, I am extremely grateful, because as a Minister you do not always have sight of these issues as they arise. I put on record also my thanks to the noble Lord, Lord Collins. He and I sometimes joke that we come across as aligned on many things and I assure noble Lords that we are very much aligned on the issue of human rights, and I am grateful. The same applies to the noble Lord, Lord Purvis, and indeed his predecessor, the noble Baroness, Lady Northover. It is important that we have these discussions to highlight these issues and how we unlock them. I am grateful to the noble Baroness, Lady Brinton, who

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is right that there are times when you do want to cry out quite publicly. When I am no longer on the Front Benches and return to the Back Benches, I am sure that there will be occasions when I will raise these issues in a much more public manner—but I assure noble Lords that I do raise these issues consistently. I had the opportunity of working with the noble Baroness, Lady Featherstone, in coalition, and I pay tribute to her work, particularly on how we tackled the issue of equal marriage.

On human rights more broadly, I refer to a point raised by the noble Baroness, Lady Brinton, and acknowledge the important work that the noble Lord, Lord Scriven, has done on a variety of issues concerning human rights and the whole role he has played in the APPG on the Gulf. The noble Baroness reminded us that we should never forget our own back yard, and that is—rightly or wrongly; noble Lords will have a view—the lens I apply when we look at human rights around the world. It was 1928 when women got full rights to participate in elections here in our country. It was in 1967 that homosexuality was decriminalised for the first time—just slightly before I was born, but nevertheless it is the reality. Certain countries do make progress on human rights. Some, we hope, would make progress more quickly on this agenda; but, equally, as we look towards different parts of the world, including the Gulf, it is important that we see where progress has been achieved—I will come on to that in a moment or two.

I align myself also with what the noble Baroness, Lady Featherstone, said. I remember my first occasion as a Minister of State in the Foreign Office, when I met the then Vice-President, now President, of Botswana. I received a briefing that highlighted in its first point, "Minister, do not raise the issue of LGBT, for it is far too sensitive". I was a new Minister in the Foreign Office, trying to do my diplomatic work. I sat down with the now President of Botswana and the first thing he said to me was, "Minister, we must move forward on the issue of human rights; we must move forward on the issue of LGBT rights". I looked at my brief, I looked at him and I smiled at him and at the official.

Equally, I assure the noble Baroness, Lady Featherstone, that five and a half years on, we still raise human rights. In the last week alone, I have raised human rights on specific cases but also more generally with the likes of colleagues and friends in Kuwait and Qatar, and this morning again with the ambassador of the Kingdom of Saudi Arabia. I will come on to those in a moment or two.

I was asked about my right honourable friend the Foreign Secretary. I have known James Cleverly a very long time, and his commitment to human rights is unstinting. We have had very strong exchanges in our ministerial teams over the years, but James is someone who cares about human rights, and of course he will be watching this particular debate for its content and substance very intently. It is important that we stand for scrutiny as Ministers in what we say and what we do. I therefore welcome this particular debate on the issue of the Gulf.

Indeed, it is equally important to me, as the Minister responsible for human rights, as noble Lords pointed out, but also recently, with the new Government in place, as the Minister for the Middle East and north Africa. It is a region I know well. First, as many noble Lords acknowledged—including the noble Lord, Lord Purvis, in his important contribution—it is important to the United Kingdom. British nationals visit and live in the region in significant numbers. Around 1.5 million visit the UAE every year, and a further 120,000 have made the UAE their home. The region acts as a major hub for international travel, with its own airlines and Governments.

We are indeed looking at human rights, and rightly so, but there are also crunch moments when you look to your partners. Indeed, the Gulf was an important partner when it came to our repatriation efforts during the Covid pandemic. There was not a single instance when I did not, as the Minister responsible, pick up the phone to an airline or to a government Minister, and indeed, that was also true with those who worked through the Afghanistan crisis with regard to the important role that both the UAE and Qatar played as hubs in terms of their operations and facilitation of those escaping the wrath of the Taliban from Afghanistan. I put that on record because these relationships matter. We invest in the relationships so that we can then raise the issues on a broad range of human rights directly.

On a personal note, there are some who say that we should disengage on human rights. I am a Muslim by faith and belong to the Ahmadiyya community. I am a Muslim and recognised as such here in the United Kingdom. There are parts of the world I travel to where, simply for being part of a particular community, if I was not a UK Minister I would face a charge of blasphemy just for being who I am. I would be imprisoned for years on end without charge simply for being who I am. So I assure your Lordships that I am committed to this agenda; it matters to me because I recognise it and live it, and I assure your Lordships that I own it within the FCDO. It is right that I make the case as Minister for Human Rights across government to ensure that these issues are raised quite directly.

The Gulf matters. Even from an Islamic perspective, as a practising Muslim, what is the lens we apply there? In the discussions I have with my Gulf counterparts, I say, "Come on. This was the religion that gave rights to women, not took them away at that time, over 1,500 years ago. This is the religion which taught respect for every citizen." In the Holy Koran, 29 out of 30 chapters begin:

"In the name of God, the Most Gracious, the Most Merciful."

If God is of those qualities, apply them in practical terms to what you do. That is the conversation I have with our colleagues across the Gulf and the wider Islamic world. It is important that we apply the lens—a lens which is also understood by those communities and individuals.

There is a real sense of divergence, of course, on the death penalty. It remains a key challenge across the region and is something that Ministers, ambassadors and officials regularly engage with. We are clear with Gulf interlocutors, as I was only this morning with the Kingdom of Saudi Arabia, that the UK stands firmly

against the death penalty in all cases, in all circumstances and in all countries. There have been positive changes. The noble Baroness, Lady Bennett, referred to drug offences in Saudi Arabia. I assure her that the case she raised, that of Hussein Abo al-Kheir, is one that I am following very closely. I raised it this morning and hear what the noble Lord, Lord Collins, says. I am due to speak to interlocutors again in the Kingdom of Saudi Arabia and I made the case quite specifically in my conversations with the ambassador this morning.

I will continue to raise these cases. I am not saying, regrettably or tragically, that my intervention or that of other colleagues will stop things, but we should be consistent and persistent in ensuring that, particularly when it comes to the death penalty and those countries which have declared and given assurances on moratoriums in areas such as juveniles, and indeed drug policy in the case of the Kingdom of Saudi Arabia, we raise these issues quite directly. Since 10 November, Saudi Arabia has executed, reportedly, 19 individuals for drug-related crimes. This brings us, as the noble Baroness, Lady Bennett, reminded us, to its moratorium. Does it still exist in relation to executions for drug-related crimes? Unfortunately, as other noble Lords noted, this also follows the executions of 81 individuals that took place on 12 March in the Kingdom of Saudi Arabia. While the number of executions may be lower elsewhere, we raised the issue quite directly recently. I had a conversation with the Kuwaiti ambassador in advance of the execution of seven individuals only last week. This remains a focus. Our opposition to the death penalty is clear, and we will continue to raise the issue.

I welcome the noble Lord, Lord Londesborough. He talked of Iran and issues of media freedom. We have tragically seen what is happening currently in Iran, but even as a broader issue across the Gulf, it is important. When you look at media freedom across the Gulf, it is very limited. Indeed, media freedom remains such a challenge, as borne out by the 2022 Press Freedom Index compiled by Reporters Without Borders.

Worryingly, as the noble Baroness, Lady Bennett, pointed out, we are seeing increased efforts to restrict freedom of speech on the internet as well. There are two recent examples in Saudi Arabia with the sentencing of Leeds PhD student, Salma al-Shehab, to 34 years. Clearly, the sentence does not match the crime, if it is indeed perceived as a crime, as they would see it. I assure the noble Baroness that I raised that consistently and will continue to do so. There is also the case of Nourah bint Saeed al-Qahtani. She was given 45 years for social media activity. I will continue to raise these issues and have also raised them directly with our ambassador. He has also raised them, including with the Vice-Minister of Foreign Affairs in Riyadh.

Turning to Qatar and LGBT-specific issues, the noble Baroness, Lady Featherstone, asked about the Peter Tatchell protest. I was in a meeting and I took myself away from that and dealt with it directly. While I cannot go into all elements of the case, he was not actually arrested. He also publicly—and it is not often that happens—thanked FCDO and in particular our consular team for the assistance. As I said earlier, it is right where issues are arising, particularly during the focus on Qatar with the World Cup. The noble Lord, Lord Cashman, reminded us that there are issues. My noble friend Lord Hayward in a very detailed and expert speech also talked about the responsibilities not just of Governments but also of sponsors.

I assure your Lordships that I and other Ministers, including the Foreign Secretary, have raised inclusion, in conversation with our Qatari counterparts. I invited Stuart Andrew, as Sports Minister, into a meeting with the Qatari ambassador. The Qatari authorities have repeatedly reiterated their public statement that everybody is welcome to the tournament, including LGBT+ visitors. We have consistently encouraged the equal treatment of all fans. As I said earlier, any issue that has been highlighted I will follow up and take forward with the Qatari authorities. We were talking of equalities and rights. One of the leading Ministers in Qatar is Lolwah al-Khater, who plays a phenomenal role. She did so in the Afghanistan evacuation and continues to engage as a key interlocutor.

I acknowledge the positive changes, on women's rights, for example, which the noble Baronesses, Lady Brinton and Lady Featherstone, alluded to. Women are playing an important role across the Gulf. Qatari women make up about 40% of the country's workforce. The World Bank has repeatedly commended Saudi Arabia for improving economic opportunity. Therefore, it is important, to come back to my earlier point, that although some noble Lords may disagree, we should continue to engage effectively.

The noble Lords, Lord Collins and Lord Hussain, raised workers' rights. I assure the noble Lord, Lord Collins, that, as the noble Lord, Lord Hussain, pointed out, the ILO is present. We are working very much with it, as we have on the 2021 report. The ILO is still making its final assessment on migrant workers who have lost their lives. I look forward to discussing how we can take some of these issues forward, particularly working with international trade union groups on this important agenda.

The noble Baroness, Lady Bennett, raised the Gulf strategy fund. I will write to her on the questions that she raised.

In the interests of time, I will move on to Bahrain. I am grateful to the noble Lord, Lord Scriven, for raising this. Again, I recognise that my inbox when it comes to Bahrain—as I often joke with the noble Lord, Lord Alton, happens with him in relation to all things human rights—is often populated by what the noble Lord, Lord Scriven is doing.

I say at the outset that we should engage, and I have always said so. Regarding the two questions put to me by the noble Baroness, Lady Bennett, and the noble Lord, Lord Collins, yes, I will meet with the representatives and with those who are present today. I have always said that human rights needs to be informed by practitioners. I may not agree with them or have the same process or methodology for taking forward representation, but I will arrange to meet with them at the earliest opportunity. I assure the noble Lord that while he rightly challenges me, on the death penalty in Bahrain, according to the figures that I have, 17 people have been executed in Bahrain since independence in 1971. Bahrain last used the death penalty in July 2019. The previous executions were in 2017.

[Lord Ahmad of Wimbledon]

We are working through some of these issues in terms of the investments that we make. The noble Lord asked for specific things that are being achieved. Women in Bahrain have equal rights and access to work, education and healthcare. However, I accept that there are clear areas where inequalities exist. Bahraini women cannot pass on their nationality to their children, for example. Again, these inequalities are being addressed.

For the fourth year in a row, Bahrain has made progress on issues of human trafficking and modern slavery, where the UK has also played an important role as a partner. Bahrain is the only country in the region to achieve tier 1 status, fully compliant with the minimum standards for elimination of severe forms of trafficking. That assessment was made by the US. In recent weeks, there have been calls for us to cease support. I disagree and have already alluded to why it is important. Our close relationships with the Bahraini Government include how we engage effectively with civil society. We continue to engage directly with NGOs and civil society representatives here. I also meet formally and privately with the likes of Amnesty International and Human Rights Watch, to get a specific insight on certain issues which cannot be raised publicly, to protect those individuals whom we seek to support.

A key focus of the Gulf strategy fund in Bahrain has also been governance reform in the justice and security sectors. The UK programme has helped to establish a number of human rights oversight bodies, which the noble Lord alluded to. A hundred security personnel have been prosecuted or faced disciplinary action since 2014 because of investigations carried out by these bodies. Our comprehensive engagement was also instrumental in the introduction of the child restorative justice law in 2021, which increased a child's defined age to 18, and the age of criminal responsibility to 15, in line with the UN Convention on the Rights of the Child.

We also supported the implementation of the alternative sentencing legislation, which has provided alternatives to incarceration and resulted in the release from detention of more than 4,380 prisoners since 2018. The Bahraini authorities have recently developed an open prison concept, supported by us, which will improve further rehabilitation of prisoners and their reintroduction to society.

There are other examples, but I hope that those that I have given show at least an insight into why our support to the Gulf continues to be important. It is a critical region for the UK and is in our strategic interest, but I assure you of this: it does not mean we detract from raising the important issues of human rights. I am grateful to all noble Lords, and in particular the noble Lord, Lord Scriven, for tabling this debate today. I assure him and indeed all noble Lords of my continued commitment on this important agenda. I agree with all noble Lords who have spoken in this important debate today: when it comes to human rights it is easy when you stand up to defend your values at home and abroad—to defend what you believe and stand for—but the real litmus test of human rights is your ability to stand up for the human rights of others.

4.46 pm

Lord Scriven (LD): I thank the Minister; I know we had a big of argy-bargy at Oral Questions. He has clearly had a bit of a lonely job this afternoon in answering many questions. It is important to say to him that it is not his personal integrity that is ever in question: it is the effectiveness of government policy on the engagement that has been had to improve human rights which we question. I also thank the House of Lords Library for an excellent briefing, and the Bahrain Institute for Rights and Democracy, which I think has given many noble Lords a briefing. I also thank particularly the three brave members of the public who are attending who have, or have parents who have, been detained or tortured in Bahrain.

I particularly thank all speakers, who in one way or another have all said the same thing: we are better than this as a nation when it comes to human rights in the Gulf. We are better than spending UK taxpayers' money on World Cup preparations that have ended up with homophobic policing and our values not being ingrained or helping to improve LGBT and human rights issues in Qatar. If government policy does not change, I think we will be on the wrong side of history. It is not in our long-term interests as a nation to continue in this way. Engagement for a purpose, yes, but when most independent observers say that things are not improving in the GCC with regard to human rights, and if all that we are left with is a meaningless moral vacuum of a free trade agreement that is not using our soft and hard power for improvement of human rights here and abroad, the Government will have failed.

Motion agreed.

Hotel Asylum Accommodation: Local Authority Consultation

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Wednesday 23 November.

"On my appointment by the Prime Minister three weeks ago, I was appraised of the critical situation at the Manston processing centre. Within days, the situation escalated further with a terrorist attack at Western Jet Foil that forced the transfer of hundreds of additional migrants to Manston. I urgently visited Western Jet Foil and Manston within days of my appointment to assess the situation for myself and to speak with front-line staff, during which time it became clear to me that very urgent action was required.

Since then, the numbers at Manston have fallen from more than 4,000 to zero today. That would not have been possible without the work of dedicated officials across the Home Office—from the officials in cutters saving lives at sea, to the medical staff at Manston—and I put on record my sincere gratitude to them for the intense effort required to achieve that result.

To bring Manston to a sustainable footing and meet our legal and statutory duties to asylum seekers who would otherwise have been left destitute, we have had to procure additional contingency accommodation at extreme pace. In some instances, however, that has led to the Home Office and our providers failing to

properly engage with local authorities and Members of Parliament. I have been clear that that is completely unacceptable and that it must change.

On Monday, a 'Dear colleague' letter in my name was sent to outline a new set of minimum requirements for that engagement, backed by additional resources. This includes an email notification to local authorities and Members of Parliament no less than 24 hours prior to arrivals; a fulsome briefing on the relevant cohort, required support and dedicated point of contact; and an offer of a meeting with the local authority as soon as possible prior to arrival.

I have since met chief executives and leaders of local authorities across England, Wales, Scotland and Northern Ireland, among many other meetings, to improve our engagement. We discussed their concerns and outlined the changes that we intend to make together. I have also met our providers to convey my concerns and those conveyed to me by honourable Members on both sides of the House in recent weeks, and to agree new standards of engagement and conduct from them.

These new standards will lead to a modest improvement, but I am clear that much more needs to be done, so this performance standard will be reviewed weekly with a view to improving service levels progressively as quickly as we can. In the medium term, we are committed to moving to a full dispersal accommodation model, which would be fairer and cheaper. We continue to pursue larger accommodation sites that are decent but not luxurious, because we want to make sure that those in our care are supported appropriately but that the UK is a less attractive destination for asylum shoppers and economic migrants. That is exactly what the Home Secretary and I intend to achieve."

4.50 pm

Lord Coaker (Lab): My Lords, with 127,026 asylum applications outstanding and only 4% of people who have arrived by small boat having had a decision, is it any wonder the system is in chaos? The Government are scrambling around looking for hotel accommodation as an emergency response without proper consultation with local authorities, sometimes giving them only 24 hours' notice of placing asylum seekers in their area. Is that not the case? Is it not also the case that, as a consequence, there are allegations of dirty, unsafe accommodation with, in one report, 500 rape alarms being issued? Most disgracefully of all, unaccompanied children are going missing, 222 so far. Where are they and how many more are there? It seems we cannot even protect our children.

The Parliamentary Under-Secretary of State, Home Office (Lord Murray of Blidworth) (Con): My Lords, the noble Lord is entirely right that, of the small-boat arrivals in 2021, 96% are still awaiting an initial decision, as the Minister in the other place said. However, we made more than 14,500 decisions in the year to June 2021, concentrating on deciding older claims, high-harm cases, cases with extreme vulnerability, and children.

The noble Lord alluded to the notification of local authorities. Clearly there has been difficulty in notifying local authorities. That has been a real focus for the department. I am unsure whether he will have seen the "Dear colleague" letter that went around the Members of the other place, notifying them that it will absolutely be the rule that they get at least 24 hours' notice, but it is hoped to be longer than that. I would be very grateful to hear from any noble Lords who are concerned by any hotels they may be aware of where due notice has not been given to the local authority and to the Member for the relevant constituency.

As to the point about unaccompanied children going missing from hotels, any child going missing is extremely serious, which is why we work closely with local authorities and the police to operate a robust missing persons protocol to ensure that their whereabouts are known and that they are safe. We work to ensure that vulnerable children are provided with appropriate placements for their needs, and we have changed the national transfer scheme so that all local authorities with children's services must support young people. Home Office and contractor staff identify cohorts of young people considered at greater risk of going missing and, of course, risk assessments and safety plans are undertaken on arrival in mitigation of this risk.

Baroness Brinton (LD): My Lords, the Minister knows that I have raised the health service provision for those at Manston and when they have been dispersed elsewhere. Today, I am hearing from local authorities and directors of public health locally that scabies is increasing. It is racing through the hotels where these asylum seekers have been sent. In some places, the rate is 70% because they do not have the clean clothes and linen necessary for the clothes that have mite infestation to be thoroughly washed. Worse, the Home Office and Clearsprings have refused to provide specialist creams at those hotels for asylum seekers to use. Even worse, because of the spot scheme under which those being dispersed from Manston come, the usual grant to GPs is not made available, which means there is no money locally, so asylum seekers can use only 111 or 999. Will the Minister agree to meet to discuss this as a matter of urgency? I appreciate that health is not in his brief, but there are some holes, particularly about health funding and stopping this mass infestation of scabies.

Lord Murray of Blidworth (Con): Certainly on my visit to Manston a few weeks ago, I had the opportunity to meet the healthcare staff and visit the healthcare centre. I assure the noble Baroness that concern is paid to the health of those passing through Manston, and it is hoped that any conditions they suffer from at that time are treated, in particular with the topical creams that she suggests. I am concerned by what she said about what is happening with Clearsprings, but I am afraid that without a bit more detail, which I am sure she will provide, I cannot answer now, but I will do that. As to a meeting, certainly I am aware that she has raised this issue a number of times, and I am happy to have a meeting with her if that would assist.

Baroness Bennett of Manor Castle (GP): My question follows on from that of the noble Baroness, Lady Brinton, in referring to the company Clearsprings Ready Homes, which has a 10-year contract to supply hotel accommodation. A couple of weeks ago it emerged that the company's profits were up sixfold in the past year and that three directors had shared dividends of almost £28 million. I contrast that with the asylum

[Baroness Bennett of Manor Castle]
seekers in hotels who get £8.24 each week to buy essentials, which amounts to little more than £1 a day. Does the Minister think that money going in dividends is the best way for government money to be spent?

Lord Murray of Blidworth (Con): Obviously it is not for me to comment on the entirety of the commercial operations of Clearsprings; nor do I know the extent to which the contracts for asylum accommodation are responsible for its profit margin, so it would not be appropriate for me to answer that question.

Lord Paddick (LD): My Lords, will the Minister comment on the Home Secretary's evidence yesterday in the other place, where she seemed to suggest that the only way that many asylum seekers could claim asylum in the UK is on arrival in the UK? In other words, the only way for genuine refugees and asylum seekers to claim asylum is to pay people smugglers to cross the channel and then claim asylum in the UK. Is the Government's policy not feeding the business model of people smugglers rather than trying to dismantle it?

Lord Murray of Blidworth (Con): No, it is absolutely to the contrary. Safe and legal routes, such as the ones we operate in Afghanistan, and in Iraq and Jordan in the past, were designed to provide an opportunity for genuine refugees to make asylum claims to come to the UK. The idea that people can promote their own claims over those of others and cross themselves into the country in order to claim asylum is simply not a sensible way of running an asylum system. It is clearly contrary to the public interest that those able to afford to pay people smugglers are able to come here and claim asylum. That is why the safe and legal routes are the only proper way of delivering asylum sanctuary.

Lord Purvis of Tweed (LD): It is now a month since the report that there were 222 unaccounted-for children, as the noble Lord. Lord Coaker estimated. These children have come from a traumatic experience. How many, as of today, are unaccounted for in their location?

Lord Murray of Blidworth (Con): I do not have that information to hand. The positive news, as I am sure the noble Lord will agree, is that there are still no people at Manston. Everyone has been transferred into hotel accommodation. As I say, those who are unaccompanied minors are cared for separately in specially provided accommodation with special support.

Nuclear Test Veterans: Medals

Statement

The following Statement was made in the House of Commons on Tuesday 22 November.

"With your permission, Mr Speaker, I would like to make a statement on the significant contribution of the nuclear test veterans from across the Commonwealth who participated in Britain's nuclear testing programme.

Seventy years ago, on 3 October 1952, the UK undertook its first nuclear test and in so doing confirmed our country's status as the world's third nuclear power. Critical to the success were those who took part in our nuclear testing programme. In doing so, they made a unique and unprecedented contribution to our national security. There is a direct line between the service of these men and women all those years ago and the safety and security of all nations today. In recognition of their service and to mark 70 years since the first test, the Government are undertaking a programme of recognition to mark the contributions of all service personnel and civilians who took part in the UK and, later, the US nuclear testing programmes in Australia and the Pacific.

The programme of recognition began yesterday with the UK's first commemorative event for nuclear test veterans at the National Memorial Arboretum in Staffordshire to mark the 70th anniversary of the first UK nuclear test. Going forward, the programme will include recognition of the role of military and civilian staff from Australia, New Zealand, Fiji and other Pacific islands, which were involved in the nuclear testing operations, as well as an acknowledgement of the traditional owners of the lands that were used for nuclear testing.

We will provide funds to support activities for nuclear test veterans and educate the public on their efforts. We are commissioning an oral history archive to ensure that the stories of the veterans who served are captured for future generations.

The Prime Minister yesterday announced the creation of a new medal, the nuclear test medal, which has been graciously approved by His Majesty the King. This important medal will recognise and commemorate the service to the nation by participants in the UK's nuclear testing programme. This cohort of veterans, made up of both military and civilian participants, made a significant contribution to our enduring international security. In establishing the UK's nuclear deterrent during the critical early years of the cold war, it is important that their service is recognised and commemorated properly, and a medal is an important part of that.

It is expected that eligibility for this medal will be announced in the early part of 2023, at which time related eligibility guidance and information about the application process will be laid before Parliament.

It was a privilege to officially commemorate for the first time our nuclear test veterans at the National Memorial Arboretum yesterday. We gathered together to say thank you to all those who were present and to the families of those whom we have already lost. This nation today still enjoys the freedoms and privileges afforded by their service, which started 70 years ago, and it is right that they have now finally received official recognition for their service.

I thank my right honourable friend the Prime Minister for announcing the medals for nuclear test veterans yesterday. The energy that he uses to make this the best place in the world in which to be a veteran should be supported across the House. Without his support, yesterday's event would simply not have been a success.

I also thank my right honourable friend the Defence Secretary whose support for this cause over many years has been noted by campaigners. I pay tribute, too, to the often unseen members of the civil service who have gone well above and beyond over the past few nights, particularly those who have worked tirelessly in the Office for Veterans' Affairs and in No. 10 on this.

Primarily, I want to record from this Dispatch Box the Government's thanks to the veterans of our nuclear tests. As one veterans' campaigner to another, I would say, 'I salute you. I salute your relentlessness, your courage and your determination. Your legacy is long and impressive.' I also wish to pay tribute to the families, friends and supporters of nuclear test veterans from all sides over the past 70 years. Their support to these men and women has been steadfast—from those who work in the media to those, from all parties, who have campaigned for so long in Parliament itself, such as the honourable Member for Salford and Eccles, Rebecca Long Bailey, my honourable friend the Member for Basildon and Billericay, Mr Baron, and my right honourable friend the Member for South Holland and The Deepings, Sir John Hayes.

I salute the campaigners and I thank them, as we are now finally delivering on the long-overdue medallic recognition of our nuclear test veterans. A medal does not signify the end of that recognition; it signifies a new beginning of the official recognition of the nuclear test veterans' service, with the initiatives I have outlined. I look forward to working with all Members of the House in the years ahead to get that right."

4.58 pm

Lord Coaker (Lab): My Lords, as the Government said in their Statement, 70 years ago the UK undertook its first nuclear test, and in doing so confirmed our status as the world's third nuclear power. Critical to that success, as the Government acknowledged in the Statement, were those who took part in the nuclear testing programme. By taking part in that programme, they made a huge contribution to our national security and that of many other nations. They did so out of duty and pride in their country, but not without consequences. It is right that, at long last, their bravery and sacrifice are to be recognised. Tuesday's announcement was a huge victory for our nuclear test veterans and their families. Finally, they will receive the long-overdue recognition that they richly deserve through this nuclear test veterans' medal.

We should also recognise and congratulate all the campaigners who have campaigned over so many years for such recognition. It cannot be overstated that we owe them a huge debt of gratitude for their service far away from home and for the fact that, because of their service, we have a nuclear deterrent. As I said, this deterrent has contributed to the defence and security of our democracy and the values we hold dear. We should never forget that and always pay homage to them.

We should also remember that their commitment to our country often came at great personal cost to those individuals and their families. We should never forget that reports state that nuclear test veterans have a legacy of cancers, blood disorders and rare diseases, with their wives and partners reporting three times the usual rate of miscarriage. Their children also have higher rates of various conditions, including infant mortality. That is and was the cost of our nation's safety. These veterans and their families have paid for that safety.

Given that it is estimated that only 1,500 of the 22,000 service personnel who took part are still alive, does the Minister hope, as I do, that their families and descendants will feel that a historic injustice has at last been recognised? Given that, rightly, the medals can be awarded posthumously, will the Minister ensure that sufficient resources are put into finding the living descendants of nuclear test veterans so that all who served are recognised? Will the Minister also commit to ensuring that the criteria for eligibility for the nuclear test veterans' medal are made as wide as possible?

It has been reported that some blood test results have been withheld from veterans' families seeking answers about the long-term effects of their service. Will these records be made available if these reports are accurate? Could the Minister comment on this?

There have also been media reports that the advisory military sub-committee had recommended that the nuclear test veterans should not get a medal but, rightly and thankfully, it is reported that this was overruled by Ministers and the Government. Does this suggest to the Government that there needs to be a wider review of the system of awarding medals to serving military personnel and veterans?

Finally, it has been 70 years since these military personnel doing their duty gave this service to their country. It should not require campaigns, media articles and the bravery of the veterans' families and the veterans themselves to get their own country to recognise their sacrifice. We very much welcome this announcement from the Government and the subsequent announcements associated with it that the Government have made. In doing so, we at last recognise the campaigners and the families but, above all, the veterans, as their country thanks them properly for their service. It will not be forgotten and, through this medal, it will be honoured.

Lord Purvis of Tweed (LD): My Lords, I associate myself with the remarks of the noble Lord, Lord Coaker, and the very valid questions he asked. I welcome this move. It was a change of heart from the Government, but nevertheless a welcome move for those military and civilian personnel who served their nation and now will, finally, be properly recognised. Notwithstanding views about the weapons system itself, these people served their country and recognition—unfortunately, as the noble Lord indicated—has come too late for many. However, it will provide some comfort to their families that an often-disregarded service is now being recognised.

How many civilians will be eligible for recognition and the medal? On support, which the noble Lord asked so clearly about, in replying to questions on the Statement in the Commons, the Veterans Minister, Mr Mercer, indicated that pensions were available. But, of those who are eligible for pensions, what is the Government's estimate of the proportion who are receiving them? Often, this is, in effect, an opt-in. There is the very valid point about promoting material through the various networks. Some of these veterans will be part of veterans' associations and others will not, so how will the Government disseminate and promote this information?

My final question is on the indigenous communities in the areas where these tests took place. The indigenous communities in Australia did not voluntarily offer their land for British nuclear tests, and they too have been impacted. The Minister in the Commons indicated that the UK Government provided £20 million then to clear this up, but the legacy is much longer. I met with

[Lord Purvis of Tweed]
the acting high commissioner of Australia this week, and she raised with me the good work now being done with the new Prime Minister of Australia in seeking to enhance recognition of the indigenous communities. We can play our part with our allies and friends in the Australian Government by increasing our recognition of the impact on their communities of something that has made our country safer, as the Government say, but which has unfortunately made many of those communities less safe. So, what do the Government plan to do for the indigenous communities in places where these tests took place?

The Minister of State, Cabinet Office (Baroness Neville-Rolfe) (Con): My Lords, as the noble Lord said, Tuesday's announcement was a huge victory for the nuclear test veterans. Since the very positive announcement by the Minister for Veterans on Tuesday was taken as read, I will make three points by way of introduction before I answer the noble Lords' questions.

As the noble Lord said, the UK undertook its first nuclear test 70 years ago and, in so doing, confirmed our country's status as the world's third nuclear power, which has helped to keep peace since World War II. Critical to the success were those who took part in our national testing programme. There is a direct line between their service all those years ago and the safety and security of our nation today, which becomes ever more important.

Secondly, in recognition of their service and the 70th anniversary, the Government are undertaking a wide programme of recognition to pay tribute to all service personnel, and civilians—that is so important—who took part in the testing programme in Australia, New Zealand, Fiji and Kiribati. We owe them a great debt of gratitude. The programme of recognition began this week with the UK Government's first commemorative event at the National Memorial Arboretum, with the Prime Minister himself announcing the creation of a new medal for military and civilian participants in the testing programme. It was wonderful that Ministers, veterans and their families gathered at the arboretum to thank all those who were present and the families of those whom we have lost.

Thirdly, this has been a cross-party matter, as the Veterans Minister said in the other place. It is not only people like the Secretary of State for Defence who have been involved in all of this; so have Rebecca Long Bailey, John Baron and Sir John Hayes. People from across the parties have been involved, which is unusual and well worth celebrating.

Clearly, I am new to this subject, but I will try to answer all of the questions and I will follow up on those I do not. We will of course need resources to find who should be given the medals, and it is clear that the process has to get under way. I do not think we have given an estimate of the numbers, but we are keen to make this a success and look generously at who should be awarded.

The noble Lord, Lord Purvis, talked about pensions. The question was raised in the other place and the Minister for Veterans indicated that he would be writing on this issue. What I can say is that I will ensure that a copy of that letter also gets sent to noble Lords engaged in this debate, and I will try to add to the request the percentage of those eligible, which I think is an additional one. We will do what we can. It was quite a long time ago and it is often quite difficult to find answers to these questions, but we can certainly look at the pensions. Of course, veterans who believe they have suffered ill health due to service can apply for no-fault compensation under the war pension scheme, and more information is on the Veterans UK pages on GOV.UK, including specific guidance for the nuclear test veterans.

I was asked about plans for reviewing medals more generally, and I have to say that there are currently no plans to review the assessment process; it is a well-established process. The Advisory Military Sub-Committee is an independent committee; it has robust processes in place to review historic military medals and claims against the military medals framework.

Finally, I will say how important it was to acknowledge the indigenous populations, whose traditional lands and territorial seas were used for nuclear testing. As the noble Lord said, this has already been the subject of a £20 million ex gratia payment to Australia to help rehabilitate former lands and seas. I was very interested to hear about the discussions he has been having with the Australians, and I look forward to catching up further on that.

5.11 pm

Baroness Bennett of Manor Castle (GP): My Lords, I rise with great pleasure, as I always do in your Lordships' House, to use the hashtag Campaigning Works, and I join the Front Bench spokespeople in commending the nuclear test veterans and their families who have campaigned so hard, and for so long, and can now finally celebrate the results. I do hope that the Government can ensure that these medals reach the veterans and their families.

My question follows on from that of the noble Lord, Lord Purvis of Tweed, and from what the Minister was just saying about the traditional owners of these lands. I note that in this rather long Statement there is one sentence that refers to

> "an acknowledgement of the traditional owners of the lands that were used for nuclear testing".

I wonder whether the Minister might be able to amplify a little what the word "acknowledgement" actually means? I particularly note in that context Maralinga, the most infamous site in Australia with the worst contamination, and the worst damage done to indigenous communities. Just last year a Monash University study revealed some new scientific understanding that in the desert environment, even small particles can break down in that environment to release plutonium—something that is happening right now at this moment and will happen for many decades, and perhaps centuries. So, would "acknowledgement" include more support, perhaps for more research and more action to deal with the continuing damage?

Baroness Neville-Rolfe (Con): I agree with the noble Baroness that it is important to publicly acknowledge the use of lands belonging to traditional landowners for nuclear testing, both in Australia and the Pacific;

I was going to volunteer that point which the noble Lord, Lord Purvis, made. We are acknowledging it publicly in Parliament, and we have to continue to do that; I am not aware of any particular research in the area that the noble Baroness mentioned, but I will certainly ask that question and come back to her if I can give her any more information. I suspect that she may know a great deal more about Australia and what is going on there.

Lord Berkeley of Knighton (CB): My Lords, I very much echo the congratulations of other noble Lords on this matter finally being resolved. The points about the indigenous population and any kind of fallout are very important, because there could be nothing worse for the reputation of our country than the idea that we would conduct experiments of this sort, which are very important, and somehow poison other people's land without compensating them and checking that it is now safe.

I, too, very respectfully suggest that there are lessons to be learned here. Bureaucracy, of course, takes a long time. Where compensation, medals and pensions are concerned, I am sure the Government would prefer not to be seen to have this matter resolved by people constantly having to campaign and drag it from them. I suggest to the Minister that we should try to be more proactive about looking ahead when these problems arise, and perhaps even come up with solutions before we need endless campaigns. It is more honourable and dignified, and it is clearly applicable to a question such as this. However, I repeat that I am very glad that this question has now been resolved.

Baroness Neville-Rolfe (Con): I am glad that the noble Lord also mentioned the communities in Australia and elsewhere. Of course, as I said, there has been a government ex gratia payment, which I believe was very important. Although the 1950s and 1960s were a long time ago, it is not too late to honour the brave people involved. Those looking at these cases in the round have difficult judgments to make but, having said that, the noble Lord is right that we should learn from mistakes. That is one of the principles I have brought into government with me: learn as you go along, because you can improve in almost every area of government.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the noble Lord, Lord Howarth of Newport, is taking part remotely and I invite him to speak.

Lord Howarth of Newport (Lab) [V]: My Lords, in 1992, I led a delegation of British parliamentarians to the Maralinga test site. While I very much welcome the award at long last—70 years on—of medals to British nuclear test veterans, I ask the Minister what the position is now on monetary compensation for them and their families. She will know that a study in 1999 found that an extraordinary 30% of these veterans had already died, mostly in their 50s, from cancers and other conditions. This is hardly surprising as air crew were required to fly through the mushroom cloud and servicemen were ordered to walk, run and crawl across the site to see how much nuclear fallout adhered to their uniform.

Moreover, as my noble friend Lord Coaker mentioned, a disproportionate incidence of birth deformities, cancers and infant mortalities has been found in the veterans' children. Given the arguments that took place between the Governments of the UK and Australia about responsibility for compensation, and given the years of obfuscation by the MoD before it agreed in 1988 to compensate our own veterans, to what extent can the Minister assure the House that appropriate compensation has now been paid? Do the Government intend to take further steps to fulfil any legal and moral obligations to servicemen and their families, to civilian families and to the traditional owners of the lands where the tests took place?

Baroness Neville-Rolfe (Con): I am glad to have the further experience of the noble Lord. Although I was not aware of his visit, he brings great emotion to this subject, which is very helpful on a day when we have made a great deal of progress in this area. He will know that there is an established process for all veterans, including nuclear test veterans, to be able to claim compensation where they believe they have a service-related condition. Veterans UK has worked with the British Nuclear Test Veterans Association—whom I take this opportunity to congratulate—to develop enhanced guidance to support claimants belonging to the nuclear test veterans community, which is available on GOV.UK.

In addition to the medals, a wider package was announced—the oral history project, which is important in remembering the victims involved. I have taken part in oral history projects and they are extremely valuable, as this one will be for the veterans, their families and everyone else involved. Charities will also be able to bid for a separate £200,000 fund to support activities.

House adjourned at 5.20 pm.

Grand Committee

Thursday 24 November 2022

Investigatory Powers Commissioner (Oversight Functions) Regulations 2022

Considered in Grand Committee

1 pm

Moved by ***Lord Sharpe of Epsom***

That the Grand Committee do consider the Investigatory Powers Commissioner (Oversight Functions) Regulations 2022.

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, I beg to move that the Grand Committee consider the draft Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022, laid before the House on 19 October 2022, and the Investigatory Powers Commissioner (Oversight Functions) Regulations 2022, laid on 18 October 2022.

Protecting our national security and keeping the public safe remains a top priority for the Government, as does ensuring that public trust and confidence in the exercise of investigatory powers are maintained. These two sets of regulations are concerned with the exercise of investigatory powers, and in particular with the important safeguards and oversight. The investigatory powers with which they are concerned are set out in the Investigatory Powers Act 2016 and the Regulation of Investigatory Powers Act 2000, which I will henceforth refer to as RIPA.

We are concerned with three key measures today. First, I will turn to amendments to the Covert Human Intelligence Sources Code of Practice. Throughout this debate I will refer to covert human intelligence sources as CHIS, and the code of practice itself as the CHIS code.

The CHIS code sets out the processes and safeguards governing the use of CHIS by public authorities and provides detailed guidance on how CHIS powers should be exercised and duties performed, including examples of best practice. The draft regulations before the Committee today will bring into force changes to the CHIS code. These changes have been made following amendments made to RIPA by the Covert Human Intelligence Sources (Criminal Conduct) Act 2021, which I will refer to as the CHIS Act throughout today's debate.

The amendments made to Part II of RIPA by the CHIS Act ensure that there is a clear and consistent statutory basis to authorise CHIS to engage in conduct that could otherwise be criminal, where it is necessary and proportionate to do so, having regard to the Human Rights Act and the UK's obligations under the European Convention on Human Rights.

The draft revised CHIS code enhances the protection for children and vulnerable adults where they are to be authorised as CHIS in exceptional circumstances. There has been substantial consultation with charities and interest groups, and we have given due consideration to the valuable feedback they have provided on the changes we have made to the CHIS code.

The investigatory powers regulations will also make necessary changes to the Interception of Communications Code of Practice, which I will now refer to throughout the debate as the interception code. The draft revised interception code provides further guidance on the use of interception by public authorities that exercise such powers, also known as intercepting authorities.

The amendments to the draft revised interception code will reflect the Government's long-standing position on serving interception warrants on cloud service providers and the enterprise services they provide to customers. These changes will provide much-needed clarity to relevant UK and US companies impacted by enterprise service issues. By enterprises, we mean companies, academic institutions, not-for-profit organisations, government agencies and similar entities that pay cloud service providers to store and/or process their organisations' electronic communications and other records. When a cloud service provider is providing such services to an enterprise, the enterprise is responsible for providing accounts to its users and determining the reasons for which data is retained and processed.

A public consultation on the proposed changes was carried out between July and October. After further cross-governmental engagement on the draft revised interception code, three additional changes to the proposed revisions were made to provide further examples of the circumstances under which a warrant may be served on a cloud service provider instead of an enterprise customer, and to outline the obligations imposed by the Investigatory Powers Act regarding unauthorised disclosure to help protect national security.

Finally, I turn to the changes to the Investigatory Powers Commissioner's oversight functions, as proposed in the Investigatory Powers Commissioner regulations. I will refer to the Investigatory Powers Commissioner as the IPC throughout.

These regulations place two areas on a statutory footing: first, the IPC's oversight of the GCHQ equities process; and, secondly, compliance by members and civilian staff of SO15 at the Metropolitan Police Service and officers of the National Crime Agency with the guidance referred to as the *Principles Relating to the Detention and Interviewing of Detainees Overseas*. These areas have previously been overseen by the IPC and his office on a non-statutory basis.

The IPC has made it clear, and the Government agree, that he considers formalising his oversight responsibilities as being in the best interests of transparency and robust oversight. As a statutory authority, the parameters of the IPC's remit are set by Parliament. These changes will provide greater public accountability and enable the effective discharge of the IPC's responsibilities.

These regulations are vital for keeping the public safe by providing clarity and transparency around the use and oversight of powers. I hope the Committee will be able to support these measures and their objectives. I commend the draft regulations to the Committee. I beg to move.

Baroness Chakrabarti (Lab): My Lords, I apologise for coming in when the Minister was already on his feet. I declare an interest as a council member of Justice, the all-party law reform group that took a

[Baroness Chakrabarti]
significant interest in the CHIS Bill when it was going through the House. It was a very strange time: it was during lockdown when we had Zoom Parliament and so on, as the Minister will recall.

All noble Lords will appreciate that the legislation was—and remains—controversial. Whatever the arguments for and against its necessity, it is controversial to grant advance immunity from prosecution not only to police officers or direct officials and agents of the state but to those whom they run in the community, including in criminal fraternities. We have had the arguments in relation to the legislation itself. None the less, we all need to recognise the dangers that exist with that kind of advance immunity from criminal prosecution, including for quite serious crimes.

During the passage of the legislation the Government said that the Human Rights Act would be a safeguard, and the Minister has repeated that. But we are constantly told that the Human Rights Act is in jeopardy and, with the return of Mr Raab to the Office of the Deputy Prime Minister and as Justice Secretary, that remains in the balance. That needs to be on our minds when we consider these powers and the codes of practice made thereunder.

I will make one further point, about the consultation around the CHIS codes of practice. Justice informs me and other noble Lords that the consultation took place between 13 December 2021 and 6 February 2022—an eight-week period that included Christmas and serious restrictions because of the rise of the omicron variant. That was of concern not only to Justice but to other charities and NGOs that had concerns about the legislation and about victims' rights in particular. One of their substantive concerns is that there is not enough in the current codes of practice to encourage victims to seek compensation in the event that they are harmed as a result of advance criminal immunity being given to CHIS.

Christmas is a problem for people who work in the sector in any event, because staff are on holiday and so on, but lockdown made it harder still. What Justice says about that is if the Home Office had compensated for the short festive period by going out proactively to consult potential interested parties, that consultation deficit could have been met. But that, I am told, did not happen. As a result, both Justice and the Centre for Women's Justice, which of course had been very involved in supporting the female victims of the spy cops scandal, made their views known to the Home Office. That has not been a satisfactory engagement.

I know there is a limit to what can be done about this at this point but I intervene today to put this to the Minister. He perhaps was not the Minister responsible at the time of the consultation but might, none the less, keep this under review and possibly open up a line of ongoing communication with Justice and the Centre for Women's Justice. Although these regulations are of course going to pass, these codes of practice need to be kept under review, as does the operation of this legislation with the codes of practice. I know from my dealings with him that the Minister is a reasonable person. After the regulations pass, I hope that he will perhaps meet these people to keep that conversation going and ensure that the operation of these provisions and vital codes of practice is monitored, and that the monitoring from the Home Office actively encourages involvement from those who work on victims' rights and in the sector.

Lord Paddick (LD): I thank the Minister for introducing these draft statutory instruments. As he said, the Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022 cover highly controversial changes made to the Regulation of Investigatory Powers Act 2000 by the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 which enable the police, security services and other public bodies to task informants or agents to commit crime, where it is necessary and proportionate, for which they will be immune from prosecution and civil damages. As the noble Baroness, Lady Chakrabarti, has just said, that is not just the officers who task the individuals or authorise that tasking, but the individuals involved in the criminal acts themselves.

Taking up the point made by the noble Baroness, my understanding is that victims who have suffered as a result of the participation of CHIS in crime cannot make claims because the agents and CHIS are immune from being sued in the civil courts, as well as from criminal prosecution. In relation to the spy cops issues, can the Minister clarify whether that immunity from civil claims is not retrospective and that where undercover officers were inappropriately engaging in relationships with protesters and activists, they may therefore still be liable for civil damages?

The Act's measures were fiercely debated in this House and, despite the safeguards that were brought in through amendments passed by it, they remain controversial—not least given the potential tasking of children and vulnerable adults to commit crime, and the danger and safeguarding issues surrounding the use of children and vulnerable adults in this way. Since the safeguards introduced in the CHIS Act came into force in 2021, can the Minister explain why it has taken until now to publish these codes of practice, which instruct the police and the security services on how they must comply with the 2021 Act?

The Explanatory Memorandum says:

"It is not considered that relevant public authorities or the IPC need to be provided with additional time to adopt different patterns of behaviour with a delayed commencement date"

as the changes contained in the revised codes of practice have been in force since 2021. If, as the Explanatory Memorandum says,

"the new provisions in the CHIS Act"

provide guidance

"covering the way that Criminal Conduct Authorisations … must be authorised and reflects the changes made to the use of children and vulnerable adults as CHIS",

what is the point of the revised codes of practice? If they are important, even essential, to ensure the relevant authorities comply with the law, why have those authorities been allowed to operate without them since 2021, bearing in mind that there was no statutory basis for authorising CHIS to participate in crime before the 2021 Act?

1.15 pm

Chapter 6 of the revised code of practice on the authorisation of criminal conduct authorisations is extremely worrying. For example, where CHIS can be authorised to commit crime, it says that

"The person granting the authorisation is best placed to assess necessity and any assessment of reasonableness".

My interpretation of that is that no one is qualified to second-guess a police officer who authorises a CHIS to commit crime. Is my interpretation of the code of practice right?

Chapter 4 sets out the stark reality that, although a person under 18 must have an appropriate adult present if they are being questioned about a criminal offence, 16 and 17 year-olds can be tasked to commit a criminal offence as a CHIS—with all the dangers, both physical and psychological, that is likely to entail—without an appropriate adult being present if the circumstances justify it. It is for the tasking authority alone to decide whether the circumstances justify it. I accept that this is all set out in primary legislation, but seeing it set out in guidance to appropriate authorities brings it home.

Can the Minister explain the consequences of the changes to the interception code in relation to cloud service providers, such as that provided by Microsoft to the UK Parliament, where all documents and emails are stored by Microsoft in the cloud? The Explanatory Memorandum states that the revisions will provide

"much needed clarity for US Communications Service Providers … and UK Telecommunications Operators".

To what extent do these changes and any mutual agreements, with the United States for example, enable American security services to access documents and emails stored by Microsoft on behalf of the UK Parliament?

On the other draft statutory instrument, we welcome placing oversight within the Investigatory Powers Commissioner in relation to GCHQ and vulnerabilities in technology, and the Metropolitan Police and National Crime Agency's compliance with the *Principles Relating to the Detention and Interviewing of Detainees Overseas and the Passing and Receipt of Intelligence Relating to Detainees*. Can the Minister explain what these latter principles relate to? What exactly are we talking about in relation to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to those detainees?

We note that these changes were made at the request of the Investigatory Powers Commissioner and that greater public accountability will give him the ability to effectively discharge the IPC's responsibilities. We therefore support them but it would be helpful if the Minister could clarify exactly what these principles, which apply to the Metropolitan Police and the National Crime Agency, are about. I look forward to his response.

Lord Ponsonby of Shulbrede (Lab): My Lords, I will speak first to the Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022. This SI updates the CHIS code of practice, following the 2021 Act, and the interception code of practice. We believe the first duty of any Government is to keep our country safe. The Labour Party recognises the importance of covert intelligence and the necessary, if at times uncomfortable, role of covert human intelligence sources and the contribution they make on our behalf.

The Labour Party supports the CHIS Act but, along with a number of Members from across the House, we pushed for additional safeguards with varying degrees of success. In particular, we pushed to limit the types of criminal conduct that could be authorised and for prior judicial oversight to be sought for an authorisation; we did so without success. However, the House was successful in adding some safeguards to the Bill by securing extra protection for children and young people and ensuring the notification of authorisations to the Investigatory Powers Commissioner. I pay particular tribute to the noble Lord, Lord Anderson of Ipswich, and the noble Baroness, Lady Kidron, who played a leading role in securing these changes.

We support the regulations but I have a number of questions. The first concerns what the Explanatory Memorandum says about Section 72 of RIPA. It sets out the effect of the code. I will read out the further explanation:

"Failure to comply with the Code does not render that person liable in any criminal or civil proceedings. However, the Code is admissible in evidence in criminal and civil proceedings, and may be taken into account of any court".

Can the Minister give any information on this? What would be the case if there was a failure to comply with the code? What could or would be the repercussions for those breaking the code?

Further, there is a requirement for public authorities

"to ensure that any criminal conduct to be authorised is compliant with the relevant Articles of the European Convention on Human Rights and the Human Rights Act 1998."

How will that be impacted by the proposed Bill of Rights Bill? My noble friend Lady Chakrabarti also raised the prospect of rescinding the ECHR even though Dominic Raab repeatedly says that he does not want to do that. Nevertheless, doubts and scepticism persist.

On children, I note that most of the consultation responses focused on protecting children and vulnerable adults. I can see that the Government have reflected on those submissions. It is right that children are authorised as CHIS sources only in exceptional circumstances, and that the duty of care owed to the children in this context is taken extremely seriously.

I have received an extensive briefing from Just for Kids Law, as I am sure other noble Lords have. Although I want to make it clear that I do not agree with its central proposition that children should never be used for CHIS, it raised a number of valid questions that I will repeat for the Minister now. Specifically, paragraph 4.14 of the draft code refers to Articles 8 and 9 of the juveniles order. It is not clear what this refers to: the juveniles order has only six articles. It would assist if the Minister could clarify what is meant by this reference.

Secondly, there is a continued discrepancy between the code and the primary legislation. The juveniles order sets out the protections given to those aged under 18 who are used as a CHIS. It is referenced at paragraph 4.4 of the code of practice. The protections

[Lord Ponsonby of Shulbrede]
in the order now differ from the protections set out in the code of practice. Will the Government amend the order to reflect the new code of practice?

My third question is about the test for the appointment of an appropriate adult for a young person. A new test has been written—this goes to the point raised by the noble Lord, Lord Paddick—so can we have confirmation that the appropriateness of that test for appointing an appropriate adult for somebody aged under 18 or who is vulnerable will be kept under review? My experience of youth courts is that the guidance for appointing appropriate adults tends to be a bit rigid, so my view is that it needs to be reviewed to see whether it is being used appropriately in all circumstances.

My noble friend Lady Chakrabarti raised a couple of points. Specifically, as in the Justice briefing, the draft code of practice makes no mention of CHIS acting as agents.

Baroness Chakrabarti (Lab): I beg your pardon; what I meant was agents provocateurs.

Lord Ponsonby of Shulbrede (Lab): Right, so the point is about provoking others to commit criminal acts. What would be the view of that?

I remember the original debates when somebody—I am not sure whether it was the noble Lord, Lord Paddick—gave a very evocative example that hit home for me. It was of a 17 year-old girl being run as a prostitute by her older drug-dealing boyfriend. I understand that it was the noble Baroness, Lady Hamwee, who gave that example and spoke about the appropriateness of engaging that girl to effect a conviction of her boyfriend. It was obviously an extremely difficult case but it illustrates the sensitivity and difficulty of the cases with which we are dealing.

The noble Lord, Lord Paddick made another good point, which I will repeat. It was the question of whether the immunity that would be available to CHISs for some action would be retrospective, particularly in the context of women who have been in relationships with officers who were CHIS officers and may well be seeking compensation for those relationships. I would be interested to hear an answer from the Minister on that.

Baroness Chakrabarti (Lab): On the point about agents provocateurs—that is, CHIS who are not just having to commit criminal acts to keep their cover but are perhaps actively encouraging others to commit crimes—the concern is not just about the 17 year-old girl in the prostitution example. There is a big concern here from the trade union movement and the protest movements that CHIS could be actively encouraging peaceful protest movements to tip into criminal acts. The concern is that the code should at least make it clear that that kind of agent provocateur behaviour would be unacceptable. Will the Minister consider adding that to the code?

Lord Ponsonby of Shulbrede (Lab): My Lords, if I might move on to the other SI with which we are dealing, we support the Investigatory Powers Commissioner (Oversight Functions) Regulations 2022. This SI provides the commissioner with oversight of compliance by members and civilian staff of the Metropolitan Police Force in relation to counterterrorism legislation, and officers of the National Crime Agency with guidance referred to as the *Principles Relating to the Detention and Interviewing of Detainees Overseas and the Passing and Receipt of Intelligence Relating to Detainees*. The regulations take two functions where the Investigatory Powers Commissioner currently exercises oversight on a non-statutory basis and places them on a statutory footing. This change has been requested by the IPC himself; I thank Sir Brian Leveson and his team for the work they do.

The National Security Bill has passed through the other place and will soon start here in the House of Lords. My honourable friend Holly Lynch has sought legal opinion on some of the provisions in this SI in relation to the oversight of GCHQ, in particular that the new regulations stipulate that the oversight functions of the commissioner include keeping under review the exercise of GCHQ processes for whether information about vulnerabilities in technology should be disclosed. I think the Minister made that clear in the other place so, on that basis, I welcome this extension of the oversight powers allocated to the commissioner. It is appropriate that these powers are put on a statutory footing.

1.30 pm

Lord Sharpe of Epsom (Con): My Lords, I thank all three noble Lords for their considered responses on these regulations. As I set out earlier, the changes we are seeking to make through the regulations will ensure that the investigatory powers regime functions effectively, with appropriate oversight and safeguards, to protect our national security and keep the country safe; I welcome the reassurance from the noble Lord, Lord Ponsonby, on that from his side. I will do my best to answer all the questions that have been asked. Obviously, if I miss anything, I will carefully go through *Hansard* and commit to write to noble Lords.

The noble Baroness, Lady Chakrabarti, asked why the public consultation was somewhat truncated, over Christmas and what have you. When the CHIS Bill was introduced to Parliament in September 2020, the Government also published a draft revised code of practice setting out the changes that it was anticipated would be appropriate, were the Bill to be enacted as introduced. The noble Baroness recalled the lively debates in Parliament during the Bill's passage and the Government's collaborative approach to engagement with both parliamentarians and wider stakeholders, during which a broad range of expertise was brought to bear and views were aired in respect of the policy underlying the Bill. The public consultation on the revised CHIS code, which commenced on 13 December 2021 and concluded on 6 February 2022, as noted, concerned not the policy underlying the CHIS Act but the proposed changes to the current code. Many of these changes were set out in the draft revised code, published alongside the Bill, in September 2020. The consultation was originally scheduled to last six weeks but, as much of that period was over the Christmas holidays, we extended the consultation by a further two weeks to accommodate that.

The noble Baroness also asked about compensation for victims of criminal conduct authorisations. Section 27A of RIPA makes it clear that those who have been victims of criminal conduct authorised under a criminal conduct authorisation are entitled to compensation, notwithstanding that the criminal conduct may have been authorised by a CCA. Any person or organisation is able to make a complaint to the Investigatory Powers Tribunal against a public authority if they suspect a public authority of using covert techniques against them, which will be independently considered by the IPT. Additionally, a person is able to make a claim to the IPT under the Human Rights Act 1998 for any suspected breaches of human rights that they believe have been committed against them in connection with conduct where Part II of RIPA is concerned.

I want to go into a little detail on the comments around women's groups. I reiterate that it is never acceptable for an undercover operative to form an intimate sexual relationship with those whom they are employed to infiltrate and target or may encounter during their deployment. That conduct will never be authorised, nor must it be used as a tactic of a deployment. The noble Baroness, Lady Chakrabarti, will know that, in a specific case, the review is ongoing.

We are aware of historical instances in which the authorisation of CHIS has disproportionately disadvantaged women, for example in the case of Wilson v Metropolitan Police. That related to the actions of undercover police officers deployed to gather intelligence on protest groups and people associated with them between 2003 and 2009. The Investigatory Powers Tribunal found that the sexual relationships of an undercover officer with a female member of those protest groups demonstrated that there had been failures in the supervision and management of undercover officers.

Since 2013, steps have been taken by His Majesty's Government to strengthen safeguards and increase oversight to prevent such activity by law enforcement. Separately, the Undercover Policing Inquiry was established in 2015 to inquire into and report on undercover police operations in England and Wales since 1968. That inquiry is ongoing; the Home Office will consider the report of its findings in due course. I am sorry to answer that point at length, but I think it is worth stressing.

On the question from the noble Lord, Lord Paddick, about the public consultation and the Government's response to it, Home Office officials carefully considered all the responses received on the revised code as part of the public consultation. The process took more time than expected, but we wanted to ensure that we gave full consideration to the concerns raised. Having a robust code of practice is an important part of maintaining public trust and confidence in the use of the powers to which the code relates.

On operating without a CHIS code, safeguards in the Act and under it were already enforced; the code provides guidance. A draft revised code has been in place since the Bill was before the House.

All noble Lords referred to safeguards. It is of course important that authorisation of CHIS activity is subject to robust and independent safeguards. The CHIS code provides guidance and clarity on the safeguards related to the use of CHIS that are set out in the CHIS Act. For example, all authorisations are granted by an experienced and highly trained authorising officer, who, as noble Lords will recall, is of high rank and will ensure that the authorisation has strict parameters and is clearly communicated to the CHIS. In addition, as with other sensitive investigatory powers, the use of CHIS is overseen by the Investigatory Powers Commissioner under the Investigatory Powers Act 2016, thereby providing robust and independent oversight of the power.

When public authorities authorise criminal conduct authorisations, the judicial commissioners within the Investigatory Powers Commissioner's office, which I will henceforth refer to as IPCO, must be notified of a criminal conduct authorisation within seven days of an authorisation being granted or cancelled. Where an authorisation is granted, such notifications must set out the grounds to which the authorisation relates and specify the conduct that is authorised.

The IPCO also conducts inspections of public authorities that have the power to authorise CHIS and publishes an annual report on the findings from these inspections. Previous annual reports on the management of CHIS have been positive. In 2018 the IPCO annual report found that, in all instances, MI5's authorisations of CHIS participation in criminal conduct were

"proportionate to the anticipated operational benefits"

and met "a high necessity threshold".

On the safeguarding of children, I stress that the revised code makes clear that children are able to be authorised as CHIS only in exceptional circumstances and subject to the enhanced safeguards, including the risk assessment process set out in Article 5 of the juveniles order. An enhanced level of safeguards also applies to the rare occasions when there is a need to authorise a vulnerable adult to engage in CHIS activity, including criminal conduct. As with authorising children as sources, vulnerable adults should be authorised to act as a CHIS only in exceptional circumstances.

These are substantive amendments to the code of practice that focus on the well-being and safety of the child or vulnerable adult. It is right that there are additional safeguards for these authorisations. These amendments provide this further protection while ensuring that they do not create any unintended consequences that risk the safety of the individual. We have consulted extensively with charities and rights organisations in preparing the draft code to ensure that these safeguards are at the heart of the guidance.

On the limits on CHIS criminal conduct, a CHIS will never be given authority to engage in criminal conduct of any and all kinds. All authorisations must be necessary and proportionate to the criminality they are seeking to prevent, and the authorising officer must ensure that the level of criminality authorised is at the lowest level of intrusion possible to achieve the aims of the operation.

Any authorisation for a CHIS to engage in criminal conduct must comply with the European Convention on Human Rights—the noble Baroness will forgive me for not speculating as to the current state of affairs

[Lord Sharpe of Epsom]
with that. This includes the right to life, and prohibition of torture or subjecting someone to inhuman or degrading treatment or punishment.

The noble Lord, Lord Ponsonby, referred to the fact that the CHIS Act does not list specific crimes that may be authorised or prohibited. The reason is sound: to do so would place in the hands of criminals, including terrorists and hostile state actors, a means of creating a checklist for suspected CHIS to be tested against. That would threaten the future of CHIS capability and result in an increased threat to the public.

As I have already said, a CHIS may be granted only where necessary, proportionate and compliant with the Human Rights Act. The use of agents provocateurs or entrapment undermines a person's right to a fair trial. That is reflected in the *Undercover Policing Authorised Professional Practice*, which states in clear terms that an undercover officer

"must not act as an agent provocateur."

Although agent provocateur is not a defence at law, it is managed through common-law principles, and the updated director's guidance on charging provides safeguards to ensure that the Crown discharges its disclosure obligations to ensure that an agent provocateur issue does not cause a miscarriage of justice. Furthermore, the criminal courts have developed safeguards to ensure fairness in criminal proceedings, including where entrapment is alleged to have occurred.

I am sorry, I am slightly out of sync. The noble Lords, Lord Ponsonby and Lord Paddick, asked whether the juveniles order will be amended to reflect paragraph 4.4 of the code. We have already amended the juveniles order. We do not intend to amend it again at present.

Finally on this, a failure to comply or to have regard to the code would be a relevant error per Section 231(9)(a) of the Investigatory Powers Act. It is therefore an oversight issue, so it would be a matter for IPCO.

I move on to the interception code, which the noble Lord, Lord Paddick, asked about. We wanted to make these changes as close as possible to the entry into force of the UK-US data access agreement, given that the number of requests to which this existing policy will apply will be significantly higher now that the agreement has entered into force. Additionally, as per Section 260 of the IPA, the Home Secretary will shortly publish a report on the operation of the IPA, in line with her statutory obligations. It would be wrong to pre-empt the outcomes of that report. We will continue to keep all the IPA codes of practice under review.

I must stress that this instrument does not expand the IPC's remit but simply formalises existing functions. Neither will it provide intelligence agencies or law enforcement authorities with new powers. The regulations to amend IPCO's functions will ensure that the IPC's functions are underpinned by statute, increasing public accountability, transparency and robust oversight. These are important powers—again, I join the noble Lord, Lord Ponsonby, in singling out the relevant personnel for our thanks and praise—and will allow our agencies to keep the public safe and to protect national security.

I think I have answered all the questions. I am very grateful for the contributions that have been made, but as I set out in my introduction, these changes we seek to make will ensure the greater efficiency of the IPA and that the Act continues to retain world-leading safeguards and oversight.

Motion agreed.

Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations

Considered in Grand Committee

1.42 pm

Moved by ***Lord Sharpe of Epsom***

That the Grand Committee do consider the Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations.

Relevant documents: 16th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Proceeds of Crime (Money Laundering) (Threshold Amount) Order 2022

Considered in Grand Committee

1.43 pm

Moved by ***Lord Sharpe of Epsom***

That the Grand Committee do consider the Proceeds of Crime (Money Laundering) (Threshold Amount) Order 2022.

Relevant documents: 16th Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, this draft statutory instrument raises the existing threshold in the Proceeds of Crime Act 2002 below which certain businesses in the anti-money laundering regulated sector do not need to submit defence against money laundering suspicious activity reports, known as DAMLs. The amount is being raised from £250 to £1,000. This aims to increase the efficiency and effectiveness of the DAML regime for law enforcement, businesses and customers.

A DAML is submitted to the National Crime Agency by a person proposing to deal with suspected criminal property that may make them liable for one of the principal money laundering offences under the Proceeds of Crime Act 2002. By submitting a DAML, a person can avoid criminal liability by obtaining consent or deemed consent for the act they propose to carry out; for example, a customer's transaction to pay their rent. The DAML provides intelligence to the National Crime Agency and effectively freezes a transaction until it gives a consent decision or seven working days pass, after which businesses can assume that they have the relevant consent.

Raising the threshold to £1,000 is required now because the volume of DAMLs is rising and the vast majority do not provide law enforcement with asset

seizure opportunities. Instead, they place regulatory burdens on businesses to submit and burdens on law enforcement to review, and cause a delay to customers, who must often wait seven days for their transaction to process.

To put the volumes in perspective, between 2018-19 and 2019-20 they increased by 80%, from 34,543 to 62,341. They then increased by, by my calculations, a further 41% to approximately 105,000 in 2020-21. In 2019-20, only 2% of all DAMLs, equivalent to 1,365, were refused consent by the National Crime Agency. Of those, only 1,062 progressed to law enforcement pursuing asset denial. The threshold applies to transactions in the operation of an account which do not relate to the opening or closing of an account. It applies only to deposit-taking bodies—in essence, banks and building societies—and to electronic money and payment institutions. This uplift in the threshold will result in fewer delayed transactions for businesses and customers where a DAML is no longer needed. It will allow businesses to prioritise their resources towards intelligence-led investigations and will enable law enforcement to focus on higher-priority reports that provide opportunities for asset seizure and disruption of criminal activity.

1.45 pm

The figure of £1,000 has been chosen bearing in mind that this is the minimum amount for law enforcement to pursue an account freezing order under the civil recovery provisions to investigate and pursue asset denial. To prevent the loss of intelligence, businesses must still submit an intelligence-only suspicious activity report to the National Crime Agency where they suspect money laundering. However, this does not require them to wait for consent to proceed.

This statutory instrument forms part of a package of reforms to the DAML regime within the Economic Crime and Corporate Transparency Bill currently in the other place. I therefore commend this motion to the Committee. I beg to move.

Lord Paddick (LD): My Lords, again I thank the Minister for explaining this order. Raising the threshold from £250 to £1,000, the £250 limit being unchanged since 2005, seems quite a reasonable increase. I understand from the Explanatory Note that some organisations wanted the threshold to be raised to £3,000. I think The Home Office is right to limit the increase to £1,000. Law enforcement must focus its limited resources on transactions that are likely to be the result of money laundering. This order has the additional benefit of reducing the burden on commercial organisations, which can, in any event, report suspicious activity to law enforcement despite the changes in the limits in this order. Therefore, we support it.

Lord Ponsonby of Shulbrede (Lab): My Lords, we support this order as well. As the noble Lord, Lord Paddick said, it seems a reasonable increase and some organisations would have gone to £3,000. However, there were other respondents to the consultation who were against the increase to £1,000; they wanted to keep it at the lower limit. Can the Minister say what their concerns were? Although I agree with the noble Lord, Lord Paddick, that £1,000 seems reasonable, other people thought it should have stayed at its original level: does the Minister know why they thought that? He indicates that he does not know why—okay.

I have some of the same figures that the Minister quoted. The Explanatory Memorandum states that the volume of DAMLs is rising steeply and gave those figures. The question is: what percentage of those 105,000 referrals were over the new £1,000 threshold—what difference will increasing the threshold to £1,000 make?

On the further figures that the Minister quoted, he said that only 2% of all DAMLs were refused consent in 2019-20, of which only 1,062 progressed towards asset denial. The question is, of that 2%, how many of those DAMLs were for amounts over £1,000 and so would still be caught? Both those questions are about how much the amount of work will be reduced by increasing this limit, although we of course approve of the objective.

One of the main benefits suggested by the Government, with which we agree, is that this measure should free up law enforcement to pursue other activities. We welcome that in itself. We heard from the current Home Secretary's predecessor that the National Crime Agency has been asked to make staffing cuts of up to 20%. Can the Minister say anything about whether that previous expectation is still in place or has now been ruled out?

The Explanatory Memorandum states:

"A full Impact Assessment has been published alongside the Economic Crime and Corporate Transparency Bill, which considers the impact of the changes in this instrument."

One of our key concerns about that Bill is its failure to tackle fraud and economic crime, with falling rates of enforcement and prosecution. I understand that this change is intended to reduce the number of ineffective DAMLs, but what action is being taken alongside that to try to increase the prosecution rate? It is a huge problem and it is very time-intensive to secure successful prosecutions—I understand that—so although we support this SI I would be grateful if the Minister could set out in a slightly broader context how he will try to increase the possibility of getting successful convictions.

Lord Sharpe of Epsom (Con): My Lords, I thank both noble Lords for their support. In answer to the detailed statistical questions from the noble Lord, Lord Ponsonby, the National Crime Agency has yet to publish its report into 2020-21 or 2021-22. The details will be in there; I will be happy to share that report as soon as it is published, if that is acceptable.

The noble Lord also asked me about staffing at the National Crime Agency. I cannot answer his specific question and do not wish to stray there, but I can say that we are increasing capacity in law enforcement to analyse and act on suspicious activity report intelligence. That includes 75 additional officers in the UKFIU, which will almost double capacity. Some 45 of those officers are already in post, and the milestone for recruiting the remaining 30 is the end of this financial year, 2022-23. I will not go beyond that at the moment but we all share the noble Lord's concerns, particularly about financial crime, which, as we know, is a pressing problem.

[Lord Sharpe of Epsom]

However, we should also salute the news stories I heard this morning about the Metropolitan Police apparently busting a fairly sizeable scamming organisation. Well done them; let us hope that that results in a large number of successful prosecutions.

I will stop there. Once again, I thank both noble Lords for their support. We believe that this intelligence is a critical tool in our ability to identify, disrupt and recover the hundreds of millions of pounds that underpin the most serious organised crime in the UK. That intelligence will be preserved through this adjustment and the requirement to submit intelligence-only SARs even when businesses are using the threshold exemption. Increasing the threshold is a measure supported by industry and law enforcement. I am sorry, I do not know who did not support the rise; I will try to find out.

Setting the threshold at a more appropriate level to reflect the current landscape is an important step towards improving the performance of the anti-money laundering system to better disrupt money laundering, terrorist financing and high-harm offences.

Motion agreed.

Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022

Considered in Grand Committee

1.55 pm

Moved by ***Lord Benyon***

That the Grand Committee do consider the Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, this instrument designates National Highways as a relevant public authority under Part 4 of the Environment Act 1995 as amended by the Environment Act 2021. The effect of this is to place a duty on National Highways to collaborate with local authorities to achieve local air quality objectives.

Air pollution at a national level continues to reduce significantly, with nitrogen oxide levels down 44% and PM2.5 down 18% since 2010, but we know there is more to do. Road vehicles contribute to both nitrogen dioxide and PM2.5 in our atmosphere and we are committed to driving down emissions across all modes of transport.

Although it is important that the Government continue to drive action to improve air quality nationally, it is also necessary that we enable local authorities to take meaningful action at a local level. Local authorities rightly have responsibility to review and assess air quality in their areas and to act when statutory air quality objectives are not met. Often, this requires working with partners, so already, through the Environment Act, we have created a more collaborative framework with the concept of air quality partners.

The Act requires all tiers of local government and the Environment Agency to work together, where appropriate, to meet air quality objectives. It also requires neighbouring local authorities to co-operate, where appropriate. The Act sets out powers for the Secretary of State to designate other relevant public authorities as air quality partners. Traffic on the strategic road network, for which National Highways is responsible, has in many cases resulted in local authorities not meeting their air quality objectives.

Following overwhelming support for designation from a public consultation, this instrument would therefore designate National Highways as an air quality partner, requiring it to collaborate with local authorities to address local air quality problems. Specifically, National Highways will be required to commit to relevant and proportionate actions to take for inclusion within local authority air quality action plans.

The actions National Highways will take will be for it to determine and will be consistent with its responsibilities under the road investment strategy. They could include speed restrictions, improvements to road infrastructure or signage to improve traffic flow. Together with clarified duties on upper-tier authorities, this will create a more collaborative framework, bringing all authorities with responsibility for our roads together to co-operate to address excess pollution.

Over the summer, the Government provided newly published guidance to local authorities on how they should work with air quality partners. We will also provide further statutory guidance to support collaborative working between local authorities and National Highways specifically.

In line with published guidance, there is no need to conduct an impact assessment for this instrument. This is because no, or no significant, impact on the private or voluntary sector is foreseen, as this instrument is limited to requiring action from National Highways.

The territorial extent of this instrument is England only, as air quality is a devolved policy area.

I hope your Lordships agree that these regulations are an important contribution to further strengthening the local air quality management framework to enable local action to reduce pollution and therefore reduce negative health impacts. I beg to move.

2 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I thank the Minister for introducing this statutory instrument. The quality of the air we breathe is essential for the population to remain healthy and fit. We have seen in press reports the effects that poor air quality can have on individuals, from minor ailments to life-threatening conditions, especially for young children.

Part IV of the Environment Act 1995 established the local air quality management framework. This requires local authorities to set an air quality management area whereby they assess air quality in their area and act if pollution levels reach a dangerous level. This is easier said than done. Local authorities find it difficult to achieve air quality management plans as there is often a lack of co-operation on the part of the polluter. This may be a road haulage business or a busy NHS hospital.

This instrument should ensure that National Highways plays a full part in implementing and supporting air quality management plans. The consultation that Defra conducted was extensive and well publicised. Not surprisingly, there was strong support for National Highways becoming the designated body to assist with improving air quality. It does, after all, construct the main highways running through or close to our communities.

Given local authority responsibility and National Highways involvement, one would imagine that close proximity to main road thoroughfares and highways would play an important part in the planning decisions for schools, nurseries and housing designated for young families. However, I fear that this is not always the case.

Although I accept that this instrument does not cover London, which comes under the remit of the Mayor of London, I was nevertheless horrified when the secondary school in London that I walk past on my way to the Tube station was remodelled, allowing it to take in a large number of extra pupils. No thought appeared to be given to the fact that the main entrance was yards away from a busy junction with traffic lights, with the exact time when the children were attending in the morning coinciding with the main commuter rush hour. The quality of the air these children were breathing must have been very poor. It was at least five years before the entrance for pupils was moved away from the main road to a subsidiary entrance round the corner and away from traffic, at the back of the school playground.

There will be many other such examples up and down the country where children and young people are exposed to unacceptable air pollution, which damages their health. Local authorities and National Highways both have a role to play here. Can the Minister give reassurances that this statutory instrument will improve outcomes for those currently breathing poor-quality air? Given that co-operation is defined as being "appropriate", can he also say what happens when the co-operation is not appropriate? Apart from those two questions, we support this SI.

Baroness Hayman of Ullock (Lab): I thank the Minister for introducing this statutory instrument. Like the noble Baroness, Lady Bakewell, we support it. She explained why there are so many concerns about air quality standards right across the country and went into the details of some of the challenges that have been facing local authorities around how to tackle this in their area.

We know that air pollution is still a huge problem and a great worry to many people. As the Minister will recall, we recently debated the clean air Bill; that debate demonstrated the huge amount of support for the Government to get on and tackle this seriously.

We very much welcome the designation of National Highways following the Government's consultation. The Minister mentioned further designations. When are we likely to see any further designations? What will the process and timescale of that be? What came out in the consultation around potential further designations? How will this work with the development of local plans with local government around clean air strategies? In particular, what are the duties going to be to tackle health inequalities?

Finally, the Minister will not be surprised to hear me ask whether there is any update on when we are likely to see the air quality targets, whether they will all be laid together or whether some will be laid first. Will there be prioritisation? What are the targets likely to be? With that, we support the regulations. It is a very important decision to bring National Highways into this.

Lord Benyon (Con): My Lords, I am grateful for your support for this measure, which is fairly limited in its extent but can have an important effect. As noble Lords will know, and as the noble Baroness, Lady Bakewell, said, there are trunk roads under the responsibility of National Highways that go through some very urban areas and have a massive impact on the people living there. I used to represent the town of Newbury. Many Members will remember the issue of the Newbury bypass. Cross-party support in and around the town at the time was predicated on the basis that children were growing up, attending school and living close to areas with extremely high levels of pollution.

That is an example in my head that shows that these regulations are perhaps overdue. In most cases, it is not a problem because National Highways is working with local authorities on their plans, but the regulations place a duty on it that could resolve an issue where there was a lack of support for those local plans.

I can absolutely assure the noble Baroness, Lady Bakewell, that this is a key part of our policy in moving towards a healthier environment. We will see how it works. To answer her points in a bit more detail, once designated as a relevant public authority, air quality partners, including National Highways, have a clear duty under the Environment Act to provide a local authority with such assistance in relation to carrying out air quality functions as it reasonably requests. That is important to answer her question about appropriate requests for co-operation. As public bodies, air quality partners can be expected to comply with their legal duties.

National Highways will also be required to commit to taking action to reduce pollution in the context of local air quality action plans where pollution from vehicles using the strategic road network contribute to exceeding an air quality objective. If proposed actions are not sufficient, there is a last resort power of ministerial direction, which can be used to direct National Highways to make further proposals. I hope that gives some reassurance.

A majority of the existing exceedances of air quality objectives—I think 501 out of 532 in England, excluding London—are for roadside emissions of nitrogen dioxide. We have therefore prioritised ensuring that all authorities with a role governing management of the highways, including upper-tier authorities and two-tier authorities, are brought into the statutory local air quality management framework. A call for evidence held in 2021 established that designation of National Highways was advocated by a clear majority of those responding. This reinforced a clear message we had heard from engagement with local authorities as well. Consideration of future designation of public authorities whose relevance may be more locally specific will follow an evidence-based approach and be subject to public consultation.

[Lord Benyon]

The noble Baroness, Lady Hayman, is absolutely right: air quality remains a serious problem. These issues were aired in the debate on Friday when my noble friend Lord Harlech responded on behalf of the Government.

There is the possibility of further designations as they come forward and the Government remain committed to setting ambitious targets under the Environment Act. We are currently finalising the Government's response to the consultation and will continue to work at pace to lay draft statutory instruments as soon as practicable. The noble Baroness, Lady Hayman, will have heard me talk earlier, in response to a Question in the House, about our requirement under the Act to publish our environmental improvement plan in January. That is a target we intend to hit and I am sure she will keep my feet to the fire if there is any slippage on that.

The 2017 NO_2 plan was clear that charging for entry into a clean air zone would not be suitable for all locations, particularly those that largely take traffic through rather than into areas. The strategic road network provides main routes for interurban traffic and takes high volumes away from towns and city centres. Charging on key routes could be an alternative and a means by which local authorities, working with National Highways, could implement a meaningful plan. But encouraging drivers to reroute into potentially less suitable local roads could create or worsen air quality issues on them and/or lead to increased carbon and road use issues, so it is really important that these authorities work together and look at it holistically, not just creating displacement of a problem but solving it. National Highways is working with those local authorities which have or are developing plans for clean air zones as part of their NO_2 air quality plans.

I repeat my thanks to noble Lords for their contributions. National Highways already works alongside local authorities and has had to consider actions to improve air quality to address exceedances of NO_2 national statutory concentration limits on the strategic road network. This instrument clarifies its role in working with local authorities where there are exceedances of air quality objectives locally, which will create a more consistent framework across local authorities. This instrument will make a difference to how local authorities can contribute to improving local air quality in their areas and I commend it to the Committee.

Motion agreed.

Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022

Considered in Grand Committee

2.13 pm

Moved by ***Lord Benyon***

That the Grand Committee do consider the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I beg to move that these regulations, which were laid before this House on 19 October, be considered. The instrument makes necessary technical corrections to the retained regulation on persistent organic pollutants, which I will hereafter refer to as POPs, to ensure that it continues to fully function in Great Britain following EU exit. The technical amendments in this instrument address deficiencies in Annex I of the retained POPs regulation, reinstate a set of exemptions also in Annex I that were omitted in error, and correct some provisions that have no legal effect.

I should make it clear that all the amendments introduced by this instrument are technical operability amendments and do not introduce any policy changes. These corrections are permitted by use of the powers available within Section 8 of, and Schedule 7 to, the European Union (Withdrawal) Act 2018. We have worked with the devolved Administrations on this instrument.

These regulations form an essential part of secondary legislation needed to implement the UK's commitments under both the United Nations Stockholm convention on POPs, to which the UK is a party, and the protocol on POPs to the 1979 Convention on Long-Range Transboundary Air Pollution. POPs are substances recognised as being particularly dangerous to the health of humans, wildlife and the environment. This instrument preserves the current regime for managing, restricting or eliminating POPs in the UK.

I turn to the details of this instrument. When the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 were drafted in preparation for the end of the implementation period, some errors were made. This resulted in a number of minor issues that need to be remedied by the new instrument.

2.15 pm

First, a set of derogations that allow specific and time-bound permitted uses of particular POPs were accidentally deleted from the retained regulations during the drafting of the 2020 POPs regulations. These derogations, which relate to the POP called decaBDE, are reinstated by the new instrument, returning to the pre-EU exit position. Secondly, there are deficiencies for two POPs in the retained POPs regulations. These substances are PFOS, including its derivatives, and PFOA, including its salts and related compounds. The deficiencies, which consist of references to the EU Commission, were not corrected by the 2020 POPs regulations. The new instrument now corrects these deficiencies by referring to "the appropriate authority". Finally, there are provisions in the 2020 POPs regulations that have no legal effect in relation to the POP called PFOS. This is due to the EU making changes to its POPs regulations in September 2020 that were not captured or incorporated in time for EU exit implementation day. This instrument removes these provisions in the retained regulations.

This instrument was not subject to consultation, as it does not alter existing policy. The purpose of this instrument is solely to enable the current legislative and policy framework to remain unchanged by correcting deficiencies. In line with published guidance, there was no need to conduct an impact assessment for this instrument. This is because no, or no significant, impact on the private or voluntary sector is foreseen, as the instrument relates to maintenance of existing regulatory standards and the cost of any direct impact from it falls under £5 million.

The Environment Agency is the delivery body for POPs regulations for England, and Natural Resources Wales and the Scottish Environment Protection Agency are the delivery bodies for Wales and Scotland respectively. They have been involved in the development of this instrument and have no concerns in relation to its implementation or resources.

The territorial extent of this instrument is the United Kingdom. Its territorial application is Great Britain. The EU POPs regulations apply in Northern Ireland. The devolved Administrations were engaged in the development of the instrument and have consented to it being made on a UK-wide basis.

In conclusion, I emphasise that the measures in this instrument will ensure that the UK's retained POPs legislation will be fully operational, with previous inoperabilities corrected. The Government's 25-year environment plan made clear our commitment to support and protect the natural environment, wildlife and human health. The draft regulations will allow the UK to continue to meet existing commitments relating to POPs, and continue to fully implement the Stockholm convention requirements to prohibit, eliminate or restrict the production and use of POPs. I commend the draft regulations to the Committee and hope that noble Lords will support these measures and their objectives.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, the Minister has clearly set out why we are debating this statutory instrument. In 2020, under the auspices of Defra, a very large number of SIs were brought forward and debated—mostly in Grand Committee. Since then, many of them have been amended, mostly for very minor errors. Given the number of SIs, it is not surprising that errors occurred. However, those relating to persistent organic pollutants, or POPs as they are referred to, are more serious, as they could have meant that the UK was not compliant with the Stockholm convention, which aims to prohibit, eliminate or restrict the production and use of POPs.

The original SI was repealed, and Regulation (EU) 2019/1021 replaced it on 15 July 2019. This SI contained errors. We are at the end of 2022 and are only now correcting these errors, mainly due to the current powers expiring at the end of this month. So it is very much the 11th hour, if not quite the 59th minute.

This is about not policy change but ensuring that current policy legally complies with existing regulations. Given the toxic nature of some POPs, it is surprising that these errors were not picked up earlier. I am content that this SI should pass but I have a general question for the Minister.

In the run-up to Brexit and immediately after, there were a large number of Defra-based SIs, as I referred to earlier. The Retained EU Law (Revocation and Reform) Bill has begun its passage in the other place and has been red-rated by the Regulatory Policy Committee. I will not comment on that here but there are rumours that, when passed, this revocation and reform Bill will begin the process for implementing some 2,400 statutory instruments. My heart sank when I heard that as a large number of those SIs are likely to fall within the remit of Defra. My question to the Minister, therefore, is this: is he confident that there will be sufficient staff in Defra to deal with the mountain of SIs coming their way, and that sufficient detail will be covered to ensure that there are no future errors in vital statutory instruments?

Baroness Hayman of Ullock (Lab): My Lords, we do not have any problem with this statutory instrument as it stands, but our concerns are similar to those of the noble Baroness, Lady Bakewell.

First, I congratulate the Minister on his introduction. He did say that these are necessary technical amendments; some of them sounded extremely technical so I congratulate him on introducing those technical aspects to us today.

Our big concern is exactly as the noble Baroness, Lady Bakewell, said: there were many, many SIs during the Brexit process and we repeatedly raised issues around drafting accuracy. As the Minister knows, a number of those instruments had to come back to us. So it is concerning that, some time on from the first time around, we now have this issue. This was not picked up quickly. Can the Minister explain why it has taken so long to bring it to light? What has happened to draw it to the department's attention? Was there an audit? Was there a practical issue that shed light on it? As the noble Baroness asked, how do we ensure that this does not happen again in future, because we know that we will be seeing a lot more SIs again? That is our biggest concern: not what is in the SI itself but the process and what has been happening.

Lord Benyon (Con): I thank noble Lords for their valuable contributions to this debate. The regulations we have debated here today make no change to our existing policy to tackle the restriction and management of POPs. This instrument will ensure that we have the operable regulations we need to continue to protect the current and future health of the population, wildlife and environment of both the United Kingdom and the rest of the world. I absolutely concede the point that this SI has been brought to the Committee because of an error. A Government who do not make mistakes is a Government who do nothing; we are not perfect but we try to be. Did I get that right? Yes, I think I did.

I am very grateful to providence that I was not in the House at the time of that tsunami of statutory instruments. I can see that the scars still linger on the backs of some noble Lords who had to go through that relentless process. We remain committed to all the effects of Brexit, in getting the right regulations on to the statute book in a fit and proper state, and we will endeavour not to have to use noble Lords' time in correcting them in future.

The unintentional omission of several exemptions for decaBDE did not come to light until June 2021. The process of taking an SI through from inception to coming into force is long and detailed, with many required steps and layers of scrutiny, even when making only minor corrective points with zero changes to policy. This instrument has been progressed as swiftly as possible, while ensuring that the necessary steps are taken, so that it comes into force before the required powers expire on 31 December this year.

Defra has conducted a detailed scoping exercise to identify REUL, retained EU laws, in its policy areas. Defra is in the process of analysing its REUL stock

[LORD BENYON]
and determining what should be preserved as part of domestic law, as well as REUL that should be repealed or amended. There will be a department-wide programme to co-ordinate this analysis. We are working through how best to involve different stakeholders in this process and I absolutely pledge to keep the House informed throughout it.

I give an assurance that we will make sure we protect the environment in everything we do. In trying to create regulations and laws that are bespoke for these islands, we are not going to weaken them. We will make sure they are better, both from the perspective of people trying to do things and for those who are trying to protect the environment.

I think I have covered most of the points made. As I outlined, all the changes introduced by this instrument are technical operability amendments that are required to ensure that the UK can continue to implement the Stockholm convention to prohibit, eliminate or restrict the production and use of POPs. I commend these draft regulations to the Committee.

Motion agreed.

Telecommunications Infrastructure (Leasehold Property) (Terms of Agreement) Regulations 2022

Considered in Grand Committee

2.28 pm

Moved by ***Lord Parkinson of Whitley Bay***

That the Grand Committee do consider the Telecommunications Infrastructure (Leasehold Property) (Terms of Agreement) Regulations 2022.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I am pleased to introduce the statutory instrument laid before your Lordships' House on 19 October. The Telecommunications Infrastructure (Leasehold Property) (Terms of Agreement) Regulations are part of the implementing regulations for the Telecommunications Infrastructure (Leasehold Property) Act 2021.

Providing greater access to fast, reliable and secure connections is a priority for His Majesty's Government. The economic, social and cultural benefits of improving digital connectivity are already self-evident, and improving our digital infrastructure to deliver gigabit-capable connections will enable a profound change in what digital connectivity can contribute to our daily lives.

However, these benefits can be realised to their fullest extent only if they reach every home. For this reason, last year the Government passed the 2021 Act, which will support people living in blocks of flats and apartments, also known as multiple dwelling units, to access broadband services. The aim of the Act is to encourage landlords to respond to requests for access issued by network operators. I should clarify here that the individual who will be the person required to grant rights under the Act could be a landlord but could also be a property management company, depending on the arrangements a particular building has. This person is referred to as the required grantor in the Act, but I shall refer to landlords in the interests of brevity and clarity.

These rights, sought by operators, are essential for delivering connectivity. This is because, while a tenant in a flat may be able to provide permission for the operator to install equipment in his or her own flat, operators may be unable to deploy their services without first obtaining permission to install their equipment in areas which are not part of the target premises. Examples of such areas are shared corridors or riser cupboards, which are often a necessary part of the route to connecting the target premises. Permission to install equipment in these areas could come from either the landlord or a court.

Data provided by a number of operators suggests that around 40% of their requests for access receive no response. When an operator finds itself in this situation, our understanding is that the operator opts to bypass the property in order to maintain momentum for their wider deployment. The result of that operator's understandable commercial decision is that the residents in the property concerned are left with little choice but to accept that they will miss out on superior connections, such as the installation of fibre where there currently is only a copper line, or perhaps even miss out on a connection altogether. The Government consider this to be unacceptable.

The 2021 Act addresses this issue by amending the electronic communications code—which I will refer to as "the code"—to create a new streamlined route through the courts: the Part 4A process. Operators can use the Part 4A process to access blocks of flats and apartments if a service has been requested by a tenant but a landlord is repeatedly unresponsive to requests for access. This legislation will thus prevent a situation where a leaseholder is unable to receive a service due simply to the silence of a landlord.

However, government policy in this area also works to keep a proportionate balance between the public benefits and the rights of individual landlords. This consideration is particularly important in the Act, where an operator may gain rights to access a property without the express permission, or potentially even the knowledge, of the landlord. The Act has been designed such that the terms and conditions applied to Part 4A code rights will ensure that this balance between the public benefit of network rollout and private property rights is maintained.

These terms and conditions are contained in two statutory instruments. One is the terms of agreement instrument we are debating today. The other is the Telecommunications Infrastructure (Leasehold Property) (Conditions and Time Limits) Regulations 2022—the conditions and time limits instrument—which was laid in Parliament on the same day as this, but is subject to the negative procedure.

The latter instrument specifies conditions to be satisfied before an operator can give a final notice to the landlord. These regulations are designed to make sure that the operator has made sufficient attempts to identify and contact the landlord before making an application to the court to have an agreement imposed. They also give a time limit within which the operator must apply to court for a Part 4A order and an expiry

period for the code rights themselves. This is to ensure that the rights gained through this process are balanced in order to facilitate the provision of new connections without encroaching excessively on property rights.

The instrument we are debating today has been informed through detailed consultation with interested parties, including organisations representing landlords and operators, and contains the exact terms to which any code rights imposed under the Part 4A process will be subject.

All rights conferred under the code, whether under Part 4A or another part of the code—for example, rights to access land or install equipment—are subject to the terms contained in the agreement granting those rights. These could, for example, be particular requirements to give notice before entering the land in question. The precise terms to be applied to a code agreement have never previously been set through legislation.

The terms specified in this instrument include the notice requirements an operator must satisfy before entering the building, entry times for the operator, a requirement for the operator to indemnify the landlord for up to £5 million and requirements for labelling the equipment, among other details.

By prescribing the exact terms of a Part 4A agreement, this instrument represents a novel approach in telecoms infrastructure policy. This new approach has been taken for two reasons.

First, the circumstances in which the Part 4A process can be used are very specific. Part 4A can be used only where the operator needs to access land connected to the premises to which it wishes to deliver a service, and where both the target premises and connected land are in common ownership. Further, this process currently applies to multiple dwelling units only. The limited situations in which the Part 4A process can be used mean that, whereas in most cases legislation cannot effectively pre-empt the terms which a particular situation warrants, in this case the scope is so narrow that it can.

Secondly, fixing the terms of a Part 4A agreement makes the process for courts to deal with applications for code rights less complex, allowing decisions on whether to grant rights under the Part 4A process to be much faster. Given that the Part 4A process is designed to provide a quicker route to gaining code rights in order to avoid an operator having to bypass the building altogether, this is crucial. It also has the benefit of allowing courts to make more efficient use of resources. By allowing these cases to be dealt with swiftly, the court will have more time to devote to more complex cases.

Before concluding, I should note that these regulations apply to Scotland, England and Wales but not Northern Ireland. This is due to an issue stemming from the absence of a Northern Ireland Executive between 2017 and 2019, which caused the jurisdiction of code court cases in Northern Ireland courts to fall out of step with the rest of the United Kingdom. Work is under way to resolve this issue through separate regulations, to follow next year. These regulations and the Act that they help to implement represent an innovative approach to enabling digital infrastructure, which has been carefully designed to deliver improved connectivity for tenants while protecting private property rights. This instrument was debated and approved by a Delegated Legislation Committee in another place yesterday; I look forward to hearing noble Lords' reflections on it today. I beg to move.

Baroness Merron (Lab): My Lords, I am grateful to the Minister for his thorough introduction to this very practical statutory instrument. It is certainly one that we welcome. It has been subject to consultation and the measures in it seem proportionate.

However, I wish to raise with the Minister the matter of timeliness and process because I believe that, once again, it raises questions about the Government's prioritisation of business. We can reflect that the enabling legislation was introduced in the Commons in January 2020 and, having been through the Lords, achieved Royal Assent in March 2021. The consultation on the new regime about which we are speaking today ran between June and August 2021, and the government response took until the end of June 2022. Now we find ourselves waiting almost until December for the SI to be laid and debated. I know that the Minister listened carefully to the concerns voiced more recently during the passage of the PSTI Bill about the speed of progress on rollout so, as this is a very helpful regulation to take us forward and speed things up, it begs the question—perhaps the Minister could give some comment in his response—as to why this is taken so long. Does he feel that this is the right way to deal with business?

Turning to the specifics of the regulations, I absolutely agree with the Minister—we have all come to this view—that broadband is an essential utility because it gives us access to nearly every part of society, whether that is shopping, schooling, public services or banking. We need a reliable, fast and affordable connection. Residents who live in multiple-dwelling units, such as blocks of flats or converted townhouses, need broadband just as much as everyone else. Certainly, it is interesting that Openreach warned that, without these much-needed reforms, it would be unable to connect up to 1.5 million apartments, which would undoubtedly risk the creation of a major digital divide. So I welcome the measures that are being introduced to help operators connect people living in apartments where landowners are repeatedly unresponsive. The measures we are considering today will help to resolve some of the most extreme cases but, if we want to meet the scale of the challenge of connecting everyone in a multiple-dwelling unit, further support and reform will of course be needed. I believe that the statutory instrument before us strikes a reasonable balance between operators and landowners and helps to connect people in flats who might otherwise be left behind.

The SI gives a reassurance to landowners that operators have to adhere to certain standards while carrying out the work, which will be a positive move to improve trust in the industry across the board.

I am sure the Minister will acknowledge that operators have raised some concerns that some of the terms are unnecessarily onerous. I will take a moment to refer to those, such as the need to send notice by recorded delivery when all previous attempts to make contact have been ignored or rejected, when many contact addresses for grantors are simply overseas PO boxes.

[Baroness Merron]
Others have said that they will find it hard to line up permissions. Will the department review whether the use of Part 4A orders is working as intended, and will it record how many are successfully issued and followed through? In other words, will there be a review to see whether we need to make further changes down the line?

My second point is on wider considerations. This piece of delegated legislation deals only with an important but small part of the problem with connections in flats. I want to raise the fact that operators are often forced to move build teams on when they are installing full fibre in a particular area when they get to multiple-dwelling units, which means that those flats are left behind. It could be simply too difficult or costly for operators to come to an agreement with the required grantors in the timeframe during which they are, in a practical sense, in the area. Although it is true that operators can theoretically go back and connect those flats at a later date, that is way less efficient than doing it when they are already there.

The point is that if a build team moves on because the required permissions are not in place, those living in the block will potentially be left without the proper connection for some years until that matter can be resolved. It would be helpful to hear from the Minister how this statutory instrument will resolve the problem of the balance of getting permissions and having teams on the ground.

It would also be helpful if the Minister could comment on the continual revision of broadband rollout targets. Many times in the Chamber he will have heard concerns about constant revision of targets. To prevent this happening again, it is our view that there must be consideration of the broader concerns of those implementing the rollout and an attempt to balance those with the needs of landowners and other interested parties. Can he offer some comment, and indeed reassurance, that targets will not be further watered down?

In conclusion, this SI is a step in the right direction but further reforms will no doubt be necessary to ensure that tenants in flats do not unintentionally become a digitally excluded group. I believe we are all in agreement that broadband is an essential, not a luxury, but it is something that noble Lords will continue to keep an eye on, as I am sure the Minister will.

Lord Parkinson of Whitley Bay (Con): I am very grateful to the noble Baroness for her scrutiny. It may have been a short debate, but she certainly did not let up on her scrutiny of this statutory instrument, and quite rightly so. I take her points about timeliness—we all want to see faster connectivity delivered as soon as possible—but, as I said in my opening remarks, this is an innovative area of law, which has implications for property rights. The 2021 Act introduced a process in which it will be possible for work to be undertaken on private property without the explicit consent, or potentially even knowledge, of the landlord. It is also important to remember that the Act prescribes the exact terms of an agreement in legislation. As I say, that approach has not previously been taken in telecommunications infrastructure policy.

2.45 pm

These considerations have meant that the regulations before us, and the other statutory instrument, warranted extremely careful consideration to make sure that appropriate terms and conditions are applied to this process, so that it works exactly as intended. That consideration was informed through detailed consultation with interested organisations, including organisations representing landlords and operators. Although the noble Baroness is right that we should proceed quickly, I am sure she also agrees that we should do so carefully and with thorough consideration.

The noble Baroness asked about the way in which the 2021 Act supports operators. That Act is designed to provide a relatively quick and inexpensive route to allow operators to install apparatus in multiple dwelling units when the landlord is repeatedly unresponsive. The problem of landlord unresponsiveness was a specific issue reported by multiple operators as being particularly widespread, as I noted and as we discussed when the Bill was being taken through. The Telecommunications Infrastructure (Leasehold Property) Act that was delivered was designed to provide a targeted solution to this issue. However, it is not intended to act as a replacement either for an agreement negotiated through mutual consent between the operator and the site provider or for a court-ordered grant of full code rights, as provided for elsewhere in the code. It is for this reason that conditions, terms and limits, many of which are contained in this statutory instrument, have been carefully developed to ensure that the balance between the public benefit of network rollout and private property rights is still maintained.

The noble Baroness asked about the Government's Project Gigabit targets and our progress towards them. The levelling up White Paper set out our mission that, by 2030, the UK will have nationwide gigabit-capable broadband. The Government's target remains to deliver gigabit-capable broadband to at least 85% of premises by 2025 and to reach over 99% by 2030. To achieve the minimum 85% objective, the DCMS is stimulating the commercial market to deliver as quickly as possible—at least 80% by 2025. It is also investing £5 billion as part of Project Gigabit to ensure that the remaining 5% of areas in the UK receive coverage. The pace of overall rollout is remarkable. In the last quarter alone, 1.2 million premises were passed. That is 92,000 a week or 13,000 a day—one every seven seconds. My maths is not good enough, nor have I been paying sufficient attention, to work out how many that is during the debate.

Since 2019, overall gigabit capability has surged from 7% to over 71%. Overall, we remain on track to do exactly what we said we would—at least 85% by 2025—and will see how we can go further.

The instrument before your Lordships is but one part of a much larger body of work on telecommunications being undertaken by His Majesty's Government, which taken together represent the biggest broadband upgrade ever. I am very grateful to the noble Baroness for her scrutiny and questions.

Motion agreed.

Committee adjourned at 2.48 pm.