

# PARLIAMENTARY DEBATES

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OFFICIAL REPORT

European Committee B

COMMON FOREIGN AND SECURITY POLICY

*Monday 1 February 2016*

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

*Chair:* PHIL WILSON

Ahmed-Sheikh, Ms Tasmina (*Ochil and South Perthshire*) (SNP)

† Blomfield, Paul (*Sheffield Central*) (Lab)

† Cummins, Judith (*Bradford South*) (Lab)

† Davies, Glyn (*Montgomeryshire*) (Con)

† Glass, Pat (*North West Durham*) (Lab)

† Hollingbery, George (*Lord Commissioner of Her Majesty's Treasury*)

Kinnock, Stephen (*Aberavon*) (Lab)

† Lidington, Mr David (*Minister for Europe*)

† Morris, James (*Halesowen and Rowley Regis*) (Con)

† Norman, Jesse (*Hereford and South Herefordshire*) (Con)

† Qureshi, Yasmin (*Bolton South East*) (Lab)

† Rees-Mogg, Mr Jacob (*North East Somerset*) (Con)

† Zahawi, Nadhim (*Stratford-on-Avon*) (Con)

Alda Barry, *Committee Clerk*

† **attended the Committee**

## European Committee B

*Monday 1 February 2016*

[PHIL WILSON *in the Chair*]

### Common Foreign and Security Policy

4.30 pm

**The Chair:** Before we begin, I will briefly outline the procedure. First, a member of the European Scrutiny Committee may make a five-minute statement about the decision of that Committee to refer the documents for debate. The Minister will then make a statement of no more than 10 minutes. Questions to the Minister will follow. The total time for the statement and subsequent questions and answers is up to one hour. Once questions have ended, the Minister will move the motion on the paper. Debate takes place upon that motion. We must conclude our proceedings by 7 o'clock. Does a member of the European Scrutiny Committee wish to make a brief explanatory statement?

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): It is a pleasure to serve under your chairmanship, Mr Wilson, and to explain a little of the background and why the European Scrutiny Committee recommended this debate.

These documents are, in one sense, run of the mill, in that they largely review past activity. However, they are of much greater significance than usual because the EU is undertaking the first review of its security strategy since 2003, with a view to the European Council taking major decisions in June 2016 on a new EU security strategy and, either then or later this year, on an EU defence action plan. Both will be politically controversial. Secondly, if the European External Action Service and the Commission were tasked with working in close consultation and co-operation with member states, which we expect in that development, the question arises as to how the House is to be involved.

Unfortunately, the previous Committee's experience prior to and after the December 2013 defence European Council—the first since 2007—was not an encouraging precedent. The picture was of the then Government systematically frustrating the Committee's long-standing endeavours to improve upstream scrutiny of common security and defence policy or European security and defence policy formulation so that it, and thus the House, would not be continually presented with legislative outcomes that it was too late to influence, hence the earlier European Committee debate on 12 March 2014.

Now the Government are again refusing to confirm unequivocally that they will enable either of these important policy documents—EU High Representative Mogherini's proposed security strategy or the defence action plan—to be scrutinised in the right way, before they are endorsed by the Council and at a point at which the House has time to consider them properly. Instead, the Government seek to shelter behind spurious arguments about whether or not the documents in question, and especially the crucial new European security strategy, will be in “the right format”. As the scrutiny reserve resolution makes clear, in the final analysis, the ball is in the Minister's court: where there is a will, there is a way.

The scene is set in the 16-page May 2015 Foreign Affairs Council conclusions, which noted that the “global and European security environment has changed dramatically in recent years”.

It called for a “stronger Europe” with a “stronger and more effective” CSDP, and stated that by addressing conflicts, sources of instability and other security challenges in the EU's immediate and wider neighbourhood, the EU and its member states were

“assuming increased responsibilities to act as a security provider, at the international level and in particular in the neighbourhood, thereby also enhancing their own security and their global strategic role by responding to these challenges together”,

with the EU and its member states, through the CSDP and other policies and instruments, having a “strong role to play” through the unique EU comprehensive approach to preventing and managing conflicts and addressing their causes. In one of her earlier papers, the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, also noted that

“While the EU is not a military alliance, it cannot ignore the ‘D’ in its CSDP.”

Notwithstanding what those Council conclusions might say and Ministers' assertions about UK red lines, as detailed in the Committee reports in today's debate pack, the Committee concluded that the European institutions and at least some member states continued to favour a deepening of the EU's own defence capabilities. In so concluding, the Committee hoped that this debate would enable the Minister to bring the House up to date on developments in all areas encompassed by the present reports; demonstrate how UK interests have been protected thus far and outline how he envisages that process being taken forward, including proper prior parliamentary scrutiny of these key forthcoming documents; and how UK interests will continue to be safeguarded.

**The Chair:** I call the Minister to make his opening statement. I remind the Committee that interventions are not allowed during the statement.

4.35 pm

**The Minister for Europe (Mr David Lidington):** It is a pleasure to serve under your chairmanship, Mr Wilson. As my hon. Friend the Member for North East Somerset said, all EU member states have committed to a common foreign and security policy for the European Union. As part of that, the common security and defence policy aims to strengthen the EU's external ability to act through the development of civilian and military capabilities in conflict prevention and crisis management. Every year, the High Representative of the European Union for foreign affairs and security policy sends a report on CFSP to the European Parliament. At 300 pages, the report from July 2015 covers all CFSP and CSDP activity for the year 2014 and provides an overview of countries' activities. It also includes such information as when the High Representative appeared before the European Parliament and lists the statements and declarations she made during the previous year.

The report highlights the need to forge a long-term strategy for the EU's external action. Europe's security matters to the UK. The threats that we face do not stop at our borders. It is important and in our national interest to work together with our European partners and other allies—primarily NATO on defence, but also

the EU when it makes sense in security matters—to better tackle our evolving security challenges. The EU, like NATO and the UN Security Council, is an international organisation that this country can use its membership of to get things done in the world to the advantage of the people whom we represent. Successful, effective EU action can help to protect our country and can play a complementary role to NATO in providing security.

However, it is not about competing with NATO. NATO is and will remain the cornerstone of the UK's defence and security, but the EU can support UK foreign policy through a comprehensive deployment of military, civilian, diplomatic and development policies—the so-called comprehensive approach. The approach offers the UK a toolkit from which to project stability in both Europe's immediate neighbourhood and globally. In today's uncertain world, strong alliances and partnerships are more important than ever before. In almost every aspect of our national security and prosperity, we must work with others, not because we cannot work alone if we must, but because the threats and opportunities are global and our own action will be more effective when working in partnership with likeminded countries.

To give some examples, we worked effectively alongside other EU partners to secure the historic Iran nuclear deal. We leveraged significant EU funding to tackle the threat of Ebola in west Africa. The successful EU missions in Bosnia and Herzegovina and in the Horn of Africa, in both of which the UK played a leading role, have directly contributed to this country's national policy objectives. EU sanctions on Russia have been an important element of our response to the illegal annexation of Crimea. Our EU partners and EU institutions also share our aims of countering the threat from Daesh and pushing back on radicalisation, trafficking and proliferation in the middle east and Africa.

European nations should work together when it makes sense to develop the critical capabilities needed to tackle current and future security threats. We want the EU to complement NATO's existing efforts in this area. We also want to help build a more competitive and innovative defence manufacturing and service sector across the EU and to open up European defence markets to British exporters. By improving the workings of the defence market, reducing bureaucracy, supporting SMEs, and stimulating research, development and collaboration, we will deliver better value for money, cutting edge capabilities, high-end skills, and jobs and growth for the UK economy. We will continue to search constantly for ways to improve CSDP's effectiveness. Our focus is on the real-world impact of policy initiatives, not institutional navel-gazing and rearranging the structures of European external work.

As I said, the Government have been clear that NATO remains the bedrock of our national defence. It is the strongest and most effective military alliance in the world, and we are committed to working with NATO allies to strengthen collective defence. In September 2014, the UK hosted the NATO summit in Wales. We set in motion new initiatives to take this forward and secured an unprecedented commitment from 28 EU Heads of State and Government and all NATO allies to halt the decline in defence expenditure. The UK has made clear our commitment to achieving NATO's 2% target, ensuring that we remain NATO's strongest military power in Europe. We will strongly encourage other allies to meet that commitment.

NATO-EU co-operation remains a high priority for the UK. Some good work has been done, but we need to work harder to drive the agenda forward. In a number of areas—in particular on cyber, countering hybrid warfare and developing security capacity in other states—greater co-operation between NATO and the EU will help us to deal with modern security threats. NATO and the EU already work together in places such as Afghanistan, tackling piracy in the Horn of Africa, and building stability in the western Balkans. We continue to send our armed forces and specialist civilian expertise to EU missions, where it makes sense for our own foreign policy goals and national interest.

We recognise that the world has moved on since 2003 and that a revised EU global strategy is needed. We think that this should form a basis for greater institutional coherence within the EU, particularly between the Commission and the EEAS, where there remains significant room for improvement. On timing, we currently expect the publication by the High Representative some time towards the end of the Dutch presidency, but at the moment that is still very much an exercise by the High Representative. It is not a question of the member state Governments sitting round and hammering out a text; we await her conclusions.

The Strategic Defence and Security Review states:

“A secure and prosperous Europe is essential for a secure and prosperous UK.”

Playing such a central and active a role on the world stage as we do, the UK is in a strong position to influence EU common action. The European External Action Service is already working on many of the priorities set out in the SDSR and can complement UK bilateral work. As the SDSR describes, the EU has a range of capabilities including sanctions, military and civilian missions, and security and development support programmes worldwide. Recent examples include sanctions imposed on Russia and the work that EU partners are co-operating on to counter the terrorist threat posed by Daesh in Syria, Iraq and indeed, through returning foreign fighters, in our own European member states.

The EU “Regional Strategy for Syria and Iraq as well as the Daesh threat” was finalised in March 2015. The strategy is supported by a €1 billion fund. It is an important EU strategy that reinforces the UK's bilateral approach in the region. Linked to that is the significant contribution by the EU to the London Syria conference this week, where the EU is likely to pledge financial assistance over two years to help refugees in the surrounding area.

The EU has been supporting a range of counter-terrorism efforts in Tunisia focusing in particular on the need to enhance protective security and crisis response, and to strengthen borders, aviation security and strategic communications. It is at EU level too that we will contribute to delivering an EU-Turkey facility of more than €1 billion in support of Turkey's work to support refugees in need and to manage the very large flows of people from Syria.

I must acknowledge that the way in which the report was handled, for security reasons, was not perfect, and I put on record again my apologies to the Committee for that oversight. We have taken steps, including additional scrutiny training within my Department, to make sure that everybody, even when they are new to a job, is alive

[Mr David Lidington]

to their responsibilities. Because the report was published on 14 July last year, even had it been deposited as early as it should have been, perhaps on 16 July, it would not have been possible for the newly reconstituted Committee to meet to consider it before the Foreign Affairs Council on 20 July.

I turn now to the defence action plan, about which my hon. Friend the Member for North East Somerset asked. The plan is due to be completed and published by December 2016, but we have some indications that the timing might slip and we might be looking at a date in 2017 for the final version. We expect a first draft sometime this summer—I cannot be more specific at the moment.

I remain happy to talk to the European Scrutiny Committee about ways in which we can improve the handling of CSFP documents in the light of its report of a couple of years ago, but I have always said that that discussion must also explore ways of streamlining a certain amount of less important EU documentary business so that my Department is able to provide, without completely breaking its back, the additional documents for which my hon. Friend the Member for North East Somerset and his colleagues on the Committee have been calling.

**The Chair:** We now have until 5.34 pm for questions to the Minister. May I remind members of the Committee that questions should be brief? It is open to a member, subject to my discretion, to ask related supplementary questions.

**Pat Glass** (North West Durham) (Lab): It is a real pleasure to serve under your chairmanship, Mr Wilson, as we are neighbours in the north-east.

I welcome the detailed report. I understand it runs to 301 pages and I have genuinely tried to read and digest them all, but the important outcomes detailed there highlight how the CSFP contributes to global peace and security. I have been involved with this matter for a relatively short time—just longer than three weeks—and the Minister has been involved for an awful lot longer, so perhaps he can help me here. There has been reference to NATO and to how it remains the main defence capability, but my understanding is that NATO is a relatively reactive organisation and that the report is about partnership, building capacity and using democracy building to keep us safe and proactive, rather than reactive. It would be interesting if the Minister could let me know if that is a correct understanding.

We live in an increasingly unsafe world. Some of the threats we face today, for example the re-emergence of Russian expansionism, are old threats, but there are also threats that we were not facing 20 or 30 years ago.

**The Chair:** Is this a question?

**Pat Glass:** You want me to ask questions.

**The Chair:** Would you ask a question, please?

**Pat Glass:** I will get to my question, quickly.

**The Chair:** I would appreciate that.

**Pat Glass:** The question is: is it right that the document is about being proactive, about building capacity across the member states? The European Scrutiny Committee believes that the Government do not have sufficient scrutiny arrangements in place, and the Minister has said that the arrangements have been less than perfect, so it would be helpful if he could set out what the future scrutiny arrangements would be.

**Mr Lidington:** I will try to reply to those points. The purpose of the common foreign security policy is set out primarily in article 21 of the treaty on the European Union. I will not recite it in full—it is lengthy—but it is basically about developing external action in a way that promotes European values and the fundamental interests of security, independence and integrity, and consolidates and supports democracy, the rule of law, human rights and the principles of international law in external action. The article goes on to list other criteria too.

NATO is to some extent reactive, in that it is the ultimate guarantor of collective security for allies. I do not want to get drawn too far into this question, but I think it is fair to say that at the Wales summit and again at the Warsaw summit later this year, we are trying to ensure that NATO is less reactive and is, for example, focusing very much on questions of resilience and how to have effective deterrents and response plans in place against hybrid attack, not just conventional military attack.

EU external action has particular value added in two ways. First, of course, not every EU member state is a member of NATO, so countries such as Sweden and Finland are able to contribute to EU missions, including military missions, when they would not be able to do so as part of a NATO mission. For example, the Austrians have deployed forces as part of an EU mission in the western Balkans, whereas they could not participate in a NATO mission. Secondly, EU work can provide civilian expertise in things such as training of military personnel; training of police and security forces; border work, including the training of border forces; and missions to try to improve the governance of neighbouring or more distant countries.

The roles should be complementary. One could argue, for example, that the cyber threat to military communications and military capability should be dealt with at NATO level, but we know there is a cyber threat to key IT systems for energy distribution and even for retail distribution in a modern economy. It is much more difficult to say that those fall naturally into NATO's remit, but effective co-operation and complementarity between NATO and the EU, if done well, can add up to a very effective security response.

On the question of scrutiny, with every CFSP document we check whether the document in question falls within the terms of the scrutiny reserve resolution. If it does, it goes to the Committee anyway for scrutiny. The challenge from the Committee—it is one I understand—is that some quite significant policy documents on EU foreign policy, including some described as action plans in the past, do not fall within the current terms of reference of the scrutiny reserve resolution. The volume of such documents is so large that I would be reluctant to agree to submit all of them for scrutiny, so it comes down to a matter of my judgment as to which I send to the Committee.

I remain open to trying to agree with the Committee a set of criteria that would enable it to have oversight of the documents that it particularly wishes to see and that are genuinely important. I would, in return, want to have a serious discussion about the fact that some documents—not necessarily CFSP documents—go to the Committee at the moment that frankly need not go through the formal scrutiny process and could be dealt with in a more streamlined fashion.

**Mr Rees-Mogg:** I have three groups of questions. The first is on the scrutiny issue. I draw the Minister's attention to page 331 of the documents. The criticism on scrutiny in this case is perhaps as much of the European Union as of the Minister: it took six and a half months to prepare the report on 2014, which made proper scrutiny by this House extremely difficult. It seems improper of the European Union to be so slow in producing documents that they cannot be scrutinised properly by national Parliaments, leading to a scrutiny waiver. What can the Minister do to improve that?

In response to the Minister's suggestion of some negotiation between the Committee and his office as to what is sent for scrutiny, may I say that if the Government were a little more up to date with the debates that had been requested, including one now outstanding for more than two years, there might be more good will between those who wish to scrutinise and those who are scrutineered?

**Mr Lidington:** On the point about the slowness with which the EU sometimes produces documents, I am sympathetic to my hon. Friend's comments. As he will know, I have exchanged correspondence with both the present and previous High Representatives about that, reminding them of the importance of our parliamentary scrutiny processes and the need for documents to be produced in good time wherever possible. In this particular case, it is fair to say that there was quite a complex negotiation at the level of ambassadorial representatives in Brussels, so it would be wrong of me to say this was all down to the External Action Service of Mrs Mogherini.

However, my hon. Friend's general point is well made, although I would add that there are ways in which the House of Commons could improve its own scrutiny arrangements. It was probably unavoidable that for more than three months there was no House of Commons scrutiny arrangement in place, because from the moment of Dissolution, the scrutiny structure here fell away and did not operate again until almost the end of July 2015. That is not the fault of my hon. Friend the Member for North East Somerset and his fellow Committee members—it is a side effect of our constitutional arrangements, but the EU machine continued to turn out documents during that time. It will not surprise my hon. Friend to learn that my personal view is that scrutiny Committees ought to have some arrangement for monitoring documents and sifting them during recesses, because that would help the process.

My hon. Friend referred to the backlog from the previous Parliament. As he will know, we are making efforts to try to clear that as rapidly as possible. There is always a difficult balance to be struck in the allocation of time, both in Committee and on the Floor of the House, but the usual channels are well aware of the concerns of my hon. Friend and his colleagues and are endeavouring to clear the backlog as soon as possible.

**Mr Rees-Mogg:** As a supplementary, I cannot let the Minister get away with the suggestion that the delay in reconstituting the European Scrutiny Committee was the fault of anybody other than Her Majesty's Government. The Whips Office determines when these things happen, so I am surprised that he uses that as a defence. I remind him that these areas are subject to unanimity and if documents are produced late, the Government are in a strong position to refuse them and to say that they must wait for scrutiny by the House. It is not a matter covered by qualified majority voting. Moving on to page 337 of the Council's conclusions, my first very simple question requires a yes or no answer. Am I right in thinking that these conclusions are conclusions accepted by Her Majesty's Government?

**Mr Lidington:** Let me deal with the first point. My hon. Friend is clearly right that to some extent the timing of the setting up of any Committee is in the Government's hands, although I think that what happened in this case was that once Parliament had met, elected a Speaker and heard the Queen's Speech, it moved on to make provision for the election of Select Committees. Quite a few Members in all parts of the House wished to stand for membership of departmental Select Committees. Because the European Scrutiny Committee is not elected in the same way, it was felt fair to wait until the outcome of those elections to Select Committees were known before we moved on to selecting members of the ESC.

It is true that because CFSP decisions require unanimity, we can block things. We have to decide, when making a decision to block something, especially if the question is one where we actually support the policy, whether blocking on scrutiny grounds is going to cause a harm to our national diplomatic interest that outweighs the offence of not awaiting the correct scrutiny procedures. However, more than once in my time as Minister, I have simply refused to agree to something, which has meant a delay in implementing a number of quite significant EU measures. In this case, we were talking about the latest annual report in a series of annual reports. This has no policy impact—it simply reports what had happened during 2014. I will be straight with my hon. Friend: in those circumstances, and knowing that the Committee only had its first meeting on 21 July, the day after the Foreign Affairs Council, and that it was not likely to meet again until after the summer recess, I decided that it would not be in the United Kingdom's interests to block the publication of an annual report, when, as we have shown, it would be perfectly possible to have a debate at a future time. No policy has been authorised as a consequence of that decision, because the report was purely retrospective.

I confess that in response to my hon. Friend's second question, I am slightly at a loss because the copy of the report that I have does not go up to page 337, but only goes up to page 301. There were no conclusions to the report.

**Mr Rees-Mogg:** I was moving on to page 337 of the package, which relates to the Council's conclusions on the common security and defence policy, following the Foreign Affairs Council of 18 May. I just wanted to check that those conclusions were agreed by Her Majesty's Government.

**Mr Lidington:** I will check the reference, and, if I may, I will try to respond to that in my winding-up remarks at the end of the debate.

**Mr Rees-Mogg:** I am grateful. Perhaps the Minister may be able to find inspiration while I am asking the next question. If the Government did agree to those conclusions, I would bring to his attention paragraph 1 of the conclusions of the Council. As I understand it, Council conclusions are normally agreed by all members of the Council, so it would be odd, unless there was a specific reservation, if the Government had not agreed paragraph 1. It states:

“This calls for a stronger Europe, with a stronger and more effective Common Security and Defence Policy”.

I thought that it was the policy of Her Majesty’s Government to repatriate powers from the European Union, whereas the Foreign Affairs Council on 18 May 2015, in the opening paragraph of its conclusion, calls for more powers for the European Union. If the Government agreed to that, can the Minister explain why they did so?

**Mr Lidington:** The straight answer is that yes, we did agree to any conclusions that require unanimity and, if I may say so, I think that the slip that my hon. Friend is making is to equate support for

“a stronger and more effective Common Security and Defence Policy”

with support for a stronger role for EU institutions in constraining and directing the activities of member states. What we are talking about here are security and defence policies agreed in common, unanimously, by the free decision of 28 national Governments working together, because we have seen in cases such as the Iran nuclear programme, or action in the western Balkans, that we are able to achieve more if we are working together than if even one or two of the big member states try to act on their own.

I would argue that we should be confident and ambitious about the influence that the United Kingdom can and does have on the shaping and framing of those policies. We are one of a handful of EU member states that have a history of global engagement and a worldwide diplomatic network, which is delivering the 0.7% UN target on international development. In terms of the trust fund of Turkey, for example, that enables us to put our money and our commitment on the table, and lead the actions of others at European level.

**Mr Rees-Mogg:** I am grateful for the further opportunity to discuss this. The Minister thinks that I have misconstrued the conclusions, but paragraph 2 of the Council conclusions goes on to say that the EU and member states

“are assuming increased responsibilities to act as a security provider”.

When it refers to the EU, that must refer to the institutions of the European Union and must refer back to the second sentence of paragraph 1. It is giving more power to the European Union institutions; it says it in the document.

**Mr Lidington:** But in this context, that is the European Union institutions acting on the basis of a unanimously agreed decision by the Governments of the member states meeting in the Council. If there is not unanimity, there is no EU foreign policy position and, therefore, no EU action.

**Mr Rees-Mogg:** The Minister wishes to use words in a way that does not bear the normal meaning of them. Perhaps he will be able to help me in the usage of some words by the writers of the document, where the words do not have any normal meaning. Could he explain paragraph 4 of the document and tell us what the following means?

“The aim is to increase synergies in the EU response to priority horizontal issues”.

What are priority horizontal issues?

**Mr Lidington:** I have some sympathy with my hon. Friend’s dislike of what I sometimes refer to as diplo-babble. I have to confess that one finds this in national policy documents, I dread to say, as well as in European ones from time to time. I think he is being slightly unfair because he is quoting that phrase out of the context in which it is set. The context is the Council committing itself

“to further strengthen the links between external and internal security.”

The next sentence goes on to define priority horizontal issues

“such as terrorism, organised crime, foreign fighters, smuggling and trafficking in human beings, irregular migration, hybrid threats, border management, energy security and cyber security”.

The meaning behind that convoluted bit of jargon is that EU countries working together need to do more to co-ordinate. To take one example, that means co-ordinating the work that we do to strengthen our domestic arrangements to tackle terrorism with the external work that we do through diplomatic and other means.

I believe it is right, for example, that European countries, working through EU justice and home affairs provisions, should provide a system whereby we all have access to records of passenger names of people travelling within the EU or from EU airports to other flights. There is a natural synergy between that and working with countries, such as Turkey, that are used as transit routes by terrorists and organised criminals; just as there is a synergy with EU work to improve governance, public order and the rule of law in the countries of the western Balkans, which are very much prey to organised crime in all its forms, and which need and value external support from elsewhere in Europe to buttress their attempts to build the rule of law in their countries.

**Mr Rees-Mogg:** I am grateful to the Minister for his translation of diplo-babble, but there are more examples, such as

“hybrid strategies and operations by state and non-state actors”.

I wonder who is doing the acting.

Paragraph 8 reports:

“Therefore, defence issues should also be considered in coherence”—

for the benefit of *Hansard*, I make clear that that is two words, “in” and “coherence”, rather than “incoherence”, although one might think the alternative is better—

“with other relevant EU policies and sectors, and vice versa”.

This is an extraordinarily unclear document, except when it is clear and the Government say that it is not.

In the context of my first question on the document, I will bring the Minister to paragraph 16. Could he explain what is meant by the following?

“The establishment of a EU facility linking closer peace, security and development in the framework of one or more existing EU instruments; and a dedicated instrument to this effect, in view of the mid-term review of the multiannual financial framework 2014-2020”.

Does that mean more powers to EU institutions?

**Mr Lidington:** No, it does not, is the straight answer. Because I do not have direct ministerial responsibility for Africa, I offer to write to my hon. Friend with further details once I have talked to the Minister for Africa. However, my reading of this section of paragraph 16 is that it is saying that an EU facility should be established to try to drive forward internal peace, security and development in African countries. It seems that those three objectives fit naturally together. An African country that is more secure is likely to be able to offer greater economic opportunities to its people, more economic growth and more employment, which in turn will reduce the attractiveness of crime, terrorism and so on.

The following line, which refers to the “mid-term review of the multiannual financial framework”, is saying that this new facility could be set up within the context of the mid-term review, meaning that funds that are currently spent in one particular way could be reallocated through the creation of the new programme. I can give my hon. Friend and the Committee a firm assurance that the unanimity lock remains on the ceilings that were negotiated by the Prime Minister in 2013. The mid-term review may come up with interesting ideas about how to reorganise expenditure programmes, but unless the Government changed their mind, which they have no intention of doing, those seven-year MFF ceilings remain in place.

**Mr Rees-Mogg:** I am grateful to my right hon. Friend for that answer. If he does write to me, might he look at the opening part of paragraph 16? In that context, does “the Joint Communication on ‘Capacity building in support of security and development – Enabling partners to prevent and manage crises’” refer to the development of EU competence, of which I would always urge him to be cautious?

Paragraph 17j states that the Council “Welcomes the clarification and understanding achieved regarding the possible use of Article 44 TEU”. Will he explain what that possible use is? Although the document welcomes the clarification, it does not explain it.

**Mr Lidington:** It is part of the Lisbon treaty and permits the Council to entrust the conduct of a CSDP mission to a willing group of member states smaller than the entire EU membership, allowing those without an interest in the mission to give it their political blessing without actually having to participate. Under article 44, a coalition of the willing could therefore take on a mission under the EU banner with the support of EU infrastructure and spending programmes. Italy and a number of southern member states are particularly keen on that at the moment because they are talking about a further CSDP mission in the Mediterranean.

The article has the potential to be useful because it would provide a way to reflect the reality that it is inevitable in a diverse EU membership that member states have different levels of interest in particular crises.

It will be no shock to the Committee if I say that Malta is concerned about what is happening in Libya and that Lithuania is concerned about the situation vis-à-vis Russia and Ukraine. Article 44 will add value only if it has some different rules that allow for greater flexibility of action. By definition, the article is likely to be used when not all member states want to be fully engaged in a mission and therefore use of the article should not come with an automatic expectation of common funding from member states that have chosen not to participate. Those who want to take part should pay for it.

We can delegate a mission to a particular group of member states, but we are very reluctant to support the idea of delegating responsibility for that mission’s conduct, even if it is being conducted by only a minority of willing member states. In any use of article 44, we would want to insist that standards of planning, organisation, governance and spending oversight in the conduct of a mission remained just as high if it took place under article 44 as it would for any other EU mission.

**Jesse Norman** (Hereford and South Herefordshire) (Con): The Minister’s responses have raised a question in my mind about what the Government’s policy actually is; I hope he does not mind if I ask him about that in the context of this motion. Is the Government’s policy with regard to the EU to withdraw powers wherever possible in line with the doctrine of subsidiarity? Is it never to remit any further powers to the European Union? Is it to contemplate remitting powers to institutions of the EU where policy, and in particular, British policy goals are served by such a remission of power? Or is it to remit such powers if—and only if—such remission is purely temporary? I would be very grateful if the Minister clarified the policy.

**Mr Lidington:** To a large extent, one would need to look at the detail of the subject area being addressed. On my hon. Friend’s first question, it is certainly the Government’s position that in all areas of EU activity, the cardinal principle ought to be “Europe where necessary, national where possible”, and that action should be taken at a European level where we believe that will give genuine value added. We therefore want to see subsidiarity applied rigorously in areas of activity that fall within EU competence under the treaties.

When it comes to new powers, as my hon. Friend will know, we set out very significant checks in the European Union Act 2011 in the form of requirements for parliamentary agreement, primary legislation and in many cases, a referendum in this country before this or any future British Government could agree to the transfer of additional competences to the EU by way of treaty amendment or a new treaty.

I think there is certainly deep scepticism on the Government’s part towards the idea that EU competences need to be expanded. The Lisbon treaty already gives very significant competences to the EU. It is dangerous in politics ever to say “never”, and we do not know what the world will look like in five, 10 or 25 years’ time, but I think it is good that we have those checks in place on the statute book to ensure that if any future Government were tempted to agree to an expansion of EU competences, they could do so only with the full support of Parliament, and in most cases, of the British public in a referendum.

[*Mr Lidington*]

When it comes to the additional exercise of powers within an existing competence—for example, with the proposal for a new justice and home affairs measure—we will, in that particular case, make a judgment, based on our assessment of the national interest, as to whether it is in our interest to participate or not participate in that measure. Where the matter falls within the EU's treaty competence already and where we do not have the opt-out—for example, single-market matters—part of our negotiating approach would be to press for the principles of subsidiarity and proportionality to be observed fully.

*Motion made, and Question proposed,*

That the Committee takes note of European Union Document No. 11083/15, Main aspects and basic choices of the CFSP (part II, point E, paragraph 25 of the Interinstitutional Agreement of 2 December 2013)—2014: Draft Annual Report from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament; and welcomes the constructive coordination between EU Member States and Institutions to achieve a range of positive foreign policy outcomes.—(*Mr Lidington.*)

5.21 pm

**Mr Rees-Mogg:** I thank the Minister for his answers; he has shown once again that he has a full understanding of this issue and a comprehensive, encyclopaedic knowledge. There is a “but” coming, which I know he anticipates, and I am afraid to say that it is this: he is defending business as normal, which is a complete contradiction of the Government's renegotiation strategy. On the one hand, in the next major area for Europeanisation of British competence and power, the Government are allowing things to move steadily in the direction of more Europe, while they are arguing for minor returns of power in the renegotiation. The two just do not go together.

The overwhelming majority of what is happening in the European Union is leading to ever-closer union, and Her Majesty's Government are doing essentially a synthetic renegotiation to pretend that they are serious about returning powers. All the pages in front of us are about developing increasing competence over foreign affairs and defence for the European Union, and things have been moving in that direction for some time. The Government go along with that and have not been enthusiastic about scrutiny because they do not want it shown up that that is the direction of travel. That fits in with the overall picture of a steadily growing single European state.

**Jesse Norman:** I am interested in the line of thought my hon. Friend is developing. Does he think there is a potential tension between the drift he describes in the area of foreign security policy and the European Union Act 2011, which attempts to constrain what the Government can do in terms of granting, if not new competences, at least things that amount to new competences?

**Mr Rees-Mogg:** My hon. Friend makes a good point. The 2011 Act is a good Act as far as it goes, but wide areas are not covered by it and do not require a referendum.

We have the steady move of powers to the EU, and we have the good manners of the Government in the Councils of Europe not wanting to cause a fuss. When it is a question of whether we should upset our friends in Europe or stand up for proper scrutiny in this House, the choice is easy for the Minister: he does not want to offend our friends in Europe, so he does not veto a report that is extremely late, where the High Representative has been slow, lazy and tardy, regardless of the fact that it offends the House of Commons. Why? Because he is a good European and because he wants to go along with it.

It is not so much about the formal side of things, which is indeed protected at the highest level by a referendum, but the steady day-by-day accretion of powers, allowing more things to happen under the competences that already exist and pushing those competences to the edges. My hon. Friend the Member for Hereford and South Herefordshire is the distinguished Chairman of the Select Committee on Culture, Media and Sport—an area where there is almost no EU competence, but the European Scrutiny Committee still receives documents in that area, where the EU is beginning to evolve an interest.

That is where the Government are not being strong enough. They are not showing the backbone that I have called for them to develop over the past few years. They are allowing this to go through because they do not want to stand up to it; they probably believe in it, but they know that the British people do not like it, so we get a little bit of a renegotiation on the edges. This document is symptomatic of what is going wrong, and I urge my very civilised right hon. Friend the Minister to be a little less civilised in the Councils of Europe and a little more robust.

5.24 pm

**Pat Glass:** It is becoming increasingly clear that these European Committees are less about the documents themselves and more about giving a stage to the Eurosceptics in the Tory party so that they can have a go at those on their own Front Bench.

My understanding is that the document is a report on what has happened in the past; there is no new policy in it. If we look at the detail of the document, it is reassuring to see the way in which the CFSP has responded to threats as they emerge across Europe, such as the sanctions against Russia following the illegal annexation of Crimea and the Iran nuclear talks. I am a sceptic and a cynic about Iran, but I am the first to admit that we have had some notable successes there. There is also the investment in Ukraine in the face of Russian expansionism, and the way in which the EU has spearheaded the international strategy in dealing with ISIL/Daesh.

I recall applying to go on a security and defence visit to Israel and the Palestinian territories a couple of years ago. I received a very detailed security and counter-intelligence briefing on all the groups then operating in the middle east, in which ISIL/Daesh was not mentioned at all. That was just two years ago. This illustrates how quickly changes happen in the most dangerous and volatile parts of the world, and how quickly and significantly these changes impact on us here in Britain. It is clear from the report that the CFSP can act mid-strategy to shift emphasis and resources quickly to emerging threats.

We live in an increasingly unsafe world. Threats including global terrorism, international criminality, people trafficking, international slavery and interreligious wars on a scale that we have not seen since the 16th century in Europe all can and will impact harder on the everyday lives of our citizens if we try to tackle them in isolation. They are global, complex and deeply dangerous, and need co-ordinated responses. To suggest otherwise is naive in the extreme, and risks the security of our citizens here and abroad.

I welcome this report. It is a comprehensive approach to promoting democracy and a long-term strategy for making the world safer. It is full of what I think the Minister called diplo-babble, but in many other ways it is pragmatic. It focuses not only on military capacity, but on civilian capacity and training, and on reacting quickly as new threats emerge in the world.

5.26 pm

**Mr Lidington:** I am grateful to both the hon. Member for North West Durham and my hon. Friend the Member for North East Somerset for their contributions. The hon. Lady was right that the document we are debating contains no new policy. It is purely a retrospective report on what happened or what was done during 2014. I say to my hon. Friend the Member for North East Somerset that I do not claim—and never have claimed—that everything about the EU is perfect, certainly not the way it does external policy. I probably know that better than any other member of the Committee after the last five and three quarter years. However, as I said earlier, I believe that in today's world the reality is that, in order to protect our own citizens and advance the interests of our country, we need to work with others.

I remember my noble Friend Lord Hague saying to me after one extremely long Foreign Affairs Council when he was Foreign Secretary that, while it was utterly frustrating and infuriating to try to get 28 different countries all to sign up to a common package of sanctions against a third country, the effort was worth while, because, when that could be achieved, it was more effective than Britain acting on its own or even than Britain, France and Germany acting together. It closed down so many actual or potential loopholes for sanctions busting, and there was a greater political and economic effect on the country being targeted than if only a small group of the willing had taken action.

The safeguards that we have with regard to the exercise of the EU's foreign and security policy responsibilities are, first, that it is laid down in the treaties that, for a foreign policy position to be adopted, all member states have to be in agreement. Every country, including the United Kingdom, has a veto. Not only that, but the European Court cannot second-guess policy positions. It has a limited right to look at the implementation of unanimously agreed decisions, for example on sanctions. An individual who is subject to EU sanctions can go to the European Court and argue that the sanction was imposed improperly or on the basis of false evidence, or for whatever other reason. However, the Court cannot intervene in the making of a foreign policy position.

In addition, the European Union Act 2011 provides explicitly for a referendum to be held in this country were any future British Government to be tempted to

agree to move from unanimity towards majority voting for common foreign and security policy or common security and defence policy.

I also say to my hon. Friend the Member for North East Somerset that yes, we do need to be vigilant about attempts to stretch the envelope over competence. For example, since 2010 I have instructed my officials to be very active in resisting what we believe to be unwarranted attempts by the Commission to supplant the role of member states or the rotating presidency in representing the EU position in international organisations. That is a battle that I am sure will continue.

Also, when considering vetoing a particular measure, or at least delaying agreement to it—what my hon. Friend asks me to do more frequently—I consider what the impact of such a veto or delay would be. Sometimes, when the final unclassified version of a document has regrettably, for whatever reason, been produced late in the process by Brussels, I am faced with the decision of whether to override scrutiny in order to allow agreement, or to do as he asks and block agreement pending scrutiny. Sometimes that might mean deciding whether to put at risk the continuation of an EU peacekeeping or training mission in a country where the operation of that mission is important to the United Kingdom's interests.

**Mr Rees-Mogg:** Of course I accept that there are urgent occasions, particularly in relation to sanctions, when it is right to override scrutiny, because giving us time to scrutinise sanctions would also give the person who is supposed to be caught by them time to change his affairs. This document, however, was a report on what happened in 2014, so it was in no sense urgent that it be agreed in July; it could easily have waited until proper scrutiny had taken place. It seems to me, therefore, that the urgency argument really does not apply in this case.

**Mr Lidington:** In this case, as I described earlier, had we blocked agreement on 20 July, it would have been in the knowledge that we could not return to it until scrutiny processes had been completed, which would have taken us well into the autumn, given that Parliament sat for only two weeks in September, and I think the Committee met only once in those two weeks. A debate could probably not have taken place until the second half of October at the earliest.

We had, as we always have, many political objectives at stake during a Foreign Affairs Council meeting. The Foreign Secretary and I took the view that to hold up agreement on this would simply be an unwelcome use of negotiating capital that we wanted to keep for substantive foreign policy issues where getting others to agree to the British position was challenging but important for our diplomatic interests. My hon. Friend the Member for North East Somerset is perfectly entitled to say that we misjudged that and that we should have been more rigorous in defending parliamentary scrutiny, but that was the way in which my right hon. Friend and I approached it.

In conclusion, it remains the case, in my view, that we can achieve important objectives of this country by working co-operatively with our nearest neighbours and partners. Furthermore, the diplomatic weight that

*[Mr Lidington]*

the United Kingdom brings to the European table is significant. We can and do have a major influence on shaping what later become common European policies. In that sense, we can use the European arrangements to amplify our own diplomatic reach and punching power. Indeed, people from the United States often tell British officials and Ministers that they want us to get involved in bringing other Europeans to the table. In fact, the Prime Minister was very active in ensuring that the United States and European Union positions on Russia sanctions have been very closely aligned throughout the Ukraine crisis.

Although these institutional arrangements are not perfect—I am not going to claim that we will win every single battle—I believe that we can use our power and influence effectively to shape European policy positions in a way that brings tangible benefits to the security and prosperity of the people of the United Kingdom. On that basis, I commend the Government's motion to the Committee.

*Question put and agreed to.*

5.35 pm

*Committee rose.*