



HOUSE OF COMMONS

Backbench Business Committee

Representations: Backbench Business

Tuesday 11 January 2022

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Watch the meeting

Members present: Ian Mearns (Chair); Bob Blackman; Patricia Gibson; Nigel Mills; Kate Osborne.

Questions 1-10

Representations

[I](#): Alicia Kearns and Bob Stewart.

[II](#): Wayne David.

[III](#): Mr David Davis and Liam Byrne.

Written evidence from witnesses:

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Alicia Kearns and **Bob Stewart** made representations.

Q1 **Chair:** Welcome to the Backbench Business Committee. We have three applications this afternoon, the first of which is from Colonel Bob Stewart and Alicia Kearns, on UK-Taiwan friendship and co-operation.

Bob Stewart: Alicia and I are doing this jointly. I have to declare I am the chair of the British-Taiwanese all-party parliamentary group. I have been here a couple of times and I am extremely concerned about the position that Taiwan is in at the moment. I also went to Beijing a year and a half ago with the NATO Parliamentary Assembly. In Beijing, I stood up in the Foreign Ministry and Defence Ministry and asked them why they were so imperialist in the South China sea, which caused all the people at the back who were quiet to go ballistic.

My worry is this, and it is Alicia's too, although she will speak for herself: when I was in Beijing, I was briefed by the defence attachés of various countries, including the UK, Germany, Denmark and Sweden. These military men were of the opinion that the People's Liberation Army were reorganising and practising an invasion of Taiwan. They actually gave me the impression that they would within four to five years. That was two years ago. I have no reason to dispute that—looking at other sources it seems that the Chinese People's Liberation Army are reorganising. There are the attacks on Taiwan by cyber, incursions by air, and lack of support for them in international organisations such as the World Health Organisation; the Taiwanese provide incredibly good state-of-the-art, top-rate rescue teams, but they are not even allowed to be a member of the WHO. The Chinese are blocking everything, principally because their line is that Taiwan should not exist, as it is a province of China.

This matters to us as parliamentarians because Taiwan is a remarkably successful economy, and one we trade a lot with. I am really concerned about the islands of the Paracels or the Spratlys in the South China sea that have been militarised, and others. It is not just Taiwan that feels threatened—the Philippines do and so does Vietnam. I think I have said enough for you to take over, Alicia.

Alicia Kearns: I agree with everything that Bob said, and I thank the Committee for your time. There are those who would not want to see this debate go ahead. In Parliaments across the world we are seeing the Chinese water down texts and debates. We see them getting committees and organisations not to hold debates, discussions and not challenge their ambitions and their efforts. For this, the mother of all Parliaments, to show that we will not be silenced and we will hold a debate on this topic, is so important.

Bob laid out the security approach, which is a vital, core component of many contributions. The reason we have had such wide support from colleagues across the House—28 MPs from six parties—is because there



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has not been a meaningful debate on Taiwan since 2017, and a lot has changed since then.

It will also be an opportunity for colleagues to talk about the economic and trade opportunities of Taiwan: renewables and our trade with them; inward investment, which is significant from Taiwan; our shared values; the Indo-Pacific tilt, which our Government have talked about a lot. We can also talk about covid and their approach to it, which was very different from ours but which we have learned a lot from.

In terms of timings, this is critical at all times, because we know Taiwan is a real priority for China. But Bob mentioned the WHO; the World Health Assembly meets in May. There is cross-party agreement that we want Taiwan to be a member of the WHA—

Bob Stewart: Organisation.

Alicia Kearns: The WHA, as a member of the WHO. If we want to do that, we need time to secure it. Therefore, holding it in early February would give us that time to push and build on that.

I hope that shows that this is about security and defence, about us not being silenced as a Parliament, and about the message that this Parliament speaking sends, but also that it has broad reach for colleagues across all areas of focus.

Q2 **Nigel Mills:** Alicia, you mention China is trying to water down texts. Are you tempted to have a stronger motion, like “This House supports the independence of Taiwan” rather than “supports friendship and co-operation”?

Alicia Kearns: I absolutely am. As per my Bosnia motion, we started with something that is slightly more generic and then we worked, as MPs came on board, to make it something slightly tighter. To be completely transparent with the Committee, I would like to make it stronger and I would like to make it a divisible motion, but I also do not want to make it a situation where I end up making it a three-line Whip and all my colleagues hate me for ending a one-line Whip on a Thursday. There is a balance that needs to be struck, but I would very much like to bring back a different motion specifically if you give the go-ahead to the debate.

Q3 **Chair:** You did mention that you would prefer it to be held in early February.

Alicia Kearns: If possible, but obviously depending on when the Committee has time.

Q4 **Bob Blackman:** At the moment, there is not a huge overload of debates. Is there a particular reason for early February, presumably before the recess?

Alicia Kearns: The 75th World Health Assembly meeting in Geneva is at the end of May. There is an administrative meeting of parties and countries who are members at the end of February, so it would give us



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time to inform them and then have the lead time to really make sure that we could get Taiwan invited in time. That is not the sole outcome we are trying to achieve from the debate, but it would be a very productive one to secure.

Bob Stewart: From the point of view of the security of Taiwan and of the South China sea, the Government are obviously worried about that, as they sent a fleet there and an aircraft carrier through, but we still haven't got the—am I allowed to use the word?—balls to actually put our aircraft carrier west-about Taiwan rather than east-about. The aircraft carrier went east-about to avoid offending the Chinese, because east-about is in the Taiwan straits. We as a Parliament should demonstrate solidarity with Taiwan.

Alicia is absolutely right that we have the world health authority—I have always thought they were the World Health Organisation; it doesn't matter. Whatever they are, I have dealt with them and I can't quite remember what the right term is, but the strategic point is also pretty important because all the time they are building on these islands, they are pushing all the time into Taiwanese waters and airspace. The cyber-attacks on Taiwan are just—if we get a lot, they get a huge amount more. So the sooner the better, frankly.

Chair: Okay. Thank you very much. I do believe that the organisation has an assembly.

Bob Stewart: So we are both right. So Alicia is right and I am right—we have made it.

Q5 **Bob Blackman:** Just to clarify, Taiwan has been excluded from every single organisation, so it is not just the World Health Organisation or whatever. It is other organisations as well. It might be that that would come into the debate.

Alicia Kearns: Certainly; absolutely it would.

Chair: In that case, I thank you very much.

Wayne David made representations.

Q6 **Chair:** Next up we have Mr Wayne David. It is Welsh Affairs, with a specific focus on St David's day, which I believe is 1 March.

Wayne David: Thank you very much, Mr Mearns. It is a pleasure to be here. I should say right at the start that there is no link between myself and St David—we share the same surnames, but contrary to what many visitor groups of children from my constituency think, I am not his great-great-great-grandson.

Chair: Well he wasn't called St Wayne, was he?



Wayne David: True.

The history of having a specific parliamentary day allocated to debating Welsh Affairs dates back to 17 October 1944. Since then, more or less, there has been a day allocated—usually about three hours; sometimes a bit more—to discuss the specifics of Welsh Affairs. Since 2010, the Backbench Business Committee has allocated part of its allocation to the debate on Welsh Affairs. I am asking that a continuation of that tradition be affirmed this afternoon. It is not just a view shared by a minority of Welsh MPs; every single Welsh MP agrees to the need for having this debate.

The application for this Backbench debate has been signed by representatives of the three parties that have representation in Wales—Plaid Cymru, the Welsh Conservatives and Welsh Labour. Clearly, there is a feeling that we need to not only have a debate in the Welsh Grand Committee, which deals with the specifics of policies, but a debate on the Floor of the House for a few hours so that we can talk in general terms about the issues that are relevant to Wales and our constituencies.

Some people might think that with devolution there is not much need to have a debate on Welsh affairs in Westminster, but I suggest quite the opposite because what is very clear, and has been made clear through the whole covid pandemic, is that the interface between Westminster and the Welsh Government—the Welsh Assembly—is extremely important. We need at least to have an understanding of what is happening in Wales so that there is a dovetailing of policy, but also an understanding of the particularities of Wales and the needs of the Welsh people.

The events of the last couple of years has reinforced the case for having a Welsh debate here in Westminster. Inevitably, the debate will focus, I am sure, on covid, but it is also important to look to the future as well. There are lessons to be learnt over how the Governments here and in Cardiff Bay have responded to the pandemic. Given the large areas, such as health, for example, that are devolved to the Welsh Government, it is very important not just to have a retrospective debate, but one that looks towards the future to ensure that as far as possible both England and Wales are pulling together, with at the same time a recognition and a respect for the peculiarities and distinctiveness of both.

Chair: Thank you very much. The Committee will be aware that in anticipation of receiving this application, I flagged up with the Leader of the House that we would look for time on 3 March for this debate, should we get the application, and of course it was received the very next day. Any questions, colleagues? No? Okay, Wayne, much appreciated.

Wayne David: Diolch yn fawr.

Mr David Davis and **Liam Byrne** made representations.



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Q7 **Chair:** Lastly today, we have Mr David Davis and Mr Liam Byrne, who have an application entitled “lawfare in the UK court system”. David, over to you.

Mr Davis: Thank you, Chair. After Bob Stewart, I feel underdressed. I am not even 9mm-proof—which might be relevant in this debate.

There has been a worrying rise in ultra-wealthy billionaire and oligarch-type individuals using the British legal system to try to suppress or destroy free speech in the UK, particularly among journalists, but not just journalists. It has happened so often—not just here, but in America and other countries—that it has got an acronym: SLAPPs, which stands for strategic litigation against public participation. Basically, they shut down free speech by bringing a lawsuit against people that results in the individual being faced with financial ruin. Individuals are faced with financial ruin, and even companies, newspapers and publishers and so on can face serious costs. I spoke to one person yesterday whose legal bill last year alone was £1.5 million, so it is really serious—and that is only a fraction of what they are likely to face.

There is at least one case at the moment where an ordinary citizen who has no insurance or company protection is facing at least £1 million in a case that is almost certainly a waste of time, but they will face the £1 million. The UK is seen worldwide as the worst place for this, partly because we have a legal system that is pretty plaintiff friendly, in terms of the libel laws and data laws, but also because it is hugely costly; we have one of the most expensive legal systems in the world.

The implications here are for justice for the individual and for free speech. There is at least one newspaper, for example, that will not carry stories about Russian oligarchs for precisely this reason. It affects the incidence of corruption and money laundering here; it is safer to be a corrupt money launderer in this country, because you can suppress people investigating you. It also has implications for foreign state interference. Some of these people sometimes act as proxies for other states. I could walk you through the individual cases, but I think we will save that. I would just say to you that it is a really serious issue. When we got signatories for this debate, you will notice that we got them from literally every party in the House—well, not Sinn Féin, but every other party has signed up.

Liam Byrne: Just three points to add to David’s excellent introduction. The Committee is fully aware that great power competition is now back. In particular, since the ISC’s groundbreaking report into Russian interference last year, we have been well aware that there is a new form of hybrid warfare that is now prosecuted by powers like Russia. Part of that strategy is to flow funds for bad use in countries like Britain. Some of that money comes in through kleptocrats and oligarchs. In the past, some of it has come through disguised donations to political campaigns. Lots of it goes into organisations like Facebook, where we have hatred and division whipped up through fake news. It is about time we woke up, if you like, to the tactics that are being aimed at us.



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My second point is that we have to zero in on one particular aspect, which is that there is money that is coming too close to politics. We can't have clean politics if we have dirty money. That old advice to investigative journalists, which has been common parlance since Watergate—"follow the money"—is now becoming impossible to follow, because if journalists write things that get too close to the truth, they are taken to court and threatened with multi-million-pound legal bills that they simply cannot afford.

That brings me to my third point, which is about why it is so important that Parliament acts. Not only are we the guardians of clean politics, but we are also the guardians of the principles that we hold dear in this country. One of those principles is free speech. The other is the rule of law. The perversity we have at the moment is that the rule of law is being used to undermine the principle of free speech. We have these two core principles being used against each other, in a way. That is why we have to step in and make sure that there is a debate and that we are standing up for free speech, because the threat to our democracy and the integrity of our democracy is not going away. It is getting bigger and bigger.

Some of this debate will take place on the Floor of the House on Monday during Report stage of the Elections Bill. I will be tabling amendments about the need for more safeguards. That Bill will go to the Lords thereafter. Ensuring that our courts are places where free speech is protected, rather than threatened, feels to me fundamental to the democracy that we are sent here to try to protect. That is why this is so urgent.

Q8 Chair: Thank you very much. Could I ask a fundamental question on urgency and timing? There is a possibility that a slot will become available a week on Thursday. That would be 20 January. Would you be interested in taking that slot, if it became available?

Mr Davis: Yes, I think so. We could not do this Thursday. One of the side effects of this is that I have been buried in people offering to help, saying, "Here's this legal research"; think-tanks, legal groups, victims groups—you name it—have been coming to us, so we have lots of data, but yes, we could put that together for next week, maybe.

Liam Byrne: And the intelligence community.

Mr Davis: I was being discreet about it.

Q9 Chair: I am just posing that question because we did have pre-allocated debates for a week on Thursday. There is a good chance one of them may well be forced to drop out for other reasons, but we will let you know as soon as possible.

Mr Davis: The sooner we know that, the better, because we will have to prep for it.

Q10 Bob Blackman: May I just ask what you want to achieve out of having the debate? You have set out the problem.



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Mr Davis: Highlighting the problem for a start and exemplifying it. We will be using privilege to say things that would be difficult to say outside given this behaviour. The newspapers will be reporting that, so the issue is very important, and that is why speed is important. You may have noticed that we have four Select Committee Chairmen signed up. The Foreign Affairs Committee will be looking at the foreign affairs aspect of this, but it is much wider than that.

We have been talking about the foreign operations, but it also has implications for free speech, the rule of law—all sorts of things. That is what we are trying to get into the public domain. The Americans have already moved on one aspect of this, and the more that other people move, of course, the more the problem will come here, so we have to move on that, too. It is basically also saying to the Government, “Wake up and do something about this.”

Liam Byrne: This threat to us is accelerating, but the debate is far less mature in this country than it is in the United States. David mentioned SLAPP; it literally has an acronym now. It is an important debate to have because we are trying to do something quite delicate and sensitive, which is to reconcile a conflict between two fundamental principles in our democracy: on the one hand, the rule of law and the integrity of the court system, and on the other, free speech. We cannot pretend that how we legislate to manage that conflict in a way that protects free speech will be straightforward, but the sooner we have the debate, the sooner we can get some legislative answers.

Chair: Thank you very much. I am just conscious that we might be going into a Division quite soon. There are no further questions from colleagues, so in that case, thank you very much for coming in your application this afternoon.