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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

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
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Thursday 10 January 2019

11 am

Prayers—read by the Lord Bishop of Gloucester.

Retirement of a Member: Baroness Howells of St Davids

Announcement

11.05 am

The Lord Speaker (Lord Fowler): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Baroness, Lady Howells of St Davids, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Baroness for her much-valued service to this House.

New Home Building Programme

Question

11.06 am

Asked by Lord Jordan

To ask Her Majesty's Government what measures they are taking to ensure that new properties built as part of their new home building programme are designed to avoid the occurrence of accidents in the home.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, we want to build homes that are safe and secure. The building regulations set requirements to ensure the safety of people using buildings. We are developing a programme to review the guidance that supports the building regulations as part of our response to Dame Judith Hackitt's recent review of building regulations and fire safety.

Lord Jordan (Lab): I thank the Minister for his reply and declare an interest as deputy president of RoSPA. Is the Minister aware that almost 40% of accidental injuries treated in hospital and emergency departments result from home accidents? RoSPA estimates that every five days there is a fatal fall on the stairs of a newly built home. The national accident prevention strategy advocates the use of the current version of British Standard BS 5395—the voluntary code of practice for the design of stairs. The widespread adoption of this standard would significantly reduce stair-related injuries and fatalities. Given the Government's intention to build 300,000 homes a year, will the Minister assure us that all new homes built as part of their programme will be required to adhere to the British safety standard for stairs?

Lord Bourne of Aberystwyth: My Lords, first, I thank the noble Lord for all he and RoSPA do on home safety. I am aware of the statistics he referred to. The most prevalent way of people losing their lives at

home is, indeed, falls on the stairs. We have in the next year the opportunity to tighten up the guidance on this. Without prejudicing any discussions, one way would be providing two handrails, for example, or lighting that comes on automatically on stairs. RoSPA will be part of that process. We have worked very closely with it—on 20 December we attended a seminar it led—so I can give the reassurances that the noble Lord seeks.

Baroness Gardner of Parkes (Con): My Lords, I hear from carers for the elderly that falls on stairs are fairly regular because some of the lifts in blocks are turned off at weekends and people have to be taken by carers—even by ambulance crews—down often many flights of stairs. It is very important that something is done to ensure that there is a way down and out—or in and up, because they return from hospital in the same way. A lot of accidents could be avoided if lifts were available in high-rise buildings. Also, can the Minister confirm that where a place is specially adapted for, say, a lack of mobility, and the person in question dies or goes into full-time care, that place will sensibly be offered to someone else with the same great needs?

Lord Bourne of Aberystwyth: My Lords, I thank my noble friend. On her last point, which is certainly a point of common sense, I think that would happen through the disabled facilities grant in that, if something is required in the way the noble Lord, Lord Jordan, referred to, it will apply to all new premises. My noble friend raises an interesting point and it shows the importance of looking in the round at high-rise blocks. People are living longer. Most accidents in the home happen to people aged 65 or above and, as one would expect, that figure accelerates as people get older. Therefore, it is a particular concern and something we need to watch like hawks.

Lord Shipley (LD): My Lords, it was reported over the Christmas Recess that large housebuilders declared dividends of over £2 billion in 2018. Does the Minister agree that this fact sits most uncomfortably with the facts produced by RoSPA? Given the low-space standards for new homes, too many defects in new homes and the rising number of accidents, might the Government heed the clear advice of the Royal Institute of British Architects, which is calling for building regulations to be strengthened rather than depending in part on the planning system for the regulation of space standards?

Lord Bourne of Aberystwyth: My Lords, the document produced by RoSPA on making homes safer through design was worked on with Berkeley Homes, so it is fair to give Berkeley a namecheck for what it does. However, the noble Lord is right that builders have a responsibility to adhere to the building regulations. We are looking at those regulations. As I said, it is clearly unacceptable that there are 6,000 deaths a year. I think that we can get that figure down and we are very keen to do so through appropriate guidance and regulations.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I have listened carefully to the noble Lord's replies, but I recall the efforts in this House to improve build quality, energy efficiency, sustainable drainage, electrical safety and other measures. The noble Lord and his party have opposed them all or, in the case of electrical safety, have finally been dragged in the right direction, but even there the measure is still not in place in the private rented sector—a measure that would save lives and reduce the number of serious injuries in the home. Why is that?

Lord Bourne of Aberystwyth: My Lords, the noble Lord is being uncharacteristically unfair. If he looks at the record of what we have been doing on, say, cladding—

Noble Lords: Oh!

Lord Bourne of Aberystwyth: It is a serious issue. He will know that we moved to ban combustible cladding very quickly when the evidence was there. We will bring forward regulations in relation to electrical safety. With regard to the Hackitt review, I have indicated that within the next year we will review all the documents relating to building safety with a view to ensuring that we minimise—and, I hope, eliminate—the number of accidents in the home.

Lord Rooker (Lab): Does the Minister accept that this is really a branch of preventive medicine? In respect of the Government's review, will they talk to Sir Nicholas Wald, professor of preventive medicine at the Wolfson Institute, where there are lots of good ideas in this area? While they are doing so, they might well ask him his views on the preventive medicine aspect of fortifying flour with folic acid, as in 1990 he headed the UK's Medical Research Council, which discovered the link with the nutrient deficiency. That recommendation has been adopted by 80 other countries as a preventive measure.

Lord Bourne of Aberystwyth: My Lords, it is obvious that the noble Lord has been going to the same seminars as the noble Lord, Lord West, with regard to framing Questions, but I am sure that that point will have been picked up. On his general point, of course we are very happy to hear about prevention, which is indeed better than cure. A public health budget is held by the Department of Health and Social Care and that is the other side of the coin. We have the building regulations but money also needs to be spent on promotion to make sure that people are aware of these issues.

Baroness Scott of Needham Market (LD): Is the Minister aware that information on many of the standards developed by the BSI is available only on the payment of a fee, which can be quite high? Does he agree that it does not make a lot of sense to have something which on occasion has the force of secondary legislation but is accessible only if you pay for it? Surely, if something is designed for safety, it should be freely accessible.

Lord Bourne of Aberystwyth: I agree with the noble Baroness that the information should be freely accessible. Obviously, there is a cost to deploying it and you have to get the balance right, but I certainly agree that it is very important that we have access to the information so that people are aware of their rights in this regard.

Brexit: Statutory Instruments

Question

11.14 am

Asked by **Lord Beith**

To ask Her Majesty's Government what assessment they have made of the parliamentary time required for the consideration and approval of statutory instruments arising from the United Kingdom's withdrawal from the European Union.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, the Government have a full understanding of the time required for the consideration and approval of EU exit-related statutory instruments. We remain confident that all EU exit-related SIs required to ensure a functioning statute book will be brought forward in good time for exit day and with the appropriate scrutiny.

Lord Beith (LD): My Lords, that is not very informative. In broad terms, there are at least 200 statutory instruments—new laws—under scrutiny and at least 300 still to be brought forward. More will arise, either from a withdrawal agreement Bill or a Bill to cope with the consequences of no deal. Does the Minister recognise that, even if this House devoted eight hours every working day up to 29 March to these new laws, they would not get an hour's consideration each? Can he guarantee that the Government will not resort to emergency powers enabling them to legislate without prior parliamentary approval? If there is an emergency, it is one of the Government's own making. Does he not see that this situation is making a mockery of the idea that we are bringing back control of our own laws?

Lord Callanan: As I said, we remain confident that we will be able to deliver the programme in time. We do not expect to have to use the urgent procedure under the European Union (Withdrawal) Act 2018, but we cannot rule anything out at this stage. We have no expectation of having to do so.

Lord Cunningham of Felling (Lab): My Lords, I draw the Minister's attention to a statutory instrument produced by BEIS. It runs to 636 pages, weighs 2.54 kilos and covers 11 disparate subjects addressed to this House as one statutory instrument. Regarding procedures, this is unprecedented. Can the Minister assure the House that this is not simply an underhand way to reduce the number of statutory instruments we need to scrutinise, thereby reducing delays? It would take days for this document alone to undergo proper scrutiny in this House.

Lord Callanan: I thank the noble Lord for drawing that to my attention. I have more regard for his scrutiny powers than he himself does. I am sure he will give the matter his full consideration. These are essential pieces of legislation. We will need to introduce them before exit day.

Lord Lang of Monkton (Con): My Lords, can my noble friend tell the House what proportion of these statutory instruments contain Henry VIII powers? Does he agree that any growth in the number of Henry VIII powers creates a dangerous power imbalance between the Executive and Parliament and therefore should be resisted?

Lord Callanan: We are endeavouring to keep the number containing Henry VIII powers to a minimum. I will write to the noble Lord with the detailed numbers.

Baroness Ludford (LD): My Lords, the Business Secretary said this morning on the “Today” programme that no deal would be a disaster. This view is said to be shared by other Cabinet Ministers. Why do the Government not rule it out and withdraw the SIs that address a no-deal scenario, thus allowing more time for consideration of regular SIs?

Lord Callanan: We have said that we do not want or expect a no-deal situation to arise, but it is responsible to prepare for it.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, what parliamentary authority is there for expenditure, including on SIs, on a no-deal scenario, which has now been ruled out by the other place?

Lord Callanan: The no-deal scenario has not been ruled out by the other place. Parliament as a whole has legislated for leaving the European Union on 29 March this year. We hope to do so with a deal. If not, we will leave without one.

Lord Pannick (CB): My Lords, do the Government have no concerns about the quality of the primary and secondary legislation that will need to be enacted by 29 March? One understands the political reasons for not seeking an extension of the Article 50 process, but the national interest surely requires it.

Lord Callanan: Of course we have concerns about quality. We are endeavouring to keep all the relevant committees informed of when SIs will be tabled. We wrote to them before Christmas to give details. We are publishing full explanatory statements with every SI as required under the legislation; we are endeavouring to work with Parliament as much as possible in this process.

Lord McNicol of West Kilbride (Lab): My Lords, as has been touched on already, many of the SIs being laid are in preparation for a no-deal Brexit. Does the Minister agree that a huge amount of parliamentary and civil servants’ time, and money, would be far

better spent and saved if the Government simply did not bring forward SIs that deal with a no-deal Brexit? Nobody wants it.

Lord Callanan: The Labour Party cannot have it both ways. It cannot on the one hand say, “We are voting against the best and only deal available”, and then say, “But we don’t want no deal”. No deal is the absence of a deal. If you want a deal, European Union leaders have made it very clear that this is the best and only deal available, the result of two years of negotiation. No alternative deal is available. If you do not want no deal, you need to vote for the deal.

Lord Newby (LD): Will the Minister explain the Government’s complete lack of urgency in dealing with statutory instruments? We will rise today by about 3 pm; we normally rise at 7 pm. We are not sitting tomorrow. The noble Lord, Lord Cunningham, has graphically demonstrated that, on current plans, there is no way that the Government are scheduling business so that we can deal with SIs in a professional manner. Why is this?

Lord Callanan: The organisation of business in the House is a matter for my noble friend the Chief Whip and for the usual channels. I am sure they will, as they always do, work collaboratively and co-operatively to ensure there is sufficient time for the proper scrutiny of all the appropriate legislation.

Baroness Neville-Rolfe (Con): I have taken a lot of interest in the SI process and most of these SIs are needed, whether we have a deal or not, to bring EU law into UK law. We should support that process whatever our views in today’s bigger debate.

Lord Callanan: I thank my noble friend for her constructive comments. The reality is that we are leaving the European Union. That decision was made by the referendum and by Parliament. We happen to believe that we should do it with a functioning statute book.

China: Human Rights

Question

11.22 am

Asked by **Lord Alton of Liverpool**

To ask Her Majesty’s Government what assessment they have made of the violations of human rights in China, including the arrest and disappearance of political activists and religious adherents, forced organ harvesting, and restrictions on free speech; and when they last made representations on these matters to the government of China.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, we are deeply concerned about restrictions to civil and political freedoms in China, particularly the treatment of ethnic minorities, freedom of expression, association and assembly, and freedom of religion or belief. We highlighted these concerns publicly during China’s

[LORD AHMAD OF WIMBLEDON]

universal periodic review in November 2018 and in my subsequent Statement. During 2018, the UK raised human rights bilaterally with China on a number of occasions, including through the Prime Minister, the Foreign Secretary, Ministers and senior officials.

Lord Alton of Liverpool (CB): I thank the Minister for that reply. Has he noted that at the heart of the deterioration of human rights in China has been the imprisonment, interrogation and, in some cases, torture of some 300 human rights lawyers and activists and their families? Among the issues that these brave lawyers have pursued is the mass repression of Uighurs in Xinjiang, the destruction of Christian churches, the arrest and detention of pastors such as Wang Yi and his wife Jiang Rong just before Christmas, and the forced harvesting of organs from prisoners of conscience. Sir Geoffrey Nice QC's China Tribunal describes the situation as,

“involving a very substantial number of victims”,

and as being, “beyond reasonable doubt”, perpetrated by the state. Can the Minister assure us that, in the next universal periodic review, these questions will be put on the agenda, and the Government will do much more to try to raise levels of support for these courageous lawyers and civil society groups, who do not want China to regress into the violence and destruction that was so characteristic of the Cultural Revolution?

Lord Ahmad of Wimbledon: My Lords, I commend the efforts of the noble Lord in consistently raising this issue and standing up for the different communities, the lawyers and activists, those of different faiths, and those who are being subjected to specific targeting for organ harvesting. I reassure him that, during the last UPR in Geneva, I made it a point to directly raise these issues, including the treatment of lawyers and religious minorities, and specifically the closure of Christian churches and the desperate situation of the Uighurs.

Sir Geoffrey Nice is conducting a review on organ harvesting, and the noble Lord will note that I ensured that some of my officials attended the hearings of the preliminary findings of that report. We are currently awaiting the detailed outcome. Let me reassure all noble Lords that we will consistently raise human rights publicly, through processes such as the UPR, and bilaterally, as I indicated in my original Answer.

Lord Collins of Highbury (Lab): My Lords, I am extremely grateful to the Minister for his response and also for Mark Field's response to my honourable friend's Written Question just before Christmas. However, noting all the contact that we have had through the Foreign Secretary and the Minister himself in raising our concerns, has the FCO taken the trouble to speak to the Department of Trade and other civil society organisations, including business, about our concerns on civil liberties? Engagement is not simply about political representation. We should make clear to everyone engaged with China that we have genuine concerns over human rights, and that to do business with China we need to see an improvement.

Lord Ahmad of Wimbledon: My Lords, as I have repeatedly said, in bilateral meetings and, importantly, publicly, the Government are clear that our trading relationship with China is important. China is an important strategic partner, and it is because of the strength of our partnership that we are consistently able to raise these issues bilaterally. The noble Lord raised the important issue of a cross-government approach. Let me reassure him that that is exactly the approach we take. We will continue to raise these concerns, as I have said, through international fora and bilaterally. The situation for particular minorities and for groups that we have not mentioned—for example, journalists detained in China—is deeply concerning; indeed, it is a country which is paramount in our minds as the Foreign Secretary launches his new campaign this year on media freedom.

Lord Cormack (Con): It is good to know that the Government are making these representations, but what evidence is there that the Chinese are listening and acting on them? Surely it is a matter of the profoundest concern that the country that will be the dominant power in the world by the middle of this century indulges in these practices.

Lord Ahmad of Wimbledon: My Lords, as I said, our job is to raise this concern bilaterally and, with other like-minded partners, with our Chinese counterparts, and we will continue to do so. If I may, I will refer to a recent example that I have already mentioned in your Lordships' House. Just before Christmas, we sent our diplomats to undertake an insight into the suffering of the Uighur community. They have now reported back and we are looking very closely at their findings and recommendations to ensure that we can take those up with the Chinese. This cannot in any way be done by force of hand. It is through consistent and collaborative representations that we will, I believe, begin to see a change. If the Chinese wish to see a place for China that is progressive—which they clearly do—they need to subscribe to the international standards set and be held accountable.

Lord Dholakia (LD): My Lords, according to Amnesty International, there are more executions in China than the rest of the world. Issues that have been identified include not only the death penalty but the one-child policy, the legal status of Tibet, freedom of the press, the lack of regular legal recognition of human rights, the lack of independence of the judiciary, and the lack of rule of law and due process. In our haste to build a good relationship with China, particularly for trade, are we compromising on these human rights issues?

Lord Ahmad of Wimbledon: My Lords, let me reassure the noble Lord that, if we were compromising, we would not be raising these specific points in public fora, as we have done through the UPR process.

Benefit Reforms

Question

11.29 am

Asked by *The Lord Bishop of Gloucester*

To ask Her Majesty's Government what assessment they have made of the impact of benefit reforms on families with children.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con): My Lords, this Government support families. Our welfare system supports those who are vulnerable and helps people into work. These reforms are working, with 3.3 million more people in work and 300,000 fewer children in absolute poverty than in 2010, a record low. Once fully rolled out, universal credit will result in an extra 200,000 people moving into work and will empower people to work an extra 113 million hours a year to support their families.

The Lord Bishop of Gloucester: I thank the Minister for her Answer and I am grateful for recent engagement with faith and other groups on this issue, but the Government's own statistics show that child poverty is rising among families with more than two children, even when those families have an adult in work. One of the principal drivers of this increase is the Government's two-child limit, which makes it harder for parents of more than two children to work their way out of poverty, contrary to the aims of universal credit. In light of this evidence, will the Government reconsider that two-child policy?

Baroness Buscombe: My Lords, I welcome this question from the right reverend Prelate. First, I want to say that we now spend more in this country than any other developed nation on family benefits.

Lord Foulkes of Cumnock (Lab Co-op): That does not answer the question.

Baroness Buscombe: I said I would begin by saying that we now spend more in this country than any other developed nation on family benefits. The aim of the two-child policy is an important one: to strike the appropriate balance between support for claimants with children, and fairness to taxpayers and families who support themselves solely through work. Parents who support themselves solely through work would not expect to see their wages increase simply because of the addition of a new child to their family. However, we are looking at the policy with regard to its extension, which is due to take place next month.

Lord Kirkwood of Kirkhope (LD): My Lords, the Resolution Foundation recently estimated that the four-year benefit freeze implemented in the Welfare Reform and Work Act 2016 will result in a net cumulative saving by the Exchequer in 2020 of £4 billion. Is it not now time to think about redeploying some of those savings to provide much-needed assistance to hard-pressed low-income families with children?

Baroness Buscombe: My Lords, let us look quickly at what we offered in the Budget. The Budget has made an enormous difference in the amount of money that we have put into the system following concerns. We announced a £4.5 billion cash boost to universal credit in the 2018 Budget; that was voted against by the party opposite. The reality is that we are doing a lot to reduce the number of children in workless households because we believe that that makes an

enormous difference to the possibilities for children: we know that they are five times less likely to be in poverty where both parents work. Children need role models, and parents need dignity and a sense of self-worth to believe that they can achieve their potential and support their children. The principles of UC entirely support this truth.

Baroness Corston (Lab): My Lords, will the Minister accept my evidence from shopping at a supermarket in a small town in South Gloucestershire, an area not noted for poverty? At the beginning of the school holidays last July there was a note at the Trussell Trust food bank to the effect that it wanted more donations, because there were 34 children—in a relatively prosperous town—who were no longer having school dinners and were in families that could not afford to give them a lunch? If I were sitting on that side of the House I would be ashamed.

Baroness Buscombe: My Lords, I am not ashamed. There are many and varied reasons why people use food banks and it is misleading to automatically link this to any single cause, as the party opposite chooses to do. Let me give noble Lords an example of the kind of support that we are giving children and families, in addition to free school meals and Healthy Start vouchers—

Noble Lords: Oh!

Baroness Buscombe: It is not to use up time, it is to set out our case. A working couple on universal credit with three children aged four, six and eight, for example, could be eligible for childcare support alone of up to £18,000 per annum from this Government. That is a long way from where we were when, under the last Labour Government, nearly 20% of all households were entirely workless: one-fifth of the entire household population of the United Kingdom. That is down to 13.9%. We are not complacent. We are making real progress to support families.

Baroness Sherlock (Lab): My Lords, I have spent time in food banks. I have seen working parents embarrassed and ashamed at having to go there to bring home food for their children. I do not think that anyone goes to a food bank unless they are desperate.

The Minister mentioned working parents getting childcare support. Parents of very young children are now required to take a job when their youngest child is three. They can be sanctioned if they do not. Yet the way in which universal credit pays out childcare help is that the parent has to pay the money up front and then claim it back. A lot of parents just cannot afford to do this. How can it be right for parents to risk being sanctioned when they are faced with a choice between taking a job and getting into debt, or not taking it and being sanctioned?

Baroness Buscombe: The noble Baroness will have heard that we are doing a lot through cash injection for childcare support, but I accept that it is important to look at the process of how and when it is paid. We are doing this at the moment. We know that 30 hours

[BARONESS BUSCOMBE]
is already making a real difference to families. The independent evaluations of our early delivery found that 78% of parents reported greater flexibility in their working lives. Nearly a quarter of mothers reported being able to increase their working hours as a result. In particular, we want women in households to be liberated and empowered, just like every noble Baroness sitting in this House. I note that the noble Lord, Lord West of Spithead, is in his place. One of the things in which I am particularly interested is flexibility of spousal employment for those women in the Armed Forces who support their husbands or partners. We are doing everything we can, working holistically across government, to achieve more to enable both parties to work and support their family.

Business of the House

Timing of Debates

11.36 am

Moved by **Baroness Evans of Bowes Park**

That the debates in Grand Committee on the motions in the names of Lord Nash and Baroness Helic set down for today shall each be limited to two and a half hours.

Motion agreed.

Brexit: Withdrawal Agreement and Political Declaration

Motion to Take Note (2nd Day)

11.37 am

Moved on Wednesday 9 January by **Lord Callanan**

That this House, for the purposes of section 13(1)(c) of the European Union (Withdrawal) Act 2018, takes note of the negotiated withdrawal agreement laid before the House on Monday 26 November 2018 with the title *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* and the framework for the future relationship laid before the House on Monday 26 November 2018 with the title *Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom*.

Relevant document: 24th Report from the European Union Committee

Lord Strathclyde (Con): My Lords—

Noble Lords: Hear, hear.

Lord Strathclyde: I thank the House for its warm welcome, though I am not sure it is entirely deserved. I am delighted to reopen the adjourned debate. In my estimation, it is increasingly difficult to understand and keep track of exactly what is going on in this

debate. It is even more difficult to try to explain it to the general public outside this House, particularly after yesterday's shenanigans in another place. Let no one say that Speakers with powers improve behaviour. This House is a shining example of good behaviour, apart from the occasional expostulation from my good friend Lord Cumnock of Foulkes.

Lord Foulkes of Cumnock (Lab Co-op): The wonderful thing about the Speaker in the other place is that he stood up for Parliament against the Executive.

Lord Strathclyde: My Lords, it only required the tiniest fly over the head of the noble Lord for him to rise.

If you told me 12 months ago that we would still be debating whether or not we should have a deal after we leave the United Kingdom—

Noble Lords: Oh!

Lord Strathclyde:—after we leave the European Union, I would have been appalled. May the United Kingdom continue to prosper. Yet here we are. It is Groundhog Day. As for the debates we had yesterday and in December, I cannot help observing that, fascinating and excellent though the individual speeches may have been, we are often good at pointing out the problems but, with very few exceptions, we do not usually come up with many practical solutions that might help the Prime Minister in her discussions and negotiations.

Whatever views you have on Brexit, this stage of Brexit was always going to end in a compromise, especially during the course of transition. Yet what is so extraordinary is the sight of countries with some of the world's most powerful economies and greatest histories unable to agree on how to trade in a fair, practical and sensible manner. What an appalling example to the rest of the world, which so often looks to the countries of Europe—including us—for wisdom, guidance and fair play. Trust has seemingly broken down between the Commission and the United Kingdom. There is more and more miscommunication and misunderstanding between the two.

Yet if we want a deal before we leave at the end of March, this one before us is the essence of what we are most likely to get. It is too late for anything else. I agree with many of the deal's critics that it is far from perfect, but it is the one the European Union has agreed. However, unless something extraordinary happens over the weekend, there seems to be a consensus in both Houses and among political commentators that the House of Commons will not pass the deal next week—at which stage, no doubt, there will be discussion of the alternatives. Please, not another referendum. Can you imagine the debates we would have in this House on the questions, the franchise, the dates, the length of the campaign and its funding? Please, not that. There has to be another solution if we are not to leave on WTO rules at the end of March. That requires the Prime Minister to return to Brussels and the Commission to hear her out in a positive manner.

For me, the key lies with the backstop—an issue that most European Governments will not understand, on a border they have never seen and whose history or background they almost certainly do not truly understand. I understand why my noble friends in the unionist parties find the backstop so objectionable. Without their support, this deal does not get through the House of Commons. We can trade all sorts of different views on the backstop. The Attorney-General has opined why no one should fear the backstop, and this has been supported by my noble and learned friend Lord Mackay of Clashfern. Usually, when he says something is so, it is so. But the politics of this is different, and we need to go the extra mile. The Government yesterday published further thoughts and clarifications and indicated support for the helpful amendment brought by Mr Hugo Swire. But this issue stands in the way of a deal. If I were the Taoiseach of Ireland, I would fear no deal more than anything else. It is a paradox that the obstacle to there being a deal is a thing they invented to try to make sure there would be no border.

This is the political challenge facing the Commission, the Irish Government and the UK Government in reaching an agreement. I believe this period does not need to end in shambles. We need to rebuild trust with the Commission. After all, we will still be neighbours, traders and markets; we shall still share fundamental values as well as vital security infrastructure. We disagree on political direction. Failure to amend the deal will be a failure for Her Majesty's Government but also for the EU and the countries it represents. I hope, therefore, that minds will be concentrated next week.

With a very small step forward by the EU to agree a better arrangement for Northern Ireland, and by bringing unionists on board in another place, we can remove so much uncertainty at a stroke and begin the work for a positive and prosperity-driven relationship between the UK and our friends in Europe.

11.44 am

Baroness Thornton (Lab): My Lords, I make no apology for the fact that I will continue to press the Minister, and the Government, about the effects of the political agreement on our health services.

I start by thanking the Minister for addressing some of the questions that I raised in my speech in December, particularly those concerning medical research. It saves me from repeating the whole speech, which, as good as it was, would be tedious for me and for the House. However, I will return to some of the unresolved and serious matters that the NHS, the research community, pharma and medicine face, post Brexit—and to how very serious the issues of safety and availability will become if we should be so foolish as to crash out of the EU in a couple of months. I make no apology for continuing to speak about health and social care issues. I did it during the passage of the Brexit Act. I have been doing it during the extensive and somewhat bizarre debates about the “in case we crash out” statutory instruments. We tackled those concerning the regulation of human tissues, embryology, organs and blood yesterday. I will continue to raise these serious matters today and will do so during the passage of the Trade Bill.

At every stage I have sought reassurance from the Government over matters of reciprocal healthcare, the free movement of medical and nursing staff, the regulation and supply of medicines, clinical trials and research, the conduct and regulation of which is so important in the UK. Access to the portal is vital to patients across the UK and Europe.

The response of the noble Lord, Lord Callanan, in his opening remarks yesterday, was welcome, after a fashion. However, I want to raise two issues. What the noble Lord said was in many ways too aspirational and not concrete enough. It was about wanting to explore new relationships, not to continue the ones that work already and are beginning to fall apart. Secondly, it was about the future. The noble Lord said:

“We have been clear that we want to explore association with EU research and innovation programmes”.—[*Official Report*, 9/1/19; col. 2224.]

While research programmes are protected to 2020, this completely ignores the fact that most research programmes take years to design, negotiate and fund. Brexit is already having a chilling effect on future research. What do the Government intend to do about this? How can they ensure that our universities and research organisations are not severely disadvantaged by being excluded from the funding and regulatory regimes of which they need to be part?

I shall return to the issue of the portal, which the noble Lord failed to address in his opening remarks; I hope he will do so at the end of this debate.

Agreement must be reached in the negotiations on UK participation in the single assessment procedure and access to the portal and database, which underpin the cross-national clinical trials regulation and come into operation in the next year. No access to the portal will severely reduce the ease of UK-EU trials set up and hurt our thriving life sciences environment. Clinical trials take years to plan and run. As things stand, UK researchers will enter the implementation period unsure what regulatory conditions they will face when they exit it. What is the Minister doing to resolve this issue with the necessary urgency? Is he aware of the cost of failing to do so? The deal as it is expressed does not achieve access to the portal. The political declaration makes no reference to how UK-EU clinical trials will operate after Brexit and this is of significant concern. As every day passes, uncertainty continues to increase in the research community over what the regulatory framework will be after 29 March and whether UK institutions will continue to be able to lead on UK-EU trials.

A further aspect is the mobility of researchers. The publication of the immigration White Paper in December has not clarified how changes to the rules will affect medical research; perhaps the Minister would care to do so. The current Migration Advisory Committee recommendation is for a salary threshold of £30,000 per annum, a figure that would penalise many research technicians—skilled workers who form the backbone of the research workforce but are often not highly paid. EEA nationals will now be subject to the immigration health surcharge and immigration skills charge. Students from the EEA will be required to have a visa to study, as current non-EEA students do.

[BARONESS THORNTON]

On UK-EU mobility, it is good that the importance of the international movement of researchers is recognised in the political declaration, but there is not enough detail on the extent to which this will continue, either for researchers moving across borders to live and work, or for short-term travel for shared projects such as clinical trials. Could the Minister clarify that?

It is absolutely essential for our world-leading medical research environment, and for the breakthroughs that benefit patients, that we continue to attract, recruit and retain global scientific talent at all levels. At present, neither the political declaration nor the immigration White Paper offer this certainty. Yesterday, the Minister made no mention of medicines, which is an issue I will continue to raise because of the supply of medicines in the short term.

Finally, I raise the issue of the European reference networks following Brexit. The ERNs are virtual networks of medical specialists across Europe. They facilitate discussions on complex or rare diseases and conditions that require highly specialised treatment. As such, they are an essential resource for the 30 million rare disease patients in Europe. I agree with the Specialised Healthcare Alliance that continued UK involvement in European reference networks is vital to driving forward improvements in rare disease care in both the UK and the European Union. However, at present, the ERNs are open only to EU member states and EEA members, which means that there is a clear risk that the UK will no longer be able to participate. Can the Minister ensure that the Government work with the European Commission to ensure that the UK is able to contribute to ERNs following Brexit, in the interests of patients with rare diseases? I hope the Minister will be able to answer these questions at the end of this debate.

11.51 am

Lord Purvis of Tweed (LD): My Lords, it is a pleasure to follow the noble Baroness and the noble Lord, and to hear the contributions from other colleagues in the House.

Between the previous debate and this one, I visited the Middle East and north Africa, and a political friend of mine there told me that the world is both laughing and crying at us. They are laughing because of the farce of the Government's ineptitude but crying because they love our country, as I and we all do, they need us to succeed in the world, and they see the canny British pragmatism of being independent but trading freely as part of the EU, with our openness and liberalism, being set aside in an uncertain world. To make the case further, the British Business Secretary—clearly going through trauma, as anyone listening to the “Today” programme this morning would have heard, but staying in the Cabinet, half-heartedly but on full pay—wrote this week that global confidence in the UK is seeping away because of the actions of the Government. They and he were of course right; it is a combination of farce and foreboding.

We have had the worst trading Christmas since the crash. Up to 5,000 jobs are going at JLR. Some £800 billion of assets in services, jobs and those managing them have moved and are moving to the EU. There are

job shortages in key sectors, and on 21 December HMRC advised pharmaceutical companies to stockpile six weeks' worth of stock over March and April. These are all now fact, and the permanently devalued pound compounds them all. They are the consequences of the prospect of leaving our biggest trading market, with no combined customs system.

Sir Walter Scott wrote what would be an apt description of the Brexit campaign:

“Faces that have charmed us the most escape us the soonest”.

Now the problem is that there is finally the crashing reality of what leaving means, and it does not match the rhetoric in a campaign that appealed to many people's lesser angels. Realisation is never as good as anticipation, but the promises made, which could never have been kept, should never have been accepted by the Prime Minister in her Lancaster House speech. Lines in the sand have been washed away with every government retreat, and red lines suffer from greater and greater anaemia. Just yesterday, in a desperate attempt to appease the DUP, the Government committed to giving the non-sitting Stormont a veto on entering the backstop, which is utterly meaningless. We heard of course about a ferry contract being given to a company with no boats, but now we have a vote being given to an Assembly with no sitting Members.

There are only 43 sitting days left if there is no February Recess, and we are still promised more than 40 trade deals to ratify, as well as up to another 600 statutory instruments on delivering exit. We now simply cannot achieve a sensible, orderly exit, nor are the Government likely to be capable of delivering one at all.

We all know, mostly from speeches from the opposite side in these debates, that the party of incrementalism and resistance to radicalism struggled with being in a political union with the continent, because it never faced down its English nationalist edge. Instead of taking on UKIP, it sought to subsume it. It was the same when it struggled with the free trade arguments a century ago and land reform a century before that. Why it has been a surprise to some that it has been incapable of agreeing an exit when it could never agree what membership meant has been the surprise to me.

The difference now is that, in previous times, there was a clear opposition with a philosophical basis for their opposition: the Liberal Party, an alternative official opposition with an alternative proposition. But Labour now cannot even agree that the UK should stay in the single market, which guarantees the best economic and social future for our country. The Labour leadership, trying to inch the party to a general election in which the party will have a manifesto commitment to leave the EU, is not offering any meaningful opposition, so it is no surprise that it is not clear what it seeks in the meaningful vote. We heard from the *cri de coeur* of the noble Lord, Lord Howell, yesterday that he wants an election to unite his party, and the noble Baroness, Lady Smith, wants an election to unite hers. With both supporting Brexit, however, it cannot be a realistic way forward, nor will it adequately address the clear divisions in society, which were present long before the Scottish referendum, never mind the EU referendum, which nearly broke our union apart.

The divisions are deep in society, in the nations of the union and in the parties. The majority of Conservative Members do not want the Prime Minister's deal, but she is persisting with it, and the majority of Labour Members want a referendum and Jeremy Corbyn is turning a deaf ear to them. We cannot easily get out of these divisions, but we need to accept that decisions of these magnitude need to go beyond a particular binary poll with undeliverable promises.

A higher proportion of registered voters voted yes in the Scottish independence referendum than voted leave in the EU referendum, but one side lost and one side won. But we surely cannot be in a position in which a 37.4% vote of registered voters on the winning side in the EU referendum has all the moral weight of democracy behind it, but the 37.8% of registered voters on the losing side in Scotland are cast aside as losers in perpetuity.

We cannot get out of the minority complex easily, but digging ourselves deeper into it over the last two years has not helped. However, least we can start. I hear the argument that another referendum will compound the divisions, but they were present before and will remain after. At least those who have to live with the consequences of this, young people in particular, need to have a say. Those who voted leave will decide whether this is what they actually voted for and whether it is worth it. This is a better start to addressing the deep social and economic divisions that allowed nationalism to breed than to limp on a journey into even more damage and division that this course takes us into. Perhaps then we can release government to focus on why this nationalism in Scotland and some parts of England has grown in recent years, while it is beneficial for our whole union to do so. We can at least have the rest of the world no longer crying with us or laughing at us.

11.58 am

Baroness Masham of Ilton (CB): My Lords, it is because so many people are concerned about the EU withdrawal and what it will bring that my conscience has directed me to say a few words in this mammoth debate. As far as I understand, severely disabled people have not been adequately considered in this saga. There are thousands of complicated rare conditions that people have to live with, and medicines become part of their lives. Already, the European Medicines Agency, which deals with safety of medicines and trials, has left London for Amsterdam. We will not have voting rights, which is most frustrating as we are the leaders in this field.

Britain's most commonly used medicines are produced in 50 countries and drug companies say that airlifts, drug priority routes and export bans would be needed to prevent shortages under a no-deal Brexit, because of increasingly complex supply chains. Analysis carried out by the Medicines and Healthcare Products Regulatory Agency has found that the 20 most commonly used drugs in the NHS come from 23 other EU states as well as 27 other countries. The British Generic Manufacturers Association has said that delays in crossing the Channel was the number one problem for medicine supply. I have heard nothing about the supply

of medicines for rare conditions, which can be vital to an individual's survival. This whole situation could become a nightmare. Working together in co-operation in healthcare is paramount.

Just before the Christmas Recess, some of us were invited to visit the Francis Crick Institute, which carries out worldwide medical research. It was a great pleasure to meet some of the young researchers who were bursting with energy and enthusiasm and were the brightest and the best; research institutes must have them in order to compete in world research. Some 40% of the Crick scientists are Europeans, as are 55% of the post docs. Virtually every scientist thinks that a hard Brexit would completely cripple British science, while 97% think that a no-deal Brexit would be bad for UK science. One student working on an effective immune response is leaving the UK to return to Germany once her PhD ends. This decision was made because of the UK's decision to leave the EU. At the moment, people have no idea how funding for post docs will be guaranteed and the insecurity causes students great concern. It would be sad if Brexit were to cause the brightest and the best to do their research elsewhere.

Another major anxiety is that the Government and the independent Migration Advisory Committee have shown that they do not understand the needs of severely disabled people who are living in the community and need to employ people so that they can live independently. The White Paper, *The UK's Future Skills-based Immigration System*, published in December 2018, states that only the brightest and the best earning £30,000-plus a year can come here to work from anywhere in the world. Other workers will be allowed to come for a maximum of 12 months only, to be followed by a "cooling-off period" of a further 12 months, whatever that means. Perhaps the Minister could explain it. It will not entitle anyone to access public funds or to the right to extend a stay. Does this mean that employers will have to pay for private healthcare for their employees?

I have to declare an interest, in that I employ EU workers. They are happy to work at the weekends and to live in. It takes time for disabled people to train employees to meet their individual needs. Many of the people who are willing to work and to be trained for employment with disabled people come from Europe. Already, many of these much-needed people have returned to the EU due to problems involving Brexit. I find the Government's proposals on these matters unacceptable.

Care workers also work in care homes and hospitals. These rules will also apply to them as well as to ancillary workers in the NHS. These employees need to be honest and willing workers; they do not need to be high flyers on a high wage, but they do need to be treated fairly and looked after. Many UK workers do not want these jobs and some of them are not fit for purpose. Our social care is already in crisis and it needs to be saved.

There is also a shortage of vets, about half of whom come from Europe. Many of them work in abattoirs. If they are restricted, this will affect animal welfare. I hope that sense will prevail before it is too late.

12.04 pm

Baroness Noakes (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Masham. My speech, however, will be taking a slightly different path from hers.

Nothing has changed since we debated the withdrawal agreement last month to make it any more palatable. That includes the extra bits of parliamentary process, both in Parliament here and in Northern Ireland that the Government invented yesterday. None of that can override the withdrawal agreement itself. The withdrawal agreement is as unsatisfactory today as it was last month. Fortunately, the Government's Motion is only a take-note one and hence I shall be spared the need to vote against it, but I hope that the other place will reject the withdrawal agreement when it votes on it next week.

The principal problem remains the backstop, which passes all power to the EU, which will then decide whether we enter the backstop and whether and when we exit it. In practice, that means that it calls the shots on the terms on which we exit. This betrays the referendum result. Staying in some kind of limbo—following the rules indefinitely but having no say in them, while paying through the nose for the privilege—does not respect the sovereignty of the UK or the decision of the majority who voted to leave the EU.

I have been dismayed by the way that the EU has treated us. When the Prime Minister met the European Council on 13 December, she was again treated shabbily. The draft declaration which had been prepared to follow that meeting was deliberately and ruthlessly edited by her fellow Council members to remove references to the backstop being temporary and of short duration. They also deleted the reference to giving further assurances, and indeed none has been forthcoming.

It is about time that we stopped being supplicants to the EU. We are still the world's fifth-largest nation in terms of GDP. We chose, as is our right, to leave the EU and have spent the last two and a half years trying to do so in a civilised manner within the terms of Article 50. We deserve better than being treated like a naughty child, to be scolded and punished at every turn.

The EU is fond of saying that it does not know what we want from the negotiations. While I think that that is said with largely malicious intent, I too have struggled to see the clarity and confidence in our negotiating position. Why, for example, we even bothered with the Chequers proposals last summer completely defeats me. However, my disappointment in the Government's negotiating skills does not diminish my pride in this country and my confidence in its future outside the EU. We should now turn our efforts to three things.

First, we must concentrate on planning for our exit on 29 March without this withdrawal agreement. We should not use defeatist language like "crashing out" or "no-deal Brexit". We are simply leaving: it is just an exit. We will, of necessity, revert to trading with the EU on WTO terms and we need a clear strategy for that, including what our stance will be on tariffs. We must make every effort to reach agreements on matters

such as citizens residing out of their home territory, on travel arrangements including flights and visas and on practical methods for reducing friction at our borders. The very clear statement yesterday by the president of the Calais port that there would be no practical problems in maintaining traffic flow demonstrated that there has been a lot of scaremongering. Indeed, too often, risks have been talked about as if they are virtual certainties that would be incapable of mitigation by practical steps.

Secondly, we must start working with the EU on a proper long-term trading relationship. The starting point must not be the vacuous and inadequate political declaration. We need to go back to the basics of the current economic equilibrium of our trade. Put simply, we buy a lot less in terms of goods from the EU than EU nations buy from us, but our service sector is in surplus. Our negotiations should be built around what is important to each side, not just what is important to the EU.

Thirdly, we should get to work on trade arrangements with other key nations. The withdrawal agreement prevents meaningful trade negotiations because there is no certainty about whether and how we will escape the backstop.

There will be problems, points of friction and some real practical difficulties, I have no doubt about that, but we shall no longer have to hand over the £39 billion included in the withdrawal agreement. We can spend it on our national priorities. The Government must now restore pride in our nation and confidence in our future. The best way for that to happen, even if there is some short-term pain, is to reject the withdrawal agreement and move rapidly to charting our life outside the EU as a free-standing nation.

12.10 pm

Lord Pendra (Lab): My Lords, the reason why I am making my small contribution today is that for the last two years this House and the other place have been going round in circles, which has landed us in the muddle that we are in today. I believe that we must turn to the people again for their guidance, now that they are more informed, in the absence of strong leadership from the centre. I must confess that I am not the greatest advocate for referenda, especially the kind that we have had to encounter for the last two years, where many of the key issues were rarely, if ever, discussed in a meaningful way. People are really only now beginning to understand the full effects of this country leaving the EU. In the fallout from the 2016 vote, though, it is clear that a new referendum is needed. It must be one that addresses openly the true and accurate nature of the issues facing the nation, bereft of the kind of waffle that was part of the 2016 campaign.

The main political parties have also been guilty of not stressing many of the real issues that have emerged during the course of the campaign, notably Northern Ireland. As my noble friend Lord Murphy of Torfaen said in his powerful speech when we last debated this issue, the Northern Ireland problems were hardly ever discussed. My noble friend and my noble friend Lord Hain, both of whom were Secretary of State for

Northern Ireland—like my noble friend Lord Dubs and myself, who were Ministers—know how important the Good Friday agreement is to the Province and indeed to the rest of us, yet, as we all know, that was hardly ever discussed in any meaningful way during the course of the referendum campaign. There are of course many other issues that were not discussed fully in that campaign: the potential problems of medical supplies from abroad; reduced numbers of doctors and nurses, which will greatly affect the NHS; the damage to the funding and research programmes in our universities—the list is endless.

In the face of the many failings of the referendum campaign, I get tired of the many people in this House and outside who bang on about “the will of the people” and the need to honour the result. Even referendum results are not cast in stone. No less a person than the former Brexit Secretary David Davis once said:

“If a democracy cannot change its mind, it ceases to be a democracy”.

When one considers that the leavers won by a very slender majority of 52% to 48%, clearly the time has come for a revisit now that some of the distortions and lies have been revealed. The most notable was the misleading message on the infamous Boris bus, but there were many more like it.

My final plea is that the long-term survival and prosperity of our nation will rest in the hands of the younger generation: our children and grandchildren. It is the wishes of the young people who voted in the referendum of which we should really take note. Studies of the voting pattern of the different age groups in the 2016 referendum given to me by the House of Lords Library show that the vast majority of 18 to 24 year-olds and 25 to 34 year-olds voted remain, with the majorities for the leave vote appearing among those who were over 45 years of age. The knowledge that the new referendum will release some 2 million young people who were not eligible last time, the vast majority of whom will be expected to join the lower age group in voting remain, is another good reason why, in the interests of the future generation, bringing the question back to the people must be of considerable importance.

Out of the conflict and muddle of the last two years at least comes the potential for a better, more informed debate, with clearer judgments on the real issues. Once we have the result of a referendum based not on fiction and distortion but on facts and a full understanding of what Brexit really means, we can then say, with real meaning, “No more referenda”—because that will be the real, true meaning of the British people.

12.16 pm

Lord Rodgers of Quarry Bank (LD): My Lords, for more than two and a half years, Theresa May, the Prime Minister, has been immensely busy and resilient, despite her rebellious House of Commons troops behind her. For that, I give her credit, as others in the House have done. If it had been a peaceful political time, she might have done rather well as a Prime Minister. But this is not a peaceful time and she has become a loser on the crucial and historic issue of Brexit.

I was of a generation that grew up just after the end of World War II. On a cross-party basis, we dreamed of a better and more prosperous Britain and no more wars. On the crucial vote in the House of Commons on 28 October 1971, I helped 69 Labour Members of Parliament to vote for Europe, despite a three-line Whip against. Then, despite ups and downs, disappointments and unevenness between different regional and local parts of the country, we set upon 40 years of remarkable success.

So, given the outcome of the referendum, I was dismayed and profoundly shocked. However, in the July 2016 post-referendum Lords debate, I said, with great sadness, that:

“Whatever is done is done. ... We cannot reverse the outcome by stealth”.

All I could hope for was that Britain would,

“stay as close as possible to our European partners in friendship and to mutual advantage”.—[*Official Report*, 6/7/16; col. 2039.]

When friends and colleagues began to talk of another referendum, I was warm but sceptical. I assumed that a new era would fall into place, uneasy, diminished in the world and damaging, but—up to a point—credible. But that has not happened. Neither the Government, nor the official Opposition, nor the Brexit ideologues had done their homework in advance in measuring the possible consequences of losing a referendum.

As a result, at every stage through these years, with every new analysis, with every report and with every forecast, the news has been bad and getting worse. The voters at the referendum were wholly unaware of what happened to be the grim future realities. When the Prime Minister reported last month on her visit to the Argentina summit, she said that Britain was looking forward to future trade agreements. She said:

“Once we leave the EU, we can and we will strike ambitious trade deals”,

and,

“forge new and ambitious economic partnerships”.—[*Official Report*, Commons, 3/12/18; col. 529.]

Then a week ago, the Foreign Secretary rejoiced at trade prospects in Singapore and Malaysia.

But there is no evidence whatever that there will be frictionless trade to compensate for the loss of European Union business. The long debates in this House on the Trade Bill showed that trade negotiations are always complex, painful and slow. The Prime Minister dreams of the distant sunny uplands, but self-deceit is the most commonplace instinct for all political leaders.

In that respect, for a Conservative Prime Minister with a sense of history, I give high marks to Harold Macmillan both for the wind of change and everything on Europe. Much earlier, in 1938, he published a book called *The Middle Way: A Study of the Problem of Economic and Social Progress in a Free and Democratic Society*. He wrote about unemployment, insecurity and poverty. Harold Macmillan would be turning in his grave at the outcome of Mrs May’s proposals.

As the noble Lord, Lord Heseltine, said in the incomplete debate in December,

“we are voting in this legislation to make this country poorer”,—[*Official Report*, 5/12/18; col. 1038.]

[LORD RODGERS OF QUARRY BANK]
and my noble friend Lord Wallace of Saltaire said that,

“inequality, poverty and social divisions”,—[*Official Report*, 5/12/18; col. 1011.]

would not be resolved by the Government’s flawed proposals.

As the Government have spent so much time and energy in getting nowhere, I acknowledge that efforts have been made to find realistic alternatives. All involve risk and uncertainty and the EU27 has its own view, but for me, another referendum is now the overwhelming best option available.

It is not my habit to take part in political marches, but in my 90th year I was proud to join 700,000 men and women in favour of another referendum. If need be, I shall march again.

12.23 pm

Lord Low of Dalston (CB): My Lords, I spoke about Brexit a few times both before and after the referendum but, as the heavyweight reports to take cognisance of began to pile up, I have been content to leave the heavy lifting to genuine heavyweights such as my noble friends Lord Kerr and Lord Hannay. But at such a momentous juncture in our nation’s affairs, it seems imperative that one should stand up and be counted.

The noble Baroness, Lady Kennedy of Shaws, told me that she had voted against the Third Reading of the withdrawal Bill, although the Opposition considered that to be something of a self-indulgence, because she felt that it was important to have on the record where she stood when the history of these things came to be written. I felt very much the same way but, unfortunately, was not able to be present to vote. I am therefore speaking today to put that record straight.

I remain a pretty unashamed remainer, believing that the country has been guilty of an astonishing act of self-harm from which it needs to be rescued, if at all possible. I say this not just on the grounds of the economic damage it will do, although there is virtual unanimity that it will certainly do that. I am thinking here not so much of the hit to individuals’ living standards as the progressive starvation of resources for public services and social progress. What concerns me even more is the “go it alone” mentality of the Brexiteers which turns its back on internationalism and a spirit of co-operation, which is the only way to make it in today’s world.

There has been consensus in the debate that there are four possible ways forward: Mrs May’s deal, no deal, something else or a people’s vote. Let us dispose of the no-deal option. Those who advocate leaving on WTO terms maintain that Britain has grown its exports to the more than 100 countries with which it trades on WTO terms three times faster than its exports to the EU. To begin with, we should always be wary of statistics that quote comparative growth rates without reference to the level from which the growth started. More importantly, this has been entirely consistent with EU membership. Where is the evidence that we would do any better by leaving the EU? The EU cannot discriminate against WTO members but it

cannot discriminate in favour of them either. As the noble Lord, Lord Kerr, pointed out, in the event of no deal, far from protecting us from retaliation, WTO rules would oblige the EU to impose the same tariffs and non-tariff barriers on UK goods as it does on those from any other third country. Under WTO rules, the UK could cut tariffs and other barriers to zero for imports from the EU but only if it did so for all other countries as well, which would interfere with our ability to negotiate the trade deals with other countries to which Brexiteers look for so much. Therefore, it is far from clear that the grass is any greener under no deal and WTO.

Mrs May’s deal has few friends but in some respects it is the least worst option—as the noble Lord, Lord Grocott, said, it is the softest of soft Brexits. Yet by common consent it is worse than what we have at the moment. In fact, everything is worse than what we have at the moment. The Prime Minister has therefore been extraordinarily irresponsible in running the clock down in order to set up a choice between her deal and no deal as the only option. If the Prime Minister’s deal is not acceptable there needs to be space to consider other options, such as Norway or a people’s vote, together with any necessary preconditions such as revocation or suspension of Article 50. I am glad to see that the House of Commons is at last being more assertive in seeking to take some control of these issues. Although it is tempting to support the Prime Minister’s deal in preference to no deal, it should be rejected to provide space for returning the issue to the people—the only way of breaking the parliamentary deadlock. I shall therefore support the Motion in the name of the noble Baroness, Lady Smith.

I have come to be more troubled than I was by the arguments against a people’s vote—in terms of damage to democracy and trust in politics—but otherwise I do not have much time for them. It is not a second referendum: it is a referendum on a different question in the light of greater knowledge, so this is really the least worst option, as the noble Lord, Lord Kerr, has said.

I have a friend who said that he put aside his principled objections to referendums in the pragmatic belief that remain would win. I am prepared to put aside my principled objections to referendums in the pragmatic belief that a second vote is the only way of getting ourselves out of the mess we have got ourselves into. I bumped into the noble Lord, Lord Kinnock, the other day. We were both bemoaning the state we had got ourselves into but he said that it might just come out all right. I said, “It might just come out all right if everything goes wrong with the way the Government are trying to manage things”, and I rather hope it does.

12.30 pm

Lord Knight of Weymouth (Lab): My Lords, I feel like a rarity in this House, in that this is my first speech in the Chamber on Brexit. It is hard to know how much value my six minutes will add among over 130 speeches in the latest of so many debates on this subject. However, like the noble Lord, Lord Low, I think that it is time to stand up and be counted.

The first thing to say is that I do not think that Brexit should be the most important issue facing us right now. I also think that most of the electorate feel the same. The global outlook economically is poor; our public services are in a dreadful state after 10 years of austerity, with a huge staffing crisis facing both the NHS and our schools; the Government's welfare reforms are in pieces; everything the Transport Secretary touches goes wrong; our prisons are in a dreadful state; and we are going through a mental health crisis, especially among our young people. I could go on. I am desperate for the time and money currently diverted to Brexit to be returned to rebuilding this country.

That said, I believe passionately in the importance of the free movement of goods, services, capital and labour. Our nation's history as a great trading nation, a great financial centre and a true global heavyweight depends on those principles. They are also the founding principles of the EU and the reason I voted to remain back in the referendum.

And what a catastrophe that referendum has turned out to be. To be fair to the Prime Minister, she was dealt a rubbish set of cards by her predecessor, and, unlike most of the men implicated in this disaster, she has not shown the same sloping shoulders and shed her responsibilities. I believe that she has shown commendable resilience in keeping at it and trying to deliver the mandate to deliver Brexit. That said, she has made an appalling job of playing the cards she was dealt.

It has always been predictable that Brexit needed to mean more than Brexit and that, once it was defined, the divisions in her party would make life very difficult for her. Things could have been very different if Mrs May had chosen to engage across the parties for the last 30 months. As it is, only the inexplicable position on Brexit of Jeremy Corbyn has allowed the Prime Minister to remain in office.

Her political strategy of kicking the can down the road for as long as possible has, however, run out of road. We now have her withdrawal agreement and the accompanying political declaration. We now know what Brexit means. I would like to say that we now have political certainty, but of course we do not. The only certainty that we have is uncertainty. In my commercial work I see the huge damage that this is causing our economy, and this damage comes as we see worrying signs of the next global slowdown just around the corner and few, if any, policy levers available to anyone if that turns into a crash. This uncertainty is at the heart of the Government's failure and it is why I will support the second Motion in the vote on Monday.

Others have analysed the weaknesses of the agreement better than me, and I particularly value the insights of the noble Lord, Lord Kerr, but I am especially appalled by the political declaration. How can we agree something that is so vague on our future relationship with the European Union? Our economy, our environment and many parts of our society depend on a close future working relationship with the European Union, and we are offered just 26 pages of good intent in future negotiations.

The other big uncertainty is the current political situation and the likelihood of the withdrawal agreement being defeated next week in the other place. What happens

then? As we all have, I have thought long and hard about this. In agreeing to Article 50 being triggered, Parliament respected the referendum result, and both the main parties again respected it with their manifesto positions in the 2017 general election. The Government formed from the Parliament elected have negotiated an agreement with the European Union, and the European Union says that this is the only agreement that can be negotiated—so far so good.

Our problem is that Parliament is unlikely to agree that the agreement is in the national interest. That is not out of disrespect for the democratic process but because representatives are carrying out their duty to, "act in the interests of the nation as a whole".

They and we are obliged by oath to vote for what we believe is in the national interest. For reasons debated at length in your Lordships' House, it is clear to me that the withdrawal agreement is not in that interest.

If Parliament defeats the agreement, I believe there is only one possible next step that respects democracy: we must accept that Parliament has failed to agree terms with the European Union and the question should be put back to the country as a vote of the people. This would not be to repeat the question or to test the view on a no-deal Brexit. Parliament seems clear that no deal is in no one's interest, and I therefore do not believe that it would legislate to allow it on the ballot. We should instead ask the people whether the withdrawal agreement is better than remaining in the European Union on the current terms—yes or no. That respects the work that the Government and the European Union have done in defining what Brexit looks like, and it respects the will of the people. If they vote yes, we proceed with Brexit on the withdrawal agreement terms; if not, we withdraw Article 50.

I hope we can get there quickly, and that we can then remain in the European Union and drive change from within. Most of all, I hope that we can then get on with fixing so much that is broken in Britain following the catastrophic legacy of David Cameron.

12.36 pm

Lord Bowness (Con): My Lords, in a debate on 20 November, at col. 192, I asked the Minister what the Government's plan B would be if the so-called deal were rejected. I received neither acknowledgement nor answer. I do not expect one today. I am content to wait for the three days after any rejection of the deal in the other place.

It is becoming increasingly obvious that the thoughts of the Government have gone no further than the so-called deal and that, in the event of rejection, they contemplate a no-deal Brexit. Of course, I do not know whether this is a crude attempt on the part of the Government to lure Members of the other place into the Lobby in support of the so-called deal, or a policy in default of any other.

We need the Government to be clear and straightforward with the public. This is not really a deal for the future. It sets out the terms of our withdrawal but does nothing about the future relationship. This is evident from the political declaration, which is misleadingly spoken of as part of the so-called deal. It is merely yet

[LORD BOWNESS]

another statement of what we would like and hope for, but is largely unachievable in view of our own self-imposed red lines.

All the arguments remain unresolved about a hard or soft Brexit, Norway or Canada. The arguments currently raging will continue, whatever the outcome, unless there is some real leadership from all parties on where we really want to be. If the so-called deal is accepted, we have until the end of the transition period to resolve that. If we follow the precedent of the last two and a half years, what faith can anyone have in a resolution being achieved? If it is agreed, we have until 29 March to enact the European Union (Withdrawal) Act 2018 and all the promised Bills on a multitude of policies and issues.

This provokes some questions. How is it going to be possible for Parliament to do a proper job of examining and scrutinising the legislation, to say nothing of scrutinising and debating the pile of affirmative statutory instruments now building up, given this timetable? Even if we manage to deal with the legislation, can the Government ensure that we will not limit our scope for negotiation again in the transition period, imprisoning ourselves within another set of red lines? Will the ultra-Brexiteers not threaten the Government over that legislation, as they have done to date, to ensure that it becomes more difficult—if not impossible—to negotiate the close relationship with the European Union that the Government tell us they desire?

If the deal is rejected, this will not reduce the amount of legislative work to be done by 29 March. It becomes increasingly clear that, whatever the outcome of the vote in the other place, we have presented ourselves with an almost impossible task through our own incompetence.

We need political leadership to level with people now that it is blindingly obvious that we cannot leave the European Union and retain anything like as advantageous a position as we enjoy as members; we certainly cannot do so if we insist on our red lines and reject the customs union, single market and any involvement of the Court of Justice. I am realistic enough to realise that it is unlikely we will see a withdrawal of Article 50; however, I believe it is vital that we seek an extension so that the alternatives may be explored unfettered by prior red lines.

Your Lordships' House is required only to consider the proposal, but we can hope that our concerns are noted in the other place. The Motion in the name of the noble Baroness, Lady Smith of Basildon, is the only means of formally registering our concerns. If it is moved, I shall vote for it. I am grateful to her for emphasising the concerns many share about a no-deal scenario. Her Motion also criticises the agreement and the declaration, but they have been challenged across the spectrum of remain and Brexit views. We should not have issued Article 50 before we knew what we hoped to achieve or, indeed, without considering what would be possible. We did it, and we are about to pay the price of our own incompetence unless we can achieve more time for whatever we decide to do.

Parliament has a role to play and, if the proposals are indeed rejected, Parliament must fill the vacuum of political leadership and not abdicate responsibility to

another referendum. We must seek a compromise realistically acceptable to our own different parties and factions, and to the European Union, without the fetters of ill-advised red lines. We have had the farce; we must now avoid it turning into tragedy. That needs to be an important consideration for this House and the other place.

12.42 pm

Lord Dubs (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Bowness, particularly as I agree with everything he said. It is a truism that when two people in an organisation agree, one of them is unnecessary, but I do not think that applies to a legislative Chamber. I did not speak in the last debate. Looking at what has been happening—not just since then but earlier—all I can say is that Brexit has sucked the life out of British politics. We are not functioning as a country anymore because Brexit dominates everything. There is no thinking going on, and problems concerning poverty and the economy, for example, which my noble friend spoke about, are not being dealt with. We have to move forward.

When this process began, with a referendum, it was fairly clear that Northern Ireland would be one of the sources of enormous difficulty. Indeed, I argued at the time that, even if one supported leave in every respect but one, Northern Ireland was a good reason to vote remain. I did not support leave at all but Northern Ireland itself was an argument for voting to remain: there is simply no solution to the problem. I do not see a way forward and nobody has yet been able to suggest one. That is a good argument for thinking again about the whole thing.

There is a way out: to have a customs union and for us to be in it; then, the Northern Ireland border would not be a problem and everything would be fairly straightforward. For some reason, the Government do not like the idea of our being in a customs union. Their argument is that we should be free to negotiate with other countries. But let us look at how well Germany, within the EU, does trade deals with China and with other countries. Many European countries are knocking spots off us and are not at all constrained by being in the EU. Our being in the customs union would not be a constraint on anything. It would be a positive move and very helpful as regards Northern Ireland.

Moving on to Dover, which I visited with the Select Committee some time ago, one of the figures given to us was that it takes less than two minutes to clear a container from within the EU, while it takes an average of one and a quarter hours to clear a container from outside the EU. There is simply no space at Dover even to make the arrangements to look at the loads to see whether they pass the health tests. Frankly, unless we have a seamless operation in Dover, Kent will be a car park. The whole problem of stacking along the M20, which we have seen when there have been problems in Calais with farmers over the years, will be much exacerbated. I do not know what we are going to do, and none of the people who support leave has an answer to it.

I have spent a lot of time knocking on doors during the referendum campaign. I was mainly in Hammersmith, which was 70:30 for remain, so I was not getting a

typical picture. Nevertheless, immigration was pretty well the only issue that came up—I suspect that “take back control” was interpreted by people as meaning immigration. I will recount one little doorstep encounter. I was talking to a woman who said she was not going to vote remain because of immigration. I said, “But look at the health service. I had a small procedure carried out in Charing Cross Hospital. I was there for one day, and all the people who treated me—the doctor, nurses and so on—were immigrants. Where would we be without them?” She said something which I thought quite significant: “It’s not the ones who are here that bother me; it’s the ones who are going to come in the future”. That is where Boris Johnson, with his 70 million Turks poised to enter Britain, has a lot to answer for. That was Project Fear, if there ever was.

I believe the referendum showed a strong alienation in this country between people in the north and those in the south, and between people in towns and the countryside and those in cities. It is an alienation for which all political parties are responsible and which we have done very little to tackle. The referendum result was a symptom of people saying, “You don’t care about me, so this is my answer to you: I’m just going to vote against the system”. It was an argument of people who felt that their voices were not being heard.

I believe in a second referendum, but I have argued with myself for quite some time as to whether it is democratic to have another one. People on the other side argue that it is a total breach of faith with the electorate if we ignore the result of the referendum. I honestly do not believe that is so. I believe people are entitled to have their say yet again on the detail when they know what it means. It is a bit like buying a house: you like it and you put in an offer subject to survey; then the survey says that the house is rubbish and there are all sorts of problems, so you withdraw. It is quite legitimate for us to argue that it is democratic to say to the people of this country, “We’re going to give you another chance to have your say now that you know the details”. I do not understand why the people on the leave side of the argument are so frightened of that. If they believe public opinion is still with them, they should have confidence in that.

John Hume, the great Northern Ireland politician and Member of the European Parliament, knew a thing or two about peace processes. He said that the European Union, to his mind, was the most successful peace process in world history.

12.48 pm

Baroness Bonham-Carter of Yarnbury (LD): My Lords, I was unable to speak last time because I came after the plug was pulled. Then, I was 128th; this time I am 59th, so that is some consolation, I suppose. Coming after so many speakers in both debates who have eruditely expressed what I feel, I will be very specific. My concern is with the effect of the Prime Minister’s deal—or, even worse, the effect of no deal—on our prosperous, life-enhancing, soft power-boosting creative industries, which now contribute more than £1 billion to the UK economy. Why am I concerned? It is because they have massively benefited from our

membership of the EU. We live in a golden age of British creativity, which Brexit, in my view, threatens to destroy.

Before the Recess, the noble Lord, Lord Bragg, surely a creative industry in himself, led a debate on the impact of Brexit on the arts. Read his speech and shake in your shoes—I think he might say “boots”, but anyway, read it. Crucially, the creative industries rely on people’s ability to move freely across Europe, to work and travel without the need for visas. They rely on the free movement of instruments, equipment or samples without onerous and expensive tariffs, carnets and border checks. They rely on the automatic recognition of qualifications, allowing professionals, such as architects, to continue to practise in the EU. They rely on a digital single market that protects our IP, fought for by the UK from within the EU. They rely on investment from EU funds. They rely on country-of-origin rules, whereby the mutual recognition of broadcasting licences between the UK and the EU has led to this country being the leading hub in Europe for the international broadcasting sector. Some have already made arrangements to move their headquarters from the UK. These freedoms, these mutual agreements, have both facilitated and fuelled the exchange of culture, creativity and expertise, and generated commercial and artistic opportunities.

Of particular concern is the Government’s position on immigration. There are, even before Brexit, 17 creative roles on the Government’s shortage occupation list, but the Government have pledged to end freedom of movement from the EU and to reduce levels of what they refer to as “unskilled migration”, limiting migrants to those who earn more than £30,000. As my noble friend Lord Newby pointed out in last year’s debate, such a move would have severe negative effects on the agricultural, hospitality and care sectors, and I would add the creative industries. Since that first debate the Government have published an immigration White Paper and asked the Migration Advisory Committee to review the shortage occupation list and the definition of “skilled worker”, and to engage businesses and employers as to what salary threshold should be set. However, the White Paper still clearly states, in black and white:

“The MAC recommended retaining the minimum salary threshold at £30,000”.

So there seems to have been movement on the word “unskilled” but not on the threshold. Does the Minister not accept that this is simply semantics?

I am mystified by where “unskilled equals earning less than £30,000” came from. Can the Minister enlighten me? It certainly did not come from anyone who understands or works in the creative sector. Authors in the UK earn an average of just £10,500 per year. Musicians’ earnings are on average around £20,000. Artists, actors and illustrators have similar stories. As the noble Baroness, Lady Bull, said in her speech last year:

“Salary levels are not a proxy for skills”.—[*Official Report*, 5/12/18; col. 1074.]

Of course, this arbitrary equation disproportionately disadvantages those at the beginning of their careers—more often than not the young.

[BARONESS BONHAM-CARTER OF YARNBURY]

Creative skills do not easily sit alongside the traditional qualifications and classifications that the Home Office uses to evaluate visa applications. Many creative jobs are for SMEs or freelancers without the resources to employ legal advice or, for that matter, pay the compulsory immigration skills charge that kicks in once we leave Europe.

A number of authors from outside the EEA were refused entry to last year's Edinburgh International Book Festival because of complications in the visa application process. Is this a precursor of things to come? Will European artists be deterred from performing in the UK? As the noble Earl, Lord Clancarty, has said:

"Free movement is a two-way street",—[*Official Report*, 5/12/18; col. 1078.]

because there is significant and important movement of the creative sector from the UK to the rest of the EU, but so important is the mantra "Take back control"—into which, let us face it, is inextricably wrapped "no more freedom of movement"—that the Government do not listen.

Last October a group of musicians wrote an open letter laying out the problem. Mr Jacob Rees-Mogg MP's response was, "Handel did not need the free movement of people to come to England to write 'The Messiah'". A signatory of said letter, the composer Howard Goodall, did some homework, and Handel did. Mr Goodall wrote:

"A bespoke Act of Parliament had to be passed in 1727 precisely because free movement was not available to him".

I fear there would not be enough parliamentary time these days. Perhaps the Minister has a view. Neither Howard Goodall nor I is arguing that writers will not write, musicians not compose and artists not paint because of Brexit. It is the performing, touring and promoting—the essential cross-fertilisation of collaboration—that are threatened.

Liberal Democrats have consistently made the case for remaining in the EU because we know there is no deal better than the deal we have as members of the EU—certainly not the chaotic, incoherent place in which we are now. The British people must be involved when a final deal emerges. We are a democracy. As the noble Lord, Lord Pendry, said, we have elections, which allow us to change our minds. That is democracy.

To return to the noble Lord, Lord Bragg, in his debate on the arts he said:

"A referendum is not a sacred document".—[*Official Report*, 11/10/18; col. 241.]

I could not agree more. We need a people's vote. As the noble Lord, Lord Dubs, said, it is the people, not the politicians, who deserve the final say. I believe that this is what people want.

12.55 pm

Lord Armstrong of Iminster (CB): My Lords, the Prime Minister is inviting the House of Commons to approve the withdrawal agreement she has made with the European Union. I am a Remainer but, like my noble and learned friend Lord Hope of Craighead, I have reconciled myself to accepting that, if the House

of Commons were to approve that agreement, we should leave the European Union in accordance with the mandate in the referendum of June 2016. However, it seems possible—even probable—that there will be no majority for it. Indeed, with the House of Commons as it is now constituted, the only thing for which there probably is a majority is a determination not to leave the EU on 29 March with no deal. But that is the prospect that faces us imminently if the Prime Minister's withdrawal agreement is not approved.

It is widely accepted that there would be serious economic consequences from crashing out of the EU without a deal—certainly in the short term and probably in the longer term. Some Brexiters are trying to reassure us by saying, "Don't worry, it may never happen". This does not seem a very good basis for sailing confidently into what the Prime Minister has described as uncharted waters. There is too much reason to think that at least some of it will happen. Indeed, it is already beginning to happen.

The clock is at five minutes to midnight. There are a bare 11 weeks to 29 March. There is not enough time before then to negotiate a different deal, even if the EU were prepared to do so. There is not enough time to organise and carry out a second referendum, even if it were thought necessary or desirable to hold one. The immediate priority must be to move back from the cliff edge, postpone the deadline and give ourselves more breathing space.

As far as I can see, there are two ways of doing this. We could seek to defer the deadline and set a new date. Or we could revoke our notice of withdrawal from the EU, which the European Court of Justice has explicitly confirmed that we can do unilaterally. The trouble about simply deferring the deadline is that this would do little to diminish the extent to which Brexit is dominating and distorting public and parliamentary business and industrial and commercial activities. Nor would it mitigate the uncertainty, rancour and deep divisions bedevilling the situation at present. Before long, a new deadline would present us with a new cliff edge.

Given the present state of the House of Commons, it is prudent to assume that it will be difficult, if not impossible, to conclude a deal with the EU that would meet with parliamentary approval in this Parliament. So, if the Prime Minister's withdrawal agreement is rejected by the other place next week, I believe that she should, without further delay, revoke the notice of withdrawal from the European Union on 29 March and undertake that there will be no further decision to give notice of withdrawal during the life of the present Parliament. That would avoid the perils and tribulations of leaving the EU with no deal. It would give more time to consider in detail and discuss with the EU what we would like to achieve in a permanent relationship with an EU of which we are not a member. It would give more time to legislate for and organise a referendum, if that were thought desirable.

I am not arguing for a second referendum, but the constituency has changed since June 2016, with some older voters dropping out and some newer voters coming in. We hear a lot about the 17 million who voted to leave but less about the 16 million who voted

to remain. The majority in the 2016 referendum was relatively narrow, and I do not think it would be undemocratic to give the people an opportunity to confirm their views or change their minds in the light of all that has happened and become known since June 2016. Revoking the notice of withdrawal would enable the Government and Parliament to find time to address the many other important issues on which progress has been delayed or frustrated by the administrative and legislative complexities of Brexit.

For the time being, the Prime Minister has nothing to fear from threats of a no-confidence vote from the vultures on the Back Benches of her party in the House of Commons. She has said she will not lead her party into the next election. So she is in a strong position to exercise the responsibilities of her position as our Prime Minister in the national interest.

If the Prime Minister's withdrawal agreement is rejected in the other place, it will be very much in the national interest that we should not leave the EU on 29 March with no deal, and that we should be able to consider our long-term relationship with the EU without the deadline hanging over us at present like a sword of Damocles. These suggestions are offered in pursuit of the doctrine I associate with the late Lord Healey:

"When you're in a hole, stop digging".

1.02 pm

Lord Framlingham (Con): My Lords, I acknowledge the experience of the noble Lord, Lord Armstrong, but I disagree almost entirely with every word he uttered.

It has come to this. After two and a half years of trench warfare by remainers, it is Parliament against the people—or at least most of Parliament against the majority of the people. As the broadcast media continues to pour out its anti-Brexit propaganda, who can be surprised that tempers are becoming frayed? Who is going to feel responsible as events unfold?

All great issues are, I believe, essentially very simple. We make them complicated when we do not want to face them. The plain fact is that we leave the European Union on 29 March. Remain fanatics both inside and outside Parliament have fought tooth and nail to obstruct the decision taken in 2016. They pretended they were trying to improve the situation, but all their suggestions have been nothing more than distractions, sideshows and ruses, designed for one purpose: to stop us leaving. Starting with the judicial review, we have had a meaningful vote, withdrawal agreements, second referendums, people's votes, backstops, the postponement or revocation of Article 50 and, last but not least, a general election.

As far as I can see, there is little point in pursuing any of those ideas further or in further discussions. The arguments are increasingly circular and are leading us absolutely nowhere. Divisions are deep and abiding. The trouble is that when discussion stops, friction becomes more likely, and who is going to be held to blame for that? The only sensible, positive and optimistic way forward is for us to accept that we are leaving the EU on 29 March and to make all the necessary arrangements as quickly as possible.

Can we please slay the last big bogeyman, that leaving without a deal will be disastrous? Let us have no more hysterical talk, and sadly we have heard it again today, of crashing out—the BBC is, I think, the worst offender—of cliff edges and of catastrophes? There is never really any detail of how and why those things could, or should, arise.

Can I make a plea? Can I urge remainers not to continue their virulent disparagement of our leaving without a deal? It helps no one. My noble friend Lord Lilley, who knows much about these things, has set out detailed reasons why leaving without a formal deal is workable and indeed has many advantages. He understands the position, I believe, better than anyone. Time does not permit me to list them all here but I would like to mention some. The UK will not pay its £39 billion divorce bill. It avoids a transition period and we can get on with things straight away. There is no need for an Irish backstop. The UK as a whole will be able to enter a Canada-plus-plus-type deal. The WTO is a safe haven, not a hard option. UK exports to countries trading on WTO rules have grown three times faster than to the EU. I could go on. My noble friend deals with most of the issues that we are concerned with, in my opinion, very adequately.

By statute, we leave the EU on 29 March. Only by statute can this be stopped, and that would be a truly disastrous course of action. The only way possible to bring together the different factions in this issue, and at the same time move the nation forward to a better and more positive future, is to put our differences behind us if we can and set ourselves a common goal. I suggest that my noble friend Lord Lilley's proposals show us the way.

1.07 pm

Lord Monks (Lab): My Lords, the noble Lord, Lord Framlingham, opened by expressing his total disagreement with what the previous speaker, the noble Lord, Lord Armstrong, had said. I am going to repay the compliment by saying that I did not agree with one word of what he said.

We are in a position today where we are waiting to see if the Government can produce that little bit of magic—parliamentary magic—in the next few days that will save the Prime Minister's deal with the EU. The Prime Minister is rummaging around for a winning formula, including, I read today, contemplating possible guarantees that workers' rights will be aligned with the EU indefinitely. I have to say that the TUC is very sceptical about the Government's sincerity, given their record of hostility stretching back so many years on this particular subject. But I am glad that, at long last—and it has been a long time—the Government are beginning to reach out beyond the Conservative Party, although it seems far too late to garner additional support for any deal that will be put to the other place next Tuesday. There should have been this process at the start of the proceedings, after the referendum result. The Government should have led a process that got people together to decide the most practical way of dealing with the referendum result and with the European Union in future. Instead, we are faced with the discussion at the 11th hour, as the Government

[LORD MONKS]

face, desperately, a pretty bleak prospect next Tuesday. Trapped by her own red lines and a fractious party, the Prime Minister is likely to be forced to come up with a plan B next week. It is that prospect that I would like to address briefly this afternoon.

Plan B surely cannot be no deal, which would be a recipe for chaos across a wide range of this nation's activities, including a hard Irish border. The noble Lords, Lord Lilley and Lord Framlingham, might ignore that particular inconvenient truth, but a hard Irish border is not something anybody with a knowledge of the history of Ireland would fancy. It is a desperate situation. There would be huge pressures at the ports, as we have already heard from previous speakers, and no doubt we would find ourselves quickly approaching EU countries again to help us out of the mess in the event of having gone down the no-deal route. This time, it would be against a backdrop of chaos and disruption.

The Prime Minister famously said that,

“no deal is better than a bad deal”.

Now she has come back with a bad deal, including a vacuous, aspirational political declaration about the future, which is no more than a wish list, and a programme for intensive talks over the next two years designed, ironically, to get us as close as possible to the current status quo as we can get. The deal to be voted on in the other place next week is a mechanism for more uncertainty, not less. It gives no security but offers insecurity, lots of rows and more and more dislocation. I certainly cannot support it but will support the amendment in the name of my noble friend Lady Smith. But let us be clear that no deal is the default option. It will happen on 29 March unless there is an alternative plan. The need for such a plan is therefore now urgent. If the Cabinet cannot come up with one, Parliament must rise to the occasion and do so.

The PM recently added the third possibility of no Brexit, admittedly more as a threat than a real option. But it should be crystal clear to everyone that anything that a UK Government can negotiate will be less favourable than our current membership—less favourable in almost every respect: economic, trade, security, financial services, science, education and culture, all will be worse than the status quo. The reason given for not recognising that is that we must respect the result of the 2016 referendum. I take that very seriously—I initially held that view—but the cost, the disruption and the risk to jobs, workers' rights and the economy have become clear. The dangers are all too tangible and cannot be airily dismissed as yet another Project Fear. When the facts change, you should change your mind, as a famous economist famously advised—or as a wise miners' leader said, we should be,

“a movement not a monument”.

I therefore favour asking the British people to take a fresh look at the position, through a people's vote, with a firm remain option on the ballot. We are unfortunately a long way from that situation. I cannot yet see a solid majority for that option in the other place, and both the main parties' Front Benches are not in favour, at least yet. If the Commons goes for

that option, obviously the Electoral Commission could have a tricky job in sorting out and securing support for the appropriate question.

One other option should therefore be kept in play: the compromise option of remaining in the EEA and rejoining EFTA. I hope noble Lords will have a chance to read two pamphlets, one by my noble friend Lord Lea and Michael-James Clifton of the EFTA Court, and the other by Lucy Powell MP and Robert Halfon MP. These set out clearly how this option could be made to work through retaining membership of the single market and the customs union while leaving the EU with no problems in relation to the Irish border. It might just be an acceptable compromise. It is perhaps everyone's second-best, but it should not be ruled out too easily at this stage.

In conclusion, we must encourage the other place—which has huge decisions to take—to be statesman- and stateswomanlike and prompt them to rise to the occasion and give a lead to the nation. The Cabinet has been failing to do that. Now, at last, it is Parliament's turn, and we, and especially the other place, cannot afford to fail.

1.14 pm

Lord Thomas of Cwmgiedd (CB): It is a pleasure to follow the noble Lord, Lord Monks, because I too agree with the conclusion that he has reached. I support the Motion in the name of the noble Baroness, Lady Smith of Basildon. Many powerful reasons have been given in the debate in December and over the last day or so that support that view. There is, however, one issue I wish to raise that is different, but which illustrates the problems that this deal will cause. In my view, we should focus on the longer-term effects of the deal and what it does for our future negotiations. That issue relates to the position of the UK as the leading centre in the world for international, commercial and business litigation. It is chosen by countries and businesses from all over the world. I appreciate that, in speaking about work for lawyers, I am not adopting a cause that wins universal popularity. However, it is important to recognise the substantial contribution, measured in billions, that this work provides for the UK economy and, importantly, for Her Majesty's Treasury.

After the referendum, a good deal of work was done by the legal profession and the judiciary on what was needed to safeguard the pre-eminence of the United Kingdom by ending the uncertainty on which our competitors were starting to rely and providing the certainty that those negotiating a jurisdiction clause require. In late 2016, a paper was presented to the Ministry of Justice and other arms of government. In the summer of 2017, the Government were asked urgently to take a number of steps, and particularly to work with the EU to ensure that there is a simple and flexible regime for the mutual recognition and enforcement of civil judgments on our departure from the EU, when we would cease to be a party to the EU regime. In August 2017, the Government published a paper for partnership, with cross-border civil judicial co-operation with the EU after we leave. This was a pragmatic and realistic way forward, which I fully supported then and support now. It would provide the

certainty so badly needed and support the ongoing work that the judiciary and the legal profession are undertaking to try to preserve the pre-eminence of the UK in this area.

The question for me is the effect of the deal on the position of London and the rest of the United Kingdom. Plainly, the continuation of the status quo by the withdrawal agreement presents no problem in itself, but the all-important political declaration is a matter on which I wish to focus. It provides nothing of the Government's August 2017 proposals on the enforcement of civil judgments. I surmise that this is not because the Government have changed their mind, but rather that this was one of the matters that they were unable to include in the political declaration. Why is that? It is not because of its lack of importance, but because the negotiating position of the UK has become so weak, for the reasons given, even at a time when we still have leverage through the financial contribution that we are to make.

The next stage of the negotiations is more important. In considering that, we ought to look at the position of the EU 27, as their attitude is a vital factor. In this area, they are our competitors—and they have not been idle. In Paris and Amsterdam, commercial courts have been recently established where the proceedings are conducted entirely in English. They are being actively promoted as a much better alternative to the UK because their judgments will be recognised and enforceable across the EU and because of the certainty of their position. Germany and Belgium are considering doing the same. Last Friday, the Taoiseach was reported to have said that the Irish Bar Council and the Law Society took the view that,

“one of the areas that could benefit from Brexit are legal services, on the basis that Ireland could ... take some business from the UK”.

Once lost, this work, which contributes so much to our economy, would be difficult to get back.

Let me turn briefly to the next stage of the negotiations. It is inevitable from the deal that the UK's negotiating position will be very much weaker in many respects. The deal in effect enables our former partners in the EU to control the pace and outcome of the negotiations to their advantage and to our disadvantage, particularly through the leverage that the backstop provides. I agree with the many who have pointed to the multitude of other flaws in the deal. Long and complex negotiations—for that is what they will now be—will advantage our competitors in the EU 27, as they will be able to continue to exploit the uncertainty so caused. For this and for all the other reasons given during this debate, the deal looked on as a whole, and its medium and long-term effects, will have a very damaging effect. In my view, those who must make the decision in the other place would be well advised to reject it.

I see the force of the point about the dilemma we all face in the UK, as made so eloquently by many, including the noble and learned Lord, Lord Hope of Craighead. The issue for the decision-makers is to weigh the manifest disadvantages of this deal against the alternative courses of action which have been explored in the debate. By my support of the Motion, I would rule out a no deal, but in my view the other

alternatives, for the reasons given by others which I need not repeat, are all options that will do much less serious medium and long-term harm to the UK economy than entering into this deal. I include within the other options another referendum, as it is clear that the effect of Brexit will be greatest on the young generation. They should be given the chance to express their views in the light of what is now known.

1.24 pm

Baroness Wheatcroft (Con): My Lords, it is my pleasure to follow the noble and learned Lord, Lord Thomas of Cwmgiedd. He has given me yet another reason why I should support the Motion in the name of the noble Baroness, Lady Smith of Basildon. I wondered whether, having spoken in the original incarnation of this debate, I should take part in its successor, but 6 December seems so long ago and the ground is shifting, so I feel justified in taking another bite at Brexit.

In December I voiced my concerns about the withdrawal agreement and its concentration on trade in goods while it is services that are pivotal to the UK economy. Those concerns have been deepened by the latest news from the Office for National Statistics. Yesterday it reported that, in the third quarter of last year, production in the services sector was just 0.1% higher than a year earlier. That is the slowest growth rate in two years and a very bad omen for our economy since services account for three-quarters of our earning power. If that sector does not grow at a decent rate, nor will the economy as a whole. We should not be surprised by these gloomy numbers. It is the uncertainty over what Brexit really means for services, particularly financial services, which has forced organisations to take the wise precaution of preparing for the worst. Research just published by Ernst & Young shows that, since 2016, financial services companies have announced plans to move around £800 billion-worth of staff, operations and customer funds out of the UK to the other EU 27 countries. Gradually, those moves are happening. Day by day, jobs, money and investment are leaving the UK.

As we contemplate that massive hit being inflicted on our economy, it is worth reminding ourselves just what in theory we will save by leaving the EU. The ONS tells us that in 2016 our net contribution was £9.4 billion. Remember that I have just mentioned the sum of £800 billion leaving the UK. That £9.4 billion is only 1.2% of government expenditure, and that is before taking account of any of the money that flows from the EU back to the private sector in this country.

EU membership in 2016 cost us just 39p per person per day. That is very much less than the business being haemorrhaged out of the country now. Just think what that 39p bought us in benefits, not least the ongoing security and peace that we have enjoyed for so long.

I have listened to those noble Lords who have assured us that Britain will be great again and we must go forth with confidence. My noble friend Lord True, while urging us to look to the future, declared yesterday that, “the world out there is as big and round now as it was in 1492 and people are waiting to do business with us”.—[*Official Report*, 9/1/19; col. 2272.]

[BARONESS WHEATCROFT]

What are they waiting for? We have already heard from the noble Lord, Lord Dubs, that Germany and other EU countries are already strong within the EU, doing much more in export markets than the UK. It is not membership of the EU that is holding us back. It might be products; it might be services; it might be our abysmal productivity, as the noble Lord, Lord O'Neill, said yesterday, but it is not membership of the EU. If my noble friend Lord True knows those countries and those people who are waiting to do business with us, could he just urge them not to wait any longer? We would very much welcome them now.

Neither do I believe that it is a lack of functioning ports that is holding us back. Nevertheless, I hoped that the Brexit chaos might have produced just a small nugget of good news with the plans to reinvigorate Ramsgate as a freight port. A few years ago, the Royal Military Canal in Hythe was being dredged. Along its length there were big placards declaring that this work was being in part funded by the EU and bearing the wonderful slogan, "Dredging for a better future". I pledged that I would do my best to find an occasion when I could use that slogan. When I heard what was going on in Ramsgate, it seemed to me that this, at least, might be an example of the Government dredging for a better future. Yesterday, however, the Mayor of Ostend put paid to that. He told the BBC that it was "completely impossible" that Ostend would be ready to cope with freight ferries from Ramsgate any time soon, and certainly not by 29 March this year. Whatever is going on in Ramsgate, I am afraid that it is not dredging for a better future. In fact, there is no better future ahead at the moment. It looks unutterably gloomy.

Brexit is not Brexit: it is an embarrassing shambles. Whether it is this deal or no deal, it is not in the interests of this country. The only democratic way to determine what happens next is to give the people a vote on whether they want to proceed with this nonsense or stop it. My belief is that, at 39p per person per day, they will decide that staying in the EU is a very sensible thing to do and will vote to remain. After that, business could invest with confidence, people could move freely around Europe, and the embarrassing exercise that this national hara-kiri is amounting to could be abandoned.

1.28 pm

Lord Lea of Crondall (Lab): My Lords, I very much agree with much of what the noble Baroness, Lady Wheatcroft, said. I feel some constraint, as we were earlier advised by the noble and learned Lord, Lord Mackay of Clashfern, that we were addressing a Bill to leave the EU. I will therefore try to limit my remarks for the most part to how we could get a better outcome while still leaving the EU. I think that his words have been touched on by my noble friend Lord Monks.

To give some shape to what I want to say, I will deal with issues of substance such as the single market and the customs union, which address questions such as Dover/Calais and the Irish border. However, there are then endless issues of process, ranging from the role of

Parliament to a general election, a referendum or perhaps tossing a coin. The two are quite separate but get mixed up.

On what I call the substance, the Institute for Government said the other day that there is a spectrum of trade-offs and we have to decide where there can be any sort of parliamentary majority between those trade-offs. That is exactly right on where we are today. There can be such a majority in the area, as has been said, of moving from Pillar 1 to Pillar 2 of the European Economic Area. By the way, I have heard it said in the Corridor, "Who's ever heard of the EEA?" I do not know how many of the people who say that sort of thing fly to Alicante or some other part of the continent for their holidays and come back to Gatwick. If they do, they will have to queue under a big heading saying "EEA"—or, to be a bit more technical, "EEA and Switzerland". Perhaps I can ask the Minister to check before Monday so that he has time to get an answer to this question: what will happen to the EEA queue at Alicante or at Gatwick?

Lord Berkeley (Lab): It will get longer.

Lord Lea of Crondall: Apart from getting longer, will it still be there at all and who will be able to go through it?

I would like to stay in the single market and the customs union. The pamphlet that I helped to prepare points out—Liberal Democrats please note—how it could be done successfully. My basic difference from the Government's proposal is that we would stay long-term in the single market and in the customs union or, if you want to use the indefinite article, "a" customs union negotiated with the EU, which I think would be roughly the same thing. As far as I understand it, and I will be corrected if I am wrong, the objections to doing that are not from Brussels, as those requirements or suggestions were requested, but from London—ideological objections because of certain parts of the Conservative Party.

Someone made the remark in this context that they feel "trapped". I think it was the noble and learned Baroness, Lady Butler-Sloss, who asked, "How do we get out of this trap?" We are not the only people who are trapped: people in Bolton are trapped and see their public services and industry disappearing all at the same time. My noble friend Lord Grocott made the very valid observation that people feel that they are on the dumping ground of history. Without mentioning Professor Trump—actually he is not a professor, is he? I do not think he can even read a book. Without mentioning President Trump, we are aware of that sort of politics.

To go further on to the point mentioned by my noble friend Lord Monks, I say that earlier in the year we tabled an amendment to have a parliamentary role in a mandate. In a trade union you have a mandate, and then you have the executive look at the results of the negotiation by reference to the mandate. That was not done, which was a pity. It was the Commons that rejected it, not the Lords. If there had been such a mandate we would have been a little further forward, such as looking at the proto-treaty that emerged on 20 December, when we were on our way home for Christmas, about the EFTA/EU separation agreement.

I would like to ask the Minister to reply on Monday about how, if we did wish to synchronise the clocks of leaving the EU and rejoining EFTA, that would work. Would that be compatible with the proto-treaty published on 20 December?

In conclusion, the idea that the EEA is incapable of reform is not the case. It was always intended by Jacques Delors that it would evolve. It would be a different organisation with Britain back in it; there is no doubt about that. On the objection that, when we have left the table, we would not have a vote, even Boris Johnson's logic surely would not demand that we leave the table, pay no money and yet complain about not having a vote.

I will finish where I began. To get out of the mess that we are in at the moment we are very much hoping that there will be support in both Houses—as I think there will be—for the emergence of some sort of interest in an amendment next week that we stay within the European Economic Area.

1.35 pm

Lord Wallace of Saltaire (LD): My Lords, I hope that when he replies, the Minister will have noted the strong speech from the noble Lord, Lord O'Neill of Gatley, echoed by the noble Lord, Lord Dubs, just now, that the Conservative Party's internal confusion over Brexit distracts the Government from Britain's underlying problems of inequality, poor productivity, poor housing and the north/south divide. Resentment over those neglected problems drove a large part of the vote to leave. Failure to address them will leave the country bitterly divided, whether we leave the EU or stay.

I want to challenge the deliberately misleading claims being made about the financial implications of the EU withdrawal agreement and the impact of withdrawal from the EU in the long term. On Monday the Prime Minister, announcing the new 10-year plan for the NHS, said that the extra financing would be available because,

“we will no longer be sending vast annual sums to Brussels ... with no increase to people's taxes”.

David Davis, on the BBC “Today” programme on Tuesday, declared that leaving without a deal would free us from any future financial obligations, thus giving the Government a full £15 billion a year to redistribute to other spending programmes.

Yes, the UK has been a net contributor to the EU budget. We are the second-largest contributor, after Germany, as a wealthy country with a large population—though in terms of contributions per head we are the fifth largest, after the Netherlands, Sweden, Germany and Denmark. We should also remember that Norway contributes more per head to this explicitly redistributive budget, as a rich non-member which benefits from access to the single market. We have developed common institutions and agencies which have saved us money through sharing resources, and which will cost us more to set up again on our own. We have benefited from common programmes, which, when we leave, we will have to fund ourselves. And we have contributed to Europe's global role in an uncertain world: a global Britain within a global Europe, rather than against a global Europe.

When we joined the European Economic Community in 1973, George Thomson, the British Commissioner, set up the Regional Development Fund to assist poorer regions across the member states, through which funds flowed back to peripheral regions, including within Scotland and the rest of the UK. Margaret Thatcher—of whom I know the noble Lord, Lord Forsyth, is a particular proponent—declared in her Bruges speech in 1988 that Prague, Warsaw and Budapest were also part of Europe. Successive British Governments championed eastern enlargement, from 1990 on; and funds thereupon began to flow, including from our contribution, to the poorer states of eastern Europe and to others outside the EU in the European neighbourhood—more than to France, Italy or Spain. That has been a shared investment in European security, since the end of the Cold War.

We have not yet negotiated the terms of our future relationship, but Ministers have repeatedly stated that they want the UK to remain closely associated with many of the EU's existing programmes—from Horizon 2020 and its successor fund for research and innovation to the Erasmus student exchange programme, to Europol and the intelligence networks which contribute to our shared security, and to the European Defence Agency, which supports co-operation in defence procurement. It would damage our economy to cut ourselves off from commonly funded trans-European networks in energy and telecommunications. Ministers have promised that we will continue to pay our share of these programmes in return for continuing participation. The political declaration on the future relationship refers to a, “fair and appropriate financial contribution”, in return for UK participation in these.

The Government have not yet told us how much it will cost to replace EU spending within the UK on programmes from which we will withdraw—agricultural and environmental support, financial transfers for our poorest regions, and funding for scientific research and universities, if we do not remain within those EU programmes. Even the hardest Brexit supporters seem to think that these funds will somehow continue to flow. Sir John Redwood declared last week that Brexit would allow us to cut tariffs and grow more of our own food. How we will manage to grow more of our own food without financial support for agriculture I simply do not understand. No one in the referendum campaign explained that Britain benefited from the many common institutions and agencies that we share with other EU states.

Now that we are leaving, we are spending heavily on duplicating those institutions. We need an upgraded national medicines agency, for instance; we are already recruiting additional diplomats to manage our bilateral relations with our European partners and others; we now have a new Department for International Trade. The Institute for Government recently reported that Defra has increased its staff by two-thirds since the referendum to handle repatriated agricultural and environmental regulation. HMRC estimates that it needs 5,000 more staff and a complex new computer system. Border Force is woefully short of staff and is actively recruiting. We cannot take back control of our coasts and waters without a substantial increase in

[LORD WALLACE OF SALTAIRE]

HM Coastguard and more maritime patrol vessels. On top of what has already been spent, the Chancellor announced in December a further £2 billion for Brexit preparations distributed across 25 government departments, bringing spending on Brexit so far close to £5 billion. No doubt there will be more to come.

David Davis's dream of leaving Europe without any further commitments assumes that our continental partners will continue to co-operate with us whatever we do and however we behave. Less reckless politicians understand that borders cannot be managed, nor trade maintained, without active co-operation with neighbours, so talk of some sort of "managed no deal" floats around. After all, we have 1,000 Border Force staff in France, Belgium and the Netherlands at present to speed travellers and goods across the Channel. I expect that the noble Lord, Lord Forsyth, expects that they will stay there so that there will continue to be frictionless trade. If we want them to stay in post and still benefit from other shared networks, we cannot simply walk away from the legacy costs of EU membership, as David Davis and the noble Lords, Lord Forsyth and Lord Framlingham, and the noble Baroness, Lady Noakes, in this debate all want to deny.

There is, therefore, no Brexit dividend. It is a sign of desperation that the Prime Minister is now claiming what Boris Johnson put on the side of the bus, which the Chancellor must have told her is nonsense. Brexit is already imposing substantial extra costs on the British Government. It will impose longer-term costs, both on the budget and on the wider economy.

1.43 pm

Lord Gadhia (Non-Afl): My Lords, many of us hoped that the holiday season would clear our minds and lift the Brexit fog, but, alas, the fuzziness remains and has come back with a vengeance. More worryingly, the ideological divides between and within families, communities and political parties show little sign of being resolved, let alone healed.

Yet the eyes of the world are on us, particularly from the business community, whose primary focus is to secure a timely decision and path to certainty, especially at a moment when the headwinds of the global business cycle are turning against us. Our international reputation for political stability and mature, predictable and rational decision-making has already been dented. The actions of Parliament in the coming days and weeks will determine how the UK continues to be perceived by global investors, with very real economic consequences.

With fewer than 80 days to go before the expiry of the Article 50 period, this is not a time for political handwringing. There is plenty of evidence from *Hansard* of advice ignored and warnings neglected. The time for protracted debate has ended; it is time to decide. Extending the Article 50 period is unlikely to produce a fundamentally different set of choices or trade-offs that we are not already aware of. At this stage in the life of a complex negotiation it is not about tinkering with individual clauses but evaluating the balance of advantage of the deal, taken as a whole, compared to other credible and deliverable alternatives—to govern is to choose. That is why brinkmanship has its natural

limits. Indeed, it feels like brinkmanship is the order of the day, whether between the US Congress and the White House on the federal budget, Washington and Beijing on trade tariffs or the Janus-like face-off on Brexit between the Prime Minister, Parliament and Brussels simultaneously.

Taking things to the wire can play a legitimate part in a robust negotiation and help test boundaries, but in international diplomacy there are limitations on playing poker with people's lives and livelihoods. We should also remember that an open hand holds more than a closed fist. As the noble Lord, Lord Tugendhat, reminded us in the previous debate, Brexit is, "a process, not an event".—[*Official Report*, 5/12/08; col. 1000.]

We are barely at the end of the beginning so we will need to draw upon a store of good will with our European partners over many years—it is the end destination that matters most.

That is why leaving the EU without a negotiated withdrawal agreement has no credibility. The Justice Secretary rightly describes no deal as a unicorn. But, sadly, there are still enough MPs willing to chase the unicorn who can block the Prime Minister's deal. They will continue to do so, however many times she brings a vote back to Parliament and regardless of any further assurances received. It is therefore abundantly clear and has been since last July, when the Chequers plan was unveiled, that a deal cannot secure approval without the support of opposition MPs.

The only viable path for the Prime Minister following the outcome of next Tuesday's vote is to conduct a discovery process aimed at establishing whether there are enough opposition MPs willing to set aside their party Whip and act in the national interest to support an alternative Brexit plan. To draw an analogy with financial markets, a clearing price is often discovered through a book-building process to gauge demand at different levels. It is this type of process of indicative votes that is required to help determine the next steps.

Opposition parties, once they have exhausted their inevitable attempt at holding a no-confidence vote in the Government, should allow Parliament to have a series of free votes and enable MPs to reveal their true preferences. It is likely that such a process will confirm that the House of Commons opposes no deal, as the amendments to the Finance Bill have already signalled, and that MPs prefer a softer form of Brexit, perhaps tilted more towards Norway than Canada.

Some will inevitably view this as a betrayal of Brexit, but it simply reflects the change in parliamentary arithmetic following the 2017 general election. It also reflects the consequences of a simple, binary referendum. There are at least 17.4 million versions of Brexit and no settled consensus on which path to pursue.

The Prime Minister, to her credit, has tried to chart a middle course that strikes a balance between safeguarding prosperity and regaining sovereignty. The more difficult part to swallow is not the backstop but the flimsy nature of the future framework and the absence of any interconditionality with payments being made to the EU. To use a financial markets analogy again, we have simply secured a £39 billion option value on negotiating a trade deal. Some would consider this an expensive option but, in the context of a £2 trillion economy, it is a bearable price to pay.

What is less bearable is replacing one form of uncertainty with another. We have limited control over the future timetable and cannot impose any sanction or penalty on the EU if a deal is not finalised by the end of 2020. In fact, my noble friend Lord Macpherson has suggested that it will take us until the middle of the next decade to finalise a future deal. So we are forced to take much on trust and must be prepared for an extended period in Brexit limbo. It is ironic that the foremost of the Prime Minister's 12 negotiating objectives in her Lancaster House speech in January 2017 was delivering certainty and clarity. I have previously described the situation we find ourselves in as a grubby compromise, but it is a necessary compromise if we are to find a way through that reconciles so many conflicting objectives, pressures and realities.

I sincerely hope that Parliament can solve this most difficult of Rubik's cubes, but we must be prepared for the very real possibility of a blocking minority for every option, resulting in deadlock. In those circumstances, we will rapidly become a zombie Parliament and lose all remaining authority. In such a situation, a fresh democratic process—whether a referendum or general election—will become inevitable.

1.51 pm

Lord Mancroft (Con): My Lords, I had intended my contribution in your Lordships' debate before Christmas to be my first and last speech on the subject of Brexit but, as speaker number 93 in that debate, I do not think that my words carried a great deal of weight, and those who thought otherwise will have read them in *Hansard* over Christmas. Either way, I intend not to repeat what I said then but to make a couple of comments on what seems to have happened in the meantime.

First, it is my perception that few, if any, of those involved in this debate have changed their views. If anything, most people both in and outside politics appear to be further entrenched in their opinions. There seems to be no evidence that the Government have won any substantive concessions from the EU in relation to the backstop. Consequently, there is a widely held view that the DUP has not changed its opposition to the Prime Minister's deal, and I doubt that the ERG has either. All in all, I think it is widely accepted that the Government's withdrawal agreement will probably be rejected by the other place next week.

A number of noble Lords have concluded—some of them, it seems to me, reluctantly—that one way forward is to have a second referendum or a people's vote. Other noble Lords who have spoken have rejected this as impractical, unrealistic and likely to increase the unpleasant and divisive nature of the current debates. I agree with that view but, more importantly, I note that the head of steam that was seen to be gathering in favour of a people's vote before Christmas has subsided since then, and I perceive that there is no real desire, except within a very small group of remainers, to pursue this option.

Similarly, but for other reasons, it seems unlikely that there will be a general election. If the withdrawal agreement is indeed rejected, the DUP will probably support the Government in a vote of no confidence

and few, if any, Tories will vote against their own party. Clearly, a significant number of Labour MPs, fearing either deselection or their leader's unsuitability for high office, do not want an election either.

Despite the convolutions of Motions and amendments in the other place designed to avoid a no-deal Brexit or possibly any Brexit at all, it is a fact that both Houses have, by significant majorities, put in place two pieces of legislation that ensure that we will leave the EU on 29 March. Only the Government can initiate repeals of or substantial amendments to that legislation, and as of today that is not going to happen. We could of course, as noble Lords have said, seek to delay Article 50, but this requires the agreement of all 27 EU countries and it seems that that will be forthcoming only if the delay is for a specific reason. It also requires the Government, not Parliament, to execute this, and as of Tuesday the Government have confirmed that that will not happen.

If all that is correct, the assumption is that all that is left to debate is the manner of our departure. Presumably, one option is to go back to the EU, as several noble Lords have said, and accept Mr Tusk's offer, repeated by Mr Barnier, of a Canada-plus-style deal. It is not perfect and there would be undoubted problems, mostly due to the short timetable, but there is no doubt that we could make it work and make it work well. It has previously been rejected on the basis that it did not solve the Irish border question. But as the United Kingdom Government have made clear, we will not erect a hard border, the Irish Government have confirmed that they will not, and now Mr Juncker has confirmed that the European Union will not. The problem of a hard border, which should never have been raised in the first place, has now largely evaporated.

The most likely scenario is that we will leave the EU without a deal on WTO terms. I recognise that many of your Lordships find this prospect alarming, frightening even. I respect those concerns. Most of them, if not all, have been addressed. If both the CEO of the port of Dover and his counterpart in Calais say that they have the resources in place to manage those changes, the onus is on those who disagree to explain exactly why, rather than simply shouting the odds repeatedly. For example, the pharmaceutical industry consists of many well-managed businesses. The idea that they have made no preparations in the last two years and are simply waiting for their UK markets to implode is ludicrous. They will manage the changes and risks in the same way that business always does.

I do not know whether Brexit will be chaos, or another millennium bug. When men such as my noble friend Lord Bamford, who is sadly not in his place today, Sir James Dyson and Sir Rocco Forte—who all personally lead their own world-class international businesses, on which their family fortunes and reputations have been built and depend—publicly state that they are confident that they will thrive on WTO terms, I take some comfort.

Let us put aside talk of people's votes and general elections, which are not going to happen, and of delaying Article 50 or employing devious parliamentary devices to make the Government's life more difficult. Let us focus on a successful departure from the EU on

[LORD MANCROFT]

29 March. Your Lordships can help this process or hinder it. The British people will be justifiably angry with those who put political point-scoring above our country's best interests, which involve completing Brexit as best we can.

1.57 pm

Lord Judd (Lab): My Lords, if there were no other reason for supporting the Motion before us today, for me it would be Ireland. So much was achieved in the Good Friday agreement, but that was only a beginning. The immense amount of dedicated, practical work happening at all levels on intercommunal relations has been important in building a secure, stable future for Northern Ireland. What has facilitated that is the reality that, as members of the European Union, a minority in Northern Ireland felt that there was an equivalence because they had the charter and the European Union's position on human rights as a context, not just a traditional British approach to justice.

The question raised in this debate is this: what has changed since December? For me, a great deal has changed. Over the recess, I spent a lot of time talking to a wide cross-section of people. I was dismayed at the degree of disenchantment among intelligent people with how political institutions in Britain were mishandling the situation. The situation is grave. In my long life in politics, I do not remember a time when there was such widespread disenchantment, including with the ability of the most privileged sections of our community and how they think about these issues. It is grave because, out there, extremism is real. The memories of the 1930s should be dominant in our preoccupations. We must not play into the hands of extremists. We have a huge responsibility at this juncture. There has also been a failure to put in a wider political context the possibility of another referendum—a failure of real political debate and a failure to engage the widest possible cross-section of the community.

One issue about which I have always been concerned is migration. It is disastrous that, in Britain, the issue has become almost totally one of immigration. Immigration is just one consequence, or one part, of the much wider global issue of migration. Where in the debate about our relationship with Europe has been the real concern about the part we should play in devising worldwide migration policies? Without this, we shall always be talking about sticking fingers in the dam or coping with a particular influx.

We have not really debated in this context the relevance of all this to the world economy, on which Britain is utterly dependent. What are our policies on the world economy or on trading systems? There is a great deal of preoccupation in Britain with social injustice, but the concern is not just about poverty and wealth differentials in Britain. A lot of people are deeply concerned about the global dimensions to all this. Where has that debate been? We are preoccupied—at times almost neurotically—with environmental issues, the latest being the very real issue of pollution and the damage it is doing to our children's health. Where has been the debate about that?

A further referendum might be a fallback position, but I am concerned that it could mean we forgo the chance for a real, widespread public debate about how the European Union as an institution is relevant to the issues that confront us, nationally and internationally, in all these dimensions, and what our position should be in response. I believe that the best way of having that debate is in the context of a general election.

2.03 pm

Baroness Pinnock (LD): My Lords, I will focus my comments on three issues: the impact of this agreement on the Yorkshire region, the effect on local government, and UK citizens living in the EU.

Yorkshire has a population of over 5 million. Its businesses include a substantial manufacturing base, a fishing industry on the east coast, farming in North Yorkshire, a strong financial sector in Leeds, renowned universities with significant interests in EU-funded research projects and a fine cultural sector. Each of these businesses anticipates a negative impact from Brexit with a deal and some a disastrous impact with no deal.

The West Yorkshire Combined Authority has reported its concerns for the future replacement funding of the current €396 million that supports regional economic growth. This fund has enabled the installation of a superfast fibre-optic broadband network across more than 500 different postcode areas to boost business. That EU funding provides a very large resource that may no longer be available, and it will hit the prosperity of a region whose household income is already below the national average. For many Members of this House, losing a few quid here and there will make no difference. For people where I live, losing a few quid here and there makes the difference between existing and just surviving.

Individual local authorities are also trying to mitigate the significant risks that leaving the EU will bring. Kirklees Council, on which I sit, has evaluated those risks. These include the prospect that the economic downturn will significantly affect business investment and survival, and hence business rates income to fund council services. The assessment is that housebuilding will decline again, failing people who desperately need a home. Then there is the inability of employers in health and social care to fill vacancies and provide care because EU citizens, on which the care sector depends, are returning to their home countries. All these, and more, will result in even more pressure on council services that are already stretched to breaking point.

In addition, there are two particular areas of concern. The first is for the waste disposal side of the council's statutory functions. Currently, waste can, and is, shipped to EU countries—for example, for the recycling of plastics. Waste approvals post-March 2019 will not be valid, and plastics and other waste materials will no longer be able to be sent to EU countries. There is a big question mark over what happens to this waste material when government inaction means that our own plastic recycling sector may be unable to cope.

Secondly, as this House is aware, there has been a rise in all forms of hate crime since the referendum in 2016; this has not abated. Community cohesion is, and

will be, challenging for those of us who strive to see all people treated equally and with dignity. As the most reverend Primate the Archbishop of Canterbury has said, this is indeed a moral issue.

Individual lives are being, and will be, profoundly affected by the decisions that we are making. Many Members of your Lordships' House will have family members who have taken advantage of the freedom of movement to live and work in the EU. I want to end with the reflections of young people from the UK who are part of the vibrant, new classical music scene in Germany. This is what they say:

"I am living with immense uncertainty, not knowing how my circumstances are going to change. It is very stressful."

"Will I be able to continue working Europe-wide? Currently, I'm able to move freely and easily between different European countries for work."

"What will this mean for my colleagues working in the music field? Are we going to have to get a visa every time we have a concert in another European country?"

Finally:

"Even though I and many hundreds of thousands of others have chosen to live in another EU country, we are still British citizens. We exercised our right to freely move, live, study and work in a new country. Brexit is putting our new lives in jeopardy." These young people and thousands of others are not outside Parliament shouting the odds, but their voices must be heard too.

We are in danger, as a country, of listening only to the most outspoken, the most bellicose, the most threatening. Parliament has a duty to hear and respond also to the voices of those who have taken advantage of the freedoms the EU has enabled. The decision we make will profoundly affect individual lives, including the future for our children and grandchildren. The greatness of our country lies in an outward-looking, co-operative pragmatism. We are in grave danger of creating a lesser country, one that is insular and introspective. I cannot and will not support that direction of travel. People in 2016 did not vote to harm their neighbours. They did not vote for a mean-minded country. People have a right to review the decision. Parliament must give them that opportunity in a people's vote.

2.10 pm

Baroness Bull (CB): My Lords, when last we attempted this debate, it seemed to me that there was an elephant in the Chamber. We had the withdrawal agreement and the political declaration, but missing at the time was the White Paper on immigration. I said then that to those sectors of the economy dependent for success on the movement of people and services across borders, this document was every bit as significant as the two on the Order Paper. I still believe that to be true so I make no apology for focusing today on the ways in which this recently arrived White Paper adds to our understanding of a future outside the EU.

Like the political declaration, this White Paper has its own elements TBC, but at least it provides some clarity of intention. It confirms, as anticipated, that the current dual-entry system will be replaced with a single route for all countries. So far, so logical, except that this route will give access only to the skilled and highly skilled, with no parallel flow of low and medium-skilled workers coming, as now, from the EU. With

virtual full employment in the UK, many business sectors rely on this supply chain, not least to fill vital but lower-paid roles in health and social care. We know from forecasts commissioned by this Government that a further 725,000 medium and low-skilled roles open up every year, a figure roughly in line with the number of young people annually who turn 18. Is the intention for every one of these young people to occupy these low and medium-skilled roles? If so, so much for the ambitions of the Government's 2017 strategy to increase social mobility through education.

To address this challenge in the short term, the White Paper proposes a transitional measure: a route that will see employers reliant on a rotating pool of low-paid workers on 12 month visas—workers with no right to settle and no job security. This will mean loss of know-how, discontinuity of service, constant recruitment and retraining and dips in standards, risks so clearly outlined by my noble friend Lady Masham of Ilton earlier. Some of these workers will be responsible for the most vulnerable in our society; they will be care workers, teaching assistants and nurses.

The White Paper also confirms the intention to measure a person's potential contribution by how much they earn. I thank the noble Baroness, Lady Bonham-Carter, for giving airtime to my mantra on this. All together now, once again:

"Salary levels are not a proxy for skills".—[*Official Report*, 5/12/18; col. 1074.]

We are promised a future in which only the brightest and the best are welcome, but in the sector I know best, culture and the creative industries, importing only established stars is not the way to ensure a thriving domestic sector. A vibrant sector depends on talent pipelines built by spotting and nurturing potential, by welcoming the entrepreneurs and the stars of the future—young people earning far less than £30,000.

However, by far the most dispiriting message in the White Paper can be found at paragraph 6.41, where the decision not to open a dedicated route for unskilled labour is described as being,

"consistent with the public's view ... that lower skilled migrant labour may have depressed wages or stifled innovation in our economy".

That may or may not be the public's view, but the MAC's report repeatedly makes clear that it is far from true. At paragraph 7, it says that,

"migrants have no or little impact on the overall employment and unemployment outcomes of the UK-born workforce".

At paragraph 8 it says that,

"migration is not a major determinate of the wages of UK-born workers".

On page 62 it says that,

"not only may migrants directly contribute to the levels of innovation they may also enable UK workers to become more innovative, by bringing with them complementary skills and ideas".

It is deeply disturbing to see this important paper base its policies not on evidence but on perception. Perhaps it is not surprising, given the unswerving determination we have seen from the outset to end freedom of movement on the basis that it is the will of the people. Which people? The Migration Advisory Committee itself notes:

[BARONESS BULL]

“The UK may find itself in the position of ending free movement just as public concern falls about the migration flows that result from it”.

On Monday, an Ipsos MORI poll backed this up: concerns about immigration are the lowest they have been for 16 years.

It is certainly not the will of the younger generation, for whom freedom of movement is a primary concern. This is not in the sense in which the White Paper refers to it, but in terms of the opportunities and rights that it brings in the areas of human and civil rights, cross-border families, travel, work, education, and trade.

The Ipsos MORI poll lists—in order—the issues of greatest public concern today. After Brexit, they are: the NHS, poverty, crime, housing, the economy and education. Leaving the EU will not solve any of these. As the noble Lord, Lord Horam, pointed out in December, the Brexit vote was a response to problems for which Brexit is not the solution. It will impact disproportionately on those areas that voted leave and it ties up valuable government time that could be focused on those issues. I cannot agree with those noble Lords who see this as a reason just to “get on with it”. We may all be weary, but we have a responsibility to the next generation, whose voices and views are too often absent from this debate. It is their future we are debating, not ours.

I understand concerns that failing to deliver on the 2016 vote might be seen to betray democracy, but the betrayal happened three years ago in a referendum based on corrupt practices and fantastical pledges, made by people with no right to make them and no obligation to deliver. We are now in danger of committing a far greater betrayal, either by signing up to a deal which everyone agrees will leave us worse off, or by exiting the EU without a deal in place.

It is hard not to conclude that pushing the vote down the road—alongside the visible ramping up of no deal preparations—is part of a strategy to ensure that the deal passes in the other place. If the strategy fails, as it seems it will, the ticking clock may leave us only two options. We can apply to extend Article 50 so that the public can choose between what is on offer and what we already enjoy. Or we can revoke Article 50 and get on with addressing the issues of inequality, poverty, health and social care that are the everyday reality for communities up and down the country.

2.17 pm

Baroness Meyer (Con): My Lords, there are two harsh truths about this debate. First, there is little one can say about Brexit which has not been said before. Secondly, nothing any of us can say is likely to change the minds of people who think differently.

I have not changed my mind since I last spoke in December, but I do have a new perspective after spending two weeks in continental Europe in the company of the French and Germans. As I heard at first hand, both the French and Germans live in deeply troubled countries, politically and economically. The latest official figures, which came out just last week, show a sharp drop in industrial production in both countries. It is not surprising that they see Brexit

as a hammer-blow to their interests. What is more, deep down, each fears to be left alone with the other in a European Union without the United Kingdom.

In our Brexit debates, we can be dangerously anglocentric, ignoring at our peril how things are seen from the other side of the channel. For instance, by the end of the year, there will be a new president of the European Council, a new president of a new Commission, a new president of the European Central Bank and a newly elected European Parliament, where the so-called populists are expected to be heavily represented. We will be negotiating our future relationship with a whole new cast of characters. There will be risks and opportunities.

As some of us British indulge in a shameful competition to come up with the most apocalyptic vision of Brexit, there are many on the other side of the channel and the Irish Sea who also have anxiety, some of it worse. It may seem old-fashioned and ripe for satire, but what Britain could do with right now is a large dose of the old wartime spirit: “Keep calm and carry on”. If the Prime Minister’s deal is voted down, there is no cause for panic or hysteria. It is certainly no cause for parliamentarians to throw their hands in the air, deny their responsibilities and tell the public that they got it wrong the first time and should please try again. Brexit is not a game of pass the parcel, however difficult the decisions to be taken.

As for no deal—a dishonest piece of deceptive shorthand, if ever there was one—it is ludicrous to run screaming from the room at the very notion. We should instead analyse the many different types of a so-called no deal, if push comes to shove and we leave the EU without an agreement on 29 March. As my noble friend Lord Lilley pointed out,

“WTO is a safe haven, not a hard option”,
and we will possibly,
“cash in, not crash out”.

I was horrified to read a recent tweet by one of our Members, who claimed that Brexit would leave us worse off, permanently. Does anybody have any idea what “permanently” means? Look at Galbraith, a well-known economist, who said:

“The only function of economic forecasting is to make astrology look respectable”.

Any student of economics knows perfectly well that there are too many variables in human behaviour to predict the future.

I have already quoted one American and I will quote another. President Franklin Roosevelt said that, “the only thing we have to fear is fear itself”.

That is as true today as it was then. It is about time that we set an example to the nation and throw off negative, defeatist and abusive attitudes. I object when other people call us narrow-minded. We are allowed to have our own opinion. The whole point about this debate is that everybody should have their own opinion and we should be courteous to each other.

Brexit was never going to be easy—people who voted to get out knew that it was never going to be easy. After 60 years of membership, how could it be easy? But we know that people and business will adapt. When we became a member of the European

Union, we also had to adapt. I believe that this country can do it. I am sorry to say it, but I would like us to be more positive and to stop the ongoing negativity. I find it very depressing.

2.23 pm

Lord Brennan (Lab): My Lords, present circumstances present a major challenge to Parliament. A month down the line, we have a Government determined to delay, taking up one month of the four left to 29 March—to do what? To start again now. They are resolute for repetition—

“No deal is better than a bad deal”—

as if the repetition proves the assertion.

When the crunch comes about no deal, there is obvious incompetence in the choice of a company like Seaborne Freight. The public outside Parliament must be deeply concerned as to what on earth is going on. The world outside, as I glean from my frequent travelling, is shocked that this country could find itself in this state of affairs. This challenge now has to be met by Parliament.

The ex-Cabinet Minister, Nicky Morgan, said at the beginning of the week that Parliament has been denied a say on the way forward for too long and that it is time for it to assert itself. The Commons has done so. The Finance Bill amendment requires a no-deal scenario to be brought back for a decision by Parliament; and the Government defeat yesterday means that if the vote is lost by the Government next Tuesday, they have to come back with a next-steps programme within three days. That is action, and it speaks of a desire by Parliament to become the deciding voice: not acting as a Government, but acting as the representative spokespeople in the Commons of the electorate who brought us here, and who are here by appointment.

Process in Parliament for the next few months is vital. We have to show that the country can competently progress this matter. There are specialist committees of both Houses. We have no break coming up, except for a weekend, it transpires after yesterday. We have just short of four months in which to use our committees and those in the Commons, and to have debates in the Chamber of both Houses that are designed to inform the world outside and ourselves as to what we are about, with much more competence and detail than broad debates permit.

Here are some suggestions about what to discuss. The first is the consequences of no deal—not from the point of view of cloistered economists or national institutions, but of the people involved. The most reverend Primate yesterday spoke to experts in Kent. They have used past, actual experience as evidence of what might happen in the future in order to show that no deal will be a real and material risk to Kent and the country. That is a topic we should be on top of and that the country should understand.

The next issue is trading with the WTO regime. As I told the House last time, I have been involved in trade negotiations between countries, not with the WTO. I remind the House that the Doha round to create the WTO after GATT stopped after six failed years in the early 2000s, because nobody could agree on how to

shape it for the future. What of the logjams of the European Union and the United States refusing to change their systems of agricultural subsidies? We talk about going in on WTO terms, as if you sign a document, press a button and everything starts moving. Every country in the WTO has its own interests to serve.

If there is a dispute, it is supposed to go to a judicial panel for resolution, but at the moment it is not functioning. Why not? Because the United States refused to support the necessary appointments to the judicial panel. Therefore, we would be joining the WTO with no working internal system to resolve problems. This morning, Greg Clark, the Business Minister, stated that business, commerce and industry in this country regard WTO as a “dire prospect”, based on rudimentary systems that do not reflect modern commerce and trade. That was a Government Minister. Are we ready for this? Are we ourselves educated enough? Do the people outside with whom we are going to negotiate think we are serious?

Finally, there is the extension, if necessary, of Article 50, which can surely be obtained if the objective is to allow Parliament more time to make a more considered decision and, if necessary, to put forward a new proposal. What does all this mean? It means that Parliament is now required to provide leadership. It must inform the public, impress the world outside that we know what we are about and achieve an exit from Europe—in whatever way we do it—that is reasoned, transitional and balanced, and in accord with our traditions of being a serious trading nation, fit to do trade with once we are out of Europe.

2.31 pm

Lord Taverne (LD): My Lords, it has been my view, repeated perhaps too often in speech after speech in this House, that once the Government declared that they would not stay in the customs union and the single market, we were heading for no deal. Whatever ingenious schemes might be devised by top Brexit department civil servants, the Irish border question would remain insoluble—and it still is. The May deal is probably as near as any scheme can get to a solution, but still does not solve the problem in practice and seems certain to be defeated. Also, the Commission is right that no further negotiations can now solve it. There is no time. The Article 50 timetable can be extended, but not for further negotiations—Labour, please note.

In fact, probably the best and most certain way to avoid the disaster of a no-deal Brexit and, indeed, to obtain an extension of Article 50, is a new people's vote. That a no-deal Brexit would be a disaster could not have been more clearly demonstrated than by the speeches of the noble Lords, Lord Hain and Lord Kerr, yesterday, and many others, including the noble Lord, Lord Brennan, today. But, I am told, a people's vote does not currently command a majority in the Commons. Why? It is said to be undemocratic, because it would overturn the 2016 vote. Really? When did it become anti-democratic to reverse a vote if circumstances change? One of the few sensible things David Davis has said in recent times is that to deny a change of

[LORD TAVERNE]
opinion is to deny democracy. Only dictatorships do not allow people to change their minds. In addition, where is the evidence that 52% of voters did not care if Brexit meant the devastation of integrated supply chains and the consequent devastating impact on jobs in manufacturing in Britain? A very large eve-of-poll survey in 2016—I believe the only poll of the reasons why people voted as they did—found that almost all leavers believed that Brexit would have no downside but would promise a future in the sunny uplands.

It is said that a new vote would be divisive, as if we are not a divided nation now, and that it might lead to violence. Since when has the threat of violence become a reason for abandoning policy? Are hooligans, like those outside Parliament a few days ago, to dictate what we may vote for? That really would be the end of democracy.

I cannot understand why so many Conservatives no longer seem to care about our standing and influence in the world. Many people abroad long admired our record for political stability, common sense and skilled diplomacy. Now that reputation is lost. We are regarded with a mixture of astonishment and pity.

The world today faces grave dangers to democracy: an aggressive Russia; a nationalist, more isolationist United States, poised to abandon its leadership of democracy in the world; China, an increasingly powerful world force; and rising populism and nationalism in Europe, encouraged by Brexit. At a time when Europe's influence as a centre of democracy and stability has never been more important, Britain, which could play a vital role, is about to weaken Europe's and destroy its own influence.

Nor do I understand Labour's leaders, who claim they will listen to their membership, yet refuse the overwhelming view of Labour members and voters, who support a people's vote and indeed remain. If Labour supported a new vote we would get one. Perhaps I am an incurable optimist, but I believe that Parliament and the Labour Party will in the end come round to accepting that, since MPs cannot agree, there must be a new people's vote. As opinion polls now indicate, the disaster of Brexit can be avoided.

I end by reference to the speech made by my old friend and colleague, my noble friend Lords Rodgers of Quarry Bank. He and I became friends when we were students at Oxford together. We became Members of Parliament within a few weeks of each other. I am the older; I am much older than he is, by at least 10 days. I think we are also the only surviving Members in Parliament of the glorious 69 Labour MPs who voted against a three-line whip in 1972 and secured our entry into Europe. I fought a by-election on the issue and won it by saying country first, constituency second and party third. Is it too much to hope that Conservative Members of Parliament and of this place will, when it comes to the crunch, put the interests of the nation first and not the interests of the party?

2.38 pm

Lord Mountevans (CB): My Lords, in this high-calibre and important debate, I have heard most of the speeches and listened with great care and interest. I missed a

few speeches but, so far, I have heard little on the views, needs and hopes of business, though there has been more today. With respect, without business and trade we have nothing. They provide employment, taxes, national insurance and, by extension, health, social security, education, defence and pretty much everything.

Business is critical, and I say this on a day when Prime Minister Abe arrives in London. I remember vividly how, when I was Lord Mayor in 2016, shortly after the referendum, I was visited in Mansion House by the then Japanese ambassador. He was the representative of a friendly country and a large and welcome investor in this country, a good employer and provider of, I think at the time, more than 120,000 valuable jobs. He was stunned at the outcome. Much of the investment assumed easy access to the EU.

I am sure that we all agree that the views of business, and not least those of our international investors and partners, are tremendously important, so I want to broaden the lens to try to capture a view from a business I know well—maritime. Many noble Lords, including our Convenor, the noble and learned Lord, Lord Hope, have noted the unhappy predicament in which we find ourselves. In a debate of the highest standards such as this, with views being well articulated, we can confound ourselves with all the considerations. I want to try to inject a positive and more optimistic note.

Here I declare my interests as recorded in the register as chairman of Maritime London and as a council member and former chairman of Maritime UK, which works with the Government to promote the sector both nationally and internationally.

Maritime is one of the UK's biggest industries. The latest data commissioned by Maritime UK from the leading economic consultancy CEBR at the end of 2017 estimated that the sector directly supported just over £40 billion in business turnover, £14.5 billion in GVA and nearly 186,000 UK employees in 2015. The substantial direct economic contribution of the maritime sector exceeds that of other comparable industries such as aerospace by some margin. Average productivity in the maritime sector exceeds the national average, and this is also true of each subsector of the industry.

This is an important and efficient sector, but it is more than those figures and statistics. We are an island nation, and we must always remember that 95% of our exports and imports are effected by sea. Our highly efficient ports are at the centre of this, investing more than £600 million of their own funds annually to maintain and enhance their efficient and rapid service. They are looking to increase that if they get certainty in the business outlook.

For the first time in decades, the importance of this nation remaining a great trading nation comes to the fore. The maritime industries are the enabler and the facilitator. The British Government have estimated that by 2030 the blue or ocean economy, comprising the wider maritime industries including aquaculture, undersea mapping, subsea mining and so on, will exceed \$3 trillion a year. This is a time of great opportunity for the UK. We are fortunate that the UK

remains perhaps the world's leading maritime centre, blessed by close co-operation with government. However, we are under intense pressure from competitor maritime centres around the world—the Far East, Scandinavia and the Gulf to name a few.

As we leave the EU, the maritime sector is key to positioning the UK as an outward-looking and global trading nation. There is a great potential for substantial growth in the industry, playing a major part in growing our nation's exports, driving innovation and, importantly, bringing growth and opportunity to our disadvantaged coastal areas.

That is why this sector also cannot support a hard Brexit. We have had far too much uncertainty for the past three years. It has already been said repeatedly in the House that a hard Brexit where Britain crashes out is surely not the way the United Kingdom, a world leader in many things, not least the rules-based international order, should conduct itself. This is not theoretical gameplay. Let us be clear: the EU will remain our most important market, so surely this is not the way to build a solid future relationship with our neighbours.

For these reasons, and accepting that this is not a perfect deal, the maritime sector supports the proposed agreement. In this, we share the views of the vast majority of business organisations. We are living in rapidly moving times and I am sure that the days ahead will throw up many developments. We are hearing a good number of calls in the debate for a people's vote. As a remainder myself, I see the attraction in that, but there is a significant risk that a vote to remain would be a gift to populists and populism. Any move in that direction therefore has to be very clear on how it is going to be sold to the large number of people who voted to go and for whom it was a protest vote. We should remember that many of us in the Chamber today are really in the south-east bubble. In the absence of some great confidence that we can sell the people's vote to everyone and get acceptance, we should work to take this deal across the line so that we can concentrate on future relations and give ourselves two years to prepare and to gear up in order to meet the great opportunities that we must now grasp.

This is a time for cool heads. We need to work on the next stage and use the time to gear up, refine our strategies, enhance our export promotion organisations, identify how to ensure that Britain is a still-greater place to do business and seize the opportunities. In such a case, we should approve the withdrawal agreement and accelerate work in realising this potential. There is no time to waste.

2.45 pm

The Earl of Liverpool (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Mountevans, and to hear his views on the maritime industry, on which he is a great expert. I shall not, however, be following him down that particular path. As the 76th speaker in this debate, I fear that it will be impossible to avoid some repetition. I can only hope that my homework will not be downgraded too severely because of it.

The trouble with the withdrawal agreement is that neither the leavers nor the remainers like it. Even if the Prime Minister could get some meaningful concession on the backstop, it is very unlikely that it would be enough to get it over the line. On the positive side, it is encouraging to hear that she has firmly stated her opposition to the idea of a second referendum, and that she has also ruled out cancelling or postponing Article 50. We live in a very fast-moving political landscape and this, of course, could change, but whatever happens in the weeks to follow, I fervently hope that we will not go down the route of a second referendum, which would be incredibly divisive for the country, as my noble friend Lord Strathclyde said so persuasively in his speech earlier today. Just think what a Pandora's box it would open for Nicola Sturgeon and the SNP.

Encouragingly, there has been a gearing-up of planning for a clean Brexit on 29 March: not a cliff-edge Brexit or a crashing-out Brexit, as it is so often referred to, but a clean Brexit. Contingency planning and some bilateral agreements are being put in place to clarify the position on air travel, commercial lorries and expatriates. Although these came very late in the day, this is all good news. As a noble Lord mentioned in a speech yesterday, during an interview on Radio 4, the president and chairman of the ports of Calais and Boulogne was at pains to explain that comprehensive plans have already been put in place to ensure that, in the event of a no-deal Brexit, there will be no delays in commercial traffic passing through those ports. As it seems inconceivable that we should sabotage our exports by placing cumbersome checks on our side of the channel, he was at a loss to see what the fuss was all about. If noble Lords were unable to hear that interview, I recommend it as required listening.

I agree with all noble Lords who advocate having a free trade agreement with the EU immediately post 29 March and then, after an agreed period, moving on to WTO terms. Many respected businessmen also believe this. My noble friend Lord Mancroft—who, sadly, is not in his place—mentioned them by name, but I do not think he mentioned the past Governor of the Bank of England, the noble Lord, Lord King of Lothbury. However, I believe this to be the right course for another reason, one which, happily, is now receiving more attention and to which other noble Lords have referred—that is, concern for the Armed Forces and the intelligence services if we sign up to this agreement.

The former head of MI6, Sir Richard Dearlove, and the Falklands hero Major-General Julian Thompson, along with other former senior military and security figures, have warned that the Government have embedded the UK in EU defence and security structures without seeking proper parliamentary oversight or approval. They argue—convincingly in my view—that this constitutes a threat to national security, putting our UK forces and intelligence and security interests under the emerging superstructure of EU policy. In a strongly worded letter to all MPs dated 7 December, they said:

“The first duty of the state, above trade, is the security of its citizens. The withdrawal agreement abrogates this fundamental contract and would place control of aspects of our national security in foreign hands. Vote against this bad agreement”.

[THE EARL OF LIVERPOOL]

In a further statement, they go on to say:

“The ‘flexible partnership’ is not on offer: only subordination to the inflexible pooled law of the EU. The defence documents show that if the UK participates in EU defence it accepts 3rd country associated status”.

According to some reports that I have read, our officials have apparently been heard acknowledging in private that the Government had known that the strict EU participation criteria would apply when they agreed to authorise joining the defence and military frameworks between November 2016 and June 2017. Understanding this, my honourable friend Sam Gyimah MP resigned as a Minister. Noble Lords will remember that he was, I think, the seventh Minister of the Government to resign, calling the plan “naive” and, “not in the British national interest”, and saying that voting for it would, “set ourselves up for failure”, by surrendering, “our voice, our vote and our veto”.

I believe he was also prompted by the EU determining that we shall have no further involvement with the Galileo satellite project, despite having one or possibly two tracking and support stations on UK Overseas Territories.

I am getting close to my six minutes so I shall be selective here. In conclusion, I thank and congratulate Mr Nicholas Shrimpton for proposing that we add another acronym to our lexicon: MANDATE. In last week’s *Sunday Telegraph* he said:

“We need the acronym Mandate (Managed No Deal And Timely Exit). The Government certainly has a mandate for it—the referendum, the repeal of the European Communities Act 1972 and the invoking of Article 50 (all with substantial majorities). The Prime Minister has usefully established what the least bad deal would be. It is not good enough. Let’s get on with Mandate”.

I could not have put it better myself.

2.52 pm

Baroness Blackstone (Ind Lab): My Lords, there have been many failures of leadership in the political process of deciding on what terms and how to leave the EU. By far the greatest has been the lack of any serious attempt at reconciliation by the Government of those in favour of leaving and those in favour of remaining. How many times have we heard the mantra, “The people have spoken”? Yes, they have, but just over half spoke in one way and just under a half spoke in another. In those circumstances, surely it was incumbent on the Government to try to bring a divided country closer together. Surely it would have been right to spend some time listening to remainers as well as leavers and trying to shape a Brexit structure that took into account their views as well. Instead, the Prime Minister rushed into invoking Article 50 and drew red lines, having done little or nothing to promote a consensus. The views of those in her own party who wanted a hard Brexit were allowed to prevail. The Prime Minister’s attempts to reach out to the electorate to persuade them of the merits of the deal, which we are once again debating, were a consequence of desperately trying to conjure up pressure on MPs from their

constituents. They were not part of a well thought-out approach to create the more informed debate that should have taken place over the last two years.

We are told that the response of many people was, “Get on with it. We’re fed up with Brexit so we will support your deal, which will bring it to an end”. But are the Government telling them the truth? This is not the end; it is only the beginning. There are months, even years, ahead before the transition period is concluded, which will be marked by yet more bitter argument and in-fighting. The people were told lies when it was claimed that leaving the EU would be easy. We now need honesty about how much more negotiation will be needed, even if Mrs May gets her withdrawal deal.

The choice that the Government are asking Parliament to make between the withdrawal agreement and no deal is dishonest too. I know that there are some people in this House and in another place—whom I will call the Brexit militant tendency—who want to crash out. However, for most of us that prospect is too awful to contemplate, not just because of the economic damage it will do, as the Treasury, the Governor of the Bank of England and the business community have made clear, but because of the threats to our security with respect to terrorism and serious cross-border crime, the huge damage it will do to our world-leading university sector, the chaos at our borders and too many other dire consequences to list in the time available. So we should not be browbeaten to support the Government’s withdrawal deal for fear that no deal might happen. Assuming that the Prime Minister’s deal is rejected, as seems likely, I hope MPs will consider no deal as a matter of urgency, reject it and end any further wasteful and needless expenditure squandered on planning for it.

The many reasons for rejecting the Government’s withdrawal deal have been set out by other speakers, and I shall not repeat them, but two issues are worth re-emphasising. First, it does not allow us to take back control; it actually means losing control. Secondly, the political declaration lacks a clear sense of direction about the Government’s end goals. It is well-meaning, but essentially a list of platitudes.

I am not a fan of plebiscites, but I now accept that if Parliament cannot agree on a way through the current deadlock, it would be right to return to the electorate. I do not accept the argument that that would be undemocratic. By the time of another vote it will be three years since the last one. In those three years, we have learned a great deal that most people did not know before about the many problems posed by leaving the European Union. So many different aspects of the nation’s economic, social and political life after more than 40 years of membership would unravel. In the light of that and with no parliamentary consensus, why is it undemocratic to give people the chance to change their view—or, for that matter, to confirm it?

I end with young people. I have raised their position once before when debating Europe in the House, and I do so again. The evidence of the pressures they are under is clear. They are the first generation to be worse off than their parents at a similar age, and are faced

with housing costs they cannot meet, often in insecure jobs, with incomes that are too low for them to save and, if they are graduates, with huge debts to repay. Why on earth would we knowingly choose to jeopardise their future further? It is they who will bear the brunt of the Chancellor of the Exchequer's depressing economic scenario. They have their lives ahead of them and will be more deeply affected by what might happen than most of us. By June next year, there will be three cohorts of young people who were not old enough to vote in the 2016 referendum. A people's vote would allow them to do so. Many young people are idealistic about being part of a wider international community in Europe and beyond. They seek common ground on issues that concern them, from climate change to the fight against

poverty. They dislike narrow nationalism. That is why well over 80% of them want to remain in the European Union. We should let them have their say.

Finally, I want to ask the Minister, when he replies, to tell the House what the Government plan to do if, as expected, they lose the vote on Tuesday. The Prime Minister's humiliating decision to pull the vote on 11 December wasted five weeks. I believe that it is the Minister's duty, when he sums up, to indicate what options the Government are considering for the three-day window they will now have. If he merely repeats that we will leave on 29 March without a deal, which is what has been said in this House so many times before, that will be wholly irresponsible and deeply shocking.

Debate adjourned until Monday 14 January.

House adjourned at 2.59 pm.

Grand Committee

Thursday 10 January 2019

The Deputy Chairman of Committees (Lord Rogan) (UUP): My Lords, if there is a Division in the House, the Committee will adjourn for 10 minutes.

Free Schools: Educational Standards

Motion to Take Note

Noon

Moved by Lord Nash

That the Grand Committee takes note of the contribution made by free schools to improving educational standards.

Lord Nash (Con): My Lords, it gives me great pleasure to open this debate on free schools and the programme of this Government and the previous coalition Government, which I think I can safely say has been an unqualified success. It has been a success on many fronts: on quality and on bringing capacity, choice, innovation and competition to the system.

I will deal firstly with quality. Some 32% of free schools inspected have been judged outstanding by Ofsted, compared with 21% of all other schools, and 86% have been judged good or outstanding. This is truly remarkable, considering how early in their life free schools are inspected, when they have little if any test data to show and Ofsted inspectors generally are not rushing to award outstanding ratings to schools with few or no results. It shows that the pupils in these schools must be making good progress and that the schools must be demonstrating this to Ofsted.

It really is striking that free schools are 50% more likely to be rated outstanding than other schools. Last year, for the fourth year running, primary free schools were among the top-performing schools in the year 1 phonics screening check and key stage 1 SATs tests. Last year, for the second year running, secondary free schools were the highest performers at Progress 8, with an average score of +0.24. Indeed, four out of the top 10 performers at Progress 8 last year were free schools: Dixons Trinity Bradford, Eden Girls, William Perkin Church of England and Tauheedul Boys. At key stage 5 we have the London Academy of Excellence in Newham sending many of its pupils to Russell group universities, including Oxford and Cambridge, clearly raising the game of other sixth forms in Newham. At King's maths school last year, 99% of students achieved an A or A* in maths A-level.

On capacity, 442 free schools have been opened, providing nearly 300,000 new school places. Adding those approved and in the pipeline but not yet open brings the total to more than 700. Half have been opened in the 30% most deprived areas of the country, and 83% address a need for places.

I must pay tribute to the free schools team at the Department for Education, headed by Mela Watts. You do not normally become a civil servant expecting to find yourself as a kind of venture capitalist opining on the merits of new organisations, but the people in the free schools team have adapted brilliantly to that challenge. I must also recognise the very significant

role now played by regional schools commissioners in assessing free schools proposals.

On costs, free schools have been brought in at a cost one-third lower than under the preceding Labour Government's BSF programme. Finding sites for these schools obviously is not easy, particularly in inner cities. I must also pay tribute in this regard to the Department for Education's property arm, LocatED, very ably run by Lara Newman, which has been particularly effective and imaginative in this regard. Free schools have been opened not just in former offices and factories but in former police stations, a church, on top of a supermarket and in one case in a former fire station. I remember visiting that school. The planners had insisted for some reason that the pole that the firemen used to slide down had to be kept in place. I was particularly upset that, for health and safety reasons, I was not allowed to slide down it. I am delighted that 34 specialist free schools have been opened and 41 AP free schools, with more to come.

On innovation, the Sutton Trust has found that one-third of free schools have been shown to demonstrate a genuinely innovative approach to ethos and curriculum. Unfortunately, a limited number of schools have engaged with the knowledge-rich curriculum and teacher-led instructional approach now shown to be the most successful compared with the now debunked more progressive approach followed in this country for the past 30 years. As that approach is favoured by the Government, with hindsight it might have been better if the Government had been more prescriptive in this regard and aligned their policies more. I exhort them to do that in future.

However, there has been innovation in other areas. Dixons Trinity Academy, Bradford, follows Carol Dweck's "growth mindset" approach. There is innovation at the four maths schools at King's College London, in Exeter, in Cambridge and at the University of Liverpool—the latter two are in pre-opening—at Saracens High School, Barnet, which is supported by Saracens rugby club, and at Bolder Academy in Hounslow, which has teamed up with Sky—to name but a few.

Of course, the free schools programme has provided much-needed competition for the state school sector, as has the academy programme. All monopolies suffer from a lack of competition, which breeds inefficiency and complacency—a point that Marxists always seem to miss when they are keen to create yet more monopolies. The free schools programme has been particularly effective at providing competition and creating an environment in which a rising tide lifts all boats.

In conclusion, I pay tribute to my right honourable friend Michael Gove, my noble friend Lord Hill—I see that he is in his place—who started the programme, my noble friend the Minister, who continues it so well, and my noble friend Lord Baker, who has been involved in it so much. I also pay tribute to my noble friend Lord O'Shaughnessy—I see that he is also in his place—who invented the programme with his 2005 paper, *More Good School Places*. I particularly want to mention the teachers, school leaders, MATs and sponsors who have supported the programme since its early days, when it often faced significant opposition. In this regard, I will mention in particular Katharine Birbalsingh at Michaela Community School, Ed Vainker at Reach

[LORD NASH]

Academy, Feltham, Hamid Patel at Tauheedul and Luke Sparkes at Dixons Trinity, Bradford—but there are many more. Those of us who have been involved in starting new ventures, organisations and schools know how challenging it is; we should be extremely grateful to these social entrepreneurs and pioneers.

Lord Baker of Dorking (Con): My Lords, I cannot speak in the debate, unfortunately, as I must be in the Chamber because I will be the last speaker on Monday night. I want to place on record the educational world's thanks to my noble friend Lord Nash for his enthusiasm in creating the free schools movement. Without him and my noble friend Lord Hill, we would not be where we are.

I was a bit disappointed that my noble friend Lord Nash did not mention UTCs, which are a form of free school too. They are funded in the same way, are independent of local authorities and have some of the best results in the country, which we are proud of. We produce 30% of apprentices compared with 7% from other sectors, and 47% of our students go to university, three-quarters of whom do so to study STEM subjects. My noble friend supported us strongly in that, for which I thank him. Indeed, the UTC in Pimlico will join my noble friend's MAT in Westminster later this year.

Lord Nash: I am flattered by my noble friend's remarks. I am sure that other noble Lords will mention UTCs, which are of course an important part of the programme.

12.08 pm

Baroness Morris of Yardley (Lab): My Lords, I am grateful to the noble Lord, Lord Nash, for bringing the debate to the House. It is good to have an education debate; we do not get as many of them these days as we used to.

I want to put on record the noble Lord's commitment to the policy. I know that he believes in it and has put a lot of his own resources, effort and ability into trying to make it work. I will say that up front because in the next six and a half minutes, I will not support totally what he said. I also join him in thanking the schools he mentioned that have been successful in the free schools movement. We should welcome every good new school that we can get into the system. We cannot be against more good schools. That is the starting point. However, beyond that, I did not recognise the picture of this policy drawn by the noble Lord.

The title of the debate gives away the problem we have with the Government's approach to free schools. It invites us to celebrate free schools' contribution to raising standards. We owe it to the nation to do more than that. We owe it to our nation and its children to be more open-minded, not blind to the weaknesses and faults as well. The problem with free schools is that the Government have been too committed to them from the start and have lost any ability to be neutral or objective about their progress. While I acknowledge the success that there has been, I want to raise the other things that have happened in the free school movement.

Let us be clear what we are talking about when it comes to free schools. They do not exist in statute;

they are essentially academies—no more, no less; there is no more legislation. They were set up to bring in new providers and parent-led schools, to increase competition and to promote innovation. Over the years of their existence, not one of them has delivered on the ambitions of their proposers at the start of the free school journey.

Increasingly, new providers are existing MATs. In the past three years of the policy, more than 80% of free schools have been just expansions of existing multi-academy trust schools. That has been at the expense of parent-led schools. The number of parents opening schools has dropped drastically during the past three years. As for competition, free schools will become the default model for the schools system in England. If you open a new school, it will have to be a free school. It is going to be a monopoly; it is a default system; it is not somebody trying to change the system but what every new school will be.

Belonging to an organisation that sponsored free schools, my experience of them is that what we have now is the most tightly controlled, most measured, most weighed, most monitored, most structured and most supported set of schools in the whole schools system. If anyone here has sat around a table discussing the progress of a free school, they will know that you have educational advisers from the DfE, people from the regional schools commission, people from the funding agency and, in the background, people from the New Schools Network. There are more paid bureaucrats around that table than in any other educational situation. I do not mind that. If that is the way to bring about success, let us go for it—but let us not pretend that these schools are free; let us not pretend that they are being allowed to get on with it.

As the noble Lord, Lord Nash, has just said, perhaps the Government should have been even more prescriptive. Gone is the autonomy, gone is the “stand-alone”, gone is the “get on with it”, gone is the “get bureaucracy out of it” and gone is the idea that the centre does not know best; what we have is that the centre apparently does know best and will do what it takes to make sure that those schools thrive. That is fair enough if that is what you are promoting—but for heaven's sake change the title. These are not free schools, and they are no badge for anyone who believes that schools should be autonomous.

The schools are not without failures—every type of school structure will have them. Eighty-six projects did not start and we spent millions of pounds on them. Forty-two projects that started have closed—we have wasted money—and 15 schools that started have been re-brokered. If this is what we have to spend to find out what works in education, I could defend that, but what I find indefensible is somebody standing up in a debate about free schools and not acknowledging that failure. We need to learn from that failure; we need to know why the Government are spending 19% above value rates for properties in London; we need to know why £8 million was spent on a site for a UTC that never opened; we need to know why more than 50 free schools have closed and kids have had to be sent outside. Again, there is no open analysis or realistic evaluation of the progress that has been made. I shall not go through the costs, but if any local

authority had spent so much money to so little effect, as central government has done on some aspects of its free schools, the commissioners would have been through the door. There is no arguing against that.

The problem is that the Government have been blinded to the weaknesses of free schools. They set them up not as a pilot to see what worked, or as an open approach where they asked, “What can we learn to put to the rest of the system?”; they set them up determined that this should be the dominant structure within the English schools system, and the evidence is not there. Where it has been good, it has presented an ideal situation for some schools—a small number of schools—to be incredibly imaginative, and every system needs a place for incubators where innovation can work. I think free schools have offered that to some extent, but they have not proven themselves as a model that should be rolled out so that every school is a free school.

Quite simply, for far too long politicians throughout all parties and generations have looked at school structure as a way of guaranteeing success for every child and every school, and it does not work. It did not work with comprehensives, it did not work with academies, it does not work with free schools and it will not work with any one structure. What works is good leaders, strong teachers, good support and effective governance, and there is nothing about free schools that guarantees more of that. If we are intent on delivering high standards for every child, let us look honestly and openly at what in all parts of our system brings the best leadership, the strongest teaching, the most effective governance and the most support from parents. If we get that right, we will do it. Some of that has been exhibited in some free schools, but it has also been exhibited in a lot of academies, comprehensive schools and local authority maintained schools. That is the problem. Free schools are an interesting experiment but they are not a blueprint for the future of our school system.

12.16 pm

Lord O’Shaughnessy (Con): My Lords, I first express my gratitude to my noble friend Lord Nash for calling this debate. I think it is fair to say that nobody in government or politics has done more than him to support the free school movement both as a sponsor who has been known to put his time, effort and money into opening schools and during his four years as the responsible Minister. His positive impact on children’s outcomes in this country has been profound.

With just two speakers so far, there has already been much discussion of the merits or otherwise of free schools. As a founder and trustee of Floreat Education, which operates two primary free schools, it is probably fairly obvious where my loyalty lies, but I want to use this debate to revisit the reasons that the Conservative Party proposed and implemented the free schools programme in the first place, because I believe that it is against those intentions that the programme should be judged.

Having said that, there is another interest I have to declare, which my noble friend has already alluded to. Success has many parents, but I think it is fair to say that the Minister and I have particular reason to claim parentage of the free schools movement. As he said,

the story began with the publication of a report for Policy Exchange in December 2005, authored by myself and Charlotte Leslie: *More Good School Places*. In producing that paper, we were strongly supported by one our trustees at the think tank—plain Theodore Agnew, as he was in those days. The purpose of that report was to suggest changes to the schools system in England in order to raise standards. Its analysis relied on the emerging literature on school choice and competition from the US, Sweden, the Netherlands and elsewhere.

I will not detain your Lordships with all the specific proposals in the report. Some of them were subsequently adopted by the Conservative Party when I became director of policy, including an early version of the pupil premium—the great cause of common interest with the Liberal Democrats and a foundation stone of the coalition education policy. Another proposal was to create a non-LEA-based route to setting up new schools. Others, such as locally elected pupil advocates, were not accepted. I believe that the key insight of that report still stands, which is that it is the Government’s job to help to create more good school places. The DfE is still using that language 13 years after we first coined it.

So how does the free school programme measure up? In that report we proposed that excellence should be achieved through two means. First, there needed to be an expansion of the number of good school places, making it radically easier for new providers to come into the state sector to open schools, challenge underperformance and bring new ideas.

Secondly, we proposed the creation of what we called an equity challenge: making sure that in this system those who had the least—who had been failed by schools—were given extra support, including extra financial support, to make them attractive to successful schools, and had the resources needed to address their educational challenges. Expansion challenge and equity challenge were, we posited, the way to achieve excellence. It is against those yardsticks that we should judge the success of the programme.

On the expansion front, the evidence is incontrovertible. The preceding Labour Government had inexplicably allowed 1,500 schools in England to close between 2001 and 2010, despite the birth rate increasing by 128,000 per year over that period. The Government have opened—as my noble friend mentioned—442 new free schools, which will provide 250,000 places when full, and 261 further free schools have been approved but are not yet open. According to the New Schools Network, 83% of open free schools have been opened in areas of recognised need—because of a shortage of local places, a lack of choice, or poor local standards.

Expansion is not just a numbers game: it is also about innovation and choice. The free schools programme has allowed the creation of an extraordinary range of schools—schools such as Floreat and the University of Birmingham School that have a major focus on character development; schools such as Michaela and the West London Free School trust that have pioneered a modern approach to knowledge-based learning—as well as a range of other exciting provisions, including

[LORD O'SHAUGHNESSY]

new boarding schools such as Holyport College and Dixons Music Primary. In a way, that is the greatest achievement of the programme: to have unleashed—to take the point made by the noble Baroness, Lady Morris—dynamic leadership, followed new ideas, challenged the status quo and delivered higher standards.

The free schools programme also measures up well on the equity challenge. According to the New Schools Network, free schools are three times more likely to be set up in the most deprived areas of the country than in the least deprived, and are more than averagely likely to attract pupils with a first language other than English. There is more work to do to attract the least well-off pupils to the schools, but from first-hand experience I can tell the Committee that it becomes much easier to attract those families when a school is up and running, because they are often very risk-averse, wanting to stick with the known rather than taking on the risk of being a pioneering group of parents. Once that risk has gone—once the school is established—the number of children on free school meals tends to go up.

The result of getting both expansion and equity challenges right is excellence, of which my noble friend outlined many examples in free schools: they are more likely to be judged as outstanding by Ofsted, the average secondary free school Progress 8 score is the joint highest of all school types, and there are many other examples. These considerable achievements will only increase over time.

As we look to the future, however, it is important not to be Panglossian, and to accept that the programme needs to evolve and improve further. As my noble friend Lord Nash said, the DfE has sometimes struggled to find the right sites for free schools. Indeed, the lack of a permanent site forced the deeply regrettable closure of the Floreat school in Brentford, a heart-breaking event for pupils, parents and staff. The creation of the LocatED group within the DfE should stop this happening again, but can the Minister reassure the Committee on that?

Furthermore, while there has undoubtedly been a need to generate more school places to meet a rapidly growing school-age population, the birth rate is now falling. For me, that means that the programme should shift back towards creating new provision in areas of underperformance or lack of choice. There was an imperative to create seats for the many extra bums, but that tended to favour large incumbent academy trusts. Does the Minister agree with me—and with the point made by the noble Baroness, Lady Morris—that the time is right to recapture some of the dynamism of the original programme, which was more supportive of teacher-led start-ups?

Finally, many open free schools now find themselves in single-academy trusts or small multi-academy trusts. Such organisations, which often have only a few year groups, can be vulnerable to events outside their control, and there is a need to bring these schools together into larger, less fragile groups. Will the Minister say what the DfE is doing to make this happen?

To conclude, the free schools programme has been highly positive for children in our country. Combined

with other reforms, such as the creation of a much more rigorous curriculum and exam system, it is leading to consistently better educational outcomes. An expansion of choice, combined with a focus on equity, has indeed led to excellence, with hundreds of thousands of pupils benefiting. That is a wonderful achievement, of which we should all be proud.

12.24 pm

Lord Addington (LD): My Lords, when I looked at this debate I expected that we would discover most of the enthusiasm and intellectual drive behind this movement being expressed in this Room. I have not been disappointed. We seem to have everybody who knows anything about the subject here. For the rest of us, finding out exactly where the people who are involved in the free schools movement think it should go will be one of the lessons we will take away.

However, I am afraid I am with the noble Baroness, Lady Morris. Indeed, she said much of what I was going to say—and, irritatingly, in a very good style—about the problems. The first is that if we have a lot of enthusiasm, where is the control? As the noble Baroness pointed out, more than 50 schools are closing. I thought, from the House of Lords Library briefing, that 29 free schools had closed in the past three years. We have a fairly high casualty rate. This must call to everyone's attention that this is not a panacea that will be universally successful and guarantee success.

Once again the noble Baroness, Lady Morris, beat me to it: the fact of the matter is that free schools are a way of creating more academies that has been created by academy trusts. The problems of the academies are effectively going to the free schools. They are one and the same beast. It might be a different way of creating them, but they are the same thing. They are a movement. They have the same types of criteria, so the creature should be seen as one whole. Can we get an idea of how we will look at this?

I remember that the noble Lord, Lord Nash, discussed regional schools commissioners. Indeed, I think it was in this Room that we first discussed some things about them. It might be a good idea to find out exactly what they think they will be doing to give a more strategic focus. The days of the innovative, wonderful parent and teacher-led start-up are probably behind us—or they will occur only very infrequently. The noble Lord, Lord O'Shaughnessy, shakes his head, but it certainly has not been the fashion of late. He now nods his head. I wonder how *Hansard* will deal with that. We must look at what is happening now as a good example of where it might go.

I discovered when looking through some of the briefing about what academies are doing, if we can accept that this is a way into the academy movement, whether independently or as part of it, that we have a juicy little problem of off-rolling when it comes to taking exams. I am afraid that a name that stuck out when I was reading through an article sent to me by the *Guardian* is the Hewett school in Norwich. I discovered only today—I apologise to the noble Lord, Lord Agnew, for letting his office know only today—that it is an academy in the trust that he helped to run, or I think was the head of. In one year it lost 20% of its pupils before they took exams. The Hewett school always

strikes me because it is the school that I went to, as did my siblings. It is a very big school. It went through days when I was there of being the big comprehensive success story, with a huge sixth form, to special measures. What can go up can go down under any system. I hope that the free schools remember that. Sometimes things can go horribly wrong.

Are the schools commissioners going to look at and check off-rolling to stop the gaming of the system? If they are not, we will miss the group that we should be concentrating on: those who are difficult to educate, who probably do not have the best parental backing, and those with a very high number of hidden special educational needs, which is quite normal in those who fail. Will we look at this? Will the schools commissioners take a lead in this, or are we looking at somewhere else? Will it be Ofsted—although Ofsted cannot look at somebody who is not there? Will we make sure that academies, free schools and everybody else take full responsibility for those people they have recruited and who go through the system? If we are not going to, there is a fundamental flaw here in the way we are being organised. We must address this vigorously.

We have a system which may well have benefits, in a Panglossian way, as the noble Lord, Lord O'Shaughnessy, would have it: everything for the best in the best of all possible worlds. If the sun is always behind you and everything is going well, any system will do well. If you recruit the right parents and the right students, you will succeed. But when things go wrong is the test of any system: how do you handle the problems and the mistakes? I hope we get a good answer here, because if that is not built into this system, it does not really matter what you do with your successes—your failures will still mar it, probably to the extent that it will have to be got rid of in the end.

12.30 pm

Lord Harris of Peckham (Con): My Lords, I am sure that your Lordships will all agree that every child in this country deserves the best education possible. Before I speak about free schools, I will say a few words about our 47 schools, which include 13 free schools.

Almost one in 40 children in London now attends a Harris Academy and 95% of our secondary schools are outstanding, against the national average of 23%. With the exception of two schools, all were either failing or in special measures when we took them over. We have four world-class schools: in Thurrock, Greenwich, Crystal Palace and Battersea. Battersea was the worst school in Wandsworth only four years ago and last year the Progress 8 score made it the best school in Wandsworth and the fourth best in the country. Last year's results for primaries were: national average 64%, Harris 79%. The average proportion going to a Russell Group university was 12%; ours was 24%. Some 90% of our students now attend university—an amazing number.

Before I continue, I would like to thank the noble Lord, Lord Baker, who started the CTCs. The first school he ever gave us was Crystal Palace, when it had a pass rate of 9%. Today it is world-class. We are changing the lives of many children in that area over the years. I also thank the noble Lord, Lord Adonis,

and Michael Gove for continuing to give us failing schools and free schools that we can make successful to give the children of this country a better education.

Turning to the subject of the debate—free schools—I think the idea was brilliant. It was what the country needed to put new schools into difficult areas. We have 13 free schools. Seven are outstanding, two are good and four have not been inspected yet as they have not been open long enough. With most of these schools, the parents have asked us to run them.

Harris Westminster, a sixth-form free school, has had amazing results. It is a school for bright children from working-class homes. More than 45% of them are on free school meals and free transport. Last year, 16 students got to Oxford or Cambridge, eight of them black—your Lordships will remember the report by David Lammy in 2015 which said that there was not one black student going to Oxford or Cambridge—and 70% of these children got to a Russell group university. This year 64 students are having interviews for places at Oxford or Cambridge, providing they achieve their results. The sixth-form college now has more than 600 students, which is more than Westminster School itself. I have to say that Westminster School has been very helpful in allowing us to use some of its facilities. This school is changing the lives of many students and giving them a better future.

Our outstanding free schools include: Harris Academy Tottenham, which has primary, secondary and a sixth form and which, after the building that has been going on for the past four years, got outstanding; Harris Invictus Academy Croydon, Harris Primary Academy Shortlands and Harris Primary Academy Beckenham, which all got outstanding; Harris Westminster, which I mentioned; and Harris Primary Academy East Dulwich. The Mayflower Primary School is going to be one of the biggest primary schools in the country with more than 1,000 students. It was also in Portakabins for two years.

One of our schools, Harris Aspire Academy, which has been graded as good, is for children who have been excluded from not only Harris schools but other schools in the area. Inspectors said this school has “outstanding leadership” and “outstanding teaching”, and the only reason why they could mark it as only good was that the attendance was 93%—which is excellent for a school with such difficult students. They said that the school would be marked outstanding if attendance were 96%.

I believe that free schools have helped the Harris Federation to give children a better chance in life, and our schools are now four and a half times oversubscribed. The only thing I would like the Minister to look at is the funding of them at the beginning. It is very difficult when you have a school with the potential to have 1,000 or 1,200 students, and you start off with 180; on average, you would need £900,000 to keep the school going. That is very difficult as you cannot make it break even until the second or third year. However, what has happened with them has been great. It has given free schools the opportunity to put in new buildings which will be there for the next 30 to 40 years and I am really in favour of that.

Before finishing, I would like to thank Sir Dan Moynihan and his team for all their hard work in

[LORD HARRIS OF PECKHAM]

making these schools so successful and changing the lives of many children. I recommend that the department and the Minister continue the free schools programme. We have three more to open next year.

12.36 pm

Lord Kirkham (Con): My Lords, I find it so refreshing to hear input from real-life, personal experience rather than simply a Library brief or desktop research. I congratulate my noble friend, who is my good friend.

“Uncertainty” is a word we hear constantly these days, but noble Lords will not hear it from me; I would most certainly never use it in the context of free schools. I could not be more certain and confident of the real need for free schools and their positive impact on our society. However, I recognise that there are understandably some weaknesses, faults and failures in the movement, and the noble Baroness, Lady Morris, passionately told us about them earlier. We can and must learn from them, and we ignore them at our peril.

On the topic of certainty, I am equally certain that I could have derived more benefit from my time at school. In recent years, I have come to know schools and their vital role in society rather well through my work with two charities, the Duke of Edinburgh’s Award and The Outward Bound Trust. I chair one and I am deputy patron of the other. The Duke of Edinburgh’s Award, in particular, has had to respond to the squeeze on local authority funding by building direct links with schools. Today, it has more than 3,000 directly licensed organisations providing access to its life-changing awards. Most of these directly licensed organisations are schools, and they cover the full range from local authority controlled schools to free schools, academies and ancient public schools. All of these can be good schools of course—there is no doubt about that—and surely all that should matter to any of us is that as many of our children and grandchildren and the nation’s children as possible are receiving the very best education that we can provide. So on this occasion perhaps we should put ideology to one side and just ask whether free schools are helping to deliver the desired result. I think we can unequivocally say that they are. In fact, in my considered view, free schools are already shining very brightly indeed.

Disruption is critically bad news if you are running Heathrow Airport, Gatwick Airport, a railway or a logistics business, but it is always a massive positive everywhere else. I know from my pretty wide business life that competition is seldom welcomed, rarely embraced and quite often painful in the extreme but, objectively, it is a good thing. It is good news because it motivates and encourages improvements in quality and services and most certainly pushes up standards across the board in schools. That stimulus for all to do better is just one spin-off benefit of a new free school. They undoubtedly shake up and wake up the mediocre in education. They can also satisfy parental demand in areas where existing school provision is poor or standards are persistently low, and they have a proven ability to be nurturing as well as focused on high academic achievement.

A friend of mine drew my attention to an exceptional free school in one of the most deprived areas of

Newcastle upon Tyne, West Newcastle Academy. It is doing an amazing job of raising standards and empowering staff, parents and pupils alike in a community where excellence and aspiration has to date been in pretty short supply. That free school is also exceptional in another respect: its geographical location. As we know, the overwhelming majority of free schools that have opened are in London and the south-east. The people of the north—that remote other country where workers make things and also voted leave in large numbers—deserve to have the same chances and opportunity as Londoners to send their children to schools that enable them to maximise their potential and flourish.

Wherever there is pressure on existing schools—and let no one underestimate the stress that oversubscribed schools can create for parents and pupils alike—or where established schools are underperforming, let us please encourage the creation of new free schools to provide choice and opportunity, particularly for those from disadvantaged backgrounds. These new openings should never be considered or seen as a threat to existing schools—any more than a new furniture store on the opposite side of the high street or retail park spelt doom for the businesses I used to own and run—rather, as a spur to work even harder to deliver the best results. By the best results, I do not mean just hearing impressive parental feedback or achieving stellar examination rates, but teaching social skills and giving kids the resilience and self-confidence they need to become employable and to be good parents and responsible citizens. If we are to fulfil the potential of our country, every single child must have the opportunity to go to a great local school. Free schools can help increase the numbers who have that opportunity, regardless of their background, where they live or their parents’ income. We should enthusiastically and unstintingly support their expansion across the country in the interest of all our children.

12.41 pm

The Earl of Listowel (CB): My Lords, I thank the noble Lord, Lord Nash, for making this important debate possible, for his work in this area over so many years and for opening this debate in the way he did. I also pay tribute to him as vice-chair of the All-Party Parliamentary Group on Looked After Children and Care Leavers, and for his most important work when he took through the Children and Families Bill five years ago. He introduced or accepted an amendment—I think he introduced it—that placed a duty on local authorities to allow young people in local authority foster care to remain with their foster carers until the age of 21, where both the young person and the foster carer wished to do so. It is very moving when I speak to foster parents who are so pleased they can keep on looking after their young person until the age of 20 or 21. Scotland and Wales then chose to follow. At the time there was a clamour that the same thing was not done for children’s homes, but in his report on children’s homes last year, Sir Martin Narey introduced the notion of staying close, so that now children’s homes are developing a similar model to allow their care

leavers to stay close to their home. I pay tribute to the noble Lord for this important work.

I declare my interest as a trustee of a mental health service for adolescents and the of the child welfare charity, the Michael Sieff Foundation. I join in celebrating the academic attainments achieved at so many academies, particularly the academy that the noble Lord, Lord Nash, kindly arranged for me to visit: the King Solomon Academy in Paddington Green, north central London. It is part of Ark Schools, a multi-academy trust. It is in an area of high deprivation, with many families living on low incomes, many immigrant families and many families living in social housing. The King Solomon Academy has a focus on depth before breadth, with a strong emphasis on English and mathematics. In December 2008 and December 2009, Ofsted rated the school as outstanding. In 2015, the school was rated as the best non-selective secondary school in England, according to the Department of Education GCSE league tables. When one walks in the door, one reads an inscription on the wall along the lines of, “We expect all our pupils to go to university”. It is an academy, not a free school. I am afraid I can speak only from my experience, but I hope it is helpful to the discussion.

When I visited, I found the 28 year-old Head, Max Haimendorf, a graduate of St Hugh’s College, Oxford, enthusiastic and inspiring; he was one of the first Teach First programme cohort. An acquaintance spoke to me of the extraordinary dedication of one of the school’s teachers, whom he knew well and said that sitting observing an English class, he saw that all the pupils were concentrating on what their teacher was saying and that as they listened, they clicked their fingers, an expression of their excitement at learning, encouraged by their calm and assured teacher. In a science class, he spoke to one of the BAME pupils, a girl—by far the majority of pupils were from that background. She spoke of how much she enjoyed her education, how her family were thoroughly involved by the school in her education and of the extra-curricular activities that she enjoyed: the theatrical performances and the symphony orchestra. I am grateful to the noble Lord, Lord Nash, for that that experience, which stays with me vividly to this day.

However, when we speak about educational attainment in free schools, we must also ask ourselves at what cost this comes to children who are not in academies or free schools, or who do not fit in with the culture of these schools. I think this has come up in previous discussions. I was pleased to hear the noble Lord, Lord O’Shaughnessy, talk so strongly about ensuring equity in these schools. Most of the young people going to an academy were the children of immigrants who had great aspirations for them, but what about those children who are not from those kinds of backgrounds? What about Traveller children, looked-after children and children from families who have been failed by the system for generations? Professor Sonia Blandford, chief executive of the charity Achievement for All, points out that about one-fifth of our children are being left behind. She grew up in a low-income family and she was the first person in her family to go to university. Her charity is widely respected and effectively supports many schools. She points out that

free schools cost the Government £57,000 per annum per pupil with any form of needs, which is about £30,000 above other pupils. That seems an extraordinary difference. I am sorry not to have written to the Minister, but maybe he can confirm or challenge that figure.

We know that high-quality early years education provides an invaluable boost for vulnerable children, yet the best provision, maintained nursery schools—schools that receive supplementary funding because they provide a qualified head teacher, qualified teachers and a qualified special educational needs co-ordinator—are struggling to find the £59 million a year they need to survive. It appears that there are favourite children in the system, a favourite model, and others may be losing out as a consequence. I urge the Government to be more even-handed in their approach and to take the following steps to make our education system more inclusive and effective.

First, I urge both the Government and the Opposition to avoid any further revolution in our education system. Revolutions are always tempting but they seldom deliver on their promise. They tend to detract from the most important tasks. Secondly, I urge the Minister to embrace the most important tasks, which are recruiting and retaining the best people in education, offering excellent continual professional development to those in posts and ensuring the most disadvantaged children and young people benefit from the best teachers. We hear that it is often the case in the new free schools that those who are the most challenged and disadvantaged are getting the best experience. I know there are currently funding pressures, but it is troubling to read that last year continuing professional development funding in both secondary and primary schools significantly reduced.

Thirdly—and relatedly—the Government should make Ofsted less punitive and more supportive in its approach. The best-performing nations do not have an inspection system as punitive as ours; they have more supportive ones. I ask the Minister to look at Lucy Crehan’s book on education and the highest performing PISA nations. I warmly welcome the commitment from the previous Education Secretary to reform Ofsted, and I hope that is being sustained. The anxiety that Ofsted currently creates drives good teachers and head teachers out of the profession. They are put off by a limited regime where the primary focus of the school is Ofsted, not the children or the best way to help them learn.

My time is up. I am grateful for the opportunity to raise these concerns and to join in celebrating the achievements of the free schools—which I recognise—but there are complexities in this area. I look forward to the Minister’s response.

12.49 pm

Baroness Stroud (Con): My Lords, I thank my noble friend Lord Nash for providing the opportunity for this Committee to draw attention to the contribution that free schools have made to improving educational standards. Providing an excellent education for all children and ensuring that no child, regardless of their background, is left behind has been a key driver of educational reform by successive Governments in this country, and free schools have made a significant contribution to it. I pay tribute to my noble friend’s

[BARONESS STROUD]

long-term and tireless commitment to creating opportunity in education. I have personally witnessed it since 2006, and I am sure that it goes back even further.

We know that education can provide a pivotal impact on a child's life chances and opportunities. For example, official statistics show that: 52% of male offenders and 72% of female offenders have no qualifications whatever; one-third of young people who have been excluded from school have been involved with drug dealing, as well as being exposed to growing trends of knife crime; and fewer than half of those with no qualifications were in employment, compared with eight in 10 of those with at least one qualification. Educational failure perpetuates the cycle of disadvantage, preventing generation after generation reaching their full potential.

When I was the executive director of the Centre for Social Justice, we documented the impact of this failure of education in our ground-breaking report *Breakdown Britain*. We identified significant educational inequality, which showed that emphasising average attainment was masking very real failures at the bottom of the system, where disadvantaged children were falling further and further behind. In 2006, children from disadvantaged backgrounds were five times more likely to fail academically than their peers. Most importantly, pupils from disadvantaged backgrounds were often not being given the opportunity to succeed, as evidence showed that schools with high numbers of pupils on free school meals were more likely to be considered underperforming by Ofsted. The budget uplift in education in the 10 years prior to 2006 was not helping those from disadvantaged backgrounds work their way to a brighter future, and 30,000 children were leaving school with no qualifications or skills and were not attending schools that were good enough to give them the chance to change that.

In the recommendations to tackle this which were included in the follow-up report *Breakthrough Britain*, we advocated pioneer schools, which were inspired by the successful US charter schools. The pioneer school recommendation was deeply influenced by my noble friend Lord O'Shaughnessy's report *More Good School Places*. The aim was to provide innovative solutions to deeply entrenched educational failure by setting up new schools led in a way that gave them the flexibility to make the best decisions for children in their local area.

Since then, the rollout of free schools has dramatically increased the number of available school places, particularly in the most deprived areas of the country, improving the life chances of a large number of children. Nearly half of the schools that have opened are in the most deprived areas of the country, as we have heard. The schools that have opened provide 290,000 school places, overwhelmingly in areas where more school places were needed. There are 266 schools approved to open, which will add further to this capacity. They are offering genuine life opportunities for children to fulfil their potential and flourish in a good school. Free schools have an excellent Ofsted record, as we have heard, with 86% of them rated good or outstanding, and many are among the best-performing schools in the country. Unsurprisingly, they have been incredibly

popular with parents and attract more first-preference applications than any other type of school.

Free schools have ensured that more and more children have a chance to succeed. They are the highest performers at Progress 8, and results are above the national average at GCSE and A-level. The mission to close the gap between disadvantaged pupils and their peers is ongoing, but the gap is closing. The figures in the disadvantage gap index show that this gap has shrunk by 13% since 2011. Since we wrote the *Breakdown Britain* report, the gap in some areas has shrunk by as much as 30% in key stage 2.

Disadvantaged pupils do better at free schools than at any other type of school, and schools often have the freedom to help address some of the complex social challenges unique to their locality. For example, in areas with high child poverty and youth crime, schools have been able to extend the school day to provide a safe place for further learning and extracurricular activities. For every single one of these statistics, there is a child who has been given the opportunity to thrive.

However, there is still more to do to ensure that this gap continues to close and that children from disadvantaged groups continue to get access to a quality education. For that reason, I ask my noble friend the Minister to comment on the plans he has for ensuring that more disadvantaged children can benefit from free schools. More pupils are now in good schools than in 2010, but there are still 1 million children attending struggling schools, who deserve the opportunity to fulfil their potential, too. As more free schools open over the coming years, the Government should be ensuring that all children, especially the most disadvantaged, can take advantage of the opportunities that they present.

12.55 pm

Baroness Finn (Con): My Lords, I congratulate my noble friend Lord Nash on calling this debate and I pay tribute to his long-standing contribution to improving educational outcomes for all. He has shown a passionate commitment to free schools, both as an Education Minister and through his work with Future, the multi-academy trust.

Free schools are the single most successful group of state schools. They outperform their competitors by almost every measure. They are driving up educational standards, exposing poor performance, improving access and choice, and pioneering innovation. Most importantly, they are delivering for pupils, especially the most disadvantaged.

Let us look at the evidence. Free schools have created 290,000 new places, in schools that were, on average, 29% cheaper to build than previous school-building programmes. Some 31% of free schools are rated as outstanding by Ofsted, compared with 21% of other schools. As we have heard, they are three times more likely to be located in the most deprived areas of the country than the least deprived. They are more likely to be oversubscribed than any other type of state school. More places at lower cost, higher performing, serving the most deserving and in high demand from parents—so it is strange that the shadow Secretary of State has said that Labour would end the free schools programme because:

“They neither improve standards, nor empower staff or parents”.

On standards, free schools outperform other state schools at key stage 1 and get better A-level and GCSE results. They attract more first-preference choices from parents than other schools, and record numbers of teachers are setting up free schools. So, yes, they improve standards, yes, they empower staff and, yes, they empower parents. To be on the side of free schools is to be on the side of teachers, parents and, most importantly, pupils.

The programme owes much of its success to the bravery, vision and perseverance of the team of my right honourable friend Michael Gove when he became Education Secretary in 2010. Naysayers—and, indeed, some officials—said that ordinary people could not set up schools, only the state could. In fact the noble Lord, Lord Adonis, had already started to highlight and challenge the “cartel” in charge of our schools. My noble friends Lord O’Shaughnessy, Lord Hill and Lord Nash, alongside Michael Gove, truly broke this monopolistic way of thinking and in so doing enabled the hundreds of applicants to come forward and set up their own free schools

Free from uniformity and monopoly, we now have a system rich in choice, diversity and innovation. We have schools being set up in former churches, fire stations and government offices. But more than buildings, we have new approaches. Parents, teachers and businesses are putting forward many valid philosophies about how to educate our children. At the same time, they are also delivering for the most deprived children.

Take the London Academy of Excellence, the core purpose of which is to provide social mobility through education. It was set up by Brighton College after it learned that children in the local area—one of the most deprived in the UK—had nowhere to go for sixth form, and more than two-thirds of the students are from families who have never sent a child to university. Since 2014, more than 1,000 LAE students have gone on to study degree courses, the majority at Russell group universities. Not only has the LAE played a leading role in raising standards in one of the poorest parts of the capital, it has set a new benchmark for others to emulate.

Take the maths schools, King’s College London Mathematics School and Exeter Mathematics School. These schools attract disadvantaged students who typically do not pursue a maths path, and send 100% and 98% respectively of their leavers on to STEM courses at university. King’s Maths School topped the Department for Education A-levels table last year. With Liverpool opening and Durham now confirmed, it is worth noting that none of these brilliant schools could exist except as free schools.

Take School 21. The founders wanted a broader approach to education, encompassing academic study, well-being and problem solving. Serving pupils of all backgrounds in Stratford, east London, School 21 is outperforming the national average on every metric, and is rated outstanding, with the inspectors commenting:

“Outstanding leadership has produced a highly effective school within a short time. Pupils across the school make exceptional progress ... The behaviour of pupils is outstanding”.

Individual examples such as these inspire, just as the overall statistics reassure. Yet the policy is not perfect and can be improved in one important respect; namely, funding. The Treasury has not provided enough. It is as though Apple produced the iPhone, found it successful, and then declared it should produce fewer of them. Free schools must be championed and promoted, and be given sufficient funding to allow this to happen. Their potential to raise standards through competition must be properly realised. The Treasury’s historic hostility to surplus places has masked school failure by forcing parents to send their children to failing schools, thereby keeping their pupil registers artificially high.

Yet this should not detract from the theme of today’s debate. Free schools, in levels of engagement from teachers and parents, their impact on pupils, and educational outcomes, are speaking for themselves. The impact is profound and their contribution to improving educational standards beyond doubt. Free schools are living proof that poor-performing public monopolies harm the most disadvantaged and that, only by breaking them, can we give all the citizens of this country the public services they truly deserve.

1.01 pm

Lord Winston (Lab): My Lords, it is not often one has the opportunity to join an evangelical meeting in the House of Lords, and I am very grateful for this debate. First, I declare an interest as president of the outreach programme at Imperial College London. I do not know how many schools I have visited in the past 12 months, but I have spoken to about 55,000 school children and at numerous teaching conferences, as well as visiting three schools a week on average across the country. I have focused mainly on the poorest parts of England, including the south coast, the area 50 miles east of Cambridge where it becomes a complete desert, some parts of Essex, Derbyshire, Yorkshire, the north-east and the West Country—I spent some days living there and talking in schools, mainly in Devon. The noble Lord, Lord Nash, is to be deeply congratulated on securing this important debate. I want to pay tribute to him as a respected Minister for Education and somebody who I like and deeply admire for what he has done. I also pay tribute to him for his notably successful free school, the Pimlico Academy; I think I was the first Pimlico lecturer some years ago, as he will remember.

As children progress from primary to secondary, and then on to Year 12, they are increasingly channelled in school. Irrespective of the subject, young people are required to learn more and more about less and less. The curriculum encourages knowledge of facts, but so often their school subjects are not brought into a wider context or focus. For example, in science, they may learn a great deal about physics, chemistry and biology, but they are not able to put this into an ethical or societal context. Science literacy is not merely a matter of knowing a great number of facts about physics; it is much more about understanding the relevance of that science—for example, understanding the societal issues involved. Because of the narrowness of the curriculum, science literacy is even worse in students not studying science. This is important, because

[LORD WINSTON]

in a democracy, we need to make wise decisions about how science is used. These decisions cannot be left to scientists, or—worse still, dare I say it—to politicians. Every piece of modern technology may hold great promise for us, but it is often undercalculated, and the significant threats are usually forgotten and ignored until too late.

I have explained what kind of schools I mostly visit. Many teachers in these parts of the world seem very deeply depressed, and I travel long distances on the train back to London in the evening feeling equally depressed about what I have seen and discussed. So many teachers feel they are undervalued and are unable to offer a real education because of the juggernaut of the curriculum. The idea of establishing free schools, which are not so heavily bound to the curriculum, where teachers can choose more what they teach, is really valuable—I have no doubt about that. Replacing much-constrained local government with the increased involvement of parents is also a brilliant notion. It should work because so much of education depends on family background. In many parts of the country, there are excellent teachers but children go home to houses where there are no books, no interest in education and no understanding of what success it might bring in the future. This is much more difficult in schools where there is not a sufficient budget for a mix of A-levels; for example, mixing science and humanities subjects, which is important for making these things contextual.

In my view, funding for education is more important than funding for the health service. I say this in front of the noble Lord, Lord O'Shaughnessy, who was a Health Minister for the past few years. We are grateful to him and sorry to see him leave his post. We spend too much time considering the NHS but not nearly enough considering the underfunding of education, which I am told about again and again in state schools that I visit throughout the country.

The interesting ideas behind establishing free schools should allow flexibility, but what we observe, on the whole, is far from a massive success. There is very little hard, peer-reviewed evidence that in the majority of free schools children have a better idea of how their learning in science or humanities fits the societal context to make them better citizens. In my visits, I have seen insufficient capability for debate and discussion. Moreover, teachers tell me that it is often extremely difficult to get parents really involved. Indeed, the statistics published recently by the Sutton Trust suggest that the involvement of parents is decreasing, not increasing. It is probably true in two-thirds of those schools.

At Imperial College we had a very close relationship with Harris academies. The noble Lord, Lord Harris, did not mention this but he will remember that for three years we taught science in a special context to his students who came to our Reach Out Lab. We did the metrics, with proper educationalists measuring the impact on those students. We found that it changed their aspirations and the way that teachers thought about how they might teach their science, but at the end of the three years, we had an unfortunate message from the finance officer, who told us that working with the Reach Out Lab at Imperial was no longer possible

because they could not afford the luxury of working with us. As the noble Lord, Lord Harris, has pointed out, there is not sufficient money in the system, but our metrics demonstrated that improved science capital is not a luxury. It is desirable. Nick Gibb said that the schools represented,

“a renaissance ... of intellectual thought and debate about pedagogy and the curriculum that used to be vested only within the secret garden of the universities”.—[*Official Report, Commons, 5/12/18*; col. 359WH].

That is counterproductive to what we were trying to do. There seemed to be no understanding that that was very far from the real case, so I regret that statement.

When free schools start to fail to attract pupils, their £4,000 capitation fee starts to reduce as well. Eventually such a school with failing pupils may end up with inadequate finance and may no longer be financially viable. As your Lordships know, a number of free schools started with great verve but have collapsed. This is a disaster, not only for the children but for the teachers and the system. It is really shocking when teachers are already dispirited.

Another issue is the employment of untrained teachers, which nobody has mentioned. Of course, it could be argued that I am untrained teacher. I do not regard myself as being capable of teaching in a school. I could not do that job. I can come in and give a short lecture but what people want from me is the expertise to raise the morale and the profile of a particular subject, perhaps briefly, once a year. The Government's acceptance of the failure to have trained teachers in these schools is massively disrespectful to the teaching profession. The qualification in teaching is the lowest standard with which we need to start. When I qualified as a doctor, I was not really able to do very good medicine—I needed time to continue training in order to get to the right level, just as teachers do. We should never forget that in relation to our training system. It is important that teachers acquire the ability to communicate. The noble Lord, Lord Nash, has given an account of how successful these schools are, but the metrics are dubious. The Government's own reports suggest that we do not yet have a clear idea of whether the free schools have been truly successful: more research and details are needed.

My first question for the Minister is: what peer-reviewed research into the metrics is currently being carried out by the Government, and which metrics are being used? If he cannot answer that, perhaps he could write to me. Secondly, will he tell the Committee what money has been spent on schools that have failed, or that started but did not finish? It would also be helpful to know whether he agrees with the Sutton Trust's report, which states that on the whole the free schools that have been established do not attract the most needy and deprived children in those areas. One problem is that the competition that everybody has talked about is not a good idea in relation to our education system. Education should not be about competition but about collaboration, and to introduce competition into our education system is not sensible. The success of individuals depends not on those individuals themselves but on how they work with each other.

1.11 pm

Lord Polak (Con): My Lords, I refer the Committee to my registered interests. Incidentally, it is deeply appropriate that we are having this debate in the Moses Room: in Hebrew Moses is known as Moshe rabbim, or “Moses our teacher”. I join other noble Lords in paying tribute to the noble Lord, Lord Nash, for bringing forward this debate and all his work in this area, and to the noble Lord, Lord Agnew, who has followed on. But I pay particular tribute to my friend, the right honourable Michael Gove, for making this important initiative a reality. Michael Gove is an outstanding politician, a great thinker and, most importantly, a great doer, who makes things happen—as with this programme.

The 2010 Conservative manifesto stated that the free school initiative would create a generation of good small schools with high standards of discipline. The programme is still in its infancy, but we should be encouraged by the findings of the report by the Sutton Trust and the National Foundation for Educational Research, which was mentioned by the noble Lord, Lord Winston. We can look at statistics in so many ways. I looked at the statistics that say that at key stage 4 pupils in free schools perform slightly better than those in other types of schools, and that disadvantaged pupils in free schools perform at the equivalent of quarter of a grade higher in each subject compared with their peers in other types of schools.

As with any new initiative, however, all is not perfect and we must learn from the mistakes. It is clear, however, that a solid start has been made, and I encourage the Minister to ensure a further rollout of free schools wherever serious and competent individuals are prepared to get involved in their running.

The process can be challenging. I had the opportunity, with colleagues, to create a free school in Borehamwood in Hertfordshire. I was a trustee of the successful Yavneh College, an academy of real excellence. As I mentioned in the Chamber recently, according to the *Sunday Times*, Yavneh College was the best-performing non-selective secondary school in the country. Following its establishment in 2006 and its remarkable achievements thereafter, it seemed obvious to all of us that a primary school should be added to the campus, and in September 2016 Yavneh College Academy Trust expanded to include Yavneh Primary School, a new free school announced by the then Secretary of State, Nicky Morgan, who was tremendously helpful in establishing it. The primary school is enormously oversubscribed. A new state-of-the-art building will open in a few months. Yavneh places an emphasis on love of learning, and on compassion and care for others. The school motto is “A world built on kindness”. The ethos has four key elements: respect, kindness, politeness and courtesy.

The Jewish community itself is blessed with a number of successful free schools, benefiting pupils in London, Leeds and Hertfordshire. One extremely positive initiative has been where free schools have joined together and created a network to give each other mutual support, and expanded into developmental school improvement and continued professional development for staff. Would

the Minister take a look at this initiative and see whether this kind of co-operation can be replicated elsewhere?

One of the schools involved in this initiative is Etz Chaim Jewish Primary School in Barnet. The head teacher Yvonne Baron reflected how the pupils were involved from the foundation of the school. She said:

“They were literally the centre of every decision we made”.

So many things were the pupils’ ideas, from the colour of the lunch trays to the height of the furniture, from the annual talent show to the charity months. As a school, Etz Chaim has flourished. One teacher remarked about the excitement she felt setting up the year 4 and 5 classrooms from scratch, something she said most teachers will never experience.

The most recent recipient of free school status in the Jewish community has been Kisharon, a wonderful special school, often described as a jewel in the crown of the community. I thank my noble friend the Minister for his support and encouragement. Kisharon is now building a state-of-the-art campus, increasing its capacity from 40 students to 70. The new arrangement between the department and Kisharon has driven up educational standards and improved the facilities for learning disabilities. Becoming a free school has facilitated the opportunity to create specific expert learning zones for children with autism and other multiple learning difficulties and disabilities.

On the basis of this positive story, will my noble friend the Minister take a further look at the issue that, as things stand, a special school cannot be a special and faith school? The experience of Kisharon rather proves that this is not only possible but desirable.

1.17 pm

Lord Popat (Con): My Lords, I too thank my noble friend Lord Nash for initiating this debate. I pay tribute to his tireless dedication to the free school project during his time as a Minister and beyond. I would also like to mention my noble friend Lady Evans, our Leader, who I had the great privilege of working with before she joined your Lordships’ House. She was instrumental in leading the New Schools Network to empower and support hundreds of free school applications to become reality. I have had the pleasure of hosting many events in Parliament on behalf of the New Schools Network, and I have great admiration for the efforts and dedication of everyone involved in bringing the free school policy to fruition, in particular, the founder of the New Schools Network, Rachel Wolf, and the honorary life president, Diana Berry, for their outstanding work and many years of exceptional commitment. I also pay tribute to my noble friend Lord Hill for supporting the free school network when he was Education Minister.

I confess that I am not an expert on education. But I am a passionate believer in vision and aspiration. I know from my own experience that few things are as gratifying as watching the kernel of an idea grow and flourish. I also know that success is seldom instant. Hard work, commitment and careful cultivation are needed. Before you get things right, often you have to get things wrong. This is simple evolution.

[LORD POPAT]

Why am I saying this? Because I find it frustrating to see that free schools are so quickly dismissed or vilified by critics. We could start by remembering that the free school initiative is still very much in its infancy. In my area, Harrow, the free schools that have been set up are doing very well. Pinner High School already has a number of awards under its belt. Avanti House School was very well received by the local Hindu community, and even received a visit by Her Majesty the Queen during her Diamond Jubilee celebrations. Both schools are heavily oversubscribed and were driven by grass-roots voluntary community members. I pay particular tribute to Nitesh Gor, who founded the Avanti Schools Trust. I am delighted that his services to education were recognised when he was awarded an OBE last year.

Many free school projects are funded by philanthropists such as my noble friend Lord Harris, which helps reduce the burden on taxpayers. Nationally, the story has also been encouraging. It is not perfect, but it is going in the right direction.

I was looking at the data released by the Department for Education about the Progress 8 metric, which measures progress in relation to prior attainment. According to this, free school students scored a quarter of a grade higher than children with similar starting points across the country.

I say this to the critics of free schools: many free schools are already producing excellent exam results, as we heard earlier from my noble friend Lord Nash. Many are in areas that could hardly be described as affluent. Taken as a whole, secondary free schools cater to an above-average number of disadvantaged students, as the noble Baroness, Lady Stroud, mentioned earlier. Many cater for ethnic minorities and even children of asylum seekers. All of this demonstrates that free schools are not the exclusive preserve of a privileged few but are inclusive of any community that wants to take them up. Any argument to the contrary is not only simplistic but insulting. It suggests that poverty and aspiration do not go together, that only the affluent can afford to be ambitious and that any attempts to challenge the status quo are futile. That flies in the face of everything we claim to stand for in this country, and we would do well to keep that in mind when we debate topics of this nature.

Of course, there is a flip side. A number of free schools have not taken off despite extensive planning and investment. The noble Baroness, Lady Morris, mentioned 50 that were opened and subsequently failed. Taken in isolation, people may say this demonstrates that the free school project is flawed, that it does not work. But this brings me back to the point about allowing time, space and tolerance for a policy to find its way. We should see the bigger picture. For every free school that has been judged to have failed, more have succeeded. For every mistake we have made, lessons were learned. As a society we have become impatient. We expect every social ailment to be cured quickly and precisely, without fault or friction. But that is not life. That is not reality. Free schools are a creative response to systemic failure.

Successive Governments have tried and failed to solve the challenges facing our education system, for which there are many reasons. It is not the fault of one Government, political party or ideology. It is much deeper and more complex, and the changing world around us makes it even more so. We are at a dramatic crossroads for our country where the whole world is moving forward at a pace previously unimagined. The digital age is revolutionising economies, rewriting the job market and reshaping the skills we will need. No one can predict what the market will look like in 20 years. Education, like the future, needs to be fluid. From what I have seen, free schools are helping to bridge the gaps not only in skills but in the very essence of our thinking. It is not just about grades, it is about learning. It is not about following formulas but about finding fresh approaches. In the words of the head teacher of Pinner High School,

“we are not adapting to the future, we are creating it”.

Long may this continue.

1.24 pm

Lord Hill of Oareford (Con): My Lords, next door there are 150 people repeating the same six things at great length. Here, there may be fewer of us, but if we recognise that we are talking about the education of our children, I think we are talking about something rather more important for the long-term future of our country, and there is also much more chance of us hearing something new.

It is a great pleasure to speak in the same debate as my noble friends Lord Nash and Lord Agnew. Between the three of us, for better or worse, you have the history of the free schools policy in government since 2010. It is a particular pleasure to speak alongside my noble friend Lord Harris, who has done more personally and directly to help children in our country than the rest of us put together.

When I think back to my first meetings with officials in the summer of 2010 and I look at where things stand today, it is undeniable that this policy has made a lasting difference. It was not introduced by coercion but, certainly initially, bubbled up from below. That element of permissiveness and experimentation in the free schools policy motivated me most.

Like the noble Baroness, Lady Morris of Yardley, I have never believed that structure is more important than people. I never argued that academies or free schools would automatically be better than local authority schools simply because they had a different structure. I never suggested that free schools were guaranteed to succeed, although I certainly believe that if you delegate responsibility and trust people more, more of them are likely to succeed.

I was always clear, too, that some were bound to fail, but given the system-wide failures in our education system that we inherited, I felt that giving people more responsibility, allowing them to respond to local needs and encouraging them to challenge the status quo was a risk worth taking. If you look at the overall results, as well as some of the individual success stories we have heard today, I still think that that was the right call.

It is also worth recalling how bitter the opposition to the idea of free schools was at the beginning. We were told that no one would want to take part, that free schools were being unfairly bankrolled and that they would cause mayhem in the system. None of that has turned out to be true; they have the same funding, the same inspections and often far cheaper buildings than under the old regime. When I became a Minister, I realised that there was a game among academy sponsors, who were competing to see who could get the most expensive new building out of the department. It is true that finding premises in London was difficult and sometimes horribly expensive—I am sure that it still is—but we applied downward pressure on costs overall.

Getting the first 24 free schools open in less than a year, when it had typically taken three, four or more years to open a new school, was hard pounding. It would have been impossible without three groups of people. The first was my Secretary of State, Mr Gove. He delegated responsibility to his junior Minister 100% but would also come charging towards the gunfire when things got lively—the opposite of some Secretaries of State we can all think of, who want to control everything and then blame others when things go wrong.

The second group was the individuals behind the free school proposals. Whenever things were difficult, I found that meeting the proposers was a guaranteed way to cheer me up and make me buckle down again. Their enthusiasm, hard work, bloody-mindedness, vision and commitment to making sure that local children had a decent education drove us on. Without them, there would be no free schools.

The third group was my officials. I remember their looks of incredulity at my extremely permissive approach, bearing in mind that they had all been working for Mr Ed Balls, who had a plan for everything where everything fitted together in perfect logic. Then, under the leadership of Mela Watts—who I believe is still doing the job today—they got stuck in. They had to find premises, negotiate leases and construct vetting procedures—the whole lot. They offered me words of caution when they needed to but drove forward into unknown territory with great grace, humour and commitment. This could not have happened without them either.

I want to offer two thoughts. I have not been close to this for quite a while. My first thought is for the Government and my second is for the Opposition. My thought for the Government concerns something that my noble friend Lord O'Shaughnessy touched upon, as did the noble Baroness, Lady Morris. One consequence of the success of free schools is that they have become part of the establishment. The thing that I thought was most exciting about them was the innovation and disruption that they brought to the system. I remember that one of the early proposals was for Spanish bilingual primary schools. That would never have come from the traditional state system. We have to hold on to that disruptive and imaginative approach. In relation to maths schools and special schools, we need to keep the enthusiasm there was from the parents of children who had learning and other disabilities to bring a new approach. They must keep their disruptive edge. I am sure my noble friend Lord Agnew is seized of the

importance of that. We do not want to create a new orthodoxy where there is a new mantra of two legs bad, four legs good, or whatever it is.

Secondly, and briefly, to the Opposition, I echo the points that were made earlier. I hope that people do not one day feel the need to make huge amounts of structural change all over again. For those who may think that what it needs is just a bit more co-ordination and centralisation and a small, gentle helping hand, we all know that helping hands from government can quite rapidly become overintimate embraces and beyond that come close to strangulation. We need to beware on both sides.

We all know how easy it is for government Ministers to make policy announcements and huge, grandiose promises. The free schools policy is a clear example of where we underpromised but overdelivered. For that reason alone, it is worthy of notice and celebration.

1.32 pm

Lord Storey (LD): My Lords, first, I ought to declare an interest as a vice-president of the Local Government Association and a former head teacher of two maintained-sector schools in deprived communities. I say that because this has been very much a debate about free schools, but they have to be put into perspective. Of course the noble Lord, Lord Hill, is right that among the speakers we have the three architects of free schools and our last three Ministers of Education in the House of Lords. All three have brought real care, understanding and consideration to that office, and I thank them for that.

I thank the noble Lord, Lord Nash, for facilitating this debate. I do not suppose it is a surprise that we are having this debate, given how many Conservative Peers are involved in the free school movement and how the—I shall use the word “tentacles”, but it sounds a bit harsh—tentacles of the new school network have gone into government. Indeed, our current Leader of House was involved in the free school movement. The noble Lord, Lord O'Shaughnessy, was right and wrong. First, he was wrong about his policy statement and his idea of free schools. Free schools started in the 1960s and 1970s. There were two free schools in Liverpool. A character called John Ord started one of them. They did not believe in a set curriculum; it was about what they wanted to do. They did not believe in hierarchy. They certainly did not believe in paying their head teacher, if one existed, huge sums of money, or the chief executive, if one existed. So he is wrong about the history of free school movement, but he is right that systems cannot improve outcomes.

Teachers and leadership improve outcomes. I agree with the noble Lord, Lord Hill, who said virtually the same thing. He said we should not believe that structures improve our education system—they do not. I lived through a period in Liverpool when the then Labour Party believed that all small, single-sex secondary schools should be closed. It believed we should not have small, single-sex schools. It did away with them all and we had large, co-ed, community comprehensives. That did not improve teaching at all. What improves teaching is quality. We mention countries such as Finland, which was of course top of Mr Gove's list at one stage; one of the things such countries all have is a

[LORD STOREY]

belief in teachers. They are well paid and well trained and have continuous professional development. That is what we have to do in this country.

I was slightly disappointed when the noble Earl, Lord Listowel, mentioned a particular academy he had been to. I think anybody who speaks on education should visit a variety of schools, so that they know what they are talking about. Sadly, we are focused at the moment on just one type of school. I would like to take him to my old school in Halewood, one of the most deprived parts of Liverpool. That three-form entry school had results above the national average and a gold standard arts award. I could take you to dozens of other schools like that. The noble Baroness, Lady Finn, talked about these wonderful, successful schools, but I do not like playing one school off against another. I do not like saying, “This type of school is successful”, implying that other types of school must be failures. I notice the noble Baroness did not mention the £138 million spent on opening 62 free schools, UTCs and studio schools that have either closed, partially closed or failed to open.

I have followed this debate closely, believing strongly in the maintenance of an education system that is free at the point of delivery and in which schools are accountable to the communities whose children and young people they educate. I welcome successful businesspeople and entrepreneurs, including the noble Lords, Lord Nash and Lord Agnew, being prepared to give not only their time and expertise but their money to their beliefs in the education system. I welcome that; there is nothing wrong with that and we should not denigrate it. I am sure I am not alone in going to a Carnegie library—mine was in Liverpool—which is one of 600-odd such libraries, similarly built through philanthropic endeavour. They are still operating, and are now listed buildings.

Business sponsorship, a more modern form of philanthropy, was of course at the heart of the development of city technology colleges, introduced by the noble Lord, Lord Baker, in the Education Reform Act some 30 years ago. The first wave of CTCs had 20% of their capital costs provided by a sponsor. Over time, the CTC model has morphed into academy schools, with free schools—an umbrella term that includes 442 free schools, 50 university technical colleges and 27 studio schools—being an important subset of academy schools.

I was puzzled—I still am—about why this debate is about free schools rather than academies. The Government’s initial, romantic vision of a free school was of a school set up by a group of parents or teachers to provide education particularly suited to the needs of children in a particular community. Again, the noble Lord, Lord Hill, is right when he says that we should not let them become part of the establishment. If they were successful—and many were—their success was in challenging the status quo and being different. I remember going to TreeHouse School in Finchley, which started as a free school. It was set up by parents who were angry that schools did not provide for the needs of autistic children. They challenged the system; they are the sand in the oyster

and they wanted to make a change. That is right and proper, but sadly I do not think that is happening any more.

Like most romantic visions, the reality is very different and the majority of free schools are now constituent parts of multi-academy trusts. According to research by the Education Policy Institute in November 2017, nearly one-fifth of free schools had joined very large multi-academy trusts. In May 2018, a report by the NFER and the Sutton Trust, which I think has been mentioned, found that three-quarters of free schools set up in the past two years were part of a multi-academy trust, with parents involved in setting up only 4% of recently established free schools.

Free schools—and academies, of which there are a much larger number—have had a significant impact on the education system in England, but that impact is very much like the infamous curate’s egg: while it is good in parts, many parts have not been good at all. How has the education system benefited from free schools? One group who have definitely benefited are those chief executive officers of academies and academy chains who earn three-figure salaries, significantly more than even our Prime Minister, and in some cases even more than vice-chancellors of universities. The Minister is trying to ensure that the salary increases of school leaders are kept down to 1.5%, but given their freedoms, are they allowed to do that?

My concerns—not about the free school movement but about free schools—were voiced at the beginning of this debate by the noble Baroness, Lady Morris. My principal concern is the democratic deficit in the academy sector, which, again, is not in the philosophy of why free schools were set up. Academies can choose to be totally detached from the local authority in which they are situated, with little or no accountability to the community they serve. If a free school is part of one of the large national or system leader multi-academy trusts, with schools in many local authority areas, the head of the trust will inevitably be many miles from some of the schools and inaccessible to parents should they wish to raise a concern.

The Education Select Committee was told by the leader of a major trust that the schools in the MAT were more involved with other schools in the trust than with those in their area. Academies are not obliged to have governing bodies—although many still do—and many academy head teachers have much less freedom and autonomy; decisions are taken by the chief executive at the centre. One of the key freedoms that academies and multi-academy trusts have is to choose which subjects of the national curriculum to teach. I was interested when the noble Lord, Lord Harris, talked about social skills being taught. The sad thing is that if you have those freedoms, you can choose not to do PSHE. Will he join me in urging the Government that those social skills should be taught at school?

The announcement was made that first aid and CPR would be taught in schools. When the Minister replies, will he say whether that will apply to all schools, including free schools and academies? The noble Lord, Lord Harris, also asked the Minister about the financial difficulties of small schools. He is right that there are problems with small schools. Look

at how rural schools struggle, when they may be the only beacon in a community. Will the Minister agree that small schools in deprived communities, which are the heart and lifeblood of that community, should be financially supported as well?

We have heard that the jury is still out on whether free schools are any more successful educationally than other schools in the community they serve. What we do know is that free schools have a smaller percentage of students eligible for free meals than local community schools, and that in areas with above-average deprivation, free school pupils are more affluent than the neighbourhood average. This is because many free schools have very expensive uniforms, and this has the effect of weeding out applications from poorer parents. One well-known school in west London has a uniform supplier that charges a minimum of £47 for a blazer with braid and a badge you cannot buy and sew on to a cheaper blazer. It is twice the cost of one at John Lewis and has to be dry-cleaned. A pullover costs £22.50—three times the cost of one from John Lewis—and so it goes on. This is not fair on people who struggle financially. It seems that some free schools have close regard to the unaffordability of school uniform. Having wealthier parents is unlikely to make a school slip down the performance league tables.

Free schools always take pupils from other local schools, making those schools less viable. In rural areas, for example, the secondary schools closest to new free schools lose half a form of entry at year 7. Free schools do not have a good record in meeting the needs of pupils with special educational needs and disabilities. Free schools are better than the average—or is that worse?—at excluding pupils. That is one league table where academies dominate the premier league. Free schools are seeing fewer and fewer parents getting involved. It seems to me that there is no such thing as a “free” school. They cost the taxpayer more than community schools, they cost parents more than community schools and they are a burden, not an asset, to other local schools.

What about the future? I do not agree with the Labour Party that free schools should be abolished. Free schools should have the same freedoms and responsibilities as all other schools.

1.45 pm

Lord Watson of Invergowrie (Lab): My Lords, I welcome the return of the noble Lord, Lord Nash, to the fray. For two years, we sparred across our respective Dispatch Boxes, which I very much enjoyed, but suddenly, he was gone. We subsequently learned that this was to spend more time with his family, but not in the fashion normally associated with political withdrawals: the noble Lord’s family is synonymous with the Future Academies trust, which runs six schools, including a free school. I note that, at one time, the Minister was also one of its trustees.

I was aware of the Leader of the House’s background when she was appointed to a ministerial post from her role at the New Schools Network. Prior to today, I was unaware of the role of the noble Lord, Lord O’Shaughnessy; the noble Lord, Lord Nash, described his as having “invented” the free schools

programme. Adding the noble Lord, Lord Hill, to the mix, someone less charitable than myself might point to a pattern in those connections.

I listened closely to what the noble Lord, Lord Nash, said in his introductory remarks. I have to say that he did not surprise me. I say that because my research for the debate revealed a newspaper article from October 2013 in which the noble Lord was taken to task by my predecessor, my noble friend Lady Jones of Whitchurch, and accused of misleading Parliament on the performance of free schools. I understand and accept where the noble Lord is coming from, which naturally colours his view of free schools. Mine, however, is rather less rose-tinted.

As has been pointed out by noble Lords and in recent reports by the Education Policy Institute and the Sutton Trust, judging the contribution of free schools to improving educational standards after seven years in existence is somewhat premature. Even with that caveat, it should be pointed out that free schools account for just 2% of all state-funded schools in England and parents in two-thirds of the country are not within reasonable travelling distance of either a primary or secondary free school. Surely any improvement that it is possible to demonstrate can only be a tiny one; there is no evidence that free schools are better overall than any other schools, once intake is taken into account.

I chuckled at the plea of the noble Lord, Lord Kirkham, for ideology to be put to one side. Free schools form part of a wider ideological drive by the Conservative Party, aided and abetted for five years by the Liberal Democrats, to undermine and weaken local authorities in general, particularly through preventing them developing the maintained school sector. Since 2015, there has been a presumption that no new school can open unless it is part of the free school programme. In the main, new free schools have been opened since then as part of academy chains, meaning that they are not in the mould originally intended.

My noble friend Lord Winston pointed to the successes that he has encountered in free schools, but when these schools were launched, they aimed to encourage parent groups to establish their own schools, increase the number of schools with innovative approaches to their curriculum or ethos and meet the demographic needs of specific areas. Having noted that research bodies have expressed the view that not enough time has passed for meaningful judgments to be made on free schools improving education standards, I will be careful in assessing those aims, but it is not unfair to say that, thus far, free schools have not lived up to their billing of being either led by parents to a sufficient extent or a major source of curriculum innovation. The number of schools established with parental involvement was at its height in the early years of the programme, with more than 40%, but that figure has now dropped to less than 20%, which is most regrettable.

Of those that parent groups did launch, several have since been taken over by academy trusts. One high-profile casualty was reported last summer, when the Greenwich free school—one of the first to be approved under the scheme and founded by a group that included a former head of strategy at the DfE—was

[LORD WATSON OF INVERGOWRIE]

handed over to a large multi-academy trust. That free school is now just another academy, suggesting the Government's vision of schools created by enthusiastic activists has run out of steam.

Academy chains now dominate the free school programme, as we have heard. Some 39% of all free schools have now been opened by multi-academy trusts, which is reflected in the view of the Sutton Trust's report that,

"as free schools have now become the default model for new schools, with all new academies characterised as such, it has become a vehicle for the expansion of MATs".

In other words, it is a monopoly—something referred to disparagingly by the noble Lord, Lord Nash, as Marxist. As a Marxist, I can say that he needs to do some more reading on that subject. I am not advocating monopolies. I really worry about the blindness of anything that can be seen to be countering the argument for academies and free schools we encounter from the Government side.

On the assumption that it was not the Government's intention that free schools should become a vehicle for the expansion of MATs, I would be interested to hear the Minister's view on that development and whether he and his ministerial colleagues intend to take action to redress the balance and provide the necessary resources for the pendulum to swing back towards parents. That is what we want to see, and it is why Labour in government will end the programme to further extend free schools and academies, to be replaced by a model that I will refer to later.

There is also the question of a failure of free schools to address demographic need. The Government have allowed the situation to develop where local authorities have statutory responsibility for providing school places in their area, yet they cannot tell free schools or academies to take in more pupils to meet that need, even where those schools are below capacity. That anti-local authority policy makes no sense and Labour will bring it to an end.

In its report of November 2017, the Education Policy Institute found that free school growth had been greatest in the areas most in need of new school places, as it should be, but it also found significant numbers in areas where there was already an excess number of places. More worryingly, I suggest, the proportion of pupils who attend free schools that are eligible for free school meals is 13.3%, against 14.7% in all schools. That was even worse in reception year, with proportions of 32% eligible for free school meals, but only 24% in free schools. That is clearly an issue that has to be addressed by the Government.

I am also concerned that free schools drive a coach and horses through sensible planning of school places and consequently waste considerable amounts of money, as outlined by my noble friend Lady Morris. I do not welcome the closure of any school so I will not overemphasise the fact that 10% of free schools have closed, but they have obviously done so at considerable cost, as outlined by my noble friend Lord Winston.

The question of what price is paid for school sites is obviously a serious one, because it has been highlighted by the National Audit Office that considerably above

the going rate or the market rate has been paid. That represents profligacy with public funds, especially at a time when school budgets are stretched to breaking point. Transparency should be at the heart of state-funded schools policy. Perhaps the Minister would care to say whether the DfE is still playing fast and loose with public finances as regards free schools and with the information provided on those finances, which is often difficult to achieve?

As the shadow Secretary of State has made clear, Labour will end the free school programme and restore the right of local authorities to open and commission new schools, but we are not doing so at the expense of parents. We have often voiced our concern about the cost-effectiveness of the programme, but we will ensure that there is sufficient capital investment and that the manner in which we spend public money is not hidden from the public. Labour policy is centred on accountability and, wherever possible, local accountability. We will return decision-making about new schools and changes to schools to the local level. We are clear that this kind of decision-making should be centred in one place and that there should be proper local engagement. Local authority decision-making is done through a proper and transparent process, unlike, I have to say, regional schools commissioners, who make decisions behind closed doors with no proper public consultation or process. That will come to an end under the national education service that we will establish.

We will introduce a new generation of co-operative schools. Those community-run schools were introduced under the Government of Tony Blair, and there are currently around 350 of them in place at the moment, which is not widely known and perhaps not widely enough talked about. We want to encourage more of these schools to open again where new schools under parental control are sought. We will allow parents and teachers who want to get involved in running them to work with local authorities to do so. But the ultimate decision as to where they should be established will rest with local authorities, not with the DfE. I think it somewhat bizarre that it is the Conservatives who favour central planning over a devolved structure, but that will change as soon as we have a general election.

What we will not do is close existing free schools or academies. Going forward, the educational landscape will be based on local accountability at the heart of it, not central control, with parents increasingly marginalised, as we have heard, under the free schools programme. That may not involve the major structural change that the noble Lord, Lord Hill, fears, but it will offer a more positive and participative approach to our children's education in the future.

1.56 pm

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, I am grateful to my noble friend Lord Nash for calling this debate to provide the opportunity to speak about the successes of the free schools programme and the contribution that they have made to improving educational standards across our country. I thank my noble friend for his continued commitment to the free schools programme and the dedication he showed as Parliamentary Under-Secretary of State for the School System before me. I

acknowledge his work with Future Academies, the trust responsible for establishing Pimlico Primary, a free school that has been rated outstanding.

The free schools programme was established in 2010, with the first ones opening in 2011. The Government invited proposers to take up the challenge of setting up a free school—groups which were passionate about ensuring that the next generation is best placed to face the challenges and opportunities that lie ahead. Now, eight years on, the benefits of their hard work can be seen across the country. As of 1 January this year, 444 free schools are open, which will provide 250,000 places when at full capacity. To reassure the noble Lord, Lord Watson, 121 of 152 local authorities now have at least one free school in their area, and we are currently working with groups to establish a further 265 free schools, currently at different stages of pre-opening.

I agree, obviously, with my noble friend Lord Popat that the free school story is a positive one. There is a growing body of evidence to show that free schools are improving educational standards. I will come to that in more detail later. I am pleased that my noble friend highlighted in particular two free schools in Harrow: Pinner High School and Avanti House. These schools are a credit to those involved in setting them up and the teachers who work there.

Ofsted's latest information shows that, of those free schools that have been inspected, 85% are rated good or outstanding. This is a fantastic achievement, and I congratulate the proposers and teachers who have worked so hard to achieve this. The performance data of free schools speaks for itself. Free schools are among the highest-performing state-funded secondary schools, with pupils at the end of key stage 4 having made more progress on average than pupils in other types of state-funded schools in 2018.

In 2018, four of the top 10 provisional Progress 8 scores for state-funded schools in England were achieved by free schools: William Perkin Church of England in Ealing, Dixons Trinity in Bradford, Eden Girls' School in Coventry and Tauheedul Islam Boys' High School in Blackburn. The latter two were opened by Star Academies, which has grown, through the free schools programme, from running a single school in the north-west to running 24 across the country, made up of nine academies and 15 free schools, and it has approval to open two more free schools. Of the 10 free schools that have been inspected by Ofsted, every single one has been rated outstanding. In addition, Dixons Trinity Academy achieved extraordinary results in 2017 and last year with its first set of GCSEs, placing it among the top schools in England for progress achieved by its pupils. Strikingly, the progress score for disadvantaged pupils was higher than for the whole school, including their more affluent peers.

The noble Lord, Lord Winston, asked about some longitudinal analysis on the impact of free schools. I have offered data here and I can offer some more, but I will write to him to bring all these strands together. On a personal note, I happened to be at that lecture at Pimlico Academy six or seven years ago. I was as inspired as the hundreds of children listening to the noble Lord that day. I speak as someone who failed chemistry O-level, but the noble Lord brought that subject alive to me that night.

My noble friend Lord Kirkham and the noble Earl, Lord Listowel, asked about disadvantage. There are numerous examples of free schools helping to improve outcomes for these children. There is the Reach Academy Feltham, which opened in 2012, which is a small all-through free school set up by a group of teachers in an area of high deprivation. Ofsted rated it outstanding in 2014. It was one of the top-performing schools nationally for progress in 2017, with disadvantaged pupils making more progress than other pupils. In 2018, provisional results show that the school has a progress score well above the national average.

I join my noble friend Lord Hill in publicly thanking my noble friend Lord Harris for the achievements of his trust. In just one example, Harris Westminster, which opened in 2014 and with close ties to Westminster School, 40% of its pupils are from disadvantaged backgrounds and 18 pupils got into Oxbridge last year. These schools show that the socioeconomic background does not need to be a barrier to excellence. To reassure my noble friend Lord Kirkham and the noble Earl, Lord Listowel, the whole of the country is benefiting. Last year, 16 free schools achieved outstanding judgments from Ofsted. Eleven of those were outside London, including Birmingham, Lancashire, Slough, Leeds, Coventry and Stockton-on-Tees.

Free schools have challenged the status quo, injecting fresh approaches. We are drawing on the talents and expertise of groups from different backgrounds, giving local communities and parents more freedom and choice so that every child can go to a good school that suits their child's needs, whether that be a mainstream school with a specialism or an alternative provision or special school. Indeed, I give public credit to my noble friend Lord Baker for his tireless work in creating the UTC programme. In 2016-17, 21% of UTC key stage 5 pupils went on to an apprenticeship, which is three times the national average.

My noble friend Lord O'Shaughnessy made the crucial point that this is all about creating more good school places. This is not the only route, but it is leading the way through social entrepreneurship. Many noble Lords in this debate have played a crucial role in the free school programme, but I can safely say that my noble friend Lord O'Shaughnessy has to be one of the godfathers.

My noble friend Lady Stroud also asked about disadvantage. It is important to stress that nearly half of all open free schools are in the 30% most deprived areas in the country. We are proud of that fact. Results also show that when disadvantaged pupils attend these free schools they perform well at key stage 4. However, we know that there is more to do to ensure that free schools reach out to pupils in these areas, and with the most recent free school wave, Wave 13, we targeted the third of local authorities with the lowest standards and lowest capacity to improve, putting free schools in places most in need of good schools. We are currently evaluating those bids.

The noble Lord, Lord Watson, is concerned about the cost of school buildings, but it is important to point out that we have reduced the building cost per square metre by over 30% from the framework that we inherited from the Labour Government. My predecessor, my noble friend Lord Nash, created LocatED as a

[LORD AGNEW OF OULTON]

specialist buying agency for property sites for free schools and it is already showing data that it is acquiring sites below the red book value, which is the benchmark for the cost of buildings.

I turn to special schools and AP schools. Our ambition includes children with special educational needs and disabilities, and children in alternative provision. We want them to be able to do their best in school, reach their potential and find careers leading to happy and fulfilling lives. To help achieve that ambition, as of 1 January this year we have opened 34 special and 41 alternative provision free schools. This includes the Pears Family School, which achieved an outstanding rating from Ofsted in 2017, with inspectors noting the high-quality therapeutic care and teaching alongside the strong progress made by its pupils.

My noble friend Lady Finn pointed out that we have now opened two maths schools in partnership with highly selective maths universities, King's College London Maths School and Exeter Maths School. The aim of these schools is to prepare our most mathematically able students to succeed in maths disciplines at top universities and pursue mathematically intensive careers. We have two further maths free schools in pre-opening—one with St John's College Cambridge and the University of Liverpool Maths College.

At the other end of the educational spectrum we have in pre-opening the London Screen Academy, supported by Working Title, which last year was the inaugural recipient of Screen International's outstanding contribution to UK film award. This new school will provide film industry-focused vocational training for 16 to 19 year-olds alongside a broader curriculum. I give that as just one example to reassure the noble Baroness, Lady Morris, and my noble friend Lord O'Shaughnessy of the innovative groups still becoming involved. We are certainly encouraging free schools to be part of MATs to draw on the central support that they offer. This is simply part of the evolution of the programme and addresses the problem mentioned by my noble friend Lord Polak about school collaboration.

Lord Watson of Invergowrie: I take the point that the Minister is making, but will he address the point about parental involvement and the decreasing number of free schools being established at the behest of local parents?

Lord Agnew of Oulton: The noble Lord will be aware that any academy needs to have an academy council that must include two parental representatives.

Lord Watson of Invergowrie: That is not the same point.

Lord Agnew of Oulton: No, I accept that, but we review all bids and they are selected on merit. One of the lessons that we have learned from the programme is that free schools are better inside MATs. Being inside a MAT does not mean that it is one size fits all. I speak as someone who set up four free schools myself inside a MAT. There is a wide range of different practice inside those schools. To reassure the noble Lord, just because a free school is in a MAT does not mean that it is outside parental involvement or input.

Lord Hill of Oareford: I remember a time when members of the Labour Party were against free schools because they involved parental interest. They were opposed to free schools because they thought that parents would not be able to take on the running of free schools. Now they seem to be saying that they are not in favour of free schools because they do not involve parents enough. I do not know if there has been a change in the policy in the intervening years.

Lord Agnew of Oulton: I rather agree with my noble friend that the Opposition seem to have gone on a journey. When free schools were originally mooted under my noble friend's tenure we were told that no one was capable of creating one other than the Government. We have put paid to that myth.

Baroness Morris of Yardley: How can the Minister say that when he inherited an academy programme introduced by the Labour Government, which had the noble Lord, Lord Harris, and other people sponsoring schools, not local authorities? It is an inaccurate description of what went on.

Lord Agnew of Oulton: There were 200 out of some 22,000 schools. My noble friend Lord Harris was not a parent. We certainly built on the early foundations that Labour created in the academies programme, but there was not a great deal of evidence in those early 200 of parental involvement in their creation. Specifically, the programme went on after very experienced, dedicated people such as my noble friends Lord Nash and Lord Harris, became involved. They were well beyond parental age at the point.

Lord O'Shaughnessy: This is a really important point. I pay absolute tribute to the Labour Party for the academies it set up, which were obviously based on the CTCs and on a principle of autonomy at school level, of competition of choice and variety and innovation. But it must be pointed out—it is a while since I opened a free school or applied to open one—that you physically had to go round to parents, even if you were not a parent group yourself, and get them to commit to send their child to your school. It was baked into the creation of schools in a way that has never been done in this country, regardless of the nomenclature of free schools, academies or anything else. That alone is one of the unique and extremely welcome features of the free school movement that must continue to play a critical role in whatever form. I agree with my noble friend that the security of being in a multi-academy trust can be helpful, but that parent-driven demand is critical to its success.

Lord Agnew of Oulton: The noble Lord, Lord Addington, mentioned off-rolling and picked out a single school, the Hewett school—which strikes a slightly raw nerve, as I was the chairman of the trust that took it over. That school was a wonderful example of what we were dealing with in the reforms that we brought to education. The school was built for nearly 2,000 pupils and run into the ground by a local authority. At one point it was the largest secondary school in England, but the local authority hung on to it, delivering appalling education until, finally, when my trust took it over,

there were fewer than 500 pupils. It was in chaos. Sorting out such situations, where a trust inherits protracted and entrenched failure, is no small undertaking. That ex-local authority school is a classic example of why the nirvana of so-called local democracy is meaningless in many cases.

We want to go further, to make sure that no one is left behind, by extending the programme to areas of the country that have not previously benefited from it. To this end, we launched Wave 13 last year, targeting the areas of the country with the lowest standards and the lowest capacity to improve. These are the places where opening a free school can have the greatest impact on improving outcomes.

Lord Addington: Looking at free schools and academy trusts, off-rolling is coming in. Will we look at why that is happening? I was at the Hewett school many years ago; most of the teachers will now be dead. I do not dispute that it has changed. It was a case of it having happened there and it catching my eye because I had a personal connection. What happens when you off-roll a group of people who are seen not to be achieving and who will damage you in the league table? What structures do we have in place to make sure that that is not happening—and we are not simply dumping them?

Lord Agnew of Oulton: Off-rolling is dealt with in the report by Edward Timpson which will be released quite soon—I think in the next few weeks. I will make sure that the noble Lord gets a copy of it. It certainly addresses all the issues that the noble Lord raises. One point that it makes is that academies are no more aggressive in off-rolling than anybody else in the system. I acknowledge that it is a problem. When I was running my trust, for any permanent exclusion I always said to a head teacher that they had to telephone me personally and told them, “This is a professional failure on your part”. We need to be much more rigorous, but I can assure noble Lords that the practice is widespread also among local authority schools. It is a complicated issue, because there is whole range of categories that a school can use when it shunts a child out of the door. For example, category B is sending a child home to work, although it really wants to get rid of the child. It is a very complicated area, but I will send the noble Lord the report as soon as it is available.

The application window for Wave 13 closed on 5 November. We received 124 applications. A rich collection of potential schools is proposed by a range of groups with a variety of expertise, both new providers and experienced multi-academy trusts. We are assessing those proposals and will announce the results later in the spring.

To answer the concerns raised by my noble friends Lord O’Shaughnessy and Lord Hill, we are planning a further wave, Wave 14, which will continue to put free schools into the areas of most need. Innovation remains key. I can reassure the noble Lord, Lord Storey, that free schools are different because they start with a different ethos. They have the same legal basis as an academy, but having set up four myself—as I mentioned to the noble Lord, Lord Watson—I know that they are quite different.

A further 55 special and 14 AP free schools are in the pipeline. Last summer we launched a special and AP free schools wave. By the deadline in October we had received 65 bids from local authorities, setting out their case for why a special or AP free school would benefit their area. Early this year we will launch a competition to select trusts in the areas with the strongest case for a free school.

My noble friend Lord Polak asked about the religious designation of special schools. He is right that they cannot have a specific designation, but they can acknowledge the religious impetus behind their application by registering themselves as having a faith ethos.

Beyond this, the noble Earl, Lord Listowel, raised some important general points, in particular about recognising the importance of teachers. I echo the point made by the noble Lord, Lord Storey, and others, that that is the key to a good education. We have accepted in full the STRB’s recommendation of a 3.5% uplift in the minimum and maximum of the main pay range—one of the largest increases in 10 years. Last year we published a workload reduction toolkit, and we continue to work extensively with the unions and Ofsted to challenge and remove unhelpful practices that create this unnecessary workload. For me that is the most important issue: most teachers do not feel underpaid but do feel that they are put upon with a lot of unnecessary bureaucracy. That is one of my priorities.

We are also working with Ofsted to produce a new inspection framework. A consultation document will be issued in the next few weeks. The framework challenges the senior leadership teams, during inspections, on the workload that they are imposing on their teachers.

The noble Lord, Lord Storey, raised the issue of structures versus standards.

The Earl of Listowel: I welcome what the Minister says about workload, but my strong sense, gained from many people working in the field, is that the emphasis on Ofsted, and the threat that a head teacher may lose their job—and career—over a negative Ofsted report, is too harsh. We need to challenge people but also to get the balance right. I am, therefore, not completely reassured by what the Minister has just said about the framework.

Lord Agnew of Oulton: The noble Earl is right in saying that in this country Ofsted seems to command more influence in the sector than happens in other countries. This is a cultural issue, and one of the first things my Secretary of State did when he arrived last year was to produce a video that showed him and the Ofsted chief inspector on a panel trying to slaughter some of the myths about inspection outcomes and so on. It is a cultural issue that we will not be able to deal with overnight. However, I accept his concern.

I am conscious that I am running out of time. The noble Baroness, Lady Morris, is correct: we have cancelled some projects during the pre-opening process. In my view this demonstrates our rigour in ensuring that the quality bar is kept high. The point made by the noble Baroness about good governance is also correct. As the noble Lord, Lord Nash, said, however, 50% more free schools have achieved “outstanding” judgments than the average in the state school system—so something must be going right.

[LORD AGNEW OF OULTON]

Of course, along the way not everything has gone right, as the noble Lord, Lord Winston, among other noble Lords, mentioned. We have closed some 13 free schools, seven UTCs and 21 studio schools, and where failures occur we take swift and decisive action. I agree with my noble friend Lord Popat that we cannot shy away from failure and that we should address it and learn lessons from it.

I finish by quoting the motto of the academy trust of my noble friend Lord Nash: “*Libertas Per Cultum*”—freedom through education. Education provides the stepping-stone to improving people’s lives. Free schools play an increasing role in that work.

Lord Winston: I thank the noble Lord for his comments. I do not want to extend the debate beyond the time allotted. Listening to it, however, is one of my PhD students who is a qualified teacher with a Cambridge degree. He is evaluating some of our work. It seems to me that we need to be evaluating not just entry to Oxford and Cambridge but the wider issue of the scientific and cultural capital of school leavers who may not go to Russell group universities such as the one where I teach. This is not a party-political thing for me—I do not go to schools as a member of the Labour Party but as someone who wants to help people have aspirations. I hope that we can persuade the Minister to say how we can look at the metrics on things that do not involve merely exam results, because education is so much more important than that. I hope that we can collaborate in that.

Lord Agnew of Oulton: I would be very happy to meet the noble Lord’s PhD student if that would be helpful in pushing the discussion on. All noble Lords present, particularly on this side, got into this for no other reason than to improve the quality of educational outcomes and the lives of the less advantaged people in our society. We all share that passion. We will have vigorous debates about how it works, but I am absolutely up for learning from the mistakes we have made. Some schools have closed. We backed some of the wrong promoters in the early stages and we have learned from that and moved on. Therefore, if the work that the noble Lord’s PhD student is doing can shed any more light on how we can improve going forward, I would be delighted to be part of that.

2.20 pm

Lord Nash: My Lords, I have greatly enjoyed today’s debate. As always, I found myself agreeing with much of what the noble Baroness, Lady Morris, said, although I struggle to accept criticism about costs—the same applies to the noble Lord, Lord Watson—bearing in mind the many examples of profligacy that we found in the education system when we took over in 2010, including the Building Schools for the Future programme, which ran, by some estimates, £10 billion over budget. People in glass houses, as the saying goes.

On the point made by the noble Baroness, Lady Morris, about changes to the free schools programme, new products and new ideas evolve and change. As she said, the key is to create good schools. As she also said, perhaps the programme should evolve further to be, in

some cases, more prescriptive. I agree entirely with her and my noble friend Lord Hill that sometimes we are far too focused on structures. However, I think that structures are important. As I think Tony Blair said, unless you get the structure right, you cannot move on. However, I think that the noble Baroness missed off her list of what makes a good school two very important points: what is taught and how it is taught—which leads me back to my point about prescription.

It was very good to hear from my noble friend Lord Harris. As my noble friend Lord Hill said, his role in education in this country has been truly transformational. I was very glad to hear him mention Sir Dan Moynihan, who runs the Harris Federation extremely well. He also mentioned the noble Lord, Lord Adonis, without whose help none of us involved in schools in this way could be here. I was interested to hear from my noble friend Lord Kirkham about his involvement with the Duke of Edinburgh’s Award and the Outward Bound Trust—organisations that schools in my academy group engage with actively. Evidence from the United States is quite clear that the single most important experience for raising pupils’ confidence and self-esteem is Outward Bound trips.

It was kind of the noble Earl, Lord Listowel, to say what he did about staying-put arrangements for children or young people in fostering after the age of 18, because that was in fact entirely thanks to him and his perseverance. He badgered the Government endlessly on this point and that resulted in my going to see Michael Gove. This was at a time when we were trying to recover from the dreadful economic mess we had inherited, saving money wherever we could. I explained to Michael Gove why I thought this was a good idea but said that it would cost £25 million a year. However, it took him less than a minute to see the sense of it and he agreed to it. My noble friends Lord Polak and Lord Hill paid tribute to my right honourable friend Michael Gove. In this instance, he again showed that he is a truly principled politician who is also prepared to be highly action-orientated.

The noble Lord, Lord Winston, referred to Imperial College’s outreach programme, which I know from personal experience does great work. I thought that his point about the importance of non-scientists understanding science was extremely well made—and I say that as someone who went through his entire education studying no biology at all.

A number of noble Lords opposite mentioned failure. Perhaps I may split the programme between free schools, pure free schools, UTCs and studio schools. In free schools there have been very few failures—although, as the Minister said, we are keen to learn from those there have been—and a great many successes. It is true that there have been many closures of UTCs and, in particular, studio schools—but, as the noble Baroness, Lady Morris, said to me when we took T-levels through your Lordships’ House, we desperately need to improve technical education in this country. That is a very difficult challenge. Successive Governments on both sides have tried and failed. We need to persevere and learn from our mistakes but stick at it.

My noble friend Lord Polak mentioned his involvement in a number of free schools. I know from personal experience that his help has been invaluable. I was very

glad to hear my noble friend Lord Popat mention my noble friend Baroness Evans's and the New Schools Network's central and very important involvement in the free schools programme.

It was very good to see the noble Lord, Lord Watson, on such good form. I too always enjoy our contests. I was a little disappointed to hear how negative he is about the ideology of the free schools programme, including the statement that free schools have driven a coach and horses through the sensible planning of new school places. At least we have a policy on this. As my noble friend Lord O'Shaughnessy pointed out, the Labour Government had no policy whatever for new places, despite presiding over 13 years of uncontrolled immigration. In fact, they cut the number of places. I will forgive him for his comments, as he is a Marxist by his own admission. He invited me to read up a bit more on Marxism. I would be very grateful, in a spirit of mutual open-mindedness, if he could send me a reading list.

I greatly enjoyed today's debate and I thank all noble Lords for their contributions.

Motion agreed.

Western Balkans *Motion to Take Note*

2.28 pm

Moved by Baroness Helic

That the Grand Committee takes note of developments in the Western Balkans and the threat posed by instability and insecurity in that region.

Baroness Helic (Con): My Lords, I rise to speak deeply and sadly conscious of the absence of the late Lord Ashdown. In my experience, there is no one in Parliament or in our excellent Foreign and Commonwealth Office who could match the breadth of his experience and knowledge of the western Balkans. During the Bosnian War in the 1990s, most politicians, including some from my own party, pontificated from a distance. Lord Ashdown went in and out of Sarajevo during the longest siege in modern history, across a risky mountain route and through a tunnel burrowed into the city. As the BBC's Jeremy Bowen put it:

"He used his own eyes and ears to work out the war's rights and wrongs".

When he warned successive British Governments, as he did over many years, about the danger of disengaging from the region, he did so with the authority of being the former High Representative to Bosnia-Herzegovina who presided over the most successful years in the country's post-war history.

It was down to Lord Ashdown's courage, determination and diplomatic skill that Bosnia managed to recover from the most savage of wars, soaked in the blood of war crimes, genocide, organised mass rape and killing on a scale not seen in Europe since the Second World War. As high representative, Lord Ashdown successfully established a state-wide military and a unified police command and supervised the establishment of the Bosnian judicial system. He oversaw the establishment of a single-state intelligence structure under parliamentary

oversight, a unified customs service and an expanded Council of Ministers. He was not afraid to look the local and regional politicians in the eye and challenge them. As a result, Bosnia has outlived people such as Serbian President Slobodan Milošević and Croatian President Franjo Tudman who sought to dismember the country on ethnic lines and Radovan Karadžić, Ratko Mladić and others who reside in prison cells in The Hague today. When I first applied for this debate a few months ago, Lord Ashdown and I spoke about it, and he immediately agreed that he would speak. I shall greatly miss his wisdom and his friendship, today and in the years to come.

The western Balkans have gone through an extraordinary transformation in the past 20 years. Slovenia and Croatia have joined NATO and the EU. Albania and Montenegro are NATO member states, and Serbia has EU candidate status. Kosovo has obtained independence and survived an active campaign to delegitimise it. Bosnia has held together despite continued efforts to break up the country—a danger I will return to. Perhaps as a result of this apparent progress, we have treated the region as a lesser priority in foreign and security policy. In the EU, in particular, there has been a consensus that regional problems should be left to regional leaders, ignoring the fact that many of those leaders say one thing in Washington, London and Brussels but quite another when speaking to their local audiences and carrying out their policies.

The EU is divided internally on policy towards the western Balkans and diplomatic expertise on the region has been hollowed out. The US appears to be largely disengaged, and while I welcome our Government's hosting of the western Balkans summit last year, in place of transatlantic unity and leadership and a long-term strategy towards the region, at the international level as a whole we see only tactical moves without a clear plan or vision.

I returned from the region on Tuesday evening feeling more concerned than ever about local trends. Bosnia, Kosovo, Albania and Serbia have more than 50% youth unemployment. Across the region, young people are leaving in hundreds of thousands, looking for a better future, particularly in Germany which is harvesting young, educated and able graduates who see little hope of success and security under their political leaders at home.

From Albania to Kosovo, Macedonia to Serbia, Montenegro to Bosnia and Croatia to Slovenia, Russia is seeking to gain influence in the region and peel it away from the western alliance. The Putin regime has never accepted the post-Cold War settlement in Europe. Russia's aggressive actions against Ukraine are the most visible example of this, but we should be equally concerned about its policies towards the Balkan states, where there is evidence of Russian disinformation campaigns and funding of political organisations and candidates and, in the case of Montenegro, an alleged Russian-backed coup attempt. Let us also not forget the recent allegations of Russian interference in the Greece-Macedonian negotiations over the name issue.

Negative outside influence in the region is not confined to Russia. Turkey is seeking to recreate the influence amongst Muslim populations that it lost

[BARONESS HELIC]

centuries ago. Chinese and Gulf investments are emboldening corrupt forces and distorting local politics. We see the emergence of radicalisation as well as right-wing militarism in Muslim foreign fighters from the region joining ISIS in Syria and Iraq and in Orthodox Christian radicals fighting for Russia in Ukraine.

Serbia continues to choke Kosovo's future by urging countries to derecognise its statehood and by blocking its entry into international institutions. In this regard, I find it extraordinarily short-sighted that EU-sponsored plans for changes to the border between Kosovo and Serbia are seriously being contemplated. They fly in the face of 20 years of European and United States policy that the map of the western Balkans is finished and ignore the high probability that any such agreement would be used as a pretext to justify the redrawing of borders in the region and beyond. I hope the Minister can clarify the UK's position on this proposal and shed light on whether the Government really believe that it is possible to change the border between Serbia and Kosovo without having an immediate and long-term impact elsewhere, for instance in Bosnia, Georgia, Ukraine or the Baltics.

Sadly Serbia, and to a lesser extent Croatia, are still enabling their proxies in Bosnia to undermine the country's sovereignty, Croatia by encouraging the HDZ party to create a third, Croat, entity within the federation and using its membership of the EU to champion that, an enterprise that is fully supported by Russia, presumably because of its potential to contribute to the dissolution of the country, and Serbia by supporting secessionists in the smaller Bosnian entity of Republika Srpska. Yesterday Republika Srpska celebrated so-called statehood day: the date in 1992 when, by declaring their own state, Bosnian Serbs triggered the devastating four-year war that killed more than 100,000 people and left millions displaced. Even though Bosnia's constitutional court declared that unconstitutional in a ruling in 2015, celebrations were held, presided over by the entity's president, whose declared policy is for the entity to eventually break away from Bosnia and join Serbia. The celebrations were attended by the Prime Minister and Defence Minister of Serbia, while Serbia's President sent a congratulatory letter. There is no doubt about the signal this sends: a country that aspires to EU membership, Serbia, is directly undermining the sovereignty and territorial integrity of a neighbouring country. Moreover, it is doing so in the company of Russia, whose ambassador to Bosnia also attended the event, along with the Russian paramilitary unit beloved of President Putin, the so-called Night Wolves who have reportedly fought in Russia's illegal annexation of the Crimea and the occupation of eastern Ukraine. Ahead of the parliamentary parade, Serbia's Prime Minister received the Order of the Republika Srpska, previously granted to convicted war criminals Radovan Karadžić, Ratko Mladić, Plavšić and Šešelj.

During Lord Ashdown's tenure in Bosnia, any individual who challenged the Dayton peace accord in the way this event did would have been sanctioned through the Bonn powers attached to the office of the high representative. Today, there has not even been a statement from the EU, the United States, or indeed our own Government. I hope the Minister can share

his department's analysis of these events and indicate what plans there are to respond diplomatically with our European partners? I fear that our silence is read as a green light for further actions by some leaders in the region who are pushing their backward nationalist agenda in this way, keeping the region in a state of permanent insecurity and tension and holding hostage the future of millions of young people.

I have spoken at some length about Bosnia because every single problem that affects countries in the region is brought together and magnified in this country, and it remains the most dangerous potential flashpoint, along with the border situation in Kosovo. The effectiveness of our policy towards the western Balkans should be judged by whether it secures or allows the further destabilisation of Bosnia-Herzegovina. In the words of Lord Ashdown in the debate last May:

"We are acting as the unwitting deliverers of the policies of Tudman, Mladić, Karadžić and Milošević—by mistake; we do not mean to, but we are sleep-walking into it".—[Official Report, 24/5/18; col. 1128.]

I welcome the Government's effort to help and to keep a focus on the region even as our diplomatic energy is consumed by Brexit, but this alone is not going to be enough to reverse these negative trends. Regardless of whether we are in or out of the EU, we cannot afford the Balkans to be unstable, or dominated by the Russian state or to be a region marked by drugs, guns or people trafficking and radicalisation.

What I hope to see is Brussels, London and Washington acting as one with a well-developed strategy for the whole region. This should include: rolling back Russian influence; making clear that the redrawing of the map of the region is over; leaving no doubt that any efforts to undermine the sovereignty of any country in the region will not be tolerated; and showing our determination not to shirk our responsibility to impose sanctions on those who undermine peace agreements there. Specifically in regard to Bosnia, we ought to make clear that the Office of the High Representative will be supported, including in the exercise of the Bonn powers, until the country is irreversibly on the path to NATO and EU membership.

I urge that, as part of our new strategy, we should support young people across the region in the development of civil society, democratic parties and institutions that can guarantee the rights of all citizens, regardless of their ethnicity or religion. The lesson of Lord Ashdown's tenure in Bosnia, and indeed of our foreign policy over the past 20 years, is that pre-emptive diplomacy to prevent conflict and address insecurity is manifestly in our national interest, and that the investment needed to deter violence or insecurity is a fraction of what is needed to respond after the event.

I sincerely hope that the Government will take the lessons of history to heart and will work with the United States and their partners and allies in Europe and the region to pursue a robust, reinvigorated long-term strategy for the western Balkans. I also hope that the Minister will consider ways in which we could recognise Lord Ashdown's legacy, not only by building upon what he has done but, for instance, by naming the Government's fellowship programme for young leaders in the region in his name and in his memory. I beg to move.

2.41 pm

Lord Browne of Ladyton (Lab): My Lords, I draw your Lordships' attention to my entry in the *Register of Lords' Interests*, particularly my chairmanship of the European Leadership Network. I thank the noble Baroness, Lady Helic, for securing this debate, for the Motion, and for her opening speech, which she delivered with passion and obvious knowledge. She has already generated sufficient questions for the Minister to spend his 20 minutes of summing up in responding to them; they are interesting, challenging questions. I am grateful to her for the information she has imparted to me. I do not make this speech suggesting in any way that I have any expertise about the western Balkans but I have a strong interest in this debate, as I will come to in a moment.

I associate myself entirely with the words of tribute to the late Lord Ashdown. He had a very close relationship with Tony Blair, who was the Prime Minister when I was first elected to Parliament. Although he was close to many of my colleagues in the Labour Party, I did not then have the benefit of having been in Parliament long enough to establish that relationship with him. I regret that I did not get to know him as well as I would have liked. Having read and heard many tributes to him recently, I have in my head—from my reading and from others' appreciation of him—a man of outstanding energy, courage, loyalty, generosity and sense of duty. So I am happy to be associated with the noble Baroness's words of tribute to him and I too hope that our policy in the longer term in relation to the western Balkans will be a monument to his contribution to the stability of that region. He deserves no less.

I spent this morning with the noble Lord, Lord Ricketts, at the Royal College of Defence Studies, contributing to a course on strategy and strategy-making. It was a course for international military officers including, interestingly, an officer from Bosnia and Herzegovina. Among other things, we were asked to explain how in that realm of strategy, from our experiences, conflicting conditions surrounding strategic decisions can survive domestic politics. That is a significant challenge, where there is competition domestically for resources against foreign policy, military deployment, the use of resource for nation-building, or whatever.

From my own knowledge of the consequences of a destabilised western Balkans—the matters which the noble Baroness identified, relating to guns, drugs, people trafficking and money laundering—it is incredibly easy to explain to the people of the United Kingdom why that should be a priority for us. This problem comes to our borders and our communities. It is manifestly there, not just in the shadowy parts of our communities in cities but also to some degree in the City of London and businesses in this country. It undermines our way of life, and for those selfish reasons rather than for others, we have a collective duty to engage and to ensure that the people of the western Balkans can be released from that tyranny, wherever it comes from.

I put my name down to speak in this debate because in the run-up to the London summit, on the 27 and 28 June last year, the European Leadership Network, which I chair, hosted a round-table discussion here in the House of Lords under the co-chairmanship of

myself, a member of the European Leadership Network and the former Albanian Defence Minister, Fatmir Mediu. He was the Defence Minister of Albania at the same time as I was the Secretary of State for Defence here in the United Kingdom, and—entirely coincidentally—at that point Albania joined NATO. I am therefore, in his mind, associated with Albania's membership of NATO, which is important and which he is very proud of. We have kept in close contact, and this round-table discussion was at his inspiration. I co-chaired it with him, and I can tell noble Lords that our visitors who attended that meeting, which brought together former and serving officials from most Balkan countries, ambassadors and representatives of the OSCE Parliamentary Assembly, as well as UK parliamentarians, were all delighted to be here in the House of Lords. I observed that that environment caused them to engage with one another in a way that I suspect would have been more difficult for them in other environments. I attend quite a lot of multilateral, Euro-Atlantic meetings in the security environment. Such engagement between parliamentarians, when Members of our Parliament are involved, is motivating for a significant number of our visitors, and we should do much more of it. We should deploy this soft power much more extensively in driving our foreign policy agenda.

All the participants in that round table agreed that local customs and culture and shared values united the region far more than the issues that set their people and countries apart. Several speakers also voiced their hope that their history would not define the future of the western Balkans and the outlook for that region, which, they observed, had significantly improved over the past 12 months despite the manifest challenges that the noble Baroness set out clearly and knows well—probably better than most of us in this Room. During the discussion, the presenters also highlighted the two main goals for the region. I do not think it will surprise anyone that they were NATO and EU membership and full integration into the Euro-Atlantic community. They argue that this will serve as a binding force not only between the countries of the western Balkans and the rest of Europe but between the states in the region, and it would help overcome the internal polarisation.

While the role and contribution of the EU were celebrated by participants, several people also voiced their concerns that the European Union may choose to treat the integration projects as a series of boxes to be ticked rather than a goal to be pursued. The main challenge they identified concerned the lack of leadership and capacity in Brussels for substantial change. They said that if partners could or would not offer better incentives for the political leaders in the region, constituents in the accession and pre-accession countries could come to populism and the offer of more radical solutions to their concerns. The increasing influence of Russia and Turkey was mentioned in some detail as a by-product of the lack of European strategic direction and energy in the day-to-day operations with the western Balkans. Everyone acknowledged the difficult environment in which the EU needs to address and square the concerns of its own citizens and those who aspire to be its citizens. However, it was also mentioned that,

“the Euro-Atlantic community must fill the vacuum”—

[LORD BROWNE OF LADYTON]
of political direction and vision—
“or others will”.

That is a direct quotation.

From this summit there came a number of action points. I shall share just those that relate to security, which is the focus of this debate. External players are clearly a significant concern for the region and its representatives. Speakers saw most external actors as merely pursuing their own national interests, to the detriment of those of the region. Religion, which is deeply woven into these societies, is being manipulated and the potential for extremism to spread is increasing. Regional countries must therefore increase their national resilience. Europe and partners across the Atlantic have a role to play in that, particularly with regard to sharing of lessons learned and best practice.

Returning foreign fighters are another threat. Sharing intelligence data, even at a regional level, can substantially improve current operations, but the region perhaps has something to teach the rest of Europe about de-radicalisation and reintegration of people back into communities. Thus it would be helpful to establish in the region an academy on preventing violent extremism. There are also positive and negative lessons to be drawn from the experience of UNPRODEF stabilisation.

Finally, NATO is seen to have a stabilising role to play. Some experts suggested that it should immediately offer membership to Macedonia—although that has moved on—a membership action plan to Bosnia-Herzegovina and participation in the Partnership for Peace for Kosovo. It should also consider the establishment of a regional Partnership for Peace forum where countries can share experiences and best practice.

Since then, of course, the summit has taken place. In anticipation of this debate I read the summary of the report of that summit and it is perfectly clear to me that the UK was unanimously considered to be an important actor in the set of ambitions that these countries have. They all wanted to see the United Kingdom championing this trajectory and were looking forward to the UK continuing to champion EU accession for the western Balkans six. I understand that the Government confirmed at the London summit that they would continue to do this even after Brexit. I was struck by some interesting words in the summary. Significantly, a risk is identified,

“that UK leverage in the region will be reduced if it is no longer involved in the EU accession process”.

The summit called on the Government,

“to explain its vision for an independent UK role in the Western Balkans, to clarify what it wants to achieve in the region and to explain how it plans to get there ... to push for the Summit to adopt a robust set of commitments that can make a real difference in the Western Balkans”.

In short, it seems that we have not yet satisfied the question of how the United Kingdom intends to continue to play that role when it is no longer a member of the European Union. That is my most important question to the Minister.

In summary, I read with interest the speech delivered by Ambassador Kemp at the western Balkans Foreign Ministers’ meeting in November, which was published on the Foreign and Commonwealth Office website. I congratulate the Government on following through

with a set of significant commitments, particularly in engagement on security. These can be read on the website; I do not intend to read them out. But they seem to be a start, rather than something that would draw to conclusion the stability and security that are necessary for these countries. While I unequivocally commend the Government on the steps they have taken, there are still significant challenges and these, as I said earlier in my speech, will have a significant effect on the sustained security of our own citizens here in the United Kingdom. This is a collective ambition and I hope that more can be done.

2.55 pm

Baroness Barker (LD): My Lords, I thank the noble Baroness, Lady Helic, for this debate, which, sadly, is timely and appropriate. I thank her for giving me the opportunity to tell your Lordships’ House about an event that took place in Sarajevo on 27 December. Joseph Ingram wrote a report of it and he said this. Citizens of Bosnia and Herzegovina held a spontaneous commemorative service in the “iconic, reconstructed city hall”. The hall was,

“filled to capacity, and despite being nationally televised, had people lined up outside trying to be part of it. The ‘Mothers of Srebrenica’, a group that represents survivors of the most horrific massacre of innocent civilians on European soil since World War Two, had announced that they too intend to honour the work of this extraordinary human being”.

The event was dedicated to one man. He was born in India. He grew up as a lad in Northern Ireland. He left school, joined the marines and became a captain, a diplomat and spy. Then he gave up everything and, after a period on the dole, went on to become a youth worker and eventually the gallant MP for Yeovil. In this House, we knew him as Lord Ashdown of Norton-sub-Hamdon, but he was always Paddy.

He had a wide range of interests. He had forgotten more languages than most of us have ever learned. He could quote the poetry of John Donne at will. He was an informed and passionate supporter of activists for democracy in Hong Kong, when nobody else took any notice, and he packed more achievements into a lifetime than most of us could imagine, but he was always first to admit that the source of his great strength was Jane. In public she was a quiet figure, but to those of us who know her she is a charming, funny and formidable woman.

I will give you one vignette which sums up both of them. Like all good leaders, Paddy used to invite people in to advise him, talk to him and argue with him. In 1992 I was one of the small group. Early one morning, he posed us the question: should I go to Bosnia? We went round the room and we all said no. We gave him all sorts of reasons why it was a really bad idea, and I left the meeting certain of only one thing. He was going to go. We all saw the TV pictures recently, but what we did not know until we read his autobiography was that he had come under fire, as the noble Baroness, Lady Helic, told us. But he went because he saw a group of people being treated unjustly, and he thought that he could and should do something.

Some months later, I was talking quietly to Jane at our party conference and I said to her, “It must be awful for you and the kids when he goes off on trips

like that". She said, "It is, but what is much worse is having to put up with him when they stop him going. Then he is just unbearable". She went on to say that whenever Paddy went to the Balkans he carried thousands of letters backwards and forwards to people starved of news and desperate to know about their relatives. He never wrote about that.

From Somerset to Bosnia, from the people in the highest echelons of the UN to small groups of local Liberal Democrats, we were very privileged to walk alongside him, a remarkable man with a vision of a world in which freedom, justice and fairness exist for all in their diversity. It will be a great privilege to carry on his work.

I am pleased to say that one of the great things I got to do was to talk to Paddy a lot about the Balkans. I have been on visits recently to Kosovo and Serbia and have been to other parts of the Balkans in a private capacity. I am a member of the All-Party Parliamentary Group on Kosovo. I would always come back and talk to Paddy about what I had seen, and he would give me a whole other level of understanding. It was not just his appreciation of the politics of the region but his absolute understanding of people—from the most hardened of embittered fighters to women and young people—that gave him a completely unique perspective, which he took back and forth and around the world to different policymakers. So it is with his help that I speak today.

On my trips to the region, I have been immensely impressed by our embassies. The FCO presence in the Balkans is truly remarkable. I am indebted to Denis Keefe, our ambassador in Belgrade, for this amazing tome about the complex history of *British-Serbian Relations from the 18th to the 21st Centuries*. The noble Baroness, Lady Helic, referred time and again to the historical context in which we have to look at things. It is a long and complex history which stems from the geopolitical significance of the Balkans and the United Kingdom. It is absolutely right, as she and noble Lords said, that we hold this debate today in the knowledge that whatever happens with Brexit, the calibration of the British geopolitical standing will have a huge difference. In all the visits I have made since Brexit has been on the agenda, not just to the Balkans, there is an acute sense that people around the world understand that our place in the world will change. As a trading partner we will be different if we are not part of the EU. Others may say that we have a different place in the world, but those of us engaged in this are perhaps mistaken if we assume that we can carry on with the same sort of bilateral understanding we have had until now.

A key and central thing we need to do as a result of this debate is to ask the Government how they are going to recalibrate their relationship with third parties such as the western Balkan states in the new relationship, whatever that is, with the European Union. We cannot work on the assumption that all the agreements and good will we have had to date will continue. I took part in the civil society summit in September. I understand that the United Kingdom does and will continue to wield an immense amount of soft power. I have been tremendously impressed by the work of the British

Council throughout the western Balkans. Things such as arts programmes may not appear to have a direct relationship to security, but we know they do. If we secure and cement relationships, particularly emotional relationships with young people, we are having a direct impact on the security of our nation. It is interesting for anybody who goes there to hear politicians, particularly in places such as Serbia, draw very much on the political relationships they have with Russia and that side of the world, but to look at the young people and to understand that their economic and cultural aspirations lie in Europe.

On the question of civil society and investment in it, at the summit the British Government made a commitment to continue their involvement in various programmes. I wonder whether the Minister could give more detail about this in his response. When I was in Kosovo and Serbia, two things struck me as being of the utmost importance: the role played by women in the development of business and economics, and the role of young people. One cannot but be struck by the level of unemployment among young people. If these countries are to thrive, it will be in new areas of industry and with a new approach. Investment in young people and in women will be paramount. What are the Government going to do to support women and young entrepreneurs in particular?

We all know that you cannot have security if you do not have a basic, functioning democratic structure. Much is being done—particularly through the EU—to strengthen programmes for democratic engagement, and the investment the EU has so far put into anti-corruption programmes is important. How will the UK Government continue to be involved if Brexit goes ahead? The threat is that we could become estranged from policy-setting within the European Union and take a divergent path. That would serve neither us nor the countries of the western Balkans at all well.

Finally, I believe that the Westminster Foundation for Democracy is to have renewed investment. What does the Minister envisage this will bring about, particularly in relation to strengthening opposition political forces in the various parliaments? When one visits parliaments, one is keenly struck by the lack of a credible and formal opposition—not in one particular country, but in all of them. This is a tremendous weakness. It does not help with the democratic oversight of the functions of government.

I return to my friend Lord Ashdown and one of his many quotes about his time in Bosnia. By any stretch of the imagination, he achieved remarkable advances in the most difficult of circumstances. Looking back on his time dealing with men, women and young people who were severely traumatised but desperately hoping to work their way towards normality and economic advancement, he said:

"History teaches us these lessons for the interveners: leave your prejudices at home, keep your ambitions low, have enough resources to do the job, do not lose the golden hour, make security your first priority, involve the neighbours".

My question to the Minister is how, in the shadow of Brexit, will the UK maximise its historic ties to the western Balkans and succeed in doing this?

3.09 pm

The Earl of Sandwich (CB): My Lords, we have heard a most moving tribute to Lord Ashdown. I want to be the first to thank the noble Baroness, Lady Barker, for sharing that with us.

I also thank the noble Baroness, Lady Helic. How fortunate we are that she has brought so much valuable experience of the Balkans to this House. This is a region which deserves special attention in this country. It is not a faraway place; in fact, it remains one of the world's flashpoints, and we are one of the nations responsible for its stability and security. The noble Baroness mentioned the threats from Russia and Serbia in that region and was focusing on Bosnia and Herzegovina. I can think of no one except the late Lord Ashdown who has voiced such a concern more than once, and we all remember the warnings that he gave us in previous debates about NATO and the Balkans.

I was a neighbour of Paddy Ashdown. We used to meet at Crewkerne station; he preferred it to Yeovil, I think, as it was a bit quieter. I admired his enthusiasm and of course his success as a parliamentarian. The noble Baroness, Lady Barker, mentioned his service in Hong Kong. He continued to maintain an interest in human rights in Hong Kong. My noble friend Lord Alton wanted me to say specifically that Lord Ashdown was patron of Hong Kong Watch alongside my noble friend and the noble Lord, Lord Patten.

We need to act on the warnings from Lord Ashdown and others but only if we continue to co-ordinate carefully with our European allies after we leave the EU, as the noble Baroness, Lady Barker, said. I have to mention that I travelled alongside her to Kosovo not very long ago, and she is a most persistent questioner of Ministers, not just here but in the Balkans, so I am sure she will get back there.

Essentially, the warnings were about the power of nationhood. We in this island, even with our long history of four nations, can hardly appreciate the strength of feeling between ethnic groups that fought each other only in the last generation. Srebrenica remains a symbol of the worst genocide imaginable in our lifetime, and that community is still devastated and scarcely able to rebuild, although some individuals and charities have done extremely well. Many other towns, such as Mitrovica in Kosovo, which we have visited, straddle a fault-line that will need patching for many years to come if present boundaries are to be maintained.

So we say that only NATO and its related forces can guarantee peace, and only the EU can bring new ideas that should ensure that this peace will endure. We say all that, yet we know the limits of those guarantees and of our outreach.

I will focus today on the concept of EU enlargement, a concept that many of us hope will not be forgotten during Brexit. I have tabled a short debate which will explore our own Government's present attitude, but we need to look back to the beginning. The UK was one of the principal architects of enlargement within the EU, and it has consistently supported the western Balkans. In fact, our political parties under John

Major and Tony Blair had almost formed a consensus on this: that it was important for the EU to embrace a wider Europe, and that was the kind of Europe that suited us.

Freedom of movement and migration became plus factors within our economic policy, and we felt almost closer to the new entrants from eastern Europe than to the growing attempts at unity among the founder members and the eurozone countries as a whole. This in turn has led to an expectation in the region of our continuing involvement, which remains today.

These perceptions were assisted by the dismantling of the Soviet Union and the process of so-called democratisation: the application of the EU's Copenhagen principles such as the rule of law, human rights and good governance. But there was an underlying business motive too, mixed with pure avarice. We all know examples of this: the potential for western Europe to pour investment into the east regardless of what system was there or what was replacing it, to turn decades of communist philosophy into productive business almost overnight.

It is easy to look back and to blame President Putin for wrecking this dream, but as our own EU sub-committee pointed out some time ago, if Russia now looks like the spoiler, it was the EU that rushed headlong into a region that required a lot more careful planning and handling than was realised in Brussels. Ukraine and Crimea became the wake-up call that brought Europe to a sudden halt. Now we seem to have the old battle lines of a residual Soviet empire to confront all over again.

The idea of enlargement has been discredited, I think quite unfairly, because it remains a sensible policy provided we take it much more carefully and seriously. We have to recognise that ambitious projects like EULEX in Kosovo and the anti-corruption programme in Ukraine may not fit into those societies as easily as we expected. We and the EU have already had to rethink the justice chapters in new member countries like Bulgaria and Romania. Even in the older states like Hungary we have to recognise the effects of migration and the rise of what we call the right wing. They express the fear that many majority and minority communities have of being overrun, wherever they are. In short, Brussels is having to contain the uncontrollable and somehow it has to reconcile the extremes.

Ethnic tensions have become such an issue in the western Balkans that there is even an attempt to redraw boundaries. The Presidents of Serbia and Kosovo have been discussing it for most of the past year and more recently in Alpbach, but without any conclusion. The Commission is quite rightly resisting this because it could easily bring more conflagration.

Meanwhile, there is NATO, which has had a much better press than the EU in the Balkans because its activities are more visible and measurable. Open conflict has been avoided so far. Joint exercises all the way from Riga down to Odessa, even with Serbia, have brought confidence.

More difficult has been the confrontation of Moscow's insidious dirty tricks, most of them mentioned already by the noble Baroness, Lady Helic. There are reports

of arms supplies to militant groups in Bosnia and Herzegovina, the coup in Montenegro, the Serbian propaganda train in Kosovo, the possible subversion of the new agreement on North Macedonia and frozen conflicts all around the Black Sea. Russia needs to keep these in play to make up for its own strategic inadequacies. However, we must be thankful that the OSCE, mentioned in earlier debates, is keeping a close watch on all of this, especially the Ukraine conflict.

It is fair to say that our own parliamentarians have shown a strong interest in the region. I attended part of the Inter-Parliamentary Union's recent conference in Portcullis House as a member of its executive committee and I was very impressed by the quality of contributions from the Balkan delegates, many of them women who are current or former Ministers. We have also had a series of reports in Parliament, from the International Relations Committee in January and most recently from the Foreign Affairs Committee. HMG's responses to these reports show that there remains a very real commitment to the region and to, for example, increased security via the Berlin process, which was one of the achievements of the western Balkans summit.

The noble Baroness, Lady Helic, asked for a well-developed strategy. However, leaving the EU is bound to reduce any direct diplomatic influence we have, for example in the conditions surrounding membership applications. We have yet to see whether, in the next stage of negotiation in April, we can maintain our position in a new form of partnership. That is yet to be revealed. As a remainder, I can only wish the FCO well in this vital endeavour.

Talking of membership applications, I want to ask the Minister something, although he may not have the answer at the moment. Why have we gone back on Kosovo's visa liberalisation? Are we making every effort through the Foreign Office and the EU while we are still members to facilitate that? It is going backwards, not forwards.

3.20 pm

Baroness Anelay of St Johns (Con): My Lords, I also congratulate my noble friend Lady Helic on securing this debate. It certainly gives my noble friend the Minister an opportunity to update the House today on what progress has been made in fulfilling the commitments made at the Western Balkans Summit last year, to set out how the UK should respond to the instability and insecurity in the region at a time when we edge ever closer to leaving the European Union—as other noble Lords have pointed out—and to set out our policy on our place in a post-Brexit world.

My noble friend Lady Helic is indeed an expert in such matters. I would say that she is the expert if it were not for the fact that I still remember Lord Ashdown. Of course I would remember him, not least because in opening his own debate on Bosnia and Herzegovina back in October 2014, he paid tribute to my noble friend for her knowledge and courage. In responding to that debate, I was very much aware of his passionate commitment to resolving seemingly insolvable challenges. He was a very brave guy, as he was when he held the office of high representative. One only had to see the levels of security walking with him round the corridors

here after he left that office to realise what he went through. He was a sharp critic of the 1995 Dayton settlement, which he observed was good for a cessation of violence but not for creating sustainable governance. I valued his support when we were in coalition together. I was always aware of Captain Ashdown. He was always courteous but boy, could he chivvy and get his way. I miss him.

As my noble friend Lady Helic said, there has been some overall progress across the western Balkans in meeting the challenges they face. Croatia is a member of the EU. Serbia is an accession country. Montenegro and Albania are NATO member states. Reflecting on what the noble Lord, Lord Browne, said earlier, when I visited Albania last year as a member of the Inter-Parliamentary Union, politicians from the entire political spectrum made sure that we knew how proud they are of their active NATO membership and how much it means to them.

However, a glance at the BBC and regional newspaper headlines over the past couple of weeks shows that Lord Ashdown was justified in his reservations about the future. The headlines are as follows: “Thousands march against Serbian leader”; “Demonstrators rally for the fifth week across Serbia to protest against President Vucic”; “Kosovo's army dreamers enrage their Serbian neighbours” by voting to create an army; and “Albanian Prime Minister Edi Rama has sacked half his cabinet in response to the massive student protests” against his policies. Clearly, as we are aware, significant challenges face Governments across the western Balkans.

The region still suffers from the legacy of the instability of the 1990s. Some political leaders seem intent on pursuing their objectives from that time, not through open fighting but through more subversive political and diplomatic means, including calls for redrawing national borders and secessionism. That would indeed destabilise the region. I was therefore pleased to see my noble friend the Minister's commitment in his Statement to the House on 24 May:

“We do not support the redrawing of any borders”—
in Bosnia and Herzegovina, for example—

“and consider any attempts to secede unilaterally or abolish any entities to be unacceptable”.—[*Official Report*, 24/5/18; col. 1142.] I hope that he will be able to repeat those commitments today and that the Government take the same view about Serbia's attempts to redraw its borders with Kosovo.

I note that Lord Ashdown signed an open letter last August urging Federica Mogherini not to support the land-swap in Kosovo. What has happened with that? Have the UK Government talked to Mogherini about it and got the EU's view? I agree that we need clarification on it.

Some EU member states' refusal even to recognise Kosovo as a state independent of Serbia remains a threat to the stability of the region. What conversations have our Government had recently with Spain, Slovakia, Cyprus, Romania and Greece on this? They are the refusers.

Candidate countries see seeking membership of the EU as a way of encouraging reform to corrupt practices. Kosovo has a long-standing aspiration not only to join the EU but to join NATO. However, NATO

[BARONESS ANELAY OF ST JOHNS]
membership is a problem. Although co-operation would bring security to Kosovo and others in the region, four members of NATO do not recognise Kosovo as a state. Therefore, membership negotiations cannot get off the starting blocks. Have the Government talked to those countries in NATO which have refused to accept Kosovo as a state? These are Greece, Romania, Slovakia and Spain.

I have visited the countries across the western Balkans over the last five years, mostly as a Minister but also as a tourist and, more recently, as a Back-Bencher. I recall a comment made by Lord Ashdown—that the western Balkans get under your skin. I understand exactly what he meant. We really care about them.

I was able to learn more about the support and encouragement that the UK Government have given over such a long time to the region, as well as the need to tackle the deep-rooted governance challenges and root out corruption. It is not only in government and business but also in the judiciary. I know we have done work in reforming the judiciary. The noble Baroness, Lady Barker, has already referred to EULEX. In advance of the Balkan summit in the UK last year, our Foreign Secretary gave a commitment that the UK, “will include taking forward initiatives ... to tackle corruption and serious organised crime”.

Will my noble friend the Minister update the House today on progress made on those initiatives in particular?

Before talking about the real question of what we do next, I cannot leave consideration of the region without raising the vital matter of the impact of conflict-related sexual violence, which took place en masse in the 1990s. The stigma that surrounds wartime rape and the isolation of victims—in their local environment and even within their own families—have left so many restricted from participating in civil society, economically and culturally. This is simply not conducive to social stability.

I was honoured to be the Prime Minister’s special representative on the Preventing Sexual Violence Initiative. I pay tribute to the survivors for their courage and dignity. Throughout my time there, it was a humbling experience to listen to their life stories and the horrors they had endured. I shall never forget them, any of them.

I was reassured when my noble friend the Minister was appointed to that position when I moved to the Department for Exiting the European Union. He has shown exemplary leadership. I thank him for that. I would be grateful if he could update the House today on the UK’s work on the Preventing Sexual Violence Initiative across the Balkans, where the Government’s work has shown the Foreign Office’s importance as lead department on the initiative, working in co-operation with the Ministry of Defence and, in other countries that are eligible for ODA, with DfID.

I was a little surprised last weekend—to put it gently—to read the report by my right honourable friend the Secretary of State on his visit to South Sudan. I welcomed his visit. I thought it was great that he went to Juba, Malakal and Bentiu. But when he gave his interview, he said that instead of seeing the Foreign Office leading on this initiative:

“I see defence as the department leading on this across government and internationally”.

Can my noble friend the Minister clarify who is in the lead? It matters to know who, otherwise you cannot deliver things successfully.

The stability of the region is vital to the UK for the clear reasons set out by our ambassador to Montenegro, Alison Kemp. The noble Lord, Lord Browne, referred to the fact that she made a speech in which she said that as part of our history we have learned that if you have instability there, it is a danger to us directly. People on the doorstep understand that. It really matters. It is vital that we work to assist countries in the region to be stable and to help them on their Euro-Atlantic path. That is the way forward.

At the moment our Foreign Secretary is looking very much at our position in the world post Brexit. Last week, he was in Singapore and he set out his vision for the future. He emphasised that Britain’s connections across the world are stronger than any other nation of comparable size or wealth. He said:

“Those connections are why Britain’s post-Brexit role should be to act as an invisible chain linking together the democracies of the world”.

in support of the international rules-based order. He went on to say that the UK,

“is at a pivotal historic moment, the global balance of power is shifting once more and post-Brexit our place within it ... as well”.

Of course, the question from all of us is: against that background of the future, within that narrative, where lies our approach to the western Balkans?

3.31 pm

Lord Hannay of Chiswick (CB): My Lords, I too congratulate the noble Baroness, Lady Helic, on getting this debate with such perfect timing. It is almost one year to the day after your Lordships’ International Relations Committee, on which she, I and the noble Baroness, Lady Anelay, serve, produced a report on the west Balkans—a report I suggest has stayed the test of time reasonably well. It is an excellent launch pad for our debate.

The debate is also exceptionally timely because it provides an opportunity to pay tribute to Lord Ashdown, whose contribution to peace and stability in the Balkans was so outstanding. I remember when Paddy Ashdown came to New York in 1994, when I was the UK representative on the Security Council, and told me in no uncertain terms—he did not do uncertain—that Her Majesty’s Government’s policy was no good and needed to be far more robust towards the Bosnian Serbs and their backers in Belgrade. He was right, as the appalling events at Srebrenica the following year demonstrated. At that time, his own great contribution still lay in the future. Now that he is no longer with us, it must not be forgotten.

In looking at the west Balkans, I suggest we need to steer somewhere between the twin extremes of complacency and excessive angst about the situation there. Complacency and neglect are certainly not good policy guides in the Balkans, even if you leave to one side the fact that those two characteristics managed to contribute to three wars in the last century, which is rather a large score. There is plenty too to worry about

in the Balkans now: Bosnia is making little progress, if any, towards viable statehood; Macedonia's laudable deal to bring to an end the dispute with Greece over its name is hanging by a thread; Montenegro is being destabilised by Russian meddling; and Kosovo is an unhealed wound. In all these countries, you have corruption, serious international crime networks, state capture, in some cases, and massive emigration by the best and brightest who do not feel that their own countries offer them enough opportunities. All those factors sap the energy of each state in the region to make a better future for its citizens.

What needs to be done? First, the aspirations of all these countries to join the EU and NATO—of course, Serbia does not want that—should be encouraged in a rigorous but active way. Alas, we are no longer well placed to do that as far as the EU is concerned—yet another reason to deplore and question the wisdom of our leaving the EU. That subject is being discussed in the main Chamber at great length so I will not go on about it now.

Secondly, we need to be vigilant about outside meddling in the region. This has always been a factor, and was a huge factor in the triggering of those three wars that disfigured the western Balkans, killed so many people there and destroyed so much prosperity. Obviously, one meddler we have to watch very closely is Russia, but also, perhaps a little more insidiously, China, which seems to be looking to use investments in the region as a back-door influence on EU decision-making.

Thirdly, we should help all those in the region whose policies focus on strengthening freedom of speech, the rule of law and genuine democracy. Fourthly—I join with others who have said this—we should be cautious about encouraging what I would call magic-potion solutions with land swaps. Most recently, suggestions were made by the presidents of Serbia and Kosovo. I think that some in the West—particularly in Washington—were a bit quick off the mark in thinking that was a good idea. That solution is resisted by many, not only in Serbia and Kosovo; we in the International Relations Committee were visited recently by parliamentarians from all-party groups in Pristina, who also thought that it was a rotten idea. I am not sure that their president has a great deal of support when he pushes it forward. As others, including the noble Baroness, Lady Helic, have mentioned, the risk of contagion elsewhere in the region—particularly in Bosnia—is really serious.

The most urgent and difficult task for this country is to dispel the view, to which the members of our committee who went to various parts of the Balkans when we were writing that report were exposed, that by voting to leave the EU, we are turning our backs on this region. The task of breaking out of that perception is not easy. It cannot be done just with warm words and denial. It certainly was not made any easier when the then Foreign Secretary chose to stage his resignation, “Have I Got News for You”-style, on the day of the Balkans summit and did not turn up at the summit he was meant to be presiding over. I imagine that we can consign that to the pages of history, or at least a footnote.

That issue needs close co-operation with the EU and commitment to a multi-annual programme of action in a range of areas which I and others have

mentioned—an idea which first saw the light of day in the report from your Lordships' International Relations Committee. When the Minister replies to this debate, it would be good to hear what the Government have put in hand following the west Balkans summit here in London, and what they propose for the future.

3.39 pm

Baroness Stroud (Con): My Lords, I pay tribute to my noble friend Lady Helic for her work in the western Balkans, particularly on sexual violence. She brings an immense wealth of knowledge to this debate, not least from her own story of courage. I agree with her that the absence of Lord Ashdown from this debate is strongly felt. I know that he and the noble Baroness had a great deal of admiration for one another.

It is undeniable that the western Balkans have come a long way since the 1990s when the region was subject to some of the worst violence of the late 20th century. In the past 10 years overall prosperity in the region has begun to improve and peace has enabled many to begin rebuilding their lives and livelihoods.

We know unequivocally that safety and security are the foundations of creating prosperity for people and nations and there is a great deal of potential for the region to continue to build on this foundation, but peace has not brought the deep reconciliation and stability required for the nations and region to flourish. The absence of violence has not meant that the region is without significant challenges. It is still blighted by deep-running economic, political and social issues and despite progress the western Balkan countries still rank the lowest of the European nations on the Legatum Prosperity Index, in which I declare an interest.

As we have heard, the region remains trapped by chronic economic stagnation and the social challenges that follow, bilateral disputes, such as the independence one between Serbia and Kosovo, ethnic tensions and political issues that mean progress cannot be taken for granted. Economically, the western Balkans are seeing growth across the region at around 3.5% per year, but this growth is fragile as the region lacks the foundation for sustainable long-term economic growth. Generally across eastern Europe productivity is rising, but the western Balkans are lagging behind the rest of the region. Albania's output per worker between 2010 and 2018 was almost half that of Croatia and Hungary, and economic complexity, levels of entrepreneurship and venture capital investment are all low compared with the rest of the region.

Bosnia and Herzegovina, Macedonia and Serbia have all seen their exports grow, but growing consumption and large infrastructure projects have led to more goods being imported, stagnating growth. This has inevitable consequences, as we have heard, with unemployment remaining staggeringly high across the region, particularly in Macedonia, where the rate is almost 25%.

Youth unemployment is a particular concern, with rates ranging from 30% in Montenegro to 50% in Macedonia and over 54% in Bosnia and Herzegovina. This is the second-highest youth unemployment rate in the world. We know the despair and hopelessness that this lack of purpose and opportunity brings, as young people face day after day of rejection by employers.

[BARONESS STROUD]

This, in turn, is driving significant economic migration across the region, as people seek opportunity elsewhere. Net migration away from Albania between 2000 and 2015 stood at almost 16% of the population.

This is a problem affecting not just the young. Across the region people are losing faith in their national economies to provide the opportunities that will allow them to flourish. Some 43% of western Balkan citizens have considered emigrating. This will have long-term implications for strengthening their economies as talented people disappear.

Without the deep work of reconciliation and under the pressure of stagnating economies, ethnic tensions remain high and society is divided throughout the region, despite the passage of time since active conflict. Although officially boundaries between communities no longer exist in Bosnia and Herzegovina, the reality is a society divided by norms that have not changed over time. True reconciliation between communities has not taken root, added to which an estimated 220 to 330 Bosnian foreign fighters travelled to conflict zones in Iraq and Syria. When you consider that almost two-thirds of all armed conflicts that ended in the early 2000s had relapsed within five years, that shows the fragility of peace unless long-term reconciliation is built and achieved.

Why does this concern us in the UK, when we are a nation that some would argue is geographically far away from the western Balkans? If the economic, social and political instability does not motivate us to support this region of the world, then maybe the overflow on to our own streets might be enough to move us to remain committed to acting in this region.

The western Balkans countries all score very poorly on the World Bank rule of law indicators, and trust in judicial independence is poor. Coupled with weak governance in general, this has created the space for organised crime—including, as we have heard, drugs and human trafficking—to thrive. Committing to a stable western Balkans is vital for the security of Europe as a whole, but it is also key to ensuring that the results of organised crime and radicalisation do not end up on our streets.

I therefore congratulate the Government on their commitment, having almost doubled the funding for the region to £80 million in 2020-21 through the Conflict, Stability and Security Fund. In addition to this, the work that we are doing to strengthen the rule of law and justice sectors is a step in the right direction, but I add my question to the many that noble Lords have asked about whether the Government plan to continue our commitment to this region of the world as we leave the European Union. This is an important demonstration of the UK as global Britain and the outworking of our future partnership in Europe, both in and beyond the European Union.

3.46 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Baroness, Lady Helic, for this very timely debate. Of course, I also repeat the mantra that a secure and stable western Balkans means a secure and stable Europe. As the Minister said in the previous

debate, we have a shared interest in working together to increase stability and help the region on its Euro-Atlantic path. Of course, as the noble Lord, Lord Hannay, mentioned, it is just over a year since we had the report from the International Relations Select Committee on the western Balkans. After that, in May, we had the debate on the report, which was very timely as it came soon after the western Balkans summit in Sofia and after the first visit to the region from a British Prime Minister in more than 20 years.

As we have heard, sadly, we are today missing one person who contributed to that debate in May. I too pay tribute to the late Lord Ashdown, especially for his work as high representative in Bosnia. He was a brave and tenacious person. He did not hold back his opinions whenever he needed them to be heard. As the noble Baroness, Lady Helic, said, had he not left Bosnia in 2006 the situation could have been vastly better than it is today. He should have been proud of what he, and this country, contributed to stabilising the country. Of course, we should not forget the 72 British soldiers who gave their lives building that stability.

As Lord Ashdown told us in that debate, he felt very strongly that his work had been severely undermined in the region by the EU's change of policy in 2006, leaving everything to local ownership, as the noble Baroness mentioned. Bosnia was not stable, with nationalism on the rise and secession a greater threat than ever before. That is a view reflected in today's debate and very much in the debate in May. As the noble Baroness mentioned, we have US disengagement, and, as other noble Lords have mentioned, the increase of Russian influence that we focused on in May has not diminished. In May the Minister told us he was aware of the threat and cognisant of the need to address it, repeating the Prime Minister's mantra that what we needed was an "engagement and beware" type of policy. He mentioned the need to continue to engage through the Bosnia Peace Implementation Council steering board with Russia. I hope he can tell us just how that has been effective since the last debate in May—how have we been engaging with Russia to address the issues heard in the debate?

All noble Lords mentioned the situation with Serbia and Kosovo. I will not go into the specific points, but we have had little progress on the EU-sponsored dialogue since 2013. In December, Kosovo's Parliament voted to approve a 5,000-strong standing army. We also have the situation in NATO, mentioned by the noble Baroness, Lady Anelay. The Secretary-General of NATO called the move by the Kosovan Parliament an "ill-timed" decision. I have seen the UK's response to it, but can the Minister tell us how the UK is working through NATO to address that issue?

The really good thing about today's debate is that it gives us an opportunity not only to reflect on the debate we had in May, but to consider what our expectations and aspirations for the summit in July were. We all mentioned our hopes. Now we have the opportunity to judge what the Minister told us in May and see what was delivered. In his characteristic way, the Minister left us on an optimistic note, saying we would use the summit in London to work with our

partners to address all the concerns raised by noble Lords. The committee report last year stressed the need for us to use the occasion to ensure that our contribution is to support stability, democracy, the rule of law and prosperity in every issue that has been addressed today. The summit's conclusions were for greater progress on those three crucial areas: increasing economic stability, strengthening security co-operation and facilitating political co-operation.

Despite these high aspirations there is no doubt that there were criticisms. Some felt it was no more than a photo opportunity. Clearly the London venue and our preoccupation with Brexit had an impact, as the noble Lord, Lord Hannay, mentioned. You have to address the issue that a country leaving the EU was trying to hold a meeting aimed at encouraging others to join it. That, clearly, is an issue one has to be sceptical about.

As the noble Lord, Lord Hannay, said, on the day of the summit, our Foreign Secretary, who was due to welcome the Ministers, had resigned. Talk about timing. Theresa May also found herself in a situation where she was addressing Parliament to defend her own Government's position. Of course, there is no doubt that, for some people, that demonstrated that the six western Balkan countries are not a priority for the United Kingdom, especially when the Government seemed so unstable. There were social media comments. I read one from Professor Bechev, a specialist in the field, that Balkan leaders were coming to London to lecture the UK on political stability. But there is a serious underlying issue. We promote accession for very good reasons: it is a mechanism for building democracy and commitment to the rule of law. It has been a tried and tested process. In our earlier debate, we did not underestimate the problem that that accession process has. Sometimes it has been done too quickly and some of the guarantees or commitments could not be delivered. Lord Ashdown particularly made the point that we were not looking at the region as a whole in that accession process. Allowing some countries into the EU more quickly than others created its own tensions. I know that he focused on that in our previous debate.

I am not going to be completely pessimistic. The fact is that the London summit achieved some very positive results. We have heard about them today. We have of course had some important declarations signed on regional and good neighbourly relationships, missing persons, and a joint declaration on war crimes. I totally agree with the noble Baroness, Lady Anelay, about the Preventing Sexual Violence in Conflict Initiative and how we address those issues, particularly in the context of the region. I was particularly pleased to see a doubling of funding to the region from the Conflict, Security and Stability Fund as well as a doubling of UK staff dealing with security issues, and the £10 million for digital education among young people.

I want to focus on another element of the summit, which the Minister mentioned in our May debate, and which the noble Baronesses, Lady Helic, and Lady Barker, have raised: the role of civil society. My noble friend Lord Browne mentioned the important need to see political engagement as not just with Governments. It is also about politicians and parliamentarians. We

need to have broad engagement. I will focus on civil society. The noble Lord, Lord Ahmad, said prior to the summit that we would work closely with civil society and youth groups to develop the summit agenda and ensure that civil society and young people from the region were well represented and, more importantly, heard by political leaders at the summit. As we have seen from the report, 140 civil society and youth representatives attended the London summit for the civil society and youth forum. I would like to hear from the Minister exactly how that voice was heard by politicians. How did we do that? How did we achieve it? I know that the announcement of £4 million to expand the activities of the Westminster Foundation for Democracy is great news, and certainly welcomed by me. Again I emphasise that the WFD is focusing on parties, parliamentarians and voters, but I have raised with the head of the WFD that we should see civil society and building democracy in broader terms.

At the congress of the Party of European Socialists in Lisbon in November, but also at a number of WFD initiatives, I met with parliamentarians to talk about how they engage with civil society, particularly on diversity issues, and how we engage on and defend LGBT rights. I am keen to see whether there is LGBT representation in the civil society forums at the summit. I know the value that that sort of work can have, because it enables people to hear voices that they do not normally hear. That is true of the importance of women's involvement in civil society. That is another issue about how political parties have been changing. I hope the noble Lord gives us some indication on that.

This has been an incredibly timely debate. I hope the noble Baroness, Lady Helic, continues to ensure we have this debate so that we can monitor our progress. One of the things that was said was that we would work with Poland on the next summit, not only on how we evaluate the action points from this summit, but on how we build the next one. I am keen to hear from the Minister exactly what sort of engagement we have with Poland now to ensure that that work continues and that we are fully engaged.

4.02 pm

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I start by echoing and joining the tributes to the widely respected Lord Ashdown. He said of himself that his life,

"became intertwined with the fate and future ... of Bosnia and Herzegovina and its extraordinary people".

As we have heard, and I join the tributes from other noble Lords about his role, he was widely respected and revered, not just within his own party but across Parliament. He was widely respected and revered in the region in which he played such an intrinsic part, and his absence is felt by all of us. He played a vital role in galvanising international action during the conflicts that followed the break-up of the former Yugoslavia, and his personal contribution to the stability and security of the region, as High Representative for Bosnia and Herzegovina, has been rightly recognised by many in that country and beyond. His overall contribution to the western Balkans and to your Lordships' House will not be forgotten.

[LORD AHMAD OF WIMBLEDON]

Therefore, it is right that we meet after his sad passing for a debate that was tabled by my noble friend Lady Helic. She is not just a noble friend but a friend who has been a great support, particularly in my work, as my noble friend Lady Anelay mentioned, as the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, with a long-standing commitment to the region and great insight into the challenges that are faced. To those who sometimes say that the Bosnian conflict was a couple of decades ago and has been forgotten, I say that they should read the contributions from your Lordships' House, and in particular the contributions of my noble friend, and that myth will be put to rest. It is right that we continue to focus on this important region, and I thank my noble friend, indeed all noble Lords, for their thoughtful, insightful and also heartfelt contributions during the debate today.

My noble friend made a suggestion in relation to young leaders, and the issue of youth came up in a number of contributions. It is one of the ways in which the legacy—the contributions—of Lord Ashdown can be remembered. I shall take away the thoughtful suggestion of the noble Baroness and discuss with her how best to mark and remember Lord Ashdown's contributions in this area.

On the debate itself, I am grateful to all noble Lords for their contributions. As was proven more than once in the 20th century, instability and insecurity in the western Balkans can have serious implications for the whole continent, and indeed for the United Kingdom. I join the noble Lord, Lord Collins, in paying tribute to our servicemen and servicewomen who lost their lives in the 1990s, and to those who served from other countries, and in remembering those who paid a heavy price for the break-up of the former Yugoslavia. It is important that we continue to work towards ensuring stability in the region.

The United Kingdom, as has been acknowledged by several noble Lords, has been at the forefront of helping the countries of the western Balkans transition towards peaceful, stable democracy. All six countries that make up the region today have made progress towards European standards of political and economic governance. Montenegro and Albania are now NATO allies. We hope that Macedonia will join NATO soon—once the Prespa agreement has been ratified. Serbia and Bosnia and Herzegovina are gradually—a lot of work remains to be done—developing a closer relationship with NATO, each contributing troops to EU operations in places that matter to our security, including other conflict zones such as Somalia and Kosovo, and the UK security forces enjoy a close partnership that includes joint training. I saw the strong presence, and respect, that the United Kingdom has in Kosovo when I was delighted to be joined by my noble friend Lady Helic on a visit there last year.

Yet, as we have also heard—including from my noble friend Lady Stroud—serious challenges persist, and not just economic ones. If left unaddressed, they could not only undermine the progress made by the countries of the region in Euro-Atlantic integration, but adversely affect European security as a whole—a point made by the noble Lord, Lord Hannay. As the

Prime Minister made clear at our western Balkans summit last year, which I attended—I will refer to that further in a moment—this is the essence of our strategy in the region. The Government are committed to helping the countries of the region overcome these challenges—be it in the area of economics, security or greater stability—and make progress on their Euro-Atlantic path. This commitment will remain steadfast after we leave the European Union—a point raised by several noble Lords. Indeed—my noble friend Lady Stroud alluded to this—our funding will rise to £80 million per year by 2021.

I turn to specific countries in the region. As a number of noble Lords mentioned, the past few months have seen an unwelcome increase in tension between the Governments of Serbia and Kosovo. Serbia, as I found for myself on my travels, has urged various countries to withdraw their recognition of Kosovo's independence, has campaigned against Kosovo's bid for membership of Interpol, and has expressed concern over Kosovo's decision to amend the mandate of its security forces. Kosovo, meanwhile, has imposed 100% tariffs on Serbian goods. We believe—I assure the noble Lord, Lord Collins—that Kosovo has the sovereign right, as an independent state, to develop its armed forces. I also assure my noble friend Lady Anelay that we will continue to encourage Kosovo to do so, in close consultation with NATO and the wider international community.

We do not share Serbia's concerns that the gradual change in the size and role of Kosovo's security forces threatens regional instability. In our view, the failure to normalise relations between Serbia and Kosovo is a more significant risk, and that is why we have been committed to getting—and encouraging—both sides to de-escalate and return to negotiations under the EU-facilitated strategic dialogue, which we will continue to support. We are a strong supporter of this dialogue and regularly discuss progress with HRVP Mogherini and other partners, including the non-recognising states within the EU and NATO—a point well made by my noble friend Lady Anelay. Let me reassure her that we will continue to raise these issues not just within those organisations but on a regular bilateral basis.

The aim is simple: to ensure that we continue to support a settlement that genuinely contributes to the security, stability and prosperity of the region. I can give noble Lords, including my noble friends Lady Helic and Lady Anelay, and the noble Earl, Lord Sandwich, among others, a reassurance that Her Majesty's Government do not support the redrawing of borders along ethnic lines, and that we have made this clear to both parties. The question was raised of whether this had been made clear to the High Representative of the European Union. I can assure my noble friend that it has indeed been made clear to our partners, including the High Representative.

Perhaps I may turn to Bosnia and Herzegovina. We are concerned about the negative political trends and the risk of inertia following the October elections. The heavy focus on the elections has indeed distracted attention from the issues that really matter to people, such as the limited economic opportunities which my

noble friend Lady Stroud talked about, the political discord mentioned by the noble Baroness, Lady Barker, and of course poor governance. Bosnia's leaders must take urgent steps to address these issues which are causing many of their citizens to simply leave, as my noble friend said, in order to seek brighter futures elsewhere. They must ensure that the electoral results are implemented quickly and that Governments are formed at all levels which can carry out much-needed socioeconomic and public sector reforms. The UK will continue to be committed and will work closely with all partners genuinely committed to reform, including of the rule of law.

The new Bosnian Government must honour their responsibilities towards the institutions of state as agreed under the Dayton peace agreement. Failure to do so risks deepening stagnation and increasing instability in the country and, indeed, the region. NATO allies are willing to work more closely with Bosnia, as is evident from our readiness to accept its first annual national programme. We hope that Bosnia takes this important opportunity to strengthen co-operation with NATO and improve the effectiveness of its armed forces.

I turn now to Macedonia. The challenges in the region are clear. However, with the necessary political will, there are also opportunities for positive change, as Macedonia has shown with its progress towards resolving the long-standing name issue with Greece. I believe that a final resolution for that issue is imminent. Resolution would of course open the door to further Euro-Atlantic integration, including NATO membership, which would be good for the people of Macedonia, the country's stability and security and the region as a whole. The UK and, I am sure, noble Lords will continue to support the Governments in Skopje and Athens as they work to turn the Prespa agreement into a reality.

In parallel, more work needs to be done to strengthen Macedonian institutions, tackle corruption, a point well made by my noble friend Lady Anelay, and reform public administration, all of which would be beneficial in their own right and will help the country to stand up to malign external influences. Let me assure noble Lords that we are working with the Macedonian Government to support judicial reforms and media freedom. We will continue to press for more progress in these areas over the coming months.

Elsewhere, the UK enjoys good co-operation with Albania, building, I am sure, on the work done by the noble Lord, Lord Browne of Ladyton, when he was Defence Secretary. It is a strong relationship, and we continue to work together on important issues, particularly those related to serious and organised crime. I am sure that all noble Lords will join me in congratulating Albania on having just been elected to serve as the chair of the Organization for Security and Co-operation in Europe in 2020. This is an opportunity for Albania to demonstrate leadership on some of the key security challenges facing the region and beyond. The UK will stand as a partner in this respect.

Turning to Russia, noble Lords have rightly raised the issue of the threats to the stability and security of the western Balkans which come from others. The Government remain deeply concerned about continuing malign external influence in parts of the region. We

are particularly concerned about the aggressive approach taken by Russia to disrupt progress towards Euro-Atlantic integration. The Russian-backed attempted coup plot in Montenegro in 2016 was a brazen example of the Kremlin's willingness to foment chaos and instability. Russia's malign activities in the western Balkans and elsewhere range from propaganda and disinformation to cyberattacks, as we ourselves have experienced, and of course none of us could forget the appalling use of the chemical nerve agent Novichok in Salisbury last year. We therefore welcome the firm actions taken by our allies, including a number of partners in the western Balkans, in response to the attack in Salisbury. It is vital that we stay together on this important issue.

My noble friend Lady Helic raised the matter of the recent developments in Republika Srpska and drew our attention to the developments there. I agree that they are deeply concerning, particularly the nationalistic elements that we are seeing. I will certainly look at the situation very closely in establishing what further responses the United Kingdom, and indeed other partners, can make in this respect. Along with our US and EU partners, we have made it clear to all communities that we believe in the sovereignty and integrity of Bosnia and Herzegovina.

My noble friend raised the issue of Russia. We have made clear to Russia that it is a member of the Peace Implementation Council steering board, whose role it is to oversee the implementation of the Dayton peace agreement. As I put on record in answer to a question from the noble Lord, Lord Collins, NATO and the EU are ready to engage constructively with Russia. The relationship has been challenging in recent months. However, we will continue to work with NATO and our EU allies to ensure that we overcome current and future Russian attempts to destabilise the region.

I turn briefly to a point made by my noble friend Lady Anelay. Serious organised crime is another shared challenge, and the UK continues to support countries in the region in this respect. We are strengthening our co-operation with regional partners on the issue. Also, I can confirm that we are increasing the number of UK staff working with our Balkan partners on fighting organised crime, corruption and cyberthreats, as well as supporting good governance and economic reforms more generally.

I am grateful to several noble Lords, including my noble friend Lady Anelay, for drawing attention to the Foreign Secretary's media freedom campaign. Plans are being developed for a conference to be held in the UK on this issue. We are deeply concerned about the politicisation of the media and the decline in media freedom in parts of the western Balkans. We will continue to work on this important issue, with projects currently live in Serbia and Macedonia.

The noble Lord, Lord Browne, the noble Earl, Lord Sandwich, and the noble Lord, Lord Hannay, talked of the important role of NATO and the UK's role. Let me reassure noble Lords that the UK supports the principle of NATO's open-door policy. It is important that this policy remains credible as a means to assist aspirant countries to reform, maintain a Euro-Atlantic path and constrain external threats. Countries meeting the relevant criteria have a sovereign choice to seek NATO membership, if they wish, free from any external

[LORD AHMAD OF WIMBLEDON]
influence. Indeed, all six countries of the western Balkans have Euro-Atlantic aspirations. This is a sovereign choice—no third country has a veto—and we will continue to support the region's Euro-Atlantic aspirations.

The noble Lord, Lord Browne, and my noble friend Lady Helic mentioned the important issues of security and the rising tide of extremism in the region from both emerging right-wing extremism and those seeking to hijack Islam as a means to represent a perverse ideology. I assure noble Lords that the Government actively co-operate with all six western Balkan countries on countering terrorism and violent extremism and have funded research to understand better the drivers of radicalisation in this respect.

I turn briefly to the 2018 Balkans summit, which several noble Lords talked about. A specific deliverable from this was on the issue of PSVI. I had a very constructive discussion and follow-up with countries such as Croatia on ensuring that we can bring to light the positive elements now being achieved in the Balkans following the tragic conflict and break-up of the former Yugoslavia. During the summit, on security, the Prime Minister announced that the Government would redouble their number of staff working in the region; we have now committed to that. This will help prevent crime reaching UK streets and strengthen the region's own response to serious crime. As the noble Lord, Lord Collins, acknowledged, the six western Balkans Interior Ministers also signed the *Joint Declaration on the Principles of Information-Exchange*.

On economic stability, the UK Government committed £10 million to build digital skills and employment prospects for young people. The funding will also see the British Council—which the noble Baroness, Lady Barker, mentioned—increase literacy and core skills in the region. There are other elements within that but, in the interests of time, I will write specifically to noble Lords about the progress made on each of those aspects.

The noble Baroness, Lady Barker, asked about the Westminster Foundation for Democracy. We continue to fund regional projects, with activities in all six western Balkan countries based on good democratic governance. Indeed, as was mentioned previously, this includes financial assistance of more than £4.7 million. The noble Earl also asked about visa liberalisation. Schengen is very much a matter for the EU and we are not part of it. As to whether there are specific elements of this, I will write to him after consulting with Home Office colleagues.

I shall touch on PSVI, which was mentioned by my noble friend Lady Anelay. First, I am grateful for her kind remarks and equally grateful for her direction and support, not just on this issue but on other areas as well. It was a great honour—a humbling honour—to take on this role and to meet some of these incredible and courageous survivors, as my noble friend did, who have themselves become the most powerful advocates. It has been a huge privilege to lead on this initiative, following the launch by my noble friend Lord Hague, and taking over the role from my noble friend Lady Anelay. I was delighted to have the support of my noble friend Lady Helic at the recent film festival we held in London. I am sure we are all looking

forward to focusing on some positive elements and the progress that has been made in the Balkans on this initiative when we hold a major conference, five years on from its launch, in London this November.

I am particularly encouraged that, through many efforts, both locally and through the support that the United Kingdom has given, courts in Bosnia have now completed 116 cases involving charges of conflict-related sexual violence against 162 defendants. There is more work to be done but a great deal of work is now being achieved and I look forward to working with noble Lords on this important priority.

Several noble Lords, including the noble Lord, Lord Hannay, hoped that this would not be words alone. It is not. We have committed to more than £80 million by 2021; we are increasing the number of staff working in the region and I assure noble Lords that, as the Prime Minister herself has identified, the western Balkans will remain an important region, not just historically. The UK will continue to play its part in its progress and our commitment will endure beyond our departure from the EU. An unstable western Balkans would present a risk to the United Kingdom and the whole of the European continent, whether through organised crime, the spread of malign external influences or the potential reawakening of old enmities. Therefore it is right that Her Majesty's Government remain committed to supporting and strengthening Governments and working with civil society. I assure the noble Lord, Lord Collins, that civil society representatives were included and met Ministers directly during the summit. LGBT organisations were included for the first time at the summit. In doing so, it is important that we work together with our European partners, and notwithstanding our departure from the European Union we will continue to work with European partners, through NATO and bilaterally with the western Balkan countries, to ensure that we play our part in the continuing stability of that region.

I end where I started, with the words of Lord Ashdown. After the last debate in which he took part, I approached him and we had a brief discussion. I did not know him well but I remember that when I started my professional career in the early 1990s I went into the City of London, which is an incredible place in itself, and as part of a programme with Save the Children, I too visited the region, not once, not twice but three times. I met children who had lost parents, and some incredible, courageous women who had endured the worst kind of violence against the person. Little did I know that in the years to come I would return to the region as a Minister. It influences your mindset, and I shared that with Lord Ashdown, as he shared some of his stories, and I end with his very poignant words. He said to me, "You know what, Tariq? When I talk about Bosnia, Bosnia is under my skin". I am sure that is something that many noble Lords have heard. It is a place you cannot leave behind. He has left a legacy for all of us and it is our joint responsibility to carry it forward.

4.23 pm

Baroness Helic: My Lords, I thank all noble Lords for being here today and for all being very kind in emphasising my expertise in this area. It is easy, because

I was born and brought up there. It is in my DNA. You have all—Britain, in particular—managed to slightly repair that DNA, so that I felt able, today, to be more objective than I would have been 25 years ago when I arrived in this country, when my passion, my anger and my desire to tell the story of that region would have probably skewed my ability to tell the story as it is.

I am particularly humbled by noble Lords' knowledge of and insight into what I admit is a pretty complicated region. Everyone looks the same and speaks more or less the same language, but everyone is at each other's throats. The people of the western Balkans are wonderful and hospitable but their passions go way beyond anything you will see in this country.

I thank the noble Lord, Lord Browne, for his contribution, especially his emphasis on NATO's importance in the region, particularly when it comes to stability. His emphasis on what he heard from his colleagues from the Balkans—that there is more that unites them than divides them—is absolutely true. Divisions have been imposed from above; they do not really go from the bottom up. I agree with the noble Lord's observations on the unique threat to our communities and streets posed by instability in that part of the world. This is not just a phrase to be repeated. In Austria, Switzerland and France, we have seen several examples of weapons imported from the Balkans being used in terrorist attacks and criminal activity on the streets there.

I am grateful to the noble Baroness, Lady Barker, for talking about the efforts of the Bosnian people; for example, people from Sarajevo coming to the National Library to pay tribute to a man seen in Bosnia as the father of the country. He managed to do what everyone thought was impossible: put the country back together. His predecessors found the task too arduous but he managed to inject his vision and passion and find a way forward that many thought impossible.

The noble Earl, Lord Sandwich, emphasised the importance of not losing sight of what is happening in Kosovo. I could not agree more. Kosovo is a potential flashpoint as much as Bosnia is, representing a potential problem for us and for the region.

I pay tribute to my noble friend Lady Anelay for her work on the Preventing Sexual Violence Initiative. I started working on it but she took it to a completely new level. Her passion and commitment are unrivalled. The same goes for my noble friend the Minister, with whom I travelled to Kosovo. It is difficult to sit down with women who have gone through a very traumatic experience; it is not just the memory of what happened to them that is traumatic, but the fact that they live with it for years to come. They feel ostracised, as do their families, and stigmatised. My God—if we can do anything for them, we will do humanity a huge service. If we are aware of women, not only in the Balkans but elsewhere, going through such experiences and we can do something, however small, we will make a huge contribution to them, their families and their communities.

I thank the noble Lord, Lord Hannay, for his exceptional insight into the workings of international institutions. His understanding of the problems,

particularly in Bosnia, is hugely appreciated by both the Committee and me personally. It is always good to have someone with such knowledge and experience checking that my passions are being put in the right box. If my noble friends say that something is a problem and I think that it is a problem, then there is a problem. I will take that with me, if I may.

I could not agree more with the noble Baroness, Lady Stroud. Peace has arrived in the Balkans and progress has been made, but it is heartbreaking to see well-educated 21 and 22 year-olds who speak German, English and French and want only to work, sitting there, marinating in unemployment and being exposed to corruption. At some point, many go to Germany, including doctors, engineers and so on—I saw this morning that the German embassy has launched a website, in Bosnian, which says “Come to Germany”—and this is effectively harvesting the cleverest and least corrupt strata of society, not only in Bosnia but in countries such as Serbia, Kosovo, Macedonia and Montenegro. While I am the first to say that I am living in this country—so how can I tell someone, “Do not go and live elsewhere, do not fight for your future, do not fulfil your aspirations”?—I also feel that the Balkans cannot be impoverished to the point where the youngest, brightest and most aspirational people have left, and those tainted by war and nationalism, or those who took part in the war, continue to peddle their backward, narrow-minded policies. I really hope we can help young people see that their region has a future, and that they have a stake in building it.

I am delighted to know that we have a supporter on the opposite side in the noble Lord, Lord Collins of Highbury. The 1990s were not easy and I remember certain members of his party making a strong case for intervention during that period. That was possibly the reason why Britain intervened so strenuously in Kosovo in 1998. That change of policy was long overdue in that part of the world. Kosovo was the lucky country; it possibly benefited from the good lessons of Bosnian non-intervention and it has made some progress, but much is still to be done. I feel reassured to know that we are all on the same page, because the region needs real unity between Washington DC, London and Brussels, but particularly here in this country. It is comforting to know. I know noble Lords on this side will always support the vision of the late Lord Ashdown and it is good to know we have support from other sides as well.

I thank my noble friend the Minister for giving his assurances. First and foremost, I welcome what seems to be an unequivocal message from Her Majesty's Government to the leaders of Serbia and Kosovo that we cannot support the changing of borders. I hope that that message can be imparted to the High Representative in Brussels, Federica Mogherini, who seems to be engaged in and supportive of that policy, for reasons unknown to me. I am grateful to the Minister for committing to look into the events of 9 January, because it was unsettling not only for Bosnia but for the region to see this direct interference in the country's sovereignty and territorial integrity. I also welcome his commitment to look at what more we can do to engage Russia, because it is a player. As

[BARONESS HELIC]

he said, at this stage, it is a malign player, here and elsewhere, but it is one that we need to have a relationship with and if the Peace Implementation Council is the forum for that, then I welcome it.

I also thank the Government for their support of the BBC and the British Council in that part of the world. The launch of BBC News Serbian is a step in the right direction. I hope we can have more from the BBC and less from Sputnik and Russia Today in the

Balkans. We need factual information, not disinformation that will discourage people from believing that stability is possible.

I repeat that I will hugely miss the late Lord Ashdown. He was not only a politician and diplomat who managed to put my country of birth back together but a friend, an ally and someone I looked up to. I will miss him every day.

Motion agreed.

Committee adjourned at 4.34 pm.

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