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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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

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# House of Lords

Wednesday 8 September 2021

3 pm

Prayers—read by the Lord Bishop of Oxford.

## Government Departments: Non-Executive Directors Question

3.06 pm

Asked by **Lord Wallace of Saltaire**

To ask Her Majesty's Government what professional expertise and qualifications they look for when appointing non-executive directors of Government departments.

**The Minister of State, Cabinet Office (Lord True) (Con):** My Lords, departmental non-executive board members are appointed by the Secretary of State following the principle of selection based on merit. The majority of roles are advertised on Her Majesty's Government's public appointments website. The corporate governance code for central government departments states that appointees shall be

"experts from outside government ... primarily from the commercial private sector, with experience of managing large and complex organisations".

**Lord Wallace of Saltaire (LD):** The Minister will be aware of the comments that the Committee on Standards in Public Life made in *Standards Matter 2*. Paragraph 88 states:

"However there is an increasing trend amongst ministers to appoint supporters or political allies as NEDs. This both undermines the ability of NEDs to scrutinise the work of their departments, and has a knock-on effect on the appointments process elsewhere."

Does the Minister accept that criticism and does he also accept the strong recommendation of the Committee on Standards in Public Life that the appointments process for non-executive directors of government departments should be regulated?

**Lord True (Con):** My Lords, the Government obviously respect the recommendations in any report from the Committee on Standards in Public Life, and we will consider and respond to those recommendations in due course. I believe that talent is not confined to people of a single political opinion. Therefore, I do not follow the noble Lord in the implication that anybody who has ever supported the Conservative Party should be disqualified from one of these roles.

**Lord Sikka (Lab):** My Lords, the Government have adopted a model of non-executive directorships which has been used at BHS, Carillion, crashed banks and other scandal-ridden entities. The non-executive directors there were friends of executive directors; they lacked independence and were ineffective. If the Government are to persist with non-executives, can the Minister

give an undertaking that they will be directly elected by employees and users of the services of the relevant departments?

**Lord True (Con):** No, my Lords, I cannot give such an undertaking.

**Lord Fox (LD):** My Lords, I am grateful to the BEIS website, which points us to the 2014-15 annual report on departmental boards. In it, there is fulsome praise from the then Paymaster-General for how such departmental boards

"help the Whitehall machine function more effectively".

That was one Matt Hancock—and we all know how, six years later, that ended up. However, it is not just in the Department of Health that the non-executive appointment process and the purpose of NEDs have become opaque. As we have heard, the whole system has become the captive of political appointees. Does the Minister agree that these are public appointments and that, for the public to see benefit from them, there should be clarity in the appointments and clear objectives as to how they operate?

**Lord True (Con):** My Lords, on the first point, Mr Hancock is no longer a member of the Government.

**Noble Lords:** Oh!

**Lord True (Con):** On the gravamen of the noble Lord's rather lengthy question, I repeat that I believe, and I think successive Governments have believed, that there is benefit in bringing the experience and knowledge of people from outside the Civil Service into supporting and assisting the public service. I think that that is agreed by many senior people in the Civil Service. I hope that the noble Lord is not suggesting that the system of non-executive directors be done away with.

**Lord Young of Cookham (Con):** My Lords, I welcome the appointment of NEDs to government departments, but can my noble friend explain why, according to the GOV.UK website, there are seven NEDs at HMRC and eight at the Home Office, but only three at MHCLG and only two at BEIS?

**Lord True (Con):** My Lords, the code of practice which I referred to sets out at point 3.3:

"The board should be balanced, with approximately equal numbers of ministers, senior officials and non-executive board members."

The Home Office has eight Ministers and has appointed eight NEDs. MHCLG has five Ministers; it currently has six. There is an effort to ensure that there is a broad balance.

**Baroness Hayter of Kentish Town (Lab):** My Lords, if it walks like a duck and quacks like a duck, it probably is a duck. If NEDs, ethical advisers and heads of Ofcom and quangos look like political donors, look like political colleagues and look like friends of the Prime Minister or other Ministers, they probably

[**BARONESS HAYTER OF KENTISH TOWN**] are. So is it not time that the Government either admitted this and said that they want to appoint their own friends and political trustees to these bodies, and did just that, getting rid of the pretence that these are independent appointments, or reverted to impartial, open and fair recruitment, properly regulated by the Commissioner for Public Appointments?

**Lord True (Con):** My Lords, I repeat that the vacancies for non-executive board members are advertised on the Government's public appointments website. Appointees are subject to a shortlisting panel interview, with the appropriate mediators and the appropriate composition.

**Baroness Wheatcroft (CB):** My Lords, in a speech in June this year, the Minister for the Cabinet Office, Michael Gove, opined on the useful challenge and enhanced scrutiny that non-executive directors would bring to boards—yet in August last year the *Times* found that eight out of 13 appointments, including four to the Cabinet Office board, were, as the noble Baroness, Lady Hayter, might say, “ducks”. They all had close allegiance to the Conservative Party. Will the Minister explain how merit determined that eight out of 13 should have close political allegiance?

**Lord True (Con):** My Lords, again, I am not following any implication of disparagement of the honour of those who are serving as non-executive board members. The Government are grateful and I would submit that, if we could see into the future, we would probably find that future Governments will be grateful for the public spirit of those people who come forward to help government departments run in a more businesslike manner. The majority will be people with great business experience who are used to driving up performance in large organisations. I cite from the Cabinet Office, for example, the noble Lord, Lord Hogan-Howe.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, I wonder whether our Cabinet Office Minister could tell the House how the Government decided that the best person with the expertise and qualifications to provide objective scrutiny of the Cabinet Office was a former Labour MP who supported the Tory Government's Vote Leave campaign.

**Lord True (Con):** For those noble Lords who are not aware, I believe that the noble Lord is referring to the noble Baroness, Lady Stuart. I pay tribute to her outstanding contribution to the work of the Cabinet Office from personal experience of it.

**Baroness Falkner of Margravine (CB):** My Lords, I declare an interest as a holder of a public appointment. I want to turn to ethnic minorities. The Minister will note the figure of 15.3%, which is the representation of ethnic minorities on public boards at the moment. This is an increase from 11.9% in the past year, which is very welcome. However, the figure for chairs from ethnic minority backgrounds is still low, at 5.4%, although that is an increase from 2.9%. What efforts are the

Government making to increase senior positions such as chairs within the public appointments framework for ethnic minorities?

**Lord True (Con):** My Lords, the noble Baroness raises an important point. I agree that every effort should be made to improve the standards that we have now. The more that appointments reflect the ethnic diversity of our country, the better, and I will certainly take the spirit of her comments back to my colleagues.

**Lord McConnell of Glenscorrodale (Lab):** My Lords, going through the list of all the non-executive directors appointed to the different government departments, I was perturbed to see so many Members of your Lordships' House—not just from one side but from other sides, too—and so many others who had recently been Members of Parliament. I wonder whether there is a constitutional issue here around the scrutiny role of Members of your Lordships' House in relation to Ministers, and the scrutiny role of non-executive directors on departmental boards performing a different function. Should there perhaps be some rules that do not allow Members of your Lordships' House to serve in these roles and that set a time limit from leaving Parliament for former MPs as well? There is a real conflict between the scrutiny roles in these two Houses of Parliament and the scrutiny role of an NED, and the Government might want to look at that.

**Lord True (Con):** My Lords, the noble Lord, as ever, raises a thoughtful and interesting point. I do not follow him entirely, because I believe that it is the essence of your Lordships' House that it contains people of enormous experience—past and current—whose input into our public affairs is to the benefit of the country generally. I will reflect on what he said. Obviously, in relation to leaving time before taking up an appointment, in the current circumstances, no one ever leaves the House of Lords until they retire at the very end of their days.

## NHS: Nursing Workforce *Question*

3.17 pm

*Asked by Lord Clark of Windermere*

To ask Her Majesty's Government what plans they have to retain the nursing workforce in the National Health Service following their experiences during the COVID-19 pandemic.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we owe a huge debt of gratitude to the nurses in all parts of our healthcare system, who have done an amazing job through the pandemic. We are on track to deliver our manifesto commitment to have 50,000 more nurses by the end of the Parliament. This includes a focus on retaining nurses already working in the NHS and social care. We are taking action through the NHS People Plan to improve nurse retention by prioritising

health and well-being, supporting flexible working and improving NHS workplace culture. The signs are that these efforts are paying off.

**Lord Clark of Windermere (Lab):** My Lords, the training of these new, welcome recruits to the nursing profession will take some time. Immediate improvements will depend on the current staff, who feel battered and bruised following the intense pressure of Covid. Daily, nurses end up in tears at work and many are contemplating leaving. What specific plans—I stress “specific”—do the Government have to retain nurses to meet today’s growing problems in the NHS?

**Lord Bethell (Con):** My Lords, I completely acknowledge the phenomenon of burnout that the noble Lord rightly points out; the NHS people recovery taskforce, appointed to tackle exactly that problem, is very much focused on it. It works in conjunction with the NHS retention scheme and has led to the appointment of new well-being guardians, which have made a huge impact. The statistics suggest that the leaving ratio, previously at 10.3%, has now been reduced to 8.3%. That is an encouraging sign, but we have a number of other measures in place to ensure that retention remains upward at a time when, as he pointed out, nurses are under huge pressure.

**Baroness Watkins of Tavistock (CB):** My Lords, a group of Nightingale scholars has informed me that nurses are experiencing greater levels of abuse verbally, on social media and physically, together with racism; they attribute this in part to the long waiting lists and their duties in encouraging Covid vaccinations and mask wearing. Will the Government commit to furthering zero tolerance against violence and racism towards NHS staff, which the scholars argue would aid retention significantly?

**Lord Bethell (Con):** My Lords, the noble Baroness raises a really important point. We addressed it nearly 18 months ago, before the pandemic, when we had a crackdown on racism and abuse from patients. I would be very grateful if she could send me the details of her correspondence, and I shall look into whether we need to do more on that immediately.

**Lord Blencathra (Con):** Why should patients with vulnerabilities and vulnerable conditions, who have obediently had their injections, risk their lives by attending hospitals or medical facilities and encountering staff who have refused vaccinations? Will the Minister make it absolutely clear that there is no place in the NHS for vaccine refuseniks either among the medical staff or among those tens of thousands of people who seem to wander around carrying files or doing non-medical work?

**Lord Bethell (Con):** My Lords, we are looking at ways in which to take testing and other treatment out of hospitals and into the community. On my noble friend’s substantive point I say that, as he may know, we have promised to have a consultation on mandatory vaccination for healthcare. We are determined to do that in partnership with the workforce, and I look forward to updating the House on our progress.

**Lord Hendy (Lab):** Does the Minister accept that the most important mechanism for retaining nursing staff in the NHS is by improving their wages, terms and conditions, and that the best way of doing that is by the restoration of full sectoral collective bargaining, as was the case in 2018?

**Lord Bethell (Con):** I pay tribute to the noble Lord’s great experience and expertise in this matter. He will be aware that we have a social partnership forum, where we work extremely closely with the professions on how to improve retention. But I think that the motivation of those in public service and, in particular, in healthcare is much more complex than he describes. We have come to a 3% pay agreement with the nurses, and they have demonstrated huge support for the healthcare service during the pandemic, which suggests that it is more complex than he describes.

**Baroness Brinton (LD) [V]:** My Lords, current NHS nursing vacancies in England are now thought to be over 40,000. Nurses have recently reported concerns that a number of nursing posts at a standard that require a registered nurse or midwife are now being advertised to those not registered with the Nursing and Midwifery Council, presumably because of the shortage of nurses. What steps will the Government take to ensure that only properly qualified nurses and midwives are recruited to these posts that require registration?

**Lord Bethell (Con):** My Lords, there are vacancies in nursing, as there always are. The vacancies at present are not hugely higher than they are normally and, in fact, we have more nurses today than we did two years ago. What I can report to the noble Baroness is that UCAS data shows 27,720 acceptances to nursing and midwifery courses in England as of 7 September. That is extremely good news; it shows the commitment of our graduates to the nursing profession and our commitment to making sure that more nurses are trained.

**Lord Dodds of Duncairn (DUP):** My Lords, there are concerns that in some areas there are dangerously low staffing levels as a result of nurses leaving the profession. In the Belfast trust, in the first six months of this year alone, hundreds have left due to the Covid pandemic and for other reasons. Undoubtedly, that will have an impact on tackling long waiting lists. Can the Minister assure me that the money raised under the new health and social care levy and sent to the devolved Administrations, including Northern Ireland and Scotland, will actually be spent by those Administrations for those purposes, including addressing nursing shortages? As things stand at the moment, that money could be used for other purposes.

**Lord Bethell (Con):** My Lords, there are 303,900 full-time nurses in the NHS trusts and CCGs, an increase of more than 8,900 from June 2020, so the impression that the noble Lord is giving is not, I am afraid, entirely supported by the numbers. In terms of recruitment, 2021 saw a third consecutive year of growth in the number of applicants to nursing and



[LORD BETHELL]

midwifery courses, which again is very good news. As for commitment on devolved Administrations, of course devolved does mean devolved, so I am not sure that I am in the position to make the commitment that he has sought.

**Lord Lilley (Con):** Does my noble friend agree that, as well as retaining nurses, we need to train enough to end the scandalous reliance on poaching nurses from poor countries? The move from bursaries to loans was supposed to end the scandal of us turning away tens of thousands of applicants for British nursing courses in this country. Can he explain why last year we again turned away more than 20,000 young British people who wanted to train as nurses in this country?

**Lord Bethell (Con):** My Lords, as my noble friend will know, the training grant of at least £5,000 per academic year per eligible student is in place, plus a further £3,000 of additional targeted funding—for example, for childcare costs and students studying special subjects. That is the kind of financial commitment that we have made to meet his concerns. On the specific point that he mentioned, I say that not everyone is suited for the nursing profession; it is a really tough job, and not everyone who wants to be a nurse can be a nurse. I am afraid that the applications that we get and the sifting that we do reflects that point.

**Baroness Thornton (Lab):** I draw attention to my interests at Whittington Hospital in the register. Thank goodness that our nurses are incredibly resilient, but the relentless nature of working for the NHS, not just in the last year but prior to the pandemic, is now taking its toll. That includes senior and experienced nurses; there must be a worry that many could take early retirement, which is a risk to the profession. The feedback that I get, to which noble Lords have referred, is that respect and regard is less evident as the pandemic continues, and I think that is exacerbated by the debate about pay. What other initiatives is the NHS considering to deal with the fragile nature of retention—for example, housing offers, travel and the working environment—and will they be funded?

**Lord Bethell (Con):** The points that the noble Baroness makes are entirely right, and we share exactly the same concerns. That is why we have put in place mental health support, enhanced occupational health support, expansion of the right to work flexibly across the NHS, and the promotion of equality. On the point about older nurses, two things particularly stand out: there is significant investment in leadership through the NHS Leadership Academy, and we have bespoke support for over-50s and newly qualified nurses, recognising that they are likely to be the biggest flight risk across the NHS.

**Lord Flight (Con):** My Lords, might the Government consider upping NHS nurses' pay rates but, at the same time, ending the practice of employing agency nurses? Frequently nurses work three days a week directly and two days a week on an agency basis, costing the NHS significantly more than full-time employee nurses.

**Lord Bethell (Con):** My Lords, I acknowledge my noble friend's concerns about that point. It is a fact of life of trying to manage complex healthcare systems that you do not know necessarily on a day-to-day basis which staff you will need and exactly where you are going to need them. Therefore, we rely on flexible working arrangements, which suit some nurses who cannot make the kind of time commitments that are needed for a full-time job. There are hourly costs to that additional flexibility, but we leave it to chief executives to balance those benefits and disbenefits to achieve their objectives.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, the time allowed for this Question has elapsed.

## Sheffield Forgemasters Question

3.29 pm

Asked by **Lord Walney**

To ask Her Majesty's Government what assessment they made of the benefits of acquiring Sheffield Forgemasters.

**The Minister of State, Ministry of Defence (Baroness Goldie) (Con):** My Lords, Sheffield Forgemasters is a unique and key strategic supplier to the UK's defence programme. The decision to acquire this company will secure the supply of components for critical current and future UK defence programmes while preserving jobs and safeguarding important skills within the UK. The acquisition was assessed as offering the best value for money for taxpayers from the options available.

**Lord Walney (Non-Aff):** I thank the Minister for that reply. The Government's acquisition of this great British company is highly welcome. It will help secure the submarine supply chain for future generations of vessels. Can the Minister say how much of the up to £400 million—which was announced via press release last week—has been allocated to what and under what timescale? How will the Government maintain their commitment to net zero alongside allowing this energy-intensive industry to perform its critical task for the nation? How can the Government allay fears that the company's governance through the Ministry of Defence may inhibit its potential to expand into other key sectors, such as civil nuclear power, which are also desperately needed?

**Baroness Goldie (Con):** I thank the noble Lord for the tenor of his remarks and say to him that the proposed investment of £400 million over 10 years will be in defence-critical plant, equipment and infrastructure. That will include plans for a replacement heavy forge line, building a flood resilience scheme, and major machine tool replacements. It will be for the board of directors of the company to determine its activity in relation to climate change and targets for emissions. It is the case that the company has a healthy suite of commercial customers outwith defence. That is one reason why the company's future has the potential to be very exciting.

**Lord West of Spithead (Lab):** My Lords, Sheffield Forgemasters provides key parts for our deterrent submarines and, as such, it is absolutely right and proper that the Government should ensure its continued operation under UK control. This ensures sovereign capability, which is a key plank of the integrated review. In the light of that, can the Minister say how the Government view the large number of foreign takeovers of very successful, high-tech UK firms during the past few years and the possible takeovers of Arm, Meggitt and Ultra, which are being considered at the moment?

**Baroness Goldie (Con):** As the noble Lord will be aware, the Government take a very keen interest in and keep a vigilant eye on security of defence supply. In relation to the specific issue that he mentions, the Government are closely monitoring the proposed acquisition of Meggitt by Parker-Hannifin. The Government have powers, as the noble Lord will be aware, under the Enterprise Act 2002, to intervene in transactions that raise national security concerns and will not hesitate to use those powers as appropriate if the UK's national security interests are at risk.

**Lord Udny-Lister (Con):** My Lords, like others today, I congratulate the Minister and the Government on taking control and purchasing Sheffield Forgemasters. It is a company with a long and very distinguished history—it goes back over 200 years—but, like the rest of the British steel industry, it is seriously undercapitalised. It needs financial investment. The £400 million is great news, but that can be only the beginning of the likely level of investment that is needed. It will also need investment in management, in skills training and in the workforce to make sure that it is one that is not ageing and that younger people want to join. Above all, it needs a long-term commitment; there has been far too much short-termism in the steel industry. Although I fully welcome this step, I would like the Minister's assurance that the MoD will look at Sheffield Forgemasters in the long term.

**Baroness Goldie (Con):** Yes, I am happy to give my noble friend that assurance. It is demonstrated by our commitment to provide up to £400 million of funding to the company over the next 10 years. Some of the defence programmes that Sheffield Forgemasters is a unique supplier to will in fact stretch beyond that period, so we have acted to ensure that the company continues to be able to meet these long-term requirements.

**Baroness Smith of Newnham (LD):** My Lords, the cost of Sheffield Forgemasters was £2.56 billion and there is already an agreement to have another £400 million of expenditure. To what extent is that coming from existing defence budgets and to what extent is that additional expenditure? Is this because, yet again, a defence procurement has not been fully thought through?

**Baroness Goldie (Con):** As I think is universally understood, this was really a stand-alone case and a matter for essential intervention to preserve critical national infrastructure. The financial undertakings to which the MoD has committed itself include the share capital purchase, as the noble Baroness has indicated.

It also includes taking on and refinancing the current indebtedness, which is approximately £19 million, and the capital investment that we have just been discussing. I say to the noble Baroness, as I observed earlier to the noble Lord, Lord Walney, that this is a company with an exciting commercial future. This is an ongoing enterprise and defence's role is to ensure, as my noble friend inquired about in the previous question, that this company has a secure future—a sufficiently secure future that we can return it to the private sector.

**Lord Tunnicliffe (Lab):** My Lords, this week, the Secretary of State said that SFIL is

“the only available manufacturer with the skills and capability to produce certain large-scale high-integrity castings and forgings from specialist steels in an integrated facility to the highest standards required for specific defence programmes.”—[*Official Report, Commons, 6/9/21; col. 2WS.*]

Does that mean that SFIL will have a monopoly of supply for such components, allowing it to invest, with confidence, in the future?

**Baroness Goldie (Con):** It means that the company has an ascertained level of demand from the MoD but, as I said earlier, it also has a very healthy suite of non-MoD, commercial customers. Part of the challenge that the MoD is embracing with the current management of the company is to ensure that that side is grown as well, but the money that the MoD is providing will be directly and singularly applied to the needs of the company to address the MoD customer requirement.

**Lord Holmes of Richmond (Con):** My Lords, I too welcome the acquisition of Sheffield Forgemasters International Ltd. May I ask my noble friend what impact this will have on companies bidding now or in the future for defence contracts?

**Baroness Goldie (Con):** My noble friend asks an important question. We operate under strict regulations that preserve the commercial market. Where competition exists, MoD contracts are tendered in an open and fair competition and companies will not be disadvantaged from bidding for MoD contracts where they have the required capability.

**Baroness Bennett of Manor Castle (GP):** My Lords, given that, three weeks ago, the Swedish steelmaker SSAB supplied Volvo with what was described as the world's first “fossil-free steel”, produced with iron using 100% hydrogen, does the Minister see this acquisition as a step towards the development of such environmentally friendly procedures for the production of steel in the UK? If Sheffield Forgemasters is not the vehicle, how will we catch up with Sweden in this important industrial area?

**Baroness Goldie (Con):** Well, I feel very inadequately qualified to give the noble Baroness an intelligent answer. What I would say is that, in so far as the MoD premise is concerned and in so far as our responsibility extends to Sheffield Forgemasters, as I indicated earlier, it will be for the board and managers of that company to determine how they comply with climate change aspirations and targets for emissions.

**Lord Rooker (Lab):** My Lords, as an out-of-date chartered engineer, I very much support what the Government have done. However, thinking about the past, is there an absolute guarantee that the management of Sheffield Forgemasters is superior to what it was in 1990, when it was making the supergun but did not know it was a supergun and was working for Saddam Hussein but did not know it was working for Saddam Hussein? If it had not been for Mossad having a meeting with Gerald Bull, the designer, we would have had an absolute disaster in the Middle East—we were deeply involved in that.

**Baroness Goldie (Con):** I remember that in 1990 I thought Scotland would never see devolution, so we all have to get used to change. What I can say is that the activities of the company have moved on significantly. I reassure the noble Lord on what I think is an underpinning serious point to his question that, as part of the MoD supplier monitoring programme, the MoD, in line with key customers of the company, worked with the company to restructure the management team in 2018. That management team has successfully led the delivery of a transformation programme for the company and the MoD regards the current board as the right leadership to deliver the capital investment programme, secure defence output and secure the long-term future of the company.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, the time allowed for this Question has elapsed.

## Football Grounds: Safe Standing

### Question

3.40 pm

Asked by **Lord Mann**

To ask Her Majesty's Government what plans they have for the introduction of safe standing at football grounds in England.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, the Government are working closely with the Sports Grounds Safety Authority—the SGSA—towards implementing the manifesto commitment to work with fans and clubs towards introducing safe standing. The Government expect to announce next steps in the coming weeks.

**Lord Mann (Non-Aff):** I declare my interest as the elected chair of the Leeds United Supporters Club. Every supporters' club in the Premier League backs safe standing now. What timescale is the Minister giving clubs for the rather complex discussions and arrangements to introduce it for next season?

**Baroness Barran (Con):** I had hoped that the noble Lord would be stunned and happy at the accuracy of my prediction about more information in the next few weeks. He will also be aware that my right honourable friend the Secretary of State confirmed that standing would be seen at top games this season, albeit in all likelihood initially in pilot form.

**Lord Addington (LD):** My Lords, the Minister has given us some information but not very much. Would she like to start by thanking my noble friend Lord Foster for setting this ball rolling with a Private Member's Bill about 10 years ago? If we are going to do work in football stadiums to change the way that seats are put out, can we have an assurance that the first thing we will do is make sure that wheelchair and disability access are of a sufficient standard? This has been promised for even longer than my noble friend's Bill.

**Baroness Barran (Con):** I hope I can address both of the noble Lord's points. I am delighted to thank the noble Lord, Lord Foster, for his early work on this. The research by the Sports Grounds Safety Authority has demonstrated that introducing standing areas can not only reduce conflict but improve wheelchair access.

**Lord Bassam of Brighton (Lab):** My Lords, over the summer, we sadly learned of the passing of Andrew Devine, who suffered life-changing injuries during the Hillsborough disaster. The coroner ruled that he should be considered the 97th fatality caused by the events of 15 April 1989. Since the horrors of that day, many improvements have been made at football grounds and these must be welcomed. While Labour supports exploring options for the safe reintroduction of standing, it remains an emotive issue for many. Can the Minister confirm that the department recognises the need to handle this topic sensitively and take time to consider fully the evidence gathered in pilots across various leagues before making a final decision?

**Baroness Barran (Con):** The noble Lord makes an extremely important point. Obviously, the context of all these discussions is the Hillsborough tragedy, which he rightly raises. The department is currently working with a wide range of supporter groups. Our absolute abiding principle is that we will never compromise safety and never return to the tragedies of old.

**Lord Foster of Bath (LD):** My Lords, safe standing is already working very successfully all around the world, including in Scotland. However, the Minister will be aware that there are many different forms of safe standing, even within the lower divisions in England. Can the Minister give us an absolute assurance that any new regulations that come forward will take this into account to make sure that a range of allowable options will suit the needs of clubs of all sizes and all sorts of stadia, not just those in the top flight of the game? With so many examples working so successfully, can she explain why we are still talking about the need for further pilots?

**Baroness Barran (Con):** The noble Lord will be aware that the Sports Grounds Safety Authority commissioned independent research into this, which is in the public domain. It published its *Safe Management of Persistent Standing in Seated Areas* report. As the noble Lord said, this confirmed the very positive impact this has had on spectator behaviour, particularly in relation to away fans. That is what we will be updating on in more detail in the coming weeks.



## Critical Benchmarks (References and Administrators' Liability) Bill [HL]

*First Reading*

3.45 pm

*A Bill to make provision about the meaning of references to Article 23A benchmarks in contracts and other arrangements; and to make provision about the liability of administrators of Article 23A benchmarks.*

*The Bill was introduced by Lord Agnew of Oulton, read a first time and ordered to be printed.*

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

*Motion to Approve*

3.46 pm

*Moved by Lord Parkinson of Whitley Bay*

That the draft Order laid before the House on 8 July be approved.

*Considered in Grand Committee on 6 September.*

*Motion agreed.*

## Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021

*Motion to Approve*

3.47 pm

*Moved by Baroness Williams of Trafford*

That the draft Regulations laid before the House on 8 June be approved.

*Relevant document: 5th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 6 September.*

*Motion agreed.*

## Pensions Regulator (Employer Resources Test) Regulations 2021

## Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021

*Motions to Approve*

3.48 pm

*Moved by Baroness Stedman-Scott*

That the draft Regulations laid before the House on 21 and 28 June be approved.

*Considered in Grand Committee on 6 September.*

*Motions agreed.*

## Environment Bill

*Report (2nd Day)*

3.49 pm

*Relevant documents: 3rd and 5th Reports from the Delegated Powers Committee, 4th Report from the Constitution Committee*

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, before we begin proceedings today, I think we can all agree that we did not make as much progress as we had hoped on Monday. May I make a few points about the rules of engagement for Report in the hope that we can make things a little swifter today? I remind the House that on Report, apart from the mover of an amendment, who may reply to the debate on the amendment, Members should not speak more than once to an amendment, save with the leave of the House to explain some material point in their speech. Only the mover of an amendment may speak after the Minister. Other Members speaking after the Minister may do so only to ask short questions of elucidation. I should be very grateful if we could all adhere to these rules.

### *Clause 5: Environmental targets: reporting duties*

#### *Amendment 11*

*Moved by Baroness Brown of Cambridge*

11: Clause 5, page 4, line 5, at end insert—

“(d) interim targets are met.”

Member's explanatory statement

This amendment places a statutory duty on the Secretary of State to meet any interim targets they set.

**Baroness Brown of Cambridge (CB):** My Lords, I rise to move Amendment 11 and will speak to Amendment 14 in my name and those of the noble Baronesses, Lady Hayman of Ullock and Lady Parminter, and the noble and learned Lord, Lord Thomas of Cwmgiedd. Both amendments are designed to ensure that the important environmental plans and targets established by the Bill drive strong and effective action. The Bill introduces an important suite of legally binding, long-term environmental improvement targets and provides for these to be guided by five-year interim milestones. Unlike those in the Climate Change Act, these interim milestones are not binding requirements.

In Committee, the noble Baronesses, Lady Bennett of Manor Castle, Lady Hayman, Lady Young of Old Scone and Lady Parminter, the noble Lord, Lord Randall of Uxbridge, and the noble and learned Lord, Lord Thomas, made a persuasive case for these interim targets to be statutory. They cited evidence—lists of non-statutory targets missed, such as those for biodiversity, contrasted with the success and focus of the Climate Change Act. They highlighted human behaviour; a statutory duty in five years' time will get more focus than one in 20 years' time—or, as Allegra Stratton, the No. 10 climate spokesperson, has said, 2050 is “too far away”,

“we have to feel the ... urgency of now.”

[BARONESS BROWN OF CAMBRIDGE]

They stressed the need for urgent action. Nature takes time to respond, and there is no hockey stick from new technologies enabling back-ended action. They emphasised the value of transparency; statutory interim targets make progress more visible and the OEP's role more effective. They quoted business, with the Aldersgate Group's support for statutory interim targets that give business certainty to invest and act. In short, they outlined a compelling case.

However, the Minister was not persuaded. He responded that interim targets would

"undermine the long-term ... targets framework"—[*Official Report*, 23/6/21; col. 268.]

across political cycles. This perplexes me, because the Climate Change Act demonstrates quite the opposite—that statutory interim targets maintain focus and pressure as Ministers and Governments change. He said that, without statutory targets, Governments might take more ambitious action; it is also perplexing that one might think that statutory targets prevent greater ambition. He said they would lead to "rushed policy-making". I do not understand how it would be possible to set robust, achievable, science-based, long-term targets—as the Bill rightly requires—without identifying the steps needed to get there. This is exactly how the Climate Change Committee works. The original 80% target and the net zero recommendation could not have been made with any credibility without an analysis of the pathways to achieve them.

The Minister rightly said that we are dealing with complex, living "non-linear systems". Indeed we are. In my experience as a scientist, it is easier to predict the impact of actions to support such systems over a five-year timescale than it is to predict outcomes in 15 or 20 years, as the noble Lord, Lord Cameron, reminded us on Monday. The Minister said it discourages large-scale change for a focus on quick wins. I might agree with this if we were talking about a five-year target alone, but evidence shows the effectiveness of the combination of statutory interim targets and a legislated long-term goal. I sincerely hope the Government will reconsider their position on statutory interim targets, because the evidence is clear. They would help ensure that the excellent intent of this important Bill is delivered.

I will very briefly turn to Amendment 14. This amendment strengthens environmental improvement plans by linking them clearly to the proposed measures and targets under the Bill and by requiring the Government not just to take steps to improve the natural environment but specifically to set out policies and proposals. Without this clear link to specific measures and delivery of targets, there is a risk that environmental improvement plans will resemble our current national adaptation plan—long descriptions of process with few time-bound actions.

This requirement to set out policies and proposals is the wording in the Climate Change Act. This has led in recent months to a stream of major policy announcements across government departments, including the Prime Minister's 10-point plan, the transport decarbonisation strategy, the hydrogen strategy, the industrial decarbonisation strategy and the anticipated net-zero strategy—an impressive list, referred to by the Minister on Monday. These are truly important

developments for the climate. Do nature and the environment not deserve the same? "Yes" is the message we have heard in many speeches in this debate. The Minister was reassuring in his response on this issue in Committee. I hope he will now accept that we must turn steps into policies and proposals and give nature the focus and funding across government that it so urgently needs.

Binding five-yearly targets on our way to critical long-term goals are such an important issue in terms of the urgency of now that I may wish to test the opinion of the House.

**Lord Thomas of Cwmgiedd (CB):** My Lords, I rise very briefly to say why I added my name to this amendment. The Bill currently lacks a coherent interlocking scheme, and these amendments seek to deal with that. It is right to warmly acknowledge the huge progress made by the Minister, but as he has said so clearly, the costs of much of this are not yet understood by the public and there are still obvious strong lobbies that will seek delay.

It is therefore very important that there be a coherent scheme with interlocking interim targets, environment improvement plans and long-term targets. I warmly thank the Minister that we have legally enforceable, long-term targets. It is good that we have them, but the really difficult decisions relate to interim targets. They do not easily fit into the short-term electoral cycle; they are not something a politician or decision-maker can say is for a future generation, years and years away. Interim targets are the here and now. Nothing much has changed, as one can see from the great Victorian novelists, "Yes, Minister" or, more tangibly, the targets that have been missed to date. That is why I so strongly support providing for the practical nature of legally binding interim targets.

There is another matter to which, as a legislature, we should have regard: we ought not to be passing aspirational, vague legislation, but legislation which is clear and sets clear duties so that people know where they stand and so that the Government can be held to account. The noble Baroness, Lady Brown, has dealt eloquently with the arguments made by the Government. There is no need for me to add anything to her observations.

**Lord Harries of Pentregarth (CB):** My Lords, I support Amendments 11 and 14, but actually rise to speak to Amendment 13 in my name. The background to this is an amendment I put down in Committee specifically in relation to trees, tree-planting and tree health. It asked the Government to ensure that an annual report was made to Parliament on how far we had got in achieving the target set in the Bill. Obviously, what is applicable to trees is applicable to every target in this Bill—a whole range of targets will eventually be put forward and I will not go through them all.

The Bill as it stands now says there must be a review within five years of the first review. I suggest that the situation is now so urgent that Parliament needs to consider every year how far we have got towards achieving or failing to meet that target. We are all agreed that there is huge urgency to this, and we need to keep the pressure on year by year in Parliament.

I will never forget a meeting in Singapore in 2020, when one of the major issues facing the world was third-world debt. At the end of the meeting, people from the developing world looked at their diaries and said, “Perhaps we could meet again in three years’ time”, when suddenly a friend of mine—for whom this was literally a matter of life and death in his country—erupted with huge righteous anger which still echoes in my mind. I am not myself given to righteous anger, but I am sure that countries where people are literally now dying as a result of what is happening would have that same anger.

I will not divide the House on this as we have quite enough votes anyway. But I would like the Minister to consider seriously—sharing the sense of the urgency of this, as he does—bringing forward a government amendment to ensure that Parliament has a chance to look at the targets in this Bill every year in order to see how close we are to achieving them, or to what extent we are failing.

4 pm

**Lord Deben (Con):** My Lords, I support the amendment from the noble Baroness, Lady Brown, because I know from my experience as chairman of the Climate Change Committee why it works. It works because there are statutory targets to be met within reasonable times. If the target date is 2050, no Minister presently serving will have to be responsible for it. Indeed, I remind my noble friend that when a former Labour Party Administration announced a date for net-zero houses which was some 10 years later, there was ribaldry on the Conservative Benches on the basis that that would mean that they would not have to do anything during their period of office.

I am afraid I am long enough in the tooth to recognise that the Climate Change Act ensured that no Government could put off the actions they had to take until a more convenient time arose. The brilliance of the Act was to bring together two very different timescales. One is the democratic timescale of four or five years for the renewal of mandate and the other is the continuing timescale of fighting climate change. A democratic society has somehow to bring those two together. The cleverness of it was that by ensuring that Parliament agreed on the interim budgets and therefore they were democratically voted on, the Climate Change Committee was then able to hold the Government to them. They could not be changed without their agreement. That brought these two things in line.

What surprises me about my noble friend’s—and he is a noble friend—reply during the previous debate was his suggestion that somehow everything that is true about the Climate Change Act does not count in the Environment Bill. He does not believe that because he is a great supporter of the Climate Change Act. It is just not possible to hold those two views. I fear that this is the result of some apparatchik somewhere who does not want anybody to be held to anything. All of us should recognise how dangerous that is from the news today. Despite everything that has been said at this Dispatch Box and a similar Dispatch Box in the other House, the Government have bent over to the Australian Government and removed from the agreement the commitment to meeting the climate change figures and temperatures in the Paris Agreement.

If that is so, how can we possibly accept merely the assurances? We have to have it in the Act—we have to have it clearly there, not because we have any doubt that this Minister, this Front Bench, would do what they say they are going to do, but because we have lived long enough to know that if it is not in the Act, in the end it does not get done.

**Baroness Jones of Moulsecoomb (GP):** My Lords, I fully support Amendments 11, 13 and 14. I simply ask: what is the point of having targets if there is no duty to meet them?

**The Earl of Kinnoull (CB):** My Lords, I want, very briefly, to support Amendment 11. The whole point of this Bill is that it is going to be ready for the COP 26 meeting. It is a model Bill. It is something that we hope that other countries will adopt as a method of dealing with very difficult problems.

It seems to me in business experience that if you have long long-term targets, interim targets are very helpful. Therefore, as a necessary logical consequence, one would want the model Act to have such interim targets as well—the exemplar we would want other countries to follow. As I am sure we will be managing the thing in a logical way and therefore managing it with interim targets and would want other people to do that as well, it is logical that we should have these targets.

**Baroness Parminter (LD):** My Lords, I thank the noble Baroness, Lady Brown of Cambridge, for her excellent opening remarks. As she rightly said, a number of us spoke at some length on this matter in Committee. We have had excellent expositions from her and supporting evidence from the noble Lord, Lord Deben, of the merits of this case and why we need these statutory targets. It is not just this House that is calling on them—business is calling on them. This is what it needs to make the changes in the future for our country and for the sustainability of companies. Given that time is tight, if the noble Baroness were to press this to a vote, she would have the support of these Benches.

**Baroness Hayman of Ullock (Lab):** My Lords, I will speak in support of Amendments 11 and 14 in the name of the noble Baroness, Lady Brown of Cambridge, to which I have added my name. I thank the noble Baroness for her introduction.

In Committee, we tabled an amendment to place a statutory duty on the Secretary of State to meet any interim targets. We were very disappointed that the Government did not agree that this is important if we are to make genuine progress in improving our environment. I assure the noble Baroness, Lady Brown, today that if she chooses to test the opinion of the House, she will have our support.

It has been made clear in the debate today, as it was in Committee, that we really need to make sure that the interim targets are going to be met. Amendment 14 would strengthen the EIPs to do this and link them to the targets to make them legally binding, as opposed to their current standing, which is really being nothing more than policy documents.



[BARONESS HAYMAN OF ULLOCK]

As I said in Committee when I provided your Lordships' House with a number of examples of how voluntary environmental targets had been badly missed or even abandoned on a number of occasions, this really only emphasises the need to make sure that the interim targets are as legally binding as the long-term ones.

The Government have seen fit, as we know, to bring in a legally binding species abundance target for 2030, which we welcome and support. This shows that the Government do not, in principle, object to legally binding short-term targets and, indeed, accept that they can drive progress in that area. It seems very inconsistent, as the noble Baroness, Lady Brown, said earlier, that they are not doing it in this case. As the noble Lord, Lord Deben, strongly explained, the Climate Change Act 2008 has been very successful in holding the Government to account on their interim targets. I have heard no compelling justification for why there should be this critical difference in the Environment Bill.

The Minister made the point in Committee that long-term targets provide much-needed certainty to business; the noble Baroness, Lady Brown, also mentioned business and the Aldersgate Group. The Minister said that for businesses to invest confidently they need flexibility around the interim targets but the Aldersgate Group representing business has said that that is not the case. In fact, it has been very clear that it wants other legally binding interim targets so that it can deliver the much-needed investment in nature restoration.

I acknowledge the noble Lord's previous argument that change towards long-term goals and progress towards meeting them, does not always happen in a linear way. However, I do not accept that this is a convincing argument not to make the interim targets legally binding. Instead, it is an argument for the Government to apply some flexibility in the type of interim targets they may well be setting. We know that the Bill already gives the Secretary of State considerable discretion in setting these interim targets

The noble and learned Lord, Lord Thomas of Cwmgiedd, made the point that if you get this set, it means that any early action taken is much more likely to be sustainable as well. So, if we set end goals far into the future, we need binding interim targets with monitoring and scrutiny to prevent the targets being potentially kicked into the long grass or left to the last minute.

Finally, I remind your Lordships' House that, as I mentioned in Committee, this is not just an issue for Defra. This is important, because if we are to meet our environmental targets, other departments have to play their part. If the interim targets are not binding, why do we think that the DfT, BEIS, local government and others will be on the path to meet the long-term targets? They will have their own priorities, so they will need to be properly encouraged by legally binding targets to make the progress we need.

This amendment would hugely strengthen the Environment Bill and its outcomes. I urge the Minister to review his previous position and support it.

**The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con):** I thank all noble Lords for their contributions to this debate. Beginning with Amendment 11, moved by the noble Baroness, Lady Brown of Cambridge, the Bill's robust statutory cycle of monitoring, annual reporting and five-yearly reviews, combined with the OEP and parliamentary scrutiny, ensures that meeting interim targets is taken seriously, without the need for them to be legally binding. We discussed this in detail in Committee, but I would like to outline the Government's position briefly once more.

The OEP will scrutinise the Government's progress on targets, including those interim targets, and it can make recommendations on how to improve progress, to which the Government have a duty to respond. It would be both unnecessary and detrimental to our targets framework and our environmental ambitions to introduce legally binding interim targets, as the approach risks undermining the long-term nature of the targets framework, which we have designed to look beyond the political cycle of any one Government and to avoid action solely focused on short-term wins. As I mentioned in Committee, it is undoubtedly a natural temptation for any and every Government working to legally binding five-year targets to set eye-catching, short-term measures in their manifesto, even if those are not necessarily the most effective measures for meeting the longer-term targets.

However, everything we know about the complexity of the environmental targets—indeed, everything we know about natural systems—shows that they transcend any one Administration or five-year period. We are talking about living, non-linear systems, where there will be plenty of measures whose effects will take many years to bear out. For example, for certain habitats, such as peat bogs, native woodlands and elements of the marine environment, significant change is very unlikely to occur within a five-year period, no matter what we do now. We would not want to have to deprioritise key aspects of the environment with longer recovery times to meet a legally binding target in five years.

A number of speakers have made comparisons to the carbon—

**Lord Krebs (CB):** I thank the Minister for allowing me to interject briefly. He makes the point that restoring and maintaining natural systems is a long-term process. I would agree with that, but does he not also accept that a key element of meeting the targets is to build resilience of natural systems—that is, their ability to withstand shocks and to recover from events such as extreme weather or infectious disease outbreaks? One can tell, from decades of ecological research, at an early stage whether the right steps are being taken to build the resilience of natural ecosystems. Therefore, that could be identified as a shorter-term target to achieve the long-term aims.

**Lord Goldsmith of Richmond Park (Con):** I agree with the noble Lord; building resilience into our natural environment—into the natural systems on which, ultimately, we depend—is clearly a priority, and I



think that is reflected throughout the Bill. It is certainly reflected in our soon to be newly introduced 2030 biodiversity target. But I do not think that takes us away from the fact that, if we are measuring progress on the basis of a longer-term plan, you would end up in some cases with a very dramatic hockey stick, which would be difficult for a Government to explain in the way that would be necessary in the context of legally binding targets.

4.15 pm

To comment on the comparison made by the noble Baroness, Lady Brown, and others to carbon budgets, the targets will be different from carbon budgets, which is why the Environment Bill takes this different approach. While carbon budgets relate to a single measurable metric—the UK's net greenhouse gas emissions—these targets will be set on numerous different aspects of the natural environment. They will be vastly more three-dimensional and complex. You can change a boiler and see immediate impacts and results, but plant a tree and it could be a decade before you see any real impact, whether on biodiversity or carbon. It is wrong, therefore, given the regular checks that the Government are subjected to—the regular reviews I have already described—to describe these longer-term targets as aspirational. For example, the 2030 biodiversity target is eight or nine years from now; it will be very hard for a Government not to be seen to be taking the right steps, given that we know the support that exists among the public for that target and the demand for progress. It is not feasible in our democracy for the Government simply to wait until the final hour and then hope a new Minister will take the brunt.

Setting interim targets in the environmental improvement plan provides the right balance. It allows us to set a clear trajectory towards our long-term ambitions while allowing us flexibility to innovate and respond to new evidence, so I am afraid that the Government cannot accept this amendment.

I turn to Amendment 14, also tabled by the noble Baroness, Lady Brown of Cambridge. Clearly, I understand the desire to bolster the link between EIPs and targets, but our view is that this is not necessary, and I will explain why. The EIP already must contain steps the Government intend to take to improve the natural environment, as set out in Clause 8. Furthermore, the Bill also already expressly requires that, when reviewing the EIP, the Government must consider whether they need to take further or different steps towards meeting both interim and long-term targets. This means that, when reviewing the EIP, the Government will update it as necessary to include measures to achieve their targets. Finally, the OEP will scrutinise the Government's progress towards targets annually, providing recommendations if and when it believes better progress could be made in improving the natural environment. The Government would have to respond to these recommendations, which will be published and laid before, and therefore subjected to the scrutiny of, Parliament.

Finally, I turn to Amendment 13 tabled by the noble and right reverend Lord, Lord Harries. I thank him for our recent discussions on how to ensure that the targets framework is robust and world-leading;

I am grateful for his time. However, we do not believe that this amendment, requiring an annual rather than five-yearly review of the Government's suite of environmental targets to determine whether the significant improvement test is met, is necessary or proportionate. The significant improvement test has a very specific focus; it is a collective assessment of legally binding targets to test their potential to drive significant improvement in the natural environment. It is more appropriate to conduct this more holistic and prospective assessment periodically, rather than annually. Furthermore, it makes sense to allow for this periodic review of the Government's suite of targets to align with the periodic review of the EIP, which will also take place at least every five years. Through those five-yearly reviews of the EIP, the Government will have to consider whether further or different steps are needed to meet individual targets.

I must stress that the Government are confident in our position on the issues we are debating today and that our approach ensures that successive Governments will regularly test whether the suite of targets they have in place has the necessary breadth and ambition and provides the necessary hooks for parliamentary and wider scrutiny. I hope I have been able to reassure at least some noble Lords, and I ask them to withdraw their amendments.

**Baroness Brown of Cambridge (CB):** I thank the Minister for his response, and I agree with him that the targets will be difficult and complex and need to be set with considerable thought and attention. However, I can only repeat my point that I cannot see how it is possible to set robust, achievable, science-based, long-term targets as the Bill requires without identifying the steps needed to get there. If you can identify the steps needed to get there, you can set statutory interim targets.

I thank all noble Lords across the House who have contributed to this debate, and I would like to test the opinion of the House.

4.20 pm

*Division on Amendment 11*

*Contents 203; Not-Contents 181.*

*Amendment 11 agreed.*

## Division No. 1

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4.38 pm

**Clause 7: Environmental targets: review**

*Amendments 12 and 13 not moved.*

**Clause 8: Environmental improvement plans**

*Amendment 14 not moved.*

**Amendment 15**

*Moved by Lord Redesdale*

**15:** Clause 8, page 5, line 39, at end insert—

“(5A) It may also set out steps Her Majesty’s Government intends to take to improve the conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them (and if it does so references in this Part to improving the natural environment, in relation to that plan, include conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them).”

**Lord Redesdale (LD):** My Lords, I will also speak to Amendments 16, 17, 25 and 29 in my name. This amendment is looking to include heritage as one of the requirements of EIPs.

The Government stated clearly in Committee that they are committed to heritage through the 25-year plan, but it seems to have been neglected in the EIPs. The problem is that if it is not on the face of the Bill there is no compulsion for heritage to be looked at in this provision. There is an issue here, because while we talk about environment, there is a read across to many historic landscapes where heritage has led to the conservation and preservation of species. In the summer I was working on hedgerows. You can tell the age of a hedgerow by the number of species incorporated in it, and if you say, “we’ll replace it with a modern hedgerow”, you will end up with just one species and a degradation of the landscape. Preserving the historic heritage could save many parts of the environmental landscape that could be at risk.

It was clear in Committee that the Government are not going to place this on the face of the Bill, but can the Minister state clearly before the House today that while they are not placing it as a duty under the EIP, they see it as a fundamental area that should be brought into an EIP going forward?

I would love to make a long Second Reading speech on the joys of heritage but obviously, in the interest of haste I am not going to. In return, I would like the Minister to make a very strong statement. However, I will raise a second issue. While this is not part of this Bill, the heritage sector in this country has been very worried about what has been going on in Afghanistan. Those working in the heritage sector in Afghanistan are particularly at risk and were on a bus ready to go to the airport to be taken to a safe country. Unfortunately, the bomb went off and those people have not been able to leave. I hope that the Minister will raise this with the DCMS. I know that the DCMS has been doing a lot of work on this, but there is a long-standing and strong link between those in the heritage sectors in this country and in Afghanistan.

I beg to move.

**Baroness Jones of Moulsecoomb (GP):** My Lords, it is a pleasure to follow the noble Lord, Lord Redesdale. I support all these amendments. As an ex-archaeologist I feel strongly that this is something we must take notice of. We cannot keep trashing our heritage. I will try to be brief, if not as brief as last time, but will give two examples of where we have absolutely blundered.

The noble Lord, Lord Redesdale, mentioned “historic”, but my area of study was prehistoric. For example, the way Stonehenge has been treated, with plans for a tunnel and a road, is absolutely outrageous. Why is there no understanding that these monuments contribute not only to wildlife, the landscape and the soil in lots of ways but to human happiness? Luckily, the plans for the monstrous Stonehenge road have been turned down by a British court.

That is a prehistoric example. An historic example is Bevis Marks Synagogue, which has just celebrated its 320th anniversary of continuous use, which is absolutely incredible for a building in London. However, an application has been made to build three high-rise tower blocks around it, which would plunge it into darkness for most of the day. This will impact on the people who go there, and it will be a tragedy to degrade this stunning monument in this way. It seems that, with ambition, development and building, people lose sight of what is good for us all. The local community is, of course, absolutely up in arms and trying to stop the City of London Corporation’s planning committee.

The Green Party is incredibly keen to support these amendments. I am astonished that the Government do not understand rather better the need for our heritage. They make a lot of fuss about statues at Oriel College but somehow, these other wonderful monuments do not seem to play any part in their thinking.

4.45 pm

**Viscount Trenchard (Con):** My Lords, I have put my name to all four amendments tabled by the noble Lord, Lord Redesdale, and it is a pleasure to follow the noble Baroness, Lady Jones of Moulsecoomb.



[VISCOUNT TRENCHARD]

My noble friend the Minister acknowledged in his speech at Second Reading that heritage is a part of the Government's vision for conservation and the countryside. He reminded your Lordships that the 25-year plan explicitly recognises the link between the natural environment and heritage and said that it is at the heart of our approach. However, if that is so, why is heritage the only one of the 10 goals contained in the 25-year plan to be excluded from the definition of "the environment" in Clause 44? EU legislation did not treat heritage buildings and archaeological features as part of the environment and, as a result, they have been underfunded for decades.

More than half of our traditional farm buildings have already been lost. As I said in Committee, I do not think it is possible to set targets with respect to people's enjoyment of the natural environment without recognising that traditional farm buildings and other archaeological features are an essential part of accommodating increased numbers of visitors to the countryside and their enjoyment of it. Ancient tithe barns and other buildings have been or need to be restored and repurposed in order to accommodate increasing visitor numbers.

On 23 June, my noble friend the Minister stated that heritage was never funded under the common agricultural policy. I am not sure that he was correct, in that, although heritage was not treated by the EU as part of the environment, I understand that it has been funded by Defra ever since the Agriculture Act 1986. Landscape heritage was one of five priorities for agri-environment scheme funding under the CAP and has received Defra funding of several million pounds a year—both maintenance and capital—for more than three decades, under country stewardship, environmental stewardship and previous schemes.

On page 42, the 2019 Conservative manifesto guaranteed that the current CAP budget would be maintained but that it would be moved from direct payments to public goods. The budget for public goods such as heritage is thus up to three times higher than it was under the CAP. Like the noble Lord, Lord Redesdale, I look forward to hearing something strong and positive about this, because heritage is a great omission from the Bill.

**Lord Blencathra (Con):** My Lords, I rise to support the noble Lord, Lord Redesdale, and his excellent amendments. Like him, I regret that we did not get this on the face of the Bill. My noble friend the Minister rejected that in Committee and there is no point in trying again. However, I hope that my noble friend will pay strict attention to what the noble Lord, Lord Redesdale, said about making a strong statement that this funding should continue. I apologise if I am incorrect, but I think that my noble friend Lord Trenchard was right. My noble friend the Minister probably was given wrong advice when he said in Committee that it has never been funded under the CAP and that:

"It is not something that Defra has done or can do. It is very much a job and a responsibility for the DCMS."—[*Official Report*, 23/6/21; col. 365.]

I think that is not the case and that this has been funded for some considerable time through Defra. I understand that the sums are not significant. We are

talking about £10 million per annum, which has of course been used for things such as farm buildings, walls, and archaeology. It is not funding residences; it has not been funding grand estates which may be the job of the DCMS, or anything like that.

In addition to asking the Minister to make a strong statement that the funding will continue, I enter another strong plea. I do not speak on its behalf, but I understand that Historic England is deeply worried about this. It was under the impression, rightly or wrongly, that this would appear on the face of the Bill. It is now concerned that, since it will not be included, and given that my noble friend the Minister and Defra are rightly concentrating on funding the Bill's priorities—peatland restoration, woodland planting and so on—something such as heritage might fall through the cracks. I would be very grateful if my noble friend said that either he or one of the Defra Ministers will meet with the heads of Historic England and reassure them as to their intentions. Historic England is not seeking much: it is seeking reassurances that the status quo can continue. I would be very grateful if my noble friend gave that assurance and assured the noble Lord, Lord Redesdale, that this will not fall through the cracks but will continue to be a small but important priority.

**Lord Cormack (Con):** My Lords, I strongly support what my noble friend Lord Blencathra just said about a meeting with Historic England and indeed with English Heritage, which is responsible for a large number of important buildings up and down the land. I support all the amendments, as I did in Committee. To me, it is an anomaly and a contradiction of the phrase "joined-up government" that because something is largely within the province of another department it cannot be covered by an all-embracing Bill.

This afternoon, I will concentrate on an issue that I raised on another amendment in Committee. I do so—and I have discussed this with my noble friend the Minister—because it fits logically under these amendments. When we were debating this last time, I said, and there were nods all around the Chamber, how central and important to the manmade landscape our churches are. The noble Baroness, Lady Jones, referred to a synagogue in London, the most historic synagogue in the land, and she was absolutely right in all she said. I pray that that is not overshadowed, literally, in the way currently threatened.

Central to most of our country towns and virtually all our villages, especially in England, is the parish church. You come closest to the soul of the country in the parish church, particularly through the monuments it contains, which often tell the story of the whole community—one thinks of Gray's "Elegy"—in that church.

We have a real problem when it comes to the preservation of species and buildings. The National Trust paper, which we have all been sent, refers to habitats, and we have got the balance very wrong when it comes to the preservation of bats—important creatures that they are, despite being a bit of a health hazard sometimes—and the preservation of those buildings that tell the story of our land. I am grateful to my noble friend Lord Goldsmith; I gather he is not going to reply to this debate, but he replied to the earlier one



in which I took part and we had a brief discussion this afternoon. I had a lengthy meeting with him during the recess, on the dreaded Zoom, but it was a good meeting and Professor Jean Wilson, a great former president of the Church Monuments Society, took part.

I know there is a Bats in Churches project, but it is creeping forward slowly. We have 16,000 listed churches in this country, most of them Church of England, but not all, by any means. Some of them are being despoiled and defaced—the monuments, the wall paintings, the alabasters and the brasses in particular—by bat urine and bat faeces. We have to get the balance right when we are preserving species and buildings that were not built to house bats; they were built to house worshipping Christians. We are still officially a Christian country, and the parish church means a great deal to many people, even if they do not worship in it regularly. We have to remember that the parish system in our country means that everyone who lives in England lives in a parish and is entitled to the services of the parish and priest, particularly at times of great moment in a family's history—birth, marriage, death. It is truly important that we recognise how important these buildings are.

In his letter to me, sent following our meeting, the Minister talked about something like five churches a year benefiting from this new scheme. That is good but, measured against the overall number, it is negligible. I hope that the Minister will meet me, Professor Wilson and perhaps others again, because we must try to get the balance right. Getting the balance right is the answer to so many problems in our country, not just heritage and environmental problems, but many others. It would be wrong if, during the passage of this environmental Bill—and I agree strongly with my noble friend Lord Blencathra and the noble Lord, Lord Redesdale—we do not get this on the face of it. I am realistic enough to know that we are not going to get it, but we need a strong ministerial statement. This is casting no aspersions on my noble friend Lady Bloomfield, who will reply to this debate, but we need a statement from my noble friend Lord Goldsmith as well.

We live in a landscape that is mostly manmade and, where it is not, it is man-moulded. Some of the most important features of that landscape are parts of the built environment and the archaeology of which the noble Baroness, Lady Jones, spoke so movingly. Can we please try to recognise the threat to our churches from the overpresence of bats in many of them and do all we can to rescue a priceless part of the nation's heritage and an embodiment of much of its history?

**The Earl of Clancarty (CB):** My Lords, I will be very brief. I support all these amendments. We should be proud of our heritage in this country, but I am not sure, as others have pointed out, that we have been doing enough to protect our cultural landscapes in recent years. They may vary from ancient monuments all the way up to the present day, and include the lived environment, which overlaps so much with the past.

There are two real concerns, at present. There may be more, but I will point out two. The first is the lack of local authority funding and the second is the danger

of untrammelled development, particularly through the tearing up and sidestepping of planning regulations. It is a disgrace that, in a country not affected by war at home—and the noble Lord, Lord Redesdale, mentioned Afghanistan—we have lost one site of world heritage status, Liverpool's Waterfront, and are in danger of losing another, Stonehenge, if that road tunnel is built. We still do not know what is going to happen.

On the lived environment, I am put in mind of the 100th anniversary of the birth of the artist Joseph Beuys, who co-founded the German green party. His work "7000 Oaks" involved the planting of oak trees, often in bombed-out sites, across the city of Kassel. This was not a simple tree-planting exercise, as each tree was accompanied by a large stone marker. As the trees were planted—and it took five years to complete the project—the pile of 7,000 stones in front of the city's museum was gradually reduced. Beuys's idea for this piece, which was radical at the time, was that of nature being in harmony with humanity. His ideas have been copied in America and Britain. In this context, I just mention the National Memorial Arboretum in Staffordshire. This lesson of sensitivity towards our environment is something that we all need to learn.

5 pm

**Lord Carrington (CB):** My Lords, I fear that in my contribution I cannot be as poetic or as evocative as the noble Lord, Lord Cormack, but I congratulate the noble Lord, Lord Redesdale, on focusing these amendments solely on putting heritage on a statutory footing in regard to environmental improvement plans. This prevents succeeding Governments removing these incredibly important matters of heritage and the historic environment from future EIPs. It also makes sure that funding to support heritage under the Agriculture Act has much greater certainty.

This is at the heart of the argument this time. It continues to take into account all the arguments we made in Committee on the importance of protecting heritage of all sorts in this groundbreaking Bill. I believe that these amendments will be a simple change but have a distinct impact. Importantly, they will cover the concerns of the previous amendments introduced in Committee.

Finally, these amendments would also allow the office for environmental protection to monitor heritage in the rural environment as a statutory requirement based on EIPs. I give them my full support.

**The Earl of Devon (CB):** My Lords, I remind the House of my interests and my passion for heritage landscapes. I have spoken already on the gaping hole in this Bill where heritage should sit, and I need not repeat that. However, having read the Committee stage debate afresh, particularly the Minister's response, I am concerned that the Government are promoting a false and very damaging dichotomy between manmade heritage, which is delegated to DCMS, and the natural environment, which belongs to Defra. This reveals either a fundamental misunderstanding or a deliberate rejection of the millennia of human intervention in creating our natural landscape, of which we are an integral part and on which so much of our life and

[THE EARL OF DEVON]

biodiversity is dependent. To misquote the most reverend Primate the Archbishop of York, we are “in” this earth and should not be separated from it.

We are not talking about rural buildings, towers and follies here—important though they are—but the much less sexy engineering works that have created and protected so much of our essential farmable landscape, particularly in East Anglia and the Somerset Levels, as well as vast areas of urbanisation such as the Thames estuary. This dichotomy is dangerous and wrong. I ask that the Minister makes it explicitly clear that the preservation and maintenance of our manmade landscape is a priority for this Government and will be supported through this Bill. This is very important to those of us who live and farm at or near sea level—and sea level that is protected by heritage features.

This damaging misunderstanding is particularly pronounced in the current fashion for rewilding, and the condemnation of any and all human intervention in nature. Having created this green and pleasant land, we must not abdicate our responsibility for it.

**Baroness Hayman of Ullock (Lab):** My Lords, I thank the noble Lord, Lord Redesdale, and the noble Baroness, Lady Jones, for tabling these important amendments. Cultural and historical landmarks and environments bring recognised value to our environment. As such, this debate has raised important concerns about their omission from the Environment Bill. As the noble Lord, Lord Redesdale, said, after our debate in Committee, the noble Lord, Lord Goldsmith, assured your Lordships that the historical environment will be considered when the Government prepare their environment improvement plans for the natural environment.

The Minister also referred, as have many noble Lords here today, to the 25-year environment plan, which, as we know, is to be adopted as the first statutory environmental improvement plan. It has a commitment to safeguarding and enhancing the beauty of our natural scenery, and improving its environmental value, while being sensitive to considerations of its heritage. However, because this Bill explicitly excludes the historic environment from the provisions of Part 1—as the noble Lord, Lord Carrington, said—this potentially excludes it from future versions of the EIPs. The 25-year plan also recognises the importance of the environment for people. This is something else that is not explicitly carried forward into the Bill. It is all very well for the Minister to talk about what is in the 25-year plan, but that is not the same as actively improving the quality and conservation of these environments, and increasing people’s opportunity to appreciate and enjoy them, by putting them in the Environment Bill.

Many noble Lords have talked about the need to ensure that the goals in the 25-year plan will be taken forward into future versions. The noble Lord, Lord Redesdale, among others, talked of the disconnect between this Bill and the 25-year plan. We have also heard many noble Lords eloquently describe how the natural and historic are tied together, their importance to our society and that what impacts one aspect may well have an effect on another. For example, the noble Lord,

Lord Cormack, spoke passionately about parish churches; the noble Baroness, Lady Jones of Moulsecoomb, talked about the importance of our archaeological sites; and the noble Lord, Lord Blencathra, mentioned the particular concerns of Historic England. I am sure we are all aware that the National Trust has also expressed its deep concerns.

We have also heard much in recent months and weeks, highlighted by the Covid-19 pandemic, of the importance of us getting outside into nature. However, the Bill fails to afford equal priority of access to and enjoyment of the natural environment. Again, this is another disconnect between the Bill and the Government’s ambitions in their 25-year environment plan, which included a policy aim to ensure that the natural environment could be used by everyone. Amendment 17 brings people’s enjoyment of the natural environment into the EIPs.

This Bill needs to be brought into line, I believe, with the 25-year plan and the plan needs to be brought in line with legislation, so that when the Bill gets Royal Assent, these provisions are part of what we will take into the future. As published, the Bill fails to commit the Government to act on this. As we emerge from the worst of the pandemic, during which the importance of getting outside and connecting with nature—and understanding our historic environment as part of that—it becomes very clear that this is something that society wants and needs. The Bill presents us with a rare opportunity to ensure that everyone can benefit from that.

Why are the Government so reluctant to explicitly include some of the really good and welcome provisions that are in the 25-year plan in the Bill? This would secure these ambitions for the future. It would continue to protect and improve our important landscapes and to encourage and facilitate equitable access for everyone to enjoy.

**Baroness Bloomfield of Hinton Waldrist (Con):** I thank all noble Lords for their contributions to this interesting debate. In particular, I thank the noble Lord, Lord Redesdale, for tabling these amendments and for speaking with me earlier. I stress that this Government consider the protection of our heritage a crucial issue.

The threats posed to the setting of the Bevis Marks synagogue are matters to be considered through the planning system, but I emphasise that in taking relevant decisions the local planning authority should have regard to the heritage policies within the National Planning Policy Framework. Certainly, in the case of Stonehenge, the recent decision is going through redetermination by the Department for Transport, National Highways and other relevant partners to protect the outstanding universal value of Stonehenge as much as possible. The state of conservation report will be submitted to UNESCO by February 2022 for the World Heritage Committee’s consideration.

On our commitment to heritage, in response to the Covid pandemic, in just the last year this Government have established an unprecedented £2 billion Culture Recovery Fund to support hundreds of heritage organisations, demonstrating our ongoing commitment to this country’s heritage. Furthermore, Defra’s new

planning and protected landscapes programme will provide additional investment, allowing farmers and land managers to deliver better outcomes. I reassure the noble Baroness, Lady Hayman of Ullock, that this can include projects that provide opportunities for people to discover, enjoy and understand the landscape and its cultural heritage.

The new ELMS will allocate money for heritage as part of the list of public goods and will be focused on delivering against priority environmental outcomes. We are exploring our scheme offer with regard to heritage outcomes, as well as the potential for delivery on heritage through other available mechanisms. In the meantime, Defra's countryside stewardship programme has proven very successful in delivering outcomes for heritage and the historic environment. Countryside stewardship is open to new applications until 2024, with agreements running throughout the agricultural transition period. I think my noble friend Lord Blencathra asked for a meeting with Historic England. I confirm that the Minister has agreed to that meeting.

I turn first to Amendment 15, moved by the noble Lord, Lord Redesdale. I emphasise that the primary purpose of the EIP is to improve significantly the natural environment. Amending the Bill to make express provision in relation to the historic environment risks eroding this important focus. However, I can reassure noble Lords that, where appropriate, the Government will consider the historic environment when preparing EIPs for the natural environment. Indeed, in the 25-year environment plan, the Government committed to:

“Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage”.

I turn to Amendments 16, 17 and 25. I reassure noble Lords that the Government's annual reports will already include a description of the steps taken to implement the EIP, as well as an assessment of environmental improvement and progress towards Bill targets. The Government will also obtain data for the purpose of monitoring improvement to the natural environment in accordance with the EIP. These requirements are broad in scope, allowing the Government to consider all aspects of the EIP in their monitoring and reporting. This includes measures expressed as targets, goals or objectives, as well as any measures included to improve people's enjoyment of the natural environment. Therefore, we feel that these amendments are unnecessary. Likewise, the OEP's monitoring functions allow it similar breadth, monitoring progress in improving the natural environment in accordance with the EIP.

Turning to Amendment 29, Clause 44 is a bespoke definition created to underpin the new environmental governance framework provided for in the Bill. Not only does this clause define the purpose and scope of EIPs, it also defines the scope of the OEP's enforcement function. This amendment could therefore result in provisions concerning the protection of specific historic sites falling within the enforcement remit of the OEP. This is not and should not be the OEP's role. In drafting this clause, the Government have taken into account that heritage stakeholders, including the Heritage Alliance, are not seeking this effect. The OEP's remit should be focused on its principal objective: to contribute to environmental protection and the improvement of

the natural environment. This amendment would only dilute the focus of the OEP and therefore weaken its effectiveness.

I must stress to all noble Lords, and to the noble Baroness, Lady Jones of Moulsecoomb, and my noble friend Lord Trenchard in particular, that the Government take heritage seriously. But the *raison d'être* for this particular Bill is the improvement of the natural environment, which is why its focus should always be the natural environment. However, while I will not be able to accept these amendments, I would like to confirm for the noble Lord that we are planning to engage with a wide range of stakeholders to inform the EIP review and refresh process through specially organised round tables and by bringing the subject to existing stakeholder forums throughout 2022. In addition, there will be various subject-specific consultations, such as the nature recovery Green Paper, which are likely to inform the EIP's development.

I should touch on the contribution of the noble Lord, Lord Cormack. As he rightly said, and as was agreed in the meeting between him and the Minister—at which I understand my noble friend made a strong case—officials will, with Natural England, explore opportunities to develop further guidance for churches to help them mitigate problems caused by bats. I am sure these conversations will be ongoing. I confirm that we will consult heritage stakeholders as we develop the next EIP, and I look forward to their inputs in the design of the plan.

Lastly, the noble Lord, Lord Redesdale, mentioned the cultural sector in Afghanistan. Across government we are closely monitoring the situation and stand ready to provide whatever support we can to help protect the rich Afghan cultural heritage for future generations and those involved in the sector. We obviously urge all parties in Afghanistan to protect the cultural heritage of their country, including the museums and cultural institutions. I hope I have been able to reassure noble Lords and I ask the noble Lord, Lord Redesdale, to withdraw his amendment.

5.15 pm

**Lord Redesdale (LD):** My Lords, I thank the noble Baroness for her response and thank all who took part in the debate. That was quite a detailed reply, with a number of assurances that the heritage sector will be consulted. I thank the noble Baroness for that because I know there is a degree of concern in the sector.

It was also good to hear that stewardship and ELMS will include heritage. I know that that has had a marked effect on preserving elements of the historic environment which could have been obliterated because of the lack of funding. There is a great deal in the reply, which I am sure people will scour over, but the noble Baroness has gone a long way to mitigate some of my concerns. On that basis, I beg leave to withdraw the amendment.

*Amendment 15 withdrawn.*

***Clause 9: Annual reports on environmental improvement plans***

*Amendment 16 not moved.*



**Clause 16: Environmental monitoring**

*Amendment 17 not moved.*

**Amendment 18**

*Moved by The Earl of Caithness*

**18:** After Clause 16, insert the following new Clause—

*“Soil management strategy for England*

Soil management strategy for England

- (1) The Secretary of State must prepare a soil management strategy for England.
- (2) The soil management strategy for England must set out Her Majesty’s Government’s objectives, priorities and policies for the sustainable management of soil in England during the period to which the strategy relates.
- (3) That period must not be shorter than 10 years.
- (4) The soil management strategy for England must include—
  - (a) a commitment to the long-term monitoring of soil quality and health,
  - (b) a definitive open access map identifying the different soil types,
  - (c) plans for the integration of soil management with environmental objectives such as climate mitigation, flood risk minimization and water quality measures and policies relating to food production, and
  - (d) targets for achieving the sustainable management of soil on Grade 1 and Grade 2 agricultural land (and other soils where necessary).
- (5) The Secretary of State must publish—
  - (a) an annual statement on progress against the soil management strategy for England, and
  - (b) after a period of three years beginning on the day this Act is passed, a review of the effectiveness of the soil management strategy for England including any necessary revisions of the strategy.
- (6) Before the end of the period to which the soil management strategy for England relates, the Secretary of State must prepare a new strategy for a new period that must not be shorter than 10 years.”

**The Earl of Caithness (Con):** My Lords, I beg to move Amendment 18. Some of your Lordships will remember a BBC radio comedy series called “Beyond Our Ken” in which there was a gardener, Arthur Fallowfield, played by the late Kenneth Williams. His stock reply to any question was, “The answer lies in the soil”. Arthur Fallowfield was more right than he could possibly have imagined, because the answer to many of our problems lies in the soil, as we discussed in Committee and on the first day of Report when we discussed the amendment on soil of the noble Baroness, Lady Bennett. That is why I have tabled Amendment 18, which asks the Government to prepare a “soil management strategy for England”.

I am extremely grateful for the support of my noble friend Lord Randall of Uxbridge, the noble Lord, Lord Whitty, and the noble Baroness, Lady Boycott. That is cross-party support, and it is clear that such a strategy is needed.

I will be brief, as I said I would be on Monday, because I said most things then, but may I reiterate a couple of points? Why are there strategies for water and air when there is not a strategy for soil? My noble friend the Minister will be aware that in 2020 a survey

showed that 16% of our arable soils were being lost through erosion at such a high rate that they are likely to become unproductive. Some 25% of biodiversity lives in the soil. My noble friend the Minister has stated on many occasions that he wants Britain to be a world leader. I give him the opportunity now with soil. By including this amendment in the Bill, we will become a world leader and we will be able to point to it when we come to COP.

My final point, as an ex-Treasury Minister, is on cost. It will not cost the Government anything to prepare a soil strategy. If it is prepared and implemented, it will actually save the Government money. It will improve our environment and farming, which will benefit us all.

**Baroness Boycott (CB):** My Lords, I am very pleased to support the noble Earl, Lord Caithness, in this amendment. If anything needs a strategy, it is the soil. As was talked about on Monday night, the air, the water and the soil are the three pillars on which we exist, and I would say that the soil is the most important. It is a magical world that we know very little about. People can name the planets, but they cannot name a single thing that lives in the soil. Indeed, it is a whole complex world that lives on a different timescale and on a different planet, as it were, from us because it is all so tiny, but that does not make it any less complicated. As the noble Earl, Lord Caithness, said, 25% of our biodiversity lives in the soil.

As the noble Lord, Lord Deben, pointed out, soil is already degraded, and the five a day we have to eat is now probably four, because we have so weakened this magical substance. We also give it a very bad press. We talk about the dirt beneath our feet; every single laundry advert has someone coming back muddy, as though this is something that we do not like. We treat our soil—this extraordinary world—in the most amazing way, because twice a year, a plough goes through, which, if you can imagine it, is literally like your town, your house and your landscape being bombed to pieces. Despite that, our soil struggles on.

As I pointed out the other day about rivets in planes and when biodiversity starts to turn in the wrong direction, our soils are depleting. Various figures have been given, but most people in this House were nodding when it was said we have maybe 50 harvests left. That may be an exaggeration, but we cannot live on chemicals any more. The soil is also our most valuable means of storing carbon if we treat it right.

Soil is there to help us, to enable us to live on this planet and thrive. It seems to me that this needs a strategy. This is where government should come in. There are lots of people out there campaigning about water and clean air. The soil gets a seriously poor look-in, and if the Government are there to protect the most precious elements of our life, we need a soil strategy.

**Lord Whitty (Lab):** My Lords, I added my name to this amendment. I will not go over the ground again. The noble Earl and the noble Baroness have made the case strongly, and it was made strongly on Monday. But I would say one thing to the Minister: on Monday, he was reluctant to accept the amendment that made a



priority of soil management, which, as the noble Baroness has just said, has historically not been given attention. The neglect of that dimension of agricultural land use and environmental policy is one of the most dangerous things confronting humanity.

Soil is essential for our food, our biodiversity, our ecosystems and our very survival. Therefore, even if the Minister and his colleagues decide that the priority we voted on in this House on Monday is not to their liking, and they want to delete it or alter it, whatever they do at that level in this Bill, operationally they need a strategy of the kind that is laid out in the noble Earl's amendment. No amount of arguing about priorities will change the fact that it is absolutely clear that soil must be one of our priorities, and we need a plan as laid out in this amendment to operationalise that priority. I do hope that, whatever the circumstances, the Minister will accept this amendment.

**Lord Curry of Kirkharle (CB):** My Lords, I declare my interest as chair of Cawood Scientific, which provides analysis of soil and other agricultural products. I apologise that I was unable to be present on Monday, but I was very grateful to the noble Baroness, Lady Bennett of Manor Castle, for quoting me in her speech. Let me, without duplication, endorse what has been said already and perhaps expand on my comments repeated by the noble Baroness, Lady Bennett, on Monday.

The Republic of Ireland has decided to carry out an extensive survey of its soil. It is spending €10 billion this year and is expected to spend a similar amount over the next three years to have a comprehensive understanding of the quality of the soil throughout the entire Irish Republic. Northern Ireland is considering a similar approach, so the whole island of Ireland will have, I hope, a soil-mapping exercise that will provide it with all the data it needs to make informed decisions to improve the quality of its soil.

I attended the Rothamsted Research centre a few years ago and met the soil scientists. The thing that stuck in my mind was when a scientist said, "Once soil is completely degraded, it is impossible to recreate soil." I thought that was a tribute to what was concluded with perfection in the Garden of Eden. Once we have degraded our soil completely, we have lost it for ever. So, why would we in England not wish to take a leading global position and understand the quality of our soil and have a strategy to address that quality? We need to do this. We have a vehicle to do it through the ELMS, when testing soil will be part of the encouragement that farmers will be given. It would be a simple matter to extend the responsibility in terms of quantifying and qualifying what soil testing actually means and to establish a standard nationally that would give us the same data and information that the Republic of Ireland will have. Why would we not do that?

**Lord Grantchester (Lab):** If noble Lords have noticed my silence at earlier stages of the Environment Bill, it is because my noble friend Lady Jones has been very ably joined on the Front Bench by my noble friends Lady Hayman and Lord Khan. It is now a much better team, and I congratulate them. But I too had

noticed the omission of soil and improvement targets. I declare my interest as a working farmer and wholeheartedly support Amendment 2, tabled by the noble Baroness, Lady Bennett. Her points were very well made on Monday night, and I am glad the House agreed.

The Soil Association was aptly named by Lady Eve Balfour following the Dust Bowl events in America in the 1930s. Amendment 18 complements Amendment 2 in proposing a soil management strategy in rolling 10-year cycles. This is very important, and soil is, to some extent, recognised within Defra, in that farmers need to comply with regulations concerning NVZs—nitrate vulnerable zones—concerning the application of manures, fertilisers and water run-off.

The importance of soil is also recognised by and included in the advice to government by the Climate Change Committee, and I thank the noble Lord, Lord Deben, for his powerful words in drawing attention to this. Not enough attention is paid by Defra, as soil compaction is becoming ever more problematic, as farmers' machinery becomes bigger and more powerful to cover the necessary acreage needed to remain profitable while catching favourable weather conditions.

I thank Professor Karl Ritz of Nottingham University, introduced to me by the noble Baroness, Lady Boycott, for sending me his paper, "The Groundswell 5 Principles and Soil Sense", which wisely recognises:

"Regenerative agriculture wisely puts soil health at the heart of its concepts and practices."

It underlines the five principles as: diversity; protect soil surface; maintain living roots; minimise soil disturbance; and, finally, livestock integration.

This allows me to ask the noble Earl why, under proposed new subsection (4)(d) in his amendment, he highlights only

"the sustainable management of soil on Grade 1 and Grade 2 agricultural land".

while putting in brackets "other soils where necessary." The noble Earl will know that much of the livestock grazing on the west side of Britain is categorised as grade 3, where soil structure and stockholding capacity are also important as primary business assets, providing nutritious food to the nation. All soils should be included, as they support all terrestrial habitats, store and filter water, sequester carbon and nutrients, and even inform us of the past.

Peatlands and uplands are also vital and part of Defra's strategy for flood management. The Climate Change Committee recommends the full restoration of peatlands by 2045. Could the Minister write to your Lordships, as time is short, updating the House on the department's peatland strategy and say when the banning of horticultural peat is scheduled to take place and whether this could be brought forward? There may also be drafting issues with this amendment that the Minister may take exception to.

I stress that soil management must be included as an element under ELMS, the new support payment system for agriculture. Will the Minister also undertake to write to me with the latest information on trials being conducted on the introduction of the ELMS, which are still needed by agriculture to balance the

[LORD GRANTCHESTER]  
 progressive withdrawal of area-based payments, pointing out where soil management will be undertaken within the new ELMS?

Nature does not like a bare soil and tries to cover up as soon as possible. Will the Minister commit to covering this important element of our environment under targets supplementing others in this Bill?

5.30 pm

**Baroness Bennett of Manor Castle (GP):** My Lords, it is a great pleasure to follow the noble Lord, Lord Grantchester, who has contributed so much on these issues to the House over many years. I want chiefly to reiterate a point that I made on Monday, when your Lordships' House backed Amendment 2. There is no conflict between that amendment and this one, so ably introduced by the noble Earl and supported by all other speakers in this debate today.

The noble Baroness, Lady Young of Old Scone, pointed out that the 25-year environment plan mentions soil quality 19 times. In that debate on Monday, the Minister talked about how the sustainable farming initiative scheme includes practices such as the introduction of herbal leys, the use of grass-legume mixtures, cover crops and so on—as the noble Lord, Lord Grantchester, just referred to. The Minister talked also about how complicated it was to measure soil health but said that the Government were doing that work. So we have these suggestions here, there and everywhere, but what this amendment would do—I hope that we might hear some good news from the Minister when he stands up shortly—is join this all up. Joined-up government is one of those favourite phrases we hear very often. It is clear that your Lordships' House believes, and it is clear from the science, that soils absolutely are the foundation. As the noble Earl said, we have a water strategy and an air strategy; we have to have a soil strategy, just as we have to make soils a priority. This is joined-up government; this is sensible, practical work to make sure that the Government are working towards one goal, which has to be healthy, high-quality soils.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, on Monday, we debated adding soil health and quality to Clause 1. Many noble Lords from all sides of the House spoke knowledgeably and passionately about the need to monitor and improve the quality of our soil. The noble Baroness, Lady Brown of Cambridge, gave an excellent summary of the attacks from all sides on our soil. In response, the Minister said that it was difficult to measure soil quality and indicated that the Government were working towards targets that could be measured with reliable metrics. He felt the amendment would pre-empt that work. However, the House did not agree with him.

The noble Earl, Lord Caithness, is also passionate about the quality of soil and has spoken extremely eloquently to his Amendment 18. The noble Lord, Lord Whitty, and the noble Baroness, Lady Boycott, have also spoken in favour and added their names to the amendment. If we are fully to appreciate the role of soil, its condition and how we as a nation might best help to improve its quality, we will need a soil

management strategy for England. The noble Lord, Lord Randall of Uxbridge, although not in his place today, on Monday recommended this amendment to the House.

As noble Lords have previously said, there are many different types of soil. They contain billions of essential bacteria, but over the years, by the continued spraying of chemicals to control insect pests, prevent weed growth and promote the growth of crops, we have denuded the soil of its quality. Whether the soil is of grade A agricultural value, peat bogs, clay, sandy or containing lime, it is all suffering. The noble Lord, Lord Curry of Kirkharle, has given an excellent example of the strategy adopted in Ireland. It is time that we followed that example.

I fully support the noble Earl, Lord Caithness, in his desire to introduce a soil strategy into the Bill. The timeline set out in his amendment, of a 10-year strategy to be reviewed and renewed for another 10 years after that, is right. It would give adequate time for a proper action plan to be implemented for the different types of soil and the uses to which they are put. It would give time for the soil to recover and to be adequately measured, and for the Government, landowners and farmers to see whether their actions had been successful.

Given that everyone across the House fully supports the amendment, I hope that the Minister will feel able to accept it, despite what his briefing notes might say.

**Lord Khan of Burnley (Lab):** My Lords, I thank my noble friend Lord Grantchester for his kind comments and for all his excellent advice and support on this issue.

This has been a very interesting short debate. I want to thank in particular the noble Earl, Lord Caithness, for speaking so passionately on soil health and management and for furthering the issue. From reading his contributions on this Bill and previously on the Agriculture Bill, it is evident that he cares deeply about this issue.

According to the Sustainable Soils Alliance, poor soil management releases greenhouse gases into the atmosphere which contribute 21% of total UK agricultural emissions. In contrast, healthy soils sequester carbon rather than releasing it, while also increasing resilience to floods and droughts.

We hope that the Minister will have taken note of the earlier amendment on soil health and will use it as an opportunity to bring forward a wider soil management strategy. The Government need to note the strength of feeling in the House and give this important issue its due attention, rather than leave it as an afterthought, which seems to be their current strategy.

What does the Minister plan to do to reverse the currently fragmented approach to soil policy? I know it has been said that the answer lies in the soil, but on this serious issue of a soil strategy, the answer lies with the Minister. I look forward to his response and the joined-up approach, as suggested by the noble Baroness, Lady Bennett of Manor Castle.

**Lord Goldsmith of Richmond Park (Con):** I thank all noble Lords for their contributions to this important debate regarding Amendment 18, tabled by my noble

friend Lord Caithness. I thank him for his correspondence on this issue over the summer, for the discussions we have had and for his passionate speech earlier. I assure him that we of course remain committed to sustainably managed soils by 2030, as laid out in the 25-year environment plan and the action we are taking to get there. I will not repeat the case for soils, because we touched on that on Monday but also because we have heard some compelling speeches from the noble Baroness, Lady Boycott, the noble Lord, Lord Whitty, my noble friend Lord Caithness in introducing the amendment, and the noble Lord, Lord Khan, who made the critical point about the carbon values of soils.

I want to start by emphasising the actions I outlined in our debate on Monday which the Government are undertaking to improve soil health. We will produce a baseline assessment of soil health, which could inform a potential future long-term soils target. We are currently identifying soil health metrics to complement a future soil health monitoring scheme. *The Path to Sustainable Farming: An Agricultural Transition Plan 2021 to 2024* sets out examples of the types of actions that we envisage paying for under the schemes, including soil management, such as the use of cover crops. I described in Monday's debate the *England Peat Action Plan*, which we published in May. This sets out the Government's long-term vision for the management, protection and restoration of our peatlands, which are crucial carbon stores, as well as—to respond to the noble Lord, Lord Grantchester—our commitment to end the use of peat in amateur horticulture by the end of this Parliament.

However, I would like to add to my remarks from Monday. The Government recognise both the strength of feeling expressed by many noble Peers from across the House and the critical importance of this issue. Soils matter of course in and of themselves, but they underpin, quite literally, the improvements that we will have to see right across the environment, as well as being critical for agriculture and, by extension, food security.

I am therefore pleased to announce that the Government will publish a soil health action plan for England. The plan will be a key plank in our efforts to halt the decline of species by 2030, as well as meeting our long-term legally binding targets on biodiversity. As we have heard from a number of noble Lords in this debate and in the debate on Monday, our soils are in a perilous position. The action plan will be crucial in driving progress across government to restore the health of our soils. We will set out further details of what the plan will contain by the end of this year.

I repeat my thanks to my noble friend Lord Caithness for having applied the pressure on this issue in the way that he did. To quote the noble Baroness, Lady Bennett, campaigning works from time to time. I hope that this new announcement and my comments in our earlier debate reassure my noble friend and others in the House. I beg him to withdraw his amendment.

**The Earl of Caithness (Con):** My Lords, I am extremely grateful to all noble Lords who have spoken and given me support. It is always nice to have unanimous support when one moves an amendment, and on a subject such as soil it is also good to have at least three farmers supporting one. As the Minister said, the case for this amendment is very sound.

I need to answer the noble Lord, Lord Grantchester. The reason I included only grades 1 and 2 is that those are the two soils most likely to be ploughed. The noble Lord is absolutely right to say that grassland is equally important, but there is less erosion on grassland, particularly pasture grassland. Given the amount that Defra has to do, if it starts with grades 1 and 2, it can go on to grades 3 and 4 afterwards. However, I take the noble Lord's point.

What the noble Lord said has been overridden by the Minister, and I am extremely grateful to the Minister for his commitment to introduce a soil action plan by the end of the year. I noted with care what my noble friend Lord Deben, my fellow ex-Minister, said on Amendment 11. He said that if it was not in the Act it would not get done. I am going to back my Minister and not my noble friend Lord Deben; I shall trust my Minister to introduce the soil action plan by the end of the year. I am sorry that it is not in the Bill, because being able to wave that bit of paper at COP 26 would be good. However, if he could write a letter confirming what he has done, or at least wave *Hansard* in front of people at COP 26, we might get a little bit more. I am extremely grateful to my noble friend on the Front Bench and to all noble Lords, and I beg leave to withdraw the amendment.

*Amendment 18 withdrawn.*

### **Clause 17: Policy statement on environmental principles**

#### *Amendment 19*

Moved by **Baroness Bennett of Manor Castle**

19: Clause 17, page 11, line 8, at end insert—

“(f) the principle that policies and decisions should take into account the interests of members of future generations.”

**Baroness Bennett of Manor Castle (GP):** My Lords, I rise at the request of the noble Lord, Lord Bird, to move Amendment 19. He wishes me to send his sincere apologies that he is unable to be here today. I shall do my best to be a substitute, although I am not quite sure that my acting skills are up to it—but I shall do my best.

The amendment is very simple; it would add an extra principle to the list of principles to be considered, stating that

“policies and decisions should take into account the interests of members of future generations”.

The fact is that we know that the climate emergency and nature crisis are already here, but even more severe impacts are waiting in the wings for future generations. We are seeing floods and forest fires, and these impacts will grow in coming decades. Future generations are desperate for us to do something now so that they get a chance of a decent life.

In this Chamber we have all benefited from the vision, bravery and foresight of past generations, whether that is a parent or grandparent who fought in a number of 20th-century wars or those who founded



[BARONESS BENNETT OF MANOR CASTLE]

the NHS or decriminalised homosexuality. Indeed, noble Lords may remember the noble Lord, Lord Bird, speaking very powerfully on his Wellbeing of Future Generations Bill at greater length on those issues. We are in a unique position now to change the course of history for our children, grandchildren, great-grandchildren and those not yet born, to make their lives better and safer and more secure, stable and prosperous. This amendment sets that out as a principle of government action. We need to acknowledge that responsibility and to listen to the young people who are saying, “What are you doing to our future now?”

We must have a commitment to long-term thinking and interrogating the consequences of our policy decisions—to look for better solutions to today’s problems that will leave the future better off. We all know—many Members of your Lordships’ House who have been former members of Governments within these walls have recognised—that decisions in the past have had unintended consequences. We have to start trying to solve the problems that we have created.

5.45 pm

That was my introduction to the amendment. I wish to add one personal comment. We have a huge problem with short-term thinking. It is the nature of our political system; other political systems with different electoral arrangements and modern functional constitutions produce more long-term thinking and different kinds of approaches. It is beyond the scope of today to get into tackling that, but we can, by writing this principle of considering future generations into the Bill, do something to change the nature of our decision-making.

I turn to Amendment 20 in the name of the noble Baroness, Lady Parminter, also signed by the noble Baroness, Lady Hayman of Ullock, the noble Lord, Lord Krebs, and me. I want to pick up a few points from the same amendment proposed in Committee. The noble Baroness, Lady Parminter, asked a question then, and I really want to reinforce it, because we did not get an answer to it in Committee. She pointed out that in the Climate Change Act there is a requirement to have due regard for the military. What is different about this? We have discussed again and again in this debate the way in which biodiversity and climate are interrelated. If it applies to climate, how can it possibly not apply to the military and Treasury in this Bill too?

I also want to address the point about ensuring that the Treasury is covered by these provisions. The economy is a complete subset of the environment, and I note that there is currently a petition calling for the Government to set up a well-being economy, so that the Treasury makes its decisions on the basis of the well-being of people and planet, which has approaching 60,000 signatures.

In Committee, I referred to the integrated review, which acknowledges that the climate emergency is at the centre of security policy. It says that climate change and biodiversity loss are our number one international priority. How then can we not be seeing the environmental principles covering all our security activities? The Minister in Committee said that excluding those two paragraphs “could restrict our response to urgent threats”.

It was suggested that the application would not be proportionate. I point the Minister to Clause 17(2) of the Bill, which says that the

“policy statement on environmental principles’ ... should be interpreted and proportionately applied by Ministers ... when making policy”.

Proportionality is already there in every aspect of the application of environmental principles.

In responding to questions about the Treasury being covered, the Minister said in Committee that we have to have

“maximum flexibility in respect of the nation’s finances”.—[*Official Report*, 28/6/21; col. 579.]

We can see where that got us. We have seen successive Governments of a number of different hues continuing to freeze the fuel duty escalator, which, up to 2019, had cost the Government cumulatively £8 billion. Of course, it is very difficult to measure, but there was certainly significant environmental damage, as the cost of public transport has kept going up and up and people have found themselves priced back into their cars. As the Overseas Development Institute noted in November 2020, the UK was last on a list of 11 OECD countries in terms of the levels of fossil fuel subsidies coming from the Treasury and going to the industries that are trashing our planet, and on transparency.

With environmental principles, the key really is in the word “principles”. Those principles should apply across the board to government, with the already existing allowance for due flexibility, particularly in case of emergency. I beg to move.

**Baroness Parminter (LD):** My Lords, I thank the noble Baroness for moving the amendment in the name of the noble Lord, Lord Bird. I support the sentiments and the important issues that it raises and thank her for her remarks and her support for my Amendment 20.

The point of Amendment 20 is to help the Government’s policy statement on the environmental principles to put environmental protection at the heart of government decision-making. Currently, the principles ask departmental Ministers to consider the least environmentally damaging option when they are looking at a range of policy options. However, not all Ministers are obliged to take that policy statement into account. The MoD and the Treasury are exempted because defence and tax and spending have a disapplication from the existing statement on environmental principles.

I thank the Minister and his colleagues for meeting me over this summer to discuss this matter, but I am disappointed that we have not made as much progress as I thought we might, and I reserve my right to test the opinion of the House on this matter. As the noble Baroness said, the Minister said in Committee that the reason for this exemption was that it could restrict our response to urgent threats. I accept entirely that the MoD will have urgent threats which it needs to respond to, and I would support the Government coming forward with a targeted disapplication to enable that to happen. However, this is not a targeted disapplication; it is a blanket disapplication for the MoD. The MoD has a third of all the UK’s SSSIs—our most special land for habitats and for environmental protection. In addition, there are all the tenanted farmers, the ancient woodlands and all the land that could deliver so much

in terms of natural resource protection on the 2% of the UK land mass which is the military estate in the UK.

There are plenty of examples in pockets of the MoD where it shows that it can marry together environmental protection and the protection of the state. However, unless we change this clause as it stands, I fear that the description in the National Audit Office review in 2020 of environmental protection in the MoD as a Cinderella service will not change. Equally, since then, in March of this year, the Minister Jeremy Quin MP and others launched the MoD's new climate change and sustainability approach. It says:

“The response to climate change and sustainability in Defence must be led from the top and applied across all areas and at all levels.”

Without this amendment, that cannot be delivered.

As regards the exemption for the Treasury and for tax and spending policy, given the importance of tax policies and departmental budgets to deliver environmental targets when we are looking at managing the land for protecting the environment, it is almost unbelievable that there is that exemption. It means that Ministers will not have to consider environmental matters when they are looking at spending issues such as roads. As the noble Baroness said, the Minister's response was that the exemption was to allow maximum flexibility. In the Government's response to the Dasgupta review, which was produced earlier and to which the Government have signed up, they accepted that nature was a macro-economic consideration and supported setting out steps to align national expenditure with climate and environmental goals. Without this amendment, that cannot be delivered.

It is not just me saying that; since we last met in Committee, the office for environmental protection has given its first advice—at the request of the Government—on the draft environmental principles policy statement. I will quote from the chief executive offer of the OEP, which we will come on to in the next group of amendments. Natalie Prosser said that “there are such important benefits to be reaped should policy-making across all departments embrace and live by these principles.” That is all departments—not some departments. It would be a very worrying sign if the Government were to refuse that first piece of advice from the OEP.

**Lord Krebs (CB):** My Lords, it is a great pleasure to follow the noble Baroness, Lady Parminter, and I have put my name to Amendment 20. I will be very brief, because I had a real moment of joy and optimism this morning when I read the latest Defra briefing notes, called Key Facts on the Environmental Principles. I will read out two sentences from this factsheet, which lead me to believe—if these really are facts, as it says—that the Government have changed their mind. First, “Ministers across government”—I emphasise that—“will be legally obliged to consider the principles in all policy development where it impacts the environment”. Secondly, “All government departments”—I emphasise that—“must consider the environmental principles policy statement when developing policy”.

I assume that unless the key facts are not key facts, the Government have indeed accepted Amendment 20, and I very much look forward to the Minister confirming that in his response.

**The Lord Bishop of Oxford:** My Lords, I shall speak in favour of Amendments 19 and 20, and passionately so.

Many members of your Lordships' House have spoken of the urgency of the crisis before us; just yesterday, the most reverend Primate the Archbishop of Canterbury, Pope Francis and the Ecumenical Patriarch issued a powerful joint statement. They appealed to those with “far-reaching responsibilities”—including ourselves—to

“make short-term sacrifices to safeguard all our futures; become leaders in the transition to just and sustainable economies.”

There can be no exceptions.

Last week I was privileged to take part in an interdisciplinary gathering in Milton Keynes, which is part of my diocese of Oxford, which brought together, through the agency of Citizens UK, a range of contributors on the climate crisis. The first speech of about 12 during the evening was the most memorable. It was from a 19 year-old woman who described how, when she was 16, she first encountered the news of the climate crisis. She was told—mistakenly, of course—that nothing could now be done, so serious was it, and that the world would end in 10 years. The impact of this news was absolutely devastating to her mental health. She has moved on and is now active in climate campaigning, but her speech was a real eye-opener to the importance of engaging with future generations and those who are now young on this issue and all those with power and responsibility, indicating that they are part of our considerations.

With regard to Amendment 20, the Bill and the climate crisis need to be taken with equal seriousness across the whole of government. The submissions already made to your Lordships' Select Committee on the Environment and Climate Change, of which I am privileged to be a member, indicate a catastrophic variation in the place these issues have on the agendas of major departments of state. These exceptions signal that this can be tolerated when the opposite is the case. Every part of national and local government, every church and charity, company, institution and household need to play their part, and that includes the MoD and the Treasury. As has been said, we need a fresh pair of economic spectacles.

Another contribution in the Milton Keynes seminar last week was a fine presentation from those planning the Oxford-Cambridge Arc, of which MK is in the centre. The environmental leaders in that venture are attempting to apply Kate Raworth's doughnut economics as the foundation for the life of the arc and are viewing everything through that lens. Taxation is a key lever for government to drive environmental improvement, and I urge the Government to accept this amendment.

**Lord Khan of Burnley (Lab):** My Lords, I will speak primarily to Amendment 20 in the name of the noble Baroness, Lady Parminter. However, having interacted with the Minister on a number of occasions during my short time in the House, I feel that he will naturally address Amendment 19 on ensuring that environmental policies consider the interests of future generations. In fact, I am looking forward to seeing him on a speaking tour around schools, colleges and universities to promote this landmark Bill—with all the amendments accepted, of course.

[LORD KHAN OF BURNLEY]

The noble Baroness, Lady Parminter, has consistently been profoundly clear, eloquent and razor-sharp on the issue of environmental principles in this Bill. Across the House, there is a strength of feeling that we have not made much progress on this matter. We cannot allow the Ministry of Defence and the Treasury to be excused from the need to take responsibility for what happens on our planet—it just sends out the wrong message.

6 pm

It has been a very interesting short debate with some excellent contributions. It is disappointing that the Government have not addressed this concern to date. We did not get an answer in Committee. The wide exemptions that remain in the legislation mean that policymakers are less likely to apply the policy statement to the policies on defence and financial matters without explicit instruction to do so. We need all government departments and public authorities to adhere to the statement on environmental principles consistently and comprehensively. I listened closely and with good focus, as I always do, to the noble Lord, Lord Krebs, on the possibility of Defra accepting Amendment 20. However, if that is not the case and the Minister does not respond positively to what the noble Lord said, and if the noble Baroness tests the opinion of the House, we on these Benches will support the amendment.

**Lord Goldsmith of Richmond Park (Con):** My Lords, I thank noble Lords for their contributions to this important debate. I know there is significant interest in this House in the environmental principles. Regarding Amendment 19, tabled by the noble Lord, Lord Bird, and presented by the noble Baroness, Lady Bennett, in a typically compelling and powerful speech, the contents of which I fully agreed with, I reassure noble Lords that the concept set out in the amendment is already covered by the duty on the Secretary of State, and I shall explain why. Currently, the Bill states that the Secretary of State must be satisfied that the environmental principles policy statement will contribute to the improvement of environmental protection and to sustainable development. I want to clarify for noble Lords that this legal reference to “sustainable development” encompasses and includes the importance of meeting the needs of future generations. That is what it means.

As I explained in Committee, these are internationally recognised principles and consistent with those agreed through the EU Trade and Cooperation Agreement. This amendment is therefore unnecessary, as the existing principles are fundamentally about passing the natural environment on in a better state to the next generation. However, adding it would nevertheless require government departments to consider an additional principle that overlaps with the existing objective but is not as commonly understood. The fear is that that would cause confusion, resulting in poor policy outcomes. I hope I have adequately addressed the issue raised by the amendment of the noble Lord, Lord Bird, and I ask the noble Baroness to withdraw it in his name.

I turn now to Amendment 20, tabled by the noble Baroness, Lady Parminter. First, I thank her for our discussions in the run up to Report. I understand the

motivation behind the amendment, but the Government’s view remains that exempting some limited areas from the duty to have due regard provides vital flexibility in relation to finances, defence, and national security. I will take each of those exemptions in turn. Starting with the exemption on taxation, I understand the interest in removing this exemption, but Treasury Ministers want flexibility to alter the UK’s fiscal position and respond to the changing needs of, for example, the NHS, schools, the police and any number of other vital public services. Applying the environmental principles duty to taxation would be a constraint in cases where speed is required in altering the UK’s fiscal position, with limited environmental benefit. Nevertheless, the Government are committed to encouraging positive environmental outcomes through the tax system. An example of that in the Bill is our commitment to a new plastic packaging tax to encourage greater use of recycled plastic, which is estimated to achieve around a 40% increase in recycled plastic being used in 2022-23. The Treasury’s *Green Book* already mandates the consideration of natural capital, climate change and environmental impacts in spending. This applies to spending bids from departments, including at fiscal events.

Furthermore, the Government’s response to the Dasgupta review commits to delivering a “nature positive” future, ensuring that economic and financial decision-making, and the systems and institutions that underpin it, support the delivery of that future. I emphasise that the spending and allocation of resources exemption refers to central spending decisions only. In other words, once funds are distributed by the Treasury to other government departments, the principles will apply to how those funds are spent by departments. To be clear, even if we accepted this amendment, principles such as “the polluter pays” could not be applied to, for example, the allocation of overall departmental budgets. This is because allocating money between departments sits outside policy-making. In other words, this amendment would have no material impact in respect of the allocation of resources within government. To reiterate, however, the policy statement must still be considered at the level of individual policies that require spending, such as the design of new transport programmes or environmental subsidy schemes. This is where they can deliver real benefits.

Looking at the Armed Forces, defence and national security exemptions, as the noble Baroness, Lady Parminter, noted, they are also excluded from the duty. That is to provide maximum flexibility in respect of the nation’s protection and security. However, I shall address some of the concerns raised in Committee about the management of defence land. The primary function of the defence estate is to support our operations and maintain military capability. It provides homes for those who defend our country, offices for work, space for training, and conditions to prepare to meet the ever-changing threats that the UK faces. Defence land cannot be practically separated out: it is part of the MoD and touches on decisions across the Armed Forces, national security and defence.

The MoD’s concern is that if we were to impose a consideration of environmental principles on defence policies, or on MoD land, it could result in legal challenges which could slow critical policies or expose



sensitive decisions to the public domain, threatening national security. However, the MoD already has statutory duties to protect the environment and the enormous amount of land that the MoD owns, and these are not altered by this exemption. The MoD is subject to all the environmental legislation that other landowners are required to adhere to: the habitats directive, the Countryside and Rights of Way Act, the Natural Environment and Rural Communities Act and others.

Under Clauses 98 and 99, the MoD will be subject to two strengthened duties: to take action to conserve and enhance biodiversity and then to report on the action it has taken. The MOD already reports publicly and regularly on its contribution to improving the environment and SSSI conditions, and showcases its conservation initiatives through the sanctuary awards. The MoD will fully comply with new reporting requirements in the Bill by building on its existing approach. Its SSSIs are managed through a partnership with Natural England, which jointly implements integrated rural management plans to improve and maintain them. The percentage of MoD SSSIs in a favourable condition in England is higher than the national average.

I recently met Minister Quin, who has responsibility for this area. Although I am not able to secure the amendment for this House, I am assured that the MoD takes its responsibilities to the environment seriously. I am confident in the wider arrangements in place to support environmental improvement. I hope, therefore, I have gone some way, at least, to reassure noble Lords and I beg them not to press their amendments.

**Baroness Bennett of Manor Castle (GP):** I thank all noble Lords who contributed to this short but very powerful debate and the Minister for his response. I particularly wish to thank the right reverend Prelate the Bishop of Oxford for reminding us so powerfully of how human health and planet health are interrelated and how the sickness of our planet has real impacts on people's well-being, particularly that of young people. It is certainly part of the epidemic of mental ill health, from which our society and the whole world are suffering. I also thank the right reverend Prelate for mentioning one of my favourite books, Kate Raworth's *Doughnut Economics*. I commend it yet again, as I am sure I have before.

I thank the noble Baroness, Lady Parminter, for her support for Amendment 19 and the noble Lord, Lord Khan, for his suggestion to the Minister. Indeed, I would extend that suggestion to all Members of your Lordships' House. I take part regularly in Learn with the Lords, a chance to go out, through the mechanisms of your Lordships' House, to speak to young people. It is a great opportunity, and it would be wonderful if more people took that up, particularly to speak about environmental issues.

I want to make one comment on the Minister's response to Amendment 19. He suggested that "sustainable development" within the principles covers this. When we think about our current planning law and the way in which the term "sustainable development" is used in that and proposals for changes to our planning law, there is cause for grave concern about suggesting what sustainable development in our current legal framework might or might not achieve.

None the less, we have a lot to do and much pressure on our time. However, before I finish, I want to commend to your Lordships' House the fact that the noble Lord, Lord Bird, has—one might call it fate—the number one slot in the ballot for Private Members' Bills. The greater expanse of his Wellbeing of Future Generations Bill covers the issues that this amendment sought to address. I commend that Bill, engagement with it and support for it to all Members of your Lordships' House. In the meantime, on behalf of the noble Lord, Lord Bird, I beg leave to withdraw Amendment 19.

*Amendment 19 withdrawn.*

### **Clause 19: Policy statement on environmental principles: effect**

#### *Amendment 20*

*Moved by Baroness Parminter*

**20:** Clause 19, page 12, line 4, leave out paragraphs (a) and (b) Member's explanatory statement

This amendment removes the exceptions for armed forces, defence policy, tax, spending and resources from the requirement to have due regard to the policy statement on environmental principles.

**Baroness Parminter (LD):** My Lords, I thank all noble Lords who have supported my amendment, and the Minister for his response. His comments on the Treasury reiterated the point about flexibility. This Government have got to decide either that nature is a macroeconomic consideration that they want to take seriously, or that it is not.

Secondly, regarding his comments about the MoD, when again, he reiterated the points about flexibility, we had no answer to the question asked in Committee by the noble Baroness, Lady Bennett. The MoD is obliged to take the requirements of the Climate Change Act into consideration; it should have to do the same for this Bill. It is not right that the Government are not prepared to do this. The noble Lord, Lord Khan, summed this up well when he said that by not taking forward this amendment, the Government are sending out all the wrong signals to businesses and the public. I therefore wish to test the opinion of the House.

*6.12 pm*

*Division on Amendment 20*

*Contents 184; Not-Contents 182.*

*Amendment 20 agreed.*

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6.25 pm

*Amendment 21 not moved.*

### *Clause 25: Memorandum of understanding*

#### *Amendment 22*

*Moved by Lord Goldsmith of Richmond Park*

22: Clause 25, page 15, line 18, leave out subsections (3) and (4)

Member's explanatory statement

This amendment is consequential on Lord Goldsmith's next amendment to Clause 25.

**Lord Goldsmith of Richmond Park (Con):** I am pleased to open this group and speak to the amendments I have tabled, which respond to many of the concerns raised by noble Lords in Committee regarding the independence of the OEP. I also notify noble Lords that I outlined in a Written Ministerial Statement yesterday the full range of provisions already in place to ensure the OEP's independence. I hope that it is a useful reference point for noble Lords and that it offers reassurance on the Government's commitment to the independence of the OEP.

These amendments will increase parliamentary scrutiny of any guidance that the Secretary of State wishes to issue under Clause 25. They will afford Members in both Houses the opportunity to review and make recommendations regarding the draft guidance, to which the Secretary of State must respond before final guidance can be laid and have effect. This will provide additional parliamentary oversight, not only of any guidance issued by the Government but any issued by future Governments.

For parity, Northern Ireland Ministers have decided also to bring forward amendments to Schedule 3 to give the Northern Ireland Assembly the same opportunity to scrutinise any draft guidance issued relating to the OEP's Northern Ireland enforcement functions.

As I have said before, the OEP has an unprecedented remit, with the ability to take enforcement action against all public authorities. It is for this reason that the Government feel that a guidance power is necessary to help ensure that the OEP continues to carry out its functions as intended. However, I understand the concern about the use of this power and hope that these amendments go some way to reassuring noble Lords that there will be an additional check on its use.

There is no question that the OEP must be impartial and independent but it should also be accountable to Ministers who are ultimately responsible for its use of public money. Any guidance issued must respect this important balance and I hope that this additional mechanism for parliamentary scrutiny will allay these concerns.

Finally, I thank the noble Baroness, Lady Taylor of Bolton, and the other members of the Constitution Committee for their recommendations on this matter. I beg to move.

**Lord Krebs (CB):** My Lords, Amendment 24 in this group is in my name and those of the noble Baronesses, Lady Parminter and Lady Jones of Whitchurch, and the noble and learned Lord, Lord Mackay of Clashfern.

In Committee, there was strong support from across the House for my amendment that would have removed the guidance clause from the Bill in order to ensure that the OEP was fully independent. In fact, I do not recall anyone making a coherent case for greater ministerial control over the OEP. I acknowledge and thank the Minister and the Secretary of State for their time in discussing this matter since Committee. I also thank the Secretary of State for his letter to my noble friend Lord Anderson of Ipswich and myself, dated 28 August.

I also acknowledge that the Government have made concessions in their own amendment to Clause 25 and that, furthermore, the importance of the independence of the OEP was reiterated by Minister Pow yesterday in a Written Statement and also by the noble Lord the Minister with the same Written Statement.

So why am I still pressing ahead with my amendment to replace Clause 25? It is simply this: if we must get one thing right in this Bill, it is the office for environmental protection. The OEP is the body that will ensure that the Government's warm words about the environment are translated into action. The Minister himself could not have been clearer on Monday. When I asked who will hold the Government to account on the target of halting species decline, he replied that it was the office for environmental protection. Even with the government amendment to Clause 25, the OEP is not, in my view, sufficiently independent of Ministers for us to be confident that it will be able to do what is has been set up to do.

6.30 pm

Let us consider the following points. First, the Secretary of State can still use the guidance power on a wide range of matters, including what constitutes a serious case, on prioritisation and enforcement. Given that the Secretary of State has control over the budget and board appointments, it would be hard for the OEP to ignore any guidance. Secondly, in exercising its enforcement role in particular, the OEP might focus



[LORD KREBS]

on government actions, and it is therefore unacceptable that the Secretary of State could issue guidance, even at a strategic level, on this. Other enforcement bodies, such as the Equality and Human Rights Commission, are not subject to ministerial guidance. Thirdly, the Secretary of State has committed to providing an indicative five-year budget for the OEP but retains the option of changing the level of funding. At the moment, the OEP has only one year of guaranteed funding. Fourthly, the Secretary of State retains control of appointments to the board and terminations of appointments, even though there are pre-appointment hearings with the relevant Select Committees. According to the Institute for Government, there is increasing evidence of and concern about ministerial interference in NDPB board appointments. In Committee, I gave an example from my own experience, in which a Secretary of State overturned appointments made by an independent appointments committee.

Amendment 24 would deal with these matters and ensure that the OEP is fully independent and therefore able to hold Ministers to account. It would remove the guidance power. It would require the Secretary of State to lay before Parliament a multi-annual budget and a response to any request from the OEP for additional funding. It would require all board appointments or terminations to be subject to agreement by the two relevant parliamentary Select Committees. This is what happens with the Office for Budget Responsibility.

What are the Government's objections to Amendment 24? The Government consider that the guidance power in Clause 25 is necessary so that the OEP is accountable, especially given its wide-ranging remit. But this accountability would still be there if Amendment 24 were adopted, it is just that Parliament would play a stronger role. As for the wide-ranging remit, surely that is the whole point. The aim is to create a totally novel solution to fill the gap created by our departure from the European Union and to go further than before in protecting our environment.

The Secretary of State, in his letter to me, states that the OEP will have a five-year indicative budget and that appointments will be fully independent. If that is the case, I see no reason to object to the provisions of Amendment 24, which simply make these points clear in the Bill as well as ensuring proper parliamentary scrutiny. The Government's own amendment requires the Secretary of State to lay a draft of any guidance before Parliament and to respond to any resolutions or recommendations made by either House or by parliamentary committees before producing final guidance. While this provides a welcome additional layer of parliamentary scrutiny, it does not mean that the Secretary of State has to change the guidance in the light of parliamentary comments. It does not assuage the widespread concern in this House about the independence of the OEP.

I might add also that the noble and learned Lord, Lord Mackay of Clashfern, who is not in his place because he has to attend another meeting, told me that he has particular concern about the financial independence of the OEP and that any budgetary decisions should be made by Parliament rather than by the Secretary of State.

In closing, I repeat: if we are going to get one thing right in this Bill, it should be to ensure that the office for environmental protection is set up on a properly independent basis. Amendment 24 would achieve this; without it, we will not have sufficient safeguards to protect the OEP's independence.

**Baroness McIntosh of Pickering (Con):** My Lords, I am grateful to the noble Lord, Lord Krebs, for introducing—or reintroducing—a similar amendment to one that a number of us supported in Committee. I also acknowledge that my noble friend Lord Goldsmith has indeed come forward with improvements in the form of Amendments 22 and 23. However, as my noble and learned friend Lord Mackay of Clashfern, through the good offices of the noble Lord, Lord Krebs, has indicated, a number of us have serious issues about the financing and resources available to the OEP, and I am not sure that those have been entirely addressed at this stage.

I am very disappointed to see, in the government amendments that have been tabled, that the Government are intending to keep Clause 25 relating to the guidance. It is extremely important that, if we are going to have a new body with the essential responsibilities such as we are allocating to the OEP, it must be seen to be independent of government because its remit is, among other things, to hold the Government's feet to the fire to ensure that they are implementing those parts of this Bill, the Agriculture Act and other Acts that have implications here.

When my noble friend sums up this little debate on this group of amendments, I hope that he will address how his Amendments 22 and 23 address my concern that the Government are seeking to micromanage the OEP. I am particularly attracted to proposed new subsection (4) in Amendment 24:

"In making or terminating appointments ... the Secretary of State must obtain the consent of the Environment, Food and Rural Affairs and Environmental Audit Committees of the House of Commons."

As a former chairman of the Environment, Food and Rural Affairs Committee, I obviously believe that these committees have a special role to play—and they have played that role extremely well, if I may say so, over the years. They are independent by nature and have had, historically, the duty to approve such appointments for Natural England and a whole host of other bodies to which the Government make appointments.

In addition to the concerns about the financing, the resources and the general independence of the OEP, in the terms so eloquently expressed by the noble Lord, Lord Krebs, we are asking this body to undertake a role of the level of importance as that attributed to the European Commission in implementing environmental policy, the whole raft of which is before us in the other parts of the Bill. I hope that my noble friend will take this opportunity to address my concerns. It cannot be the case that not only is the Secretary of State appointing the chairman of the OEP and the members of the board but is micromanaging in the form of the guidance set out in the current Clause 25. I am minded to support the contents of Amendment 24 and subsequent amendments that we will come on to. I hope that my noble friend will address these very real concerns that I and others have.

**Baroness Ritchie of Downpatrick (Non-Aff):** My Lords, I rise to speak to my Amendment 30 in this group, which is similar in intent to Amendment 24 from the noble Lord, Lord Krebs. It is a pleasure to follow the noble Baroness, Lady McIntosh of Pickering; I well recall her efforts on the EFRA Select Committee in the other place, as I was a member of it, in holding the Government to account on a wide range of environmental and agricultural matters.

My amendment also relates to the vital matter of the OEP's independence. Its scope addresses how this needs to be strengthened in Northern Ireland where, subject to the approval of the Northern Ireland Assembly, we all hope that the body will operate and flourish. My cross-party amendment, also signed by the noble Baronesses, Lady Jones of Whitchurch and Lady Suttie, would provide the OEP with the necessary discretion to undertake its functions, including the enforcement function, in Northern Ireland. It would remove the power for DAERA Ministers to provide guidance to the OEP on its enforcement activity and strengthen the appointment process for the Northern Ireland member on the OEP's board, requiring this appointment to be subject to the consent of the Committee for Agriculture, Environment and Rural Affairs of the Northern Ireland Assembly.

These amendments, as the noble Lord, Lord Krebs, set out very eloquently in speaking to Amendment 24, are necessary if the new environmental governance framework that this Bill will establish in England and Northern Ireland is to be robust and effective over the long term. I well recall explaining in Committee why the guidance power was inappropriate in principle, as this afternoon's debate has powerfully reiterated. I also set out the different administrative and political context in Northern Ireland, which serves only to increase concern about such a widely cast power. To recap, my concerns related to the power-sharing nature of the Executive, how cross-cutting matters are dealt with and the potential for the power to be misused against specific parties or public authorities. I also explained my concern about the blurring of accountability that can result from the power, not least because front-line environmental regulation is currently carried out by the Northern Ireland Environment Agency, which resides within and is ultimately accountable to DAERA and its Minister.

In addressing the strong concerns raised by noble Lords across the House, the Government's response has been to propose some extra procedure around the guidance power. I know the Minister has outlined those issues this evening through his various government amendments and in correspondence to us over the Recess, but those amendments fail to grasp the seriousness of the matters we have been raising. The amendments will not protect the OEP from directive guidance issued by an overly zealous Minister, nor do they require that any concerns that the Assembly might express be heeded. They are not an appropriate response to the depth and breadth of concern that many noble Lords outlined this afternoon and in Committee.

I carefully read the letter the Minister addressed to us, announcing the Government's amendments, during the Recess. My understanding is that the Government's noble objective of ensuring accountability for the proper

use of public money and effective functioning of public bodies is driving the rationale for their approach to the OEP. As someone who has been involved in local and regional politics in Northern Ireland since 1985, I recognise and respect this. However, there are other and, I suggest, better ways to achieve the Government's objective. It is about establishing the OEP as a non-departmental public body; the tailored review process which all such bodies undergo is a far more effective vehicle to discuss and address any issues regarding their operational effectiveness.

6.45 pm

I turn to the appointment of the Northern Ireland member of the OEP board. To engender the greatest level of trust and buy-in to the OEP, Northern Ireland must be—and be perceived to be—embedded within it from the start. The appointment of a dedicated Northern Ireland member of the OEP is very welcome. It will help ensure that Northern Ireland is properly accounted for within the OEP's policies and activity and establish a very necessary trust and credibility. Owing to the power-sharing nature of the Northern Ireland Executive, oversight for the AERA committee of this important appointment is essential and would allow for the necessary cross-party involvement.

A strengthened appointments process is not only necessary but entirely commensurate with arrangements for the appointing of similar roles. Precedent already exists for this. For example, the Northern Ireland Public Services Ombudsman, which performs a similar role to that envisaged for the OEP, is nominated by the Northern Ireland Assembly Commission, which is a committee composed of MLAs. The legislative underpinning for this is set out in the Public Services Ombudsman Act of 2016. Similarly, the appointment of the independent Commissioner for Standards, which governs MLAs and Ministers with regard to their code of conduct, is made by the Assembly.

In conclusion, given the Assembly's role in these appointment processes, I urge the Minister and the Government to reconsider this and support and endorse Amendment 24 from the noble Lord, Lord Krebs, and my cross-party Amendment 30. It is entirely appropriate for this Bill to provide for equivalent oversight of the appointment of the Northern Ireland member of the OEP board. No arguments have been advanced by either the UK Government or DAERA in Northern Ireland as to why the OEP should be subject to a weaker arrangement for appointments than that for existing comparable oversight bodies. Precedent exists for the nature of this appointment process in Northern Ireland.

**Baroness Jones of Moulsecoomb (GP):** My Lords, I will speak briefly. The noble Lord, Lord Krebs, said that he brought the amendment back because it was the most important one for this Bill and, quite honestly, I agree. There are lots of very important amendments but, if we are going to have one, this must be it. I absolutely take the points made by the noble Baroness, Lady Ritchie, on Northern Ireland, and support both amendments.

It is obvious to anybody looking in from outside that the office for environmental protection must do things such as hitting the share price of a water

[BARONESS JONES OF MOULSECOOMB]  
 company whenever it dumps sewage into our rivers. We must have an independent OEP that commissions research into the impact of pesticides on our wildlife and insects and hands it over to MPs so that they can actually challenge Ministers and the lobbyists in Whitehall. We need an OEP that can say a straightforward no to damaging developments, whether it is infrastructure or development, urban or rural. It should not be suggesting mitigation and greenwash, which is what could happen with such a toothless watchdog. This country needs an OEP that is a rottweiler and not a lapdog.

**The Lord Bishop of Oxford:** My Lords, I also support Amendment 24 and related amendments. Again, I quote the unprecedented statement made yesterday by the Archbishop, Pope Francis and the Ecumenical Patriarch:

“We stand before a harsh justice: biodiversity loss, environmental degradation and climate change are the inevitable consequences of our actions, since we have greedily consumed more of the earth’s resources than the planet can endure.”

For that reason, we cannot solve these complex problems through good intentions alone. Independent scrutiny is absolutely vital. Therefore, I support the maximum possible independence for the office for environmental protection. Action on climate change and biodiversity will be challenging politically for every Government over the next three decades. We will face many difficult decisions. It is essential to build in independent assessment and challenge for the medium and long term.

Over the last three years, I have had the privilege to be part of the board of the Government’s Centre for Data Ethics and Innovation—as it happens, alongside the new chair of the office for environmental protection, in whom I have every confidence in that major role. One of the major threads running through the Centre for Data Ethics and Innovation’s work—which, I believe, has been excellent—has been a strong ambiguity about its independence from government in terms of budgets and the appointment of its chair and board. The questions were present at every meeting, whether spoken or unspoken, and consumed a significant amount of energy. Reading the political runes at any given moment was, on balance, a distraction from the CDEI’s vital task.

As has been said, the OEP needs to command national and international confidence for the objectivity of its advice and recommendations. I join many other voices in urging the Government to build in greater independence along the lines of these amendments.

**Lord Whitty (Lab):** My Lords, I just want to intervene briefly to stress the importance of Amendment 24 and the associated amendment relating to Northern Ireland.

I recognise that the Minister himself and the Government’s own amendments in part reflect the concern about the independence of the OEP. I welcome in broad terms the letter I received from the Minister although I have to say that yesterday was probably not the best day to receive a letter whose first reassurance was that it was all going to be all right because it is in the Conservative Party manifesto.

However, these reassurances do not go anywhere near as far as the amendment of the noble Lord, Lord Krebs. If the Government do not accept these amendments, there is a much bigger story than one about appointments and guidance. In many ways, the Bill is a great Bill and I thoroughly support the bulk of it. However, if we do not accept the amendment from the noble Lord, Lord Krebs, or if the Minister does not agree to bring forward something very like it at Third Reading, then the credibility of the Bill—all its 145 clauses and 25 schedules—is at stake. Ultimately the effectiveness of all the good parts of the Bill depends on us having an office for environmental protection that is objective and independent and a system of environmental regulation and enforcement that is itself effective and independent.

As the noble Baroness, Lady McIntosh, said, post-Brexit we were promised a system of environmental regulation that would be at least as effective as the past EU regime when we had the Commission checking on the actions of member states and our public bodies. If the office for environmental protection—the body overseeing what is arguably the most important job of the Government: the long-term future of our environment—is not seen as independent, it will not be respected. It will be challenged and much of the good work that is behind this Bill stands to fail.

As I have said, the amendment from the noble Lord, Lord Krebs, is not just about procedural niceties in making appointments. It is about the credibility and effectiveness of everything we are working on in the Bill and in this House. I beg the House to support the amendments from the noble Lord, Lord Krebs, and my noble friend Lady Ritchie.

**Lord Pannick (CB):** My Lords, I share the view around the House that the noble Lord, Lord Krebs, and the noble Baroness, Lady Ritchie, have made a compelling case for their amendments on a fundamental issue. It would be of enormous assistance if the Minister when he comes to reply would identify which part of Amendment 24 he objects to. Is it really the Government’s case that the OEP should not have

“complete discretion in the carrying out of its functions”?

Is that the Government’s case? I would be surprised and very disappointed if it were. If the Government accept that the OEP should have complete discretion, surely a matter of this importance should be in the Bill.

**The Earl of Caithness (Con):** My Lords, no Minister likes an authority such as the OEP, because the Minister is undoubtedly convinced that his policy is absolutely right. However, when one stops being a Minister and looks back, one realises the importance of bodies such as the OEP.

I think my concern was summed up beautifully by the noble Lord, Lord Krebs, when he said that this is the one thing we have to get right. We were promised a totally independent body, equivalent to that which operated when we were in the EU. I accept that the Government should not be fined for not doing the right thing, but the OEP not only is—but has to be seen to be—totally independent. The Bill as drafted at the moment does not cover that. I hope that my noble friend will not be intransigent and stand out against



this amendment but will go back for one more go with the other people in the department and the Secretary of State, understanding the enormous support there is in this House for the amendment of the noble Lord, Lord Krebs. It would be so much better if the Government solved this problem rather than having a Division. My noble friend was very good to me on my amendment on soil and has made a promise; I hope that he will be able to do the same thing again.

**Baroness Parminter (LD):** My Lords, I will not detain the House for long because the noble Lord, Lord Krebs, has made a compelling case for his amendment, to which I was very happy to add my name. I just want to add a reflection on the point which I think all of us feel very strongly about. There will sometimes be occasions when the OEP will have to take Ministers to task. There has to be not only a degree of separation between the OEP and the Government but also public confidence in that degree of separation.

I ask the Minister to reflect on the fact that the public will see what is happening in Scotland, where the body they are setting up has no such curtailment of its powers. Indeed, Environmental Standards Scotland has the powers to take the steps it considers appropriate to secure public authorities' compliance with environmental law. The public need to see that there is independence between the Executive and this body. If they look to Scotland and see what is happening, that is another reason to support the case that the noble Lord, Lord Krebs, has made so compellingly. Therefore, I support him and the noble Baroness, Lady Ritchie. If they should be pushed to a vote, our Benches will support them.

**Baroness Jones of Whitchurch (Lab):** My Lords, I am pleased to support Amendments 24 and 30, to which I have added my name. The noble Lord, Lord Krebs, as ever, has set out persuasively why we think Amendment 24 is so important. As he said, a strong, effective and trusted OEP is essential to underpin all the other measures in the Bill. As the OEP will be scrutinising the Government's compliance with environmental law, it is vital that those points of separation, as well as interface, are set out clearly from the start. We cannot afford to fudge the relationship, which, I am sorry to say, the government amendments attempt to do.

Our amendment would take out Clause 25, which allows the Secretary of State to issue guidance to the OEP, and replace it with one that sets out that the OEP has "complete discretion" in its enforcement policy, exercising its enforcement functions and preparing a budget. It would also make it clear that the non-executive appointments must be approved by the relevant parliamentary committees.

7 pm

The "complete discretion" in our amendment reflects the chorus of support in Committee for the OEP's independence to be better assured, and it sits more consistently with the requirement in other parts of the Bill that the Secretary of State should have regard to the need to protect the OEP's independence. As the noble Lord, Lord Pannick, said, what is it in the phrase "complete discretion" that the Government

object to? The idea that a Secretary of State might issue guidance to try to head off any action against Ministers and the Government would completely undermine the authority of the OEP.

In Committee, his subsequent letter to us and indeed again today, the Minister made great play of the need for the OEP to be accountable to the Secretary of State and for the Secretary of State, in turn, to be accountable to Parliament for the OEP's use of public money. Of course, we agree that the OEP needs to demonstrate good corporate governance and good use of public funds. This is what accountability should mean in this instance. What it should not have to do is to justify to the Secretary of State its enforcement policy and actions. It is also vital, as has been said, that there is a statutory basis for the specific appointments to the board with the direct involvement of Parliament, as already happens with several other oversight bodies where independence from ministerial manipulation is absolutely paramount.

I have also added my name to my noble friend Lady Ritchie's amendment, which would give similar safeguards to the OEP in Northern Ireland as those proposed in the amendment in the name of the noble Lord, Lord Krebs.

This brings us to the Government's amendments, which formalise the system for the Secretary of State to issue guidance to the OEP. Of course we understand the arguments as to why Parliament should have greater involvement in the process but, in reality, that is just a veneer. The Secretary of State is under no obligation to listen to the views expressed by Parliament, as has already been the case on several parliamentary committees, including the Lords committee whose advice to give the OEP greater independence has been ignored by the Government. But, more importantly, this just cements the system for issuing guidance to the OEP, which we believe is wrong in principle. The scope and intent of the guidance power would be unaffected by this amendment, as the Secretary of State would still have wide powers to interfere in the OEP's enforcement function.

In his letter to all Peers, the Minister says that the guidance will be used only in specific circumstances, but these specific circumstances are not documented anywhere. Instead, the letter gives a couple of examples, such as the OEP not taking action on serious issues of national importance or there being a problem with overlap with other statutory regimes. But we would regard these issues as being part of the dialogue between the Minister, his officials and the OEP executive, not something that would be subject to a complex and lengthy process of reports being approved by Parliament. As the noble Baroness, Lady McIntosh, said, this all represents an attempt to micromanage the OEP through the process. I fear that these government amendments have been put together to suggest that Ministers have listened to your Lordships on this issue, when, sadly, that is not really the case.

Over the summer, the Minister and his officials have been in dialogue with several noble Lords on this issue, including the noble Lord, Lord Krebs, and I am really sorry that so little progress has been made as an outcome of this. As the noble Lord, Lord Krebs, made clear, if we get one thing right in this Bill, it has to be setting up the OEP on a properly independent basis.

[BARONESS JONES OF WHITCHURCH]

I hope very much that noble Lords will support the amendment in the name of the noble Lord, Lord Krebs, and, if that is the case, that further dialogue will be forthcoming to find a genuine way through on this important issue. I look forward to the Minister's response.

**Lord Goldsmith of Richmond Park (Con):** I thank all noble Lords for their contributions to this debate. I begin with Amendment 24 tabled by the noble Lord, Lord Krebs, and will take each of the issues raised by his amendment in turn.

Clause 25 does not provide the Secretary of State with any power to direct the OEP or to intervene in decision-making about specific cases. Indeed, the Bill states that the Secretary of State must have regard to the OEP's independence. In fact, more than that, the OEP is required by the Bill to act objectively and impartially. So, it is not a matter of micromanaging the OEP; indeed, that is not possible within the context of the Bill we have here today. The Government have confidence that the OEP will develop an effective and proportionate enforcement policy. However, as the Secretary of State is ultimately responsible to Parliament for the OEP, this guidance power is an important safeguard for accountability and to help ensure that the OEP continues to carry out its functions as intended. We have always been clear that the OEP should focus on the most serious, strategic cases and that this guidance power will not change that.

The Government have committed to provide a five-year indicative budget for the OEP, ring-fenced within each spending review period, to give the OEP greater financial certainty. This is an administrative matter and is not appropriate for primary legislation, but other bodies with multiannual funding commitments, such as the Office for Budget Responsibility, do not have this set out in legislation.

Regarding appointments to the OEP's board, the Secretary of State is accountable to Parliament for the department's public appointments. Therefore, Parliament can call on the Secretary of State to justify appointments at any time. The appointment of the OEP chair-designate, as noble Lords know, has already been made following a pre-appointment scrutiny hearing conducted by the Environment, Food and Rural Affairs and Environmental Audit Select Committees. This process ensures fairness, accountability and independence, and I am happy to confirm our intention that future chair appointments will follow a similar process. All public appointees will ultimately remain accountable to Parliament.

Parliament may also choose to call a member of the OEP board to provide evidence of their suitability for the position after they have taken the post. However, as Ministers are accountable and responsible to Parliament for public appointments, it is appropriate that they retain the ability to make that final choice.

Amendment 30 was tabled by the noble Baroness, Lady Ritchie of Downpatrick. I hope she is at least partially reassured that the Northern Ireland department will be subject to the same constraints as the Secretary of State when exercising the guidance power. Northern Ireland Ministers have decided to bring forward the parallel amendments that I have presented today, and

we will continue to work closely with them to ensure the best level of environmental protection across the devolved nations.

The Government carefully considered your Lordships' comments in Committee, as we developed the amendments we have tabled. We are confident that our current position will set the OEP up to be genuinely independent and effective. I suspect we will have to test the opinion of the House but, nevertheless, I beg noble Lords to withdraw their amendments.

*Amendment 22 agreed.*

**Lord Krebs (CB):** I am sorry; I would like to make a few comments about Amendment 24. I thought the agreement was to Amendments 22 and 23.

**The Deputy Speaker (Baroness Fookes) (Con):** I am just putting the amendment. As far as I am aware, Amendment 22 has passed, so we now come to Amendment 23.

#### *Amendment 23*

*Moved by Lord Goldsmith of Richmond Park*

**23:** Clause 25, page 15, line 21, at end insert—

“(6) Before issuing the guidance, the Secretary of State must—

- (a) prepare a draft, and
- (b) lay the draft before Parliament.

(7) If before the end of the 21 day period—

- (a) either House of Parliament passes a resolution in respect of the draft guidance, or
- (b) a committee of either House of Parliament, or a joint committee of both Houses, makes recommendations in respect of the draft guidance,

the Secretary of State must produce a response and lay it before Parliament.

(8) The Secretary of State may prepare and lay before Parliament the final guidance, but not before—

- (a) if subsection (7) applies, the day on which the Secretary of State lays the response required by that subsection, or
- (b) otherwise, the end of the 21 day period.

(9) The final guidance has effect when it is laid before Parliament.

(10) The Secretary of State must publish the guidance when it comes into effect.

(11) The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft guidance is laid under subsection (6).

(12) “Sitting day” means a day on which both Houses of Parliament sit.

(13) The Secretary of State may revise the guidance at any time (and subsections (6) to (12) apply in relation to any revised guidance).”

Member's explanatory statement

This amendment provides for Parliamentary scrutiny of draft guidance under Clause 25.

*Amendment 23 agreed.*

#### *Amendment 24*

*Moved by Lord Krebs*

**24:** Clause 25, leave out Clause 25 and insert the following new Clause—

“OEP independence

- (1) The OEP has complete discretion in the carrying out of its functions, including in—
  - (a) preparing its enforcement policy,
  - (b) exercising its enforcement functions, and
  - (c) preparing and publishing its budget.
- (2) At the start of each period of multi-annual funding and no later than 1 April 2023, the Secretary of State must lay before Parliament, and publish, a statement setting out the multi-annual budget which they intend to provide to the OEP.
- (3) The Secretary of State must lay before Parliament, and publish, a statement responding to any request from the OEP for additional funding due to a change in the body's responsibilities or functions, within three months of that request being received.
- (4) In making or terminating appointments under paragraph 1 and paragraph 5 of Schedule 1, the Secretary of State must obtain the consent of the Environment, Food and Rural Affairs and Environmental Audit Committees of the House of Commons."

Member's explanatory statement

This amendment aims to ensure that the OEP is as independent as possible.

**Lord Krebs (CB):** I apologise for my earlier interjection, out of order. I thank the Minister for his response to my amendment and Amendment 30, in the name of the noble Baroness, Lady Ritchie of Downpatrick. I also thank all noble Lords who have contributed to this short but interesting debate.

I reiterate what I said at the beginning and has been said by a number of other contributors to this debate: if we get it wrong on the office for environmental protection, the whole edifice of the Bill could fall. All the things the Bill attempts to achieve will, in the end, depend on having a strong, independent, powerful office for environmental protection. If we get it wrong, people out there who observe what Parliament is up to and care about the environment will not understand why we failed.

At the moment, the arrangement is rather like having a whistleblower who is told by the boss which areas he or she is not allowed to investigate. That is simply unacceptable. Unfortunately, we seem to be involved in a dialogue of the deaf. We keep on repeating the message, and it is strong and not from one particular party or group in the House—the view is held widely—and the Government, unfortunately, reiterate the same points over and over again. I feel the time has come to test the opinion of the House and I wish to do so.

7.12 pm

*Division on Amendment 24*

*Contents 180; Not-Contents 151.*

*Amendment 24 agreed.*

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7.27 pm

#### **Clause 28: Monitoring and reporting on environmental improvement plans and targets**

*Amendment 25 not moved.*

#### **Clause 38: Environmental review**

##### *Amendment 26*

##### *Moved by Lord Anderson of Ipswich (CB)*

26: Clause 38, page 22, line 31, at end insert—

“(2A) The OEP may include in the application for an environmental review a request that the court also review additional alleged conduct constituting a failure to comply with environmental law where—

- (a) the additional conduct is similar to, or related to, the conduct described in the decision notice, and
- (b) the additional conduct is conduct of—
  - (i) the public authority to whom the decision notice was given, or
  - (ii) another public authority, where that additional conduct indicates there may be systemic failures to comply with environmental law.

(2B) Where subsection (2A) applies—

- (a) the OEP need not have given an information notice or a decision notice to the public authority to whom the additional conduct relates in respect of that additional conduct, and
- (b) the court may review that additional conduct if it thinks it reasonable to do so.”

Member's explanatory statement

This amendment allows greater flexibility to consider multiple instances of misconduct rolled up into one single application, rather than issuing separate proceedings in respect of each individual incident.

**Lord Anderson of Ipswich (CB):** My Lords, I am grateful for the opportunity to take these amendments before the dinner break. Like other noble Lords, I will be as brief as I can.

The purpose of these cross-party Amendments, 26, 27 and 28, in the now-familiar dentistry metaphor, is to provide the OEP with a working set of teeth. They do not give enforcement powers to the OEP itself, they do not allow it to claim damages and they do not replicate the fining power that gave the European Commission the big stick that it used so effectively to concentrate minds. All they do is allow the High Court its usual discretion to enforce the environmental duties of public bodies by the grant of appropriate remedies. That is a modest aim but also, I suggest, a necessary one if the OEP is to achieve even baseline credibility, whether at home or internationally, as an enforcement body.

The “key facts” note on the OEP, circulated earlier today, correctly states that the OEP will be able to bring legal proceedings against public authorities but

is less forthcoming about when it can do that and to what purpose. Three other key facts, not dwelled upon in the Government's note, lie behind these three amendments. First, the OEP is unique among interested persons and bodies in being disqualified from bringing proceedings for judicial review, save in urgent cases. My Amendment 28 seeks to correct that.

Secondly, the bespoke process of environmental review, designed for the OEP to keep public bodies up to the mark, is available only after each individual breach of duty and each repetition of such a breach has undergone the cumbersome pre-litigation process set out in Clauses 32 to 37. My Amendment 26 would introduce greater flexibility and indeed speed into that process.

Thirdly and most significantly, Clause 38(8), the subject of my Amendment 27, introduces to environmental review a presumption, unique I think in our law, against the grant of any meaningful remedy. Victory for the OEP is rewarded only by a statement of non-compliance, which has no legal effect and which the Minister accepted in Committee is "not ... considered a remedy".

7.30 pm

For a remedy to be granted, the court must prove a formidable series of negatives: that its grant would not be likely to cause substantial hardship or prejudice to any person, whether before the court or otherwise; and that a remedy would not be detrimental to good administration. Where such competing interests exist, which in big or difficult cases they are bound to, as was illustrated by examples given in Committee, the High Court is simply neutered, signalling to public authorities and developers alike that the environmental duties of public bodies cannot be enforced by the OEP when there may be private interests that could suffer. Thus, in our previous debate, the noble and learned Lord, Lord Hope, spoke of the need to retain in this field the flexibility of judicial review, and the noble and learned Lord, Lord Mackay of Clashfern, said that this clause places environmental law on a grade below other laws, so that, as he put it, although you fail to comply with it, you can still be right.

I am grateful to the Minister, the Bill team and the Secretary of State for our repeated discussions. They registered their concern about the possible bypassing of short judicial review time limits. Perhaps that is to exaggerate the promptness of judicial review, for which the time limit starts to run only after the completion of a long administrative process, but in any event, the point of environmental review, as Clause 38(7) firmly indicates, is not to duplicate judicial review but to complement it by providing a means to address systemic cases in respect of which judicial review time limits are not appropriate. The OEP is stepping into the shoes of the European Commission, which was not hamstrung by time limits but which could still seek meaningful remedies from the European court. One wonders why our own courts should be barred from granting meaningful remedies to the OEP.

However, we have responded to the Government's concerns by making Amendment 27 as easy as possible for them to accept. Now written on to its face is the liberty of the court to refuse a remedy when the interests of third parties or of good administration

would render this unjust. Further flexibility will be provided by the Judicial Review and Courts Bill in the shape of suspended and prospective-only quashing orders, remedies which, by the first and unobjectionable part of Clause 38(8), will be read over into environmental review.

The OEP, in seeking relief, and the courts in deciding whether or not to grant it, can be counted upon to weigh the competing considerations and to act responsibly. I think the Minister well understands—whatever he is required to say from the Dispatch Box—that the Government cannot credibly claim to have independent and effective safeguards while protecting themselves from being held to account by the very body established for the purpose. The Minister continues to offer discussions and I thank him for that, but if those discussions are to be productive, I sense that one of two things will have to happen this evening: that he undertakes to think again, or your Lordships encourage him to. With that in mind, I propose to test the opinion of the House, if necessary, on Amendment 27.

**Lord Duncan of Springbank (Con):** My Lords, I am not a natural rebel but I stand in rebellion today. I am troubled by what I see before me. It is always difficult to follow the noble Lord, Lord Anderson, because he has nailed all the key elements. I seek not to repeat but rather to associate myself with what he has said.

I will draw attention to only one aspect. The Explanatory Notes, which, very helpfully, were sent out earlier today, drew attention to one aspect: that the smooth functioning of the planning system depends on investors and developers having confidence that, past a certain point, permission will be upheld. I cannot help but think that we are looking at the smooth functioning of the planning system rather than of the environment, and that would cause me some unease.

For that reason, I am afraid that I must support the noble Lord, Lord Anderson, and will continue to do so until we can achieve a change, which I believe is both necessary and proper.

**Lord Hope of Craighead (CB):** My Lords, I spoke in support of the amendment in Committee, and I think it is right that I comment on the slightly changed amendment before us. I support it entirely and there are elements in it I would have thought the Government would welcome, particularly proposed new subsection 8A(b), where the court has to have regard to "the likelihood that the grant of a remedy would cause", among other things, "any detriment to good administration."

This is a very carefully drafted amendment. It has all the elements one would expect to find in a Bill dealing with the subject we are concerned with. It is also looking at the interests of justice, which any court would want to do in any case. I support the amendment.

**Lord Garnier (Con):** My Lords, we are all being very diffident this evening. I apologise because I did not speak at Second Reading or in Committee on this Bill, but I am as concerned as my noble friend Lord Duncan and the two noble Lords on the Cross-Benches

[LORD GARNIER]

about the way this Bill is going to deal with this particular subject. Unless this amendment is made to the Bill, we will be the poorer for it.

**Lord Thomas of Cwmgiedd (CB):** My Lords, I spoke to and signed the amendment in Committee. I entirely support the new wording. I said in Committee that the judges could be trusted. The Government might have had a little doubt about some of it but, with the changes to the clause, I cannot see what greater protection any Government could legitimately seek.

**Baroness Parminter (LD):** My Lords, I added my name to this amendment in the name of the noble Lord, Lord Anderson of Ipswich, and we wholeheartedly support it. My particular concern is around the planning issue, which the noble Lord, Lord Duncan of Springbank, has rightly articulated. My worry is that the Government have introduced the provisions they have because they fear that there is currently too much weight given to environmental protection in the planning system. That is something we must oppose. In Committee, the noble Lord, Lord Krebs, said that it

“biases the scales of justice”—[*Official Report*, 30/6/21; col. 810.] and changes the balance away from the environment. That is the problem and that is why we on these Benches support this amendment.

**Baroness Jones of Whitchurch (Lab):** My Lords, I add my voice in support of these amendments. We very much concur with the arguments put forward this evening. We agree that these proposals are quite modest. I think the noble Lord, Lord Anderson, has been quite modest in his redrafting. I hope, as I said in the previous group, that if these amendments are passed this evening, the Government will use the opportunity to have a proper dialogue with those who have been working on these issues. I am sure the Minister has got the sense of the strength of feeling on this and we hope that we will not see these amendments in any shape or form coming back at a later stage. I look forward to the Minister’s response.

**Lord Goldsmith of Richmond Park (Con):** I thank all noble Lords for their brisk contributions. The noble Lord, Lord Khan, is looking hungry. I also thank the noble Lords, Lord Anderson of Ipswich and Lord Krebs, for their engagement throughout the various stages, including a number of discussions with me and separate discussions with officials. I have carefully considered the government position on these clauses and I hope I can persuade noble Lords that the approach we are taking is the right one.

First, on Amendment 26, the Government support the intention to ensure that the OEP’s enforcement procedures resolve issues as efficiently and effectively as possible. However, it is only right and appropriate that before the court is asked to examine issues in an environmental review, the OEP has given the public authority adequate opportunity to respond and to remedy the problem directly. This follows a similar principle to the pre-action protocols which must be followed for other types of legal proceedings, including,

for example, judicial review, as well as personal injury and clinical negligence proceedings, where issues are set out in writing prior to court action.

Many issues will be resolved through constructive dialogue in the course of an OEP investigation and through the serving of an information notice. That is what we want. Where required, this would then be followed by a decision notice. This will ensure that potential failures are resolved at the earliest possible opportunity, avoiding the need for time-consuming and costly litigation in most cases, and better enabling the OEP to drive systemic change.

Turning to Amendment 27, I reiterate the importance of the existing provision under Clause 38(8). We have to recognise the unique context in which environmental reviews will be occurring, potentially many months after decisions were taken and outside normal judicial review time limits. Providing protection for third parties who may have acted in good faith on the basis of certain decisions is therefore essential to protect fairness and certainty, values that lie at the heart of our civil justice system.

As I have outlined before, judicial discretion alone would not be sufficient to provide this certainty, as the strict time limits to bring a judicial review themselves demonstrate. We do not solely rely on the courts to balance the impacts of delay against other factors in this context, as the resulting uncertainty would be too great and unfair on third parties. Environmental reviews will be taking place outside judicial review time limits, so alternative protections are necessary.

Furthermore, the provision in Clause 38 to protect third-party rights is not novel. Indeed, it is an extension of the existing position for challenges—for example, under Section 31(6) of the Senior Courts Act 1981. Some noble Lords have argued today and in previous debates that the provision in Clause 38(8) renders the OEP’s enforcement framework redundant but that is absolutely not the case. It is important to note that restrictions in Clause 38(8) are unlikely to be triggered in most cases that the OEP will take forward.

In response to comments by the noble and learned Lord, Lord Hope, the Bill guides the OEP to focus on cases of national importance. Therefore, individual local planning decisions most likely to impact third parties are unlikely to be pursued. Even if they were pursued, the Bill sets out that the court is restricted from granting remedies only where to do so would cause “substantial” hardship or “substantial” prejudice to the rights of any person, or be detrimental to good administration. The court will have discretion to consider and apply the test as set out in the Bill, not Ministers or the Government.

Cases where remedies could require a change in policy or in the way in which legislation is to be interpreted would be unlikely to invoke those safeguards. Those are the cases that we expect the OEP to focus on. Take, for example, an alleged failure by government to meet a statutory environmental target. A court could consider granting a mandatory order requiring government action, and although that may have some impact on third parties such as local businesses, it is unlikely to amount to substantial hardship or prejudice. As I have tried to explain before, an individual or



business must reasonably expect some changes in an evolving regulatory landscape. But that is different from the question of the status of an existing planning permission, for example, where there is a greater expectation of certainty. As such, the existing provision is appropriate, and this proposed amendment could cause damaging uncertainty.

Finally, I turn to Amendment 28. Clause 39(1) is vital to providing clarity when the OEP is considering enforcement action. The concern is that removing the urgency condition would create confusion and uncertainty as to which route the OEP should pursue for any given case. To enable the OEP to bring standard judicial reviews during the normal time limits would limit the possibility of the wider benefits that could have been delivered through the OEP's bespoke notice stages.

By liaising directly with public authorities to investigate and resolve alleged serious breaches of environmental law in a targeted manner, the OEP will be able to drive systemic environmental improvements. This will lead to better outcomes for complainants, the public and the environment, wherever possible without the need to resort to costly or time-consuming litigation. Unlike judicial review, there are no time limits in which the OEP can apply for an environmental review. This is to allow the OEP sufficient time and opportunity to resolve the issue through its notice processes. It will give complainants the confidence to attempt to resolve matters through the internal complaints procedures of public authorities in the knowledge that, if the matters were not resolved, they could bring them to the attention of the OEP, who could bring legal challenge if necessary. The proposed amendment would therefore lead to unnecessary litigation, which would ultimately limit the OEP's ability to effectively focus its activities on holding public authorities to account on serious breaches of environmental law and achieving long-term systemic change. I should again emphasise that the Government have taken considerable time to consider these matters, but we are confident in our position.

Before I conclude, I should emphasise that the OEP's enforcement powers are different from, and will operate more effectively than, those of the European Commission. That point has been made by a number of noble Lords as a counterpoint. The OEP will be able to liaise directly with the public body in question to investigate and resolve alleged serious breaches of environmental law in a more targeted and timely manner. In environmental review, the OEP can apply for judicial review remedies such as mandatory quashing orders, subject to the appropriate safeguards, which will work to ensure compliance with environmental law. The EU Court of Justice cannot issue those kinds of remedies to member states.

I hope that I have at least gone some way towards reassuring noble Lords and I urge them to withdraw or not move their amendments.

7.45 pm

**Lord Anderson of Ipswich (CB):** I am grateful to all noble Lords who have contributed to this short if somewhat one-sided debate and, of course, to the Minister for his characteristically courteous and speedily delivered response.

In view of the time, I do not seek to summarise the excellent points made in support of these amendments. I simply pick up one point made by the Minister when he spoke of the need for certainty, which, as our Amendment 27 accepts, is an important factor in the court's discretion. The need for certain outcomes needs to be balanced against the need for lawful outcomes, which is I think the point that the noble Lord, Lord Duncan, was making; that balance can be performed by the courts only in the individual case and not by preordaining the result.

Having listened carefully to the Minister, I see a stark contrast between the wish to portray these clauses as an effective series of remedies and the reality that they fall well short. I regret that the Minister has not been able to give the requested assurances and, for that reason, I propose to test the opinion of the House on Amendment 27.

**The Deputy Speaker (Baroness Fookes) (Con):** We are considering Amendment 26.

**Lord Anderson of Ipswich (CB):** I am so sorry. I meant to move the amendment but put only Amendment 27 to the vote. I must apologise that I did not rehearse myself in the proper language.

*Amendment 26 withdrawn.*

**The Deputy Speaker (Baroness Fookes) (Con):** I only need the noble Lord to move formally Amendment 27.

#### *Amendment 27*

*Moved by Lord Anderson of Ipswich*

**27:** Clause 38, page 23, line 8, leave out subsection (8) and insert—

“(8) Where the court makes a statement of non-compliance it may grant any remedy that may be granted by it on a judicial review other than damages.

(8A) In determining whether it would be in the interests of justice to grant a remedy, the court must have regard to—

- (a) the nature and consequences of the authority's failure to comply with environmental law, and
- (b) the likelihood that the grant of a remedy would cause—
  - (i) substantial hardship to, or substantial prejudice to the rights of, any person other than the authority, or
  - (ii) any detriment to good administration.”

Member's explanatory statement

This amendment removes the restrictions on the discretion of a court to grant a remedy where the court has found there to be a breach of environmental law, while requiring the court to have regard to relevant factors. The bar on awarding damages to the OEP is retained.

**Lord Anderson of Ipswich (CB):** On this amendment, I wish to test the opinion of the House.

7.47 pm

*Division on Amendment 27*

*Contents 153; Not-Contents 143.*

*Amendment 27 agreed.*

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 Norton of Louth, L.  
 Parkinson of Whitley Bay, L.  
 Pickles, L.  
 Pidding, B.  
 Popat, L.  
 Price, L.  
 Randall of Uxbridge, L.  
 Reay, L.  
 Redfern, B.  
 Risby, L.  
 Rock, B.  
 Sanderson of Welton, B.  
 Sandhurst, L.  
 Sarfraz, L.  
 Sater, B.  
 Scott of Bybrook, B.  
 Seccombe, B.  
 Sharpe of Epsom, L.  
 Sheikh, L.  
 Sherbourne of Didsbury, L.  
 Shinkwin, L.  
 Shrewsbury, E.  
 Smith of Hindhead, L.  
 Stedman-Scott, B.  
 Sterling of Plaistow, L.  
 Stewart of Dirleton, L.  
 Stowell of Beeston, B.  
 Stroud, B.  
 Suri, L.  
 Taylor of Holbeach, L.  
 Taylor of Warwick, L.  
 Tebbit, L.  
 Trefgarne, L.  
 Trenchard, V.  
 True, L.  
 Udny-Lister, L.  
 Vere of Norbiton, B.  
 Verma, B.  
 Wei, L.

Wharton of Yarm, L.  
Whitby, L.  
Williams of Trafford, B.

Wolfson of Tredegar, L.  
Young of Cookham, L.  
Younger of Leckie, V.

8 pm

**Clause 39: Judicial review: powers to apply in urgent cases and to intervene**

*Amendment 28 not moved.*

**Clause 44: Meaning of “natural environment”**

*Amendment 29 not moved.*

**Schedule 3: The Office for Environmental Protection: Northern Ireland**

*Amendment 30*

Moved by **Baroness Ritchie of Downpatrick**

**30:** Schedule 3, page 160, leave out lines 2 to 16 and insert—

““25A OEP independence in Northern Ireland

(1) The OEP has complete discretion in the carrying out of its functions in Northern Ireland, including in—

- (a) preparing its enforcement policy,
- (b) exercising its enforcement functions, and
- (c) preparing and publishing its budget.

(2) In making and terminating appointments under paragraph 2(2B) and paragraph 5(8B) of Schedule 1, the Northern Ireland Department must obtain the consent of the Committee for Agriculture, Environment and Rural Affairs of the Northern Ireland Assembly.””

Member’s explanatory statement

This amendment aims to ensure that the OEP is as independent as possible in Northern Ireland.

*Amendment 30 agreed.*

**The Deputy Speaker (Baroness Fookes) (Con):** Amendments 31 and 32 have been pre-empted so I shall not be calling them.

*Amendments 31 and 32 not moved.*

8.02 pm

*Consideration on Report adjourned until not before 9.02 pm.*

**Universal Credit: People with Mental Health Problems**

*Question for Short Debate*

8.03 pm

Asked by **Lord Davies of Brixton**

To ask Her Majesty’s Government what assessment they have made of (1) the report by the Money and Mental Health Policy Institute *Set Up To Fail: Making it Easier to Get Help with Universal Credit*, published on 26 May, and (2) any barriers to people with mental health problems receiving support for the management of their Universal Credit accounts.

**Lord Davies of Brixton (Lab):** My Lords, one in four of us will experience a problem with our mental health at some stage in our lives, and we know that concurrent financial problems almost always make the problem worse. In particular, experiencing a mental health problem makes it much harder for people to manage their universal benefit account, which is, of course, the background to this debate.

This is a circular problem. If we can improve the support that people with mental health problems receive in handling their finances, we not only help the individuals themselves but creditors and, not least, the National Health Service. We must therefore welcome the Money and Mental Health Policy Institute’s report, *Set Up to Fail*. Based on detailed research, it is compelling reading. My question, therefore, is: what will the Government do in response?

I am not going to talk about the rights and wrongs of universal benefit today; there will be other opportunities. I shall just concentrate on what we need to do to help people through the current system. But even in a reformed system, the same problems would need to be considered.

The challenge is that people with a range of mental health problems, such as low energy levels, memory loss or difficulties in dealing with complex situations, find it hard to manage their universal benefit account. Claimants report significant mental distress when faced with requirements such as preparing for work, responding to messages and attending appointments, which can be problematic to complete when you are on your own, or simply feeling helpless when dealing with complex situations. Again, we have the circle of cause and effect.

Any failure to navigate the system can have devastating consequences. Sanctions, deductions or lost entitlements mean that people cannot meet their basic living costs, which can further aggravate mental health problems and delay recovery. Faced with these challenges, people with mental health problems are bound to rely on support from family or friends—so-called third parties: typically, but not only, their spouse. From the institute’s survey, we know that more than half of the people affected have needed help from family or friends to manage their account, and more than one in four always or often need such help.

People needing help with their universal benefit are not asking for much; they just want a benefits system that is accessible and empowers them to get support from loved ones when they need it. I spoke to Gary, who told me that he just wanted a little help and some sympathy. He has worked all his life, but now he and his family rely on universal benefit. With his depression, he struggles to cope with everyday life, including managing his universal benefit account. He has help from his wife, but he finds they face a wall of complications.

Based on the lived experience of people in the survey, we know that getting third-party help with managing their universal benefit is confusing and challenging. Third-party help needs explicit consent, which requires claimants to set out precisely what information they want to be shared and what tasks they would like assistance to resolve. The fundamental problem is that the system for giving this consent



[LORD DAVIES OF BRIXTON]

requires people to undertake the same tasks that led them to need help in the first place. If people in receipt of universal benefit cannot navigate the main system, they are unlikely to be able to navigate the procedures required for accessing help and support. It could all be so much easier.

Without straightforward systems for delegating consent to another person, people find it a struggle to get the assistance they need, compounding the risk of harmful financial and mental health consequences. Almost half of the people in the survey who had relied on help with their universal benefit management had used informal workarounds, such as sharing their usernames and passwords to get the support they wanted. This is risky in itself and should not be necessary. Third-party support should be more straightforward to use, while maximising the control of the people in receipt of the benefit.

I know that some noble Lords are concerned about changes that would increase opportunities for economic coercion, but this is a problem for everyone with universal benefit. The institute argues that giving people more choice and flexibility over what aspects of the account they share with another person and for how long would increase the protection that people can exercise over their account.

The report recognises that the DWP has committed to look at how the consent procedures could be improved, but with the pandemic leading to worse mental health, unemployment forecast to rise and many of those transferring likely to have additional needs, delivering third-party support that lets people get the help they need must be an urgent priority for the Government.

What exactly needs to be done? From the report, we know that those affected want the process to get third-party support to be easier to understand and navigate. Too often, people who need third-party support are not aware of how to arrange it. The institute's report sets out relatively simple steps for the Government that would make it easier for people to get the support from others to manage their account. This can make a big difference in reducing the stress and difficulty that too many people with mental health problems face when navigating the system. It is not rocket science. First, there are some relatively simple changes that make it easier to designate where help can be provided and who can provide it. Ideas include clearer, more consistent prompts on what information is required when navigating the computer application and drop-down menus clarifying what information claimants wish to share and for how long.

Then there are changes to facilitate how the designated third parties can provide the necessary help both quickly and efficiently. Suggestions in the report include developing a system of view-only access for authorised third parties, which would allow claimants to share specific screens with a friend or family member; introducing a system of duplicate notifications to authorised third parties, alerting both the claimant and their third party about new messages or tasks within their account; and improving the current appointeeship system, which grants great power to third parties. It would be better to make this more

proportionate and tailored to the specific tasks and challenges that individuals face while managing their universal benefit.

What is the Government's assessment of the barriers that people with mental health problems face in the management of their universal benefit accounts and, in particular, the excellent report by the Money and Mental Health Policy Institute, *Set Up To Fail?* I look forward to the Minister's reply. Will she agree to meet with the institute to discuss these issues and its valuable work?

8.12 pm

**Baroness Donaghy (Lab):** My Lords, I thank my noble friend Lord Davies of Brixton for initiating this important debate. I can think of few worse fates than being mentally ill and having to rely on universal credit. Even with the best advice and practical help, there is a 7% chance of a delayed payment and increased stress and anxiety—and, of course, the amounts are totally inadequate.

Let me say first that this is not a straightforward issue. Third-party help can be a vital lifeline, provided it is of the right kind. We have all heard how vulnerable people are targeted by drug gangs so that their addresses and resources can be used to further their trade, so it is quite right that any third-party status should be checked on a continuing basis.

However, additional checks should not become additional barriers. It is incumbent on the Government to remove those barriers. Do the Government know what percentage of claimants with mental health issues have lost entitlement or faced deduction or been sanctioned as a result of failing to complete satisfactorily a UC claim? What response do the Government give to the Information Commissioner's Office about improving routes to set up third-party access? How does the department identify those who are mentally ill? Cases must be on the increase with the pandemic, but not everyone is willing to speak about their problem or even acknowledge it. Without appropriate third-party support, how do the Government decide who is vulnerable? They have indicated that the department gives mental health training to staff. Do we know the extent of this training? Has any study been carried out on the effectiveness of this training, and what outcomes have been identified for claimants?

It is good that the Government allocated funds to Citizens Advice and Citizens Advice Scotland, but it was never going to be enough if it did not include a continuing role after the initial claim. Would the Government consider how best to tackle this by asking the CABs for their requirements?

In preparing for this debate, I looked at the Social Security Advisory Committee's independent report *How DWP Involves Disabled People When Developing or Evaluating Programmes That Affect Them*—occasional paper 25. It concentrates on physical disability and there is no specific mention of mental health, but I feel sure there are some common themes: the need for relevant groups to be involved, to feel they are being listened to, to improve transparency about future thinking and improving trust. In other words, no decision about us without us. Does the DWP have specific networks with mental health organisations, that are about improving

access and transparency? Are they as well developed as the networks for physical disability, given that mental health has always been a Cinderella service and lacks resources? Mental health is sometimes linked with drug addiction and homelessness. Does the DWP have specific policies to identify these links and consult the relevant organisations about how to facilitate claims? Are the Armed Forces veterans' organisations consulted? So many homeless people seem to have served in the forces and also to have mental health problems.

Finally, on a slightly lighter note, I pay tribute to Martin Lewis's work in this area. If the Minister is in a position to hand out sainthoods, I think he would be a good candidate.

8.17 pm

**Baroness Drake (Lab):** My Lords, the question put in this debate is not about attacking Universal Credit or the commitment of the staff at the DWP. It is about a particular group of vulnerable people, whose vulnerabilities mean they cannot fully or effectively engage with the processes and procedures for managing their Universal Credit account and what further action the DWP can take to address what is a distressing problem. Not engaging effectively brings real detriment: sanctions, deductions, lost entitlements, decline in living standards, increased stress and decline in well-being.

Many have recognised the commitment and efforts of DWP staff during the Covid pandemic, particularly in the early months when so many applications were processed. The DWP was an important part of the solution to managing and surviving the pandemic. It has to be recognised that that would not have been possible without utilising the IT systems and digital engagement, given the volumes of claims and the constraints on other forms of contact.

Universal Credit is now digital by default. Indeed, the advances in technology allowed the rapid expansion of digital engagement between businesses and businesses, businesses and consumers, service providers and users, which was fundamental to sustaining the economy over the last 18 months. But digital engagement, particularly when combined with complex processes, can pose problems for those with mental health problems, which are further exacerbated if the decision-making journey is difficult to comprehend or navigate. This is evidenced in the provision of court services, public services and, indeed, commercial services. Increasingly, in the commercial world of financial services, companies are recognising the need to adapt their processes to deal with vulnerable customers, including those with mental health problems, who, sadly, are growing in number. Those difficulties in navigation are spelled out very clearly in the *Set Up to Fail* report published by the Money and Mental Health Policy Institute. The report is particularly compelling because it takes evidence directly from the people who have mental health problems, the majority of whom said they simply could not manage their account without help from family and friends.

The difficulties emphasised in the report include claimants not being told that they can give permission for someone to help manage their account, not being told how to make that request and, when they do, having to specify which exact tasks they want a third

party to help them with, without any guidance given on how to do that. Of course the claimants could ring the DWP, but more than half say that they have severe difficulties in using the phone precisely because of their mental health problems, so you have a circle of lockout. The report describes this as an absurd situation whereby those who want to nominate a person to help them have to navigate complex and unclear processes similar to those which they needed help with in the first instance—a Catch-22.

The DWP has introduced measures to assist those with mental health problems but the report argues that they are not sufficient. Many with mental health problems lack social, emotional and financial resilience, and the welfare system should be a critical line of defence for them which minimises the barriers to mitigating that. Many such claimants struggle on alone, incurring the negative consequences. My noble friend Lord Davies detailed what needs to be done to assist claimants, particularly with regard to obtaining explicit consent for another person to help them manage their account.

However, like my noble friend Lady Donaghy, I stress the importance of considering that recommendation of extending the help-to-claim service through the citizens advice bureau to also provide a help-to-manage service for vulnerable claimants with a universal credit account. Managing the needs of vulnerable claimants does not cease when they open an account or when it is set up, and indeed their mental health problems may occur after an account has been opened. People's circumstances change and the population with these problems changes. There are other publicly funded help and guidance services that do not apply such a cut-off criterion. It seems such an arbitrary thing to do given the nature of the problem that must be addressed. An extension of the service would also help to protect those vulnerable to coercive behaviour, for whom explicit consent for a family member to assist may not be their desired answer to the problems that they face.

The incidence of mental health problems is increasing, even more so in the exceptional circumstances prevailing in today's world, and if those with vulnerabilities are not given more help and guidance then a welfare system that is intended to support them could contribute to a further decline in their mental and financial well-being. If the department can introduce further measures to assist claimants with mental health problems then, as my noble friend Lord Davies argued, they can trigger a virtuous circle of preventing people becoming more stressed and unwell, assist the NHS, contribute to the community, and increase the prospects of people's engagement with the world of work.

I have three questions for the Minister. Will the Government further consider introducing measures to improve the experience of claimants with mental health problems? Will the Government consider the recommendations in *Set Up to Fail*, particularly those directed at improving and simplifying the process whereby explicit consent to third-party support in managing a universal credit account can be secured? Will the Minister commit to taking away the proposal that the remit and role of the help-to-claim service is extended to provide a help-to-manage service for these most vulnerable clients?

8.24 pm

**Baroness Sherlock (Lab):** My Lords, I congratulate my noble friend Lord Davies of Brixton on securing this debate and on his introduction to it, and all my noble friends who have contributed this evening. I also commend all those involved with the Money and Mental Health Policy Institute for their work in highlighting these issues.

Ever since its inception, I have had a steady stream of people telling me how hard they found it to navigate the online pathway to getting and maintaining universal credit. This is a particular problem for certain categories, such as those without ready access to the internet and those for whom their mental health makes the process of applying seem insuperable. If they do push through, it can aggravate their mental health. When I raise this, Ministers normally say that most people have no trouble at all. I have never been entirely persuaded by that, but even if I were, it does not seem grounds for not doing more to help the rest. After all, even a small percentage of 6 million people is a lot of people; it is not a small percentage. This report suggests that

“nearly 1.3 million UC claimants ... report experiencing significant mental distress”.

For them, the requirements of UC are difficult to complete on their own.

As my noble friend Lady Drake said, most UC claimants with mental health problems who were surveyed say they have needed help from family and friends to manage their accounts at some point, and a quarter have needed it often. However, involving others is not straightforward because of the issues around explicit consent, which my noble friend Lord Davies explained very well. As both he and my noble friend Lady Drake have said, the whole process of delegating explicit consent online or over the phone ironically requires claimants to navigate the very tasks which led to them needing help in the first place. Any IT specialist will tell you that, if you make security issues too tough, people just find workarounds. My noble friend Lord Davies is quite right, as half of respondents simply shared their login details with somebody else. That is not helping in any way, so we have to find a better way of dealing with this.

The report notes that

“Symptoms of mental health problems can make it harder”

to make and maintain a universal credit claim. It talks quite interestingly about pain points in the UC system where a significant number of claimants started to struggle. These included, for example, trying to understand how their awards were calculated and which changes in circumstances they had to tell the DWP about. Confusion there is really dangerous as a failure to report a relevant change could lead to underpayments or overpayments and even being prosecuted—so that is really bad. It also included trying to challenge deductions or sanctions and renegotiating their claimant commitment.

The charity Rethink Mental Illness did a little briefing for this debate. It agrees that third-party access is vital, since its mental health and money advisers report that a lot of people severely impacted by mental illness cannot access their online journal. I realise that privacy is really important and appropriate

safeguards need to be put in place. Yet, when I raised via a Written Question that both partners can see any messages exchanged by either one of them with a work coach on their journal and that this could be an issue in relation to domestic abuse because it had been raised by a claimant, I got a fairly dusty answer saying simply that people should not share sensitive information. Of course, all kinds of information can be sensitive in the context of domestic abuse. I think we are getting stuck both ways. Has the DWP investigated whether there could be a more nuanced way of treating issues around access to information which provides more protection for privacy, supports those needing assistance and works for those with fluctuating capacity? That is one of the issues.

I will be interested to hear the response to the question from my noble friend Lady Donaghy about CABx and the roles they might be able to play. I thought that was a marvellous speech and I commend all three of my colleagues for some very serious research and work that has gone into preparing for tonight. I would be interested to hear the Minister's response to my noble friend Lady Drake's question about the idea of a new help-to-manage service. If the DWP invested the best part of £40 million in the help-to-claim service, it is an awful shame to spend that getting people on to universal credit if they then fall off because they cannot manage their claims. What are the Government doing about that?

I have a couple of quick questions for the Minister. First, does she accept the principle that a significant minority of people find the universal credit system difficult to navigate, both in terms of applying and maintaining their claim? I think it is helpful for the debate for her to answer that question directly. Does she accept that there is a problem for a significant minority in claiming and staying on?

Secondly, does she think the situation will get worse with managed migration? Can she tell us when that is going to happen? There are around 1.9 million people on ESA. If they move to universal credit and the report is right in that two-thirds of those are considered to have mental health problems, that is quite a problem coming down the track in terms of scale. I think that figure of two-thirds, from looking at the report, was from a 2014 study. If the department has more recent figures, perhaps the Minister could share them with us. Rethink hears from people who are scared to move on to UC from legacy benefits precisely because they are afraid of using the online system. The charity is calling for improvements to online accessibility before managed migration is rolled out further. Does the Minister think there is an issue here? If so, what is being done about it?

Finally, the report makes an impressively modest number of recommendations, but they are quite specific and practically addressed. My noble friend Lord Davies summarised them well. Given that the title of the report was in the title of this debate, the department has had plenty of time to look at the recommendations. Given that, and that my noble friend went to all the trouble of getting the debate and of researching the recommendations, I hope that the Minister can at least give a comment on each of them. If she cannot today, could she write to address each? There are not



very many. If the department really does not like them, it is only fair to explain whether it thinks there is not a problem or that this is not a good way to solve it. If so, what else is it doing?

With that said, a lot of work has gone into this report, and I commend my noble friend and all those involved in it, especially the interviewees. I think of Gary, who was mentioned by my noble friend Lord Davies. If all he wants is a little help and some sympathy, surely that is not beyond us, is it?

8.31 pm

**The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con):** My Lords, I thank the noble Lord, Lord Davies of Brixton, for securing this important debate, and all those who have contributed to today's discussion of this important question. In answer to the point from the noble Baroness, Lady Sherlock, I would be foolish to stand here and say that there is no problem and that everything is perfect. I am not saying that. The noble Lord, Lord Davies, made a point about meeting the group who wrote the report. I put this on the record now: I am always happy to meet, and I will meet that group. I would be happy for the noble Lord to join that meeting and for us to explore further what we could do and learn to make the system better. I have never been asked to hand out sainthoods, but nothing would give me more pleasure. I can think of few people who better deserve one.

I thank the noble Lord for bringing this report to my attention, so that I can go into further detail about the support the department provides for those experiencing mental health issues. I am pleased to say that my officials have already met the authors of the report, on 1 July 2021, and discussed its findings in great detail. They found the report very informative and helpful, partly because it confirms information of which we are already aware and know we can improve, but also because it highlighted some new problems to investigate, especially the concern that claimants without a clear method of granting permission to an informal third party to act on their behalf may be put off making a claim for universal credit. Noble Lords have made that point and it is helpful to be in continuing dialogue with them.

The department does care about the most vulnerable in society, including those with mental health issues who have barriers to accessing the universal credit service. We have a number of measures in place to support and protect our claimants. For example, our work coaches are doing their utmost to ensure that claimants with mental health issues are provided with tailored support and can manage their claim via the telephone, if they are unable to access our digital service.

The impact of a health condition on an individual—a point that was made this evening—varies from person to person. The claimant is the expert on their condition and they know how it affects them. The most important thing the work coach can do is to build trust with their claimant so that the claimant feels confident to fully explain their circumstances and needs.

We have reviewed our approach to health conditionality for those on the health journey, and work coaches are now able to utilise an approach in which claimants can

start from zero mandatory requirements and build up based on their health condition and personal circumstances when setting out work commitments. This allows the claimant to move at a pace that is comfortable for them, as their confidence builds.

There are a number of key findings in the report in question which I will address. As the report focuses mainly on third party consent and recommendations to improve the process of obtaining consent, I will outline the current process. This was a point that the noble Lord, Lord Davies, and the noble Baronesses, Lady Drake and Lady Donaghy, raised. Noble Lords will be aware that there is a raft of support available for those who are unable to access the universal credit service; for example, claimants are able to grant third party consent. Universal credit is structured around an online personal account that contains all the information relevant to the claim. This includes claimants' bank account details, savings, capital, medical history, family relationships and address information, which means that we have a responsibility to ensure that a high level of security and protection is in place and that we take all reasonable steps to protect our claimants and their data, which includes ensuring that consent is explicitly given. I know from all that has been said this evening that there are issues around this. I am very happy to talk to officials and come back to noble Lords on the specific points that have been raised.

As the amount of personal data available on universal credit is far greater than in the legacy benefit systems, any data breach has far-reaching consequences for claimants, so we need to balance consent against this risk. Therefore—as the noble Baroness, Lady Sherlock, said—a policy of explicit consent exists to help reduce the risk of fraud by ensuring that claimants' data is kept safe from unscrupulous organisations and individuals. The emphasis here is not to hinder people receiving support but to help them make and manage their claim.

Where explicit consent is needed, it can be quickly given in different ways: over the phone or via the online journal, at any time during a universal credit claim. This is a far simpler and more straightforward process than in the legacy benefit systems. Once consent is given, we will work with claimants' representatives. We really do want to make it as stress-free, simple and helpful as possible.

The universal credit product team are currently conducting discovery work to fully understand all the issues around why and how a claimant may need extra support with their claim, with a view to developing this further in the next phase of development, which will be next year. The findings from this helpful report will be used as part of the discovery phase. I cannot confirm to the noble Baroness, Lady Donaghy, that they are talking to Citizens Advice, but I will go away and find out—and, if not, I will encourage them to do so.

Universal credit provides personalised and tailored support for all claimants and work coaches are available to discuss any queries they may have about their online accounts. Noble Lords raised the Help to Claim service, and I am pleased to say that this service has been extended. I will take away the point that the noble Baronesses, Lady Sherlock and Lady Drake,

[BARONESS STEDMAN-SCOTT]  
 raised, about whether it is possible to do something on a “help to manage” service. I cannot promise anything—it would be crazy to do so—but I will make sure that the point is raised.

Time is against us. With the leave of the House, because we have not had many speakers, may I just do a bit more? Can I have a few more minutes? I hear “Yes”—magic.

I cannot answer the question on managed migration right now, but I will go back to find out and write to noble Lords, as I have done on many other occasions.

The noble Baroness, Lady Donaghy, raised the point about bodies that represent people with mental health problems. We work with the operational stakeholders forum and the accessibility forum, including representatives of people with access requirements.

The issue of mental health training has been raised in relation to work coaches. Since August 2018, mental health training has been included in work coaches’ learning packages. They complete training in two sessions as regards complex needs and learning. We discuss what the claimant is struggling with and how we can best support them. A second session of training consolidates the learning from the first session.

Noble Lords raised the issue of mental health networks. As regards local networks of mental health providers, jobcentres use their flexible support fund to buy provision and support. For example, in Cornwall we have had mental health experts in our jobcentres, which is really good and has improved the situation.

The noble Baroness, Lady Donaghy, gave a good speech and raised many points, including assessment of people with mental health barriers. I have already talked about the tailored support that work coaches are able to give and we would always look to support claimants in our jobcentres, should there be an issue for a claimant who is unable to access online services. We also have vulnerable customer leads on hand to provide support. All the time we are trying to improve the service that people get. If any noble Lords know of a situation in which that has not worked, please tell me—first, because we want to get it right and, secondly, because we want to learn in order to make the situation better.

I must draw my remarks to a close, but I want to come back to the point the noble Baroness, Lady Drake, made about a help-to-manage service. It is a very good idea, and I should emphasise that I am going back to the department with it.

Again, I am grateful to the noble Lord, Lord Davies of Brixton, for providing the opportunity to set out the vital steps that the Government are taking to support those claiming universal credit who have mental health issues. I understand only too well the impact of mental health problems on individuals, I really do. I know that their situation is difficult, and we want to help them all we can. However, as I have outlined, a tremendous amount of work is going on to ensure that we continue to support all claimant groups, including the most vulnerable, in accessing our services with ease.

I know that I have not answered all the questions, but my track record is that I always write when I need to do so. We will meet with the group and it is up to the noble Lord, Lord Davies, as to who he wants to invite to that meeting if others would find that useful.

8.43 pm

*Sitting suspended.*

## Environment Bill

*Report (2nd Day) (Continued)*

9.03 pm

### *Clause 51: Producer Responsibility for Disposal Costs*

#### *Amendment 33*

*Moved by Baroness Bakewell of Hardington Mandeville*

**33:** Clause 51, page 31, line 6, at end insert “including fly-tipped items.”

Member’s explanatory statement

Farmers and landowners currently have to pay for the removal of all fly-tipping. This amendment is intended to extend the ‘polluter pays’ principle to fly-tipping.

#### **Baroness Bakewell of Hardington Mandeville (LD):**

My Lords, in speaking to this group of amendments in my name, I thank the noble Baroness, Lady Jones of Moulsecomb, for adding her name to Amendments 33, 37 and 41. I will deal with the fly-tipping amendments first.

Fly tipping, and its effect on our environment, especially in rural areas, is a scourge, unsightly and extremely costly for landowners and farmers to remove. I am grateful to the Minister for his amendment to Schedule 10, but fear that it does not go far enough. Amendment 33 adds the words, “including fly-tipped items”; Amendment 37 adds the words:

“to remove all fly-tipping at the expense of the manufacturer or producer”.

Both amendments seek to ensure that the “polluter pays” principle applies to fly-tipped items. Amendment 39 allows farmers and landowners to install CCTV cameras where fly-tipping has occurred in the past. This very small suite of amendments allows the principle of the “polluter pays” to become a reality.

Currently, it is far too easy for those who have large, redundant items in their home or large amounts of green waste to fill up their trailers, cars or vans and travel around the country looking for some likely green lane, gateway or field in which to dump their waste. They do not wish to pay for legal disposal. The cost to the farmers and landowners is enormous, running into several thousands of pounds each year.

There are those who ditch ordinary household waste in the same way and pollute the countryside with what could be toxic chemicals. There are the professional criminals who cruise around villages and housing estates, spotting who is having a clear-out, and offer to take the waste away for a small fee. The householder jumps at the chance of not having to deal with the problem themselves and pays up, thinking that it is all sorted. These criminals then go on to a site which they have

used before, often on many occasions, and dump the waste on the landowner and farmer's land. The installation of CCTV at sites which are used more than once is essential to help farmers and landowners deal with this problem by identifying those responsible and bringing them to account.

The NFU is supportive of this group of amendments and hopes that offenders caught dumping waste illegally should see fines as a proper punishment, which will therefore act as a deterrent. Fly-tipping figures have increased to 1 million during lockdown and are likely to have risen as the country came out of lockdown. The eagle-eyed among you will note that I withdrew my amendment that asked the Government to recompense farmers and landowners for the costs of clearing up fly-tipping; this was a blatant attempt to make the amendment acceptable, at no cost to the Government. I hope that the Minister can accept these three amendments, which would benefit those who clear up the waste that others leave behind and allow for measures to ensure that the perpetrators are brought to justice.

Before I move on from this group, I refer to a small article in the *Metro* newspaper from 8 July, which I read on the tube. A farmer caught several fly-tippers in the act and

“blocked them in with a car, tractor and forklift truck”.

He was

“fed up with rubbish being left on his land, so set a trap”.

He said:

“‘Fly-tipping is regular here, so I parked the car across the gateway’ ... One of the tippers threatened him, saying: ‘I’ll just smash my way out.’”

The farmer replied:

“‘That’s why I bought a £200 car.’ The dumpers left their truck at the scene and it was seized by the police who are investigating”.

I hope that a prosecution resulted from that incident.

Amendment 41 does not really fit with the other amendments, but in the interests of moving things along I agreed to group it with the others. This articulates an extremely important point of principle about compostable packaging. Big brands are expanding their use of these materials in the search for alternatives to plastics. Meanwhile, consumers seek out compostable packaging, with 83% of them saying in polling that they prefer it to traditional plastic. The question is how the materials are then composted. Food waste schemes provide the means for compostable materials to be disposed of safely and efficiently, but only if there is consistency across England, so that consumers know that these materials should go in their food waste bin.

The amendment refers to flexible materials, properly certified to internationally recognised standards. The items that we are really concerned with are films, which are very difficult to recycle. Indeed, the amount that is recycled remains stubbornly low, at only 6%, according to WRAP figures. In Committee, the Minister said to me:

“If a plastic is genuinely compostable and not going to break down into small particles of plastic that will do even more harm, including it in food waste to compost would make perfect sense. However, we are not there yet from a technological point of view. We certainly do not have the confidence to do that.”—[*Official Report*, 30/6/21; cols. 916-7.]

At that time, I asked the Minister for a meeting, to which he agreed. Despite pressing his private office to arrange this, there has been no offer of the promised meeting to discuss the straightforward difference of understanding between us on this issue. Evidence from the Association for Renewable Energy and Clean Technology, whose members include composting and AD plants, shows that 42 composting plants and some of the 90 AD plants treating food waste are currently able to accept and process compostable packaging. These plants would welcome a visit from the Minister.

The UK Plastics Pact sets a target to ensure that 70% of plastics are effectively recycled or composted by 2025. That cannot happen while a quarter of plastic packaging is flexible material but only a tiny fraction can be recycled, particularly where the film is very thin and where it is food-contaminated. Compostables must be part of the picture. In answering Amendment 41, would the Minister please agree to meet compostable film producers, as well as those composting them successfully, and to visit one of the sites where this is happening? If he is not satisfied with the current evidence, would he commission research, through Defra, to look at how bioplastics are processed in composting plants here in the UK? It cannot be right for these materials to be stripped out by processing plants and incinerated or sent to landfill. This is betraying the customer and the consumer. I beg to move.

**Baroness Jones of Moulsecoomb (GP):** My Lords, it is a pleasure to support the noble Baroness, Lady Bakewell of Hardington Mandeville. I apologise for not having signed the CCTV amendment; I did not spot it. Fly-tipping is something that I do not think any of us would support. Of course, it has inherent dangers, not only to the public but to wildlife in affected areas, especially if it contains toxic materials such as asbestos. There can be damage to watercourses and soil quality from the dumped waste.

Greenpeace has some quite interesting stuff on this. It has been checking areas and samples of materials resembling topsoil, covering large areas of the ground at sites where plastic waste has been burned because people do not know what to do with it, were found to be composed of shredded plastic and not earth at all. That then just gets washed out everywhere. We all know what microplastics are doing to our ecosystem.

I shall keep my remarks brief because we are all tired, but I point out that the Local Government Association is also urging people to dispose of their waste properly, which is fair enough, using the nearest household waste and recycling centre. It has worked tirelessly to keep these open during the pandemic. It also talks about wanting furniture and mattress companies, for example, to do more to offer take-back services to reduce the amount of waste produced. That is something we have not explored enough. In places such as Germany, they take back lots of packaging and so on, and they will take back items. We are very behind on that in this country.

Amendment 41, about plastic, deals with a very complex area. A lot of the plastics that are called biodegradable, disposable and so on are actually not. We have to be very sure: what we need are definitions of what “biodegradable” and “compostable” mean.



[BARONESS JONES OF MOULSECOOMB]

We need plastic—so-called plastic or whatever it is—to be compostable in average situations; that is, in my compost heap and not necessarily under ideal temperature-controlled conditions. I would argue that these amendments are very valuable and give all sorts of good ideas to the Government. I hope they take them up.

**The Duke of Montrose (Con):** My Lords, I am very glad to join in this debate on fly-tipping, spilling over into the world of plastic disposal. I am a farmer, and the NFU has voiced its support, as the noble Baroness, Lady Bakewell, mentioned, because it is a huge problem in some areas, along with all anti-social behaviour. Around where I am, the anti-social thing tends to be people taking things away rather than bringing things along, but that is another topic. They come and chop down trees to have bonfires and so on.

Perhaps the noble Baroness, Lady Bakewell, can tell us what she has discovered about restrictions on having CCTV. It is very easy nowadays. We have done it already. We have a movement-sensitive camera that can be set up anywhere. It will record whatever can be seen in infra-red so that you can do it at night. I do not know if there is a restriction in law that prohibits this being used as evidence, but it would be an important thing to do.

9.15 pm

The grouping of this amendment has spilled over into the question of plastic disposal. As a farmer, I was interested to see how it affects the farming industry. Plastic packaging waste from agriculture represents approximately 1.5% of the overall volume of plastic packaging in the waste stream in England. The message I got from the NFU was that it recognises the pressing issue of plastic waste and supports the direction of travel of many retailers to either eliminate plastic packaging or replace it with compostable and recyclable material.

However, when looking to reduce plastic use, it is important that food safety and quality are not compromised. It is also important that the costs of replacement packaging are not merely passed down to the primary producer. Multilayer plastic films act as barriers to oxygen, water and aroma and are important for protecting food items such as fresh fruit and vegetables. Limiting the performance of specialised packaging could lead to an increase in food waste, which is already an issue in itself. The NFU and its membership have been working closely with retailers and WRAP to reduce waste on farms. Our involvement with Courtauld 2020 has allowed great strides in the understanding of food waste and steps to curb it.

A great deal of plastic, as anybody who has visited a farm nowadays will see, is used to preserve feedstuffs for animals. We have great quantities of, very often, black plastic. There is a recycling route for it but, of course, there are great difficulties with contamination. These are things that will gradually need to be overcome.

**Lord Khan of Burnley (Lab):** My Lords, I will speak to all the amendments in the name of the noble Baroness, Lady Bakewell of Hardington Mandeville, who has very passionately illustrated the scale of the

problem and the urgent need to address it, both in Committee and today. Fly-tipping not only affects the hard work of our farmers in producing food and caring for the environment but takes a huge toll on farming families, both emotionally and financially.

As I have said, any type of fly-tipping is unacceptable, and it is key to prosecute fly-tippers and recover the clearance costs where possible. We also need to ensure that councils provide advice and guidance on measures that can be taken to prevent further fly-tipping. Those who produce pollution should bear the costs of managing it and preventing damage to human health or the environment. The polluter pays principle is part of a set of broader principles to guide sustainable development worldwide. This principle should extend to farming.

We are disappointed that the Government have not taken the initiative to fix this and respond to these amendments in a clear and direct manner. I remind the Minister that new data from the Environment Agency shows that farmers are the group most affected by large-scale, illegally dumped rubbish. The NFU's recent rural crime survey revealed that fly-tipping was the most prolific crime experienced by its members, with 48% of those surveyed saying that they had experienced it in 2020. The noble Duke, the Duke of Montrose, reminded us of that point in relation to the concerns of the NFU. The noble Baroness, Lady Jones of Moulsecoomb, also mentioned it.

Nearly 50,000 people have signed an open letter demanding immediate action to tackle fly-tipping in the countryside, following a surge in waste crime during the Covid-19 lockdown. In an Oral Question on fly-tipping in the House of Lords on 23 June this year, I was very reassured to hear the Minister talk about launching the Joint Unit for Waste Crime. How has this worked out in terms of enforcement, specifically in relation to fly-tipping in rural communities? I look forward to hearing the Minister's response to the amendments. How will she reassure farmers who are calling for urgent action on the fly-tipping crisis in rural communities?

**Baroness Bloomfield of Hinton Waldrist (Con):** I thank all noble Lords for their contributions to this important debate and the noble Baroness, Lady Bakewell of Hardington Mandeville, for her amendments. I can only apologise that no meeting has taken place between her and the Minister; we have had a lot of meetings over the summer break, and it is a bit of a mystery to us as to why we have not followed up on this. We will investigate and a meeting will be expedited.

I begin by emphasising our commitment to tackling the crime of fly-tipping. We appreciate the difficulty and cost that fly-tipping poses to landowners. We expect all local authorities to exercise their power to investigate fly-tipping incidents on private land, prosecuting the fly-tippers and recovering clearance costs where possible.

Regarding Amendment 39, landowners are already permitted to install CCTV on their land. I am grateful to my noble friend the Duke of Montrose for his contribution. Defra chairs the National Fly-tipping Prevention Group, which has published advice for private landowners on dealing with fly-tipping. To reassure my noble friend, the NFU works very closely

with Defra in this endeavour. It actually recommends that landowners consider installing CCTV to protect their property. Subject to data protection laws, landowners may also provide footage to law enforcement authorities to support prosecution cases.

The Environment Bill will give enforcing authorities more powers to tackle fly-tipping and other waste crime, including so-called Facebook fly-tippers operating from their homes. It also grants regulators additional charging powers that will enable them to raise extra funding to tackle waste crime and poor performance in the waste industry.

Turning to Amendments 33 and 37, extended producer responsibility clauses in the Bill already include provisions which could enable asking companies to take full responsibility for their products when they become waste, including when they have been unlawfully discarded. This can include the costs of removing littered or fly-tipped items, including from private land. Measures in the Bill on deposit return schemes will also allow the deposit management organisation to use money received under a scheme for the protection of the environment. This could include costs associated with the removal of littered or fly-tipped items. We have recently consulted on a deposit return scheme for drinks containers to help reduce littering and improve their recycling. While we are not currently considering introducing a deposit return scheme for other items, measures in the Bill will allow us to set up more deposit return schemes for other items, which could include those which are frequently tipped—for example, fridges and mattresses.

On Amendment 41, on compostable plastic, I sympathise with the concern of the noble Baroness. However, the infrastructure to process compostable plastic is not currently widespread enough to include these materials for collection with food waste. We just cannot be certain that compostable plastic can be treated at anaerobic digestion plants or composting facilities in a way that does not increase the plastic contamination in compost. However, I can confirm that the Minister would be delighted to meet representatives of one of these facilities in future. I should also reiterate that we can add compostables as a recycling stream on its own later, when we have the evidence. Evidence suggests that compostable and biodegradable plastics do not fully break down in the open environment and must be treated in industrial composting facilities to be broken down. There is also a lack of strong evidence that compostable plastics provide benefits to soils when successfully composted.

The noble Baroness, Lady Jones, is correct that at present there is no reasonable certainty over whether there are benefits to the final digestate—which I understand is a fertilizer—and compost products resulting from the inclusion of biodegradable and compostable plastic materials as feedstock. However, there are provisions in the Environment Bill to add additional waste streams, provided that they meet the conditions set out in the Bill and that we are clear on the environmental impacts. This will involve further necessary work to understand whether compostable packaging can meet the conditions set out in new subsection 45AZC(4). This must be met before further recyclable waste streams can be added for collection. We are

currently analysing responses to our recycling consultation on reforms to recycling consistency, which sought views on the use of compostable caddy liners. I hope this reassures the noble Baroness of the Government's intentions and I ask her to withdraw her amendment.

**Baroness Bakewell of Hardington Mandeville (LD):**

I thank all noble Lords who have taken part in this debate. The noble Baroness, Lady Jones of Moulsecomb, referred to local authorities urging householders to use household waste recycling centres, taking mattresses and other items there. That is really useful. The household waste recycling centre in our area is very well used. It has a camera feed on its website which shows what the queues are like, so that if you are at home and waiting to see what time to go in, you will usually find that you can get in between 5 pm and 6 pm without having to queue. Not enough people use those centres.

The noble Duke, the Duke of Montrose, spoke about movement-sensitive cameras. I am not convinced that they would be sufficient as evidence in court for a prosecution. However, the Minister said that Defra produces guidance for using CCTV in a way which would be sufficient evidence for a prosecution.

I welcome the deposit return schemes. I am very interested in their possibly including fridges, and they could probably be extended to washing machines, which often find their way into the countryside.

The noble Lord, Lord Khan of Burnley, referred to the petition which people have signed to say that they are outraged by fly-tipping. It is undoubtedly true that, as people walk or drive around their local areas, they are pretty disgusted by the amount of fly-tipped rubbish that has been left.

On compostable film, I am grateful to the Minister for the offer of a meeting and hope that this can now take place without delay. There is obviously some discrepancy between the information we have received from different sources, and it would be good to have it cleared up.

Having said that, I am satisfied with the response that I have received and am pleased to withdraw my amendment.

*Amendment 33 withdrawn.*

**Schedule 5: Producer responsibility for disposal costs**

*Amendment 34*

*Moved by Lord Goldsmith of Richmond Park*

**34:** Schedule 5, page 171, line 37, after “appoint” insert “, or make provision for the appointment of,”

Member's explanatory statement

This amendment enables regulations to make provision for the appointment of an administrator for extended producer responsibility.

**The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con):** My Lords, I am pleased table Amendments 34, 44 and 45, which will support the swifter and more effective implementation and operation of extended producer responsibility measures.

[LORD GOLDSMITH OF RICHMOND PARK]

In Committee, we recognised that a priority of the House was to ensure that we are able to get extended producer responsibility regimes up and running as soon as possible. The noble Baroness, Lady Jones of Whitchurch, highlighted this on Monday. These amendments will save both time and money when setting up and running new schemes and will apply right across the UK.

The amendments allow us to adjust the provisions for appointing scheme administrators from a solely competitive procurement process to allow for the appointment process to be set out in regulations. This increased flexibility will benefit smaller schemes such as for single-use products. We anticipate in these instances that a process which would have previously taken 12 months could now take four.

Amendment 44 gives the Environment Agency, the Natural Resources Body for Wales and the Scottish Environment Protection Agency the same charging powers in relation to Schedule 5 as they have for Schedule 4, which is granted through Clause 64. This amendment allows them to make one scheme with both provisions from Schedules 4 and 5, as opposed to having to have two separate charging schemes.

Amendment 45 provides for the same powers for the Northern Ireland Department of Agriculture, Environment and Rural Affairs. As a package, these amendments will enable the swifter establishment of extended producer responsibility schemes. I beg to move.

**Lord Teverson (LD):** My Lords, the last time I spoke at this Report stage was on Monday, when we were talking about very macro issues around the emergencies of biodiversity and climate change. Those are really important, and I was very glad that the House saw that. However, we all know as well that the minutiae—the micro side—of how this Bill's provisions are delivered are equally crucial to its success.

We also know that, on extended producer responsibility, the circular economy and making consumers fully informed about what they want to do and how they can make the right decisions for the environment they live in, those small issues are really important to make this Act—as it will be—a success in terms of its delivery.

9.30 pm

So the reason I tabled this amendment—and I thank the noble Baroness, Lady Bennett of Manor Castle, for her support in this—is a very practical one: to make sure that when consumers see products, they are able to judge easily, straightforwardly and instantly in terms of a purchase decision—or a longer-term investment in other consumer goods—that they are making the right decision for the environment. Quite frankly, this amendment just states the obvious: to make sure that labelling within this country is single, straightforward and obvious and that consumers recognise it and act upon it. It does not ask that there is some sort of sham competitiveness in this area but that there is a single labelling scheme which is world class, as the Minister would want it to be; that it is clear, concise and consistent; and that labelling is the same whichever shop, retailer or e-commerce site you go to, so that it can be understood more and more as time goes on.

I tabled a similar amendment in Committee, and the Minister was sort of sympathetic but did not really say that this is what the Government saw. To me, it is obvious that this has to be the case. We know from the examples of energy efficiency labelling, and I think I used the example of how you wash your clothes in a washing machine, that those are the sorts of labels that people get to know and understand over time. It is in that way that we make sure that consumers and citizens who want the right thing for the environment are able to make the right choices.

This idea is not exactly a clever one, but it is very much supported by Which?, consumer associations and—my goodness—manufacturers, because it has to make sense. On that basis, I hope the Minister can give greater reassurance from the Dispatch Box—I will not take this to a vote; no way am I going to do that—that we are going to have consistency, transparency and the ability to enable consumers, as I said, to make the right choice for the environment through this system. I am sure that is what the Government want. What we do not want is the alternative: a shopper going into one high street shop and seeing one sort of labelling system, and then going on to an e-commerce site and seeing another. That does not make sense. We do not understand that. This is not an area where we should have competition; it is an area where we should have one excellence that meets those criteria.

I could not agree more with the government amendments. When I was a board member of the Marine Management Organisation, I was absolutely clear that these areas should be self-financing, in being able to reclaim costs, which I understand is part of the rationale behind the government amendments. Unfortunately, that was rejected during the passage of the Fisheries Act, but never mind. The amendment on nappies, from the noble Baroness, Lady Bennett, is on the similar theme of consumer information and in an area that we have all experienced in life, but one in which the volume and effect is huge, as the noble Baroness illustrated in Committee. It is on the similar theme of making sure that consumers understand the impact of their purchasing decisions.

**Baroness Bennett of Manor Castle (GP):** My Lords, I speak to Amendment 125 in my name, kindly supported by the noble Baroness, Lady Boycott. As the noble Lord, Lord Teverson, noted—it is a pleasure to follow his contribution—these two amendments fit together well, because they are talking about consumers who desperately want to do the right thing, but we are simply not giving them the tools to make that possible, at the moment. Noble Lords may remember the background to this amendment, and it was just referred to by the noble Lord, Lord Teverson. In Committee, I moved a broad-ranging amendment addressed particularly at disposable nappies and an encouragement to replace them with reusable nappies. The Minister at that time kindly acknowledged how much larger this issue is than perhaps people think.

Since then, at this stage of the Bill, we have seen the noble Baroness, Lady Neville-Rolfe, table an amendment that covers part of the same territory as mine and which seeks to promote reusables. I was delighted to



attach my name to that and I am sure the House will be a little surprised, and perhaps pleased, to see the noble Baroness and me co-operate on this.

I want to look at the other side of this, which is the problem with the grave misuse and abuse of language that we see in the labelling of nappies now. Speaking as a former sub-editor, it particularly offends me. Proposed new subsection (2) of the amendment sets out the way in which phrases such as

“reusable ... biodegradable ... eco-friendly ... environmentally friendly”

are put on nappies, because there are no legal limits to how those words can be used, and they are used misleadingly. As the noble Lord, Lord Teverson, said, we have a problem of sham competitiveness. The market is out of control and regulation has failed to control the market.

To be concrete about what this means, a study carried out by YouGov at the start of the year found that 7% of nappy users wrongly put their disposable nappies into the recycling. In London, 11% of disposable nappy users were putting their nappies into the recycling. Among younger people, aged 18 to 24, 15% were putting their disposable nappies into the recycling. What does that mean? In Buckinghamshire, to take one example, 13% of lorry loads of recycling contained disposable nappies. It was estimated that, in Leicestershire, up to 4,000 disposable nappies were being removed from the recycling every day. They spoil all the material with which they come into contact, and they have to be removed by hand once they reach the sorting facility, which is extremely unpleasant and unhygienic for the person having to work in that recycling facility.

Why is this happening? A survey from 2019 carried out by the North London Waste Authority found that more than one-third of people who were doing this said that there is a recycling logo on the packaging. That may indeed mean that there is recycled plastic in the wrapping or something like that. One-fifth said it was because of the use of the term “disposable”, which they thought meant that the nappies could go into the recycling. We have to focus on how people desperately want to do the right thing and put as much as they possibly can into the recycling. Behind this, we have an industry-driven and company-driven approach to push recycling rather than reducing and reusing, which are the top two elements of the waste pyramid. We have a huge problem here.

Like the noble Lord, Lord Teverson, I do not intend to push my amendment to a vote tonight, but I do think we have to see much faster, more effective action from the Government. I suspect I shall hear in the Minister’s response terms such as “discussion”, “consultation” and “talking to the industry”. The industry is the problem. The solution is the Government putting down a line and saying, “You cannot use these words in a way that costs all of us money”. A few people and companies are profiting, and the rest of us are paying in all kinds of ways—environmentally, financially, through our local government costs and in the encounters we have, unfortunately, with nappies in places where they simply should not be. It is late. This is a big issue that covers a small area. I really would like to hear some progress from the Minister.

**Baroness Boycott (CB):** My Lords, I am in agreement with the noble Baroness, Lady Bennett of Manor Castle, on this amendment about nappies. Three billion a year are used in Britain. It is roughly 6,000 a baby and 8 million a day. It is a staggering number. The Ethical Consumer has found that only four brands in this very crowded market are genuinely recyclable or reusable.

I really urge the Government to take on this amendment because, especially in any area to do with babies—which I know very well from the world of baby food—the terms “sustainable”, “organic” or anything that makes you think it is all right always sells. It is a free for all, wild west market out there and, frankly, nappies are money for old rope for these companies, so they want to stick on incredible claims of all the things parents want to believe. Accepting this amendment would be doing everyone a huge favour. This is something we can do something about and we do not need to waste our time on it.

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to those noble Lords who have spoken in this debate at this late hour. First, we support the Government’s amendments that the Minister has introduced, and we are grateful to him for his meeting on some of these subjects.

Secondly, I have every sympathy with Amendment 35 in the name of the noble Lord, Lord Teverson, which would require

“clear, consistent and validated labelling”

on goods to ensure that consumers can make informed choices and care for their purchases in the most energy-efficient ways. He has given some excellent examples of the challenges consumers currently face with competing styles and content of labels. In particular, the noble Lord, Lord Teverson, drew attention to the criteria for labelling which already exist in the United Nations Environment Programme and Consumers International.

In his response to a similar debate in Committee, the Minister said:

“The precise design of future labels or other means of communicating product information will be subject to further policy development, including evidence gathering, analysis and consultation.”—[*Official Report*, 30/6/21; col. 880.]

In his follow-up letter, he set out how the Government were looking closely at how best to enable consumers to make more sustainable purchasing decisions. I simply say to the Minister that there is some urgency in getting on with this work. I hope that if, as we have heard, standard labelling systems are already available on an international level, we will take the opportunity to embrace those standards and apply those lessons, rather than creating a whole new system from scratch.

Finally, I am grateful to the noble Baroness, Lady Bennett of Manor Castle, for once again raising the important issue of single-use nappy waste, the need for incentives for individuals to use reusable nappies, the need for a better campaign to inform users of the environmental damage caused by disposable nappies and the ready availability of eco-friendly alternatives. As we have heard, there are some shocking statistics about the adverse impact of millions of disposable nappies on the environment. They are being dumped in huge quantities into landfill and being misplaced

[BARONESS JONES OF WHITCHURCH] into recyclable waste streams, where they contaminate whole batches of otherwise recyclable materials. As the noble Baroness rightly said, there is considerable misinformation among parents about the content of nappies and how they should be disposed of. We agree that there is a need for a huge information campaign and a cultural shift in attitudes, as well as help for those who cannot afford reusable nappies in the first place.

In the Committee debate, the Minister made it clear that Defra is taking this issue seriously, both by taking powers in the Bill to act and by commissioning an environmental assessment of the waste and energy impacts of washable and disposable products. I say to him simply that those actions cannot come soon enough and I hope he is hearing the strength of feeling and unanimity of noble Lords who have contributed to this debate.

9.45 pm

**Lord Goldsmith of Richmond Park (Con):** I thank noble Lords for their contributions to this debate.

I begin with Amendment 125, proposed by the noble Baroness, Lady Bennett of Manor Castle. We are very much aware of the environmental issues associated with absorbent hygiene products—which makes them sound a lot nicer—including those relating to incorrect disposal. We recognise the importance of the issue and have commissioned an independent environmental assessment of the relative impact of washable and disposable nappies. With that research added to the evidence base, as well as the powers in the Bill to make secondary legislation, we will be in a good position to take action where necessary and appropriate. I assure the noble Baroness that this includes action along the lines set out in her amendment.

I also assure the noble Baroness that the powers we are seeking through the Bill will allow us, among other things, to set standards for nappies and introduce labelling requirements. We will be able to mandate product labels to require specific information about products such as nappies; for example, regarding their environmental impact or how best to dispose of them. We will also be able to introduce a requirement for products to have marks or symbols signifying that they meet certain standards.

Briefly, in response to the noble Baroness, Lady Boycott, on a point also made by the noble Baroness, Lady Bennett, new guidance to be produced shortly by the Competition and Markets Authority will address issues relating to environmental claims. That, we hope, will help business to both understand and comply with its existing obligations under consumer protection law.

I turn to Amendment 35, tabled by the noble Lord, Lord Teverson. I reassure noble Lords that the powers he is asking for in his amendment are already covered by the powers set out in Schedule 6. In fact, it is fair to say that the powers in the Bill are broader than the amendment specifies; for example, we are able to regulate how information might be provided. I agree that it is essential for labelling to be consistent, simple, clear and understandable, and that will be a central consideration as we develop and introduce regulations.

I end by agreeing and very much empathising with the frustration expressed by the noble Baroness, Lady Jones. Like all my colleagues in Defra, we want this work to happen very quickly. There is an unavoidable process but we are pushing as hard as we can. I hope that I have managed to reassure noble Lords that the Government are aware of the environmental issues associated with absorbent hygiene products as well as the importance of clear, consistent labelling regimes. That is why we have included powers in the Bill to tackle those specific issues. I ask noble Lords to not move their amendments.

**Lord Teverson (LD):** I understand that this is Report and I seek clarification. The problem is that this is a broader issue, as the Minister said. I am just trying to clarify whether the Government are committed to a single, consistent system of labelling in terms of recycling and extended producer responsibility. Will there be one system or is it still open for there to be multiple systems?

**Lord Goldsmith of Richmond Park (Con):** I can confirm to the noble Lord that we will do everything we can to ensure a simple, understandable and clear system. I cannot tell him whether there will be a single system but clarity, simplicity and transparency are absolutely the driving considerations.

**Baroness Bennett of Manor Castle (GP):** The Minister said that the Government would seek to help businesses understand their obligations. I hope—perhaps he can reassure me—that the intention is to regulate the activities of businesses so that they do not continue to profit while the rest of us pay.

**Lord Goldsmith of Richmond Park (Con):** The goal is to ensure that businesses understand their obligations under existing law and to avoid the problem of misleading labels around environmental performance. If the evidence points us towards regulation, then that is what we will do.

*Amendment 34 agreed.*

#### **Schedule 6: Resource efficiency information**

*Amendment 35 not moved.*

*Amendment 36 not moved.*

#### **Schedule 8: Deposit schemes**

*Amendments 37 and 39 not moved.*

*Consideration on Report adjourned.*

#### *Motion to Adjourn*

*Moved by Baroness Bloomfield of Hinton Waldrist*

That the House do now adjourn.

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, I thank all noble Lords for their brevity in the last two groups.

*House adjourned at 9.51 pm.*

# Grand Committee

Wednesday 8 September 2021

## Arrangement of Business Announcement

4.15 pm

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

### Sub-Saharan Africa (Report from the International Relations and Defence Committee)

*Motion to Take Note*

4.15 pm

Moved by **Baroness Anelay of St Johns**

That this House takes note of the Report from the International Relations and Defence Committee *The UK and Sub-Saharan Africa: prosperity, peace and development co-operation*. (1st Report, Session 2019-21, HL Paper 88).

**Baroness Anelay of St Johns (Con):** My Lords, I am pleased to introduce our report *The UK and Sub-Saharan Africa: Prosperity, Peace and Development Co-operation*. I thank the members of the committee and our staff, including our specialist adviser Dr Julia Gallagher, professor of African studies at SOAS, for all their hard work in producing the report. I am also grateful to all the witnesses who contributed to our inquiry, one of whom, the noble Lord, Lord Boateng, has subsequently been appointed as a member of our committee and is participating in the debate today.

Our inquiry was launched in July 2019 and the report was published in July last year. In the interim, in addition to carrying out short inquiries on topical issues, we have conducted two major inquiries: our report *The UK and Afghanistan* was published in January this year and our report on the UK's security and trade relationship with China will be published this month.

The constraints on parliamentary time caused by the pandemic have delayed the opportunity to bring today's report before your Lordships for debate. Naturally I am looking forward to hearing the contributions by all noble Lords today. Despite the passage of time since we published our report, our 96 conclusions and recommendations remain valid—some of them perhaps even more so. Today I shall give an overview of some of the major issues that we covered.

Our primary recommendation, from which all others flow, is that the Government should publish a clearly articulated list of their priorities for their engagement with Africa along with an action plan for meeting them. When Theresa May visited Cape Town in September 2018 as Prime Minister, she announced a “fundamental strategic shift” in the UK's engagement with the countries of Africa, known as the “strategic approach”. We welcome

the uplift of staff in the region that followed that announcement but are disappointed to conclude that the Government's so-called strategic approach to Africa falls short. It is not a strategy but rather some broad ideas and themes. Making a random set of speeches does not constitute setting out a coherent strategy.

The context of the UK's departure from the European Union and the integrated review of foreign policy, defence, security and international development presented us all with a timely opportunity for a renewal of the UK's engagement in Africa. So what additional light was thrown on the strategy by the Government's integrated review earlier this year? Not a great deal, I am afraid. The region takes up so little space in the review that it reminds me of the evidence given to us by General Sir Richard Barrons, who said that while “politicians ... and officials” often say that “Africa really matters”, “almost in the next paragraph Africa becomes the fourth priority”.

Sub-Saharan Africa is a region of 49 countries of immense complexity and diversity. In the next 30 years it will see unprecedented social and economic changes, some of which present enormous economic and social opportunities as well as challenges for individual nations. The African Union has developed a long-term strategy intended to meet those challenges and harness the opportunities. We say that the UK should take a greater interest in, and seek a stronger partnership with, sub-Saharan Africa to support the delivery of the African Union's strategy.

The region has some of the fastest-growing economies in the world. Africa's population is expected to double to 2.1 billion by 2050. That growth is fuelling a rapidly expanding middle class and an increasing proportion of young people across the continent. Africa is the biggest bloc at the United Nations and it can be felt that the AU is growing in significance. It is therefore of strategic and geopolitical importance to the UK. It is a region where the UK really can make a difference.

During our inquiry, it became clear that aspects of the UK's domestic policy have a direct impact on its reputation in Africa. We received overwhelming evidence that the UK's—

**The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab):** My Lords, I apologise to the noble Baroness, but a Division has been called and we will adjourn for 10 minutes.

4.20 pm

*Sitting suspended for a Division in the House.*

4.30 pm

**The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab):** My Lords, there is a consensus in the Room that we do not need 10 minutes for a Division. If the Committee is content, we will make future adjournments for a Division five minutes. I think that meets with the approval of everybody I can hear.

**Baroness Anelay of St Johns (Con):** My Lords, I had begun to explain that, during the course of our inquiry, it became clear that aspects of the UK's



[BARONESS ANELAY OF ST JOHNS]

domestic policy have a direct effect on our reputation in Africa. The first of those is visa policies. We received overwhelming evidence that the way in which the Home Office deals with visa policy is damaging to our reputation across Africa and has a deleterious effect on our businesspeople's ability to carry on economic relationships with countries across Africa.

We also heard evidence of the lasting impact of the historical legacy of slavery and colonialism on perceptions of the UK in the region.

We were struck by evidence that remittances from the UK to sub-Saharan Africa exceed both aid and charitable giving. Remittances are given too little profile in the narrative of the UK's economic relationship with sub-Saharan Africa, and we believe the Government should work to reduce the cost of remitting money to the region.

Of course, it is now clear that the pandemic is having a damaging impact on the region in both health and economic terms. This adds urgency and scale to the collective responses needed to the challenges we identify in our report. Significant economic support from international partners will be needed to prevent economic gains made over previous decades being reversed. In particular, we say that the Government should support the African Union's call for a two-year standstill for African countries' public and private debt and continue to work with international partners to ensure that the Covid-19 vaccine is made more available to developing countries across sub-Saharan Africa.

We conclude that the UK's future relationship with the countries of Africa and their regional institutions must be based on a genuine partnership. That has not always been the case. The UK should continue to support constructive reforms to the rules-based international order, including the UN Security Council, to provide, for example, African countries with a voice commensurate with their size and importance.

The cultural, educational, language and other soft-power connections of the Commonwealth provide a substantial basis for a further strengthening of the UK's ties. We believe the Government should work with the 19 African members of the Commonwealth to seek ways in which its work in the continent could be strengthened.

We conclude that working with international partners must remain an important part of the UK's approach to sub-Saharan Africa. We identify common interests between the UK and France, particularly in the Sahel, and the need for new methods of co-operation to be built up with EU institutions and member states.

It is, however, China which is regarded as an important partner and source of investment in the region. There is scope for the UK to work constructively with China, especially through multilateral institutions, on issues such as debt, health, climate change and trade—provided, of course, that the UK's national interests and values are robustly defended.

We welcomed the range of effective UK official development assistance projects across the region and were therefore dismayed by the Government's decision

last year to make swingeing cuts to ODA across Africa. The cuts are already damaging the UK's reputation and standing there.

The committee finds that UK trade with and investment in sub-Saharan Africa has flatlined over the last decade. Concerted action by the Government will be needed to address this. The UK-Africa Investment Summits in January last year and this were high-profile events and welcome, but detailed, consistent follow-up is required. I note, for example, that the Minister for Africa tweeted this last weekend that he had signed an MoU for the UK to partner with the African continent free trade agreement—we are the first non-African nation to do so—but he did not say what the MoU is about and what it would do. I hope that my noble friend Lord Parkinson can update us on that and explain what the implications will be for UK trade with the region.

There are significant challenges to peace and security in sub-Saharan Africa. They are likely to be exacerbated by wider trends affecting the region, including population growth, weak states, governance challenges, violent ideologies and the climate crisis. Witnesses highlighted instability in the Sahel, Nigeria, Somalia and Cameroon as of particular concern, and areas where the UK could play a constructive role, including through peacekeeping, diplomacy, and support for human rights. We should now, of course, add conflict in Tigray to that list. The Government's strategy in the Sahel is now unclear because the integrated review mentioned the Sahel only once and Mali just in passing.

While the UK pursues important new economic opportunities and seeks to tackle security challenges, human rights will remain critical. The Government should consider a package of support to build the necessary conditions for democracy to function effectively in sub-Saharan Africa: a system that encompasses accountability, human rights, the rule of law, the prevention of conflict and measures to fight against corruption. That package should be a key factor in an Africa strategy and implementation plan. We should work in partnership to achieve those goals. It would be a partnership of lasting value both to us and to the countries of sub-Saharan Africa. I beg to move.

4.37 pm

**Lord Anderson of Swansea (Lab):** My Lords, it is a privilege to follow the noble Baroness, who chairs the committee with great distinction, following in the footsteps of the distinguished noble Lord, Lord Howell, who will be contributing shortly himself. I begin by paying tribute to our late and much-missed colleague, Lord Judd. Frank had great expertise and a great love for Africa and its peoples. He had his head in the air but his feet were very firmly on the ground.

My first observation is this: the report, which is very radical, particularly in its call for a new strategic approach to Africa, has been to some extent overtaken because of the delay of over a year between publication and the debate we are having now. Clearly, the authorities need to examine this.

My second observation is that there is much British experience of Africa. After all, as the noble Baroness said, 19 states are members of the Commonwealth.

Nevertheless, in this country there is insufficient attention to Africa. Just look at the British press coverage compared with that of France, for example. I recall that, when I was in the FCO, Africa was the afterthought state and afterthought posting, when those who had key expertise elsewhere had a short period in Africa and did not build up a particular expertise. Let us hope that the much-criticised merger between DfID and the Foreign Office will lead to a change in that. There is also a great turnover of Ministers. It is sad to mention in passing the gaffe by the incumbent in mixing up Zambia and Zimbabwe.

I shall give examples of areas that have changed since publication, or which merited greater attention in the report. The report argues for greater commitment by the UK to Africa, yet the subsequent cut in overseas aid must surely undermine this aim and lead to a reduction in our influence and a consequent increase in the influence of other countries, particularly China.

Perhaps again, the defeat of the West in Afghanistan will lead to a loss of credibility and enhance the appeal of jihadist groups, which are active not only in the Sahel but down the whole swathe of east Africa, from Somalia right down to Mozambique. Do I detect the possible beginning of a recognition in the post-Afghan situation of the need for closer co-ordination of policy, particularly with France? I recall that Robin Cook, when Foreign Secretary, initiated regular high-level meetings with the French and closer co-ordination with posts, for example with the British having a position in the French embassy in Togo and the French having a link with our high commission in Accra. There must surely be some scope for that.

Can we have a detailed breakdown of the effects of the cuts by country and by section? VSO, for example, is part of that soft power which is too often neglected. I understand that VSO has been funded, albeit at a reduced level, only until the end of this financial year. There is no certainty thereafter. How can VSO, which is so important to our soft power impact, plan properly for the future when it does not have adequate and long-term funding? I hope that the noble Baroness, Lady Anelay, will consider writing again on behalf of the committee to the Government to try to obtain some clear commitment on funding for VSO.

It would also be helpful to have some indication of the Government's contribution to the challenge of Covid. After all, we have bought substantially more vaccines than we need. We will need to pass not only vaccines to Africa but, hopefully, some of the technical expertise that we have, given that even South Africa, with its comparatively good communications and quality medical services, is struggling massively.

Africa contributes very little to climate change: perhaps 0.3% of carbon emissions. Yet the effects are potentially massive, as we have seen in the latest UNICEF report. It showed the effect on sub-Saharan Africa, which is vulnerable to the increased frequency and severity of floods and of droughts, with inadequate infrastructure.

My final point relates to population, a problem that is only touched on in the report. The explosion of Africa's population has effects not only on Africa but on us in Europe through migration. I understand that

this is too hot a potato for the Security Council to handle. Perhaps the noble Lord, Lord Hannay, with his experience, may wish to comment on that. The report states that the population of Africa will double by 2050. Africa's population was 230 million in 1950 and is projected to rise to 2.53 billion by 2050. Even as fertility is projected to fall, Africa's share of global population, at 17% in 2017, will be 26% in 2050 and could reach 40% by 2100. Nigeria, for example, had a population of 38 million in 1950; it is projected by the UN to rise to 411 million by 2050 and to 800 million by 2100. The noble Lord, Lord Hague, wrote a perceptive article on this recently, in the *Times* of 24 August. Have western Governments and our African partners adequately recognised this challenge?

The human pressure for land leads to the cutting of forests, adding to climate change, desertification and conflicts over land and water. How will Africa find the resources to feed, educate and house that scale of increase? Will Europe be prepared to open its doors more widely to receive the new and increased migration? What work is under way with African and EU partners to confront this challenge?

Of course, expenditure on girls' education may help and is important, but it is clearly insufficient. To what extent is family spacing a part of our aid effort? To what extent have we factored this population increase, massive as it is, into the aid policies that we pursue, particularly in Africa? Surely we need to work alongside African states, as well as with our EU partners and countries such as China, to understand the nature of local societies, recognise the problem and seek to mitigate its effect. The report is valuable—it is a gold mine of information—but perhaps we need another report on the challenge of population in sub-Saharan Africa.

4.45 pm

**Lord Hannay of Chiswick (CB):** My Lords, I, too, served on this committee. I do so no longer but I begin by paying tribute to the noble Baroness, Lady Anelay, who did a remarkable job after all of us, I think, had some initial hesitations, both about taking on such a huge subject that involved a large number of countries and about whether we would be able to give coherence to our findings. I hope that we managed to do that; if we did, it was largely thanks to our chair.

I join the noble Baroness in saying that the fact that we are debating this report on Britain's relations with sub-Saharan Africa some 15 months after it was published is a travesty of proper parliamentary procedure, which cannot be justified by excuses about Covid. I hope that that invisible entity known as the usual channels, which of course could not be present in this Room, will take some lessons from this because, together with the failure to debate the report of the committee on Afghanistan, this is frankly a scandal.

Why do I say that Covid is not a reasonable excuse for not debating earlier? It is quite simply because Covid has hit Africa particularly hard, accentuating the many challenges that its countries face in health, social and economic terms. We should have been debating what Britain can do to help. Why so? Because Africa matters to Britain and Britain matters to Africa, however patchy our past record there may have been—and

[LORD HANNAY OF CHISWICK]

it was. Through partnership and co-operation, we can make a real, positive difference there and shape up an essential part of our post-Brexit international role, which is likely to be more significant and more helpful to our western allies than any chasing after Indo-Pacific tilts.

On that point, the integrated review says quite a lot about the Indo-Pacific tilt. However, it does not explain coherently the rationale behind it or of what in practical terms it needs to consist. Briefly sailing an aircraft carrier through the South China Sea does not answer that criticism. The case for working in concert with the US, Japan, South Korea, Australia and other countries in the region to reduce the economic, trade, technological and investment disequilibria between all of us and China, which has taken excessive advantage of the benefits of WTO membership and other aspects of the rules-based international order, is a convincing one. But militarily too? I really wonder. Where is the evidence that the US—or India, for that matter—is looking to us for a closer military relationship in the Far East? The US has gently made it clear that it is in Europe and in Europe's back neighbourhood, of which Africa is clearly a part, where it is looking for a more active and more substantial role from us, our European NATO allies and the EU as a whole. Given Africa's potential in terms of demographics—the noble Lord, Lord Anderson, rightly referred to them—and economic growth, does that not make good sense from our own point of view too? I suggest that it does. Let us not forget that sliding into a quasi-Cold War relationship with China will not endear us to many African countries, which will want no part of that.

I will focus my remarks on three main issues: trade policy, visa policy and peacekeeping. There are many more, but time presses. We heard a lot ahead of the 2016 Brexit referendum about how the UK would be able to offer much better trade opportunities both to African countries and to our exporters if we were outside the EU. More than five years on, there is nothing to show for that, other than a number of rollover agreements—“running to stand still”, we might call it. I urge the Minister, when he replies to this debate, to undertake that within, say, six months the Government will publish a detailed framework for the development of our post-Brexit African trade policy. Any such framework will need to address how we plan to ensure that our policy objectives do not cut across, complicate or undermine the objective of an African free trade area, whose success the Government have quite rightly identified to be in our interests. I am delighted to hear that the Minister has signed a memorandum of understanding with the African Union on this, but I hope that he also understands the complexities that will arise from making our trade policy towards Africa consistent with Africa's own trade policies.

On visas, as the noble Baroness, Lady Anelay, said, all the evidence that we took demonstrated that the pre-Covid operation of our visa policy towards African countries was humiliating and a serious obstacle to any strengthened relationship with them. On higher education scholarships and university places, which are surely a key part of any future British policy, the

requirements were onerous and, post Covid, completely inoperable because they required people to travel to countries other than their own to take an English test, even where English was an official language of the country concerned, as I discovered when I was in Liberia last year. What is our future policy on these visa issues? Not a squeak do we hear. If we cannot find a better, more humane approach, there will be little chance of a strengthened relationship with the countries of sub-Saharan Africa. I hope that the Minister will say something on that.

Thirdly, only an incurably foolish optimist would suggest that there will not be a continuing demand for international peacekeeping in Africa, both UN peacekeeping and African Union and subregional operations. The integrated review says little on this. What contribution do we plan to make to it? Will we not only help to train African peacekeepers before they deploy, as we are already doing—I welcome and applaud that—but mentor them when they do deploy, which is what they desperately need? Will we be there with sophisticated equipment and staffing to help such international operations? You would not get the answer to that in the integrated review.

I hope that the Minister can provide some response on these three issues. I cannot say that the Government's original response to our report, which raised all these issues, was in any way adequate. That was why the committee, rather unusually, had to send it back and ask them to try harder. The FCDO tried a bit harder, with some modest success, but the hard fact is that that Africa strategy about which ministerial speeches often wax eloquent simply does exist. There was a total unwillingness to provide us with a detailed explanation as to what it consisted of. Since then, the draconian cuts in the aid budget have hamstrung any future strategy. I hope that the Minister can at least assure the House that those cuts will be restored and that full implementation of our legal commitment to 0.7% of gross national income will be honoured as soon as our economy again registers growth.

4.54 pm

**Lord Lilley (Con):** My Lords, it gives me great pleasure to follow the noble Lord, Lord Hannay, not least because it gives me a rare opportunity to agree with two things that he said: first, that the Government should spell out sooner rather than later a post-Brexit trade framework ambition for our relationships with African countries, and, secondly, that they should facilitate rather than discourage the development of a pan-African free trade area.

I congratulate my noble friend Lady Anelay and her committee on producing a comprehensive and valuable report—so comprehensive that, in the few minutes available to us, one could not comment on it generally. I have been interested in these subjects since my first career was working on aid and development projects in Africa and Asia. That led to me being appointed by David Cameron to chair his global poverty commission along with Bob Geldof—an unlikely pairing, you might think—which in turn led to the formation of the Trade Out of Poverty group where my noble friend Lord Hastings, whom I believe I am allowed to



call my noble friend, and I were initially and subsequently chairmen, with great and invaluable support from the noble Lord, Lord Boateng.

At a conference organised by that group to coincide with the meeting of Commonwealth Trade Ministers, I was struck by the different priorities of the European and African contributors. The European contributors, myself included, talked about the importance of facilitating trade, removing barriers, encouraging and supporting education, shifting the emphasis of aid to helping in the development of the economy and trade and that sort of thing. The African delegates politely agreed with that but then focused on one word, which, to my astonishment and that of most people, they all without exception repeated again and again: electricity. They said, “We cannot develop without electricity. Our development depends on developing our electricity, and unless and until we electrify our economies we will not grow or develop.”

I do not often have a good word to say for Vladimir Ilyich Lenin but he said the future prosperity of Russia depended on two things, Soviet communism and electricity, and he was half right. You cannot develop without electrifying your economy, and we have to recognise that. Industry cannot function without a regular, reliable and economical supply of electricity. Education is hampered if people cannot study because they have no light to work by and read by in the evenings. Hospitals cannot function if they cannot run refrigerators and other equipment because they have no regular and reliable source of electricity. Female emancipation, above all, cannot proceed if women are unable to leave the home and domestic tasks because they cannot have refrigerators, washing machines and the other things that have played a major part in freeing women in so many parts of the developed world from some of those chores.

Since I worked in Africa, the supply of electricity has improved, but unfortunately in many areas it has been outstripped by the actual, let alone potential, demand for electricity. Blackouts, shortages and the sheer absence of electricity are widespread. Although references to electricity in the report are few, I am glad that paragraph 333 mentions the availability of

“‘strong DfID support, both technical and financial’ for the African Development Bank’s efforts to ensure that the 250 million people in the region without access to electricity and energy were able to get this off grid.”

Unfortunately, that is qualified in the next paragraph by a report saying that

“it was important to ‘make sure that we do not subsidise the use of fossil fuels or investment in them, and that we do subsidise the use of, and develop, renewables’”.

It is also reported that

“The UK’s aid budget was ‘going much more into renewables than into fossil fuels’”,

and since then that has been intensified.

Obviously, renewables may be the optimal way to provide electricity in parts of Africa where you are distant from, and unable to be connected to, a grid—the sun is a lot more plentiful there than here, and in some places wind is also well available—but even in Africa the sun does not shine at night and the wind does not blow all the time, so you need batteries. The combination of intermittent renewables and batteries is hideously

expensive. It may be cheaper than anything else if you are a long way from the grid, but we should not kid ourselves that it is cheap.

For urban areas—the population of Africa is increasingly living in urban areas—renewables are far more expensive than reliance on fossil fuels. Some armchair commentators in this country, who certainly do not fall into the category of experts, claim that renewables are cheaper. If that is so, wonderful—there would be no problem. If renewables were cheaper, no African country would waste its resources on a more expensive source of electricity, would it? They are not stupid. Or are we going to base our policy on the assumption that African Governments do not know what they are talking about and are too unwise and ill educated to choose the cheaper source of electricity over the more expensive?

They are trying to develop fossil fuel plants, but of course they cannot get loans and assistance from international organisations, or from us, to do so. It is surely arrogant and patronising of us to say that they are going about these things in the wrong way. We have to decide: should we help them to electrify their economies in the most economic way by offering technical advice and, if need be, access to finance, or should we withhold such assistance and even put obstacles in their way and the threat of punitive tariffs on their exports if they do not rely on renewables?

Those who argue that we should use every method that we can to guide, force and coerce them to use more expensive renewables, rather than cheaper fossil fuels, say that we should do so because African countries, and poor countries in general, are more vulnerable to climate change. They are right—that is true—but poor countries are vulnerable to climate change because they are poor. We are much less vulnerable because we are developed. They will reduce their vulnerability only if they develop and they will develop only if they have access to electricity. I rest my case. We should not stand in the way of Africa developing itself in the way that Africans think is best for them.

5.02 pm

**Lord Grocott (Lab):** My Lords, I very much welcome the opportunity to debate this report, but I have to say: better late than never. A couple of speakers have mentioned that the report was published in July 2020, and here we are debating it in September 2021.

The good news is that the report emphatically remains relevant. It is a very substantial piece of work of 160 pages, produced during the period when we were facing all the difficulties of remote working. I pay tribute to the work of our secretariat, particularly our clerk Eva George, and very much so our chairman, the noble Baroness, Lady Anelay.

One thing we can all agree on is the huge importance and potential of the region we studied, Africa south of the Sahara. The population of Africa as a whole is projected to double to 2.1 billion by 2050. By 2100, the population of the continent will account for just under 40% of the world’s population.

The UK has close links extending over many generations with many countries of the continent—especially in the south where, as we have heard, 19 countries are members of the Commonwealth—but

[LORD GROCOTT]

by no means have all these relationships been positive. Our colleague, my noble friend Lady Amos, told us in her evidence that

“a lot of young Africans I speak to are very ambivalent about Britain, partly because of the issues around visas and the perception of a hostile environment, but also ... [because] they will have family here who are constantly reporting back on what it is like to be living and working here.”

But the contacts and interactions over so many years also have many advantages. Dr Nick Westcott, director of the Royal African Society, told us that there was respect among African Commonwealth countries for the UK’s

“strong tradition of a free press, free speech, democratic institutions and visible and effective accountability.”

There are many positive connections through the Commonwealth; 19 of the countries in the region are members, including two recent additions, Rwanda and Mozambique. I think many of us are quite surprised that countries are joining that were never formally associated with Britain in the way that others were. Others have expressed interest in joining. In addition, of course, there are numerous soft power links between us, ranging from the BBC to the Premier League.

But, for all the advantages of the history of interaction between the UK and Africa south of the Sahara, there is a clear sense in our report—in fact, it is a theme in the report—of opportunities missed. Dr Westcott said that

“the overall perception of the UK’ was that it had ‘been a major player and a major partner for Africa,’ but it was ‘fading’.”

We were told that Africa has suffered

“political neglect from the UK”,

and it is hard to disagree. One illustration of that—you might think it is an oversimplified one—is that, since 1997, the British Government have had no fewer than 19 Ministers for Africa. That is an average time in office of 15 months. How on earth can a Minister make a positive impact in that time, let alone maintain personal contacts with African political leaders, which can be so important?

All too often, UK Governments have made grand statements that have not been followed by action. In a speech in Cape Town in August 2018, Theresa May announced the Government’s intention to be the largest G7 investor in Africa by 2022. By the time of the UK-Africa Investment Summit in January last year, the target had been dropped and Boris Johnson said he wanted the UK to be a “partner of choice” for the continent, whatever that means—any help would be gratefully received. Our trade with sub-Saharan Africa, both in goods and services, currently amounts to just 2.06% of UK exports and 1.76% of our imports. There has been a flatlining in UK trade and investment in the region. The Royal African Society told us:

“African leaders complain that British companies are no longer bidding for ... big contracts.”

The picture that clearly emerges is that of a part of the African continent which has huge potential, which has many generations of interaction with Britain, about which British Governments speak grandly, but where the potential is unrealised. In paragraph 4 of our conclusions, we say:

“Successive governments have said that Africa should be given a higher priority across Whitehall, but have failed to make this a reality in the face of competing demands.”

That is why we call on the Government to publish a clearly articulated list of the priorities for their engagement with Africa and an action plan for meeting them. And it is a good time to be doing this. As we say in paragraph 415,

“Leaving the EU provides an opportunity for the UK to re-cast its trade relationships with African countries and remedy some of the defects in the EU’s Economic Partnership Agreements.”

There are also a number of practical proposals that could be implemented quickly. One would be to keep Ministers in post long enough to establish personal ties with their counterparts on the continent. It is also important that intergovernmental meetings are not simply at official level but at a political one. Another would be addressing the problems associated with UK visa policy, as previous speakers have mentioned. Among the many criticisms expressed to us were its bureaucracy, its inconsistency and its cost, as well as its being time-consuming and humiliating.

Then there are the problems with remittances sent by families from the UK to Africa. We know from a 2018 World Bank report that the total value of remittances to low and middle-income countries in Africa was three times higher than the combined official development assistance that they received and similar in size to their total foreign direct investment. We know the huge benefits of these remittances, which go directly to support individuals and companies, cutting out any payments to intermediaries. Yet the average fee for an international money transfer to sub-Saharan Africa is a staggering 9.4%. Our Government should be working to reduce these costs, which the World Bank has said could be as low as 3%.

Finally, the Government should do far more to engage with the hugely important resource that we have, which is the African diaspora. In 2019, diaspora groups in the UK included 251,000 from South Africa, a similar number from Nigeria and 128,000 from Zimbabwe. These intercontinental family ties are a huge source of mutual support and understanding and carry great potential for ever closer ties in the future. Many of our witnesses argued that the Government should improve their engagement with the diaspora, which, as we say in paragraph 478, is

“an essential resource in delivering the Government’s plan to increase trade and investment with the countries”

of the region.

These are just four relatively simple ways—ministerial links; visas; remittances; and the diaspora—in which the UK could deepen and strengthen its links, which are already of long standing, with sub-Saharan Africa. I am proud of our committee’s work, which is substantial and practical, about an area of our foreign policy where our message to the Government and the Minister is “Could do better”. I look forward to his reply.

5.10 pm

**Lord Oates (LD):** My Lords, I declare my interest as co-chair of the All-Party Group on Zimbabwe and vice-chair for southern Africa of the Africa APPG. I join other noble Lords in commending the noble Baroness, Lady Anelay, and her committee for an excellent and comprehensive report, although I must

admit that when I read it I felt a mixture of despair and anger, because it confirmed everything I feared and have often observed—the lack of strategy or consistency, the counterproductive policies and the missed opportunities.

I had the privilege of working in southern Africa as a teacher in a rural secondary school in the late 1980s and subsequently have been an adviser in South Africa's first and second democratic Parliaments in the late 1990s and early 2000s. Since that time, I have travelled irregularly back to the region and remain in contact with many of my former pupils, as well as with politicians and others whom I came to know in South Africa. What is most striking to me is how our significance in the region has waned over that period, not just among political elites but in the eyes of ordinary people. It is, in part, a consequence of the lack of consistency, strategy or even sometimes apparently any real interest in Africa highlighted in this report.

However, as the noble Lord, Lord Hannay, said, Africa remains important to Britain and Britain still has the chance to remain important to Africa. The noble Lord, Lord Hague, pointed out in the *Times* last month that, over the next 30 years, Africa's population is expected to grow by more than 1.1 billion people, meaning that the continent will host three times the population of Europe by 2050. As a result, he argued:

“The future of Africa will ... be one of the decisive factors in world affairs”.

Yet there seems to be no real understanding in government, at a political level at least, of Africa's central importance economically and politically. Perhaps that is in part because of the fact highlighted in the report and referred to by the noble Lord, Lord Grocott, that since the noble Baroness, Lady Chalker, was Minister for Africa for a period from 1989 to 1997, no Minister has been in place for more than two years. The noble Baroness's effectiveness as a Minister was not just because she was an excellent Minister, which obviously she was, but because she had been there, was known by people, had the expertise and was highly respected. With the best will in the world, that cannot be achieved, however good or bad our Ministers might be, if they are reshuffled every few months.

China understands the importance of Africa. Even Russia, with its much more limited resources, understands the importance of Africa. But they seem to have some sort of strategy, where we seem to have a series of knee-jerk reactions. Somebody described it to me as if we are playing a chess game: they are sat there looking at the board and we in the meantime are watching TV and shouting at the kids to be quiet. Every now and then, they say, “Your move”, and we look up, look at the board and make a move. It is not surprising that it is not very strategic.

Nowhere could our lack of strategy be clearer than in the approach we have taken since the beginning of Covid. We have hit African economies with a triple whammy. First, not content with the big cut that our aid budget would have faced anyway as a result of the Covid-related reduction in our GDP, we savaged it yet further, cutting off assistance to millions of people at their time of greatest need.

Secondly, we cornered the market in vaccines for ourselves while African countries have gone wanting. We are talking about booster programmes at the moment, when some of the most vulnerable people in Africa do not have access. Where national programmes have managed to get above 20% vaccination rates—for example, in Zimbabwe; not a country or Government that I normally commend, but they have—it is largely led through Sputnik and Sinovac, because they have provided the drugs. People do not forget such things. We have compounded that by helping to spread the erroneous belief that AstraZeneca was ineffective against the beta variant, something that has been proved not to be the case, but we still seem to spin.

Our final coup de grâce has been to cut off the African tourist economy at the knees by putting every African country on the red list and requiring that even double-vaccinated tourists have to quarantine on their return. There is no rationale for such a blanket approach: the US does not take such an approach; Germany does not take such an approach; Switzerland does not take such an approach. I hope that, in his response, the Minister will explain why we take such a different view from them.

We talk about tourist travel as non-essential travel, but it is essential to those economies. It is estimated that tourism provides £160 billion to Africa's GDP and £18.3 billion to South Africa alone, supporting 1.5 million jobs. Travel bans are literally a death sentence. Of course we have to protect our people, but we must have a coherent rationale in how we go about it. If we do not correct this policy by the time of the southern hemisphere summer season, we will further devastate the economies of many countries, driving desperation and compounding political instability. I hope that the Minister will give us some comfort in that regard.

A number of noble Lords have raised the issue of visas, the excellent report from the All-Party Parliamentary Group for Africa and other all-party parliamentary groups which also fed into this report. When I sat on the governing council of the International Planned Parenthood Federation for three years, our African youth representatives could never come to this country: they were never granted visas. That was shocking, and it was of course noted. We made many representations to the British Government, but they would not treat it on a sensible, rational basis because the embassies and high commissions no longer had any discretion in these matters.

My final point is on climate. While I agree with the noble Lord, Lord Lilley, on the importance of electricity, I also say that the importance of getting African countries to work as part of the COP 26 process has been fatally undermined by our reduction of aid. I hope the Minister will also address that.

5.18 pm

**Baroness Fall (Con):** My Lords, it is a great pleasure to follow the noble Lord, Lord Oates, who has such personal experience of the region. This time two years ago, I was honoured to join many learned colleagues on the International Relations Select Committee, a brainchild of the noble Lord, Lord Howell, and skilfully chaired by the noble Baroness, Lady Anelay. We began



[BARONESS FALL]

our investigation into the UK's relationship with sub-Saharan Africa. Over the course of the months ahead, we were to hear from many fascinating witnesses, and I thank them for their time and inspiring insights over that period.

However, by the time we came to write the report, we found ourselves exiled to our homes and working in this strange, virtual world. While we were busy dealing with those challenges in our own country, we became increasingly mindful of what they meant for sub-Saharan Africa, a region of some 46 countries with great energy, brilliance and a population dominated by the young, with huge potential, but also with an underbelly of vulnerability to conflict and extreme poverty. I believe that we do no service to this important relationship by ignoring Africa's great strengths and potential as well as its fragility.

I emphasise from the start that our report was focused on the UK's relationship with sub-Saharan Africa. It was not about the future of Africa per se, which was and is for Africa to decide. However, that is not to say that there is not a role for us as partners and friends.

The single biggest strategic recommendation of our report was to embrace positively a region of great promise, working with Africa as equal partners and building investment and trade relationships. However, there was also the realisation that the region faces many challenges that call for a response, not least on humanitarian grounds. We were reminded of the importance of a joined-up strategy where our trade, investment, aid and security policy are brought into alignment. Yet time and again we found this lacking—a point made by many noble Lords today. This also meant having an awareness of where our own position fell short. For example, our approach to the issuing of visas to the people of Africa was of particular concern; again, that has been raised many times this afternoon. There was a sense that this soured our relationships with African nations, as well as with the diaspora.

Before Covid, four of the 10 fastest-growing countries in the world were in Africa. It also has one of the youngest and fastest-growing populations. However, Africa is particularly vulnerable to falls in GDP that thrust it back into poverty and cause hardship and tragedy. As Dr Moyo said when she gave evidence to us, to

“put a meaningful dent in poverty in one generation”,

economic growth of 7% per year is needed, but annual growth before Covid was around 3.5%. Covid is a deep, immediate concern in Africa, but so too is its potential long-term impact from falling economic growth. So, we held our breath for the people of Africa as Covid took hold.

Hovering in our mind was also a question that we had posed even before the pandemic began: would our own Government honour their aid commitments to Africa and, if not, what would be the result? At the core of our aid policy lies a commitment to some of the most vulnerable communities in the world. It is there to alleviate the scourge of global extreme poverty—but there is more. ODA is in our national interest and blatantly promotes it at the same time. If you want to

see global action on climate change, insure against mass migration—often caused by conflict or famine—combat terrorism, eradicate poverty and counter world pandemics, as well as compete with China's growing influence, the provision of 0.7% is a good way to set about it at the same time as standing by our commitment to the world's poor.

So where are we now? This summer, as Britain hosted the G7, we had the opportunity to convene some of the richest countries in the world at a critical juncture. Although I was proud of some of what was achieved in Cornwall, I believe that we fell short of what was needed in three crucial respects. First, we hosted a G7 summit in the middle of a global pandemic in which we were the only G7 country not to have increased aid spending when the world most needed our help. In fact, we cut it. The cut from 0.7% from 0.5% acted as a double whammy alongside a shrinking economy that already would have led to substantial reductions. It meant cuts of around 66% in African programmes, according to aid charities.

Secondly, in Cornwall, the Government claimed to have put women and girls at the centre of their agenda, yet we are witnessing devastating cuts to many programmes that are designed to support them.

Thirdly, we committed 1 billion vaccines to the world, which we knew, however worthy it was, fell far short of what is needed. The contrast between vaccine delivery in the East and in the West could not be greater. Former Prime Minister Gordon Brown wrote in the *Guardian* over the summer:

“while 50% of European, US and UK adult populations have now been fully vaccinated, the figure for Africa is 1.8%.”

How short-sighted this is. Even if we put aside the moral responsibility argument, we are left with a blatant self-interest one. Until we vaccinate the world, Covid will be among us, mutating, causing deaths and blighting lives.

Great Britain still holds the presidency of the G7. It should use its convening power to hold a vaccine summit, virtually if needed, or to encourage the world leaders who are meeting next week at UNGA to engage nations, the business community and NGOs to commit to a global vaccine scheme that meets more like the 14 billion needed by 2022 if we are going to win the battle against Covid globally. We should also review and think again on our ODA cuts, which are damaging lives and livelihoods at a time when communities, especially in sub-Saharan Africa, need our support. Lastly, we should be working with African nations to build a partnership for trade, investment and friendship for a future that has so much possibility and a partnership of so much potential.

5.25 pm

**Baroness Blackstone (Ind Lab):** My Lords, the Select Committee was disappointed in the Government's eventual written reply to its report, which failed adequately to address many of the issues that the report had raised, so I hope the Minister will be able to give a fuller reply today focusing on real action rather than vague aspirations.

The report was wide-ranging, but I will pick out one issue in particular and touch on three or four others. Before I do so, there are three background

factors that need to be taken into account in most of what the UK does in sub-Saharan Africa. The first is our responsibility as a post-colonial power in the region, the second is the continuing poverty of vast numbers of its people and the third is galloping population growth.

Most of the 19 Commonwealth countries of Africa are former British colonies with a legacy of the English language, a parliamentary system, legal structures based on a recognised rule of law and the wish to maintain educational and commercial ties with the UK. This legacy can be of value to the UK in developing new long-term partnerships based on mutual benefits. Perhaps the Minister could tell the House explicitly what economic and commercial partnerships the Government are currently developing, indicating their size if possible and intended outcomes, given their stated ambition to support African countries in transforming their economies.

Turning to poverty, as others on the committee have already said, it is estimated that, by 2045, 85% of the poorest billion people will live in Africa. Demographic projections also indicate that global population growth up to 2030 will be greatest in sub-Saharan Africa. The Government's decision to cut development aid from 0.7% to 0.5% of GNI is therefore a greater calamity in Africa than in most other parts of the world. The cuts mean that more African children under the age of five will die of preventable diseases or malnutrition; programmes to extend education will be reduced; investment in agricultural productivity will decline; and—in some ways worst of all, given the pressures of rapid population growth—family planning and reproductive health services will reach fewer women and girls. It is shameful that the UK will be doing so much less to support poverty reduction in Africa while at the same time boasting about “Global Britain”. The cuts should be restored quickly.

Although remittances should never be seen as a substitute for expenditure on development aid, as my noble friend Lord Grocott said, there needs to be greater recognition of how much the diaspora community in the UK are supporting their families in Africa through remittances. So what have the Government done specifically to lower the cost of remitting money to Africa since the committee recommended this over a year ago?

I turn to the specific issue of Cameroon whose capital, Yaoundé, is in the former French colony but where a substantial English-speaking minority, around 20% of the population, exists in north-west and south-west Cameroon, which was formerly a British colony. Since independence, there has been a history of discrimination against the anglophone minority and a lack of representation for them in the political and economic leadership of the country. This has led to an uprising, with demands for secession.

The armed separatists, regrettably, are guilty of violence, as are the Cameroonian Government's security forces. The civilian population in the north-west and the south-west are victims of atrocities including looting, the burning of bridges, the destruction of crops and livestock and wanton killings, leading to the collapse of the local economy and serious food shortages. The international community has done little about it. The

UK has a particular responsibility, given the history of Cameroon, and so do the French. The World Food Programme has been struggling to feed starving civilians.

Meanwhile, the Government are apparently going ahead with a trade agreement with Cameroon, in spite of the human rights abuses taking place. Can the Minister provide more information on the rationale for this agreement and say why it is taking place in the context of serious human rights abuses, as well as massive government corruption? Instead, will the Government work with the French Government and the international community more widely to try to restore peace and to ensure that there are impartial investigations of human rights violations, that schools and health centres that have been closed are reopened, that funds are provided to help those who have fled their homes and are internally displaced and that there is support for the World Food Programme to provide food to stop starvation in the civilian population? If the Government are serious about what they claim is the foundation stone on which all government activity is built—a commitment to human rights—surely they should take greater action than just expressing concern in various international fora about what is happening in Cameroon.

Before I end, I want to return to a couple of general points. First, I hope that the Government will do what the committee asked and publish their priorities in a coherent and convincing way, above all setting out the actions that they will take to achieve them. Secondly, in the year in which COP 26 is taking place, I hope that the Government will engage with sub-Saharan Africa on climate change, so that the continent's potential for economic growth can be exploited in ways that do not lead to more pollution and environmental damage. Lastly, I hope that they will fight to get international recognition of the need for a two-year standstill for African countries' public and private debt, as the committee recommended. Without this, it will be much harder for many African countries to maximise their economic growth and to give their people new opportunities to be creative and innovative, as well as prosperous.

5.33 pm

**The Earl of Sandwich (CB):** My Lords, I thank the noble Baroness, Lady Anelay, for her splendid introduction of a huge subject. May I also say what a pleasure it is to be among friends of Africa in this rather exotic Egyptian setting?

Global Britain has been looking east and not south, with Afghanistan dominating world attention and Britain even acquiring a trans-Pacific outlook, so sub-Saharan Africa, as usual, has had a very low media profile. The Select Committee therefore rightly seeks to develop a sharper foreign and security policy focus on Africa.

The Sahel region, especially Mali, has become or threatens to become one of the world's most dangerous sources of terrorism and migration. The report applauds, as I do, the UK's intervention there, alongside France, as part of the UN stabilisation mission. RAF Chinooks were in action earlier this summer, transporting French troops in a counterterror operation and carrying out rescue operations alongside French helicopters. However,

[THE EARL OF SANDWICH]

Her Majesty's Government still need to explain their wider strategy in the Sahel, especially as the region has become a funnel of trans-Saharan migration through Libya, where there are still terrible stories of trafficking and forced prostitution.

Before Brexit, this was a UK concern through the EU's Khartoum process. This links again with the committee's recommendation on development, good governance, human rights and so on, known as the Copenhagen principles. Does the FCDO measure the impact that this considerable aid programme—although it has been cut—has in slowing down migration, as is often claimed?

On student migration, the Home Office is doing nothing to improve the visa regime—as the noble Lords, Lord Grocott and Lord Oates, said—in spite of all the research done by the Africa APPG. Will it follow the advice of the Overseas Development Institute and review present visa arrangements, which are much worse than those offered by the US and the EU and do little to encourage students to come to this country?

The report is surprisingly thin on climate change and what HMG can do about it. It welcomes mitigation programmes, low-carbon development and renewables, but without giving examples. Friends of the Earth and CAFOD have provided one suggestion, which is for the UK to give up its export finance for the giant LNG drilling project of Cabora Bassa in Mozambique. They say that many families have been displaced, and Total has withdrawn its staff. Would it not be a strong response to climate change in Africa for the UK to pull out of this project? It would surely be better PR and greater transparency for us to promote more sustainable green energy projects such as wind farms and electric vehicles.

On the other hand, CDC set out an impressive Africa climate change strategy in a timely presentation this morning. I certainly had the impression that CDC is now working closer with NGOs and others in the local community. However, there are still questions about the continuing use of gas and fossil fuels. The noble Lord, Lord Collins, suggested that they follow the SDGs a little more faithfully; he may say more about that. We must hear from the noble Viscount, Lord Eccles, as well.

There are some welcome statements in the Government's response. One is that they will increase their engagement with the diaspora. They will highlight evidence from Africa in their COP 26 presentation—that is good. They will further support the suspension of debt payments by LDCs during the Covid pandemic; can the Minister say for how long this will be? They promise to strengthen Commonwealth institutions in Africa.

As for the pandemic, the report was written before Covid had established itself in Africa, which began receiving gifts of vaccines only in March. We recently sent 3 million vaccines to 11 African countries, the first of a batch of 80 million sent via COVAX, but these are very thinly spread and many people are having to pay for their vaccines. As the noble Baroness, Lady Fall, said, Gordon Brown says the poorest countries, which are meant to have priority, are not receiving nearly enough, given that altogether 92 countries are

eligible for support. Is the FCDO scaling up this programme? At present, vaccine coverage is minute in population terms. Can the UK help to develop greater capacity for manufacturing vaccines in Africa?

I turn finally to conflict. According to the integrated review, the conflict fund is going to be reinvented and a new conflict centre established. Has this now happened? How does it differ from the original CSS fund? Can the Minister confirm that, in countries such as Sudan and South Sudan, the churches remain important channels of peacemaking and that CAFOD, Christian Aid and other faith groups based in the UK can be, are and will go on being a direct channel of support for our funding of this sector? Unhappily, as he will know, both north and south are continuously on the edge of conflict. President Salva Kiir in the south is still trying to co-operate with the international community, but he has just withdrawn from the peace talks in Rome. Is the Minister satisfied that the UK can do nothing to speed up the inquiry into the June 2019 massacre in which at least 127 demonstrators died? But we must welcome the Government's initiative in sanctioning two Sudanese men: Salah Gosh, who was President Bashir's head of security, now in Egypt, and another prominent businessman accused of corruption in the south. Those are positive steps.

Finally, in the context of aid cuts, have any embassy programmes in the Sudans been cut since the reduction of ODA was announced, or have they been protected?

I will end with a comment from my Ghanaian Uber driver this morning. He said, "The West has not yet learned to match democratic principles to local African culture." I think I know what he means.

5.40 pm

**Baroness Helic (Con):** My Lords, this was one of the last reports of the International Relations and Defence Committee that I was a part of. It is good to be back in the presence of many of my colleagues and listening to their expertise once again. I add my thanks to the clerks and all who supported us in producing this report.

I intend to focus on one of the major changes that has taken place in the 15 months since the report was published and look at how our conclusions are challenged and confirmed by it. Our report largely described Ethiopia as a success story, whether as a fast-growing economy, a leader on climate change, or even as host of the African Union, including its peace and security department. But since November last year, peace and security have collapsed. Ethiopia is now in the midst of a horrific civil war. Thousands of people have been killed. Hundreds of thousands face famine. More than 5 million are in need. There is a de facto humanitarian blockade: less than 10% of humanitarian aid has got through since July. Press and aid organisations such as Doctors Without Borders have been banned.

The war fits many of the patterns the report outlined as typical of conflict in sub-Saharan Africa. It is a civil war, but one that does not respect borders and has outside interference, in this case from Eritrea. It is based in large part on old political grievances and the historical relationship, or lack of it, between the TPLF and other parts of Ethiopia.



The Ethiopian Government still claim that they are targeting only a small group of TPLF leaders, whom they brand terrorists. It has been clear for months that the violence goes far wider than that. This is an ethnic conflict, and the Tigrayan people face what the UN Secretary-General has called “unspeakable violence”. There are reports of massacres, of Tigrayans rounded up and sent to camps or slaughtered. The famine and hunger in Tigray are not accidental: they are deliberate—an attempt to starve Tigrayans into submission.

The Ethiopian President, sadly, has already used language to dehumanise those whom she described as opponents. When I hear it, I cannot avoid hearing echoes of the language that preceded genocide in the former Yugoslavia. No conflict is the same as another, but ethnic conflicts have features in common. Pramila Patten, the UN special representative on sexual violence in conflict, has described how

“In Tigray, women and girls are being subjected to sexual violence with a level of cruelty beyond comprehension.”

That is the fate of innocent women and girls, whose only crime was to be born of the wrong ethnicity—cruelty beyond comprehension, inflicted deliberately to terrorise and destroy a region and its inhabitants.

Ethnic violence and sexual violence go hand in hand. Ethnic violence and international inaction also seem to be linked. Some of the weaknesses in the African Union that the report identified have been cruelly exposed in Ethiopia: it is proved powerless when its host commits atrocities. Senior UN figures have been vocal in condemning the violence, but there seems little by way of concerted attempts at international mediation or diplomacy to end the conflict.

That includes from our Government. The integrated review identified Ethiopia as a key partner; it is our biggest recipient of aid in sub-Saharan Africa. We ought to be well positioned to influence this conflict positively and help to end it. Yet we seem to be more concerned with preserving relations with the Ethiopian Government and protecting trade than bringing our influence and pressure to bear on ending ethnic conflict. In seeking to become investment partners, we have perhaps forgotten that, as our report warned, partnership must be conditioned on human rights.

The absence of the international community and the proliferation of sexual violence are not separate issues. The Government have deployed one—I repeat, one—expert from the Preventing Sexual Violence in Conflict Initiative to the region. Perhaps my noble friend the Minister can update us on what progress they are making and what the likely next steps are. I fear that a single expert will not make much difference in preventing the horrors of which we have heard.

I know that the Government have decided not to seek to establish an international accountability mechanism for sexual violence. I regret that decision, but I recognise it. They must explain, though, how else impunity can be ended. How can sexual violence be prevented otherwise, in the absence of accountability? What accountability do the Government think there will be for the sexual violence committed in Tigray? If the answer is that some sort of ad hoc mechanism might be set up in the distant future to act, but probably only with the Ethiopian Government’s oversight,

then I am afraid that we have totally failed to learn anything from past conflicts and are doomed to see sexual violence recur repeatedly in future.

I desperately want to believe that Ethiopia can be a success story once again. Our report highlighted its importance to the region and to the UK. Escalating conflict and violence, which threaten to draw in more and more of Ethiopia’s people and regions, is terrible news for Ethiopians and for Africa as a whole. One of the main thrusts of our recommendations was that the Government should be clearer about their strategies for sub-Saharan Africa—and make sure that they actually have strategies. I hope that my noble friend the Minister can tell us what the Government’s strategy is for working with allies in Africa and from around the world to end sexual violence and ethnic cleansing in Tigray, bring peace to Ethiopia and help to rebuild that country so that it can be a success and a partner once more.

5.47 pm

**Lord Boateng (Lab):** My Lords, the House, and indeed Africa, owes the noble Baroness, Lady Anelay, and the committee that produced this report a debt of gratitude for all the work that they put into it and for the good sense and wisdom that it contains. I am able to say that because I was not a member of the committee at the time, but the speeches that we have heard today reflect that.

I wish simply to underline to the Minister the importance of him responding in a way that demonstrates that there is a strategy. Where is the evidence of closer integrated relationships and working between the Ministry of Defence, the Department for International Trade and the FCDO? If there is no written strategy, where is the practical evidence on the ground of that closer working relationship? I am bound to say that I do not see it. Nor, in listening to speeches from Members from all sides of the House, do I hear any evidence of it existing and making a difference, both to African lives and to the good relationship between the peoples of Africa and the people of the United Kingdom.

One thing that struck me when I was a high commissioner in South Africa was the depth of civil society relationships, such as the relationship between the Mother’s Union in New Brighton in the Eastern Cape and the Mothers’ Union in Brighton in our country or between those integrating rugby in Gugulethu, a township in the Western Cape, and the Datchet Boys’ Rugby Club. I saw actual evidence of that commitment and engagement. If only we saw the same evidence of commitment and engagement on the part of the Government. Sadly, it is not there. It does not do any service to this country or this House in the absence of evidence of that relationship.

I want to make two or three points about one particular area that the noble Baroness, Lady Blackstone, has already referred to and which, importantly, is dealt with in recommendations 81 and 82 of the report, in relation to Cameroon. The noble Lord, Lord Hannay, who knows about these things, described the history of Britain in Africa as patchy. Frankly, it was nowhere more patchy than in the history of Cameroon, but I am bound to say that when you compare it to the legacies of Germany and France in

[LORD BOATENG]

Cameroon, there is a difference. The legacy of France, which continues, is one of exploitation while the legacy of Germany, which was inherited after the mandate, was, frankly, one of brutality.

However, I fear that Britain's legacy in Cameroon is one of neglect; I am afraid that neglect continues to this day. We were promised that there would be attention to human rights in the partnership agreement between the UK and Cameroon on trade, but where is the evidence of that? We hear about trade but do not hear about human rights. What has been the British Government's response to the most recent atrocities that occurred a matter of only days ago in Cameroon?

The report refers rightly to the role of women and girls as, all too often, victims of conflict. Just two weeks ago there were two such victims and I am going to name them, because naming is important. Sinclair Shaalanyuy, a young girl who was attending a summer school in Kumbo, was killed. Grace Titalabit, a mother attending a presbyterian church in Bali in north-west Cameroon, was killed in circumstances where the blame is quite clearly on the security forces of the Biya regime.

There is ample evidence, I am afraid, of atrocities time and again on the part of the Cameroonian security forces. What is our response to that? How are we engaging with France on this issue? Where is the evidence of our engagement—if it exists—producing any difference on the ground? How are we supporting civil society's peacemaking efforts in Cameroon? How are we working with the churches in all that they seek to do in relation to peacekeeping and conflict resolution in that country? What resources are we applying to that?

How are we working across the piece in ways that protect civil society engagement? The report rightly refers to the importance of that engagement, just as it refers to the importance of diaspora engagement in relation to development. Just a matter of days ago, on 26 August, the Minister of territorial administration in Cameroon issued an order demanding that promoters and representatives of all foreign associations operating in Cameroon submit information about their operations and their relationship with Cameroonian civil society. I am afraid that was specifically designed to suppress and hold back the activities of civil society organisations promoting peacekeeping, conflict resolution and indeed development. It was aimed at the sort of organisations that are doing excellent work in the United Kingdom and elsewhere in Cameroon.

As a result of those decrees and that activity against civil society, Médecins Sans Frontières has had to withdraw from Cameroon, and the threat exists to British organisations too. So how are we working with France on this issue? When was the last time that a Minister from the FCDO spoke with a French Minister on this issue, and what was the result? We must have evidence of that co-operation. The report specifically calls for co-operation generally in Africa—we want joint approaches and joined-up development efforts—but there is no evidence of it.

We have an opportunity to make a difference, but we will make that difference only if we see evidence of a strategy focused on unlocking the potential of Africa and recognising the warm and effective relationship

that exists at every level of our society here in the United Kingdom with Africa and Africans, with the diaspora and, indeed, on the continent itself. It needs to be evidenced by a strategy and its implementation, so that we move from warm words and sentiment to reality.

5.55 pm

**Lord Alton of Liverpool (CB):** My Lords, the House is rightly proud of the work of its Select Committees and it is a matter of profound regret, as my noble friend Lord Hannay said earlier, when their reports are not debated in a timely manner. The usual channels should address that. It is a privilege to serve on the International Relations and Defence Select Committee, and I, too, pay tribute to the chairmanship of the noble Baroness, Lady Anelay, who chairs it admirably and keeps us all on our toes at every meeting. I refer to my interest as co-chair of the All-Party Parliamentary Group on Eritrea, as an officer of various other APPGs and as a patron of the Coalition for Genocide Response.

At paragraphs 82 and 83 of the report, the committee expressed its disappointment at the Government's approach to Africa, describing it as "confused and confusing".

"It is not a strategy",

we said,

"but rather some broad ideas and themes, and there is little clarity on how the Government plans to put it into action."

In urging the Government to take a deeper interest in Africa, the report points out that Prime Ministers rarely visit Africa and that Ministers for Africa come and go, as the noble Lord, Lord Grocott, said. The noble Baroness, Lady Amos, told us that there is always a new plan—and here we go again. Contrast this with the approach of China. We need to be much more aware of the strategic nature of belt and road indebtedness, the plundering of resources and the quid pro quo demand for African votes at the United Nations.

We also need to learn from and harness the diaspora. As we have been hearing, remittances have a greater value than development aid. That is not to say that we should not restore the cuts in development aid, but we must recognise the role that remittances can play. For example, in 2019, people in South Sudan received \$1,200 million in remittances, a staggering 29.5% of GDP, compared with £104 million in UK aid. The World Bank says that in one recent year, \$40 billion of remittances were sent to sub-Saharan Africa.

Money and goods from the diaspora are wonderfully targeted and relatively free from the problems of corruption and siphoning-off by officials. Yet, as the Brookings Institution points out:

"The fees paid to remittance service providers to send money to Africa average nearly 9 percent—the highest rate in the world and three times the Sustainable Development Goal target for remittance costs (3 percent)."

I hope that, when he comes to reply, the Minister will address that, especially in the context of the diminished ODA and the high fees for digital remittance channels, and commit to examining the Brookings proposals for a global non-profit remittance platform.

However, unless conflict in Africa, discussed in chapter six of the report, which looks in detail at countries such as Nigeria, Somalia and Cameroon, about which we have heard from the noble Baroness and the noble Lord, is addressed, development will continue to be blighted. As the noble Baroness, Lady Anelay, reminded us, the report names ideology as one of the factors driving conflict. Sudan's civil war, driven by Khartoum's attempts to impose its ideology, led to 2 million deaths. I saw ruined clinics, hospitals, schools and homes. Ultimately, Khartoum ideology destroyed its own country and partitioned it into two diminished states.

I also visited Darfur. The same ideology killed 300,000 people and displaced 2 million, many of whom still live in precarious, squalid camps. Omar al-Bashir, indicted by the ICC for genocide and crimes against humanity, gave the orders in Darfur. Last week, Sudan's Foreign Minister, Mariam al-Mahdi, said that Bashir will be handed over to the ICC for trial. I should like to hear from the Minister what progress is being made to expedite this.

Across sub-Saharan Africa, there are mutations of the same ideology: murder, maim, destroy and displace. Globally, a shocking 82.4 million people are forcibly displaced, with more than 26% of the world's refugee population in sub-Saharan Africa. Last year, the highest increase in the number of internally displaced people occurred in Africa. Displacement leads to trafficking, exploitation and jihadist recruitment, posing a real and present threat to local populations and to British interests, and indirectly to Britain itself. Jihadists in Boko Haram, IS West Africa and al-Shabaab have inevitably seized on events in Afghanistan. Like the Taliban, their task is made so much easier by inherently weak and unpopular corrupt Governments. Note that those who blindly support them also become tainted.

According to the 2020 Global Terrorism Index, Nigeria is now ranked only behind Afghanistan and Iraq. Corruption and ineptitude have run the economy into the ground, while the UK has poured in more than £2.5 billion over a decade, averaging £800,000 a day. That does not imply support for cuts in ODA, but it is not unreasonable to ask how those resources are being used to combat conflict.

I have sent the Minister's department reports that over the past eight months more than 4,000 Christians have been murdered by jihadists in Nigeria, with 400 killed in August alone. Over 12 years, 43,000 Christians and 29,000 Muslims have been murdered by jihadists, with places of worship destroyed, attempts to eradicate alternative beliefs and countless numbers of people displaced. The case of Leah Sharibu—a Christian girl abducted, raped and forcibly converted in 2018—is highlighted in the Select Committee's report. She is still in captivity. What can the Minister tell us about Leah's case?

A long-serving retired military intelligence officer states without equivocation that religion and ethnicity are primary factors in Nigeria's current insecurity. The foremost Muslim traditional ruler, the Sultan of Sokoto, has condemned the killings of others as un-Islamic and has called on the Nigerian Government to decisively address the insecurity. The levels of insecurity in Nigeria are beyond critical, and the Buhari Government's

response is a mixture of complacency and complicity. Beyond ritual condemnations, what are we doing to hold those responsible to account?

I end by turning, as the noble Baroness, Lady Helic, did, to the Horn of Africa and to Tigray, where conflict, as in Nigeria, has morphed into atrocity crimes, including the use of manmade starvation, and where those responsible are living in impunity. Listen to this report from Monday's *Daily Telegraph*. It describes how Tigrayans have been

"rounded up, mutilated and dismembered"

with

"thousands of men, women and children"

thrown into

"makeshift 'concentration camps', cutting off limbs and dumping mutilated bodies into mass graves as part of an orchestrated ethnic purge".

What are we doing to bring those responsible to justice?

The report says that the UK and its international partners have too often failed

"to tackle the underlying conditions that allow conflict to emerge."

It calls on the Government to

"develop longer-term strategies to prevent conflict, and above all to prevent genocide, and support regional partners."

I hope that the Minister will be able to tell us exactly how the Government intend to do that and assure us that we will be less timid in confronting the destructive power of ideology and naming it for what it is.

6.03 pm

**Viscount Eccles (Con):** My Lords, it is a great pleasure but also quite difficult to follow the noble Lord, Lord Alton, because his knowledge of human rights conditions all over the world, particularly in Africa, is tremendous. His dedication to trying to find solutions is wholly admirable and very much respected by the House.

My African experience comes from CDC. I am very pleased that the committee, under my noble friend Lady Anelay's chairmanship, was able to get a lot of evidence from CDC. However, my CDC experience ended some 30 years ago. The way CDC operates, the people it employs and the imperatives in their lives have changed dramatically over the last 30 years. I am not going to go into a comparison. I am not at all enthusiastic about comparisons anyway, but time has passed. Things have moved on and when we think about Africa, particularly the 19 Commonwealth members of sub-Saharan Africa, we must think very carefully about the way that things have changed.

I would like to pursue the committee's partnership concept, which is absolutely the right way to be thinking about a direction of travel. When you come to read the Government's response to the committee's report, take into account that the committee was looking for the publication of a proper plan of engagement—the plan of action which was mentioned by its chairman. Paragraph 167 of the report says:

"Bilateral relationships with countries in Sub-Saharan Africa should remain a key part of the UK's"

involvement. I would say they are vital and, if I might be practical, are the only form of deep involvement in sub-Saharan Africa which makes any sense to me.



[VISCOUNT ECCLES]

I notice that we have just reappointed a high commissioner in what I remember as Swaziland—I think it is now called Eswatini. If you think about how a high commissioner would be the front-line man or woman of British policy in sub-Saharan Africa and compare their role with that of the high commissioner in Lagos and Abuja in Nigeria, it is just not the same thing in any way. Indeed, in pursuing the partnership concept I would like to speculate about Nigeria and the partnership with it.

In parenthesis, we should remember that Cameroon, which has been mentioned several times, quite rightly, is on a boundary with Nigeria. Indeed, when Cameroon got its independence two of its provinces opted to go into Nigeria, so their relationship is very close. At the moment, Nigeria is host to a great many refugees from Cameroon. That is a thing which has to be thought about if we are to create a meaningful partnership with Nigeria. On the other side of Nigeria, again in parenthesis, is Benin. They speak French as their common language in Benin and whenever we think about a partnership with a country in sub-Saharan Africa, we have to think about the complexity of life there.

Let me come briefly to Nigeria itself. It has 200 million people and it is predicted—most population estimates turn out to be wrong, thank goodness—to rise, as has been said by the noble Lord, Lord Anderson, to 400 million in 2050. Well, 2050 is not a long way away. The effect of Nigeria's fertility rate being over five is that the per capita income is falling. The economy is growing slowly again, after Covid and all the other problems, but it is not keeping pace with the increase in the numbers of Nigerians. The per capita income in Nigeria is about \$2,500 a year. Noble Lords will do their own mental arithmetic on what that means and be able to compare it with, for example, ours.

When we come to think about a partnership with Nigeria and Nigeria's relationship with the UK, since the average age of the Nigerians is probably about 16 or 17 and the country has been independent for close to 80 years, we have to forget any idea that the population of Nigeria as they grow up have any real relationship with the fact that we were once the colonial power. We have to start from somewhere else.

The place that I think one needs to start from is: where are the Nigerian Government? If you are going to be a partner but the partner does not tell you what he is thinking, it is not going to be much good trying to be a partner. What about the dilemma of the noble Lord, Lord Lilley? The Chinese are solving his electricity dilemma by building coal-fired power stations. Apparently, that would not be a good thing in Nigeria; well, I suppose they do not have much coal, but they have plenty of oil and a lot of gas. Are we really going to say to our partner, "You can't do that"?

You have to look at what your partner is saying. What do the Nigerian Government think about the explosion of their population from 200 million to 400 million in the next 30 years? Is it something that they want to see happen? Unless we have a dialogue that opens up a conversation, we will continue to get pathetic responses from the Government such as the one they gave to the noble Baroness's report—and it was pathetic; it was completely general and had no

commitment. We are faced with a Government who basically have no real commitment to any single country in sub-Saharan Africa.

6.12 pm

**Lord Howell of Guildford (Con):** My Lords, this is a massive and impressive report. I for one am very proud to see this committee, which was born only in 2016—in the teeth, I remind your Lordships, of strong opposition, as the noble Lord, Lord Hannay, and the noble Earl, Lord Sandwich, will vividly remember—taking such a lead under the excellent chairmanship of my noble friend Lady Anelay in reaching out to issues and areas that other committees do not reach and where much more illumination is vital for our future.

It really is time to piece together fresh approaches to a continent that is going to contain, as the report tells us, one-quarter of the world's population—

**The Deputy Chairman of Committees (Lord McNicol of West Kilbride) (Lab):** My Lords, the Grand Committee now stands adjourned for five minutes.

6.13 pm

*Sitting suspended for a Division in the House.*

6.18 pm

**Lord Howell of Guildford (Con):** My Lords, as I was saying, it really is time to piece together fresh approaches to a continent that is going to contain a quarter of the world's population and where the past 50 years of western intervention—especially the trillions of dollars poured into Africa by our American friends from the time of Chester Bowles onwards—have had such sadly limited success. If any of my observations seem to have a mildly critical tone, it is precisely because this report successfully opens up many important new perspectives and issues and acts as a powerful stimulant, so anything I say must be taken as further proof and praise of its value.

I have four points to make. First, the canvas is enormous. I understand completely why sub-Sahara was chosen: to limit the subject and avoid some of the labyrinthine complexities and turbulences of the Maghreb to the north. However, in the age of communications revolution and hyperconnectivity, I wonder whether the traditional geographical distinction is so valid. Modern violence and terror networks are increasingly intimately linked. The same ugly and destabilising forces as operate in the Middle East and along the Mediterranean shore—of course, they are the chief barrier to peaceful trade and development—poison politics across the Sahel states and have long since reached down into Nigeria with the Boko Haram horror, as we heard, and right down the east and west coasts of Africa. All in all, the huge sea of sand between north and south in Africa may mean less separation politically and in economic terms today than in the past.

Secondly, humanitarian aid is plainly needed more than ever, especially where terrorists and Islamic extremist violence have left and are leaving their wreckage. So trade concessions are needed—particularly the sort that encourage local enterprise and infant new industries. However, as has been said, we must be careful not to

disrupt the rapidly growing trade cohesion in Africa, as exemplified by the new African Continental Free Trade Area and several other key networks that the report rightly lists and which are rapidly taking shape. Furthermore, we are gaining a new understanding of the mainsprings of development in Africa, which old aid views do not necessarily reflect. The wrong kinds of aid, measured just by volume and percentages, can easily hold back growth and do as much harm as good. Factors such as property ownership and remittances, on which the report held an evidence session, may be far more significant in development than was believed in the past.

Thirdly, there is no prosperity or development without peace. We need to know a lot more about what is happening across the whole belt of Sahel states, where violence rages from Niger through Mali right over to Somalia and the Horn of Africa on the east coast, and of course down to Mozambique. The report has an excellent chapter on peace and security across the region where, in Mali, the UK, working with the French, now has a fully mechanised long-range reconnaissance group, the Americans have a major drone base at Agadez and the UN struggles to keep the peace through MINUSMA along with some EU initiatives and the so-called G5 Sahel group of states.

Fourthly, there is the Chinese factor. Perhaps this should come first because it is now the biggest outside influence by far. The report looks at China's activities, but there could perhaps be even more emphasis on the reality that the Chinese are everywhere in Africa, doing good in some areas but doing harm and arousing antagonism in others. I often think that if the Chinese would sometimes come off their anti-western high horse, they might learn a lot from the Brits on how to be most constructive over African development and reinforce the best trends instead of entrenching the bad ones. They are the largest funders of the African Union, but they own far too much of the debt of African nations for the health of the continent. Does not the whole problem of how and where to work with the Chinese need a thorough analysis and refocus across all involved departments here in Whitehall? I think I have heard other noble Lords say the same thing.

From here, I will strike a more jarring note. Everyone nowadays is calling for grand strategies of this kind or the other, especially in the field of foreign policy. I am afraid that the report is not immune from that tendency. However, in the fast-moving and fast-evolving age of digital revolution, the most beautifully crafted strategies are out of date before they begin. Anyway, the vast variety and changing character of Africa's many regions, with all their totally diverse problems, fit into no single strategy. We have to be ready to work with different partners in shifting alliances in different areas. We have to work with the French very closely in some areas, and with the Japanese—whose enormous development programmes go quietly and expertly forward—in others; I am not sure that there is much about this in the report. We also have to work carefully and selectively with the Chinese.

We have to use different models, such as the CDC Group's excellent approach to new enterprise encouragement and innovation, which my noble friend Lord Eccles has just been speaking about and which,

incidentally, goes right back to the principles of the old CDC when it started 50 years ago. I had the privilege to be slightly involved.

We also have to work as closely as possible with the African Union itself. We have to focus on unique phenomena such as little Somaliland—I do not know whether that gets a mention—which works in smooth contrast to its violence-ravaged neighbour, Somalia. Frankly, I think it deserves more support and has lessons we ought to be learning in that region—for instance, how to deal with the extraordinary Djibouti situation, where we are not represented but the Chinese, the Americans, the French and many others are all building enormous military bases.

A prospering new Africa, cleansed of the poisons that still infect it but ready with a younger generation to leap-frog straight into the high-tech age—as in Kenya, for instance—and free, as far as possible, of hegemonic rivalries and ideologies is directly in our own national security and economic interest. Historical ties help us, and the modern Commonwealth network is very much alive and growing in ways only dimly understood by our media here, and indeed by our policymakers as well. But we also need a variety of imaginative, up-to-date and adaptable new approaches to meet fundamentally changed conditions across the whole continent. This report gives us a sharp and welcome push in that direction.

6.26 pm

**Lord Sarfraz (Con):** My Lords, the committee has produced an excellent report. I will focus on a very specific bit of it, the role of CDC, which the noble Earl, Lord Sandwich, and my noble friend Lord Eccles mentioned earlier.

I happen to think that CDC can do a whole lot better. It has said it aims to invest \$1 billion a year in Africa, but before it invests a single additional dollar it needs to revisit and rethink its investment strategy. CDC should be backing the boldest and most innovative entrepreneurs in Africa, those thinking about the biggest problems across the continent, but it hardly ever does that. It invests large amounts in private equity funds and expects them to invest on CDC's behalf, as the report points out. As such, it has very little control over investment decisions at these funds, and ends up owning all sorts of exotic assets.

CDC owns a Pepsi bottler in South Africa, hotels in Mali, Burkina Faso and Ghana, an Ethiopian fine wine business and a real estate development called Project Paradise in Mauritius. I could go on and on. Surely there must be a better way to achieve CDC's own stated goal, which is “to leave poverty behind”. Fizzy drinks and upmarket hotels are probably not a priority.

It is also disconnected with our own Government's bold ideas domestically. We published the *UK Hydrogen Strategy* last month. Why is CDC not trying to find the most promising entrepreneurs working on hydrogen fuel cells in Africa? They exist. We say we want to be the global science and technology superpower. Why is CDC not directly backing the very best technology entrepreneurs, scientists and innovators across Africa? Just ask any African entrepreneur and they will tell

[LORD SARFRAZ]

you the same thing: when CDC does invest directly, it prefers to work with big-name groups, conglomerates and big banks—everyone across Africa who does not need our money.

Finally, CDC flies the UK flag globally, but without the accountability and standards our diplomats are held to. When an entrepreneur meets a CDC representative overseas, they see them as a representative of the United Kingdom. Over the years, I have spoken to dozens of entrepreneurs in Africa who feel they were brushed off when pitching their ideas to CDC. Its employees must be held to the same standards as others who fly the UK flag.

One billion dollars a year is a lot of money. It can go a very long way, but for that to happen CDC needs to embrace African entrepreneurs. I hope this Government insist that it does so.

6.29 pm

**Viscount Waverley (CB):** My Lords, I give many congratulations to the committee; its report will be referred to for many a year. I would have welcomed an inclusion regarding the Maghreb countries, given their role in continental affairs. Many consider that Morocco, for example, makes for an excellent springboard when wishing to impact francophone Africa, and then there is the getting to grips with the reasoning and consequences behind the migration exodus through the third countries of Mauritania and Libya or the Spanish enclaves. Other downsides exist, given the serious challenges of the security situation in Africa's central belt of countries, including the Sahel, to which I will refer later.

I must declare with pride having been honoured with a Yoruba chieftaincy and my interest as co-chair of the APPG for Trade and Export Promotion. We are to engage on matters of Africa. I approach African affairs overall with a sense of optimism, particularly as regards Africa's remarkable performance over the last decades and its prospects for substantial growth.

The African Agenda 2063 tracks a course for the continent becoming:

“An integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena”.

The African Continental Free Trade Area represents the latest step towards achieving that objective. I too encourage the Minister to shed light on the MoU referred to earlier. With 54 contracting parties, the free trade agreement brings together a combined population of more than 1 billion people and a combined GDP of over US \$2.6 trillion, with the potential to lift 30 million people out of extreme poverty and 68 million people from moderate poverty, and increase real income gains by 7% by 2035.

While trade and investment between the UK and Africa have barely advanced over the last decade, we have the potential to be Africa's partner of choice. A comprehensive vision by the UK therefore needs to be put in place that would position us as a powerhouse for services, an investment environment, standard-setting and good governance that would contribute to Africa's economic and social development. Promoting a rules-based trade system in Africa, forging investment and

advancing partnerships and technology would bring tremendous growth potential for both sides. A regrettable fact remains that in an age of increasing protectionism, isolationism and nationalism, certain countries wish not to share but to prioritise what they perceive to be protecting their interests.

The UK has a strong internationally-acknowledged and respected regulatory environment, recognising that the true benefit to Africa will come when standardised, rationalised and reusable processes, customs and regulatory legislation become common across all nations, facilitating fairer trade. The Government should embark on a “training, knowledge and sharing” approach across the continent.

Work remains to be done, however, to reinvigorate existing commercial ties. The UK does not have any trade agreement with 40 of the African nations. It has rolled over the EU's former trade agreements with 15 African states but has lost former EU trade agreements with four African states. We therefore have catching up to do, and HMG should be focused on delivering a comprehensive and detailed UK-Africa strategy that addresses the challenges and needs of the continent in a systematic way.

The UK will have to compete with established and emerging partners. China has used its belt and road initiative to restrengthen its presence across the continent, having invested in 52 out of the 54 African countries; it is about to enter the São Tomé market. China's FDI stock in Africa totalled US \$110 billion in 2019, contributing to over 20% of Africa's economic growth.

The UK should also take note of the efforts of the traditional development part of the European Union, which last year issued its briefing *Towards a New EU Strategy with Africa: A Renewed Focus on Outreach*. It aims to boost economic relations, create jobs on both continents and generally deepen the EU-Africa partnership across the board by aiming to not only reduce tariff barriers, which are already low, but minimise and remove non-tariff measures while harmonising domestic regulations and good regulatory practice.

Further negotiations between standard-setting bodies should take place to assist African firms to export products to the UK, not just agricultural goods but manufacturing and advanced products. Open markets for African goods and services, increased mobility and the enhanced reallocation of resources should lead to economic and industrial diversification, structural transformation, technology improvement and improved human capital.

Innovation in Africa already abounds—for example, in the health sector in countries such as Rwanda and Ghana, and in the fintech industry. I note with interest the plans to turn Nairobi into a world-class financial centre. That is further illustrated by mobile banking, which is transforming the lives of Africans in both rural and urban centres.

A word on the downside. We must be cognisant of the political instability faced by a number of African countries, most notably in the Sahel and the west and central Africa region. Added to the increasing security threats resulting from the ongoing expansion of ISIS and al-Qaeda affiliated groups, and the activities of disaffected non-state armed groups in many of these



countries, the economic disparity and political instability by coups in Chad, Mali and, most recently, Guinea, are an illustration of this. Even Niger, which experienced relative calm during the recent presidential election, is bedevilled by the infiltration of ISIS-supported dissidents from southern Algeria into the northern border area around Agadez, by incursions across its eastern border with Nigeria by elements of Islamic State West Africa Province, and by the increase in similar turmoil created by terrorist groups on its borders with Burkina Faso and Mali.

The UK must do its part to assist these countries by continuing to participate both in humanitarian assistance initiatives and security endeavours, and by continuing to support, for example, the military component of the UN's Multidimensional Integrated Stabilization Mission in Mali operations. France's decision to replace the extensive Barkhane military operations in the Sahel with a Special Forces contingent, involving greater international participation but with significantly reduced boots on the ground, makes MINUSMA of crucial importance.

I must add in conclusion that Africa has helped itself with significant improvements in leadership and governance, while signalling increasing demands for stronger accountability, checks and balances from its leaders. Over the period 2008 to 2014, 34 countries had improved their national governance, and since 2016 meaningful elections have led to changes in numerous countries, including Benin, Comoros, Ghana, Lesotho, Liberia, São Tomé and Sierra Leone. Africa is about much to do and much to be gained for all, but there is also the risk of much to be lost if the economic disparity and security concerns are not addressed.

6.37 pm

**Lord Hannan of Kingsclere (Con):** My Lords, I begin by echoing the noble Lord, Lord Boateng, in congratulating all noble Lords involved in the authorship of the report, particularly their chairman. I learned an immense amount from it and have learned an immense amount from listening to noble Lords in this debate.

All of us born in the 20th century, which I think is all of us in this Room—even my noble friend Lord Parkinson of Whitley Bay—grew up with stereotypes of Africa made by aid appeals and bad news stories. We can all think of those images: flies settling on children with bloated bellies, gun-toting teenagers and so on. Those stereotypes led my near contemporary, the noble Lord, Lord Oates, into a great adventure where, with his father's stolen credit card, he landed in Addis Ababa, determined to do something about the Ethiopian famine in 1985. He realised two things on landing: first, that Ethiopia in 1985 did not particularly need 15 year-old English schoolboys, but secondly that the problems were not caused by western policy; they were internal and caused by bad domestic policy. We heard from my noble friend Lady Helic how, having grown impressively in the meantime, bad policy is again condemning that country.

I do not think that stereotypes survive first contact. You cannot fail to be hit by the industriousness and the hum of enterprise in Africa. If you want it in figures: before the coronavirus hit, sub-Saharan Africa had been growing at between 5% and 6%. According

to the African Development Bank, even this year, despite everything, it is forecast to grow at 3.4%. Of course, that is partly just the number of people. We heard from the noble Lord, Lord Anderson, the numbers laid out in impressive detail. When I was last in Africa a lot of politicians were saying, "This is a terrible problem and a great challenge—how are we going to find jobs for all these young people?" I would say: imagine the opposite problem. Imagine that you are Russia or Greece or somewhere where you have an immense number of retirees and very few people of working age. Then you would have a problem.

There is a terrific opportunity in demographic growth. If, as my noble friend Lord Eccles said, it sometimes does not feed into growth, that is usually again caused by bad policy. My noble friend specifically mentioned Nigeria. Nigeria has a 120% tariff on rice—a basic staple—and crazy banking rules. By the way, I would say it has a mildly corrupt Government that did not return the favour of the PDP, having accepted the election results last time. It is ultimately in the hands of Nigerians to choose different policies.

What drove that growth in Africa? It is the great unreported happy fact of the 21st century. It was not aid or even remittances; above all, it was mobile phones and the technology that went with them, facilitated by investment. Here is a hard truth: the motives of the companies that put in the mobile phones that allowed farmers to check the weather and see where the seed was cheapest, and allowed fishermen to decide where to land their catches, were purely mercenary. They did this openly for the profit motive; they were not pretending to dress it up in humanitarian terms. Some people find that an unsettling, even sordid, fact. I do not think that the beneficiaries on the ground see it in those terms.

Some people fret that there is a necessary tension between economic growth and environmental protection. My noble friend Lord Lilley ably set out the choice between affordable electrification or electrification through renewables. However, it seems to me that the best thing we can do if we want countries to take environmental protection more seriously is assist them in reaching a level of economic development where it becomes feasible.

My noble friend Lord Ridley is fond of pointing out that, 50 years ago, wolves, tigers and lions were all endangered but now, wolves have rebounded, tigers have flatlined and lions are still endangered. Why? Because wolves live in rich countries, tigers live in middle-income countries and lions live in poor countries. He is slightly oversimplifying but look at the story of our generation. In the years since 1980, there has been net reforestation on this planet of an area roughly the size of Alaska, but it has happened overwhelmingly in wealthy countries, particularly in Europe and North America. Why? For all the most obvious reasons: people in those countries do not rely on slash-and-burn agriculture or wood fires for cooking, and they do not have this constant pressure on land.

What can we do to help Africa to reach a level of development where those pressures are eased? The noble Viscount, Lord Waverley, had the answer: open our markets. It does not even cost us anything—on the contrary, we are doing ourselves a huge favour. The

[LORD HANNAN OF KINGSCLERE]

reason to have comprehensive trade liberalisation with Africa, including in services, visas and professional qualifications, is not as a favour to a growing part of the world but as a favour to ourselves that also, incidentally, benefits exporters in that great and rising continent. Yes, there will be moments when it is not, if you like, aesthetically pleasing. The movement of rural populations into workshops in urban areas is not pretty. The 19th-century novelist Anthony Trollope once said:

“Poverty, to be picturesque, should be rural.”

However, this is a process that every country goes through. We were first, and others are now following, but—let us allow them the dignity of agency, for heaven’s sake—they do it because they are making rational choices about how to secure the best living standards.

What can we do to help? We can ensure that they have the right to buy and sell without restrictions. Here, like my noble friend Lord Lilley, I am delighted to be able to agree with the noble Lord, Lord Hannan: we could be doing way more. It is true that a lot of sub-Saharan African countries already qualified for what they call EBA, which is almost a tariff-free deal, effectively. However, as the wags in Africa will tell you, it is not so much “Everything but Arms” as “everything but farms”. There are all sorts of ways in which agrarian produce is excluded. I met Ugandan vanilla producers, who said, “In theory, we are allowed to sell all the vanilla we want to the European Union. There is no tariff”. In practice, the standards are set by two French lobbyists who have substantial interests in Madagascar in such a way as to exclude everyone else’s vanilla. If Britain, pursuing an independent global trade policy, is serious about global engagement, we must identify and remove those tariff and non-tariff barriers. I repeat: we must do this not as a favour to Africa but as a favour to ourselves.

Let us apply the lesson learned by the noble Lord, Lord Oates, aged 15: it is not always about us. We are a naturally solipsistic species—it is human nature to put ourselves at the centre of the universe—but the rise of Africa is a demographic fact and will be an economic and geopolitical one. The challenge for us is to stop thinking of it as an obligation and start embracing it as an opportunity.

6.45 pm

**Lord Purvis of Tweed (LD):** My Lords, I and, no doubt, my noble friend Lord Oates’s publisher, are delighted that the noble Lord, Lord Hannan, has read his Africa memoirs. For those who have not, we both commend them very warmly to the Committee.

I declare my interest in the register. I say to the noble Lord, Lord Alton, and the other noble Lords who referenced Sudan that it was the last country I visited, last March. I was stranded when it declared a state of emergency and closed the international airport. If anything, it brought home to me the vulnerability that many countries had when the pandemic struck in terms of not only immediate health but the ongoing economic impact. I have had a very close relationship with Sudan. It was therefore right that this committee started with an understanding of the impact—not just

the immediate impact but what are likely to be very long-term consequences—of the pandemic on sub-Saharan Africa.

As others on the committee have said, it was a pleasure to serve under the chairmanship of the noble Baroness, Lady Anelay. She led the committee and our inquiry report in an open and inclusive manner. It took as its starting point how robust the Government’s self-described Africa strategy was in relation to the African Union’s own strategy for 2063, for example in the 2019 *Joint Communiqué on the African Union-United Kingdom Partnership*. We were told that just one initial example of what was then referred to as the new strategy was the “pivot to the Sahel”. However, as the noble Baroness indicated, there was only one reference in the integrated review, and that reference was to our support for the French deployment. As we have now seen, and as was referred to by the noble Viscount, Lord Waverley, the change to that deployment under President Macron raises questions. I hope that the Minister can say whether it is the Government’s intention now to change this element of the integrated review.

Overall, the committee concluded in paragraphs 82 and 83 that

“the Government’s new ‘strategic approach’ to Africa falls short. It is not a strategy, but rather some broad ideas and themes, and there is little clarity on how the Government plans to put it into action ... Communication of the new ‘strategic approach’ to Africa has been confused and confusing ... and has relied on jargon”.

The Government’s position did not remove that confusion because the last witness the inquiry heard from was the Minister for Africa, James Duddridge, who told the committee:

“In my mind, we have a very clear strategy. We are acting on that strategy and organising ourselves and our resources around it. One of the tests that I apply to everything I do is: how does it contribute to the Africa strategy? That is alongside other tests, such as value for money, the manifesto commitments and so forth. It is very much a real document.”

However, the Government’s response to the report said this on page 5:

“A single strategy document for such a diverse continent would not be effective, nor is a continent-wide strategy usual practice.”

Either it is or it is not. Recent government documents and statements in the integrated review on an approach to the Indo-Pacific suggest that such a diverse area seems to warrant a strategy, so why not sub-Saharan Africa, or Africa and our relationship with the African Union?

However, the confusing position within government tells a deeper truth, which has been highlighted in this debate. Statements have been provided with grandiose assertions and ambitions, whereas the reality seen by our partners never reaches those ambitions. The shockingly high turnover of Ministers and the lack of seniority of ministerial visits, as the noble Lord, Lord Grocott, and my noble friend Lord Oates highlighted, are illustrative. Of more substance is that in 2018 the Prime Minister of the United Kingdom gave a commitment in Africa that the UK was to be the biggest investor in Africa in the G7 by 2022, but there was subsequently no public statement by the Government on why this was scrapped just 18 months later. The

Government hoped that people had not noticed, but the African Union did and so did China, at the very time—as the noble Lord, Lord Alton, highlighted—when many countries are now much more sceptical of the strategic debt policy of China and much more open to the approach of investment from the UK and other, similar countries. I am afraid the Government need to explain why this was the case. I asked the Minister why the target was dropped. He said:

“Our competitors are investing heavily. Financially, China is eating up a lot more of that investment opportunity than before. It makes hitting a crass target of being the largest harder and harder.”

So something has moved from being a target by the Prime Minister of the United Kingdom to being “crass”. I ask, as did the noble Lord, Lord Grocott: what, therefore, is the ambition for UK investment in Africa?

The second area in which we have reneged on a leadership position, as my noble friend Lord Oates and the noble Baroness, Lady Anelay, highlighted, is the real and devastating impact of UK development co-operation cuts. It is not so much a cut in aid as a cut in co-operation and partnership. British embassies and high commissions have spent the last six months telling scores of UK and Africa-based NGOs and charities to ask USAID and the EU to fill funding gaps. This is humiliating for the UK missions around the subcontinent and it is leaving unhelpful vacuums that others may fill.

In his letter to the IDC in the Commons, the Foreign Secretary highlighted the countries in sub-Saharan Africa where UK bilateral co-operation is being cut in its entirety. When the noble Baroness, Lady Blackstone, asked the Minister to reassert the position on aid, he replied:

“I will go back, if I may, to something that I should have said and which is truly amazing. We are still one of the few nations that delivers on 0.7% GNI. The fact that we do not still bash that around as a debatable is fantastic. We should be very proud of that.”

We were very proud of that.

The Government have failed to publish anything on soft power, covering education, wider rule of law issues and cultural and societal partnerships. It is of interest to me, for example, that this Friday the African Union-China human rights dialogue is convening. There will no doubt be a very powerful counternarrative on this subject from Beijing. What is the UK’s response? As we leave the field in many respects, reneging on leadership, it will be filled by others.

As the noble Lord, Lord Grocott, my noble friend Lord Oates, the noble Baroness, Lady Fall, and others highlighted, this is a region of countries with young populations who are also more globally minded than previously and led by Governments who are more democratic and stable than ever before, as the noble Viscount, Lord Waverley, said. They seek co-operation to meet global challenges but they look objectively at our approach and the actions that our Governments address. If we leave the field, renege on leadership and become less reliable, others will fill this gap, which means that when we want to bring together coalitions of the willing to defend our positions around the world, we will find fewer partners as a result.

6.53 pm

**Lord Collins of Highbury (Lab):** My Lords, I associate myself with the remarks of my noble friend Lord Anderson about missing the late Lord Judd. His commitment to development and Africa would have been highly relevant to today’s debate.

I thank the noble Baroness, Lady Anelay, not only for chairing the committee but for her excellent introduction to the report, and I thank all members of the committee. The report is a great resource, bringing together a range of important information on our relationship with sub-Saharan Africa. As we have heard in this debate, it makes incredibly powerful points that are as relevant today as when it was published. I associate myself with the remarks about the delay in our ability to debate it.

It is right to call for a stronger relationship between the UK and sub-Saharan Africa, and I am particularly pleased that the committee sought to change the narrative about the region. A genuine and constructive partnership between the UK and the 49 countries of sub-Saharan Africa presents enormous opportunities for all involved, but there is clear evidence from the committee that this is not being utilised by this Government. That was so ably amplified by the noble Lord, Lord Hannay, this afternoon. As the report points out, sub-Saharan Africa is of great strategic importance to the United Kingdom, but it finds the Government’s strategy for Africa too vague to be useful and not adequately reflected in action. The talk is not yet matched by the walk.

The region includes many of the world’s fast-growing economies, and there are enormous opportunities for new trade agreements that would benefit both sides in the multilateral system. I hope that we will see a much more effective strategy on trade, instead of the simple rollover agreements that we have seen so far. In the multilateral system, the 49 states are increasingly important. They make up a large proportion of the influential G77 grouping at the United Nations and have often shown leadership throughout the UN system. Geopolitically, close security co-operation between the UK and the states in sub-Saharan Africa can make the world a safer and more secure place.

But our relationship with Africa should be based on much more than our interests, and the committee found that the United Kingdom can make a huge difference to the lives of people throughout the region. A closer relationship will clearly be mutually beneficial.

The report also recognised the great work done by the CDC in supporting African growth, particularly industrialisation. I do not particularly recognise the portrayal of the CDC’s work by the noble Lord, Lord Sarfraz. If he had been able to attend the CDC’s latest stakeholder event, he would have seen exactly what sort of projects it is prioritising. The CDC is not a replacement for private investment: that is something we should be promoting. The CDC has a very clear mandate set by the Government, and I hope the Minister will justify it. The most important thing is that it must make sure that its work reflects the 2030 agenda, the SDGs—a critical part in developing Africa. We should understand that it is not us telling Africa about the SDGs; the important thing is that they were



[LORD COLLINS OF HIGHBURY] accepted by all nations at the UN as a target for everyone and that they apply to everyone. It is the fact that they are universal in their nature that makes them so important.

The noble Earl, Lord Sandwich, mentioned climate change. I am sad that the noble Lord, Lord Lilley, is not here, because a critical part of development is energy generation. As we have heard in the debate, without energy generation we cannot meet the SDG targets. This morning I was fortunate enough to co-host a CDC event with the noble Baronesses, Lady Sugg and Lady Sheehan, looking particularly at its investment strategy in terms of climate change and energy generation. There were lots of critical questions about that but, for me, the most important thing is that the context of its strategy is the SDGs. How do we get better employment? How do we get health systems working? How do we get gender equality? Those investment decisions in energy are really important.

What we heard in our session today was about the strategy of ensuring that there is a just transformation—how we work with Africa to ensure that the pathway to net-zero carbon targets actually embraces those commitments to jobs. The problem with the portrayal by the noble Lord, Lord Lilley, is that it was about either green and effective energy generation or cheaper carbon generation. Actually, that is not the CDC's strategy but it recognises that to start the process of transformation you may need to use natural gas, which it has done. There is a debate to be had about that but the most important thing is that it is focused on this transformation, working with Governments and the private sector in Africa to ensure that the pathway they take is a green one—and not making the mistakes of the industrial north. The invitations went out to every noble Lord and it is a shame that not enough turned up, but I hope that the CDC will organise further events about how we can see the effectiveness of its investments.

Many noble Lords referred to the remittances sent from the UK to Africa, which come to many billions each year. As we heard in the debate, they exceed contributions in aid spending as well as charitable donations. However, decreases in the total were widely expected in 2020. I would like to hear from the Minister what assessment the Government have made of the level of remittances to sub-Saharan Africa. Specifically, have they declined in 2020 and are they expected to decline further in 2021?

A major theme of the report is the need to pay more attention to the interests and concerns of the diaspora communities which contribute to these remittances. The report also states:

“In order to develop a better understanding of Sub-Saharan Africa, the Government should seek to foster knowledge of the UK's historic relationship with the region among UK citizens.”

As my noble friend Lady Amos pointed out in her evidence to the committee, those citizens include a growing number of diaspora Africans themselves. In their response, the Government state that they are committed to continuing and increasing diaspora engagement. They said that a key area in which they will increase our diaspora engagement is on climate

change-related issues, using the opportunity provided by hosting COP 26. With less than two months to go until that summit, what preparations have the Government made to facilitate this?

Mention has also been made of our political support for civil society, which, as many noble Lords may have heard me say, is a key guarantor of human rights. A strong civil society protects human rights. The committee made the case for greater engagement with civil society groups; in the Government's response there was mention of only Nigeria and Sudan. Can the Minister detail what the Government have done to instigate further local engagement with civil society in Africa?

Our support for Security Council membership negotiations can strengthen the voice of Africa on the world stage, and our backing of the African Union-led peacekeeping missions can bring it a more stable future. Unfortunately, in recent years the Government's lack of a coherent strategy for engaging sub-Saharan Africa, in addition to their inconsistent and often incoherent foreign policy, has created obstacles to our relationship with the region. Since the Government's response to the report, as noble Lords referred to—of course the noble Lord, Lord Purvis, did so, and the noble Baroness, Lady Fall, made this clear—we have seen the break from 0.7% as it has gone to 0.5%, which has resulted in the UK abandoning its commitment to the world's most vulnerable and undoubtedly harmed our standing with our allies in Africa.

I do not want to bang on too much. I was going to make a lot of references. The report is so wide-ranging that it is incredibly difficult to cover all elements of it. I was certainly going to raise the visa point but noble Lords have mentioned it so I will not repeat it; I hope that the Minister will be able to respond to that particular point.

The committee's report presents the right starting point for developing a new approach, including taking a greater interest in the region, identifying opportunities for genuine partnership and giving altogether greater priority to our relationship with the 49 countries. However, more than that, we need to ask ourselves what role we play in the world and how sub-Saharan Africa relates to that. The UK should be an outward-looking nation that is confident of its values and determined to work with other nations to the advantage of both parties.

7.06 pm

**Lord Parkinson of Whitley Bay (Con):** My Lords, as the noble Lord, Lord Collins, said, this has been a wide-ranging and interesting debate. I am grateful to my noble friend Lady Anelay of St Johns for the way in which she opened the debate and for her great dedication as chair of your Lordships' International Relations and Defence Committee. I am also grateful for her understanding, as a former Chief Whip, for the reasons for the delay in having this debate, as well as for the patience of all the committee's members; I recognise that it has been tested. I am glad, however, that there have been opportunities during our many Statements, Questions and PNQs on the pandemic for some of the points raised in the debate to be made in your Lordships' House.

The committee made several recommendations to the Government in its report. Many of them are already informing our approach to African countries as we tackle the pandemic and work towards a sustainable recovery. Africa is a continent of unequalled diversity. It is critical that we calibrate our engagement accordingly and focus our resources to ensure that we deliver the greatest possible impact for those with whom we work and for the UK taxpayer.

The Government's vision for the UK in the world, including in relation to Africa, is set out in the integrated review. It highlighted our focus on east Africa and the continent's regional powers, such as Nigeria, South Africa and Ghana, but we are also working to strengthen partnerships across the continent to boost trade, strengthen democracies and bolster security. Our overarching objective is to increase economic growth in African countries and support them becoming greener, healthier, more open and more secure.

To achieve this, we are focusing on five priority areas: economic growth; tackling threats; open societies; human development; and the shift towards a greener, cleaner planet. In the time available, I will say a bit about each of these priority areas. I will also try to address as many of the points made and answer as many of the questions posed by noble Lords as possible. As ever, I will of course consult the official record afterwards to ensure that all noble Lords' points are properly followed up.

Our first priority is supporting economic growth to help African countries recover from the pandemic and meet the aspirations of their growing populations; as the noble Lord, Lord Anderson of Swansea, and my noble friends Lord Eccles and Lady Anelay noted, the number of people on the continent is doubling every 27 years. If African countries are to put themselves at the forefront of emerging global markets, economic growth needs not only to keep pace with but to consistently exceed population growth. That sounds ambitious—it is—but, as my noble friend Lady Fall mentioned, before the pandemic countries such as Ethiopia, Rwanda, Ghana, Benin and Côte d'Ivoire had growth rates of more than 7%. Those rates put them among the fastest-growing economies in the world. Fifteen other African countries grew at more than 5%. We want to help them to bounce back to those levels as quickly as possible.

As the Prime Minister reiterated at the Africa Investment Conference in January, our ambition is to be Africa's investor of choice. These are competitive markets—as they should be—but we have much to offer and are working hard to increase trade and investment with and between African countries. We are supporting the African Continental Free Trade Area, as your Lordships' report recommended, and strengthening our trade agreements; my noble friend Lady Anelay asked about that.

The African Continental Free Trade Area is the African Union's most ambitious regional economic integration initiative and is a potential game-changer for Africa's economic growth, driving industrialisation, jobs and prosperity. As well as delivering increased prosperity for Africa, if implemented fully, it could also generate new trade and investment opportunities for UK businesses, for example by reducing the complexity

and cost for businesses of operating in multiple countries. That is why the UK is a strong supporter of it and why, on 3 September, my honourable friend the Minister for Africa, James Duddridge, signed a memorandum of understanding with the secretariat. The MoU is the first of its kind with a non-African country and will facilitate UK collaboration with the African Continental Free Trade Area across a number of areas, including investment and trade facilitation.

At the UK-Africa Investment Summit last year, we announced more than £15 billion of commercial deals between British companies and African partners. The summit was followed up earlier this year with the Africa Investment Conference, highlighting our goal significantly to increase trade and investment with the region, which your Lordships' report recommended; the noble Lord, Lord Grocott, touched on this in his contribution. Supporting UK investment in Africa is a priority for Her Majesty's Government. In 2019, using ONS statistics, UK investment stock was £50.6 billion—an increase on the previous year of almost 15%. Last year, when many investors in Africa were withdrawing, UK development finance committed more than £800 million of investment. To touch on the points made by my noble friend Lord Sarfraz, as others were withdrawing from Africa during the pandemic, the CDC Group stepped up to provide much-needed, impact-driven, targeted capital and liquidity to investment partners in the region.

In June, as G7 president, we committed the group's leaders to working with their development finance institutions and multilateral partners to invest at least \$80 billion in the private sector in Africa over the next five years.

The noble Baroness, Lady Blackstone, pressed for specific details about our trading arrangements. We have successfully signed nine agreements with 16 countries in Africa, representing bilateral trade worth £21.7 billion—

**The Deputy Chairman of Committees (Lord Lexden) (Con):** My Lords, there is a Division in the Chamber. The Committee will adjourn for five minutes.

7.13 pm

*Sitting suspended for a Division in the House.*

7.18 pm

**Lord Parkinson of Whitley Bay (Con):** My Lords, I was saying in response to the question raised by the noble Baroness, Lady Blackstone, that the nine agreements we have signed with 16 countries in Africa represent bilateral trade worth £21.7 billion in 2019. There are also 12 trade envoys to Africa covering 15 countries, four of them Members of your Lordships' House.

A number of noble Lords raised visas. We have designed our new visa system to support our business and trade ties with Africa. It treats people from every part of the world equally, welcoming them based not on the continent they come from but on their skills and the contribution they can make to the United Kingdom. I know that my honourable friend the Minister for Africa has had correspondence with your Lordships' committee on this, including giving the

[LORD PARKINSON OF WHITLEY BAY]

reassurance that he raised many of the issues highlighted in your Lordships' report with Ministers at the Home Office, but this is a new system. As we build it, we will of course keep reviewing it and ways that it could be improved to ensure it has the confidence of those we want to welcome to the UK. We would welcome continued feedback from your Lordships' committee on this issue as we do that.

For growth to be sustainable, we must address security threats that could undermine it and harm our interests and those of our African partners. There remain pockets of violent conflict across Africa, and our second priority is to tackle them, working with affected countries, the African Union and the UN Security Council. We have expanded our diplomatic presence across the Sahel, one of the poorest regions on the planet and one suffering from growing insecurity and violent extremism. The noble Lord, Lord Purvis of Tweed, the noble Viscount, Lord Waverley, and the noble Earl, Lord Sandwich, asked about that, particularly whether we have changed our shift to the Sahel in the light of recent events. Since 2018, we have significantly expanded our presence in the region, with resident ambassadors in Mauritania, Niger and Chad for the first time, and an increase in the size of our embassy in Mali. We have also increased staffing in London, set up an advisory hub in Dakar and appointed an envoy. We are playing a prominent role in the Sahel Coalition and the Sahel Alliance.

The noble Lord, Lord Hannay of Chiswick, and others raised peacekeeping. We provide 300 troops to MINUSMA, the UN's peacekeeping mission in Mali, and four Chinook helicopters to the French counter-terrorism Operation Barkhane, as the noble Earl, Lord Sandwich, noted. We also use our £12 million Conflict, Stability and Security Fund programme to build stability and bolster conflict resolution in Mali and the wider Sahel.

We are working to tackle terrorism in west Africa and the Lake Chad basin through a £12.6 million support package to counter Daesh in the region. We continue to support conflict resolution in Somalia and Sudan, and their transitions to democracy. In addition to pressing Somalia to hold rapid and credible elections, we are using our £24 million CSSF programme to seek to reduce current and future threats by focusing on building and delivering capability in its security sector, supporting stabilisation efforts and our efforts to counter al-Shabaab.

We are working with our partners and through the UN Security Council to end hostilities in Tigray. We have used our G7 presidency to amplify our calls for unfettered humanitarian access, a dialogue to resolve the conflict and accountability for atrocities. My noble friend Lady Helic mentioned some of these. Thanks in large part to her work in government, the UK is a global leader on tackling sexual violence in conflict. We have deployed the UK team of experts more than 90 times since 2012 to build the capacity of Governments, the UN and NGOs, including most recently in Tigray, to investigate crimes of conflict-related sexual violence and to hold perpetrators to account. This year, the UK will publish the three-year PSVI strategy, which

will focus UK efforts on strengthening pathways to justice for all survivors and enhancing the support available to them, including tackling stigma.

Our third priority is to nurture open societies. That means supporting human rights and democratic values and supporting civil society groups to provide African-led solutions to the continent's challenges. It means building institutions that can stave off authoritarianism and corruption, and it means supporting democratic values and institutions through diplomacy. In Kenya, for instance, we have supported the reform of the police and strengthened independent institutions such as the judiciary and elections commission. It also means holding those who violate human rights to account, including through our sanctions regimes. In Zimbabwe, we used our new autonomous sanctions regime to hold to account four security officials who were responsible for some of Zimbabwe's worst human rights violations under the Mnangagwa Government.

Providing developmental support is our fourth priority. We are determined to end preventable deaths, improve sexual and reproductive health, and help more girls to receive 12 years of quality education. Between 2015 and 2020, more than 37 million young children, women and adolescent girls in Africa were reached through our nutrition programmes, and we supported more than 26 million people in Africa to gain access to clean water or better sanitation. Over the same period, we enabled an average of 25 million women and girls each year to access modern methods of family planning, many of them in sub-Saharan Africa.

We will continue to invest in stronger health systems towards saving the lives of mothers and children, including bilateral programmes in Ethiopia, Nigeria, Somalia, the DRC, Malawi, Uganda and Mozambique. Our bilateral programmes will be enhanced by multilateral investment and partnerships. The UK will continue to support the large-scale delivery of vaccines to children through GAVI, the Vaccine Alliance, and scale up the prevention and treatment of HIV, tuberculosis and malaria through the Global Fund.

A number of noble Lords made points relating to Covid and the provision of vaccines. I am mindful that the noble Lord, Lord Boateng, has secured a debate on that very subject in your Lordships' House tomorrow so I hope noble Lords will forgive me if I go into only some detail on it now; I will be responding to that debate and will be able to go into further detail with the extra time allowed there. We continue to support the delivery of Covid-19 vaccines in Africa, where we have contributed £548 million to COVAX. Forty-two African countries have received a total of 31 million doses through the initiative. Furthermore, the Prime Minister has announced that the UK will share 100 million vaccine doses by June next year. However, I will take back the point made by my friend Lady Fall about further discussions at UNGA and discuss it with colleagues.

In July, we hosted the Global Education Summit in partnership with Kenya, advancing our commitment to 12 years of quality education for all girls by 2030 and supporting education across Africa. This was an extraordinary demonstration of global solidarity, raising more than \$4 billion to help the world's most vulnerable



children. The UK made our largest-ever pledge of £430 million to the Global Partnership for Education fund, maintaining our position as its top bilateral donor. However, we must acknowledge some of the difficult decisions that have been taken because of the economic impact of the pandemic.

Many noble Lords raised—as we have debated many times before—the need temporarily to reduce our development spending from 0.7% to 0.5% of GNI. This was a difficult decision, and the Prime Minister has committed to returning to 0.7% as soon as possible. However, we will still spend more than £10 billion around the world this year to fight poverty, tackle climate change and improve global health. We remain the third-largest G7 donor and will spend close to half our bilateral aid budget this year in Africa. We are targeting our support where human suffering is most acute. Our focus is on preventing deaths, getting girls into school, boosting science and technology and tackling climate change.

The noble Lord, Lord Anderson of Swansea, asked some questions about VSO in the light of that. We have agreed funding with VSO for the V4D programme until the end of this financial year, and officials have started discussions with VSO on our future relationship.

A number of noble Lords, including my noble friend Lady Anelay, the noble Baroness, Lady Blackstone, and the noble Lords, Lord Grocott, Lord Alton of Liverpool and Lord Collins of Highbury, raised the issue of remittances. The Government recognise the importance of remittances sent from the UK to low and middle-income countries. We are committed to achieving G20 and SDG targets, seeking to reduce the average cost of remittances to 3% of the total being sent and with no send costs in excess of 5%. The noble Lord, Lord Collins, asked about the decline in remittances. They declined by 1.6% globally in 2020, which is a fall but a lot less than was predicted earlier by the World Bank and others.

Our fifth priority is to help African countries to become low-carbon economies and shield them from the worst impacts of climate change. We are working with countries and the African Union to prioritise climate, nature and a green recovery from Covid-19, including through the African Union's Green Recovery Action Plan, which was launched in July this year. We will use the COP 26 summit to address the disproportionate impact of climate change on Africa and turbocharge global action. We are pressing donor countries to live up to the \$100 billion climate finance commitment made at the Paris climate summit. For our part, we have committed to doubling our climate finance to £11.6 billion. This is helping developing countries to pursue sustainable low-carbon futures.

Like my noble friends Lord Lilley and Lord Hannan of Kingsclere, we recognise the importance of reliable, affordable and clean energy to African nations' development. Low levels of access to electricity present a major barrier to development and an opportunity to leap-frog to low-carbon economies, driven by renewable energy. That is why the UK launched the COP 26 Energy Transition Council, which will help to accelerate the transition from coal to clean energy across Africa. It will bring together the global political, financial and

technical leadership in the power sector to seek to improve the international offer in support of an equitable transition from coal.

In the time available, I have given just a glimpse of the work we are doing across Africa. We have one of the largest diplomatic networks—

**Lord Boateng (Lab):** Before the Minister sits down, I hope he is going to address Cameroon.

**Lord Parkinson of Whitley Bay (Con):** I am indeed. I was not yet winding up, simply saying that I have been able to give but a glimpse of the soft power work that we are doing across Africa. We have one of the largest diplomatic networks across the continent, strengthening partnerships with African countries and creating further people-to-people links. In working towards our goals, we will make the most of our considerable soft power assets, which were noted in your Lordships' report and its recommendations. We have a rich array of creative, cultural and sporting links to build on, whether through scientific collaborations, tech start-ups, Africa Fashion Week London or BBC Africa.

The education sector is another vital link in this area. More than 30,000 African students are studying here in the UK. The British Council supports better knowledge of the English language through a number of programmes, including English Connects, which engaged with more than 1.3 million 18 to 35 year-olds through digital resources in the last academic year. Our Chevening programme, which was mentioned, has an extraordinary record of accomplishment in helping to educate future and current African leaders. We have increased funding for the programme and the 2019 intake of 1,100 was the largest ever.

A number of noble Lords talked about the importance of the diaspora communities here in the UK. We are looking to make better use of the knowledge and expertise of our African diaspora communities in strengthening our partnerships. Already, this approach has helped to identify trade and investment opportunities in countries such as Ghana and Nigeria. There are important ways in which the diaspora communities can build bridges with civil society and communities in their countries of descent to support action on priorities such as open societies and climate change. The noble Lord, Lord Collins of Highbury, mentioned COP 26, and of course we want everybody in the United Kingdom to be engaged with that important summit.

The noble Lord, Lord Alton of Liverpool, and my noble friend Lord Howell of Guildford both raised China. As the Government's response to your Lordships' report made clear, the committee's recommendations reflect the Government's current approach. China is an important source of aid, trade and investment for many African nations. However, we are clear-eyed about the potential risks that this poses vis-à-vis issues such as debt sustainability and China's economic and political influence. We take a nuanced and differentiated approach. We seek to maximise the positive impacts that China might have, especially in multilateral fora, while working to mitigate any risks. We distinguish

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carefully between the threats and opportunities China poses in Africa, and proactively engage where doing so is in the national interest and supports our Africa objectives.

The noble Lord, Lord Alton, also raised the case of Leah Sharibu. We remain deeply concerned about Leah's welfare. Our officials in Abuja raised her case with the Nigerian Government in March this year. The Nigerian Government have provided assurances that they are doing all they can to secure her release, and the release of all those still held in captivity.

Cameroon was raised by the noble Lord, Lord Boateng, the noble Baroness, Lady Blackstone, and others. The Government remain deeply concerned about the situation in the northwest and southwest regions of Cameroon. We are aware of reports of human rights abuses in those regions and have made representations to the authorities about the importance of timely and transparent investigations into such reports. Indeed, we regularly raise our concerns about the crisis with the Government of Cameroon at the highest levels. The Minister for Africa visited Cameroon in March this year, met both President Biya and Prime Minister Ngute and set out the UK's commitment to supporting a peaceful resolution.

The UK has also shared our experience of conflict resolution with the Government of Cameroon, and we work in conjunction with international partners, including France, as the noble Lord said, to raise the crisis in multilateral fora. During my honourable friend's visit in March, he met the American, French and Swiss representatives to share assessments of the crisis. We also welcome the active conflict resolution role that can be played by faith leaders, both locally and globally, and welcomed the visit by the Vatican's Foreign Minister, Cardinal Parolin, in June.

The noble Lord, Lord Boateng, and the noble Baroness, Lady Blackstone, asked about trade in the light of all this. The UK-Cameroon economic partnership agreement ensures continuity of our trading arrangements, but the Government's approach is clear: using trade to support development is not mutually exclusive to the rule of law, protecting human rights and democratic principles. We continue to press the Government of Cameroon to uphold these important principles, which underpin the economic partnership agreement.

I am now, however, running out of time, and must conclude—

**Lord Hannay of Chiswick (CB):** I recognise the time too and wish to ask a question, because the Minister has not answered at all the two points most frequently raised in this debate: visas and our trade policy, going beyond simply running to stand still. Does the Minister, on behalf of the Government, accept that within six months they will bring forward an overall approach to improving trade with African countries, as was called for by the noble Lords, Lord Lilley and Lord Hannan of Kingsclere? Is he unable to give us any information about visa policy, which, as a large number of noble Lords pointed out, is probably the biggest single impediment—apart from the cut in aid—to our improved relationship?

**Lord Parkinson of Whitley Bay (Con):** I am very sorry if the noble Lord missed it, but I did address the points that many noble Lords raised about visas. I noted that my honourable friend the Minister for Africa responded to the committee about that and gave the reassurance that he had raised the points mentioned in your Lordships' report with Ministers at the Home Office as we implement our new visa arrangement, which welcomes people from around the world, based not on the continent they come from but on the skills they provide and the contribution they can make. I repeat what I said earlier: we welcome further discussion with the committee and the experiences of the people with whom noble Lords come into contact as they use the new system. We want it to enjoy the confidence of all those who use it.

I also outlined the Government's approach to trade vis-à-vis Africa with the investment summit and the work we have been doing with the trade envoys, which continues, but I will certainly revisit the official record and, if I have missed some of the points that the noble Lord, in particular, raised, I will ensure that he gets the response he wants.

**Lord Oates (LD):** On a point of clarification, can the Minister assure the Grand Committee that the MoU with the Africa trade area will be referred to your Lordships' International Agreements Committee and will be published? I declare an interest as a member of that committee.

**Lord Parkinson of Whitley Bay (Con):** If the Committee will permit me, I will take that back and provide a response once I have been able to discuss it with colleagues at the Foreign, Commonwealth and Development Office. I will ensure that the Committee has an answer on that point.

In conclusion, the Government greatly value the interest of your Lordships and the committee in our relationship with sub-Saharan Africa and ensuring that Africa is a key part of the long-term approach of global Britain. We recognise the enormous potential that comes with the continent's young demographic and growing markets. We are very grateful for the report and this debate, which has been a welcome opportunity to discuss it in depth and to cover some new ground as well. I know that the debate will continue, but for today I end by again thanking everyone for their participation and my noble friend for the way that she opened the debate.

7.39 pm

**Baroness Anelay of St Johns (Con):** My Lords, I also begin with thanks to all noble Lords who participated in today's debate, as well as to those who rotated off—it is horrible phrase, is it not? It sounds like something to do with a rotisserie—in January and those who have rotated on. I thank those who have such a deep knowledge and interest in Africa and see beyond what the red tops—okay, I read the *Daily Mail*, but noble Lords know what I mean—say about it; they have a much deeper understanding than so many. It was great to be able to listen to noble Lords; thank you very much indeed.

It was a great privilege to introduce this report because it was the first time I have been able to do so since I became chair in July 2019, taking over from my noble friend Lord Howell. Without him, this committee would not have existed in any event and this House would have been the poorer for it. He is possessed of an enviable quality of analysis and clarity of presentation. I always used to enjoy listening to him in the long, cold years of opposition when he was our Front Bench spokesperson—the Treaty of Lisbon? We were there—and when he was the Minister at the Foreign Office and subsequently served this House so well.

I very much agree with the point made by the noble Lord, Lord Collins, that the purpose of our committee was to move the dial—a horrible phrase, but the noble Lord made it much better. He said that it is important to change the narrative about the region. That was picked up by my noble friend Lord Hannan, who talked about the stereotypes stuck in the some of the minds of not just younger people but older people, if I can speak like that. Too often we think about Live Aid as describing all of Africa. We think of poverty. There is a difficult nexus here. We must try to encourage people to be generous, and to realise the value of overseas development and of contributing, both financially and through hours of work for voluntary organisations to assist across Africa. However, we must also be sure that we can be clear about the opportunities, as my noble friend Lady Fall set out so clearly. We have to look at the strengths in Africa and build on them while not being doe-eyed and ignoring some of the vile practices that go on in, say, the middle of the mining areas of the DRC, as well as the ways in which Presidents and Prime Ministers seem to ignore their constitutions and try to go on for ever. We must be clear-eyed about the difficulties too.

My noble friend Lady Helic made a really important point about that: not so long ago, we saw Ethiopia as the way forward for the future, with the great success when Abiy Ahmed became its leader. I went there with the Inter-Parliamentary Union in February 2019. It was very much a case of meeting people who were excited about this new environment in which people of different religions and regions were coming together. You could feel the dynamism. Science parks were being thrown up all over the place; the Chinese were investing there a great deal, of course. At that time, I had the privilege of having a meeting with Ethiopia's equivalent of our upper House. The Speaker of that House, who was a Muslim and the first woman Speaker of their upper House, was from Tigray. Now, she is no

longer there. She left immediately after the conflict began and made it clear that she would stand in Tigray with those being oppressed.

I think the conflict in Tigray has made us realise far more carefully that we should never take anything for granted in Africa. We need to be able to work in partnership, but we also need to ensure that we do not tell Africans how to behave, because there is such diversity, and it would make it look as though we were going back to our old ways of trying to foist our views on them.

On the other hand, if we do not assist with conflict resolution, why will businesspeople invest in Africa and ensure that there is a way forward that is good for them—but my goodness, it would be good for us, with a hard-edged idea about the increase in a population who have been increasingly well educated, who are motivated and with whom we really should be able to share innovation, as my noble friend Lord Sarfraz said. There are the ideas about how entrepreneurial work should occur in Africa.

When I visited many countries in Africa as a Minister, I met entrepreneurs who were longing to have better trade links with us. My colleague on the committee, the noble Baroness, Lady Blackstone, and I visited a regional economic community when we were in Botswana on a Commonwealth Parliamentary Association visit. We saw its determination to make the African continent free trade agreement work, against the background that the regional economic communities have had their own cross-border issues in their activities too, so it is not a straightforward matter.

Throughout all this, there is so much that we can achieve as the UK in partnership. We will be watching the way forward in what the Government do—my noble friend Lord Parkinson will know that. I thank him for stepping in at very short notice to take this debate. He has done that astonishingly well—although that sounds terribly condescending; I apologise for that. We will be watching, because one of the roles of any Select Committee in holding the Government to account is to ensure, when the Minister is wise enough to say in winding up that he will follow up on any points that he has not answered, that we remember and press him on that. He knows that here before him is a group of Peers who are trying to ensure that the United Kingdom is successful in its relations with all the countries in sub-Saharan Africa. We are ambitious.

*Motion agreed.*

*Committee adjourned at 7.48 pm.*