



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 01 December 2010 to 26 May 2011.

FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY (SUB-COMMITTEE C)

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AFGHANISTAN: EU POLICE MISSION

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

Thank you for your letter of 29 November, replying to my letter of 8 November on the security of personnel in the EU Police Mission in Afghanistan (EUPOL). Your letter was considered by the EU Sub-Committee on Foreign Affairs, Defence and Development Policy on 9 December.

We note your response that the lack of a formal agreement between the EU and NATO on security matters in Afghanistan is not putting the lives of EUPOL personnel at greater risk. We do not feel reassured by this response. In my previous correspondence of 8 November, I referred to the evidence we received on 4 November from Mr Kees Klompenhouwer, EU Civilian Operations Commander, who said that "we do not have a security agreement with NATO, which creates some risks for the people on the ground". When pressed, he affirmed that the lack of an agreement constituted an "additional risk", and that the EU should be working hard to improve liaison and co-operation with NATO. His evidence is available on our Sub-Committee website (www.parliament.uk/lehuc).

It remains our view that achieving a formal agreement between the EU and NATO on security matters in Afghanistan should be a priority for the UK and the EU.

We look forward to receiving a reply within the standard ten working days.

10 December 2010

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing in response to your letter of 10 December on the EU Police Mission (EUPOL) in Afghanistan – Security of Personnel.

In your letter, you express continued concern about the lack of a formal cooperation agreement in Afghanistan between NATO forces and EUPOL. You reference evidence provided to the Inquiry by Head of EU Civilian Missions, Kees Klompenhouwer. Mr Klompenhouwer stated that EUPOL has only an informal agreement with NATO for in extremis assistance that might be provided within means and capabilities, and his belief that this lack of a formal security agreement constitutes an additional risk for EUPOL personnel.

As you are aware, the principal obstacle to the conclusion of formal agreements between NATO and the EU is the ongoing issue involving Cyprus, Greece and Turkey (as explained in Mr Burt's letter to the Committee of 5 November). This is not an issue of policing in Afghanistan, it is much broader. But it is one we take seriously and continue to work hard to overcome and, where necessary, work around. Ministers regularly press this issue both in bilateral meetings with European, US and Canadian counterparts and in NATO and EU meetings. Indeed, as a result of the efforts of the UK and our international partners, on 12 October, the International Security Assistance Force (ISAF) approved a revised version of their Operational Plan (OPLAN). This contains new language on support to non-NATO actors: "NATO/ISAF may provide security support to international actors who are working to achieve the shared goal of capacity building of the ANSF." The new text, in contrast to previous versions, omits the caveat "in extremis". This is a considerable step forward, formally allowing ISAF forces to go beyond limited in extremis support, and actually carry out deliberate planning and operations in support of EUPOL activity. I welcome this step forward for EU-NATO cooperation in Afghanistan, and assure you that the Government will continue to encourage the efforts of the NATO Secretary General and EU High Representative to improve cooperation between the two organisations.

However, I would like to reaffirm my position that, even without this positive development, the lives of EUPOL personnel would not be at additional risk. EUPOL does not rely in any way on military support for protection, whether from NATO, the UK, or any other international partner. Even in the event of a situation requiring evacuation, personnel evacuation would be effected by a private security company. It is also the case that working relationships on the ground are, arguably, more important than the existence or not of a formal agreement. We are working hard with EUPOL and the NATO Training Mission in Afghanistan (NTM-A) to ensure that there are good levels of cooperation between these missions in theatre. For example, a EUPOL Liaison Officer is assigned to NTM-A HQ, and the new Deputy Head of Mission at EUPOL (UK civilian officer Geoff Cooper) was previously the Senior Civilian Police Adviser at NTM-A, which further increases the links between NTM-A and EUPOL.

I would be very happy to discuss these matters further with you in person, should you still have concerns regarding security of EUPOL personnel in Afghanistan.

10 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

We have completed our inquiry into the European Union Police Mission (EUPOL) in Afghanistan, and I enclose a copy of our report.

In this context, we would be grateful for further information on one aspect of EUPOL's work, concerning women. How successful has EUPOL been in mainstreaming gender issues within the Ministry of Interior and the Afghan National Police? Does EUPOL provide adequate training for male members of the Afghan National Police on the particular issues relating to women? In what ways is EUPOL advising the Ministry of the Interior, and training the ANP, to deal with, for example, domestic violence, coercion of women and girls into marriage, and "honour" punishments used against women? In many conflicts, rape and gender-based violence are used as weapons of war. Is this a problem in Afghanistan and, if so, is EUPOL providing effective training to the ANP to enable it to tackle this issue? Is EUPOL also encouraging awareness of United Nations Security Council Resolution 1325 (2000) on Women and peace and security, in particular those aspects relating to civilian police and the judiciary?

We look forward to hearing from you within the usual 10 working days.

16 February 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP (sent by Select Committee)

Thank you for your letter of 8 March, with its full and informative response to my request for further information on the aspects of EUPOL's work concerning women. Your letter was considered by the EU Select Committee on Tuesday 15 March. We were pleased to note the efforts being made to embed human rights and gender issues into Afghan policing structures and policies, though we note that there is more work to be done in encouraging the mission to evaluate its work more effectively and to have better performance measurement frameworks for EUPOL. We consider that oversight of this work is essential in order to ensure that progress is maintained.

23 March 2011

Letter from the Rt. Hon. David Lidington MP and Alistair Burt MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

We have the pleasure of enclosing Her Majesty's Government's response to your report (HL Paper 87) on "The EU's Afghan Police Mission."

As you know, the EU Police Mission in Afghanistan (EUPOL) is one part of an ongoing multi-national effort to support the Government of the Islamic Republic of Afghanistan (GIRoA) to develop the Afghan National Police (ANP). EUPOL's current mandate is valid until May 2013 and our response provides you with the latest information regarding the police development efforts of EUPOL and the International Community in Afghanistan.

07 April 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above document at its meeting on 19 May and cleared it from scrutiny.

The Sub-Committee would be grateful for clarification on a number of points. What are the technical constraints in the Mission's deployment plan and human resources procedures which have made the full staffing of EUPOL unattainable and what are the recent decisions in Brussels which will increase flexibility in personnel deployments (your paragraph 19)? Why is it easier to fill contracted positions? To what do you attribute the enthusiastic response to the last Call for Contributions?

I look forward to hearing from you by 6 June 2011.

24 May 2011

ATALANTA: COMBATING SOMALI PIRACY

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing in response to your letter on 26 November 2010, concerning Somalia's Economic Exclusion Zone and EUNAVFOR's ability to collect fingerprints. I will address each in turn:

SOMALIA EXCLUSIVE ECONOMIC ZONE/LINK TO PROSECUTION OF PIRATES:

The establishment of an Exclusive Economic Zone by Somalia would enable more effective law enforcement in due course in Somali waters as well as control over the natural resources to the potential benefit of Somalia, but is not in itself a key requirement for prosecution for piracy/armed robbery. Sufficient legal basis exists in the current national laws of Kenya and many other countries, as well as in international law through repeated UN Security Council Resolutions, the UN Convention on the Law of the Sea and other instruments, to enable effective prosecution of acts of armed robbery in the territorial waters of Somalia and piracy on the high seas.

EUNAVFOR:

The final amendments to the Joint Action attempted to clarify language, by removing the term "dactyloscopic data – ie fingerprint records", specifying exactly what information could be collected. I can confirm the finalised Joint Action 2008/851/CFSP allows EUNAVFOR to collect fingerprints, as well as collecting the person's name, date of birth, nationality, gender and any photographic documentation.

9 December 2010

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 9 December 2010 which the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered at its meeting on 16 December.

We would appreciate an update from the Government on the following issues, on which we made recommendations in our report on Operation Atalanta, published in April 2010, and which were covered to some extent in the debate in the House of Lords on our report:

- Military Capabilities: what progress has been made in ensuring that Operation Atalanta has access to improved capabilities as regards maritime reconnaissance, tanker support and medical facilities?
- Insurance industry: what discussions has the Government held with the insurance industry on creating incentives for shipping companies to adopt and apply best management practice to mitigate pirate attacks? What was the outcome and will the Government take any further action?
- World Food Programme: what progress has been made in ensuring that the WFP has access to faster, larger and more reliable vessels? Has any progress been made in discussions with flag states on allowing WFP ships to carry Vessel Protection Detachments (VPDs)?

We look forward to hearing from you by 14 January 2010.

16 December 2010

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am responding to your letter of the 16 December 2010, concerning the House of Lords report and recommendations on Operation ATALANTA.

I will provide an update on each recommendation in turn.

MARITIME PATROL AIRCRAFT (MPA)

MPA remain a valuable yet scarce resource across Counter Piracy (CP) Forces. ATALANTA has currently been reduced to one airframe and will remain in this position until March 2011. As a consequence CP reconnaissance sorties have temporarily been reduced, due to rotations and the operational priorities of the aircraft. We are however actively looking at new aircraft bases that would allow sorties to be better utilised.

Due to the removal of the Nimrod fleet and our operations in Afghanistan, the UK has no maritime reconnaissance capability to offer with all unmanned aerial vehicles being required on other operations. The EU continues to look at all potential options to address this shortfall, similar to the Luxembourg initiative of funding a civilian aircraft.

TANKER SUPPORT

ATALANTA has no dedicated tanker support but like other CP forces they request assistance from Combined Task Force 53 and independent deployers. The UK continues to provide oil tanker support to the CP forces and we are discussing with partners how they can do more to maximise the time warships can stay on station. The UK is also encouraging partners through the Contact Group on Piracy to consider commercial provision of oil tanker support.

MEDICAL FACILITIES

ATALANTA currently has the only ship involved in CP operations with a light manoeuvre medical capability, based aboard the Spanish Warship PATINO. The UK had a ship deployed to Combined Maritime Force with a similar capability in the last quarter of 2010.

The Operation Headquarters continues to identify these areas as shortfalls and further solutions will be discussed at the next Force Generation Conference in March 2011.

INSURANCE INDUSTRY:

There has been constant dialogue between Government officials, members of the Contact Group on Piracy off the Coast of Somalia (CGPCS) and the insurance industry since the House of Lords report was published in April 2010. As you are aware Lord Howell (10 November 2010) welcomed on the floor of the House of Lords the announcement by the insurance industry that they will require higher premiums for vessels that are not seen to be complying with industry agreed best management practice (BMP). This issue was further discussed in December 2010 at the annual general meeting of the Shipping Advisory Defence Council, a joint Government-Industry working group, where insurance executives were again asked to increase pressure on ship operators to comply with BMP. Sectors of the insurance industry are now requiring compliance with verifiable aspects of BMP as a condition of cover, something the Government and Contact Group has urged and welcomes.

WORLD FOOD PROGRAMME:

The Government continues to work with the World Food Programme, United Nations and international naval forces to ensure vulnerable shipping is as well protected as possible, as well as affording naval forces maximum flexibility to target pirate activity.

EUNAVFOR has now signed agreements with Sierra Leone and St Vincent and the Grenadines to allow the use of Vessel Protection Detachments (VPDs) onboard shipping registered to their flags. Other Member States are also pursuing individual bilateral agreements with flag states. In December 2010, the UK as Chair of Working Group I of the Contact Group on Piracy off the Coast of Somalia, chaired a meeting with EUNAVFOR, NATO, the European Commission, WFP and the UN to discuss ways forward to increase the number of flag states allowing the use of VPDs onboard their vessels. Practical action is now in hand as a result, including a requirement for only vessels from Flags which allow the embarkation of VPDs to be eligible for WFP contracts. Greater use of VPDs will ensure protection, while at the same time freeing up warships for other duties.

There will be a further meeting of the UK-Chaired Working Group I on 17 February, where we will again stress the need for flag states to take every possible step to support the military operations, as well as continue pressure to sustain and enhance overall military capabilities. The Government remains committed to protecting the strategic shipping lanes in the Gulf of Aden and also to the protection of vulnerable WFP and AMISOM shipping in this high risk area, none of which have so far been hijacked by pirates.

To date, EUNAVFOR has escorted 99 vessels securing the delivery of nearly 650,000 tonnes of food aid to an average of 1,130,000 people per day in Somalia and the wider region.

18 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 18 January 2011 on EU Operation Atalanta, which the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered at its meeting on 27 January.

We were pleased with the progress made in some areas. However, we are still very concerned at the shortfall in aerial surveillance capabilities, without which the use of Atalanta's limited naval vessels is much less efficient. Given the difficulty of generating additional capability in this area, how does the Government intend to address this issue within the EU?

We look forward to hearing from you by 25 February 2011.

7 February 2011

BELARUS: RESTRICTIVE MEASURES AGAINST CERTAIN OFFICIALS

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision amending Council Decision 2010/639/CFSP concerning restrictive measures against Belarus.

My officials have been in touch with the Clerk of your Committee about the deteriorating situation in Belarus following the Presidential elections on 19 December and the likelihood of amendments to the Common Position.

In view of the need for the EU to respond quickly to conditions in Belarus, we want to be able to agree the text at Council on 24 January. To achieve this, I would be grateful if your Committee could scrutinise the document at your meeting this week. While the EM I have submitted reflects the most recent draft Decision, discussions are continuing in Brussels and there remains a possibility of further amendments next week, though we do not expect the substance of the document to change. If the document is altered, there will not be time for your Committee to consider the amendments before the Council. If this happens, I would be grateful if you would consider waiving the requirement for scrutiny on the amended text in accordance with [Lords paragraph 5(b)/ Commons paragraphs 3(b)] of the Scrutiny Reserve Resolution. My officials will continue to keep the Clerk of the Committee updated.

17 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 20 January. The latest draft text of the Council Decision was distributed to the Committee at the meeting and was cleared from scrutiny.

I would like to express our appreciation for the briefing given to the Committee by your officials and for their efforts to keep us informed on this fast-moving dossier.

20 January 2011

BOSNIA AND HERZEGOVINA: RESTRICTIVE MEASURES AND SCRUTINY OVERRIDE

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina. I regret that due to an administrative error, and despite providing you with the Explanatory Memorandum before the Decision was adopted in the EU, I am now writing to request scrutiny override.

The situation in Bosnia and Herzegovina remains of concern, where coalition negotiations following last autumn's elections have so far failed to deliver new governments at the State and Federation-entity levels. There is also an almost complete lack of progress on EU-related and other important reforms and a rise of provocative and nationalist rhetoric, especially during last year's election campaign.

A clear and united international community voice is needed to press clearly and firmly for progress. To this end, the EU needs to take on a more proactive role in Bosnia and Herzegovina. This will allow it to maximise the incentives provided by Bosnia and Herzegovina's EU perspective and future accession process and – where necessary – to use deterrents and take decisive action to address blockages and threats to stability.

In addition to the EU policy instruments already in place or being considered to address the potential risks and challenges that Bosnia and Herzegovina might face, restrictive measures are being developed, which are outlined in the Council Decision.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. The House of Commons Scrutiny Committee have scrutinised this text on 16 March and passed it as politically important.

21 March 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 24 March and cleared it from scrutiny. However, the Sub-Committee strongly regretted that an override of scrutiny had occurred on this document given the timescales that had been available.

We support the adoption of EU restrictive measures against persons or entities in Bosnia who incite violence or are undermining the Dayton peace agreement. However, it is important that the Bosnian people take ownership of their future with a minimum of interference from outside.

Restrictive measures adopted by the EU should therefore be proportionate; based on firm evidence of wrong-doing; and should not seek to punish but rather maximise the opportunities for a peaceful resolution of the issue at hand by the parties themselves. In particular, persons designated under the above Council Decision should be de-listed without delay if the circumstances leading to their inclusion on the list no longer apply. We would welcome an assurance that the EU and the UK are taking account of these principles in relation to Bosnia.

We would also be grateful for information on EU activities to support dialogue and reconciliation between different communities and civil society/religious organisations in Bosnia. To what extent are the EU's activities effective? If they are effective, should they be strengthened?

We look forward to hearing from you by 15 April.

25 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 25 March concerning the Council Decision on EU restrictive measures in respect of Bosnia and Herzegovina (BiH). I am grateful for the Committee's support for the adoption such measures and I welcome this opportunity to elaborate further and respond to the questions in your letter.

First of all, I can assure you of the importance we attach to the principles you set out in your letter in relation to application of this Decision. The UK is a strong advocate of restrictive measures in the EU, but only in situations where we and our EU partners judge that they will have the impact and effect intended. We consider that sanctions must always be coercive rather than punitive, and that those designated for sanctions must be aware of why they have been listed and what needs to happen or change in order for them to be delisted. As a general principle, the UK is always keen to ensure that those listed under any Council Decision and Regulation meet the criteria for listing, have sufficient evidence to warrant their listing, and that there are comprehensive identifiers so that we can ensure robust implementation. I fully agree with you that, if the criteria for de-listing are met, then the delisting process should be initiated and processed quickly

I would also add that these restrictive measures are only one element in a wider EU strategy of engagement with BiH, which aims to maximise the impact and effectiveness of the incentives provided by the EU accession process, as set out in my letter to you of 14 February.

I have tasked my officials to ensure that you are kept up to date of developments on restrictive measures for Bosnia and Herzegovina, and once again apologise for the need to override scrutiny on the Council Decision.

You also asked for information on EU activities to support dialogue and reconciliation between different communities and civil society/religious organisations in BiH.

EU support for programmes in Bosnia and Herzegovina is funded primarily by the Instrument for Pre-Accession (IPA) and the European Instrument for Democracy and Human Rights programme (EIDHR). In 2011 these instruments provided €108 million and €1.2 million to Bosnia and Herzegovina respectively. Neither of them focuses exclusively on dialogue and reconciliation. However, IPA's aims include promoting social inclusion and EIDHR's aims include promoting human rights and democratic reform, supporting conflict prevention and consolidating political participation and representation. In these priority areas, both Instruments can and do support programming which relates to dialogue and reconciliation, for example in the areas of civil society capacity building.

Evaluating accurately the effectiveness of these instruments and their programmes is a difficult task. The UK considers IPA to be a distinct improvement on its various predecessor instruments. It has brought more coherent programming, an enlargement-focus to assistance and has made very welcome steps towards using sector approaches. However at a time of public spending constraints it is essential that funding on development and external relations should have maximum impact. HMG is engaging with the European Commission to look at ways of further strengthening the impact of IPA funding on the ground, and of ensuring a clearer link between financial and technical input into programmes and results achieved.

There are also other organisations working on reconciliation and dialogue issues. The OSCE, in particular, is active in the promotion of social and economic rights, inclusive education systems, and judicial and legal reform. For its part, the UK has funded a range of projects which contribute to the broad objective of reconciliation. These have focused on judicial reform to enable the prosecution of war crimes, supporting the International Commission on Missing Persons, and a number of projects aimed at raising awareness, engagement and interaction among young Bosnians.

Thank you also for your letter of 31 March in which you confirmed that the Committee had cleared from scrutiny the draft Council Decision on the EU Special Representative for Kosovo. I will update the Committee on the outcome of the negotiations on this document once it is agreed.

18 April 2011

BURMA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

As part of our commitment to keep your Committee informed on matters concerning EU restrictive measures, I am writing to inform you that the EU Council Decision concerning restrictive measures imposed against Burma is due to expire on 30 April. We are therefore about to begin negotiations on its rollover.

Since 1996 the EU has adapted and strengthened its overall policy towards Burma, including extending restrictive measures in response to the deteriorating circumstances on the ground. The Burmese regime has continuously failed to improve the human rights situation or make progress on the UN Security Council's demands for the release of political prisoners and national reconciliation. The EU has worked to achieve positive change in Burma through political dialogue directly with the regime and with Burma's neighbours, the provision of humanitarian aid and by imposing targeted measures designed to pressure the military leadership and their business associates. The aim of EU policy on Burma is to bring an end to human rights abuses and to encourage an inclusive transition to democracy. The Council Decision was last renewed on 26 April 2010.

Burma held elections for the first time in 20 years in November 2010. Pro-democracy leader Aung San Suu Kyi was released from house arrest a week later. Neither event, however, signified a material improvement in the human rights situation or a weakening of the military regime's grip on power. Human rights abuses continue to be widespread and severe. Restrictions on fundamental freedoms intensified in the run up to the November elections. The number of political prisoners held is approximately 2,200. The final few months of 2010 and the start of 2011 also saw further conflict between the Burmese army and ethnic groups on the Thai/Burma border, prompting thousands of civilians to flee into Thailand.

The political situation in Burma at the beginning of 2011 reflects the regime's clear intention to maintain its dominance. On 28 January 2011, Aung San Suu Kyi's National League for Democracy lost its appeal against dissolution. Shortly after, on 31 January, the upper and regional houses of Parliament held their inaugural session. Over 80% of all seats in both upper and lower houses are held by a regime proxy party and members of the military regime. The current military leadership therefore continues to retain control of policy.

Against this background, the Government's position is that there should be no easing of EU restrictive measures in the absence of tangible progress. Our objective is to secure a technical rollover of the Council Decision for a further 12 months. However, the process will be less straightforward than in previous years and negotiations more difficult. As a result of the changes brought about by Burma's elections, the Council Decision text will need to be revised comprehensively to reflect legal realities on the ground. A new constitution is now in force, the State Peace and Development Council (the name adopted by the military junta until the elections) no longer exists and there are new state structures and nomenclatures. Moreover, the revision will involve not only factual updates but require negotiation with EU partners to agree the principles underpinning our approach, as not all Member States agree with our position. A number are minded to see the political developments in Burma as progress and are likely to press for a relaxation of restrictive measures.

As mentioned, the UK will be negotiating for the toughest possible outcome to secure our objectives on Burma. The differences of approach I have mentioned are likely to mean that negotiations will continue until the last minute. We anticipate that a final text may not be agreed until the end of the first week in April, with adoption of the Council Decision scheduled for the 11 April Foreign Affairs Council in Luxembourg. I note that Parliament rises for Easter Recess on or around Tuesday 5 April and returns on or around Tuesday 26 April. Should a draft Council Decision not be circulated by the EU in time for it to be scrutinised by your Committee, I would be grateful if you would consider a waiver of scrutiny. I wanted to inform you of these potential developments now. I will however ensure that we make every effort to meet our scrutiny obligations. My officials will liaise closely with Parliamentary Clerks from now on to ensure that we keep you in the picture as EU negotiations progress.

Your committee has also expressed an interest in our engagement with regional countries, particularly China, to bring about change in Burma. The Prime Minister underlined his concern over the situation in Burma during his trip to China in November, and the Foreign Secretary did so again with Chinese Vice Premier Li on 11 January. We have also discussed the issue at a high level with India, and continue to raise Burma with ASEAN countries bilaterally and through the EU.

17 February 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter on the EU and Burma, which the Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 3 March 2011.

The Sub-Committee noted the tentative schedule for the adoption of a new Council Decision to roll over restrictive measures on Burma, as well as your request for a waiver of scrutiny under the Scrutiny Reserve Resolution. The Sub-Committee would like to re-consider the question of the waiver in the light of the latest information before the recess. We would therefore be grateful if you would provide an update on the negotiations, with any documentation which is available, in time for its last meeting before the recess. This would need to reach us by 28 March in order that it can be circulated for the meeting on 31 March.

We would also like some additional information on the attitude of other Asian nations, including China, towards the Burmese regime and sanctions. What measures do the members of ASEAN take to support democratic change in Burma? Has the EU been sufficiently active in encouraging south-east Asian nations to take seriously the issue of democracy and human rights in Burma? We look forward to hearing from you on this point within the standard ten working days.

8 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 8 March 2011 following the Lords EU Sub-Committee's consideration of my letter regarding the upcoming negotiations in the EU on the rollover of the Council Decision concerning restrictive measures imposed against Burma.

You asked for some additional information on the attitude of other Asian nations, including China, towards the Burmese regime and sanctions.

China is a consistent defender of the Burmese government in international fora, vetoing for example a UN Security Council resolution on Burma in January 2007. China says that it adheres to the principle of non-interference in the internal affairs of other countries.

China is a large investor in Burma, in particular in oil and natural gas, and is building a pipeline from the west coast of Burma to Yunnan province. China has a close relationship with the junta despite historical animosity caused by China's support for the Communist Party of Burma in the 1960s-70s.

In August 2009, there were tensions on the border between South-West China and Burma when an estimated 30,000 refugees fled across the border into China to escape Burmese military attack in the Kokang region. This caused China to make a rare public statement about Burma's ability to resolve domestic issues. The Prime Minister most recently raised Burma with Chinese Premier Wen Jiabao on 9 November. We will continue to look for opportunities to raise Burma during meetings with the Chinese government.

India is one of Burma's largest trade partners, with Indian companies extracting natural gas from deposits in the Shwe fields off the western coast of Burma. The Indian government voted against the November UN General Assembly resolution on Burma. The Prime Minister raised Burma with both Foreign Minister Krishna and Prime Minister Singh during his trip to India in July 2010.

Individually, some countries within the Association of Southeast Asian Nations (ASEAN) have spoken out on the need for an end to human rights abuses, national reconciliation and an inclusive political process in Burma. Collectively, ASEAN (including Burma), operates by consensus and this colours ASEAN's response as a group. In the case of Burma, ASEAN's collective approach is very cautious. A statement by the Chair of ASEAN following elections in Burma in November last year welcomed them as a significant step forward, and an ASEAN statement on 16 January this year urged "that the policy on sanctions against Myanmar be reviewed as they have an impact on development in Myanmar". Jeremy Browne MP, the Minister responsible for our relations with Burma, spoke to the Thai Foreign Minister on 10 March this year and argued that recent events did not constitute progress. We support ASEAN countries in their work, and watch with interest to see the progress they make once the new Burmese government is installed.

The EU has been active in encouraging ASEAN nations to take seriously the issues of democracy and human rights in Burma. Burma is a consistent feature of EU-ASEAN dialogue, including at the annual EU-ASEAN Foreign Ministers Meeting in May. The Spanish Chair issued a statement which emphasized the need for “an inclusive political process leading to national reconciliation and to peaceful transition to civilian government” as well as “the early release of those under detention”. The October 2010 Asia-Europe Summit (ASEM) also “stressed the need for the government of Myanmar to engage in dialogue with all parties concerned in an inclusive national reconciliation process”. EU Ministers will follow up on Burma with Asian partners at the forthcoming ASEM Foreign Ministers Meeting in Hungary in June.

I note that you also requested a further update on the negotiations on the rollover of the EU Council Decision, along with any documentation which is available, in time for your Committee’s last meeting before the recess. I will ensure that your Committee receives this by 28 March in order for it to be circulated for your meeting on 31 March.

21 March 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your informative letter of 28 March which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 31 March 2011. We were also grateful for the full briefing given to the Sub-Committee Chairman at the FCO on 30 March.

The Sub-Committee, having discussed the issues, decided to accede to your request for a waiver under Article 5b) of the Scrutiny Reserve Resolution. We look forward to receiving the document when it is decided, together with an Explanatory Memorandum giving an account of developments during the negotiations.

On page 2 of your letter you state that document 2010/232/CFSP of 26 April 2010 on Burma is still awaiting clearance by the Lords. Our records show that we cleared this from scrutiny on 24 June 2010 at the first meeting of the Sub-Committee following the election. This was recorded in the 2nd edition of Progress of Scrutiny of the Session, published on 12 July 2010.

There is no need to reply to this letter.

06 April 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 28 April and cleared it from scrutiny. Thank you for your letter about EU restrictive measures on Burma and for the briefing provided by your officials before the Easter recess. We continue to support the Government’s approach.

As mentioned in your separate letter on the outcomes of the 12 April Foreign Affairs Council (dated 19 April), the National League for Democracy (NLD) in Burma has called for the continuation of sanctions pending an independent expert review of their political and economic impact. We are pleased that the Foreign Secretary has publicly expressed support for a review. The Sub-Committee has previously expressed concern about the potential effect of EU sanctions on the Burmese population. We would therefore be grateful for more information on the proposed review, including the NLD’s position on the scope, timing and functioning of the review. Do other EU Member States share the UK’s support for a review, and do you expect that obstructive tactics by the Burmese regime could pose an insurmountable stumbling block to any review?

We look forward to hearing from you within the standard ten working days. Separately, we would welcome an update on the evolving political situation in Burma and the impact and effectiveness of the amended EU sanctions by 30 June 2011, so that we can review the situation before the summer recess.

4 May 2011

DEMOCRACY AND SHARED PROSPERITY WITH THE SOUTHERN MEDITERRANEAN
(7592/11)

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 5 May and cleared it from scrutiny.

We see this as a very important document both in terms of the EU's policy towards the southern Mediterranean, but also as a marker as to how the EU should develop its policy towards its neighbourhood in the east as well as the south.

In that context we welcome the broad thrust of the Commission Communication - refocusing the EU's relations with its Southern Mediterranean neighbours, and in particular the principle of greater differentiation between individual countries based on the principles of good governance and democratic credentials. But the EU must now maintain momentum behind this process.

While we congratulate Commissioner Füle on his rapid response, our greatest concern is that no further progress will be made until the wider revision of the EU's neighbourhood policy takes place – which could take some considerable time, especially if it becomes tied to the future negotiations around the next Financial Perspective.

We therefore strongly urge the Government to continue to play a leading role in galvanising support for a renewal of the EU's approach and ensure that it is rapidly translated into specific actions and that the momentum the paper engenders does not evaporate. We would welcome the Government's assurance on this specific matter and on how it will be achieved.

Despite our strong welcome of the paper we do have a number of other concerns.

Democracy and human rights, which have been neglected in this area in the past, must be at the heart of the UK and EU approach. To take the example of Libya, it is surprising that the EU only suspended negotiations on an EU-Libya Framework Agreement on 28 February 2011, despite ongoing and grave human rights violations in Libya. The FCO's 2010 Human Rights Report stated that the UK had not supported Libya's candidacy for a seat on the UN

Human Rights Council due to its human rights record. It is vital that the EU learns lessons from its experiences with authoritarian and abusive regimes in the region. Stability is not a substitute for the respect of human rights and fundamental freedoms.

We welcome the Communication's focus on democratic institutions, including the fight against corruption and illicit financial outflows. A report by the Washington-based Global Financial Integrity revealed that in 2008 developing countries lost approximately US\$1.23 trillion to "crime, corruption and tax evasion". Greater transparency in the financial system, such as through mandatory country-by-country reporting of profits, tax payments and ownership by EU-based multinational companies, would facilitate efforts by EU Member States and Mediterranean countries to claim the tax they are owed. A multilateral agreement on the automatic exchange of information between tax authorities is another possible remedy. Do you support these initiatives, and what additional steps could the EU and its Member States take to address illicit financial outflows from the southern Mediterranean?

We read the proposals within the Commission paper for mobility partnerships with particular interest. The Sub-Committee found it difficult to understand how these partnerships would be acceptable to Member States at a time when the Schengen Agreement is under considerable political pressure due to population flows from North Africa.

Given that these mobility partnerships would be one of the key goals of southern Mediterranean states, if they cannot be delivered by the EU, is there sufficient substance remaining in the overall Commission proposals to attract active partnership from them?

We also note that the Communication gives scant attention to the protection of the environment, despite maritime pollution, desertification and climate change being among the key challenges for the EU's Mediterranean partners. Does the Government agree that the Commission should give greater emphasis to this issue?

We look forward to hearing from you within the next 15 working days.

11 May 2011

EQUATORIAL GUINEA: PARTNERSHIP AGREEMENT (15954/10)

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 16 December and held it under scrutiny.

We support the EU's position that Equatorial Guinea should not be allowed to accede to the ACP-EC Partnership Agreement before it has ratified the Agreement and lifted all reservations concerning the International Criminal Court. However, we do not agree with the proposed granting of observer status to Equatorial Guinea pending ratification, as we believe that Equatorial Guinea should lift all reservations concerning the Court prior to observer status being granted.

We look forward to hearing from you by 7 January 2010.

16 December 2010

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 16 December concerning the above matter. I note that the EU Foreign Affairs, Defence and Development Policy Sub-Committee disagrees with granting observer status to Equatorial Guinea before they have lifted all reservations concerning references to the International Criminal Court (ICC). I apologise for the delay in responding, this was due to an oversight in my Private Office.

It may be useful if I set this issue in context. Equatorial Guinea has not ratified the revised Cotonou Agreement of 2005 (Cotonou II), and as a result has become a 'third party' to the Agreement. Equatorial Guinea does however remain party to the Cotonou Agreement of 2000 (Cotonou I) and is therefore still an "ACP State" under Cotonou I (Cotonou I has not been terminated by Cotonou II). Non-ratification of Cotonou II means that Equatorial Guinea is currently barred from access to funding that could otherwise have been made available through the 10th European Development Fund (2008-2013) under a national programme.

You specifically raised your concern about granting Equatorial Guinea ACP-EU observer status before it has lifted its reserve on references to the ICC. We have received information from the Council of Ministers that in 2009 Equatorial Guinea indicated it was ready to ratify the Cotonou II agreement. This included the articles that make reference to the International Criminal Court (ICC).

It appears therefore that Equatorial Guinea no longer considers the ICC issue to be a block to their ratification of the Agreement.

The rules of procedure governing the ACP-EC Council of Ministers allow countries applying for accession to have observer status. There is a clear legal basis for this in the rules of procedure. Timor Leste was also granted observer status prior to acceding to the full agreement in 2002. The UK, as a Member State, could block Equatorial Guinea being granted observer status. However, such a move would not only leave us isolated within the EU but would also risk using up political capital with the Commission and ACP countries on a country in which we have limited strategic interest. There are difficult decisions looming on Sudan and Zimbabwe. We judge that it would be prudent to use our political capital on these countries, which are of greater strategic interest to the UK. The practical implications of observer status are minimal. While observer status will allow Equatorial Guinea to participate fully in Council debates, they will not be able to vote. Furthermore, the Group's main decision making body, the Council of Ministers, will not meet until May or June 2011. This is after the proposed expiry period of Equatorial Guinea's observer status (sectoral groups may however hold sessions in the interim). Equatorial Guinea will continue to be prevented from accessing funding from the EU until it ratifies the Cotonou II Agreement.

There is merit in granting Equatorial Guinea observer status. This is an important way of showing Equatorial Guinea how the EU and other ACP states participate and view the essential elements of the Agreement: human rights, rule of law, good governance and democratic principles. Binding Equatorial Guinea into a relationship with the EU at this stage, as it proceeds towards accession, may help advance our governance objectives.

24 January 2011

EU – CANADA: FRAMEWORK AGREEMENT

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to let your Committee know that on 6 December the Council and the Member States meeting within the Council, by two decisions, authorised the negotiation of a Framework Agreement between the European Union and its Member States and Canada. This letter reflects our commitment to engage with the Committees by keeping them informed on areas that will require scrutiny at a later date. There is no clear date for when this might be, but current expectations are towards the end of this year/early next year.

The intent is for a new Framework Agreement to replace the 1976 Framework Agreement for Commercial and Economic Cooperation, and subsequent sectoral Agreements. The Commission had argued that the 1976 agreement was outdated and did not take into account the possibilities of closer co-operation with the EU post Lisbon. Therefore it is hoped that the new agreement will cover enhanced political dialogue and fields such as justice, freedom and security, economic co-operation (on issues that are not addressed by the CETA negotiations mentioned below) and additional areas of common interest (e.g. Human Rights, cooperation on non-proliferation, cooperation on development etc).

There is no clear time frame for the negotiations to end, but they will be conducted in parallel with the ongoing negotiations for the EU Canada Comprehensive Economic and Trade Agreement, which the European Commission hopes to complete by the end of this year. A successful conclusion of the CETA is estimated to be initially worth around an additional £423 million per year for the UK economy. It is the Commission's intention to create a legally binding link between the two agreements as per established EU policy.

As the mandate for the Framework Agreement covers areas that fall within the competences of the Member States and the European Union, the Commission will lead the negotiations on behalf of both the Member States and the Union without prejudice to future decisions on the final legal nature of the Agreement. This will be determined at the end of the negotiations. In addition, The High Representative, not the Commission, will negotiate those items relating to the field of the common foreign and security policy.

17 March 2011

EU EXTERNAL ACTION SERVICE

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

You asked me in your letter of 22 October to keep you informed regarding the progression of negotiations to establish the European External Action Service.

The Financial and Staff Regulations were adopted on 17 November, with the amendments as set out in my letter to the Lords and Commons Scrutiny Committees of 19 October. I attach the Council press release here.

Since then Baroness Ashton has been filling a series of key senior posts to get the EAS up and running. These include; Pierre Vimont Executive Secretary General, David O'Sullivan Chief Operating Officer, Helga-Maria Schmid Deputy Secretary General of the EEAS for political affairs, Maciej Popowski Deputy Secretary General of the EEAS for inter institutional affairs and Olof Skoog PSC Ambassador. They are also a number of more junior posts to be filled in Brussels and in EU Delegations globally. We are fielding a good selection of British candidates. Baroness Ashton held a launch for the EEAS on 1 December although in practice there was no particular change in arrangements in Brussels on that date. You may be aware that agreement of the additional 2011 budget for the EEAS is held up by other budget issues. These may affect the completion of some of the appointments.

I apologise for not responding before the recess. This was due to an oversight in my Private Office.

7 January 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

It has come to my attention that a set of questions asked by the previous European Scrutiny Committee on 15 July 2009 have not been answered by the FCO. I apologise that these questions

remained unanswered for so long. As you know, I continue to take our scrutiny obligations seriously and the measures the FCO has put in place recently should prevent such oversights in future.

The Committee's questions related to an Explanatory Memorandum submitted by Baroness Kinnock covering the Mid Term Review of the financial instruments for EU external action and a set of related changes to the regulations that governed the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR), the Instrument for Stability (IFS) and the Instrument for Cooperation with Industrialised and other high-income countries and territories (ICI). The Explanatory Memorandum is, therefore, still held under scrutiny. I enclose an extract from the relevant Committee report.

The Committee stated that "the Minister indicates that the proposed amendments to the regulations [proposed in the Mid Term Review] are not entirely straightforward. We should therefore be grateful if the Minister would write to us after the "overview" Communication has been considered by the Council; and would also keep us informed about discussions with the European Parliament."

When the Commission published the Mid Term Review it produced a short "overview" Communication (30572) which summarised the main changes proposed to the instruments in the more detailed Commission Staff Working Document (30573). The "overview" Communication was not considered again by the Council after July 2009. The changes to the regulations governing each of the instruments were considered by the relevant Council working groups during the course of autumn 2009 and early 2010 with proposals put to the European Parliament. The European Parliament considered all of the proposed changes to the instruments and set out its first reading opinion on 21 October 2010. The Competitiveness Council considered the EP's changes on 10 December 2010.

I regret that the FCO did not submit the Common Position on the ICI for scrutiny before it was considered by the Council on 10 December 2010. The UK made clear at the Council that it had not received policy or scrutiny clearance for the dossier and so voted against the Common Position. It was, nonetheless, agreed. I have included with this letter an Explanatory Memorandum that sets out the Government's view on the Council's Common Position.

On 17 December the Commission issued a supportive response to the Council's Common Position. I enclose the relevant document. We will keep the Committees informed on the progress of this dossier through the remaining stages.

The Committee report of July 2009 also asked that the Minister "continues to keep us informed over the unresolved question of where the €600 million for the new Eastern Partnership is to be found."

The Eastern Partnership was launched in May 2009. It aims to support and promote security, stability and prosperity through economic integration and political association with the six partner countries of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. It has been allocated €600 million between 2010 and the end of the Financial Perspective in 2013. The UK supports the Eastern Partnership as our principal mechanism for extending stability to the countries on the EU's borders.

At the time of the Explanatory Memorandum in July 2009 there was still a question about how the Eastern Partnership would be funded. Since then, €250 million was reallocated from the existing ENPI (European Neighbourhood Partnership Instrument) envelope for 2010-2013, from funding earmarked for Regional East activity, and the remaining €350 million was found from the margins of Heading 4 ('Europe as a Global Player'), which covers all EU external funding instruments. The funding for the Eastern Partnership after 2013 will be resolved as part of the overall negotiations on the next Financial Perspective. My predecessor, Chris Bryant MP, wrote to the Committees providing an update on the Eastern Partnership on 30 March 2010. I enclose copies of the letters which provide further detail.

10 January 2011

EU – IRAQ PARTNERSHIP AND COOPERATION AGREEMENT (16152/10, 16179/10)

**Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO,
Foreign and Commonwealth Office to the Chairman**

I am writing to inform you about the delay in submitting an Explanatory Memorandum (EM) on the Proposals for Council Decisions on the EU/Iraq Partnership and Cooperation Agreement (PCA).

The Proposals were deposited in November 2010. However, there was difficulty reaching agreement between Member States on draft texts for the Council Decisions. This was due to a lack of clarity on the provisional application of some elements of the agreement by the Commission, and extended

discussion on the appropriate legal bases for the Agreement at working group level in Brussels. I delayed sending the EM for UK parliamentary scrutiny on the basis that it would need to be amended following the outcome of the discussions in Brussels.

The discussion on the appropriate legal bases has continued into February 2011. The FCO has been coordinating input from relevant departments to ensure the bases meet UK legal requirements. FCO officials have kept the Scrutiny Committee clerks fully informed.

The discussions in Brussels are drawing to a close. However, I am also aware of the concerns that the Scrutiny Committees have raised recently in regard to PCAs. Some of these concerns are relevant to the Iraq PCA, particularly in regard to Title V of the TFEU (JHA).

FCO officials are giving careful consideration to the legal base issue. In view of these factors I think that it would be sensible to wait until we have reached a decision on the way forward before submitting the EM for the Iraq PCA. We have registered a scrutiny reserve in Brussels in the interim.

28 February 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

You will be aware from our correspondence that there are unresolved issues with respect to the application of the JHA opt-in and the citation of legal bases in agreements between the EU and its Member States, and third countries. Consequently a number of these agreements remain under scrutiny with your Committee. I am aware that your Committee's concerns will also apply to the attached Council Decisions on the EU-Iraq PCA.

Most recently, these issues arose in the context of the Philippines PCA Council Decision. We are in the process of interdepartmental consultation prior to my appearance before the ESC evidence session on 27 April 2011.

I wrote to you in February to explain the delays in submitting an Explanatory Memorandum on the Iraq PCA, and to inform you of my intention to wait until we had completed our consideration of the legal bases issue before submitting. Your Clerk has, however, requested that the Explanatory Memorandum be sent to your Committee. This is on the understanding that we are not in a position to comment in detail on some of these issues at this stage.

For this reason we have not provided a definitive list of the articles that can be considered pursuant to Title V at this stage. I will write to your Committee again once we have more clarity on the issue. I will also submit a revised Explanatory Memorandum following the evidence session on 27 April.

04 April 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above documents at its meeting on 5 May and cleared them from scrutiny.

We note that the Partnership and Cooperation Agreement (PCA), and the Decision to sign and provisionally apply it, rightly recognise the fact that the United Kingdom has not exercised its opt-in relating to those matters falling within the scope of Title V of Part Three TFEU. We also welcome your letter of 4 April, in which you stated your commitment to write to the Committee with further information on the articles that should be cited in the Council Decision pursuant to Title V TFEU.

We look forward to hearing from you on this matter in due course.

05 May 2011

EUJUST LEX IRAQ

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 3 March and cleared it from scrutiny.

The Sub-Committee were pleased to hear that an Impact Assessment had been made of the mission's effectiveness, as we have previously stressed the importance of evaluating missions.

You explained in your letter that the increased costs will be covered from within the CFSP budget, but it is unclear whether this will be taken from an underspend or from the budget of another mission

or whether, in fact, it was always foreseen in the mission's projected budget. I would be grateful if you would clarify this point.

I look forward to hearing from you within the standard 10 day period.

8 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing to you in response to your letter of 8 March in which you requested further information on the recent increase to EUJUST LEX-Iraq's (EUJL) budget.

The increase to EUJL's budget will be achieved through allocating funds that have yet to be committed within the total CFSP budget.

EUJL's previous budget was approved in June 2010 when the mission's mandate was last extended. The increase to fund the in-country expansion was not factored into this budget as costs were then unknown. EU Member States agreed in October 2010 on the most cost effective and efficient means of expanding EUJL's presence in Iraq and, in negotiating the budget increase, the UK argued for costs to be as low as possible without compromising the effectiveness of the mission. The budget increase was subsequently reduced from an initial proposal of €5.1 million to the final total of €4.8 million.

21 March 2011

EU – MONGOLIA: PARTNERSHIP AND COOPERATION AGREEMENT (7853/11)

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to outline a number of ongoing issues relating to the scrutiny of EU third country agreements that will impact on your scrutiny of the Council Decision for the EU-Mongolia PCA.

You will be aware of our correspondence that there are unresolved issues with respect to the application of the JHA opt-in and the citation of legal bases in agreements between the EU and its Member States and third countries, and that consequently a number of these agreements remain under scrutiny. We are aware that the same concerns will apply to the Council Decision on the EU-Mongolia PCA to which the attached EM relates.

Most recently, these issues arose in the context of the Philippines PCA Council Decision, and we are in the process of interdepartmental consultation prior to my appearance before the ESC evidence session on 27 April 2011. Your Clerk has indicated informally that we should submit the Explanatory Memorandum for the EU-Mongolia PCA, on the understanding that we are not in a position to comment in detail on some of these issues at this stage.

For this reason we have not provided a definitive list of the articles that can be considered pursuant to Title V at this stage. We will write to the Committees as soon as possible to provide more detail once we have concluded consideration of the issues concerned.

We will update the attached EM following the evidence session and keep the Committee informed of any other developments relating to the EU-Mongolia PCA. I apologise for any delay this will cause in your scrutiny of this Council Decision.

There are also a number of other EU - third country PCAs at various stages of development in Brussels, these include; Brunei Darussalam, China, Malaysia, Moldova, Ukraine, Kazakhstan, Singapore and Thailand. I will be writing to you in due course about these agreements.

29 March 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 28 April and cleared it from scrutiny.

Thank you for your letter of 29 March. As you are aware this Committee is of the view that a proposal must have an explicit legal basis found in Title V of Part Three of the Treaty on the Functioning of the EU in order for the UK opt-in under Protocol 21 to apply. We note that you anticipate further consideration of the legal basis for this proposal. Ultimately, of course, any legal basis cited must be justified by the aim and content of the measure irrespective of any consideration of whether or not the UK opt-in applies as a consequence.

We look forward to an update on this issue before the summer recess.

04 May 2011

EU – NATO RELATIONS

Letter from Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence, to the Chairman

Thank you for your letter of 19 January. In response to the Committee's expressed interest in EU-NATO relations, I would like to take this opportunity to provide you with further information on measures to improve cooperation between the two organisations.

A true institutional relationship between the EU and NATO is only likely to be possible following a Turkey/Cyprus settlement. Currently, the two organisations can only meet formally at the political level to discuss 'Berlin Plus' operations run by NATO for the EU (at the moment only Operation Althea in Bosnia), where Cyprus is excluded at the insistence of Turkey. Cyprus retaliates against this by blocking any new proposals for institutional-level cooperation. Improving working-level co-operation is, however, possible, albeit slowly and in incremental steps, and this is a UK priority.

The prevailing political climate presents opportunities to progress: NATO Allies and EU Member States recognise the need to improve co-operation; NATO Secretary General Rasmussen and EU High Representative Ashton have both given this issue their personal attention, and they have a good working relationship on this.

We have been determined from the outset to drive home the message that the EU should not, nor can it afford to, seek to duplicate NATO. In pursuit of this, we have worked with Allies and European partners, Germany in particular, to ensure that work to develop capabilities is not duplicated between the EU and NATO. The UK is a member of the EU-NATO capability group, designed to deliver coherence and complementarity between the two organisations in capability development. C-IED and Medical Support have been identified as initial areas for cooperation. Heavy-lift helicopters, maritime situational awareness and unmanned air vehicles have also been identified as among the highest priority areas for developing capability solutions collaboratively between NATO and the EU.

At present, Cyprus blocks the establishment of an administrative arrangement that would allow Turkey to work with the European Defence Agency (EDA). We continue to support and encourage any initiatives that would lead to conclusion of an administrative arrangement between Turkey and the EDA. As a reciprocal gesture to Cyprus, we press for all EU Member States to be part of the strategic partnership between the EU and NATO.

We encourage as much practical co-operation as possible on the ground in operations. The European Union Rule of Law (EULEX) policing mission in Kosovo has assumed more responsibility for security, reflecting the earlier situation in Bosnia where NATO handed over smoothly to the European Union Force in 2004 using the Berlin Plus arrangements. This has been a success, with NATO's Deputy Supreme Allied Command Europe (DSACEUR) acting as Operation Commander of Operation ALTHEA. In Afghanistan, links between the NATO-led International Security Assistance Force (ISAF) and the European Union Police Mission (EUPOL) Afghanistan have been improving. Although there is no guaranteed access or formal agreement with ISAF, recently there have been some positive steps in both organisations, with agreement in both the latest EUPOL and ISAF mandates on the need for cooperation between the two organisations. As a result of the efforts of the UK and the international community, in October last year ISAF agreed a revised version of their Operational Plan, allowing ISAF forces to carry out deliberate planning and operations in support of EUPOL activity. We strongly welcome this step forward.

To build on this progress, UK officials are working further with partners to pursue further informal measures, such as staff-to-staff contacts. The UK regularly presses this issue with EU and NATO colleagues, and we welcome the fact that the Lisbon and EU-US Summits gave strong endorsement to closer NATO-EU cooperation. We also fully support the conclusions of the September European Council calling on Baroness Ashton to take forward work in this field.

14 February 2011

EU – PHILIPPINES: FRAMEWORK AGREEMENT ON PARTNERSHIP AND
COOPERATION (13615/10)

**Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO,
Foreign and Commonwealth Office, to the Chairman**

I am writing to inform you that the Council Decision on the signing of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part has been further revised.

The Council Legal Service has decided to amend the environmental legal base cited in the version of the Council Decision sent to the Committee on 31 January. I attach a revised Council Decision, which reflects the change. Article 192(1) now replaces the earlier reference to article 191(4) of the Treaty on the Functioning of the European Union. We are of the view that this is the better approach. Article 192 is the substantive legal base in question which is required, not 191(4), which is more of a procedural legal base.

The Explanatory Memorandum accompanying the Council Decision was forwarded to your committee on 31 January. Due to the tight timescales involved I hope that this amendment to the Council Decision can be considered through this correspondence.

7 February 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 10 February and cleared it from scrutiny.

With regard to the UK opt-in, we welcome the amendments clarifying the legal position of the Agreement and the recitals of the proposed decision. However, consistent with a view we have expressed previously, that the UK opt-in applies only to EU legislation adopted under an express Title V legal basis, we consider that the citation of Article 79(3) TFEU as the only Title V legal basis is inadequate. This Article only concerns readmission agreements, and, as you recognise, the Title V elements of the Agreement are much broader. We consider that the full range of Title V matters dealt with in the Agreement should be covered by the express legal bases of the Council Decision.

We do not require a response to this letter, but request that the above points be taken into consideration in all existing and future EU negotiations on Partnership and Cooperation Agreements.

14 February 2011

EUROPEAN DEFENCE AGENCY STEERING BOARD

**Letter from the Chairman to Gerald Howarth MP, Minister for International Security
Strategy, Ministry of Defence**

Thank you for your letter dated 18 February, which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 3 March.

The Sub-Committee noted the agreement to freeze the EDA budget for 2011 at the 2010 level (€30.5 million). Does the Government support the move to a three-year EDA budget framework, which would allow the Agency to better plan its work over the medium term?

7 March 2011

Letter from Gerald Howarth MP to the Chairman

Thank you for your letter of 7 March 2011 regarding the European Defence Agency (EDA). I received a similar letter from the Chairman of the House of Commons European Scrutiny Committee, so I am writing to you both along similar lines.

I hope that since the time of your letter you will have received four Explanatory Memoranda relating to EDA business. These set out the policy implications relating to the Head of EDA reports, April 2010 and December 2010; the Council's guidelines for the EDA's work in 2011; and the EDA three-year financial framework 2011-2013 postponement and 2011 budget adoption.

With regards to the latter, although the adoption of a three-year financial framework has never been achieved for the EDA, during 2011 the UK, along with the Agency's other participating Member

States, will look to agree a financial framework for 2012-2014. This should allow the EDA to plan its work programme better and its Member States to factor the associated budget requirements into their respective national programming and plans.

In terms of a replacement for the Council Joint Action (2004/551/CFSP), during the course of 2010 the EDA and its participating Member States have worked together to establish a draft Council Decision which would replace the Joint Action. The change is required following the provisions of the amended Treaty of European Union. From the UK's perspective, our objective was for the replacement document to retain the existing agreed Joint Action text as far as practicable. This was on the basis that the Joint Action has, so far, proved fit for purpose. We expect the draft Decision to be submitted for Council endorsement later this spring when I can assure you it will be scrutinised carefully.

Finally, regarding the UK's participation in the EDA, the Secretary of State for Defence agreed last autumn that we shall remain in the EDA for a period of two years, but that if improvements in the Agency's effectiveness and performance during this period were not forthcoming we would consider withdrawing. We intend to work with the EDA's new Chief Executive, Claude-France Arnould, and other participating Member States to increase the EDA's value through delivering more in terms of addressing capability shortfalls and enhancing EDA co-ordination with NATO. I am encouraged that more Member States now accept the need not to duplicate NATO, a position the current British Government has advocated very firmly from the outset of taking office.

5 April 2011

Letter from the Chairman to Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence

Thank you for your letter dated 20 May on the above meeting. The letter was considered by the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy at its meeting on 25 May.

The Sub-Committee was interested to read the lines you proposed to take at the meeting and look forward to hearing the details of the debate and the outcomes (your paragraph 1). We would also be grateful if in future such information could be sent further in advance of the meeting as your letter arrived on 23 May, the day of the meeting itself.

26 May 2011

EUROPEAN DEVELOPMENT FUND (EDF): ADDRESSING THE NEEDS OF SOUTH SUDAN (9800/11)

Letter from the Chairman to Alan Duncan MP, Minister of State, Department for International Development

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 19 May 2011 and cleared it from scrutiny. We appreciated that DFID and FCO officials were able to arrange a briefing for the Sub Committee at very short notice on this scrutiny item.

We have several concerns. Programming, implementing and monitoring these funds in South Sudan will present a major challenge for the European Commission. The EU's office in Juba does not currently have the capacity for this. Therefore it is essential that the EU appoint a competent Head of Delegation in Juba who has experience of managing aid in a fragile environment. We welcome the Commission's plans to increase its staff numbers in Juba to 10, but are concerned about the slow pace at which this seems to be happening. I have also written to Baroness Ashton, raising these points.

We are also concerned about the rate of programming and disbursement of this tranche of EU aid. Your Explanatory Memorandum (para 3) referred to the rapid disbursement of aid, but unfortunately it will take at least one year from the decision being adopted in Brussels to implementation on the ground. It is important that the EU should act quickly, not least in order to send a strong signal of Europe's commitment to the new state of South Sudan. We therefore urge the Government to put pressure on the Commission to ensure that the EU's aid is implemented as quickly as possible, while taking full account of the risks posed by the frailty of South Sudan which you noted in para 15 of your EM. We would also like to understand what steps the Government intends to take to address these risks and ensure that EU funds are spent well and in line with international aid effectiveness principles.

We look forward to hearing from you by 6th June.

23 May 2011

EUROPEAN DISASTER RESPONSE: THE ROLE OF CIVIL PROTECTION AND HUMANITARIAN ASSISTANCE (15614/10)

Letter from the Chairman to the Rt. Hon Baroness Neville-Jones, Minister of State for Security and Counter-Terrorism, Home Office

Thank you for your letter dated 1 March, which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 10 March.

The Sub-Committee noted your comment that NATO's civil protection exercises tend to be less frequent than EU exercises. We would therefore be grateful if you could supply us with details of NATO and EU exercises over the last five years, including the number of participants and the number of States participating. It is also our impression that NATO is able to subsidise exercises and I would be grateful if you could confirm that NATO has not subsidised exercises, and the extent of EU subsidies.

16 March 2011

Letter from the Rt. Hon Baroness Neville-Jones to the Chairman

Thank you for your letter of 16th March 2011.

You asked me to provide details on NATO and EU exercises over the past 5 years; to confirm that NATO had not subsidised exercises, and to indicate the extent of EU subsidies.

There is no complete central repository of information on participation in NATO exercises. Data are readily available on numbers of States participating in NATO Euro-Atlantic Disaster Response Coordination Centre (EADRCC) and EU civil protection field exercises. Data on numbers of "participants" (including personnel and organisations) are available for recent EADRCC exercises but not for EU exercises. The available information is tabulated and annexed to this letter.

In the absence of comprehensive data for all the listed exercises, details about two recent cases provide illustrative examples. NATO's EADRCC 2010 Exercise Armenia involved about 660 individuals from 25 countries. Participating staff included representatives of the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), the German nongovernmental organisation Johanniter International, and experts from NATO civil emergency planning expert groups. Representatives of the Organisation for the Prohibition of Chemical Weapons, NATO Parliamentary Assembly and the International Atomic Energy Agency were among the observers. The UK hosted 2010 EU Exercise Orion involved at least 2337 personnel, including those from ten other countries. Twenty different organisations participated, including twelve UK Fire and "Rescue Services, the EU Monitoring and Information Centre, the German Aerospace Centre, two American teams, and other bodies.

The NATO civil budget for EADRCC exercises is €200,000 and does not subsidise Allies' participation in EADRCC disaster management exercises. The 28 Allied nations fund their own participation. This principle also applies to the four countries of the Istanbul Cooperation Initiative, and to Israel, Austria, Finland, Ireland, Malta, Sweden and Switzerland. EADRCC subsidy of exercise participation is limited to Partnership for Peace countries of the Former Soviet Union, and countries of the Mediterranean Dialogue other than Israel. The level of subsidy is determined by countries' Gross National Product and is reviewed annually. The NATO civil budget for EADRCC also covers expenses of their International Staff and International Military Staff.

The European Commission provides grants to support civil protection exercises involving Member States. Such grants can cover up to 85% of exercise costs. EU Member States negotiate each year to allocate a total sum for exercises as part of the Civil Protection Financial Instrument's annual work programme. For 2011, the EU earmarked €2 million for grants for exercises and a further €2.2 million for European Commission procurement of exercises on modules (specialised intervention teams) and technical assistance support teams. The EU also decided to earmark for 2011 a further €450,000 for the reimbursement of expenses including for training and exercise observation missions, technical meetings, and the lessons learnt programme. Total EU funding for the 2011 Civil Protection Financial Instrument work programme amounted to €18 million. In these respects, therefore, the EU and NATO EADRCC differ in their financial support for disaster management exercises.

5 April 2011

EUROPEAN INVESTMENT BANK: GUARANTEE FOR PROJECTS OUTSIDE THE
EUROPEAN UNION (10590/10)

**Letter from Stephen O'Brien MP, Parliamentary Secretary of State, Department for
International Development, to the Chairman**

I am writing to your Committee to apologise and to explain why the above-mentioned document was not included in the Scrutiny process.

Document 10590-10 (attached for your information) was an update on a Communication which DFID deposited for Scrutiny on 22 June 2010 (EM 9046-10). When document 10590-10 was released by the Council Secretariat to Member States, the Cabinet Office mistakenly sent it to HM Treasury to consider Scrutiny handling (the Treasury had originally been identified as the lead Department, before it was passed to DFID). Unfortunately this administrative error was not noticed and the document was never transferred to DFID for Scrutiny handling. The document was also not identified by DFID's policy teams as potentially relevant to the Scrutiny process.

I am fully aware that all documents concerning EU legislation have to be examined in the UK Parliament. I have instructed DFID's policy teams to monitor very closely any documents issued by the Commission and asked them to liaise with the DFID Scrutiny team to prevent any future mishandling.

I would also like to explain how the UK's position, as set out in EM 9046-10, has been reflected in the final proposal for legislation which these documents refer to.

HMG fully supports continued EIB lending outside of the EU. We have supported several recommendations already contained in the Wise Persons report: streamlining the mandate to a single set of objectives; enhancing EIB's cooperation with the Commission; releasing the optional mandate of €2 billion (£1.68 billion) in support of the fight against climate change; encouraging the increase of EIB operations outside the EU without recourse to the EU guarantee to support EU external policy; and introducing a 'Blending Platform for cooperation and development' to optimise the functioning of EU facilities blending grants and loans outside the EU.

All these proposals have been included in the EU proposal for legislation, which is now being discussed in the European Parliament. The Parliament is expected to approve a final text in the next few months.

3 December 2010

EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES: EUROPEAN UNION
SATELLITE CENTRE

**Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO,
Foreign and Commonwealth Office, to the Chairman**

I am writing to let your Committee know that further to the Explanatory Memorandum submitted by the Foreign and Commonwealth Office on 5th May concerning which EU organisation should take on the legacy tasks of the Western European Union (WEU) when it closes at the end of June, a decision has now been taken at working level in Brussels that the EU Satellite Centre (SatCen) should take on these tasks. I have attached the latest draft Council Decision amending the Joint Action on the establishment of the SatCen for your information. While we considered that both the SatCen and the EU Institute for Security Studies were equally suitable, the majority of Member States judged that on balance the SatCen was best placed. We were content to agree. Formal approval of the Decision by the Council is expected shortly, subject to national scrutiny agreement.

You should also be aware that an agreement in principle has been reached to create a start-up fund to be built up gradually to €5.3m, paid for by the ten WEU Member States. The fund would guarantee that the WEU successor entity has sufficient liquidity to ensure that the WEU legacy tasks would not be affected by any late contributions from a Member State. WEU Member States currently expect to put 20% towards this fund by 30 June 2011, of which the UK share would be €180,000.

16 May 2011

**Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO,
Foreign and Commonwealth Office, to the Chairman**

I am writing to update you and your Committee on the 26th EU-Russia Summit that took place in Brussels on 7 December 2010. Historically your Committee has been interested in EU-Russia interaction and I am keen to keep you as up to date as possible. I am therefore writing to inform you of discussions at the event, though I must stress that these impressions come via the Belgian Presidency, which represented Member State views.

The Summit was hosted by President of the European Council, Mr Herman Van Rompuy, accompanied by President of the European Commission, Mr Jose Manuel Barroso, High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton and Trade Commissioner Mr. Karel de Gucht. The Russian side was represented by Mr Dmitry Medvedev, President of the Russian Federation, accompanied by Mr Sergei Lavrov, Minister of Foreign Affairs, and a number of other senior ranking ministers. In reporting the discussions below, I refer to the 'EU' side, covering the input of Council and Commission.

The Summit focused on EU-Russia relations; climate change and energy; and the global economy. The two sides discussed a range of international issues including the Iranian nuclear programme and the OSCE Astana Summit. More detail on the discussions follows below.

EU-RUSSIA RELATIONS

The EU welcomed the successful recent conclusion of bilateral talks on key outstanding elements of Russia's accession to the World Trade Organisation (WTO), and expressed continued strong support of Russia's accession. It emphasised the need for Russia to remove remaining protectionist import tariffs. The EU raised Siberian overflight charging and requested that this be lifted well ahead of Russia's WTO accession. Russia thanked the EU for its support on WTO and said that the Siberian Overflight agreement would be implemented once WTO accession negotiations were complete.

The two sides signed the progress report on the Partnership for Modernisation and agreed that it was important that cooperation under the Partnership was broad-based (i.e. that it covered the full range of modernisation issues, including rule of law and human rights). President Medvedev described the Partnership for Modernisation as a 'unifying' factor in the EU-Russia relationship. Welcoming the progress made through the Partnership, the President emphasised that it would take some time to transform the Russian political system and civil society.

The EU noted progress on the New EU-Russia Agreement, but emphasised that further progress was urgently needed, including on energy and trade aspects. The Russian side agreed that trade and investment issues were important but requested that they be discussed in greater detail at the forthcoming meeting of the Russian government and the Commission in February.

The EU raised concerns about human rights in Russia, particularly regarding the North Caucasus and the situation for journalists and human rights defenders. The EU raised the cases of Oleg Kashin and Sergei Magnitsky specifically. The EU called on the Russian side to involve relevant ministries and agencies in the EU-Russia human rights dialogues. President Medvedev underlined that human rights were under his personal supervision and set out the work he is undertaking to address the situation.

On visas, both sides welcomed the understanding reached on how to proceed towards possible visa liberalisation between Russia and the EU Schengen zone states through the launch of a list of mutually agreed, practical 'common steps'. Russia was clear that it understood that there was no automaticity in this process, but emphasised that visa freedom was an extremely important issue for the EU-Russia relationship, calling it a 'litmus test'.

CLIMATE CHANGE AND ENERGY

The EU pushed for a more ambitious Russian position in Cancun. It was in Russia's interest to have robust carbon prices as they would sustain strong EU demand for Russian gas. Russia said it was willing to consider further reduction of greenhouse gas emissions. But it was tactically wrong to go too far whilst the US and developing countries were not on board. Russia thanked relevant Member States for their assistance during the summer's wildfires and said their support was an important sign of solidarity between the EU and Russia.

The EU reminded Russia of its comments at the previous EU-Russia Summit in May 2010, that the Energy Charter Treaty was suitable for discussion on a multilateral energy framework. It stressed the need for EU-Russia energy relations to be transparent and predictable, and for the New Agreement

to contain substantial energy provisions. The Russian side confirmed that Russia was prepared to work on the basis of a revised or amended energy charter, taking into account the concerns of producer countries. Russia raised its earlier concerns about the EU's Third Energy Package and appealed to the EU to pay closer attention to Russian interests before adopting such legislation. President Medvedev referenced improved Russia/Ukraine bilateral relations and said that there would be no problems with gas supplies to the EU. (At the press conference following the Summit, President Medvedev said 'If there will be money, there will be gas').

GLOBAL ECONOMY

Exchanges on the economy focused on recent developments in the Euro zone and the G20 context. Good cooperation between the sides on global economic issues, especially through the G20, was welcomed. It was important that the Seoul action plan was implemented. Russia stressed its support for the Euro ('not just a currency – it stands for Europe') and emphasised the importance of a stable Euro zone for Russia and the global economy.

INTERNATIONAL ISSUES

The EU side briefed on the outcome of negotiations in Geneva on Iran nuclear. The Iranians had agreed to meet again in Istanbul by the end of January.

Russia gave its views on the OSCE Astana Summit: despite good work by Kazakhstan, the Summit had highlighted that the OSCE was not a fully operational and workable organisation. The EU said that although it was regrettable that an action plan had not been agreed, the Summit had contributed to reinvigorating the OSCE, and that progress had been made in the EU-Russia-US discussions, including on Georgia and Moldova.

The EU emphasised its firm support for Georgia's territorial integrity, reiterating that Russia needed to implement all obligations under the 12 August and 8 September 2008 agreements and that EUMM had an important role to play.

ASSESSMENT

We understand that the EU-Russia Summit was conducted in a friendly, open and constructive atmosphere. It is particularly encouraging that the Summit boosted the positive momentum on Russia's accession to the World Trade Organisation. A clear message was also delivered to Russia by the EU side on the need to make progress on the negotiations for a New EU-Russia Agreement. Russia's accession to the WTO would ease the path towards finalising the New EU-Russia Agreement (and ensuring it contains detailed trade and energy elements).

10 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter on the EU-Russia summit held in Brussels on 7 December 2010, which the Lords' EU Sub-Committee on Foreign Affairs, Defence and Development considered at its meeting on 20 January.

Under the heading of international issues, you referred to progress in the trilateral (EU, Russia, US) discussions on Georgia and Moldova. We would be grateful for further information on those discussions. Does the EU continue to defend firmly the territorial integrity and independence of Georgia and Moldova in its dialogue with Russia?

We look forward to hearing from you within the standard ten working days.

25 January 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your reply to my letter on the EU-Russia Summit.

A key UK and EU ambition for the OSCE Summit in Astana was agreement on action to advance resolution of the conflicts in Georgia and Moldova in a manner which fully supported both countries' independence and territorial integrity. We had no illusions about the task: in discussions leading up to the Summit, Russia remained resistant even to mentioning the conflicts by name. Negotiations on our concerns were intense, and conducted in a wide range of formats, including informal meetings between the EU, US and Russia. These made some progress, but the minimalist references Russia was

willing to consider were not acceptable to Georgia and Moldova, and no language on these issues could be agreed for the Summit Declaration.

The EU continues to call on Russia to fulfil its commitments, in particular under the Sarkozy-Medvedev agreements. On the basis of the Helsinki principles and rejection of Russia's attempt to change international boundaries by force, the EU supports Georgia's territorial integrity and has a clear non-recognition policy towards Abkhazia and South Ossetia.

The EU also fully supports Moldova's territorial integrity and its main priority is for the resumption of the formal 5+2 talks. At the 31 January Foreign Affairs Council, High Representative Ashton indicated that the EU would focus on the frozen conflicts in the neighbourhood in the run-up to the next EU/Russia Summit in the first half of 2011.

8 February 2011

FINANCING DEVELOPMENT: TOWARDS THE EU OFFICIAL DEVELOPMENT ASSISTANCE PEER REVIEW (9334/11)

Letter from the Chairman to Stephen O'Brien MP, Parliamentary Secretary of State, Department for International Development

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 19 May 2011 and cleared it from scrutiny.

We welcome this Communication from the Commission but have several concerns. We were struck by the significant volume of money flowing to developing countries in the form of migrant remittances, and welcome the EU commitment to "lower the cost of and facilitate remittance transfers". However, the Commission points out that the cost of sending remittances fell in some Member States but rose in others. We are particularly concerned that the average cost of transfers, at 8.89%, is still considerably higher than the 5% target set by the G8 summit in 2009, to be achieved by 2014¹. The elimination of unjustified transfer costs is a priority as it would allow a greater proportion of remittances to reach poor people in developing countries. What action are the Government and the EU taking to tackle this issue?

We also welcome the Communication's focus on domestic revenue mobilisation by developing countries, which will ultimately allow them to overcome dependence on international aid. The Communication states that the EU will continue to promote good governance in tax matters, including through transparency, exchange of information and fair tax competition. The Commission suggests that one way to achieve this would be the disclosure by multinational corporations of financial data on a country-by-country basis to enhance transparency and corporate governance. As a global financial hub, the UK has an opportunity to play a leading role in advancing good governance in international tax matters, including in its overseas and dependent territories and through its supervision of the Crown Dependencies. We would welcome an update on the steps the Government and the EU are taking to make progress on these important issues.

Finally, we would be grateful for some information on EU funding for climate change projects in developing countries. Broadly speaking, what kind of activities are EU development funds being spent on?

We look forward to hearing from you within fifteen working days.

GUINEA-BISSAU: SECURITY SECTOR

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

Thank you for your letter of 29 November, replying to my letter of 15 November on the EU Security Sector Reform Mission in Guinea Bissau. Your letter was considered by the EU Sub-Committee on Foreign Affairs, Defence and Development Policy on 9 December.

We welcome the lessons learned from this Mission, as set out in your letter. We are pleased that the Government has committed to take these lessons into account in the planning of future EU Common Security and Defence Policy (CSDP) missions. The EU Sub-Committee on Foreign Affairs, Defence

¹ See p.64, Addendum I to the Commission Communication.

and Development Policy will also take account of these lessons in its future scrutiny work on EU missions.

10 December 2010

HUNGARIAN RESIDENCY PRIORITIES FOR DEFENCE

Letter from Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence, to the Chairman

I am writing to give you an overview of the Hungarian Presidency's priorities in the area of Defence over the next six months. I hope that this will help you to plan scrutiny of dossiers that may be considered by the Foreign Affairs Council (in Defence Ministers formation) during this period. The Hungarian Presidency plans to host the following Defence Ministers' meetings:

- 24-25 February - Informal Meeting of Defence Ministers in Budapest;
- 24 May - FAC (Defence/Development) in Brussels.

This is the first Presidency in which the High Representative will lead on foreign and security policy. During this transition, while the Hungarian Presidency will remain involved in developing the Common Security and Defence Policy (CSDP) agenda, it will not exercise the same control as was previously the case.

The European External Action Service (EEAS) became fully operational at the start of the Hungarian Presidency. The Hungarians see conflict prevention as an important theme for the EEAS.

The Hungarian Presidency may also wish to discuss the implementation of Lisbon Treaty Instruments within CSDP, for example Permanent Structured Cooperation. Following on from UK suggestions during the Belgian Presidency, discussions should also continue on Pooling and Sharing in Capability Development.

The Presidency has indicated that it will prioritise the running of Civilian Missions. It is likely to focus discussions on management, civilian pre-deployment training, and legal/financial issues.

We shall continue to insist that there is no duplication of effort with NATO, and that the EU should concentrate on the delivery of capabilities, not institution building. I should also like to remind you that we were successful in securing a freeze in funding of the European Defence Agency for 2011.

24 January 2011

ICI: THE EU'S FINANCIAL INSTRUMENT FOR CO-OPERATION WITH INDUSTRIALISED COUNTRIES AND TERRITORIES (16440/10, 18129/10)

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to you in response to the Committee's decision to hold a recent Explanatory Memorandum (EM) under scrutiny. The EM in question concerned proposed amendments to the regulation governing the EU's financial instrument for cooperation with industrialised countries and territories (ICI).

The Committee asked for further information to be provided once the European Parliament (EP) has responded to the Council's proposed amendments. The EP will consider these amendments in the coming months. I would like to assure the Committee that, once a response has been received by the Council, I will provide the necessary information to the Committee. As requested, I will also report on the success of the new FCO Parliamentary Scrutiny procedures in six months' time.

In addition, the Committee asked that I comment on the Commission's goal of providing the EP with "appropriate oversight over the formulation of external cooperation strategies and the proper implementation of external financial instruments" and whether this safeguards or changes the status quo. The Commission's aim is to safeguard the status quo by encouraging the EP to accept an enhanced scrutiny process, but does not seek to give the EP increased control or veto over external programmes.

3 February 2011

INCLUSIVE GROWTH AND SUSTAINABLE DEVELOPMENT, EU BUDGET SUPPORT TO
THIRD COUNTRIES AND AN UPDATE ON HUNGARIAN PRESIDENCY PRIORITIES
(16146/10, 15240/10)

**Letter from Stephen O'Brien MP, Parliamentary Secretary of State, Department for
International Development to the Chairman**

I am taking this opportunity to update the Committees on my Department's responses to the European Commission's recent consultations on development policy and budget support, and to set out the current Hungarian Presidency's development priorities.

GREEN PAPER ON EU DEVELOPMENT POLICY IN SUPPORT OF INCLUSIVE GROWTH AND SUSTAINABLE DEVELOPMENT

In drafting our reply to the Commission's Green Paper on development policy, DFID consulted with its country offices, Whitehall colleagues, civil society groups and NGOs. We also sent the Green Paper to both Parliamentary Scrutiny Committees for their consideration. In the Government's response to the consultation, we emphasised that EU development policy should:

- Stay focused on poverty reduction
- Promote economic growth and the role of the private sector
- Demonstrate clear results
- Improve aid transparency
- Ensure coherence between development and wider EU policies
- Meet our commitments aid volumes
- Review our approach to aid effectiveness and strategic partnerships

I have attached the Government's full response (Letter addressed to Andris Pieblags dated 3 February 2011).

GREEN PAPER ON THE FUTURE OF EU BUDGET SUPPORT TO THIRD COUNTRIES

In responding to the Commission's Green Paper on budget support, DFID consulted with its country offices and with colleagues at the Foreign and Commonwealth Office. We also sent the Green Paper to both Parliamentary Scrutiny Committees for their consideration. The Government's response took into account the ongoing reviews of DFID's bilateral and multilateral aid programmes (due to be published on 1 March) and emphasised that EU policy on budget support should:

- Provide greater transparency about budget support allocation decisions
- Show how budget support can help to achieve a stronger focus on results and value for money
- Strengthen domestic accountability in partner countries
- Raise political governance issues through its dialogue on budget support with partner governments

I have attached the Government's full response (Fokion Fotiadis dated 14 February 2011).

UPDATE ON HUNGARIAN PRESIDENCY PRIORITIES

Hungary's EU Presidency began on 1 January 2011 and will end on 30 June, to be succeeded by Poland. I have set out below the development policy issues which their Presidency will oversee:

GREEN PAPER ON EU DEVELOPMENT POLICY IN SUPPORT OF INCLUSIVE GROWTH AND SUSTAINABLE DEVELOPMENT

Following the Green Paper consultation, a Commission Communication is expected in June and will therefore be handled by the Polish Presidency. It is still unclear whether the Commission intends to focus on growth or to consider the future of EU development policy more broadly. The UK's view is set out above and in the attached letter.

GREEN PAPER ON THE FUTURE OF EU BUDGET SUPPORT TO THIRD COUNTRIES

The Commission is collating responses to its Green Paper on the future of EU Budget Support. A Communication is expected in June / July, and will therefore be handled primarily by the Polish Presidency. The UK's view is set out above and in the attached letter.

MULTI ANNUAL FINANCIAL FRAMEWORK 2014-2020

The Commission is currently collating responses to its public consultation on the future of its external instruments and is expected to table proposals for the next Multi Annual Financial Framework 2014-2020 (MAFF) under the Hungarian Presidency. Initial negotiations will fall to the Polish Presidency. A coordinated UK negotiating position on the MAFF is currently being drawn up across Whitehall. On development this is likely to include the aims of maintaining ODA levels as a proportion of the EU budget and opposing the budgetisation of the European Development Fund (EDF). A high level UK view on the future of EU external instruments will be sent in March 2011 to Commissioners Ashton, Piebalgs and Füle from the Secretary of State for Development and the Foreign Secretary.

APRIL PACKAGE AND OFFICIAL DEVELOPMENT ASSISTANCE (ODA)

In April the Commission will produce a Communication with results from the Monterrey Questionnaire on Member States' ODA levels (the "April Package"). The Council has committed to an annual discussion of ODA levels by Heads of State. The UK will press for this at the June European Council.

AID EFFECTIVENESS AND TRANSPARENCY

The EU is preparing a position ahead of the High Level Forum IV on Aid Effectiveness in Busan in November. This will be finalised once evidence from the Paris survey on aid effectiveness is released in June / July, with most work falling to the Polish Presidency. The UK's priority is to ensure strong ongoing commitment in Europe to the aid effectiveness agenda, including international political leadership.

WATER AND SANITATION

We understand the Hungarian Presidency will produce a Presidency paper on water and take forward Conclusions through the Environment Council. The EU supports their focus on water and sees EU Preparations for Rio+20 as a significant opportunity to address the issue of water resource management for sustainable growth.

UN LEAST DEVELOPED COUNTRIES SUMMIT (LDC IV)

An EU position will be agreed ahead of the LDC IV conference in Istanbul on 9-13 May. The UK will engage supportively in preparation of the EU position on issues such as debt sustainability and management, gender equality and building on the Duty Free Quota Free agreement reached at Seoul.

SUDAN

The South Sudan referendum on secession has resulted in an overwhelming vote for independence. South Sudan was discussed at the Development Ministers' Informal in February, and the idea of a high level meeting in summer was mooted. A key issue is ensuring a fast-track accession to the Cotonou Agreement, and therefore access to EDF funds, for the new South Sudan. The UK believes it is important to ensure that South Sudan has the capacity and levels of governance in place to absorb EU and other donor funds before allocating significant additional resources.

EUROPEAN DEVELOPMENT FUND (EDF)

The EDF 10 Performance Review will be published in Spring 2011. This was mandated by the Cotonou Agreement and asked the Commission to look at EDF cooperation post-2013. The review will look at commitments, payments, lessons learned, results, and impact but will not address EDF budgetisation, which the Commission will handle separately. The UK would like to see a greater focus on results and value for money across the EDF.

HUMANITARIAN AID

During the Hungarian Presidency, the Council will work on the EU's renegotiation of the Food Aid Convention, plans to adopt Conclusions on the European Voluntary Humanitarian Aid Corps, and the mid-term review of the European Consensus on Humanitarian Aid. Work will also begin on proposals for legislation to revise the Council Regulation 1257/96 concerning Humanitarian Aid. It is expected the majority of the work will fall to the Polish and Danish Presidencies. The UK is concerned about the development of a Voluntary Humanitarian Aid Corps, and will take an active interest in the specifics of the proposal. The UK's detailed view on EU Humanitarian Assistance will be set out in the Multilateral Aid Review.

2 March 2011

IRAN: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a proposed EU Council Decision and EU Council Regulation implementing restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran.

You will recall that I wrote to your Committee on 29 March (amended on 4 April) alerting you to the EU activities that might take place during Recess when your Committee was not sitting. As I advised, the Foreign Affairs Council of the European Union decided on 21 March to impose restrictive measures against human rights violators in Iran.

The legal acts required for these measures to enter into force have now been finalised. A copy of the proposed draft EU Council Decision and EU Council Regulation which are due to be adopted at the Foreign Affairs Council on 12 April are also being provided to your Committees, with the accompanying Explanatory Memoranda. The measures will enter into force on the next day. The list of individuals will also be finalised as a part of this process. I will endeavour to update your Committee with these further details as soon as final agreement has been reached.

It is regrettable that it has been necessary to pursue such action while your Committee is not sitting, however, I hope you will appreciate that it was necessary to adopt these measures without delay.

08 April 2011

JOINT EU-AFRICA STRATEGY AND EU AFRICA SUMMIT UPDATE (16679/10)

Letter from Stephen O'Brien MP, Parliamentary Secretary of State, Department for International Development, and Henry Bellingham MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

We are writing to update you on the latest developments of the Joint Africa-EU Strategy (JAES) following the Ministerial Meeting of 18 November in Malawi and the 3rd EU-Africa Summit of 29-30 November in Tripoli. This letter also takes account of the Committee's response to EM 16679-10 submitted on 10 December on EU-Africa relations and addresses the Committee's points about the role of emerging global players in Africa and increased South-South cooperation.

15TH MINISTERIAL MEETING (FORMERLY CALLED THE TROIKA), MALAWI, 18 NOVEMBER

Commissioner Piebalgs represented the EU. Africa was represented by Libya, Malawi and two Commissioners from the African Union Commission (AUC): Mkwazalamba (Economic Affairs) and Lamamra (Peace and Security). The main topic of discussion was the Second Action Plan of the JAES (2011-2013) and arrangements for the Tripoli Summit. The meeting endorsed the draft Action Plan while emphasising the importance of its effective implementation once adopted by the Summit. The meeting also discussed the Principle of Mutual Jurisdiction, climate change and Economic Partnership Agreements (EPAs).

3RD EU-AFRICA SUMMIT, TRIPOLI, 29-30 NOVEMBER

Libyan leader Colonel Qadhafi hosted the third EU-Africa Summit, attended by fifteen African and twelve European Heads of State in Libya on 29-30 November.

The overarching theme of the Summit was “growth, investment and job creation”, which we supported given that increased economic growth and employment could lift millions out of poverty. The Tripoli declaration emphasised that the EU-Africa relationship is “one of the most enduring global relationships and of strategic importance to both sides.” Most African speakers stressed that Europe is an important strategic partner for Africa. South African President Zuma, however, also questioned how important Africa was for Europe, which may have been a comment on the fact that fewer EU leaders than expected attended the Summit. The possible attendance of Sudanese President Bashir (which in the end did not transpire) may have been a contributing factor. In contrast to the last Summit in 2007, the November 2010 Africa-EU Summit was not widely reported in the media on either of the two continents.

Africa Minister Henry Bellingham represented the UK at the Summit, and made a well received intervention which highlighted the UK’s support for an increase in the African Union Mission in Somalia (AMISOM) troop numbers to 12,000. He also had a number of productive bilateral meetings in the margins of the Summit.

The Summit signed off two documents: the Second Action Plan of the JAES, which had been presented in Malawi, and the Tripoli Declaration. A joint declaration on climate change was not signed off by the African side due to AU administrative procedures.

The Tripoli Declaration renewed the commitment of Europe and Africa to work together on common global challenges including: the effects of climate change, conflict prevention, good governance, sustainable energy supplies, infrastructure development, achieving the Millennium Development Goals, food security, combating HIV/AIDS, the challenges of migration and promotion of gender equality. The Declaration’s commitments to resolve crises in Africa, specifically in Sudan and Somalia, and to support African socio-economic development, regional integration and the integration of Africa into the global economy reflect UK objectives.

One issue which has become a test for EU-Africa relations are Economic Partnership Agreements (EPAs), in particular given the current common discourse on economic growth and regional integration. At the Summit both sides indicated openness and avoided confrontation. A sustained and coordinated effort, led by the Commission, is now needed in order to achieve a result that takes into account both trade and development related issues. Although continuing to press for flexibility in EPAs and supporting their eventual conclusion, Ministers have agreed that the UK should also seek to focus its efforts on alternative channels for promoting African trade, in particular through support for African leaders’ regional integration plans to free up trade throughout Africa as well as with the rest of the world.

There is an EU consensus on the need to involve the private sector more in EU-Africa relations. A major side event before the Summit, the Business Forum, emphasised the focus on financial means to support investment in growth, the use of ODA to leverage growth and the role of investment banks in Africa’s development.

SECOND JAES ACTION PLAN (2011-2013)

The Second Action Plan is much improved thanks to the review in 2009 of the First Action Plan (2008-10) and the intensive work that took place in 2010 to agree its successor. The number of Partnerships remains the same (eight): Peace and Security; Democratic Governance and Human Rights; Regional Integration, Trade and Infrastructure; Millennium Development Goals (MDGs); Energy; Climate Change and Environment; Migration, Mobility and Employment; and Science, Information Society and Space. The UK has stepped down as Co-chair of the MDG Partnership after three years in the role. There may also be changes in other Co-chairs, and the transfer of responsibilities to the European External Action Service may have an impact on structure and processes. We will update the Committee once these changes come into effect.

Each of the eight Partnerships contributed to the overall Action Plan, identifying priorities that have a clear added value, complementing existing initiatives and work in other fora. Importantly, there is an additional cross-cutting section that identifies key actions to enhance the effectiveness of the JAES:

- Enhanced political dialogue (at the levels of Heads of State, sectoral political/policy dialogue, national and regional level, cooperation in international fora).
- Better coordination (between the Commissions, between European Partners and with and between African Partners, with other cooperation frameworks).
- Improved institutional architecture and working arrangements. This includes: measures to improve cross-Partnership working; a proposal for a support

unit to help with the running of all the Partnerships; and re-structuring of some Partnerships. The MDG Partnership, for example, will have a new 'Task Group' structure for taking forward work in specific areas where it can add value rather than general Joint Expert Groups meetings (JEGs) which proved largely ineffective under the First Action Plan.

- Financing – the continued mainstreaming of the JAES in existing instruments, and agreement in principle to joint co-operation to finance the Action Plan 2011-13.
- People-centred Partnership and the active involvement of civil society, which has not happened on the African side under the First Action Plan. A positive step just before the Tripoli Summit was the first joint African-EU Civil Society Forum that took place in Egypt from November 8-10 and whose Declaration is generally positive about the direction of the EU-Africa Partnership.

The new Action Plan will not resolve all of the shortcomings of the JAES, which include the lack of active engagement by many Member States on both sides and of specific funding for the strategy. Also, some of the most pressing issues facing Africa and EU (such as EPAs) are not covered by the JAES framework. The European Commission's November Communication on the future of the relationship demonstrates a will on its part to try and address these issues.

THIRD PARTY AFRICA RELATIONS

In recent years there have undoubtedly been positive developments in the EU-Africa relationship. Europe is still a major investor, trade partner and provider of development assistance. At the same time, the EU notes that the involvement of emerging powers in Africa, such as Brazil, Arab countries and especially China and India has grown significantly.

The increasing influence of the G20 is also providing additional impetus for the expansion of Africa's relationship with emerging economies. These expanded ties provide more opportunities for African growth. African countries are in the process of defining the terms and principles of their engagement with governments and companies from countries such as China.

The UK has a programme of engagement with China on Africa, including peace and security, good governance and development issues. There is an annual official-level UK-China dialogue on Africa, whose most recent round took place in Beijing in October 2010. The UK Government attaches great importance to responsible business practices in Africa. In May 2010, the Department for International Development supported an international conference in Beijing on 'Corporate Social Responsibility and African Development'. The conference provided an opportunity for delegates from China, Africa, US and the EU to discuss how to promote the practice of responsible business that can benefit Africa.

We continue to work with the Chinese on issues such as transparency, good governance in aid and investment, and the need for debt sustainability when extending loans to African countries. China is aware of international criticism of some aspects of its engagement in Africa. It also increasingly acknowledges the links between good governance and stability, not least to secure and protect its investments.

Indian communities have played an important role in Eastern and Southern Africa and Indian businesses are expanding their presence on the continent. Africa is the largest recipient of Indian scholarships and Indian credit and aid to the continent has almost doubled between 2005 and 2009 (from a low base). Following the 2008 India-Africa Summit, India pledged an additional \$5.4 billion concessional credit to Africa and grants worth \$500m over five years. Nevertheless, India's footprint in Africa continues to be largely private-sector led, with business associations such as the Confederation of Indian Industry playing a coordinating role. India has typically been reluctant to work with or seek support from western donors. However, DFID's recent discussions with the Indian Ministry of External Affairs have been more positive. We are following up on possible opportunities to work together in Africa.

The India, Brazil, South Africa (IBSA) Trilateral Forum is aimed at building alternative diplomatic and economic alliances. The UK's experience of Africa and its institutions is widely-recognised in Brazil. Officials in the Africa Department of the Ministry of Foreign Affairs have recently suggested that the Brazilian government would value high-level talks on Africa with the UK, which would be a good way of expanding dialogue in an area where we have mutual objectives.

We think that there should be stronger EU engagement with South-South cooperation processes and priorities. This could include encouraging direct investment mechanisms which have broader linkages with African economies (rather than just natural resource extraction), and which are seen to

accelerate regional integration. The EU should also promote triangular partnerships (EU-South-South), to enhance coordination and sharing of experiences and good practice, for instance in assessing and managing environmental and social impacts of projects.

Africa has largely tried to keep their relationship with the emerging economies, particularly China, separate from that with donors. However, the European Commission informs us that, if given the opportunity, the EU wants to re-launch the EU-China-Africa cooperation concept.

19 January 2011

KOSOVO, GEORGIA, SOUTH CAUCASUS AND THE MIDDLE EAST PEACE PROCESS

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above documents at its meeting on 24 March and cleared the draft Council Decisions on the EU Special Representatives (EUSRs) for the Middle East Peace Process (MEPP) and for Georgia from scrutiny. However, the Sub-Committee decided to hold the draft Council Decisions on the EUSRs for the South Caucasus and Kosovo under scrutiny.

The Committee would like some clarification on EUSRs. In particular, it is not clear to us why the EU has so many Special Representatives. Would it not be possible to subsume some of these roles under the EU Head of Delegation in a particular country?

On the South Caucasus, we question the wisdom of transferring Pierre Morel away from his current focus on Georgia. As your Explanatory Memorandum points out (para 28): “[Pierre] Morel maintains strong relations with the other international organisations working in the region. He is also one of the few international figures who continues to enjoy easy access to the separatist regions of Abkhazia and South Ossetia”. We understand that Pierre Morel has also been involved in the Geneva talks on South Ossetia and Abkhazia since they were launched. Given his considerable experience and network of contacts, would it not be advisable for Pierre Morel to continue as the EUSR for Georgia, perhaps with an extended mandate to cover the South Caucasus?

On the above questions, we look forward to hearing from you by 15 April.

On Kosovo, we are concerned by the proposal to split the roles of International Civilian Representative and EU Special Representative. We would therefore be grateful if an official could brief the Sub-Committee on this issue at its meeting on Thursday 31st March at 10 am. Following the briefing, the Sub-Committee will take a decision on clearing the draft Decision from scrutiny.

25 March 2011

Letter from the Rt. Hon. David Lidington MP, to the Chairman

I am writing in response to your letter of the 25th March requesting further information on the Explanatory Memorandum on European Union Special Representatives for Kosovo, the Middle East Peace Process (MEPP), the South Caucasus and the Crises in Georgia.

You asked whether it would be possible subsume some of the EUSR roles under the EU Head of Delegation in a particular country. I agree that our general starting point should be that we should not maintain a separate EUSR where there is an EU Delegation whose Head is able to do the job. The High Representative’s objectives for EUSRs as set out in her letter to EU Foreign Ministers in May 2010 were to incorporate the work of the EUSRs as far as possible into the structures of the EAS. EUSRs should be retained only where EU Delegations cannot adequately deliver EU policies for example, in areas where the EU is not well-represented. EUSRs should be maintained, or employed, only where they are necessary to fulfil policy requirements for the area in question.

Regarding Pierre Morel continuing as EUSR for Georgia, Pierre Morel currently holds mandates as EUSR for both Central Asia and the Crisis in Georgia. He has made a valuable contribution in both roles. We understand that Ambassador Morel has opted to concentrate on his Central Asia role in future, which is in itself a full portfolio. Subject to agreement by member states, he has offered to extend his mandate in Georgia (which expires on 31 August this year) in order to provide a future EUSR for the South Caucasus with a comprehensive handover of the Georgia crisis portfolio if deemed necessary. We will therefore be obliged to seek an alternative candidate to take on the new role of EUSR for the South Caucasus, the scope of which remains under discussion.

I note your letter of the 31 March 2011. I am pleased that my officials were able to speak to the Committee in person regarding the Draft Council Decision on the European Union Special representative for Kosovo. We will inform you of the outcome of negotiations once this document has been agreed.

14 April 2011

KOSOVO: SPECIAL REPRESENTATIVE

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 31 March and cleared it from scrutiny. On behalf of the Sub-Committee, I would like to thank you for the informal briefing provided by your officials.

We support the Government's efforts to maintain the double-hatting of the International Civilian Representative and EU Special Representative positions in Kosovo. We would be grateful if you could write to the Committee to inform us of the outcome of the negotiations on this document once it has been agreed.

31 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing to update your Committee on the negotiations on the EUSR Kosovo mandate.

In my 15 March Explanatory Memorandum, I informed the Committee of Baroness Ashton's proposal to extend the Kosovo mandate from 1 May 2011 until 30 April 2012. I underlined the UK's support for Baroness Ashton's stated objective of improving the EU's relationship with Kosovo but set out my concerns that her plans to re-design the EU presence in Kosovo would not in practice enhance EU influence as much as she and the UK would like. As such, I instructed my officials to seek improvements to the mandate.

UK officials, working closely with those from like-minded Member States were able to secure some amendments to the draft mandate. We successfully inserted an additional objective for the EUSR to work in support of Kosovo's European Perspective. We were also able to include language underlining the importance of the EUSR bringing greater coherence and coordination to EU engagement in Kosovo.

Following an informal briefing of your committee by FCO officials, you agreed to clear the draft decision from scrutiny, for which I am grateful.

The EAS assessed, however, that a solution to the permanent mandate could not be found before the 30 April expiry date of the existing mandate. They therefore proposed a three-month temporary mandate. I enclose a copy. The EAS saw this very much as a 'caretaker EUSR' proposal made on the basis that Pieter Feith's mandate would expire on 30 April, and on the need to avoid a gap in the EU presence and to protect staffing.

This mandate was in our view flawed in three ways: firstly, it foresaw an end to the current practice of "double-hatting" the EUSR responsibilities with those of the International Civilian Representative; secondly, it continues the practice of referring to Kosovo as being "Under UNSCR 1244" - we believe this is prejudicial to the positions of those Member States who recognise Kosovo as an independent state; lastly, it requires the EUSR to play a lead role in "a settlement defining Kosovo's future status" - this is, again, prejudicial to those Member States who believe Kosovo has achieved its final status and to the EU's declared status neutral position.

My officials have worked intensively over the last fortnight to address these concerns. Regrettably, we have received no support from other recognising Member States and found ourselves last week isolated. In one last effort to reach a compromise, I instructed my officials to express a readiness to concede the above three points in return for a recognition from all Member States of an EAS "Review of References to Kosovo in EU documents" (enclosed), launched at Coreper on 14 April. The UK has been pushing for such a review for many months but some Member States have been extremely reluctant to open such a discussion and were therefore unwilling to accept the UK proposal to reference the review in this way. It was therefore with great regret that I instructed my officials to oppose the adoption of the draft mandate, leading it formally to expire on 30 April (although EUSR staff were retained and continued work as normal in Pristina and Belgrade while a retroactive solution was sought).

I have learnt this morning that, following concerted FCO lobbying efforts, the non-recognising EU Member States have now agreed to the UK request. Given the need to maintain funding for the EUSR offices in Pristina and Belgrade, and more importantly to give some certainty to the international and local staff in both countries, it is likely that the Council Decision will need to be adopted by written procedure this week. I may therefore need to agree to any solution that is found, without completing scrutiny. I very much regret having to take this course of action, particularly as it comes so soon after my evidence session with the ESC. But I believe that, given the late issuance of the draft decision, the fluid and sensitive nature of the negotiations and the need to protect EUSR staff and funding, an override was unavoidable on this occasion.

5 May 2011

LIBYA: COMMON SECURITY AND DEFENCE POLICY

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to update you on planning in the EU regarding a possible Common Security and Defence Policy (CSDP) response to the events in Libya. I attach an Explanatory Memorandum on a draft Council Decision to authorise further planning. I hope that the Commons Scrutiny Committee will have the opportunity to consider this proposal at your meeting this week, in advance of any decision in the EU to move to the next stage of planning, which may be taken as early as Wednesday this week. Regrettably, given the fast-moving situation and the linked need to keep up the momentum of military planning, we may need to adopt this Council Decision before it can clear scrutiny with both committees. In such a case, I hope you will understand why we have needed to move quickly in this instance.

On 21 March, the Foreign Affairs Council (FAC) agreed that the EU should be ready to provide CSDP support to humanitarian assistance in response to any request from the UN's Office for Coordination of Humanitarian Affairs (OCHA) and under the coordinating role of the UN. To allow the EU to prepare for such a request, a Crisis Management Concept document was discussed and approved by Member States on 24 March. While this is an EU Restricted document, I have outlined the key elements in the Explanatory Memorandum.

In order to take military planning to the necessary next phase of detail and preparedness, a Council Decision is needed to designate an Operational Headquarters and appoint an Operational Commander. This does not mean that a CSDP operation is either imminent or is certain to be required as there are two locks: OCHA need to request EU military support; and Member States need to approve an Operation Plan and the Rules of Engagement. On the latter, this would be subject to a further Council Decision, on which I will seek your agreement through scrutiny procedures as soon as I am able, but please understand that we may need again to move quickly.

This draft Council Decision may differ from the final text. In particular, the UK is looking to strengthen the conditional language on launching a mission (to make even clearer that a request is required from OCHA) as well as to clarify details around the financial reference amount. I will keep you informed of any changes.

29 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

On the 29 March I wrote to you about planning in the EU regarding a possible Common Security and Defence Policy (CSDP) response to the events in Libya. Thank you for considering and clearing the documents so swiftly. I promised to keep you updated.

As you know, any CSDP operation is dependent on a UN Office for the Co-ordination of Humanitarian Assistance (OCHA) request and subsequent Member State approval of an Operation Plan. The latter is subject to a Council Decision. I note the concerns in your letter of 1st April. We will of course need to look carefully at the implications of any decision to launch an EU operation. To date, we have not received any request from OCHA – indeed, OCHA continues to make clear that military support is not currently required. But it is prudent that EU contingency planning continues, as it is doing, in case that assessment changes. As I noted in my previous letter, I will seek your agreement through scrutiny procedures as soon as I am able. But please understand that we may need to move quickly. My officials will be in touch with your clerks if there are any developments during recess.

19 April 2011

LIBYA: MILITARY OPERATION TO SUPPORT HUMANITARIAN ASSISTANCE AND PROTECTION OF CIVILIANS (EUFOR LIBYA)

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above document at its meeting on 31 March 2011 and cleared it from scrutiny, following an informal background briefing from your officials, for which we would like to express our thanks.

The Sub-Committee, however, expressed a number of concerns about the proposed venture and, should the request come from the UN/OCHA for the EU to launch the operation, we will want to look closely at the provisions and possible implications of the new Council Decision, and in particular the potential danger of escalation.

There is no need to reply to this letter.

1 April 2011

LIBYA: RESTRICTIVE MEASURES

Letter from Alistair Burt MP, Parliamentary Under Secretary of State, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision and Council Regulation concerning restrictive measures against Libya.

David Lidington wrote to you on 26 February to advise you that it would be necessary to adopt a Council Decision and Council Regulation to respond to the crisis in Libya. In order for these to be adopted without delay we will be unable to meet the scrutiny procedures, due to the pressing need to adopt the Decision and Regulation. As a result I will agree to the adoption of this Decision and Regulation before your Committee can scrutinise it.

On 23 February 2011, the European Union expressed its grave concern of the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression against peaceful demonstrators.

The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

In view of the seriousness of the situation in Libya, the EU has decided to introduce restrictive measures against persons responsible for the violent crackdown on the civilian population in Libya on 15 February 2011 and thereafter.

In view of the need for the EU to respond quickly to conditions in Libya, we want to be able to agree the Decision text by written procedure on Monday 28th February.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. This has been due to fast moving developments on the ground in Libya and the need to implement measures rapidly and effectively.

27 February 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above documents at its meeting on 3 March 2011 and cleared them from scrutiny. Thank you for the letter from FCO Minister Alistair Burt MP of 27 February referring to EU action on Libya. The Sub-Committee showed understanding for his decision to override scrutiny on these two items and expressed appreciation for the FCO's efforts to keep them informed. However, there are four points on which we would like further information.

We believe that the EU and its Member States should take firm action to identify and freeze relevant Libyan assets under their jurisdiction so that they can be returned to the people of Libya in due course. The US government has reportedly frozen US\$ 30 billion of Libyan government assets. Can

you confirm that the assets held by the Libyan government, including those of the Libya Investment Authority (LIA), do not fall within the scope of the EU measures? Do the EU and its Member States plan to freeze assets held by the Libyan government, including the LIA, and if not, why not?

The recent uprisings in Tunisia, Egypt, Libya and elsewhere call into question the EU's relations with the Arab world. The Prime Minister, speaking in the Commons on 28 February, said that "we must not remain silent in our belief that freedom and the rule of law are what best guarantee human progress and economic success...we need to take this opportunity to look again at our entire relationship with this region, at the billions of euros of EU funds...". We welcome this statement, and would be grateful for your views on the ways in which the EU needs to change its approach and funding priorities in the Arab world.

There have been reports of thousands of refugees crossing into Tunisia and Egypt. Is the European Commission providing adequate assistance to the UN High Commissioner for Refugees and other agencies responsible for assisting this vulnerable population?

Finally, the situation in Libya has again raised the issue of Lockerbie, since it has been reported that the current leader of the provisional government in Benghazi, the former Libyan Justice Minister, Mustapha Abdeljalil, has said that Colonel Qadhafi was aware in advance of the plan to commit this atrocity. Given the EU's support for counter-terrorism, and the criminal investigation linked to Lockerbie in different EU countries, eg in Germany, we would be interested to know whether the Government has any confirmation that Qadhafi was aware of this plan in advance.

We look forward to hearing from you within the standard ten working days.

7 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter 7 March. Like you, I believe that the EU and its Member States should take firm action to identify and freeze relevant Libyan assets.

The assets of the Libyan Investment Authority are frozen under current EU measures. Council Regulation (EU) No 204/2011 introduced a freeze in the EU of all funds and economic resources belonging to, owned, held or controlled by persons designated by the UN Security Council or the Council of the European Union. This freezes the assets in the EU of Colonel Qadhafi and 26 of his associates as well five entities, including the Libyan Investment Authority. Council Regulation (EU) No 204/2011 has legal effect in the UK and penalties for breach of the prohibitions contained in the Regulation are provided for by the Libya (Asset Freezing) Regulations 2011.

The UK believes that the EU's relationship with the Arab world should be based on much closer economic integration, including improved access to our markets, in return for concrete progress on political and economic reform by countries in the region. We therefore welcomed the Commission/High Representative joint Communication, "A Partnership for Democracy and Shared Prosperity with the Southern Neighbourhood", which is in line with our thinking. And the Commission is finalising their review of the European Neighbourhood Policy, the conclusions of which should reflect the thinking outlined in the Communication.

HMG is content with the current action being taken by the European Commission to help the UN High Commission on Refugees and other agencies in assisting the vulnerable refugees in the Tunisian and Egyptian border areas of Libya. So far, the European Commission has provided €30 million in direct humanitarian aid and support for the evacuation effort. The European Commission Humanitarian Aid and Civil Protection department (ECHO) has also deployed humanitarian experts to the Tunisian, Egyptian and Algerian borders to assess changing needs, monitor the delivery of aid and ensure coordination with aid organisations and donors.

In addition, the European External Action Service for Crisis Response and Operational Coordination has deployed a fact finding mission to eastern Libya to assess humanitarian and evacuation efforts on the ground and to gauge what additional support may be needed. We were pleased that paragraph 9 of the Declaration from the 11th March Extraordinary European Council on Libya noted that:

"The European Union and the Member States have mobilised humanitarian aid and are committed to further assist people in Libya and people crossing its borders, in close cooperation with the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the International Organisation for Migration, the International Committee of the Red Cross / International Federation of Red Cross and Red Crescent Societies and non-governmental organisations."

We now need to ensure delivery.

The involvement of others with convicted Lockerbie bomber Abdelbasset Ali Al-Megrahi remains an open criminal investigation. New evidence that comes to light, including any evidence of Qadhafi's role, will be considered by the appropriate authority, Dumfries & Galloway police. This is the right and proper mechanism considering any new evidence that emerges. Resolving legacy issues, such as Lockerbie and the killing of WPC Fletcher, will remain a key element of the UK's relations with Libya in the future.

23 March 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above documents at its meeting on 24 March 2011 and cleared them from scrutiny, noting that they were overrides. The Sub-Committee expressed understanding for the overrides, given the rapidity of events on the ground and the need for urgent action.

I would also like to thank you for your letter of 23 March, replying to mine of 7 March, which the Sub-Committee considered at the same meeting.

There is no need to reply to this letter.

25 March 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the amending Council Regulation concerning restrictive measures in view of the situation in Libya. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of this Regulation before your Committee has cleared it from scrutiny.

On 23 February 2011 the European Union expressed its grave concern by the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression against peaceful demonstrators. The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

UNSCR 1970 (2011) was implemented through the EU by Council Decision (2011/137/CFSP) and Regulation (No 204/2011), which was adopted on Thursday 3 March. This extended the scope of the travel ban and asset freeze to 26 individuals, plus a ban on the export of equipment which could be used for internal repression. Both Parliamentary Scrutiny Committees received Explanatory Memorandums on the EU Decision and Regulation.

On 17 March 2011, the United Nations Security Council adopted UNSCR 1973 (2011), which widened the scope of the restrictive measures imposed by UNSCR 1970 (2011) and introduced additional restrictive measures against Libya. Decision 2011/137/CFSP therefore needed to be amended. This amended Decision (Council Decision 2011/178/CFSP) provides for further restrictive measures in relation to Libya, including a prohibition on flights in Libyan airspace, a prohibition on Libyan aircraft in the airspace of the Union.

In order to implement these measures Council Regulation (EU) No 204/2011 needed to be amended accordingly in order to ensure that the measures provided for in this Regulation are effective.

Throughout the Libyan crisis I, and my officials, have made every effort to keep you aware of events and provide EMs where appropriate. Unfortunately on this occasion it has been necessary for me to override scrutiny.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

04 April 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 30 March about the override on the above document. As the letter was sent to us in the afternoon of 31 March, it was not possible for it to be seen by the Sub-Committee at their meeting that morning.

I appreciate your efforts to keep the Committee informed on the rapidly moving events in Libya. For our part, we have always tried to assist you to avoid overrides by expediting our procedures here. In the case above, the EM was received on 21 March (a Monday when I sift documents) with an

amendment on 22 March (which I sifted out of the usual cycle). The relevant House of Lords Sub-Committee met on 24 March, and cleared the document from scrutiny. However, the Decision was taken in Brussels on 23 March before the Sub-Committee could discuss it. This was unfortunately inevitable if the relevant Sub-Committee was to see the document, given the weekly nature of their meetings. I wrote to you on 25 March expressing understanding for the overrides, (as there was also one on Regulation No 288/2011) given the rapidity of events on the ground and the need for urgent action.

06 April 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the Council Implementing Regulation (EU) No 288/2011 of 23 March 2011 concerning restrictive measures in view of the situation in Libya. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of this Regulation before your Committee has been able to provide parliamentary scrutiny.

On 23 February 2011 the European Union expressed its grave concern about the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression of peaceful demonstrators. The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

On 2 March 2011, the Council adopted Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya. On 17 March 2011, the United Nations Security Council adopted Resolution UNSCR 1973 (2011) which widened the scope of the restrictive measures imposed by Resolution UNSCR 1970 (2011) and introduced additional restrictive measures against Libya. Council Implementing Regulation (EU) No 288/2011 of 23 March 2011 amends the lists of persons and entities subject to restrictive measures as set out in Annexes II and III to Regulation (EU) No 204/2011 accordingly.

Throughout the Libyan crisis I, and my officials, have made every effort to keep you aware of events and provide EMs where appropriate. Unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny. While an EM on this Regulation was submitted, I apologise that a Scrutiny over-ride letter did not accompany it.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. The House of Commons Scrutiny Committee have considered this text and cleared it from scrutiny as politically important on 23 March.

20 April 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to Council Implementing Decision 2011/175/CFSP – adopted on 21 March, Council Implementing Regulation (EU) No. 272/2011 – adopted on 21 March, Council Regulation (EU) No 296/2011 – adopted on 25 March, Council Implementing Decision 2011/236/CFSP – adopted on 12 April, and Council Implementing Regulation (EU) No. 360/2011 – adopted on 12 April. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

On 23 February 2011 the European Union expressed its grave concern about the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression of peaceful demonstrators. The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

On 2 March 2011, the Council adopted Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya. On 17 March 2011, the United Nations Security Council adopted Resolution UNSCR 1973 (2011) which widened the scope of the restrictive measures imposed by Resolution UNSCR 1970 (2011) and introduced additional restrictive measures against Libya. On 21 March Council Implementing Decision 2011/175/CFSP which implemented Council Decision 2011/137/CFSP, added a number of individuals and entities to the list of those designated. Also on 21 March, Council Implementing Regulation (EU) No. 272/2011 updated the lists of individuals and entities subject to asset freezes

UNSCR 1973 was implemented by the EU through Council Decision 2011/178/CFSP – adopted on 23 March, and Council Regulation (EU) No 296/2011, adopted on 25 March.

On 12 April a Council Implementing Decision 2011/236/CFSP was adopted. This added more names and entities subject to the restrictive measures under Council Decision 2011/137/CFSP. Also on 12 April a Council Implementing Regulation (EU) No. 360/2011 amended Council Regulation (EU) No 204/2011 (as amended) to update the lists of individuals and entities subject to asset freezes.

Throughout the Libyan crisis I, and my officials, have made every effort to keep you aware of events and provide EMs where appropriate. Unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

20 April 2011

MACEDONIA NAD MOLDOVA EUSRS

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to update you on the current situation on the Macedonia and Moldova EUSRs.

The Government, in principle, supports High Representative Baroness Ashton's objectives to fulfill EUSR functions from within existing EEAS resources where possible. This is in the interests of coherence and value for money. In line with this, the mandate for the current EUSRs for Macedonia and Moldova were not renewed when they expired at the end of February.

The EUSR for Macedonia was appointed in 2005 to play a key role in ensuring the full implementation of the 2001 Ohrid Framework Agreement (OFA), which ended fighting between the ethnic-Albanian National Liberation Army and Macedonian security forces. The EUSR also offered advice to help facilitate further progress towards Macedonia's EU accession through the Stabilisation and Association Process.

The Macedonian government has made solid progress with reforms, and the legislative aspects of the OFA have been largely passed into law. In its enlargement reports of 2009 and 2010, the Commission recommended that Macedonia sufficiently met the political criteria to open accession negotiations. The Council has yet to take a decision on setting a date to open negotiations, but is committed to returning to the matter.

After the EUSR mandate expired on 28 February 2011, the EEAS, with new head of delegation Peter Sorensen, took responsibility for supporting Macedonia's accession process. The UK supported the expiration of the EUSR mandate, given Macedonia's progress as a candidate country. Political challenges remain, not least with early elections expected, but we judge that the EEAS delegation in Skopje will allow the EU to engage effectively

When the mandate of Mr Kalman Mizsei, the European Union Special Representative (EUSR) in Moldova, expired on 28 February 2011, his responsibilities transferred to the EEAS. These will be split between the EU Delegation in Chisinau, and Miroslav Lajcak, Managing Director for Russia, Eastern Neighbourhood and the Western Balkans in the EEAS, who will represent the EU at the "5+2" Transnistria settlement negotiations. We consider that there is a need to reinforce the EU Delegation's political section to absorb the extra work arising from their taking on Mizsei's responsibilities (his staff of five officials has been disbanded).

I will continue to inform the Committee of any issues arising regarding the mandates of EUSRs.

14 April 2011

PROGRESS REPORTS FOR CROATIA, ICELAND, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, TURKEY, BOSNIA AND HERZEGOVINA, KOSOVO AND SERBIA

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The above document was considered by the EU Sub-Committee on Foreign Affairs, Defence and Development Policy on 16 December, together with other associated documents on the EU's enlargement strategy.

The Sub-Committee noted the statement on Macedonia in the EM that "The Government does not see resolution of the name issue as a pre-condition for starting accession negotiations..." (paragraph

22 of the EM). We agree that the prime concern should be that the EU looks at the extent to which a candidate or applicant meets the criteria for membership, and feel strongly that bilateral disputes between a Member State and a candidate or applicant should not be allowed to hold up progress in a country's move towards EU membership. This should apply specifically in the current case of Macedonia, and more generally as a principle in other cases.

We also noted the statement in paragraph 4 of the EM that the UK's principles for its approach to EU enlargement were "to support the membership aspirations of any European country that shares the UK's values ..." The Sub-Committee would be interested to hear in what ways the UK's values differ from those of the EU, as might be inferred from your statement.

We look forward to hearing from you in time for your reply to be circulated to the Committee on 10 January.

17 December 2010

PARTICIPATION OF THE EU IN THE NEGOTIATIONS ON THE FOOD AID CONVENTION (14907/10)

Letter from Stephen O'Brien MP, Parliamentary Under Secretary of State, Department for International Development, to the Chairman

I have attached for your information the restricted European Commission Communication that sets out the history of the EU's involvement in the Food Aid Convention and what its position is likely to be in the negotiating process. As this Communication is restricted and contains the EU negotiating position, it is for the attention of the Committee only and is not for release on public information sites.

The Food Aid Convention (FAC) is an international agreement whose signatory members commit to providing annual minimum amounts of food aid. The original intention was to counter the observed reduction in food aid deliveries when food commodity prices are high, by providing a floor level of minimum deliveries. Members are Argentina, Australia, Canada, the European Union and its Member States, Japan, Norway, Switzerland, United States, who together make up the Food Aid Committee.

In June 2010 it was decided to extend the 1999 Food Aid Convention for one year, until July 2011, on the understanding that negotiations for a future Convention would start during 2010. On 3 November 2010, COREPER confirmed this agreement and recommended that the Council, in accordance with Article 216 of the Treaty on the Functioning of the EU; a) authorises the Commission to participate on behalf of the EU in the negotiations for a Food Aid Convention; and b) adopts the negotiating directives agreed by members of the Council Working Group for Humanitarian Aid and Food Aid (COHAFA).

The first set of negotiations is due to begin in London on 14 December at the 103rd session of the Food Aid Committee, and be completed by June 2011, prior to the formal session of the Food Aid Committee in June 2011. The Commission will report regularly to EU Member States in COHAFA on progress in the negotiations, and inform the European Parliament in the course of the negotiations.

After the negotiations have been completed, we will inform the Committee of the outcomes in either an Explanatory Memorandum or in a further information letter.

8 December 2010

RAFAH: EUROPEAN UNION BORDER ASSISTANCE MISSION

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above document at its meeting on 19 May and held it under scrutiny.

You will be aware that the Sub-Committee has in the past expressed reservations about the high numbers of personnel in EUBAM Rafah, apparently without a useful function, when the border was closed. The Sub-Committee is therefore pleased to hear of the Government's efforts to enable EUBAM Rafah and EUPOL COPPS to work together, though Members pointed out that, according to information from the Government in the past, the Israelis have previously refused similar requests. We want to understand why the Government or the External Action Service think there is any

probability that the Israeli Government's opinion on this matter might change, or do the EU and the High Representative expect to act unilaterally in this matter?

The Sub-Committee held the document under scrutiny as it would like to know why EUBAM Rafah cannot operate, given that the border is now open? We understand that there are problems with working with Hamas. However, we also understand that if EUBAM Rafah was reactivated, guards from the Palestinian Authority could be used for any necessary liaison with Hamas. We have been told that this is the situation at another crossing point between Israel and Gaza, which is used for goods and which is able to operate because the Israelis use intermediaries in the Palestinian Authority. To be clear, the position of the Sub-Committee is that, if EUBAM is able to operate, as we believe it now could, it should. If not, and there is little prospect of immediate change, the mission should be withdrawn.

If you are able to reply to this letter before the Sub-Committee's meeting next week, on the morning of Wednesday 25 May, it will have the opportunity to consider the question again before the recess.

20 May 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 23 May which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 25 May. We were also grateful that for the background briefing given by your officials at the meeting.

The Sub-Committee cleared the above document from scrutiny and expressed the hope that in future documents such as this could be submitted to them at an earlier stage. We would be grateful if you would send us the review mentioned in your letter when it is available and provide us with an update on the situation on the EUBAM Rafah in six months time.

26 May 2011

REPUBLIC OF GUINEA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to my Explanatory Memorandum (EM) dated 3 February on the latest amendment to the restrictive measures imposed on the Republic of Guinea. Further to a previous request from the House of Commons Select Committee I thought it would be useful to supplement the EM with the following information on the wider perspective of China's activity in the Republic of Guinea and the region, and its impact on effectiveness of EU action.

Although we welcome China's contributions to poverty alleviation and peacekeeping in Guinea and the wider region, some of the impact of this can be lost through a lack of transparency around investment, local markets and good governance. This was particularly evident in 2009 when the China Investment Fund (CIF) signed a \$7bn (£4.5bn) mining and oil deal with the junta government, just two weeks after 150 protesters were killed by the military regime. Chinese interest and investment is attractive to many African governments but, as in the CIF deal in Guinea, it can undermine the principles of our and EU engagement in Africa, and diminish the leverage we have to prevent conflict and promote human rights and good governance.

Ultimately though, a stable and properly governed Africa is in China's interests as well as ours and we are increasing efforts for the EU and China to work together globally on Africa by deeper engagement with African stakeholders and working with other partners in their dialogue with China. EU action in Guinea has been effective, particularly through the work of the International Contact Group on Guinea. The Chinese Ambassador to Guinea joined these meetings and played a positive role in the latter stages of the transition to a democratically elected President in December 2010.

7 February 2011

RESTRICTIVE MEASURES: COTE D'IVOIRE

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the four documents on the above subject at their meeting on 13 January. They also considered your two letters of 21 December and 10 January and thank you for keeping them informed of developments during recess.

The Sub-Committee noted that the two documents on travel bans on several persons in Côte d'Ivoire were overrides due to recess. They cleared the document on asset freezes from scrutiny and granted a 5b) waiver of the Scrutiny Reserve Resolution on the Regulation implementing this last Decision. They await the EM on the Regulation which should reach them within 10 working days.

21 December 2010

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the Council Decisions amending Council Decision 2010/656/CFSP concerning restrictive measures against Cote d'Ivoire. I regret that we were not able to provide you with the Explanatory Memorandum before one of these Decisions was adopted in the EU on 31 December 2010.

I wrote to you on 21 December to advise you that it was necessary to adopt an amended Council Decision to respond to the crisis in Cote d'Ivoire following the Presidential elections. EU member states agreed to impose targeted measures (travel ban) on individuals who have aligned themselves to Gbagbo. In order for these to be adopted without delay we were unable to meet the scrutiny procedures, partly due to the pressing need to adopt the Decision and partly due to the Christmas recess. As a result I had to agree to the adoption of this Decision before your Committee could scrutinise it. The amended Council Decision 2010/801/CFSP was adopted under a written procedure on 22 December.

On 30 December a further amended Council Decision was circulated adding a further 59 individuals to be targeted with a travel ban under EU restrictive measures. In order for the Council Decision to have maximum effect it was adopted under a further written procedure on 31 December 2010.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. This has been due to fast moving developments on the ground in Cote d'Ivoire and the Christmas recess.

As the situation in Cote D'Ivoire continues to deteriorate, we need the EU to move quickly. The Council plans to impose further restrictive measures in the form of an asset freeze on 18 January. The UK fully supports this decision.

This will require scrutiny of two further documents - a Council Decision and a Council Regulation. I am sending you in parallel, an Explanatory Memorandum on the Council Decision. I would be grateful if your Committee could consider this document at your meeting this week. The text of the Council Regulation has not yet been drafted. In view of the need to act quickly on this issue, and to agree the documents at Council on 18 January, I would be grateful if you would consider waiving the requirement for scrutiny on this document, in accordance with [Lords paragraphs 5(a) and 5(b)/Commons paragraphs 3(a) and (b)] of the Scrutiny Reserve Resolution.

10 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the four documents on the above subject at their meeting on 13 January. They also considered your two letters of 21 December and 10 January and thank you for keeping them informed of developments during recess.

The Sub-Committee noted that the two documents on travel bans on several persons in Côte d'Ivoire were overrides due to recess. They cleared the document on asset freezes from scrutiny and granted a 5b) waiver of the Scrutiny Reserve Resolution on the Regulation implementing this last Decision. They await the EM on the Regulation which should reach them within 10 working days.

19 January 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing to inform you that we have not been able to provide your Committee with an Explanatory Memorandum (EM) before an amended Council Decision was adopted in the EU.

A Presidency compromise text for a Council Decision amending Decision 2010/656/CFSP renewing the restrictive measures against Cote d'Ivoire was circulated to Member States on 29 March. The amendments have been agreed by all Member States and in order for it to take effect it will be adopted at the Foreign Affairs Council on 12 April 2011. Due to the last meeting of your Committee, before Parliament rises for recess, taking place during the week beginning 28 March, it is unavoidable to have to override scrutiny on this occasion.

We have been able to provide the House of Commons European Scrutiny Committee with an EM prior to adoption of the Decision as they are due to meet on 5 April.

As you know, the responsibility to keep your Committee informed on issues concerning restrictive measures is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. In my letter of 29 March to your committee I highlighted the likelihood of developments within the EU on restrictive measures imposed on Cote d'Ivoire during the month of April.

04 April 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I regret that we have not been able to provide you with the Explanatory Memorandum for your Committee's consideration before an amended Council Regulation was adopted in the EU. As a result, I find myself in the position of having to agree to the adoption of this decision before your Committee has cleared it from scrutiny, as I believe that the new Regulation is important for the British Government to support.

A draft Council Regulation amending Regulation (EC) No 560/2005 imposing restrictive measures against Cote d'Ivoire was circulated to Member States on 4 April 2011. The amendments have been agreed by all Member States and in order for them to take effect the Regulation was adopted under a written procedure on 7 April 2011, which regrettably coincides with Parliamentary Recess. We had envisaged this Regulation, and preceding Council Decision being adopted at the next Foreign Affairs Council on 12 April. However, due to the fast changing situation in Cote d'Ivoire the timeline for adoption was brought forward.

As you know, the responsibility to keep your Committee informed on issues concerning restrictive measures is something I take seriously. I wrote to your Committee on 29 March highlighting the likelihood of developments within the EU on restrictive measures imposed on Cote d'Ivoire during the month of April. Unfortunately, due to Parliamentary recess, it is unavoidable to have to override scrutiny on this occasion.

8 April 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing to inform you of developments concerning the EU restrictive measures that are in place against Cote d'Ivoire. These took place during parliamentary recess and the subsequent holiday period and are a response to developments on the ground.

The last substantive changes to the restrictive measures were adopted on 6 April 2011 under Council Decision 2011/221/CFSP and implementing Council Regulation (EU) No 330/2011. I submitted an Explanatory Memorandum for the Council Decision on 4 April and for the Council Regulation on 8 April. These amendments saw the introduction of a humanitarian exemption clause; prohibitions on financing of loans and treasury bonds issued by the former President Laurent Gbagbo; a review clause specifically to look at the impact of the listing of certain entities; and the further targeting of certain individuals who meet the listing criteria.

Since the adoption of these additional measures the situation on the ground in Cote d'Ivoire has changed and Alassane Ouattara, the victor in the November Presidential elections, has been able to fully assume the duties of the office to which he was elected. This follows the arrest of the former President Laurent Gbagbo. In response to this development the EU has decided to de-list a number of entities who were targeted with an asset freeze due to their close links with the former President. This decision has been taken in response to a request by President Ouattara and should assist him as he seeks to kick-start the country's economy.

I enclose two Explanatory Memoranda which cover the two Council Implementing Decisions and two Council Implementing Regulations which have been adopted recently concerning the de-listing of entities.

9 May 2011

SERBIA: EU ACCESSION

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to update the Committee on Serbia's cooperation with the International Criminal Tribunal for the former Yugoslavia.

I wrote to the Committees on 1st November, confirming that the General Affairs Council of the 25 October had agreed to refer Serbia's application for membership of the European Union to the Commission for an Avis. In doing so the GAC issued Conclusions (attached – again - for ease of reference) which reaffirmed the importance it attaches to Serbia sustaining full co-operation with the ICTY. The GAC agreed that before each stage of Serbia's path towards EU accession the Council must unanimously decide that full co-operation with the ICTY exists or continue to exist. The Council agreed to monitor closely the Chief Prosecutor's Progress Reports.

I thought I would update the Committee in the light of The Chief Prosecutor's report to the United Nations Security Council on 6th December, which included an assessment of Serbia's co-operation. Overall, the judgement of the report is the same as his last report in June. Serbia is showing good support to existing trials, by responding efficiently to requests from the Office of the Prosecutor, and providing and protecting witnesses. No requests are outstanding.

The Prosecutor notes that Serbia must continue in its efforts to apprehend the remaining fugitives. Serbia has made strides in implementing the recommendations the Prosecutor had set out in his previous report, and co-operation between the Office of the Prosecutor and the Serbian Authorities had intensified in the intervening six months. The Prosecutor, however, continues to call for the political willingness and support for the Operational Services to be translated into concrete results and for a continued, and urgent, review of operational management of the search for the fugitives. We support him in these calls, and continue to encourage Serbia in their efforts to capture the remaining two fugitives. The capture, arrest and delivery to The Hague of the remaining fugitives should continue to be a key state objective of the Serbian Government through ensuring full support to Serbia's operational services.

Given the similar conclusions of this December report to Brammertz' report in June, it is our assessment that Serbia is continuing to co-operate fully with the ICTY.

25 January 2011

SYRIA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision and Council Regulation concerning restrictive measures in view of the situation in Syria. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of this Decision before your Committee has cleared it from scrutiny.

On 29 April 2011 the European Union (EU) expressed its grave concern about the situation unfolding in Syria and the deployment of military and security forces in a number of Syrian cities. The EU strongly condemned the violent repression, including through the use of live ammunition, of peaceful protest in various locations across Syria resulting in the death and injury of a large number of demonstrators, and arbitrary detentions, and called on the Syrian security forces to exercise restraint instead of repression.

Between 9 and 12 May 2011 I expect the European Union will adopt a Council Decision and Council Regulation to introduce restrictive measures against Syria including an arms embargo and a travel ban and assets freeze against individuals responsible for violent repression, or individuals or entities associated with persons responsible for violent repression.

Unfortunately on this occasion, given the speed of developments, it has been necessary for me to override scrutiny.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

9 May 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 23 May which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 25 May.

We understand the confidentiality constraints under which you are working, although the name of President Bashar Al-Assad was to be added to the list of those subject to EU sanctions was made public in advance of the Council Decision on 23 May.

The formal position on depositing documents which make changes to lists of those subject to sanctions is, as you are aware, set out in the Cabinet Office Guidance for Departments and states as an exception to the deposit rule:

“Proposals for making minor changes to lists of people or organisations subject to restrictive provisions in existing measures; affects FCO only.”

There will obviously be cases where there will be doubts as to what constitutes “minor” which should be discussed with the Committee Clerk. However, in this case, the addition is clearly not minor, given the importance of President Bashar Al-Assad and the political significance of his express exclusion from the initial list and we would expect the document to be deposited with an EM. I regret to say that it is therefore an override.

I look forward to hearing from you by 6 June 2011.

25 May 2011

TUNISIA: RESTRICTIVE MEASURES IN LIGHT OF THE CURRENT SITUATION

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a proposed Council Decision implementing restrictive measures directed against certain persons and entities in view of the situation in Tunisia.

My officials have been in touch with the Clerk of your Committee about the situation in Tunisia, following unprecedented levels of civil unrest, which lead to the departure of former President Ben Ali from Tunisia on 14 January after 23 years in power. Efforts are on-going to establish a National Unity Government, including all legal opposition parties, to take the country through to democratic elections.

We, along with other EU Member States in Tunis, and in capitals, received a formal request on 22 January from the Tunisian authorities to freeze illegally acquired assets held by former Tunisian President Ben Ali, his wife and members of her family, and other persons yet to be identified who are under investigation by a judicial enquiry in Tunisia.

The EU has proposed to adopt a Council Decision in order to put in place a mechanism by which to freeze misappropriated assets. The effect of this will send a positive message to the interim Tunisian Government of support, whilst ensuring the uniform and consistent application of the asset freeze across the EU. The Decision imposes financial restrictions on individuals accused of misappropriating public funds, for a period of 12 months. I enclose an Explanatory Memorandum and a copy of the Decision, which provides more detail.

The Decision is to be adopted at the EU Foreign Affairs Council (FAC) on 31 January. To achieve this, I regret that I will not be able to provide you with the Explanatory Memorandum in sufficient time for it to be considered by your Committee before the Decision must be adopted.

It is necessary to adopt the measures in the Decision in order to provide a basis upon which to adopt a Council Regulation, which will give the asset freeze its direct effect in EU Member States.

I regret that any delay to agreeing to the freeze these assets would risk undermining the firm statements on the intention to support democratisation in Tunisia made by the Foreign Secretary. It

would send an unhelpful message to the new Tunisian interim government that the international community was weakening its stance. As a result, I will have to agree to the adoption of this Decision before your Committee has cleared it from scrutiny. The failure to allow your Committee to fully scrutinise the Decision came about as a result of negotiations on the EU's response to the emerging situation, and the necessity to positively respond to a request from the interim Government in Tunisia requesting that the EU put in place such restrictions on illegally obtained public funds.

28 January 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Sub-Committee on Foreign Affairs, Defence and Development considered the above documents at its meeting on 3 February and cleared them from scrutiny. It noted that the Decision was an override, but accepted the need to agree quickly to the Decision.

The Sub-Committee did, however, comment that the delay involved in imposing the asset ban may have enabled those on whom measures were imposed to move their assets out of the EU area. We would be grateful for an evaluation of how effective you believe the ban will be. We would also like to know what action France has taken (paragraph 16 of the EM)?

We look forward to hearing from you within the standard ten working days.

8 February 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to a proposed Council Decision implementing restrictive measures directed against certain persons and entities in view of the situation in Tunisia.

My officials have been in touch with the Clerk of your Committee about the situation in Tunisia, following unprecedented levels of civil unrest, which lead to the departure of former President Ben Ali from Tunisia on 14 January after 23 years in power. Efforts are on-going to establish a National Unity Government, including all legal opposition parties, to take the country through to democratic elections.

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As a result, I will have to agree to the adoption of this Decision before your Committee has cleared it from scrutiny. The failure to allow your Committee to fully scrutinise the Decision came about as a result of negotiations on the EU's response to the emerging situation, and the necessity to positively respond to a request from the interim Government in Tunisia requesting that the EU put in place such restrictions on illegally obtained public funds.

22 February 2011

UKAID: CHANGING LIVES, DELIVERING RESULTS

Letter from Stephen O'Brien, Parliamentary Under Secretary of State, Department for International Development, to the Chairman²

Your Committee asked to be kept informed of the conclusions of the two major reviews of the UK's international development effort which were laid before the House on 1 March 2011 by the Secretary of State for International Development.

These root and branch reviews of both our bilateral programmes in developing countries and the UK's funding to international organisations will make Britain's aid budget more focused and effective.

Over the next four years, on behalf of UK taxpayers, the Coalition Government will:

- secure schooling for 11 million children – more than we educate in the UK but at 2.5% of the cost
- vaccinate more children against preventable diseases than there are people in the whole of England
- provide access to safe drinking water and improved sanitation to more people than there are in Scotland, Wales and Northern Ireland
- save the lives of 50,000 women in pregnancy and childbirth
- stop 250,000 newborn babies dying needlessly
- support 13 countries to hold freer and fairer elections
- help 10 million women get access to modern family planning

These results – which will transform the lives of millions of people across the world – should make everyone in Britain proud. They reflect our values as a nation: generosity, compassion and humanity. But these results are not only delivered from the British people; they are also for the British people. They contribute to building a safer, more stable and prosperous world which, in turn, helps keep our country safe from instability, infectious disease and organised crime. That's why the UK's historic decision to increase the aid budget to 0.7% of national income from 2013 is not only morally right, but also firmly in the UK's national interest.

VALUE FOR MONEY

I am acutely aware of the enormous responsibility that we have to the UK taxpayer to ensure that every penny of this budget is spent well, especially in these difficult economic times. The comprehensive and rigorous analysis of the two reviews into where we work, and with whom we work, has allowed me to take some tough steps to secure value for money. We will:

- End aid to countries which don't need it, like Russia and China. We will reduce the number of countries where DFID has significant programmes from 43 to a maximum of 27 – allowing us to focus our efforts on the poorest people. We will continue our successful development partnership with India - which has more poor people than the whole of Sub-Saharan Africa - but focus our aid more tightly on the poorest states and on private sector development.
- End aid funding to four poor performing international organisations, which are not delivering sufficient value for money for poor people.
- Place a further four international agencies in 'special measures', working closely with them to secure reforms and improvements in performance. DFID funding will then be reviewed in two years time – with an end to funding if improvements are not made.
- Increase funding channelled through agencies with a proven track record of delivering cost-effective results on the ground such as UNICEF and the Global Alliance for Vaccines and Immunisation (GAVI).
- Pilot new approaches to Results-Based Aid, where money is only handed over when we see concrete evidence that results have been achieved. We

² A letter containing similar substance was received from the Rt. Hon. Alan Duncan MP, Minister of State, Department for International Development, addressed to the Chairman.

will trial this new payment by results approach for girls' education in Ethiopia.

FOCUSING ON THE PRIORITIES

These tough decisions will allow us to:

- Dramatically increase our focus on tackling ill health and killer diseases in poor countries, with a particular effort on immunisation, malaria, maternal and newborn health, extending choice to women and girls over when and whether they have children; and polio eradication.
- Do more to tackle malnutrition which stunts children's development and destroys their life chances; and do more to get children – particularly girls – into school.
- Put wealth-creation at the heart of our efforts, with more work on giving poor people property rights and encouraging investment and trade in the poorest countries, particularly in Africa.
- Deal with the root causes of conflict and help to build more stable societies, as people living amidst violence will never be able to lift themselves out of poverty.
- Help people adapt to the effects of climate change, as we know that the poorest will be hit first and hardest by floods, drought and extreme weather.

TRANSPARENCY AND INDEPENDENT SCRUTINY

The privileged position that this Department has brings with it increased scrutiny. I welcome this. The work we carry out is paid for by the British public, and we will be held to account by them. That is why we have:

- Set up an Independent Aid Watchdog to provide tough, external scrutiny of all aid spending. Graham Ward, former President of the Institute of Chartered Accountants in England and Wales is the Chief Commissioner, and he is supported by John Githongo, the former Kenyan anti-corruption tsar, who is one of four commissioners.
- Introduced a new Aid Transparency Guarantee so people can monitor how aid is spent – and demanded that international organisations that receive UK taxpayers' money, including the EU, become more transparent and effective.
- Cancelled £100m of low-performing programmes and redirected the money to better uses like tackling malaria

From Comic Relief to the Pakistan Floods appeal, the UK public has consistently shown its commitment to alleviate the suffering of fellow human beings across the world. The Coalition Government's development assistance reflects Britain's core beliefs and values, a determination, even in these harsh economic times, not to balance the books on the backs of those that are desperately poor. It also reflects a tougher, more hard-headed approach to getting value for money. Aid can perform miracles but it must be well spent and properly targeted. The UK's development programme has now been reshaped and refocused so that it can meet that challenge.

Full details of the Reviews can be found on the DFID website, at www.dfid.gov.uk/barmar.

1 March 2011

UNION FOR THE MEDITERRANEAN

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 19 November with the Committee's comments on the budget for the Secretariat of the Union for the Mediterranean.

You express concern that some of the provisions in the draft budget are excessive and not consistent with the technical nature of the Secretariat. In the negotiations on the budget we pushed as hard as we reasonably could to secure reductions in what appeared to be excessive allocations in areas

including personnel, transportation and communications. The UK was among a small minority of EU Member States pressing hard for reductions and we pressed until there was insufficient support from other Member States to continue doing so, bearing in mind the strong pressure to have a budget in place for the start of the Secretariat's first full year on 1 January. As you note in your letter, the total agreed budget of €6.25 million is less than half the total originally proposed, and I believe it represents an acceptable compromise after a long and difficult negotiation involving 43 Member States.

We were not able to reduce all the costs in the budget as far as we would have wished to do, including some of the examples to which you refer. But we have ensured that there are safeguards in place to monitor closely the performance and expenditure of the Secretariat and to ensure that there is proper financial management. The Statutes require the Secretariat to provide Senior Officials with an annual financial report on administrative costs and expenditures. The Statutes also state that there must be an annual audit by an external auditor approved by the Senior Officials. The European Community Regulation governing the European Neighbourhood and Partnership Instrument, which is the part of the EU budget that is being used for European Commission funding of the Union for the Mediterranean, entitles the Commission and the Court of Auditors to perform audits of the Secretariat as a condition of EU funding. It should also be borne in mind that the European Commission will release the EU's contribution to the Secretariat budget in instalments during the year and not in one lump sum, so the Commission will retain some control over the rate at which the budget is spent. In addition, next year will be the Secretariat's first full year of operations and the actual costs incurred will help to provide a benchmark for its future funding needs, which should enhance the accuracy of future budgeting.

As a result of the firm position we have taken in the negotiations on the budget, I believe that the Secretariat and members of the Union for the Mediterranean are in no doubt that the financial efficiency of the Secretariat is of high importance to the UK, and that we will monitor it very closely.

The Committee has queried the inclusion of rent in the budget. The Statutes of the Secretariat state that the host country will provide appropriate premises free of charge. I can confirm that the Spanish government are providing the building rent-free. Use of the premises does, however, require a contribution to the cost of maintaining the building, including cleaning, heating, lighting and security. This is what is meant in the budget by "Office Rent", costing €6,000 per month.

The Committee makes an important point about transport costs and environmental sustainability. We will urge the Secretariat to make the fullest possible use of video conferencing and other telecommunications solutions in order to minimise carbon emissions due to transport.

I share the Committee's concern that there must be consistency and coordination of EU activities in the Mediterranean region. The European Community Regulation governing the European Neighbourhood and Partnership Instrument requires the Commission and Member States to ensure coherence between Community assistance provided under the Regulation and financial assistance provided by the Community and Member States through other financial instruments and the European Investment Bank. The European Commission will work closely with the Secretariat to ensure that the projects it promotes do not duplicate projects supported by other Community programmes.

The Committee will also be aware that the Union for the Mediterranean Summit that was due to have been held in Barcelona on 21 November was postponed, for a second time, because of the lack of progress on a resumption of direct talks in the Middle East Peace Process. A new date has not yet been set for the Summit. Although this is disappointing, it should not affect the ability of the Secretariat to become fully operational and to make substantial progress on developing and promoting projects during 2011.

1 December 2010