

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT CONFERENCE OF THE PARTIES TO THE  
UNITED NATIONS FRAMEWORK CONVENTION  
ON CLIMATE CHANGE (IMMUNITIES AND  
PRIVILEGES) ORDER 2021

*Monday 13 September 2021*

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**The Committee consisted of the following Members:**

*Chair:*

**Yvonne Fovargue**

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|--|--|
| † Anderson, Lee ( <i>Ashfield</i> ) (Con)  | † Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Benton, Scott ( <i>Blackpool South</i> ) (Con)   | † McCabe, Steve ( <i>Birmingham, Selly Oak</i> ) (Lab)                   |
| † Browne, Anthony ( <i>South Cambridgeshire</i> ) (Con)  | † Morrissey, Joy ( <i>Beaconsfield</i> ) (Con)                           |
| † Carter, Andy ( <i>Warrington South</i> ) (Con)   | Rees, Christina ( <i>Neath</i> ) (Lab/Co-op)                             |
| † Colburn, Elliot ( <i>Carshalton and Wallington</i> ) (Con)   | † Rimmer, Ms Marie ( <i>St Helens South and Whiston</i> ) (Lab)          |
| † Davison, Dehenna ( <i>Bishop Auckland</i> ) (Con)  | † Sharma, Mr Virendra ( <i>Ealing, Southall</i> ) (Lab)                  |
| † Day, Martyn ( <i>Linlithgow and East Falkirk</i> ) (SNP)   | Sheerman, Mr Barry ( <i>Huddersfield</i> ) (Lab/Co-op)                   |
| † Doughty, Stephen ( <i>Cardiff South and Penarth</i> ) (Lab/Co-op)  | Liam Laurence Smyth, <i>Committee Clerk</i>                              |
| † Duddridge, James ( <i>Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs</i> ) | † <b>attended the Committee</b>  |
| † Griffiths, Kate ( <i>Burton</i> ) (Con)  |  |

# First Delegated Legislation Committee

Monday 13 September 2021

[YVONNE FOVARGUE *in the Chair*]

## Draft Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) Order 2021

4.30 pm

**The Chair:** Before we begin, I encourage Members to wear masks when not speaking, which is in line with current Government guidance and that of the House of Commons Commission. Please give each other and the staff space when seated and when entering and leaving the room. Speaking notes should be emailed to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk), and any officials in the Public Gallery should communicate with Members electronically.

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (James Duddridge):** I beg to move,

That the Committee has considered the draft Conference of the Parties to the United Nations Framework Convention on Climate Change (Immunities and Privileges) Order 2021.

The instrument before us today was laid on 7 July in accordance with section 10(1) of the International Organisations Act 1968 and confers privileges and immunities in order support COP26. The draft order is required so that the UK can comply fully with the obligations of the host country agreement, which was negotiated with the secretariat of the United Nations framework convention on climate change.

The conference represents a unique opportunity to demonstrate the UK's global climate leadership. During the COP26 talks, teams of negotiators, Government representatives, businesses and citizens will work together to solve the deeper problems around COP and the four priorities of mitigation, adaptation, climate finance and co-operation. We will welcome participants to Glasgow and recognise the need for them to be able to perform their functions freely and openly. I am able to confirm that we have reached an agreement to confer privileges and immunities on only three categories of participants: UN officials who do not already enjoy them; delegation members and observer states, otherwise known as "the parties"; and core personnel from the Clean Development Mechanism, the Green Climate Fund, the Adaptation Fund, and the Global Environment Facility.

To be clear, the order covers only acts performed in the course of official duties. It does not grant personal immunity, nor does it extend to British nationals, permanent residents, or spouses and partners. That is in line with other Government-to-Government conferences such as the G7 and Commonwealth Heads of Government meeting, both of which the UK recently hosted.

We have agreed with the UN a robust framework that will remain in place during the conference. It provides a balance between our desire to limit the granting of privileges and immunities and COP's founding principles

that all participants should, quite rightly, be able to voice their legitimate opinions without fear of legal repercussions. It also avoids setting an unwelcome precedent for UN conferences held in countries that lack the level of personal freedoms we in the UK are so proud to enjoy, particularly around the freedom of assembly. I commend the draft order to the Committee.

4.33 pm

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to see in you in the Chair, Ms Fovargue. The official Opposition will of course not be opposing this statutory instrument, because it simply forms the standard process around events of this nature, as the Minister set out. I do, however, have some questions, particularly given some concerns around the organisation of the conference and covid regulations, and because is important to understand the legal privileges and immunities.

The Minister set out the categories included in the order. Will he say how many attendees will be covered by the categories of UN officials, delegations and observers—"the parties"—and the CDM, the Adaptation Fund and others? He will also be aware of the concerns expressed by the Least Developed Countries Group as recently as 10 September. This was not only about their demands at this COP for fair and ambitious action to meet the 1.5° pathway and mobilising scaled-up support for many of the countries most vulnerable to climate change, which are right and substantial, but their ability to participate in the conference, which is crucial to ensuring that their voices are heard and that pressure is put to bear on some of the world's bigger emitters. If we are seeking the ambitious outcomes that the Government and the COP President have set out, how will we ensure that that group is able to participate?

The group stated on 10 September:

"We need assurances from the UK that COP26 will be fully inclusive and fair. Our countries and our people are among the worst affected by climate change – we must not be excluded from talks deciding how the world will deal with this crisis, determining the fate of our lives and livelihoods."

The Minister will be aware that 20 countries from the group are currently on the UK's travel red list, which comes with significant legal implications if red list quarantine rules are broken. Will he set out what support is being given to ensure that delegations can be both covid-safe and not excluded from participation? What methods are being put in place for other methods of participation? What support is available for quarantine arrangements and fees? The costs for small delegations that do not have the monetary resources at their disposal that we would have when sending a delegation to the G7 or other conferences will be substantial.

The 20 countries in the group includes many in sub-Saharan Africa, which comes under the normal portfolio that the Minister and I cover and includes crucial countries affected by climate change, such as Mozambique, Malawi, Lesotho, Burundi, the DRC, which is critical given its rainforests and the implications of climate change, and also Afghanistan. Is the Minister aware of whether any Afghan delegation will attend the COP given the indeterminate status of its current regime? We have heard what the Foreign Secretary has said about that, so what are the implications for the types of immunities and privileges being granted under this order?

What proportion of the official delegations does the Minister believe are attached to NGO or activist groups? That could include those who have diplomatic status or others.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): I am grateful to my hon. Friend for giving way. I do not want to delay proceedings, and I understand the need for this draft order. I was going to ask the Minister this question, but he was too quick for me, so I thought I could ask it through my hon. Friend.

Most people will remember the disquiet in this country around the death of Harry Dunn and the fact that Anne Sacoolas was able to claim diplomatic immunity and return to the States without facing any consequences. Am I right in thinking that the provisions around immunities and privileges under article 5 would mean that if there was a serious road traffic incident, perhaps resulting in a death, the individual responsible would be secure from any consequences? Is that what we are approving?

**Stephen Doughty:** My hon. Friend raises an important point. I have referred to covid laws and regulations, but the order applies to the conduct of delegations in many other respects, so I hope that the Minister will answer that question.

My last question relates to the delegations from the British overseas territories. Concerns have been raised with me by several overseas territories about the size of their delegation, and they feel that they could be more included in the COP process. I assume that they will not come under one of the categories of exemption because they are a part of the UK family, but clarification on that from the Minister would be useful. What does he understand to be their status at the conference?

Our overseas territories not only play a critical in terms of our contribution to global environmental and sustainability targets, particularly given the often pristine marine environments of these island states, but will be directly affected by climate change. In last week's Westminster Hall debate I mentioned the British Virgin Islands, which suffered seriously during the hurricane of 2017, but it has lost as a result of Brexit some funding for climate change adaptation and resilience. However, it is likely that the islands will, tragically, face more hurricanes because of our warming environment.

Finally, the Intergovernmental Panel on Climate Change's message is clear, and the unequivocal evidence is that we are in an emergency. It is right that the summit has an ambitious agenda, but that requires the participation of the countries and individuals who are most affected by climate change and will live with the consequences the longest. As I said, the Opposition will not oppose this draft order and its broad principles, but I hope the Minister will be able to answer my detailed questions.

4.39 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): I am grateful to the Minister for his explanation of the statutory instrument, which the SNP will also not oppose.

It is very much part of the standard procedure for such events. However, articles 4 to 10, which give effect to certain legal measures, do not apply to Scotland and will be covered by a separate SI that requires the approval of the Scottish Parliament because policing and justice are of course devolved matters and part of Scotland's independent legal system. That is a reminder not only of Scotland's distinct nature and the need for it to be recognised at COP, but of the truly international nature of the effort to tackle climate change and of the need for the UK Government to do more to engage with the international community. I am grateful for what we have heard today.

4.40 pm

**James Duddridge:** I thank hon. Members for their constructive support for this SI. As for the number of people attending, the total is around 25,000, although others will clearly go along to fringe events. Approximately 12,500 people will be subject to the privileges and immunities—that is to say that they will be within the secure blue zone. I am sure that Glasgow will be full of many other activities outside the zone, but they are quite rightly not covered by the privileges and immunities. That perhaps answers the question of the hon. Member for Birmingham, Selly Oak. In fact, I am unsure whether there will be any vehicles in the blue zone. The privileges and immunities cover only the principal individuals, not their wives, husbands and families, and only within that secure area and only if they are doing their actual job—not driving, for example. The definition is narrow, partly because of the issue he raises.

The hon. Member for Cardiff South and Penarth talked about participation. It is important that as many parties participate as possible. The UN owns the list—it is a UN conference in the United Kingdom—so participation is a matter for the UN. It is arranging double vaccination for those coming, although take-up is low largely because attendees are likely to be double vaccinated already.

The hon. Gentleman mentioned the overseas territories, for which I was Minister with responsibility from 2014 to 2016. They are not officially parties to the agreement because they are not nation states, but the smaller islands clearly suffer worse from climate change and should be fully engaged. I will do everything to assist and help in that.

I do not have a full list of delegations, but certainly all the African countries that the hon. Gentleman and I communicate with have been invited and encouraged, and they are coming at various levels. I am therefore not concerned about the level of representation. He asked whether Afghanistan would be represented; I am not sighted of that matter, but I am happy to find out and send on that information.

NGOs and activists are outside the blue zone and will not be covered by the privileges and immunities legislation. I thank the Committee for this constructive sitting.

*Question put and agreed to.*

4.44 pm

*Committee rose.*





