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OFFICIAL REPORT

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

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House of Lords

Wednesday 4 July 2018

3 pm

Prayers—read by the Lord Bishop of Rochester.

Financial Exclusion

Question

3.06 pm

Asked by **Baroness Tyler of Enfield**

To ask Her Majesty's Government what assessment they have made of the impact on financial exclusion of (1) bank branch closures, and (2) moves to restrict the use of cash as a means of payment.

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, the Government are committed to financial inclusion. Along with the FCA, we are taking steps to ensure that everyone has access to useful and affordable financial services, including face-to-face banking services and free access to cash. The Government recognise that banking and ways of making payments are changing rapidly, but we do not make assessments of branch closures or payment methods.

Baroness Tyler of Enfield (LD): My Lords, I thank the Minister for his response. I am sure that he is aware that since 2015, some 2,900 bank branches have closed in the UK, and that only last year, the banks removed some 2,000 ATM machines, despite the fact that cash remains a very popular choice for many consumers. Does he agree that the increasing lack of face-to-face banking services, particularly in rural areas, not only threatens the financial exclusion of particularly vulnerable groups—I am thinking in particular of older people and those with limited mobility—but risks disrupting the entire cash economy in local communities, especially shops and small businesses? Given that, what concrete steps do the Government intend to take to ensure that physical banking facilities and cash payments remain available to all who want and need them?

Lord Bates: Perhaps I may first pay tribute to the noble Baroness for her work as chair of the ad hoc Financial Exclusion Committee of this House, which provided important recommendations which the Government are steadily working to implement. The issue she raises is an important one. The way we pay for things is changing, as is how we use banks. Cash used to account for 60% of transactions. That has reduced to 40% of transactions and is predicted to go down to 20% by 2026. As I say, the way that banking is carried out is changing. However, we recognise that there is a particular issue for vulnerable people and vulnerable communities. For that reason, in January 2017 we launched the banking framework agreement between the high street banks and post offices. Some 98.7% of people live within three miles of a post office,

even those in rural communities. We have introduced the Payment Systems Regulator, which monitors ATM machines to ensure that they are maintained as a source of free access to large parts of the community. We have a great deal to keep under review, but this is an important issue that the noble Baroness and the Government are very aware of.

Lord Empey (UUP): My Lords, the Minister will be aware that post offices have taken up a lot of the slack caused by the closure of banks, but post offices close down as well and they do not offer the suite of services that banks can. People who are still dependent on cash are being squeezed even more. While I join the Minister in congratulating the noble Baroness, Lady Tyler, on her work with the ad hoc committee, perhaps I may press him to agree that simply passing the buck to post offices does not solve the problem.

Lord Bates: I accept what the noble Lord says, but one of the points about the ground-breaking nature of the framework agreement with post offices on banking services is that 99% of personal financial services can now be transacted at the post office. That is helping to keep post offices open as an important part of the community. Some 95% of banking services can be provided by post offices as well. However, although this is a ground-breaking development, we are keeping it under review.

Lord Holmes of Richmond (Con): My Lords, does my noble friend agree that, while in no sense contradicting what the noble Baroness has said, there is a key role for fintech to play in addressing financial inclusion? Will the Government look at all the opportunities arising in fintech and consider promoting them to all vulnerable consumers?

Lord Bates: Again, as another member of the ad hoc Financial Exclusion Committee, my noble friend initiated an important debate on the digital economy. We do believe that fintech, in which the UK is a leading force in the world, can be a powerful way of introducing significant change in this area for the benefit of those who need it.

Lord Tunncliffe (Lab): My Lords, the Financial Conduct Authority estimates that 2.7 million people are stuck with permanent overdrafts and are using them more than 85% of the time, thus incurring higher and higher charges. Can the Minister tell us what measures the Government are putting in place to end the cycle of persistent debt and whether they will commit to imposing a cap on overdraft fees?

Lord Bates: We have done a lot in that area, such as capping payday loans—those egregious payments. The Financial Conduct Authority has looked at the whole issue of buy to rent and is considering whether a cap is necessary. We have also done a number of things to try to help those with low incomes to improve their situation. My noble friend Lord Young took the Financial Guidance and Claims Act, which created a new single financial guidance body, through this House. All these measures

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are designed to improve the situation. We also announced our ambition to increase the number of people who have access to credit unions in this country from 2 million to 3 million.

Baroness Hollins (CB): My Lords, is the Minister aware of the attempts being made by the Post Office to make cash available to named individuals by arrangement with their bank when they are unable to manage cash withdrawal at an ATM, for example if they have a learning disability or may be at risk of financial exploitation?

Lord Bates: I am not aware of that particular scheme. Of course, pressure is now being brought forward. One particular body, the Equality Advisory Support Service, oversees how this operates for people with disabilities. It can report and require the Financial Ombudsman or the Financial Conduct Authority to look at these areas and take action. I am happy to look further into the matter raised by the noble Baroness.

Baroness Kramer (LD): My Lords, many small businesses are still part of the cash economy. Where both the banks and the post office are closed, they face a conundrum: they cannot travel long distances during the day to get to facilities so where do they take their cash in the evening? Old banks used to have cash boxes in the wall where they could deposit cash safely. We are creating a serious security problem for many small businesses.

Lord Bates: That reason, among others, is why the Government announced in March a review of and consultation on cash and digital payments in the new economy. That is precisely the type of question that is being looked at now as part of that consultation, to which we will bring forward a response in the autumn.

Lord Marlesford (Con): My Lords, are those who retail goods and services legally obliged to accept cash?

Lord Bates: I am pretty sure that the answer is yes. There is a piece of legislation: the Bill of Exchange Act 1882, or something like that. I will probably have to write to the noble Lord. If it is not that Act, another serious piece of legislation is the Equality Act 2010, which carries certain mandates that need to be there to provide access for the wider community to ensure financial inclusion, particularly for the most vulnerable.

Western Balkans Summit *Question*

3.14 pm

Asked by Lord Wallace of Tankerness

To ask Her Majesty's Government what outcomes they hope to achieve from the Western Balkans Summit in London on 10 July 2018.

Baroness Goldie (Con): My Lords, the Western Balkans Summit will be a demonstration of the Government's long-standing commitment to the region and to European security. The summit will focus on three areas: first, regional security, where we hope to increase co-operation against common threats, including corruption and organised crime; secondly, economic stability, to improve the business environment, entrepreneurship and digital skills; and, thirdly, political co-operation, to help the region overcome legacy issues stemming from the conflicts of the 1990s.

Lord Wallace of Tankerness (LD): My Lords, next week sees not only the Western Balkans Summit but the 23rd anniversary of the Srebrenica genocide. Does the Minister consider it wholly unacceptable, and a barrier to lasting peace and reconciliation, that there are people, possibly some who may even attend the summit, who still deny that genocide? How do the Government intend to challenge those who are vocal in their denial?

Baroness Goldie: My Lords, we are clear that the Srebrenica massacre was an act of genocide; indeed, we make that clear in our engagement in the region. We will be working with leaders from the region to address legacy issues from the conflicts of the 1990s in the context of a summit, including by supporting accountability for war crimes. The noble and learned Lord will aware that the International Criminal Tribunal and its successor, the International Residual Mechanism for Criminal Tribunals, have played an important role in holding to account those responsible for serious violations of international humanitarian law in the region, including at Srebrenica. We support those efforts.

Lord Anderson of Swansea (Lab): My Lords, for the past five years, the Berlin process has brought together the six west Balkan countries and relevant countries of the European Union. After Brexit, as part neither of the region nor of the EU, I presume that we will not be members of that. Will our influence therefore be diminished?

Baroness Goldie: What is very clear is the mutual interest that the United Kingdom and the EU have in the western Balkans area. That is an interest which I am glad to say seems to be welcomed by the west Balkan countries. The noble Lord raised Brexit. We and our friends in the EU will have regard to that mutuality of interest. A stable western Balkans area means good news for both the EU and the UK. We also have respective capacity to contribute help, be it in defence or with programme help such as the UK has contributed across the region.

Baroness Rawlings (Con): My Lords, the Western Balkans Summit was an item on the agenda of the Bulgarian presidency—which, naturally, was quite important. Do the UK Government support further enlargement?

Baroness Goldie: The UK Government support enlargement where the applicant countries can satisfy the criteria required, whether it is by the EU or, in some

cases, by NATO, if that is where the enlargement is also sought. The United Kingdom is clear that it sees a welcome development in the western Balkans area; we think that the EU has an important role to play in that, and we look forward to playing our full role alongside our EU friends.

Lord Collins of Highbury (Lab): My Lords, in their response to your Lordships' Select Committee report on the western Balkans, the Government pointed to the UK's involvement in EU missions as an example of successful working in the region. Will the Minister answer my noble friend's question? If we support involvement in such missions now, what will we do next year when we leave the EU?

A noble Lord: If we leave.

Baroness Goldie: In response to the first part of the noble Lord's question, I should point out that the summit comes under the umbrella of the Berlin process. Of course, the UK will continue to be a member of that process even after we have left the EU.

Lord Anderson of Swansea: No!

Baroness Goldie: The noble Lord seems to be adding to the discussion from a sedentary position—I am not sure what he said over the shoulder of the noble Lord, Lord Collins. My understanding is that we will be members of the Berlin process after we have left the EU—that is important. As I said earlier, in or out of the EU, the UK continues to have a strong interest in and a demonstrable commitment to the western Balkans area.

Lord Tebbit (Con): My Lords, can my noble friend explain to Peers opposite that they are very gloomy about the attitude of the European Union post Brexit? They seem to think that it would cut off its nose to spite its face, and that it would not want us to support it in its various diplomatic endeavours in the Balkans. Why ever could that be? Are they just so pig-headed as to not want us to assist it?

Baroness Goldie: My Lords, far be it from me to comment on the idiosyncrasies and foibles of noble Members opposite: no doubt they can give an account of themselves to my noble friend if they so desire. What I want to make crystal clear is the UK's demonstrable commitment to the western Balkans. That can be manifested in numerous ways, whether it is by programme aid or by diplomatic engagement, which has been at a high level and consistent. That commitment will not cease. We believe in the importance of that area and want to continue to help these countries.

Lord Ashdown of Norton-sub-Hamdon (LD): My Lords, will the Minister give me an assurance that the summit will discuss the Brussels policy which, whether through inadvertence or ignorance, is now in danger of delivering on the dreams of Milošević, Tudjman and Karadžić? Let me explain. Now that Croatia is a

member of the European Union, every Bosnian Croat in the south of Bosnia has a European passport and will therefore be a European citizen. When Serbia joins, every Bosnian Serb in the north of the country will have access to the European Union. The Muslims in the middle of Bosnia will be left isolated in a dysfunctional state, surrounded by their enemy. Does the Minister realise just how fatal that will be to the peace of Bosnia in the future and to our battle against Islamic terrorism?

Baroness Goldie: I was trying to extract the question from the noble Lord's contribution. It is important to identify what the different countries themselves feel. I was very interested to learn—the noble Lord may be aware of it—of the recent European leaders network meeting, in which the Foreign Office was able to participate. The countries themselves seemed to share a common view that they would succeed or fail together and that the region belongs to the Euro-Atlantic community. That is a very positive message, indicating that the countries themselves have a vision that is positive and, we hope, peaceful. The United Kingdom and our EU partners will do all we can to facilitate that progress.

European Union Referendum *Question*

3.22 pm

Asked by Lord Strasburger

To ask Her Majesty's Government what assessment they have made of whether the referendum on leaving the European Union was conducted fairly and free of foreign interference.

Lord Young of Cookham (Con): My Lords, the Electoral Commission is the independent regulatory body responsible for ensuring that the EU referendum was conducted fairly, effectively and in accordance with the law. The Government have not seen evidence of successful interference in the EU referendum by any foreign Government. We remain vigilant against attempts to erode trust in our democratic processes and institutions and will defend the UK from all forms of malign foreign state interference.

Lord Strasburger (LD): My Lords, how timely it was for Vote Leave to choose this morning to leak the Electoral Commission report that finds it guilty of four offences, including serious overspending and illegal co-ordination. There are other investigations under way into the various leave campaigns by the National Crime Agency and the DCMS Select Committee, which has mountains of evidence about foreign funding, fraud, destruction of evidence and collusion with a hostile Government, namely Russia. Can the Minister tell the House who in the Government is joining the dots and looking at the wider picture to ensure that future referendums and elections take place on a level playing field and are free from foreign interference?

Lord Young of Cookham: The noble Lord referred at the beginning of his question to the draft report that was circulated to a number of individuals who I understand are named in it in order to allow them time to consider it and make representations. The Electoral Commission will consider representations it has received and will publish a thorough and detailed closing report in order to provide a balanced account. The noble Lord also referred to various other inquiries, including the DCMS Committee inquiry into fake news. I think it makes sense to await the outcome of those inquiries and of the continuing investigations by the EC into the referendum that he referred to. As for joining the dots, that is a good question because a large number of government departments are involved in this key issue. I think that the Cabinet Office has a role to play in bringing all the relevant agencies together.

Lord Lawson of Blaby (Con): My Lords, my noble friend is always the most fair-minded of Ministers in this House. As far as foreign interference in the referendum campaign is concerned, will he join with me in deploring the interference by the then President of the United States, Mr Obama, on the anti-Brexit side?

Lord Young of Cookham: Despite the very flattering introduction to my noble friend's question, he has raised something that is not at all on my radar. I am very reluctant to get involved in diplomatic or Foreign Office relationships. Perhaps I can write to him once I have taken advice from someone who is better informed than I am on this.

Lord Foulkes of Cumnock (Lab): My Lords, given what we have just heard about the draft report from the Electoral Commission and what the Minister heard yesterday from my noble friend Lord Rooker and myself on the Bloomberg report, how can the result of that referendum still be considered valid?

Lord Young of Cookham: I think there were many reasons why people voted as they did in the referendum. There was worry that globalisation had passed a number of communities by. There was concern about immigration and the perceived threat to independence and sovereignty. There were homegrown reasons why people voted as they did, wholly independent of the sort of influences that the noble Lord referred to. If one looks at the potential involvement of Russia, the number of tweets involved in no way accounted for the 1.3 million people who voted for leave rather than remain. My noble friend Lord Ashton responded to the debate last night excellently.

Lord Wigley (PC): My Lords, would the Minister accept that, when he stood for 10 or 11 elections and won them in the 1970s, 1980s and 1990s, had he been found to have overspent to any material extent, his seat would have been forfeited and he himself or someone else would have had to refight that election? Does that principle apply to referenda?

Lord Young of Cookham: I believe that we should respect the result of the referendum. A number of inquiries are going on into the referendum, which have been referred to. The Electoral Commission is looking

into a number of allegations. It makes sense to await the outcome to see whether those allegations are upheld, but I have seen nothing that would account for the very substantial difference in the numbers who voted leave rather than remain.

Baroness Ludford (LD): My Lords, the case for Brexit once rested on promises of sunlit uplands. Those have long vanished. The only thing Brexiteers now cling to is the will of the people, but that cannot be measured by a cheating referendum, dodgy money and manipulation under Putin's guiding hand. When will the Government accept that the will of the people must be properly and fairly measured now by a people's vote on the actual Brexit deal?

Lord Young of Cookham: Noble Lords had an opportunity to debate and vote on that in the recent EU withdrawal Bill. The notion of a second referendum was not one that found favour in either House. On the rest of the noble Baroness's question, since the referendum, Parliament has voted to trigger Article 50 and we have passed the EU withdrawal Bill. That gives us a democratic mandate.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I know the noble Lord agrees that our laws on elections and referendums are not fit for purpose. Will he give an assurance to the House that the Government will act when all these inquiries and investigations are over?

Lord Young of Cookham: Yes. On one of the many occasions that we have debated this, I think I quoted a comment made by my party before the last election about the fitness for purpose of the current legislation. It makes sense to await the outcome of the court case, the EC inquiries into the referendum and the elections, and other inquiries. Then we can stand back and look at how the electoral law can best be brought up to date so that we have a digital framework for a digital age.

Baroness McIntosh of Hudnall (Lab): My Lords, will the Minister go back to the question from the noble Lord, Lord Wigley, and tell us, if he knows, whether the law that applies to election results applies also to referendum results?

Lord Young of Cookham: My understanding is that there have been occasions where people have overspent. It has not been the case that they have then been disqualified and there has been a by-election. It depends very much on the circumstances—whether there is deliberate dishonesty. On some occasions, returns have revealed overspending but that has not resulted in the disqualification of the Member concerned.

High Street Retailers *Question*

3.29 pm

Asked by **Baroness Pinnoch**

To ask Her Majesty's Government what steps they are taking to support high street retailers and strengthen town centre economies.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, the Government are determined to see our Great British high streets thriving now and in the future. That is why my department announced that it will launch a call for evidence over the summer looking at the future of the high street. We will establish an expert panel of leaders to draw on their experience and expertise to diagnose the issues currently affecting the health of our high streets and advise on the best approach for their revival.

Baroness Pincock (LD): I thank the Minister for his response.

“An immediate overhaul of the business rates system ... needed to salvage the high street”—

those are not my words but those of the expert retailer Bill Grimsey in his report today. Does the Minister agree?

Lord Bourne of Aberystwyth: My Lords, first, I welcome Bill Grimsey’s review, which contains many recommendations which the Government will want to study in detail. I do not agree that there is a single silver bullet for the revival of the high street—there are many factors, not least changes in habits as to how people shop and so on—but I accept that there is a need to look at this general area. Indeed, it was in the Conservative Party manifesto at the last election that we committed to looking at this area. It is being driven forward on an international basis at the moment because much of this, in relation to online trading, is an international matter.

Lord Dubs (Lab): Will the Minister confirm that one problem is that high street retailers are having to compete with firms on the internet that do not pay their share of taxes, such as Amazon? Should we not have a level playing field to save our shopping centres?

Lord Bourne of Aberystwyth: My Lords, the noble Lord is following up on a point that has been made. As I said, there is provision in our manifesto that we will review this area, and the Treasury is looking at this area on an international basis. Indeed, we are leading the charge because, as the noble Lord will be aware, a lot of that trading is done internationally and we need to ensure that there is the level playing field of which he spoke.

Lord Campbell-Savours (Lab): My Lords, is it not true that many commercial landlords are pushing up rents, particularly of shops, because they are taking advantage of the business rate relief scheme, which exempts businesses with a rateable value of under £12,000 a year from paying business rates? They are simply taking away what the public sector would otherwise gain.

Lord Bourne of Aberystwyth: My Lords, I would appeal to the noble Lord that, if he has evidence of that, I would be happy to look at it. He is right that we introduced business rate relief on a more pervasive basis after the revaluation so that most small businesses

are not paying business rates at all, but my department would be interested to see the evidence to which the noble Lord alluded, if he has it.

Lord Fox (LD): My Lords, *The Grimsey Review* referenced by my noble friend points to a number of non-retail options for the future of town centres. A Centre for Cities report talked about converting shops to accommodation. Can the Minister assure us that the review over the summer will continue to focus on retail shops being available because, for communities to function, they need access to proper retail opportunities and shops? Will the review continue to work on that area, not just on replacing shops with other things?

Lord Bourne of Aberystwyth: My Lords, I can confirm to the noble Lord that we intend to do both of those things. We need thriving retail opportunities in the high street, but at the same time we need to recognise that sometimes, particularly in a time of housing need, it is appropriate that we seek opportunities for housing. Some town centres have made successful attempts to revive on the basis of coming together. I think of York in particular, with the Bishy Road. There are many circumstances in which, quite independently of government assistance, which is available in many cases, town centres are thriving, but they are the exception and we need to do more.

Lord Brooke of Alverthorpe (Lab): My Lords, is it not true that there will be a change on the high street, so we have to deal with the reality and we should start planning for it now? Many high streets will be decimated and will not be what we have known in the past. That means that there will have to be investment. Given that we have Brexit coming and we will have freedom on VAT, are the Government, as part of their review, looking to see how they can use changes in VAT rates to ensure that we get the appropriate payments from new traders online?

Lord Bourne of Aberystwyth: My Lords, the noble Lord is right about the changing nature of the high street. There is no way, as somebody said to me, that we can stop evolution. These are changes that we have to embrace, but there are many things we can do such as, as the noble Lord hinted, ensuring there is a level playing field. VAT rates are not central to this; the important issue is international action in relation to online activities. The Treasury is seeking here to lead the charge with our partners, both in the EU and more widely.

Baroness Ludford (LD): Does the Minister agree that staying part of the EU gives us a much better chance of grappling with the problems of taxing big multinational companies, because the EU has the collective clout to do that, which we cannot necessarily do on our own?

Lord Bourne of Aberystwyth: I do not think that is the case. We need to work with our EU partners, but we are not limited to EU partners, as I have indicated. This is a global issue, which is much wider than simply the EU.

Lord Judd (Lab): My Lords, the Minister has emphasised the international dimension and the need to co-operate, but does this not make it essential that whatever comes out of Chequers this weekend does not make co-operation with our European partners more difficult?

Lord Bourne of Aberystwyth: My Lords, as I have indicated, co-operation with our EU partners is central to this, but it is also wider than that and the Brexit issue. This is something on which we need international co-operation, as noble Lords are aware, and it is important to take it forward on that basis.

Lord Christopher (Lab): My Lords, may I ask the noble Lord what is the basis of assessment for business rates of internet companies? Does it differ, and if so in what way, from ordinary high street shops?

Lord Bourne of Aberystwyth: My Lords, the basis of business rates is associated with rental values. Therefore, one of the issues is that businesses in a town centre tend to pay higher business rates than those on the outskirts of a town, or online shops—those operating via the internet perhaps with warehouse premises elsewhere. That is the level playing field to which noble Lords refer, which we are committed to in our manifesto and driving forward internationally.

Hereditary Peers By-election *Announcement*

3.36 pm

The Clerk of the Parliaments announced the result of the by-election to elect a Cross-Bench hereditary Peer, in the place of Earl Baldwin of Bewdley, in accordance with Standing Order 10.

Twenty-six Lords completed valid ballot papers. A notice detailing the results is in the Printed Paper Office and online. The successful candidate was the Earl of Devon.

Lord Grocott (Lab): My Lords, the Clerk of the Parliaments has just made an important announcement of the result of a parliamentary by-election, which is always of significance in whichever House it takes place. He has acted as a returning officer, effectively. I make no criticism of him, because he is acting in accordance with precedence, but there are two by-elections pending and the returning officer's responsibility is wider than simply announcing the result. Can I ask that, in future, when he announces the result of the next two by-elections, he also tells us the total number of votes cast, the votes cast for each candidate, the number of ballots, the number of spoiled papers, should there be any, and finally the percentage turnout? Can the usual channels ensure that that is done on all future occasions?

Lord Taylor of Holbeach (Con): My Lords, my distinguished predecessor of the office I currently hold will know that there is no Question before the House. He has presented a large shopping list. He has

a Bill before the House and he should know that I intend to make provision for further discussion on his Bill sometime in the autumn. I hope that satisfies noble Lords on his particular interest in this matter. I will read *Hansard* for the specific demands that he makes.

Baroness Smith of Basildon (Lab): My Lords, I do not wish to delay the House and I am grateful for the Chief Whip's intervention, but he would have heard considerable disquiet from the House about this method of electing new Members of this House. With such a small electorate, it brings this House into disrepute. There is overwhelming support in your Lordships' House for my noble friend Lord Grocott's Bill. As well as providing additional time, I ask the Government to support the Bill and ensure its safe passage.

Khan al Ahmar *Statement*

3.39 pm

Baroness Goldie (Con): My Lords, with the leave of the House I would like to repeat the Answer to an Urgent Question given in the other place earlier today. The Answer is as follows:

“This morning, officials from our embassy in Tel Aviv and our Consulate General in Jerusalem visited Khan al Ahmar to express our concern and demonstrate the international community's support for the community. While they were there, they did indeed observe a bulldozer that began levelling the ground. While we have not yet witnessed any demolition of structures, it would appear that demolition is imminent.

We deeply regret this turn of events. Not only has the United Nations said that this would constitute forcible transfer, but it would pave the way for settlement building in E1. In accordance with our long-standing policy, we therefore condemn such a move, which would strike a major blow to prospects for a two-state solution, with Jerusalem as a shared capital.

The UK has repeatedly raised its concerns with the Israeli authorities and others, including during my visit to Khan al Ahmar on 30 May. On 12 June I issued a video message emphasising the UK's concern at the village's imminent demolition, and I reiterated these concerns to the Israeli ambassador to the UK on 20 June. My right honourable friend the Foreign Secretary has also expressed his concerns, most recently during his meeting with Prime Minister Netanyahu in London on 6 June. The Foreign Secretary's Statement of 1 June also made it clear that the United Kingdom is deeply concerned by the proposed demolition, which the United Nations has said could amount to forcible transfer, in violation of international and humanitarian law. As recently as Monday, the British ambassador raised the issue with the Israeli national security adviser.

Later today, the British ambassador to Israel will join a *démarche* alongside European partners to urgently request that the Israeli authorities halt demolition plans. Under Israel's independent courts and rule of law, it believes that it has the right to take the action that it is beginning today, but it is not compelled to do so and need not do so. A change of plan would be

welcomed around the world and would assist the prospects of a two-state solution and an end to this long-standing issue”.

My Lords, that concludes the Answer.

3.42 pm

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for repeating the response to the Urgent Question. In listening to Alistair Burt’s response to the general debate in the other place, I was absolutely behind his condemnation of the action. He said that, in terms of action, the Government would speak to their EU partners. Will the Minister say whether the Government will undertake, in talking with our EU partners, that high up on the agenda for immediate urgent action will be recognition of the state of Palestine, as this action will clearly threaten the role of the two-state solution?

Baroness Goldie: The noble Lord will not be surprised to hear that the United Kingdom Government do not hold that position. We feel that a distance has to be travelled and that there has to be much greater progress made in relation to the negotiation between Israel and the Palestinian Authority. We need to see an end to provocative behaviour and violence. The United Kingdom considers that at this stage such a course of action, as requested by the noble Lord, would be premature.

Baroness Northover (LD): My Lords, I thank the Minister for repeating the Statement, which is actually slightly stronger than the one we have in the Printed Paper Office. Are the Government calling in the Israeli ambassador over these actions? Does she fully recognise that these demolitions and forcible removals may spell the end of a two-state solution in Israel and Palestine, as the noble Lord indicated? Does she note the use of JCB bulldozers in what may count as a war crime by an occupying power? Will the UK now review the granting of relevant export licences?

Baroness Goldie: As the noble Baroness is aware, there is a regular diplomatic exchange between the United Kingdom and Israel—indeed, in the repeat of the Answer that was made crystal clear. What is beyond doubt is that demolitions and evictions of Palestinians from their homes cause unnecessary suffering to ordinary Palestinians and, frankly, call into question Israel’s commitment to a viable two-state solution. That is profoundly regrettable, because everyone desires to see progress made, but both entities have to be committed to taking forward that process.

I would also point out that these demolitions and evictions, in all but the most exceptional cases, are contrary to international humanitarian law. The United Kingdom, as I indicated, will consider these matters further with our European partners as they progress. We think that a threat of demolition is imminent but, as I speak, there is no evidence that the demolition has happened. We will respond to events as they take place, in concert with our European partners.

Baroness Morris of Bolton (Con): My Lords, I declare my interests as set out in the register. I applaud the Government’s stand on this and the very strong

stand taken by our ambassador to Israel, David Quarrey, and our consul-general to Jerusalem, Philip Hall. The people of Khan al Ahmar, where I have been, are delightful people. They have been plagued by settlers trespassing on their land, lighting fires and trying to take away the small livelihood that they eke from some rather meagre land. I very much hope that the Government will be able to stop this demolition—but, if they are not, these lovely people are going to be moved next to the municipal rubbish dump. I hope that we can do something to ensure that, if their village is demolished, they can go somewhere far better than that.

Baroness Goldie: I think that there will be a lot of sympathy with the sentiments expressed by my noble friend. No one can view these events with anything but a very heavy heart and profound concern about what the implications will be—as the noble Baroness, Lady Northover, correctly pointed out—for the negotiation of a peace process. We expect people to be treated humanely, we expect them to be treated with compassion and, above all, we expect law to be observed and human rights to be respected.

Lord Hylton (CB): Does the noble Baroness agree that the Khan al Ahmar school represents an amazing example of community self-help and shows how the Bedouin community values education? Will the Government consider, and act urgently towards, a supranational court to decide legal issues of this kind that occur in long-occupied territories?

Baroness Goldie: The noble Lord raises an interesting suggestion. As he is aware, there is already a global framework of legal fora for determining issues where there are either transgressions of human rights or breaches of acceptable state activity. I am not aware of any recent discussions by the United Kingdom Government on the point that he raises, but I will certainly undertake to make further inquiry and, if there is information that I can share with him, I will do so.

Baroness Tonge (Non-Affl): My Lords, I welcome very much the Government’s condemnation of the actions of the Government of Israel and all the representations that they make, but, sadly, it never amounts to very much action. Can they, in this case, look at getting together with our European partners—while we still have European partners—to discuss suspending the EU-Israel Association Agreement on trade until Israel complies with international law?

Baroness Goldie: As I said, the United Kingdom Government are monitoring events as they unfold and, should demolition take place, we are in conversation with like-minded European partners about possible next steps.

Viscount Hailsham (Con): My Lords, does my noble friend agree that the decision of the American Government to put their embassy in Jerusalem has encouraged the Israeli Government to conduct actions that are both illegal and profoundly unwise, and would my noble

[VISCOUNT HAILSHAM]

friend ask the Prime Minister to raise this subject and make that comment to President Trump when we have the pleasure of welcoming him to the United Kingdom?

Baroness Goldie: I thank my noble friend for his question. It is the case that the United Kingdom did not consider the decision of the United States in relation to its embassy helpful—certainly the United Kingdom Government have no intention of moving their embassy from Tel Aviv. As to what may or may not be discussed during the forthcoming visit by President Trump to this country, between him and the Prime Minister, is for them to determine. I imagine that the Prime Minister will have a list of things that she is keen to raise.

Baroness Sheehan (LD): My Lords, is the Minister aware that a further 46 communities across the West Bank face the same fate of demolition and forcible transfer, according to the UN? This is far more widespread than Khan al Ahmar, amounting to a systematic policy to prevent a Palestinian state of any meaning.

Baroness Goldie: As I made clear, the history of demolitions is profoundly regrettable. According to the information I have, which is provided by the United Nations, from January to May 2018 Israel has demolished 175 structures, displacing 161 people; and during 2017 Israel demolished 423 structures on the West Bank, displacing 664 people. Although we have considered at an earlier stage what this means for the peace process and the possibility of agreement ever being reached between the two entities, we must never forget that these figures depict families in distress, communities being torn apart and the complete disruption of a peaceful section of society. That is, in human terms, greatly to be regretted.

Lord Cormack (Con): My Lords, it will be some little time before the Prime Minister meets President Trump, but could she be persuaded to speak today to Mr Netanyahu and tell him what enormous concern there is in this country among those who count themselves friends of Israel—as I do—at the actions of the Israeli Government?

Baroness Goldie: I am sure that my noble friend's comments will have been noted. As I have already indicated, this situation is being monitored and there is already extensive diplomatic exchange—but I have no doubt that my noble friend's request will have been noted.

Lord Cashman (Lab): My Lords, the noble Baroness makes a very good point in relation to the Israel-EU free trade agreement. Could I ask the Minister to discuss with the Government whether we can talk with other EU partners about the potential suspension of the agreement if Article 2, referring to human rights and the rule of law, is not upheld?

Baroness Goldie: The United Kingdom Government will assess and then respond to events as they unfold. As I said earlier, we are in conversation with like-minded European partners about possible next steps. I cannot

pre-empt what these will be, but there is universal concern and, if matters intensify, I have no doubt that there will be a raft of suggestions that we and our EU partners will want to consider.

Sustainable Fisheries for Future Generations

Statement

3.53 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Secretary of State for Environment, Food and Rural Affairs in the other place:

“With your permission, Mr Speaker, I would like to make a Statement about the future of Britain's fishing industry.

Today, we are publishing a White Paper, *Sustainable Fisheries for Future Generations*, which sets out how we can benefit both our economy and our environment when we leave the European Union and take back control of our seas.

The White Paper outlines that the Government will seek to ensure that more of the fish in our waters is caught by our boats and benefits our fishing communities; and we will also aspire to the highest environmental standards so we can ensure that our seas are healthy and productive for future generations.

The United Kingdom is blessed by waters which contain some of the historically richest fishing grounds in the world. Those waters sustained a fishing industry which was at the heart of coastal communities from Shetland to Cornwall. Thousands were employed in catching, processing and marketing fish which enjoyed a global reputation for excellence. But in recent decades both the health of our fishing industry and the management of our fish stocks have been undermined by the operation of the EU's common fisheries policy.

As a result of the CFP, more than half of the fish in our waters has been caught by foreign vessels. Access to fishing opportunities has been allocated according to out-of-date formulae which do not properly reflect either changes in our global climate or advances in marine science. Indeed, during our membership of the common fisheries policy we have seen jobs in fisheries decline, businesses go to the wall and communities hollowed out.

But now that we are leaving the EU and taking back control of our waters, a brighter future beckons. Today's White Paper outlines how. As an independent coastal state, under international law, we will be in control of the seas that make up our exclusive economic zone—the waters up to 200 nautical miles out from our coastline or half way between our nation and others. We will determine, in annual negotiations with our neighbours, who has access to our waters, and we will ensure that any additional fishing opportunities then available to our vessels are allocated fairly and thoughtfully to help support vessels of all sizes and communities across the United Kingdom.

Fisheries will be a separate strand of our future relationship with the EU from the future economic partnership. Through the fisheries strand there will be a separate process whereby the EU and the UK, as an independent coastal state, will negotiate on access to waters and fishing opportunities on an annual basis.

Outside the common fisheries policy we can also be more ambitious environmentally. We can make sure that our future fishing policies are truly sustainable, and that they protect and enhance marine habitats in line with the goals of our 25-year environment plan. Sustainability is key to a successful fisheries industry. We will continue to work under the principle of maximum sustainable yield and use the best available science to create a policy that ensures profitability and resilience for decades to come.

We are fortunate that Britain is a world leader in fisheries science and marine conservation, and we will use that expertise and the flexibility that comes from new fishing opportunities to ensure that the current methods of managing stocks, such as the ban on discarding fish caught over quota, work better and in the interests of both the industry and the environment. We will also ensure that all foreign vessels seeking to fish in our waters will be allowed to do so only if they adhere to our high sustainability standards, and we will deploy the most sophisticated monitoring technology to ensure that those standards are rigorously policed and upheld. We will deploy not only technology but the vessels, aircraft and people required to safeguard our waters. We will also consider whether and how to replace the European Maritime and Fisheries Fund, which has supported the sector across the United Kingdom.

Of course, delivering for the UK fishing industry depends on close collaboration with the devolved Administrations. The White Paper sets out our approach to developing a UK framework for fisheries management that will respect the devolution settlements, and, where necessary, maintain the overall coherence of the UK's fisheries policy. This will help deliver our international obligations and protect the functioning of the hugely important UK internal market.

But there are specific opportunities that this White Paper outlines where we can better support the sector in England. We can look at new opportunities for those in the current "under 10 metre" category, who have suffered particularly badly from some aspects of past policy. We can also look at running a targeted scientific trial system based on effort, or days at sea, rather than quota for some low-impact inshore fisheries, but of course any trial would have to ensure that the system's operation was consistent with our commitment to sustainable fishing.

Over the past year, this Government have explained how we can deliver a green Brexit—a suite of measures that replaces the existing common agricultural and common fisheries policies with new approaches that better serve both our economy and the environment. Alongside replacements for the CAP and CFP, we have introduced policies that contribute to a cleaner, greener planet and particularly to healthier and more resilient rivers, seas and oceans. We have introduced reforms to the water industry and a world-leading ban on the plastic microbeads in rinse-off personal care

products, and called for evidence on new measures to restrict the use of other single-use plastics. Subject to consultation, we are also setting out how we might: introduce a deposit return scheme for plastic bottles; ban the sale of plastic straws, plastic-stemmed cotton buds and plastic stirrers; and extend the 5p plastic carrier-bag charge to all retailers.

We have worked with other nations through the Commonwealth clean oceans alliance and the G7 to further enhance the health and productivity of our marine environment. The global leadership the Prime Minister has shown in securing cleaner seas has been recognised by the United Nations. Now, with our departure from the European Union we can demonstrate even more ambitious leadership in our own waters. We can regenerate our coastal communities. We can ensure that our fishing industry enjoys an economic renaissance, and we can do so by putting the highest environmental standards at the heart of everything we do. This White Paper charts that course and I commend it to this House".

4.01 pm

Baroness Jones of Whitchurch (Lab): My Lords, I am grateful to the Minister for repeating the Statement today. Of course, the White Paper is a long way from the Secretary of State's promise to the fishing communities that we will gain control of our waters on day one of Brexit. Instead, we have to face the reality that the UK will remain part of the common fisheries policy, but without a direct say in its rules, until the end of 2020. Indeed, the Secretary of State himself had to admit that this represents "a sub-optimal outcome" for the fishing industry.

This White Paper represents one more step in letting the sector down gradually because, despite all the talk of a brighter future beckoning, the future of the UK fishing industry will remain embroiled in complex EU and international negotiations for years to come. It is simply not possible to operate on a unilateral basis as an independent fishing state; everything has to be agreed with our neighbours and with our future markets, unless we are prepared to risk conflict and uncertainties on our marine borders.

The future of the customs arrangements will be key to this and we have to await the details of how the Government's proposal to the UK will be specified and applied in the future. This matters because 70% of what we catch we export, and 80% of the fish we eat we import. We export nearly 350,000 tonnes of fish to the EU alone so, despite the Secretary of State's theatrical ripping-up of the Prime Minister's proposals, somewhere along the line there has to be agreement on a future trade relationship with the EU. It is vital that we preserve the UK's access to low-tariff exports and imports of fish, so we await with interest the signs of white smoke from Chequers this weekend because the long-term future of our fish markets relies upon this.

The White Paper seems to fudge this issue by claiming: "Fisheries will be a separate strand of our future relationship with the EU".

Can the Minister confirm whether our exports of fish will be subject to the same customs rules as all other food products negotiated as part of the EU package? Does he accept that access to our fishing rights could be exchanged as part of a bigger bilateral or multilateral

[BARONESS JONES OF WHITCHURCH]

trade deal, which could make a mockery of our bid to take back control of our own waters? Can he clarify the future status of foreign fleets which purchased the fishing rights originally allocated to UK fishers? Can he also confirm that the fisheries Bill will cover the full range of outputs from the industry, including fish farming and fish processing?

We welcome the emphasis in the White Paper on sustainable fishing and the need to learn from the latest scientific evidence. We will need to continue to share research evidence with other EU fishing nations and beyond. It does not make sense to create a separate research capacity when so much more can be achieved by working collaboratively. So can the Minister say what steps are being taken to safeguard our access to EU institutions that provide expert advice on the maximum sustainable yield and total allowable catch data, so that we can fish sustainably in the future in the knowledge that we are relying on the best scientific advice? Can he also say what further steps the Government intend to take to safeguard habitats and species in the “blue belts” of the seas and oceans surrounding our island? Does he agree that we should be even more ambitious about protecting our seas by creating national maritime parks?

The Minister will also know that the devolved nations, particularly the Scottish fishers, are keen to have greater control over the local coastal waters. Can he confirm that the new UK framework for fisheries is making good progress? Can he also confirm that the Welsh and Scottish Governments have had an input into the White Paper?

Finally, the White Paper recognises the wider implications of any new deal on fishing to coastal communities. These represent some of our poorest communities, with high unemployment and low wages. Jobs in the fishing sector are in decline and the workforce is ageing. It is important that they have a genuine input into the White Paper to ensure that future government priorities will genuinely help to nurture and revitalise their lives and their communities. It is also important that the EU workers who work in the fishing sector will have their interests protected. Can the Minister explain how the debate around the White Paper will reach out to these communities, to ensure that their concerns are genuinely taken into account? How will the Government measure success in revitalising these communities that are desperate for further resource and investment? I look forward to his response.

Baroness Bakewell of Hardington Mandeville (LD):

My Lords, I thank the Minister for repeating the Statement and welcome the publication of this important White Paper. The shores of our islands have some of the most prolific fishing waters in the world and it is vital that not only are fish stocks protected but that the numerous industries and businesses that rely on a constant supply of fish are supported and protected. This includes not only large fishing fleets but smaller, family-owned vessels, not only the small, iconic smokeries but also the larger processing plants. It is our duty to provide a mixed economy around our coastlines that depend on a healthy marine environment, free from unnecessary bureaucracy and free from plastics.

I note the Secretary of State’s commitment to end the dominance of foreign vessels in our waters and to support our own fishing communities across the country; I welcome that statement. I have only two questions: what discussions have so far taken place with the devolved Administrations about sustainable goals to be shared across the UK? Secondly, is the Minister able to ensure ongoing access to the EU labour force that supports the sustainability of the vital seafood processing sector? I am encouraged by the general thrust of the White Paper and look forward to the Minister’s response.

Lord Gardiner of Kimble: My Lords, I thank the noble Baronesses for a number of questions. Let me say in opening that I welcome the stakeholder reaction, and the fact that the fishing communities are looking to Parliament to ensure a better future for the fisheries. The National Federation of Fishermen’s Organisations, the Scottish Fishermen’s Federation and the Shetland Fishermen’s Association are all saying that this is a clear, coherent and important policy. I was also particularly struck by what the noble Baroness, Lady Bakewell of Hardington Mandeville, said about the importance of clean seas and oceans. The director of Living Seas, the Wildlife Trusts, says:

“The Wildlife Trusts are really impressed that the Government is committed to reversing the loss of marine life”.

Predicated on all of this is the imperative of sustainability. It is one of the three key components: it is about sustainability, responsibility and fairness. Therefore, it is essential that we work as hard as we can to ensure that all this comes forward for really healthy stocks in these waters.

The noble Baroness, Lady Jones of Whitchurch, asked about the difference between access and trade. Under international law, as with other countries that are independent coastal states, negotiations for access are undertaken annually, as they are with the EU and Norway, and the EU with the Faroes. It is normal practice for an independent coastal state, which we will be, to have these negotiations on access. We will undertake that under international law—UNCLOS and so forth. It is very clear about the distinction. On access to trade, I am well aware that all of us are working towards a frictionless arrangement. Of course, export of fish is an important part of that, but the distinction is that access does not happen in the trade agreement, but under international law, which is the case for all other independent coastal states.

On fish processing and fish farming, my point to the noble Baroness, Lady Jones of Whitchurch, is that the fisheries Bill will, as we announced today, allow us to amend technical regulations in the CFP that cover aquaculture. Of course, our commitment is again to sustainability. On research, we must not forget that Cefas is world-renowned. Indeed, the research it is undertaking will be particularly important. I want to emphasise that for sustainability there clearly needs to be—and is—global co-operation on these matters. That is why we will be seeking, for instance, to join the regional fisheries management organisations, such as the North East Atlantic Fisheries Commission, precisely because we have a responsibility to act collaboratively under UNCLOS and other international conventions with other countries. That is a given.

On habitats—this issue was raised in the other place—since 2010 the Government have already designated 50 marine conservation zones, a further 41 of which are out for consultation. This is a clear indication of what we are seeking to do in practice to improve the marine environment—the ecosystem through which a strong fishing industry is possible.

As far as the devolved Administrations are concerned, we are at the beginning of what is a consultation, not the conclusion. There have been many discussions with the devolved Administrations and the Crown dependencies—let us not forget them—since the referendum result, and intensively since January under the process agreed by the joint ministerial committee. The Secretary of State is meeting the devolved Administration Ministers tomorrow to continue that process.

On funding in coastal communities, we will of course be looking at future arrangements and future funding continuing on from the European Maritime and Fisheries Fund. The Chancellor has already confirmed that these will be fully funded under Treasury guarantee, even when these projects are not completed by EU exit date. Indeed, since then, the UK-EU joint report of December last year states the intention that the UK will continue to participate in all EU programmes financed by the multiannual financial framework. Work is now under way to ensure that full consideration is given and that we work with the industry to consider possible future funding arrangements.

I know the Secretary of State has raised the issue of EU workers with the Prime Minister and the Home Secretary. They are fully seized of the importance of access to labour in this important element of the industry.

I have to say to the noble Baronesses that this is the beginning of the consultation, which runs for 10 weeks. We actively want the industry to be engaged in it. The initial reaction from fishing interests across the United Kingdom has been strong and positive. They see the great opportunities that this represents for a fairer share, and for us to work collaboratively with our neighbours and partners to ensure, through the prism of international law and access to our waters, that we have sustainable fishing that is fair to us and that we act responsibly regarding the UK system that we all care so much about.

4.15 pm

Viscount Ridley (Con): My Lords, I welcome this ambitious and sensible Statement, with its candid recognition that the European common fisheries policy has been a disaster for both ecological and economic sustainability. I also welcome the ambition to regulate fisheries more sustainably, and particularly the reference to effort control. But will my noble friend confirm that the Government will learn from elsewhere in the world the important techniques of the transferable quotas that give fishermen themselves skin in the game of conservation, as that is a crucial element in such management?

Lord Gardiner of Kimble: My Lords, one point that has come to light is the importance of contemporary scientific advice. That is why Cefas will be so important. The problem with the common fisheries policy is that so much was predicated on something that may have

been appropriate in the 1970s, but is no longer appropriate in the light of climate change and changes in fish stocks. This is a welcome opportunity for us to have more contemporary research and to learn, as my noble friend said, how better technology and science can furnish us with ways in which to care for the ecosystems in our waters, for which we will become responsible.

Lord Beith (LD): My Lords, does the Minister realise that the majority of excellent shellfish from the north-east coast goes overnight to European markets and therefore depends on no customs delays at all? How about the Prime Minister serving some Northumberland lobster and crab to the Cabinet on Friday to make them think about the importance of frictionless trade?

Lord Gardiner of Kimble: My Lords, I would always actively encourage everyone in Parliament to eat British fish and products—they are the best in the world. I would therefore encourage the consumption of any products from Northumberland, at Chequers or anywhere else. But the point, as I have tried to explain, is that there is a distinction under international law about access. It is in the mutual interest of the United Kingdom and the EU to have free and frictionless trade between our borders. That is in the interest of every part of the European Union and the United Kingdom.

Lord Liddle (Lab): I accept that the common fisheries policy has been a very difficult part of our EU membership, and I very much welcome Secretary of State Michael Gove's commitment to high environmental standards—so I am in agreement with the Government on both those points. None the less, it is the case that one cannot dissociate the question of reasserting national control over our waters from the question of how much of that market will be shared with the EU 27. There will have to be an agreement with the EU 27 about the market share. I do not know whether that agreement is regarded as very disadvantageous by the EU 27, but there will have to be some means of enforcement of it, and I do not know how many ships of the Royal Navy will be available to police it. Is the Minister aware that the EU has available to it trade defence instruments that it can use against us if it feels that we are behaving unfairly, as it did when Scottish producers thought that there was unfair competition in relation to Norwegian salmon? Does he therefore recognise that there will have to be a fair agreement if these trade sanctions are to be avoided?

Lord Gardiner of Kimble: My Lords, clearly we wish to have positive and productive negotiations with the EU 27, and under international law “the reasonable approach” needs to be taken. However, I think that all would conclude that what has happened to UK fishing vessels has not been fair, and that cannot be right. The sorts of arrangements that we have now are absolutely against the interests of the UK fishing industry. That is why we need to address this matter and why I think that the White Paper is the beginning of a much more positive situation for coastal communities.

I do not want to pre-empt what may come up but, as the noble Lord mentioned enforcement, I am of course very pleased about the support of the Royal Navy

[LORD GARDINER OF KIMBLE]

and the replacement of vessels by five more-capable Batch 2 offshore patrol vessels. We are working very closely with the MMO, the Royal Navy and others, because other independent coastal countries undertake enforcement very well indeed.

Viscount Hailsham (Con): My Lords, does my noble friend agree that the outcome of the British fishing policy will depend on some very tricky negotiations which will involve very many vested interests both here and overseas? Given that, does he agree that at this stage we should not draw any red lines or give overfirm commitments? In that context, I congratulate my noble friend on the flexibility of the Statement.

Lord Gardiner of Kimble: Negotiations require two parties to come together successfully. However, I stress again that one of the principles that we seek is fairness. When one understands the proportion of fish being taken by UK vessels and non-UK vessels and what UK vessels are taking from EU 27 waters, something is not right. There is no fairness, and that is what we need to address. I would be very surprised if EU fishing interests did not understand that this needs to be part of the negotiation. However, clearly it needs to be done in a spirit of collaboration, and part of that concerns sustainability. Whoever fishes them, if there are not enough fish, we—whether the EU 27 or the UK—will not have a dynamic fishing industry. Therefore, it is absolutely imperative that that is at the root of everything.

Lord West of Spithead (Lab): My Lords, the Minister mentioned enforcement and referred to the five new River-class vessels, one of which is going to the Falkland Islands. It is quite clear that we have insufficient ships to patrol an EEZ if we have to enforce new rules. Also, the JMOCC does not have proper centralised co-ordination. I have talked about that with the Minister before and that has to be in place before the new rules come in. Is it possible to consider using the two River-class vessels that have been put on one side and have not been disposed of, and to man those with reservists so that we can enhance the number of ships without too great a cost? We will need more ships if we are to enforce these new rules.

Lord Gardiner of Kimble: My Lords, many noble Lords will know that the noble Lord and I went to see the MMO in Newcastle and had a very interesting day looking at some of the technology for detecting whether a vessel is aping some other activity but is really fishing. I agree that the Royal Navy plays an important part in enforcement, and it will continue to do so. I am afraid that it is not within my gift to comment on longer-term deployment and the number of vessels, but we are absolutely clear that other third countries are well able to enforce their fisheries policy, and we need to work on a system that works for us.

Baroness Byford (Con): My Lords, I too welcome the Statement. For years we have been talking about the crisis of overfishing and the way that our stocks have been plagued. Does my noble friend agree that sustainability is at the heart of this and that we must

protect our marine environment? I want to draw two things to his attention; perhaps he could respond to them. One is the proposal to end discarding, which I am sure will be welcomed. The second is the review that I believe will be undertaken of the under-10 metre category for low-impact inshore vessels. Again, that will help many of our areas that fish but do not do so in such a wide range as others.

Lord Gardiner of Kimble: I entirely agree with my noble friend. As I have said before, if we do not have sustainability and adhere to maximum sustainable yields, the ecosystem of our waters—as a whole and not just for consumption—will be put in peril. Sustainability is absolutely key. Obviously, we have all been very concerned about discard and the complete waste that it has caused. As part of that, we will consider the vexed issue of choke and choke species and look for solutions. Clearly, these issues are quite difficult and technical. We need to ensure that we do not overfish but fish sustainably. Therefore, the issues of discard and choke are a key element of seeking to keep our stocks in good order.

Lord Hunt of Chesterton (Lab): My Lords, one of the report's important features is the role of our research through Cefas. There is no mention that we will maintain or even increase it. There have been some cutbacks in Cefas. To have agreement between the UK and Europe as we move forward, we will need agreement about research. There has been considerable agreement about it, but it is very important that we maintain good links with our European research colleagues.

Lord Gardiner of Kimble: My Lords, knowledge and understanding of sustainability is obviously not possible without scientific evidence and research. Clearly, Cefas is an outstanding place of research. Of course, I think that it is world-leading and will furnish us. In discussions, knowledge of zonal attachment and how we work with fish stocks not respecting borders—we share fish stocks in so many cases—means that we need to work in co-operation. Indeed, the spirit of co-operation is an essential part of international law on fisheries. Cefas will provide us with research, but there are excellent research bodies all around the world.

I should say to my noble friend Lady Byford that I forgot about the under-10 metre category. Further allocations have been made with unused quota. It is a very important area of our fishing world.

Baroness McIntosh of Pickering (Con): My Lords, I also welcome the Statement. Currently, we benefit from research from the International Council for the Exploration of the Sea—ICES—which is situated in Copenhagen. I visited it last year. A number of British, Irish and other officials work there, and they are particularly keen to understand that we will continue to benefit independently from ICES research once we have left the European Union. Will my noble friend take this opportunity to explain the difference between the International Law of the Sea Convention putting our territorial limit at 12 nautical miles—which

I understood would also cover fisheries policy—and the 200 miles announced by the Secretary of State in the White Paper?

Lord Gardiner of Kimble: My Lords, any access to EU bodies will be subject to negotiation, but, as I said, collaboration and co-operation will be extremely important. On the other issue raised by my noble friend, I am looking for a definition. My understanding is definitely that we will now be responsible for up to 200 nautical miles or whatever the median line is with another country. I am very happy to put a copy of the map in the Library so that your Lordships can see how this will work for the UK and other countries, so there will be a clear understanding of the waters for which we, under international law, would be responsible.

Lord Kerr of Kinlochard (CB): My Lords, for our Scottish waters I warmly welcome the stress on sustainability in fish stocks, but I am uneasy about the sustainability of the devolution settlement, fisheries not being a reserved subject. Can the Minister reassure us that the White Paper has been discussed in draft with the devolved Administrations?

Lord Gardiner of Kimble: Yes, my Lords.

Lord Berkeley (Lab): My Lords, the Minister will be aware of my interest in special protection areas for birds in Cornwall and the Isles of Scilly. When I went to see one of the officials of Natural England and asked how this was going to be enforced, he said the biggest problem was people in kayaks disturbing nests, and that it would be enforced by the Royal Navy. I do not know how the Navy is expected to prevent people in kayaks fiddling with nests, but I am sure that my noble friend's aircraft carriers are not the most suitable craft.

I hear in Cornwall many stories about how quotas for fishermen have been sold to foreign fishermen, and people are sitting at home enjoying the money they have from these foreign fishermen, presumably for inshore waters. How will this new system deal with people who have bought these quotas commercially? Is the idea that they will be stopped from fishing in the places that they thought they had bought quotas to fish in?

Lord Gardiner of Kimble: My Lords, there are current economic link conditions requiring that all vessels fishing against UK quota must land at least 50% of quota, have at least 50% of crew normally resident in the UK, incur at least 50% of operating expenditure in the UK or gift quota to the under-10-metre fleet. That is what all vessels shipping against the UK quota have to do. Clearly this is a matter we want to look into but that is the current position. There may be further consideration, but that is where we are at the moment.

Lord Jopling (Con): To deal with intruders in one's fishing area it is important to have ships, but it is also vital to have aircraft, because one can identify intruders much more quickly that way. Secondly, following the last question, the noble Lord will recall that years ago British fishermen sold many of their quotas, particularly to the Spanish. We tried to put a stop to that, but could not. A few moments ago, he read out the conditions

for home-based crews but, at the same time, there will be a serious danger of overseas interests buying UK fishing companies, maybe landing the fish here or exporting it, and employing a number of foreign crews. He mentioned the percentage. While we may think we are reverting fishing rights to British interests, it may not be as easy as that.

Lord Gardiner of Kimble: I entirely agree with my noble friend that enforcement engages aircraft, Royal Navy vessels, other vessels and technology. We need to ensure that the enforcement procedures on our waters are suitable and of sufficient strength, as other countries have been able to do. I have set out the current economic links. They may have to be considered, but I want to emphasise that the prism through which this has to work is that our waters' stocks are sustainable. That means that we need to be looking at fishing opportunities, but within the context of what is sustainable for us to take. We will always adhere to the maximum sustainable yields or under.

Lord Wilson of Dinton (CB): My Lords, I believe that here, as elsewhere, we need to keep an eye on the practicability of the implementation of new policies. Can the Minister tell us whether the proposals announced today would involve the employment of more civil servants and public servants? How long will they have to implement the proposals and is the timetable practicable?

Lord Gardiner of Kimble: My Lords, this is the beginning of a 10-week consultation. We have already said we will introduce into this Session of Parliament a fisheries Bill, which will include powers enabling the UK to take back control of access, preserve equal access for UK vessels throughout UK waters, set fishing opportunities and manage the exploitation of sea fisheries resources, among a number of matters. These proposals will first be subject to the consultation—we hope there will be active engagement, and I believe there is already, from industry and other parties—and to the scrutiny of both Houses of Parliament, as we seek to do the right thing for the waters around our shores and the communities who make their livelihood from them.

Haulage Permits and Trailer Registration Bill [HL] *Commons Amendments*

4.36 pm

Motion

Moved by Baroness Sugg

That this House do agree with the Commons in their Amendments 1 to 11.

1: Clause 2, page 2, line 40, at end insert—

“(d) for a number of permits determined by the Secretary of State to be available for grant in cases in which the Secretary of State considers it inappropriate for provision made under paragraph (c) to be applied, for example because of an emergency or other special need.”

2: Clause 2, page 3, line 2, leave out from “permit,” to end of line 3 and insert “including provision specifying—

(i) when an application is to be made, or that the time when an application is to be made is to be determined by the Secretary of State;”

3 Clause 13, page 9, line 2, leave out subsections (3) to (5)

4: Clause 14, page 9, line 31, leave out subsections (3) and (4)

5: After Clause 19, insert the following new Clause—

“Trailer safety: report

(1) The Secretary of State must prepare a report on the number and causes of road traffic accidents occurring in England, Wales or Scotland during the reporting period which—

- (a) involved trailers, and
- (b) caused injury or death to any person.

(2) The report must contain an assessment of whether—

- (a) regulations under section 13 should provide for the compulsory registration of relevant trailers;
- (b) regulations under section (*Trailer safety: testing regulations*) should be made.

(3) The report must be laid before Parliament within the period of one year beginning with the day on which this section comes into force.

(4) In this section—

“relevant trailers” means trailers which are kept or used on roads and—

- (a) if constructed or adapted to carry a load, weigh more than 750 kilograms when laden with the heaviest such load;
- (b) otherwise, weigh more than 750 kilograms;

“reporting period” means a period determined by the Secretary of State, which must be a continuous period of at least 12 months ending no earlier than 18 months before the day on which this section comes into force.”

6: After Clause 19, insert the following new Clause—

“Trailer safety: testing regulations

(1) Regulations may provide for periodic testing of the construction, condition or safety of relevant trailers.

(2) The regulations may amend provision made by or under Part 2 of the Road Traffic Act 1988.

(3) The regulations may, in making consequential or other provision as mentioned in section 23(1)(a), amend any Act (whenever passed or made).

(4) No regulations under this section may be made before the report is laid before Parliament under section (*Trailer safety: report*).

(5) In this section, “relevant trailers” has the meaning given by section (*Trailer safety: report*)(4).”

7: Clause 23, page 13, line 35, leave out subsection (3) and insert—

“(3) A statutory instrument containing any of the following (with or without other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

- (a) the first regulations under section 1;
- (b) the first regulations under section 2;
- (c) the first regulations under section 13;
- (d) the first regulations under section 18;
- (e) the first regulations under section (*Trailer safety: testing regulations*);
- (f) other regulations under section (*Trailer safety: testing regulations*) which amend an Act.”

8: Clause 24, page 14, line 8, leave out “Section 11 extends” and insert “Sections 11, (*Trailer safety: report*) and (*Trailer safety: testing regulations*) extend”

9: Clause 26, page 14, line 25, leave out subsection (2)

10: Schedule, page 15, line 34, at end insert—

“4A In section 90A(2) of the Road Traffic Offenders Act 1988 (offences in relation to which a financial penalty deposit requirement may be imposed), in paragraph (a)(i), after “vehicle” insert “or trailer.”

11: Schedule, page 16, line 1, at end insert—

“5A In Article 91B(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)) (offences in relation to which a financial penalty deposit requirement may be imposed), in sub-paragraph (a), after “vehicle” insert “or trailer.”

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, on Amendment 1, alongside the Bill, we are developing regulations relating to the issue of permits for hauliers, which will be laid before Parliament later in the year. These regulations will apply to all existing permit schemes as well as those we may need as part of our future relationship with the EU.

Amendment 1 would enable the regulations to specify that the Secretary of State would be able to reserve a limited number of permits. In the unlikely scenario that the UK has a limited number of permits to allocate to hauliers, it is sensible for the Secretary of State to retain a proportion of the available permits to deal with emergencies or other special needs. This would allow the Secretary of State to issue permits in cases where the criteria prescribed in regulations may not be suitable.

Amendment 2 gives the Secretary of State the flexibility to determine when applications must be made, ensuring permits are issued fairly and efficiently. The timing and consideration of applications is likely to differ depending on the country to which the haulier is travelling and the type of permits available. In some cases, where demand is low and permits are likely to be undersubscribed, applications will be accepted and considered throughout the year. In others, where demand is high and the number of permits is limited, applications will need to be made within a specified period for consideration against the relevant criteria to be made in a fair and objective manner. The amendment will enable the administration of applications to take into account the different requirements for different types of permit, which will give the haulage industry flexibility.

Amendments 3 and 4 relate to trailer safety. During consideration in this House, the noble Lord, Lord Tunnickliffe, tabled an amendment on producing a report on trailer safety and to make subsequent recommendations on an extension of compulsory registration and periodic testing to all trailers weighing over 750 kilograms.

Department officials held productive discussions last week with the light trailer and trailer equipment group, a specialist group that sits under the Society of Motor Manufacturers and Traders, and we will be consulting other stakeholders as this work continues. Trailer safety is a complex issue and the insight of stakeholders will be valuable alongside the use of extensive data as the department considers it.

After further consideration of these amendments, it was determined that there was scope for clarifying the new provisions. Accordingly, Amendments 3 and 4, made in the other place, remove the clauses and replace them with Amendments 5 and 6. Amendment 5 sets out the detail of the report. There are no substantive changes to the original amendment and policy intention. The changes we have made are technical in nature.

Noble Lords may note that this new amendment does not include Northern Ireland. The regulation of road traffic is devolved, and it would therefore be

inappropriate for the trailer safety report to make specific policy recommendations to apply to Northern Ireland.

The drafting of the new amendment replicates the original clause, with reference to the number and causes of accidents involving trailers which caused injury or death to any person, but removes “comprehensive” as it is potentially ambiguous. It is important for this amendment to be made to the Bill to ensure that the duty placed on the Secretary of State is clear and can be fulfilled. To be clear, this by no means limits the data that may be included. After the report has been published, Amendment 6 would allow the Secretary of State to extend the existing system for periodic testing under the Road Traffic Act 1988 instead of the Bill. Although this is different from the original amendment, I stress that it in no way changes the intention. It will avoid any overlap with the existing regime and provide greater clarity to trailer users and flexibility in how any testing regime could be applied should a recommendation to extend periodic testing be made.

Amendment 7 relates to the powers we have taken under Amendment 6 to amend the Road Traffic Act 1988 and to make consequential or other changes to any Act. In the interests of parliamentary scrutiny and transparency, the first regulations made under the trailer safety testing regulations would be subject to the affirmative resolution procedure. Additionally, any other regulations made under Clause 23 which amend another Act must be subject to the affirmative procedure.

Amendment 8 confirms that Amendments 5 and 6 extend only to England, Wales and Scotland, for the same reasons referred to earlier. Amendment 9 removes the privilege amendment and is a procedural technicality.

I turn to Amendment 10. As I am sure noble Lords will be aware, road traffic offences are often dealt with through the issuing of a fixed penalty notice, which is a fine that must be paid within a set period. This is a pragmatic and effective alternative to prosecuting every road traffic offence in court, and fixed penalty notices will be used to enforce the haulage permits and trailer registration regimes. However, fixed penalty notices are not always effective against non-UK drivers as the notice can be ignored by those who will not return to the UK. The Road Traffic Offenders Act 1988 allows a constable or vehicle examiner to require a driver without a UK address to make an immediate payment or their vehicle may be immobilised. This is known as a financial penalty deposit and payment can be required for,

“an offence relating to a motor vehicle”.

The amendment will ensure that such deposits can also be required for trailer registration offences, making enforcement against UK and non-UK drivers equally effective.

Finally, Amendment 11 makes the same change as Amendment 10 but to equivalent legislation in Northern Ireland: the Road Traffic Offenders (Northern Ireland) Order 1996. This change is made with the agreement of the Northern Ireland Civil Service.

These amendments made in the other place bring clarity and enhance the original intent of the Bill. I beg to move.

Baroness Randerson (LD): My Lords, I thank the Minister for the care and tolerance that she has shown during the passage of the Bill, which is considerably improved. It is far from perfect and I greatly regret the fact that we need it, but it is a lot better than it was when it first came to us.

I will say two or three things about the amendments. On Amendment 1, I remain concerned about the concept of a limit on the number of permits. It reflects a very old-fashioned view of trade and commerce. We no longer live in a world where people know what their business practice will be in three or six months' time, in many cases. There is a limited attempt to refer to, “an emergency or other special need”,

but I fear, as the Minister implied, that with permits being issued once a year, if you miss your opportunity, you will have to wait for the next year. I accept, however, that this is where Brexit appears to have brought us: back to an attempt at an old style of doing things.

4.45 pm

Going on to Amendment 5, on the trailer safety report, I am pleased to see that, according to subsection (1) of the proposed new clause, the report will investigate the causes and not just the number of accidents involving trailers. I am pleased about this because initial information is that the majority of accidents involving trailers are caused by human, not mechanical failure. That human failure is usually either incorrect hitching or incorrect loading of the trailer. Can the Minister confirm that the final report will consider how to reduce accidents caused by human error?

To follow on from that, on Amendment 6, the proposed MOT-style test needs to be supplemented by better training and public information. Currently, the National Caravan Council is working with Highways England, which is developing guidelines on the safe use of trailers. I would urge the Minister that this needs to have a formal place in the process and also needs to belong not just to Highways England but the devolved Administrations as well, because guidelines on the safe use of trailers are of crucial importance wherever you live.

Finally, on registration, I ask the Minister to keep in mind an issue I raised earlier in our debates about the CRiS registration scheme, which is already well established and developed by the National Caravan Council. I urge the Government not to reinvent an established process but to work with the council to incorporate that scheme into their plans.

I welcome these amendments and thank the Minister again for her help.

Lord Berkeley (Lab): My Lords, I also welcome these amendments. I share the noble Baroness's concern about the method of allocation of permits, but I think that we have gone as far as we are going to get on that one. I was particularly interested in the Minister's comments about Amendments 5 and 6, which she said did not apply to Northern Ireland. I thought the whole point of trailer registration, in Part 2 of the Bill, was that it was a necessity to have trailers registered in case there was a need for any trailer to go outside the UK on to the continent, or into the EU, following Brexit, which of course would also apply to the Republic

[LORD BERKELEY]

of Ireland. My logical mind therefore thinks that, if a trailer cannot be registered in Northern Ireland, it cannot leave Northern Ireland—or the UK—for the European Union, which means it cannot go across the border to the Republic.

Notwithstanding that, in Amendment 11, if a driver does take a trailer into the Republic that is registered in Northern Ireland—which apparently it cannot be—they can still be fined. This seems slightly illogical because, if I were a trailer owner in Northern Ireland and not able to register it and therefore go into the Republic, that would not seem quite right to me. Can the Minister explain where I have got it wrong or whether there is something more that needs to happen?

Lord Tunnicliffe (Lab): My Lords, I agree with much of what the noble Baroness, Lady Randerson, said, but also that we have gone as far as we can in those areas. On government Amendments 5, 6, 7 and, I think 8, my research assistant, Catherine Johnson, who drafted the original amendment passed in your Lordships' House, assured me that the Minister has accepted your Lordships' amendment but put it in her own words. Accordingly, we support the government amendments and thank the Minister for her efforts.

Baroness Sugg: My Lords, I thank all noble Lords for participating in this short debate and for their support for the amendments. As ever, the scrutiny and analysis of noble Lords has improved the Bill—in particular, on the important issue of trailer safety. The points raised by the noble Baroness, Lady Randerson, will be covered by the report, and we will work closely with the devolved Administrations. On the point made by the noble Lord, Lord Berkeley, Amendments 5 and 6 relate only to the trailer safety report; the rest of the Bill applies to Northern Ireland.

Throughout the passage of the Bill, the Government have been clear that our priority is to maintain and develop liberalised access for commercial haulage as part of our future relationship with the EU. It is in no one's interest to put up barriers to trade, and we will seek to agree a reciprocal deal that allows hauliers to continue to travel freely between the UK and Europe. I agree with the view of the noble Baroness, Lady Randerson, on limited permits. We are confident that we will secure a liberalised approach and avoid the need for any new documents or processes—or, at a minimum, that all hauliers who seek a permit can get one. However, as a responsible Government, we are preparing for all outcomes through the Bill.

Motion agreed.

Domestic Gas and Electricity (Tariff Cap) Bill *Third Reading*

4.51 pm

Relevant documents: 27th and 30th Reports from the Delegated Powers Committee

Bill passed and returned to the Commons with an amendment.

Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill *Report*

4.52 pm

Clause 2: Higher amount for long-term empty dwellings

Amendment 1

Moved by Lord Shipley

1: Clause 2, page 2, line 33, leave out subsection (1) and insert—

“(1) Section 11B of the LGFA 1992 (higher amount for long-term empty dwellings: England) is amended as follows.

(1A) In subsection (1)(b) (maximum percentage by which council tax may be increased), leave out “of not more than 50” and insert “as specified in subsection (1A)”.

(1B) After subsection (1), insert—

“(1A) If a dwelling has been empty for—

- (a) between two years and five years, the percentage is not more than 100;
- (b) between five years and ten years, the percentage is not more than 200;
- (c) more than ten years, the percentage is not more than 300.”

Lord Shipley (LD): My Lords, I thank the Minister for a very constructive discussion in recent days about the second part of the Bill and the proposed escalator, and for the helpful discussion and explanation that we have had on the first part, about the staircase tax. I am very grateful for the Minister's letter sent earlier this week, which explains the issues that have to be addressed with valuation lists going back a number of years.

We proposed the escalator in Committee, and the conclusion reached here after all-party discussion has been extremely productive. Broadly speaking, a dwelling that has been empty for between two and five years can attract a 100% increase if a local authority decides it wishes to do so. Between five and 10 years of that property being empty, the percentage could, at local authority discretion, increase to 200%. After being empty for more than 10 years, the percentage could increase to 300%. I welcome the Government's agreement to those figures.

Of course, there is a view, to which I subscribe, that the penalty could well be higher if those who live overseas buy properties to leave empty as investments. That is a particular problem in London. Clearly this amendment will help, but it does not solve the entire problem because to get to 300% requires 10 years to pass. I hope that the Minister will do what we discussed in Committee, which is to review this legislation very carefully over the next two to three years. We may well find that there is a gradual decrease in the number of long-term empty properties, but that the decrease is not as great as we would like it to be. There is a case for a penalty of 500% for those who have deliberately invested in property to leave it empty. There is a world of difference between that and properties which are empty for two years because of delays in probate, family disagreements or other reasons. Local authorities now have the power to do something about it, and as

long as the Government are going to keep closely under review whether the figures of 100%, 200% and 300% are working effectively, we are content with outcome that the Minister has agreed with us. I beg to move.

Lord Stunell (LD): My Lords, Amendment 2 in this group is similar to the amendment I moved in Committee, but it is not exactly the same. I draw noble Lords' attention to the general background to this proposal. There are 20 million homes in England and they are responsible for more than 30% of the country's carbon emissions. We have the worst housing stock in Europe as far as energy efficiency is concerned. Measures are in hand to improve the stock of new homes, but with 200,000 new homes a year it will take 100 years to replace the housing stock we have at the moment. At 300,000 homes a year, it will take only 66 years. Of course, both those dates are well past 2050, the date by which the Government have undertaken that there will be a substantial carbon reduction, but that can be achieved only if the energy performance of the housing stock is improved. Improving the energy performance of the existing housing stock is clearly essential. It is obviously an important government priority, and my amendment assists them in reaching that target.

By far the best time to improve the energy performance of any building is when it is not occupied. An empty home, which by definition is not occupied, is exactly the right place for energy improvements to take place. Whether the home is for sale or rent, then is the moment to strike. The Government have introduced proposals to make sure that rented accommodation achieves certain minimum standards of energy performance. However, for every step forward on energy improvements for homes, the Government have taken some steps back. Zero-carbon homes—a clear commitment of the coalition Government—have been abandoned, the Green Deal is no more and my Question to the Government about the application of the energy performance directive has been responded to in a very bland and potentially problematic way. The noble Lord, Lord Bourne of Aberystwyth, responded last week:

"The outcome of negotiations with the European Union ... will determine what detailed arrangements apply in relation to EU legislation, including the Energy Performance of Buildings Directive, in future once the UK has left the EU".

That left one reader of that response completely baffled. He said that,

"it seems to suggest that we can at present have no certainty about what if any directives will apply in eight months' time. Can this be right?".

5 pm

For steps forward there have, unfortunately, been steps back or, at the very least, hesitations in the way forward as far as this goes. Certainly, things are not moving forward at pace in other directions. I asked the then Minister, the noble Baroness, Lady Williams of Trafford, about publication of the biennial review on progress in sustainable buildings, which was due in early 2017. She replied that it would be published in early 2017, as required by the Sustainable and Secure Buildings Act 2004.

After an interval of time, I put another Question down, to ask Her Majesty's Government when the next biennial review would be published and why there

had been a 12-month delay in publication for a review scheduled to have been published in early 2017. In other words, a biennial review had not been published at the start of this year. The Answer I got from the noble Lord, Lord Bourne of Aberystwyth, on 8 March was:

"The Government is working to publish shortly the next biennial report under the Sustainable and Secure Buildings Act 2004". We are now pushing into July, and I can tell him—and I expect he can tell me—that it has not yet been published. I imagine that he will be able to tell me that it will be published shortly. I hope he might be able to make it even shorter than shortly, but I am not sure he will.

I want to put to the Government that I am really being very helpful with the proposal that I am bringing forward. It is positive and helps them to put something in that biennial report about the way ahead and the fact that things are improving, at least to this small extent. It is at nil cost to the Treasury and nil cost to the public purse in any of its forms, except that it might remotely be claimed that a possible gain for local councils' council tax will be somewhat reduced—but that is in the context of it being increased in any case by the overall proposals in the Bill. Of course, it has a good chance of being taken up, because what does it say? It says that if the reason for the delay in bringing an empty home back into use is that works are being done to raise the energy performance level by at least two levels, there will be a rebate on the charge.

In Committee, the Government, again in the form of the noble Lord, Lord Bourne of Aberystwyth, were kind enough to say that my amendment was a noble concept, which of course is the bureaucrat's kiss of death. It goes alongside being imaginative and brave. The only meaningful "but" that the Minister introduced was that it was the wrong way to fetter local authorities' discretion and a breach of the principle of localism. Some of us, on this side at least, wish that the Government carried the admirable principle of not fettering local authorities' discretion into other policy areas, for instance, the capital spend on social housing or, indeed—perhaps relevant to this policy area—the prohibition on them introducing higher standards of energy performance in building regulations for new stock. Nevertheless, an accusation that the amendment was, as originally worded, restricting on local authorities was a potent criticism, especially to me as somebody who steered the Localism Act on to the statute book.

Hence, the version in front of your Lordships today is different. The amendment would insert "normally". It says that normally the percentage increase shall be 75%. That gives local authorities a clear steer about the intention, and what their duty is, but it does not compel them. I believe that this revised amendment entirely meets the only credible reason that the Government gave in Committee to oppose the original amendment. I look forward to the Minister taking a more open approach than last time to this amended version and turning it from a "noble concept" into a practical reality.

The Earl of Lytton (CB): My Lords, I, too, thank the Minister for his clarification on the first part of the Bill and the non-domestic rating. Nobody has been

[THE EARL OF LYTTON]

beating a path to my door since the last time we discussed the Bill, and I take it from that that this is as good as it gets. I thank him very much for clarifying that.

I would like to make a couple of comments on the amendments that we are discussing, starting with Amendments 1 and 3. It seems that we do not fully know the reasons for long-term vacancies. What concerns me is that the amendments have the potential to make a blunt instrument. I always think that legislation is about as blunt as it gets, but this risks making it blunter still. I understand the point made by the noble Lord, Lord Shipley, about overseas owners; there is such a problem in certain areas, just as there is with certain other reasons for people deliberately holding property vacant.

We have to be clear whether this is some sort of fine or sanction for a socially reprehensible practice of deliberately keeping property empty, or whether it performs a legitimate housing stock amenity consideration. Is it something aimed at preventing the deterioration of neighbourhoods through some sort of social objective? In that case, I suspect that there are other measures. We need to be clear about how this is to be used if it is not to fall rapidly into some sort of disrepute. If it is used as a means just to bolster revenues for a billing authority, we would probably collectively feel that it was not quite the right way in which to do things. I declare my interest as a vice-president of the LGA; no doubt I will get a dart or a brickbat from that quarter if it thinks that I am speaking out of turn.

Either way, at the levels of escalation that we might be talking about, the question is whether we leave things to the sole discretion of billing authorities with a challenge, as I understand it, only by means of judicial review. Other noble Lords will correct me if I have got that wrong. If that is the case, I would regard it as a very significant impediment, because of the cost and time involved in embarking on that course of action—to challenge the views of a local authority by saying that no reasonable authority could have reached that decision, which I understand is the test. As an alternative, I suggest that we need to introduce a properly, but doubtless locally, codified method of application, exemptions and, possibly, appeals. In that case, a lot more needs to be sitting somewhere in the Bill—perhaps the Government will produce regulations or something like that—which is not in it at the moment. I leave your Lordships with those thoughts.

I absolutely get the purpose that sits behind Amendment 2, moved so eloquently by the noble Lord, Lord Stunell. I would hope that the rationale behind saying, “We’re improving the energy efficiency of the Bill”, is not going to be capable of being spun out as some sort of pretext to prevent the core principle behind this, which I accept—namely, that there should be some sort of escalator—from kicking in at all. I think that would be a mistake.

I have a concern about the word “normally”. I seem to remember that it has rather unfortunate antecedents. I am probably going back about 30 years here, but I recall that there were a series of measures whereby it was suggested that “normally”, or something that sounded rather like it, was insufficiently clear or distinct in how it would be applied. The question was whose

norm and who would be the judge of that. So, while I support the noble Lord, I am not absolutely sure that “normally” will be sufficiently targeted to achieve what he wants. With that, I will listen with great care to what the Minister has to say.

Baroness Pincock (LD): My Lords, I apologise for being late. I was watching the screen avidly and then, all of a sudden, it turned to this item of today’s business. I remind noble Lords of my interests as a councillor and as another vice-president of the Local Government Association.

I thank my noble friend Lord Shipley for moving Amendment 1 in his name, my name and that of the noble Lord, Lord Kennedy, and giving ample expression to our proposal for adding the premium to be paid on council tax, to be dependent on the length of time for which the property is left empty. In doing so, I shall speak to Amendment 3, a technical amendment in the names of the same noble Lords that supports the principle of Amendment 1.

In Committee, when we first moved an amendment relating to an escalator in the premium on council tax, the Minister was kind enough to give us some warm words of encouragement in response. Subsequently, a couple of weeks ago, we had a meeting where we discussed that. I thank him for saying the Government would be willing to support the principle of the idea but that there may be some necessary refinements when it came back at Third Reading. I am very pleased that that has happened, because it shows how this House can work in making amendments to Bills and trying to improve them before they become full legislation.

The basis of our amendment is, of course, a premium of 200% after five years and 300% after 10 years for those properties that are empty for 10 years or more. Any financial incentive to get more properties into use by families and individuals who desperately need a hand is one that we can all support. At the same time, it stops empty homes from being a blot on their communities—and we all know examples of that. The third reason is that it means that, if we can bring empty properties into use, we do not have to release so much greenbelt land to developers.

5.15 pm

Obviously, I support what has already been said. I end by supporting what my noble friend Lord Stunell said about focusing attention on the energy ratings of properties. Here is an opportunity to improve the energy ratings of many homes while they are empty. I do not know about other people, but where I live there is a lot of Victorian terraced housing with very poor energy ratings. The families who tend to live in them are those who can least afford high energy costs. I hope that the Government will, even if they are not going to accept the proposal today, go away and think about how many homes—probably millions—in the industrial towns and cities of this country are quite poor in energy rating terms, and how we can improve the energy performance of those buildings. Here is a way of doing it, albeit a small way in terms of numbers. Perhaps the Minister will be able to give warm words in response to it, as he did to the amendment on the escalator in Committee.

Lord Shipley: My Lords, I was reminded by the noble Earl, Lord Lytton, and my noble friend Lady Pinnock that I did not declare when I spoke earlier that I am a vice-president of the LGA. For the completeness of the record, I do so now.

Lord Beecham (Lab): My Lords, I will further add to that by declaring my own interests as a vice-president of the association, and also as a serving councillor in Newcastle. I rise to present the views of these Benches in the absence of my noble friend Lord Kennedy, who is en route to Birmingham for the Local Government Association conference.

I have had some experience of dealing with, or attempting to deal with, the problems of empty houses in the ward I represent in Newcastle. It has been impossible, eventually, either to persuade the owners to do the necessary work or, in one case, to acquire the property. While I certainly support the amendments before us, and I understand that they are likely to receive a reasonably warm response from the Minister, it occurs to me that perhaps the aspect of acquiring properties is a matter that should be given further consideration. It is an alternative approach that might well result in a quicker resolution of the problem, and enable the availability of a usable home, than simply collecting money by way of an incentive, as it were, for owners to do something, which may not be all that effective. I would be grateful if the Minister would indicate whether the Government will look again at the powers of local authorities to acquire in these circumstances, and whether these need to be enhanced, particularly in terms of the timescale involved. On the ground, it would probably make a greater difference than these measures, welcome though they are as an additional arm in trying to deal with this situation, which is, at a time of housing shortage, really quite disgraceful and should not be tolerated.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I thank noble Lords who have participated in the debate on Report. I shall, if I may, give the Government's response and then try to pick up some of the points that have been raised by noble Lords during the debate. I am grateful, first, to the noble Lord, Lord Shipley, as the noble Baroness, Lady Pinnock, obviously is, for moving the amendment, to the noble Baroness, Lady Pinnock, and to the noble Lord, Lord Beecham, for speaking on behalf of his noble friend Lord Kennedy, who is on his way to the LGA conference.

I turn first to the amendment relating to the escalator. The noble Baroness and the noble Lord, Lord Shipley, were kind enough to say that his amendment has received government support as well as support from the Labour Benches—we have obviously involved the noble Lord, Lord Kennedy, in discussions on this, and others as well. This would mean that properties empty for between five and 10 years could face premiums of up to 200%, and homes empty for more than 10 years could be subject to 300% premiums. I stress that that is a matter of discretion for local authorities, which is written through all of this legislation. It is something

that I and the Government have not been keen to depart from. It is a matter of localism—the noble Lord, Lord Stunell, used that word several times.

I indicated in Committee that I had some sympathy with the suggestion that was brought forward and that I would reflect on it. The Government have reflected carefully on the arguments advanced by noble Lords at Second Reading and in Committee, and accept that there is a strong case for even higher premiums than those originally mentioned for homes that have been empty for an extended period of time. While we are unable to accept the amendment as it is currently drafted, I hope that noble Lords and the noble Baroness will be pleased to hear that we intend to bring forward a government amendment with the same effect at Third Reading.

Properties that have been empty for more than five years are likely to be few in number. I say to the noble Earl that this is not a revenue-raising measure: the intent is to free up properties for housing where they have been empty for a protracted period of time and to improve the amenity of a given area. It is not about raising a significant amount of revenue: I do not think that it will. It will raise some, but not a significant amount. However, such properties are often a blight on local communities and a nuisance to local residents. I accept that a strengthened incentive of a 200% or even 300% premium may prove more effective in such difficult cases, and could therefore ultimately bring benefits to the wider local community.

As I have mentioned in previous debates, we have to strike a balance in making this judgment, and ensure that no one is subject to the tripling or even quadrupling of their council tax bill without due consideration to the particular circumstances of the case. In relation to points first raised by the noble Lord, Lord Shipley, about the broader social issue of property that people buy intending to leave it empty, I accept that that concern goes well beyond this targeted piece of legislation. I do not disagree with the general thrust of what he said at all. We will no doubt want to look at that. It will rightly remain up to local authorities whether and how to implement any higher premium based on local circumstances. That is important. Local authorities will know their circumstances best and how to target the premium in whatever way they want within the general broad framework that we have set out. We must ensure that higher premiums are applied fairly, but that will be done through the mechanism of the local authority.

We will, however, take the opportunity to revise the guidance issued in 2013 on the use of the premium to ensure that the additional powers are exercised with due consideration to issues facing low-demand areas and cases of hardship. We will have the benefit of today's and earlier debates to look at when we consider how that is best done. We will also look to ensure that home owners have sufficient notice to prepare themselves for this change. That is something that I have shared with the noble Baroness, Lady Pinnock, and the noble Lords, Lord Shipley and Lord Kennedy. We anticipate that the higher premiums would come into force in 2020 for 200% premiums—anything that had been vacant since 2015, could in 2020 attract that higher premium—and in 2021 for 300% premiums, so that

[LORD BOURNE OF ABERYSTWYTH]

anything that had been vacant since 2011 could then attract that 300% premium. We are not convinced that local authorities have reliable statistics about empty properties longer ago than 2011, but they should have them from 2011 onwards because of current policy. That is a further consideration but not the only one. We were wary about the retrospective effect of this provision and felt that we should give appropriate notice, which noble Lords will understand.

I now turn to the second amendment tabled by the noble Lord, Lord Stunell, and the noble Baroness, Lady Pinnock. As the noble Lord indicated, there was a similar amendment in Committee. This is slightly different with the insertion of the word “normally”, but that should not disguise the fact that this is still a directive to local authorities with the addition of “normally”. I hesitate to throw compliments the way of the noble Lord so I had better not call it a noble concept, but I admired the way that he sought to indicate that this amendment was different from the one in Committee. I am tempted to say “nice try”, but I am not convinced that it is different in kind.

The current system allows local authorities to take into account such considerations. Indeed, if they want to, they can go further than the noble Lord’s amendment and be more generous. There is nothing to prevent them exercising their discretion in this way, as well as for other good reasons—this is not the only good reason, although it is undoubtedly one. However, fundamentally these sorts of decisions are best made locally by those who know the challenges and demands of a given area. As already mentioned, it should remain a matter for local authorities to decide not only whether to charge a premium but the exact rate at which it should be charged.

I shall try to pick up the other points that were made. First, the noble Lord, Lord Shipley, made a point about probate. I think that property that has not yet had probate is exempted anyway, although I accept that thereafter the period would kick in, so it is a relevant point.

In relation to most of the rest of the questions raised, I am afraid that I cannot read my own writing. I have made a note that the noble Lord, Lord Beecham, made some good points but I have not put what they are—nor should that be a surprise to anybody because he always makes good points. However, we will pick up the good points that require an answer and respond in writing.

Lord Beecham: If it is any consolation, my handwriting is even worse.

Lord Bourne of Aberystwyth: My Lords, it is an affliction that lawyers, along with doctors, bear, so I understand the point that the noble Lord is making.

To sum up, we accept that there is a strong case for a higher premium, and I thank noble Lords who worked with us on the so-called escalator. I am pleased to say that the Government intend to bring forward their own amendment at Third Reading to the same effect. On the second amendment, although the Government recognise and understand the positive

sentiment behind the noble concept of reducing the premium, it is a matter that we feel is best left to local authorities, as they have that discretion. Therefore, I hope that noble Lords will agree not to press their amendments on the basis that I have outlined.

Lord Stunell: Does the Minister have any news whatever on the biennial review of the Sustainable and Secure Buildings Act, as required by statute and now 18 months overdue?

Lord Bourne of Aberystwyth: My Lords, I had not anticipated that the noble Lord would go in that direction—more widely than the debate. I hope he will accept that I will pick up that point and try to get an expeditious response to him, but I cannot give him any assurance beyond the fact that it is something that we realise is due. I will write to him and copy the letter to other noble Lords.

Lord Shipley: My Lords, I thank the Minister very much for what he has said and beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Amendments 2 and 3 not moved.

South Sudan

Question for Short Debate

5.28 pm

Asked by Lord Curry of Kirkharle

To ask Her Majesty’s Government what steps they are taking to address the current humanitarian crisis in South Sudan and to support the delivery of a lasting peace settlement and longer term economic and social development.

Lord Curry of Kirkharle (CB): My Lords, I begin by expressing my appreciation for the opportunity to debate this important topic, coming hot on the heels of the debate on Sudan last week. However, although with a shared history, South Sudan is a separate country with different challenges and a different culture.

I begin by declaring my interests. I am a trustee of Anglican International Development, a charity working to relieve poverty through healthcare training, sanitation provision, agricultural training, microfinance and support for local churches to bring about long-term sustainable development in South Sudan, as well as other countries in sub-Saharan Africa.

Since my first visit to South Sudan in 2009, before it even became a country, I have observed its journey to independence and subsequent efforts to establish itself as a nation. A nation historically blighted by a civil war that claimed the lives of millions is now descending into near anarchy, which is taking the lives of thousands and damaging millions more. It is impossible to look at this situation and to hear some of the individual stories, as well as the impact on the whole nation, without a sense of huge disappointment.

South Sudan became an independent nation in July 2011, following a long struggle for independence. That day was hailed as victorious, with President Obama saying:

“Today is a reminder that after the darkness of war, the light of a new dawn is possible”.

If only those words had borne true. Within two years, civil war was brewing. War broke out, as we know, in December 2013, as relationships between President Salva Kiir and his deputy Riek Machar completely imploded. Estimates vary, but a conservative estimate holds the death toll to be upwards of 50,000 people, with some suggestions that 300,000 may have died since then.

Numerous peace agreements have been signed—a total of 10—including one signed earlier this week in Khartoum, between President Salva Kiir and Riek Machar, facilitated, bizarrely, by President Bashir of Sudan, their long-term enemy. However, every single time the ceasefire has broken down and, if anything, violence has intensified afterwards. Within hours of its signature this week, the ceasefire had been violated and fighting resumed. This latest agreement committed to a 36-month ceasefire, paving the way for humanitarian aid to reach the country, prisoners to be freed and a transitional unity Government to be formed. While this is a positive step and I want to be optimistic, if past experience is anything to go by, the likelihood of success is very low.

These agreements have a history of promising much but delivering little, as they rely on the good will of both parties without the strategy and accountability required to sustain them. This is a power struggle between warmongers with big egos, who are prepared to sacrifice vast numbers of their own people to try to gain control. So far, neither side has demonstrated it is willing to do what it takes to bring lasting peace. This is exacerbated by the splintering of rebel groups and the ethnic undertones, which add layers of complexity to the conflict. The cynicism with which these agreements are now greeted is due to the three actors, Bashir, Kiir and Machar, not being trusted, and their history of corruption and of pursuing negotiations for personal gain.

It would be difficult to overstate the scale of the tragedy that this protracted conflict and the dysfunctional political situation has brought upon the country. At least 2.4 million of its citizens are refugees, with another 2 million internally displaced. The UN High Commissioner for Refugees predicts continuing deterioration over the coming months. Limited infrastructure and security challenges also contribute to what is one of the worst humanitarian crises we have seen in recent years and now one of most serious in the world.

There is a particular threat to women and children: 85% of those displaced fall into this category and they are particularly vulnerable. There are frequent reports of soldiers and rebel fighters carrying out horrific acts of sexual violence and rape which, on top of a lack of access to clean water, basic healthcare and education, paints a dire picture. It is estimated that 1.8 million children aged between three and 18 have lost out on education as a result of the ongoing conflict.

On almost every global indicator, South Sudan is at or near the bottom of the league, whether women dying in childbirth, deaths of children under five, life

expectancy, poverty levels, et cetera. The only contrast is the level of inflation, where South Sudan has topped the league. Almost uniquely, the country remains year after year in a constant state of crisis.

What about the current situation and the prospect of stability? Many aid organisations have invested in South Sudan since independence, wishing to support this young country; they have willed it to succeed. The African Union has hosted numerous negotiations, while the United Nations has tried time and again to persuade the power-crazed leaders to see sense—so much so that the hotels in Addis Ababa must now have dedicated rooms for the negotiation process. I compliment our own Government on their ongoing commitment to South Sudan. Along with the US, the EU and other European countries, we have continued to provide aid and have supported the UN peacekeeping effort by having nearly 400 troops in the country. We have maintained an embassy presence, even when our own compound has been attacked by rebel groups. Moreover, without the World Food Programme, many more would have died.

It is easy to become despondent about the wasted effort, to be disillusioned by the lack of success, or to walk away because of the risks to life and the real dangers that exist. Many organisations have understandably abandoned South Sudan as being too risky, and tragically, over the past year some 30 aid workers have lost their lives.

Within AID, we have approached many potential donors who regard investing in South Sudan as a complete waste of resources in the current unstable climate and when the Government remain so dysfunctional and, arguably, many millions of dollars may as well have been poured down the drain. It is even more tragic that a country with oil reserves, minerals and some of the most fertile land in Africa has made no progress towards financial sustainability, with its precious oil revenue being spent on guns and fuelling internal conflict. The country is broke, with high levels of debt. It has been estimated that, since 2005, South Sudan has generated \$30 billion-worth of oil revenue and has not built a single road, school or hospital. It continues to depend on international aid and finance for humanitarian relief and investment.

What can be done? There have been calls for an aid embargo and economic sanctions to be applied to try and bring the warring factions to heel. The reality, in my view, is that these unscrupulous leaders will not be swayed by economic sanctions. The impact of such measures will fall even more heavily on the poor people who are suffering now. However, as has often been said, doing nothing is not an option. We in the UK have a long historical relationship with Sudan, now South Sudan, and an ongoing responsibility. The world cannot stand at the side of the road and just be observers of this continuing and growing crisis. Incidentally, there were South Sudanese people on the boat that Italy refused to allow to dock last week.

We need to intensify our efforts even more and enforce a ceasefire if we can. While I have said that sanctions would have a limited impact, a global arms embargo is a no-brainer. This should be of the highest priority. The supply of weapons of war needs to be cut off. The surrounding countries in Africa must do even

[LORD CURRY OF KIRKHARLE]

more to exert their combined pressure on the leaders of South Sudan to conform to a ceasefire and hold them to account. We need to use whatever influence we have through the Commonwealth as well as the UN and the African Union, but I do not think for one minute that this will be an easy task. Internally, I believe that the South Sudan Council of Churches could play an even greater role as peacemakers across the tribal divides. The new primate of the Episcopal Church of South Sudan, the most reverend Justin Badi Arama, could be a key figure.

Looking further ahead to beyond the current humanitarian crisis, South Sudan desperately needs investment in infrastructure, roads and connectivity and in its people. There are resilient communities in which the people are trying to help themselves. There are great examples that could serve as case studies in how to survive in the midst of complete turmoil. The church has a key role to play in economic development and is one of the very few routes available to connect with local communities.

There are two other issues I want to address, and I shall be brief. First, I have received a consistent message from my contacts in South Sudan in advance of this debate that the country must be weaned off dependence on foreign aid, except in exceptional circumstances. This will clearly require the wisdom of Solomon, but a strategic plan needs to be in place, linked to investment and to a gradual reduction of aid.

Secondly, I have long been convinced, as the Minister is aware, that we need to invest in the next generation of young leaders in South Sudan. Whatever success or otherwise we achieve in influencing the current leadership, they are completely discredited, dysfunctional and incapable of gaining the confidence of their own nation, let alone the international community. There is an opportunity now to invest in an intelligent grouping of young leaders who exist across tribal divides and are even more frustrated and embarrassed at the image and state of their own country than we are. Training, good governance and moral leadership for the next generation are again, in my view, of the highest priority. I hope the Minister will respond.

I shall finish with a quote from a dear Christian lady called Eunice, whom I met in Juba on one of my visits. She spent much of her life empowering women and working for peace. She said as I left, "You will come back, won't you? So many people never come back!". Those words still ring in my ears. I beg to move.

5.40 pm

Baroness Anelay of St Johns (Con): My Lords, I congratulate the noble Lord, Lord Curry, on securing a very timely debate. Last Wednesday, as he described, yet another ceasefire agreement was declared in a country that has suffered five years of conflict, devastating the lives of ordinary people. The country is poverty-stricken, despite having vast oil reserves.

The words of South Sudanese Member of Parliament Martha Martin Dar are much in my thoughts. She and I were delegates at the Women Political Leaders Summit in Lithuania last month. Martha described the war as a man-made political battle for power and wealth—a war that uses sexual and gender-based violence as

a weapon. She is exasperated by those who sell arms to both sides and prolong the ability of the Government and so many groups to terrorise the civilian population. She hopes that the international community will continue to work with South Sudan to build a safer country and so do I. I hope that the UK will continue its policy of commitment to the peace process, defence of civilians and humanitarian aid. I shall focus briefly on those three issues.

The troika statement last week commended IGAD's efforts to drive forward the peace process and took note of the Khartoum declaration between President Kiir, Dr Machar and other opposition parties. But, as the noble Lord, Lord Curry, said, we have seen this all before. Ceasefires have foundered because of ill will on both sides. It seemed at times that the ceasefires had been announced only to coincide with the start of the rainy season, when warfare becomes impossible in any event. That happened when I was in South Sudan last May. Part III of the UN Secretary-General's report published just last week makes for chilling reading about the increased intensity of the conflict this year ahead of the arrival of the rainy season in the regions of Greater Upper Nile and Greater Equatoria. Is the Minister confident that this ceasefire will be meaningful? The troika stated last week that,

"all sides must stop fighting now",

but, as the noble Lord, Lord Curry, said, they have broken the ceasefire already. What happens next?

While I was in South Sudan, I discussed the peace process with President Mogae, chair of the Joint Monitoring and Evaluation Commission of the peace agreement. He explained that work was being undertaken to introduce some rigour into the government treasury in South Sudan. At that stage, it seemed that those at the top of the Government used it as their own personal bank account. Can my noble friend the Minister say whether any progress has been made on that? I am concerned by the UN Secretary-General's recent report, which says:

"Despite buoyant international oil prices, overall fiscal performance did not improve, raising concerns about the management of the additional oil revenue".

I am not suggesting that we should give up the search for peace, but I wonder what else can be done to produce results. I note what the noble Lord, Lord Curry, said about his scepticism about the use of sanctions, but I saw the look in the eyes of somebody under UK sanctions when I was in a meeting with him when I was the sanctions Minister. I think they meant something to him. I am glad that I was not left in the room alone with him, I can tell you. Can the Minister tell us what the Government's current assessment is of the sanctions regime and about recent discussions on extending sanctions on targeted individuals?

The troika also stated last week that the ceasefire must allow the return of South Sudan's refugees and displaced people and must lead to improved security for communities and an end to the horrendous abuses endured by civilians at the hands of the security forces of both sides, who have razed villages to the ground and committed the widespread rape of men, women and children—including babies. What do we plan to do to encourage the combatants to comply, despite the

fighting of this week? What are our plans for our own protection of civilians and how do we intend to move forward with that?

Last year, I flew north to Malakal in Unity state and visited the UNMISS protection of civilians camp, where 35,000 people have taken refuge after fleeing from what used to be the second city of South Sudan. I met UK troops there who had recently joined the UNMISS contingent and whose professionalism had already won respect. I was therefore delighted to hear last week that they had been presented with UN medals of honour for their commitment and service to the people of South Sudan. We can indeed be proud of them.

Turning to the question of humanitarian aid, there is clearly, as the noble Lord, Lord Curry, has said, a great need across the country for such aid. Tens of thousands have been killed and 4.2 million people—a third of the population—have been forced to flee their homes. At the moment, aid organisations forecast that, this year, 1.1 million children under the age of five will suffer from malnourishment, with nearly 300,000 suffering severe malnutrition, probably resulting in death. Is the UK still the second-largest contributor to the humanitarian response? What is the Government's assessment of the current position across South Sudan on, as the noble Lord, Lord Curry, mentioned, the matters of health, food and education? What is the current position regarding our own DfID-funded projects?

I wish every success and safety to Becks Buckingham, the DfID country director, and all those working at our embassy—I salute them. South Sudan remains one of the most dangerous operating environments in the world for humanitarian workers and for those who try to protect them. The troika stated last week that the ceasefire must allow the safe delivery of humanitarian assistance. What response has there been to that from the South Sudanese Government?

Overall, the resilience of the people there is astonishing. Despite the terrible hardships that they face, they continue to live with dignity and hope, but they need peace. Even my general disposition towards optimism was tested to the very limit by what I saw there. The recent ceasefire is still welcome, even if there have been problems this week, but the UK and the international community must make it crystal clear that we expect the combatants to do much more to ensure that the peace process is both inclusive and sincere. There really is no excuse for inaction.

5.47 pm

The Earl of Sandwich (CB): My Lords, I am most grateful to my noble friend Lord Curry, who is a fellow member of our APPG on Sudan and South Sudan and has had a particular interest in this area for some years. My own background is that I worked with Save the Children in 1989-90—it has very kindly assisted me with this debate today. I also live in the Salisbury diocese, which is active on South Sudan's behalf.

I have followed the fortunes of South Sudan since I first visited Bentiu and Malakal on behalf of Christian Aid back in the 1970s. Even then, after the 1974 Addis Ababa agreement, the south was a region afflicted by sporadic violence. It is hard to see how this resilient nation has endured these conditions for so long, despite

successive peace agreements and the exciting referendum result that led to independence. As we have heard, since 2013, South Sudan has been gripped by emergencies and continued insecurity. Riek Machar once had close ties with this country and I would expect the FCO to have his mobile number even today. Endless talks in Addis Ababa, limited success for IGAD's high-level revitalisation forum, continued activity by the SSCC—and a lot of other acronyms—have characterised the cessation of hostilities. On the positive side, I hear from Tearfund that the participation of women and young people has recently been more evident in the negotiations. The Sudan unit in the FCO has worked hard on the peace process, and I look forward to the Minister's latest analysis.

I know from my own visits that, as the noble Baroness has just said, South Sudan is a dangerous place to work. According to Save the Children it is one of the deadliest places in the world, with tens of thousands of civilians killed and nearly 100 aid workers losing their lives since 2013. Aid workers were frequently targeted in the months during or following those events, and even the displaced under the protection of the UN were subject to violence and rape. A civil society statement to the African Union explicitly condemns the use of sexual violence as a weapon of war and the use of child soldiers and calls for an independent investigation into allegations of the use of sexual violence. The UN's own human rights report on South Sudan in February stated:

“Conflict-related sexual violence is endemic. Rape, mutilations of sexual organs and other forms of sexual violence, targeting girls, boys, women and men, are often committed in front of children, humiliating the victims, their families and their communities and destroying the social fabric. That leaves behind a traumatized people and sows the seeds of yet more violence”.

Did our Government support calls for action on these horrendous crimes such as a special court or a TRC? If not, we can only express our horror and consternation, as my noble friend described.

Over 4 million people, roughly one-third of the population, have been forced from their homes, making South Sudan the third-largest refugee-producing nation globally behind Syria and Afghanistan. According to Save the Children, famine has now been declared and famine levels of food insecurity persist in many parts of the country. Basic infrastructure is lacking or has been destroyed, with only 400 fully operational health facilities left nationwide. Many areas are now severely restricted, even the once peaceful Equatoria, where the more recent fighting has taken place.

As one of the largest operational NGOs in South Sudan, Save the Children is prioritising access to basic services and protection for South Sudanese children. I saw some of its work during our APPG visit just before independence. They have been involved in health and education at a high level, alongside government and the UN agencies. It is common knowledge that a lot of money from the World Bank designated for the health sector virtually disappeared a few years ago, and all donor Governments were wary of investing in the Salva Kiir administration even before the present conflict. Oil revenue has doubtless ensured the payment of soldiers before teachers and nurses, although no figures since 2016 are likely to be available.

[THE EARL OF SANDWICH]

For now, though, the humanitarian emergency has the highest priority. The aid agencies have particular concerns. I quote from an appeal from Save the Children:

“We call on all parties to allow full humanitarian access, to respect international law and end the war on children whose rights are continually violated in South Sudan. While conflict persists, we must see an end to the targeting of schools, hospitals, and humanitarian actors, as well as an increase in funding to agencies and INGO’s whose operations are being crippled by a lack of resources”.

I have more statistics to offer—some have already been mentioned and I will select only a few. Out of the 4 million displaced, 85% are women and children. One million live on the brink of famine. Last year 1.75 million children under five and breastfeeding mothers were acutely malnourished. There were more than 50 deliberate attacks on schools and hospitals in the two years up to last December. Nearly 2 million children are out of school, with almost 10% of schools destroyed, damaged or closed. For aid agencies there is one especially unusual and alarming statistic: South Sudan has the highest number of verified cases of denial of humanitarian access globally, with 44% of incidents internationally occurring there.

So of course my question for the Minister has to be: what are our Government doing to ensure that humanitarian access is improved, what are the constraints and how can the international community work together more effectively to remove them? I look forward to the Minister’s response.

5.54 pm

Lord Chidgey (LD): My Lords, I too congratulate the noble Lord, Lord Curry, on securing this debate on the crisis in South Sudan. I also congratulate the noble Earl on his contribution and the breadth of knowledge with which he has informed this debate—that goes for the noble Baroness, Lady Anelay, as well.

I had the opportunity to visit the southern part of Sudan shortly before independence was declared in Juba in July 2011. The parliamentary delegation of which I was a part visited Juba and Khartoum, meeting the soon-to-be President of South Sudan, Salva Kiir, and his staff, and members of President Bashir’s Cabinet in Khartoum.

Noble Lords will recall that, at that time, just prior to the referendum on South Sudan’s independence, there was a massive relocation of population from north to south. Sudanese families were uprooted from the urban environment around Khartoum and transported to the mostly rural areas in the south. Flotillas of Nile barges were deployed to ship these new refugees down to Juba, with around 1,000 people on each barge. It was a moving experience to hear so many people singing together, announcing their impending arrival before each barge came into view, unaware of what awaited them.

Juba then was, and by all accounts still is, a bankrupt and broken city. It had no formal commercial trading base. There are no banks—just a simple cash economy. Our delegation’s organiser had to carry around a cash float sufficient to meet all our travel and accommodation costs in a Tesco plastic bag—I do not know how many

thousands of dollars she carried; I did not like to ask—until we found a secure cupboard which relieved the responsibility, courtesy of the UK mission.

The urbanised refugee families from the north were confronted with the prospect of becoming tenant smallholder farmers. They were provided with hand implements, allocated a patch of land and invited to get on with it. The plight of children orphaned by the upheaval was dreadful.

Our delegation was taken to a temporary childcare centre, funded and run by volunteers. They cared for the children they found abandoned in the Juba city markets. With there not being enough money to provide accommodation, the children had to be returned to the market each night and take their chances sleeping under the stalls. By the time the girls were 11, they were coerced into prostitution in the market brothels. Before the boys reached 11, they had generally disappeared.

As if this was not enough for an impoverished, destitute population to cope with, in a country with barely any infrastructure, no civil administration and no formal governance, in 2013—as noble Lords have mentioned—it was plunged into civil war. It was a vicious civil war initiated by leaders with no concern for the fate of the people whom they professed to lead.

Just this week, yet another peace agreement was signed. South Sudan’s UN ambassador, Akuei Bona Malwal, said that the declaration included other warring parties and that they had all pledged to work together to bring peace to the country. I must thank his excellency the ambassador for South Sudan, who sent me a copy of the agreement via the noble Lord, Lord Sheikh, which is encouraging. Unfortunately, during the photocopying process, I believe that they have managed to miss out one of the pages which is probably the most important. There we are: it is in my hand; we have the agreement.

Security Council members have welcomed this sign of progress after more than four years of a bloody conflict that has seen thousands killed and more than 4 million displaced from their homes or made refugees. The fighting has caused a humanitarian catastrophe, with more than 7 million South Sudanese requiring humanitarian assistance this year.

The radio station Voice of America, in Washington, reported that Security Council member, Equatorial Guinea’s UN ambassador, Job Obiang Esono Mbengono, had said that the peace declaration was a step on the right path but they were cautious when it came to optimism, since it was not the first time that the parties had reached agreements and not respected them.

The Ethiopian envoy Tekeda Alemu said that the coming days will be critical and that what matters now is for the parties to honour their commitment and implement the ceasefire, but what are the prospects of it lasting? We have already heard this afternoon that the ceasefire has been broken. One far-sighted commentator said that this civil war will last until both sides come to the conclusion that neither side can win.

In the meantime, the people of South Sudan continue to suffer. In the meantime, 7.5 million people need humanitarian assistance, 6 million people—half the population—are severely food-insecure, 1.8 million

people have sought refuge in neighbouring countries, making Bidi in Uganda the world's largest refugee camp, and there are at least 4.2 million IDPs. There are outbreaks of cholera, kala-azar and measles, and during six months of 2016 there were 2 million cases of malaria alone. Three-quarters of school-aged girls are not in school, an adolescent girl is three times more likely to die in childbirth than to complete primary school, and one in five girls among displaced communities has experienced rape or sexual assault since the conflict started.

Despite the signing of the cessation of hostilities agreement, conflict has intensified in parts of Unity and Central Equatoria states. Government forces are seeking to dislodge opposition forces ahead of the rainy season. On 31 May, the Security Council adopted Resolution 2418, renewing the sanctions regime until 15 July, by which time the fighting should have stopped and the parties should have come to a viable agreement. If they have not, the Security Council will consider applying targeted sanctions to six identifiable individuals. Nevertheless, will the Government's approach to conflict resolution focus not solely on the high-level peace process but look at the root causes? Will the Government strongly and publicly support humanitarian responses to refugees in Sudan and neighbouring countries? Will they acknowledge that more should be done to ensure that South Sudan leaders holding British citizenship are held accountable in an investigation into arms deals between a UK company and South Sudan? Will they support Uganda in providing a safe haven for Sudanese refugees, given that only 21% of the UNHCR's call for some \$674 million in 2017 has been funded?

6.02 pm

Lord Harries of Pentregarth (CB): My Lords, there was a flicker of hope on 20 June when President Salva Kiir and the rebel leader Riek Machar met in Addis Ababa and agreed a ceasefire from last Saturday but, as we have heard, it was quickly extinguished when fighting broke out between the two warring factions on Monday, with 18 civilians reported dead and 44 injured. As usual, it was civilians who suffered. Observers of what has been happening in South Sudan since the outbreak of fighting were not at all surprised.

The suffering in South Sudan is appalling and the need for continuing humanitarian aid is urgent. I shall not repeat the figures we have heard. We are all aware of the awful situation. Everyone is agreed that the political priority must continue to be establishing a stable and lasting peace so, when the key actors appear so reluctant to make this happen, the international community must continue to persevere through all setbacks, whatever the temptation to despair—and there is a big temptation. There will be lots more setbacks, but we must persevere.

Continuing pressure must be put on Salva Kiir and Riek Machar to control the forces under their command and reach a lasting long-term agreement. To this end President Kiir's proposal to extend his term of office for a further three years is totally unacceptable, and his proposal for elections soon is no better when so many members of the population are displaced from their homes. A proper system needs to be in place to record incidents where the ceasefire has broken down

or where human rights abuses have taken place. Gender-based violence, looting, the burning of villages, torture and the use of food as a weapon of war have all been reported and amount, in some cases, to allegations of war crimes and crimes against humanity. It must be clearly stated that, however long it takes, perpetrators will be brought to justice. Meanwhile targeted sanctions against key players known to have offended need to be in place and the process of setting up a hybrid court in South Sudan needs speeding up.

These things cannot just be accepted with a shrug of the shoulders as an inevitable accompaniment of civil war. They take place with depressing frequency but remain a breach of the moral and legal order which the international community, through the UN, has a duty to uphold. As the Human Rights Watch interactive dialogue with the Commission on Human Rights in South Sudan put it:

“We urge the Human Rights Council to renew the mandate of the UN Commission on Human Rights in South Sudan and ensure it has sufficient resources to continue its indispensable work to collect and preserve evidence of serious violations of human rights and identify those who may be responsible”.

Unfortunately, to date, little progress has been made on establishing the South Sudan hybrid court, which is provided for under the August 2015 agreement. The commission called for establishment of the hybrid court to be expedited. The African Union commission should move forward in establishing the court without the South Sudanese Government, which is permitted under the peace agreement. If progress is not made, the International Criminal Court remains the global court of last resort and the necessary steps to grant it jurisdiction over the conflict should be pursued. As Ambassador Joanna Wronecka, chair of the UN South Sudan sanctions committee, said:

“There must be a tangible cost for the continuation of violence”.

Whatever can and must be done in relation to Salva Kiir and Riek Machar, there is a groundswell of feeling that the only real hope for the long term is to bring more women and more younger people into the process. It has been well argued that buying off elites to stop the fighting has not worked, and is not working. This is a process in which military commanders are offered promotion or posts in the Government for laying down their arms, which they do only for a short period. Perhaps some of this is necessary as a short-term expedient but it cannot get to the roots of the problems in South Sudan.

The majority of the population of South Sudan are young—51% are under 18—and their future is at stake. The older generation has let them down badly. There is a tiny glimmer of hope in that at least one young person was brought in by each team in the recent high-level revitalisation forum talks, and women have started to make their voices heard in discussions. But women need to be much more prominent at all levels. They are a real key to the future. More widely, civil society—not least the churches—has a key role in building the institutions of the future, without which there can be no stable political order. One of the implications is that more resources need to go into building peace at local levels, using civil society rather than warlords. The international community—in particular the key African states—needs to insist on this as a precondition of continuing support.

[LORD HARRIES OF PENTREGARTH]

The humanitarian situation is appalling, as we have heard a number of times during the debate. Particularly upsetting is the way that access to aid is being blocked in so many areas; it is also being blocked by bureaucracy. Aid agencies report that their workers there are having to pay taxes locally, including on their cars, and that it is very difficult to get licences to operate their cars.

It is important to note that, while a few aid workers in some parts of the world have besmirched their agencies by their behaviour, aid workers, not least in South Sudan, are often in an exposed and vulnerable situation, with their lives at risk. More than 100 aid workers have been killed in South Sudan in recent years. The international community needs to insist on the removal of all these hindrances, physical and bureaucratic, to aid actually getting through.

Finally, to further these key objectives, it is vital to have adequate peacekeeping and monitoring forces on the ground—to deter warring parties from fresh outbreaks, to record violations of the ceasefire, and to record human rights violations. The African Union, under the UN, is the body responsible for having forces in South Sudan to help with the task. In the past there seems to have been prevarication and delay. Is the Minister able to say which forces, from which countries and in what numbers, are now in position in South Sudan and what reports have been received on how effective they are being?

6.09 pm

The Lord Bishop of Rochester: My Lords, I too am grateful to the noble Lord, Lord Curry, for bringing forward this debate, I apologise to your Lordships for scurrying in slightly late at the beginning, having been taken short, as it were, by the rapidity of the previous business.

A year or more ago, I was passing through Nairobi airport, dressed not quite like this but recognisably as a bishop. A gentleman also clad in a purple shirt was approaching down a corridor. Both of us having time to spare before our flights, we fell into conversation. My new friend was a bishop from South Sudan and was on his way home after a meeting of Church leaders from across Africa—from places of conflict and from places that were recipients of refugees from those conflict areas. Our conversation was one that will stick in my mind for the rest of my life, I suspect, as he shared with me the reality of existence in his diocese. He and his colleagues had been discussing the Church's role in peacemaking and reconciliation in those settings.

As has already been generously acknowledged by many, the churches have a particular role in South Sudan, as in other places. I fully understand the reservations expressed by the noble Lord, Lord Curry, about the most recent Khartoum declaration and the prospects thereof, but I guess that if we on these Benches are paid to do anything, we are paid to be people of hope. Therefore, I dare to pray with others for a lasting peace and for humanitarian development and economic and social development, for which a lasting peace is the necessary precursor.

The noble Earl referred to the connection of the diocese of Salisbury with South Sudan, and my right reverend friend the Bishop of Salisbury would be

pleased to have that acknowledged in this debate. These long-standing connections between English dioceses and parts of the Church overseas are important factors in enabling the relationships to continue. They often work at a very local level and should be encouraged and fostered.

As it happens, a young woman from my own diocese is currently in South Sudan as a development worker with Tearfund, which has already been referred to. As I think is quite well known, the most reverend Primate the Archbishop of Canterbury has personally been significantly engaged in issues in South Sudan, having recently visited South Sudanese refugees in Uganda. I am not someone who is easily moved to tears but I came very close to it when the archbishop spoke following the visit that he made to South Sudan in 2014, when he went into the heart of the conflict zone and visited the town of Bor. He spoke of the horrendous body count that he witnessed there. He stood at the mouth of what was in effect a mass grave and was asked by the local people to pray. Again, the sharing of that experience is something that will stay with me for the rest of my days.

The role of the United Nations has already been acknowledged in this debate. It recognises that in South Sudan the Churches and other faith-based organisations have the greatest reach and credibility among the people of any organisation. That is of course partly because the Church is already there—in the form of her people in every community, every village, every town and every place. Because the Church takes the form of those local people and local communities, it, of any organisation, cannot abandon South Sudan and its people because it is South Sudan and its people in so many respects. Its leaders have, with much frustration and setback, sought to contribute significantly to reconciliation processes at grass-roots and other levels, and they will continue to do so. Whether it be in the episcopal province of South Sudan or the wider South Sudan Council of Churches, they, I know, stand ready to continue to play their part in whatever way possible—in peacemaking and reconciliation, and in humanitarian and aid work.

Therefore, I ask the Minister, in responding to this debate, to pledge that Her Majesty's Government will continue to engage with us and with the faith communities, and perhaps especially with the office of the most reverend Primate, not least because the archbishop now has on his staff at Lambeth Palace a South Sudanese bishop who brings personal knowledge and awareness to that place.

Our sisters and brothers in South Sudan, especially the bishops and other leaders, have pledged to continue to work for lasting peace even against the considerable setbacks that have been happening and which no doubt will continue. They are there for the well-being of the whole nation and I encourage Her Majesty's Government to seek the opportunity to engage with them as partners.

6.15 pm

Lord Alton of Liverpool (CB): My Lords, I join others in congratulating my noble friend Lord Curry on securing today's timely debate. He has a long-standing interest in and love of Sudan—a country that needs all the friends it can get. Among its greatest friends is the

All-Party Parliamentary Group for Sudan and South Sudan, of which, along with my noble friend Lord Sandwich, I am an officer.

My first visit to the south of Sudan was when it was part of the Republic of Sudan 20 years ago. It was convulsed by a civil war that took 2 million lives. Khartoum's systematic campaign of aerial bombardment left a country with a legacy of corpses and widows; a country devoid of infrastructure—schools, hospitals and homes were all destroyed by Khartoum's Antonov bombers; a devastated country littered with small arms and weapons, militias and tribal conflicts. Khartoum ruthlessly promoted a radical Islamist ideology that sought to eliminate difference, killing Muslims who refused to comply as well as Christians and followers of traditional religions. It cynically bought support by setting one group against another using the age-old tactic of divide and rule.

Countries such as Nigeria would do well to study the appalling consequences of allowing the promotion of an ideology that is still being relentlessly pursued in other parts of Sudan, such as Darfur, Blue Nile and South Kordofan. These were the prevailing circumstances when partition came in 2011 and with the emergence of South Sudan as an independent country. Made up of the 10 southern-most states of Sudan, South Sudan is one of the most diverse countries in Africa. Born after decades of conflict, the eyes of the world watched as a brand new state was formed with the help of millions of dollars from the international community, which, as my noble friend trenchantly observed, has not been used to build a new state. I will be interested to hear from the noble Lord, Lord Bates, when he comes to reply, his assessment of how much of that money has been diverted into corrupt purposes and people's pockets rather than for the purposes it was intended.

In 2011, Barack Obama proudly said:

"Today is a reminder that after the darkness of war, the light of a new dawn is possible".

Next Monday, 9 July, will mark the seventh anniversary of the independence of South Sudan, but in those years the people of South Sudan have known little peace, let alone a new dawn. Humanitarian statistics, as we have heard, fail to tell the whole story of a conflict, but the latest figures coming out of South Sudan are truly staggering. Some 1.8 million people are internally displaced, with a further 2.4 million seeking refuge in neighbouring countries. At various points in the conflict, the Bidi camp in Uganda was receiving over 1,000 refugees every single day, making it the largest refugee camp in the world. Over half the population in South Sudan is facing severe hunger.

Right now, as the noble Lord, Lord Chidgey, reminded us, an adolescent girl in South Sudan is three times more likely to die in childbirth than to complete primary school. A recent study from the International Rescue Committee and the Global Women's Institute at Georgetown University revealed that over 65% of women and girls have experienced some form of gender-based violence—an issue that the noble Baroness, Lady Anelay, has done so much to highlight in her various roles in your Lordships' House. The United Nations has found, "massive use of rape as an instrument of terror", and Amnesty International has reported sexual violence as "rampant".

South Sudan desperately needs peace. Without it, development and progress are utterly impossible. I would like to pay tribute to the Carter Center for its achievement, in 2016, in finally ending the blight of Guinea worm in South Sudan. But can the Minister tell us what effect the continuing conflict is having on vaccination programmes, in combating other diseases, and on issues such as child mortality, malnutrition and the fulfilment of development goals? I would particularly like to ask the Minister about the peace process and where we go from here. I commend the commitment, as others have done, and skill of the Foreign Office Sudan unit, led by the UK special envoy Chris Trott. The UK is rightly at the forefront of the international effort to promote an inclusive peace in South Sudan.

Last month, as we have heard, President Salva Kiir and Dr Riek Machar signed a permanent ceasefire in Khartoum, under the watchful eyes of Uganda's President Museveni and Field Marshal Omar al-Bashir. But we are also aware that there have been countless ceasefire agreements since the conflict began in 2013, which have consistently been honoured only in their breach. We would be foolish to see this as some sort of last word or to let up the pressure on South Sudan's leaders, who have let down their own people for so long and proved unworthy of the possibilities opened up for them by John Garang and those who sacrificed so much to achieve independence. We should be wary, too, of President Bashir's motives, given his indictment by the International Criminal Court for genocide and his continuing depredations. He is driven primarily to see oil flowing from Sudan once again.

Faced with this difficult situation, I would be grateful if the Minister could respond to the following questions. First, does he agree that the passing of the Sanctions and Anti-Money Laundering Bill should pave the way for the UK to ramp up sanctions on the leaders in South Sudan? Crucially, these sanctions must be linked to the peace process and a wider UK strategy in South Sudan. I agree with what the noble Baroness, Lady Anelay, said earlier in that regard. Secondly, does the Minister agree that unless the UK escalates its diplomacy with President Museveni, including perhaps discussions with the Foreign Secretary and the Prime Minister, he is in danger of acting solely in his own interests? Thirdly, does he agree, as my noble friend argued, that the role of the South Sudan Council of Churches, alluded to a moment ago by the right reverend Prelate, will be crucial as it is one of the few actors left untainted by decades of inter-ethnic violence? What further help can we give to that process?

There is an old African saying that, when two elephants fight, it is the ground below that is flattened. Clearly, as two leaders have been fighting, it is the people of Sudan who have been suffering. These wonderful people deserve much better than that, and I hope that Her Majesty's Government will continue to give them the hope that the right reverend Prelate said it is our duty to provide.

6.22 pm

Baroness Cox (CB): My Lords, I too thank warmly my noble friend Lord Curry for securing this debate on one of the worst humanitarian crises in our world

[BARONESS COX]

today. I will focus primarily on Bahr-El-Ghazal, in the north-west of South Sudan, which I visited many times during the previous war, inflicted by the Government in Khartoum between 1989 and 2005, when I walked through countless killing fields and burnt-out villages. I have also visited it many times since the peace agreement and during the present civil war, most recently earlier this year when I visited my small NGO, Humanitarian Aid Relief Trust, or HART. We met hundreds of people displaced by conflict and witnessed the overwhelming humanitarian crisis they are now suffering. We have heard the statistics but they are worth repeating: there are 1.8 million internally displaced people now in South Sudan and an estimated 2.5 million refugees in neighbouring countries, the vast majority of whom are women and children.

Food insecurity is at unprecedented levels as the civil war has limited the access to farming land, reduced harvests and prevented cultivation due to fear of violence. The greater Bahr-El-Ghazal and Upper Nile regions continue to have the highest prevalence of acute malnutrition. According to the UN, two-thirds of households in the city of Wau—the major city in Bahr-El-Ghazal—are food insecure. The country remains highly susceptible to endemic disease, exacerbated by water, sanitation and hygiene problems. There are also escalating problems with the provision of healthcare caused by the looting of healthcare facilities, attacks on healthcare workers and a shortage of skilled healthcare professionals.

Our partner in Wau is the Anglican Archbishop Moses Deng, who works with Christian Action for Relief and Development, or CARD. He reported that on 13 June there were clashes between government and opposition forces just south-east of Wau. This is considered to be the first stage of a military campaign aimed at expelling opposition groups from the surrounding areas. CARD also reported that last week, on 30 June, when a new ceasefire was set to take effect, government forces and rebels launched attacks on each other's positions. The archbishop told us that the repeated ceasefire violations are a result of people within both government and opposition forces being unhappy with the agreements that have been signed, or of their benefiting from the war. The situation is dire and needs urgent attention.

Time allows only one detailed example of the suffering endured. In March 2017, 5,000 IDPs flocked into Wau's cathedral compound seeking refuge from local conflict. Archbishop Moses had to borrow money from local traders to buy food for these IDPs, as many were on the brink of death from starvation. He sent an urgent request to HART asking for emergency funds for life-saving food. HART, as a very small NGO, was able to send only £10,000—I wish I were Bill Gates. However, the archbishop was profoundly grateful, saying this would buy a lot of sorghum and prevent him being arrested for his inability to repay loans from the traders.

This is surely an unacceptable situation. With DfID pouring massive funds into South Sudan, for which great credit is due and deserved, there must be a way for emergency funding to be made available to save lives in emergencies such as this. When I asked the

archbishop about applying to DfID he shrugged his shoulders in despair, saying he does not have the resources to invest in complex bureaucratic procedures, adding that, before aid is given by the big NGOs, assessments are made and by the time the assessments have been assessed, the people have died. I ask the Minister, therefore, what advice can be given to people such as our partners in Bahr-El-Ghazal and other parts of South Sudan on how to access emergency funds to save lives. I appreciate the need for accountability for taxpayers' money, of course, but surely a situation such as this requires more readily available life-saving emergency funding than can be provided by a small NGO such as HART.

I can share a ray of light on this dark horizon. When those 5,000 IDPs flooded into the cathedral compound, they came from three different tribal groups with historic animosity and conflict. Our partners there exerted robust peacekeeping skills in their compound by grouping individuals from the three tribes together. Desperate civilians laid down side by side and made friends. They left three months later for the new IDP camp at Hai Masna with reconciliation achieved and hostility abated. Throughout the country, the South Sudan Council of Churches is intensifying its peacebuilding and reconciliation at grass-roots level, with initiatives to provide desperately needed education and healthcare. The diocese of Wau has also established new schools for children who were previously denied access to education because of constant aerial bombardment by the Khartoum regime. Secondary schools have been equipped with special provisions for girls reaching puberty, who often drop out of school at that stage for social and personal reasons.

We are continually inspired by the courage, resilience and resourcefulness of the people of South Sudan. Will Her Majesty's Government ensure the provision of more accessible resources for the peacebuilding and skill-learning initiatives currently operating at local level, which are so important for conflict reduction and the building of essential skills and qualifications for the development of this new nation? Its people have suffered far too much for far too long, but they are still there, working hard to build a brighter future, and despite their pain they still smile their famous, courageous South Sudanese smiles, which make me feel very humble.

6.28 pm

Baroness Sheehan (LD): My Lords, I add my congratulations to the noble Lord, Lord Curry, for securing this debate on this very important subject. It is important because it brings starkly to our attention the push factors that contribute to the numbers of people fleeing the most appalling conditions of human suffering, suffering that is all too often manmade, as typified here in South Sudan, and as articulated so forcefully by many noble Lords, as well as the right reverend Prelate, in their contributions to this debate.

The pattern is a familiar one when Africa's big men turn their firepower on each other. So started this civil war in South Sudan, as President Kiir went to war with his deputy, Riek Machar. Civilian populations, especially women and children, bear the brunt of the

violence, and sex is all too often used as a weapon of war, with devastating effect. Several noble Lords, including the noble Earl, Lord Sandwich, and the noble Baroness, Lady Anelay, have given us graphic details.

Research from Save the Children tells us that the main killer of children in conflict zones is inadequate access to healthcare and malnutrition, which kills 20 times more children than the violence of the conflict itself. Across South Sudan, children continue to die of treatable diseases such as malaria, diarrhoea and pneumonia. One solution is to shift more resources to low-cost community health delivery. Are the Government pushing this agenda with NGOs and the South Sudanese Government, where it is safe for them to do so? Is this a focus of their work with local civil society and faith groups working at grass-roots level?

Those who have survived the brutal conflict in the world's newest nation flee to borders with or within neighbouring countries. Bidi Bidi in Uganda, mentioned by the noble Lord, Lord Alton, is one such camp. It is now the largest refugee settlement in the world, covering an area of 100 square miles. Uganda has been noted as a generous host, housing 1.4 million people in 14 camps. Those granted refugee status are given plots of land to cultivate and allowed to settle and integrate with local communities and schools. Bidi Bidi has a makeshift theatre with a talent show and a shelter for women and girls which provides counselling. Those are just some of the features that typify the humane treatment of refugees there.

This enviable record of humanitarian outreach to refugees contrasts starkly with the treatment of refugees who have made their way to our shores—or not, as the case may be. At last week's EU Council meeting, we saw the pressure that this mass movement of people—the largest since the Second World War—is bringing to bear in the West, with the media focused on whether it will or will not bring the German Chancellor down. Currently, it looks as though Angela Merkel will survive but, in the eyes of many, our contortions in the West dealing with people desperate to escape murder, rape and starvation, does not reflect well on us. Although Uganda's refugee policy is considered exemplary worldwide, the country is reaching its limits.

Will our vision and leadership on this most momentous issue of our time include a concerted effort massively to increase support to refugee camps such as those in Uganda? This is surely a much better use of scarce resources than building walls of dubious benefit or fanciful disembarkation platforms. It would also have the added benefit of keeping people close to their former home. I do not want to live in a petrified fortress Europe, I want to live on planet earth.

The KPMG report, *South Sudan Economic Snapshot H2 2017*, paints a picture of an economy with significant unrealised potential, not least in agriculture. Of its 90% vast arable lands, 50% is considered to be prime agricultural land, yet only 4% is currently under cultivation. We know of South Sudan's vast oil reserves, but research carried out in more peaceful times indicates rich mineral deposits, as well as gas. In April 2016, South Sudan joined the East African Community, opening up a massive regional market and, with it, hopes of export corridors to the south through Kenya.

The peace dividend is potentially great, particularly if, as the noble Lord, Lord Curry, said, the talent of the youth of South Sudan is harnessed.

For what it is worth, the troika released its statement last Friday on the success of the Intergovernmental Authority on Development's efforts to drive forward the South Sudan peace process, culminating in the Khartoum declaration of agreement between President Kiir and Dr Riek Machar. Whether the ceasefire demanded will go the way of others remains to be seen. It has certainly got off to a shaky start. However, I welcome its rejection of self-monitoring as well as the statement of intent by the international community to stand ready to support action by IGAD and the African Union to put an end to allowing individuals to act with impunity. Given that, I seek the Minister's assurance that Her Majesty's Government will continue to give this agenda their full and wholehearted support and that nothing will dilute our commitment to hold to account those responsible for human rights abuses.

It is only through transparency and accountability that we can ensure that new streams of revenue will directly benefit the South Sudanese people and enable them to rebuild and create a framework of institutions that will allow peace and stability to return. I agree with the noble Lord, Lord Curry, that we should call time on recent practices when government revenues have either been siphoned off into rearmament to fuel more conflict or squirrelled away into tax havens.

6.35 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Curry of Kirkharle, for initiating this debate. I know that the noble Lord, Lord Bates, has referred on numerous occasions to the situation in Sudan, and particularly South Sudan, as a manmade crisis. It is a manmade crisis that can, as we have heard in the debate, be avoided. I want to stress, as did the right reverend Prelate, that speakers on all Benches have reflected the mood of hope despite some of the circumstances that we have seen in the past.

Created in 2011 after decades of conflict, South Sudan was a symbol of hope for post-conflict societies, yet after just two years civil war broke out when President Kiir accused his former deputy, Riek Machar, of attempting a coup, and we have seen the consequences. Of course we had the peace deal that was brokered in 2015 by the regional Intergovernmental Authority on Development, but by July 2016 the conflict started again and since then we have seen escalating violence and tensions. According to Oxfam, around 4 million people have been displaced out of a total population of just 12 million; half the population is experiencing extreme hunger and over 60% is in need of humanitarian assistance.

All noble Lords speaking in this debate have referred to the ceasefire last week and the agreement reached between Kiir and Machar. The agreement introduces a pre-transitional period of 120 days, in which as we have heard there are still outbreaks of violence, and then there is to be a power-sharing Government for three years that will be led by Kiir and will include three vice-presidents, the most senior of whom is to come from the Machar faction. After the failure of the previous agreements, the key issue for the international

[LORD COLLINS OF HIGHBURY]

community and for the United Kingdom is how to maintain the pressure to keep the South Sudanese leaders engaged in this process. Like the noble Lord, Lord Curry, I would like to hear from the Minister about the concrete steps we can now take to hold those leaders to account, and like the noble Baroness, Lady Anelay, I think that targeted sanctions are an important element of the suite that we have available. I also certainly agree with the noble Lord, Lord Alton, that the Government should consider using the powers in the Sanctions and Anti-Money Laundering Act 2018, as it is now. Of course, there were many debates when that Act was going through on how precisely we can use targeted sanctions to hold people to account and ensure that they comply with international law. That will, I hope, have an important response from the Minister this evening.

The Government have also been using the Conflict, Stability and Security Fund for programmes in South Sudan. It was, of course, used very heavily in the 2015 agreement. What are the Government considering about how that fund can be used to underpin the new agreement? I know that we can look at failures, but we should also look at concrete examples of where it has worked, and I hope that the Minister can respond on that. Noble Lords have all referred to neighbouring countries, particularly Uganda, so I hope that the Minister can also outline how we can—as the noble Lord, Lord Alton, said—increase diplomacy with the President. I hope that the Minister will be able to say this evening that there are direct talks with the Foreign Secretary to ensure that the process is underpinned and that we do not just leave it to chance.

I have no doubt that the noble Lord, Lord Bates, will highlight exactly what the United Kingdom has been doing through DfID to support projects in South Sudan. The UK spends around £130 million annually and is constantly one of the world's top three donors. Its work has involved providing life-saving food assistance to 440,000 people in 2016 and, in 2017, offering emergency food aid and livelihood support to nearly 500,000 people. As we have heard in the debate, the United Nations is now warning and predicting that famine will return and that food insecurity will be greater this year than last year, with starvation once again being used as a weapon of war—it is a manmade humanitarian crisis; that is what we need to remind ourselves. In stories of conflict it is, as we have heard from the noble Earl, Lord Sandwich, women and children who pay the highest price, particularly through the use of rape as an instrument of terror.

I conclude with the evidence presented to the International Development Committee in its evidence session last December, in which Dame Rosalind Marsden, the former ambassador and EU special representative for Sudan and South Sudan, claimed that the UK could do more to focus on local peacebuilding, taking regional factors into account, and understanding,

“the different dynamics of the conflict in South Sudan at subnational level”.

I hope that in his summation of the debate, the Minister will be able to tell us how we are going to devote more efforts to peacebuilding in the programmes across South Sudan.

6.43 pm

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, as always when this subject is raised, it has been a fascinating and extremely well-informed debate. The noble Lord, Lord Curry, to whom we all pay tribute for securing this debate, reminded us at the outset of the level of hope at the birth of the nation in 2011. He went on to explain the layers of complexity that existed then, and about the enormous natural resources and fertile lands that were there. He reminded us that doing nothing is not an option.

My noble friend Lady Anelay, who did so much in this area when she was the Prime Minister's special representative on preventing sexual violence, and who was of course my predecessor as Minister of State at DfID and a distinguished Foreign Office Minister, reminded us that this is a manmade battle for power and wealth. She included that powerful quote from the South Sudanese MP, Martha Martin Dar, which in many ways captures what is driving this. She described it as a war that is manmade, a political battle for power and wealth and a war that uses sexual and gender-based violence as a weapon. She is exasperated with those who sell arms to both sides to prolong the conflict.

The noble Earl, Lord Sandwich, talked about the resilience of the nation, the depravity of sexual violence and how it is being used, and how women and children are once again the front-line victims of this conflict. The noble Lord, Lord Chidgey, referred to the work of the all-party group on South Sudan, which has done tremendous work. The noble Lord, Lord Alton, referred to it as well. He talked about the initial hopeful migration—almost the exodus, if you like—that had taken place, and then the stark reality, particularly with those stories of children as young as 11 in the capital city.

The noble and right reverend Lord, Lord Harries, reminded us that, whatever the temptation to despair, the international committee must persevere. The right reverend Prelate the Bishop of Rochester reminded us of the importance of the Church's role. He reminded us of the special connection with the diocese of Salisbury and of the special commitment of the most reverend Primate the Archbishop of Canterbury, who I know Chris Trott, the UK special representative for Sudan and South Sudan, will meet later this week on the importance of peacekeeping and reconciliation.

The noble Lord, Lord Alton, talked about the effect in Uganda of the refugee crisis and urged us to take further action to bring those responsible to justice. The noble Baroness, Lady Cox, again drew on her personal experiences and the incredible work of HART in caring for those in need. She raised questions about how we can improve the way we get emergency funding into crisis situations and work to do more on peacebuilding and conflict prevention.

The noble Baroness, Lady Sheehan, gave that stark statistic that more people die through preventable health crisis situations in conflict areas than through the conflict itself. She stressed the importance of providing support. But she also gave us an element of hope by quoting from the KPMG report, which talked about

the incredible natural resources, minerals and agriculture present in that land, if they can only be tapped into securely. The noble Lord, Lord Collins, concluded by saying that we must use every lever and tool that we have in the box in diplomacy, sanctions and funds to ensure that we rally round all nascent peace agreements to try to make progress.

In the time available, I will make some remarks then turn to the specific questions that noble Lords raised. As many noble Lords have already said, the situation in South Sudan is appalling. We should be under no illusions that the humanitarian catastrophe the country is experiencing is entirely manmade. Thousands have been killed and a third of the population have fled their homes. Conflict is driving the largest refugee crisis in Africa. Appalling and widespread human rights abuses continue to be reported, including horrific levels of sexual and gender-based violence.

The conflict continues to drive a severe humanitarian crisis. The UN has appealed for \$1.72 billion this year alone to address the acute needs of the people. Food insecurity is at its worst in the country's history. South Sudan is fertile enough to grow all the food it needs, but fighting continues to impair agricultural production. As the lean season begins, 7 million are in need of humanitarian assistance. Due to ongoing obstructions faced by the humanitarian community, famine remains a risk in some areas.

Conflict has decimated South Sudan's fragile health and education systems. South Sudan has one of the highest rates of severe poverty in the world and its health needs are vast. The South Sudanese economy is also in crisis, exacerbated by the dire humanitarian situation. Inflation, as the noble Lord, Lord Curry, reminded us, is soaring and average household incomes have fallen by 80% since 2013 when fighting began.

As it acts to address the crisis, the international community continues to face obstructions. According to the UN, in 2017 there were more incidents than ever before of aid being obstructed. It estimates that the Government of South Sudan are responsible for more than half these incidents. In addition, 106 aid workers have been killed since the conflict began. The targeting of those trying to alleviate the crisis is barbaric and must cease immediately.

Noble Lords will be aware that the UK Government have been at the forefront of the international response to the crisis. We are consistently one of the top three donors. UK aid is reaching hundreds of thousands of people and saving lives despite the challenging operating environment. It is clear that the solution to South Sudan's crisis is political stability. Without it, suffering will worsen and dire consequences for more generations to come will ensue. Efforts to put the peace process back on track have been led by the regional body, IGAD. The UK, along with our international partners, has been working closely with IGAD and its member states to give high-level dialogue between the parties the best chance of success.

Noble Lords referred to the talks held in Khartoum last week between President Salva Kiir and Dr Riek Machar and other opposition parties. They signed the Khartoum declaration on 27 June, including agreement on a permanent ceasefire. The UK, with our troika

partners, commends IGAD's efforts to drive forward the peace process and we take note of the Khartoum declaration. We hope that the principles it outlines will help build confidence between the parties and guide the difficult decisions needed to reach comprehensive wider agreement. While we welcome the renewed commitment to a permanent ceasefire, both the region and the parties to the conflict must ensure that the agreement is implemented in full without delay and is robustly and independently monitored. A sustained end to the fighting is a critical prerequisite for that process.

I will address as many questions as I can in the time available. The noble Lord, Lord Alton, asked about anti-money laundering actions and what sanctions might be available. The Sanctions and Anti-Money Laundering Act provides the power for the UK to impose sanctions on regimes after the UK has left the EU, including against individuals involved in gross human rights abuses, via so-called Magnitsky clauses. The UK is committed to promoting peace and strengthening human rights in South Sudan and holding to account those responsible for the worst violations. I will address the specific points raised about the UN Security Council later.

The noble Lord also asked what we were doing to help South Sudan's health system. The UK is a leading contributor to the health sector in South Sudan. We are the lead donor to the multi-donor Health Pooled Fund, through which we are supporting 800 front-line health centres, delivering health and nutrition services for children and mothers in 80% of the country. Last year the Health Pooled Fund provided more than 6.5 million health treatment consultations, including 2.5 million to children under five.

The noble Lord spoke about corruption. Corruption continues to plague South Sudan's development. The international community must ensure that our support does not fuel or prolong the conflict. The UK has a zero-tolerance approach to corruption and the diversion of aid. We do not give any money to the Government of South Sudan and make it clear at the highest levels that we will not tolerate attempts to divert aid for such purposes. On the subject of diplomacy and the work that has been done by President Museveni, we recognise the important role regional leaders can play in pressuring South Sudan's leaders to allow the peace process to succeed. Ministers regularly raise this issue with regional counterparts. In fact, I did so with President Museveni in Kampala last year.

The noble Baroness, Lady Cox, asked about the availability of emergency funds. DfID monitors the humanitarian situation closely with international partners such as the UN. For example, between January and March 2018, money was released to UNICEF to enable emergency cholera prevention. We have also released emergency money through the World Food Programme. She asked about specific issues relating to HART. I am happy to meet her to see what we can do to improve our performance in that area.

The noble Baroness, Lady Sheehan, asked about the refugee crisis. In December the UK announced an additional £52 million to be made available to cope with the influx of refugees to countries in the region,

[LORD BATES]
including Uganda, Sudan and Ethiopia. Through DfID's South Sudanese refugees and migration programme, we have provided life-saving support and humanitarian assistance for up to 150,000 South Sudanese refugees in Sudan.

My noble friend Lady Anelay asked about the progress of the troika on the ceasefire. We welcome the Government of South Sudan's commitment as a signatory to the Khartoum declaration. In spite of repeated commitments, the international community continues to face obstructions to the delivery of life-saving aid, and this is unacceptable.

The noble Lord, Lord Curry, called for an embargo on arms. We strongly support the UN arms embargo and have been lobbying in the region for support for precisely that approach. He talked about the dependence on aid and the need for that to be reduced. The humanitarian situation in South Sudan is unprecedented. The UK remains committed to the people of South Sudan but humanitarian aid is not sustainable. Peace must be achieved and prosperity built on the immense natural resources in the country.

My noble friend Lady Anelay asked about our position on current projects and whether we are still the second-largest contributor. Yes, we are. The UK is the second-largest humanitarian contributor to the 2018 humanitarian response in South Sudan, according to the UN, but we are also urging other countries to step up to the plate and meet the entire target that has been set in terms of the needs. She also asked about our plans to protect civilians. As requested by the UN, nearly 400 UK troops have been deployed to support the UK mission, and I join other noble Lords in paying tribute to their performance. They have been awarded peacekeeping medals for the selfless way in which they have worked to protect people, particularly in the camps. My noble friend asked what we intend to do to encourage others to comply. We have played a leading role in the Security Council's decision in May committing to consider sanctions and an arms embargo if violence does not cease. We also played a leading role in the implementation of EU sanctions against

three key South Sudanese leaders in February this year and welcome the introduction by the US of an arms embargo echoing the EU's long-standing position.

The right reverend Prelate the Bishop of Rochester asked what we will do to continue to engage with faith groups. We believe that they are significant. Indeed, the only institutions on the ground are the faith institutions, the churches. We confirm that the UK will continue to engage with them. The UK recognises the vital role that the Church has to play in establishing peace in South Sudan. The noble and right reverend Lord, Lord Harries, asked which countries contribute troops to the UN mission. They are Mongolia, South Korea, India, Ethiopia and Rwanda, among others.

The noble Lord, Lord Chidgey, asked about actions taken by the UK to address the root causes of the conflict. The UK provides funding for the South Sudan Council of Churches' action plan for peace.

I realise that I have not covered all the points, but I shall draw to a close by making two points. First, the UK Government are clear that the new ceasefire does not negate the need to respond to repeated violations of the December 2017 cessation of hostilities agreement. We stand ready to support the action of IGAD and the African Union. We will continue to seek measures through the UN Security Council. It is also crucial that the agreement sees the inclusion of a wide range of constituencies, including civil society, and we will continue to work with the South Sudan Council of Churches.

Before I conclude, I should say that I am delighted that Chris Trott has done incredible work with his team in peacebuilding on the ground—the hard work. He is a human dynamo in the way he works around this area. He has joined us in the Box this evening, and if noble Lords would care to adjourn to an appropriate Committee Room where refreshments are served, they can join us to discuss this.

In answer to the challenge about South Sudan, we will not walk by on the other side when people are suffering. That is not what the UK does. That is our reputation in this world. We will not give up hope.

House adjourned at 6.59 pm.

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