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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Questions	
House of Lords: Politically Exposed Persons.....	1001
White Ribbon Campaign.....	1004
International Development Strategy.....	1007
Operation Warm Welcome.....	1010
China: Genocide	
<i>Motion to Take Note</i>	1014
Army Restructuring: Future Soldier	
<i>Statement</i>	1055
Migrants	
<i>Motion to Take Note</i>	1070
Small Boats Incident in the Channel	
<i>Statement</i>	1097
Money Laundering and Terrorist Financing (Amendment) (No. 3) (High-Risk Countries) Regulations 2021	
<i>Motion to Approve</i>	1105
Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021	
<i>Motion to Approve</i>	1110

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The following abbreviations are used to show a Member's party affiliation:

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

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House of Lords

Thursday 25 November 2021

11 am

Prayers—read by the Lord Bishop of Coventry.

House of Lords: Politically Exposed Persons *Question*

11.06 am

Asked by Baroness Hayter of Kentish Town

To ask Her Majesty's Government what assessment they have made of the case for designating all Members of the House of Lords as Politically Exposed Persons for the purposes of anti money laundering rules.

Viscount Younger of Leckie (Con): My Lords, under the money laundering regulations, a politically exposed person—a PEP—is defined as an individual who is entrusted with prominent public functions, including Members of Parliament or similar legislative bodies. In July 2017, the Financial Conduct Authority published guidance on PEPs, which stated that UK PEPs should be treated as lower risk unless other risk factors applied. Firms are required to apply enhanced due diligence to all PEPs on a risk-sensitive basis.

Baroness Hayter of Kentish Town (Lab): My Lords, it seems that genuine money launderers can bring in foreign money and buy up property with no disclosure of ownership, but we PEPs get this ridiculous six-page questionnaire, which I have just received, wanting to know about my past employers, my family wealth—I have not got any—my lottery wins, my jewellery, and not just my car but “cars”; I have only got one. Many of your Lordships have approached me to say that they and their families have been similarly inconvenienced. The Minister has just reflected that the FCA guidance says that the exposed person should be treated as low risk, but that is not what is happening. Will the Minister meet me and other affected Peers, along with Treasury and FCA officials, to discuss this, so that banks can spend rather more of their time catching the real crooks instead of wanting to know about my—I am afraid—John Lewis jewellery?

Viscount Younger of Leckie (Con): I have a lot of sympathy with the issues raised by the noble Baroness. The Government are committed to tackling the threat posed in the UK by economic crime, but it is imperative that we minimise the burden placed on legitimate businesses and customers. I hope that I can give some assurance to the noble Baroness that the Treasury and the FCA are working together to consider what more can be done in this space, and, where possible, to engage further with banks and firms on how they could interact with their customers who are PEPs. We would be very happy to have a further call or meeting with the FCA to discuss this further.

Lord Vaizey of Didcot (Con): My Lords, with impeccable timing, my building society wrote to me yesterday to say that it was reviewing its approach to PEPs, following my throwing my toys out of my pram when it emailed me and my 83 year-old mother to ask, among other things, about my casino winnings. It is quite clear that the banks and building societies are ignoring the FCA's advice, which is to approach each person as an individual and assess the risk individually. I therefore commend the Minister for reminding them of their obligations and look forward to joining the noble Baroness's meeting. The only silver lining to come out of this debacle is that it is only since joining your Lordships' House that I have become a politically prominent figure.

Viscount Younger of Leckie (Con): The guidance provides clarity on how firms should apply the definitions of a PEP in the money laundering regulations in the UK context. This includes providing that firms should treat only those in the UK who hold truly prominent positions as PEPs and not apply the definition to local government, more junior members of the senior Civil Service or any military officials other than the most senior. On casinos, my noble friend will know that they are regulated by the Gambling Commission. Again, I offer my sympathy with the points raised.

Lord Stevenson of Balmacara (Lab): My Lords, like many others, I and my family have suffered delays and significant loss of services because of the poor and inconsistent interpretation of this measure, which might be founded on good sense but is being applied poorly. The FCA is currently preparing to introduce a duty of care—a new approach to the way in which financial institutions are meant to deal with their customers. Does the Minister agree that the fundamental change of approach configured by that provides us with another opportunity to get this issue sorted once and for all?

Viscount Younger of Leckie (Con): Again, this is further anecdotal evidence that has come forward. In line with the FCA guidance on PEPs, in lower-risk situations a firm may take measures to simplify the enhanced due diligence checks. This should include seeking to make no inquiries of a PEP's family or known close associates, or taking less intrusive and less exhaustive steps. The oversight and approval of the relationship takes place at a level less senior than board or director level. I hope that the meeting that has been mooted will iron out these issues, but clearly they are there.

Lord Sharkey (LD): As other noble Lords have said, the banks continue to break the guidelines on how to treat UK PEPs and their families. The guidelines were set out four years ago and were very clear. Despite that, Nationwide wrote to my daughter last month—as well as to the noble Baroness, Lady Hayter—asking her for enormous and intrusive financial detail. There was a six-page questionnaire to be filled in, and a warning that if she did not fill it in, her account might be closed. That is a clear breach of the FCA guidelines. Can the Minister say what the point of guidelines is if they are not enforced and what sanctions can be imposed on offenders?

Viscount Younger of Leckie (Con): Although the guidelines were updated in 2017, as the noble Lord will know, clearly there is more work to be done on the proportionate way in which PEPs can be handled. As the noble Lord will know, from April 2018 the Financial Ombudsman Service has had jurisdiction to consider complaints about the treatment of PEPs. Since then, the ombudsman has received fewer than 10 complaints in this area, but I am not being complacent about this matter.

Lord Tunnicliffe (Lab): My Lords, I think we are all asking the same question, but it is a question worth asking. Looking into this, I note that the legislation relating to it is the money laundering regulations 2017. I find SIs impenetrable but I find the Explanatory Memorandum more useful. Paragraph 7.16 of the Explanatory Memorandum is so clear:

“The Regulations require firms to assess the risk posed by individual PEPs on a case-by-case basis and tailor the extent of EDD”—

enhanced due diligence—

“accordingly.”

On the prior point, it states:

“Refusing to establish a business relationship or carry out a transaction with a person simply on the basis that they are a PEP is contrary to the letter and the spirit of the law.”

How do Her Majesty’s Government ensure that this requirement is met?

Viscount Younger of Leckie (Con): To be upfront about it, the Treasury is responsible for the money laundering regulations but the regulations are not prescriptive in setting out how firms should carry out customer due diligence. Instead, they require firms to take a proportionate approach commensurate with their assessment of the risk. As I said earlier, clearly there is more work to be done. Customer due diligence allows firms to obtain reasonable satisfactions that customers are who they say they are and that there are no legal barriers, but clearly there is more work to be done on PEPs.

Viscount Waverley (CB): My Lords, for curiosity’s sake, is this a UK-wide catch-all? Are Nigerian politicians, for example, with bank accounts in the UK deemed to be politically exposed persons under this arrangement? Many in your Lordships’ House, if not all, appear to be caught up in this classification. Will the Minister kindly accept that the banks are looking for one thing but are not receiving it—the necessary clarity and guidance and, by the by, urgent regulatory reform? Is the FCA at fault? If not, who controls the regulator?

Viscount Younger of Leckie (Con): Of course, what we are talking about today is the behaviour of banks and firms and the proportionate nature of what they should be doing. I say in response to the question from the noble Viscount that the UK remains and must remain at the forefront of international anti-money laundering standards. We have played a leading role in tackling corruption and illicit finance internationally. This is evidenced by the fact that our regime was found to be the strongest out of almost 100 countries. But the other side of the coin is customers, and clearly a more proportionate standard needs to be taken.

Baroness Quin (Lab): My Lords, I support the points made by previous questioners. I seek an assurance from the Minister that banks will not pass on information that they acquire in this way for marketing and other purposes. That is not acceptable. What contact have the Government had with other countries? I understand that some countries provide much more of a light touch, particularly on public representatives who have never previously given rise to suspicion and who fill in their tax returns and fulfil their obligations generally.

Viscount Younger of Leckie (Con): Indeed. We are a strong member of the Financial Action Task Force, so we are in touch with other countries about what they do. As I said earlier, we have one of the strongest regimes, but it is up to us in the UK, particularly now that we have left the EU, to review how we operate. By the way, the noble Baroness will know that we are undertaking a review on the anti-money laundering regulations, which will report in June 2022.

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

White Ribbon Campaign *Question*

11.16 am

Asked by Baroness Crawley

To ask Her Majesty’s Government what plans they have, if any, to support the White Ribbon campaign which seeks to end male violence against women.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): Good morning, my Lords.

Along with other Home Office colleagues, I welcome and support this year’s white ribbon campaign by wearing a white ribbon and making the white ribbon promise to

“never commit, excuse or remain silent about male violence against women”.

Our tackling violence against women and girls strategy will radically change the response to these crimes with a whole-systems approach, focusing on prioritising prevention, supporting survivors and pursuing perpetrators.

Baroness Crawley (Lab): My Lords, I thank the Minister, who is highly respected for her work in the area of ending violence against women. She will know that, since the terrible death of Sarah Everard, more than 80 more women have been killed by men. As well as awareness-raising among men and boys in schools, communities and the workplace that preventing such violence is in their hands, can she set out the investment the Government are making in this primary prevention work through their July document, *Tackling Violence Against Women and Girls Strategy*?

Baroness Williams of Trafford (Con): I am very grateful to answer that question. The Home Office has made a number of interventions. We have provided £300 million for victim and witness support services

this year, an increase from around £200 million last year. The noble Baroness will know that, as part of the spending review, the Ministry of Justice has announced £185 million a year by 2024-25 to boost victim support services, and this will fund more than 1,000 independent sexual and domestic violence advisers and 24-hours-a-day crisis helplines. She will also know that we plan to run a communications campaign in support of the white ribbon aims. She gets to the heart of the problem: unless men own the problem, it will never end.

Baroness Donaghy (Lab): The Crime Survey for England and Wales undercounts violence against women and girls; it measures households but not institutions. Three of the most striking findings by the Femicide Census in the last decade on the killing of young women are the repetition of fatal errors by the authorities, the inadequate collection of data, such as on ethnicity, and the impact of campaigning mothers and fathers mourning their daughters and trying to improve the system. Will the Minister recommend the collection of data on the killing of women to be gathered in an accessible and central repository? Will she empower the domestic abuse and victims' commissioners to ensure that recommendations to tackle femicide are implemented?

Baroness Williams of Trafford (Con): The collection of data is obviously crucial. It is something we talked about a lot during the passage of the Domestic Abuse Act. I go back to the original point that the noble Baroness makes about repeated offending. One of the things we have tried to do through the Act is to stop the cycle of offending through DAPOs and other interventions and, returning to the original point made by the noble Baroness, Lady Crawley, to make men own the problem of repeated violence against women.

Baroness McIntosh of Pickering (Con): I congratulate my noble friend on her bravura performance last night and during the whole of yesterday. Does she recognise the figures that, in the past year, one-third of women have suffered sexual harassment and that one in eight crimes involves domestic abuse? Against that background, does she believe that the current legislation is fit for purpose?

Baroness Williams of Trafford (Con): I certainly think the current legislation is fit for purpose because noble Lords and Members of the other place helped to take it through. It is a very good piece of legislation. We said at the time that it was the start, not the end, of the interventions that we had to make to prevent violence against women and girls, but I am very proud of what we have achieved.

Baroness Jolly (LD): My Lords, White Ribbon UK does not currently receive any government funding. The separate White Ribbon Scotland, which operates autonomously, runs a similar programme and receives some support from the Scottish Government. In future, will our Government follow the example of the Scottish Government and make a grant to White Ribbon in England?

Baroness Williams of Trafford (Con): I do not think it has requested funding from us, but I will check that point. We committed to launch a communications

campaign this year that targets and challenges perpetrators of these types of crimes and ensures that victims can recognise abuse and receive the support they need.

Lord Singh of Wimbledon (CB): My Lords, the commendable white ribbon initiative will clearly appeal to those appalled by violence against women, but it will do little to curb violent offenders. Does the Minister agree that to tackle violence against women we have to supplement the teachings of the three Rs at school with the other three Rs of right, wrong and responsibility so that children do not copy but challenge negative attitudes and irresponsible behaviour?

Baroness Williams of Trafford (Con): There is no doubt that what children see at home is quite often repeated throughout their life, so if their mother is a victim of domestic abuse quite often her children will grow up to be more likely to be victims of abuse. That cycle has to stop, and one of the ways in which we can do that is to teach our boys and girls at school what respectful relationships look like.

Baroness Wilcox of Newport (Lab): My Lords, quite coincidentally my question follows on from that of the noble Lord, Lord Singh. In the Newport City Council and Gwent Police area, residents, businesses, schools and community groups are being asked to sign up to the #30Challenge to raise awareness of the 30 children who every day in Gwent are affected by incidents of domestic abuse at home where the police are called. This allows the police to tell schools about any child or young person who has been involved in an incident of domestic violence at home, enabling the school to ensure that the appropriate help and support is available. Does the Minister agree that this innovative scheme could be replicated in other UK police forces?

Baroness Williams of Trafford (Con): I do. Throughout the passage of the current Bill and the Domestic Abuse Bill, we have all stressed the importance of information sharing. Multiagency work is the only way to identify and break some of these cycles of abuse.

Lord Jones of Cheltenham (LD) [V]: My Lords, all of us, particularly men, need to say loud, clear and often that male violence against women is totally unacceptable. As well as teaching proper behaviour in schools, have the Government carried out any research into the effects of alcohol and other mood-changing drugs in cases of violence?

Baroness Williams of Trafford (Con): When certain events happen, it is very clear that domestic abuse increases. I am thinking of big football matches and other such things that may lead to excessive drinking. There is no doubt that there is a correlation.

Baroness Chakrabarti (Lab): My Lords, it is very nice to be able to congratulate the Minister on securing the distinguished legal services of Dame Elish Angiolini as chair of the Sarah Everard inquiry. I remain concerned that it is a non-statutory inquiry, given the lack of co-operation with the Daniel Morgan inquiry and the need to subpoena not just present police officers but

[BARONESS CHAKRABARTI]

former ones. Can the Minister confirm that the decision about whether it is converted into a full statutory inquiry will remain with Dame Elish, not with the department or the Home Secretary?

Baroness Williams of Trafford (Con): The noble Baroness will know that it is purely a Home Secretary decision. I think the other thing she will acknowledge is that in Dame Elish we have a highly respected, highly competent individual to lead the inquiry.

Baroness Jones of Moulsecoomb (GP): My Lords, I too congratulate the Minister on her performance last night; it was a long one. A start, perhaps, to putting in a complete package on this issue of male violence towards women might be to make misogyny a crime. Are the Government considering that?

Baroness Williams of Trafford (Con): I think the noble Baroness is aware that we are not currently considering misogyny as a hate crime, but we have asked the Law Commission to look into whether hate crimes based on sex or gender should be considered.

International Development Strategy Question

11.27 am

Asked by **Lord McConnell of Glenscorrodale**

To ask Her Majesty's Government when they will publish their international development strategy.

Lord McConnell of Glenscorrodale (Lab): My Lords, noting my interests in the Lords register, I beg leave to ask the Question standing in my name on the Order Paper.

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, the Foreign, Commonwealth and Development Office is leading work on a new cross-governmental international development strategy. The strategy will establish an ambitious and positive vision for the UK's approach to development in a new global context. It will set out the UK Government's strategic development goals and demonstrate how the UK plans to remain a leader on development. It will be published in spring 2022.

Lord McConnell of Glenscorrodale (Lab): My Lords, the terribly sad events in the English Channel in the past 24 hours will shame this generation in history for our failure internationally to cope with displacement and the millions of people who are running from fear or poverty. They cross dangerous seas because they are either terrified of the lands and people they have left or because they believe there is no other route to a better life. Do the Government agree that the best way to help those people is to ensure that they can have a better life in the countries from which they originate? To do that, we need to support safe and secure societies and sustainable development, so will the sustainable development goals of the United Nations be central to

the new international development strategy, and will the Government continue to support the important work on conflict prevention and stability that has been a mark of UK international development over the past 15 years?

Lord Goldsmith of Richmond Park (Con): My Lords, the Government strongly agree with the arguments put forward by the noble Lord. The IDS priorities are fairly straightforward: honest, reliable, sustainable infrastructure in developing countries precisely to deliver the progress and stability necessary to avoid the situation that we saw yesterday; delivering Covid-19 vaccines; life-saving humanitarian support to those who need it; getting more girls into school; preventing sexual violence in conflict; and leading the fight against climate change and environmental destruction.

The Lord Bishop of Coventry: My Lords, the integrated review made many ambitious claims about the UK's international role. I found it gave less away about the principles to meet those claims. Does the Minister accept that to be credible the new development strategy must be rooted in effective development principles, including the Paris declaration and the Accra agenda, and draw on the evidence of what works on the ground?

Lord Goldsmith of Richmond Park (Con): Yes, my Lords, the international development strategy builds from the integrated review and articulates the Government's strategic development goals, which are very much in line with the priorities identified by the right reverend Prelate. It will establish an ambitious and, above all, positive vision for the UK's approach to development in a new global context and lay out how the UK plans to remain a leader on development.

Baroness Sugg (Con): My Lords, I welcome the Foreign Secretary's commitment last week to restore funding to women and girls to pre-cuts levels, although that is bittersweet as the funding will have to be found from further cuts to other important programmes. What year will be used as a benchmark for this, and when will the funding be restored? Will it include restoring full funding to sexual and reproductive health, which has suffered cuts of 85%, affecting women and girls all around the world?

Lord Goldsmith of Richmond Park (Con): My Lords, we want to ensure that everyone has the ability to thrive and meet their potential. That is a key focus of our approach. We are restoring funding to women and girls to pre-ODA cut levels, focusing on giving more girls a quality education, ending the appalling practice of female genital mutilation, supporting girls' health and ending the abhorrent use of sexual violence around the world, particularly in conflict. Educating girls is one of the best investments that we can make to fight poverty. Following the recent SR, decisions on specific allocations and individual programmes will be published shortly.

Lord Hannay of Chiswick (CB): My Lords, will the Minister brief the House on any new commitments that were made under the aid programme during the two weeks of the COP 26 conference that he attended?

Will they be funded over and above the 0.5% GNI that has already been allocated, or are the Government going to rob Peter to pay Paul?

Lord Goldsmith of Richmond Park (Con): My Lords, the Government committed some time ago—I believe it was two years ago—to double our international climate finance to £11.6 billion. There was a commitment from the Prime Minister that we will add £1 billion to that commitment if the financial trajectory that is anticipated for this country continues and we meet various criteria, but the commitments that were announced around Amazon forest protection, indigenous people's support and so on will come from the international climate finance commitment that has already been made.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, when I was at DfID I was greatly impressed by the development work done by older people, particularly older women, in families and communities. How much more could be done with greater encouragement and support? Could the Minister give an assurance that there will be a section in the international development strategy on the way in which older people can contribute to the development in their countries?

Lord Goldsmith of Richmond Park (Con): My Lords, I cannot give specific commitments but the principle is absolutely right. One of the reasons we are looking at scaling back our investments through some of the multilateral development organisations is in order to be able to provide more bilateral support. That bilateral support, when directed at the grass roots—when directed towards supporting those people who are really delivering change on the ground—will be more effective, in our view, than some of the investments that have been made in the past. That would of course include investing in communities and all members of those communities.

Lord Purvis of Tweed (LD): But, my Lords, whole swathes of bilateral programmes have been cut in their entirety because of the development assistance cuts, and each of the coming three years will see a 40% reduction on pre-cuts levels. The Government are expecting us to believe that in one year, 2024, £5.2 billion extra can be programmed, planned and delivered in a sensible way. This kind of stop-start approach is what we wanted to move away from so that those bilateral programmes could be planned properly. Does the Minister agree that the very least we could do is stage this so that this year it is 0.5%, next year 0.6% and then 0.7% the following year?

Lord Goldsmith of Richmond Park (Con): My Lords, it will not be a sudden decision to return to 0.7%. Of course, I hope, as everyone does, that 0.7% is something that we can return to very quickly, but it is not going to happen overnight. We know from projections and economic trends when we are likely to meet that point, and that will provide us with ample time to prepare in order to ensure that we can spend the money effectively.

Lord Alton of Liverpool (CB): My Lords, I declare my relevant interest in a number of all-party parliamentary groups. Does the Minister agree that central to our international development strategy is the BBC World

Service? If so, is he aware of the warnings from the National Union of Journalists that without renewed funding, in April 2022—in just a matter of weeks—vital programmes to places such as Korea, Ethiopia and Eritrea could be adversely affected? Will he ensure that as a matter of urgency the necessary certainty of funding—the point being made by the noble Lord, Lord Purvis, a few moments ago—is resolved, and will he promise to keep the House informed?

Lord Goldsmith of Richmond Park (Con): My Lords, I admit I have not seen the report that the noble Lord cites but I will dig it out after this session and convey his message, which he makes extremely well, to colleagues at the Foreign Office.

Lord Collins of Highbury (Lab): My Lords, Covid has seen an additional 283,000 children under five predicted to die from malnutrition, yet the FCDO is currently set to cut ODA to nutrition by 70%. Nutrition programmes not only save lives but are central to girls' education, vaccine efficacy and economic development. Ahead of the Nutrition for Growth summit next month, which this country has led the way on, will this Government commit to making a prominent pledge to ensure that they meet the UK's commitment to reach over 50 million children, women and adolescent girls by 2025?

Lord Goldsmith of Richmond Park (Con): My Lords, I cannot make specific commitments now other than to say that the strategy that we are due to publish will take forward our commitments in the integrated review that set out clearly that the UK is one of the world's leading development actors. We are committed to the global fight against poverty and to achieving the sustainable development goals by 2030. The strategy that is published will absolutely support those aims.

Lord Londesborough (CB): My Lords, whatever development strategy is arrived at, the Chancellor is still wielding the sword of Damocles over the overseas aid budget, effectively slashing some £5 billion off our contributions for every year that we fail to meet his fiscal tests. We can only guess how many years that will be. Does the Minister agree that such financial uncertainty undermines the whole process of development strategising?

Lord Goldsmith of Richmond Park (Con): My Lords, we are in a position in relation to aid and aid cuts that I do not think anyone welcomes, but we are in the situation that we are in. The projections that the Government have put forward suggest that we are likely to be able to return to 0.7% by the end of this spending review, and of course that is something that I very much hope will happen.

Operation Warm Welcome Question

11.37 am

Asked by **Lord Young of Cookham**

To ask Her Majesty's Government how many Afghan refugees accepted under Operation Warm Welcome are currently living in hotels.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the cross-government effort to ensure that people were brought from Afghanistan to the UK as quickly as possible meant that it was not always possible to arrange local authority support in advance of arrival. In those cases, we have put in place hotel bridging accommodation. There are approximately 12,000 Afghan people living in 80 bridging hotels. That figure changes regularly as people move in and out of hotels.

Lord Young of Cookham (Con): My Lords, following the withdrawal of US troops from Afghanistan, the Government deserve praise for evacuating some 15,000 people to safety in the UK and for then launching what they described as

“one of the most generous schemes in our country’s history”

to resettle Afghan citizens. While many are indeed rebuilding their lives, too many, as we have just heard, are still stuck in hotels, with their children unable to access schools, with difficulty getting GP services and being unable to work because of problems with visas. Can my noble friend give a target date for moving into permanent accommodation the judges, doctors, members of parliament and other brave men and women who worked alongside us in Afghanistan?

Baroness Williams of Trafford (Con): My Lords, I am afraid I cannot announce a target date as it is subject to the number of housing pledges, the “jobs first” approach and other options. However, we continue to work with local authorities to source appropriate accommodation as soon as possible for families who were evacuated to the UK, and we are most grateful to the 323 local authorities that have pledged support.

Viscount Stansgate (Lab): I want to ask the Minister about a government promise that needs to be kept. I know personally of an Afghan interpreter who did great work with our Armed Forces and even translated for the former Prime Minister, David Cameron, when he visited the country. Unsurprisingly, the interpreter fled for his life and is desperately worried about his family, who remain in Afghanistan. I appeal to the Minister for advice. First, does she accept that his wife, young son, widowed mother and brother can be defined as “immediate family”? Secondly, if I write to the Minister with details of this case, will she undertake to look at it with a view to giving them visas to come to the UK? Thirdly and finally, does she accept that we owe a debt of gratitude to people of this kind and their families, and that they deserve to have the safe future in this country that was promised?

Baroness Williams of Trafford (Con): The noble Viscount will of course appreciate that I cannot talk about individual cases at the Dispatch Box, but I appreciate his concern for his friend and his family. I would definitely appreciate the noble Viscount writing to me and then we can take the case forward.

Baroness Brinton (LD) [V]: My Lords, NGOs are reporting that there is no co-ordination on cross-departmental issues relating to the two separate Afghan refugee schemes. They are telling us that any request is pointed to a different department: MoD points to

FCDO, the FCDO points to the Home Office and it points to the Department for Levelling Up. It feels like nothing is getting done. Will the Minister undertake, as a matter of extreme urgency, that a publicly named Minister and civil servant be given responsibility for cross-departmental working relating to the Afghan refugee schemes?

Baroness Williams of Trafford (Con): I hope I can satisfy the noble Baroness in naming that Minister. It is my honourable friend Victoria Atkins, who is based in MoJ, DLUHC and the Home Office, and is responsible for the Afghan resettlement scheme.

Lord Bellingham (Con): My Lords, early reports seem to indicate that at least some of the victims of yesterday’s appalling tragedy were from Afghanistan. The whole country was absolutely appalled and horrified at this disaster. Does my noble friend agree that the only way to prevent a repeat is to make sure that the UK bears down on those Mafia-style people-smuggling gangs, and to work with France to prevent further refugees leaving its shores?

Baroness Williams of Trafford (Con): Yesterday’s tragedy brought into sharp focus the human cost of criminals, caring nothing for human life, recklessly bringing people across the channel—and in what did not even look like boats yesterday. I totally agree with my noble friend.

Baroness D’Souza (CB): My Lords, the refugee burden on counties in the south-east of the UK is unfair. What incentives are being offered to families in other counties to open their doors to some of the persecuted Afghans? Are the UK Government considering schemes to place some of the hundreds of those waiting in hotels into settled communities, as is being attempted in Canada, for long-term social, economic and cultural benefits?

Baroness Williams of Trafford (Con): The noble Baroness gets to the heart of what an ideal system looks like, which is integration into communities. There is of course a community sponsorship scheme; I pay tribute to the Church of England, and the Catholic Church in my own area, for the work they have done on that. On what we are doing to incentivise, we are giving £20,500 to local authorities over three years to support each person’s integration. As I say, we are most grateful to those 323 local authorities which have pledged their support.

Lord Rosser (Lab): I believe the Minister said that there were 12,000 in hotels. How many have been resettled into permanent homes? I do not think she gave that figure but, as she said, there is no shortage of local authorities ready to provide support. There are of course issues with shortages in housing, for reasons that we all know. Is the scheme backed by full costs for a year going from central government to local councils?

Baroness Williams of Trafford (Con): We brought 15,000 people here and 12,000 are in bridging hotels. There is slightly more complexity to it than there being no shortage of offers, because some of the families are

quite big. Sourcing accommodation suitable for large families is therefore perhaps more of a challenge than it might be. But we are working at pace and across government to try to get people permanent accommodation.

Lord Cormack (Con): Will my noble friend place in the Library a list of those local authorities that have taken refugees and a list of any that have refused? What is being done to vet hotels, following that dreadful incident where the young child fell out of a window and was killed?

Baroness Williams of Trafford (Con): I am not willing to provide a list of local authorities because one thing we were clear about, right at the start, is that this is not a name-and-shame exercise. There is gratitude for those local authorities which offer to take people and families. I can confirm to my noble friend that the hotels are of a good standard. Yes, it was an absolute tragedy about that poor child but the hotels certainly meet our standards.

Baroness Kennedy of The Shaws (Lab): I too commend the Government on providing places for people fleeing Afghanistan but want to ask a number of questions about the schemes that exist. Is the ARAP scheme, which evacuated people who had worked in conjunction with our military, our embassies and so on in all sorts of capacities, still operating? For example, a policewoman who fled violence—one of the pioneering women police officers—is currently in Islamabad. Her temporary visa there is running out. She was working on prosecutions of people for assaults on our British military. Is the ARAP scheme still operating for the father of one of the judges I have in Athens who we managed to evacuate? The father was the writer of the constitution of Afghanistan, at our behest and that of the West. Are we still running a scheme for people who helped and made those things possible? Secondly—

Noble Lords: Too long!

Baroness Kennedy of The Shaws (Lab): I just want to ask about a resettlement scheme being set up for Afghan citizens, which we keep being told about. When is it going to come into operation?

Baroness Williams of Trafford (Con): I will give the short answer to the first question, which is yes. The challenge on that is getting people out, as the noble Baroness knows because we have talked about it. We are still working on the ACRS, the Afghan citizens resettlement scheme, at pace to try to get it up and running. We intend to take around 5,000 refugees in the first year and up to 20,000 in the coming years. It is one of the UK's most ambitious resettlement schemes ever.

Lord Herbert of South Downs (Con): My Lords, LGBT people are particularly at risk from the new regime in Afghanistan, so I welcome the lead which the United Kingdom has taken in already bringing such people to safety. I thank the Government for working in partnership with NGOs such as Rainbow Railroad, Stonewall and Micro Rainbow to achieve this. Will my noble friend the Minister commit to continuing to prioritise such people and ensure that they can be safely settled here in the UK?

Baroness Williams of Trafford (Con): I wholeheartedly share my noble friend's concerns. The people who are still there must be terrified. We will of course prioritise them, along with other very vulnerable people who remain in that region.

The Lord Speaker (Lord McFall of Alcluth): My Lords, that concludes Oral Questions for today.

Arrangement of Business *Announcement of Recess Dates*

11.48 am

Lord Ashton of Hyde (Con): My Lords, after our late night last night—or this morning—I thought it might be an appropriate time to make a short statement about recess dates. A note containing the dates I am about to announce will be made available in the Royal Gallery. I should stress, as is always the case, that these dates are subject to the progress of business.

As previously announced, we will rise for Christmas at the end of business on Thursday 16 December. However, we will now return on Wednesday 5 January, which is a day later than originally planned. We will then rise for the February recess on Thursday 10 February and return on Monday 21 February. We will rise for Easter on Thursday 7 April and return on Monday 25 April. Looking further ahead, we will rise on Thursday 26 May for Whitsun and return on Monday 6 June. Finally, we will rise for the Summer Recess on Thursday 21 July.

China: Genocide *Motion to Take Note*

11.50 am

Moved by Lord Alton of Liverpool

That this House takes note of the reported remarks of the Secretary of State for Foreign, Commonwealth and Development Affairs that a genocide is underway against the Uyghur population in Xinjiang, China.

Lord Alton of Liverpool (CB): My Lords, in moving the Motion that the House takes note of the reported remarks of the right honourable Liz Truss MP, the Foreign Secretary, that a genocide is under way against the Uighur people in Xinjiang, I need to thank all noble Lords who will speak today. I declare that I am a vice-chair of the All-Party Parliamentary Group on Uyghurs and a patron of the Coalition for Genocide Response, whose founders I thank—along with the Library of the House—for the briefing material which has been made available to your Lordships. Similarly, thanks are due to the Inter-Parliamentary Alliance on China, of which I am also a member.

Today's debate on genocide has deep roots, stretching back to the still unrecognised genocide of 1915 against the Armenians. It was carefully studied by the Jewish-Polish lawyer, Raphael Lemkin. More than 40 members of his own family were subsequently murdered in the Holocaust, the genocide of 6 million European Jews. Lemkin both created the word "genocide" and

[LORD ALTON OF LIVERPOOL]
 campaigned for the 1948 genocide convention, to which we acceded in 1970, and which ultimately led to the creation of the International Criminal Court.

Article II of the convention sets out what constitutes a genocide. This is not dependent on numbers killed—indeed, no killings at all are necessarily “required” if at least one or more of the five prohibited genocidal acts are proven—but it evaluates

“intent to destroy, in whole or in part, a national, ethnical, racial or religious group”.

As we debate what is afoot today in Xinjiang, recall how, in Europe, bureaucrats identified who was a Jew, confiscated property, used their victims as slave labour, scheduled trains to uproot them from their homes and communities, and deprived them of livelihoods and positions in society; and how German pharmaceutical companies tested drugs on camp prisoners, confiscated personal property, shaved heads, sent hair, jewellery, and other artefacts as trophies, and then made prisoners build their crematoria.

Since 1948, we have witnessed genocides in Cambodia, Rwanda, Bosnia, Darfur, northern Iraq and Burma, and now in China. Repeatedly, we have failed to honour our convention duties to predict, prevent, protect and punish.

As a new member of the House of Commons, as long ago as November and December 1979, I criticised the failure to utilise the visit of the Chinese Communist Party’s chairman, Hua Guofeng, to raise with him the Cambodian genocide being perpetrated by the CCP’s allies, Pol Pot and the Khmer Rouge. The Government declined at the time to name it as a genocide.

In Darfur, Rwanda, northern Iraq and Burma, I have seen first-hand how the promise to break the relentless and devastating cycles of genocide has never materialised. Will it be any different in Tigray, where the warning signs for mass, ethnically targeted violence are flashing red?

A former Yazidi MP asked me why we had not recognised the attempts to liquidate her community as a genocide. She was not alone in her incomprehension. Boris Johnson, then the Foreign Secretary, said Isis was “engaged in what can only be called genocide ... though for some baffling reason the Foreign Office still hesitates to use the term genocide”.

Following the attempts to eradicate the Yazidis and other minorities in Iraq, the world watched aghast as the same fate befell the Rohingya and others in Burma. Then came reports of mass incarceration and “re-education” of more than 1 million Uighurs in Xinjiang, with evidence of displacements, sterilisations of women, torture, rape and the use of slave labour in what has become a surveillance state. Speaking at the United Nations Human Rights Council, Dominic Raab rightly described the persecution of the Uighurs as being “on an industrial scale”.

During consideration of what is now the Trade Act 2021, by a majority of 129, the House passed an all-party amendment prohibiting trade with genocidal regimes. The House will remember that the so-called “genocide amendment” sought to provide an answer to the problem of the United Kingdom’s inoperable policy on genocide, a policy which refuses to engage with our convention obligations without the prior decision

of an international court. However, as the House knows, no such court will ever hear a case against the People’s Republic of China.

Agreeing with this point, the House provided a judicial route to make a preliminary determination on the question of genocide via the High Court, a proposal devised on the advice of my noble and learned friend, Lord Hope of Craighead. A compromise amendment designated committees in each House to consider whether there was credible evidence of genocide committed by a potential trading partner. But this new mechanism is triggered only when there are formal negotiations for a free trade agreement with China, so it does nothing to help Uighurs now.

In any event, even if it did, the Foreign Office has said the committees’ decision would not be binding, any more than the historic decision of the House of Commons in April to declare a genocide in Xinjiang. The Foreign Office also rejected the findings of the House of Commons Foreign Affairs Committee report *Never Again: The UK’s Responsibility to Act on Atrocities in Xinjiang and Beyond*. It said it would not accept the Select Committee’s conclusion that the Government should

“respect the view of the House of Commons that crimes against humanity and genocide are taking place, and take a much stronger response.”

In September, our own International Relations and Defence Committee, on which I serve, published a report on China, trade and security. In evidence, Charles Parton, a leading authority, told the inquiry:

“Xinjiang and the genocide—and it is genocide under the UN convention’s description—have to be taken into account. This is not just about the sheer goodness and badness aspect but the reputation of companies of ours that are trading with those that are producing materials through forced labour and benefiting from what is going on in Xinjiang.”

The United States Secretary of State, Antony Blinken, is quite clear. He says:

“the forcing of men, women and children into concentration camps, trying to, in effect, re-educate them to be adherents to the ideology of the Chinese Communist Party, all of that speaks to an effort to commit genocide.”

Genocide is not part of the great game of diplomacy; it is the ultimate atrocity crime.

Very unusually, and to her enormous credit, Liz Truss has refused to follow the Foreign Office line and is reported as stating that the treatment of Xinjiang’s Uighurs must be regarded as genocide. With the British Foreign Office saying the opposite of what the Foreign Secretary is saying, the Prime Minister has the right to be even more baffled.

Major independent analysis and leaked documents all reach the same conclusion as the Foreign Secretary. Essex Court Chambers found that there is a “very credible case” that the Chinese Government are carrying out the crime of genocide against the Uighur people. A 25,000-word report from the Newlines Institute for Strategy and Policy, involving over 30 independent global experts, found that the Chinese state is in breach of every act prohibited in Article II of the genocide convention.

One could also read: the Australian Strategic Policy Institute’s compelling report *The Architecture of Repression; Laundering Cotton*, the joint report of Sheffield Hallam University and the Helena Kennedy

Centre for International Justice; the joint contribution of Dr Joanne Smith Finley and Dilmurat Mahmut on cultural genocide, which will appear in the forthcoming volume *The Xinjiang Emergency*, edited by Michael Clarke; Dr Adrian Zenz's recent work on the use of population control, separation of families, sterilisations and abortion to target the Uighurs; and Darren Byler's book *In the Camps: Life in China's High-Tech Penal Colony*. I have sent links to these reports to the Minister.

The published research suggests that, since 2016, at least 1 million people have been detained in Xinjiang without trial. The purpose is to "re-educate" them and replace their Muslim faith and culture with adherence to the ideology of the Chinese Communist Party.

Last month, CNN broadcast an interview with a former Chinese police detective who described how Uighurs had been pulled from their homes, with police officers

"handcuffing and hooding them, and threatening to shoot them if they resisted".

The BBC bravely broadcast the testimonies of courageous Uighur women who described conditions in the concentration camps, including their re-education, rape and public humiliation by camp guards.

No one can say we did not see this red light flashing. No one can say we did not know. I have been to western China and Tibet. Since 2008, I have raised the plight of the Muslim Uighurs on over 70 occasions, in questions, speeches, endless emails to the ever-patient noble Lord the Minister and a take-note Motion in 2013.

The fate of these 1 million incarcerated Uighurs should be seen in the context of the enormities committed by the Chinese Communist Party, with one estimate holding the CCP responsible for the deaths of 50 million Chinese people over the decades. See it against the massacre in Tiananmen Square, the outrages in Tibet, forced organ harvesting, the destruction of Hong Kong's freedoms, the daily intimidation of Taiwan and attempts to silence the parliamentarians who call them out. See it in the context of the £2 billion Evergrande South Sea bubble, the disappearances, torture, persecution and the imprisonment of lawyers and brave Chinese journalists asking the difficult questions about, for instance, the emergence of Covid-19 in Wuhan.

Lamentably, UK institutions care far too little about the origins of dirty money, about the use of slave labour in Xinjiang or the nature of the CCP. Note that the Commons report says that

"there are substantial research connections between the Chinese organisations responsible for these crimes and UK universities".

While the Commons committee tells us that

"the issue of forced labour in Xinjiang is pervasive, widespread".

Yet in your Lordships' House, the Trade Minister told us that his ambition is to further deepen our trading relations.

Meanwhile, companies like Hikvision, banned in the United States but not here, are, according to the Commons inquiry, responsible for the cameras

"deployed throughout Xinjiang and provide the primary camera technology used in the internment camps".

The same facial recognition cameras are even collecting facial recognition data in the United Kingdom. The Government were asked to prohibit UK organisations

and individuals from doing business with companies known to be associated with the Xinjiang atrocities through the sanctions regime. Can the Minister tell us whether we are doing this and why the Government have declined to carry out an audit of the UK assets of CCP officials? Will he explain why we sanctioned four lower-level Chinese officials for their repression in the Uyghur Region, but left out Chen Quanguo—the architect of the whole thing, whom the US has sanctioned and who is also responsible for mass human rights abuses in Tibet?

Critically, given that, as per ICJ case law, the trigger for state responsibility is not whether a state has concluded that the criminal threshold for genocide has been reached but rather, that it believes there to be a serious risk of genocide, can the Minister tell the House if his department has undertaken an analysis of whether or not there is a serious risk of genocide in the Uyghur Region, and if not, why not?

Today, following the remarks of the Foreign Secretary, we need to provide a feasible judicial route to justice for victims of genocide and strengthen our capacity to identify and prevent emerging genocides. We should be ensuring evidence collection and preservation for future trials, insisting on criminal accountability and taking long overdue action on forced labour supply chains and trade linked to Uighur slave labour. Are we on the side of the slaves or the slave drivers?

Last week I met a Uighur woman who told me that more than 20 members of her family have disappeared. What are we doing to protect witnesses, including those who have given evidence to the Uyghur Tribunal chaired by Sir Geoffrey Nice QC? What are we doing to stop Uighur refugees being repatriated to China? What of the Winter Olympics? Not only should there be a diplomatic and ministerial boycott, but the public should protest to the big-name IOC sponsors—Intel, Omega, Panasonic, Samsung, Toyota, Coca Cola, Allianz, Alibaba, and others—that their sponsorship brings them discredit and that their money is blood money.

The word "genocide" should not be used inaccurately. But we should not hesitate to use it when and where all elements of the crime are present. That is what Liz Truss has done and I admire her for doing so. It is unacceptable for the Foreign Office to dismiss the view of this House, of the House of Commons, of its Foreign Affairs Committee, and of the Foreign Secretary. It is simply not tenable to go on with the same unresolved circularity—a vicious circle which debases the duties of the genocide convention. We cannot continue gesturing in the direction of courts, which we all know are incapable of holding China to account; that is immoral. We also owe it to the memory of Raphael Lemkin and to all of those who have been victims of genocide to do far more to confront this evil and those who have been getting away with genocide. I beg to move.

12.04 pm

Baroness Kennedy of The Shaws (Lab): My Lords, it is with great respect for the noble Lord, Lord Alton, that I say that he has provided the most incredible leadership in this House on what is happening to the Uighur people at the hands of the Chinese authorities. I have all too often made speeches in this House about the full horrors of the human rights abuses that are

[BARONESS KENNEDY OF THE SHAWES]
 taking place there. I am not going to rehearse them all again today, but we know that what is happening is certainly one of the most grievous kinds of human rights abuses. When we signed the convention on genocide, we were committing to preventing genocide taking place. So, when our Foreign Secretary indicated that she, too, took the view that there was a genocide in train—that it was processing—she was really talking about the very thing that is to be prevented under the genocide convention.

Like the noble Lord, Lord Alton, I too am frequently in contact with people who give me accounts of what is happening to their family members or what has happened to them. As a lawyer, I look for evidence. A report published by Dr Laura Murphy of Sheffield Hallam University—a very impressive academic who is rigorous in the material she uses and the evidence she applies to her work—has indicated that slave labour is being used in Xinjiang province, in the internment camps, and should be a source of serious alarm to us all. As well as writing *Laundering Cotton*, she has also written a very important report pointing out that 35-40% of the polysilicon used worldwide in the creation of solar panels is created in this province and in the factories and camps where forced labour is used.

Her most recent report is on cotton, and it points out that 20% of the world's cotton emanates from Xinjiang province and that the way it is produced should be a source of deep alarm. She relied on the first-person testimonies of people who had been held and managed to escape, of those who work in the internment camps as security staff or teachers, and of relatives of those in the camps. They reveal that minority citizens held in those camps are “forcibly sent” to work as part of their daily schedules. Participation in labour programmes is not voluntary; it is coerced through threats of imprisonment, and torture has regularly been used.

People who are supposedly released or transferred from the camp system are often required as part of their release to work in co-located proximate factories or industrial park employment. Approximately 135 camps have these co-located factories, so people are released but have to work in the factories; there is compulsion to do so. In compelling people to work in these internment camps, the CCP has designated certain Uighur citizens as “surplus” labour. They are allowed to live outside the camps, but are forced into this form of employment, and that includes many people of retirement age.

Local governments are required to identify surplus labourers and compel them to take these jobs in factories. The surplus labour programmes affect nearly every minority family in the region. We know that this is a coercive system because the CCP explicitly argues that anybody who is not in vocational training or the right sort of economic condition has to be placed in these factories and in work. These transfers take place on a mass scale. If a Uighur person resists, a state-sponsored programme is put into play through which they are required to take part in the processes that bring them into the factories.

The details of the conditions in these factories are also shocking. There are razor wire fences, iron gates and security cameras. The surveillance is constant, and people are monitored by the police at all times.

The report by Laura Murphy makes it clear that people are paid either nothing or minuscule amounts, but then have deductions made from the small amount of money they might receive on the basis that they have to pay for their own transport and food. The food provided comes at great cost, so they end up with very little in the way of recompense for the work they do.

These are militarised working conditions. People are moved around the country. Young women are moved to places far from their own homes to work in factories. It is all part of what the noble Lord, Lord Alton, described, which is a way of disrupting a community. It has its culture removed from it and experiences serious human rights abuses. This is a genocide in progress, as the Foreign Secretary has said. I hope the House will take note of that as we go forward.

12.11 pm

Baroness Smith of Newnham (LD): My Lords, I pay tribute to the noble Lord, Lord Alton, for yet again bringing to the attention of your Lordships' House, of the country and, I hope, of the Government the importance of looking at what is happening in China, particularly in the Xinjiang region. He has put such great effort into this that we need to stop and try to understand why the Foreign, Commonwealth and Development Office seems to find it so difficult to recognise a genocide going on. He made it clear that there are various ways of looking at a genocide; there are aspects of understanding it. Essex Court Chambers has made it clear that it believes that all aspects of genocide are visible in Xinjiang province.

This is not a new issue; it has not suddenly come on the horizon. We have been hearing about it and debating it for months, years or, in the case of the noble Lord, Lord Alton, decades. So why does the Foreign, Commonwealth and Development Office find it so difficult to acknowledge this as a genocide in progress, particularly if former Foreign Secretary and now Prime Minister Boris Johnson was baffled and the current Foreign Secretary sees it as a genocide in progress, as the noble Baroness, Lady Kennedy of The Shaws, has just pointed out? Surely if the Foreign Secretary believes that something is a genocide, the Foreign, Commonwealth and Development Office should look very closely at it.

It is worth reading out an extract from an ICJ ruling from 2007 on the application of the Convention on the Prevention and Punishment of the Crime of Genocide in the case of *Bosnia and Herzegovina v Serbia and Montenegro*. Paragraph 431 stated that

“a State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent ... it is under a duty to make such use of these means as the circumstances permit”.

The House of Commons has already called the situation in Xinjiang a genocide against the Uighur people. The Foreign Secretary believes that it is a genocide happening right now. How can Her Majesty's Government say that they did not know? How are they not in breach of their duties under the convention on genocide? Surely they have to admit that they are aware of this issue.

One of my academic colleagues some years ago gave a presentation from a book that she had written on the recognition of genocide. She suggested that European Governments were often reluctant to name genocides precisely because they felt that, if they did so, they would have to take action. You cannot just turn away if you know something to be a genocide. Can the Minister explain to us why the Foreign, Commonwealth and Development Office, unlike its Secretary of State and unlike the House of Commons, thinks that somehow this is not a genocide in the making?

We are hearing about forced labour, forced abortions, forced sterilisations, family separations and transfer of people of the Uighur minority and other minorities across China. It is a genocide potentially on the grounds of ethnicity but, since we are also talking about Muslim minorities, there is potentially another aspect of genocide. What work are Her Majesty's Government doing to look into what is happening and to consider what action they can take? Magnitsky sanctions can be used; I declare an interest as an officer of the new APPG on Magnitsky Sanctions. What work are the Government doing to identify individuals? We have heard in previous debates that people have been named but not yet sanctioned. Could the Government look into who has been involved in causing genocide and perhaps sanction some more people?

I raised a question on 21 October about labelling of textiles. The Minister—the noble Lord, Lord Grimstone—kindly wrote to me and said that the Government do not require the origins of goods to be named, except for food products. Very often, something says “Made in China”. Many of your Lordships are wearing masks, as required. Please look where your masks were made. Can we consider whether we believe that any of the supply chain could have included slave labour? Are we perhaps all complicit?

12.17 pm

Lord Anderson of Ipswich (CB): My Lords, this is the first time that I have presumed to speak on the atrocities in Xinjiang, although I have followed previous debates with nothing short of admiration. I came to the subject by two slightly unorthodox routes: a professional interest in surveillance techniques, and an invitation to British experts in late 2015, backed by our respective Governments, to talk to the Chinese about counterterrorism. We were politely received, but I cannot claim that the presentation that I gave with the defence attaché on lessons learned from the excessive use of internment in early 1970s Northern Ireland had the slightest impact. Indeed, it later transpired that, as we were speaking, plans were being made elsewhere in Beijing for brutal mass internment on a scale unimagined since the Second World War. I declined the invitation to participate in the return leg of the dialogue.

To read accounts of so-called de-extremification in Xinjiang is to recall the torturer near the end of *Nineteen Eighty-Four* explaining Big Brother's ability to strip Winston of his humanity:

“You will be hollow. We shall squeeze you empty, and then we shall fill you with ourselves.”

But the claim of genocide requires more than that—indeed, more even than proof of one or more of the terrible acts specified in the genocide convention. The

perpetrator must be shown to have acted with the aim or desire of destroying a protected group, as a whole or in substantial part—a question which needs to be answered on the facts as they apply to each specific act and each specific defendant.

To see how demanding this test can be, let us take the horrendous human and logistical evidence of organ harvesting from healthy young Uighurs that was detailed this summer in Ethan Gutmann's shocking interim report, *The Killing of Innocents for their Organs*. The author characterises what he believes to be taking place as “maintenance genocide”. However, if, for the sake of argument, it could be shown that such practices were intended only to ensure a source of supply for China's notorious transplant industry, however murderous and inhuman the practice, the purpose of group destruction would not have been made out. To establish the responsibility of China itself, as the international law expert Alison Macdonald QC explained in her published legal opinion of January this year, would require either the genocidal intent of specified senior officials to be attributed to the state, or for genocidal intent to be

“the only possible inference available from the pattern of persecutory conduct.”

She described that threshold as a high one. Regardless of what the Foreign Secretary is reported to have said in a private conversation, I have some sympathy with the Government's view that such intricate and fact-dependent questions are more appropriately resolved by judicial or quasi-judicial bodies than by the assertions of Ministers.

Although China has so far been able to ensure that the competent international courts cannot entertain these claims, we are fortunate to have other bodies which, although not courts, are at least equipped to take the necessary forensic approach. The Newlines Institute published in March this year its clear and fully referenced analysis of what it considered to be China's breaches of the genocide convention. Meanwhile, here in London, the Uighur tribunal will hand down judgment on 9 December. Its president, Sir Geoffrey Nice, was the chief prosecutor of Slobodan Milošević in The Hague and was knighted for services to international criminal justice. The Chinese Government think the tribunal significant enough to have imposed what were described as sanctions on Sir Geoffrey back in March, as they did on the first two speakers in this debate. I hope that our own Government will afford equal attention to its findings, whatever they may be.

My last point is this: whatever the Uighur tribunal may conclude about genocide should not obscure the broader picture of international criminal responsibility, including for crimes of the highest seriousness that are easier to establish than genocide because they concentrate on the individual victims and no group-destructive purpose must be proved. I have in mind in particular the seven crimes against humanity, ranging from torture and rape to enforced sterilisation and disappearance, for which the Macdonald opinion considered there to be evidence. The badge of genocide is one that its victims are fully entitled to wear, but it has been argued that, in the long term, that badge could, in some circumstances at least, perpetuate fruitless outrage

[LORD ANDERSON OF IPSWICH]

rather than contribute to reconciliation or the resolution of historic disputes—a point made thoughtfully by Philippe Sands QC in his book *East West Street*.

In short, legal labels matter, particularly when they are written by courts, and genocide is the most arresting label of them all. I support all those who are investigating whether it can be justified—but, if the product is sufficiently visible, the label becomes secondary. The fact that the Nuremberg tribunal convicted senior Nazis of crimes against humanity rather than genocide, as it had been invited to do, does not, I hope, diminish anyone's opinion of the Holocaust as the ultimate evil.

I join other noble Lords in saluting all those who have brought the horrendous situation in Xinjiang to the attention of the world, often at great personal risk, and thank my noble friend Lord Alton for stimulating once again the conscience of the House.

12.23 pm

Lord Polak (Con): My Lords, I too pay tribute to my friend, the noble Lord, Lord Alton.

The summer of 1936 is a dark stain on British history, when in another attempt to appease Germany, Britain participated in the Berlin Summer Olympic Games. This event was orchestrated by Joseph Goebbels as an attempt to camouflage the Nazis' racist, militaristic character, an attempt undermined by Adolf Hitler's snub of Jesse Owens. This infamous moment was just one xenophobic and prejudiced step on the path to the Nazi genocide. Today, Britain finds itself in a chillingly similar position. Should we participate in the 2022 Winter Olympics, which will be hosted in China?

As we speak, Uighur Muslims in Xinjiang are being detained in concentration camps, with testimonies of torture and rape taking place daily. Mosques are being destroyed, imams have been imprisoned, and prayer has been listed as suspicious activity. We are witnessing a watershed moment and, if we choose to participate in these Games, we are repeating our same mistakes from 1936. As we know too well, if we do not learn from history, we are doomed to repeat it.

A few months before his passing, Lord Sacks of blessed memory published a post about the distressing developments in Xinjiang. He wrote:

“As a human being who believes in the sanctity of human life, I am deeply troubled by what is happening to the Uighur Muslim population in China. As a Jew, knowing our history, the sight of people being shaven headed, lined up, boarded onto trains, and sent to concentration camps is particularly harrowing. That people in the 21st century are being murdered, terrorised, victimised, intimidated, and robbed of their liberties because of the way they worship God is a moral outrage, a political scandal and a desecration of faith itself.”

This coming Sunday is the first night of Hanukkah. Jewish families across Britain and the world will stand by their windows as they light candles and tell the story of Hanukkah. The story tells the tale of religious persecution in an attempt to spread Hellenism. Antiochus seized the Jewish Temple, prohibited all Jewish practices and began the mass conversion, re-education and indoctrination of all Jews to the Hellenist lifestyle. A small group of Jews fought to regain control of Jerusalem, led by Judah the Maccabee. On re-entering the temple, the Maccabees went to light the Menorah; they found

a small jug which contained just enough oil to last for one day, which lasted for eight—and thus the eight days of Hanukkah.

The light of the Menorah, burning for eight days, represented then, and represents now, the importance of freedom. The Maccabees fought for their religious freedoms, and they fought against Hellenist conversions and indoctrinations. The Menorah light burning signified to all that God protected the Maccabees and helped this small group of rebels overthrow a large Greek army so that they could freely manifest and practise their religion to protect their rights to be different. To quote the Al HaNissim prayer that we say on Hanukkah:

“God delivered the mighty into the hands of the weak, and the many into the hands of the few, and the wicked into the hands of the righteous”.

It is our duty at this Hanukkah to stand up for those in their time of need and to give support to the weak and suffering.

There is so much that we can learn from the Hanukkah story. The bedrock of our democratic society is built on the rights of each person to express themselves as they wish and to practise and worship as they choose. We are a country that prides itself on diversity and acceptance. We must not stand idly by, as we watch a genocide take place under the guise of re-education. We must be the light that represents and fights for these freedoms. We must be a leading nation that takes action. We cannot repeat history by appeasing China and ignoring the atrocities taking place in Xinjiang.

I read the tweet of my noble friend the Minister from yesterday. He said:

“I am delighted by the announcement made by our UK Foreign Secretary ... that the UK will be hosting the International Conference on Freedom of Religion or Belief on 5-6 July 2022, in London”.

I commend the Government on that excellent initiative, but our lead will be taken seriously only if we act in the name of freedom of religion or belief. So today I say to my noble friend the Minister that history is currently being written and we have the chance to change course. I have previously praised the Government for their condemnation of China's appalling and inhumane treatment of the Uighur Muslims. Today I ask my noble friend and the Government to take these criticisms one step further. In response to China's disregard for human rights and human dignity, I implore the Government to stand up on the world stage and refuse to participate in the Beijing Winter Olympics.

12.29 pm

The Lord Bishop of St Albans: My Lords, I too pay tribute to the noble Lord, Lord Alton, for his tireless work in this area. I also share with him a sense of frustration—I feel as if I have stood up so many times as we have engaged with this issue, yet it seems that we are not able to confront it in a way that is really making a difference. Despite all our hopes of human progress, it is quite extraordinary that here we are, at the start of the 21st century, witnessing events such as we see and which are now well documented. There is no doubt that they are going on.

We are all too willing to use words such as “never again”. Year by year, we stand at the Cenotaph and pray for peace, but I note that, when Christ spoke, he

said “Blessed are the peacemakers”. Peace is not simply the absence of strife; it is something that has to be fought for, time and again—it is something we have to make. Surely, of all things, as we want to be a global Britain and a force for good in the world, we must realise that this will be a costly battle. This will not come without any implications for us as a nation—perhaps that is the reason why so many people are reluctant to move on it.

Back in June, I wrote a piece called ““Global Britain’—A force for good or free trade power?” As I struggled with thinking through the issues, I came to the conclusion, reluctantly, that very often those two things are incompatible. We will not be able to have all the trade and free trade that we want if we are to be a global force for good. It is all too tempting to strike a Faustian bargain to maximise economic prosperity at the expense of foreign policy, or to accept that, in pursuit of the good, trade may be disrupted. That is especially true when it comes to China, given that our bilateral trade is more than £90 billion per annum. The question is not whether this is the price to pay for standing up for the Uighurs but whether the lives, welfare and future of the Uighurs as a people are the concession that we make to healthy economic ties with China.

A number of noble Lords have already raised the issue of our approach to the 2022 Beijing Winter Olympics. Many people are calling for, as a minimum, a diplomatic boycott. It is something that I support; my personal view is that I disagree with the noble Lord, Lord Coe—with whom I have been in correspondence—that such a boycott would simply be a meaningless gesture and that non-engagement between government officials rarely bears fruit. Let us be in no doubt: it would mean a huge amount to those Uighurs who are living in fear and feel abandoned to their fate. Can the Minister tell us what consultations are taking place in government about our approach to the Winter Olympics and whether there is serious consideration at least of a diplomatic boycott?

I have no doubt that the Minister will assure us that Her Majesty’s Government are using all the diplomatic routes available. But diplomacy sometimes—in fact, frequently—needs to be matched with action. Diplomacy in this instance clearly has not been bearing the fruit that we need if we are going to see China confronted. A diplomatic boycott may be a gesture, but it would be a strong gesture—one that expresses our anger and frustration at the events and atrocities going on in front of us. It would be a signal that the current diplomatic approach is unsatisfactory in the results it is producing and that western Governments are capable of taking most robust action in defence of beleaguered minorities across the world, in whichever country they may be.

I personally believe that we need to find an international coalition to stand up to China on this. If we do not, there are many other areas in which it will expand. I am sure that the Government are in close contact with our American counterparts as we consider those options but, as part of those considerations, one question will be: what price might we have to pay for it? Perhaps a better question is: what moral authority will we lose, and what price will the Uighurs pay, if we do not do all in our power, whatever the cost, to confront these dreadful atrocities that are unfolding in front of our eyes?

12.34 pm

Lord Hannay of Chiswick (CB): My Lords, my noble friend Lord Alton has most admirably and in great detail set out the facts that confront us. I will not repeat what he said, because he has been an example to all of us in the way that he has brought this matter, time and again, before your Lordships’ House.

I suspect that I may be one of the few Members of your Lordships’ House, perhaps the only one, who has some direct experience, and indeed shared collective responsibility, of having failed to avert not one but two genocides—those in Rwanda and at Srebrenica—when I was Britain’s representative at the UN Security Council. Those were genocides that met the Government’s—in my view—narrow and legalistic criterion of being so judged by an international court. That experience scarred my conscience and demonstrated how defective the 1948 genocide convention was, lacking as it did any enforcement provisions or processes.

Following those two searing events, some progress was made to meet the challenges of prevention of genocide and retribution for it. In 1999, the International Criminal Court was established, albeit with a lot of signatories missing, and, in 2005, the “responsibility to protect” norm was endorsed unanimously at a UN summit. But neither of these steps forward has prevented further genocides being committed—most notably and unmistakably, I would argue, in an instance mentioned by my noble friend Lord Alton, on the Yazidi community in northern Iraq and Syria by IS, for which, shamefully, no legal proceedings at the ICC have yet been instituted.

Now, in Xinjiang, evidence has emerged, validated by journalists, academics, and members of the Uighur community and their families, by technical means and by many Members of your Lordships’ House, of acts by the Chinese Government which undoubtedly constitute serious breaches of international humanitarian law and human rights against the Uighur people of that region and which, being based on ethnic and religious identity, resemble genocide or a prelude to it. Faced with this evidence, what has been the Government’s response? To repeat what I have called a narrow, legalistic definition of genocide, that only an international court can define it as such.

There are, I suggest, two fundamental defects to that view. The first is that, for genocide to be so deemed, a lot of people—in Rwanda, hundreds of thousands, and at Srebrenica, thousands—have first to be killed. The second is that, as China is a permanent member of the UN Security Council with a veto, and a non-member of the ICC, there is not the slightest chance of that criterion ever being met.

I therefore hope that, when the Minister replies to this debate, he will not simply repeat what has been said so often before, and cease saying what the Government will not do when genocidal evidence emerges, as it has done, and will focus rather on what they will say and will do. First, I suggest that, if such evidence is solid and convincing—and it looks like that to me—the Government should not hesitate to say that it constitutes a prima facie case for deeming that genocide is taking, or has taken, place. Secondly, I hope that he will also say that, if they do take that view on the prima facie case, our policies will be based on and guided by that prima facie judgment. If we can

[LORD HANNAY OF CHISWICK]
take those two steps, we would be beginning to contribute effectively both to prevention and to retribution, instead of just wringing our hands and waiting for the bodies to be brought out.

12.39 pm

Lord Cormack (Con): My Lords, we have just heard a very brave speech from the noble Lord, Lord Hannay, admitting the failures of the past with which he was inadvertently associated. We owe a great deal today, not only to the noble Lord, Lord Hannay, for what he has just said, but particularly to the noble Lord, Lord Alton, who has indeed been a leader in this particular case. I salute him for what he has done, persistently, not over months but over years and indeed decades, as somebody said. We are all in his debt. We are also in debt, in a lesser way, to our Library for producing such a useful paper as a background to today's debate.

My parliamentary hero has always been that remarkable small man from Yorkshire, William Wilberforce, who, against all the odds in his time, spearheaded in Parliament the campaign against the slave trade, and then against slavery, and who, as he died, in 1833, was brought the news that the Bill abolishing slavery itself had passed through both Houses of Parliament. He can and should be an inspiration to us all. But, of course, as one evil is combated—and we have every reason in this country to be proud that we took a lead there—others arise. I was born just before the outbreak of the Second World War. I remember being taken to the cinema and seeing those newsreels from Belsen, from which my mother tried to protect me, but my father said I should see them and realise what evil mankind can be capable of. When I was a young Member of Parliament, in another place, I had the great honour of being chairman of the campaign for the release of Soviet Jewry.

Those were evils that were combated, but at enormous cost. And now, what are we to do to take a lead against unspeakable atrocities being committed in China? A great nation that persecutes its minorities can never be great in stature, however great it may be in size, and we have to realise that. No nation can be great in stature, as ours has been in the past, unless it is prepared to stand up and say, "This is something we cannot accept". It is often said that he who sups with the devil must use a long spoon, and he who trades with a nation that is committing bestial atrocities against its own people has to say, "Where is our moral compass in all this?"

Of course, there are things we cannot do, but there are things we can do. My noble friend Lord Polak talked about the forthcoming Winter Olympics, as did the right reverend Prelate the Bishop of St Albans. They were right: it is not a futile gesture to say that we will not take part, and I hope we will not. Certainly, there should be no participation on a diplomatic level, but I do not think there should be participation on the ski slopes either. I think we have to nail our colours to the mast here. We have to be very careful. The noble Baroness, Lady Smith of Newnham, spoke again—she has done so before—about cotton. We have to be able to say that we want to keep our hands as clean as we can and try to find our moral compass again. We want to try to point the way to how one should deal with nations that are perpetrating great evil.

The Chinese have done it before, in Tibet. They have virtually extinguished a unique civilisation. They have done it in other parts of their own enormous country and they are doing it now. I do not think there is any more appalling, revolting manifestation of what they are doing than the trading of organs. It is despicable, and I do not mind if my Chinese visa is withdrawn for saying that, because I say it deliberately. Yes, we have to engage diplomatically with the Chinese—of course we do—but we have to engage from a point of moral strength. I hope that the message will go out today that we in this House will not give up supporting the noble Lord, Lord Alton, in his campaign: we will all make it our campaign and I hope we will have an encouraging response from the Minister.

12.45 pm

Baroness Finlay of Llandaff (CB): My Lords, I declare that I am UK chair of Tribute to Life, which aims to promote ethical management of organ failure and transplantation across the Commonwealth.

We cannot unknow what we now know or ignore the information that has accumulated. My noble friend Lord Alton has opened our eyes. To ignore is to risk more lives, more groups and ultimately, potentially, our own safety. Thousands of Uighurs—an unknown number—are missing and their families do not know what has happened to them. There are heartbreaking scenes outside Chinese embassies abroad as people, in the most quiet and dignified way, demand to know where their relatives are, if they are being held or even whether they are dead.

On my way here I went past a small group of demonstrators who have been on Portland Place for years, drawing attention to the thousands who have disappeared in China. They are Falun Gong practitioners, but their fate is the same as that of the Uighurs—to be killed for their organs to supply a despicable trade in transplant tourism for profit. There are estimates that 1.5 million people have been murdered for their organs and that international organ sales run into billions of dollars every year. The recipients of organs in transplant tourism are led to believe that organs are donated. They need to know the truth, as cutting off demand is the only way to stem the flow of supply.

The verdict from Sir Geoffrey Nice QC's "people's tribunal" is that China is removing, without consent, the organs of prisoners it has executed in the camps. China says it stopped this abhorrent practice in 2015, so can China explain the evidence of widespread, exhaustive and expensive medical testing of Uighurs and others in hospital settings and in mobile buses? We know that the noble Lord, Lord Ahmad, was so deeply concerned that he was moved to write to the WHO about this. Such tests include CT all-body scans, blood testing and the sort of tissue matching required for a systematic programme of killing to meet the demand for organs. China's secretive medical service has no transparent voluntary organ donation programme, despite the valiant efforts of ethical transplant teams from the UK and internationally to try to provide some education.

One problem is the cultural tradition in China that bodies of the deceased are buried whole, but there have been no efforts to establish proper programmes

of true donation. That is just not happening. China needs to tell the families and the world, where are the missing? What are these medical tests for? Why execute prisoners if these really are educational facilities? I understand that the same BBC investigative journalists behind the award-winning revelations of the rape and sexual torture of Uighur women in the Xinjiang camps have gathered unprecedented evidence of China's organ harvesting among Uighur camp inmates. I welcome their efforts, which once again underline the importance of the World Service of the BBC and the grant in aid to the new BBC Russia and China investigation teams. I trust their evidence will be shared promptly with the world when it is ready. It is vital that what they know is shared and broadcast.

Many of us have been increasingly worried by reports seeping out of Myanmar, where the military regime seems to be supported by China and part of a chain of organ supply. It is possible—I can say nothing stronger—that the organs of people murdered by the regime in Myanmar are being imported to China, as China has an economic interest there. Young people are arrested at night and the next morning their corpses are found. The brutal military regime exposes all internal organs; their corpses show they have been split open as required to remove them. There even appears to be a fast-track channel at one of the airports for exporting human organs from Myanmar.

Sir Geoffrey Nice's work is commendable. He has faced, and worked with his colleagues to expose, the most terrible practices. He has now established an independent tribunal specifically to examine the evidence of Uighur genocide; with great anticipation, we await the publication early next month of his preliminary findings. It would be good to hear from the Minister whether his officials were able to attend the proceedings and how he intends to engage with the tribunal's findings, whatever they are. Do the Government recognise that silence is taken as condoning? Has there been any progress at the World Health Organization in examining the "incontrovertible evidence" of forced organ harvesting identified by the earlier tribunal? We cannot ignore this.

12.51 pm

Lord Moynihhan (Con): My Lords, I declare my interests in sport as set out in the register. Many powerful speeches have been made in today's debate, and I genuinely thank the noble Lord, Lord Alton, for securing it. As he knows, I have taken an active stance on issues concerning human rights, most recently as vice-chair of the All-Party Group on Sport, Modern Slavery and Human Rights. All Governments need to act decisively on human rights abuses, wherever they exist. I believe this should as far as possible be through constructive engagement, not by way of boycotts or isolation.

The related question I will raise, and answer, is the same as that of my noble friends Lord Polak and Lord Cormack, whom I greatly respect. The question is whether a boycott of the Winter Olympic and Paralympic Games in Beijing, in any form, is reasonable, proportionate, effective and the right way to change the course of Chinese domestic policy, or whether asking the Royal Family and Ministers for Sport to boycott them would be anything more than a short-term political gesture

which would serve to alienate constructive dialogue and slow down the very progress many noble Lords seek to achieve?

I remember well, as an athlete, being called on to boycott the Olympic Games in Moscow. Then, Team GB was being turned into a political pawn to assuage the conscience of the Government of the day, which, along with many athletes I knew, opposed the Soviet invasion of Afghanistan. Looking beyond athletes to past sports boycotts, they have an at best patchy record of effectiveness. All, bar one, have been ineffective tools in seeking change, with the one notable exception of South Africa. That ban was used to undermine and isolate South Africa over 30 years. Its success was due to the fact that the international community were in broad agreement on taking a wide and comprehensive range of punitive political measures against the South African Government, for which sport was tangential but important.

In response to my noble friend Lord Polak, it is my view that, for sports boycotts to be effective, they must have the broad support of the international community and be the product not of reprisal but of an astute and practical moral calculus, including a wide-ranging package of trade, travel and diplomatic measures to lead to action that will best advance the cause of human rights and the well-being of those whose rights are violated. These are the criteria against which any decision on sports boycotts, including the Moscow, Los Angeles, Beijing and Sochi Olympics, must be judged. To address human rights issues in relation to the Olympics but in isolation from the broader diplomatic framework would serve no useful or realistic purpose.

I take the view that one significant advantage of international sporting events is the high media profile of the Olympic and Paralympic Games. This ensures that the spotlight of international attention shines brightly on the host city and country. This spotlight, in time, will bring dividends: that sport and the Olympics are a force for good in themselves and that engagement is preferable to isolation. Precedents show that sports boycotts rarely achieve their goals; seeking to impact the PRC in this way will not achieve positive improvements on the ground—it could become a symbolic gesture which would isolate and punish China and potentially prove a counterproductive and retrograde step.

Ultimately—this is often overlooked—the greatest damage would befall the athletes. Neither the Olympic movement nor anyone else should have expected the 2008 Olympic and Paralympic Games alone to bring China into an Olympic-led metamorphosis. That was simply naive. The same applies to the Winter Olympic Games in 2022. I do not believe the International Olympic Committee and the International Paralympic Committee should be expected to solve a problem to which the Governments of the international community, including ours, have yet to find an answer.

Throughout my time as chair of the British Olympic Association, I supported and continue to support the attendance of our Sports Ministers and members of the Royal Family—which includes HRH the Princess Royal, as a member of the IOC and of the British Olympic Association board—as an expression of support for our teams, just as I did when Minister for Sport. The invitations come from such bodies; they do not come from the Chinese Government.

[LORD MOYNIHAN]

I absolutely respect the views of colleagues who have spoken with passion and commitment in today's debate, and their strength of feeling on human rights grounds, but I do not believe that a boycott of the Games in any form will alter China's stance on the treatment of the Uighurs, for all the reasons I have sought to articulate. I remember well how this issue dominated my attendance at the Games in 1980. I know only too well that when the curtain came down on those Games, there was no change in policy direction by the Soviet Union on its invasion of Afghanistan following the boycotts. The same was true of Los Angeles in 1984.

Sport is a powerful soft power tool. As Minister for Sport, I remember being asked by Margaret Thatcher when she was Prime Minister to meet Honecker in East Germany, the Foreign Office recognising that sports diplomacy could open locked doors and had the chance to initiate change. Through such engagement, constructive and open dialogue can take place. We should support our teams at the Olympic and Paralympic Games next year and ensure that Ministers, invited to support their national teams by those who select and lead them—the national Olympic committees, not Governments—accompany them to the Games if they so wish.

12.58 pm

Baroness Grey-Thompson (CB): My Lords, I apologise if it looked as though I was not in my place for the opening speech of my noble friend Lord Alton. I was merely sitting in a different place. I draw noble Lords' attention to my register of interests in sport and physical activity, which are quite wide.

I thank my noble friend Lord Alton for his continued persistence in bringing the plight of the Uighurs to the attention of your Lordships' House and beyond. I also thank the number of organisations which have been in touch. If anyone has not read it, I recommend looking at the International Coalition to End Transplant Abuse in China report, which is harrowing and educational. The Coalition for Genocide Response has also spoken; I agree that the word "genocide" should not be used lightly, but we have only to look back to the situation in Rwanda to see how long it took the international community to decide whether it was civil unrest or genocide. I applaud Liz Truss for speaking out on what is happening right now in China.

I have previously spoken on organ harvesting. My noble friend Lady Finlay covered this extensively. We must learn from previous conflicts and decide as a country where we want to draw the line. At what point does the international community step in? It will come as no surprise that I will use this debate to talk about soft politics and the use of sport as a tool for change, not least because the Winter Olympics and Paralympics are happening in just a couple of months' time.

Back in 2000, Nelson Mandela said:

"Sport has the power to change the world".

Sport has an amazing power to pull people together, and my own life experience and that of other Members of your Lordships' House can attest to this. London 2012 was an amazing Games but limited in what it can do because it is a moment in time—quite like the Olympic Truce, which the noble Lord, Lord Bates, has

worked on extensively. He should be commended for this. All the truce asks is that, during the Olympics, countries try not to kill each other. What about the rest of the time in between those Games every two years? We cannot allow the Olympics and Paralympics to be about tick-box compliance without other things stepping in place to bring about change.

We should never pretend that sport and politics are not inextricably linked. There is more politics in sport than in politics. Until a few days ago, I was going to make some relatively simple comments on the responsibility of the international sporting community and the decisions to award major sporting events to countries with poor human rights records, but we have seen in recent days just how difficult the relationship between sport and politics can be.

Interestingly, in recent times we have discussed the ability of athletes to use their platform to bring about change, and there have been some incredible examples of this. Some of our own UK sporting bodies are now proactively discussing this and allowing athletes to use their platform. However, the reality is that the public like athletes using their platform only for subjects they agree with, and it is wrong to say that every athlete, regardless of their net worth or fame, has the ability to use their platform, or even necessarily wants to.

But we have seen what happens when an athlete uses their platform. We only need to look at the example of Peng Shuai, the Chinese tennis player. Today, the foreign ministry in Beijing has accused unnamed people of "malicious hyping" in this case, as reported in the *Guardian* this morning. The *Guardian* goes on to quote Ho Pin, an exiled Chinese publisher in New York, who said that:

"The Peng Shuai saga could happen in any country and in any system".

We know that it does, but this is happening right now in a country where the Games will take place in a couple of months' time.

The role of sport and politics is, as I have said, inextricably linked. The medal table is a form of politics, and countries pride themselves on where they finish. We do this; I have celebrated Great Britain for where we have finished on the medal table. The noble Lord, Lord Coe, has asked my friend in sport, the noble Lord, Lord Moynihan, about athletes boycotting the Games, and they are able to speak on this from a personal perspective. But asking athletes on their own to boycott is not the answer; the medals just get divided up between the countries that are there. Could the Minister have a conversation with DCMS about the athletes who choose to boycott the Games? How will they be supported for taking a moral and personal stance?

I worked in Beijing, I have worked on the Games, and I have worked with sponsors of the Games. The noble Baroness, Lady Smith of Newnham, asked a very important question. We can all think about what we can do differently to bring about change. Professor Simon Chadwick has written some really powerful articles on social media about sport and politics, and the journalist Matthew Syed has written very powerfully on this as well.

But we also have to be honest about the Games. The IOC, IPC, FIFA and other big sporting organisations need countries who can afford to pay for the Games.

There are fewer and fewer countries that can afford to do so, and these countries can have human rights records that we do not celebrate, recognise or support. We have just seen the change to the way in which the Games are awarded from the traditional seven years out, to give countries a longer lead-in, because some are not able to step in in the same way.

This is not just about the international federations. What about the role of sponsors or spectators? We can all play a role in bringing about change. I have to say that a video call between the IOC president, Thomas Bach, and Peng Shuai is not enough to assure us of her safety. We have to ask questions about the closure of the UN Office on Sport for Development and Peace. The Inter-Parliamentary Alliance on China has asked the BOA to look at the relationship between the IOC and Chinese officials, but I would argue that it does not have the capacity or the skills to do that.

I turn to the diplomatic boycott of the Beijing Games. Jacob Rees-Mogg has very recently said that the door is open on that, and that currently no flights have been booked for government Ministers. That is one step in a moment in time, but sportswashing is a really serious issue. We all have to do more to ensure that sport is used for all the things it is good for and not to sportswash and allow inappropriate regimes to hold up the appalling way they treat their populations, including the Uighurs and beyond.

Finally, I thank my noble friend Lord Alton for all he does to keep going with this really important debate.

1.05 pm

Baroness D'Souza (CB): My Lords, I, too, begin by paying personal tribute to the noble Lord, Lord Alton, for his courage, determination and persistence in confronting the appalling crime of genocide.

We can argue the criteria of what constitutes genocide and who should determine whether it applies to the actions taken for many years, but especially since the 2014 campaign, against the Uighurs in Xinjiang. As we have heard, the actions of genocide include arbitrary detention and incarceration, torture, death, enforced abortion, starvation and sexual abuse, and these actions are intended to wipe out a cultural, ethnic and religious minority. This is genocide according to the UN convention, as we have heard from many speakers so far.

The US Secretary of State and the Foreign Secretary recently referred to the treatment of Uighurs in Xinjiang province as genocide. According to international law, this requires the US and UK Governments to act to stop and prevent further efforts to destroy the Uighur ethnic community. However, increasingly strong-arm tactics or confrontation by western nations risks the way forward in building vital relationships with the PRC. As the UK and USA are as yet still to be regarded as firm allies, could the Minister expand on joint work and agreements between our two countries on this issue? An impasse such as we have in relation to the PRC has, in the past, called out the best in the UK's foreign relations armoury, namely intensive and extensive diplomacy. To what extent is this happening and what is the reception of these—I hope—joint efforts in the PRC?

We know that the economic reach of the PRC is now worldwide and that it threatens any nation that thwarts its expansionist intentions. But there are still areas in which the UK and the US, among other countries, could bring effective pressure—for example, by providing an economic alternative for Amazon's apparently insatiable need for cotton currently provided by the PRC, much of it from Xinjiang province; working with Facebook to persuade this mammoth enterprise to cease taking PRC propaganda advertising space; or confronting Disney film about its carefree use of Xinjiang province, even inserting the concentration camps in some background shots and profusely crediting the PRC authorities for such use.

I hope I may be forgiven for considering what might be the wider consequences of this failure to confront the PRC on what is happening to the Uighurs—that is, what might happen to Taiwan. The USA appears to have shifted somewhat beyond its erstwhile policy of “strategic ambiguity” with reference to Taiwan. Does this imply that the USA and the UK are now contemplating the increased provision of deterrence armaments to the Taiwanese Government in anticipation of further aggression and possibly even invasion by the PRC? If this is not the case, might the Minister indicate any recent shifts in response to the PRC's stated intention to reclaim Taiwan? Would the Minister be able to say if a strong, united and multilateral intention to defend Taiwan's democracy would have a delaying effect on the PRC's actions?

Does the patrolling of the Taiwan Strait by the US warship and of similar passages by the navies of the UK, Canada and France signal the intention to go beyond the optics? The mantra of “one country, two systems” has suffered a shocking demise in Hong Kong. There is still time to prevent a similar outcome for Taiwan, but this surely means that there must be contingency plans, which must take effect immediately.

1.10 pm

Lord Shinkwin (Con): My Lords, I, too, pay tribute to both my noble friend Lord Alton of Liverpool, for securing this debate and his good friend the late Sir David Amess, who was a tireless campaigner for and supporter of the charities for which I worked before entering your Lordships' House. May Sir David always be remembered for his faithful witness to the truth.

Ultimately, that is what we are discussing today. Will we and Her Majesty's Government bear witness to the truth—in this case, that the most heinous of crimes, genocide, is once again being perpetrated, this time against the Uighurs?

Like others, I draw encouragement from the Foreign Secretary's clear-eyed recognition of the challenges posed by the Chinese Communist Party regime and the need to develop a robust policy position in response. I welcome the sharp focus she is putting on human rights, democracy and freedom as a central theme in foreign policy. Her emphasis on building “a network of liberty” and strengthening alliances among freedom-loving nations, and her renewed focus on countering sexual violence against women and girls around the world—an initiative begun by my noble friend Lord Hague of Richmond—are surely absolutely right.

[LORD SHINKWIN]

I therefore hope that my noble friend the Minister will be able to update your Lordships' House on what concrete policy steps Her Majesty's Government are taking to stop the genocide against the Uighurs, Uighur slave labour in supply chains, sexual violence and religious persecution against the Uighurs and the horrific live organ-harvesting detailed in a report circulated to noble Lords earlier this morning.

Other noble Lords have already mentioned various reports. I want to highlight a point referred to in a report by the Conservative Party Human Rights Commission, when the late and much-missed Member of your Lordships' House, the former Chief Rabbi, Lord Sacks, said that the holocaust in Xinjiang is surely a prompt "for the international community to wake up and take the reports of atrocity crimes ... extremely seriously and with the utmost urgency."

Like others, I should be grateful if my noble friend the Minister would tell the House what steps Her Majesty's Government have taken, more than 10 months after the report's launch, to act on its findings and recommendations.

I should also be grateful if the Minister could tell me what steps the Government are taking to ensure that UK pension funds are not being invested in companies complicit in genocide or gross human rights violations. Do they support the adoption of a similar entities list to that of the USA, which would ban investment and sanction companies linked to the camps in Xinjiang? He may also be aware that many of these companies advertise heavily that they are ethical and uphold environmental, social, and governance—ESG—criteria. Fine, but what about genocide? Where does that fit within ESG criteria? Is ignoring it for profit ethical? Surely we should move towards defining ESG criteria in primary legislation and regulating the ESG sector to ensure that companies are not ensnared and are not mis-selling products or marking their own homework.

We cannot afford inaction any longer. The amoral regime of the mass murderer Xi Jinping clearly represents a threat to world peace. I am encouraged that the Foreign Secretary seems very much alive to that reality. That is why we must act now to stop the genocide of the Uighurs and confront the wider repression of Xi Jinping's Chinese Communist Party regime before it is too late. This is a race against time.

1.15 pm

Baroness O'Loan (CB): My Lords, I thank the noble Lord, Lord Alton, for initiating this debate. It is a matter of the utmost importance. Foreign Secretaries do not use the language of genocide to describe the activities of another state loosely. For years we have seen the development by the Chinese Communist Party of the processes and procedures which have led to the evidence that enabled the Newlines Institute and the Raoul Wallenberg Centre for Human Rights to find that the Chinese Government have breached every article of the UN genocide convention in their treatment of the Uighurs in Xinjiang and bears responsibility for that. Many countries have condemned it. The noble Lord, Lord Alton, referred to the extensive condemnation here in Parliament, but the Government have not moved to act.

Of course, the CCP has vehemently denied committing atrocities and abuses against the Uighur Muslim minority, despite all the evidence which is emerging and despite the considerable power wielded by the CCP and the way it treats those who have the temerity to challenge its denial of rights to those not just in China but also in Hong Kong and Taiwan. We have heard reference to the fact that the noble Lord, Lord Alton, and the noble Baroness, Lady Kennedy, have been formally sanctioned by the Chinese Government. This will not prevent them continuing their courageous and necessary work. The mere fact that it happened shows how important it is to continue to challenge the CCP.

Those affected by the activities of the CCP, which are so manifestly in breach of China's international legal obligations, need our voices, because the brutal silencing of them, the deliberate creation of policies designed to destroy the Uighurs and others, has left them voiceless apart from international voices which speak up on their behalf.

Your Lordships have heard about the techniques used by the CCP: the mass internment of more than a million people, the taking of children from their interned parents and placing them in state institutions in which they can be educated only in the tenets of the CCP, increased secrecy and surveillance, mass labour transfer schemes, eradication of Uighur identity and so on. The noble Lord, Lord Anderson, referred also to the extensive evidence of crimes against humanity in China.

Having established and refined the modus operandi for the genocide of the Uighur people, the CCP began years ago extending its reach to other areas. Reports of similar, sinister CCP activities affecting the Kazakhs and members of other predominantly Muslim ethnic groups are well documented. The list of offences for which people are interned, includes praying regularly, having a beard, wearing a veil and having a wife who wears a veil. When interned, people must renounce Islam and promise not to follow religion. Compliance is secured. Churches, domes and minarets have been destroyed. The Australian Strategic Policy Institute estimates that approximately 16,000 mosques in Xinjiang have been destroyed or damaged as a result of government policy since 2019.

In particular, we have seen a determined attempt to destroy any religious practice, not just Islam, that does not conform to CCP ideology, to curb the spread of the faith and to reduce the numbers of religious people, including Christians, in China. The threat, which is clearly identifiable, applies to both government-approved and underground churches. It is estimated that there are between 60 million and 100 million Protestants in China and some 12 million Catholics. In 2018, President Xi Jinping and the CCP began implementing even tighter controls on Catholic and Protestant churches. Policies of sinicization were introduced. Patriotic churches are the only ones allowed to operate; they must support the leadership of the CCP and the socialist system, and they must practice the core values of socialism. Sermons and homilies are to be based not on the Bible but on President Xi's pronouncements. Religious artefacts, crosses and artworks are being removed and replaced by pictures of President Xi. The CCP is even said to be rewriting the Bible—to get it right.

Members of the patriotic churches and others are being recruited to spy on those in the underground churches. A reward of 2,000 yuan was offered in one area for reporting illegal religious activity. There are authorised religious activity venues, in which only authorised religious activity is permitted. Under-18s are not allowed to attend, nor can they receive the sacraments or study the Bible. In the period up to September 2021, state-sanctioned patriotic churches held meetings where clergy and leaders from the five major religions—Buddhism, Taoism, Islam, Catholicism and Protestantism—were required to study President Xi's speeches.

We have seen the concerted development of attacks on Christian schools. Thousands of illegal churches have been shut down. In July this year, the Supreme People's Court announced measures for intensifying punishment for "illegal religious activities" and overseas infiltration activities in rural areas. If Christians are caught practising their faith, they will be locked out of all government-supplied services and resources, including housing.

This is a very determined programme aimed at depriving people in China of their fundamental human rights and at controlling their lives in a way that permits no deviance from CCP ideology. We have seen what the CCP has been able to do to the Uighurs. We have seen terror, genocide and forced extraction of organs. There is evidence not just of the extraction of organs from the Uighurs but from other minorities—Christians, Tibetans and Falun Gong members. There is no doubt that this is happening. There is a terror attached to living in a country where you can be seized—taken away with no recourse to the law—and have your organs extracted, leaving you no longer capable of life. No safeguards exist in China. There can be little doubt that the CCP intends to expand its activities to eliminate all religious practice that is not controlled by the CCP and informed by the teachings of President Xi.

The situation in China is very dangerous and there is a duty on our Government to respond further. We have a duty as a state to take action against what is happening, not just in Xinjiang but in other parts of China. At the very least, the Government should take the opportunity presented by the 2022 Olympics to make a clear statement that these activities are wrong. We really need to challenge China. We need to challenge the way in which its membership of the UN Security Council is being used to further China's aims, not the aims of the UN. We must no longer stand by. China needs its links with the UK and its markets. We must not stand by in silence. We know that our Government can make a difference.

1.23 pm

Lord Desai (Non-Affl): My Lords, I thank my noble friend Lord Alton for bringing this matter to our attention but I am sorry to say that I shall depart from him.

We do not actually live in a world of laws—certainly not in the international sphere. We live in a world of power and national sovereignty. About 30 years ago, I founded the Centre for the Study of Global Governance at LSE, which I ran for 30 years. So while I am not a

lawyer, I know something about this. The United Nations is not a system that can ever settle a dispute, which it does not do, or deliver justice. Nothing is going to happen about the Uighurs. Nothing happened about the Holocaust. All the virtues that people claim about the Holocaust happened after 6 million people had died. We knew what was happening and we did not do anything. Indeed, some countries, such as the United States, tightened their immigration rules to prevent Jews coming from Germany. All this Holocaust business is sort of after-the-event boasting. We did not even talk about the Judeo-Christian civilisation until after 1945. The story of Christian anti-Semitism is well known.

I do not deny the ongoing tragedy regarding the Uighurs but, as the noble Lord, Lord Hannay, says—who, unfortunately, is not in his place; I am sure that he is having a nice lunch, and good luck to him—we have not prevented a single genocide in the post-war period. We may have a genocide convention, which is nice and fine, and a human rights convention, but the Chinese kill not only Uighurs; 40 million Chinese died in famine and nobody did anything, and they do not like the Falun Gong. We live in a lovely paradise of human rights, liberal laws, tolerance and all that, notwithstanding our various problems, which we will not worry about now—we live in good liberal order but the world does not.

Lately, there has been an anti-China feeling, which started with trade and competition in cyber goods. We used to love China and then suddenly went against it because of competition. Suddenly, the climate has changed. The United States formed the quad against China and agreed AUKUS. We are going to rush to the defence of Taiwan but we are not going to rush to the defence of the Uighurs—do not worry about it. We are not going to start a world war for this; we have never started a world war for any genocide.

So let us all calm down and face the fact that there is nothing that any convention can do to force anything on a sovereign state, not just China. We could not do it to Cambodia or even in Rwanda and Burundi—remember what happened there—at which time an Assistant Secretary-General of the United Nations was from Africa and later became Secretary-General. We know all this, but we have a conscience. We do not like what is happening in China and somehow we are supposed to do something. What? What are we actually going to do? The Foreign Secretary is new, and so she said something about the Uighurs. After some explanation, she would have learned that the realities of power are very different. While we need moral courage, we have to realise where we are.

Let me add one more thing that I have not mentioned while I have been a Member of your Lordships' House. People in Asia know what was done to them by the British Empire. We poisoned the Chinese with opium on the grounds of free trade from 1840 on—they have not forgotten that. I will not go into other problems. Do not think that we are morally superior to them. The Chinese will come back to us, saying, "We know what you did to us. Don't you dare tell us about humanity".

A little realism is called for. As I have said, we are not going to enter a world war with China—not for the Uighurs. We may do so for cyber technology, but not for the Uighurs. We must have a realistic discussion as to what we will do. The answer is: not much.

1.29 pm

Lord Hastings of Scarisbrick (CB): My Lords, it is certainly interesting to follow the speech of the noble Lord, Lord Desai, and it gives us an opportunity to reflect on the hub of where our hearts are.

Most of us in this House, maybe barring one, are agonised and deeply frustrated by the detail that we have listened to. The essence of what has been presented to us in this debate rests on two fundamental pillars. The first is that there seems to be an ongoing debate within the Foreign, Commonwealth and Development Office as to whether the Foreign Secretary knows what they are talking about and can actually attribute a crime of genocide—ultimate atrocity crimes on an industrial scale. A former Foreign Secretary may say, as may the current one, that that is our sense of frustration, so it lies with the Minister of State to clear this up in his response to the debate.

The second thing that frustrates and angers us all—so brilliantly presented in speeches by so many noble Lords, especially that of my dear friend of over 30 years, the noble Lord, Lord Alton, my sponsor when joining your Lordships' House—is that every small detail, even if disputable, is significant enough to make us furious at indecision and desperate for clarity on what to do in response. There will of course be a debate immediately following this which will focus on what the media will take the greatest interest in today, and maybe rightly so: the cause of migrants, minorities and people lost in the tragedy in the channel just 24 hours ago. The parallel issue that lies behind that is the responsibility of very rich countries such as China and us towards marginalised communities and minorities—people who are easy to forget.

Is that responsibility only ever triggered at the point at which we see awful tragedy that can be confirmed; or did we not know, for example, in the case of the awful atrocity yesterday just off the French coast, that this has been going on for years? It was a tragedy waiting to happen. It is only when people die that everybody comes out and shakes their heads and wrings their hands. We could have been involved in this much more meaningfully—not just diplomatically but through real, concerted action; not running away from the fact that people who seek migrant support and who leave as refugees do so because their living circumstances are not what any of us would wish on ourselves or our neighbours.

I am not an expert on these matters at all, but I trust implicitly the keen insights that the noble Lord, Lord Alton, the noble Baroness, Lady Kennedy, and so many others have brought. They know what they are talking about. They have seen, witnessed, and studied, so we should attribute to them, and so should the Minister, the dignity of truth telling. For the past 19 years I have chaired the council of ZANE—Zimbabwe a National Emergency—and during that time I have seen briefings and information, and even been present in Zimbabwe to witness things that at one point we were desperately concerned about under Mugabe. We then lost our concern altogether when Mugabe was otherwise dissipated and Mnangagwa took control. Our media and our politics walk away, and we lose our emphasis on these issues. We can totemise them, but we do not want to respond to them with detail.

Everything that can be said about this issue has been said in this debate. However, I have three questions to ask the Minister. First, will Her Majesty's Government declare with clarity whether it is the view of the Foreign, Commonwealth and Development Office and the Foreign Secretary that what is under way is genocide? Can the Minister declare that and not circle around the issues? Secondly, given the concern of this House and the other place, at what point will the Government request that the legal representatives of the Chinese state here in London, including the ambassador, brief Members of this House? Let us hear from them directly and have the opportunity for dialogue and conversation. If it is an open dispute, let us present evidence. Thirdly, as was necessary with the Covid crisis, there must be an authentication visit to the province of Xinjiang on a UN and a governmental basis, to establish whether these attributed and unattributed claims can be seen for what they are and proven. Without that, we will continue to circle the issues and not resolve them. Please, Minister, respond to those questions. We have all been infuriated, but let us not remain so; let us get some answers.

1.35 pm

The Earl of Sandwich (CB): My Lords, I thank my noble friend for this chance to discuss one of the most pressing matters of today, our relationship with China. As always, he has set the scene admirably—although it does not make for happy listening—and he has kindly shared briefings with us. There is no need to repeat any of what has been said, but I endorse it to the extent of my own knowledge. The treatment of China's Muslim and other minorities by Beijing is one of the disgusting scandals of our time, of which there are many, and we must confront it squarely.

This is not a new issue. I can remember a number of us, including Lord Avebury, inviting to the House the then Uighur leader in the United States, Rebiya Kadeer, and my friend Christian Tyler, the writer, back in March 2013. We heard then the latest revelations of the re-education camps and the manipulation of the Uighur community by officials in Xinjiang province, which still remind us today of the sinister totalitarian world of the thought police conjured up by Orwell and Huxley. My noble friend mentioned facial recognition. Everyone is encouraged to report on their friends and neighbours. Any deviation by any person throws suspicion on other members of their family, who may then be detained.

All this is happening in one of the world's greatest and oldest countries. We can still acknowledge the remarkable qualities of the Chinese throughout history, including in science and the arts. I would add China's endurance against our own colonial exploitation, which the noble Lord, Lord Desai, just mentioned, and its extraordinary escape from poverty, at least in some provinces. However, none of this justifies the behaviour of the Han-dominated Chinese Communist Party during the cultural revolution, at Tiananmen Square and now towards minorities.

Last month, 43 countries complained to the UN about "reports of widespread and systematic human rights violations" and accused China of detaining more than 1 million people in the camps. Not surprisingly, China responded that these were "lies, all lies".

We must get down to practicalities: in our case, careful consideration of our trade and foreign policy. We must ensure that, as far as possible, our trade with China is not in any way assisting the oppression of the Uighurs or any others. This may be an easy statement, but it is no simple task. Due diligence by companies importing cotton goods will depend on detailed research to identify the active supply chains. Judging by the work done by Sheffield Hallam University, it will be nearly impossible to identify Uighur fabric and yarn supplied to other Asian cotton producers.

The legal route is also arduous. I expressed doubts during consideration of the Trade Bill that the Government, or even a dedicated parliamentary committee, could ever arrive at a definition of genocide to satisfy both judges and human rights activists. I admire the courage of so many human rights lawyers who have worked for years in Rwanda and Bosnia. My noble friend knows that, much as I agree with him on the principle of human rights abuse, I was unable to support his amendments, simply because of the problem of definition. There, I warm to my noble friend Lord Anderson, who spoke so well about this difficult question of labelling.

The wider issue is whether exposure of China's abuse of the Uighurs and other minorities, not forgetting its abuse of the Tibetans and their culture over decades, could ever rule it out of global diplomacy and international trade in particular. We have to be realistic and admit, as the noble Lord, Lord Desai, said, that we cannot rule it out. The size and outreach of the Chinese economy means that it has now percolated the economy of almost every country in the world, but we can make it increasingly difficult for it. As has been suggested, Magnitsky-style sanctions listing individuals can be very effective and we should continue to apply, widen and strengthen them. In so far as we can identify local leaders in Xinjiang, we should add them to the list.

I declare that I am also a member of the International Agreements Committee of your Lordships' House. As it happens, we are half way through our discussion of the CPTPP, the trans-Pacific partnership, and we are likely to have a debate quite soon on the UK's objectives. These will be based on the present membership of the partnership and the current state of the agreement. However, with China and Taiwan becoming serious applicants, it would be absurd to discuss the benefits of membership without taking them into account—but that is for another day.

We are hanging all kinds of weights around trade deals, such as climate change, concern for developing countries and human rights. Whatever we think of our Government's policies, they are rightly beset by a number of obligations that can and must slow down their negotiations of treaties. I am looking forward to hearing the Minister on this. In fact, I believe Ministers are listening more to the demands of human rights, climate change and devolution, but I am impatient to hear what he is going to say on China.

1.41 pm

Lord Purvis of Tweed (LD): My Lords, the noble Earl always enriches our debates, as he did those on the then Trade Bill. His work on the International

Agreements Committee is valuable for this House, and I am pleased that it took the lead from some of the debates on that Bill and will be scrutinising elements of our international agreements on human rights and sustainability. I look forward to reading its work, which I hope we will debate in the future.

We are all indebted to the noble Lord, Lord Alton, for again bringing this issue to us. His persistence and dedication are renowned and, on an issue of this importance, he brings great value to our deliberations. I also commend the Minister. Yesterday, with the noble Lord, Lord Collins, and other Members, I attended his event in the Foreign Office on the protection of minorities and freedom of religion and belief, and we know that he is personally committed to this. We will all be very interested in his response not only on the wider debate but on the very specific question from the noble Lord, Lord Hastings of Scarisbrick. This is an opportunity not for us to rely on press briefings or private conversations between the Foreign Secretary and diplomats—but for the Minister at the Dispatch Box to clearly state what the Government's position is about whether genocide is now going on.

Forty years ago to the day, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was passed with consensus by the United Nations. Article 1 is that:

“Everyone has the right to freedom of thought, conscience, and religion.”

Articles 4 and 7 are duties on countries to put into their national legislation protections for such. Article 5 is that:

“Every child shall be free from discrimination.”

As was movingly and depressingly indicated by the noble Lord, Lord Hannay, it is perhaps more valid today than it was 40 years ago. That is why the debate brought forward by the noble Lord, Lord Alton, is so important.

The irony has not been lost on any Members who have taken part in this debate that, after raising and debating concerns and seeking remedies, and by the noble Lord, Lord Alton, and others showing the strength of an open parliamentary democracy, China's response is to ban them from visiting the country. In some ways, that is the clearest illustration of the gulf that exists on this issue. But he will not be cowed, as will none of us in Parliament, from raising such issues. He chillingly said, as others have indicated, that while scale is not necessarily the issue, the aspects of genocides that make them more egregious are that they are often systematic and bureaucratic, with boring systems of administration and a hierarchy of actions, the systematic nature of which leaves us all so cold. The scale is of a million people—an “industrial scale”, as the former Foreign Secretary said—but the motives and intent are critical. That is why the noble Lord, Lord Anderson of Ipswich, is absolutely right: the response has to be equally bureaucratic, thorough, systematic and judicial. I entirely agree. In the week after next, I will be returning to northern Iraq on the case of the Yazidis, with the discrepancy of Iraq having not been a signatory to the Rome statute and the difficulties when it comes to judicial processes not being lost there.

[LORD PURVIS OF TWEED]

Sir Geoffrey Nice has been referred to; he memorably told me that human rights norms are now for all the people, all the time, everywhere—not just some of the people. This is the nub of this debate. We had the debates on the then Trade Bill and now have a situation in which we want to progress the international norms and protect the conventions of which we are a signatory but, over the same period, we have been encouraging extra trade with and investment in China, knowing that there have been egregious human rights abuses. My noble friend Lady Smith of Newnham highlighted this dilemma very well, but also that everybody has a responsibility to consider the clothes or PPE that we wear. Perhaps because I am a former representative of a textile company, I check where things are from. The tie I wear was woven in the Scottish Borders; I know what its traceability is, but consumers will not necessarily. We all have a responsibility for informing consumer choice in this area. In 2021, in figures released yesterday by the Department for International Trade, the UK imported £5.7 billion-worth of clothing from China—an astonishingly high amount. That is from consumers wanting those goods. We need a conversation with consumers.

The private conversation with the Foreign Secretary has been referred to a lot. I believe that statements from Foreign Secretaries are not neutral acts. We cannot only comment on genocide or the risk of it, then fail to act. To do so compounds the persecution of those minorities. They are a double victim if they have been persecuted by one country, and then another country comments on it but fails to act. The noble Lord, Lord Anderson, referred to “fruitless outrage”. I fear that this Government all too frequently have a willingness to act when the perpetrator is a small nation, but have fruitless outrage for larger ones. It is the reverse of the Roosevelt approach of speaking very loudly but, when you have the option to act, you are carrying a very small stick indeed.

As we debated the then Trade Bill, the Government and Liz Truss, then Secretary of State for the Department for International Trade, ensured that the House of Commons turned down every amendment that passed—for a statement on human rights, for a human rights and trade policy, and on genocide. There is therefore a need for this House to continue. When, during those debates, I asked if any of the agreements announced during President Xi’s state visit, which were referred to in the next room from this Chamber, had been suspended, the Trade Minister said no. When it comes to growth in trade, we have seen the early reports from 2019, which have started to be confirmed, coincide with the trade and investment agreement with China and the dialogue that is being conducted. That was in the context of trade with China having literally doubled since 2011, from £46 billion to £93 billion. China is our third-largest trading market and certain sectors are even more dependent on it.

I respectfully disagree with those who said that China relies on us. The reality is that we rely on China. The most worrying question for human rights is: when we rely on a country, does that mean that our voice is worth less on human rights? The reality is that that is indeed the case. In this period, the fastest growth in

our trade with China, with investment, was during Liz Truss’s tenure at the Department for International Trade. Now we are asked to believe that we are going to go down a different path, but we have been asking repeatedly where that path will now deviate, and we have had no indication of where that would be.

The question posed by the noble Lord, Lord Shinkwin, about pensions and investments was a very good one, because during the time of the Trade Bill, the Prime Minister was chairing an investment conference in Downing Street to promote extra investment from China. In that economic and financial dialogue, which took place in June 2019, when there were clear signals that there was a risk that genocide was taking place, it was agreed with the Chinese that they could have 51% of UK investment portfolios for pensions and we could have 51% of theirs. That is in paragraph 41. I very much hope that the Minister can confirm that British pension funds are not being funded through any Chinese government vehicles that have commercial interests in areas where the Government have indicated that there are significant human rights abuses.

Finally, as I said, the noble Lord, Lord Hannay, talked very movingly about the searing scars on his conscience. He contributes greatly to this House, and I listened very carefully when he said that expressions of concern were not matched by actions and that that will potentially happen again. Therefore, I hope that the Minister will not simply restate what the Government’s policy has been, but rather will say what the Government’s policy will be. I also very much hope that that will be underpinned by the clearest of all statements. Are these people at risk of genocide and, if so, what are we going to do about it?

1.52 pm

Lord Collins of Highbury (Lab): My Lords, I too pay tribute to the noble Lord, Lord Alton, not only for initiating this debate but for his courage in standing up to the bullying and intimidation of the Chinese Government. The sanctioning by Beijing of the noble Lord and my noble friend Lady Kennedy of The Shaws for speaking out is an absolute affront to our democracy.

As we have heard today, the evidence of the appalling treatment of the Uighur population in Xinjiang is clear: the mass surveillance and arbitrary detention; the torture and the brutality; the rape and the abuse; the forced organ harvesting; the forced sterilisation of women; the enforced separation of children from their parents; and the denial of the Uighurs’ right to practise their religion or to speak their own language. The sad fact is that there is no prospect that either the ICC or the ICJ will be able to examine this evidence, as this would require the consent of China. The Chinese Communist Party will also continue to prevent the United Nations conducting a proper investigation in Xinjiang.

Through our amendments to the Trade Bill, we sought to create a route to genocide determination through the UK’s courts, or through a panel of senior Law Lords, but those cross-party efforts were shamefully resisted by the Government. My attempt to include human rights as a matter of course in trade negotiations was also resisted. One thing I am glad about is that the noble Lord also announced yesterday at the event at

the FCDO that the human rights report—which was meant to also include reference to trade—will be published more regularly so that it will, we hope, inform those discussions.

What was ultimately included as Section 3 of the Trade Act 2021 was that designated committees in each House would consider whether there was credible evidence of genocide committed by a potential trading partner. As the noble Lord, Lord Alton, has acknowledged, however, that triggers only when there is a prospect of a negotiated trade agreement. The noble Lord, Lord Alton, also referred to the Foreign Affairs Committee's recent inquiry into Xinjiang detention camps. This concluded that the Government should respect the view of the House that crimes against humanity and genocide were taking place, and must make a much stronger response.

With the international route to legal determination of genocide blocked by China, and the domestic route to legal determination blocked by the Government, it falls to Parliament to act. The noble Lord, Lord Alton, highlighted the opinion by barristers at Essex Court Chambers, concluding that there was a very credible case that the Chinese Government's actions constituted genocide. In response to that, of course, the chambers were also sanctioned by Chinese Government.

As a signatory to the 1948 genocide convention, the United Kingdom is legally bound to take all reasonable steps to both punish and—most importantly, as noble Lords have said—prevent genocide. It is incumbent on us to take action. Genocide can never be met with indifference or inaction; the question, then, is what should be done. Sadly, the Government's actions do not match their rhetoric. The noble Lord, Lord Alton, and Labour have been calling on the Government to apply sanctions to the Chinese officials responsible. The Government have sanctioned only four Chinese officials, and not even Chen Quanguo, as the noble Lord, Lord Alton, said.

We should be supporting UK businesses to ensure that their supply chains do not include workers subject to human rights violations in Xinjiang by working across Whitehall departments. We should push for the UN High Commissioner for Human Rights to be given full and unfettered access to Xinjiang. If that request continues to be rejected, this side of the House will support—and will call on the Government to implement—a political and diplomatic boycott of the Beijing Winter Olympics in 2022.

The UK Government should also have publicly opposed China's election to the UN Human Rights Council in the recent elections, and to hold firm to this position until such time as Beijing provides the commissioner with access to Xinjiang. Like the noble Baroness, Lady Finlay, I would also like the Minister to give us an update on what we have called for on that forced organ harvesting. The WHO should conduct independent verification of organ transplant systems, and not just rely on self-verification.

Consecutive Conservative Governments has been naive and complacent in their dealings with the Chinese Government. By leaving the British economy over-reliant—as the noble Lord, Lord Purvis, said—on Chinese imports and supply chains, while failing to defend our values and interests on the global stage, we

have seen the United Kingdom's leverage and influence consistently eroded. In 2015, David Cameron and George Osborne, with the enthusiastic support from then London Mayor Boris Johnson, proclaimed a “golden era” of UK-China relations—a strategy designed to open up UK markets and infrastructure to Chinese business and investment, in the expectation that China would fall in line with international norms around trade and human rights. That strategy has been an unmitigated failure. We have seen uncompetitive market behaviour by state-backed Chinese firms, the human rights abuses in Xinjiang and Hong Kong, and—as the noble Baroness, Lady D'Souza, said—China's increasing military aggression towards Taiwan and in the South China Sea.

The Government compromised the UK's national and economic security by increasing the UK's reliance on China and reducing our strategic independence. For instance, 57 of our critical infrastructure supply chains are now reliant on China. The UK's failure to build alliances with fellow democracies has hampered our ability to stand up to the Chinese Government when required.

Despite all this, no global challenge, from climate change to pandemics, can be solved without China's co-operation. Constructive engagement with China is essential but that will be achieved only on the basis of mutual respect and a fundamental reset in UK-China relations. Labour has called on the Government to commit to a fundamental strategic reset in Sino-British relations, starting with a complete audit of every aspect of the UK-China relationship across the whole of government.

First, the UK Government must seek to rebuild our strategic independence by reducing our dependence on China. There needs to be a far more joined-up approach across Whitehall on these issues. Secondly, we must build an alliance of democracies to champion co-operation based on shared values, human rights and the rule of law. We must rebuild trust with our European allies and across the globe, particularly in the Indo-Pacific region, in order to stand firm in the face of authoritarian regimes. That approach would allow for engagement with China from a position of unity, strength and consistency—the type of position that the Chinese Communist Party leaders respect and respond positively to.

Labour stands in solidarity with the Chinese people, with whom the British have a deep, long-standing and valued relationship. We have deep respect for China's history, culture and civilisation, and we fully acknowledge and recognise its great power and status. Our judgment, as is clear from today's debate, is focused on the actions of the Chinese Government and Chinese Communist Party leaders, whose irresponsible and increasingly hostile behaviour is undermining their own wish to shape global affairs.

2.03 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, I join noble Lords in thanking the noble Lord, Lord Alton, not just for his tabling of this very important debate but, as several noble Lords have mentioned, for his dedication and devotion to human

[LORD AHMAD OF WIMBLEDON]

rights over many years. That is a priority on which we often joke in private that I am hugely challenged by his scrutiny and expertise, but, rightly, I am also accountable as the government spokesman and, indeed, Minister for Human Rights. As the noble Lord knows, I very much appreciate his insight and expertise on a range of issues covering human rights across the world.

I also acknowledge a point made by the noble Lords, Lord Collins and Lord Purvis, and the noble Baroness, Lady O'Loan, about—I was going to say “the irony” but actually it goes stronger than that—the perverseness of the countersanctions that have been applied by the Chinese. We have applied sanctions on Chinese authorities and individuals, and I will come on to those in a moment, but the perverse response to those who have spoken out strongly, as we have heard again today, on the issue of human rights and the rights of all communities in China, particularly the Uighurs, has been that they have sought to challenge those voices and silence them. However, as we have heard today in the contributions from the noble Baroness, Lady Kennedy, and the noble Lord, Lord Alton, they will not succeed. I assure your Lordships' House that the Government, and indeed I, with my responsibilities as Minister for Human Rights, stand very firmly with them on that important principle.

I recognise that the debate was also occasioned somewhat by the media report in question, which relates to a private meeting held by my right honourable friend the Foreign Secretary more than a year ago. Noble Lords will not be surprised when I respond to the various comments that have been made simply by saying that I am not going to comment on private meetings that have taken place between Ministers and officials. However, noting what the noble Lord, Lord Hastings, summarised, I will seek to provide clarity on the Government's position on the various areas that the noble Lord highlighted, which other noble Lords asked for. The noble Lord, Lord Purvis, asked specifically what the Government's position is. Noble Lords will not be surprised to hear me say that our clear stated policy remains the policy of successive British Governments.

We have heard various references made to the fact that it is not for Governments or, indeed, non-judicial bodies to make determinations in relation to genocide, but I was very taken with the contribution of the noble Lord, Lord Anderson of Ipswich, who rightly articulated that whatever labels we may apply should not deter us from action. I hope I will allay some of the concerns that have been raised by noble Lords in that respect.

I respect greatly the insights provided by the noble Lord, Lord Hannay. Particularly in my role as Minister for the United Nations, I recognise the various challenges of diplomacy that often occur but, equally, the inability, as the noble Lord, Lord Collins, mentioned, of international mechanisms, including any referral by the ICC—of course China is not a state party to the Rome statute—which can be superseded only by a referral by the UN Security Council, and we also know that will not happen.

Nevertheless, I totally agree with the noble Lords, Lord Alton and Lord Hannay, and others that genocide is a crime and there must be no impunity for it.

As with any other crimes, judgment should be made after all available evidence has been considered by a competent court, but the policy that I have restated today does not detract from the Government's resolve to address the egregious human rights violations and the abuses against Uighurs and other minorities in Xinjiang. I assure the noble Baroness, Lady Smith of Newnham, that we continue to focus on what can be done diplomatically but also on what specific actions can be taken in this respect.

I turn to the current situation. We heard very telling examples from, among others, the noble Earl, Lord Sandwich, the noble Lord, Lord Alton, and the noble Baronesses, Lady O'Loan and Lady Kennedy, about the situation in Xinjiang, which, frankly and candidly put, to my mind is one of the worst human rights crises that the world is facing today. I accept, as I believe the noble Lord, Lord Hastings, mentioned, that as time moves on attention is taken away by the media being engaged in the ongoing Afghanistan crisis; we all know how true that is. It is therefore right that we have debates of this kind in your Lordships' House and, indeed, in the other place to keep the focus of both the Government and the world community on this issue, which continues to concern and requires further action.

The extrajudicial detention of more than 1 million Uighur Muslims and other minorities in so-called political re-education camps is well known to all of us. Systematic restrictions on trying to dilute and, indeed, eradicate the Uighur culture and the practice of Islam altogether, the banning of headscarves and of beards and the extensive and intensive surveillance of minorities have continued. New research continues to reveal disturbing details about the repressive policies enforced in Xinjiang. This includes credible evidence of invasive surveillance technology—the noble Earl, Lord Sandwich, drew attention to this—along with forced labour and the forced suppression of births, which the noble Baroness, Lady Smith, alluded to. In that regard, to address some of the concerns, I assure noble Lords that we have taken robust action.

I respect the noble Lord, Lord Desai, greatly but I do not agree with his assessment in this case. I believe that by acting not just as the United Kingdom but with key partners—a point made by the noble Lord, Lord Collins—we can effect change. We should never give up hope that we can effect change; otherwise, what is the point of anything? We must work together and collaborate on important priorities. In that regard, the UK has led international efforts to hold China to account.

I assure my noble friends Lord Cormack, Lord Polak and Lord Shinkwin that we are focused on this and we want to ensure that we work collaboratively and collectively, and I will come on to that in a moment. I assure the noble Baroness, Lady D'Souza, that we are working closely with our US partners. I have recently returned from a visit to Washington to discuss these very matters.

We have voiced our concerns over Xinjiang directly with the Chinese authorities. I assure the noble Lord, Lord Hastings, that I have recently had an exchange with the Chinese ambassador specifically on human rights, and I hope to meet him. In advance of that,

I look forward to insights from your Lordships' House on that meeting. Equally, just last month my right honourable friend the Prime Minister raised the topic of the Uighurs in a conversation with President Xi, as did my right honourable friend the Foreign Secretary in her introductory call with Chinese Foreign Minister Wang Yi.

We continue to work with our international partners on this very important issue. Noble Lords will recall the second element beyond direct diplomacy: multilateral action. We led the first formal joint statement on Xinjiang at the UN, which was supported by 23 countries. Since then, we have used our diplomatic network to increase the pressure on China to change its behaviour in Xinjiang. Last month, there was a global diplomatic effort to secure the support of 43 countries for a joint statement at the United Nations. This reiterated our serious concerns about human rights violations in Xinjiang. It also demonstrated positively in what is a very challenging situation—several noble Lords referred to the powerful role of China on the world stage—that we have seen increasing numbers supporting the statement that we have championed, and partner countries have come on board. For example—the noble Lord, Lord Collins, has raised this issue with me before—it attracted support for the first time from countries from the OIC, such as Turkey. We also saw support from Eswatini and Liberia. We have consistently used our national statements at the UN to underline our serious concerns and did so most recently in September. On the G7 and leadership on the world stage, we convened world leaders and Foreign Ministers under the G7 presidency to signal our grave and collective concern.

On the point raised by the noble Lords, Lord Hastings and Lord Collins, we have consistently and repeatedly called on China to give UN High Commissioner for Human Rights Michelle Bachelet unfettered access to the region, and I am engaged directly on that issue with the high commissioner. We have also welcomed UN plans to publish an assessment of the human rights situation in Xinjiang based on all available information.

There is also a harder-edged element to our actions. Several noble Lords, including the noble Lords, Lord Alton and Lord Collins, and the noble Baroness, Lady Smith, referred to sanctions policy. Since its inception a year and a half or so ago, the sanctions policy has seen us calling out egregious abuses of human rights. It is something I have believed in for a very long time, and I was delighted that we brought forward such instruments. I assure all noble Lords that we will continue to work with international partners to hold China to account for its gross human rights violations in Xinjiang. However, it is not enough simply to exert diplomatic pressure, and in March we announced sanctions against perpetrators of gross human rights violations against Uighurs and other minorities. We imposed asset freezes and travel bans against four Chinese government officials as well as Xinjiang security bodies.

In response to the noble Lord, Lord Collins, as he will be aware, we co-ordinated our sanctions policy and its application with our key partners; namely, the United States, Canada and the European Union. This had an impact and sent a clear message to the Chinese Government that the international community will

not turn a blind eye to their serious and systematic violation of human rights. As the Minister for sanctions as well as human rights, I can say that future sanctions policy remains very active in my inbox list, but I cannot comment further on designations we may make in future.

It speaks for itself that while 30 countries united in sanctioning those responsible for these violations, China's response, as I said in my introductory remarks, targeted parliamentarians in our Parliament as well as others in the UK. My right honourable friends the Prime Minister and the Foreign Secretary have made it clear that Chinese attempts to silence those who highlight human rights violations, including MPs and Peers in the United Kingdom, are unwarranted and totally and utterly unacceptable.

We also announced strong domestic measures last January to help ensure that no UK organisations are complicit in human rights violations through their supply chains, and we are now implementing those measures across government. We are also funding research on international supply chains to understand how they contribute to the situation in Xinjiang.

We have funded a report by the Australian Strategic Policy Institute, which was published last month, on how China is implementing its repressive policies in Xinjiang, and the Rights Practice released a report in June, funded by the FCDO, which analysed the legal tools used to enforce China's policies in the region. It is crucial that we listen to compelling and well-researched reports, and we will do so, and that we listen to the Uighur community. In this regard, I reassure noble Lords that on several occasions I have had the honour of meeting incredible and courageous survivors of that persecution who continue to be challenged by the persecution and detention of family members in Xinjiang. As we speak, a range of stakeholders from the diaspora community continues to inform government policy to ensure that those voices are central to our response.

Some specific questions were raised. Understandably, there were various contributions on the Winter Olympics. I am grateful for the contributions of my noble friend Lord Polak and the noble Lord, Lord Alton, and for the insight and expertise provided by my noble friend Lord Moynihan. The right reverend Prelate also spoke quite passionately about the importance of what the UK Government should be doing, and how, as did my noble friend Lord Cormack. I highlight particularly the contribution of the noble Baroness, Lady Grey-Thompson. It is not often that we have a chance to acknowledge an incredible Olympic medallist in our midst. She spoke with great insight and personal expertise on this issue.

I often call your Lordships' House a place of experts and of great wisdom, and one thing I think we should be doing when we move forward on the most sensitive issues is to leverage the expertise of your Lordships. I think we are well minded, and I will certainly be passing on my thoughts to the Sport Minister in this respect. Nevertheless, the Government have made it clear that no decisions have yet been made about government attendance at the Beijing Olympics. As noble Lords know, the participation of Team GB in the Olympics and Paralympics is a matter for the British Olympic Association and the British

[LORD AHMAD OF WIMBLEDON]

Paralympic Association. They operate independently of the Government, as required by the International Olympic Committee.

The noble Baroness, Lady Finlay, spoke again about an issue on which she and I have exchanged a lot of correspondence and had meetings. We have engaged extensively with the chair of the Uighur tribunal, Sir Geoffrey Nice, who I have met on several occasions. We have also attended various tribunal sessions. We welcome any initiative that is rigorous and balanced and, importantly, that raises awareness of the situation faced by the Uighurs and other minorities. We are following the work of the tribunal very closely and will study any resulting report.

The noble Baroness also spoke about Myanmar and the brutality against civilians as a read-across. I have just returned from Bangladesh. I have seen the continuing challenge faced by the Rohingya community in the camps, and I look forward to updating your Lordships' House and the noble Baroness on some of the specifics of what I saw and on some of the further actions we are taking.

The noble Baroness also raised the ongoing issue of the World Health Organization. This is a bit of a continuing exchange. The noble Lord, Lord Collins, has also raised this. I have written to the noble Baroness and the noble Lord several times. I was informed that they did not have the report, so I got it together and sent them a copy. I met Sir Geoffrey Nice on this issue. I am hoping to visit Geneva very soon and not just the Covid pandemic but this issue will be part of my engagement with the World Health Organization.

My noble friend Lord Shinkwin made a point about the Conservative Party Human Rights Commission's report. As a member of the Conservative Party and the Human Rights Minister, I have seen that report and taken careful note of it. As a Government, we have produced our own human rights report and laid the interim human rights report in Parliament recently.

The noble Baroness also raised the issue of organ harvesting, as did the noble Lord, Lord Anderson. I have been clear that if this practice is systematic state-sponsored organ harvesting, it constitutes a serious violation of human rights. I look forward to hearing directly about some of the practical steps that can be taken. The noble Baroness and I have exchanged information on what other countries may do, based on their own systems. We need to challenge this practice and see how we can deter it. The challenge is clear, but I look forward to further practical discussions of the measures we can take in this respect.

The issue of co-operation with the United States on human rights in China was raised by the noble Baroness, Lady D'Souza. When I was in Washington, I met Uzra Zeya, the new Under Secretary of State for democracy and human rights. A democracy summit is being held, to which, incidentally, I believe Taiwan has also been invited. We are working very constructively: the AUKUS agreement demonstrates and underlines the importance of our working with key partners in challenging some of the Chinese influences in the region.

The UK continues to believe that the Taiwan issue can be settled peacefully on both sides. We are concerned about the activity that risks destabilising the status quo.

Regarding specific UK actions as part of our G7 presidency, we and our G7 partners have recently restated the importance of peace and stability across the Taiwan Strait.

As an added point for noble Lords' information, today we also announced the British investment initiative, which looked at the old CDC. In broader terms—the noble Lord, Lord Alton, alluded to this, as did other noble Lords—there is the question of what more we can do in the counteroffer of economic strength. The noble Lord, Lord Purvis, will know all too well what China does on the world stage. This is a positive offer to help plug the significant financing gap that developing countries face in terms of honest, responsible, open investment.

I am conscious of the time and the limits to my contribution as I reach the last minute. On the issue of trade, specifically pensions, if there are additional details, I will write to my noble friend.

We continue to take action against China, notwithstanding where we are and the challenge that is posed on the world stage. Human rights remain central to our thinking, demonstrably so in terms of our policy-making at the Foreign, Commonwealth and Development Office. I assure noble Lords that my right honourable friend the Foreign Secretary, as she has shown in recent statements, is committed to standing up for girls' rights and particularly for the rights of women around the world who continue to be oppressed.

The list of actions I have outlined is not exhaustive and we continue to seek new avenues to increase pressure on Beijing. Last week, in our response to the Foreign Affairs Committee's report on Xinjiang, we committed to raising this matter with further international bodies, including UNESCO and the International Labour Organization. We also pledged further consultations with the Uighur community.

I hope I have brought a degree of clarity to the questions posed by the noble Lord, Lord Hastings. We will continue to work with our international partners. We will work with the Uighur people themselves to hold the Chinese authorities to account. In doing so, we will continue our long and proud history of protecting human rights and promoting our consistent human values, shared by so many around the world.

Finally, I am conscious of the point made by my noble friend Lord Polak. We celebrate diversity in our country. We respect human rights. We respect people's rights to practise whatever faith or religion they choose to. On behalf of the Government and myself, may I take this opportunity, as Sunday approaches, to wish all Jewish friends and, indeed, the wider Jewish community, both home and abroad, chag sameach, happy Hanukkah.

2.23 pm

Lord Alton of Liverpool (CB): My Lords, sometimes the word "remarkable" is overused in the context of our debates in your Lordships' House, but I do not think it would be overstating it to say that this has been a remarkable debate and I am truly grateful to all noble Lords who have contributed to it. My noble friend Lord Purvis talked about the importance of open parliamentary democracy. He said that it was the greatest rebuke that we could give to those who would silence other opinions.

A number of us have referred to one another as “noble friends” today even though we are from different places in the House. That is because many of us are friends. It has struck me that this has been a united response and the Minister is right to say that we have stood in solidarity on the fundamental freedoms. I cannot think of any better Minister to have answered the debate in your Lordships’ House today.

The noble Lord, Lord Ahmad, and I go back a long way. I have never ceased to be impressed by his diligent approach to his portfolio and the commitment he has made to human rights and fundamental freedoms. I was very struck by his saying that he will be seeing a number of people in the future, including the Ambassador of the People’s Republic of China. I hope that whenever he has the opportunity, he will share the *Hansard* from today’s remarkable debate so that people will know the opinions that have been so freely expressed in your Lordships’ House today.

The noble Lord, Lord Desai—who again is a noble friend—expressed an opinion that was different from those expressed in the mainstream of the debate, but that is the whole point of your Lordships’ House. He remarked that often, silence was the reason why some of the terrible atrocities of the past occurred. There is some truth in what he said, and I was struck by how Dietrich Bonhoeffer, the Protestant theologian, and Edith Stein, a Catholic nun, both said no to the Nazis and both were executed. Indeed, Bonhoeffer said:

“Not to speak is to speak. Not to act is to act.”

I think all of us have to bear in mind the privileges we enjoy in your Lordships’ House—the truth-telling that my noble friend Lord Hastings enjoined upon us—and that we have a duty to use those privileges, liberties and freedoms whenever we have the chance.

The Minister gave some clarity to the questions that my noble friend asked, but the specific question of competent courts that are able to determine these matters—the point that the noble Lord, Lord Collins, made so effectively from the Opposition Front Bench—is still unresolved and lies at the heart of this debate. A voice that has not been heard today—but all the arguments have been listened to by him throughout—is that of the noble and learned Lord, Lord Mackay of Clashfern. If anyone can convince people of the merits of the amendments that he voted for during the passage of the Trade Bill, I know it is him.

Now that Mr Dominic Raab is the Lord Chancellor, he is in a very good position to do something about the circular argument whereby this issue is only for a competent court to address. Given his background, I know that this will be something close to his own heart. I have written to him about this essential issue and I hope that the Minister, whom I copied in, will ask him to share the reply with all who have participated during the debate today.

I cannot go point by point on everything that has been said—your Lordships would not want me to—but I particularly endorse what the Minister said about the roles of AUKUS and the United Nations. Here, again, I rather dissent from the slight pessimism of my noble friend Lord Desai. We were very blessed today to hear from my noble friend Lord Hannay, with his huge experience of the United Nations—in what was described

rightly as a moving and powerful speech—when he talked about his own experiences at the United Nations with Rwanda and Bosnia. We must remind ourselves of what he did when he was our ambassador at the United Nations, what the noble Lord does as our Minister responsible for the United Nations, and what most of us in your Lordships’ House believe in, which is internationalism and the importance of nations standing together.

Dag Hammarskjöld, perhaps the greatest of the Secretaries-General, said that:

“The United Nations was not created to take mankind to heaven, but to save humanity from hell.”

If anything, today, I think we have a glimpse of what hell may look like. My noble friend Lady Kennedy gave an analysis of the use of slave labour in Xinjiang and said that a genocide was in progress. My noble friend Lady Smith of Newnham said that following the Bosnia judgment, we have a duty to prevent at the instant—from that moment onwards—we come to know what is under way. The noble Lord, Lord Anderson of Ipswich, with his enormous experience of the law, gave us a forensic examination of atrocity crimes but he also referred to *Nineteen Eighty-Four* and the hollowing out of humanity. That phrase will stay with me.

My noble friend Lord Polak reminded us of the contribution of the late Lord Sacks to your Lordships’ House. His books, *The Dignity of Difference* and *The Home We Build Together*, sit on my bookshelves and I look at them again and again, because that is what we have to crack: we have to find ways of learning to live together. He reminded us of the hope that Hanukkah holds out and, like the Minister, I wish him a great festival and celebration. I thank him for reminding us what hope looks like—as did the right reverend Prelate the Bishop of St Albans, who has done so much on this issue over such a long period. He asked us, “Are we going to be a force for good? Are we going to balance this with trade?”

The noble Lord, Lord Cormack, referred to the way that William Wilberforce persisted over 40 years when ending the slave trade. But I am struck that people such as Richard Cobden, that great proponent of free trade, stood with Wilberforce as he did on the Opium Wars, which have been referred to. Not everyone went with these things and it is to the credit of parliamentarians that some said no and, in the end, the public changed their minds. The noble Lord reminded us that even when Wilberforce was on his deathbed—his book on the subject is well worth reading—the message was brought from Parliament to say that the law was being changed.

My noble friend Lady Finlay gave us horrific evidence of forced organ harvesting. She reminded us in her peroration about the dangers of unacceptable silence. I hope that when the Minister goes to Geneva, to talk again to the World Health Organization, he will take my noble friend with him.

We have heard speeches from the noble Lord, Lord Moynihan, and my noble friend Lady Grey-Thompson about politics and sport. The very first speech I made in my student union in 1970—I remember trembling at the time—was on the Stop the Seventy Tour campaign. Why? It was because I opposed apartheid. Again, that

[LORD ALTON OF LIVERPOOL]

was a remarkable example of cross-party co-operation, of people standing together and ultimately changing the laws in South Africa, and people's attitudes as well.

My noble friend Lady D'Souza talked about the insatiable need for cotton. She is right that we have to look, as the noble Lord, Lord Purvis, said, even at the ties we wear and ask ourselves where these things come from. During the campaign against slavery, there was a rising up of people through the sugar boycotts and suchlike which made parliamentarians say, "The public are behind us—let's do something about it". She also talked to us, as did my noble friend Lady O'Loan, about the wider consequences. The fearful harbinger of Hong Kong, as my noble friend reminded us, is held out in the context of Taiwan. The Minister was right to talk about the dangers that lurk in the Taiwan Strait and the South China Sea, and how we have to stand with our natural allies—in Five Eyes, but specifically in AUKUS as well—in confronting these dangers.

My noble friend Lord Shinkwin reminded us of the Conservative Party Human Rights Commission and its admirable report, chaired by the noble Baroness, Lady Hodgson of Abinger. That report deserves to be read by every Member of your Lordships' House. He told us about the importance of dealing with supply chains; the recommendations in that report looked at ways of trying to sort out where commodities come from.

My noble friend Lady O'Loan told us about the things that have been happening to other groups of people. Yesterday was Red Wednesday, and the Minister reminded us all of the importance of freedom of religion or belief. Article 18 of the 1948 Universal Declaration of Human Rights specifically says that everyone has the right to believe, not to believe or to change their belief; it is violated every day. One of your Lordships' parliamentary committees said that it is an orphaned right. We should take it out of the orphanage, and no one does more to do that than the Minister.

In the context of China, what is happening to the underground churches and Falun Gong, as referred to by my noble friend Lady Finlay? What is happening to Mongolians and people of many different extracts, religions and politics? We must deal with that.

My noble friend Lord Sandwich and others have made great contributions to your Lordships' House during this debate. I am conscious that there is another debate to follow. I think I was told that we have until 2.45 pm but I do not think I should trespass any longer on your Lordships' time, other than to say thank you to everyone who has taken part. We will not be silenced on this issue. All of us who have spoken today will return to it again and again, until this injustice is properly recognised and put right.

Motion agreed.

Army Restructuring: Future Soldier

Statement

2.35 pm

The Minister of State, Ministry of Defence (Baroness Goldie) (Con): My Lords, with the leave of the House, I should like to repeat a Statement made by

my right honourable friend the Secretary of State for Defence earlier in the other place. The Statement is as follows:

"With permission, I would like to update the House on the details and implementation of the Army's future capabilities, structures and basing. In March I stood here to announce the outcome of the defence Command Paper, part of our integrated review. I said that we must adapt to new threats, resist sentimentality and match our ambitions to our resources if we are to field Armed Forces that remain relevant and credible for the challenges of the future. I also said that we owed it to our service personnel to ensure we now turn that policy into reality, and that the work to do so had only just begun. The Army was tasked with undertaking the most significant modernisation in a generation and, after an intensive period of planning, for which I am especially grateful to the Chief of the General Staff, General Sir Mark Carleton-Smith, Brigadier Clark and the rest of the team, I can now announce the details of its plans, entitled *Future Soldier*.

Let me begin by paying tribute to those soldiers, the brave men and women of the British Army. To me, they are the finest in the world. Yesterday, we witnessed soldiers alongside colleagues from other services parade outside Parliament. It was an opportunity not just to pay tribute to their extraordinary endeavours during Operation Pitting in helping to evacuate some 15,000 people in a matter of weeks or to thank them for their service and sacrifice throughout the decades-long Afghan campaign. It was also a reminder that the Army that departed Afghanistan was a very different one from that of 2001.

The Army of the future must adapt even more radically if it is to adapt to the threats of the future. Let us be clear: those threats are proliferating ones, from increasing humanitarian crises to evermore capable and determined violent extremists and proxy forces, and the ever-present spectre of great power competition. To keep pace with the changing character of warfare, our Army must be forward-looking, adaptable and embracing of new ways of working, as much as new weapons and technologies. Not only must it have the best force structure to counter an ever-growing range of threats to the UK, our people and interests, but it must achieve our ambitions on schedule and in budget.

Thanks to the Prime Minister's record settlement for defence, announced at last year's spending review, we have been given the time and resources to undertake the generational modernisation that defence needs. Far from being deprived of investment, as some claim, we are injecting £41.3 billion into Army equipment and support this decade—£8.6 billion more than had been planned prior to the integrated review. We are using those funds to create a modern, innovative and digitised Army. Our future Army will be leaner but more productive, prioritising speed and readiness over mass mobilisation but still over 100,000 strong—integrating regulars and reserves, as well as all the civil servants and partners from the private sector.

As the Chief of the General Staff has said, it must be an Army that places a premium not just on mass, but on critical mass: relevant, networked, and deployable. So the Army will be reorganised to operate on a

continuous basis, fielding all the relevant capabilities for this era of constant competition and persistently engaged around the globe, supporting our partners and deterring our adversaries. But, crucially, it will also be an Army designed for genuine warfighting credibility, as an expeditionary fighting force that will be deployable and lethal when called upon to fight and win.

Since the publication of the defence Command Paper, my officials have worked hard to finalise a reform programme to deliver our priorities at home and abroad. Our future soldiers will find tomorrow's Army has six distinct elements.

First, it will be globally engaged, with more personnel deployed for more of the time, employing a new network of regional hubs based on existing training locations in places such as Oman and Kenya.

Secondly, it will be a key contributor to NATO warfighting, capable of fielding a division throughout the decade as we transition to the new capabilities for a fully modernised warfighting division by 2030.

Thirdly, it will be enhanced by state-of-the-art equipment, including upgraded tanks and digitally networked armoured vehicles, as well as long-range precision strike, cyber and electromagnetic capabilities.

Fourthly, it will exploit innovation and experimentation to get ahead of the evolving threats. Not only will the Army share the £6.6 billion of defence's increased R&D investment, but next year both the new British Army battle lab and a dedicated unit, the Army trials and experimentation group, will be established to stay at the cutting edge.

Fifthly, it will have integration at its heart, bringing together regulars, reserves, and civil servants to form a more productive force with warfighting and resilience at its heart and cross-government working in its DNA.

Finally, it will be an Army that benefits the whole of our union, with an increased proportion of the Army based in each of the devolved nations and expenditure contributing to prosperity throughout the United Kingdom under our upcoming land industrial strategy.

I am pleased to report we have already made substantial progress. When it comes to global engagement, we have formed the new Army special operations brigade in which the new ranger regiments will sit, established the security force assistance brigade, and set up a NATO holding area in Sennelager in Germany. In terms of warfighting, we have reinforced NATO's Allied Rapid Reaction Corps, established new brigade combat teams, and reinforced the Army's global response force.

Over the next five years, implementation will continue apace. At the end of this year, our new ranger regiment will reach initial operating capability. By mid-2022, our new deep recce strike brigade combat team will be established. By the autumn of next year, two battalions of the Mercian Regiment will merge to form a new Boxer-mounted battalion in one of our armoured combat teams. The recapitalisation of major equipment is also already under way. I am determined to do everything within our means to accelerate the introduction of Challenger 3 tanks, with an ambition for their delivery to units starting from 2025 onwards.

Likewise, we are transitioning to Boxer armoured personnel carriers from the retiring Warrior, with units receiving vehicles from 2023. We are resolving development issues with the troubled, but none the less technically capable, Ajax armoured reconnaissance vehicle. We are upgrading the battle-proven Apache attack helicopters, while investing in everything from long-range precision strike ground-based air defence, to uncrewed aerial systems, electronic warfare and tactical cyber. These cutting-edge capabilities will be wielded by the newly restructured brigade combat teams: self-sufficient tactical formations with their own combat support and logistics. They will include 16 Air Assault Brigade Combat Team and a new aviation brigade combat team, which together will form our global response force providing defence's rapid response to crises overseas.

I turn now to our plans to streamline the Army force structures. For too long, historic infantry structures have inhibited our Army's transformation. We cannot afford to be slaves to sentiment when the threat has moved on. So today I can confirm a major reorganisation under four new administrative divisions of infantry: the Queen's Division, the Union Division, the Light Division, and the Guards and Parachute Division. These divisions are designed to reflect historic ties, while also balancing their numbers of battalions and unit roles, offering greater flexibility and opportunity to soldiers of all ranks.

As announced in March, these plans do not involve the deletion of any cap badges, further major unit changes or any military redundancies. While we are significantly reducing the total number of Army personnel, we are not compromising our presence in and contribution to the devolved nations. While numbers will reduce slightly everywhere except Wales, we are increasing the proportion of the Army based in each nation and investing millions in their defence industry and estate.

Northern Ireland will keep the same number of battalions but host a greater proportion of the Army's workforce and gain an additional reserve company of the Royal Irish. Scotland will be home to more battalions, going from six to seven units, and a greater proportion of the Army than today. We will be retaining Glencorse barracks, and we will grow in Kinloss and Leuchars thanks to £355 million investment in the Army estate, delivering more than £1 billion of economic benefits.

Wales will see the return of the Welsh cavalry, the Queen's Dragoon Guards, to Caerwent barracks and a new reserve company of 3rd Battalion The Royal Welsh established in north Wales. The retention of the Brecon barracks and the growth in Wrexham are just part of a £320 million investment in the Army estate in Wales. I know colleagues will be enthusiastic to learn the basing implications for their own constituencies, and the full breakdown of the Army's new structure will be able to be found on GOV.UK after this Statement, or by clicking the link through the 'Dear colleague' letter that will be distributed.

Our future Army will be as agile in the new domains of cyber and space as it is on the ground. It will contribute the most personnel of all the services to those enhanced information age functions, such as the National Cyber Force and Defence Intelligence, which are so critical to our new integrated force. In practical

[BARONESS GOLDIE]

terms, this amounts to an additional 500 regular personnel, taking us from 72,500 personnel to 73,000. This will not incur any additional cost, since these positions had already been budgeted for within our spending review settlement. Together with the more than 10,000 Army personnel who work in other parts of defence, we will now have a new headline regular Army figure of 73,000, as I said.

As I said back in March, the size and capabilities of our Army must be dictated by the threat. What we can show on paper, or even muster on parade, matters little if we cannot rely on those numbers when it counts or deliver the relevant capabilities required. Unlike the purely financial or numerically driven reviews of the past, we have taken a positive, pragmatic approach, matching our size to the current security environment and the current ambition of this Government.

Mr Speaker, transformation on this scale—every single unit will be affected in some way—requires radical structural and cultural change and that change must start at the top of the Army. So, by 2025, the Army's headquarters will be reduced by 40% regular personnel, and reserves integration will be made more productive across the force. Notably, the Covid pandemic underlined the need for resilience structures that can cope with crises on the home front, so a new reserve brigade based in York will ensure we can provide forces at the point of need. Simultaneously, we will be strengthening our Army's institutional foundation across the United Kingdom by establishing regional points of command.

Our Army has always been defined by its people and their adaptive, resilient, determined and diverse qualities, so this review puts investment in human capital first. The more we use our people, the more we must make sure they are properly supported. That is why we will be modernising individuals' careers and family assistance, all of which will be consolidated in an Army people plan published in the new year.

Finally, in this more competitive age, we will ensure that equipping our people with the ability to understand, compete, and fight across all domains is firmly at the forefront of defence policy-making. This is an Army that we can remain proud of, not just for its historical achievements or the 'top trumps' comparisons of numbers of tanks and people in its ranks, but because it is an honest force that is credible and relevant, relentlessly adapting to confront the threats to this nation and to meet the challenges of the future.

We will change the way it operates as much as the equipment with which it does so and evolve culturally as much as structurally, to place our future soldier in the best possible position to compete in all domains, both new and old, to shape our world for the better. Like their forebears, I am certain they will grasp these opportunities with both hands. It is certainly an Army I would have liked to have served in.

I am certain that this modernisation programme will allow them to do just that and ensure the Army remains both relevant and credible, in support of our Prime Minister's vision for a global Britain that is a safer, stronger and more prosperous place. I commend this Statement to the House."

2.50 pm

Lord Coaker (Lab): My Lords, I thank the Minister for the Statement. In particular, I associate myself with the remarks she made about the return of our Armed Forces to Parliament yesterday.

It was the Government's defence Command Paper, published only this year, which outlined a significant restructuring of the Army, including an overall reduction in troop numbers from 82,000 to 73,000 by 2025. This broke an election promise from the Prime Minister, and RUSI stated soon after that these cuts ended an era in which the UK could describe itself as a full-spectrum military power.

Today's Statement confirms that the Army will be reorganised into a "leaner Army", as the Secretary of State for Defence calls it, under four new administrative divisions of infantry. He said that numbers are reducing everywhere, but we must wait for a full breakdown online. It is welcome that the Government are responding to new threats of technology, cyber and hybrid warfare, but this should not be at the expense of other needed capabilities. Can the Minister reassure us that this is not the case? Can she reveal the impact on base closures to this Chamber now? Can she confirm that not one member of the Armed Forces will receive a redundancy package? Can she also explain what this Army restructuring means for European restructuring, our NATO commitments and global Britain?

We believe that, while our Armed Forces are highly respected worldwide for their professionalism and all-round excellence, numbers still matter. Our full-time forces are already nearly 10,000 below the strength that Ministers said in 2015 was needed to meet the threats that Britain faces. Can the Minister confirm the actual and final number for troop reduction and any timeline for that?

These cuts to Army personnel come at a time when the threats to the UK and our allies are growing and diversifying, especially if we consider various developments—for example, in Ukraine. Deeper cuts now could limit our forces' capability and capacity to deploy overseas, support allies, maintain strong national defences and reinforce domestic resilience. Therefore, we believe that these reductions to the Army should be paused, pending a review, and reversed if necessary.

The procurement and delivery of armoured vehicles, which are vital to the protection of infantry on the ground, are also in disarray. The number of Challenger main battle tanks due to be upgraded has been reduced, the Warrior capability sustainment programme has been axed, and its replacement, Boxer, is unproven. Notwithstanding the remarks the Minister made in the Statement, can she give a further update to the Chamber on how these various programmes and their replacements are progressing? The £5.5 billion Ajax programme is more than four years late on its in-service date and has been beset by noise and excessive vibration problems, resulting in injured personnel. So far, just 14 have been delivered, at a cost of approximately £3.5 billion. Could the Minister give us an update on the current situation with Ajax?

Today's Statement also comes at a time when Ministers are becoming increasingly reliant on troops to fix problems at home. There were 359 instances of civilian aid last year and 237 in the year to date. That is up

from 120 or so in the four previous years. In Written Answers published just a few weeks ago, the Minister revealed that around 560 military personnel are currently deployed on supporting the NHS, 500 personnel are helping to supply fuel around the country, and 4,000 troops are on standby to help with Covid support. Can the Minister give us any update on how this restructuring may impact the support that the Army gives to the many emergency services around the country and on the various emergencies that occur?

Finally, change is always needed, but we seem to keep changing the changes. Is this the last time that we can expect there to be a major Command Paper or Statement changing things that were seen only a few years ago as essential for the defence and security of our nation? I finish by saying again how proud we all were to welcome our Armed Forces to Parliament yesterday. This Statement gives all of us an opportunity to mark that memorable occasion.

Baroness Smith of Newnham (LD): My Lords, I am grateful to the Minister for repeating the Statement and am glad we have gone back to having Statements repeated, rather than them being assumed to have been read. I have just come straight from the debate on genocide, led by the noble Lord, Lord Alton; I was trying to read the Statement during that debate, but it was such an important debate that it was quite difficult to read anything. It has been very helpful to hear the Minister, but this is also important to get a sense of the Chamber. When something is read out, you can see reactions.

Like the noble Lord, Lord Coaker, I pay tribute to our Armed Forces. Sadly, I was not in Westminster yesterday, so was not able to help welcome back those from Op Pitting, but obviously the whole nation pays tribute to our Armed Forces, everything they have done in that operation, and the many things done in the 18 months to two years in which we have been dealing with Covid.

As the noble Lord, Lord Coaker, pointed out, we are now using our Armed Forces very extensively, yet we seem to think we can have them ever reducing in size. I am a bit worried about this idea of the “future soldier”; I am hoping there will be more than one of them and that this is not a Matchbox idea of an identikit soldier, but rather a strange, generic name meaning the 73,000 personnel that I think we will have as full-time regulars.

I found the Statement extremely confusing, and I do not think it was the way the Minister read it or my inability to read the statistics at short notice. As the noble Lord, Lord Coaker, pointed out, we had a headline goal of 82,000 personnel, which was going to be reduced; at the moment, we are on only about 76,000 anyway. We are now told that another 500 soldiers means an increase to 73,000, but that is still fewer than we have at the moment, so will we see cuts or increases and is this anything more than hypothetical?

At one point, we were given the figure of over 100,000 personnel, including the reserves. Could the Minister clarify what assessment the Government have made about the actual number of personnel needed in an integrated force of regulars and reserves? What will the total target number be and is 500 actually an addition or not?

The second area where there is something a little misleading is the fact that one of the five points we are supposed to take away from this Statement is that there are benefits for the

“whole of our union, with an increased proportion of the Army based in each of the devolved nations”.

That sounds wonderful, but then you look at the detail and realise that that means a larger proportion of a smaller force, so that, with the exception of Wales, the devolved nations will have not actually more personnel serving but just a larger proportion. I am not sure that will feel like a real bonus in Scotland or Northern Ireland. Could the Minister explain how the devolved nations will actually benefit, in a tangible way?

Finally, on capabilities—sorry, it is not finally, I have two more points. On capabilities, the Statement says:

“We are resolving development issues with the, nonetheless technically capable, Ajax armoured reconnaissance vehicle.”

Can the Minister reassure us that this vehicle will ever come into service? Is it really fit for purpose?

My final point is that we have had the Armed Forces Bill going through this place. We are almost at the final stages, but we have talked a lot about AI. That is touched on in the report. Will there be enhanced training for our future soldiers in artificial intelligence and machine learning, and how will that be brought it into the reduced size of the Armed Forces?

Baroness Goldie (Con): My Lords, I thank the noble Lord, Lord Coaker, and the noble Baroness, Lady Smith, for their comments. A number of interesting points have been raised. I welcome the noble Lord’s acknowledgement of living in a world of new threats requiring new technologies and capabilities. That absolutely is what *Future Soldier* is all about. The noble Baroness, Lady Smith, used the rather provocative phrase “identikit soldier”. No, this means the absolute opposite; it means a flexible, fluid, resilient force in which we need people of talent and of disparate attributes and qualifications, who will all be able to find a place.

The noble Lord, Lord Coaker, asked a number of specific questions, not least on redundancies. I can say to him that there will be no Armed Forces redundancies as part of any restructuring. He was also interested in the timing in relation to the 73,000. My information is that the reduction of the Army will take place over the next four years, so we aim to reach that figure by 2025.

The noble Lord also asked a question about bases. I have very detailed information about that, and it is, generally speaking, good news. It is a mixture of bases which will stay where they are—some that were threatened with closure have now been reprieved, while others have closure dates that have been deferred. The easiest thing I can offer to do is to write to the noble Lord, because there is a picture pan the UK, so I hope he will forgive me if I do that.

The noble Lord spoke in a slightly bilious tone about equipment. I look through a glass half full rather than a glass half empty, because there is a very good story to tell. With the new shape of the Army, we are recognising that innovation, technology and digital transformation all have a role to play. Part of it is recognising sunset capabilities, which will be phased

[BARONESS GOLDIE]

out, but, as I mentioned when I repeated the Statement, there are really exciting prospects, whether with Boxer, the Challenger 3 version of the tank or some of our new technical innovations.

The noble Lord asked specifically about Ajax. That remains at the heart of the Army's plans for a modernised fleet of armoured vehicles for the future. We are not underestimating the challenges which have emerged in the developmental stage, but that is not in any way to diminish the potential of what will be a hugely important addition to our capability. As the noble Lord knows, the MoD and General Dynamics are currently working on and committed to identifying the root causes of the noise and vibration issues, and want to deliver a safe solution. So, rather than being pessimistic about equipment, I think that we can be very optimistic. It is part of a conjunction: not only do we have to get the correct configuration of the Army but we have to make sure, as I said in repeating the Statement, that it has the equipment that it needs.

The noble Lord raised an important point about Covid support and the extent to which we have been deploying our Armed Forces—I think that we would all want to thank them for this—in responding to the challenge of Covid. They have made a vital contribution on behalf of the country to supporting us all as we come through this pandemic.

The noble Lord hit on a very important point. One of the most exciting features of this Statement is that at long last it not only gives the reservists recognition and definition but acknowledges that they are an essential part of a whole-force approach. The reservists can offer us additional skills, expertise and talents that we may not readily have to hand within our Regular Forces. The recognition that the reservists have a tremendous potential to support us in a lot of the resilience work—hence the new unit in York—is an important development on that front. So I wish to reassure the noble Lord that, far from depleting availability of resource, the new proposals augment and sustain that facility.

The noble Lord asked rather mischievously whether this was the last major Command Paper and whether we could expect another one. I am old enough and long enough in the tooth to say sagely that we do not know what is around the corner. We make decisions for the best of reasons at the times that we make them. These decisions are based on a robust assessment of what threats are and where we are in relation to responding to them in the world we live in, where we now have technologies that we did not dream of 10 years ago. I think that the noble Lord will understand that we are responding to that as a Government innovatively, imaginatively and positively, and this is a very positive development for the Army.

The noble Baroness, Lady Smith, asked about the 73,000 figure and the extra 500. I reassure her that these 500 people are not imaginary; they already exist. They are already budgeted for under our existing structures. They are people of particular skill and talent who have been identified and who can be deployed to these specific technical areas. Yes, inclusive of the reservists, we expect a total force of more than 100,000, and that is a very impressive capability.

The noble Baroness asked about benefits to the union and whether, at the end of the day, we are not giving the different countries within the union a rather poor deal if we are reducing the overall size of the cake. I absolutely disagree with that. I think, as we know, Wales in particular will see an increase. In Northern Ireland and certainly in Scotland, we will see a sustained commitment to the presence in those two parts of the United Kingdom, and that is very healthy. In the case of Scotland, we will see an additional unit, retention of premises that some people were very speculative about and thought would be closed—they are not going to be closed—and a major increase in the presence over and above the Army. In Scotland, if we take into account the submarine headquarters now based in Clyde, HM Naval Base Clyde, and the huge expansion at RAF Lossiemouth to accommodate Poseidon, which has been a big development, with the intention that Wedgetail will go there as well, we have an overall figure for regulars and reserves across the three forces of approximately 14,500 people. That is a very significant presence, and I know that it is a presence that is considered very positive by people in Scotland.

The noble Baroness asked basically whether the Army was fit for purpose. The answer is yes, but, without this, it might not have been. We will be able to field a fighting division in the future; we will be able to respond to our allies and supporters. The noble Lord, Lord Coaker, raised a point in relation to NATO. He is quite correct: we will honour our obligations to NATO. It means that our Army will be better connected, faster and pound for pound more lethal than ever before. It will be integrated across domains with allies in NATO and beyond.

The noble Baroness's final point was about artificial intelligence, and she had a pertinent question about whether we were sure we were getting the people in that we will need. That is a very relevant and important question. The answer is that we will continue to recruit great people—we have great people, but we will continue to recruit them. There is a need for a broader range of skills, including digital and cyber experts, so the Army will transform the way in which it identifies talent and how it trains its people. There will also be a step change in Army education and professional upskilling, all of which is relevant to what we are trying to do. As I said in the Statement, this is an investment in the human element of the Army, not just an investment in structure, buildings and equipment. We are investing in our people to give the Army the intellectual edge that it needs. I hope that that reassures the noble Baroness.

I think that I have dealt with the questions that were raised, but I shall look at *Hansard* and, if I have missed anything out, I shall undertake to write to the noble Lord and the noble Baroness.

3.10 pm

Lord Harries of Pentregarth (CB): I thank the Minister very much for her Statement. Like other noble Lords, I pay tribute to our Armed Forces, particularly those who have been serving in recent years in Afghanistan under such testing and difficult circumstances.

Obviously, the main thrust of the Statement—rapid deployment and cutting-edge technology, particularly cyberwarfare—is absolutely right. However, as one of the diminishing number of people who served in the mid-1950s, when, if my memory serves me correctly, we had 1 million soldiers in the British Army of the Rhine alone, it comes as quite a shock that we are now talking about an Army of only 100,000 or so. What particularly worries me is that, in recent years, recruitment, even to this number, has not been satisfactory; there has always been a shortfall. What new strategies are there to ensure that this number of 100,000 is at least maintained? Of course, in this new Army, reservists, as the Minister rightly said, will play a significant role, with something like 27,000 of them. Is the Minister satisfied that the number of people with the right qualifications are coming forward for the reserve element in the Army?

Baroness Goldie (Con): I thank the noble and right reverend Lord very much indeed. He raises two important points. On recruitment, he is correct that challenges with recruitment were identified, and the approach to recruitment changed—and, actually, the position has turned around and is very encouraging. Part of what we are doing is to try to ensure that the Army represents an attractive career with an attractive future. Therefore, we are optimistic that recruitment will not be an issue and there will continue to be a good rate of applications to join the Army. We have no reason to think that that will not materialise.

On reservists and skills, one consequence of this reconfiguration, as I said earlier to the noble Lord, Lord Coaker, is to make this a much more attractive prospect for reservists, for two reasons. It gives them a sense that they are valued, acknowledged and regarded as part of the scene, as it were; whereas I think before that they may have felt that they were on the periphery, additional when needed but not at the centre of activity. This turns that around and makes sure that they are part of a whole-force approach.

The other interesting thing is, with the changes that have been introduced and some of the innovations that have been implemented in very recent times, we are now offering greater flexibility to reservists so they can choose, along with their employers, what is a suitable period of commitment for them. It used to be much more rigid: it was a short period away and then back to the full-time job. We are trying to make sure that that is much more flexible. We think that that will also appeal to a lot of people, depending on where they are in their career in the outside world, and that should facilitate heightened interest in the reserves, and, I hope, encourage more people to sign up to be reservists, in the knowledge that we are tailoring a system that is designed to suit them and their employers, as well as benefiting our whole-force approach.

Lord Houghton of Richmond (CB): There is much to be excited about in this announcement—there is quite a lot of novelty—and, if I turned the clock back, I think it is an Army that I would want to join. I congratulate the architects. My worry is that, despite some presentational sleight of hand, it is an Army that will be some 9,000 fewer—and with that smaller Army the delivery will depend on a number of challenging

things. Regardless of what the Minister has just said, it needs a perfect recruiting system. In respect of the reserves, it needs the willingness of employers to release reserves not as a last resort but as an integral part of what the Army needs to function on a daily basis. It also demands the adoption of some robotic and autonomous systems, which currently do not even have a legal framework within which to operate.

More widely, however, I want to turn to MACA—military aid to the civil authorities—which involves such things as assistance with foot and mouth, floods, Nightingale hospitals, post-Brexit supply chains and Covid vaccinations; all those things. Historically, those come out of what is called the Armed Forces' irreducible capacity, but where within this structure is the irreducible spare capacity to meet the exponential rise in the tasks that relate to the resilience of the nation and which featured in the integrated review as among the principal future threats to the country? You cannot have reserves released by their employers to do MACA tasks in the UK when they form an essential part of making the regular force resilient. I think this House should be worried, despite many of the attractive novelties contained in this announcement.

Baroness Goldie (Con): First, I thank the noble and gallant Lord very much indeed for his initial reaction and for his very helpful observation that this is an Army that he would like to join, as I understood him to say. I think that says a lot.

The noble and gallant Lord raises important issues. He first of all mentioned the reduction in the number of personnel. I think he will be aware of this, but in the past we tended to have numbers in boxes and on pieces of paper, which was very comforting, but actually they did not reflect the number of people whom we could call on if the chips were down. For various reasons, the numbers were perhaps inaccurate, or people were unavailable, and they were not a regular or reliable indicator of who we had to hand. The intention behind all this is that, when we talk about these figures, they represent men and women who are on hand, ready to serve and can be called upon.

The noble and gallant Lord mentioned recruitment. I repeat what I said to the noble and right reverend Lord, Lord Harries of Pentregarth, that recruitment has had fairly positive progress in the past two or three years, and we hope that can continue. On the reservists, again, as I indicated, we have always had an interest in the reserve side of our Armed Forces. There is nothing to suggest that that is diminishing. The whole point about the new structures and flexibilities is that that will be increasingly attractive to them. He made the important point that that is only as good as the willingness of the reservists to be more involved and the willingness of their employers to release them. Attempts have been made to ensure that that is a more flexible territory, whereby reservists benefit from getting long periods off. On the whole, employers have a very positive attitude to reservists, so we hope that that attitude of co-operation will continue.

On AI, the noble and gallant Lord is quite right: it continues, as we discussed during the passage of the Armed Forces Bill, to be an intricate, complex and challenging environment. He is aware that, as far as

[BARONESS GOLDIE]

the MoD is concerned, there is a defence strategy coming out fairly imminently, so I cannot say any more about that, other than to reiterate what I said to the noble Baroness, Lady Smith, that we are very clear that we must recruit to the Army people with skills that we need—and we will need the skills of people conversant with those areas of activity. The noble and gallant Lord makes an important point that we want to be sure that we have personnel who are of a calibre to cope with that new environment.

In relation to overall resilience and the Army's ability to respond to the MACA requests, we have seen that very vividly and impressively articulated in the response to Covid—it is an important point. Bringing in recognition of the reserves and the appointment of the new company in York acknowledges that we need a way of steadily addressing that resilience issue so that we have a core of people poised to respond to these situations. We do not then necessarily take other forces away from what may be important deployed activity. I wish to reassure the noble Lord that implicit in the new structure is this essential component of flexibility and fluidity, so that there is much more movement and much more of a focus on having people available—maybe in smaller units; I accept that—to go to the job when the job needs to be done, wherever that job arises.

Earl Attlee (Con): My Lords, I am grateful to my noble friend the Minister for repeating the Statement. On the point made by the noble and right reverend Lord, Lord Harries, when I joined the TA in 1974, we had 70,000 men and women in the TA alone. I accept that we need to make changes. There is no room for sentimentality, but I am worried that we are being too ambitious and trying to do everything. I am worried that we have too many chiefs and not enough Indians, at all levels.

Though there are numerous questions to ask about defence policy, I will ask three. It was said in the Statement that we will

“operate on a continuous basis ... persistently engaged around the globe”,

with many operations being conducted simultaneously. That sounds great, and I accept that our strategic airlift is well organised, but I understand that it is a limiting factor now. What happens when we deploy a whole division? Do we have the airlift to do so? I do not think we do. The Statement referred to the Challenger 3 tank; the programme sounds hopelessly optimistic in suggesting delivery from 2025 onwards, given the technology involved. Can my noble friend the Minister confirm that Challenger 3 will not have electric drive? Will the engine remain the CV12 engine supplied by Caterpillar, and will it have a diesel common rail direct injection system? My noble friend the Minister may want to write on that point. I will resist the temptation to talk about Ajax.

Finally and importantly, the primary role of the British Army is to train for war, but it sounds like we will be on operations all the time—numerous operations—and in contact with the enemy. There seems little time to train, especially for medium and large-scale operations. Most importantly, do we risk having too high a post-traumatic stress disease bill from continuing operations in contested environments?

Baroness Goldie (Con): My noble friend covered a lot of ground there. Let me see if I can deal with some of the points. He mentioned the possibility of too many chiefs, but I would make two observations. First, as was indicated in the Statement, at Army headquarters, there will be a 40% drop in the number of regular Army personnel, so that is one way of reassuring the Chamber that we are alert to the need to simplify the structures. The other thing implicit in the new structures is that we are providing opportunities for people to join and see career progress. If we have chiefs, we want them to be the right people—in my case, I want them to be women as well as men. If we can broaden the base, which is what this is all about, and provide more channels for activity and for operational work, we will get more people into these units, and they will see a fulfilling career ahead of them.

My noble friend was a little pessimistic about whether we are biting off more than we can chew. I would say no, we are not. The Army will continue to be a fighting entity and to have a warfighting division at its heart. The future structure will comprise two deployable manoeuvre divisions—the 1st and 3rd (UK) Divisions—and one information, manoeuvre and unconventional warfare division, which is the 6th (UK) Division. Thought has been given to what we are trying to do and how we do it.

On the Challenger tank, I am afraid my mechanical engineering knowledge is way short of what is necessary to reply to my noble friend. I will offer to write to him, which I hope is acceptable to him. His final question was on the important matter of the welfare of our Armed Forces. Indeed, I have a sense of déjà vu here, because we talked about this at length in our debates on the Armed Forces Bill. At the heart of what the Government and the MoD do with our Armed Forces is their welfare and well-being. Very important developments have been made in that field. I would hope that my noble friend's prognosis as to the future would not manifest greater instances of people suffering from post-operational trauma or from mental health issues. We want to ensure that our Armed Forces personnel operate in environments where, with the support and advice that they get, they are spared that. If there are people who are unfortunately affected by such health conditions, we absolutely will make sure that we are in there supporting them, whether directly within their Armed Force environment or through many of the other support agencies available in conjunction with the MoD and the NHS.

Lord Berkeley (Lab): My Lords, there are many things in the Minister's Statement that I welcome, and a more high-tech, more professional military with the most modern equipment is something that I think we all welcome. What worries me is that the Statement mentioned the word “global” four times. Do we really think we are a global power any more? We have one aircraft carrier, I think, which is fiddling around in the China Sea; maybe it has some Ajax tanks on trial there, but do we think we are going to invade China with it? We are getting to be a bit naive on this. Surely the time has come to get rid of some of this gear and concentrate on the humanitarian elements that the

Army does and has done so very well, and to cut out some of these vanity projects that, to me, are just a massive waste of money.

Baroness Goldie (Con): I can see that the noble Lord is not filled with festive enthusiasm for the Statement. I disagree with his assessment; I think that being a global power is not about chest-beating or trying to talk big and look big. Being a global power is about trying to make sure that, where you can work with allies and partners who share the same values, then, together on a global basis, you can influence agendas and bring support to where it may be required.

The noble Lord said that he thought we had one aircraft carrier. I am pleased to inform him that we in fact have two. I am also pleased to inform him that Carrier Strike Group 21, which has been operating over the last few months, most recently in south-east Asia and the Indo-Pacific, has proved an amazingly effective convening power. I can tell the noble Lord at first hand that the interest of other powers in what we have been doing has been extraordinary. They want to understand what we are doing, they want to visit and be on the carrier, and they want to be part of that activity. It is not about going around the world threatening people; it is simply making sure that we are a global presence, that we have a convening power and that we can reassure our friends and allies in different parts of the world that we are in the business of wanting to stand with them, shoulder to shoulder, and to support them if they feel in any way intimidated, never mind threatened. That is what we try to do.

The noble Lord suggested that there is a binary choice between having an effective defence capability—which of course is what the Government want and, I would argue, is very much what we do have—and dealing with humanitarian challenges. It is not a binary choice; the obligation of a responsible state is to deal with both. It is in fact our naval and military capabilities that enable us to respond to humanitarian situations. He makes an important point, but I do not think that it is a question of one or the other—you try to address both.

I certainly disagree with his somewhat depressed assessment of where we are. What we are doing with our defence capability in the United Kingdom is positive, strong, necessary, effective and, let me tell him, much admired, not least in NATO. He has a vision of what is meant by the phrase “global power”, but it is not about some Victorian caricature of people strutting around looking self-important; it is being at the cutting-edge of the real-life, 21st-century global existence and trying to be a presence for good within that.

Viscount Waverley (CB): My Lords, the future size has been referred to. Keeping the peace necessitates preparing for war, with the potential need for rapid escalation. What consideration has been given by planners to the capability to react on parallel fronts, given that this is a regrettable possibility?

Baroness Goldie (Con): The noble Viscount raises a good question. I would say that, implicit within the reconfiguration of what we are doing, is the very desire to introduce the flexibility to which he is referring,

so that we have the capacity to respond quickly and effectively if a need arises. I think if he looks not just at the size of the Army but at how we now propose to restructure it into, I think, a much more intelligent way to address threat, wherever it is found and in whatever form it manifests itself, he will see that this is a very reassuring way forward to do just that.

Migrants

Motion to Take Note

3.31 pm

Moved by Baroness Hoey

That this House takes note of the number of migrants arriving in the United Kingdom illegally by boat.

Baroness Hoey (Non-Affl): My Lords, never has a debate on migrants coming to our shores been more timely. What happened last night in French waters—the terrible, tragic loss of at least 27 people—should shock us all. I am sure that, in today’s debate, we will be able to discuss this hugely important issue in a meaningful and calm way—no politician should be trying to make political gains out of such a tragedy.

What is surprising to me is that, since November 2018, according to the House of Lords Library, there has been no debate on migrants coming to the UK in this House. There have been some Questions, eight in all, and two repeated Statements—one very recently. But the fact that we in your Lordships’ House have not discussed what is a very serious problem with our border control is somewhat surprising. Out there, beyond the Westminster bubble, in the last few months, this is what more and more people have been discussing.

All of us in your Lordships’ House, and the vast majority of people in the UK, are welcoming of genuine asylum seekers; that is why we gave a welcome to the Ugandan Asians fleeing Idi Amin, some of whose offspring have attained positions of responsibility throughout the United Kingdom. We are currently welcoming those who have had to leave Hong Kong for safety, and of course we will be taking in many from Afghanistan who are directly at risk because of their support for British forces there. We have resettled up to 25,000 refugees fleeing the conflict in Syria and some 3,000 of the most vulnerable children from the Middle East and Africa. So I reject utterly the idea that the United Kingdom is a racist country and that we do not welcome those who are fleeing their war-torn countries. But I realise that there are some who think that even debating the issue makes us somehow complicit in intolerance. Indeed, one Member of your Lordships’ House said to me rather sadly, the other day, “Oh, I do wish you weren’t having this debate; it will lead to even more prejudice”. I do not think that that noble Lord would be saying that today, after yesterday’s tragedy.

It is important to lay down some facts at the beginning. More than 23,000 people have crossed the channel and come into the UK in small boats, either at Dover or along the nearby beaches, since the beginning of 2021, and more than 33,000 have done so since 2018. There

[BARONESS HOEY]

is no doubt that this is a very dangerous journey, and clearly those who come this way are determined to get to the United Kingdom. Despite most of them having come through safe EU countries to France, they still want to come to the United Kingdom, and the people smugglers are very sophisticated operators, knowing exactly how the system works here. It is a fact that 98% of those arriving will claim they are asylum seekers, and most have no papers to show where they have come from, or are told by the smugglers to destroy their documents. That in itself is, I believe, dangerous to our security.

I am sure some noble Lords will have seen that Lithuania, which took in 4,000 people via Belarus, discovered that 24 of them had direct links with ISIS. It does not take much to work out that, with our much larger numbers, the chances of there being no sleeping terrorists coming here is nil. A Government's first duty is of course to protect the safety and security of their citizens. Can the Minister say what is being done to check, as far as possible, the backgrounds of some of these people?

Many will want to come here because they have a relative here or feel that English is a language they can more easily learn, or because there is already a diaspora here from whatever country they have come from. But we cannot ignore the pull factor, which I found a lot more out about when I visited the Dover operation of our Border Force, three weeks ago.

It was a beautiful, sunny, windless day; Border Force was kept busy all day, going out to meet the small boats and transfer the migrants to safer boats. I have to say that the Border Force officers are exhausted. They are working extremely hard under terrible conditions, all hours of the night—this does not just go on during the day. They very much need support. We saw the migrants arriving, coming up the long walkway from the boat and going into the large tent. Incidentally, we were also taken to see the brand-new £3 million reception centre, just completed, which has modern facilities for the Border Force staff—which are greatly needed—and the migrants. On arrival, all their wet clothes are put into a plastic bag with their own personal number on it, which goes with them when they are moved on. They are given trainers, tracksuits, blankets, socks and other items, including basic toiletries. Then they all have a Covid test and any immediate medical issues are dealt with.

Each boat usually has one family or child on it. Border Force told us that this is a deliberate policy by the smugglers. But 99% of the 800 or so who arrived the day we visited were young, single men. They have a very short interview and are asked why they have come—nearly everyone says, "Claiming asylum". They are then checked to see whether their fingerprints match anyone who has already been in the country and has been deported. Then they go off in coaches to nearby hotels, where they are not locked in and could leave if they wished to disappear. It is quite worrying that there seems to be no public record of how many over the past months have just disappeared; many will end up in what we still have in this country—modern-day slavery, on low wages.

It is important that we all understand how we treat these new arrivals, because it is very different from how other countries, such as France, do. I find the pictures of tents being broken up by French police pretty horrifying; we would not do that. Everything I saw happening in Dover showed our humanity and our determination to treat these people fairly. But let us not think that that does not play a part in the determination of many migrants to come here. Migrants who claim asylum can ask for somewhere to live, a cash allowance or both; all utility bills are paid if they can successfully claim to be destitute. Some 60,000 are housed in asylum accommodation, at a cost of around £4 million a year.

The migrants we saw arriving a couple of weeks ago are now likely to be in hotels all over the country and could be there indefinitely before going to what is called dispersal accommodation. We are now seeing places in the Midlands and the north of England taking hundreds in the dispersal policy. Once they claim asylum, these migrants are entitled to just under £40 per week on a card that allows them to get cash. In France, the card cannot access cash; it can be used only in shops.

I think we all accept that asylum is meant to be for people fleeing persecution to safety and sanctuary. But we need to ask what those people on little boats are fleeing from in the many EU countries they have come through to get to Dover or Dunkirk. As the Member of Parliament for 30 years for a constituency just over the river with a huge caseload of constituents having problems with immigration and the Home Office, I am only too aware of the shortcomings of that department. I remember the noble Lord, Lord Reid of Cardowan, when he first went in as Home Secretary, saying right away that the Home Office was not fit for purpose. I am afraid that not an awful lot has changed, certainly in the immigration section.

The system takes far too long and means that, by the time someone has been interviewed and their case finally concluded, they may well have had a family here, with children at school, and deportation becomes almost impossible. I am afraid that some of the new people coming in are clogging up the system, so that those who have been waiting are now having to wait even longer. We must get a system where someone coming here illegally and refused asylum can be deported immediately. We must send a signal that we are not an open door and that we will not continue to allow the industry of lawyers to make millions from the whole asylum and immigration system, mostly from legal aid, paid for by the public.

I am looking forward—although I am sure that many in your Lordships' House are not—to the Nationality and Borders Bill coming here, which has elements in it designed to stop the abuse of, for example, convicted violent criminals not being able to be deported because someone interprets the Human Rights Act in a way that allows them to stay. We need that Bill here as soon as possible, particularly after what happened last night.

But immediately—now, this minute—we need to see France and the United Kingdom genuinely co-operating. We need France to allow British police and security to work with the French police on their

beaches. Clearly, French police are sometimes standing back and allowing boats to be launched in front of their patrols, and yet we have paid millions to the French—I really do not know what it is being spent on, but I am sure the Minister does. We should know, by the way, what that money is actually being spent on and whether it is value for money. It is very interesting that the European Union is defending the Polish border from those trying to come in from Belarus. I believe that the EU has a responsibility to do more in the rest of its member states.

I am conscious that many noble Lords want to speak, and I am genuinely looking forward to listening to what more they think could be done. For too long, the mainstream media, with a few exceptions, have tried to ignore the issue. When Nigel Farage first took this up, about 18 months ago, and filmed what was happening at Dover, he was roundly condemned, but he pointed out then that a disaster was waiting to happen. If more had been done then, and allegations of racism were not made against anyone who dared to speak out, we might not have seen this loss of life. It might not have happened, and we might have already moved to do some of the things that we will now try to catch up and do.

The warning is still there. All our words today will not make the slightest bit of difference unless rigorous and determined action is taken to stop these boats coming. Most of all, we need the Government to be open and transparent with statistics and to tell the public the truth about what can be done and what cannot, and why not. The pandering to those who do not believe in borders must stop.

Yesterday's tragedy was a wake-up call: much too late, but at least it has happened. What we need now is no more warm words but full co-operation between this Government—our country—and the rest of those European countries to make something change. We cannot go on like this or we will see other disasters, even bigger, in future.

3.44 pm

Lord Dubs (Lab): My Lords, the timing of the noble Baroness, Lady Hoey, was appropriate in getting the date for this debate, but apart from her wish to have better co-operation between Britain and France, I am afraid that I part company with pretty well all of her arguments. I do not see refugees coming here, fleeing for safety, as a terrorist threat to this country; nor do I see the evidence that she has put forward for all the other awful things that will befall, or have befallen, us.

We are a country that has traditionally had humanitarian principles. We are a country that has had a sense of decency. We are a country that has believed that the vulnerable of this world—those suffering from persecution—are entitled to safety. They cannot all come here. Only a small proportion come here, but those who do we should welcome and give them a chance to resume their lives. I am disappointed at the negative thrust of what we heard.

I will say briefly that what happened was a tragedy, and of course many people have said that it was only a matter of time before there was an awful accident in the channel—but perhaps it is a wake-up call. I argue

that three things point the way forward. Yes, we have to improve our relations with France; not in some of the words that have been used but with a proper, warm, genuine and sincere relationship with the French, such that we can co-operate with them. Yes, they have committed faults, but we have committed faults, and we cannot get an agreement with them if we start blaming them, as if everything is their fault. Let us remember that the French take three or four times as many refugees as we do, so, for all the argument, they are playing a better part than we are. Let us also remember that the majority of the people who arrive by boat, or their predecessors who came in the back of lorries, are given refugee status by the Home Office, so someone must believe that they have a proper fear of persecution and are entitled to safety.

Secondly, we need safe and legal routes for people to come here. When the Government closed their borders on child refugees in northern France, they did an enormous service to the traffickers, because the one way in which they get business is if there are no safe and legal routes for people to come here. I am talking about people who want family reunion and who have a connection with this country, through language or education and, above all, family ties. What could be more important than a child or teenager—yes, perhaps a young man—wanting to be with a brother, an uncle or their parents? Surely that is the basis for a decent society. The Government closed that door and, in the Nationality and Borders Bill, seem to be even more intent on closing it in the future. That will not help at all.

Thirdly, we surely need to move towards a Europe-wide policy. We cannot do all of this as one country without agreement with others. People fleeing for safety is an international issue—and there will be more of them, because of climate change. We can deal with that only through proper co-operation, not just with France but with all the other countries that are affected. If we had a Europe-wide approach, there would not be this pressure to move from one country to another; there would be decent common standards, and we could move forward sensibly.

The comment in the noble Baroness's speech that I particularly take exception to is that these people represent a terrorist threat to this country. Nothing could be more damaging than to say to local communities of somebody who has fled the war in Syria or fled from Iran, Iraq or wherever, "Watch that person because they are liable to kill you". That is surely the most awful accusation to make against our fellow human beings who are fleeing for safety and who want nothing more than to resume their education and their lives, which have been so messed up. Please let us look at the humanitarian traditions of this country and apply them to the difficult situation that we now face.

3.48 pm

Baroness Hamwee (LD): My Lords, the tragedy was predictable and predicted. I really hope that nothing is off the table, but at the centre of it should be a commitment to and delivery of safe routes, including resettlements, with a good big target for that; expansion of the family reunion rules; humanitarian visas to enable people needing protection to travel safely;

[BARONESS HAMWEE]

recognising, as does the refugee convention, that many asylum seekers have no option other than an irregular journey; and efficient decision-making, not blaming the asylum seekers for clogging up the system.

It distresses me how easily language is adopted. People are not “illegal” and neither is seeking asylum. The narrative is that the channel is full of people who should have known better, should have produced documents—leaving aside whether they are likely to have them—and should have booked a ticket on a regular flight. Are there flights from Iran, Iraq, Syria or Afghanistan? The narrative is also that they should have gone through one of the UNHCR or IOM schemes, which are good but inevitably too small.

We are told by the Home Secretary that 70% of those in the boats are young men who are economic migrants. My understanding is that these young men are often at particular risk or seeking to join family members, or they have travelled because they are more able than others in their family to cope with the appalling conditions in the miles and months on the way. They are not hulking young men. By the time they reach France they are often very skinny—or so I gather from the charities who want donations of small-size jeans.

I also understand that the number crossing the channel by all means in aggregate is broadly as it was. It is not a good number, but there we are. To quote directly from Home Office figures published today:

“In the year ending June 2021, Germany received the highest number of asylum applicants (113,625) in the EU+”—

which is the EU plus the EEA and Switzerland—

“followed by France ... When compared with the EU+”—

as the Home Office calls it—

“for the year ending June 2021, the UK received the 4th largest number of applicants ... This equates to 8% of the total asylum applicants across the EU+ and UK combined over that period, or the 17th largest intake when measured per head of population.”

We are 17th because so many stay in the countries they travel through or reach on the way, which are closer to their country of origin. Of course, this is not a matter only for the Home Office. There are also issues of climate change and unresolved conflicts, and upstream investment is essential.

I am not sure what the legal basis is for turning back small boats. We are told there is one, and my big question today is to ask the Minister to explain—if I say this is not an exam question, she will understand the reference to yesterday’s debate—the legal basis for turning back small boats.

Those who are so desperate as to pay smugglers are not accessories to the crime, although by being called criminals that is what they are badged as. How about advocating at home the benefits that refugees bring? They bring skills and diversity to our gene pool, which is good, like diversity in most things. Internationally, with France and globally—because we are global Britain, after all—we should be seeking co-operative, constructive partnerships in responding to refugees. I acknowledge that the EU was not notably successful at this when we were a member, but let us look to the future.

What are we doing with policy? The new plan for immigration has drawn such criticism from the UNHCR, to which the Government look to identify the refugees we will take.

I hope that the table will hold everything—everything according to the Prime Minister—and that it will turn into a new drawing board.

3.53 pm

Lord Lilley (Con): My Lords, this debate takes place under the sombre cloud of the tragic death of 27 migrants off the French coast yesterday. I join noble Lords in offering my sympathy, prayers and condolences to them and all their friends and relatives.

But, if our sorrow is sincere, we must redouble our determination to find ways to stop and discourage people attempting these dangerous crossings. The approach of the noble Lord, Lord Dubs, and the noble Baroness, Lady Hamwee, is to provide a safe and legal way to apply for asylum from abroad—for example, by applying to an embassy or some specific tribunal abroad.

But this simply would not work. Anyone who was refused or knew they would be refused asylum if they made such a claim would still have exactly the same incentive as now to enter the UK illegally by boat or on the back of a lorry, so it will not stop the boats attempting this perilous journey. If anything, it will add to the problem, since many more people will apply for asylum if such a simple route is established, with plausible claims that cannot be disproved, especially if we accord such claimants the same rights to legal aid, appeal and judicial review, and in the refugee convention, immigration Acts, human rights Acts, modern slavery Acts and so on. If we can dispense with these for claims made abroad, it is not clear to me why we need to retain such rights for claims made within the UK, and vice versa.

Those rights for claimants and the concomitant responsibilities that fall upon British taxpayers have grown up as the courts have explicated the 1951 Geneva convention and the 1969 protocol using subsequent human rights legislation. But those conventions were negotiated before cheap mass transit, mass communications and rising living standards in developing countries. Remember, it is the better off who migrate from developing countries; the very poor cannot afford to and cannot pay the smugglers. My first career was working in developing countries on development projects, and it was always the middle classes who were able to escape, not the poorest. All those things have made mass migration possible in a way that was not envisaged when those conventions were negotiated.

If anyone doubts the potential scale of those who would seek asylum if they could, without running any risk to themselves, look at the response to the United States diversity visa lottery. Every year, the US offers 50,000 visas to a different selection of countries that have no tradition of migration to the United States. In the last year for which I have the figures, 13% of the Albanian population, 7% of the Uzbek population, 8% of the population of Ghana, 14% of the population of Sierra Leone and 15% of the population of Liberia applied for those visas—in all, 20 million people from this small selection of countries to which they were

made available. Similar numbers would undoubtedly want to live in Europe and the United Kingdom, if we gave people the chance to enter, at no costs to themselves, the lottery of our asylum seekers—and it is essentially a lottery.

I sincerely hope that the Nationality and Borders Bill will provide a way of removing the chief magnet that draws migrants across the channel at great risk, which is the virtual certainty that, once here, they will never be deported. But I fear it will not. This will be possible only if we, together with other like-minded countries, insist on renegotiating and, if need be, resiling from the Geneva convention and replacing it with something relevant to an age of mass movement. If we are not prepared to take this or whatever action is necessary to remove the magnet of certainty once you get here, yesterday's tragedy will be just the first of a never-ending series of disasters, and we will be to blame.

3.59 pm

The Lord Bishop of Coventry: My Lords, I too am grateful to the noble Baroness, Lady Hoey, for securing this debate, especially at this time. I was helped this morning by the “Thought for the Day” from my colleague, the right reverend Prelate the Bishop of Leeds, in which he said that this is a time to dig deeper into our emotions and face the grief we feel at the loss of humanity. It is that sense of grief, our common commitment to the preservation and dignity of life, as well as to a passion for justice for those suffering the ills and evils of the world, which unites us. The noble Baroness, Lady Hoey, demonstrated that.

Our shared grief is the proof we do not really need of the humanity and vulnerability that unites us. These common concerns, which underpin both our aim to stop migrants making dangerous journeys and our grief today, are the same concerns and moral instincts that require us to sit back and face the reality that a policy that does not go beyond deterrence is not sufficient.

I confess, notwithstanding everything that we have just heard, that I am not persuaded that deterring people from making dangerous crossings in the interests of protecting lives—as forthcoming legislation, among other things, proposes to do—without at the same time providing adequate and safe alternatives for migrants will work. I fear that in seeking to preserve life, it may not only fail to do so but also harm our underlying commitments to the dignity of life and the promotion of justice.

Many of those migrants, as we have heard, have so little to lose, will have suffered so much in their homeland and are so close to the finishing line that Britain will always be worth aiming for, no matter how difficult we make it for them. They will not be deterred by yesterday's events—in fact, we know from today's crossings that they are not—nor by our efforts to make things even more difficult for them. As we know, family connections, linguistic considerations and their trust in the deep traditions of British tolerance, sanctuary and human rights will always make Britain a worthy prospect for them. They are right to be hopeful that their applications for asylum will be successful; of the 400 people in Coventry hotels awaiting the result of their applications, we expect at least 60% to be successful. We would

therefore need to stoop very low and become very hostile to make a journey to Britain truly unappealing to them.

We want to see an end to these crossings and the smugglers thwarted and, where possible, brought to justice, but we need solutions that tackle the problem in a more holistic way. We know that displacement is a global problem that will only become more severe as climate change does its damage. Therefore, I ask the Minister to use her good offices to call on the Home Office to be ambitious with the new UK resettlement programme and to bring the Afghan citizens' resettlement scheme into operation as soon as possible, ironing out the difficulties with the scheme that I know from conversations some local officials are experiencing.

Secondly, we need at least to explore a regulated model, such as a humanitarian visa system, to allow people to enter directly from France. Thirdly, as we have heard, all this is too complicated a matter to deal with through the lens of domestic policy, too complicated for Britain to deal with alone. What role is the FCDO playing in re-engaging with the EU on this issue?

Yesterday's events, to borrow a phrase used in 2015, are the result of a crisis of politics rather than numbers. They stem from a failure to acknowledge that we cannot deal with this issue in isolation through the mere securitisation of our borders. Doing justly by those suffering the world's ills means working collaboratively to tackle the underlying causes of migration, all of which are staring us in the face.

4.03 pm

Lord Green of Deddington (CB): My Lords, I congratulate the noble Baroness, Lady Hoey, on securing this debate on a very important matter. I agree very much with what she had to say, and I agree very strongly with what the noble Lord, Lord Lilley, had to say. They have both introduced an element of realism that has to be set against other considerations.

The facts are that people smugglers are making fools of us and millionaires of themselves. The numbers arriving in small boats have trebled this year, compared with last year, and are now 25,000—with five weeks to go until the end of the year. On present form, the numbers could treble again next year. Meanwhile, accommodation for them is overwhelmed and the court system is underpowered. The contrast between the slogan “Take back control” and the present situation could hardly be starker.

I am sure that we all agree that those who are genuinely fleeing persecution and reach our shores by legal means should be granted protection. However, those now arriving in Kent have often passed through several safe countries and clearly believe that their chances are better in the UK, either because the whole system is perceived as looser or because of the advantages of language, family and opportunities for illegal work. We certainly know that there is, at present, little prospect of them ever being returned to their countries of origin.

There must be questions about how genuine some of those asylum seekers are if they or their families can afford to pay thousands of dollars to the people smugglers. Furthermore, a continuing and increasing

[LORD GREEN OF DEDDINGTON]

flow of arrivals by sea can only undercut public acceptance of genuine refugees from elsewhere. Meanwhile, it is all costing £1.5 billion a year.

We hear talk of safe and legal routes. Those cannot be made directly from the whole world, so there would have to be some kind of sifting operation somewhere. Where would that be? Would it not be overwhelmed by applicants? For sure, large numbers of failed applicants would be left in that country and it is therefore unlikely that host countries would be willing to have such a facility on their territory. Such a proposal is clearly ill-considered, and it seems to me that “safe and legal routes” is no more than a convenient soundbite.

What should be done? I suggest four steps. First, arrivals should be placed in secure accommodation and certainly not in four-star hotels until their cases have been decided by fast-tracked procedures. Secondly, asylum should be automatically refused to those who refuse to identify themselves in a proper way. Thirdly, a much stronger effort should be made to return asylum seekers to their own countries if they fail. That should include the proposals in the Government’s Bill to restrict the grant of visas to those countries that refuse to take back their own citizens. Lastly, we should, as I am sure the whole House would agree, seek an agreement with France and possibly Belgium to accept the immediate return of those who arrived by small boats. It would not be simple, but I know that President Macron has said that he is determined that the channel should not become a graveyard.

None of that would be simple, but allowing the present situation to continue or even worsen would result in even greater numbers and, I fear, a seriously negative reaction from the British public.

4.07 pm

Baroness Bennett of Manor Castle (GP): My Lords, in following the noble Lords, Lord Green and Lord Lilley, I want to question one of many points from each of them. The noble Lord, Lord Green, contrasted the people coming across the channel with what he called genuine refugees. Can the Minister confirm the government figures that I have seen that say that the majority of people coming across the channel are granted refugee status? So the noble Lord’s comparison should not be made. The noble Lord, Lord Lilley, quoted the number of applications for US visas from a significant number of countries. None was on the list of the main countries from which the people crossing the channel have come. His figures are therefore entirely irrelevant to this debate.

I want to make three points in the brief time available to me. The first is about practicality. A lot of our discussion in this debate focuses on what we can do to stop the boats. Of course we do not want anyone crossing the world’s busiest shipping channel in inadequate, flimsy vehicles. However, I go back to a bleak January day in 2016 when I went to the memorial service for a 15 year-old Afghan boy called Masud who died in the back of a lorry while trying to get across the channel to join his sister here in the UK.

In the year to that death, about a dozen refugees died trying to cross the channel in the back of boats, on trains and through other vehicles. At that time—

five years ago—there were almost no crossings. Those routes, through a combination of Covid and government action, have essentially been closed off, so people have taken to the boats. If the Government could somehow just snap their fingers and stop the boats, desperate people who have ties to the UK, such as the Afghan soldier documented in the *Times* this morning, would still seek to come here. The odds are that those routes will become more and more dangerous, and, as several noble Lords have said—I associate myself with essentially everything said by the noble Lord, Lord Dubs, and the noble Baroness, Lady Hamwee—at great profit to nasty, illegal criminals.

There has been a lot of discussion about so-called pull-factors. It is worth looking at what we actually do to the refugees who arrive here seeking to exercise the right to which they are entitled. We often detain them indefinitely, in a way that no other European country does. We often reject their applications when we should not. Three quarters of rejected claims are appealed, a third successfully. I have seen the great difficulty in taking on those. I have no doubt that many more should be upheld.

Unlike many other countries, we do not allow people seeking asylum to work while their claims are being processed. According to the latest figure, from September, 67,547 claims are awaiting decision—up 41% year on year and the highest figure on record. Refugees, who are often victims of human rights abuses and have had to flee in the most desperate circumstances and in the most awful conditions, are trapped in limbo for years. They are living on an absolutely inadequate sum of money in frequently horrendous accommodation. There is no pull-factor there.

Finally, we must consider how many more people might seek to come because of our actions and policies. I will highlight two points. The first is the recent slashing of official development assistance. The other is the failure of the COP 26 climate talks, of which we were chair, to secure any funds, beyond a contribution from Scotland, for what is known as loss and damage. These funds are reparation for the climate damage caused by our actions that is impacting on people’s lives and making it impossible for them to live in their own country.

Lord Berkeley (Lab): My Lords, it is difficult to follow the noble Baroness because she made so many good points. I have been following the cross-channel movement of people ever since I worked on building the Channel Tunnel 30 or 40 years ago. At that time, all we were doing was trying to keep rabid foxes out. Sadly, the situation has got much worse than that. What happened last night was a horrible example of the dangers of crossing in small boats, but, as other noble Lords have said, it was not the first such incident and it probably will not be the last.

There was a time when people smuggled themselves on passenger trains and freight trains and virtually killed the traffic across the channel at that time. They then moved on to trucks; we have heard about that. There was that terrible incident a couple of years ago when 39 people were discovered asphyxiated in a truck in Essex, having come across and been there for several days. Now, boats are used. However, it is not even

comparable with the number of people who have come across the Mediterranean—not just from Libya, but from other places as well—into the European Union. There have been problems between Turkey and Greece, of course, and now between Poland, Ukraine and Belarus.

These people have one thing in common. They are coming to seek a better life from war-torn, demolished famine areas. One cannot blame them. Why do they want to come to the UK? Many noble Lords have talked about that but apart from English becoming a bit of a world language, we also do not require people to carry ID cards, and certainly do not enforce it. I can understand why the French authorities and local police are not very enthusiastic about looking after refugees and probably want shot of them. However, we must find a solution. Having worked with French authorities all those years ago, I am convinced that if the Government and the French Government tried, there could be a very good joint policy and implementation to sort this out in a humanitarian way that does not involve people going across in small boats or smuggling themselves in lorries, but gives those who are justified in seeking asylum what they want. The others would be sent back where they came from.

However, at the moment, we seem to enjoy having a verbal war with the French. It may be fishing one day and agriculture the next. There are now joint statements from the Prime Minister and the President of France that they will work together, which is nice to see but they must deliver, at Calais and the other places along the coast, as well as in this country, and come up with a policy that is fair to everyone.

The noble Lord, Lord Lilley, commented that the only people who can afford to pay the smugglers are the middle classes. He may remember that a couple of years ago, when we had our medical crisis and there was a shortage of doctors, the Government started recruiting doctors and nurses from other countries where they were desperately needed. That is unfair. We should be training our own doctors and nurses and not poaching them from other countries. If some of them are having such a rough time in Syria, for example, that they seek asylum here, so be it, but we should not be poaching them.

4.18 pm

Viscount Waverley (CB): The deaths in the channel yesterday of decent citizens forced to believe that the risk was worth it, and the Afghan soldier who assisted UK and US special forces and presumably missed the cut in Kabul, being forced to such perils to reach a country which he had assisted, were beyond the pale.

Where there is a will, however, there will always be a way. From time immemorial, loopholes in any system will be exploited, and bettered in this case by criminal gangs that are merciless in their evil trade. Therefore, let us do the job properly and seal the borders to put an end to this tragic loss of life, or have a strategy that is appropriate to a humane United Kingdom. I recognise that the Government are in a bind on all this, but the targeting of traffickers is paramount. How many traffickers have been brought to justice here or in France—any? Why do we not de-risk the endangering of lives and have applicants processed at source? Are

there any processing units in the regions from whence the flow of migrants comes? If not, can the Government consider this? If not, why? I take the point, made by the noble Lord, Lord Lilley, that those who are legitimate would at least then have a safe passage to the UK in the event of being successful.

I am curious to know how many of the boat people crossing the channel out of the total meet the ability-to-stay threshold. If the Minister does not have that figure to hand, will she kindly undertake to write and to place a copy of the letter in the Library?

While the suggestion that France could intervene more is to be encouraged, blaming France, with all the current negative issues that surround the relationship, is probably wide of the mark. To suggest that we patrol French beaches is unrealistic. The Government would not have it if the situation were reversed. It is also clear that it is incompatible with international law to return migrants in open seas. Will the Minister confirm this?

It is believed that many of the boats being used are bought in the UK, fitted with new outboards and taken to France in the back of a car. Is the Minister aware of this, and have Customs and the Border Force been alerted to it? I am informed that the Queen's warehouse in Dover questions whether many of them must be kept as potential evidence, but the Home Secretary has had a stop placed on these disposals. Perhaps this might be reviewed to reinstate the practice that goods used in crime can be auctioned off and the proceeds given to a charity that can demonstrate a need for the craft for the benefit of the community. For example, the Maritime Volunteer Service is expanding its safety patrol coverage of harbours and waterways.

Now is the time to look at the human tragedy of this situation and call for international collaboration to break the business model of the traffickers, recognising the positive components to managed migration, but equally addressing the drivers of involuntary migration and creating more legal avenues to assessment procedures. A good place from which to review a long-term strategy is to assume that people would prefer not to leave their loved ones, homes and culture. From southern seas to closer to home, migration is a global phenomenon and requires an international strategy to address its economic, social and political causes.

4.22 pm

Lord Desai (Non-Affl): My Lords, here is a puzzle. Around 56 years ago, I came here, not in a boat, and not as a refugee. I had a job and a labour permit to be here. There has been nothing but constant complaints about immigration since—Powell and all that sort of stuff—but at the same time I have seen domestic political and social life transformed by the presence of immigrants. Look at the Cabinet, for heaven's sake. Which other European country has a Cabinet with such a Chancellor, Home Secretary, Business Secretary and so on? We have a serious prospect—not that I wish it because I love the Prime Minister, as does everybody else—of the next prime ministerial contest being between three or four immigrants, and nobody will bat an eyelid, yet we had a Conservative Member of Parliament complaining about grinning pickaninnies not all that long ago.

[LORD DESAI]

Immigration is a success story. Perhaps we have to go on complaining because otherwise we cannot tolerate it, but it is a success story. The noble Lord, Lord Lilley, said that the better off come here, and thank God for that. How else would we have got the lovely Chancellor we have? We would not have got him had it not been the better-off Ugandan Asians who came here. Seriously, there are positive aspects to what we have done. It is an achievement of British political life that we have a successful, diversified community, which we did not have before.

As many noble Lords have said, it is not over yet. We are still president of COP 26 and, as some noble Lords have said, we made commitments and accepted a solution to the coal question that will sink islands into the sea and create more refugees over the next 10 years. This is not a local British problem; this is a global problem. People from low-lying countries are going to migrate to safer countries, and we have to have a global approach to the solution, not just a European one.

One of the things that we should do as part of our presidency of COP, and generally as “global Britain”, is to start a global solution process to co-operate, not just here but across countries. Obviously, people from poor countries want to come to rich countries. What else would they do? It is rational, economic behaviour; of course they do not want to go to another poor country and the other poor country will not want them. We have to take a positive attitude towards this issue, because we have taken a negative one and it has gone on. Let us take a positive attitude; let us share responsibility with NATO countries—or whichever countries they are—for the immigrants.

For example, the noble Lord, Lord Lilley, cited Albanians and others. One-third of Europe’s population migrated to the United States in the 19th century. The United States is what it is today because one-third migrated. We have to change our minds as to what the positive role of immigration is. The costs are borne by the immigrant and the benefits accrue to the country receiving them. I will just say: take it positively, treat it as a global problem and share the costs.

There is one more thing. If you do not want people to drown in the channel, say that they can be admitted only if they come on a train. It is very simple. At the station—in Victoria, or wherever it is—we would have a proper process by which they could be looked at and their identity examined. That would make it very safe. Avoid the channel and take the Eurotunnel.

4.27 pm

Lord Kerr of Kinlochard (CB): It really is not a pleasure to follow the noble Lord, Lord Desai, because he raises the bar far too high. I am grateful to the noble Baroness, Lady Hoey, for this appallingly well-timed debate, to which I would just like to contribute three sets of facts. First, overall refugee numbers are currently running at about half of where they were 20 years ago. We are not the preferred destination in Europe. We are, as the noble Baroness, Lady Hamwee, said, well down the list of preferred destinations.

Secondly, yes, small boat numbers are up, partly for the reason the noble Lord, Lord Berkeley, adduced—the fences, patrols and heat sensors around the train tracks

and marshalling yards mean that people are now driven to the even more dangerous sea route. But the principal reason clandestine numbers are up is that official resettlement routes are shut. Our schemes, in practice, no longer exist. We have closed the Syrian scheme, we have scrapped the Dubs scheme, we have left Dublin III and we have not got an Afghan scheme up and running. The largest group crossing the channel in the last 18 months, by nationality, were Iranians. In the last 18 months, 3,187 Iranians came. In the same period, one got in by the official route. How many came from Yemen in these 18 months? Yemen is riven by civil war and famine. None came by the official route—not one.

My third set of facts is as in the point made by the noble Baroness, Lady Bennett. The Home Secretary says that 70% of channel crossers are “economic migrants ... not genuine asylum seekers”.

That is plainly not true. Her own department’s data show that, of the top 10 nationalities arriving in small boats, virtually all seek asylum—61% are granted it at the initial stage and 59% of the rest on appeal. The facts suggest that well over 70% of asylum seekers coming across the channel in small boats are genuine asylum seekers, not economic migrants.

That is hardly surprising because the top four countries they come from are Iran, Iraq, Sudan and Syria—not Ghana, I say to the noble Lord, Lord Lilley. These people are fleeing persecution and destitution, and the sea route from France is the only one open to many of them. Why not have a humanitarian visa, as the noble Baroness, Lady Hamwee, said? The noble Viscount, Lord Waverley, gave the answer to the objection of the noble Lord, Lord Lilley. Those who had a valid claim for asylum would not be at peril on the sea.

Unless we provide a safe route, we are complicit with the people smugglers. Yes, we can condemn their case and we mourn yesterday’s dead, but that does not seem to stop us planning to break with the refugee convention. Our compassion is well controlled because it does not stop us planning, in the borders Bill, to criminalise those who survive the peril of the seas and those at Dover who try to help them. Of course, we can go down that road. But if we do, let us at least be honest enough to admit that what drives us down that road is sheer political prejudice, not the facts, because the facts do not support the case for cruelty.

4.31 pm

Baroness Fox of Buckley (Non-Aff): Like others, I commend the noble Baroness, Lady Hoey, for tabling this debate. It is important because the reluctance of parliamentarians to understand the public’s dismay at the flagrant loss of control of national borders is a democratic problem.

This discussion comes a day after a tragedy of unspeakable horror, but that horrendous incident must not be used to chill a frank national discussion, reviewing all sides of the debate and all opinions. Why has this issue of record numbers crossing the channel by boat led to popular fury and frustration? It is not, as some assume, proof of widespread anti-immigrant sentiment. Let us note that 99.9% of the British public have a track record of humane generosity in, for example,

welcoming any number of Hong Kong citizens fleeing authoritarianism. There are many examples, as the noble Baroness, Lady Hoey, explained.

I remember when some at the Home Office crassly interpreted the Brexit vote through the prism of racism and thought the hostile environment policy would be popular. Instead, leavers and remainers united in rejecting the cruel consequences meted out on the Windrush generation—still a top-down, shameful scandal—so let us not think this is racism. No, what is infuriating citizens about these channel crossings is not numbers or migrants. It is because they are told by too many in power that there is no alternative.

Over the last 20 months, the Border Force has looked helpless before a ceaseless flow of boats arriving on the shores of Kent, throwing up its hands with a series of “What can we do?” excuses. The Home Secretary talks tough, and tougher, but the public can see no change. This just seems like an abandonment of even the pretence of border control. It also makes a mockery of Brexit voters’ very firm expression of popular sovereignty—to take back control—if you cannot take control even of your national borders.

I do not pretend that practical solutions are easy but nothing should be off the table. I was impressed by an article by Sherelle Jacobs earlier in the week which weighed up a range of options. What we cannot conclude is that no matter what we do, nothing can stop the ceaseless crossings. I noted that a lot of people said today that nothing can be done unless we work with the EU—not happening. This fatalism and lack of choice make a mockery of politics, legislation and democracy.

Some here, and I might sympathise with this, think that the UK should offer to take greater numbers of asylum seekers legally. But then we need to convince the majority of our fellow citizens about this policy, not impose it on them as a humanitarian fait accompli. Priti Patel accuses would-be economic migrants of disguising themselves as asylum seekers. Perhaps that is true, by the way, as many pro-refugee NGOs have moralised migration so much that the only way you can justify it now is on the basis of suffering. This narrative where the only valid migrants are ones who show their scars and say they are fleeing persecution does them no favours. There is a valid case for economic migration; I am the daughter of economic migrants, in fact.

Those boats are not full of an indistinguishable mass of people. Some are economic migrants, some are good people and some are bad people—and some might be terrorists. It is naive to dismiss any worries about security by making them all out to be angels; it is actually condescending. Those nuances and the disputes get buried, if we moralise this discussion.

Controlling our borders is not interchangeable with closing our borders, but democratic decision-making is dependent on the borders that are secure. The problem is that those charged with controlling our borders seem to have given up on the mission. In his valedictory speech, the outgoing head of the UK Border Force, Paul Lincoln, declared:

“Bloody borders are just such a pain in the bloody ass.”

This seeming indifference to borders by a senior civil servant reminded me of the famous description by the noble Lord, Lord Reid, of the border agency as “not

fit for purpose”. Now it seems that we are worse off, because we have a Border Force chief who lacks purpose altogether. If Mr Lincoln does not believe that enforcing the integrity of Britain’s borders is crucial, just thinks that it is a nuisance, and does not understand why borders matter, we are in trouble.

Let me state here: borders matter, because they are the basis on which national sovereignty—that is, democratic accountability—is realised. Maintaining the integrity of a community’s borders is essential for the conduct of democratic life. Borders are not just barriers; they delineate the geographic space within which a political community is constituted. It is where citizenship is forged and our rights are afforded. In our role as equal citizens—whether from different migrant backgrounds or not—we, as voters, control politicians, and that is realised through citizenship. We take on board our duties and responsibilities for our country and our fellow citizens that way. To quote the anti-fascist philosopher, Hannah Arendt,

“rights and duties must be defined and limited, not only by ... fellow citizens, but also by the boundaries of a territory”.

Those bonds of citizenship, in which we take responsibility for the society in which we live, become stripped of meaning if there is no distinction between citizens and non-citizens. Citizenship becomes meaningless if you do not even know how many citizens live in a country.

4.37 pm

Lord Harries of Pentregarth (CB): My Lords, other noble Lords have spoken about the terrible tragedy in the channel, and I identify with what has been said, but I want to look more widely at this issue. Even if we can solve the question of highly dangerous crossings, it is good to recognise at the outset that the issue of asylum seekers and refugees is not one of those problems that will be solved in the short term and will, therefore, have to be managed. It is not going to be solved in the short term because, for the foreseeable future, there will continue to be truly desperate people fleeing oppressive regimes, areas of violent conflict and acute starvation, a situation which will be accentuated in future years because of the effects of climate change. People are desperate enough to undertake hazardous journeys over long distances because the alternative, quite simply, is worse. So the problem will have to be managed humanely and fairly, with common sense and a sense of perspective.

We can be very grateful that the UK is acting humanely where it matters first and most of all—actually rescuing people in danger of drowning in la Manche, the English Channel. That is and must remain the first priority. Then, the refugees, whether they are genuine asylum seekers or economic migrants, must be housed humanely while their cases are processed. It was very reassuring to hear from the noble Baroness, Lady Hoey, that that is the case—it was good to hear.

My particular concern is that the responsibility to care for and later settle those who are allowed to remain should be shared fairly by the country as a whole. At the moment, as is inevitable, refugees arrive predominantly at Dover and are the responsibility of the people and councils in that area. What extra financial and other support are they receiving? Are the

[LORD HARRIES OF PENTREGARTH]

people in those areas, and those local authorities, satisfied that they are getting the amount adequate for the task that they have to perform? This is a national responsibility, and I believe that the country as a whole wants to have a share in this and not just push it off on to a few areas. Those areas need wider support.

Then there is the question of resettling those who have been allowed to remain and those whose cases are still being processed. At the moment they are going predominantly to the north-west and the north-east. In the north-west, for example, there are 1.6 asylum seekers and 0.7 people with refugee status per thousand of the population. In the north-east it is 1.4 and 0.2. In stark contrast to this, in the south-east there are only 0.1 and 0.2 per thousand of the population. The argument in favour of this disparity is obvious—the south-east is heavily overcrowded. However, fairness demands that local authorities in the north-west and north-east, as well as those in the Midlands, are given all the support they need for this resettlement work. Much of the UK's wealth, as we know, is in the south-east. I stress again that this is a national responsibility, so how much support are the north-east, the north-west and the Midland region, in particular, receiving to help with this resettlement, and are the local authorities in those areas satisfied with the help they are getting?

The last thing I want to say is that we need to keep this issue in perspective. In Lebanon, 19.5% of the population are refugees. In Jordan, the figure is 10.5% and in Turkey, it is 5%. Within Europe in 2020, Germany was hosting well over 1 million refugees. According to UNHCR statistics, at the end of 2020 in the UK there were 132,349 refugees, 77,245 pending asylum cases and 4,662 stateless persons. This is not an insignificant number, and I do not in any way underestimate it, but we need to keep it in perspective. It is not going to go away in the short term; it needs to be managed humanely, fairly and with common sense. This is a shared responsibility and we need to make sure that it is equally shared between different parts of the country.

4.42 pm

Lord Paddick (LD): My Lords, I really welcome this debate and I am grateful to the noble Baroness, Lady Hoey, for bringing it before the House. Of course, my thoughts are also with all those affected by the terrible tragedy in the channel yesterday. She talked about the serious problem with our immigration control. There were 84,132 asylum applications in 2002; in 2019, there were 35,737, as the noble Lord, Lord Kerr, said. In the year ending 21 June, asylum applications were 4% down on the previous year. In 2019, there were 680,000 long-term international immigrants into the United Kingdom, of which asylum seekers accounted for just 6%—just 6% of immigration to the UK was asylum seekers. I accept what the noble Baroness, Lady Fox of Buckley, says about public concern about immigration, but it is the 680,000 we should be looking at, not the 6% who are asylum seekers.

The noble Baroness, Lady Hoey, said that people want to come here because English is easier to learn. I found any foreign language other than English the most difficult language to learn, and other people

probably think the same. Surely English is a lot of these people's second language, and that is why they want to come here. Or, as the noble Lord, Lord Dubs, said, they have family members here or some other connection to the UK. She said that they are not locked in—it was a comment also made by the noble Lord, Lord Green of Deddington—but they are given free accommodation, free food and £39.63 a week, which they do not get if they run away. Of course, if they did run away, they would have no chance at all of being granted asylum in the UK. By the way, they get £43.50 in France. She talked about the cost to the UK taxpayer. Would it not be a good idea if we allowed them to work, and then they would become taxpayers?

The noble Baroness talked about the shortcomings of the Home Office, especially in the immigration section. I absolutely agree. In 2004, 88% of applications were refused at initial decision; in 2019, it was only 48%. There were 125,000 work-in-progress applications at the Home Office in June 2021, double what there were in 2014. She talked about lawyers making money; of those 125,000 outstanding applications, only 5,900 were awaiting appeal. Again, we are looking at the very small bits rather than the big issue.

The noble Baroness also raised French co-operation. In 2020, the UK had six asylum applications per 10,000 of population. In the EU as a whole, it was 11 applications per 10,000. As my noble friend Lady Hamwee said, if you put us in a league table with other EU countries, we come 17th at accepting applications.

I fully understand why people voted for Brexit. It was a democratic decision and I completely accept it. I agree with the noble Baroness, Lady Fox of Buckley, that one of the benefits was supposed to be taking back control of our borders, yet EU citizens can still use the automatic gates—not only that, but the Government threw open the automatic gates at airports to another 10 countries. I know that you can take back control of your borders and then decide to throw them open, but I do not think that was quite the idea. One of the consequences is that we do not have Dublin III or the Schengen Information System, which showed us whether someone had made an application for asylum in another country, so there are downsides to Brexit. People must accept that this is the case.

The noble Lord, Lord Dubs, said that the majority of those seeking sanctuary are granted asylum by the Home Office because they are genuine asylum seekers. My noble friend Lady Hamwee said that most people crossing the channel have no choice, because they cannot claim asylum in the UK unless they are in the UK. The noble Lord, Lord Lilley, said that only the middle class and well-off can afford to migrate—that seems to contradict the argument that these people are economic migrants. He said that, once here, they will never be deported; I absolutely agree. The National Audit Office estimates that the number of illegal immigrants in the UK is between 600,000 and 1.2 million. As well as the large numbers involved, the fact that the range is between 600,000 and double that shows the lack of government control over immigration.

The right reverend Prelate the Bishop of Coventry said that we need to put the people smugglers out of business. We do that by having safe and legal routes and resettlement schemes. The noble Lord, Lord Green

of Deddington, talked about people smugglers. Clare Moseley, who works for Care4Calais, said on the Radio 4 “Today” programme this morning that people traffickers are a symptom, not a cause of the problem. It is because there is no other way to claim asylum in the UK other than to come here illegally—there are no safe and legal routes at the moment, as the noble Lord, Lord Kerr, said. We need safe and legal routes from the worst parts of the world, where people are really suffering.

The noble Viscount, Lord Waverley, said that we need a humanitarian solution. The other alternative he mentioned—sealing the borders—is not possible. Looking at the length of the French and UK coastlines, you cannot seal the borders; we need a humanitarian alternative.

As the noble Lord, Lord Desai, said, let us celebrate the success of immigration. Look at the diversity of the Cabinet. I think I have heard the noble Lord, Lord Green of Deddington, say in the past that this island is becoming overcrowded. I am not sure how many people are leaving; I am not sure that 680,000 people coming into the UK is a net figure—there must be some people leaving as well. If our island is becoming overcrowded, let us turn the tap down on the 94% of immigration that is not asylum seekers.

The noble and right reverend Lord, Lord Harries of Pentregarth, talked about sharing the resettlement between areas of the UK. We need to share the resettlement of asylum seekers across the globe. That means the UK takes its fair share. That is not what is happening at the moment.

4.50 pm

Lord Rosser (Lab): I, too, thank the noble Baroness, Lady Hoey, for securing this debate. As has been said, it comes at a time when we have just seen a human tragedy in the English Channel—a reminder of the dangers of the channel and the fact that people’s lives are at risk every day in these makeshift, flimsy, small boats.

The number arriving in small boats remained relatively small until about two years ago. While clamping down on those coming in the back of lorries has been a factor, Brexit meant our exiting the Dublin III regulation, so the UK no longer has an agreement with any EU member state to return individuals who had set foot in those countries first prior to claiming asylum in the UK. Not only did we exit the Dublin III regulation, the Brexit deal failed to agree any working alternative or alternative safe and legal routes.

In addition, there is both underresourcing and significant staff change at the Home Office, as noted in the most recent report, I believe, of the Independent Chief Inspector of Borders. There just are not enough staff to process the asylum applications and this contributes to longer and longer wait times. Some 87% of cases were dealt with in six months in 2014; that had fallen to 20% by 2019.

The reason for this situation is a cut in resources for legal and general support for Home Office officials deciding cases. Everything, frankly, is down to bare bones. A better-resourced system could vet better and more quickly and progress cases through the system either to granting asylum or to enforced removal.

A lack of resources means poor case management and mistakes being made and delays created. It serves neither those making claims nor, indeed, the general public.

No doubt, those involved in human trafficking are aware that first, the UK has no extradition treaty to replace Dublin III and, secondly, that once here, individuals will be in the creaking system for some time, perhaps for more than a year or, indeed, several years.

I want also to repeat some of the figures that have already been quoted because, while asylum cases have increased recently, as have been said, asylum cases peaked at just over 84,000 in 2002, falling to just under 18,000 in 2010 before rising again to just above 35,500 in 2019. However, as has been pointed out, that figure is well below the 2002 one.

As has already been said, asylum seekers made up about 6% of all immigrants to the UK in 2019. While I think the figure mentioned was of 98% of those arriving by boat in the English Channel being recorded as claiming asylum, they are, in fact, largely people coming from war-torn countries rather than economic migrants, as we are sometimes led to believe.

According to other statistics from the Library, to which reference has already been made, the percentage refused at the first stage was at a high of 88% in 2004, falling to 59% in 2014, and again to 48% in 2019. So 52% of all asylum applications are approved or accepted at the first stage. However, as of June this year, 125,000 cases were logged in the system, and that is the highest since records began in 2011, and more than twice the figures for 2014. The thing to note is that any problem with caseload is less than that of other countries, which appear to be handling them rather more efficiently. In 2020, there were six asylum applications for every 10,000 individuals in the UK; the EU 27 average is almost twice that, at 11 applications per 10,000.

This is a serious problem. First, it does not best support asylum seekers, because those in genuine need of protection and support are left in a state of uncertainty longer than necessary. Secondly, those who are not bona fide asylum seekers are not best served by delaying their return, creating false hope. Thirdly, it badly lets down the public and their legitimate expectations of the system and arrangements.

The Home Secretary has been in post for more than two years, and has repeatedly committed to stopping channel crossings in small boats by making the route unviable. I am not sure whether she thinks she has been particularly successful. The reality is, of course, that we have seen unprecedented numbers making the journey in small boats, with a very high figure indeed for this year alone. The Home Secretary’s approach has, frankly, failed to deliver, and perhaps it is time it needs a change of approach.

The Government need an effective deal with the French authorities, they need to establish safe and legal routes and they need to reopen the Department for International Development, the department that addresses why people flee their homes in the first place. There seems some confusion in government quarters as to whether or not the Government believe that the arrangements they have with the French authorities are giving value for money. We are told of the figure of £54 million. At times, we read of Ministers

[LORD ROSSER]

saying the French are not doing everything they should, but at other times we have Ministers telling us how many trips across the channel have been stopped by the French authorities. I should be interested to know from the Government's response today whether they believe they are getting value for money in what they are paying to the French or not, as there seems to be a degree of confusion in the comments made.

The reality is that we need meaningful action to support genuinely vulnerable people, to improve the somewhat chaotic and perhaps less than humane asylum system and, of course, to bring criminal gangs to justice. We need binding targets to process cases more quickly, so that people in need of help are not left in limbo, in a state of uncertainty. We need to push for action on international deals and agreements, including to stop gangs in France and elsewhere profiting from people's desperation. I wonder whether sufficient attention, despite what the Government maintain happens, is actually given to dealing with those gangs, who are the cause of the trouble, as opposed to various schemes to stop their victims—because that is what they are—who are left crossing the English Channel in small boats. It is far better, I should have thought, to deal with the problem at source, which is the criminal gangs who encourage those trips to be made and make considerable sums of money out of it.

We need improved support for victims of modern slavery and human trafficking and tougher sentences for perpetrators. We need to re-establish our country's commitment to spend 0.7% of GNI on international aid to help to tackle the forces driving people from their homes in the first place. For as long as we do not address that problem, we will get these large movements of people, some fleeing persecution and no doubt some on economic grounds seeking a better life. Finally, we need action to establish safe and legal routes, such as by re-establishing the Dubs scheme to help unaccompanied children to escape war zones. In their response, the Government might wish to comment on whether they agree that the action that I have suggested needs to be taken or whether they disagree with what I have said.

5 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I will first address the points made by the noble Lord, Lord Desai, which I thought were very positive. The basis of our skills-based immigration system is that, if people have the skills to come here, we will welcome them. Immigration has contributed to our economy. We are a nation of immigrants. He is and I am. I presume that the noble Baroness, Lady Bennett, counts herself an immigrant. I am not quite sure about the noble Baroness, Lady Hoey, who is from Northern Ireland, but the noble Baroness, Lady Fox, does as well. A good proportion of the people speaking in this debate are immigrants, as are half the Cabinet.

Secondly, I thank the noble Baroness, Lady Hoey, for securing this important debate on the issue of migrants arriving in the UK on small boats, which is a different point from that which the noble Lord, Lord Desai, makes. We will go on shortly to further discuss the dreadful boat tragedy that we learned of yesterday.

These crossings are dangerous—people have lost their lives attempting them—and they are wholly unnecessary. As the noble Baroness, Lady Hoey, my noble friend Lord Lilley and, I think, the noble Lord, Lord Green of Deddington, said, France is a safe country with a fully functioning asylum system, as are the other countries of Europe through which these people typically pass on their way to the UK. There is no need for those in need of refuge to make these hazardous journeys across the channel, because a safe route to asylum exists in Europe. The motive of those endangering themselves in this way therefore cannot exclusively be one of seeking sanctuary from persecution. These crossings are driven by organised criminals, who sell the dream of a better life in the UK at the expense of the safety of the people they bring here, and who do not care whether the men, women and children they cram into fragile and unseaworthy craft live or die, so long as they get their money. The Government are determined to stop these crossings and to bring to justice the evil criminal gangs who profit from them.

As the noble Baroness, Lady Hoey, said, nearly 70% of arrivals are men and the majority of the children are also male. Iranian nationals account for the most arrivals over the past two years, followed by those from Iraq, Syria, Sudan and Eritrea. Noble Lords will note that we have had a Syrian resettlement scheme over the last few years.

The point made by my noble friend Lord Lilley that the middle classes are the only ones who can afford to come is important, in terms of vulnerability and neediness, because the people who can afford to pay people smugglers are the ones most likely to get here. You do not see many older ladies or female children. That the majority are male and between the ages of 18 and 34, although they might be skinny when they get here, is surely an indicator of vulnerability.

In recent decades, the institution of refuge has been abused by those who want to come to the UK for other reasons and who view asylum as a means to gain entry which would otherwise be denied to them. The phenomenon of using small boats to cross the channel, which we have seen grow since 2018, is merely the latest and most outward manifestation of a problem that the Home Office has had to deal with for many years: large numbers of people, mostly without documents—as the noble Baroness, Lady Hoey, said—travelling from the safe countries of Europe and seeking asylum in the UK.

To suggest that all these people have no haven in European countries and that they are driven into these perilous crossings by desperation is just not true. Those making those arguments, I would suggest, are being disingenuous. As the noble Lord, Lord Green of Deddington, said, these crossings are made for the same reason as applies to those hiding in lorries and containers or using fraudulent travel documents on passenger services: to evade our immigration system.

The noble Lords, Lord Kerr and Lord Dubs, asserted that we had closed the door and that this was why this situation has happened. I was just thinking of the various routes that we have or have been replaced. In terms of Dubs, we met our commitment of 480 unaccompanied asylum-seeking children—the noble

Baroness, Lady Bennett, might shake her head, but these are facts. We have issued 39,000 family reunion visas since 2015. We have had the Syrian resettlement scheme, which resettled more than 20,000 people in the last few years. That has been replaced by the global resettlement scheme, so to respond to the point made by the noble Lord, Lord Kerr, we will now resettle vulnerable people from all over the world. Our assessment will be based on vulnerability and not on from where they come, though the two may of course be linked. We now have the Afghan citizens resettlement scheme, which is an extremely generous scheme. There is the BNO scheme, which the noble Baroness, Lady Hoey, talked about, and, of course, we have the ARAP scheme for those who helped us in Afghanistan. To say that we have closed the door is just not true.

We are clear that access to our asylum system should be based on need and not the ability to pay people smugglers. That is why we have introduced the Nationality and Borders Bill. I am pleased to hear that the noble Baroness, Lady Hoey, and my noble friend Lord Lilley are looking forward to it; I look forward to working with them. It is the most comprehensive reform in decades to fix the broken asylum and illegal migration system. This country has a long tradition of welcoming those in need of sanctuary, but not everyone who wants to settle here can do so and those who do so must come here legally.

As the noble Baroness, Lady Hoey, said, based on her experience of visiting Dover, the brave and highly trained officers of Border Force, day in and day out, set out to sea in cutters and coastal patrol vessels to manage the small boats used by migrants to cross the channel. Their mission has been one of search and rescue rather than enforcement, because we have a legal duty to preserve safety of life at sea. That is why HM Coastguard and the Royal National Lifeboat Institution are involved in responding to these crossings: a life in danger at sea is a life that we will try to save if at all possible. Border Force has also developed safe and legal maritime tactics to turn around migrant vessels and prevent crossings. This maritime deterrent will form part of a wider set of tools designed to dissuade people from using this route, preventing embarkations and ultimately saving lives.

The noble Baroness, Lady Hamwee, asked me about legality. I say to her that this is nothing new. Border Force has existing powers under the 1971 Act to intercept vessels in UK territorial seas, and an officer is not liable in any criminal or civil proceedings if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it. All operational procedures used at sea are delivered in accordance with domestic and international law and obligations.

We are clear that these crossings will be truly ended only when they are seen to be ineffective by those who would make them. That is why we are pushing for the unconditional return of all those arriving by small boats to their country of embarkation as soon as possible. That is the reason for the inadmissibility rules that have now come into force: they make it easier for us to return those who have arrived by small boats. We are now focused on agreement with France and other members of the EU to accept back those who have arrived in the UK by small boats, without condition.

The noble Baroness, Lady Hoey, asked me about the money we had given to France and what was happening to it. A bilateral arrangement was reached between the UK and France on 20 July this year. The UK pledged to make a further financial investment of £54 million to tackle illegal migration and small boats. We can confirm that the processes for French funding arrangements agreed in July to tackle illegal migration are in place. Initial payments have been made for the deployment of police and for accommodation centre places, with further payments for technology agreed for later this year. She will understand that I cannot go into any further detail than that.

In the meantime, those who arrive, claim asylum in the UK and are destitute have to be accommodated and supported while their cases are considered. That is a legal requirement but also a moral and practical one. We have a particular responsibility for the care and welfare of vulnerable unaccompanied children, and from this week local authorities have been notified that the national transfer scheme has been temporarily mandated to ensure that unaccompanied asylum-seeking children receive the critical care, support and accommodation that they need upon their arrival.

I will go into further detail on that for the benefit of the noble Lord, Lord Dubs, and others. In 2020—this goes to the point made by the noble Lord, Lord Kerr; he and I are always disagreeing on this—the UK received the second highest number of asylum applications from unaccompanied children, 2,773, out of all the EU-plus countries. They accounted for approximately 16% of all reported UASC claims made.

The noble and right reverend Lord, Lord Harries of Pentregarth, asked about family reunion. We provide safe and legal routes to bring families together through our family reunion policy, which allows a partner and children under 18 of those granted protection in the UK to join them here if they formed part of the family unit before the sponsor fled their country. As I said earlier, more than 39,000 family reunion visas have been granted since 2015.

I have talked about the support that the UK has funded. The funding arrangement that was agreed by the Home Secretary increases the number of French law enforcement officers patrolling the beaches, improves the surveillance technology and allows more crossing attempts to be detected sooner. It strengthens security infrastructure, making it more difficult for crossings to be attempted, and supports migrants into the French asylum system, giving them a safe and legal alternative to the dangerous and unnecessary crossings.

A noble Lord asked me about French interceptions. In 2020, the figure was 6,079, and this year it has been nearly 21,000. That is a lot of interceptions. We need to recognise the difficulties that the French face here. They are active in their efforts to prevent these crossings, but they are increasingly being met by violence from people smugglers and migrants, emphasising that not all those who are making these crossings are vulnerable victims. As French preventive efforts bite, we have seen the people smugglers operate from ever-greater stretches of coastline, using bigger boats, carrying more migrants and taking greater risks. The French activity is undoubtedly having an effect, but this is a lucrative

[**BARONESS WILLIAMS OF TRAFFORD**] criminal industry and the opponents are resourceful, industrious and determined. That is why we are redoubling our efforts to provide support.

An asylum system should provide a safe haven to those fleeing persecution, oppression or tyranny. We want to be fair to those who are genuinely in need of international protection and firm against those who are not. I have talked about our proud record, but, as the title of this debate suggests, we now need to stop the dangerous, illegal and unnecessary small boat crossings of the channel, control our borders and return those with no right to be in our country.

In terms of financial support for councils which take migrants, local councils and health partners who resettle families will receive up to £4,500 per child for education, £850 to cover English language provision for adults requiring this support, and £2,600 to cover healthcare.

Sorry, this is slightly out of sync, but 273 asylum-related returns were concluded in the year ending June 2021, which, considering Covid, shows that we are making returns. The measures in the Nationality and Borders Bill will assist with this.

The noble Baroness, Lady Hoey, asked about preventing terrorists using this route to get to the UK. In fact, a noble Lord in this House suggested that we should allow the blanket no-checks arrival of people from Afghanistan, and I made it very clear then that that was not a good idea. Security is the number one reason for border control. All our processes and procedures are predicated on the need to safeguard the UK from those who pose a security threat, and that is why we need to ensure that everyone seeking to enter the UK by any means is checked thoroughly against security databases upon arrival. People arriving by small boats are subject to stringent checks immediately upon arrival in the UK, and again as they are processed into the asylum system.

The Government's commitment to reforming our immigration and asylum system is being delivered, as I said, through our new plan for immigration and its centrepiece, the Nationality and Borders Bill. The plan has three objectives: increasing the fairness and efficiency of our system so that we can better protect and support those in genuine need of asylum; deterring illegal entry into the UK; and removing more easily from the UK those with no right to be here. Despite other disagreements in this House, I do not think that there is disagreement on that point: that people who should not be here should be returned. Our long-term plan will prioritise bringing over the most vulnerable, deterring illegal migration and creating an effective sanction where there are no relevant mitigating circumstances. We will remove those with no right to be here.

Finally, I thank the noble Baroness, Lady Hoey, once more for securing this debate.

Viscount Waverley (CB): I apologise for breaking the Minister's stride and I know that it has been a long day for her. Is she minded to address the point made by the noble Lord, Lord Paddick, which is particularly relevant, given the upcoming immigration Bill? Have

the Government finally addressed the recording of people leaving the country, or are they still addressing only those entering the country? Do we know who and how many are leaving?

Baroness Williams of Trafford (Con): My Lords, I apologise to the noble Lord, Lord Paddick, for not answering that point. I was trying to get through everything. As I understand it, we are developing technology to ensure that we identify not only people coming in but those leaving. We also have exit checks. I will end there, and I thank the noble Baroness, Lady Hoey.

Lord Harries of Pentregarth (CB): Perhaps I might be allowed to ask just one question concerning people claiming the need to come to this country who have money. Does the Minister agree that it is possible to understand how a person might have money to pay for the journey but have a genuinely well-founded fear of persecution? Iran is the obvious example, where there is a thriving middle class. One can earn a good living there if one keeps one's head down. However, if one is the wrong sexuality, religion or outspoken, one of course wants to leave and would have to money to do so.

Baroness Williams of Trafford (Con): I take the noble and right reverend Lord's point but the point that my noble friend was making is that, in the main, you can afford to get here only if you can afford to pay the people smugglers. That was not any slight on those who can pay but the fact is that you can get here only if you can afford to pay. There is a secondary point to that. If you cannot afford to pay, the people smuggler might say, "Don't worry, you can work for me when you get to the UK." You could then find yourself being enslaved.

Viscount Waverley (CB): I apologise. There is also a means by which people pay over a long period—say, three years. They are not paying a bulk amount of money for entry. They pay over three, four or five years and the extortionists receive the money from the family or elsewhere from the country of origin.

5.22 pm

Baroness Hoey (Non-Affl): My Lords, I thank the Minister for her response. Perhaps I may say gently that I am not an immigrant. I was born and bred in Northern Ireland, which in 2021 has been part of the United Kingdom for 100 years. I thank everyone for their contributions. It shows that we are going to have interesting debates on the Nationality and Borders Bill. I look forward to that and am sure that others do so, perhaps for different reasons.

I am not going to go through the speeches as I do not have time. The noble Lord, Lord Paddick, went through my speech in great detail and perhaps we need to have a cup of coffee so that I can respond. The importance of this debate to me is that it tells the public out there, who are very concerned about what is happening, that we are listening to them as well. That is why my noble friend Lady Fox was right about the public. We have to take them with us.

I thank everyone for their contributions. I am sad that we are debating this issue today, following such a tragic incident, but hope that this is the beginning of a genuinely open debate on something that will not go away in the near future.

Motion agreed.

Small Boats Incident in the Channel

Statement

5.23 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, give me one second. I shall now repeat a Statement made by my right honourable friend the Home Secretary in another place. The Statement is as follows:

“With permission, Madam Deputy Speaker, I would like to make a Statement about the tragic drownings that took place in the channel yesterday. At least 27 people lost their lives. I know the whole House will join me in expressing our profound sorrow. Our thoughts are with the loved ones of all those who have died, and with those who responded to that extremely distressing event.

Information is still being gathered as the situation in France becomes clearer. The Prime Minister chaired an emergency Cobra meeting last night and then spoke to the President of France. I am glad that President Macron indicated his determination to stop the vile people-smuggling gangs and to work closely with all partners across Europe.

I have just spoken again to my French counterpart, Minister Darmanin. I once again reached out to him to offer joint France-UK patrols on French beaches to prevent these dangerous journeys taking place. I have offered to work with France to put more boots on the ground and do whatever is necessary to secure the area so that vulnerable people do not risk their lives by getting into unseaworthy boats.

There is a global illegal migration crisis. I have stated many times that these journeys are unnecessary but, as I have been warning for two years, they are also lethally dangerous. What happened yesterday was a dreadful shock; it was not a surprise. There is no quick fix. This is about addressing long-term pull factors, smashing the criminal gangs that treat human beings as cargo and tackling supply chains. It requires a co-ordinated international effort. I have been in regular contact with my international counterparts, including in France, Poland, Austria, Belgium, Italy and Greece.

There is a global migration crisis, with 80 million displaced people in the world. This was a major theme of the G7 meeting of Interior Ministers I hosted earlier this year. We are also seeing it play out on several land borders in Europe and in the Mediterranean Sea. Given the chance, the traffickers will always find people to manipulate—some of them do not even know they are coming to the UK. It means tackling issues upstream, not waiting until people have reached EU countries. I have always been extremely clear that I want to co-operate with international colleagues.

The UK has given unflinching and generous support to France to end this terrible trade. We are not working to end these crossings because we are heartless. The United

Kingdom has a generous, humane approach to asylum seekers and refugees. Yes, people should come here legally and the system must be fair, but the main issue is this: crossing the channel in a small boat is extremely dangerous. Yesterday was the moment many of us had feared. The criminals that facilitate these journeys are motivated by profit, not compassion. They threaten, bully and assault the people who get in these boats, and have absolutely no regard for human life. They use the money they make for other heinous crimes. We simply have to break their business model and bring them to justice.

The Government’s new plan for immigration, which will be put into law through the Nationality and Borders Bill, is a long-term solution to deterring illegal migration and addressing underlying pull factors in the UK’s asylum system. It will bring in a range of new measures, including: a one-stop appeals process; the ability to process claims outside the country; the ability to declare inadmissible to our asylum system those who arrive in the UK having passed through safe countries; and life sentences for people smugglers. People should claim asylum in the first safe country they reach. No one needs to flee France in order to be safe.

However, we are not waiting until the Nationality and Borders Bill passes. We are undertaking a wide range of operational and diplomatic work. I have approved maritime tactics, including boat turnarounds, for Border Force to deploy. The Government, the police and the National Crime Agency are taking action at every level to take down the people-smuggling gangs. Once again, however, we cannot do it alone. We continue to work closely with the French to prevent these crossings. More than 20,000 have been stopped so far this year. We have dismantled 17 organised criminal groups and secured over 400 arrests and 65 convictions, but this crisis continues and we need to do more—together. This is very complicated and there is no simple fix. It means a Herculean effort and will be impossible without close co-operation between all international partners. I also urge colleagues to reconsider their opposition to the Nationality and Borders Bill. It is an essential element in finding a long-term solution to a problem that successive Home Secretaries have faced.

As we mourn those who have died in the most horrendous circumstances, I hope that the whole House can come together and send a message that crossing the channel in a small boat is not the way to come to our country. It is unnecessary, illegal and, above all, desperately unsafe. I commend this Statement to the House.”

My Lords, that concludes the Statement.

5.29 pm

Lord Rosser (Lab): My Lords, since the Statement was made in the Commons only a relatively short time ago, what I intend to say will be very similar to what was said by the shadow Home Secretary in response to it there.

Viscount Hailsham (Con): It will be precisely the same.

Lord Rosser (Lab): It is not entirely the same, but very close.

[LORD ROSSER]

On a serious note, yesterday's tragedy was the most tragic of reminders of the dangers of the English Channel, and that people's lives are at risk every day in these small boats. It is a sobering moment for us as a nation, for France and for the international community. As I understand it, at least 27 people have died. We think of those lost, their loved ones left behind, and the two who were rescued, who are receiving medical treatment and fighting for their lives. I pay tribute to all those involved in the joint French-British search operation in the air and on the sea, putting themselves in danger to help others.

I believe that there have been arrests in France of those suspected of the vile crime of people smuggling. I appreciate the difficulties and sensitivities when there is an ongoing legal case, particularly in another jurisdiction, but I hope that the Government can assure the House that we will give all the co-operation required by the prosecuting authorities in France if we are able to help in that regard.

On the arrangements that we have in place with the French authorities, and the £54 million, referred to in the previous debate, can the Government set out for how many days a week the full existing surveillance capacity is operating? What will they be doing—as a matter of urgency, I hope—to increase that surveillance, particularly in light of what has happened? What will the Government be doing to deepen intelligence and law enforcement co-operation with the French authorities in other countries, so that the focus is on not only coastal patrols, as it appears to be currently, but disrupting the routes often facilitated across hundreds or thousands of miles by the gangs, who have a reckless disregard for human life?

May I press the Government on properly managed, safe and legal routes, and specifically the position on the Dubs scheme? It was closed down, having helped only some 480 unaccompanied children rather than the 3,000 many expected it to help. Will that scheme be urgently reinstated?

In the Statement, the Government spoke of a worldwide migration crisis, and that is the reality. In view of that, can the Government revisit their decision to cut the international aid budget and lead on the international stage with other countries to help those fleeing persecution? Yesterday's terrible tragedy must be a moment for change. The time for urgent action to save lives is now.

I noticed that the Home Secretary said in the Statement that she has approved maritime tactics, including boat turnarounds, for border staff to deploy. Can the Minister tell us a little more about these maritime tactics that have been approved? What changes will take place as a result?

As I say, there is a reference to boat turnarounds. I presume that means turning around boats in the channel and sending them back to France, but perhaps the Minister could indicate precisely what that means and whether there are other maritime tactics, as the Statement implies, apart from those boat turnarounds.

I also picked up in the Statement that the Minister repeated the Government's position, which they have stated on numerous other occasions, that people should claim asylum in the first safe country they reach, and

that nobody needs to flee France to be safe. Presumably, if our Government's stance is that you should claim asylum in the first safe country you reach, they would have to accept that for most people who have come through France and then across the channel on small boats, unless there is evidence to the contrary, France was not the first safe country that they reached. Presumably, most went through other safe countries before they got to France. Do the Government accept that, on the basis of their own statement that you should claim asylum in the first safe country you reach, France's situation is, in that sense, no different from ours, because France would probably not have been the first safe country that they reached? Some clarification on that issue might be helpful in the reply that I hope the Minister will give to my comments.

Lord Paddick (LD): My Lords, I repeat that my thoughts are with all those affected by yesterday's tragedy in the channel. I asked for the Statement to be repeated so that Members of this House who had not signed up to the debate that we just had on this subject, scheduled before this tragedy happened, had an opportunity to question the Government.

The Home Secretary talked about traffickers finding people to manipulate and said that some of them do not even know that they are coming to the UK. What evidence can the Minister share with the House that people smugglers

"threaten ... bully and assault the people who get into these boats"?

What evidence is there that asylum seekers, who must know that they are in France, or at the very least in mainland Europe, who are getting into boats, do not know that they are coming to the UK?

The Home Secretary gives the impression that vulnerable people are being forced against their will into these boats. Surely people traffickers would be only too happy to save money on boats and leave those who had already paid them in mainland Europe? Is it not the truth that these desperate people, who often speak English and no other European language, and who often have relatives or other people they know in the UK, know that they cannot seek asylum in the UK unless they are in the UK?

The Home Secretary says that people traffickers "use the money they make for other heinous crimes".

What are the heinous crimes to which the Home Secretary is referring? She also talked about a "wide range of operational and diplomatic work".

How can the Home Secretary talk about boat turnarounds the day after at least 27 people lost their lives, given that it is a tactic that can only increase the risk of further tragic deaths?

On diplomatic work, Ministers have talked about processing asylum claims in places such as Albania and Ascension Island. Meanwhile, Albania angrily denies any discussion on the issue and says that it would never agree, even if there had been discussions. Are the Government just making it up, and have they not got beyond the letter A in the list of fictitious partners?

The Home Secretary talked about the Government not being able to do it alone and it being impossible without close co-operation between international partners.

Has leaving the European Union made such co-operation easier or more difficult? Is it not the case that, rather than pointing the finger at the French, who take more asylum seekers per head of population than the UK, or at the people traffickers, whom Clare Moseley of Care4Calais described as a symptom of the problem and not its cause, the Government should look in the mirror? The problem is not taking climate change seriously enough. The problem is reducing the UK foreign aid budget. The problem is UK foreign policy failures. All make it more difficult for people to remain where they are. The problem with channel crossings is that this Government refuse to allow people to claim asylum unless their feet are on British soil.

Baroness Williams of Trafford (Con): My Lords, I thank the noble Lords, Lord Rosser and Lord Paddick, for their points. I join with them both in mourning the loss of those lives in the small boat yesterday. It is a tragedy.

In terms of the various questions they asked, I am going to slightly work backwards. The noble Lord, Lord Paddick, talked about offshoring. The Home Secretary has made it quite clear that she is considering all options and that nothing is off the table.

In terms of the heinous crimes that the Home Secretary talks about, it is interesting when you look at serious and organised criminals that these people are involved in multiple types of crime, not just people trafficking but money laundering, drugs and other things of that ilk.

In terms of evidence for bullying and people not knowing that they are coming to the UK, I am sure that the Home Secretary has said that based on the intelligence and information that she has got, so I think that stands. I assume it is fact.

The noble Lord, Lord Rosser, said that France is not the first safe country. That is precisely the point—people are not claiming asylum in the first safe country. They are then travelling to France and trying to get to the UK.

The noble Lord asked about the turnaround tactics. They are lawful, as I explained in the previous debate. They are delivered in accordance with domestic and international law and obligations. However, I will say what I said before, which is that our priority—first and foremost—is always to save lives. Every action that the Border Force takes is safe and in accordance with the law.

The noble Lord also asked about surveillance. I do not know how frequently they are operating. That is a question of detail that I do not know. Of course, there is the fact of French law being different from UK law, so there are privacy issues around the use of drones. I know that they are working on legislation to put it through parliament. We, of course, have the joint intelligence cell, which was established back in 2020, with the UK and France working together. It is a cross-European problem. This is not isolated to the United Kingdom. All countries across Europe are seeing it.

The noble Lord asked about Dubs and the 3,000—3,000 was never agreed in Parliament and therefore was never pledged. We met our obligations under

Dubs, and I outlined some of the other schemes under which people have come to this country since 2015, such as the Syrian resettlement scheme, family reunion visas and the BNO scheme. We now have the global resettlement scheme, the mandate scheme, the children's resettlement scheme and the vulnerable persons resettlement scheme. There are many routes under which people have come and will still be able to come here.

The noble Lord, Lord Rosser, asked about law enforcement co-operation. That has been offered. We want to work with our French counterparts and we do through the joint intelligence cell, as I have said. My right honourable friend the Home Secretary spoke to Minister Darmanin this morning and again reiterated returns offers. As I said in the Statement, the Prime Minister spoke to President Macron last night. The Home Secretary was exploring the various gaps in our mutual capabilities and how we could solve what is now a mutual problem.

5.45 pm

Lord Lilley (Con): My Lords, does the Minister agree with me that, if it is morally and legally right for the French authorities to turn back immigrants seeking to leave their shores, it would likewise be morally right for us to return immigrants who had evaded attempts to keep them in France? It is possibly right legally and certainly is if we do so safely and with the approval of the French authorities. It would be odd of them to refuse that approval, given that they took our money to help them do it, in the first place.

Baroness Williams of Trafford (Con): My noble friend is absolutely right, and of course he caveats that by saying that the methods by which people are turned back have to be safe. That is essential.

Lord Dubs (Lab): My Lords, I want to ask the Minister a specific question. A large number of unaccompanied child refugees are sleeping rough in Calais and Dunkirk tonight. Does anything she has said give them any hope of moving away from there, other than that they should get on a boat if they can find a trafficker?

Baroness Williams of Trafford (Con): My Lords, we do not want a child to get on a boat if they can find a trafficker. I assume that is why those children are there: someone, somewhere, hopes they will find a trafficker to bring them to the UK. We have mechanisms for bringing unaccompanied asylum-seeking children here. We are not bound by the European Union now; we are bound by our obligations to the whole world. I know that the House and the noble Lord still refer to the EU, but we are focusing on vulnerability from across the world.

Baroness Hamwee (LD): My Lords, the Home Secretary's Statement referred to the work of the National Crime Agency and using it to "take down" smugglers. Can the noble Baroness give the House any information about smugglers based in the UK, as distinct from those based in France or elsewhere in northern Europe, which is the impression we have of

[BARONESS HAMWEE]

where they are based? Secondly, on the issue that people should claim asylum in the first safe country they reach, can the noble Baroness confirm that “should” is government policy, rather than international law?

Baroness Williams of Trafford (Con): Smugglers have a fairly international reach and are not necessarily based in the UK. Quite often, they are based in eastern Europe or the Balkans and they ply their trade across the world. Where they are based is almost irrelevant; their business model is based on people smuggling and multiple types of crime. Claiming asylum in the first safe country is a long-established international policy.

Viscount Hailsham (Con): My Lords, may I reiterate an obvious point—that if we are to reduce the flow of cross-channel migration, and thus reduce the risk of tragedies, we really have to work very closely with the French? Our interests are the same. To promote that, can we please avoid unnecessary public criticism of and recriminations with the French? Incidentally, I entirely agree with the noble Lord, Lord Paddick, about boat turnabouts. It is a ridiculous proposition.

Baroness Williams of Trafford (Con): I do not think my noble friend has heard me once today say anything negative about the French. The only thing that I have said is that it is essential that we work together. We are exploring all options on deterring people smugglers.

Lord Boateng (Lab): My Lords, I welcome the Minister’s repetition of the Statement. Will she please give some recognition, in terms of preventing yet even more loss of life in horrific circumstances, of the National Coastwatch Institution? We hear a lot, rightly, about coastguards and the Royal National Lifeboat Institution, but we do not hear about the National Coastwatch Institution. Operating in Folkestone from Dover to Dungeness, it has been responsible for saving many, many lives. The members are volunteers: they pay for the privilege of serving. It would be good to hear them acknowledged.

Baroness Williams of Trafford (Con): I am very happy to acknowledge that institution. I acknowledge and praise everyone who saves lives at sea. It is a very important principle to us as UK citizens that the first job of anyone at sea is to save lives at sea.

Lord Purvis of Tweed (LD): I declare an interest, in that I am supporting an anti-human trafficking project that is supported by the Government. I will be travelling before Christmas into an affected area. I have been extensively in Sudan and in the Sahel. The Minister is absolutely right: she leads a committed team in the Home Office that is looking to address this issue at the source. She was also right, in response to my noble friend Lady Hamwee, about the international nature of trafficking and the distinct but connected crime of smuggling. However, they are not extraterritorial offences, and therefore the very nature of those offences means that it is incredibly difficult to bring forward prosecutions

on an international scale. I believe that human trafficking should be a crime against humanity. Will the Minister examine this area for its extraterritorial dimension because, unless we have the ability to prosecute those networks across many countries, we will not tackle those heinous offences that she so eloquently outlined?

Baroness Williams of Trafford (Con): I am very grateful for the noble Lord’s intervention because he is absolutely right. I cannot go into a lot of detail about extraterritoriality, but I praise the NCA for its work both nationally and internationally, with Governments across the world to try to cut this off upstream before it gets to our shores.

The Lord Bishop of Coventry: My Lords, the sense of grief that has been hanging over this House for most of the afternoon is testimony to our sense of common humanity. I assure the families of those who died—whoever and wherever they are—of the prayers of this Bench, and I am sure that many other prayers have been offered around your Lordships’ House. We have heard, quite rightly, from the Minister, echoing the Home Secretary, that this requires a co-ordinated international effort. It also clearly has a European dimension. Can the Minister confirm that if, as the French President has suggested, high-level European crisis talks take place on migration, the UK will take a full part and even encourage those conversations to happen?

Baroness Williams of Trafford (Con): Indeed; I might be conflating the debates I have taken part in today, but I did earlier mention the G7, which is a really important forum to bring international partners together. It has to be an international effort, because it is an international problem.

Lord Berkeley (Lab): My Lords, this is a very sad day. We have discussed it before but, as the Minister has said, the traffickers will find whatever route they can to get people to this country if it suits them financially. We heard earlier about people being smuggled in trucks but that could restart all the way up and down the coast, not just in France but in Belgium and Holland. Of course, it could happen on small boats because on the north coast of France there are an enormous number of those, probably parked up for the winter, which could be used. We have a very long coastline along the south. I live in Cornwall and pay tribute to the coast-watch people, but they are out only in the daytime and it is very difficult to police. I hope that the Government will spread their watch over a much wider area.

Baroness Williams of Trafford (Con): The noble Lord makes a really good point because, since the truck route has been severely curtailed, the small boat route has been much more obvious. Short of literally having patrols round the entire coastline, our agencies are very reliant on intelligence. That probably is, and will be, one of the most effective tools in our armoury—we were talking about it earlier in regard to France—when finding out where these people are, where they are coming from and where they are going to.

Money Laundering and Terrorist Financing (Amendment) (No. 3) (High-Risk Countries) Regulations 2021

Motion to Approve

5.56 pm

Moved by Lord Agnew of Oulton

That the Regulations laid before the House on 1 November be approved.

The Minister of State, Cabinet Office and the Treasury (Lord Agnew of Oulton): My Lords, this Government recognise the threat that economic crime poses to the UK and are committed to combating money laundering and terrorist financing. Illicit finance causes significant social and economic costs, through its links to serious and organised crime. It is a threat to our national security and risks damaging our international reputation as a fair and open rules-based economy. It also undermines the integrity and stability of our financial sector and can reduce opportunities for legitimate business in the UK. That is why we are taking significant action to combat economic crime, from introducing the economic crime levy to progressing the Government's landmark economic crime plan. We are working closely with the private sector and our international partners to improve the investigation of economic crime, strengthen national standards on corporate transparency and crack down on illicit financial flows.

The money laundering regulations support our overall efforts. As the UK's core legislative framework for tackling money laundering and terrorist financing, they set out various measures that businesses must take to protect the UK from hostile actors. Under these regulations, businesses are required to conduct enhanced checks on business relationships and transactions with high-risk third countries. These are countries that have strategic deficiencies in their anti-money laundering and counterterrorism financing regimes, and could pose a significant threat to the UK's financial system.

This statutory instrument amends the money laundering regulations to update the UK's list of high-risk third countries. This is to mirror lists published by the Financial Action Task Force, the global standard-setter on anti-money laundering and counterterrorism financing. As the Financial Action Task Force carries out its periodic reviews and regularly updates its public lists of jurisdictions with strategic deficiencies, we also need to update our own. Updating our list shows that we are responsive to the latest economic crime threats and ensures that the UK remains at the forefront of global standards on anti-money laundering and terrorist financing.

This amendment will enable the money laundering regulations to continue to work as effectively as possible to protect the UK financial system. It is crucial for protecting our national security and the UK's international reputation, while securing businesses and the financial system from money launderers and terrorist financiers. Therefore, I beg to move.

6 pm

Lord Purvis of Tweed (LD): My Lords, we support this measure and, as the Minister outlined, while this is an uncontroversial measure with regard to Mali,

Turkey, Botswana and Mauritius, it is one element of a much wider agenda on which the UK has an opportunity to lead—and in many areas it is, working very closely with our key allies. The timing is, probably by accident, relevant. It is between the debate on the Statement, when we discussed human trafficking and the linked crime of smuggling, and change to the proscription of a terrorist organisation, so it is linked.

The noble Baroness, Lady Williams, mentioned organised crime offences in the Balkans. When I served on the Select Committee on International Relations and Defence, we carried out an inquiry into the Balkans, and I visited. We identified that one of the biggest interests of the UK in the region is organised crime and the finance connected with it. When I visited the Sahel and looked at some of the smuggling routes, I was told by British officials that this industry equates to £10 billion-worth of organised crime. It is on an awful, industrial scale.

We have debated Afghanistan and will again next week. Some 95% of the heroin on the streets of this country is from Afghanistan. More people die every year than died in Afghanistan as tragic British military casualties of that conflict. All of them are connected with a considerable amount of money. None of those awful activities, which lead to tragic victims and innocent deaths, can be separated from those who are party to this and who launder some of the proceeds and facilitate some of this activity.

Therefore, we support the work of the Financial Action Task Force, our security services, the Treasury, the Bank of England and all the agencies who have to work forensically to tackle this awful use of what are often very technical, legal, financial and bureaucratic mechanisms to hide criminal activity.

I press the Minister specifically on a connected issue, which is what the Government say they intend to do, which is to have a public register of beneficial ownership of property. We know that, because of the openness of the property market, especially in our cities and especially in London, this has been an area of concern. Prior to the pandemic, Transparency International identified 87,000 properties in England and Wales that are owned by anonymous companies registered in tax havens. We have seen in the Pandora papers that UK property remains a popular way to wash dirty money, and there have been cases, of which we are all aware, where that has led to actions. That demonstrates the clear need for a public register, so, in supporting what the Minister is doing, I would welcome his comments on when the Government will make good on their promise in this area.

Lord Tunnicliffe (Lab): My Lords, on the face of it, the regulations before us are very straightforward. The Financial Action Task Force has updated its list of high-risk countries, and we are mirroring those changes in our legislation. We have supported such instruments in the past and will continue to do so.

Paragraph 3.3 of the Explanatory Memorandum outlines the usual justifications for this instrument being laid under the "made affirmative" procedure. We accept the arguments, but it is a pity that the urgency in laying these SIs is not always matched when it comes to the Government's wider efforts to

[LORD TUNNICLIFFE]

crack down on money laundering. Although it is true that the task force has given the UK a good rating in general terms, we know that concerns have long been expressed about the UK's supervisory regime. As my colleague Pat McFadden said in the Commons, the Treasury itself has conceded that FATF sees our systems as "only moderately effective" and that the international body also believes that there are "significant weaknesses in the risk-based approach to supervision" in the UK.

The UK is understandably a target for illicit funds, given the size and global status of our financial services sector. The Magnitsky case is a well-known example of funds being funnelled through UK institutions, but we know it is not the only one: that much has been seen with the recent publication of the Pandora papers. The Financial Conduct Authority is reportedly running several active investigations in this area. We wish it well with those probes and hope that any wrongful behaviour is punished in an appropriate way.

The Minister said yesterday that, despite the lack of criminal convictions secured through FCA action, the body is nevertheless taking robust action. He pointed to the imposition of a number of major fines in recent years, such as those against Standard Chartered. However, it is not clear that these punishments are changing behaviour or preventing the recurrence of bad practice. On Monday, Minister Whately outlined some of the limited examples of government action. We welcome the allocation of funds to this fight, but it is hard to take seriously her claim that everything possible is being done to make the UK

"a hostile place for illicit finance and economic crime".—[*Official Report*, Commons, 16/11/21; col. 532.]

Many of the initiatives cited have been announced and re-announced without meaningful action following. For example, Companies House has been given an additional £63 million of funds to assist with its reform, but there is little sense that the changes being made will empower that body and lead to better outcomes.

Minister Whately also failed to provide clear justification of the UK Government not classifying countries such as Russia and Afghanistan as high risk. It is true that this instrument is designed solely to administer the task force list, but does the Treasury not see a case for taking action of its own where UK interests are at stake? We await with interest the outcome of the task force's ongoing analysis of recent events in Afghanistan. It will be interesting to see whether that country is added to the list when we consider the first of these SIs in 2022 but, on Russia, I will simply repeat one of Pat McFadden's questions: do the Government really not judge Russia to be as big a risk as some of the countries listed in these regulations?

As I said earlier, we are privileged to have a significant financial services sector in this country. Lots of talented people, both regulators and people in the sector, work night and day to detect and stop economic crime and obviously we support them in their endeavours. However, the fact remains that, despite the efforts of individuals, the UK Government's regulatory framework of choice is seen by the international community as insufficient. As a global leader in financial services, we have a responsibility not only to replicate international initiatives

but to lead them from the front. I hope the Minister can outline today exactly how the Treasury intends to do this.

Lord Agnew of Oulton (Con): I thank noble Lords for their contributions and I will try to answer the queries raised.

I turn first to the noble Lord, Lord Purvis, and the register of overseas entities' beneficial ownership. The Government remain absolutely committed to these reforms. When implemented, this register will be an important new tool in our wider efforts to tackle economic crime and will be complemented by the broader powers we are now proposing for Companies House. Once implemented, the register will be one of the first of its kind in the world. That is good news for the UK, maintaining our global leadership role on corporate transparency and enhancing our already strong reputation as an honest and trusted place to do business. The Bill will reflect the pre-legislative committee's recommendations to ensure that the legislation is as effective as possible in tackling the use of UK property for the purposes of money laundering. I cannot give the noble Lord a precise date, but I am the counter-fraud Minister and I am pressing hard to get that commitment, because I share his concern on this important additional weapon in our arsenal.

I turn to the number of important points raised by the noble Lord, Lord Tunnicliffe, and will try to address as many of them as possible. In terms of the views of FATF, the UK has achieved the best ratings of any country assessed so far in this round of its evaluations, outperforming other states who are at the forefront of tackling money laundering and terrorist financing. I must stress that we are not complacent, and I take the noble Lord's challenges and criticisms very seriously. The Government will continue to enhance our response to illicit finance as new risks and methodologies emerge.

The UK continues to be guided by FATF standards in our domestic response to money laundering and terrorism financing. Our strategy for combating these crimes is set out in the *Economic Crime Plan*. This plan contains 52 actions, and its comprehensive agenda will ensure that the UK maintains its global leadership. Key actions include the reform of the suspicious activity reporting regime and improving the supervision of anti-money laundering compliance in the regulated sector. We have made progress in delivering on the *Economic Crime Plan*, with 24 of the actions complete and a further 10 implemented and being undertaken as an ongoing activity.

In terms of the weakness in the RBA to supervision, the FCA is changing its risk-based approach to anti-money laundering supervision by implementing new data-driven analytical tools and a targeted modular supervision model. This means it will be better placed to balance the two perennially competing aspects of any regulatory oversight regime—depth and breadth—to make the supervisory approach more bespoke, flexible and targeted. The FCA expects firms to implement their obligations effectively and has taken meaningful and impactful enforcement action against firms who failed to implement effective systems. As committed to in the *Economic Crime Plan*, the Treasury is undertaking a review of the UK's anti-money laundering regulatory and

supervisory regimes. The review will consider the structure of the UK's supervision regime and the role and powers of the Office for Professional Body Anti-Money Laundering Supervision. We will publish a report setting out the findings of the review and intended next steps in June 2022.

I turn to Companies House reform. The Government have issued their response to the corporate transparency and register reform consultation of last September and set out their plans to reform Companies House and strengthen the UK's ability to combat economic crime. The reforms are significant and will deliver alongside other broader reforms to clamp down on the misuse of corporate entities. They will deliver more reliable information on the companies register via verification of the identity of people who manage, control or set up companies. There will be greater powers for Companies House to query and challenge the information submitted to it, and the removal of technological and legal barriers to allow enhanced cross-checks on corporate data with other public and private sector bodies.

The noble Lord specifically asked about Russia and Afghanistan. The high-risk third countries list is only one of the tools that the Government have to signal to the private sector which jurisdictions are currently at risk. We also have the national risk assessment of money laundering and terrorist financing, which advises firms where they should take extra caution in building business relationships, given cross-border money laundering risks. The money laundering regulations require firms to consider geographical risks so, regardless of listing, firms have to be nuanced and risk-assess their business relationships taking into account credible sources.

In the FATF assessment of Russia, the judiciary's lack of independence and corruption were both highlighted. For example, FATF noted that levels of corruption are high in Russia. This is why we are at the forefront of global actions spanning operational policy and diplomatic communities to target the money launderers and the enablers who underpin corrupt elites and serious organised crime. To go back to the point made by the noble Lord, Lord Purvis, there is a horrible interconnection with what is happening with the migrant boats. If they get 50 people on to one of those boats at £2,000 each, that is £100,000 and it probably costs them £1,000 to buy the boat, so the noble Lord is completely right. That is why we are not in any way complacent about this.

Some of our response will be visible through law enforcement policy and international engagement. Other options will be less visible but no less impactful. Our response continuously evolves with the threat. In relation to Afghanistan, our engagement with the private sector tells us that there is already a very high level of scrutiny of money laundering, terrorist financing and sanction evasion risks. The presence of sanctions entities in Afghanistan and its potential money laundering and terrorist financing risks have been well-publicised, with alerts from UK supervisory bodies and other credible sources available for the regulated sector to draw on to assess the risks.

The noble Lord asked how we intend to lead the fight from the front. We are trying to lead by example and our freely accessible public register of company

beneficial ownership is one of the most open and extensively accessed company registers in the world. The UK has been at the forefront in delivering greater corporate transparency. We have led international reform efforts. This year, we used our G7 presidency to agree landmark commitments to implement and strengthen beneficial ownership registries, securing commitments from countries such as the US, Canada and Japan which had not previously been made.

6.15 pm

The Government's proposed reforms to Companies House will maintain our position as a world leader in corporate transparency. Once the register of overseas entities is implemented, it will be one of the first of its kind. This is good news for the UK, enhancing our reputation.

I hope that I have addressed the questions in a useful way and that noble Lords will join me in supporting the regulations. I commend them to the House.

Motion agreed.

Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2021

Motion to Approve

6.16 pm

Moved by Baroness Williams of Trafford

That the draft Order laid before the House on 19 November be approved.

Relevant document: 21st Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Government are committed to protecting the people of this country, and tackling terrorism in all its forms is a critical part of that mission. As the House will be aware, following the tragic death of Sir David Amess last month and the explosion outside Liverpool Women's Hospital earlier this month, the independent Joint Terrorism Analysis Centre raised the threat level in the UK from "substantial" to "severe" on 15 November. A severe threat level means that an attack is highly likely. Terrorism poses a persistent and enduring risk to our way of life. Public protection is our number one priority, and we continue to work extremely closely with counterterrorism policing and intelligence and security agencies in this vital endeavour.

The Government's position towards Hamas is well documented. Not only do we have a no-contact policy with the entirety of the group and currently proscribe the military wing; we also uphold the EU sanctions against Hamas in our new domestic regime in their entirety. The Government condemn Hamas's indiscriminate and abhorrent rocket attacks and remain resolute in our commitment to Israel's security. We continue to call upon Hamas permanently to end its incitement and rocket fire against Israel.

[BARONESS WILLIAMS OF TRAFFORD]

The threat posed by terrorist organisations varies depending on the group's ideology, membership and ability to train members. Groups like Hamas focus on training their members in terrorism as well as preparing and committing terrible acts of violence against innocent members of the public. We have a duty to our allies as well as our own people to tackle groups that inspire and co-ordinate terror on the international stage. While we can never entirely eliminate the threat from terrorism, we will always do all we can to minimise the danger it poses and keep the public safe.

Some 78 terrorist organisations are currently proscribed under the Terrorism Act 2000. Thanks to the dedication, courage and skill of counterterrorism policing and our security and intelligence services, most of these groups have never carried out a successful attack on UK soil. Proscription is a powerful tool for degrading terrorist organisations, and I will explain the impact that it can have shortly.

We propose to amend the existing listing of Hamas-Izz, al-Din, al-Qassem brigades—I am sure that I pronounced those completely wrongly—or Hamas IDQ, in Schedule 2 to the Terrorism Act 2000 to cover Hamas in its entirety. Under Section 3 of the Terrorism Act 2000, the Home Secretary has the power to proscribe an organisation if she believes it is currently concerned in terrorism.

If the statutory test is met, the Home Secretary may then exercise her discretion to proscribe the organisation. The Home Secretary considers a number of factors in considering whether to do so. The relevant discretionary factors for Hamas are the nature and scale of the organisation's activities, the specific threat posed to British nationals overseas and the need to support other members of the international community in tackling terrorism.

The effect of proscription is to outlaw a listed organisation and ensure that it is unable to operate in the United Kingdom. Proscription is designed to degrade a group's ability to operate through various means, including enabling prosecution for the various proscription offences; underpinning immigration-related disruptions, including excluding members of groups based overseas from the UK; making it possible to seize cash associated with the organisation; and sending a strong signal globally that a group is concerned in terrorism and has no legitimacy.

It is a criminal offence for a person to belong to, support or arrange a meeting in support of a proscribed organisation. It is also a criminal offence to wear clothing or carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation. The penalties for proscription offences are a maximum of 14 years in prison and/or an unlimited fine.

Given its wide-ranging impact, the Home Secretary exercises her power to proscribe only after thoroughly reviewing the available evidence on an organisation. This includes open-source material, intelligence material and advice that reflects consultation across government, including with intelligence and law enforcement agencies. The cross-government proscription review group supports the Home Secretary in her decision-making process. The Home Secretary's decision to proscribe is taken

only after great care and consideration of the particular case; it is appropriate that it must be approved in both Houses.

Having carefully considered all the evidence, the Home Secretary believes that Hamas in its entirety is concerned in terrorism and that the discretionary factors support proscription. Although I cannot comment on specific intelligence, I can provide the House with a summary of the group's activities. Hamas is a militant Islamist movement established in 1987, following the first Palestinian intifada. Its ideology is related to that of the Muslim Brotherhood, combined with Palestinian nationalism. Its main aims are to liberate Palestine from Israeli occupation, the establishment of an Islamic state under sharia law and the destruction of Israel. Although Hamas no longer demands the destruction of Israel in its covenant, the group operates in Israel and the Occupied Palestinian Territories. Hamas formally established Hamas IDQ in 1992; the IDQ was proscribed by the UK in March 2001.

At the time, it was determined that there was a distinction between the political and military wings of Hamas and that the only part of the organisation which was concerned in terrorism and should be proscribed was the military wing. Over the last 20 years, Hamas's so-called military and political wings have grown closer, with any distinction between them now considered artificial. The Government's assessment is that Hamas is a complex but single organisation made up of constituent parts, one of which includes Hamas IDQ. It is clear that these constituent parts are not wholly independent of Hamas's so-called political wing; they take strategic direction from it. There is also movement of key individuals across the organisation and a shared ideology. It is clear that the current proscription listing of Hamas does not reflect its true structure. That is why this order has been laid.

The Home Secretary has a reasonable belief that Hamas in its entirety is concerned in terrorism. It is our assessment that the group prepares for, commits and participates in acts of terrorism. There is also evidence that the group promotes and encourages terrorism. Indiscriminate rocket or mortar attacks against Israeli targets are key examples of Hamas committing terrorism. During the May 2021 conflict, over 4,000 rockets were fired indiscriminately into Israel. Civilians, including two Israeli children, were killed as a result. The rocket attacks also targeted airports and maritime interests.

We also know that Hamas frequently uses incendiary balloons to launch attacks from Gaza into southern Israel. There was a spate of such attacks during June and July of this year, causing fires and resulting in serious damage to property. These attacks were likely carried out by both Hamas and Palestinian Islamic Jihad, which is already proscribed.

Only last summer, Hamas launched camps in Gaza which focused on training groups, including minors, to fight. In a press statement, Hamas described the aim of these camps as to "ignite the embers of jihad in the liberation generation, cultivate Islamic values, and prepare the expected victory army to liberate Palestine". This vile indoctrination of young people into the organisation's violent ideology shows how diametrically opposed it is to our country's core values.

This is not a commentary on the ongoing tension in Israel and the Occupied Palestinian Territories, nor is the action that we are taking a departure from the Government's long-standing position on the Middle East peace process—I want to be very clear about that. We continue to support a negotiated settlement leading to a safe and secure Israel living alongside a viable and sovereign Palestinian state. This decision is based on the Government's assessment that Hamas, in its entirety, is concerned in terrorism and that proscription is a proportionate action to take, and nothing more. Having concluded that the distinction maintained in the list of proscribed organisations is artificial, it is right that we address it. Hamas, in its entirety, is a terrorist organisation. We must be clear on this to avoid conferring legitimacy on any element of the organisation.

It goes without saying that this Government do not provide any assistance to Hamas or the government structure in Gaza, which is made up of Hamas members. However, the proscription will not prevent aid reaching civilians in need. In Gaza, we have strong controls in place to monitor spending and ensure that aid sent into the region reaches its intended beneficiaries. I also want to stress that this action is aimed squarely at a terrorist group based abroad and does not target any part of the Palestinian diaspora or Muslim communities who contribute so much to our country. The Home Secretary and I are very clear that we will not tolerate hatred being directed towards any community. Hate crimes against any group or individual are utterly unacceptable, which is why the police and Crown Prosecution Service have robust powers to take action against perpetrators.

The enduring and wide-ranging nature of the threat from terrorism demands an agile approach and a comprehensive strategy. This includes confronting groups that participate in and prepare for acts of terrorism and that unlawfully glorify horrific terrorist acts. We must use every tool at our disposal to prevent them from stirring up hatred and division in our communities. We will never be cowed by those who hate the values that we hold dear. The safety and security of our public is our No. 1 priority. I therefore commend the order to the House.

Lord Rosser (Lab): The draft order amends Schedule 2 to the Terrorism Act 2000 by changing the existing listing for—I will say—Hamas IDQ to cover Hamas in its entirety. I thank the Minister for her letter to me of 22 November on this proscription order. We agree with the proscription Motion and support the decision to proscribe Hamas in its entirety. The decision brings us into line with the European Union, the United States and Canada.

The Labour Government proscribed Hamas's military wing in 2001 and made the assessment that there was at that time a meaningful distinction between the military and political wings. Having taken advice from the cross-government proscription review group, it is the Home Secretary's assessment that this distinction is no longer meaningful. She has concluded that there is interconnectivity and co-operation between Hamas's constituent parts and that Hamas's constituent parts are not wholly independent of the so-called political

wing of the organisation and take strategic direction from it. Hamas, the Government have said, is a complex but single terrorist organisation. As the Minister has said, the Government assess that Hamas commits and participates in terrorism, and the Minister has set out evidence for that conclusion.

The proscription also affects the ability to raise money and means significant restrictions on any activity here in the UK, but we need to remember that proscription is only one of the many measures available to us to tackle terrorism. In that regard, we express our thanks to our security services and emergency services for all the invaluable and effective work that they do in protecting us all.

6.30 pm

I have a couple of points, one of which the Minister referred to in her opening contribution but I want to ask about it anyway because I want to be clear that it is not going to have any such impact. What assessment have the Government made of the impact that this proscription order will have on the prospect of securing a peaceful resolution to the conflict between Israel and Palestine? What are the implications for future engagement with bodies including the Palestinian Legislative Council and the Palestinian Authority? What is the impact of the order on non-governmental organisations supporting Palestinian civilians in Gaza on humanitarian issues, and on British people who are there at the moment and their safety?

My second point is this. Normally the Government seek to keep the lid on the names of organisations about to be proscribed until the last minute, but this order and the naming of Hamas seem to have been made quite widely known since the end of last week. Was there a reason for this apparent change of approach in the case of this order involving Hamas?

Lord Purvis of Tweed (LD): My Lords, I admire the Minister's stamina over this last day and a half.

I declare an interest in that I support peacebuilding charities active in the region, and I will touch on one of those areas in a while. I also state categorically that we need our country and our people safe, here at home or when they travel abroad. We also have a duty to work closely with our allies so that we have mutual security. Threats can be domestic or can originate at source in areas of tension where there is either failed governance or a lack of security. We therefore accept that it is the first duty of government to continuously review the list of proscribed organisations under Section 3 of the Terrorism Act 2000.

I, too, noted that the Home Secretary chose to make a statement to the Heritage Foundation in America rather than the House of Commons in Britain about this specific measure. I do not think the Minister here would have done that; we take our responsibilities very seriously as far as updating Parliament is concerned. Ultimately, Parliament approves these measures and has an opportunity to scrutinise and consider them carefully.

Hamas's military operations are founded on unacceptable premises and have a litany of innocent victims, including the awful recent violence that appalled us all, so eloquently described by President Herzog,

[LORD PURVIS OF TWEED]

who addressed many Members here in the Chamber today through the all-party group. He spoke to us very clearly on this issue on Monday, and I was very pleased to attend.

Hamas's activities are contemptible and I condemn them. It is, as the Minister said, a de facto Administration. We have maintained the no-contact element and worked with our allies to secure that support for people in Gaza does not contradict any of the international approach by other allies who have proscribed both elements of the political and military wing together, which is different from our approach.

I respect also that it is an executive function to prepare proposals for proscription, supported, as has been said, by the proscription review group. But, given that this is the proscription of a political arm of an organisation, on the basis that it now cannot be distinguished from its military arm, it is a fair question to ask about the differences between today and June 2020, when the then Minister, Mr Brokenshire, answered a Parliamentary Question by saying:

“The political wing of Hamas is not proscribed as it is considered that there is a clear distinction between Hamas's military and political wings”.

I thank the Minister today, as her speech had greater content as was given in the House of Commons. She outlined in clearer detail the view now taken with regard to the activities and structure of the political wing of Hamas, and I am grateful for that. However, I wanted to ask a question linked to what was referred to by the noble Lord, Lord Rosser, with regard to whether there will be consequences of this action, and perhaps unintended consequences.

The noble Lord, Lord Anderson of Ipswich, who is highly respected in this House for his former role and his current contributions, could not be here today, but we spoke in advance of this debate. Both of us have a shared interest in the peace-building work being carried out by British charities and organisations, which is complementary to humanitarian assistance. In many respects, if we are to see the humanitarian assistance be effective, there will be dialogue and movement away from violence to peace.

All who are present here are fully aware of the relationships between Hamas and Fatah; we are fully aware of the politics within the Palestinian structures, so we need not debate that. Where the UK has played a good part is where we have shared our experiences, through highly professional peace-building and dialogue bodies, of moving away from the Armalite and the ballot box approach. That is what Hamas has tried to do, but the Government believe they have failed to keep the distinction between the ballot box approach and the Armalite. If we are to move away from that, as we have seen movement away from it in the UK, I believe that the work of British bodies involved in peace-building and dialogue should continue.

In his report *The Terrorism Acts in 2018*, the Independent Reviewer of Terrorism Legislation, Jonathan Hall QC recommended that

“the Home Secretary should invite the Attorney General to consider the issue of prosecutorial guidance on overseas aid agencies and proscribed groups”.

The Government responded positively to that, and the Home Office subsequently issued an information note for operating within counterterrorism legislation. However, that information note does not necessarily provide legal reassurance. The Minister in the House of Commons indicated that those bodies working in this area should seek legal advice. However, the recommendation from the Independent Reviewer of Terrorism Legislation looked at prosecutorial guidelines to complement the positive work of the Home Office in the information note.

I wanted to ask the Minister, once she has rested—if she ever gets time to rest, which is probably unlikely—whether she would meet me, the noble Lord, Lord Anderson, and any other interested colleagues working in this area to explore ways in which this measure, which is designed to keep people safe, will also not inhibit UK-based organisations that are doing good work to try to make sure that the people in the region are also safe in the long term.

Baroness Williams of Trafford (Con): My Lords, I thank the noble Lords, Lord Rosser and Lord Purvis of Tweed. I am really pleased to see that we have a cross-party commitment to this issue, particularly to what is quite a long-standing wish by some to see this group proscribed.

I think both noble Lords would like me to reiterate the implications for the peace process and aid getting to certain areas. I said, and I reiterate, that this is not a commentary on the ongoing tensions in Israel and the Occupied Palestinian Territories, and the action we are taking is not a departure from the Government's long-standing position on the Middle East peace process. We absolutely support a negotiated settlement leading to a safe and secure Israel alongside a viable and sovereign Palestinian state. This is a decision based on our assessment that Hamas in its entirety is concerned in terrorism, as noble Lords have pointed out, and that this is a proportionate action to take.

On humanitarian assistance, it goes without saying that the Government do not provide any assistance to Hamas or the government structure in Gaza, which is made up of Hamas members, but this proscription will not prevent aid reaching civilians in need. I think that is a perfectly reasonable question to ask and demand to make. In Gaza, we have strong controls in place to monitor spending and to make sure that aid sent into the region reaches the intended beneficiaries. Again, this action is aimed squarely at a terrorist group.

I am very happy to meet the noble Lords, Lord Purvis of Tweed and Lord Anderson, to discuss the issues they mentioned.

On the timing of the order, it was laid before the Home Secretary delivered her speech. I communicated with the noble Lord, Lord Rosser, in the way I usually do, which is to write to him just prior to any proscription debate in this House. I beg to move.

Motion agreed.

House adjourned at 6.42 pm.