Vol. 834
No. 23

Thursday
14 December 2023

PARLIAMENTARY DEBATES
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Questions
AI-generated Public Services ........................................1947
Building Repairs: VAT ........................................1950
Levelling Up: North-east England ........................................1953
Vector-borne Diseases ........................................1956
Fire Safety Regulations and Guidance
*Motion to Take Note* ........................................1960
Elgin Marbles
*Question for Short Debate* ........................................1991
North Korea
*Motion to Take Note* ........................................2007

Grand Committee
Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill [HL]
*Committee (2nd Day* ........................................GC 325

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| **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 |

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# House of Lords

*Thursday 14 December 2023*

*11 am*

*Prayers—read by the Lord Bishop of Chelmsford.*

## Message from the King

*11.06 am*

**The Lord Chamberlain (Lord Parker of Minsmere):** My Lords, I have the honour to present to your Lordships a message from His Majesty the King, signed by his own hand. The message is as follows:

"I have received with great satisfaction the dutiful and loyal expression of your thanks for the Speech with which I opened the present Session of Parliament".

## AI-generated Public Services

*Question*

*11.07 am*

*Asked by* ***Baroness Jones of Whitchurch***

To ask His Majesty's Government what steps they are taking to ensure citizens are not excluded from accessing AI-generated public services.

**The Minister of State, Cabinet Office (Baroness Neville-Rolfe) (Con):** My Lords, the noble Baroness raises an important point, because the shift online and the use of AI are irreversible. They offer substantial opportunities, but problems could arise for some disadvantaged groups. That is why departments are required, by the Government's service standard, to provide support via alternative channels for all their online services. Our road map for digital and data, updated on 29 November, focuses on enabling the confident and responsible use of AI to improve efficiency and services.

**Baroness Jones of Whitchurch (Lab):** I thank the noble Baroness for that, but the latest Ofcom study of internet use in the UK showed that 7% of people have no access at all and 18% have access solely via their smartphone. That is fine for most tasks, but less helpful when filling out complex forms or seeking support. The ambition of providing better public services through a digital revolution is a good one; however, what works for most people will not work for everybody, so what is being done to ensure that this small but important group, who are being left behind when attempting to access essential public services, can access them in the future? If they cannot, we will not have a universal service.

**Baroness Neville-Rolfe (Con):** This of course is why the Government are committed to ensuring that everyone has affordable access to public services, whether online or offline. Departments are required, by the service standard, to provide support via alternative channels for all their online services to all users, including the disabled. That can be by phone, through face-to-face meetings, by letter or via web chat, which is important for the unsighted. The system of assessments is co-ordinated by the CDDO in the Cabinet Office, and these requirements cannot go on to GOV.UK without assurance secured.

**Lord Holmes of Richmond (Con):** My Lords, I declare my technology interests, as set out in the register. Does my noble friend agree that, wherever AI is used in public services, it should be labelled as such, so that everybody is aware of that fact? Similarly, wherever public citizen data is used, we should decide whether that is through opt-in or opt-out means. Further, public trust is essential to all deployments of new technology, including AI. Does my noble friend agree that one of the best ways to deliver public trust is to ensure that services are accessible and inclusive by design?

**Baroness Neville-Rolfe (Con):** I very much agree that, to ensure public trust, you want services that are accessible by design. Coming from the retail sector, I have a slightly less rosy view of labelling. Like earlier data changes, AI is part of a continuum of technological change. The key thing is to have proper arrangements, such as, for example, the AI Safety Institute, which we have now set up following the Prime Minister's AI Safety Summit at Bletchley Park with international partners. This is to make sure that we are aware of what is happening, because there are opportunities as well as risks to AI. I have a whole list of opportunities, which we can go through, but I would like to hear some more questions.

**Lord Allan of Hallam (LD):** My Lords, I will follow up the Minister's previous answer. The public sector can benefit from many kinds of artificial intelligence that are a long way from the image of a killer robot threat to mankind, which often features heavily in the public debate. AI can improve hospital bed management, care worker rostering, public procurement and many other dull but very valuable tasks. Does the Minister share my concern that the killer robot narrative may overshadow the adoption of these much less controversial AI systems? What are the Government doing to encourage and accelerate their deployment?

**Baroness Neville-Rolfe (Con):** I do not think that list is dull. I have other examples, such as the world-leading child abuse image database, which the Home Office is working on. My son, as a detective in the Met, thinks it will be a marvellous opportunity to make the police's job easier and less awful. The noble Lord is right that the robot vision has to be moderated by an understanding of the usefulness of AI on many things, such as conversational front ends to public services on GOV.UK. These things will make life easier and more accessible, which is why it is good that we are debating them and can reassure people. Of course there are fears, which is one of the reasons why we are working on guidance on frontier AI—that is in the pipeline.

**Lord Browne of Ladyton (Lab):** My Lords, we know from the Post Office Horizon scandal that the Post Office itself, the prosecuting authorities, the courts and God knows how many hundreds of lawyers were, for years, unable to identify failure, including in the computer system. What confidence can we have that

[LORD BROWNE OF LADYTON]
the Department for Work and Pensions has people able to tell if the data that informed AI had a bias in it which caused it constantly to be making mistakes? Do we have people trained to do that? I am not confident that they even exist. I am just picking this example out of the sky.

**Baroness Neville-Rolfe (Con):** I agree that the Post Office scandal was one of the most awful. It is good that we now have a proper process for moving forward on it, even if it is far too late. To deal with the point raised by the noble Lord, I can say that we are setting up the AI Safety Institute and a hub in the Cabinet Office, bringing in experts from outside. The idea is that they can help across the board with these issues. Some of the uses of AI, such as with fraud at Companies House and the DWP, can be very useful. The noble Lord is right in that we need to look at the dangers as well. As the noble Lord, Lord Allan, rightly said, we have to make sure that we look at the opportunities. We think that, as regards public sector productivity, costs could be reduced by about £5 billion a year through the sensible use of AI on the kinds of things that we have been debating.

**Baroness Stowell of Beeston (Con):** My Lords, I too am optimistic about AI, but I am also concerned about leaving people behind. I refer my noble friend to the report about digital exclusion published earlier this year by the Communications and Digital Select Committee, which I chair. It painted quite a stark picture. It showed how much more complex this challenge is becoming because of the way in which technology is developing at pace. I am sad to report that we found that the Government's strategy for dealing with exclusion was not good enough. Will my noble friend revisit that report? Will she also explore one way forward—by looking at a joint venture with the banking sector? It has long promised to have banking hubs in towns. These could also become digital hubs where people could go to learn, and for assistance and advice as to how to get on to digital services in the way in which we need them to do.

**Baroness Neville-Rolfe (Con):** I thank my noble friend for her report, which I have just picked up for my Christmas reading. It has been rather influential within the system. I do not know if my noble friend is aware of the cross-Whitehall ministerial group chaired by the new Minister for Technology, Saqib Bhatti MP. It will certainly look at how the digitally excluded can be helped in hubs in different ways. The library network already exists. I have always thought that this is very useful in communities. I have collaborated with bank expertise on fraud—which is my area of responsibility. I am grateful for the work of her committee. I will certainly take her point away.

**Lord Brooke of Alverthorpe (Lab):** My Lords, was the noble Baroness briefed on a question which I asked on the last occasion when this topic came up? I asked if the Government were looking at developments with Paradot. The Minister who was answering did not know anything about it. Paradot is an online buddy. I have a therapist friend who believes he will be out of business in five years' time because of the way in which this is developing. If this kind of change takes place, it will have a massive impact on what will happen in the public service.

**Baroness Neville-Rolfe (Con):** The noble Lord makes a good point. The honest truth is that I was not aware of his intervention. Perhaps I can go away and get back to him on another occasion. This sounds a very interesting point and issue.

## Building Repairs: VAT

*Question*

*11.18 am*

*Asked by **The Lord Bishop of Chelmsford***

To ask His Majesty's Government what steps they are taking to improve the sustainability and quality of existing buildings, including by cutting value added tax to incentivise building repairs and maintenance.

**The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Penn) (Con):** My Lords, the Government are committed to improving the sustainability of existing buildings. The Autumn Statement expanded the current zero rating of VAT on the installation of qualifying energy-saving materials in homes until March 2027. This relief, worth more than £1 billion, now also includes additional technologies and extends to buildings used for charitable purposes. Additionally, the Government are investing £12 billion in Help to Heat schemes to ensure that homes are warmer and cheaper to heat.

**The Lord Bishop of Chelmsford:** I declare my interest as the Church of England's lead bishop for housing. I thank the Minister for her Answer. Would she not agree that, as a point of principle, it is preferable to incentivise restoring and renewing buildings which already exist, rather than purely incentivising new building? The present system encourages new build over reuse. While it is clear that we need more housing in particular, this does not encourage a culture of sustainability. The Listed Places of Worship Grant Scheme has been a great help for certain kinds of buildings, but it is only for places of worship, it is due to expire in 2025 and it requires considerable administration. Now that the UK has left the EU, the rate of VAT on repairs is in the gift of His Majesty's Government. Will they commit to the principle of sustainability by undertaking a review of the potential benefits of a lower rate of VAT on repairs?

**Baroness Penn (Con):** The reality is that we need both to restore and repair existing buildings and to encourage new build to address our housing supply issues. We have a reduced 5% rate of VAT for renovation works on residential properties, including the conversion of buildings from one residential use to another; on conversions from commercial to residential; and on the renovation of properties which have been empty for two years or more prior to renovation work. We are looking carefully at this issue. Since we left the EU, we have had requests for relief totalling about £50 billion across different forms of VAT. This request needs to be seen in the context of that bigger figure.

**Lord Swire (Con):** My Lords—

**Lord Cormack (Con):** My Lords, I declare an interest as a vice-president of the National Churches Trust and of the Lincolnshire Churches Trust, and one who has been a churchwarden for 36 years. It really is crucial that the Government recognise that the most important group of historic buildings in our country are our parish churches and give them some assistance. The Listed Places of Worship Grant Scheme is coming to an end, as my friend the right reverend Prelate said, and we do not wish to see the parish churches of England crumbling into decay.

**Baroness Penn (Con):** I absolutely recognise the points that my noble friend is making, but the Listed Places of Worship Grant Scheme is making a real difference to churches, as recognised by the right reverend Prelate. It gives grants covering the VAT on repairs of over £1,000 to listed buildings used as places of worship. It is not coming to an end; it runs until the end of March 2025. Of course, any decisions for the spending review period after that will come in due course.

**Lord Swire (Con):** My Lords—

**Baroness Finlay of Llandaff (CB):** My Lords, have the Government undertaken a cost assessment of the number of schools that have asbestos in them and that are also affected by RAAC? They need replacing, because the children in these schools are currently at risk of exposure to asbestos fibres, and the same applies to many hospital buildings. Has there been a comparison of the costs of renovation versus replacement for these public buildings?

**Baroness Penn (Con):** Both the Department of Health and the Department for Education are taking forward very careful programmes to address the issue of RAAC. As part of that, I am sure they will consider the most cost-effective way of addressing those issues. My noble friend Lady Barran is working very closely on the schools issue, to ensure that all schools affected by RAAC have it removed or remediated as soon as possible.

**Baroness McIntosh of Hudnall (Lab):** My Lords, will the Minister spare a thought for the small but significant number of people who live very modestly in listed buildings? I have to declare an interest, being one of those people. I live in a very small house which happens to be listed, in a conservation area. The business of repairing and maintaining it is extremely expensive and very difficult to achieve, partly because the planning system does not co-operate on very small interventions which could make a significant difference—for instance, insulation. What are the Government doing to help this situation?

**Baroness Penn (Con):** I acknowledge the point that the noble Baroness has made. We are doing two things in this area. We have updated the National Planning Policy Framework so that, in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low-carbon heating improvements to existing buildings. Specifically on the practical planning barriers that households can face when they are in conservation areas or listed buildings, in our energy security strategy, published last year, we committed to reviewing the barriers that people in such buildings face. That review is under way and I believe that the outcome will be published shortly.

**Lord Swire (Con):** My Lords—

**Baroness Pinnock (LD):** My Lords—

**The Earl of Courtown (Con):** My Lords, there is plenty of time. It is the turn of the Liberal Democrat Benches.

**Baroness Pinnock (LD):** My Lords, I have relevant interests recorded in the register. I want to turn our attention to people's homes. Some 20 years ago, Kirklees Council offered free loft and cavity wall insulation to every home, regardless of tenure. It was largely funded by energy companies, and 100,000 homes benefited from that scheme. Will the Government learn from that pioneering scheme and consider its introduction across the country in order to achieve the COP 28 agreement?

**Baroness Penn (Con):** My Lords, we learn from all successful schemes in this area, and you will see similar provisions in our current schemes, including the contribution of energy companies to the cost of improving insulation for households. We have a number of different schemes. They tend to focus, at the initial stage, on those on lower incomes who will most benefit from the reduced bills that improved energy efficiency will bring, but as we move towards achieving our net-zero targets, we will need to have the whole country covered. The expansion of our schemes takes it further—for example, the extended discount on heat pumps that we announced earlier this year.

**Baroness Taylor of Stevenage (Lab):** My Lords, with all homes to be highly energy efficient by 2025, with low-carbon heating and zero carbon, what estimate have the Government made of the cost of this for social housing, which is likely to run into hundreds of thousands of pounds for each local authority and registered providers, at a time when the cost of living crisis means rent increases are unlikely to be able to meet these costs?

**Baroness Penn (Con):** I do not have a figure for the overall cost, but the noble Baroness is absolutely right that it will be important for social housing to help make the transition. A lot of our early support has focused on this housing stock—for example, through the social housing decarbonisation fund—because local authorities will need support to take these measures and because the benefits of greater energy efficiency and lower bills need to be targeted at lower income households first.

**Lord Swire (Con):** My Lords—

**Noble Lords:** Hear, hear!

**Lord Swire (Con):** They tried to silence me.

The right reverend Prelate is absolutely right to raise this issue again, and we should continue to raise it. The Government hid for years behind the fig leaf of the EU, saying they were unable to vary the rate of VAT. We are now out of the EU and this is the time to look at that. If the Government are serious about reusing and refurbishing our stock of older properties, they should look again. We are not asking for any kind of VAT reduction; we are looking for parity. I do not understand the intellectual argument for two rates of VAT—one which clearly discriminates against the built heritage sector. On that subject, I just say to my noble friend that, if she talks to anybody in the heritage sector, as I am sure she does, she will find that the backlog of repairs because of this pernicious rate of VAT is now extremely concerning.

**Baroness Penn (Con):** I say to my noble friend that we are taking advantage of the flexibilities we have since leaving the EU in reducing rates of VAT. We have announced that the installation of qualifying energy-saving materials in residential accommodation has a zero rate of VAT until March 2027. This support is worth over £1 billion and will help households and charities improve their energy efficiency in buildings and reduce carbon emissions. As I said earlier, we get requests to reduce the rate of VAT across a number of different areas, and we consider them very carefully, but they have to be considered in the context of how much revenue VAT raises. As I said, the total cost of requests across different areas has totalled some £50 billion since we have left the EU.

## Levelling Up: North-east England

*Question*

*11.29 am*

*Asked by **Baroness Quin***

To ask His Majesty's Government what are their levelling-up priorities for the North East of England.

**The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Penn) (Con):** My Lords, we are giving people in the north-east the tools needed to shape a better future. Next year the north-east will become the first region fully covered by mayoral combined authorities. These mayors will have direct control over long-term investment funds totalling £1.85 billion. Other regeneration priorities are also being delivered by locally led town boards, with £765 million of funding allocated to projects across the north-east.

**Baroness Quin (Lab):** My Lords, I thank the Minister for that Answer and I welcome the creation of an elected mayor to represent most of the area of the north-east, which is a big step forward for devolution. But the Government's levelling-up policies have been rightly criticised by the Commons Select Committee and others for simply giving out bits and pieces of money, often as a result of competitive bids, and sometimes seemingly favouring areas where the Government have political friends, rather than addressing the areas of real need. Why can there not be—and why has there not been—an overall programme for the north-east, involving all relevant government departments, to deal with the transport needs, business and investment needs, health inequalities, the woeful shortfall in local government funding, and many other areas? An overall approach is what has been needed.

**Baroness Penn (Con):** My Lords, I believe that the north-east devolution deal will help deliver that overall approach but put its delivery in the hands of local leaders and an elected mayor. When it comes to competitive bids, we have heard feedback from many local areas and that is why the third round of the levelling up fund was not allocated using competitive bids. We have also set out principles, going forward, in our local government funding simplification plan. Finally, on which areas have benefited from funding from this Government, under the levelling up funds the north-east has received the highest allocation per capita—quite rightly, as it reflects the need in the north-east.

**Lord Bird (CB):** Is the Minister aware that, in spite of all the Government's levelling-up efforts, over Christmas there will be 140,000 children and 300,000 people in temporary accommodation? This has gone up by 14% in the last year, according to Shelter and the *Big Issue*. What can the Minister say about that?

**Baroness Penn (Con):** I am aware of the figures that the noble Lord cites, and I think it is a tragedy. The Government are committed to doing all we can to address it. We have seen a real increase in pressure on the private rented sector over the past year, which leads to increases in people in temporary accommodation. At the Autumn Statement, we announced further funding towards tackling homelessness to help address this. We also announced that the local housing allowance will be increased to the 30th percentile, which will help address those cost pressures in the private rented sector, so we are doing a lot to try to address this issue.

**Lord Beith (LD):** When the Prime Minister announced the cancellation of HS2, he made promises that there would be transport improvements for the north-east, affecting both rail capacity on the east coast main line and the dualling of the A1 north of Newcastle. Given the number of broken promises we have had over the last 50 years on these subjects, will they happen?

**Baroness Penn (Con):** The noble Lord is absolutely right that the decision not to press ahead with the final leg of HS2 has released a huge amount of money for people's priorities across the north of England when it comes to investing in transport. Where that investment will be made will be influenced and led by local leaders and their priorities, working closely with government. It is in their hands as to where we should best allocate this funding.

**Lord Khan of Burnley (Lab):** My Lords, a recent report by the Centre for Ageing Better said that the north-east has the largest proportion of older people in poor health, with three in 10 people aged 50 to 64 in poor health, compared with one in five in the south-east. Since 2010 the Government have cut £15 billion from local authority budgets. What is the progress in levelling up regional equalities to ensure that the quality of someone's later life will not remain a postcode lottery?

Is it not the case that the Government embarked on creating a northern powerhouse but instead have delivered a northern poorhouse?

**Baroness Penn (Con):** My Lords, the levelling-up missions encompass a wide range of outcomes that we are seeking to address, including reducing health inequalities. That is why we are investing further money both in our health service and in social care, including additional grant money made available to local councils this year and next. It is a long-term transformation fund but we will be held accountable, reporting against those missions annually until 2030.

**Baroness McIntosh of Pickering (Con):** My Lords, the Government have been extremely generous to Tees Valley with the infrastructure and other funding. Will my noble friend look equally generously on North Yorkshire, 75% of whose budget is going towards the elderly, and even more towards childcare? We need to restore the balance between Tees Valley and other rural areas, such as North Yorkshire, in the available funding.

**Baroness Penn (Con):** My Lords, I was pleased to be able to take forward yesterday the statutory instrument that will create the combined authority and mayoral authority for York and North Yorkshire. It represents a huge opportunity for the area in terms of investment and local leaders taking forward their priorities. My noble friend is absolutely right that it is a different area with a more rural constituency, and I think it has the opportunity to show how devolution and levelling up can work across the country, whether you are in a rural or an urban area.

**Lord Alton of Liverpool (CB):** My Lords, the noble Lord, Lord Beith, and the noble Baroness, Lady Quin, both made a point about the centrality of regenerating transport links in the north of England in order to help the growth of the economy and therefore levelling up. Is the Minister aware that it can take up to four and a half hours to travel by train from Newcastle to Liverpool? Is she aware that over the summer the Transport Minister, Huw Merriman, kindly came on a site visit to look at the so-called Hellifield link, which would create a new cross-Pennine east-west link—a track that is already there but needs to be revitalised? Given what the Prime Minister said in Manchester about the importance of regenerating the economy in the north based on its transport links, can the Minister find out from Mr Merriman what progress has been made on that?

**Baroness Penn (Con):** I am very happy to undertake to write to my honourable friend and find out about progress on that. It brings us back to the broader point from the difficult decision not to proceed with the last leg of HS2. That has freed up billions of pounds for investment that will make a difference to more people's lives, and faster, across the whole north of England.

**Lord Shipley (LD):** I refer the Minister to the recently published report by PwC, its *Green Jobs Barometer*, which says that the number of green jobs advertised has fallen sharply in the last year in the north-east, and that London and the south-east continue to dominate the total number of green jobs advertised. If the Government are to narrow the gap through levelling up, what action will they take to promote green jobs in parts of the country outside London and the south-east?

**Baroness Penn (Con):** The noble Lord is absolutely right that the north-east has huge potential when it comes to green jobs and industries, and that has been a real focus of government investment in the north-east, along with leaders there. We announced the investment zone for the north-east last month. That is all focused on advanced manufacturing, green industries and the creation of jobs there. It is backed by a huge amount of government funding, and we have already seen great results from it. I think we will see an increase in green jobs in the north-east, as well as across the rest of the country.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, does the Minister agree that one of the best things about the north-east of England is that you are almost in Scotland? However, as the noble Lord, Lord Beith, said, when you get to the A1 in the north-east of England, it narrows down almost to a country lane—to a single-file road. Will the Minister answer the noble Lord's question? When is it going to be dualled? That will be a symbol of Scotland and England remaining part of the United Kingdom.

**Baroness Penn (Con):** I am going to have to disappoint the noble Lord. I do not have a date for him on when that project will be completed. Essential for improvements to transport across the north of England and in the north-east is the extra funding that will be made available for it through the cancellation of the final leg of HS2.

**Lord Vaizey of Didcot (Con):** My Lords, I say to my noble friend the Minister not to lose sight of the importance of culture in levelling up. The north has been extraordinarily successful. I declare an interest as a trustee of Tate; Tate Liverpool is undergoing a huge regeneration. There is also the refurbishment of Manchester Museum and the transformation of Newcastle and Gateshead through culture. Will the Minister assure me that in her new brief she puts culture at the centre when she is thinking about levelling up?

**Baroness Penn (Con):** My noble friend is absolutely right. When we talk about levelling up, we talk about pride of place, for example. Culture can be an incredibly important part of that. In recent levelling-up funding, we have taken steps to ensure that culture specifically is considered in the allocation of those funds.

## Vector-borne Diseases

*Question*

*11.40 am*

*Asked by* ***The Lord Bishop of St Albans***

To ask His Majesty's Government what assessment they have made of the risk of vector-borne diseases, including dengue fever and West Nile virus, becoming established in the United Kingdom, as outlined in the report *Health Effects of Climate Change in the UK* published by the UK Health Security Agency on 11 December.

**Lord Evans of Rainow (Con):** My Lords, I can confirm that an assessment has been completed. The *Health Effects of Climate Change* report shows the risks to the UK from vector-borne diseases, which are more likely in a warming climate. Working across government, the UK Health Security Agency's extensive surveillance, including of vectors, animals, and humans, seeks to mitigate the risk of these diseases by minimising the likelihood of exotic vectors establishing, and by managing imported and locally acquired human cases.

**The Lord Bishop of St Albans:** I thank the Minister for his reply. If we are to minimise the impact of mosquito-borne diseases, we need, with some urgency, to develop a new generation of insecticides and other preventive measures for vector control. What long-term plans and support do His Majesty's Government have to support product development partnerships, so we can minimise the impact of mosquito-borne diseases, whether in sub-Saharan Africa today, or in this country by 2050?

**Lord Evans of Rainow (Con):** My Lords, I note that Health Ministers get asked Foreign Office questions, and Foreign Office Ministers get health questions. However, the right reverend Prelate raises a very good point. It is a very topical issue. The UK is a world leader in life sciences, and British science is at the cutting edge of fighting malaria. Our support to public/private product development partnerships has helped saved many lives. This includes support to the Liverpool-based Innovative Vector Control Consortium to develop novel bed nets and next-generation insecticides to overcome the threat of insecticide resistance. Since 2017, we have provided £44 million to develop new insecticides to prevent vector transmission of malaria and other vector-borne diseases. IVCC has developed many ground-breaking technologies, including a novel type of bed net that kills mosquitoes' resistance to traditional insecticides.

**Baroness Manzoor (Con):** My Lords, which vector-borne diseases are prevalent in the UK, and what are the Government doing to address this risk to public health?

**Lord Evans of Rainow (Con):** My noble friend raises a very good point. Many of your Lordships will know that the primary vector-borne disease in the UK is currently Lyme disease. However, with climate change, we are likely to see conditions suitable for the establishment of invasive mosquitoes that are currently becoming established in other parts of Europe. These mosquitoes, as well as other species likely to be impacted by flooding, may increase the incidence of mosquito biting. In a warming climate, vector-borne diseases such as dengue and West Nile virus, which currently occur in warmer parts of Europe, will become more likely in the UK. We need to stay vigilant as these diseases may or may not occur in the UK.

**Lord Winston (Lab):** My Lords, I am grateful to the Minister for his response, but is he not aware that insecticides kill insects, not just mosquitoes, and are therefore quite poisonous to the environment? Is he aware of the highly successful research going on at Imperial College London with my colleagues, where they are enabling sterilised mosquitoes to be bred, so that eventually we will have mosquitoes that will not be able to breed? That would be a massive advance for the whole world, as it is starting to take effect as of now.

**Lord Evans of Rainow (Con):** I am most grateful to the noble Lord. I was not aware of what is going on at Imperial College, but it would be very helpful to the world if mosquitoes could stop spreading their diseases.

**Lord Vaux of Harrowden (CB):** My Lords, vector-borne diseases are not only about humans; they are also about animals. We have a current outbreak of bluetongue disease in the south of England, which is carried by midges originally coming from South Africa. What assessment have the Government made of this particular outbreak?

**Lord Evans of Rainow (Con):** My Lords, I am not aware of the bluetongue outbreak, but the Government do a significant amount of research and checking at ports in the United Kingdom when we import livestock and other things. We monitor that, but I do not know about the specific case of bluetongue and I will write to the noble Lord.

**Lord Allan of Hallam (LD):** My Lords, the Health Security Agency report warns that London may already be suitable for the survival of the kinds of mosquitoes that spread diseases. This is very worrying for anyone who lives here and experiences—with alarming regularity—the widespread areas of standing water that are caused by the poor drainage system. Given this health risk, will the Minister join the effort to improve the performance of Thames Water, a company that seems more interested in financial engineering than hydraulic engineering? It seems that our future health depends on the willingness of this Government to "kick water butt".

**Noble Lords:** Oh!

**Lord Evans of Rainow (Con):** I pay tribute to the noble Lord for that. The question on Thames Water is for a different department, but I agree that all water companies need to be aware of what is happening with global warming, specifically in terms of water-borne diseases and mosquitoes. The noble Lord is right: the climate modelling suggests it will affect London and the south-east. However, it will not be just the south-east: these mosquitoes could come in at any port in the United Kingdom, including in Scotland, so we have to be vigilant to make sure that these mosquitoes do not come in via vehicles.

**Baroness Goldie (Con):** My Lords, Lyme disease is on the increase. I know that in Scotland, when walking, I now have to take tick prevention measures that I never had to worry about 10 or 15 years ago. Indeed, the website of Mountaineering Scotland recorded that scientists had noted 800,000 ticks in just a short stretch of thick vegetation at the side of a path. Can my noble friend the Minister indicate how this intensifying risk, along with other existing UK disease-bearing vectors—because they are there—are being monitored across the UK? Very particularly, can he confirm that there is close collaboration with the devolved nations?

**Lord Evans of Rainow (Con):** My noble friend is exactly right. When you go walking in the UK, not just in Scotland, it is always advisable to take insect repellent. The UKHSA will collaborate, and indeed is collaborating, with UK government departments and devolved Governments to make sure that the evidence emerging across the United Kingdom can be collected, because, other than mosquitoes, ticks bring diseases.

**Lord Patel (CB):** My Lords, as long ago as 2016, the House of Lords Science and Technology Committee produced a report on the genetic modification of insects for protection of crops, and its possible application, as the noble Lord, Lord Winston, has already mentioned, to vector-borne diseases in humans. The only start-up company following research, which was based in Oxford, had to move to California because of lack of support. It now does field trials, which are the important part of testing any research that is carried out, to see if something is effective and to set a benchmark. The field trials are carried out in Brazil and other countries. With the threat of further insect-borne diseases such as dengue, chikungunya and Zika, is in not time that we invested more money in research to investigate how we can reduce the harm caused by vector-borne diseases?

**Lord Evans of Rainow (Con):** The Government are doing exactly that and investing significantly into research. In terms of any private sector business that is looking into this, they should please contact me or the government department and we will work with them. If there is any research and development that we are not aware of, we are very keen to hear about it.

**Baroness Merron (Lab):** My Lords, the analysis in the UKSA report referred to by the right reverend Prelate uses a high-end global warming scenario to represent a worst-case situation without mitigation and adaptation. Could the Minister advise how government planning is based on other scenarios at different rates of climate change? How are the agreements at the recent COP 28, and previously, expected to affect the conditions in which vector-borne diseases proliferate?

**Lord Evans of Rainow (Con):** The short answer to that is that we cannot be sure. A noble Lord asked about London and the south-east: that is a worst-case scenario. It is predicted to increase in the second half of the 21st century. As I have said previously, we need to monitor it in 2023 and onwards. Certainly, the south of England is warmer than the north and north-west of England; we just need to monitor it. These are worst-case scenarios of these diseases coming into the country. It is right and proper that we monitor them, and that we monitor them at the ports of entry—but it is a worst-case scenario and it may or may not happen this century.

**Baroness Hayman (CB):** My Lords, I declare my interests as set out in the register. The interchange today has recognised and made clear the health risks to this country through climate change—although of course we should remember that the main health risks are to far poorer countries than our own. The Minister said several times that other departments were involved. Has not the discussion today illustrated how wide the effects of climate change go and how they go into areas of security and health—far wider than is sometimes recognised purely in terms of climate or weather? Is the Minister confident that we have the right machinery of government, centrally and at the highest level, to assess the varied risks of climate change to this country and to manage them appropriately?

**Lord Evans of Rainow (Con):** I thank the noble Baroness for her expertise and question. This Question involves three government departments: Defra, the Foreign Office and the Health Department. We, as a country, do not stand alone; we work with our partners in Europe. For example, there was a recent outbreak of these diseases in Paris and the south of France. We work with our counterparts in various European countries, so I am confident that the United Kingdom is very well placed to work in a co-ordinated way. As I referred to in a previous answer, we are world-beating in life sciences, so we are very well placed, and the Government and the various government departments involved are very on the ball on this.

## Fire Safety Regulations and Guidance

*Motion to Take Note*

*11.52 am*

*Moved by* ***Lord Goddard of Stockport***

> That this House takes note of the current state of fire safety regulations in England and the case for a new integrated review to update fire safety guidance.

**Lord Goddard of Stockport (LD):** My Lords, I declare my interest as a member of the All-Party Parliamentary Fire Safety and Rescue Group, one of the most active groups in Westminster. It is chaired by Bob Blackman CBE MP, following the late Sir David Amess MP, who noble Lords will remember was horrifically murdered two years ago while undertaking his constituency work. He was the chair of the APPG for more than 20 years.

I was elected as a local councillor in Stockport in 1990. From 1992 onwards, I was a member of the Greater Manchester Fire and Rescue Authority for more than 20 years, off and on. I was inspired by officers in that authority, including people such as Barry Dixon and Steve McGuirk, who have been excellent officers dedicated to fire prevention and safety. I am both honoured yet frustrated to lead this debate.

To understand the fears and concerns of the APPG and the fire industry, the House needs to understand the problems. I will try to encapsulate them in the next 10 minutes or so. The two government departments principally involved in fire are the Home Office, essentially for the Regulatory Reform (Fire Safety) order and His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, and the Department for Levelling Up, Housing and Communities for building safety, building regulations and housing, which have been moved to the Building Safety Regulator and the Health and Safety Executive. Initially, fire was the responsibility of the Home Office, but it was transferred to the Department for the Environment, Transport and the

[LORD GODDARD OF STOCKPORT]

Regions. It was then transferred to the Office of the Deputy Prime Minister, followed by the Department for Communities and Local Government and then the Department for Levelling Up, Housing and Communities. The latter has majority oversight of building and fire safety, including building regulations. As noble Lords can see, the number of departments grows as we progress over time.

I can think of no better place to start this debate than with the public inquiry into the Grenfell Tower disaster and the opening statement of the second stage by Jason Beer KC, who was representing the Department for Levelling Up, Housing and Communities. He said that the Government apologise for failures in the lead-up to the Grenfell Tower fire, admitting to errors and missed opportunities that helped to create

"an environment in which such a tragedy was possible".

He told the public inquiry into the disaster that the department was "deeply sorry" and conceded that they did not know how building regulations had failed to be applied on the ground. He said that the system failed. Those admissions were made in his opening statement to the final stage of the public inquiry that investigated the role of dozens of government figures from junior officers to former Ministers. The department also admitted that it failed properly to learn lessons from previous fires in high-rise blocks, including the 2009 cladding blaze at Lakanal House in Southwark, where six people died.

Ironically, the then chair of the All-Party Parliamentary Group, the late Sir David Amess MP, wrote 21 letters to successive Ministers pleading with them to bring forward a few of the life-changing, critical safety matters outlined by the coroner before the planned three-year or four-year review into regulations; they were all refused. Following the tragic loss of 72 lives in the Grenfell Tower, Sir David made the public statement that, had Ministers listened to him, that

"fire … would not have happened".—[*Official Report*, Commons, 12/7/17; col. 334.]

It was not just one Minister; it was a succession of Ministers.

The APPG's fire adviser and administrative secretary, Ronnie King OBE, provided a 34,000-word statement and approaching 100 exhibits to the Grenfell public inquiry following a four-hour interview and follow-up meetings with the legal team, which was extensively quoted in the evidence. That was after a four-hour interview under caution with the Metropolitan Police.

As noble Lords are aware, stage two of the Grenfell inquiry finished in October 2022. In his closing statement, the lead counsel to the inquiry, Richard Millett KC, said that many firms giving evidence at the Grenfell inquiry indulged in a

"merry-go-round of buck-passing"

to protect their legal positions. He said that it was regrettable that many of,

"those responsible for the buildings and the building environment as it was on the night of the fire sought to exculpate themselves and to pin the blame on others".

He said, however, that the firms then blamed

"the professionals in the design team for not reading the marketing leaflets"

which required a full system fitting test before the block of flats was built.

The brief from the Home Office to Dame Judith Hackitt was clear that she should undertake an independent review of building and, in particular, fire safety regulations. Dame Judith's recommendations included a new regulatory framework to address those weaknesses. The overriding theme was to move towards an outcome-based approach to building safety, where industries take responsibility for their own actions. The key proposals included a new joint competent authority, comprised of local authority building standards, fire and rescue authorities and the Health and Safety Executive, to oversee the management and risk of high-rise residential buildings.

A set of rigorous, demanding roles and responsibilities for duty holders was introduced to give stronger focus on building safety and a single, more streamlined regulatory route to oversee standards across the board and to determine where enforcement can and should take place. Dame Judith established six work groups to consider those elements, including how to build effect regulations to make homes safer for people. Some of those groups had 10 people. Significantly, not one All-Party Parliamentary Fire Safety and Rescue Group adviser was selected for to serve on any of those groups, despite their enormous wealth of experience in the fire industry.

I now turn to the overlap of grey areas in government departments and will explain why we think this needs to be looked at. I will give a couple of examples of the fragmentation across departments and the need for greater integration, beginning with the Department for Levelling Up, Housing and Communities. The All-Party Parliamentary Group had a second meeting with the Minister only yesterday—quite surprisingly, as the debate is today. That was because of frequent changes in the secretarial staff in the department, but I suspect that it was not helped by the number of government reshuffles. It must be said that the Minister was very amiable and helpful; he attended the meeting. He assured me that he was taking a horizon-scanning approach to fire safety, and I wait to see what that means.

I point out that since Grenfell the department has taken numerous policy decisions relating to tall blocks of flats, such as setting a height threshold of 11 metres, at which new-build blocks must have automatic fire sprinklers and protection, removing the dangerous Class O certification from Building Regulations Approved Document B. It also took the immediate decision to remove ACM combustible cladding from all existing tower blocks taller than 18 metres and broadened that out for combustible cladding on less tall buildings. It is now working hard to sort out leaseholder issues, but clearly that is more complicated and a debate for another meeting.

The recent Luton Airport multi-storey car park fire followed an earlier fire at Liverpool Arena. A report commissioned by the Department for Communities and Local Government in 2006, published in 2010, showed the impact that having automatic fire sprinklers

would have had on that fire and the earlier fire at the Liverpool Arena in 2017. The report said that tests found that sprinkler systems were effective in controlling developing fires and equally effective at controlling fully developed fires. In addition, without sprinklers, fires are likely to spread from car to car. With sprinklers that is very unlikely. The report found that structural steelwork was not affected by less than 30 minutes' fire exposure. With sprinklers, the steelwork would have remained unaffected. So why was that not implemented and why did that fire at Luton Airport happen?

The second issue relates to the Department for Levelling Up, Housing and Communities and the charging of lithium-ion batteries in e-bikes inside blocks of flats, where there have been several deaths due to the ferocity of the explosion when a fire takes hold. Most of these e-bikes are being charged in communal areas that are the only exits for the people living in those flats. This matter should be addressed. The Department for Business and Trade and the Home Office are responsible for fighting fires, as well as the Department for Transport which is now involved because of e-bikes. We need clarity about which department has overall responsibility for fire safety.

The third issue is a second staircase in new blocks of flats taller than 18 metres, which was agreed. Second staircases must be built. The Minister has now deferred that decision for further consultation. Why?

The Department for Education produced a revised fire safety design guide for new schools *Design for Fire Safety in Schools: Building Bulletin 100* for a public consultation. Two years ago, it received a resounding rejection by the whole of the fire sector including the National Fire Chiefs Council, which still has not had a response. The current BB100, which was prepared with the oversight of the then Schools Minister, the noble Lord, Lord Knight of Weymouth, concluded that all new schools, apart from a few low-risk schools, to be determined by a risk toolkit, would be expected to have automatic fire sprinklers installed. So, every new school should get a sprinkler system. However, the recent Department for Education draft provision reversed that decision and concluded that all schools, apart from a few high-risk schools, will not now get a sprinkler system. The risk toolkit will be scrapped and high-risk schools will be determined by the Department for Education. They include those taller than 11 meters, which are very few; special needs schools, which are now integrated into mainstream schools, and so there are very few such schools; and the sleeping parts of boarding schools—not the whole boarding school, just the sleeping part—and again there are very few.

The department did not do an impact assessment that fire damage to the school has on its children's attainment levels, until we told it and it had to address it. The department did not provide a compartment size for large single-storey schools before it need fire suppression, and we had to tell it that. In the original guidelines, a school could be half a square mile before any regulations were needed. It has now set the size at 4,000 square meters. The DfE confessed it did not have professional fire safety adviser when we asked to meet the advisers. It is now recruiting a fire service engineer and will meet the group before seeing politicians.

The APPG has had one meeting with the Department for Education in four years, at a time when fire has been high on the agenda with school fires, Covid and the impact on children's mental health and development. Our children should be in schools interacting and developing. Will the Minister tell us how the DfE can continue to be permitted to manage fire safety, post-Grenfell Tower, with such a poor risk attitude? Following the evidence of asbestos and RAAC concrete in school buildings, it gives me no confidence.

In summary, the APPG and the entire fire industry feel we cannot accept such poor standards. History tells us that with fire, legislation normally follows disasters and subsequent inquiries bring recommendations from the Woolworths fire in Manchester, the King's Cross disaster, Grenfell Tower and numerous train accidents. This cannot be a coherent way to determine fire safety policy. We must integrate fire in one place, where all the standards and policies will be made and where one person will be held accountable. It needs specialist advisers who will not necessarily tell the Minister what he wants to hear, but what he needs to hear. Will the Minister comment on why ex-police chief constables seem to arrive in this House like London buses, but not one ex-fire chief has ever be ennobled in its history? The experience of 30 or 40 years in that industry, understanding the issues, is to me unfathomable. Sometimes, it is that simple.

*12.06 pm*

**Lord Naseby (Con):** My Lords, I say a sincere thank you to the noble Lord, Lord Goddard, for his timely debate today. Indeed, we were even reminded at COP that 10,000 wildfires throughout the world are causing total devastation. Coming back to the United Kingdom, before I do anything else I pay tribute to all the volunteer firemen who turn out in the middle of the night and then do a another job. They do it instantly. I live in Sandy, where we have a local brigade. I am amazed at the way it runs so smoothly and how volunteers, some of them very senior people in management, will turn up at 3 am and deal with a fire. Secondly, I pay tribute to the London Fire Brigade because it is a very professional organisation. We see in the recent statistics that, partially due to their performance and planning, the number of fires that have been attended to in the UK in the most recent year has dropped from the previous year from, I think, 7,000 to around 5,000. Five thousand is a huge number of fires.

I was particularly prompted to take part today because I live in Bedfordshire and we have a case history now: Luton Airport. I did a little research on that particular situation. Just two months ago, on 10 October, a fire broke out in the car park of Luton Airport's Terminal 2. It is somewhere I have parked on a number of occasions. The net result of the fire was that the airport was shut down overnight while the emergency services attended the blaze. Hundreds of flights were subsequently cancelled and others severely delayed. What happened? It was not an old car park. It is a pretty new park at Terminal 2. Shortly before 9 pm on 10 October, somehow the fire quickly spread to other floors, and that continued until the early hours of 11 October. Witnesses heard car alarms

[LORD NASEBY]

going off and loud explosions. As a result of the fire, there was a partial structural collapse that has affected the safety of the building. More than 1,400 cars parked there were written off. Just think of the sheer insurance involved in paying off those cars.

As far as I can find out, Bedfordshire police have since confirmed that the initial vehicle involved in the fire was a diesel car—apparently not an electric car. A man in his 30s has been arrested in connection with the fire and was later released on bail, but the police investigation is on-going. As Mr Neil Thompson, the operations director at Luton Airport, said, the car park would need to be fully demolished due to the extent of structural damage. This is a tragedy all round and it raises and re-emphasises the points made by the noble Lord, Lord Goddard, in his speech

There are myriad parts of the Government involved in fire safety and we all know some of them: they run from the Home Office to the Building Safety Act 2022, which is really a local authority Act, and the Health and Safety Executive; the Department for Business and Trade has responsibility for lithium-ion batteries and the Department for Transport is apparently looking after scooters and e-bikes. I am not sure why we have to have quite so many departments involved. We certainly need some co-ordination.

We now have two classic case histories. One is the huge tragedy of Grenfell, where it has taken too long to bring the report out. I hope that my noble friend on the Front Bench can confirm that that report will now be published, in the next month or so, and will not be put off even further. Will he also make sure that we do a proper analysis of that second case history at Luton? These fires should not occur, and something is going wrong in the system when they do. I do not want to read in 2024 of a third major tragedy somewhere in the United Kingdom.

*12.11 pm*

**Baroness Brinton (LD):** My Lords, I congratulate my noble friend Lord Goddard on securing this important and timely debate. I associate myself with his comments about the late Sir David Amess, who was an absolutely inspirational chair of the All-Party Fire Safety and Rescue Group, of which I am the vice-chair. I am also a vice-president of the Local Government Association. I want to thank the House of Lords Library, the London Fire Brigade, Chris Waterman and others for their very helpful briefings.

I thought it might be worth starting with a brief reflection of what it is like to be in a fire. In my misspent student days, I was president of the student theatre and on front-of- house duty—luckily, it was a matinee and, luckily, of a fairly esoteric play, so the theatre was not full—when the safety curtain failed after a fire started on stage. I was the person who had to evacuate the audience, as clouds of billowing toxic smoke ran from the stage into the auditorium. It was absolutely terrifying. I am not often pleased when a theatre is not full, but I am really pleased there were not many people there. In the front row, there was a very elderly, 85 year-old academic, who was there to see one of her students in the production. She had real trouble and I ended up having to carry her out of the building. By the time the audience were out, the fire brigade had arrived and everything then proceeded as you would like.

It is rare for a safety curtain to fail but, what hit me then, and has remained with me for the rest of my life, was how fire is not the only danger. Smoke is a real problem; as many people die from smoke inhalation as they do from the direct effects of the fire. I therefore acknowledge the extraordinary work of our firefighters—men and women who, day after day, run towards fire and many other dangerous situations. It is a hard calling and we have to thank them for their selflessness and care in a very testing work field.

I want to add another thing. It is well known that we have been training Ukrainian service men and women with our Ministry of Defence in the United Kingdom, since Putin invaded Ukraine 18 months ago. What is less known is that our fire services and firefighters have run convoys of fire safety vehicles and kit to Ukraine, which has helped its people to respond as their own needs for fire safety and rescue have monumentally increased. I would very much like to see the scheme that is used in the Ministry of Defence also operating for the five service, because we forget that the effect of bombing puts a very particular burden on fire safety and rescue.

Grenfell stands as a marker for failure and we need to remember the victims: 72 killed and many more injured. Many of the reviews and changes in legislation outlined by my noble friend since 14 June 2017 have identified the problems that need addressing. There is no doubt that some progress has been made, but, as we are already hearing in this debate, there are still some gaping holes. However, let us just note that progress. There is no doubt that the current fire safety regulations have played a vital role in reducing fires, fire deaths and injuries over the years.

We know that there is still much to do. One of the most urgent things that has not been discussed so far is the updating of *Approved Document B*, part of the building regulations guidance. It is very out of date. Not one of the government fire-risk assessment guides has been revised since its publication in 2006. Especially worrying is the lack of clear guidance on evacuation lifts and multiple staircases in high-rise buildings. At the All-Party Fire Safety and Rescue Group, we have been chasing this with Ministers since I joined it in 2011, but it is always just around the corner. I understand why, post-Grenfell, there had to be a pause, given the inquiry, Judith Hackitt's report and government departments having to decide what their priorities are. However, 2017 is six years ago and the time must come for it to be published. I ask the Minister: when can we expect to see it?

There is a specific need for guidance for the disabled and the vulnerable. The Minister's predecessors wavered on personal emergency evacuation plans, known as PEEPs, claiming they were too hard to do in a high-rise block. But 40% of the disabled residents in Grenfell died that night. That is shocking. Can the Minister tell your Lordships' House what progress there is on keeping disabled residents safe in high-rise flats?

PEEPs are also important for other reasons. We need them in every environment in which disabled and vulnerable people move around. I was in Portcullis

House about five years ago when the fire alarm started going off. My PEEP is for the House of Lords; as an involved member of the public in Portcullis House, I have to know my own way round it. My problem was that nobody knew what to do once the refuge had been closed off. I was literally on my own; I had gone where I was told to and did not know how I could contact people. I am really grateful to the House authorities because, as a result of my experience, they have changed the arrangements in Portcullis House. They now ask people when they are organising their PEEPs where they are likely to travel in the building. However, this is unusual. I went to a conference held earlier this year—ironically, it was the fire conference—and four days beforehand, I was asked to fill in a PEEP before I had ever been to the building and to return it before I arrived. Training is absolutely vital, because disabled people and vulnerable people are the most vulnerable.

I turn briefly to sprinklers, already well covered by my noble friend Lord Goddard. It is well documented that sprinklers play a significant role, but I am appalled that the Government are not considering adding them automatically to new builds, or even new parts of buildings, particularly for the disabled and the vulnerable. This includes new care homes, hospitals and schools. Schools are a particularly sore point. As my noble friend outlined, we have had a real problem in our APPG when trying to get the Department for Education to engage. In 2003, when I was the chair of governors of a primary school that was built in the 1960s, a young arsonist set it afire. It had RAAC, as we now know. We did not also know, until it burned down, that the entire structure of the building was reliant on the windows, and when they caved in the entire building started to fall afterwards. In the new building that went up, we were not permitted to have sprinklers.

The change in the schools landscape in the past 10 years worries me. When our school burned down, we still had a local education authority that was responsible for ensuring that alternative provision was made as soon as possible. Local authorities no longer have the resources for that. Academy chains are finding it really difficult to find alternative provision when they are affected by fire. The other reason we need sprinklers is because children need continuity in their education. It can take far too long to replace what is lost.

I turn now to the emerging, life-threatening danger that is lithium batteries. I thank both my noble friend Lord Goddard and the noble Lord, Lord, Naseby, for their comments, and I say to the noble Lord, Lord Naseby, that there was a fire at Bristol Airport last week. Luckily, unlike the Luton fire, it was not in a multi-storey but in an open-plan area. Already, fire service people in the area are saying that the fire was made much worse by lithium battery cars which caught fire—not that they were the cause of the fire, but the fire is so intense that it is dangerous.

There are people dying regularly as a result of lithium fires. In July, in Cambridge a mother and her two small children died in a fire in a low block of flats. It is thought that an e-bike was being charged in the flat, but, as my noble friend Lord Goddard, said, in too many places, it is possible to use power points in common-part areas, and a number of fires have been caused like that. A firefighter described what happens when a lithium battery catches fire. It is not like any other fire you have seen. It is like a phosphorus fire, it is 1,000 degrees centigrade, it is a complete explosion of fire and it is devastating. To have anything able to be recharged in common parts is appalling.

We need registration for lithium batteries. Part of the problem is that we cannot get different departments to talk to each other. Officers of the all-party group met with Kevin Hollinrake, the Minister for Trade and Enterprise, who covers regulation of batteries, and he absolutely understands the issue. But until every government department looks at the use of batteries in whatever area of work it is covering, we will not start to solve this problem.

I want to end on the future. We have already heard about the plethora of government departments, with each having little bits of fire safety to look after. There must be co-ordination across all departments. I will not call for a Minister in Cabinet with overall responsibility for fire, but it is not beyond the wit of government to get people together to start to talk about this, because, at the end of the day, this is about life saving, ensuring the reduction of costs in destruction of buildings, and we need to make changes.

Let me end on a positive note. At the Fire Conference 2023, which I attended, I heard very encouraging dialogues between firefighters, those making provision in the construction industry and specialist fire services. All of them were saying that the Government's approach at the moment is too complex and too slow. They are very willing, but they need more help from the Government to make the changes that both the Grenfell inquiry and the Judith Hackitt review demanded, if we are to keep people safe in future.

*12.23 pm*

**Lord Hendy (Lab):** My Lords, it is a great pleasure and honour to follow the noble Baroness, Lady Brinton. Like her, I am a member of the APPG for Fire Safety and Rescue. I congratulate the noble Lord, Lord Goddard, on securing this important debate. Like him, I pay my respects to the secretary of our APPG, Ronnie King, as well as adding my respects to our former chair, Sir David Amess, and our present chair, Bob Blackman.

Although I spent most of my professional life engaged in matters concerning industrial relations and employment law, from time to time I have been involved in matters of fire—including, the presence of the noble and learned Lord, Lord Burnett, reminds me—my time three decades ago in the King's Cross fire inquiry. Since then, I represented the bereaved at the Lakanal House fire inquest and I advised the fire brigade, although I did not represent it, in the Grenfell Tower inquiry.

I shall make only three points in support of all that the noble Lord, Lord Goddard, and the noble Baroness, Lady Brinton, have said already. The first point is to do with risk assessment. The noble Lord, Lord Goddard, mentioned the extraordinary reversal of policy in relation to the fitting of sprinklers prospectively in schools, which is now confined to special cases only, as he

[LORD HENDY]

spelled out. I simply cannot understand how any sensible risk assessment could have resulted in that reversal of policy. As a lawyer, it seems to me that the general principles of risk assessment are well established and simple. It is a computation based on three elements: first, the likelihood of the specific risk eventuating; secondly, an assessment of the magnitude of the damage if the risk eventuates; and, thirdly, set against that, the cost or inconvenience of taking the precaution necessary to avoid that risk. These are not scientific matters—some are, but the overall computation is not clearly scientific. There are many questions and many points of judgment and discretion to be taken into account. But the simplicity of the equation in general is straightforward.

When one applies that to the risk of fires in schools, the likelihood of the risk eventuating is well known to be far more frequent in schools—unfortunately, often because of arson—than in many other public buildings. On the magnitude of the damage if the risk eventuates, true, it will not often cause death or even injury, because evacuation is easy and schools often put on fire at night when nobody is present. But that magnitude incorporates the issues that the noble Baroness mentioned a moment ago. It is not simply the cost of replacing the building; it is the disruption to the lives of children and their families and to other educational establishments in setting up alternative education for those children while the building is replaced.

Against that, there is the cost of the precaution to avoid the risk. The fitting of sprinklers prospectively is relatively trivial in the cost of any building. Even retrospectively, it is a minor cost. With the APPG, about 18 months ago, with Sir David Amess in charge, we went on a visit to a block of flats in Stoke-on-Trent to see a multi-storey block which had been retrofitted with sprinklers. The cost was only something between £1,000 and £2,000 per flat, which I do not think is a lot of money. Even retrospectively, these things can be done at reasonable cost.

I ask the Minister whether the relevant department would disclose the methodology for risk assessment that led to this curious reversal in policy, and whether he would accept some kind of peer review by the experts—I do not include myself in this—who, as the noble Lord, Lord Goddard, mentioned, are present in the APPG on Fire Safety and Rescue.

Secondly, I will raise the question of compartmentation. This is what led to the “stay put” policy adopted by the fire brigades at the Lakanal House fire and the Grenfell Tower fire. I have no doubt that this policy and the issue of compartmentation will be dealt with in the Grenfell report when it emerges. I take the point made by the noble Lord, Lord Naseby, about the need for that report to be produced as soon as possible, but I am sure he appreciates the magnitude of the task and the extent of the evidence and engineering and fire assessment reports that have been taken into account by that inquiry. It is understandable that it has taken a considerable amount of time to produce the report.

One of the most harrowing experiences of my professional life was in the Lakanal House inquest. Many pieces of horrific evidence were heard, but one of them was the transcript and recording of a phone call made by a young woman resident in one of the flats in Lakanal House to the control centre for the fire brigade, in which she reported smelling fire and seeing smoke and flames; it lasted for 40 minutes until the line went silent. The control operator on the other end was giving her what advice she could and telling her to stay put in accordance with the policy because she would be rescued; unfortunately, she was not.

I felt that tragedy personally; I also felt it was a tragedy for the poor woman who was the call operator dealing with that call—and there were many like it, and many similar calls at Grenfell Tower. The policy of “stay put” depends on the construction principle of compartmentation, which means that the building is so constructed that each housing unit will be able to withstand fire for long enough for the fire brigade to effect a rescue. The problem is that, although Lakanal House and Grenfell Tower were built with that principle in mind, and no doubt were effective when they were built, over years the compartmentation was breached. There were obvious breaches in both cases: the panel under the windows that caught fire in Lakanal House and the cladding that caught fire in Grenfell Tower, with the compartment breached by fire coming through the windows. At Lakanal House, the compartments were defective in many other respects as well: pipes had been driven through the walls and not sealed up properly; and pipes had been boxed in with wooden shuttering, which of course was material for fire to catch hold of.

The whole issue of compartmentation, as a building principle, needs to be looked at again, because it is not good enough to simply have a guarantee that the compartment will withstand fire when it is built. Since the building will be standing for the next 50 or 100 years, there has got to be some guarantee, or some means adopted, to check that the compartment will still withstand fire over the intervening years. Otherwise, fire brigade control room staff are put in this awful position of assuring residents that they must stay put when, in fact, the principle on which that diktat is founded is defective. Can the Minister say something about the protection of compartmentation, or the inspection of compartments, and the assessment of risk when compartments are broken in any way in future?

Thirdly, I will raise the issue of staffing. Recent developments have required increasing numbers of experts in fire safety to make risk assessments and carry out inspections. One of the problems of the increasing inequality of income between the public and private sectors is that the private sector—not surprisingly—is luring away experts whose expertise is needed in the public sector. It is not just a question of salaries; it is also terms and conditions, training and promotion prospects. Can the Minister say something about how this will be addressed in the future? What overall increase in the number of suitably qualified experts will be required and how will they be retained in the public sector?

Finally, I will speak about the fire and rescue services. I share with the noble Lord, Lord Naseby, his respect for the heroic men and women who serve in our fire brigades—both the paid and the unpaid. The national

salary increase that was awarded to firefighters this year is, of course, most welcome. Can the Minister say something about retention and recruitment, in consequence of that salary increase: whether it is satisfactory at the moment or whether we are losing firefighters? One essential aspect of that salary increase is that it was achieved by national collective bargaining in the fire service—I am sorry, just give me one moment, this is my last sentence. There have been suggestions of the ending of collective bargaining to determine pay, terms and conditions; I wonder whether the Minister is committed to maintaining it?

*12.38 pm*

**Baroness Walmsley (LD):** My Lords, I will be brief. I will start by thanking my noble friend Lord Goddard for his excellent introduction to this debate, and I support his call for an integrated review of fire services. I also add my name to the tributes to David Amess and to all the very brave firefighters; luckily for me I have never had to call on their services and I hope it never happens, but it is a great comfort to know that they are there for all of us.

With my interests in health and education, I have always been concerned about fire safety in schools, colleges and hospitals Like all noble Lords who have spoken, I am concerned that regulations about the installation of sprinklers have been weakened. We know they can extinguish, or minimise, fires early and enable evacuation and access for the fire services. The London Fire Brigade's briefing for this debate recommends that all new schools and hospitals, and any new extensions to old ones, as well as care homes, are fitted with sprinklers. The noble Lord, Lord Hendy, has said how cost-effective retrofit is as well. This strikes me as common sense and cost-effective, given the major danger to pupils, staff and patients when there are major fires, in addition to the disruption to pupils' education, to parents and to local communities. I agree with my noble friends Lord Goddard and Baroness Brinton in asking the Minister to assure us that all new schools and the so-called 40 new hospitals will all have sprinklers.

The other school safety issue is combustible cladding. In December 2018, the Government banned the use of combustible insulation and cladding on the facades of certain high-rise buildings, but many other types of high-rise buildings remain outside the scope of the ban, including non-residential school buildings. As a result, over 100 school building projects have used combustible facade insulation since December 2018. I am told that, in the past 10 years, 1,003 education building projects will have used combustible facade materials. Will the Government extend the scope of the ban to educational establishments?

Much of the briefing we have received reflects the difficulty for local fire and rescue services in keeping up with the increasing demands of current legislation on their professional advice, monitoring and inspection. Fire safety assessments of schools are done by school staff not trained to do so, with no requirement to provide evidence. FR services believe they should check this assessment but accept that this would put greater pressure on their resources. However, it should be done, and appropriately resourced.

Fire safety is, of course, not all that the fire brigades deal with. They rescue people from all kinds of situations, including the increased flooding events caused by climate change. It is very concerning therefore that they are finding difficulty in recruiting enough officers. Services are calling for more flexibility in the fire uplift grant, which pays for prevention services. In addition, in order to adequately meet fire safety requirements, all FRSs need greater council tax flexibility, a three-year government settlement and an allocation of the protection grant that reflects local circumstances. Can the Minister comment on this?

While many colleagues have focused on building safety, I would like to focus the main thrust of my remarks on issues of the fire standards for furnishings. According to UKRI research, the UK is one of the highest users of chemical flame retardants—the chemicals that extend the time it takes for a material to catch fire. This is partly because of our open-flame ignition test. However, there are both health and environmental concerns about these substances. The researchers also found that a significant proportion of fire deaths are caused by inhalation of toxic fumes from these chemicals, as was mentioned by my noble friend Lady Brinton, including cyanide gas and carbon monoxide. That is not all: even before fires occur there are risks to health, including increasing diabetes, obesity and cancer risks, as well as effects on hormones, DNA, and heart and kidney function. Particular concerns have been raised about potential effects on babies and young children, who may be more susceptible to health impacts while they are developing and are likely to frequently put their hands in their mouths. This is because flame retardants migrate out of the products through wear, abrasion and disposal or recycling. They collect and persist, staying in the body, air, food and drinking water, as well as on surfaces; they also enter rivers and lakes.

What is being done? Not enough. In 2014 and 2016, the Government consulted on ways and means of reducing the use of flame retardants because of these concerns, but nothing was done then. In 2019, the House of Commons Environmental Audit Committee report, *Toxic Chemicals in Everyday Life*, identified concerns regarding the use of flame retardants, including emphasising the potential health impacts for babies and children. It pointed out that the furniture and furnishings regulations have been under review by BEIS, as it was then, and by its predecessor department for 10 years.

In 2021, at last, the Office for Product Safety and Standards ran a call for evidence on a UK product safety review. It published research on fire risks of upholstered products this year. The Government now propose new fire safety regulations for upholstered products. The consultation ended in October. One of the intentions of the draft regulations is to:

> "Enable and encourage a reduction in the use of chemical flame retardants."

However, the draft regulations fall short of what is needed and would, for example, exclude from scope items such as small cushions and baby products, including playpens and carrycots. I hope that I can correctly assume that mattresses used in hospitals are included. Given that the smallest of items can cause a fire, can

[BARONESS WALMSLEY]
the Minister tell me why baby products are excluded from scope? There are also measures about better enforcement and compliance, all of which would require additional personnel and funding. Can the Minister tell me whether these measures would be adequately funded, given the concerns I expressed earlier about resources for the FRS?

I am not the only person expressing these concerns. In March 2023, scientists in the journal *Environment International* asked that

"a very high level of certainty about the human and environmental safety of flame retardants is demonstrated before they are approved for use",

and to ensure that there are "monitoring systems" to rapidly flag issues and replace flame retardants. Dr Paul Whaley, from Lancaster University, said that

"there has to be a proper balancing of the harms and benefits of flame retardants, that includes a comprehensive evaluation of the effectiveness of flame retardants as a fire safety measure".

The House of Commons Environmental Audit Committee followed up its earlier report this month, complaining that

"many of the Government's proposals stop short of what the Committee had previously recommended".

Like me, it wanted to know why baby products are being excluded from scope, whether best practice from other countries is being considered, and what measures the Government are considering that would give more information to consumers on the chemical flame retardants used in their furniture.

The Fire Brigades Union considers that the proposals are deregulatory and put profits before firefighter and public safety. The Chartered Trading Standards Institute also felt that more products should be in scope, including products labelled for use outdoors—because they are often stored indoors.

What does the Minister have to say to all that criticism of the proposals? We need materials in our homes which deter fire risk but do not damage our health. I would like to know what research the Government are funding to identify such products and disseminate their use.

*12.47 pm*

**Lord Tope (LD):** My Lords, I too am very grateful to my noble friend Lord Goddard for bringing this important and timely debate today. I am particularly looking forward to the Minister's reply—I wish him the very best of luck.

I must first declare my interests as co-president of London Councils, the membership body that represents all 32 London boroughs and the City of London, and as patron of the charity Electrical Safety First. Both of these organisations have given me very helpful briefings on which I shall rely today. I also declare that I am a vice-president of the Local Government Association. Today I will refer mainly to London—because that is what I know about and where my experience lies—but I am sure my comments will apply to all local authorities throughout England with similar responsibilities to London boroughs.

I was prompted to take part in this debate after I attended the London Fire Brigade's drop-in event in Portcullis House two weeks ago about e-bike and e-scooter fires. The London Fire Brigade has given me much useful and important information, as has my Liberal Democrat colleague on the London Assembly, Hina Bokhari, who has been very active on this subject—it is a particularly important one in London.

As demand for e-bikes and e-scooters has expanded, there has inevitably been a corresponding growth in fires from the lithium-ion batteries that power them. When overheating through damage or flawed design, or using a substandard charger, lithium-ion batteries can create fierce, toxic fires, which heat up very rapidly and can reach temperatures of over 600 degrees centigrade.

Fires in e-bikes and e-scooters are London's fastest-growing fire trend. So far this year, the London Fire Brigade has attended 142 e-bike fires, along with 28 blazes involving e-scooters. This is 47% more than in the previous year, 2022, which was itself a record-breaking year. Sadly, this year has also seen three deaths and around 60 injuries caused by such fires.

Many of these fires are caused by faulty, non-compliant or counterfeit products purchased from online marketplaces, or by wrong chargers being used with batteries. Electrical Safety First has found concerning trends in London-based e-bike and e-scooter users. For instance, it found that 71% of Greater London-based delivery riders using a converted e-bike did the conversion themselves; and 48% of those delivery riders who had a converted e-bike sourced the conversion kit and/or batteries from online marketplaces, which are not regulated in the same way as high street shops.

In a separate survey of e-bike and e-scooter owners, Electrical Safety First found that 40% of e-bike and e-scooter owners charged their batteries in the communal area of the property they live in, such as a hallway or stairwell; 52% of e-bike and e-scooter owners in Greater London charged their batteries overnight while sleeping; and 39% of them in Greater London did not have working smoke alarms in their properties.

Addressing the dangers posed by e-bike and e-scooter batteries requires new UK-wide fire regulations. Electrical Safety First proposes that new regulatory measures should include third-party approval for e-bikes and e-scooters and their batteries, mirroring regulations for fireworks.

In Committee, considering the Pedicabs (London) Bill on Monday, the Minister said:

"The Government recognise that there are issues with e-scooters that we need to address, but this Bill is not the appropriate place to do so. As has been mentioned, we recently extended the e-scooter trials until 31 May 2026 to continue to gather evidence on how best to legislate for micromobility, including e-scooters, in future. Given the pressure on legislative time, that legislation will not come forward in this Session, unfortunately. Ahead of that, the Government intend to consult on the detailed approach for regulating e-scooters".—[*Official Report*, 11/12/23; col. GC 232.]

Given the obviously urgent need to deal with this rapidly increasing problem, will the Minister, when he replies today, tell us when this consultation will start and, particularly, when it will end? Most importantly, will he confirm that it will not wait until after the trials referred to have ended in 2026?

I turn now to another fire safety issue of particular importance and concern in London—that of high-rise buildings. In July this year, the Government defined

18 metres, or seven floors, as the height at which buildings are at higher risk and the threshold at which new buildings should have a second staircase. Some 67%—two-thirds—of all such high-rise residential buildings in the UK are situated in London.

None of the Government's fire risk assessment guides have been revised since their publication in 2006. Two examples of issues where current guidance is not clear are evacuation lifts and multiple staircases. The timing for a revision is uncertain, so can the Minister tell us today when it will take place? The London Fire Brigade is also urging the Government to provide further guidance and revised building regulations, including those relating to access and use of buildings, particularly for those with accessibility needs. Further detail is also needed on the transitional arrangements for second staircases, to give developers, local authorities, fire services and communities clarity.

London local authority-managed housing stock is more likely to be older, densified, and found in flatted blocks rather than houses. London boroughs face multiple pressures beyond building safety, such as the need to raise standards, meet net-zero targets and supply new affordable homes. Housing revenue accounts in London are under significant strain, as they are everywhere. The Government's 7% ceiling on social rent increases in 2023-24 is estimated to have a £590 million impact on London boroughs' housing revenue account finances over the next five financial years. This exacerbated the impact of the four-year 1% rent reduction policy in place from 2016-17, which, by 2021-22, left London rents an estimated £459 million lower than expected.

Local authorities are facing an increasingly complex regulatory environment, with a multitude of changes and different regulators. Alignment between regulatory bodies must be central to developing new regulatory practice and requirements. The new fire and building safety requirements are stretching London borough resources—and I am sure those of every other local authority, too—and their capacity. The building safety regulator charging regime will put significant additional financial pressure on local authorities, particularly those with a high number of complex buildings.

Lastly, I turn to building control. Local authority building control teams are at the forefront of new responsibilities relating to high-rise residential buildings, especially with the formation of the building safety regulator's multidisciplinary teams that will come into force imminently. The Government must work with local authorities to ensure that building control teams are sufficiently resourced and enabled to meet new obligations to ensure residents' safety. London borough building control teams urgently require clarity and guidance on their roles within the multidisciplinary hub, to ensure that it is implemented effectively. When will that clarity be given?

In conclusion, London borough resources and capacity are stretched to the limit—I am sure all local authorities are in the same position—as a result of financial pressures on the housing revenue account and a lack of sufficiently qualified staff to deliver these functions. Local authorities urgently need more funding and greater financial flexibility in order to meet fire and building safety requirements, at the same time as raising the standards of tenants' homes, meeting new consumer standards and delivering new affordable housing. This should include allowing a rent catch-up so that social housing providers can gradually recover some of the reduced financial investment available as a result of the 7% rent ceiling.

A post-2025 rent settlement that provides sufficient funding and certainty is also needed, and London Councils encourages the Government to launch a consultation at the earliest opportunity. Specifically, the Government should recognise and unlock barriers faced by boroughs attempting to access, and make best use of, remedial funding to realise intended outcomes for residents. For example, local authorities receive remedial funding only for external cladding, not for other corrective fire and building safety works.

I recognise that the Minister may not have been briefed on all these points and may not anyway have time, even in his 20 minutes, to answer all the questions he has been asked today, so I would be grateful if he would write to me, and indeed to other noble Lords, answering the many questions that so far remain unanswered.

*1 pm*

**The Earl of Lytton (CB):** My Lords, I welcome the opportunity to contribute to this debate and congratulate the noble Lord, Lord Goddard, on his excellent introduction; I certainly cannot match his expertise in this field. I remind your Lordships of my professional involvement with buildings and construction as a chartered surveyor and as a patron of the Chartered Association of Building Engineers, to which body I am very grateful for some background information. I am also grateful to the Library staff for digging out a lot of information and to Chris Waterman for his very pertinent comments.

Under the Regulatory Reform (Fire Safety) Order 2005, which came into effect in 2006, we had a regime of responsibility on individuals within organisations for risk assessments to identify, manage and reduce fire risks. However, prior to this order, all public and commercial buildings and all non-single household domestic buildings, save for houses in multiple occupation, needed a fire certificate issued annually following inspection. Post 2006, that was replaced with a system of third-party assessors but with no mandated timeframe for checks nor any professional competence set out. Furthermore, it did not normally apply to domestic premises.

I believe these changes were significant. In 2013, I am told the fire service found that 14% of risk assessments were non-compliant. In 2018, it was found that 500 out of a total of 800 assessors—a small enough number in itself—were not registered with any accredited body, so their credentials were not monitored. In between, there was a transfer of responsibility in 2016 from DCLG to the Home Office. As the noble Lord, Lord Goddard, said, there are split departmental responsibilities, gaps and all sorts of other problems. The past history has been one of little regulatory enforcement since 2006; in the case of much residential property, I would go as far as saying there is a significant lacuna.

Moving on to the current situation, there remain inconsistencies. While those occupying business premises are obliged to carry out reasonably thorough risk

[THE EARL OF LYTTON]
assessments just to get insurance and are driven by that aspect, for the freeholder it may be a matter mainly of common parts. The responsible person in any given instance may be several people. They are supposed to liaise but very likely have an imperfect understanding of each other's risk profile. There is some guidance about risk assessments, but I see no requirement for accreditation or need for any construction knowledge.

That may be fine for straightforward, simple cases where there is evidently low risk, but I do not think it is generally true. As of now, for low and medium-rise residential property, there is seemingly no obligation on occupiers at all, despite the concerns around batteries and the use of certain types of equipment, identified by the noble Lord, Lord Tope. The obligation of the block manager seemingly is for common parts only, with no further obligation to investigate in additional detail.

Yet the incidence of fires is, I am told, far greater for domestic premises than for other types of use. I wonder how many residents in Victorian terraced houses divided into say two, three or four self-contained units are aware that they may now have collective responsibilities? If we are not enforcing regulatory compliance—and I hear the words of the noble Lord, Lord Tope, about inadequacy of resources, a point also made by others—one has to question the purpose and direction of policy in this whole area.

I believe that it is not necessarily generally the failure of equipment itself. The inherent safety in many cases is really quite good, but it depends on the use and occupation and the category of that occupation—for instance, as other noble Lords mentioned, trying to charge lithium-ion batteries with unsuitable chargers or inadequate storage space, with items packed into areas that lack ventilation or a way to allow heat to escape.

While I am fine with a light touch for low-rise blocks of flats, there needs to be a minimum standard of efficacy and the regime has to be proportionate to the actual risks. In July 2021, the independent experts advising the Government produced a statement determining that low-rise buildings were at materially lower risk from a life-critical fire safety standpoint. This fed into the legislation, despite noble Lords, including me, contending in this House that low rise did not equate to acceptably low risk. Moreover, the independent experts did not consider other structural issues of which fire safety surely forms part and parcel in any holistic approach.

The position of the responsible person or persons seems precarious if fire safety deficiencies are suspected but not actually known, where they have simply never been looked into at all, or where they are known but the original developer—as I am told in one case—declined to step in to remediate because, as it apparently put it, "the level of risk has not been established", or words to that effect. Residents are inevitably put at a degree of unquantified risk.

But the statement from the independent experts did not cover economic security or the effects on those in buildings requiring remediation but with no clear recourse or defence against huge costs, financial ruin, disruption to lives, lifestyles and life chances because under the Building Safety Act they might not in any way be protected against such eventualities. I also did not detect that the structural integrity of buildings—which cannot be considered in isolation from fire safety itself—was part of their remit.

Turning to the points made earlier by noble Lords, I entirely take the point about the calculation of risk assessment, but it seems that at various points things are stopped part way for policy reasons. I think this is fundamentally a dangerous approach. There is a particular lesson that the noble Lord, Lord Tope, will be familiar with: the year before the independent experts' statement came out, there was a major fire in one of several similar blocks. This was not mentioned by the independent experts, but it could have been. It clearly indicated that fire risk in some low-rise buildings is a critical matter and very much depends on the characteristics of the buildings in question, especially construction quality and use of materials internally. The noble Lord, Lord Hendy, made exactly that point, and I can verify it from my own direct experience.

The reason for half-hour or one-hour fire resistant compartmentation is primarily to enable safe escape and, where escape is not possible, to enable fire and rescue services to control the outbreak. In a higher-rise building, it is clearly a question of staying put, or at least staying put in certain parts of the building, because of the sheer impossibility of people getting down 20 floors to safety, so stay put has to be in place. However, the fire that I am referring to that the independent experts seem to have ignored was in fact in a low-rise building. Were it not for the fact that the occupants decided they were going to ignore to a man the stay-put advice and get out, several of them would have been killed or injured because the building was effectively completely ablaze after 11 minutes from the time of the 999 call. It clearly was not going to maintain any structural integrity, but buildings need to retain structural integrity in terms of modern usage. For vulnerable occupants, things are much worse still.

Yet there seems to be little appetite for a regime of professional or other curiosity that might foresee and counter risk that may be self-evident, or for a regulatory regime to encourage that. It might be too much to insist on individual owners and occupiers of residential flats carrying out assessments or immediately ceasing the habits of a lifetime, but I venture to suggest that a programme of public awareness, like the ones with graphic images that I remember in relation to drink-driving and the failure to buckle up your seat belt, would be beneficial. We did that effectively with Covid. I invite the Minister to agree that more needs to be done to tidy up, update and clarify the regulation as to who is responsible and to create a more holistic approach, leaving fewer things to differential interpretation and avoiding the risk of matters being left to happenstance or falling between the jurisdictions of different government departments.

The noble Lord, Lord Goddard, referred to the situation in which the standards of fire suppression that we now know are necessary have been abandoned. That is lamentable. The noble Lord, Lord Naseby, referred in detail to the Luton Airport car park fire. I am told, I think on reasonable authority, that the

structure of that car park was lightweight. I am tempted to wonder what the wider safety issues and possible fire consequences would have been if all the cars had been electric, with the weight considerations in such a structure.

There is a great deal that needs to be brought together here in this Motion. The noble Baroness, Lady Walmsley, referred to non-ACM combustible materials. I simply refer to the widespread use within buildings of expanded polystyrene, a product that was researched under commission from the Victorian Building Authority in Australia and considered to be as bad as ACM or worse.

It is not acceptable to conduct public administration by expecting safe outcomes from underspecifying assessments and regulatory adherence. I wish not to add to regulation but to design it to be efficient and likely to be observed. I am therefore entirely supportive of the Motion from the noble Lord, Lord Goddard.

*1.13 pm*

**Baroness Harris of Richmond (LD) [V]:** My Lords, I too thank my noble friend Lord Goddard for initiating this debate and for his powerful opening speech, which is a reminder to us all of the devastation that fire can cause. None of us will ever forget the appalling loss of life in the Grenfell fire, which has already been referred to extensively. Out of that has come a recognition that much more needs to be done to ensure that all our built infrastructure is compliant with fire safety requirements. Would that our hard-pressed fire and rescue services had the financial support they need to undertake that enormous task.

I will speak rather more locally on this matter. I live in a beautiful part of the country, North Yorkshire, and I think we were the first rural local authority to merge the police and fire services. Looking at the latest draft *Fire and Rescue Plan 2022-25* for North Yorkshire, I quote from the joint commissioner's objectives:

"The Fire Service should be at the centre of partnership efforts to protect public safety as a trusted and very local public service".

Amen to all that. It works in conjunction with other significant partners—the health service, local government and of course the police—in a much more co-ordinated, joined-up way now than it ever did when I was a member of both the police authority and the fire authority many years ago, and I very much welcome those steps.

Here I must deviate for a moment and express my deep concern about police and crime commissioners taking on the responsibility for overseeing the work of the fire and rescue service alongside that of the police. I am even more concerned to see proposals for police chiefs to add on to their roles the job of being chief fire officer. That is a ludicrous idea and is opposed by the National Police Chiefs' Council and, I imagine, the chiefs of the fire services. The two roles are entirely different—in law, apart from anything else—and in my opinion should never be merged. We are not America yet.

To return to the theme of today's debate, it is right that a new integrated review to update fire safety guidance now takes place in all parts of the country, especially in areas that have high-rise buildings but also in schools and hospitals, about which we have heard so much today. A recent example of that is the school built just four years ago in Essex that had to be demolished because of its modular construction—again, we have heard about that today—which many new buildings now seem to prefer but which can be a definite fire hazard.

Then there is the recent finding of RAAC, which is posing massive concerns throughout the country in our schools, hospitals and other public buildings. Can the Minister tell us how far we have got with checking on all these buildings? Do the Government check the use of construction materials coming into the country? Is there a particular safety compliance for buildings with these materials? Is their fire performance a prerequisite for obtaining planning permission?

Modern buildings consist of large quantities of plastic and vinyl-based materials that have a high combustion toxicity and pose a risk to life. Fire suppression systems should be fitted to all new high-rise buildings and, as we have heard, most of our schools, while illuminating paint, additional signs and marked pathways should be indicated as a matter of course. All new buildings should have automated fire sensors installed. Between 2012 and 2016, smoke alarms failed to operate in an average of 25,700 home fires per year, causing 440 deaths and 1,440 injuries annually. That is an appalling number.

Coming back to North Yorkshire, when the transfer of governance to the police and crime commissioner for the overseeing of the fire authority took place three years ago, there was already a deficit of £2.5 million, so the service has had to make savings equivalent to 10% of its budget over those three years. As I mentioned previously, the draft plan for the fire service has many ambitions, which of course I endorse, but enabling the fire service to fulfil those ambitions and objectives on such a reduced budget will be nigh on impossible.

North Yorkshire and the city of York combined unitary authorities cover an area of 3,209 square miles with a population of around 830,000—an area that stretches almost from coast to coast across the top of the north of England. It can take well over two hours to drive across it in good weather. It is incredibly challenging for all our emergency services, in particular our fire service. We have only five whole-time shift fire stations, seven whole-time day-crewed stations, 24 retained stations and two volunteer-crewed stations. The firefighters may not have to deal with significant numbers of high-rise buildings, being in a predominantly rural area, but they have vast areas of land to cover, with significant risk of moorland fires and the concomitant problems of climate change and danger to protected habitats, wildlife and livestock. The Vale of York suffers badly from flooding, as do parts of the Yorkshire Dales. These are all difficulties our fire service must deal with and overcome. The public expect it to do so.

Here, I too extend my thanks for the many lives and buildings that our firefighters have saved, often in dangerous and highly toxic conditions. The North Yorkshire brigade attended 8,256 incidents in the year ending June 2023—13% more than in the previous

[Baroness Harris of Richmond]
year. There were 3,252 false alarms; we have not heard much about those today. There were 2,055 fires and 2,949 non-fire incidents, almost certainly road traffic accidents. That is quite a workload for only 592 firefighting personnel.

The fire and rescue national framework requires each fire authority to produce an integrated risk management plan. The public must be able to see this. The plan must reflect all foreseeable fire and rescue-related risks and set out its management strategy, as well as showing that effective consultation with communities has taken place. It must also consult its workforce and other partners, and cover a three-year time span. Those are all important requirements, which presupposes that there will be money for the service to undertake these duties—duties that require the very highest calibre of personnel, who will all require extensive training and first-class equipment.

My next concern is how all this will be paid for. The Fire Standards Board produced national professional standards but recruiting firefighters is becoming more difficult, especially for hard-pressed local government, precisely because the private sector can poach the brightest and best as it pays better money; that was referred to by the noble Lord, Lord Hendy. Indeed, privatisation of the service is looking increasingly likely. From buying expensive safety equipment to high-vis jackets, you can see adverts all over the internet for essential firefighting use.

Surely it is time we had an integrated review to look at updating fire safety guidance and ensuring that all areas of our country are protected as much as possible from the ravages of fire—from our high-rise buildings to our vast areas of underpopulated but important habitats, from our schools and our hospitals to other public buildings where people should be able to feel safe. All are important and need the assurance that they have been inspected by well-trained, professional people with the right skills to undertake such a specialist task. An integrated review looking at all these issues would be the right way forward; I urge the Minister to support this.

*1.25 pm*

**Baroness Pinnock (LD):** My Lords, I remind the House of my relevant interests as a councillor in Kirklees in West Yorkshire and a vice-president of the Local Government Association.

My noble friend Lord Goddard has inspired a well-informed debate on a matter of life and death—literally. He started his introduction to this debate by exposing the incoherence in the management of fire risk in buildings across various government departments. My noble friend Lady Harris pointed to a more local incoherence and the difficulty of merging the police and crime commissioner's responsibilities with the fire and rescue responsibilities in her county of North Yorkshire, but it is a growing trend across the country. It seems to me that incoherence, both local and national, is at the very heart of today's debate. The fact that we are not able to have an overall fire safety strategy, agreed and implemented in a coherent way across all government departments, seems to be at the heart of what we are debating today.

I am unashamedly going to start by talking about the fire at Grenfell Tower in 2017 because that tragedy powerfully reminded us of the vulnerabilities that we all face when fire comes: 72 people lost their lives. The Fire Safety Act and the Building Safety Act, which the Government implemented as a consequence of the Grenfell fire, have made substantial improvements to fire prevention in buildings, particularly domestic ones—but, as all speakers have referenced, there is still much to do.

Although fire and rescue services have enabled a steady decline in fires in homes, and deaths from such fires, each year more than 300 people still die from fires and just under 30,000 fires occur in dwellings. Grenfell exposed the callous decisions made by manufacturers of cladding, who knew that the products they were promoting were flammable. Action has been taken by government to remove dangerous cladding from high-rise blocks, but the Government have turned their back on those who live in blocks under 11 metres; they are getting no help at all in removing this dangerous cladding. I have raised this issue many times in your Lordships' House and will continue to do so in order to raise the concerns and anxieties of leaseholders who continue to live in flats covered with dangerous cladding.

Many areas of reform and improvement in fire safety have been raised during this debate. Taking buildings as a whole, several noble Lords have referred to the use of automatic fire suppression systems, such as sprinklers. My noble friends Lady Walmsley, Lord Goddard and Lady Brinton—and others—raised the importance of including sprinklers in buildings, particularly residential and nursing homes, schools and hospitals. It would be good to hear what the Minister makes of the strong arguments that they have made on this issue.

My noble friend Lady Brinton again made the powerful case for making sure that people with disabilities are able to evacuate buildings when needed. I suggest that people might like to read *Show Me the Bodies*, the book on the Grenfell fire by Peter Apps. It is not a joyful read; it details the awful fact that 41% of the 72 who died were people with disabilities, who were simply and tragically unable to get out. A second staircase in Grenfell Tower may have helped many more people to evacuate safely. This year, the Government have mandated that new buildings over 18 metres must have a second staircase. However, as my noble friend Lord Goddard pointed out, the implementation of this has been deferred. It is important in high-rise blocks for there to be an alternative escape route. My noble friend Lord Tope also pointed to the importance of improvements in building regulations in improving fire safety.

As many noble Lords will know, the Grenfell Tower fire was started by a fault in a fridge. Nearly one fire a day in London is caused by faulty white goods. Improving the safety of electrical goods in the home will lead to a reduction in domestic fires. My noble friend Lord Tope has long been an advocate of improving electrical fire safety and he spoke powerfully on this issue.

Another issue exposed by the Grenfell Tower fire was compartmentation. As pointed to by the noble Earl, Lord Lytton, and the noble Lord, Lord Hendy, it

was very clear that structural integrity had been compromised by poor fire safety doors and the installation of new windows which were shabbily put in—they did not fit and were made to fit using filler. That increased the intensity and rapidity of the fire in Grenfell. It is very important to have building inspectors and building control who have the power to be able to put those matters right. The Hackitt report made it very clear that that was at the heart of what had to happen. We are still waiting for the Government to implement that element of her report. Maybe we will see it when the second phase of the Grenfell Tower report is published next year.

I will move on to other areas noble Lords referred to. Other electrical fires come from small batteries, and we are increasingly using small batteries in all our lives. We all have phones, chargers, e-bikes and e-scooters. My noble friend Lord Tope has drawn attention to the dreadful fires resulting from these. We have probably all had a briefing from the London Fire Brigade, which said that the fire service has attended 142 e-bike fires and 28 e-scooter fires this year. As we have also heard, three people have sadly died from these fires. Many noble Lords who raised this issue have urged the Government to regulate battery charging and for greater control of the battery chargers you can get online, which may not be adequate when it comes to safety. I look forward to the Minister's response on this.

It is not just electrical fires inside the home that can be a problem. As my noble friend Lady Walmsley said, furniture and furnishings can also create a hazard—though not so much a fire hazard, because of the regulations of 1988 that ensured that soft furnishings were treated with fire retardants. The excellent Library briefing has drawn our attention to the fact that fire retardants have succeeded in reducing household fires but that these are not without their own problems. There is evidence that, during a fire, some flame retardants release toxic gases and smoke, as raised by my noble friend Lady Brinton. The UK Research and Innovation study explained that a

"significant proportion of … deaths are caused by inhalation of toxic fumes, including cyanide gas and carbon monoxide".

My noble friend Lady Walmsley has drawn our attention to the seeping toxicity of some of these flame retardants, which over the years can have an adverse effect, especially on children, as they are bio-accumulative.

There have been several attempts by Governments to address these findings and, finally, change is coming—but next year, and perhaps not in as comprehensive a way as those who are concerned about fire safety would wish. For example, the Fire Brigades Union has stated that Ministers should ban flame retardants which cause toxic fumes to result or introduce testing for toxicity before enabling them to be used. Draft regulations will enable manufacturers to continue using flame retardants if manufacturers decide they are the most "practicable" solution. There is a huge gap there in improving fire safety in the home.

This has been a very good debate on a vitally important subject. Firefighters across the country bravely save lives. While the Government have an incoherent approach to fire safety, they will continue to have to go out and put their lives at risk to save the lives of others. This Motion is to take note; I hope the Minister will urge the Government to take action.

*1.37 pm*

**Lord Coaker (Lab):** My Lords, I welcome the noble Lord, Lord Gascoigne. I know he has done Questions before, but I think this is his first debate, so I welcome him to the Dispatch Box to speak for the Government. I also congratulate the noble Lord, Lord Goddard. I noticed the changes being proposed and consulted on by the Government with respect to fire regulations. Given their importance, the noble Lord has done us all a service by bringing them before this Chamber to be discussed in this important debate.

Fire is an ever-present danger, and something we must all consider and take into account in our personal and professional lives. Noble Lords will remember that, just a couple of days ago, we had a fire drill in this place—the marshals went out and procedures were looked at. That is very important and shows that, here and everywhere, you have to take account of the threat that fire can pose to us.

The figures show a drop in the number of fires and related deaths and injuries. This is to be welcomed. It would be ridiculous for us not to say that it is really good news to see that the number of fires and fire-related incidents across our country has declined. But one of the things that has come from this debate, as the noble Lord, Lord Goddard, and others have said, is that you cannot be complacent: you cannot believe that the job is done and not worry or be concerned about where we are. Our efforts must continue.

Many noble Lords have recognised the efforts of our firefighters and fire services, and all of those who are working on that. I will not make the political point that it is a shame we have seen such a reduction in their numbers—but I thought I might drop it in there. The work of firefighters has been quite brilliant.

Barely a day goes by without reference to a serious fire somewhere, sometimes tragically involving the loss of life. None of us will forget the horrors of the Grenfell Tower fire. It is worth repeating that that was a tower block of some 24 storeys. We saw the television pictures, with flames and smoke billowing out: 72 people died, 223 managed to escape and 70 were injured. You can only imagine the consequences for people living with that horror for the rest of their lives. It was a horrific wake-up call to us.

The inquiry and reports are asking why and how it happened. What could have been done? That is why the reports coming out are so important. I know the second phase of the report is supposed to be next year, but it would be helpful if the Minister could tell us when that might be, because we all want that report to come out as soon as possible. As many noble Lords have said, it will make some quite significant points and, from that horror, we must do all we can to make sure we minimise risks.

That is why these regulations are so important. Noble Lords raised Luton Airport and what happened in the car park there. Are there lessons to learn from that? All of us have to use regulations to try to minimise risk and bring about overall improvement.

[Lord Coaker]

What is the state of the current fire safety regulations? Can the Minister update us on that? There are reviews, consultations and refreshes, and the noble Lord, Lord Goddard, talked about updating them. All of that is apparently going on, but there is a plethora of it. The landscape is very cluttered, and it is very difficult to understand who is doing what and where we have got to with these different regulations. Given the importance of all that, some clarity from the Minister would be welcome.

We heard that the Government have been consulting on new regulations on the fire safety of various products. The consultation on upholstered products ended on 24 October. When do the Government expect to publish the results? What is their view on some of the criticisms that we have heard about small items not being included? Many fires start from small items: this may be the right thing to do, but it would be helpful to understand the rationale. I read the regulations and some of the small items included babies' cots and cushions. There must be a rationale for that—somebody has not just made it up—but what is it and why?

Do the Government accept concerns about the use of flame retardants? Dr Paul Whaley, an expert from Lancaster University, said:

> "There are longstanding concerns about the effectiveness of flame retardants and the health risks associated with them".

We heard about some of those—smoke inhalation and so on—and those criticisms were echoed by the House of Commons Environmental Audit Committee, which said that the Government's proposed new regulations do not go far enough and are a wasted opportunity to further improve fire safety.

The FBU has also criticised the new proposed regulations, saying that they are, in fact, "deregulation" that puts firefighters and public safety at risk. I suppose it is asking why the Government would deregulate small cushions and babies' cots from the regulations when, as even somebody who is not an expert on fire knows, those things do catch fire. I am trying to understand that.

As we have just heard, there is a more general issue with enforcement. Whatever regulations we have, they need to be robustly enforced and all the buildings checked. Fire inspections and the work of the fire service must be robustly supported. Can the noble Lord explain how the Government seek to support the enforcement of fire regulations? Does he have any figures on the numbers of inspections and any consequential action that has followed them, including the number of prosecutions following enforcement notices that have been issued? I had a look, although not for hours on end, and I could not find those figures. They would be useful to understand what is happening with enforcement.

The Building Safety Act 2022 set up the new building safety regulator to regulate high-risk buildings, raise safety standards and help professionals improve their competence. High-risk buildings were defined, and there is a duty to regulate care homes and hospitals through their design and construction phases. That is a really good and important change. If you are regulating care homes and hospitals through their design and construction phases, you are clearly trying to minimise the risk of fire, which is a good thing. Local authorities are now involved in this important work, as well, but how will all that be monitored? Will there be an annual report to Parliament, so that we can see how the work of the building safety regulator is going?

The London Fire Brigade has called for a number of changes to fire regulations and for a number of things to be done more broadly. As we have heard in the debate, these include the provision of second staircases in tall buildings. The Government accepted this for new buildings over a certain threshold, but what about older buildings and other buildings? Why are second staircases appropriate in some buildings but not others?

Sprinklers in buildings are another demand. Again, they are required in certain buildings, but many of us find it very difficult to understand why you would not put sprinklers in new care homes, hospitals or schools. I understand the difficulty with old buildings, but if they are part of the design, that will minimise the cost. What is the Government's rationale for their policy on sprinklers in both new and old buildings? Knowing that would help us understand, particularly when it comes to care homes. Given the number of people who were trapped in Grenfell and could be trapped in other buildings, that is one of the things that sprinklers are designed to overcome.

We have also heard about the increasing risk with lithium ion batteries in e-bikes and e-scooters. I do not know if other noble Lords were aware of this, but I did not know how prevalent fires caused by e-scooters parked in communal areas are. I had no idea that this was now the newest threat and the cause of fires in various buildings. The figures are worth repeating. The London Fire Brigade has attended 142 e-bike fires and 28 blazes caused by e-scooters. I was quite surprised by this. Does the Minister have any figures for the rest of the country? What are the Government proposing to do about what appears to be a new threat of fires stemming from the increased use of e-scooters?

We all welcome the reduction in fires and in fire-related deaths to which I referred earlier. This remains a work in progress. It requires us to keep demanding more. Tragedies, large or small, cannot just be the spur to action. It cannot be that, when a tragedy occurs, we debate why on earth we did not do anything about it; why the regulations to stop it were not in place, or how on earth we allowed this to happen. This cannot be how public policy is determined. It needs rational and calm debate where people like us demand that the Government respond. We want to know that as much as possible has been done to prevent fires in future. I do not want a situation where a tragedy is the spur to action. This is not a good enough way to make public policy.

*1.49 pm*

**Lord Gascoigne (Con):** My Lords, I start by thanking the noble Lord, Lord Goddard of Stockport, for tabling this debate, and to all noble Lords who have contributed. I am grateful for all the work done in this area. I found it quite moving, listening to the experiences which noble Lords have shared. Along with other noble Lords, I also thank the APPG and the late Sir David Amess

The Grenfell Tower fire was a terrible tragedy which rightly shone a light on the need for reform. Fire safety is rigorously debated in this House. We owe it to every one of the victims and their families to ensure that we continue to give it the scrutiny it deserves. As many other noble Lords have done, I too express thanks and gratitude to the firefighters for all that they have done in putting their lives at risk in keeping us safe.

It might be helpful if I first talk about the work that we have undertaken to significantly strengthen the regulations that govern fire safety in the wake of the Grenfell fire. In the time since the fire, as has been noted, the Government have delivered the Fire Safety Act, the Building Safety Act and the fire safety regulations. Alongside the fire safety order, these changes deliver a comprehensive approach to the regulation of fire safety in England and improve existing legislation.

Since 2006, this order has been the main piece of fire safety legislation in England. As noble Lords will know, it places legal duties on responsible persons, including the need to undertake a fire risk assessment, put in place fire safety precautions and operate a suitable system of maintenance. It rightly places the onus on building owners to ensure that their properties are safe. While the Government publish guidance to help them do so, both the FSO and the guidance are purposely non-prescriptive. This is because no two buildings are the same and a case-specific approach must always be taken.

Although respondents to the 2019 call for evidence were clear that the FSO is widely regarded as a highly effective piece of legislation, they also highlighted some areas where they felt it could be strengthened. Section 156 of the Building Safety Act delivered our response by amending the FSO to make it easier for enforcement action to be taken in cases of non-compliance, compel the owners of multi-occupied residential premises to share fire safety information with their residents, and increase the need for different duty holders in the same building to co-ordinate their activities, thus ensuring a whole-building approach to fire safety.

The Fire Safety Act further strengthened the FSO by putting it beyond doubt that, for buildings containing two or more sets of domestic premises, the structure, external walls and flat entrance doors must be considered as part of the fire risk assessment. That was a crucial step in addressing the potential for fire to spread throughout a building in the way in which it did at Grenfell.

Alongside these amendments, the fire safety regulations created new legal requirements for the owners of multi-occupied residential buildings to share building plans and other important fire safety information with fire and rescue services, helping them to plan their response in the case of an emergency. They also placed new legal requirements on building owners to regularly check fire doors in their building to ensure that they remained in full working order.

Through the Building Safety Act, we created a new regulatory regime for higher-risk buildings or—more specifically—multi-occupied residential buildings that are 18 metres or more in height or more than seven storeys. The Act also established a new building safety regulator within the Health and Safety Executive and a new construction products regulator within the Office for Product Safety & Standards. The building safety regulator will work in partnership with local authorities and fire and rescue services to oversee compliance with the building regulations during design and construction. From October 2023, the building control body for higher-risk buildings was due to commence regulation of fire and structural safety once a building is occupied.It is already a legal requirement to register existing occupied higher-risk buildings with the regulator. As of 24 November 2023, more than 14,000 registrations had been completed or started.

As we all learned from the tragedy of Grenfell, fire safety in an occupied building relies heavily on a building being constructed correctly in the first place. So, alongside these changes, we have amended the building regulations that apply to new building work, including a ban on combustible materials for residential buildings, hotels, hospitals and student accommodation above 18 metres, with additional guidance for residential buildings between 11 metres and 18 metres, and a lower threshold for the provision of sprinklers—which I will come on to in more detail—in new blocks of flats from 30 metres to 11 metres.

I will now at least try to address some of the excellent points that have been made. As the noble Lord, Lord Tope said, if I cannot address everyone's concerns, I will certainly write.

A number of people raised the issue of sprinklers and related issues. As I said, there have been some updates to the guidance on building regulations. I was asked about retrofitting. Retrofitting sprinklers is not always the right option, and other fire safety measures could be taken instead which may be more appropriate for an individual building. I was asked about school buildings. School building contractors must meet the requirements of the building regulations and are required to install sprinklers where there is a life-safety issue.

The noble Lord, Lord Goddard, the noble Earl, Lord Lytton, and I think the noble Baroness, Lady Pinnock, raised the issue of departmental clarity and cross-government work. The Home Office holds overall departmental responsibility for fire and safety. It is obviously very complex, as we have said, and there are many departments that work together, particularly the Department for Levelling Up, Housing and Communities. That is why we work in conjunction across all departments, but, as I say, the Home Office takes the lead.

A number of noble Lords, not least the noble Lord, Lord Goddard, and my noble friend Lord Naseby raised the fire at Luton Airport. As I may have said in my previous remarks, we are committed to carrying out a comprehensive review of *Approved Document B*. I understand that regulators are overseeing this review, including the fire resistance of car parks, and we are looking at this and committed to change. We will communicate that in due course.

On the response to the report of the second part of the inquiry, I understand that it is still ongoing. As the noble Lord, Lord Hendy, said, there is a huge amount of work, which is ongoing, and we continue to await what is said.

[LORD GASCOIGNE]

The noble Baroness, Lady Walmsley, and the noble Lord, Lord Coaker, asked about baby products. There are several proposed changes in the new approach, and the consultation sets out a list of products not in scope in this new approach. All products removed must still meet the requirements of the General Product Safety Regulations. I hope that provides a bit of clarity.

Something that was raised by a number of noble Lords in the debate was lithium-ion batteries and the fires that come from them. I shall touch briefly on e-scooters after this. There is a lot of activity going on currently across government to gather evidence and develop mitigations. Part of the work that is taking place is about awareness, safe usage and, crucially, storage and charging. Some of this work is being done through our existing Fire Kills campaign, I believe. Product safety laws require products to be safe and manufacturers must ensure safety before placing a product on the market.

On the related issue concerning e-scooters, as I say, it is all being looked at while evidence is being gathered and it is something we are absolutely looking at to see what more can be done.

The noble Lord, Lord Hendy, asked about staffing and salaries. The Government remain committed to ensuring that the fire and rescue services have the resources they need to keep us safe. Overall, fire and rescue authorities will receive around £2.6 billion in 2023-24. Decisions on how resources are best deployed to meet their core function, including recruitment and retention, are a matter for the authorities, based on local needs. I am afraid the Home Office does not have a role in negotiations on funding of the firefighters or their pay.

On a related note, the noble Lord, Lord Tope, asked about general pressures on local authorities, and other pressures. It goes without saying that we all know that social housing providers have several priorities and obligations that they must consider when balancing all this out, and we want to balance the imperative to move quickly to drive up standards with the need to take into account the challenging environment that they will be in. We will be asking about this in our upcoming consultation.

The noble Baroness, Lady Brinton, and a number of others raised the very important issue of mobility-impaired persons and PEEPs. As has been said, it is worth remembering those disabled people who lost their lives in the fire. We are committed to supporting the fire safety of disabled and vulnerable residents, and we are acutely aware of the need to ensure the safety of residents with mobility concerns. I know that the noble Baroness, Lady Brinton, has raised this issue previously with ministerial colleagues of mine, as have a number of other noble Lords. Indeed, I know it has rightly been scrutinised in this House, as well as some of the challenges which are required to be overcome. It is something which I too have discussed with the department, in advance of this debate, and the noble Baroness is right to raise this very important issue. I know the department and others are working on it, and a response will come in due course.

I turn now to some of the issues raised by the noble Lord, Lord Coaker. Before I do so, I thank him for his very kind remarks. It was not that long ago I gave my maiden speech, before joining the Front Bench, in which I talked about the kindness and warmth I have felt from everyone across this House, on all sides of the Chamber, since I was introduced. I have engaged closely with the noble Lords, Lord Coaker and Lord Ponsonby, on a variety of issues of late in relation to my ministerial responsibilities. I pay tribute to the noble Lord for the candid, often frank but cordial, and—crucially—warm way in which he has dealt with me, and I am extremely grateful, given that I am the new kid on the block.

Turning to some of the remaining points, on the regulator, which I think the noble Baroness, Lady Pinnock, also raised, we expect the regulator to carry out its work in a proportionate yet pragmatic way. Obviously, it is still very early days to see how it works, but this is something that will be taken forward, given it has not yet come into force.

The noble Lord asked about statistics and enforcement, and I am afraid I will have to write to him about that—I assure him I will do so.

A number of noble Lords, including the noble Lord, Lord Coaker, asked about the issue of second staircases. As I am sure noble Lords will be aware, it was designed with the engagement of the sector but also fire safety services and local authorities, as well as the insurance industry. This approach seeks to provide an evolution of safety standards which, taken with our other measures and reforms, ensures the safety of people in tall buildings, both new and existing. The Government are clear that existing and upcoming single-staircase buildings are not inherently unsafe. There is no evidence to suggest single-staircase buildings require remediation or mitigation when built in accordance with the relevant standards, are well maintained and properly managed.

Finally, the noble Lord, Lord Goddard, asked why there are no Peers from the fire services. It is a very good question. I am afraid that is not currently within my remit—as I say, currently—but it is a point well made.

There have been lots of great points raised, as the noble Lord, Lord Tope, said. There are far too many—I have tried to listen and address them at the same time. Noble Lords must forgive me that I will have to follow up, where I can. I am also aware that not everyone will be entirely satisfied with everything I say. I will try and respond, if I can, on the other issues.

In closing, I genuinely thank noble Lords for their contributions in the debate. The reforms we have delivered will take time to fully implement and take hold. We will reflect on the many points raised today, as we continue to monitor the impact of our reforms, which is something noble Lords asked about. I assure the House of the Government's enduring commitment to improved fire safety, as we seek to ensure everyone is safe, and feels safe, in the buildings in which they live and work.

*2.03 pm*

**Lord Goddard of Stockport (LD):** I thank all Members who took part in this debate, which I put down in some trepidation because it seemed a little bit dry and technical. The expertise in the House has shown itself again, from all four corners. It would be wrong for me to name individual Peers, but the knowledge is in the Members. These are life-changing decisions that we make on behalf of the public out there.

One noble Lord talked about Ukraine. On the last sitting day before the Summer Recess, I was fortunate enough to go with Ronnie King to see the Ukrainian Minister at his embassy. He commented on the support of the British fire service in delivering things to Ukraine in their darkest hour, when they needed ladders and equipment. The fire service took the kit out there and dropped it off. This is the first opportunity I have had a chance to thank, on behalf of Ronnie and the APPG, the Ukrainian Minister for bringing that up with us.

The noble Lord is a new Minister, and this is probably a—dare I say it—baptism of fire. However, there are questions that need clarifying and answering, because some of this seems unfathomable to right-minded, simple people like myself. The noble Lord, Lord Coaker, has asked those questions on my behalf, because of the time. People might think that we do not care, but a number of speakers today went over their time, which was 12 minutes—a long time to speak. That is because of the passion and the knowledge that they are trying to impart to the Minister to take back to people in the other place to make things safer. On behalf of everybody, I thank the Minister for listening and for his replies.

*Motion agreed.*

## Elgin Marbles

*Question for Short Debate*

*2.06 pm*

*Asked by* ***Lord Lexden***

> To ask His Majesty's Government what assessment they have made of proposals to loan the Elgin Marbles to Greece.

**Lord Lexden (Con):** My Lords, the Elgin marbles—or Parthenon sculptures, as some prefer—are famous for two reasons. The first reason is of course because they are magnificent treasures of civilization, part of the heritage of our world. The second reason that they are famous is as regrettable as it is persistent. These great treasures have an almost infinite capacity to provoke heated arguments about their ownership and their location. It is almost impossible to mention them in everyday conversation without instigating a dispute on these points.

This has not always been the case. The sculptures were brought to our country between 1801 and 1812 by the 7th Earl of Elgin, about whom many unkind things are said. They were placed in the possession of the British Museum by Act of Parliament in 1816. For the next 165 years, there was scarcely a peep of protest from anyone in Greece—which had become an independent country in 1832—about their residence in one of the world's greatest museums. During this long period, the idea that the British Museum's possession was permanent became a settled conviction in Britain.

The peace was shattered some 40 years ago. Since then, politicians and other leading figures in Greece, a country whose friendship has always been greatly valued in Britain, have repeatedly demanded that the treasures should be installed once again on the Acropolis, from which, in the Greek view, they were illegally removed by the much-criticised Lord Elgin. No one, I think, can doubt the strength of feeling that exists in Greece. It has the power to damage and blight good relations between our two countries, particularly at official and diplomatic levels. People of good will, in both Greece and Britain, must surely seek to diminish the acrimony with which the heated and recurrent arguments, engendered by dispute over ownership and location, have invested the great and famous sculptures.

Those seeking to understand the issues more fully will be greatly assisted by a recent detailed study by one of our leading scholars, Sir Noel Malcolm, a most distinguished historian of international standing with a particular interest in the Balkans, a fellow of the British Academy and of All Souls, Oxford. Sir Noel Malcolm's meticulous scholarly study was published earlier this year by Policy Exchange, an organisation of enormous value in promoting debate on political and public affairs. Not all scholars reach clear conclusions. Sir Noel Malcolm does so. He finds the claim that the removal of the treasures was illegal to be false. He finds the claim that Elgin saved the treasures from serious damage, dispersal and destruction to be true. The central point is this: the British Museum has full legal entitlement to the treasures which Elgin saved for posterity.

It should perhaps be noted that no Greek Government have ever sought any form of legal judgment on the question of ownership, yet the words "theft" and "robbery" are freely bandied about on the Greek side.

The absence of serious doubt on the question of legal ownership is immensely important, but it does not settle definitively an issue of this kind. I sought the view of a retired Conservative Minister, an academic philosopher well-known for his careful consideration of all sides of highly contested issues. He told me that, in his view, the Elgin marbles have a special and disproportionate importance for the Greeks which sets them apart from almost anything else that has ended up outside their mother country. Should not that view incline us to consider sympathetically the Greek demand for the transfer of the sculptures from London to Athens?

However, must not great weight also be given to the fact that, in over more than 200 years, the Elgin marbles have become part of Britain's cultural heritage? Some assert that a mere 200 years are of no significance in a roughly 2,500-year-long history of the sculptures, but that is to ignore the important fact that these 200 years constitute the great majority of the period during which, in post-classical times, the sculptures have been seriously valued as works of art.

Professor Mary Beard, who has done so much to extend our understanding of the ancient world, has said that

> "after 200 years the Elgin Marbles have a history that roots them in the British Museum as well as in Athens".

[LORD LEXDEN]

Surely such a statement confers great merit on the suggestion, which has been given wide publicity, that some form of loan arrangement might be instituted between the British Museum and the Greek Government. Mr George Osborne, the current chairman of the British Museum trustees, has become the principal champion of that idea. He tells us, not infrequently, that he is exploring the ways in which a loan scheme might be agreed with the Greek Government, with, as he put it recently,

"Greek treasures coming our way in return".

At present, a loan is the only basis on which any of the Elgin marbles could go to Greece. They are the property of the museum, which is prohibited by an Act of Parliament from selling them or giving them to anyone else. A loan would be wholly compatible with the British Museum Act 1963, which states:

"The Trustees of the British museum may lend for public exhibition".

It is a power that the trustees have not in the past been reluctant to use. The 1963 Act goes on to state that

"in deciding whether or not to lend any such object, and in determining the time for which, and the conditions subject to which, any such objects is to be lent, the Trustees shall have regard to the interests of students and other persons visiting the Museum".

This surely rules out open-ended and potentially permanent arrangements.

There is another crucial issue. In any agreement with Greece, the museum would need to be certain that it will get its property back. The current policy on loans makes clear:

"The Trustees of the British Museum will lend only in circumstances when the perceived risk to the object is considered reasonable and when the borrower guarantees that the object will be returned to the Museum at the end of the loan period".

If proposals for a loan, the subject of this debate, are to succeed, two essential preconditions would surely have to be met. First, the Greek Government would need to give a binding, legally enforceable commitment to restore the sculptures to their owner at the end of the loan period. Secondly, the length of the loan period would need to be firmly established. On the latter, various possibilities have been mentioned, ranging, I think, from five to 15 years. Can my noble friend the Minister say whether the Government have a view on the maximum time the sculptures should be on loan from the British Museum? Would the Government seek to ensure that a loan agreement fully respected the British Museum's ownership of the Elgin marbles?

Would it not be wholly wrong, in seeking an agreement with Greece, to jeopardise the interests of the British people? Although the British Museum may have its difficulties at present, which will keep Mr Osborne busy, it has never failed in its duty to hold the Elgin marbles securely, in its own words,

"for the benefit of the world public, present and future".

**Lord Harlech (Con):** My Lords, for the benefit of the House I tell noble Lords that two noble Lords have given notice that they wish to speak in the gap. It is an incredibly tight debate and I am sure we want to hear from everyone and the Minister's reply in full, so I implore all noble Lords to stick to the speaking time.

*2.14 pm*

**Baroness Chakrabarti (Lab):** My Lords, not for the first time I find myself congratulating the noble Lord, Lord Lexden, on bringing such an important and timely debate. I am afraid I will disagree with much of what he said, including on matters of history. I say that with some trepidation to such an established historian, but there are different views about matters that have already been cited in your Lordships' House.

The Prime Minister's recent snub of the Greek premier, for even discussing his country's well-known and long-established claim for the reunification of the Parthenon sculptures in their Athenian home, was more worthy of a sulking adolescent than an aspiring statesman. I slightly balk at the idea of the recipient of stolen goods agonising about their possible loan to the rightful owner. Whatever Policy Exchange may say, and perhaps legislate for with the flick of a pen, there are other views. I do not currently accept that Lord Elgin had permission from the Ottoman Empire to hack away at the marbles with crowbars and take them for the adornment of his Scottish mansion. He was authorised, I believe, only to take impressions. He sold them to the British Museum only after his subsequent bankruptcy. There, like much of our imperial history, they were scrubbed with wire wool, which did lasting damage.

I will not fast forward to recent governance troubles at the British Museum and the still unresolved systematic thefts from its mostly undisplayed treasures, but we might observe that the right to call itself "the museum of the world" et cetera is wearing extremely thin.

Regardless of arguments about legality, past or present, the British people know better than too many of their leaders how to make friends by being the bigger person. Most of them support returning the artefacts to the people to whom they mean so much more. A few minutes, let alone hours, at the Acropolis Museum in Athens would lead any noble Lord to understand just how much these artefacts mean to the people of Greece. Few have been fooled by years of buck-passing between museum and government around this issue, when technological advancement should make sharing and return so much easier than ever before.

I fear the Government are taking the concept of culture war to new and ever more literal levels. They are prepared to legislate to change facts, as found by our highest court, so as to transport desperate human cargo to Rwanda. But they are not prepared to legislate to allow the British Museum and other important collections even to make their own decisions about co-operation and vision over world heritage. They want to stop the boats, stop the courts and burn the bridges, but the Government's marbles are long since lost.

*2.18 pm*

**Lord Allan of Hallam (LD):** My Lords, I wanted to take part in this debate because I love ancient artefacts—so much so that my career began in ruins, working as a field archaeologist, trowel in hand. Please indulge me; it is panto season. Even now I feel a shiver of excitement at the memory of scraping back the dirt to reveal a sarcophagus lid and then lifting it to find the tomb still

occupied in skeletal form. What is special about artefacts is that they conjure up stories when we see, touch or smell them. The sniffing part does not apply to skeletons—that would be weird—but there is nothing like a whiff of old alabaster. It is this story-telling function that I believe should be front of mind when we consider objects such as the Parthenon sculptures, recognising, as the noble Lord, Lord Lexden, said, that location and context are important elements in how they speak to us.

As I have bounced between the British Museum and the new Acropolis Museum, each of which holds around half the surviving Parthenon sculptures, I have felt two quite different narratives emerge from these kindred objects. In London, the story is heavily weighted in favour of their recent history. They speak of 19th-century adventurers, of the neoclassical London architecture they influenced, of a Britain that prized Latin and Greek education above all else, and of a world of comparative cultural and artistic studies. In Athens, the story is very much one of them as integral architectural features of the Parthenon building that you can see from the gallery, of their position relative to other layers of Greek archaeology and of their representation of classical Athenian culture. One of the most powerful differences is in their positioning. The Duveen Gallery has them facing inwards while the new Acropolis Museum has them turned outwards, replicating their original arrangement on the Parthenon. They are, quite literally, introverted in London and extroverted in Athens.

I hope we can recognise, as the noble Lord, Lord Lexden, set out, that each of these stories is interesting and valuable, and do not allow a lack of imagination to cause us to dismiss either of them out of hand. My personal preference, as my tone may have given away, is for the Athenian story, so I wish to see the entire set of sculptures together in the new Acropolis Museum. But I recognise that this would represent a loss to those who favour the London narrative, if they can no longer drop into the British Museum for a fix of their own preferred kind of classical inspiration.

Artefacts also add new elements to their stories over time; this is especially true for the Parthenon sculptures. As well as Lord Elgin himself, their story now includes Melina Mercouri, who kicked off that campaign 40 years ago, and Eleni Cubitt, who ran the UK campaign for their return over many years. Our current Prime Minister, Rishi Sunak, has now become part of the story; George Osborne may be an even bigger figure if he leads the trustees to agree to some form of display in Athens. It is certainly my hope that we will find a way to have the entire set of sculptures singing their story out from the new Acropolis Museum, while the British Museum continues to tell its rich stories through other fabulous Greek objects from its own collection or from loans.

Our Prime Minister recently issued a clarion call for politicians not to feel bound by others' past decisions, but rather to be willing to make

"long-term decisions for a brighter future".

That question now sits in front of the British Museum trustees. If it seems better for the next chapter of the sculptures' story to be set in Athens, I hope we can enable that to happen.

I invite the Minister to give an aesthetic opinion, as well as the legalistic ones that I suspect he has in his notes. It would be helpful for the House to know the personal preference of the noble Lord, Lord Parkinson, for Parthenon placement.

*2.22 pm*

**Lord Frost (Con):** My Lords, I join others in thanking my noble friend Lord Lexden for securing this debate. It is right that we should debate this subject because it cannot be left just to museums. There is obviously room to debate the legal case. I think Lord Elgin's actions were possibly a little murky; nevertheless, our legal case is good. I also think that is not the point. The point is what we do now, rather than what happened in the past.

Personally, I have never been so convinced by the moral, artistic and cultural arguments for the position we take. The Parthenon marbles are a special situation and we should try to find a special solution. They are one of the supreme expressions of ancient Greek, hence western, art. They were created for a specific building and a specific cultural context. In contrast to much ancient sculpture, we know exactly what that context was and what the work of art was intended to signify. These are not just random museum exhibits and, for as long as they are not seen as a whole, they are less than the sum of their parts.

I was lucky enough to learn Greek in Greece, when the Foreign Office still invested in such things, and I have lived in Cyprus. I have no doubt been influenced by that experience, but it has also enabled me to see the argument from the Greek perspective. For us, the marbles are just one exhibit—albeit a very important one—in our national museums, but for Greece they are part of the national identity and a national cultural cause. As we saw from what was, I am afraid, the slightly dismissive treatment of Prime Minister Mitsotakis the other week, they have the capacity to disrupt a relationship that really ought to be a lot better than it is.

We should try to find a solution, but I also wonder whether a loan is the right way forward. I admit that I am slightly unconvinced by it. It seems like a solution that has been shaped by the existence of the 1963 Act, which rightly prohibits the museum from alienating its collections. I am afraid that is a very necessary protection nowadays against the tendencies of too many museum curators. The problem with a loan is that it keeps the issue and the arguments alive when we should try to settle this for good.

My personal view is that it is a time for a grand gesture, and only the Government can make it. It is to offer to return the marbles as a one-off gift to Greece from this country, but as part of and on condition of a new, wider Anglo-Greek cultural partnership. That partnership could have three elements, but many others. First, a museum partnership, high-quality reproductions of the marbles in London plus an agreement by Greece to loan some of its most famous works of art, temporarily, in return—perhaps beyond London as well. Secondly, a wider cultural partnership, perhaps a bilateral foundation, largely financed by the, I am sure, many wealthy private individuals with an interest in this question, to try to take academic and scholarly

[LORD FROST]
collaboration to a new level, and an agreement to relax or eliminate restrictions—because the barriers are much stronger on the Greek side than ours—on language teaching, cultural work, artistic performance by each other's citizens and so on. Thirdly, and finally, a joint campaign to return to Greece those parts of the marbles that are in other museums globally, for it should not be forgotten that, although the British Museum has most of those that are not in Athens, it does not have them all.

Such a partnership would have to definitively set aside for good the rights and wrongs of the original acquisition. It would also have to be clear that it was not a precedent for restitution demands for any other museum exhibit. But it would show that we actually mean it when we see the marbles as part of our common inheritance, and that we can move beyond the "What we have, we hold" approach we take on so many occasions. Perhaps we could rise to the occasion this time and make a deal.

*2.26 pm*

**Baroness Bennett of Manor Castle (GP):** My Lords, it is a pleasure to follow the noble Lord, Lord Frost, and entirely agree with everything that he said. I think he said that the Parthenon sculptures sitting in the British Museum are less than the sum of their parts that they would be if they were together in their original context with their original structure. That reflects a recent article in the *Times* that talked about going into the Parthenon sculptures gallery and feeling the melancholy of exile. These marbles have been deprived of the charisma that ancient objects can have when they are in the place where they were made, created and lived with for thousands of years.

I was a volunteer at the British Museum for many years, and I am a passionate lover of the place. One thing I did as a volunteer was to stand in the galleries with ancient objects and give visitors the chance to hold them. One such object was a 350,000 year-old hand-axe from Kent. That was a magic object when you felt it in your hand, but it was a magic object in its place and time. You could feel the connection to the people—probably homo heidelbergensis, or possibly early Neanderthals—who lived before us on this island and whom you were experiencing in that moment. That is something that we are depriving the world—anyone who visits Athens—of, by taking the Parthenon sculptures away.

Like others, I thank the noble Lord, Lord Lexden, for the chance to have this debate, and the noble Baroness, Lady Chakrabarti, who set out the case very well—I am not going to repeat it. I disagree with the noble Lord's conclusions, which are very much contested. I am, perhaps typically as a Green, going to take this as a chance to think a bit more broadly. This is a chance to reassess the position of many objects in the British Museum—the Benin Bronzes are another very obvious example. Let us think about our museums, galleries and collections, and place this in the context of Britain's place in the world. We hear a great deal of talk of Britain wishing to be world-leading in standing up for human rights and the rule of law, doing the right thing and promoting a proper international order. Let us think about that and about what we could actually do. I am no legal draftperson, but I am sure the Table Office could come up with a Bill that would see the Government directing museums, galleries and other institutions to make, over time, an assessment of their entire collections to see whether they have fair, just and rightful title to the objects in those collections.

I would ask the Government to provide some modest ongoing funding; I am not saying this is something that would happen in a year or even a decade. It could be an ongoing programme—and we can already identify some of the objects that would clearly be a problem.

Noble Lords may ask what this would achieve. I pick up the point the noble Lord, Lord Allan, made about how the sculptures here in London send out a message of celebration, still, of that period of colonialism, exploitation, extraction and straight-out theft. We would be saying, "That's not the kind of world we want to live in". We want to build and create a new and different future that respects the rule of law and different cultures all around the world and that seeks to work with them to celebrate together the wonderful creativity of humans. That is a global tradition that belongs to everyone that should be all in its rightful place.

*2.31 pm*

**Lord Dubs (Lab):** My Lords, I am sure I am not the only Member of this House who was embarrassed when our Prime Minister said he would not meet the Greek Prime Minister because of an argument about the Parthenon marbles. Whatever the rights and wrongs, if the British Government said to the Greek Prime Minister, "It's a condition of our meeting you that you don't mention the marbles", that is simply quite absurd. This is not how we deal with friends, fellow NATO members and a fellow European country with which we have had a long period of friendship. I find that very embarrassing; we must restore our relations with Greece, because they have taken a bit of a knock. The Greek Prime Minister appeared on television and gave a very dignified response in impeccable English—I think that is how we should have behaved.

People say we cannot return the marbles to Athens because it would set a precedent—I do not agree with the noble Baroness, Lady Bennett—and therefore we must not do it because there would be demands for everything to be returned. I argue emphatically that the argument in favour of returning the marbles to Greece is that they are unique and so it would not set a precedent.

They are unique for a number of reasons. One is the unity of a great work of art. It is not a matter of returning the odd French impressionist to Paris; nor do we want to, and neither are the French asking us to. It should be a unified work of art, and therefore there is a case for it all to be together in its original home. Secondly, some other countries have already done this. I understand that there are parts of the Parthenon marbles that have been returned to Athens—I think the Austrians are considering doing the same thing. Then, of course, we have the precedent of the Benin Bronzes. But, above all—as I learned some years ago when I was discussing this with people in Greece—there is the significance of the Parthenon marbles in terms

of culture and traditions. It is so important to the people of Greece; it matters so much to them; and we should respect their wish and their desire.

Then there is the argument about loaning or returning them. I appreciate that there is a difficulty because of the 1963 Act. Nevertheless, I think the right answer, in the fullness of time, will be to return the marbles to their rightful place in Athens. If it needs a change in legislation, that could be achieved—but, for heaven's sake, we cannot forever fall out with our Greek friends on this issue. We can have replicas created and put in the British Museum, so if people want to see them without going to Athens they can do so. But the importance to the Greeks is something that I did not understand until I was in Athens and began talking to people. It is overwhelmingly significant for them, and we should respect that—it is the best way forward. They are our friends, they are fellow NATO members, and we need all the friends we have got as a country. The Greeks have been excellent friends, and they would be even better friends if we returned the marbles to them.

*2.34 pm*

**Lord Hannan of Kingsclere (Con):** My Lords, if there were a way of returning the marbles to the Parthenon itself, there would be no debate. It would have happened years ago. What Byron called the "wanton and useless defacement" would have been undone. Who could resist seeing those magnificent artefacts in their proper place—their solidity combined with this ethereal feel of their bare, bleached, marmoreal splendour; their realism, the flowing robes and flared horses' nostrils none the less combining with this idealised beauty? But the argument is about moving them from one museum to another, and therefore it seems that this debate turns on what a museum is for. The clue is in the etymology—museums are there to channel the Muses, to elevate and ennoble the condition of visitors. The most pertinent questions to ask, with the display of any artefacts, are: where will they best be looked after? Where will they be most accessible to specialists, scholars and students? Where will people most appreciate their cultural impact? Where will the greatest number of people get to see them?

I think that I am right in saying the British Museum was the first public institution to use "British" in its title, yet it never saw its aspiration as being national. It always saw its role as being encyclopaedic—a collection of curios from every continent. This is more unusual than you might think; if you go to the museums in Copenhagen, Budapest or Prague you will find museums that tell the story of a particular nation and people. If you go to the museums in Washington DC you find even more ethnic particularism—a Chinese American Museum, an African American museum, a Museum of the American Indian and so on—but the British Museum never saw itself in those terms. Confident, at least in the 18th century in its foundation, it saw itself as a repository for the greatest works of mankind. Neil MacGregor, the museum's director between 2002 and 2015, put it like this:

"The museum remains a unique repository for the achievements of human endeavour, and there is no culture, past or present, that is not represented within its walls. It is truly the memory of mankind".

What overrides that claim? The main argument that one hears, and we have heard it in the debate now, is one of, if you like, a communal cultural claim—"We live in a particular area and therefore we have a right". That is a notion that is difficult to reconcile with ownership and contract. Even if it were true—and I actually do not think that we are remotely connected to whatever Neanderthal people made the hand-axe that the noble Baroness, Lady Bennett, was talking about; there was an ice age in between and the place was completely depopulated—I have no idea whether the Greeks of today are related to the Greeks of the time of the Parthenon. We are told by Constantine Porphyrogenitus that there was massive demographic displacement in the meantime, but even if they are—even if the Greek Prime Minister could claim personal lineal descent from Phidias—so what? If the noble Baroness's great-grandmother had bought her house from mine I would not be able to turf her out because of some prior claim, because contract and ownership count for something.

I happen to agree with what my noble friend Lord Lexden quoted Professor Mary Beard as saying—that if you want to play the game of identity politics, then 200 years of being debated in this Chamber and revered, argued over, sketched and painted in this country also establishes some claim—but I do not think that is really the relevant criterion. The relevant criterion is one of ownership and if, as my noble friend Lord Frost says, these are the foundation of western art, then free contract is surely the foundation of western civilisation.

*2.38 pm*

**Baroness Fox of Buckley (Non-Afl):** My Lords, and especially the noble Lord, Lord Lexden, I would like to welcome this excellent short debate on the Elgin marbles. I want to stand back from the specifics of the "to loan or not to loan" argument, and avoid the tit-for-tat row over ownership, because I fear that this technical approach can distract us from why these sculptures really matter. We should not lose sight of the marbles' value as sublime works of art, the quality of their artistry and what Virginia Woolf described as their "immense and enduring beauty" after millennia. I urge that we refocus the public discussion to the sculptures' significance in the history of the accomplishments of western civilisation.

I was reminded of this when rereading Tiffany Jenkins's excellent *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums ... and Why They Should Stay There*. I recommend that DMCS Ministers treat themselves to the book for Christmas. In it, Dr Jenkins details how the 1816 House of Commons Select Committee that investigated Lord Elgin's proposed sale of the marbles to the nation not only found that he had acquired them legally, but broadened its deliberations to weigh up the sculptures' aesthetic and cultural merits. It concluded that the marbles' artistic magnificence was such that their presence in Britain had the potential to spark an artistic renaissance. The context for this appreciation, fuelled by Enlightenment values, was the 19th-century interest in ancient Greece and especially the inspiring classical model of Athenian democracy, which chimed with the democratic spirit of mass society emerging in Britain at the time.

[BARONESS FOX OF BUCKLEY]

What a contrast with 2023—anti-democratic trends are on the rise, and rather than publicly promoting these artefacts as inspiring embodiments of the world's first democracy, policy retreats into uninspiring pedestrian legalese. Additionally, it has become fashionable not to celebrate but to demonise western civilisation. The Enlightenment and 19th-century cultural figures are routinely impugned as representing white supremacy, racist privilege, and so on.

Unsurprisingly, the dispute about the marbles has been dragged into the sordid anti-western discourse, and we are told that the return of the sculptures would be a positive act of decolonisation. But like so much of today's philistine, politicised use of the past to score contemporary identitarian points, it bears little relation to historic facts. The notion that the return of the marbles would be reparation for what was stolen by British colonialists 200 years ago is misleading. When Lord Elgin acquired the marbles, Greece was under the thumb of the Ottoman Empire, not the British Empire. Indeed, the Ottomans were happy to sell them; they were indifferent to 19th-century Hellenism or democratic virtues of ancient Athens or anywhere else, and the Acropolis served as a garrison at the time.

Despite such inconvenient facts, there is growing pressure on all museums to repatriate their artefacts in general. Worse, too many who work in the sector behave as though their institutions are little more than repositories of ill-gotten gains of a shameful, colonial, slave-owning past. We should instead demand that they act as public servants, trusted by democratic society to curate the world's treasures as guardians of historic scholarship and artistic appreciation.

In this context, it is crucial that the Government urge the British Museum not to fudge the issue in the name of political expediency or diplomatic niceties. I worry that talk of loans seems to do just that. Can the Minister promise to unapologetically defend housing Elgin's precious marbles within London's encyclopaedic collections, as an aid to a universal understanding of human culture?

*2.42 pm*

**Lord Vaizey of Didcot (Con):** My Lords, I am thankful for the opportunity to speak in the gap. The speech of my noble friend Lord Lexden was like a wonderful thriller; the conclusion was not clear until the end, but it was a marvellous conclusion to have and a wonderful narrative to get there. It is a great opportunity to speak in a debate called by my former boss, who is also the former boss of the chairman of the British Museum—so we know where the real power to make a decision lies.

It is also the first opportunity in my life—and probably the last—to say that I agreed with every word that my noble friend Lord Frost said. He got it precisely right. This is not about looking back; it is looking forward at an extraordinary opportunity. It is about reuniting a unique piece of art, and if you ask, "Where should that be housed: in the British Museum or in the shadow of the Parthenon?", we all know what the answer is. It is a great opportunity to make an extraordinary gesture towards our friends and allies the Greek people, and a great opportunity to forge an enduring bond between the British Museum and the Greek people, which will see unbelievable and unique treasures come to the British Museum, maintaining its status as one of the pre-eminent Hellenic museums in the world.

*2.43 pm*

**Lord Dobbs (Con):** My Lords, I also express my gratitude for the ability to speak in the gap, and thank my noble friend Lord Lexden for this debate. I also declare my interest as a supporter of the Parthenon Project, whose purpose is to share cultural and educational interests way beyond the marbles and much wider than is suggested even by George Osborne. I cannot deal with details in the time allowed, so I simply say that this is not about losing anything; this is potentially a win-win situation, if we can share. It is about the future, not the past.

I sometimes think this debate about the Elgin marbles is really—and I excuse everybody present today—like grumpy old men talking about teenage sex and merely the grubby bits. It misses the point. We are talking here about building relationships, about creating something that is bigger and better. It is called soft power. We keep talking about soft power, so why do we not do some of it? In this world where we see distortion, deceit and betrayal around us, is it not time for us to, for want of better words, fall in love again with our friends and allies and move on and create a brighter and better future filled with beauty for us all?

*2.45 pm*

**Lord McNally (LD):** My Lords, it was a pleasure to pause and give room for the last two contributions. I will start with a message to the Minister which might help him in his reply. In December 2011, I was in his position replying to a debate about a pardon for Alan Turing. I stood up and gave the set government reply, which had also been the reply of the previous Labour Government. Two years later, in 2013, when I had left the ministry, the then Secretary of State stood up and announced a pardon for Alan Turning, and all the careful wording I had used in explaining why we could not go against previous legislation or previous decisions just went. The Government had decided that it was necessary in the spirit of the day to pardon Alan Turing. The only thing left of this is that if you look me up in any of the reference books you will find a very helpful line saying: "Lord McNally refused a pardon for Alan Turing in 2011". No, I did not; I was reflecting the policy of the Government of the day, as the Minister will be in a few minutes.

In a way, a lot of the legal and historical arguments do not match the fact that we are changing our views of what museums are for and their role in their societies and the world. By God, it will keep me awake tonight, but I am fully in agreement with what the noble Lord, Lord Frost, said: this is a dilemma with a solution that is an opportunity. It a chance for us to play on the big stage in a confident way about how we see our heritage and our future.

Some of the ideas put forward by the noble Baroness, Lady Bennett, and the noble Lord, Lord Frost, I have put forward in previous debates. There is ample

opportunity to have a permanent partnership between Greece and Britain, between the British Museum and the Acropolis Museum, which would be a world standard in co-operation and exchange. One thing I do know, coming into the early autumn of my career in politics, is that the idea that if you send the Parthenon marbles to Greece on loan, you will ever get them back is disappearing into fantasy. They are of such special and unique importance that the political craft is to set an agreement between our two Governments and two museums that will leave the marbles where they should be in Athens but also leave a legacy for both museums of co-operation and exchange which is far more to the credit of both countries than this sterile old argument.

*2.50 pm*

**Lord Bassam of Brighton (Lab):** My Lords, I join others in congratulating the noble Lord, Lord Lexden. I thank him for enabling this valuable debate to take place today. I reflect that the debate shows just how differently history can be interpreted by people with different views and perspectives, and those interpretations make for an interesting discussion.

Like the noble Lord, Lord McNally, I found some interesting points of coincidence of view with people that I would not necessarily have thought I would agree with. I found a lot to agree with in what the noble Lord, Lord Frost, said, particularly about the value and importance of museum partnerships.

Surely the point here is that this is very much a matter for the British Museum to sort out. George Osborne has been very vocal on this point. If the museum and the Greek Government feel that a loan deal is an appropriate way forward, why would we want to stand in the way? It seems to be a path that it would be wise to take to enable the sorts of things that the noble Lord, Lord Frost, was talking about to happen. It would form a valuable pathway to bringing back some sense and rationality to this debate.

If we want a good example of recent initiatives in that direction, we need to look no further than the Horniman Museum. Some say might say it was brave, but I think it took a sensible and well thought-through course of action in restoring the Benin bronzes and plaques to Nigeria. Of course the Horniman is not subject to any legislative constraints whereas the British Museum and other national museums are, but neither are regional museums. I talk regularly to the new director and chief executive of two museums as I am a board member of the Royal Pavilion and Museums Trust and the People's History Museum. We have sensible policies that enable us to have a discourse with those who believe that artefacts should be returned. We operate within that framework, and good practice should rule the field.

The Prime Minister seemed shocked to discover that the Greek Prime Minister wanted the return of the marbles and, rather than have a grown-up conversation about it, he chose to throw his toys out of the pram. That is not national leadership, and it is not what the country needs at this time. George Osborne has been leading sensible discussions about this issue for a long period. As I have said, these are very much matters for the British Museum and the Greek Government to discuss, and we are not going to get involved in a legislative argument on this or spend the sort of government time that some wish to by having a dispute.

It is wrong that we have picked a fight with a NATO ally just for the sake of a headline. That shows how weak our Prime Minister has become. The Prime Minister should have been talking about things such as the economy, immigration and the Middle East. That is what the country should expect from a leader, but Rishi Sunak is no leader. When our leader met his Greek counterpart, he rightly focused on those very issues.

I am looking forward to what the Minister has to say to this. I suspect he will declare that it is not a matter of great interest to him directly, but maybe he will surprise us all.

*2.53 pm*

**The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con):** My Lords, I am grateful to my noble friend Lord Lexden for securing today's debate on what he rightly describes as magnificent treasures of civilisation, objects that, as he said in his opening, have long provoked lively debate in this country and elsewhere.

It is important to be clear that the UK and His Majesty's Government do not own the Parthenon sculptures, which were lawfully acquired under the law pertaining at the time. They are legally owned by the trustees of the British Museum, which is independent of the Government.

My noble friend is right to take exception to some of the vitriol and ahistorical claims that have been levelled against the late Lord Elgin. As ambassador to the Sublime Porte of the Ottoman Empire, of which Athens, at the time when he acquired the marbles, had been a part for three and a half centuries, he acted with the permission of the Ottoman Empire and moved about half of the sculptures that remained from the ruins of the Parthenon in Athens. They were purchased by Lord Elgin, the Government purchased them from him and then Parliament made the decision—indeed, it passed an Act of Parliament—to give them to the British Museum in 1816.

I have referred to the ruins. Sadly, most of these exquisite objects have been damaged or lost to humanity, in particular as a result of the tragedy in 1687, when Venetian bombardment ignited the munitions that the Ottomans had stored in the Parthenon, blowing the roof off and doing irreparable damage to many of the marbles. Of those that survive today, about half remain in Athens. There is a roughly equal amount in London, but important pieces are also held by other European museums, including the Louvre, in Paris, and museums in Denmark, Austria and Germany.

As my noble friend and others noted, in the 1970s, the Greek Government began a programme of restoration of the Acropolis monuments. As part of that work, all the remaining sculptures from the Parthenon were removed to the Acropolis Museum; none can therefore be seen in their original setting. The first formal request for the removal of the Elgin marbles in the British Museum was made by the Greek Government in 1983 and was formally rejected by the UK Government in 1984. Neither Government's position has significantly changed since then.

[LORD PARKINSON OF WHITLEY BAY]

Unlike a number of other countries, museums in the UK are independent of the state; they are not run or owned by the Government. Museums are charitable institutions run for the benefit of the public, and responsibility for their collections rests with their trustees; the noble Lord, Lord Bassam of Brighton, was right to say, in a variety of ways, that most are not covered by statute and that some are covered in differing ways.

The British Museum's governing legislation is the British Museum Act 1963. This prohibits the British Museum, along with a number of other national museums, deaccessioning objects in its collection except in certain circumstances, such as when there is a duplicate; when an item has significantly deteriorated; when, in the case of human remains, they are less than 1,000 years old; or when they are items that were spoliated during the German Third Reich. There are no plans to change this law, and I did not detect from the noble Lord, Lord Bassam of Brighton, a clamouring for it from the Benches opposite.

The position of the trustees of the British Museum is that there is an advantage and a public benefit in having the sculptures divided between great museums, including the Acropolis Museum in Athens and the British Museum in London, each telling a complementary but different story. In the first half of this year, the British Museum had nearly 3.3 million visitors, so it is returning to pre-Covid levels, when it regularly saw 6 million visitors a year. Visitors to Bloomsbury can see the marbles in their full glory, free of charge. By way of comparison, the Acropolis Museum in Athens had 1.2 million visitors in the last year before the pandemic, and charged them €15 in the summer and €10 in the winter. The British Museum is glad to share its treasures with the world; people from all over the world come to see them.

The noble Lord, Lord Allan of Hallam, asked what my view is. I think that that is a good position: people from around the world can see these exquisite objects in London, Athens and the other European countries I mentioned. On those that are in Bloomsbury, John Keats was moved to poetry on seeing them, while Auguste Rodin was inspired to create a sculpture. I have had the pleasure of seeing them in both the British Museum and the Acropolis Museum in Athens; both are superb institutions, and we learn a lot about these objects on visits to both.

Noble Lords are right to talk about the importance of loaning objects, which is fundamental to a museum's purpose. Section 4 of the British Museum Act expressly allows the trustees of the British Museum to loan objects in the collection for public exhibition. Before lending any objects, the British Museum enters into legally binding agreements with the relevant borrowing institution. Those agreements contain various assurances and protections, including about the safety of the objects while on loan. The British Museum has said for many years that it would consider a loan of the sculptures to Greece as long as its normal conditions for loans were met. Indeed, it has loaned some of the Elgin marbles in the past. As noble Lords may know, the headless statue of the river god Ilissos was loaned to the Hermitage, in St Petersburg, as part of that museum's 250th anniversary nine years ago.

The Acropolis Museum is an important partner for the British Museum. An exquisite object is on loan from the British Museum to the Acropolis Museum at the moment—the Meidias Hydria vase—and previous items have been loaned to the Acropolis Museum. A prerequisite for a loan is the acknowledgement of the borrowing institution that the British Museum owns the object on loan. Sadly, the Greek Culture Minister, Dr Lina Mendoni, in a recent response to a question from a Greek MP, acknowledged that the Meidias Hydria was acquired in 1772 by the British Museum and ownership is not disputed, but went on to say that that does not apply to the Parthenon marbles in her view and that there is no question of a lease or loan of these. It is very difficult therefore to see how a loan could be agreed between the British Museum and the Greek Government while that remains their position.

If the Greek Government changed their position—that seems like a big "if"; it has been their position for all of my life—it would require an open individual export licence, which allows museums to send an object on loan for up to a maximum of three years. Crucially, the open export licence can be used only if it is guaranteed that an object will return at the end of the loan.

My noble friend Lord Lexden asked about the reports made of loans of five or up to 15 years. As I said, the open export licence provides for a maximum of three years. Given the legitimate questions raised in this hypothetical scenario about the items being returned, I think it would be important that any loan not extend beyond the tenure of any of the trustees who agreed it. They should be in a position to ensure that the guarantee required in the open export licence is made.

I end by agreeing with the noble Lord, Lord Dubs, and many others, who spoke about the warm friendship between this Government and the Greek Government. The Greeks are good friends. I spoke last night at an event concerning some Greek marble in London, which both I and the Greek Government are very keen to see moved swiftly. In 1882, a splendid statue of Lord Byron was erected in Hyde Park by public subscription; it stands on 57 tonnes of beautiful red and white marble, which was donated by the Greek Government in appreciation and gratitude for Lord Byron's support for Greek independence. For more than 60 years, it has been stranded on an island far less enticing and accessible than those of the Peloponnese, which Lord Byron frequented, because of the coming of Park Lane. I have been working with our colleagues at the Royal Parks and with the support of the Greek ambassador in London to try to have it moved into the park proper, so that it can be seen and enjoyed. I hope that can be done next year, which is the 200th anniversary year of the death of Lord Byron.

I wanted to end on that happy note, because, while this is a long-running debate, it does not get in the way of the great friendship and co-operation between the Greek people and the British people, nor of either of their Governments.

## North Korea

*Motion to Take Note*

*3.03 pm*

*Moved by* ***Lord Swire***

That this House takes note of the current threat posed by North Korea.

**Lord Swire (Con):** My Lords, I have been asked by a number of Members of this House why we are having a debate on the DPRK—North Korea—this afternoon. Why now? What has materially changed? I went to the Library a few moments ago and asked when North Korea had been debated either in this House or the other place. The answer was that it was debated in this place in 2017, in a debate instigated by my friend the noble Lord, Lord Alton, and in the other place in an Adjournment debate brought by Andrew Selous in 2014, and to which I answered as the Minister of State in the Foreign Office at that time. Many things have changed in the world since that time and many things have changed certainly in North Korea.

I worry sometimes about the bandwidth we have for foreign policy. How often do we debate or even speak about Afghanistan? How often do we speak about what is going on in Syria or in Yemen? We are focused always on the issue at hand, which at the current time is mainly Israel and Gaza. We seem to ignore all these other things, but that does not mean to say that bad things are not developing when our backs are turned.

Whenever we talk about the DPRK, there is a big international move to condemn it or bring about some kind of conference or forth. Then we all go away and forget about it. When we come back to see what has happened, the result is always materially worse. One day, we might seriously regret our lack of attention. If this debate achieves anything, I hope it concentrates the minds of those who are following it, not least those in Pyongyang who will no doubt be given a copy of it, however sanitised.

The fundamental thing that has changed since 2017, or certainly since 2014, is the increased part played by the Democratic People's Republic of Korea as part of an unhealthy, unwelcome and, frankly, dangerous anti-Western axis. In the time allocated to me, I intend to highlight what is going on internally in that country, expose what it is doing on the international stage and make some suggestions for His Majesty's Government.

Lockdown has been going on for some time in North Korea. The country closed down completely and expelled the British embassy from Pyongyang—all embassies except the Russian, Chinese and Cuban embassies and a handful of others. Our ambassador has not been allowed back and the country is still using the excuse of Covid and lockdown, despite it accrediting a new ambassador from China in July.

Of course, lockdown suits the regime, because it means that no international observers can visit the country. This has coincided, unsurprisingly, with a huge crackdown on dissent. Prison camps are full. Some are there not for sins that they have committed but for sins allegedly committed by their fathers and their fathers' fathers. We are increasingly seeing clamp-downs on watching South Korean films or listening to South Korean music—some crimes punishable by death, if caught.

Then there is malnutrition. Although there is no evidence of the mass starvation that we saw in the 1990s, there is evidence that some parts of the country are suffering deeply from a lack of food. In fact, there has been a complete breakdown in the public distribution of food. The regime has made it illegal to move food privately from one area to another, which suggests a very real problem.

But we are dealing with an opaque regime which, incidentally, has been hit by sanctions. Even those of a Panglossian disposition would find it hard to say anything good about the DPRK or its regime. Kim Jong-un presides over one of the most repressive regimes in the world and certainly over one of the most egregious human rights regimes, systematically abusing its people, of anywhere in the planet.

I want to pay tribute to the noble Lord, Lord Alton, and the noble Baroness, Lady Cox, who are in their places, who together have kept the issue of North Korea going in the British Parliament. I pay tribute to them both and acknowledge the brave people who have tried to escape from the hell that is North Korea. I have met some of them in Seoul, in the past, and they are incredibly brave, as are those—indeed, they are even braver—who have helped others to escape. I wonder if the Minister, who has been asked this in the House before, has any knowledge of the 50 Christians who were sent back from China to North Korea, what representations the Government have made about those people and whether any of them are safe or even alive.

It is easy and sometimes tempting to depict Kim Jong-un, with his cult following and his Potemkin villagers, as a rather grotesque, Monty Python-esque figure of fun. All the evidence suggests that this is very far from the truth and that he is an individual who is very focused on certain things which are dear to him—above all, the maintenance of his family's regime. I believe that increasingly bringing his daughter along to his public appearances is evidence that he intends for this regime to continue. It is his way of demonstrating to the people of North Korea that the Kim regime will continue after his death.

The relationship between Moscow, Beijing and Pyongyang is of interest. I think it is largely transactional, not ideological, because their common enemy is the West, most particularly the United States. Interestingly, in the vote at the UN on the Russian invasion of Ukraine, Russia was supported in that instance only by Belarus, Eritrea, Syria and the DPRK. The Chinese did not support it. There are areas of difference between the two countries.

Russia is the new player in all this. Relations have certainly picked up since the summit with Putin. We are led to believe that Russia is providing drones, satellite technology, body armour and so forth to the regime in Pyongyang. In return, the Russians are getting shells, some of which are already being used in Ukraine, although there are questions as to their quality. The shells are being transported by train, and the missiles by ship to Vladivostok. There is also evidence that the DPRK who, incidentally, are also

[Lord Swire]
serial proliferators of arms and munitions, have been providing arms to the Wagner Group, as well as to others. Some of the Hamas arms provided by Iran were also manufactured originally by the DPRK.

China is currently working closely in tandem with the DPRK, though there is now evidence that the Chinese are increasingly concerned about the direction of travel in the relationship and the closeness between the DPRK and Russia. At the end of the day, if anyone owns the relationship with the DPRK, it is China. China is confronted with a series of pretty difficult choices and bad options, ranging from the possibility of a reunified peninsula which may be democratic and Western-leaning—given the geographical positioning of the peninsula, this is not agreeable to China. Full-on war between the DPRK and the Republic of Korea, again, would draw other actors into the area and lead to mass migration into China—something the Chinese fear as well. Much of this may now change because of Russia's increasing collaboration with the DPRK on the nuclear programme. In the absence of any other options, I believe that China prefers the status quo—for the time being at any rate.

What has the international response been to this incremental ratcheting-up by the regime in North Korea? In all fairness, the Biden Administration have provided more support to Japan and helped bring Japan and South Korea together in a way that, some years ago, many thought would be impossible, given their complicated mutual history. America has already helped build up a relationship with the Philippines. We should not forget that the last attempt to confront and do a deal with Kim Jong-un was made by Donald Trump at the Hanoi summit. It was a failure which left Kim Jong-un embarrassed. He lost face because there was ultimately no deal with the Americans. If anything, it drove him more towards Russia.

At the last American presidential election but one, which saw Trump elected, the default position of HMG in those days was to support the Clinton regime. We were not even allowed to engage with the Trump camp. In retrospect, that was a huge mistake. I got into some hot water by saying that I thought Donald Trump would win. I say to your Lordships this afternoon that I think it is not impossible that Donald Trump might win once more, however desirable or not that may be. I hope that the Government will start to reach out as the Republican nominee forms a shadow Administration, because we may well face that same situation once more, in which case we can expect all kinds of new initiatives.

We know what Kim Jong-un wants: he wants to maintain his regime at all costs; he wants to be recognised, de jure, as a nuclear state—incidentally, he has studied closely what has happened to those who have given up nuclear weapons—he wants diplomatic relations with the United States; and he wants massive economic aid. Of course, none of these will be remotely possible if the DPRK continues with its illegal weapons programme.

Doing nothing is fraught with danger. There is a real concern now that something could go wrong in relations between Seoul and Pyongyang, because the North Koreans are not even picking up the telephone hotline between the two, so the risk of escalation or unintended consequences is very real and present. That is why I believe the Government should do a number of things. First, I believe they should push to re-establish the six-party talks: we would be in the 20th year of them if they were still happening. I also believe, and I have always believed, that there is a role for the United Kingdom in those six-party talks: I would like to see them become seven-party talks.

Secondly, I believe we should press the DPRK to immediately allow all international agencies back into the country, and back in together.

Thirdly, I believe we should push very hard for the reopening of the British embassy in Pyongyang so that our ambassador can take up his post.

Fourthly, and others may want to say more on this subject, we should devote more resource to countering the DPRK's cyber programme. It is getting cleverer and cleverer at cryptocurrency theft and ransomware: 30% or 40% of the funding of its illegal weapons programme is now coming from this source, from the Lazarus Group and others, who are thought to have stolen $2 billion since 2017. This is something that, with our partners, we really have to double down on and deal with.

Fifthly, I believe that, with allies, we should push to increase sanctions. The North Koreans are masterful at evading sanctions, so we should certainly have sanctions on the leaders in that country but we should also have secondary sanctions. This has a wider application, and I think we should do it more often with other countries where we sanction people. There are those who get away: the personal shoppers; the people who manage the London real estate; the people who look after the yachts and the holiday homes. Anybody who has any connection with the leaders of a rogue regime should also suffer sanctions. We need to do much more in this area, complicated though I know it is.

Finally, we should work with our allies and the International Criminal Court on holding DPRK officials to account. Although it is not a signatory to the International Criminal Court, as some other countries unfortunately are not, I believe we need to show countries such as this that if they continue to violate international norms by joining in axes against western democracies, they need to be held to account. If they continue to treat their own population in the way that they have, they also must face the full force of international law. I beg to move.

*3.18 pm*

**Lord Alton of Liverpool (CB):** My Lords, the noble Lord, Lord Swire, in a powerful introductory speech, has set the scene brilliantly in providing us with an analytical and sharp analysis of the situation in North Korea. The whole House is indebted to him for initiating this important debate. I declare my role as co-chair, with Sir Geoffrey Clifton-Brown MP, of the All-Party Parliamentary Group on North Korea, and my non-financial interests in the register.

It is 70 years since the Korean War armistice. Millions died in that war, including more than 1,000 British service personnel, who lost their lives fighting for the

freedoms now enjoyed in the south but not in the north. Last weekend we commemorated the 75th anniversaries of the Universal Declaration of Human Rights and the convention on the crime of genocide. The UDHR was to be

"a common standard of achievement for all peoples and all nations".

Keep its universal application in mind as we consider North Korea. Keep it in mind in reflecting on an interview just last week with an escapee who had managed to get out of North Korea, with his family, in a small boat. Among other things, he described how he had been forced to watch the execution of a 22 year-old man who had been caught listening to South Korean music and watching banned movies.

Keep our commitment to the UDHR and the genocide convention in mind as we consider that 2023 is also the 10th anniversary of the establishment of the United Nations commission of inquiry into human rights violations in North Korea. Led by the eminent Australian jurist his honour Mr Michael Kirby, it was, in the words of the United Nations, mandated

"to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability, in particular for violations which may amount to crimes against humanity".

When it reported in 2014, it concluded that North Korea is "a state without parallel". It called for North Korea to be referred to the International Criminal Court for prosecution. Indeed, in pursuing the failure of the UN to take forward the recommendations of the UN's own inquiry, our all-party parliamentary group established a parliamentary inquiry. It followed up the continuation of human rights violations in North Korea from 2014 until 2021, and found that nothing much had changed in that respect since 2014. If anything, the situation was even worse.

The UN commission of inquiry left open the question of whether a genocide is taking place. Since then, further evidence has emerged of the deliberate targeting of religious groups, which would fall within the convention's definition. I argue that the convention needs to be widened to include the targeting of political classes, whom Stalin's Soviet Union did not wish—for good reason—to see included in 1948. The commission of inquiry found that, over five decades, hundreds of thousands of prisoners had been exterminated in political prison camps, and that in the lifetime of three generations, entire groups of people, including families with their children, had perished in those death camps because of who they were, not for any actions they had carried out. It was certainly an intent to eliminate, but not genocide in a technical sense. Justice Kirby proposed a new term, politicide, to describe the atrocities. The commission unanimously concluded that the state has committed crimes in North Korea that definitely amount, in a technical sense, to crimes against humanity, and it concluded that those responsible should be arraigned before the courts and brought to justice.

In this 75th year of both the genocide convention and the universal declaration, it is worth returning to the foundation documents. In the case of the UDHR, it is difficult to see which of the 30 articles, if any, North Korea is not in breach of.

Article 1 of the UDHR insists that:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Article 3 insists that:

"Everyone has the right to life, liberty and security of person".

Without that right to life, of course, all other rights are worthless. Article 4 abjures slavery, yet 90% of the wages of North Koreans who are able to work overseas are confiscated. Article 5 asserts that torture, mental or physical,

"inhuman or degrading treatment or punishment"

is not permissible. Article 6 insists on the rule of law. Article 12 states that no one will be subjected to arbitrary interference with privacy, family or home. Article 13 requires the right to leave a country. Article 14 states that where there is persecution, other countries must provide asylum. Article 17 provides

"the right to own property".

Article 18 upholds the right to religious belief. Article 19 supports

"the right to freedom of opinion and expression"

and to seek and receive information regardless of frontiers. Article 21 provides for democratic government. Article 25 deals with the right to food and care, and Article 26 with the right to education.

How far North Korea is derelict in breaching article after article of the UDHR, and how far the international community has been derelict in failing to act on the findings of the UN's own commission of inquiry, can be seen by a cursory examination of the COI's findings.

It unequivocally concluded that North Korea had systematically violated human rights, including freedom of thought, expression and religion, the right to food, and more besides. The state has committed crimes against humanity including—in the COI's exact words—

"extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation".

It found

"systematic, widespread and gross … unspeakable atrocities … on a vast scale",

amounting to

"crimes against humanity",

and Justice Kirby said they were

"strikingly similar"

to crimes committed by Nazi Germany. The COI said the gross violations and crimes are

"ongoing … because the policies, institutions and patterns of impunity that lie at their heart remain in place".

That was true in 2014; it is true now.

In the light of the evidence which has emerged from those thousands of escapees—there are around 30,000 in the Republic of Korea and there are about 1,000 in this country—Karim Khan KC, the prosecutor for the ICC, should examine further the testimonies of those who were incarcerated, or whose loved ones perished in the prison camps, because of their beliefs and consider whether this does indeed meet the test of genocide convention. If he is unable to do this because

[LORD ALTON OF LIVERPOOL]

of the likely blocking vetoes of China or Russia—as in the case of the failure to refer the COI findings to the ICC—an independent people's tribunal should be established to consider that evidence. This could be modelled on the very successful Independent Uyghur Tribunal that looked at the evidence of genocide against the Uyghur people in Xinjiang, and was chaired by the eminent lawyer Sir Geoffrey Nice KC.

In 2017, the UN Human Rights Council voted to look for legal strategies for eventual prosecutions and authorised the creation of a central repository for evidence—which was the right call—but prosecution has not occurred. I hope the Minister, who I know has followed this in great detail and cares about it as passionately as I do, will tell us more about where the accountability process and the question of impunity have now reached.

Changes of Administration in both the Republic of Korea and the United States have also played their part in dampening the quest for accountability, although I strongly welcome the Republic of Korea's most recent insistence—echoed in a conversation I was privileged to have with President Yoon during his very welcome recent visit to the United Kingdom and to this Parliament—that his Government will champion the human rights of North Koreans. That is very welcome indeed.

While international justice for crimes is needed, we must also look at other options, including under the principle of universal jurisdiction. Such prosecutions in the UK would most likely not be possible because of the very limited scope of Section 51 of the International Criminal Court Act 2002. This is an issue that has been raised by experts in the field and the noble Lord is aware of it. Until we reform our law—which perhaps an incoming Government might consider doing—other countries, such as Germany and Argentina, which have broader universal jurisdiction, should be encouraged to address the growing impunity for these atrocity crimes in North Korea.

On 15 November of this year, the UN General Assembly adopted, by consensus in the Third Committee, a resolution on the situation of human rights in the DPRK. It drew attention to

"all-pervasive and severe restrictions, including an absolute monopoly on information and total control over organised social life … further tightened by Covid 19 prevention measures".

The resolution related that these measures have led to

"food insecurity, severe hunger, malnutrition, widespread health problems and other hardship in the population".

The prison camps, with an estimated 100,000 people being held there, are characterised by torture, brutality and degradation.

This is a country which, according to the 2021 report of the US State Department, *World Military Expenditures and Arms Transfers*, spends a staggering $4 billion on armaments, an estimated 26% of its GDP—the highest proportion among the 170 countries it reviewed. Yet it is also a country where people starve and live in acute poverty, while its leaders wallow in luxury. The *Telegraph* reported earlier this week that dictator Kim had been seen riding in four new foreign vehicles, including a $200,000 armoured Mercedes-Maybach sedan. It brings to mind comparisons with the Communist dictatorship of Ceausescu in Romania.

In the face of all that, it was therefore surprising—as the noble Lord, Lord Swire, alluded to—that, on 8 December, the UK Government announced a package of sanctions targeting individuals linked to human rights abuses around the world. However, despite announcing a total of 46 sanctions, the Government did not impose any sanctions on certain North Korean individuals and entities about whom overwhelming evidence, including the FCDO's own annual human rights reports, demonstrates their responsibility for serious human rights violations. Although it is welcome news that the UK is actively using the global human rights sanctions regime—Magnitsky sanctions—to hold to account officials in Belarus, Haiti, Iran and Syria who are complicit in repressing individual freedoms, why was there no mention of North Korea? Perhaps the Minister will tell us.

It also underlines why a parliamentary Select Committee should be given power to meet in camera, where necessary, to oversee this opaque and random process. Over the years, I have made over 400 interventions about North Korea in Parliament—in Questions, letters and meetings around this building. It is 21 years since I first raised the issue of the repatriation of escapees, which the noble Lord, Lord Swire, touched on. I did so in that first instance after a North Korean escapee came here to give his testimony. He described the plight of repatriated refugees:

"Some have been executed … When returned, they face torture, interrogation, and humiliation. Any woman who is returned and became pregnant while in China is forcibly aborted, supposedly to avoid the birth of babies 'contaminated' by foreign influences. There are reports of repatriated North Koreans being corralled and bound together, with wire being passed around their wrists and through their noses".

That was testimony given in the Moses Room here in the Palace of Westminster.

Hundreds more were recently repatriated, and I have repeatedly urged the Government to raise this failure to protect refugees with the People's Republic of China, not least because the Republic of Korea is willing to give sanctuary and a new life to every single one of them. I have received the supine and hand-washing response that

"it is for the parties involved to interpret their obligations under this agreement".—[*Official Report*, 30/4/03; col. *WA 104*.]

We are talking about the 1951 refugee convention, of which China, which sits on the UN Human Rights Council, is in breach.

My noble friend Lady Cox, with whom I have travelled to North Korea, will speak specifically about the targeting of religious adherents, but the UN commission concluded that

"there is an almost complete denial of the right to freedom of thought, conscience and religion".

The charity Open Doors has again listed North Korea in 2023—for the 19th time out of 20 years—as the state in which, worldwide, Christians face the greatest level of persecution.

In the face of all this, we must do more than making weak-tea statements of concern. We must call out issues such as forced repatriation, the breaking of sanctions over weapons of mass destruction, the links

to Putin's war machine and the day-to-day violation of human rights—and, specifically, a referral of the commission of inquiry report to the ICC. We must continue to break the information blockade—not by short-sighted reductions in the BBC Korea service—which the APPG campaigned to initiate.

Let me end on a hopeful note. In 2016, the then North Korean ambassador and his deputy asked to see me. He read me a long denunciation for raising cases of human rights and providing a platform for escapees. His deputy had been given the task of compiling all my *Hansard* speeches and interventions in this House. He subsequently told me that it was his job to be my spy. A few weeks after my defenestration, Mr Thae Yong-ho and his family defected. He later told me that, through his observance of our parliamentary democracy and way of life, he had been convinced by the democratic case for freedom, human rights and the rule of law. Today Mr Thae is an elected Member of the National Assembly of the Republic of Korea, representing the Gangnam district of Seoul. He recently took part online in a meeting of the all-party parliamentary group focusing on the likely fate of the escapees being repatriated by China. I hope that he is the advance party for what will one day be a united Korea that upholds the Universal Declaration of Human Rights and gives its people the freedoms and liberties enjoyed here, and indeed in the Republic of Korea.

*3.34 pm*

**Lord Sarfraz (Con):** My Lords, it is such a great pleasure to follow the noble Lord, Lord Alton, who is such an incredible subject-matter expert. I rise to make a brief and narrow contribution to this important debate, specifically on the role that the Royal Navy has played in enforcing sanctions. Enforcing sanctions is never easy, but we are fortunate that the Royal Navy has a permanent presence in the Indo-Pacific, comprised of two offshore patrol vessels: HMS "Tamar" and HMS "Spey".

I declare an interest as the Prime Minister's trade envoy to Singapore, and I had the pleasure of visiting HMS "Spey" two weeks ago. HMS "Tamar" has already played an important role enforcing UN sanctions targeting North Korea's illegal weapons programme. The ship patrolled the East China Sea, in very rough sea conditions, ensuring that items destined for illicit activities were not able to make it to North Korea. This is the first Royal Navy permanent presence in the Indo-Pacific since the handover of Hong Kong to China. It is because of this presence that, just a few weeks ago, during the state visit of the President of South Korea, we were able to sign an agreement, the first of its type, committing to joint enforcement of sanctions resolutions.

Our offshore patrol vessels are small, just 90 metres long—in fact, Kim Jong-un is known to have luxury yachts larger than that, complete with waterslides, all while his citizens suffer from extreme poverty—but in this case, size does not matter. In fact, we are better off having smaller ships in the region. They have tremendous capability and are very well suited for the region and the specific job at hand. In fact, they are perfect for capability-matching with Indo-Pacific nations that we work closely with. Larger vessels can sometimes overwhelm the host nations' maritime forces. The design of these ships enables us to show the flag very effectively. They have an adaptable flight deck and bunk space for 50 people in case they are required for humanitarian assistance and disaster response across the region.

It is critical that we keep them there. The region wants them; the region welcomes them. They are an enduring presence that also builds and reinforces cultural links, including to more neglected parts of the region, in a less demanding or provocative way than a larger warship. I hope the Minister will join me in paying tribute to the ship's companies of HMS "Spey" and HMS "Tamar". I know he will agree that we must not take them for granted. To keep them going, a tremendous amount of work goes into ensuring personnel and supplies are in the right place at the right time. This is no easy task. It is the tyranny of distance.

We need to consider now what we do beyond 2028 when their scheduled deployment finishes. Should we deploy Type 31s to the region? Probably, but as an addition to, not a replacement for, our offshore petrol vessels. I end by thanking my noble friend Lord Swire for securing this very important debate and for his longstanding contributions to safety and security in the region.

*3.37 pm*

**Baroness Bennett of Manor Castle (GP):** My Lords, I thank the noble Lord, Lord Swire, for securing a very important debate. I pay tribute to the noble Lord, Lord Alton, for his very long and incredibly hard-working contribution to ensuring that these issues do not disappear entirely off the British government agenda and are brought to the public's attention.

The condition and behaviour of North Korea is one of the crucial issues on the global geopolitical stage today. That is one reason why I am standing to speak in this Thursday afternoon debate. The other is a personal, historic connection. In 1998, 25 years ago, I was on the streets of Pyongyang. I was there as a tourist, having written on my visa application in my own handwriting, "I am not a writer or journalist of any kind". It so happened that the first article I wrote for the *Guardian Weekly*, of which I subsequently became editor, was about Pyongyang. I was a lot younger then and did things that perhaps I would not do now.

It was a chance for me, as an Australian who came to Europe after the Berlin Wall had come down, to get some insight, no matter how constrained or limited, into that kind of society. It was the last society of that kind left in 1998. I really understood Orwell in new ways after being in that society in Pyongyang. The last morning, I slipped—or at least I think I slipped—my oversight guards and was able to walk out on the streets of Pyongyang on my own. I understood what it was to be a non-person because everyone, for reasons I entirely understand, looked through me as though they could not see me. They did not want to acknowledge me. A street sweeper swept around my feet without ever acknowledging my existence. The only people who did were a line of 10 year-olds who were about to enter a building and did not have a teacher with them. They were smiling and saying, "There's a foreigner over there" to each other. I waved at them and they waved back.

[Baroness Bennett of Manor Castle]

Those 10 year-olds would now be about 35 years old. They will never have known what it would be like to live in a society with any kind of freedom or opportunity, but it is really important that we look at the broader history of Korea here. If we look back over its history, from about 1876 onwards Japan exerted a continuing, crushing influence on the Korean people. The great Empress, Myeongseong, was assassinated by the Japanese in 1895 and Japan formally established colonialism in 1910. For the people of North Korea there is, going back many generations, no kind of sense of a state or society that gives them any kind of real hope or normality or any sense that there was an attempt to work for the common good.

We all know what difficulties there were in the reunification of Germany. When we think about the situation that the North Korean people are in, we need to think about how difficult that was. To pick up some points made by the noble Lord, Lord Alton, it was reported in the *Economist* that on 9 October, when North Korea finally lifted the Covid blockade, up to 600 people were bundled out of Chinese prisons and deported to North Korea. The nature of all such reports means it is so often difficult to disentangle fact and detail, but I think there is no doubt that a significant number of people were in that situation. Everything we know tells us that those people, if they are not dead now, are in an horrendous situation. As the noble Lord said, it is terribly important that we assert the right to asylum and refugee status for the people of North Korea—for everybody, but acknowledging that North Koreans are acutely in need of that. The term "refoulement" has been much in discussion lately; clearly, this is a case where there must not be refoulement.

I also want to pick up some points made by the noble Lords, Lord Swire and Lord Alton, about hunger and food insecurity in North Korea. Going back to my visit in 1998—the noble Lord, Lord Swire, talked about how bad things were there in the 1990s—that was when I really grasped a word that had been merely hypothetical for me before "gleaning", gleaning the leavings of the harvest from the fields. What I saw in the fields of North Korea, just outside Pyongyang, was a long line of maybe 20 or 30 middle-aged women who were going through a rice field. Each of them had at her waist a small purse. They were not young women, but they were picking up individual grains of rice and were going to get, at most, a small purseful from several hours' work. That is a real measure of hunger.

We know that in March this year, the G7 Foreign Ministers noted the dire humanitarian situation. We have heard a lot about the regime's exotic, luxurious lifestyle, but we are also talking about weapons of mass destruction and ballistic weapons programmes, into which vast amounts of resources are going. I agree with the noble Lords, Lord Swire and Lord Alton, about the need to think about sanctions, but sanctions that do not force those middle-aged women out to hunt individual rice grains in the fields or leave the children of those whom I saw all those years ago going hungry and malnourished. We have to be smarter and cleverer than that. We have to think about a future world in which we can, ultimately, see some different regime and some kind of future for North Korea. Starving people is no way to do that.

I think the noble Lord, Lord Alton, talked about Magnitsky-style sanctions, and the noble Lord, Lord Swire, talked about the enablers in our society. I have no doubt that there is North Korean money here in London, going through banks, law firms and real estate agents. We have to do a lot more about the huge corruption problem that we have in the UK. That is something that we can do directly, and we also need to make sure that we apply sanctions in smart ways that address that angle.

Finally, I spoke a little about weapons of mass destruction and ballistic missiles. North Korea withdrew from the nuclear non-proliferation treaty in 2003 and tested its first nuclear weapon on 9 October 2006. The International Atomic Energy Agency has not had access to North Korea's nuclear facility since 2009, and in 2017 Pyongyang conducted its first test of a thermonuclear device. I am not going to go through this in great detail—it is perhaps a debate for another day—but I note that the majority of the world's countries back the global treaty on the prohibition of nuclear weapons: 93 countries are now signatories to that treaty, 69 countries are parties and 123 countries have expressed their support. We must aspire to a world without regimes like that of the DPRK, but if things go that badly wrong, a world without nuclear weapons will be a much safer world for all of us. The existence of nuclear weapons is a threat to all of us and that will be the situation as long as they exist.

*3.47 pm*

**Baroness Cox (CB):** My Lords, like other noble Lords, I am very grateful to the noble Lord, Lord Swire, for enabling us to have this debate and to discuss the current threats to peace, security and human rights posed by North Korea. I have been in North Korea three times, as my noble friend Lord Alton mentioned. I will never forget one occasion when I went for a walk in Pyongyang and I heard the footsteps of my minder following me. After about 10 minutes, the footsteps accelerated. He caught up with me and he said, out of breath, "I can't keep up with you. You are going to have to walk alone", which was wonderful. I walked through Pyongyang without a minder, and it was poignant how many people wanted to come up to speak to me and how they shared with great openness their deep concerns. It was a very special occasion.

I am delighted that there are today representatives of the diplomatic corps of the Republic of Korea here and an escapee from North Korea, who himself suffered great torture. We know that people who have escaped from North Korea have great courage; it is a great privilege that you are here and we hope that you will find this debate encouraging.

Today's discussion is very timely. In March 2024, it will be a decade since the United Nations Commission of Inquiry concluded its mandate to ensure the full accountability of violations of human rights in North Korea. As some of us will recall, that inquiry visited London for an evidence-gathering session, where exiled

North Koreans, including many who had found refuge on these shores, shared their harrowing experiences. In its conclusion, the inquiry found that

"systematic, widespread and gross human rights violations have been … committed"

in North Korea, which

"In many instances … entailed crimes against humanity".

These issues have been raised by other noble Lords, but I repeat them because they need to go on the record and be emphasised. The inquiry concluded by stating that the human rights situation in North Korea was without

"any parallel in the contemporary world".

As we prepare to mark the 10-year anniversary of the inquiry's report, we must be realistic and sober in our reflections. It is no great secret that impunity prevails in North Korea today and there is still no serious prospect of implementing many of the inquiry's core recommendations to ensure that those most responsible for crimes against humanity are held accountable. Justice may be a long game, but I think we would all have hoped for greater movement in the past decade.

The UN inquiry recommended that the Security Council refer the situation in North Korea to the International Criminal Court. It recommended that a United Nations international tribunal be created, and that the Security Council impose targeted sanctions against alleged perpetrators of crimes. These recommendations have never been implemented. Given the role of China and Russia in the Security Council, we may never see them implemented. Therefore, new approaches to ensuring accountability, including the United Kingdom's global human rights sanctions regime, must surely now be considered. I hope the Minister will comment on what steps are being taken to ensure that accountability can become a reality. The current situation of prevailing impunity in North Korea poses an acute challenge to the legacy of the inquiry, to the UK's foreign policy and to international justice, but ultimately to North Korea's victims, some of whom have found refuge here in the United Kingdom.

Before I move to speak further about some of the egregious violations in North Korea and their impact on communities, I will clarify why the issue of human rights matters in the context of this debate and global peace and security. Traditionally, there has been a separation in policy for North Korea, meaning that human rights issues and what are commonly termed peace and security issues, which refer to the country's pursuit of weapons of mass destruction, are addressed separately. As my noble friend Lord Alton has argued many times, there can be no tangible political progress on human rights or peace and security in North Korea unless both issues are approached collectively. I am heartened to see this is now reflected at the Security Council, where the United Kingdom, the United States, the European Union and other like-minded states have begun to break down these barriers and approach human rights and peace and security for North Korea as a single issue. The previous United Nations special rapporteur on the situation of human rights in North Korea highlighted the imperative for the international community to pursue leverage on human rights in a consistent, principled and effective manner. This included mainstreaming human rights into peace and security diplomacy. It is vital that this approach prevails.

I do not wish to dwell on this issue of policy, but I will clarify how the two issues are closely linked. We know from the testimonies of former officials that North Korea operates a slush fund, where state resources can be diverted to fund its weapons programmes. In turn, it is these weapons that threaten regional and international peace and security. According to the United States State Department, North Korea spends 35% of its gross national income on its military—a total of $3.6 billion. Some $620 million of this military budget is spent on nuclear weapons. Where does North Korea, a country isolated from the international economy, find such extraordinary amounts of money to bankroll its weapons of mass destruction programmes?

We know North Korea raises funds through theft and extortion. In 2020, the United States Department of Justice charged three North Korean individuals for stealing over $1.3 billion in cash and cryptocurrency from banks and business around the world. What is less well known is that North Korea diverts resources to its weapons programmes that should be spent on feeding and sustaining its population. North Korea is, quite literally, taking from the poor to feed its insatiable desire to build weapons that are capable of killing millions. According to the World Food Programme, over 40% of the North Korean population are undernourished. It would cost $79 million, which is just 2% of North Korea's estimated military budget, for North Korea to meet the financial requirements of its food security, agricultural and nutrition sectors, and to eliminate chronic food insecurity for its population, yet it chooses not to do so. We can see that North Korea is sacrificing the basic and fundamental human rights of its population to fund its military machine. In this respect, human rights violations have become a generator of North Korea's weapons of mass destruction.

North Korea's vast penal system is perhaps the clearest example of how the state diverts resources away from the most vulnerable to fund its weapons programmes. Created under the Soviet Civil Administration in November 1945, the North Korean penal system is comparable to the infamous Soviet gulags. The purpose of the North Korean penal system is to isolate persons from society whose behaviour conflicts with upholding the authority of the supreme leader. Detainees are re-educated through forced labour, ideological instruction and punitive brutality for the purpose of compelling unquestioning obedience and loyalty to the supreme leader, both while the individuals are in detention and after they are released. Many detainees in the penal system have no formal convictions, have experienced no due process and have committed no crimes. Simply reading the Bible or watching a foreign film may lead to a lengthy prison sentence.

We cannot know the true scale of the prison population in North Korea, but if we take the US State Department's lowest figures of 80,000 detainees in the political prison system we can start to understand its scale and question how North Korea can afford such a vast system. Australia and North Korea have roughly the same-sized populations. We know that Australia spends

[Baroness Cox]

250 US dollars per day on each of its prisoners to meet their basic human rights, such as food and clean conditions of detention. If we imagine that this basic cost of $250 per day per prisoner was being spent by North Korea on 80,000 prisoners, it would spend over $7 billion a year on prisoners alone, which is twice its military budget. Based on reporting from the non-governmental organisation Korea Future and its North Korean prison database, we can confidently assume that it is spending nowhere near that figure.

In its report from March this year, Korea Future detailed the case of a North Korean man in his 40s who was arrested for helping people escape the country. Throughout his sentence of seven years and nine months in a re-education camp, he was denied food as a form of coercion and punishment. Pressed into forced labour, he was typically provided with a meal consisting of roughly 4.3 ounces, or 120 grams, of corn each day. When he did not meet his forced labour quota, his food was reduced to just 80 grams, which contained inedible elements such as corn husks, small fragments of stone and wooden twigs. To survive, the man was forced to catch and eat insects such as cockroaches, and small rodents. That is just one of thousands of cases documented by Korea Future. We heard about those situations when we were in North Korea.

If North Korea is not spending its resources to ensure the basic and fundamental rights of its most vulnerable, where are those billions of dollars being spent? To quote our ambassador, James Kariuki, at the UN Security Council in August this year:

> "The North Korean authorities divert resources from peoples' basic economic needs toward their illegal nuclear and ballistic weapons programmes ... We urge North Korea to prioritise the well-being of its citizens over the development of its illegal weapons programmes".

This example demonstrates why my noble friend Lord Alton and many others have argued that we cannot separate our policies targeting human rights and peace and security in North Korea. The two issues are mutually interdependent.

I end by discussing another human rights issue that poses a very real and present threat in North Korea—the persecution of religious communities. First, I commend the All-Party Parliamentary Group on North Korea on its tireless work on this issue and many other human rights issues. It seems remarkable today but, at the creation of the North Korean state in the 1940s, religious communities, including Buddhism and Christianity, were part of the fabric of society. Many had played a role in the struggle for Korean independence from Japanese colonial rule during and following World War Two. The Protestant community in what is now North Korea was estimated to be 200,000-strong in 1945. Despite suffering waves of persecution throughout the 19th and 20th centuries, Korean Catholicism had an estimated community of 55,000 adherents. Yet under the Soviet Civil Administration and later the North Korean state, these religious communities were targeted by persecution, discriminatory legislation, arbitrary arrest, exile and murder.

Tens of thousands of Protestants were killed or fled to South Korea. Those who survived were forced underground in the late 1950s and early 1960s, leading to the creation of the present-day underground churches in North Korea. Catholics suffered an even worse fate. According to the former archbishop of Seoul and apostolic administrator of Pyongyang, by 2006 there were no known Catholic adherents remaining in North Korea and no remaining Vatican-recognised institutions of the Catholic Church. All that remained were "show churches" in Pyongyang, used to try to mislead foreign delegations. In reality, Catholics have effectively been eliminated from North Korea.

A report by the law firm Hogan Lovells, which was commissioned shortly after the 2014 UN commission of inquiry, found evidence to suggest that this persecution of religious communities in North Korea may even amount to what can be called genocide. More recent evidence lends weight to this legal opinion. In its 2021 report entitled *Persecuting Faith,* the non-governmental organisation Korea Future documented 167 cases of serious human rights violations perpetrated against Christians in North Korea between 1997 and 2018. Indefinite life sentences and death sentences were handed to Christians simply for being Christian. Victims were generally aged between 20 and 59, but it is shocking that even a child aged two was also a victim. Korea Future found that, in 11 cases, the victims were believed to still be held in detention in North Korea; their fates are unknown.

It would appear that there is sufficient credible evidence to show that human rights violations perpetrated by North Korean officials are neither arbitrary nor random, and are purposely directed at the destruction of Christian and other religious communities. These findings are supported by testimonies, internal government documents, and statements from former high-ranking North Korean officials who have defected.

This brings us back to the question of how we can ensure regional and global security from North Korea's pursuit of nuclear weapons, and how we can increase the security of the North Korean people. The first step in any response must include efforts to ensure accountability and deter future acts of violence and aggression. In doing so, we should deploy all available options in our foreign policy toolbox, including bilateral diplomacy, consensus-building at the Security Council in New York and the Human Rights Council in Geneva, and the United Kingdom's global human rights sanctions regime.

It is the prospect of using targeted human rights sanctions that I will end on. The global human rights sanctions regime was established in 2020. The regime allows the UK Government to impose sanctions in response to certain serious human rights violations around the world. The regime is intended to target not individual countries, but individuals or organisations involved in serious human rights violations. It is with that message to my noble friend the Minister that I conclude.

*4.02 pm*

**Baroness Smith of Newnham (LD):** My Lords, we all owe a great debt of thanks to the noble Lord, Lord Swire, for introducing this debate this afternoon, for having the prescience to bring it, and for bringing his immense expertise to the Chamber. Right at the

outset, he raised an issue that all of us present, and those many Members who are not in their places, should think about. In the 21st century, there seems to be an issue of politics and international relations speeding up, and of Governments, politicians and the media being perhaps unable to deal with more than one crisis at a time.

It is only two and a half years ago that the United States, and with it its NATO allies, pulled out of Afghanistan. That was not an unexpected incident; your Lordships' International Relations and Defence Committee had written a report about the UK's role in Afghanistan and published it in January of that year. The Government responded to that report, yet in August 2021 it seemed that the Government had been somewhat blindsided by Biden's decision to withdraw from Afghanistan. That withdrawal, and the West's inability to remain and support the Afghans once the US left, sent messages to Russia and China. Why is that important? It is because, in many ways, nobody was looking at Afghanistan at that time. Nobody was saying, "What if there is a major change?", yet for two and a half years, thousands of people in Afghanistan have been fleeing for their lives. Decisions made on issues that have not been adequately thought about can have major consequences.

However, we do not really talk very much about Afghanistan at the moment. Ukraine, the next big international crisis, pushed Afghanistan off the front pages and seemed to push it out of the mindset of this Chamber and the other place. Then we get Israel and Gaza.

As the noble Lord, Lord Swire, put it, there is a real issue of bandwidth. I think of it perhaps as the CNN factor but, in a conversation earlier, it was pointed out that maybe it is the TikTok generation. Well, I suspect the Minister replying to the debate this afternoon is not of the TikTok generation. I may be wrong; he may be going to say that I have got it entirely wrong and he spends much of his time on TikTok and Instagram—but I suspect not. I suspect that, like many of us, he is of a generation that is used to events happening in a somewhat slower way, taking time to evolve and not being followed by the media 24/7. In the 30 years since Bosnia and the rise of CNN, we are expected to respond to crises immediately but to switch from one to the next to the next.

One question I will ask the noble Lord is not directly about North Korea—I will come on to that in a moment. It is: to what extent are His Majesty's Government able to take the time to think about wider threats beyond the immediate? The then Foreign Secretary, Dominic Raab, was blindsided by Afghanistan—being on holiday where, apparently, he could not swim because the sea was closed. That issue had been foreseen, even if it suited Ministers later to suggest that it had not.

North Korea is precisely the sort of issue, as the noble Lord, Lord Swire, pointed out, that this House and the elected Chamber spend very little time thinking about; how very different for Japan and South Korea, and I welcome their diplomats present today. There is very much a question of what His Majesty's Government are able to do beyond integrated reviews to think about North Korea and the sorts of unintentional consequences of the fact that is has developed nuclear weapons. So my question to the Minister is on wider strategic matters, because I want to focus my remarks on the wider international.

Like the noble Lord, Lord Swire, I pay tribute to the noble Baroness, Lady Cox, and my noble friend Lord Alton for repeatedly bringing questions about North Korea to our attention. Frankly, if they did not, who would? Obviously, we now have the added benefit of having the noble Lord, Lord Swire, here to do that, but we need to be reminded in this country about North Korea and the questions that we need to think about as part of the international community.

Today's debate is about the current threat from North Korea. As defence spokesperson for these Benches, my immediate thought was of the international consequences and threats that we have rightly heard about from speakers across the Chamber and the domestic threats and human rights violations perpetrated every day in North Korea. These matter and we should be thinking about them, and I add the support of these Benches for the comments about concerns about genocide and crimes against humanity. As so often, I ask the Minister what assessment His Majesty's Government have made of concerns about crimes against humanity and genocide being perpetrated in North Korea and of whether now is the time to be thinking about naming genocide.

In order to widen the debate, I want to think about the wider global consequences, which were well introduced by the noble Lord, Lord Swire, and touched on in particular by the noble Baroness, Lady Bennett of Manor Castle. Aside from the domestic threats to the individual—to the very people whom the North Korean Government should be protecting, their own citizens—North Korea's obscene defence expenditure of 35% or 40% of its GDP ignores its citizens. It is not about protecting them; it is about the aggrandisement of the state.

The potential and actual threats from North Korea are linked to the nuclear threat, to cyber and to cryptocurrency, as the noble Lord, Lord Swire, pointed out, and there are wider questions about the potential development of chemical weapons and the use of hybrid warfare. From the perspective of Westminster, most of those threats might seem very far away, but they are threats to our allies such as South Korea, from which we recently had a state visit at which issues of defence were discussed. If the United Kingdom is to be a strong ally and partner of South Korea, and similarly of Japan, we need to think about how to support those countries in their defence, and with our defence relationships. So precisely what discussions are His Majesty's Government having with those of North Korea's neighbours that perceive themselves to be most under threat from North Korea in the international space?

The nuclear threat does not affect just neighbouring countries. How effective that threat is—how effective North Korea's nuclear capability is in 2023—remains somewhat unclear, but we are hearing a lot about the six nuclear tests and the attempts to have intercontinental ballistic missiles and the ability to target the United States, our NATO ally. Have the

[Baroness Smith of Newnham]
Government made assessments of the current nuclear capabilities of North Korea and what the potential threats actually are?

We probably differ across the Chamber in our views about the implications of North Korea having nuclear weapons for our own domestic nuclear stance. If we had a world without nuclear weapons, we would all be much safer—the dangers of miscalculation would go away because the threat would have gone—but unilateral disarmament would not get us to that place. As the noble Lord, Lord Swire, pointed out in his introductory remarks, North Korea rightly looks at countries that gave up their nuclear weapons, such as Ukraine, and says, "We want a nuclear weapon".

So the question of who has nuclear weapons and what we do with them remains pertinent. Have the Government thought about talking to the six about further discussions on the nuclear capabilities of North Korea? Is the United Kingdom in any discussions about being part of those negotiations? In the negotiations with Iran that worked effectively until the Trump regime was in government, the E3+3 had an important role. So the UK does have a role to play, but is it playing it? Do the Government see a role for us, particularly if we were able to reopen our embassy in Pyongyang?

There are many questions that reach into the wider international which the Minister might like to tackle in his 20 minutes when he is responding to these relatively few speeches. Often, we have a debate on a foreign or defence issue on a Thursday afternoon and relatively few people speak. It is wonderful to see that on this occasion—I am deliberately saying this so that it is on the record in *Hansard*—the Chamber is not empty apart from the speakers; we have Peers listening intently on this important issue, because it matters. The security of North Korea's neighbours is not just a regional issue; there are global challenges here that affect the United Kingdom and our NATO partners.

I want to wind up my speech with a final set of questions about China, which could potentially play an important role. China has a mutual defence agreement with North Korea. It is also a country that has traditionally not been in favour of intervention in other countries; for example, it did not actively support Russia's intervention in Ukraine despite it having made a bilateral agreement with Russia almost immediately before the invasion of eastern Ukraine. So, we assume that China would not support North Korea being an aggressor, but is it playing any role as a mediator? Can we have frank conversations with China about this?

Indeed, has there been a change in the FCDO's position in the past two weeks—or is it three?—since the former Prime Minister was ennobled in order to become our Foreign Secretary? It is clear that, during the coalition Government, the UK's relationship with China was much closer; although that was arguably too close a relationship, it is still important to remember that our relationship with China needs to include elements of co-operation; it is not just about challenge and competition. Do His Majesty's Government see a way to talk to China about being a mediator because, at the moment, it seems unlikely that we will have any opportunities to persuade Russia to weaken its relations with North Korea, when Russia needs all the friends it can get? Assuming that China is the main potential mediator, are we having discussions?

In line with many noble Lords, I support from these Benches the ideas that we need to ensure that we have effective sanctions; and that the sanctions against North Korea should be targeted at individuals so that, as far as possible, they minimise the impact on citizens. I spoke on this issue on 5 September 2017—I went back and checked. On that occasion, Vladimir Putin had just said:

"The North Koreans will eat grass".

That was the impact of the sanctions. We need to make sure that the impact of sanctions is on individuals, and secondary sanctions are vital so that nobody in North Korea who should be taking responsibility is able to escape that responsibility.

*4.17 pm*

**Lord Collins of Highbury (Lab):** My Lords, I thank the noble Lord, Lord Swire, for initiating this debate. His focus on analysing what has changed is absolutely correct. There have been fundamental changes that have had a geopolitical influence; obviously, we need to take them into account. I also think it is relevant that this debate is taking place just a week after marking Human Rights Day and the signing of the Universal Declaration of Human Rights. Of course, the key element of that is "universal"; it applies to us all without exception. When it was signed at the United Nations, it was clear that all countries signed up to that.

The changes raised by the noble Lord, Lord Swire, which I want to address, are linked to the conflict that we now face in Europe and other issues. The response of Russia is clearly influencing a changing relationship. The axis that the noble Lord referred to is a growing one; obviously, we must address it. The integrated review refresh—I have no doubt that the Minister, the noble Lord, Lord Ahmad, will address it—focused on the instability that the DPRK can create in our relationships. It is that instability that we need to focus on.

However, there is one thing that has not changed in North Korea, and that is the horrendous human rights abuses that have taken place. It has been a constant throughout its history. It has gone from starving the whole population to internment camps, concentration camps and annihilation. There is a detailed history. We have heard from the noble Lord, Lord Alton, about this and I pay tribute to him. Like the Minister—I have to admire his sustainability in post—I participated in the 2017 debate, so we have been a constant factor in this. We should not shy away from focusing on those human rights abuses and building alliances to address them in detail.

Since its first nuclear test in 2006, the global community has been largely united in opposition to the DPRK possessing nuclear weapons. It is just as important now that the world speaks as one to condemn this provocation. I certainly welcome the joint statement other noble Lords have referred to, which was initiated by the US and signed by the UK and a large number

of other countries. It urges North Korea to abandon its unlawful weapons of mass destruction and ballistic weapons programme. Just as important is that the statement also urged North Korea to accept the repeated invitations—the noble Lord, Lord Swire, was absolutely right to focus on this—for dialogue, to abandon the weapons and instead dedicate its resources to improving the lives of the people of North Korea.

I have mentioned the integrated review. Our ambassador to the UN, Barbara Woodward, who has been a great ambassador—the Minister and I have been talking about her amazing contribution in raising these issues—said at the November UN Security Council that the missile tests are

"clear threats to global peace and security which is the core responsibility of this Council and they violate multiple Security Council resolutions".

She also asked and called for—as did the noble Lord, Lord Swire—North Korea to

"reopen its borders and re-engage with UN agencies"

including the Security Council, to

"reiterate the depth of our resolve to combating proliferation",

and in terms of responding to the needs of the people of North Korea. We should not forget that either. It is fundamental.

The United States, as the Security Council penholder, continues to provide global leadership for finding a diplomatic solution. But that is obviously now being impacted by the changing relationship we have been talking about in this debate, particularly with Russia. It is also, as we have heard, undermining the global non-proliferation regime. It appears that North Korea may be providing equipment to attack Ukrainian cities and further the illegal war initiated by Putin. That information comes from US intelligence agencies, as noble Lords have said. The FCDO spokesperson at the time strongly condemned Russia's decision to source arms from North Korea and urged the North Koreans to cease their supply. The FCDO also raised the issue of

"The transfer of money, military equipment or technology bolstering North Korea's own illegal weapons programmes".

There is a two-way traffic here that we need to appreciate and understand. That is why we need an incredibly robust set of sanctions.

Reference has been made to the diplomats here today, and the joint accord that was signed during the President of the Republic of Korea's state visit is incredibly welcome. It included a defence agreement. As the noble Lord, Lord Swire, demanded, a suite of sanctions is not the only requirement necessary; the ability to enforce them strongly is very important. That is why, as raised by the noble Lord, Lord Sarfraz, the accord has closer relationships between the Royal Navy and the Republic of Korea's navy, ensuring that the two countries are, for the first time, working together and conducting joint sea patrols to prevent goods and materials being smuggled into North Korea. That co-operation is important not only for that specific task but generally to increase security for the whole Indo-Pacific.

The noble Baroness, Lady Cox, mentioned that the UN panel of experts, assisting the DPRK sanctions committee, warned that cyberattacks from North Korea are being used to steal cryptocurrency and generate revenue for its weapons programme. The Foreign Secretary, the noble Lord, Lord Cameron, has highlighted the danger posed by North Korea's actions. In a recent *Sun* newspaper article, he said he had seen briefings that

"make clear the risks of cyber attacks and industrial espionage"

from North Korea. Can the Minister reassure the House that the specific threat from North Korea is being addressed by the FCDO in its cross-Whitehall security working to protect not only government agencies but the private sector? The espionage being conducted is not limited to state actors or state departments.

All this shows that the leadership of the DPRK is committed more to provocation than to improving the lives of the North Korean people. The noble Lord, Lord Swire, mentioned that food availability remains a major problem. The World Bank estimates that 42% of the country is undernourished, and I think that is an underestimate, because the DPRK is closed off from the outside world more than ever before. It is impossible to understand the full scale of its people's suffering.

Human rights are being constantly undermined by the continuation of that horrendous regime. Intense surveillance, enforced disappearance, torture, as I said, and gender-based violence are all prevalent. Volker Türk, the UN High Commissioner for Human Rights, recently warned that policies introduced to contain Covid are still being used to repress the population, despite the pandemic waning. Human Rights Watch has warned, and I hope the Minister responds to this important point, of the fate of those fleeing North Korea who end up in the wrong neighbouring country—not just China, as sadly there is speculation about Vietnam sending people back as well. It is hopefully a concentration camp but, as the noble Lord, Lord Alton, mentioned, we know that far worse is going on. We have to ensure that we work with our counterparts and that the FCDO is committed to making sure that the movement of people from China to North Korea is stopped. We must try to ensure that respect.

Ultimately, we have to respond strongly if North Korea chooses provocation while allowing its own people to suffer. I agree with all noble Lords that we should extend the use of Magnitsky-style sanctions targeting individuals. As the noble Lord, Lord Swire, said, it is also about how we can target individuals who facilitate—not simply individuals within the regime. I hope that the Minister will be able to respond positively to all the requests made in this debate.

*4.30 pm*

**The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):** My Lords, I join all noble Lords in thanking my noble friend Lord Swire for tabling this debate. His introduction again reflected his deep insight and expertise in this area, not just as a previous Minister of State at the Foreign Office but through his continuing engagement with important issues on the global stage. He highlighted directly North Korea's destabilising behaviours, which have endangered international peace and security for some time and continue to do so.

[Lord Ahmad of Wimbledon]

The issue of bandwidth was raised by my noble friend, as well as by the noble Baroness, Lady Smith. I was reflecting on my own day. I started with a Munich group meeting with the ambassadors of Egypt, Jordan, the EU, Germany and France. This lunchtime I hosted the E10 ambassadors, including Japan and the Republic of Korea. This exact subject was part and parcel of our discussion. Interjected among those meetings were others on Afghanistan—including about women and girls and our humanitarian support—Yemen and Syria, and a meeting with the Saudi Foreign Minister, followed by a meeting with the Bahraini Foreign Minister, together with my noble friend Lord Cameron. Perhaps this shows that, within the Foreign Office, we are well positioned in terms of ministerial bandwidth. I understand what the noble Baroness and my noble friend said. We need these debates, whether on a Monday, Tuesday, Wednesday, Thursday or, for that matter, Friday. I assure noble Lords that the Government will always respond actively and in detail, as I hope to do today.

The noble Baroness, Lady Smith, also talked about generation TikTok. I may not be on TikTok—when I was growing up, "tick tock" was a clock—but, at the same time, having children of that generation, I am well versed in this. Among the many things that I have to navigate are a message I got just now that there is a dispute between a nine year-old and an 11 year-old that I have to interlock and perhaps conclude when I get home, whenever that may be. Some would argue that this is the most difficult of disputes to resolve. I assure noble Lords that we are very focused on the serious matters in front of us.

Following the 1953 armistice, the tragic division of the Korean peninsula yielded two different models. As we have heard from several noble Lords, the past three decades have seen North Korea choose to develop illegal nuclear and ballistic missile programmes at the expense of its people's livelihoods, threatening its neighbours and the international community. This is a breach of international norms, as the noble Lord, Lord Collins, said. We strongly condemn it. We encourage North Korea to return to dialogue. I agree with the noble Baroness, Lady Smith, and my noble friend Lord Swire that the door is always open. Negotiation and diplomacy channels should always remain open. We will co-operate, together with the international community, as expressed in the UN Security Council resolutions. I acknowledge and, of course, will pass on the warm words from the noble Lord, Lord Collins, to our excellent Ambassador Barbara Woodward, whom we met earlier this week. She was in London after a visit to the Rafah crossing.

This dialogue and an end to weapons of mass destruction programmes are essential. We need to agree a path to the complete denuclearisation of the Korean peninsula, a sustainable economy and an equitable society for all North Koreans first and foremost. It is for their sakes.

In the southern half of the peninsula, the Republic of Korea took a very different route following the armistice. As a result, South Korea is now one of the world's largest economies, the world's second-largest semiconductor manufacturer and a key global trade partner, home to over 25,000 Britons. It also has astonishing soft power, something we promote. I am sure noble Lords, as the noble Baroness, Lady Smith, said to me, are familiar with the works of BTS and Blackpink—I have a teenage daughter, so I assure noble Lords that I am. I pay tribute to the creativity and entrepreneurial spirit of the Korean people. The noble Baroness asked, and the noble Lord, Lord Collins, answered on my behalf, about the integrated review. We recently celebrated the Downing Street Accord as part of a very historic first state visit by the President of the Republic of Korea. I was part of that engagement and it was a real celebration of the strengthened bilateral friendship between our two countries. This demonstrates where South Korea is.

These aspirations should not be limited to just one half of Korea. A bright future still lies ahead for North Korea if its Government abandon their programmes, particularly those on WMD. So far this year, North Korea has launched 29 ballistic missiles, including four ICBMs and a military reconnaissance satellite, in direct violation of UN Security Council resolutions. The international community is clear that this activity is absolutely unacceptable. Such provocations raise tensions in the region and risk spiralling into a regional arms race. North Korea has also fully restored its nuclear underground test site and can conduct a seventh test, should it choose to do so. My noble friend Lord Swire will recall that he was Minister for Asia when North Korea undertook its fourth nuclear test. We welcomed the subsequent decision to halt nuclear tests and engage in negotiations, including, importantly, with the United States.

Earlier this week, I met Rob Floyd of the CTBTO, the Comprehensive Nuclear-Test-Ban Treaty Organization, to discuss our continuing concerns on this agenda, including over North Korea. We regret that the negotiations with the US did not succeed. We regularly encourage North Korea to respond positively to the offer of talks without preconditions that was offered by the United States and which we support, to reduce those regional tensions, but it saddens me that there is no international consensus on how to manage its provocations. For example, China and Russia consistently fail to condemn ballistic missile launches that directly violate Security Council resolutions they had supported. Such divisions within the Security Council damage its credibility and can only embolden the North Korean regime.

Another nuclear test would, in our view, pose a serious challenge to the international community as a whole. Even North Korea's close neighbours, such as China and, in the past, Russia, have strongly opposed such nuclear tests. The UN Security Council must act as one to condemn such action—such illegal development—and I assure the noble Baroness, Lady Smith, and others that we will continue to urge China, as well as Russia, for that matter, to state unequivocally that they oppose Northern Korean nuclear tests.

The UK is particularly concerned about the burgeoning relationship between North Korea and Russia. There was, as noble Lords may have seen, a meeting between Kim Jong-un and Mr Putin in September, and there is emerging evidence now of North Korean arms sales

for Russia's illegal war in Ukraine. It is not clear what Russia intends to provide in return, but it is likely to be military and space technology. North Korea's track record of proliferation means that this deal could have dangerous consequences for the region and global security.

To curtail these activities, the UK works very closely with international partners. Sanctions came up. I am proud of our record of having introduced global human rights sanctions: it is something I have campaigned for since I first entered this House back in 2011, and I was delighted it got the cross-party support in both Chambers that it absolutely deserved. I assure noble Lords that we are very much seized, not just with what we do in North Korea but across the piece, of how we sanction both individuals and organisations. I pay tribute, again—it should be a regular feature of any speech on human rights—to the noble Lord, Lord Alton, who we all acknowledge as a great champion of human rights. He continues to raise the very issue of the DPRK consistently, and I join the noble Baroness, Lady Cox, and others in paying tribute to the APPG's work in this area as well.

We must work with our partners—I know the noble Lord, Lord Collins, agrees with me—because it is a vital tool, when it comes to sanctions, to work with others to signal our opposition, and in this case, our opposition to ballistic missile launches.

However, the UK recognises that sanctions are most effective when we can agree them through the UN. Repeated obstruction by Russia and China in the UNSC has made new sanctions impossible and prevented the council implementing Security Council resolutions on the DPRK—a point raised my noble friend Lord Swire—which, I stress again, have been agreed by all council members. These things are extremely important. As such, the UK increasingly opts for a more calibrated sanctions approach that builds international consensus, working with our key partners, and counters the emerging domains of cyberspace as well as nuclear proliferation.

My noble friend Lord Sarfraz and the noble Lord, Lord Collins, referred to the patrolling of sanctions. I am delighted my noble friend was able to visit a UK vessel on station, one of the two offshore patrol vessels, HMS "Tamar" and HMS "Spey", which are in the Indo-Pacific on an ongoing basis. Both ships support sanctions enforcement activity alongside G7 partners and conduct maritime surveillance. I assure my noble friend that we will continue undertaking joint enforcement operations with South Korea, as announced during the state visit last month. That enforcement action will be underpinned by a new defence and cyber partnership, which will also include sharing information more efficiently to tackle maritime threats in the Indo-Pacific, and the signing of a strategic cyber partnership committing our nations to working together to tackle cyber threats.

As many noble Lords pointed out, including the noble Lord, Lord Alton, and the noble Baroness, Lady Smith, we must reduce North Korea's ability to fund its WMD programmes. As I stand here today recounting the scope and scale of North Korea's activities, all noble Lords may have rightly asked "How can a regime, which struggles to feed its people, afford this?" The answer, sadly, is simple : theft. The noble Lord, Lord Collins alluded to this. North Korea funds approximately 40% of its illegal weapons programme via illicit cyber activity. My noble friend Lord Swire also brought our attention to this subject. A recent UN panel of experts report estimates that illegal cyber operations have raised up to $2 billion until now. North Korea steals intellectual property, generates illegal revenue and operates with relative impunity in the cybersphere. That is why the United Kingdom is committed, with our partners, to restricting the ability of its cyber actors to operate with impunity.

As a thought leader in the field, we are raising international awareness of cyber threats from North Korea, and I assure my noble friend, who tabled this debate, that we are building a coalition of partners in this respect. The recent signing of the strategic cyber co-operation partnership with South Korea is an example of this, and it signals our commitment to upholding the norms of responsible state behaviour, cutting illegal revenue streams and reducing the vulnerability of the UK and its allies.

We must never forget that it is ultimately the North Korean people who bear the cost of these actions and their Government's illicit programmes. Even before the borders closed in response to the Covid pandemic in 2020, the UN World Food Programme estimated that 40% of North Koreans were food insecure. The noble Baroness, Lady Bennett, drew our attention to this very issue. The self-imposed lockdown can only result in exacerbating the situation. We call on North Korea again to re-open the border. Only then can the UN agencies assess how much support the international community should provide.

As we have heard repeatedly from the noble Lord, Lord Alton, and the noble Baroness, Lady Cox-, and indeed all noble Lords alluded to this, North Korea's citizens suffer appalling human rights violations, including imprisonment, forced labour—which are the positives, as the noble Lord, Lord Collins, noted—and executions. The lucky ones get imprisoned.

The Foreign Office's human rights report for 2023, which I lead on, reiterates that the Government severely restricts freedom of speech, religion, belief and assembly, and I will come on to those points in a moment.

The noble Lord, Lord Alton, rightly asked about the Security Council. We held an open meeting on the human rights situation in the DPRK on 17 August—the first time this issue has been brought to the council since 2017. That is part of the drive, and again I thank noble Lords for raising these issues. The UK was recently pleased to co-sponsor the resolution on DPRK human rights, adopted by consensus at the UN Human Rights Council on 4 April. At that time, I made clear in my contribution that we call on the DPRK to engage constructively with the UN special rapporteur, Elizabeth Salmón, to bring about permanent change and improvement for the people of North Korea. I assure noble Lords that we will continue to engage in this respect.

The noble Baroness, Lady Cox, and my noble friend Lord Swire mentioned the ICC. I accept that the DPRK is not a party to the Rome statute, and I would hazard a guess that it is unlikely under the current

[Lord Ahmad of Wimbledon]

regime to accept its jurisdiction. However, we are clear that there must be no impunity, as several noble Lords have said, for the most serious crimes. The UK has consistently worked, and will continue to work, to secure strong resolutions on human rights in the DPRK at both the Human Rights Council and the General Assembly. We will continue to raise these issues and will seek out appropriate action to ensure accountability, including strong consideration of referral to the International Criminal Court.

It is very clear that North Korea's citizens suffer appalling human rights violations. We will continue to call out the DPRK on its human rights record and are urging others in conjunction to do the same. In response to North Korea's human rights record, we have consistently called out the violations of UN Security Council resolutions and will continue to do so.

I assure noble Lords that I am very much focused on the issue of those who were returned from China. The information is sketchy, even recently. I was reading the Open Doors report and was particularly taken by Timothy Cho, who himself escaped this abhorrent imprisonment. We are grateful that he was able to come and work here directly. I pay tribute to the work of Open Doors across a range of issues of freedom of religion.

I assure the noble Baroness, Lady Smith, who asked about this quite specifically, as did my noble friend Lord Swire and others, that we are raising bilaterally the issue of the 600 or more escapees, with the country that has influence—China. As to traction, we shall wait and see, but the situation is extremely bleak. We will continue to highlight the practice of the forced repatriation of refugees in the international fora. As noble Lords said, the refugee convention of 1951 must be respected.

The noble Baroness, Lady Cox, talked about Christian persecution. There are many places where Christians suffer but, according to Open Doors, North Korea is the place where Christians suffer most. We must continue the transparency of the human rights and sanctions procedures. I note what the noble Lord says, but we do work with human rights bodies in this respect. I take on board his suggestion to see how we can make that process more transparent, though he will understand the sensitivities in our sanctioning of individuals and organisations.

My noble friend Lord Swire asked about the six-party talks on the DPRK, formed with China, Russia, South Korea, Japan and the US. It is a useful format, which we very much support. We stand ready, if they were to be taken forward again, to play an active part in supporting them. We call on all countries to come together to ensure that the DPRK avoids provocative behaviours and takes steps to generate confidence, and to build a framework for negotiations that advances our shared wish for a peaceful and stable Korean peninsula.

To this end, we hope to re-open our embassy in North Korea, which has been temporarily closed since May 2020. We have asked repeatedly North Korea to facilitate the return of all foreign diplomats, but equally importantly, UN agencies and humanitarian organisations, as soon as possible. We have told its embassy that lifting restrictions on Chinese and Russian diplomats entering the DPRK while excluding diplomats from other countries is directly discriminating against others. Its argument that neighbouring countries have precedence in returning to normal proceedings has no validity under the Vienna convention on diplomatic relations, and we will continue to raise this case.

We will also continue to look for ways to constrain the activity that breaches UN Security Council resolutions, while, importantly, developing and strengthening channels of communication, as all noble Lords have said. As a final word, I say that that door remains open. It promotes the shared goal of all noble Lords in the Chamber today, who have made such detailed, insightful and expert contributions, of a peaceful and stable Korean peninsula and a better life for all the people of Korea, north and south.

*4.49 pm*

**Lord Swire (Con):** My Lords, what we may have lacked in quantity, *Hansard* will record that we have more than made up for in quality. While it would be invidious of me to single out any one speaker, I am most grateful to all those who spoke and who listened. I am also extremely grateful to the usual channels for allowing me to secure this long-overdue debate.

All of us here will commit to keeping alert to the threat posed by North Korea and keeping up the pressure. In that, I know that we have an indefatigable champion in the shape of our Minister, whose record of his day sent a shiver down my spine. One can only suppose that he exists, in expanding his own bandwidth as he takes on all these difficult issues around the world, by surviving on a diet of canapés and Foreign Office Ferrero Rocher. We know that he is fighting for us in these matters.

Those of us who have stood on the DMZ, in the safety of the thriving democratic Republic of South Korea, have looked across the abyss into the almost Kafkaesque regime in the north. As we go home to our families for the Christmas period and go Christmas shopping—with the warmth of our homes and our families and with food on the table—we should pause to think of those people who are subjected to some of the worst human rights abuses anywhere in the world by a regime with a warped ideology whose sole interest is in maintaining its own stranglehold on that country. We owe them more than sympathy and warm words; we owe them our continuing determination to do something about it.

*Motion agreed.*

*House adjourned at 4.52 pm.*

# Grand Committee

*Thursday 14 December 2023*

## Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill [HL]

*Committee (2nd Day)*

*1 pm*

**The Deputy Chairman of Committees (Baroness Pitkeathley) (Lab):** My Lords, if there is a Division in the Chamber while we are sitting, this Committee will adjourn as soon as the Division bells are rung and resume after 10 minutes.

*Amendment 12*

*Moved by* ***The Earl of Clancarty***

**12:** After Clause 5, insert the following new Clause—

**"Artist's resale right**

Within 12 months of the passing of this Act, the Secretary of State must lay before Parliament an impact assessment of the possible benefits of seeking to extend the Intellectual Property Chapter of the CPTPP to include provisions on the artist's resale right."

**The Earl of Clancarty (CB):** My Lords, this group of amendments concerns the arts and creative industries; although, in the case of intellectual property, not exclusively so. It therefore picks up directly from where the first day in Committee ended a week ago. I did not participate in that debate but recognise the faces of some who did around this table. It is noticeable that those in the House most closely associated with the arts—I emphasise the word "most"—do not tend to talk about copyright or intellectual property issues because it is such a technical area. I pay tribute to those—including present colleagues, the noble Lords, Lord Clement-Jones and Lord Stevenson of Balmacara, and one or two others—who, over a long time, have been keeping a watching brief on this important area. I also pay tribute to outside organisations such as the Alliance for Intellectual Property, whose briefing I am grateful for, and its member organisations.

Artists are acutely aware that a bad or compromised deal for the creative industries will directly affect the rights and livelihoods of UK artists not just in their work abroad but at home too—as was very much borne out in a debate on intellectual property in Grand Committee on 20 November in relation to new regulations. This is a corrective, in a sense, to the view of some of the public, who believe that these kinds of agreements are about conquering new markets and nothing else.

In this group I support Amendment 24, on the Intellectual Property Chapter, in the name of the noble Lord, Lord McNicol, and Amendment 28, on performance rights, in the name of the noble Lord, Lord Foster of Bath. Outside this group, I also mention Amendment 30, in the name of the noble Lord, Lord Purvis of Tweed, because there needs to be a debate on the effect of the CPTPP after the passing of the Act which also includes its implications for the creative industries. However, the concern about the extension of performers' rights beyond this agreement needs to be sorted urgently.

My own Amendment 12 relates to the artist's resale right, which is one important aspect of the wider landscape of concerns about rights for creators, in particular, the reciprocal rights—or potential lack of such rights—that this treaty has thrown up. Reciprocity is a key concept in much of this debate. I am grateful to the noble Lord, Lord Foster, and my noble friend Lord Freyberg for their support. Unfortunately, owing to illness my noble friend cannot be here today, but he has kindly passed on to me some notes for the speech he would have made.

The artist's resale right is a vital element of our visual arts culture and is hugely important to our artists. It is a fundamental IP right that provides a royalty to artists on the secondary sale of their work. It has been introduced in some form in more than 90 countries worldwide, Mexico being the latest, in 2023. The noble Lord, Lord Clement-Jones, expressed it very well in Grand Committee on 20 November, when he said that he felt confident that these rights

"are now bolted fully into our intellectual and moral property rights".—[*Official Report*, 20/11/23; col. GC 52.]

In the 17 years of its existence in the UK, the artist's resale right has provided artists and estates with £120 million—moneys paid out by the not-for-profit organisation the Design and Artists Copyright Society, whose briefing for this debate I am also very grateful for. Artists invest ARR royalties into their practice which, in turn, supports the arts ecosystem. It is therefore not just individual artists who benefit but the culture as a whole, particularly since estates will also use the moneys to archive and restore work. It is important to note that, contrary to erstwhile concerns, there is no evidence that ARR has negatively impacted the UK art market or diverted sales to non-ARR markets. The UK art market is currently ranked second in the world, and ARR royalties represent only 0.1% of the market's value.

I gave a very full speech on the artist's resale right in the debate on 20 November on the new regulations. I refer the Minister to that. I will not say much more on ARR specifically, particularly as the Government should not need to be persuaded of the value of this right. I was very happy, in the circumstances, to back the Government in that debate on introducing the regulation that turned EU law on ARR into UK law. Of course, we now have reciprocal agreements on this right with two CPTPP member states, Australia and New Zealand, through separate trade agreements. I understand too from the letter that the noble Viscount, Lord Camrose, sent to us after the aforementioned debate that the UK is in discussion with Japan on this—a country, I believe, which does not yet operate this right. Could the Minister expand on that? Indeed, DACS has said:

"ARR should be introduced into more countries so that national artists benefit from this right, and UK artists get their due royalties for international sales".

My noble friend Lord Freyberg has pointed out to me, with figures he researched, the particular significance of the Asian art market. This in part relates to Amendment 24's reference to future agreements. Japan is a CPTPP member, while China and South Korea are among formal and potential applicants. Together, their art markets were worth around £10.5 billion in 2022

[THE EARL OF CLANCARTY]
and are likely to continue to grow. My main question to the Minister is: what is the Government's overall strategy for reaching agreements on this, both through this treaty with other member states, and with those outside it? Has this been broached in relation to this treaty, or will there be negotiations on the treaty so that provision for this will find a place in the chapter on intellectual property? That would be a preferable solution but if that is unrealistic, I would like to hear that from the Minister. I look forward to his reply. I beg to move.

**Lord Foster of Bath (LD):** My Lords, I entirely support the amendment in the name of the noble Earl, Lord Clancarty, and that of the noble Lord, Lord McNicol. Noble Lords will be aware that I made it clear at Second Reading that I had real concerns that our accession to the CPTPP was done on the basis of failing to get many of the improvements sought by the creative industries. I pointed out that I suspected that that had happened because we were being a rule-taker rather than a rule-maker.

That argument was well demonstrated by the Minister, who, in a subsequent letter, made it very clear that the CPTPP was "a pre-existing agreement", and therefore we have little choice in this matter. However, I have been heartened by a further paragraph in which he says that

"we intend to be a constructive member of CPTPP and will champion our values and priorities, including through the committees and councils set up by the agreement. Our ambition is to play a full role to strengthen the high standards of CPTPP".

He goes on to say in a subsequent paragraph that our accession

"will not limit our ability to seek more ambitious agreements, including with CPTPP partners".

All I would say to him is that I hope very much that we will look to find ways of improving some of the current IP protection arrangements within the CPTPP.

However, I wish to concentrate specifically on performers' rights—an issue we debated at some length in our last session. I confess at the outset, first, that I will have to speak for rather longer than I would normally hope, and secondly, that I remain somewhat confused about what precisely the Government are proposing. I am not alone in that. I have talked to a number of organisations that are concerned about intellectual property rights and the Bill's implications for those. They too are confused. If I have got things wrong, I hope the Minister will be able to correct me and give a clear enunciation of exactly what the Government are proposing in the Bill.

Much of this is based on the concerns of the music industry, although I acknowledge that the issue goes somewhat beyond it. It is worth just reminding ourselves that the UK music industry's contribution to our economy is enormous: £6.7 billion last year, with exports from the industry generating £4 billion. It is an important industry and it is founded on the fact that in the UK we have an incredibly robust IP rights regime, which includes performers' rights.

The issue is extremely complicated, as the Minister acknowledged during our deliberations in the last session. However, in terms of artists' rights we are talking, predominantly but not exclusively, about broadcast performances. If a recording of a UK artist, composer, publisher or record label is aired on a UK radio channel, we know that royalties have to be paid via the collection agency PPL and then distributed via an agreed split between the various parties involved in that recording. If it is aired on a streaming channel, exactly the same applies, although the split may be different. However, if that recording is aired in another country, whether royalties get back to the UK depends on the deals that we have done with those countries. That might be through a free trade agreement or other international treaties, such as the Rome convention or the WIPO Performances and Phonograms Treaty—the WPPT.

Rights are often reciprocal but in some cases they can be limited. For example, Canada wanted to protect its small radio stations and capped the amount of money that they have to pay, so the amount that comes back to the UK is effectively capped. It might be supposed that the CPTPP Bill would deal exclusively with the arrangements for handling these issues between the UK and other CPTPP countries, establishing a reciprocal arrangement, just as we have done with other FTA deals. In a letter to the noble Lord, Lord Lansley, the Minister says:

"We intend to lay secondary legislation under these powers in Parliament in February 2024. This will make technical changes that are necessary, along with the Bill, to comply with CPTPP and other treaty obligations. The secondary legislation will include changes to the rights that are extended to CPTPP Parties and the performers who have a qualifying connection to those Parties. In circumstances such as these—where the UK has little or no flexibility in how it must implement its international obligations—it would be inappropriate to consult".

I have no concern about that whatever. However, the Bill goes much further and, as the BPI says, makes significant and broad changes overall to copyright law.

In the CPTPP Bill, the Government are proposing to make changes to copyright law that would introduce obligations for performers and rights holders to receive payment for public performances in the UK of their music via equitable remuneration. This would appear to apply to either all countries or some countries. I hope that in his response the Minister will make it absolutely clear which performers and which countries are intended to be covered. At the moment, as I say, there is considerable confusion about this.

In simplistic terms, as I see it, the plan is to extend an agreement whereby we would effectively be paying royalties to other countries and performers where there is a performance in the UK of their recording, either of the individual performer or that country, even when we have no reciprocal arrangements with them and then, at a later stage, to decide whether or not to limit those rights as, for instance, Canada has done. This could have a significant impact on the UK, with a potentially significant loss of income. For instance, we have no reciprocal rights with the United States of America, yet, until some limits are potentially imposed at a later date, we will end up paying royalties to the US and to US performers while they will pay no royalties to us for UK performances in the United States.

*1.15 pm*

In his letter to the noble Lord, Lord Lansley, the Minister says:

"UK law currently does not provide this right to some foreign nationals. The measures in the Bill will indirectly result in more foreign performers becoming eligible for the right. The government is considering whether to make further secondary legislation on the powers in sections 206 and 208 to modify how these rights are provided to foreign performers".

In other words, at a later date we will consider whether or not to impose limits on those rights. The Minister says in the letter:

"This is a complex and significant policy issue. The government intends to consult publicly to inform its approach and ensure that it continues to support the UK creative industries and UK users of recorded music. We expect that consultation to be published very early next year, and we intend to implement the outcome of it in parallel with the coming into effect of this Bill".

We have a situation where something that is incredibly complicated could have a huge impact on resources coming into the UK or, more likely, resources having to go out of the UK, yet we are going to find out the real outcome only when the Bill comes into effect. We have no opportunity other than perhaps this debate to discuss what is going to happen, so it is not unreasonable to ask why this is happening.

It appears—again, the Minister can correct me if I have got it wrong—that because there have been some challenges there is a view as to whether we are correctly abiding with existing treaty obligations and the Government have therefore decided to use this Bill as a vehicle to resolve these issues. There are many—BPI, for example—who do not believe that the UK has got anything wrong and see absolutely no need for this step. I am not qualified to make a judgment, but I am clear that seeking to right a potential wrong with countries outside the CPTPP member countries has frankly no place in this Bill and should be dealt with separately, as is perfectly possible. I hope that the Minister will explain why we are using this Bill to address an issue that does not directly impact on CPTPP arrangements.

One further point is that we have absolutely no idea what the impact will be. In his letter to me, the Minister says:

"We do not expect the measures in this Bill to result in significant direct impacts on UK musicians and UK record labels, or on broadcasters, public venues, or other users of music, in the UK".

He acknowledges in that letter that

"changes will result in more foreign performers becoming newly eligible for rights in the UK",

yet he still concludes:

"As such, we expect the direct impact of the measures in the Bill on the UK parties to be small".

I hope that he can explain the justification for the conclusion that he has come to when we have had no consultation yet—it has not even begun—on these issues.

I have proposed Amendment 28, which requires that we publish an assessment of the impact of performers' rights provisions in the CPTPP on qualifying individuals in the UK. The Minister has told me in his letter that his conclusion is that it will be minimal. I have no understanding of the basis of that justification and I look forward to the Minister's explanation.

I am well aware that I have not given the most brilliantly correct analysis of the situation. Frankly, that is because I have come across no expert who can give me that explanation. I look to the Minister to clarify these matters beyond any future concerns people may have. I look forward to his response.

**Viscount Trenchard (Con):** My Lords, this group of amendments includes a number of calls for reviews and impact assessments of the intellectual property chapter of the partnership agreement.

I have listened with interest to the case made by the noble Earl, Lord Clancarty, for Amendment 12 on artists' resale rights. He rightly draws attention to the importance of Asian countries to the international art market. Amendment 28 from the noble Lord, Lord Foster of Bath, seeks an impact assessment of the implementation of performers' rights in the CPTPP. Amendment 24 from the noble Lord, Lord McNicol of West Kilbride, seeks a review of the intellectual property chapter within one year, which seems too short a period. The noble Earl's Amendment 12 also requires an impact assessment within 12 months, which, as several noble Lords have said, would be too soon. Amendment 28's requirement for an impact assessment within three years seems more realistic and reasonable. I hope my noble friend will respond positively to it. I also look forward to his reply on the points raised by the noble Lord, Lord Foster, on performers' rights.

On the intellectual property chapter, I was happy to learn that the concerns previously expressed by the Chartered Institute of Patent Attorneys about possible conflicts between that chapter of the partnership agreement and the UK's membership of the European Patent Convention have been satisfactorily resolved. Can my noble friend confirm that?

**Lord McNicol of West Kilbride (Lab):** My Lords, I thank the noble Earl, Lord Clancarty, and the noble Lord, Lord Foster of Bath, for speaking to their amendments. I will touch on my amendment in this group. The detail the noble Lord has gone into raises a number of questions, and the detailed answers he seeks will cover all the amendments in this group.

My amendment is very straightforward; we have further groups later on seeking reviews of the negotiation. I understand the point made by the noble Viscount, Lord Trenchard, about this being within one year, but we are in a very new situation with the CPTPP. Learning lessons quickly, both positive and negative ones, is crucial to our making correct decisions in future on FTAs and other negotiations.

Amendment 24 seeks a review within one year of the day on which the Act is passed. The Secretary of State must publish both

"a review of the lessons learned from the negotiation of the CPTPP Chapter on intellectual property"—

as we have heard, there are still a large number of questions outstanding there—

"and … an assessment of how this experience might inform negotiations of future free trade agreements".

It is very straightforward.

Like others who have spoken before me, I have had a number of representations from UK Music and the Alliance for Intellectual Property. I seek clarification

[LORD MCNICOL OF WEST KILBRIDE]
from the Minister of one of the points made by UK Music. There is a concern that the CPTPP parties are allowed to opt out of some of the IP provisions—for example, not recognising protection for the use of recorded music in broadcasting and public performance, which was one of the issues touched on earlier. The AfIP's point was that

"the rush to join CPTPP may result in the embrace of IP"—

intellectual property—

"standards that are significantly weaker than those present in UK law",

and thus cause growth issues.

I turn to geographical indicators, which may well come up in some of the later amendments and was touched on during our first day in Committee. There is a specific issue concerning the UK-Japan deal, which was rolled over. Geographical indication brand protection was promised in the UK-Japan agreement but was never delivered on. When the agreement was announced in October 2020, the then Trade Secretary, Liz Truss, promised that 77 specialist UK food and drink products would be guaranteed protected geographical indication status, alongside the seven that were then carried over from the previous EU-Japan trade deal. The former Department for International Trade said that the protections would be in place by May 2021 for all 77 new products. I will not list them all, although I am more than happy to. They included some iconic brands: Scottish beef, the Cornish pasty, Welsh lamb and Wensleydale cheese, to name but a few.

The DIT also boasted that, thanks to Liz Truss's agreement, the UK would benefit from a fast-track process for securing brand protection that would not have been possible under the EU-Japan deal. It said that:

"The EU must negotiate each new GI individually on a case-by-case basis."

The EU has added an extra 84 products to the protected list since October 2020, including 28 fairly recently, and the number of EU GIs with Japan now stands at 291, while the UK is still stuck with only seven protected products, which we inherited from the EU-Japan deal. Given this, can UK producers of geographically identified products be confident in the measures in the CPTPP, and is there any danger of the same occurring now with British food and drink products, putting them more at risk? Finally, will the Government revisit the UK-Japan agreement and deliver on those originally promised protections?

**The Minister of State, Department for Business and Trade (Lord Johnson of Lainston) (Con):** I thank noble Lords for returning to this important discussion of the various ways in which they are looking to improve our CPTPP Bill. I hope I can give them some good answers, illustrating my belief that we have a very good deal, the integrity of which we should try to retain as much as possible.

I think the noble Lord, Lord Foster, who is an expert on many things, said that he had yet to come across an expert who could clearly explain artists' and performers' broadcast rights. I am well aware of this, as are noble Lords. I will try to do so today but, given that no one has so far managed to do so convincingly, I hope noble Lords will allow me to write giving further clarification and useful examples and anecdotes. It is certainly a complex point.

The CPTPP brings to bear on the United Kingdom an additional series of obligations regarding performers' rights. Currently, if you are a performer of, let us say, British nationality, and/or your performance is in the United Kingdom, you are entitled to the performance rights. The CPTPP looks at performances and rights in a slightly different fashion. In the instance of a performance taking place in a non-CPTPP country—which is where the controversy of this issue has arisen—it could qualify for artists' performance rights payments if it was released or produced in a CPTPP country or if there was another necessary association with a CPTPP country.

*1.30 pm*

That is quite relevant. In all honesty, nowadays, music and performances are probably released globally at any one time, as a result of which it is highly likely that many performances not previously covered by the performance rights legislation will now be, simply because of the fact of the activity. I should clarify that the proposal is not to give global rights to all performances under all situations to anyone in the world, which is sometimes how this is misread. Signing up to the CPTPP is sensible for us because it protects our artists around the world and in CPTPP countries, which is very important. This is an additional way of allowing for the qualification of artists, but it is not as specific as people suggest. I hope that I was accurate in describing how the new process works and that noble Lords understood it, but, as I said, we are happy to clarify it further.

The noble Lord, Lord Foster, was right to say that we have not yet done a consultation. We will undertake a consultation, and it will begin very shortly, possibly in the new year, and we look forward to it. We are taking this very seriously. It is not as straightforward a situation as people suggest. It is very important that the IPO have the time and the bandwidth to do that consultation. It will report back relatively soon, I hope.

I am told that there are mechanisms for abrogating the potential unintended consequences of this legislation, particularly given the UK's position in terms of performance and the relationship with the United States' music. I am very sensitive to the points made by many noble Lords and people in the industry about reciprocity and the importance of trying to make sure that, where possible, we leverage off the reciprocity opportunities to get the best possible deals for our artists around the world.

I hope that I have clarified the point, although this will result in further complication, since it does not necessarily make it easy to identify what the specific situations will be. I want to reassure noble Lords discussing this important issue today that there is a consultation plan proposal, which we are confident will yield some useful and interesting pointers, as well as amelioration opportunities if it is decided that this is the right thing to do. This is an open discussion, which I am very comfortable to have.

I turn to the subsidiary point about consultations. I firmly believe that a lot of the impact assessment amendments tabled on these trade Bills are intended to enable a debate about a concomitant point, rather than an impact assessment necessarily. To have an impact assessment after one year on any activity as complex as a free trade agreement seems completely unhelpful, so I thoroughly recommend that, if noble Lords are going to table amendments under the cover of an impact assessment to allow broader debate, we say two or five years, which the Government believe is the right amount of time. We will do an assessment and review of the treaty after two years, and we have committed to doing one after five years. I personally think—I am not going against government policy by saying this—that even two years is a very short period in which to see the impact of many of these actions, but I accept the fact that in some instances, we are looking at the processes that led to the action itself.

**Lord Foster of Bath (LD):** I entirely take the point the Minister is making about the timescale for an impact assessment. Yet before we have even had the consultation on performers' rights, the Minister is claiming that the impact will be minimal. I have not yet heard from him the justification for that claim. Also, while I am on my feet and to save interrupting him a second time, can he be absolutely clear that the details of the consultation on performers' rights to which he referred will be available prior to your Lordships debating the Bill on Report? If we do not have those details and a clearer understanding of what is in the consultation and the implications of the Bill, we are put at a huge disadvantage.

**Lord Johnson of Lainston (Con):** I am grateful to the noble Lord for pointing out that I am already talking about the impact, while also saying that we should not have an impact statement after one year; however, I do not think that that is fair. We are trying to have a broad gauge—is this a significant, multi-million-pound issue that needs to be confronted with urgency, or a relatively manageable amount of capital change? The instance we are looking at is not significant in relation to the music industry overall—it was a few tens of millions. I do not have the figure in front of me, but the noble Lord will understand.

That is the reason why we are having a consultation. Our estimate implies that it would not result in significant distortions of the music market in this country. Remember, this is for broadcast media. It does not include streaming, which is how most people access their music at the moment. It will result in additional artists being included, but many artists already are.

We should be aware that we often talk in these debates about the issues facing us—it is always about us. I would like us to look at the opportunities our artists will now have in terms of being protected. British music is the greatest in the world, and among the most popular. The Beatles are at No. 1 again; that must mean something. All the great bands are reforming to take advantage of these new benefits of CPTPP and the enormous revenues they may be paid, so something must be working. We should not lose sight of that. I think that my noble friend Lord Cameron of Chipping Norton told me that Blur are getting back together again. He will know more about it than me.

This is a very important issue. We must not lose sight of the fact that on the whole, these measures tend to result in additional protections which did not exist for our artists in many of these countries. That is very important. We can get lost in the detail. I am not saying that the detail is not important, but we should keep things in perspective. I cannot answer the question from the noble Lord, Lord Foster, about when the consultation will be completed. It is unlikely that we will have the consultation back by Report, which is hoped to be the second or third week of January. I am aware of the time constraints and recognise noble Lords' comments, but we will continue to work together to find a good solution. I am extremely comfortable having further conversations with the noble Lord and other interested Peers on how we can delve more deeply into this subject. I am very sensitive to the fact that we are trying to come to the right conclusion.

Turning to some of the other key points, the noble Earl, Lord Clancarty, made a very fair comment on artists' resale rights. We have tried to propagate this position. It is a new concept globally and so far, 90 countries have taken up the opportunity to employ artists' resale rights. Unfortunately, very few CPTPP countries deploy ARR in their legislation. The noble Lord was right to mention Mexico, and Peru is similarly beginning the process. However, it is at an early stage and has not functioned in a way that is advantageous to our artists, so while the systems have been set up, they have not started to yield the payments we were hoping for. Therefore, we are not in a position to introduce ARR into the CPTTP, because many of the countries simply do not have that legislation to hand. It would therefore not be appropriate for what is a collective multilateral treaty that we are joining.

The noble Lord rightly asks about our strategy. I am happy to come back to him on our plans for continuing engagement, but he should be reassured that we specifically negotiated this in the Australia and New Zealand free trade deals and that we are in negotiations with Japan to see how we can implement that.

The noble Lord, Lord McNicol, asked about Japan and geographical indications. I cannot make a significant comment in reply, other than to point to our commitment to continue negotiations on this. It was a very important part of the initial negotiations and the Secretary of State at the time was determined to ensure that these principles were magnified. I, my officials and the trade team will be happy to reassure the noble Lord, I hope, that we are moving forward.

I hope I have covered the questions raised. My noble friend Lord Trenchard kindly supported me with his point about impact assessments and timeliness, for which I am grateful. He also raised specific questions which I will answer in writing.

**The Earl of Clancarty (CB):** My Lords, I thank the Minister for his reply on my amendment, which I found reasonably reassuring. As far as I can see, the Government are moving in the right direction on this. Time will tell

[The Earl of Clancarty]
by how much and with what enthusiasm they can persuade other countries to reach reciprocal agreement with us on this important right. I detected a suggestion for a possible meeting about this with interested parties; that would be really helpful.

On the other hand, I think many of us are much less convinced on the other concerns, particularly those about performance rights raised by the noble Lord, Lord Foster. He asked whether we could have the consultation before Report. It is really important that the consultation precedes any secondary legislation. The Minister has said that that legislation is technical, but the experts, including the Alliance for Intellectual Property and people in the music industry, say that we cannot be so sure what the effect will be of widening rights to foreign rights holders. We are asking the Government to tread carefully, and not recklessly in a way that will damage the UK's creative industries. The principle of reciprocity is paramount, as the noble Lord, Lord Foster, pointed out. It should be a guiding light. Crucially, stakeholders need to see precisely what is intended to be in the secondary legislation before it is made. As we know, once secondary legislation comes before the House, it is too late to change anything. With that, I beg leave to withdraw my amendment.

*Amendment 12 withdrawn.*

*Amendment 13*

*Moved by* **Lord Holmes of Richmond**

**13:** After Clause 5, insert the following new Clause—

**"Review: inward investment into the United Kingdom**

(1) A Minister of the Crown must publish a review of the impact of the implementation of the CPTPP Chapter on investment on inward investment into the United Kingdom.

(2) The review under subsection (1) should include a consultation of such persons the Minister of the Crown considers appropriate.

(3) The review under subsection (1) must be published within 12 months of the passing of this Act and every 12 months thereafter."

**Lord Holmes of Richmond (Con):** My Lords, it is a pleasure to take part in this second day of Committee on the CPTPP. In doing so, I declare my financial services interests as adviser to Ecospend Ltd and LEMI Ltd.

I will speak to Amendments 13 and 14 in my name. I also give a nod to the other amendments in this group and look forward to their introduction by noble Lords. In short, the purpose of my amendment is rooted in one simple premise: we need to increase our cross-border trade in financial services with other CPTPP nations. We have an extraordinary opportunity to do so. Chapter 11 of the CPTPP sets out the financial services requirements in the treaty and, as in any treaty, we need to play to our strengths. Financial services are obviously one such strength.

If I could have got it within the scope of the Bill, my amendment would have talked about strategies rather than impact assessments, because that is ultimately what we need here. However, for the purposes of these amendments, we are limited to impact assessments. In many ways, this is a development of many of the discussions we had on the Financial Services and Markets Bill 2023, not least what we achieved in your Lordships' House in pushing through the international competitiveness secondary objective for the regulator. These amendments fit squarely with that intention and what we can achieve internationally with our financial services firms and ecosystem.

*1.45 pm*

Turning to the specifics of the amendments, Amendment 13 looks at financial services and the potential for an impact assessment to see how our joining CPTPP can positively affect increased cross-border trade in financial services. The domestic barriers which currently frustrate this trade are set out in Annexe 3 of the treaty. Can my noble friend the Minister say something about the approach the Government intend to take to the removal of those current domestic barriers?

That naturally takes us on to the role of the regulator. We undoubtedly have some of the world's finest regulators, not least in financial services. However, it is important that we look at how to develop their role, not least by looking outwards at what role they can play in the further development of the international regulatory landscape, a potential greater reduction in friction, and greater harmonising of the approach of the regulatory landscape for financial services internationally across the CPTPP nations.

Similarly, the amendment sets out the important issue of mutual recognition of professional qualifications in financial services. Let us consider the simple example of a loss adjuster having to go from London to, say, a disaster area, and remember the terrible events in Christchurch, on New Zealand's South Island, and the important role the UK insurance market played in the aftermath. Importantly, to take one example, mutual recognition of professional financial services qualifications for loss adjusters would help to remove friction, resolve difficulties and get the best results for all concerned, particularly in traumatic situations and during the subsequent rebuild.

Amendment 14 looks at inward investment. In many ways inward investment and cross-border financial services trade are two sides of the same coin; again, our financial services regulator can play a significant role here. As a result of joining CPTPP, we can consider something others have mentioned—and I agree with the description: the need for a "welcome mat" for any individuals, institutions and businesses that wish to come and invest in the UK. We need a one-stop shop, so they do not have to find their way through various bits of the Whitehall machinery or put together their own plan to consider all the elements they will need to set up and invest in the UK. Rather, we need a dedicated inward investment team in Whitehall which can deliver on this need. We need our trade envoys—our trade commissioners—to be very much up to speed, in real time, with all the opportunities for inward investment in the United Kingdom.

If we needed any further convincing, other nations are, understandably, well on the way to achieving this. One example is Singapore and the work of the Monetary

Authority of Singapore. What it is doing is impressive, and we can and must do something similar. Does the Minister agree that the concept of a "welcome mat" would be greatly welcomed by the Government and would increase inward investment as a result of our joining the CPTPP?

The CPTPP is a dynamic treaty—a dynamic document. We have various means of influence to bring about a positive impact for our financial services ecosystem, in both cross-border financial services and inward investment. I hope that, as a result of this treaty and these amendments, that will only be increased and that, when the Minister comes to wind up, he will be increasingly supportive of these amendments.

I have a final point: there is an obvious slip of the drafting pen, which I realised and now realise even more. On the timing for any of these impact assessments, I obviously meant to write "two years" rather than "12 months", but I think that is self-evident in the coding of the drafting. With that, I beg to move.

**Baroness Boycott (CB):** My Lords, I rise to speak to Amendment 15 in my name, and I support other amendments in this group, notably Amendment 16 in the name of my noble friend Lady Willis of Summertown, as well as Amendments 18 and 29.

I am grateful for the support of the noble Lords, Lord Randall of Uxbridge and Lord Goldsmith of Richmond Park, alongside my noble friend Lady Willis, for Amendment 15. My intention in tabling it was twofold: to understand how the Government expect the CPTPP agreement to operate in the context of the commitments that they have made on forest risk commodities and how they will ensure robust monitoring and enforcement with the new countries that we will trade with in that bloc and, linked to this, to query when the Government will enact the forest risk commodities regulations under Schedule 17 to the Environment Act 2021.

On the latter point, I welcome the announcement at the weekend by the Environment Secretary on some of the content of the regulations. The letter that we received from the noble Lord, Lord Benyon, yesterday said that they will be brought into force as soon as parliamentary time allows. These announcements suggest that the regulations are imminent, so I hope the Minister can now clarify for us exactly when they will be brought in. Will it be January, before he comes back? If he cannot tell me that, can he confirm that the regulations will at least be in place before we accept the rest of the agreement? That is a crucial point.

It is critical that this happens as soon as it can, not least because, following the Financial Services and Markets Act earlier this year, in response to an amendment passed by this House, the Treasury is required to assess the extent to which regulation of the UK financial system is adequate to eliminate the financing of prohibited forest risk commodities. This review can happen only after the regulations in Schedule 17 are laid.

Moreover, the Environment Act received Royal Assent over two years ago and the consultation on this research closed over 18 months ago. In the meantime, Global Witness's research in November showed that the UK's direct imports of forest risk commodities such as beef, soy and palm oil directly contributed to areas of deforestation nearly twice the size of Paris. This has happened during the Government's two-year delay. In that time, the EU has introduced its own rules, which have much wider scope, and has really moved forward with some ambitious thresholds.

This is important and relevant to today's debate, because evidence shows that some countries that are parties to the CPTPP may engage in both illegal and legal deforestation. Indeed, although Schedule 17 regulations need to be implemented quickly, because we do not yet have any environmental requirements for what is imported, they are not perfect. They cover only illegal deforestation at the moment, which would not address the risk of the whole CPTPP treaty incentivising the production of deforestation risk commodities in countries where national laws are not sufficiently robust on deforestation or the rights of indigenous peoples, as was the situation in Brazil, as we knew, and is certainly the situation in Peru, from where we import quite a lot of stuff.

Will the Minister comment on how his department has reviewed this risk and what action we, the UK, will take to minimise it under the new agreement? With the Schedule 17 regulations expected imminently—but, as I said, I am looking forward to the clarification—could he also confirm that any forest risk commodities prohibited by the regulations will be prevented from entering our country, and how? Without having sight of these regulations, it is unclear how they will interact with the provisions of the CPTPP, which is what my amendment is aiming to clear up. Also, can the Minister confirm that, if these regulations are expanded or strengthened in the future, the agreement will not prevent the implementation of strengthened regulations? It is critical that we ensure that UK trade does not contribute to global deforestation, whether legal or illegal, but especially not illegal.

Turning to other amendments in the group, I am very supportive of Amendment 16, to which I have added my name. The health implications of some of the pesticides used in many of the countries party to this treaty are truly appalling. If anyone wants to go online and look up what kind of things will be coming in on fruit and veg and other products, they will find it scary. In Britain, when we were in the EU and still today, we had and have rigorous rules in place to prevent our children and ourselves having access to these pesticides, which are carcinogenic, affect fertility and do all sorts of weird and awful things. This is something that we have proudly fought for and should proudly uphold. Anything that allows stuff to sneak through under the wire has to be stopped; otherwise, it is not just a question of what it will do to our health but also completely undermines our high farming standards, which we all agree are terrific and have to be maintained.

I am also very keen that we support Amendment 18 on the assessments and procurement provisions, particularly in the Bill. That is something we should do for every trade agreement—and we should always go further and do comprehensive environmental impact assessments on detail, so that we understand our

[BARONESS BOYCOTT]
footprint. I will be very interested to hear the Minister's response to the amendments proposed by the noble Lord, Lord McNicol.

Notwithstanding the TAC's limited resources, it has a really narrow remit and is not tasked to do this. I hope I have made clear the importance of understanding the climate and environment footprint in joining the CPTPP, as well as the health implications, which the noble Baroness, Lady Willis, will outline in a second. I look forward to hearing what plans the Government have.

**Baroness Willis of Summertown (CB):** I shall speak to Amendment 16 and to Amendment 15 in the name of the noble Baroness, Lady Boycott, on which we have just heard her speak. I am grateful for the support of the noble Lords, Lord Randall of Uxbridge and Lord Curry of Kirkharle, as well as the noble Baroness, who have added their names to my amendment.

In introducing my amendment, I pay tribute to Amendment 34, in the name of the noble Lord, Lord Davies of Brixton, on mitigating risks to the environment of food safety, which I support as highly relevant to the amendment that I have tabled and will talk about briefly today. Amendment 16 would ensure that the pesticide testing regimes at the UK borders are fit for purpose, when we have an increased number of food stocks for animals and humans arriving from CPTPP member countries. It specifically aims to ensure that our testing regimes are robust enough to monitor and prevent those foods that have these pesticides on them—because they have been used in the production of the food type—entering the countries.

As the noble Baroness, Lady Boycott, just said, our UK pesticide standards are some of the strongest in the world, and we should be very proud of that. In fact, they are stronger than those of all other CPTPP member countries. If noble Lords have not seen it, I recommend the *Toxic Trade* report, published in 2021 by the Pesticide Action Network. It revealed that 119 pesticides were banned from use in the UK but were still permitted in CPTPP member countries. Even more worrying than this, 67 of these are classified as highly hazardous pesticides, a UN concept that identifies pesticides that cause significant human harm.

I shall give two examples from when we ask whether we are over-worried about significant human harm. The first is Chlorpyrifos, an insecticide. To give noble Lords a hint of its problems, it was originally developed as part of a family of nerve agents during World War II and is now one of the most toxic and widely used pesticides globally. It is used by our CPTPP partners in Australia, Chile, New Zealand and Peru. What does it do? It has been identified through scientific research as a developmental or reproductive toxin. I checked through the good research on this, which demonstrates that it can permanently and irreversibly damage the developing brains of children. It is also a suspected endocrine disruptor, which means that it may interfere with the body's hormone functioning. It is a cholinesterase inhibitor, which means that it may interrupt normal nerve signalling in the body. For all these reasons and due to this scientific evidence, it was banned by the UK and the EU in 2019.

*2 pm*

The second example is Carbaryl, another insecticide still used by a number of our CPTPP partners. It is a carcinogen that has all the potential health effects I have just listed and was banned by the UK in 2007 because of them.

However, we were promised that we would maintain our standards at the borders and that these things would not get through. This reassurance was given to us by the noble Lord, Lord Cameron of Chipping Norton, in his very good maiden speech as Secretary of State. He said of the Bill:

> "Will it lower our own high standards on food and product safety, animal welfare, the environment or workers' rights? No".—[*Official Report*, 21/11/23; col. 675.]

He suggested that our quotas and transitional safeguards would be negotiated for agricultural imports. The problem is that we have a two-tiered system at the border for any foods that come in. The first, which I think everyone will be happy with, is mandatory testing via border control. The second is risk-based surveillance run by the port authorities. I give this detail because we have lost sight of this, despite a lot of the promises we hear about how it will all be fine at the borders.

Mandatory sampling is part of retained EU law. It requires certain countries' commodities, such as beans from Kenya, to be added to the regulator's annexes. That means that these products have increased paperwork such as export health certificates. Critically, a percentage of the product is tested at the border and, if the shipment exceeds those levels or has any of the pesticides I have just listed, it will be rejected. Another really important point is that the local authorities under which the border control operates can apply directly to the Government for funding for this.

That all makes sense, and I would be reassured if we were just using that system, but we are not. The second system, risk-based surveillance sampling, is applied to all food imports that are not in the annexes. This is a desk-based process. Officials go through case studies and use a WTO alert system, but there is no mandatory requirement for testing the foods that come in via that system. Even worse, local authorities are required to take the money out of their own budgets to test these products in this risk-based surveillance. Who will say, "Let's prioritise testing wheat from Australia over social care or refuse collection"? It will not happen, and there is a lot of evidence to show that it is not happening.

The question is this: which route will potential CPTPP food and feedstocks coming into the UK go through? This is where the problem really emerges. The vast majority of agricultural imports coming in via CPTPP member countries will go through the risk-based surveillance system, not the mandatory testing system. In fact, only six crops are currently on the annexes, out of all those 119 pesticides that I mentioned, including some herbs from Vietnam—coriander, basil, mint—and Vietnamese dragon fruit. That is it. As things currently stand, everything else will go through the risk-based system, with the problems that I have highlighted. This is extremely serious,

because the vast majority of foods being grown in these environments will come into our country with no testing.

These are not random, bizarre things that we have never heard of. They will include grapes—which come in from Australia, Chile, New Zealand and Peru and are grown in environments that use Chlorpyrifos—and wheat from Australia and Canada which is grown in environments using Carbaryl. That list of effects I mentioned earlier is what they do when they get into the human food chain.

With Amendment 16, I have tried to put in place a system to tighten up this review process at the border. It requires the Government to review this dual system for testing banned pesticides at the border and, when a potential risk is identified, to move those risks on to the annexes so that mandatory testing becomes part of what we do and we do not allow these pesticides to come into our country. We urgently need this. Going through the literature and the scientific evidence base has made me think that I will not buy some of the products from these countries, given the risk of the pesticides they will have on them. This is a very serious issue. We wrongly assume that our border control checks are currently fit for purpose. They are not and we need to look at this.

We have heard some assurances from the report of the Trade and Agriculture Commission on 7 December that this trade will have no adverse effects. I do not know where it got that from, but we should also note that it states

"the mere fact that CPTPP will increase imports from a variety of countries raises the question of whether it will have an impact on that regime".

It notes that the increase of food sources coming in may well overwhelm the border control checks. That is a really important point.

I hugely support Amendment 15, tabled by my noble friend Lady Boycott, on deforestation. These forest risk commodities pose huge threats to biodiversity and our carbon drawdown. They also pose a risk to indigenous communities, as many of them come from areas where there are indigenous and forest people. There is so much evidence of dispossession of their collective customary lands, territories and resources in a number of CPTPP countries, including Peru, Mexico and Chile. The evidence base is strong. I hope the Minister can reassure us that recognition will lead to action and agrees that this amendment provides the Government with the opportunity to ensure proper monitoring and protection of these indigenous people's rights. I look forward to his response on both amendments.

**Baroness McIntosh of Pickering (Con):** My Lords, I am delighted to follow the noble Baronesses, Lady Boycott and Lady Willis, since my Amendment 27 follows on neatly from the thinking behind Amendments 15 and 16, introduced so eloquently by them.

Clearly, I made a slip of the pen when I asked a Minister of the Crown within 12 months—for which read "24 months" or longer—to publish an assessment of the impact of the implementation of the CPTPP chapter on government procurement on environmental protection, animal welfare, health and hygiene. My noble friend was very kind to take me for a cup of tea to discuss these issues on previous legislation, so he is well versed in my concerns here.

Amendment 27 is meant as a probing amendment to ensure that there are not just opportunities for fair, better trade between the CPTPP block and the UK but that we are mindful of what our consumers want and what our farmers are being asked to deliver: high food safety and high food production standards. My probing amendment seeks a commitment and a reassurance from my noble friend that those high food production standards required of UK farmers and insisted upon by British consumers are met equally in these imported products. It also asks at what point, as the noble Baroness, Lady Willis, insisted, these products imported under this Bill will be checked at the external borders.

Why is this of concern and why is it necessary? The Government's own advisory body—the Food Standards Agency—and Food Standards Scotland go into some detail in this regard in their latest annual report, *Our Food 2022*. I will not rehearse exactly what the noble Baroness, Lady Willis, said, but she was very clear that there are effectively two different schemes. One is the EU, which, the report says,

"still accounts for two-thirds of all food and feed imports, and 80% of all meat and other products of animal origin"—

that must be true because it is from the FSA. It continues:

"All food and feed imported from outside the EU is subject to a series of checks to make sure it is safe. The type of checks carried out depends on the type of product and the level of risk it may pose to public, animal and plant health".

Then, of course, there is the category of the Windsor agreement—I accept I do not fully grasp it but my noble friend will be much more familiar with it. For the purposes of this afternoon, what concerns me is what the FSA focuses on at page 49:

"Currently, all food and feed of animal origin coming from outside the EU is subject"—

only—

"to documentary checks (which confirm that appropriate documentation is supplied)".

Therefore, we are entirely taking as read what the exporting countries are saying. The identity checks will only

"confirm that the product matches the documentation",

and, as the noble Baroness said:

"Additional physical checks are carried out randomly on a pre-defined percentage".

To me, that leaves a bit of risk.

The FSA and FSS go on to say:

"Overall, non-EU imports have remained largely compliant with import checks compared with"

the year before—2021—so they are saying that there is not any significant fallout. However, the FSA

"recently commissioned the food consultancy ADAS to identify measurable metrics and data sources for imported food production standards that might be used to give the public a fuller picture".

The ADAS report highlighted three specific points, which I think are of concern this afternoon:

[Baroness McIntosh of Pickering]

"A general lack of publicly available data and issues with the quality of the limited data available … A lack of measurable metrics or clear approaches to measure or monitor them",

and

"The absence of frameworks to evaluate production standards".

The FSA and FSS conclude:

"Although the current system of border checks gives us assurance on food safety, there is no similar system for food production standards. Being able to assess the production standards, like animal welfare or environmental standards, of imported food on a comparable basis to UK food, is essential if we as watchdogs are to be able to assess whether the food standards of the food the UK consumes has been maintained".

That is the fundamental issue that Amendment 27 seeks to address.

I accept that the NFU regards this as a more modest and measured agreement, focusing on market access by removing trade barriers, which highlights opportunities for exporting UK products that to a high proportion have hitherto not been possible. I have not been able to find the details, but I understand that there has been an announcement of more agricultural attachés, which I applaud. The first one, which was appointed in Beijing a number of years ago, has had substantial results. We are way behind the Danes and other countries in this regard, so we are finally catching up, which is very good news indeed.

I conclude with a very simple question for my noble friend. Does he believe in his heart of hearts that there is enough in the Bill and its supplementary provisions to ensure that our consumers and our farmers, who adhere to the highest standards of food production, environmental protection and all the other things that this amendment would enhance, will not meet unfair competition from imported products from the countries that are party to this agreement?

*2.15 pm*

**Baroness Hayter of Kentish Town (Lab):** My Lords, I will speak briefly to Amendments 25 and 30 and then touch even more briefly on Amendments 13 and 14.

Amendment 30, which will shortly be spoken to by the noble Lord, Lord Purvis, calls for a parliamentary debate on a CPTPP impact assessment. This is really important, because the influence of this House is not in the big decisions we take but over the Government—although it is too late when they have already signed a treaty—and the House of Commons. Although we do not normally tell the House of Commons what to do—I am sure the noble Lord, Lord Purvis, chose his words very carefully—in this circumstance it is really important.

In addition to the impact assessment, the International Agreements Committee, which the noble Lord, Lord Kerr, and I sit on, will also write a report on the treaty. We can get that to influence the real decision-makers down the Corridor only if this amendment is agreed and we ensure that a debate happens there. The request for an impact assessment is a nice little segue into a debate on our report as well. By concentrating on the wider impact assessment, it also allows a wider range of issues to be considered, such as prices. Nobody ever talks about the impact of these agreements on prices. We hope that and other issues will be very good for consumers but we need to see that, so a debate will be important.

Amendment 25, which my noble friend Lord McNicol will speak to, requests an impact assessment on labour and ILO standards. This is key. We want this and any other FTA not just to maintain but, we hope, to bolster ILO standards—not just through paper adherence but enforcement. I think we all agree that trade is good for jobs, consumers, our exports and the economy, but that must not be at any price. It cannot undermine any ILO standards. Indeed, I hope it will enable us and others to be rather more observant of them.

Very briefly on Amendments 13 and 14, I strongly concur with the noble Lord, Lord Holmes, about the importance of increasing investment. As I will make a wider point, I declare that I am a leaseholder and am on the board of the ABI, but I bring to the Committee an issue of core importance to prospective overseas investors that I have read about in the financial and specialist press rather than know about through any personal connection. In a completely different part of government, there is an attempt, with leasehold reform, to make retrospective legislation to reduce ground rents to peppercorn rents. That is very attractive for lots of people, but there is a real clash with the desire to increase overseas investment via the CPTPP, because many overseas investors—to say nothing of our domestic pension schemes—are concerned about non-compensated loss of property rights or contracts if their ground rents are suddenly taken away from them retrospectively.

That retrospective nature could undermine the Government's welcome attempts to get more international investment into the country, because the attractions are not just over trade agreements such as this but over all the other things that we know we are known and valued for: stability, certainty and the rule of law. That needs to go hand in hand if the objectives of this deal are to be taken into account.

That was a little off-piste, but I could not resist it. My real point is that we need to know far more at a more granular level and after the event about what this agreement has produced. That needs to be debated in this House and elsewhere so that the influence of, in particular, my colleagues and the specialists we have heard from, who put so much into this, can be heard at the other end of the building.

**Lord Kerr of Kinlochard (CB):** It is a great pleasure to follow the noble Baroness, Lady Hayter, who was an extremely effective chairman of the International Agreements Committee. I have only two points.

First, in response to overwhelming demand across the Committee, I have agreed to repeat the extraordinarily boring technical point I made in our first day in Committee about deadlines. The majority of the amendments in this group set deadlines that hang on the passing of the Act. I respectfully suggest that what matters for reports is the date on which our accession takes effect. That might be in the course of next year—I hope it will be—but that is not certain. Some of these amendments would call for reports almost certainly before we have actually acceded. Accession takes place when the last ratification is received by the

depositary power, so the right peg to hang it on is not the passing of the Act, which permits us to ratify, nor our ratification, but the 12th ratification, which allows us in. I know that these are mostly probing amendments, but I suggest to their drafters that it might be a good idea to use the peg of our actual accession rather than the passage of the Bill. I exempt some of the amendments in this group; this is only for the ones that hang on performance and how it is working out, because it would be well for us to be in before we require the Government to report on how being in is working out.

Secondly, I am a little concerned about Amendment 32— the accession amendment in the names of the noble Lords, Lord Purvis of Tweed and Lord Foster of Bath. It would require the Secretary of State to produce

"an impact assessment of the impact on the United Kingdom of the accession of countries that have submitted a request … to accede to the CPTPP within the last five years".

That would include us; it would be jolly useful to have an impact assessment for us, but I do not think that is the purpose of the amendment. The deadline is

"within three months of the passing of this Act",

which is the wrong deadline, for the reason I gave.

However, my point is more substantive than that. Apart from us, there are six countries whose applications to join the CPTPP have been received in the last five years: Ecuador, Costa Rica, Uruguay, Ukraine, China and Taiwan. The rules of the game, of course, are that consensus is required before a negotiation starts with any applicant country and consensus is required before a negotiation is closed, completed, and then the ratification process starts. It is also the case—not so much in our case but in previous cases—that there have been a lot of side letters and deals done in the margins of the main accession negotiation.

It is misleading to call for an impact assessment of what would be the impact of the outcome of any of these six negotiations. One cannot do that now. A very good moment for dialogue with the Government would be when CPTPP was considering whether to open negotiations. It seems that three months after the passing of the Act, one simply does not know. I add, on a personal basis, that I do not think that six negotiations will start in the foreseeable future. The applications of three of these countries pose serious political problems. In one case, there will be an enormous change to the nature of the CPTPP if the accession took place—a change that I think would be undesirable and, I believe, a majority of members think would be undesirable. There are, however, two other cases where considerable political problems arise.

Setting early deadlines and calling for the Government to go public with their analysis, which would in fact present the Government's negotiating position, would be unwise. I do not think that we should ask our Government to go on the record in advance about a hypothetical negotiation which, in my view, in three of the six cases is unlikely to start in the foreseeable future. The Government would not be wise to act on that requirement, so I hope that they will resist that requirement—or, rather, I hope that the noble Lord, Lord Purvis, will have second thoughts about Amendment 32.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I speak first to Amendment 35 in my name. The Government are keen to strike deals with countries with which we have not previously had economic trade, especially in farming. While it is important for the economy of both countries involved, it is also important to ensure that our UK producers, farmers and industry are not disadvantaged by these trade deals. A published impact assessment is essential for public confidence to be maintained.

Currently the UK farming industry is undergoing a period of considerable change. It is being weaned off the basic payment scheme, which was based on the amount of land owned, and on to ELMS, which should see greater benefits for the environment and biodiversity. Both these steps will eventually be good, but the current state of flux around the funding under ELMS is unsettling at a time when the BPS is being phased out quite rapidly, as some farmers believe.

Our UK farmers produce their crops and raise their animals to extremely high standards. These standards are not necessarily replicated in other member countries of the CPTPP. Sow stalls, which are banned in the UK, are used by CPTPP members. This is just one example where, if the British public were aware of it, it would lead to an outcry. The animal and horticulture imports that are likely to come under the new trade deals may have been exposed to pesticides and fertilisers which are banned in this country—I will speak more on this later. These imports will have been produced at a lower cost than the UK farmer can meet, and our farmers will be at a disadvantage as a result of being undercut.

There is an impression among some people that farmers are all wealthy landowners. This is not the case. There are many smaller farmers who struggle to make a decent living out of the land. In the days before universal credit, I knew a farmer who earned so little from his land that, had he chosen to claim, he would have been entitled to income support.

*2.30 pm*

The price of food is important, especially when households are making choices about food or heating through the winter months. However, a healthy, nutritious diet is vital to everyone, especially children, if they are to thrive. A fair price for the food that farmers produce is essential if farmers are not to leave the land, which, in some areas, would then be snapped up for pony paddocks by those who are better off.

Farming is not an easy career choice. It is a way of life. Whether you are a large farmer with lots of staff, or a single-family farmer, someone has to get up in the dark and cold at this time of year to tend to their stock, often not finishing until late in the evening. The Government should be supporting these men and women and ensuring that they are able to continue to manage the land and their crops and herds for the benefit of the whole country. The farming industry should not be undermined by imports of an inferior quality. A farming impact assessment should be conducted for any trade deal as a matter of urgency, but especially one set up under the CPTPP.

I speak in support of Amendments 15, 16 and 27, in the names of the noble Baronesses, Lady Boycott, Lady Willis and Lady McIntosh of Pickering, respectively.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]
The noble Baroness, Lady McIntosh, has detailed her arguments in support of Amendment 27 for an impact assessment for environmental protection, animal welfare, health, and hygiene under CPTPP procurement. I support her comments. Amendment 15 looks for protection for trees and the prevention of deforestation. In a letter received yesterday from the noble Lord, Lord Benyon, on Government's measures to alleviate and prevent deforestation—which are welcome—he said that deforestation is now the second leading cause of climate change globally, after the burning of fossil fuels, and is responsible for around 11% of all greenhouse gas emissions. He said that forests host around 80% of the world's wildlife on land and are home to many species found nowhere else—and it is therefore really important that we tackle this issue.

The loss of habitat for animals and homes for indigenous people is progressing at an alarming rate. Everything that can be done should be done to prevent further loss. I fully support this amendment and look forward to a positive response from the Minister, as requested by the noble Baroness, Lady Boycott.

Amendment 16 deals with sanitary and phytosanitary measures on contamination from pesticides in food and feed of plant and animal origin, which is dear to my heart. During the passage of the agriculture and environment Bills, I and the noble Lord, Lord Whitty, spoke about the need to regulate the use and type of pesticides on agricultural land, especially near centres of population where children might be playing, such as school playing fields. I have considerable concerns that goods will be imported into the country which will have been contaminated by pesticides, the use of which is not permitted here. As the noble Baroness, Lady Willis, has said, 119 pesticides that are banned in the UK are permitted across CPTPP members for agricultural use. A large proportion of these are deemed extremely hazardous and some are known to kill bees. The noble Baroness, Lady Willis, has given details of the effects of these pesticides, and they are pretty drastic.

I acknowledge that it may be difficult to pick up residues of these pesticides, but surely this is what border control is all about. As the noble Baroness, Lady Willis, so eloquently explained, alongside risk-based surveillance we need border control to take extra steps. Both checks are needed before food and feed enter the country and into our domestic food streams. I support the need for a published report on this matter within 12 months of the passing of the Bill, followed by a yearly update thereafter.

Those who have spoken on these measures are extremely knowledgeable and understand the risks for our own safety and that of our animals. Border control is clearly not fit for purpose at the moment. I fully support the comments of those who spoke before me, and I look forward to the Minister's positive response.

**Lord Ashcombe (Con):** My Lords, I wish to return to our invisible trade and speak in support of Amendment 13, on inward investment, and Amendment 14, on financial services trade, tabled by my noble friend Lord Holmes. I declare my interests as an employee of Marsh Ltd, the insurance broker.

There are significant advantages of being part of CPTPP in its early stages and being able to influence the shape and development of many aspects of the treaty, in particular financial services. To get the most from membership, we need to develop trade strategies that play to our economic strengths and ensure that we are working to remove barriers to cross-border trade that could benefit the UK.

I will take the two amendments in reverse order—it may be my upbringing in Ireland. The assessment proposed in Amendment 14 would inform a strategy about how the UK Government, working with our regulators, could seek to expand partnerships with CPTPP markets and address market access barriers, which would expand growth opportunities for UK financial services. In particular, the assessment should look closely at the regulatory barriers within certain CPTPP countries. They are set out within Annex III of the treaty, which lists the domestic barriers to cross-border financial services trade.

We need to consider how we can reduce those barriers, to the benefit of both the UK and our new partners. For example, the Government have rightly identified Malaysia as a crucial trading partner. Malaysia is much in need of the kind of support our world-class financial services businesses can offer. The London insurance market could play a major role in helping the country to protect itself against the increasing threat of cyberattacks. Malaysia has fallen victim to an increasing number of such attacks. Indeed, 62% of Malaysian businesses have put off digital transformation efforts due to fear of cyberattacks.

The UK's commercial insurance industry is made up of global innovators when it comes to protections against these risks. However, Malaysia has an extremely protective, complex and restrictive insurance regime to be navigated before permitting offshore reinsurers to be offered a risk. Many other CPTPP countries operate with differing restrictions, making it hard for UK markets to trade. Reducing these barriers would help treaty countries such as Malaysia to reinsure their risks through London and out of the country, taking advantage of the global insurance capital that London can access and thereby gaining better protection by spread of risk. It is not just cyber risk; we can help protect from a myriad of other exposures as well. These are the opportunities that are on offer, and Amendment 14 would give us a plan and a set of priorities to consistently pursue.

I turn to Amendment 13. Growing cross-border trade and encouraging inward investment are two sides of the same coin. We must ensure that the UK is a welcoming, agile, easily navigable place to do business, and use the opportunities that agreements such as CPTTP bring to really sell what the UK has to offer to our trading partners.

My noble friend Lord Harrington's review of foreign direct investment is a very welcome addition to this debate. His recommendations for a business investment strategy, for our regulators to be much more focused on inward investment, and for a consistent government strategy towards encouraging investment are all applicable to financial services and would greatly enhance our offer to CPTPP investors.

This is an approach that other CPTPP members are actively pursuing. As my noble friend Lord Holmes mentioned, the Monetary Authority of Singapore has a team dedicated to growing Singapore's share of global industry, separate and distinct from regulatory colleagues but providing a joined-up and seamless service to those seeking to invest, create jobs and support growth. Another example is the Singapore College of Insurance, which is regarded as the most powerful insurance qualification in the Asia Pacific region, extending Singapore's influence and shaping markets. Ours are extremely well thought of as well and should meld in. Australia is also looking ahead and has been growing its influence in the region, having signed a free trade agreement with Indonesia in 2020—a potential future and very significant member of the CPTPP.

Both these amendments would therefore help to ensure that we can take full advantage of being part of this living agreement, which is likely to be significantly developed in the years ahead. We need to prioritise the areas where we are economically strong and use our expertise to the benefit of our economy.

**Lord Davies of Brixton (Lab):** My Lords, I have a quick question for the Minister arising from Amendment 14. I need to declare an interest in the context of professional qualifications, and as a fellow of the Institute and Faculty of Actuaries. I heard what the noble Lords, Lord Holmes and Lord Ashcombe, said about the potential for financial services. There is a very big debate to be had on that, but at table 5, on page 46 of the impact assessment, the percentage change in trade shows a decline in the UK's financial services and an increase in imports of financial services. Maybe the Minister could help the Committee by reconciling what the noble Lords said and what the impact assessment is telling us.

**Baroness Hayman (CB):** My Lords, I declare my interests as set out in the register as chair of Peers for the Planet and director of the associated company. I will speak very briefly, broadly on the environmental issues that have been raised in this debate and particularly to give my support to the general principle of impact assessments. The case has been made very clearly that we need in particular to understand issues such as farming and the environment, which I am sure the noble Lord, Lord McNicol, will speak to later. This is a complex area and unintended consequences are possible.

I want in particular to support Amendment 15 and the amendment from the noble Baroness, Lady Willis of Summertown. Amendment 15 relates to the very important commitments the Government made on preventing the use of forest risk commodities. We really do need clarity on this, and particularly when the Schedule 17 regulations will be laid. I hope the Minister can confirm that the regulations will be in force before we accede to the CPTPP. Although the agreement does not impact the UK's ability to put these regulations in place, given that we do not otherwise have environmental requirements for what is imported, we should not enter into trade agreements that increase the likelihood of forest risk commodities being imported into the UK without those standards being in place.

*2.45 pm*

The noble Baroness, Lady Boycott, also brought out very clearly the risk that the expectation is that our own regulations are unlikely to cover instances where domestic regimes of CPTPP parties legally allow deforestation which still impacts critical habitats and the human rights of indigenous peoples and local communities. I note that the EU regulation, in contrast, covers illegal and "legal" deforestation. I hope that the Minister can comment on how we will interact on these issues with CPTPP member countries.

Amendment 16 was very ably explained by the noble Baroness, Lady Willis. However, while the theory is there and we are assured that there will be no lessening of our standards on pesticides and the monitoring of pesticide residue, the explanation from the noble Baroness, Lady Willis, certainly made me very concerned that our UK border testing regimes may be unable to cope with the additional impact of growing agricultural imports. If that is true, we can on paper have the highest standards in the world, but it will not make any difference, so the implementation is extremely important.

The monitoring and enforcement actions that have been discussed in considering Amendments 15 and 16 are of course related to issues that the Committee will debate later in considering Amendments 26 and 33, on the effect of investor state dispute settlement provisions. I hope that I am not, in the words of the noble Baroness, Lady Hayter, about to go too much off piste. However, I want to apologise to the Committee for not being able to be here for that debate, and to say that it is important that we explore the potentially damaging effect on environmental policy-making of those provisions and understand whether the Government could be doing more to pursue side letters with CPTPP parties such as Canada, in order to obviate the risks that come with being bound by ISDS provisions. While I cannot be here to listen to what the Minister has to say on those issues, and apologise again for that, I will certainly read what he has to say with great interest.

**Lord Purvis of Tweed (LD):** My Lords, this has been a significant debate and has had a number of themes. One is how we use this accession to benefit UK business. The Minister heard me say on the first day in Committee that I am a passionate advocate for the proper operationalising and implementation of trade agreements, to the benefit of UK business sectors. But of course, as my noble friend Lady Bakewell and the noble Baroness, Lady McIntosh of Pickering, said, there are lingering concerns that we need to monitor very closely.

My noble friend and the noble Baroness made the case for their amendments very well, as did the noble Baroness, Lady Willis, who comprehensively laid out hers. I too look forward to the Minister's reply to the very strong case she made, to which I will listen very carefully. I suspect that she and I are both grateful to Hansard for putting the Ts, Ps and Cs in their correct places as we have debated this issue.

I have a number of amendments in this group. On Amendment 30, I am grateful to the noble Baroness, Lady Hayter, for her support. I had some notes to make the case for it but she made it better than

[Lord Purvis of Tweed]

I could, so I simply acknowledge that. Her fellow member of the committee, however, is slightly more quizzical with regard to my Amendment 32. I always listen extremely carefully to the noble Lord, especially when he agrees with me, but I do so even when he does not. To some extent, this amendment is a wee bit like a child of many of the cases that he has made, arguing strongly for Parliament to have a stronger say in the early stages of when we enter into trade agreements. He has made the case, with his great experience in the United States, that members of Congress were able to use the power that they had to allow the US trade negotiators to have a stronger hand when it came to many of these discussions. That is what I have called for in many respects in previous trade debates, and he has made that case very strongly.

If we are to do that, we need some form of mechanism, such as Amendment 32, to allow us to understand who is seeking to accede to the CPTPP, what implications there would be for the UK and what are the particular areas with regard to those countries that are important to the UK. If I have a concern about an accession to a trade area rather than entering into negotiations on a bilateral FTA, it is that we will have even less ability in Parliament to understand the consequences. This is no way to undermine the UK's trading relations with Ecuador, Costa Rica or Uruguay, but it is perhaps even more important when it comes to China and Taiwan. To have transparency in parliamentary debates about the implications for and impact on the UK in advance of their accession is therefore even more important. I hope the noble Lord might be able to reconsider his position on that.

On the noble Lord's point about the amendments relating to the commencement of the Bill rather than accession to the treaty, he made that point very well on the first day in Committee before he had to go into the Chamber. If he had had an opportunity to see *Hansard*, he would have seen my reply, which was that there are powers even greater than he and I—namely the Public Bill Office—which ask us to put forward amendments in scope of the Bill. I have tried as much as I can to go beyond scope but, unfortunately, I was not able to do so, which is why I have these probing amendments.

On Amendment 31, I hope the Minister will notice that I am asking for an impact assessment within two years of the passing of this Act, and I expect him probably to simply accept this, with great humility. Regarding an amendment on further accession, we will have an opportunity to debate that when we come to the next group, specifically with regard to the potential consequences for China.

Finally, I just make reference to Amendment 29, because I have repeatedly raised this matter in relation to trade negotiations when the UK comes to join FTAs, bilateral FTAs or, as now, a trade area, and the consequences for developing nations and our trading relationship with them. We now have the UK Global Tariff and the Developing Countries Trading Scheme, which maintain preferences for us trading with developing nations outside the European Union. I had the pleasure of welcoming Minister Huddleston when he launched that scheme in Parliament in a meeting that I co-chaired with Theo Clarke MP on the All-Party Parliamentary Group on Trade out of Poverty. I support this trading scheme and commend the officials who have put it together. My concern is whether, when we join new agreements, especially the CPTPP, there will be preference erosion for those developing nations. One of the concerns is that, with the CPTPP, there will be and, indeed, that it may well set a precedent.

I give just one example of why this is important for UK trade. Regarding the concessions that we have given, the tariff rate quota for Mexico and Peru could well become a precedent if there are new members. As the trade area grows, it has the potential to erode trade preferences even further. One of the strongest examples of such erosion is the UK's import of bananas. We secure our bananas from African nations, as well as those that may well join the CPTPP. For the British consumer, it is very important to receive their bananas but, for the producing countries, it is even more important. In Ghana, a Commonwealth partner of the UK, exports of edible fruits and nuts accounted for nearly 5% of all exports in 2021. For Côte d'Ivoire and Cameroon, it was nearly 9% and over 1% respectively. These are rural developing nations, so we are talking about 80,000 direct jobs, affecting the livelihoods of and sustaining half a million people in very rural areas. These are sometimes vulnerable economies which rely very much on the UK as both a trading partner and a sustainability and development partner. Anything that could impact that gives me concern.

UK consumers enjoy high-quality, cheap fruit. So much cost has been stripped out of the supply chains that a consumer in the UK buying a banana from Ghana pays the equivalent of the 1987 price, according to the Office for National Statistics. Given that we have had 180% inflation since that time, the real price of what was then a 50p banana would now be £90 if we included inflation. No one on earth is suggesting that the British consumer should pay £90 for a banana but, if we are not paying £90 for a banana and we are still buying our fruit from developing nations at 1987 prices, it shows that the economic value of producers in those developing countries has been suppressed considerably. This question will not be answered by anything that we can say in this debate, but it highlights one of my concerns about entering into new trade agreements: we are not giving sufficient consideration to preference erosion. It makes little sense to enter into new preferential trading schemes if those preferences are eroded by our entering into new agreements that have a meaningful impact on them.

I would be grateful if the Minister could say what consultation we had with our developing nation trading partners as part of the accession to the CPTPP. What mechanisms are in place for us to ensure that the benefits accruing from the new trading preference scheme will be protected when we enter into new agreements? How are the Government carrying out assessments? If they are not doing so themselves, and the assessments are not published, some form of amendment will be necessary, however it is drafted, whatever the timeframe and however it is linked. If we have trade preference agreements, they must be protected, and we have to ensure that there is no further precedent. I look forward to the Minister's reply.

**Lord McNicol of West Kilbride (Lab):** My Lords, this has been a very wide-ranging debate across a large number of issues. Many of the points on which noble Lords have gone into detail were picked up at Second Reading, so I shall take in the comments made then with those of noble Lords who have spoken to amendments today and feed in all the information that we need.

I tabled three amendments on climate and labour standards and I shall focus on the labour standards one, which has been touched only on in passing. I thank noble Lords who have offered support. I shall turn to Amendment 25 and then take a step back to climate and other issues. Trade unions all over the globe have found consensus in concerns regarding CPTPP's inadequate measures properly to enforce the ILO standards, which is why the amendment calls for an impact assessment.

*3 pm*

We all take the points made by the noble Lord, Lord Kerr, about the final accession agreement—the 12th one—being approved, which then allows us to access properly, rather than the passing of the Act. When we come to Report, I am sure that that will be taken into account. That is one of the joys of Committee, as the noble Lord, Lord Holmes, recognised.

To take the point made by the noble Viscount, Lord Trenchard, my amendments in this group call for two years, which gives us more of a timeframe. If we take that on from accession, that ties in very neatly with the Minister's—or the departmental—first assessment of the impact of the actual agreement. As the noble Lord, Lord Purvis of Tweed, just said, I am sure that it will be a nice easy step for the Minister to add a little more detail about the specific areas in which we are looking for those impact assessments to be laid.

To turn back to labour standards, one concern is that the agreement includes a number of countries that allow significant abuses of workers' rights to take place—again we touched on this in the first day of Committee and at Second Reading. Brunei and Vietnam have actually banned independent trade unions, which is a further violation of ILO standards. While the CPTPP includes a chapter on labour, which could theoretically impose sanctions on labour standards violations, this can proceed only if there is an identifiable relationship between the country's alleged violation and the level of effectiveness of trade. This is not morally intact, as it implies that concerns are valid only because they impact on trade, not because workers' rights violations are fundamentally wrong in themselves. Nor is it practical, as it is difficult to prove that there is a link between the two factors, even when one exists, meaning that most attempts to highlight a country's labour standards violations will fail. To date, no Government in the CPTPP accession 11 has challenged another over labour rights violations, which leaves little hope that the UK would have the capacity to do so.

By making it easier for public procurement suppliers to come from CPTPP countries, the agreement increases the risk that public money will be spent on goods produced by exploited workers as labour rights are abused in many of the CPTPP countries. We heard this on day 1 about Malaysian rubber gloves, whereby even the United States stepped back from accepting those rubber gloves for one year, while reviews were taking place. CPTPP's labour chapter refers only to the 1998 ILO declaration, which in itself is a low bar. It does not require members to have ratified the ILO's eight fundamental ILO conventions.

More specifically, Brunei has ratified only two and Malaysia and Singapore only five. Five of the 11 CPTPP nations have not ratified the freedom of association convention, including Mexico, where companies regularly engage in union-busting, and Vietnam, where the union leaders at workplaces are often the senior managers. I would be grateful for the Minister's analysis of and response to that.

On climate, the department has produced a fantastic impact assessment, which a number of noble Lords have touched on. There is a statement on page 79 on land use and deforestation that is worth putting on the record as it goes to a number of points raised earlier:

> "Deforestation in CPTPP countries, where it occurs, has been driven by production of commodities such as cattle, timber and palm oil. The majority of CPTPP members are not considered to be at risk of deforestation, except Malaysia which has experienced a 29% reduction in tree cover over the last 20 years. This has been driven by agricultural commodities which accounted for 93% of Malaysia's tree cover loss since 2001, implying that international trade plays a key role in the country's deforestation".

If we as a country believe in and want to support the protection of forests and high standards across the globe, taking the Government's own impact assessment, how will they do that given the real concerns raised in my amendment and a number of others, specifically the one on pesticides?

The final paragraph on page 79 says:

> "As part of the CPTPP process, the UK and Malaysia have agreed a bilateral statement setting out a shared commitment to work together to promote sustainable production of commodities and to conserve forests".

This is excellent, but it goes on:

> "The UK and Malaysia have also committed to regularly share information with one another about ongoing domestic developments related to the environment and sustainable supply chains and production. This includes updates to the Malaysian Sustainable Palm Oil certification scheme".

It would be helpful to know in what timeframe the Malaysian-UK bilateral shared commitment will be reported back to the UK—to Parliament or otherwise—and what format it will take.

The noble Baroness, Lady Boycott, made an excellent point about not contributing to global deforestation, legal or illegal, which ties back to this. I fully support the comments of the noble Baroness, Lady Willis of Summertown, on the testing regime.

The one area where I have struggled is around the fact that the Minister and, as we have heard, the noble Lord, Lord Cameron, have argued in the past and will continue to argue that the CPTPP does not undermine UK standards. That is fine, but the question is: if products, good or services are being delivered through this agreement in the UK, how will we ensure that the quality of the goods coming in remains at our high standards and does not undermine our internal high standards? That is why many of the amendments in this group are pertinent; it is about making sure that

[LORD MCNICOL OF WEST KILBRIDE]
analysis is done so that, one or two years down the line, that does not happen and the resources for testing are in place.

The noble Baroness, Lady Hayter, and the noble Lord, Lord Purvis of Tweed, asked for a full debate in the Commons. It would be great to see that in both Chambers, as we heard at Second Reading, in order to look at this issue. With that, I look forward to the Minister's response.

**Lord Johnson of Lainston (Con):** My Lords, I thank noble Lords for their input on this group of amendments; I will try to cover them in thematic order. As always, we are looking to have a good debate here and reach sensible conclusions, so I would be delighted to follow up with any noble Lord who wishes to do so. Actually, I think it would be helpful if, in the new year, we celebrated 2024 by noble Lords making sure that their first meeting is with me to cover specific areas of the CPTPP.

We can refer to the CPTPP as the FTA, if noble Lords wish to. I like "CPTPP" because, of course, it is relevant—especially in terms of all the aspects being covered today, such as the importance of ensuring that the effects of the trade agreement align with our commercial interests and our values. As noble Lords will remember, it was originally called the TPP—the Trans-Pacific Partnership—but Canada added the concept of it being both comprehensive and progressive. Noble Lords should be delighted that I am facing that now, because it is precisely what they are discussing; they should be reassured that the principles of comprehensiveness and progressiveness are very much embedded in the title itself.

I am glad that my view of a two-year minimum window for an impact assessment has now been broadly accepted. I have always wanted something to be named after me, rather like the "Grimstone principle". Can this be called the "Johnson term"? I am not quite sure whether we are allowed to do that. Just because the impact assessment amendment line has two years in it does not necessarily mean that we would accept it—but I will briefly cover the crucial first point, which is about the principle of understanding the impact of these free trade agreements.

In our last debate on a trade treaty, many noble Lords looked at it in some detail and some Dispatch Box commitments were made. I do not have them in front of me, but I would be happy to come back to noble Lords on them at the next stage. I want to be clear about which areas the Government would look to review. There is some reluctance for there to be a codified, formalised, legislated-for, mandatory impact assessment because, as we have discussed in the past, these can be unadaptable and may not necessarily fulfil the requirement that this Committee is looking for, which is a true impact study in the key areas. Also, things will change, of course. So it is better that there is a flexible approach to this, where we get the right information.

From the point of view of this Government, who believe passionately in free trade and the benefits of this agreement, an impact assessment is something that we want to do in order to show the country the power of these free trade agreements and what they will result in. We will certainly look at the trade in goods and services, investment flows, the effects on the nations and regions of the UK, the effects on consumers and the effects on businesses. We will certainly establish the effects on border activity and, importantly, we will look at the effects on agriculture and the environment. I can say that those will not be areas to which the impact review will be limited; as I said, I would be comfortable to have further discussions around this.

Like other noble Lords, my noble friend Lord Holmes of Richmond rightly referred to the opportunities of the CPTPP. I am not going to grandstand and dwell on the opportunities just for the sake of it, because this is an important debate that covers some of the risk mitigation around these free trade agreements and I am comfortable making those points the focus of parliamentary scrutiny, as they should be. However, it is also worth looking more positively at the opportunities that we have, how we manage our relationships going forward with CPTPP countries, the value we think we can add as a result of that and where we can make further gains.

*3.15 pm*

For me and many of my colleagues, the opportunity to join the CPTPP is not simply about the trade opportunities that it presents today. There are some specific opportunities relating to the recognition of qualifications, tariff reductions, the ease of high-level intercompany mobility, protections on copyright and so on, and those are relevant—but we have many such agreements already with many of the CPTPP countries. The key point is that it allows us to confirm our relationships in many of these areas and set them on a regulatory discussion path that allows us to do more. That is the point about trade; hopefully, this is the ratchet that will allow us to have freer trade and closer collaboration.

The one area that I have always thought was particularly relevant is the list of committees related to the CPTPP Commission. I think there are 19 such committees—forgive me if I have got the number wrong. There are a large number of committees that cover a range of areas. Clearly, there are areas that are goods-related, but some are services-related and they cover professional services, financial services, temporary entry for business persons and telecommunications, for example. There are other committees on e-commerce, competitiveness, business facilitation, SMEs, co-operation and regulatory coherence, all of which were raised by my noble friend Lord Holmes of Richmond regarding the importance of doing more to utilise the opportunities that the FTA presents to us.

It is important for us to have an opportunity to report back on the effectiveness of those committees, and one of the joys of joining this organisation will be our participation in them. As an applicant country, as I understand it, we already attend some of these committees. What level we are participating at I am not quite sure, but the fact is that we are now starting to engage, which is extremely important.

The second section that I will move on to relates to standards. This is an important discussion. It was a cornerstone element of the debate that we had over

the Australia and New Zealand trade deal. I want to set out a few important principles around these FTAs, which not all noble Lords or commentators necessarily see from the first instance. Undertaking a free trade agreement with another country, or joining a multiparty FTA as in this case, does not change in any way our standards in how we manage our country. Today is Thursday. If we joined any FTA with any country—in the way that we negotiate them currently—and it came into effect at midnight tonight, there would be no noticeable difference in how product standards and safety measures were brought to bear.

It is important to note that we already trade with all these countries. We have trade agreements with most of them already. So, to suggest that there will be some sudden and unmanageable increase in trade activity is, frankly, unreasonable. We look forward to trying to reduce pricing for our consumers in certain areas. Other countries have different production standards, some of which are right for those countries in terms of what they may employ or deploy, but that does not change how we manage our borders and controls.

I refer to the commentaries from the noble Baronesses, Lady Boycott and Lady Willis, around some of the risks of pesticides and so on. I share the view that we do not want dangerous pesticides used on foods in our food chain. There seems to be a view that somehow the British Government want to encourage low standards. That certainly does not seem to be the case, so I would be very careful about misconstruing FTAs as having to do with standards changes. I have never really understood why that seems to have taken root in people's minds.

A separate discussion can be had about how we police our borders, and my noble friend Lady McIntosh and I have had good discussions about this. I believe that the FSA said, in the report she quoted from, that we have continued to meet our requirements when it comes to policing our borders. I take the very firm view that it is absolutely right to take a risk-based approach to how we monitor our borders. I visited one of our ports a few weeks ago and saw the very effective work undertaken by the authorities. It would be completely impractical to test every single grain of wheat that came into the country, but it is very important that we do not use scare tactics to give people the impression that somehow we have porous borders. Our borders are well controlled.

I will refer to the Trade and Agriculture Commission report. I will just quote again, as I may have done in the first section, the answers to these two questions. I would be very grateful for noble Lords to hear carefully this point, rather than to believe that somehow there is an attempt to derogate the quality of safety that we offer our consumers. This is not the case; we are looking for higher consumer quality, better standards and closer trading relationships. The first question is as follows:

"Does CPTPP require the UK to change its levels of statutory protection in relation to … animal or plant life or health, … animal welfare, … and environmental protection?

The answer is:

"No".

The second question is as follows:

"Does CPTPP reinforce the UK's levels of statutory protection in these areas?

The answer is:

"Yes".

That is very important.

I am very open to being tested on the quality of border control and resourcing. That is a very healthy debate that this Government are absolutely comfortable having. We believe that the resourcing is at the right levels, but clearly these are sensitive and complex issues, technology is changing continually, and threats are changing too, as new products and developments require us to be adaptable and versatile. I am not unwelcoming in terms of the principle of ensuring that we have the level of resourcing to ensure that we have the right controls, but there is no issue in terms of changes to our safety measures on account of our FTAs.

**Baroness Willis of Summertown (CB):** The point I was making, which I think is being followed up, is that there is a two-tier system. Right now, the Bill as constructed does not acknowledge that two-tier system. The problem lies in that two-tier system and the fact that all of these things that will be coming through with the pesticides on them will go through the risk assessment because they are not on the annexes, which they would be if they went into the first tier. It is those annexes that need to be looked at. I do not think that anyone is doing scare tactics, but I think there is a very big risk here that, as we get huge amounts of wheat coming in from Australia, there may well be pesticides on that wheat that we as consumers do not want to eat. I am not sure right now how the present system will address that.

**Lord Johnson of Lainston (Con):** I am grateful to the noble Baroness for raising those points, and I am happy to provide further reassurance in terms of how we control our borders. We already import products from Australia and have done for many years; the Australia-New Zealand FTA does not make any difference to that. In fact, I can turn now to the protections we have for our agriculture sector. I follow on from comments I made in the Australia-New Zealand trade treaty debates that protecting our farming community is absolutely paramount for us. We are very sensitive to the effects that global trade flows can have on industries and communities, and it is completely right that we do what we can to ensure that we take a very gradual and phased approach to the changes of our quotas.

However, I would say that for the CPTPP, the impacts on agriculture are significantly less significant—I am sorry to have not presented a particularly clear sentence in that instance—than they are for the Australia-New Zealand trade deal, in the sense of the areas where we have increased the tariff rate quotas, in particular areas such as whole shell eggs, pork and other products, which are not at significant import volumes from countries such as Mexico, Vietnam and so on. We have phased in our tariff rate quota allowances over 10 years; we have taken a very measured approach.

I spoke recently to the president of the National Farmers' Union, and she was very pleased. I asked whether I was able to repeat her sentiments, and she

[LORD JOHNSON OF LAINSTON]

said I was. She felt very comfortable and pleased with the way we have negotiated tariff rate quotas at the levels we have ended up with. I will defer to my colleague, if she wishes to make an intervention.

**Baroness McIntosh of Pickering (Con):** I am sorry to intervene. I do not have the Trade and Agriculture Commission report in front of me, but I think there may be a difference between food safety and food production standards. Will my noble friend take the opportunity to look at the ADAS conclusions and the conclusions of the Food Standards Agency on food production standards just to be absolutely sure before we proceed to the next stage?

**Lord Johnson of Lainston (Con):** Yes, I will reply on that point. As I said, there will be differences in food production standards, production capabilities and so on because we are looking at having trade agreements with countries in different parts of the world which have different weather patterns. In many respects, the whole principle is to complement our production. We are talking here about ensuring that the safety of the British consumer is not jeopardised through FTAs, and I am comfortable expressing that very important point.

My final point is on deforestation and other standards and relates to production standards rather than simply importing goods, particularly agricultural goods. As noble Lords will know, as a result of the Environment Act, we are bringing in further protections such that companies above a certain level are obliged to ensure that their supply chain is compatible with the legal framework. I understand that that will include illegally occupied territories that have been deforested.

I am afraid that I do not have an update on the timing of that legislation. As I believe my noble friend Lord Benyon said recently, it will be taken through when parliamentary time allows. I know from my conversations with my noble friend that this is an area of great interest for him. That was not a light-hearted comment meant to play for time. Noble Lords understand that we have a parliamentary calendar and have to make sure that this is done appropriately. I cannot comment on that, but I can say that the Government are committed to ensuring that these things run in sequence as closely as possible. As I said, we are already doing business with many of these countries and, in my view, a delay of a relatively short or reasonable period would not make a significant difference to the timing. They do not have to run concurrently, as they are not linked together.

I hope I have covered all the points. I am very comfortable coming back to noble Lords—I see I have not so I shall take some interventions.

**Lord Davies of Brixton (Lab):** I just press the Minister for some reaction to the fact that his department's impact assessment shows a deleterious effect on our financial services sector. What is the department's approach to those figures in its report?

**Lord McNicol of West Kilbride (Lab):** On my Amendment 25, I am more than happy for the Minister to write to me and the rest of the Committee on labour standards and ILO conventions and adherence to them.

**Lord Johnson of Lainston (Con):** I thank the noble Lord for those comments. I can say firmly that our commitment to those conventions is firm and absolute. It is essential to us that we do not derogate our commitments to the supply chain. As the Committee is aware, a number of new policy frameworks have been put in place to ensure that the supply chain has the responsibility to ensure that it does not include poor practices. They are now in force, and I would be delighted to work with the noble Lord to reassure him that the CPTPP does not lead to a derogation of standards. In fact, we think that participation in this group will allow us even more influence to align other countries in the CPTPP with our labour standards. I am quite confident of that.

I will touch on one or two other points that were raised. The noble Baroness, Lady Hayter, rightly raised the importance of high standards in the UK in reference to the Leasehold and Freehold Reform Bill, which is currently going through the other place. I wholeheartedly agree with her that it is important that the UK retains its world-leading position as a country that respects the rule of law and property rights. I am sure that that Bill will do these things. I believe that a consultation is under way at the moment that will inform that debate, but I am not able to comment further on that.

The last point was about the impact assessment. If I remember rightly, it showed that there will be a growth in financial services exports and a more significant growth in financial services imports—if I have that right. The noble Lord, Lord Davies, must forgive me: I do not have his chart in front of me but I would be delighted to follow up on that. The impact assessment is a static one. It is not for me to criticise it because it says that there are several billion pounds-worth of additional trading opportunities that we can see immediately from CPTPP, which is to be celebrated. That is combined with the free trade agreement with Malaysia.

Is it worth our time today debating a multi-billion-pound benefit set out in a government impact assessment document? It absolutely is, but it is our convinced belief that not only will we have significantly more trade as a result of the CPTPP but it will give us the opportunity to do all the things that noble Lords opposite have been so particularly focused on: influencing the debates around labour standards, use of pesticides and how the environment functions, and how farmers can compete globally. Let us rejoice in the opportunities that it presents to our businesses.

*3.30 pm*

**Lord Purvis of Tweed (LD):** The Minister has given quite an extensive reply, for which the Committee is grateful. At Second Reading, my noble friend Lord Fox raised preference erosion, giving specific examples of developing nations, but the Minister did not have time to respond to him. I met the Minister before Committee and said that I would raise it as an issue. I have tabled an amendment and given specific examples today. I am not doing that just as an academic exercise so that I can listen to my own voice. These are important issues regarding our relations with developing countries and I would appreciate a response.

**Lord Johnson of Lainston (Con):** I am grateful to the noble Lord for raising that point and I ask his forgiveness if I have failed to cover it. It is very important. I did look at his maths: the price of a banana, if it goes up 180%, goes to £1.70, not £90—I just point that out, if I may. Aside from that, it is very important to say that our developing nation commitments are not derogated by joining the CPTPP.

We are very aware of the importance of the prospect of preference erosion and it is quite right for the noble Lord to raise it. I am very comfortable writing to him in more detail about this, but we are very clear that our developing country trading programme is an important priority for this Government's trade policy. We will ensure that any new trade agreements, including this one, are compatible with that policy agenda. I am very happy to write in more detail and have further discussions. If there is further detail where he believes that this is not the case, I again give my sincere apologies for that.

**Lord Purvis of Tweed (LD):** I am grateful to the Minister for writing, and I look forward to it. I am sure that would agree that cumulative inflation of 180% since 1987 would mean that £1 then is £180 now.

**Lord Johnson of Lainston (Con):** I will not get drawn into the debate on that, but I think that would be 1,800%, rather than 180%. However, the point is that the noble Lord is right to raise the matter of the estimated expected costs compared with the actual costs today, and the deflationary impact of global trade on some of our developing nation partners and the importance of ensuring that it can be mitigated in some way, regardless of the other trade deals that we are pursuing. I am grateful for his point.

**Lord Holmes of Richmond (Con):** My Lords, this has been an excellent debate. I thank all noble Lords who participated and the Minister for his response. I was pleased that financial services and environmental concerns were grouped together, because that is, in many ways, the fundamental point that is often missed. There is no purpose in talking about financial services and finance without ESG being gold-threaded through it all. I can sum up today's debate, in many ways, as: what purpose profit if no planet to spend it on? I again thank all noble Lords who took part and, with that, I beg leave to withdraw my amendment.

*Amendment 13 withdrawn.*

*Amendments 14 to 16 not moved.*

*Amendment 17*

*Moved by* ***Lord Leong***

**17:** After Clause 5, insert the following new Clause—

**"Report: accession of the People's Republic of China to the CPTPP**

(1) Before any decision is made by the Government of the United Kingdom on the accession of the People's Republic of China to the CPTPP under Chapter 30 of the CPTPP, the Secretary of State must publish a report assessing the impact of China's accession on the United Kingdom.

(2) Both Houses of Parliament must be presented with a motion for resolution on the report under subsection (1)."

**Lord Leong (Lab):** My Lords, I speak to Amendment 17, which was tabled by the noble Lord, Lord Alton, who is unable to introduce the amendment due to a long-standing commitment. The effect of the amendment would be quite simple. Proposed new subsection (1) would require the Government to produce a report on the impact of the People's Republic of China joining the CPTPP, before any decision is made as to whether the UK could support the PRC's accession. Proposed new subsection (2) would provide for a vote in both Houses on the UK's position towards the PRC's membership.

I do not believe that this amendment ought to be controversial. The prospect of the UK joining a trading bloc with China—one that has the potential to be the largest FTA zone, accounting for 53% of global GDP and 30% of global trade—has significant long-term implications for the people of the United Kingdom and beyond. As such, it ought to be a matter for parliamentary oversight.

I believe that the PRC should not be allowed to accede to the CPTPP, but it has become clear that what seemed like an impossibility a couple of years ago looks more and more possible. After the UK, China is next in line. China is a much more important trade partner for many CPTPP members. Close economic ties have already persuaded some CPTPP members, such as Singapore, Malaysia and Vietnam, to voice their support for China's entry. Australia, which previously opposed it, has reportedly softened its opposition and Beijing is lobbying hard for membership.

There are three key reasons why the PRC should be kept out of the alliance, and why the UK must not be bounced into a position of support without the support of Parliament. First, China should not be admitted because it will not meet CPTPP standards. The CPTPP contains major commitments on labour, the environment, IP and state-owned enterprises regulations that China is unable to meet. As my noble friend Lord McNicol has already said, Article 19.3 incorporates the International Labour Organization's Declaration on Fundamental Principles and Rights at Work and Its Follow-up of 1998, which provides the right to freedom of association and prohibits all forms of forced labour, child labour and discrimination in respect of employment. To further entrench these rights, Article 19.4 explicitly prohibits members derogating from these protections, meaning the labour laws cannot be weakened to encourage trade or investment.

The CPTPP also establishes a number of positive environmental obligations for members. Under Article 20.3, members must effectively enforce environmental laws and must not derogate from them to gain a trade or investment advantage. The environmental chapter is enforceable under the CPTPP's broader dispute resolution mechanism. The CPTPP also recognises the sovereign right of each party to establish its own level of domestic environmental protection. Although China has recently made important efforts to address environmental concerns, including by announcing its goal to phase out coal investment abroad and by debuting its emissions trading system, CPTPP obligations may none the less prove onerous, given China's status as the world's largest emitter of

[Lord Leong]
greenhouse gases and the challenges it faces reconciling climate and pollution control with rapid economic development.

China will also be unable to meet the CPTPP's data transfer obligations and standards, which eliminate data localisation and prohibits Governments of CPTPP members demanding access to an enterprise's source codes as a condition of import, distribution or sale. Importantly, these provisions are subject to the CPTPP's dispute settlement mechanism. Further, a national security exemption is not allowed to let members derogate from this regulation. Although China has made similar commitments on data transfer and data localisation, as a member of the Regional Comprehensive Economic Partnership, or RCEP, this agreement does not contain a provision prohibiting the forced transfer of source codes. Additionally, the RCEP's digital trade provisions are not subject to dispute settlement, and members may use a self-judging national security exemption to circumvent these requirements.

Secondly, should China join the CPTPP, it would definitely block Taiwan's participation, as it did with RCEP. Given Taiwan's importance in the supply chain network, the island's exclusion from the CPTPP will have significant implications for the restructuring of the global production network and for the setting of standards in key industries and technologies where Taiwan is the leader. Further weakening and isolating Taiwan is neither in the interests of the people of Taiwan nor aligned with the interests and values of the United Kingdom and our regional allies.

That brings me to the third reason why China should be kept out of the CPTPP. Accession will make China more powerful and increase its willingness and ability to act coercively. China's joining of the CPTPP will not only expand the CPTPP's weight in the global economy but increase its global influence. A significant driver behind the CPTPP was the region's recognition of a need for an alternative to be able to de-risk from an overreliance on China. This is good practice.

The United Kingdom played a key role in supporting China's accession to the WTO, which I firmly supported. China pledged upon its accession to adhere to WTO rules, to phase out subsidies, and to ensure fair competition. It promised that the state would not influence commercial considerations. As we were reminded by the US trade representative in 2021:

> "After more than 20 years of WTO membership, China still embraces a state-led, non-market approach to the economy and trade, despite other WTO Members' expectations—and China's own representations—that China would transform its economy and pursue the open, market-oriented policies endorsed by the WTO".

Good faith may have been reasonable 20 years ago. Sadly, China has changed, as has its global ambitions. We simply cannot afford to get it wrong again.

In closing, I urge us all to recognise the importance of the CPTPP to the United Kingdom's future economic and geopolitical importance and interests, and to support this amendment, which would ensure parliamentary oversight of the UK's position on China joining the CPTPP.

**Lord Kerr of Kinlochard (CB):** I understand why this amendment was put forward and presented so well by the noble Lord, Lord Leong, but I do not support it. I do not think it necessary or desirable.

There are three politically controversial applications to join the CPTPP. The Chinese application is, of course, much the most controversial. If I were asked to predict what will happen, I would predict that nothing will happen, and that the Chinese application and, sadly, the Taiwanese application will remain in the "too difficult" tray for a very long time. Unanimity among existing members is required both to open a negotiation and to end a negotiation by agreeing to accession, and that is not foreseeable under present circumstances. The amendment is unnecessary because the condition that it sets—the peg for the report it calls for, which is a decision on Chinese accession—is unlikely to happen in the foreseeable future.

It is also undesirable because, in general, there is quite a lot to be said for not requiring Governments to come clean on hypothetical questions. I admit that I used to work in government and, to put it in a pejorative way, it might be desirable to hide behind "There is no consensus", rather than revealing which side one was actually on. That is conceivable and I do not think it is desirable.

*3.45 pm*

So far, I hope I am being extraordinarily helpful to the Government. Let me now be extremely unhelpful to them: I think it is necessary to be much more open with Parliament on what our trade strategy is. What actually do we think is the future of the multilateral system? Do we think that plurilateral is the way it is going, or that there is any need to have a policeman—an authority? Does it matter that the WTO court is moribund and perhaps dead? Is there any way of reviving the WTO and what is the British philosophy on the future of trading systems?

We say that we believe in the global system of rule of law. It is collapsing before our eyes. The world is dividing into huge blocs. The policeman of the WTO is on its knees, if not on its back. I do not know what instructions we give our people in Geneva or what they are supposed to say about the future of the WTO. We look at trade relations through a narrow focus on particular bilateral relations and this very welcome accession to the CPTPP, which I am strongly in favour of, but we need a sort of philosophy.

In the United States, the USTR's report is an annual event. I do not want to call what the United States has at the moment a trade philosophy—it is hard to dignify current US trade policy with the word "philosophy"—but the practice of the United States is set out in the USTR's report. In many ways, the New Zealanders are an example that we should really try to follow. They encourage a public debate, which informs their Parliament. They discuss in public their record—what they have achieved in the past year and what they hope to achieve in the year ahead—against a coherent philosophy. They are strong free traders, as I hope we will continue to be, and as I wish the United States was.

The International Agreements Committee has, again and again, suggested to government that it might be quite a good idea to publish a trade strategy document—

and renew it, year by year. That is the answer rather than amendments such as Amendment 17, which is not required and is mildly undesirable.

**Baroness Lawlor (Con):** My Lords, I support the proposed amendment from the noble Lords, Lord Alton and Lord Leong. I take the point that it is sometimes a very good idea, as the noble Lord, Lord Kerr, said, for Governments not to reveal their hands. None the less, there is a lot to be said for having both Houses consider in Parliament the degree to which, without China having joined the CPTPP—as the noble Lord, Lord Kerr, said, it may never join it—it has already caused a global imbalance to supply chains, and the levels of dependency in other economies on Chinese production, right across a range of goods.

As far as I understand it, certain economic research, particularly in the US, suggests that we are far better off as states if we do not depend for more than 25% of our imports on any one country. If China were, for some reason or another, to be accepted as a member of the CPTPP, there would be a danger that the existing imbalance which we see already would grow, as would the powers to influence and destabilise the global economy and, indeed, the security of smaller countries on which it has its eye. For these reasons, I support the spirit behind the noble Lord's amendment.

**Lord Purvis of Tweed (LD):** My Lords, it is a pleasure to follow the noble Baroness, and I agree with what she said. I start by apologising to the Minister. My maths in my intervention on him were wrong. I admit that and want it on the record—that prevents him mentioning it in the letter he will write to me, which I look forward to.

I support the noble Lord's amendment, and the context of what he said is very important. Together with the latter part of the contribution of the noble Lord, Lord Kerr, it means that we must have a wider public debate about UK-China trade in particular. I acknowledge that China's accession is a very large "if", and I will come back in a moment to the many reasons why, but that would have an even greater impact on UK trade, because China already has five bilateral FTAs with CPTPP members: Singapore, Australia, New Zealand, Chile and Peru. It is also part of the two plurilateral frameworks which the noble Lord mentioned. We are already, in acceding to the CPTPP, entering into trading relations through FTAs with China.

This is even more important because, in 2019, according to the University of Sussex UK Trade Policy Observatory—I shall source my figures on this now—approximately 20% of Chinese exports were already going to CPTPP members, of which 50% were in intermediate products. What does that mean? It means that it is linked with what we debated on the first day of Committee: that when it comes to rules of origin, many aspects of UK trade will be involved with goods from China. That is notwithstanding the enormous trade deficit that we have in imports in our trade with China already. The Office for National Statistics report stated that, in 2021, China was the UK's largest import partner. That is not to the extent of 25%, but 13.3% of all goods to the UK are imported from China. What gives me concern is that we have a £40 billion trade deficit in goods with China. When we look at certain key sectors, this becomes a strategic issue, not just a trading issue or one of the importation of goods. Our trade deficit with China in goods is larger than our overall trade with Italy, Switzerland or Norway, so this is of great significance. When we consider that Germany has a trade surplus in goods with China, it is a valid issue to debate.

The increase in Chinese exports to CPTPP countries has grown very significantly, including in services, which on average has grown by 11% a year. When we have been debating UK trade, moving away from the single market into the fastest growing part of trade within Asia, we know that we have a combination: we are heavily dependent on imports from China, and growth in Asian trade has been as a result of their relationship with China too.

On that basis, if we look at the position of China, what does the UK do? We know that we are heavily reliant on it, that the Government say our future is in this area, and that those countries are heavily reliant on China. The growth trajectory is based on Chinese growth, so when we look at aggressive military exercises, human rights challenges and abuses, or increasing territorial disputes—including of course with Taiwan, another applicant country or customs area—this becomes geopolitical. We have also seen clear examples of Chinese economic coercion against other trading partners. It probably would lead a rational assessment to consider that, if it was a choice for the UK between Taiwan and China, it should be Taiwan. But how do you make such a decision when we are so intertwined with the Chinese economy, as I have highlighted?

We are debating the various chapters for the UK. On digital trade, which we debate quite a lot in this House, we discussed concerns around China complying with standards on digital trade. Chapter 17 is on state-owned enterprises. These areas were debated considerably during the procurement legislation. Chapter 18 is about intellectual property, which we have debated quite considerably. The noble Lord, Lord McNicol, raised chapter 19 on labour and chapter 26 on transparency and anti-corruption. All of these aspects may lead to the conclusion that the noble Lord, Lord Kerr, gave: that this is a hypothetical situation.

That may be correct, but nevertheless it has applied. We will be a member; we may form part of the commission to discuss this, and we may have a key role in those discussions about consensus for the application. Up until the point that China withdraws, I believe that our Parliament needs to have regular debates and we need to be informed. That is why I am sympathetic to this amendment.

**Lord Johnson of Lainston (Con):** I thank noble Lords for their significant contributions to this important section of the debate. I will go through the key points one by one.

In joining CPTPP we are securing our place in a network of countries that is committed to free and rules-based trade, and which has the potential to be a global standards setter. The CPTPP acts as a gateway to the dynamic and fast-growing Indo-Pacific region, and expansion of this agreement's membership will only bring further opportunities, in our view, for British businesses and consumers.

[LORD JOHNSON OF LAINSTON]

There are currently six economies with applications to join the CPTPP, including China, Taiwan, Ecuador, Costa Rica, Uruguay and Ukraine. As noble Lords will be aware, the CPTPP is a group of 11 parties and will become 12 when the UK accedes. It has been agreed within the group that applicant economies must meet three important criteria. They must meet the high standards of the agreement, have a demonstrated pattern of complying with their trade commitments, and command consensus of the CPTPP parties. It is very important that I clarify that for this discussion. These are strong criteria.

Our own accession was successful because we are demonstrably a high-standards economy with a strong track record, and we garnered the support of every party for our accession. This sets a strong precedent: the robust experience that the UK has been through has reinforced the high standards and proved the bar is not easy to meet.

As a new member of the CPTPP group, it is right that we work within the principles of the group to achieve a consensus decision, rather than giving our own individual narrative on each applicant, such as through the report proposed in this amendment. This is not a question about one particular economy. The UK is closely involved in discussions on this topic but will have a formal power to oppose an application only post-ratification, as I am sure the noble Lord, Lord Leong, will be aware. We joined first so that we would be on the inside judging other applications, not vice-versa. It is therefore crucial that the UK ratifies this agreement and becomes a party. This will ensure that the standards the UK has met and abides by are continually upheld under CPTPP, with every future applicant going through this same rigorous process.

I reassure the noble Lord and the noble Lord, Lord Purvis, who spoke so eloquently, that accession of new parties after the UK has joined will entail a change in rights and obligations of existing parties. Any new agreement requiring ratification by the UK would be subject to the terms of the Constitutional Reform and Governance Act 2010 as per the Government's commitment surrounding the CRaG process.

I assure noble Lords that accessions will proceed only if applicants have met the rigorous criteria and have consensus of the CPTPP parties, of which the UK will be one only once we have acceded. We will continue to engage with the public and Parliament through the mechanisms I have just outlined, before any future negotiations. In this complex matter, I ask the noble Lord to withdraw this amendment.

*4 pm*

**Lord Leong (Lab):** My Lords, I beg noble Lords' patience as I share my business experience of doing agreements in China. I still have scars on my back. My first visit to China was in 1999, when I was a much younger law publisher. This was before China's accession to the WTO. It wanted to acquire the subsidiary rights to every mercantile law—what a beautiful name—and commercial and international law book. I was happy to enter into agreements with various Chinese university presses. Noble Lords will know that most businesses in China are wholly or partially owned by the state, so you can enter an agreement in good faith but whether the agreement is abided by or complied with is a different conversation. After many years of doing business in China, the managing of agreements took its toll and eventually we stopped doing business there.

I will share a simple analogy with noble Lords. It is as if you allow a friend into your house and then suddenly notice that some things have been taken away. Much later, more valuable things are taken away, and then the friend starts dictating the terms of your stay in your own house. I beg leave to withdraw the amendment.

*Amendment 17 withdrawn.*

*Amendment 18 not moved.*

*Amendment 19*

*Moved by* ***Lord McNicol of West Kilbride***

**19:** After Clause 5, insert the following new Clause—

**"Impact assessment: local business**

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on the level of procurement by local authorities from businesses in the respective local authority area, not less than two years, but not more than three years, after the day on which this Act is passed."

Member's explanatory statement

This amendment requires an assessment of the impact of the procurement Chapter on local businesses.

**Lord McNicol of West Kilbride (Lab):** My Lords, we are now on to the fourth group so we are getting there. We have been through the bulk of the detailed amendments, so these should be relatively straightforward. There are four amendments in this group, all in my name, so I will work through them. They all seek to have assessments of the impact of the implementation of the CPTPP after two years. If we come back to these on Report, we will look to change that timing to being from accession rather than from the Act being passed, which is eminently sensible. As the Minister has said, a review will take place on the four areas I have highlighted—local business, manufacturing, the job market and public services. I am sure that he will be more than happy to accept into it.

To go into a little detail within those four areas, we are concerned that the CPTPP could open up public procurement markets, restricting public authorities' ability to support local businesses that recognise trade unions or pay the living wage, so there is a concern regarding the criteria provisions of the CPTPP and the fact that in some cases they are narrower than the UK procurement laws and could encourage more contracts to be based solely on lower prices rather than quality and access to integrity of service provision. On local businesses, we seek clarification from the Minister that this is not the case.

I turn to the manufacturing sector, where again we have concerns that the CPTPP could pose threats to jobs as it would make it easier, to take an example, for Vietnam to export goods to the UK that could include cheap Chinese steel or other manufactured goods such

as tyres, cement and glass deliberately routed through Vietnam to avoid remedies and tariffs. The Trades Union Congress is concerned that this could increase the rate of trade dumping in the UK manufacturing sectors, putting thousands of jobs in steel and related supply chains at risk.

In 2017 the European Commission found that China had been shipping steel from Vietnam to evade tariffs, which led to dumping in the UK steel sector. The risk of increased dumping from Vietnam, as well as other countries, is compounded by the fact that the UK trade remedy system is currently too weak to be effective. The TUC is part of the Manufacturing Trade Remedies Alliance with the Unite, GMB and Community trade unions as well as a number of manufacturing employers' associations. They are calling for stronger measures to deal with dumping from countries such as China and Vietnam in legislation and the removal of the public interest and economic interest tests, which prevent effective trade remedies being applied.

I turn to the job market. Following conversations with the TUC, I know there are concerns that the CPTPP may lead to job losses in some sectors due to increased imports from CPTPP countries. Of course there will be benefits from increased trade, but how do we ensure that important sectors of UK manufacturing are protected? I seek some reassurance from the Minister on that.

I turn to the public sector. CPTPP accession could also expose public services to further privatisation as it takes the negative list approach to service listings. This means that any services not explicitly exempted will be opened up to further privatisation. In the past, the Government have not adequately excluded services in trade deals to offer that protection. Meanwhile, the Government's ability to exempt public services adequately in the CPTPP would be severely restricted as the UK would be joining the existing agreement with the 11, rather than at the start. This weakens and reduces our power to alter it. I beg to move Amendment 19.

**Lord Johnson of Lainston (Con):** I am grateful, as always, for the debate we have had around these important points. I hope noble Lords will agree that I have covered in previous groups the importance of reviewing these free trade agreements and how they impact our economy. As I say, I passionately believe that they will be enormously positive. The noble Lord, Lord McNicol, may be overestimating the threats in areas such as privatisation, steel dumping and so on. We have strong protections from the TRA protecting our economy in areas such as steel. This free trade agreement does not affect our ability to control that area of our economy.

I am afraid that I cannot see how this FTA would lead to increased levels of privatisation. We have been very careful about protecting key areas of our economy. To some extent, my job as Investment Minister is to encourage flows of capital into the UK, and we were asked earlier for impact assessments around that. I would be comfortable with seeing flows of capital from CPTPP member countries into the UK: we are aligned with them, and they are our allies—we want to do more trade with them—but I do not think it will lead to the negative consequences to which the noble Lord alluded. However, I am comfortable to have further discussions. As I said earlier, we should look carefully in these debates at the sorts of areas that we wish to review to make sure that the impacts around FTAs are properly understood, but I would be very reluctant to have them codified in amendments to this Bill, for obvious reasons.

**Lord McNicol of West Kilbride (Lab):** I thank the Minister for his response. As he outlined earlier, there will be an opportunity to review the implementation of the CPTPP in two years. The point of these probing amendments was just to put on record the importance of the sectors in these specific areas. He has put in *Hansard*, in his own words, that there will be no derogations in those areas, and I look forward to holding him to that. With that, I beg leave to withdraw Amendment 19.

*Amendment 19 withdrawn.*

*Amendments 20 to 25 not moved.*

*Amendment 26*

*Moved by* ***Lord McNicol of West Kilbride***

**26:** After Clause 5, insert the following new Clause—

**"Review: Investor-State Dispute Settlement**

The Secretary of State must lay before Parliament a review of the financial risk of the implementation of the Investor-State Dispute Settlement aspect of the Investment Chapter of the CPTPP, not more than 18 months after the day on which this Act is passed."

Member's explanatory statement

This amendment requires a review of the risk to the UK from implementing the Investment Chapter.

**Lord McNicol of West Kilbride (Lab):** This is a small group of amendments from my noble friend Lord Davies of Brixton and me on ISDS and the mechanism that comes with it. I am sure the Minister will respond, "Don't worry, it will all be fine, the UK hasn't been sued"—but we have. We and the French Government were sued with regard to previous issues on this.

My concern relates to two areas. First is the accession of Canada, which has shown under previous trade remedies to be quite keen, or at least a number of businesses in it have been. We have seen that in recent years. The other issue I am keen to put on the record and on which I seek clarification from the Minister is around the UK, or individual countries, changing their approach because of possible threats. I know that that is hypothetical—we do not want to go down to hypotheticals—but often Governments do not move forward with specific issues because there is a possibility of disputes or because in other areas there have been disputes raised against them.

The investor-state dispute settlement allows foreign companies to sue a Government for any actions that they argue could affect their profits. Conversely, it allows British companies—the Minister may well pick up on this—to sue other Governments that breach ours. In the past, the ISDS court system has been used

[LORD MCNICOL OF WEST KILBRIDE]

to challenge increases in minimum wage and countries' internal attempts to bring public services back into public ownership. When New Zealand joined the CPTPP, it opted out of the ISDS system with the countries that invested most in New Zealand. Why have the UK Government not asked for such exemptions? As a result, rather than taking back control, with the CPTPP the Government are possibly handing multinational corporations huge powers to challenge the potential overturn of UK government decisions and laws.

*4.15 pm*

The risk of ISDS is not just in losing an action against us, but also in the possible legal fees required to fight and defend against any challenges that are made; some of the other defences that the Australian Government had to make have cost millions of pounds. ISDS can also affect the decisions of Governments not to act—we have not stepped away from that or got side letters. We saw this in New Zealand, whose Government did not introduce plain packaging—despite it being their intention—after they saw the challenge Philip Morris had taken against the Australian Government, even though the Australian Government won that case.

There are some inconsistencies, so I seek clarification from the Minister on the Government's position on ISDS. As we know, the UK has negotiated side letters with Australia and New Zealand to exclude ISDS provisions bilaterally. Though the UK Government have not confirmed that such exclusions will have been negotiated—I presume at the request of both those Governments and not of the UK Government—it would be interesting to know why we agreed to those side letters in those cases if the Government's preferred position is to include ISDS provisions. The UK Government are clearly happy to accede to those requests, as these side letters mean there is clear precedent for agreements to be made with CPTPP members and other states. As we progress the FTA with Canada, will there be there any willingness from our Government or the Canadian Government to look at bringing in any ISDS measures or remedies?

**Lord Davies of Brixton (Lab):** My Lords, I speak in favour of Amendment 26 and my Amendment 33. As my noble friend has clearly explained, this is about investor-state dispute settlement mechanisms. This is a very important issue, so I make no apology for exploring it in further detail, even at this late hour for a Committee.

For the benefit of new readers of *Hansard*—I am aware that everyone here is by now more than aware of what we are talking about—the investment chapter of the CPTPP contains the ISDS mechanism. The provision allows companies to sue Governments over decisions that impact their corporate profits, even if those decisions are made in the public interest. That is the key point. In simple terms, ISDS allows firms to sue the Government for legislation that they have introduced for the general public good, where those decisions impact on company profits. This can have disastrous effects across the board of social and public policies, but particularly on policies on the environment and health and measures to combat climate change.

These concerns are widely shared and this is a big issue, which is why I wanted it to be discussed in a separate group. The noble Baroness, Lady Hayman, mentioned it, and she apologised for being unable to be here to support the arguments being made. ISDS has been used to challenge important environmental regulations under separate arrangements: water pollution controls in Germany, a ban on fracking in Canada and various regulations on mining in east Asia and South America.

I am a bit hesitant to mention the impact assessment because, effectively, the Minister suggested earlier that although I have read all 142 pages of it, I need not really have bothered. He did not seem to feel that what was in it should be taken seriously—but it does touch on this. There is one bullet point of 26 words, which covers the issue, and it says:

> "A modern and transparent investor-state dispute settlement mechanism will ensure that UK investors can access an independent international tribunal should they not receive such treatment".

Well, that is only half of what the mechanism achieves. The other half is foreign companies suing this Government for measures that they take. My view is that is the more important part, yet we have no assessment of its impact, which I would have thought is essential. The truth is there is a real proximate risk that ISDS would be used to challenge new regulations which are essential for fighting climate change.

There is also evidence that ISDS in recent trade agreements would be used to challenge health provision, labour rights and other important legislation. Here are some further examples. ISDS was used in Egypt to challenge an increase in the minimum wage. Philip Morris sued Australia for attempting to introduce plain-packaged cigarettes—albeit it lost, as was explained. However, it is the threat that is the real problem. Then Slovakia was sued for attempting to nationalise part of the health service.

I am not given to quoting the CBI—it is not my usual source—but it has expressed concerns. It stated in 2021 that there was,

> "a risk of the UK becoming disproportionately targeted through ISDS"

and that

> "there could also be environmental implications of the UK being exposed to the ISDS mechanism".

That is the CBI expressing its concern. The UK did not include ISDS in its recent trade agreements with Australia, New Zealand and Japan, and the provisions were suspended in the rollover agreement with Canada. The Government could have sought explicit side-letters in CPTPP to be exempt but has chosen not to do this, which means that, if this treaty is passed, the UK will now, de facto, have ISDS agreements with Canada and Japan. This contract would effectively import these settlement mechanisms into the existing agreements, which the Minister has referred to.

In my view, the ISDS process is suspect in and of itself. Arbitrators appointed to reach a settlement are paid on a case-by-case basis and benefit from an increase in claims. Governments cannot do it the other way; they cannot use the ISDS system to sue investors, so arbitrators naturally have a bias towards companies or investors so that they encourage further investor claims and thereby benefit commercially.

There is a code of conduct for ISDS proceedings. It was established under the partnership to address legitimacy concerns that arise when a system allows adjudicators to act as an arbitrator in one case and legal counsel in another—so-called double-hatting. This provides some objectivity in the process, which other agreements lack.

However, if we look at the recent record, we find that the most utilised treaty for challenging climate action is the Energy Charter Treaty, under which many cases have been brought by western-based companies against Governments taking action to limit their expanded use of fossil fuels. So problematic has this flood of cases become that the largest European countries have now all signalled their exit from the treaty. The Government themselves have said that they are reviewing their Energy Charter Treaty membership and will

"carefully consider the views of stakeholders in business, civil society and Parliament".

In this context, we are not really having a debate about the ISDS process in general—that is a big debate, and one we need to have—but there is a growing realisation that these clauses are an impediment to social policies and to climate action in particular. It seems perverse to sign us up to another ISDS clause in the partnership, exposing us to potential future lawsuits from companies with tens of billions of pounds invested in the UK.

I have two questions for the Minister. First, the impact assessment says that it is a "modern and transparent" mechanism, but what is modern and transparent about it? Secondly, should we not have an assessment of the likely impact of the mechanism where foreign commercial interests can require limits? In effect, they have a veto on our domestic policies. We are told that the whole point of leaving of the European Union was to take back control, as my noble friend mentioned, but these mechanisms reduce our control, taking it away from governmental bodies and handing it over to people totally outside any sort of responsibility to the public.

**Lord Purvis of Tweed (LD):** My Lords, I thank noble Lords for allowing us to raise very important issues relating to ISDS. We have previously debated these in considering trade Bills and particular FTAs, and I have a great deal of sympathy for the arguments that have been made. My party supports a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes. I have been studying the European Union's recent proposals on moving towards a more global, multilateral element, and that is my party's position.

As we have heard, these amendments are important because it is vital that the Government state their view. We knew that the noble Lord, Lord Grimstone, was a strong supporter of ISDS mechanisms because he said so during consideration of the Trade Bill, but, as has been mentioned, we then had FTAs that excluded them. There is now uncertainty regarding those who were excluded but who are now also members of the CPTPP.

Like other noble Lords, I have questions to ask the Minister. Does the UK support an appellate mechanism within the CPTPP? Will the UK, as an acceded member, seek to implement the mechanism through the CPTPP in our relationships with Canada and Japan? Without the side letter, there is uncertainty. Will a company or a member be able to choose to resolve disputes through the CPTPP process or the FTA process? I am not aware of how that would operate, so some clarity from the Government will be important.

*4.30 pm*

It is vital for us to know because of the effect that the noble Lord, Lord Davies, indicated. We have discussed quite a lot about the potential chilling effect of both mechanisms being in place, but also their uncertainty as mechanisms. I am aware that, on most occasions, the UK is a beneficiary of ISDS processes: the statistics speak for themselves. Nevertheless, the UK can be a victim of these. We have to watch out for that.

We are making progress on removing the ability to have SLAPP mechanisms in other legal situations to remove what could well be vexatious approaches, and we would not want to see that through the mechanisms here. It is important that the Government provide clarity, not only with our relationships going forward but especially on Canada, because we are acceding to a treaty while negotiating an FTA where it has been agreed that part of the negotiations would be fed in by a review of ISDS. I simply do not know where we stand, so I hope that the Government might be able to provide some clarity.

**Lord Johnson of Lainston (Con):** My Lords, I thank noble Lords for this important series of amendments and the discussion that we have been able to have around them. Since this relates to investor-state dispute settlements and I have investments in CPTPP countries, I declare that and direct all noble Lords to my entry in the register of interests—although I do not believe that I have any specific conflict and I am always happy to answer questions on any of those points.

For me, ISDSs are a very important element of protecting our businesses' investments overseas. I spend a lot of my time talking to companies that make significant investments in many countries and, where they do not feel that they have protections, it creates a far higher level of work for the Government in trying to support them when they have disputes and clearly increases the hurdles for the necessary rate of return. So, from our point of view, having mechanisms where investors feel protected when investing into the UK economy by the consistency of the rule of law and the application of that law is very important. We are very comfortable with signing up to investor-state dispute settlement mechanisms.

The question from the noble Lord, Lord Purvis, on whether the FTA or signing up through the CPTPP is linked to ISDS, is perfectly reasonable. My view is that it would not make any difference. I am very happy to confirm that in writing. You would not pursue an ISDS case according to a specific route: from the investment point of view, the country either has that relationship or does not.

To the noble Lords, Lord Davies and Lord McNicol, I say that an important element of our system is that we have protections for our businesses when they invest internationally and that international businesses

[LORD JOHNSON OF LAINSTON]
investing in the UK can have a high degree of confidence. It does not, at any point, derogate or hinder our right to regulate in the public interest, including in areas such as the environment and labour standards. In fact, this right to regulate is recognised in international law, and CPTPP expressly preserves states' rights to regulate proportionately, fairly and in the public interest.

The noble Lord, Lord McNicol, is right to say that we have received a claim from investors relating to an ISDS. I do not think that that came from a CPTPP country, and it was in conjunction with another country. That is a fact, but not one that is necessarily in contradiction with the point that we have never singularly, acting on our own basis, had a successful claim made against us. That is important. We have nothing to fear from ISDSs, and I reaffirm that our flexibility to enact the legislation and frameworks that we want to run our country is not impeded if we stick to the rule of law and understand and respect the rights of investors putting their money in the United Kingdom.

**Lord McNicol of West Kilbride (Lab):** I thank the Minister for giving way. The bit I am struggling with is the contradiction, and I do not think that he has answered that yet: we signed side-letters excluding ISDS with New Zealand and Australia, yet the Minister says how important they are. How does he balance these positions?

**Lord Johnson of Lainston (Con):** I am grateful to the noble Lord. We did accede, in terms of their negotiating priorities, to do that. We have long-lasting relationships with Australia and New Zealand, and we are comfortable allowing that to be the case as part of the negotiating process. The point is whether we are willing to sign up for them, and my point to noble Lords is that we are. Clearly, we need to make sure these processes are properly followed and that they suit us into the future—but currently, today, we are very comfortable signing up for them. I think it gives us, and our businesses, benefit, and creates an overall higher level of investment confidence within CPTPP countries, and within the UK.

**Lord McNicol of West Kilbride (Lab):** I would like to thank my noble friend Lord Davies for his detailed explanation of this. It may well be something we come back to on Report.

I thank the Minister for answering the question regarding the side-letters, who was pushing, and how they came to fruition. I think that was important. The Minister's position is that this is about protecting our companies. The amendment proposed by the noble Lord, Lord Davies, is a bit more detailed, but my Amendment 26 is simply calling for a review of the financial risks. I think that works well with the Minister's position, so at this point I withdraw my amendment, but I am well come back to this on Report.

*Amendment 26 withdrawn.*

*Amendments 27 to 35 not moved.*

*Amendment 36*

*Moved by* ***Baroness Lawlor***

**36:** After Clause 5, insert the following new Clause—

**"Review: application in Northern Ireland**

Within twelve months of the day on which this Act is passed and every twelve months thereafter the Secretary of State must lay before Parliament a review of the application of section 4 to Northern Ireland, including—

(a) a consultation of such persons as the Secretary of State considers appropriate;

(b) an assessment of the impact of European Union legislation relating to geographical indications and conformity assessment of goods listed in Annex 2 of the Windsor Framework on Northern Ireland;

(c) an assessment of the impact of Northern Ireland being subject to different geographical indication and technical barriers to trade provisions to England and Wales and Scotland."

Member's explanatory statement

This is related to the amendment in the name of Baroness Lawlor to clause 6, page 6, line 42.

**Baroness Lawlor (Con):** My Lords, my Amendments 36 and 37, to which I speak, relate to the proposed arrangements for geographical indications and conformity assessments for Northern Ireland.

First, I shall say a word on the background as to why I proposed the amendments. The Explanatory Notes to the Bill say:

> "The GI and Technical Barriers to Trade … provisions in this Bill will extend to but will not apply in Northern Ireland. This is because, under the terms of the Windsor Framework, EU legislation relating to geographical indications and conformity assessment of goods, as listed in Annex 2 of the Windsor Framework, continues to apply in Northern Ireland. Article 15 of the Accession Protocol ensures that the UK can fulfil its obligations under the Windsor Framework".

I have not been able to discover an accessible UK Government-consolidated version updating the withdrawal agreement and its Northern Ireland protocol with the changes under the Windsor Framework in Annex 2. This may well exist somewhere in Whitehall, but it is not clear how to find it. However, the EU has a consolidated version on its website, with Annex 2 in respect of decisions taken by the Joint Committee under the withdrawal agreement. The most recent version from September sets out these arrangements to which we refer in respect of the Windsor Framework.

Articles 15(2) to 15(7) of the CPTPP accession protocol deal with Chapter 29 of the treaty, on exceptions and general provisions, which provides for an exemption for the Windsor Framework clauses in respect of CPTPP where there is an inconsistency. There is also provision in Article 15 for the commission to review the implementation of the CPTPP.

I hope that noble Lords will forgive this tour of the relevant documents, but it is difficult to see from the Bill that its procedures in respect of geographical indications and conformity assessment procedures will not apply to Northern Ireland. It will instead be subject to EU law, as is clear from what I mentioned. I therefore have two reasons for tabling these amendments.

We do not know how the application of Section 4 on GIs and the designation of origin will work out for businesses in Northern Ireland by comparison with

the rest of the UK in its trade agreements with CPTPP countries, nor do we know how it will affect businesses in respect of internal UK trade west to east. I therefore suggest that it is fair and proportionate to require such a review as I propose in Amendment 36—with a new clause after Clause 5—to assess the impact of EU legislation relating to geographical indications and conformity assessment of goods listed in Annexe 2 to the Windsor Framework and to assess the impact of Northern Ireland being subject to different GIs from those in the rest of the UK. Although the Minister made a fair point about the timing of such reviews in general, might he remain open to a shorter period of regular reviews for the assessment of the impact of EU legislation? This would not be a demanding exercise, given the proportionately small size of the economy.

It is important that the questions raised about the comparative impact of EU legislation on GIs and the conformity assessment of goods are a matter not of speculation but of fact, in so far as it can be established. We pride ourselves on consulting widely before laws are made, commissioning assessments on a range of areas potentially affected and measuring and reviewing the impact of a law once it is in operation. If Northern Ireland is to remain under EU law—itself a matter of some concern—it matters for Northern Ireland's overseas trade, the smooth functioning of the internal UK market and the wider economy there that we have scope for such a review.

My Amendment 37 to Clause 6 is for the purpose of making it clear in the Bill that the arrangements for designation of origin and GIs extend to but do not apply to Northern Ireland. I suggest to my noble friend that inserting this at the end of Clause 6 would make for transparency and clarity and would remove the danger of appearing to brush under the carpet the non-application of arrangements in Clause 4 to Northern Ireland. With that, I beg to move.

**Lord Johnson of Lainston (Con):** I thank my noble friend Lady Lawlor for her Amendments 36 and 37. I can assure her that exporters in Northern Ireland will benefit from CPTPP in the same way as exporters across the United Kingdom. It is also right that the people of Northern Ireland have a say in how EU laws apply in Northern Ireland. I would be delighted to have further discussions with her; this amendment was tabled quite late in the day, I am afraid, so I would like to explore further and see whether there are any nuances I could assist her with to give her a degree of comfort about how the CPTPP will apply to the whole United Kingdom, particularly Northern Ireland.

*4.45 pm*

Once the Northern Ireland Executive is restored, the Windsor Framework will provide them with access to the Stormont brake, which is a powerful lever that enables them to block specific laws impacting Northern Ireland. There will also be regular opportunities for the people of Northern Ireland to have a say via the consent vote. For these reasons, Amendment 36 is deemed unnecessary, along with Amendment 37, as the clause relates to provisions that apply only in Great Britain, and the Windsor Framework makes clear which EU regulations apply in Northern Ireland.

On technical barriers to trade and conformity assessment, the clause's application is limited to Great Britain, so under the Windsor Framework only EU legislation relating to conformity assessment of goods applies in Northern Ireland. The protocol for the UK's accession to the CPTPP provides that nothing in the CPTPP will undermine the Windsor Framework. Therefore, the EU regulations on accreditation will continue to apply in Northern Ireland, rather than the requirement for national treatment of conformity assessment bodies.

The measures relating to geographical indications will also apply only in Great Britain—we debated this earlier—and will not apply in Northern Ireland, in line with our commitments under the Windsor Framework. Under the terms of the Windsor Framework, the EU's GI schemes continue to apply to Northern Ireland, and our accession to CPTPP does not alter this. I do not know whether my noble friend will find this reassuring, but I have stated the case as it is. I am happy to have further discussions, but I would be grateful if, in this instance, she will withdraw her amendment.

**Baroness Lawlor (Con):** I thank my noble friend for his reply and I look forward very much to discussions. It is important that since the Bill includes exceptions, we should include this exception as well, and it should be clear in the Bill what is proposed and what is not, if only to give reassurance to the different parts of the United Kingdom. Otherwise, it is rather difficult to find all the information gathered together. We have reviews of the arrangements under the CPTPP as they apply to members, and we have arrangements under the Windsor Framework as it applies to those parties. However, it would also be helpful to have some potential for considering the arrangements as they specifically affect Northern Ireland, which is an exception to the arrangements for GIs and conformity assessments under the CPTPP and therefore appears to be in limbo. I look forward to discussing these points, I thank my noble friend, and I beg leave to withdraw the amendment.

*Amendment 36 withdrawn.*

***Clause 6: Extent***

*Amendment 37 not moved.*

*Clause 6 agreed.*

*Clauses 7 and 8 agreed.*

*Bill reported without amendment.*

*Committee adjourned at 4.48 pm.*