



Northern Ireland Affairs Committee

Oral evidence: [HM Government support for UK Victims of IRA attacks that used Gaddafi-supplied Semtex and weapons](#), HC 406

Wednesday 16 September 2015

Ordered by the House of Commons to be published on 16 September 2015.

Written evidence from witnesses:

- [Foreign and Commonwealth Office](#)

[Watch the meeting](#)

Members present: Mr Laurence Robertson (Chair), Mr David Anderson, Oliver Colvile, Lady Hermon, Kate Hoey, Danny Kinahan, Jack Lopresti, Ian Paisley and Gavin Robinson.

Questions 93-196

Witnesses: **Mr Tobias Ellwood MP**, Parliamentary Under Secretary of State for the Foreign and Commonwealth Office, and **Jonathan Dart**, Deputy Head, North Africa Department, Foreign and Commonwealth Office, gave evidence.

Q93 Chair: Minister and Mr Dart, you are very welcome. Thank you very much for joining us. As you are aware, we are looking at the connection between the previous Libyan Government and IRA activities. We took some evidence last week and found some of the things we heard quite troubling. We are hopeful of being able to make some progress today on finding out what might have happened and where we go from here towards helping victims, because victims are at the heart of this inquiry and are pretty well everything to do with it. We are hopeful you will be able to give us some steers today, Minister. Perhaps it might be useful if I offer you the opportunity to make a brief opening statement before we ask questions.

Mr Ellwood: Certainly. Can I say thank you very much indeed for the opportunity to participate in this hearing today and also to underline the Government's position, of which I think you may be aware? Certainly I, as the Minister, and the Government itself are committed to assist, in the parameters that we can, in this matter. The big challenge that we face at the moment, as I am sure we will look into in more detail, is dealing with a government in Libya itself. The confusion as to where things are as all the international community works together to encourage a government of unity in the country does mean that for issues such as this, we have no government, as such, to put these important questions to. We hope that will be resolved in the very near future, but it has compounded us trying to get answers to the very delicate questions that we want to work towards.

Chair: Thank you. We are aware of the possibility of assets already being in this country. Maybe you can explain in a bit more detail how we might go about accessing that. I am going to bring Ian in, perhaps on that point.

Q94 Ian Paisley: Tobias, it is good to see you here. Thank you very much for attending. I know that all of us appreciate your very specific interest in ensuring that victims get a fair deal. That is appreciated. Could I ask about the amount of frozen assets that exist? We have heard some reports that there could be as much as £1 billion of frozen assets; we have heard other allegations that there could be more or less. Are you able to give us a very clear picture of what is frozen by the Government here?

Mr Ellwood: I can give you a general view and then I will ask Jonathan Dart, our expert in this matter, to go into more detail. On the parameters of the assets that are frozen, this is done, on one aspect, from UN resolution and also from EU resolution. We have to abide by those laws as well, so, although there are funds that are frozen in this country, it does not mean to say that we, ourselves, have access to them or have the right to have access to those funds, even if we genuinely feel that there is a moral case that those should be looked at.

Ian Paisley: That is a slightly different area. What I am interested in is what is frozen and the valuation of it.

Mr Ellwood: Yes. Jonathan, do you want to speak on that?

Kate Hoey: Could you just say who you are?

Chair: Yes, I should have asked you to introduce yourself. I am terribly sorry.

Jonathan Dart: I am Jonathan Dart. I am Deputy Head of the North Africa Department in the Foreign Office and Head of the Reconciliation Unit. There is open source reporting that suggests there is \$67 billion of Libyan assets from the Libyan Investment Authority frozen worldwide. We do not have specific information on how much of that is located in the UK, but we can assume it is a significant amount—I would suggest more than £1 billion.

Q95 Ian Paisley: More than £1 billion. Several billion?

Jonathan Dart: We do not have access to that information. That is information that is private to the Libyan Investment Authority. The funds are frozen. The interest and dividends that they earn on some of those investments are not frozen, but those are much smaller amounts.

Mr Ellwood: If I can just add that when assets are frozen in this manner—Libya is not the first case in which we have had this; it has happened in other areas as well—the view is that any assets belong to the people of the country itself, so it is for the people to determine for it to be handed back. That goes back to my original point—

Q96 Ian Paisley: I am going to come to that point, Tobias. You are getting ahead of where I want to be. I want to focus on the amounts before we get into how they can or cannot be

deployed. Surely you can do better than just tell us that there is a significant amount but we do not know how much. If you froze my bank account, you would know how much you had frozen. If an account is frozen, you are able to make a calculation as to how much, roughly, within a few pounds, you have frozen.

Jonathan Dart: We would not be able to disclose that information.

Q97 Ian Paisley: But you have that information. Is that what you are telling us?

Jonathan Dart: No. We do not seek that information.

Q98 Ian Paisley: Who freezes the account?

Mr Ellwood: HM Treasury does it.

Jonathan Dart: It is Treasury who freeze the money.

Q99 Ian Paisley: Would Treasury be able to tell us the specific amounts, then?

Mr Ellwood: You would have to put that question to HM Treasury. My immediate reaction is—you gave an individual example—that these funds would not necessarily be disclosed, but, as I say, it is the Treasury that is abiding by international law governing the freezing of funds, which, as I say, belong to the people of the country. When you ask these questions and say, “Why are we not aware as to how much?” it is almost a red herring, in some ways, because we are prohibited from venturing to try to make a claim for them regardless of how much they are.

Q100 Ian Paisley: Let us come to the issue that you are jumping to. That is: can we make a claim to them? You submitted us a paper today. Paragraph 29: “There is no legal basis upon which the UK could re-direct”—or whatever—those funds. Last week, there was evidence given here that there has been precedent in the past. What is the legal basis that you are saying prevents you from doing that? You say there are international laws. Has this been tested in any way? Have your lawyers given you specific advice: “We have tried to access this money but we cannot. Here are the legal opinions as to why”?

Mr Ellwood: I do not know whether you want to add anything. First of all, what is the amount that you are claiming? Again, you are talking about cart and horse. What is the compensation level that you would make? You could make the conceptual case to say that it is morally right that these funds are frozen, therefore they could be requested. That is an argument that can be made, but my view would be that there is a compensation claim, which, from the Government’s perspective, is done from a private perspective. Whatever value that claim is, it is for the people of Libya hopefully to then honour. Where the funds come from in Libya is going to be a decision for them to make. Should they then use any released frozen funds for that purpose, then it is for the new government that, as I say, we hope will come about to make that decision, not us.

Q101 Ian Paisley: I understand all of that rigmarole and, frankly, that red herring. I understand that. What I am asking is: what steps have you taken to establish what precisely is the legal basis? To just tell us that there is no legal basis to do this is not, frankly, good enough. We would like to know, because we have received evidence from other witnesses who have told us that there has been precedent in the past where frozen assets have been accessed. Is that the case?

Jonathan Dart: We have consulted FCO legal advisers. They have told us there is no legal basis on which we could make claims on those assets.

Mr Ellwood: If it would be helpful, we can spell out the legal parameters for which we believe this is the case in more detail and present it to the Committee.

Ian Paisley: That would be useful, yes.

Lady Hermon: That would be very helpful.

Mr Ellwood: As I say, it is based on EU regulation that without a licence issued by the relevant competent authority—the competent authority being the Treasury—any frozen funds are deemed to be the property of the people of the country itself. This is also set out by UN resolution. We will spell out in detail the legal parameters, which I hope will provide assistance to you.

Ian Paisley: Thank you.

Q102 Kate Hoey: Just on that, Minister, with respect—I presume you have read the evidence from last week—do you accept that other seriously well-established lawyers have a different view on what you are saying is the reason why you do not have a legal base, or that there are ways around that legal argument?

Mr Ellwood: We have to take legal advice from our own interpretation of the law as we see it. As I say, we are very happy to present that position in detail so that you can then compare it and use it as you see fit.

Chair: That would be useful. Thank you.

Q103 Kate Hoey: Who gets the benefit of the interest on these frozen assets?

Mr Ellwood: It is Libya.

Q104 Kate Hoey: It stays in the frozen assets and adds to them.

Mr Ellwood: Yes.

Jonathan Dart: The interest in dividends are not frozen. They are the property of the Libyan Investment Authority and the Libyan Government.

Q105 Kate Hoey: Do we know how much interest is going to the Libyan Government every month? Would the Treasury know that?

Jonathan Dart: I doubt it.

Q106 Kate Hoey: It sounds like a couple of weeks' interest would be a huge amount.

Mr Ellwood: Again, it goes back to this fundamental question as to whether there is a legal right to make a claim for frozen funds. As I say, our reading is that this is not possible: that the very firm parameters in the rules and regulations—in this case EU regulations—applying to the freezing of funds means that we cannot do this.

Q107 Kate Hoey: So you do not ask any of these questions. You are not really interested, in the FCO, in doing all that. We would have to see Treasury people and push them on this.

Mr Ellwood: It is not that we are not interested. It would be disingenuous to say we are not interested in this case. Let me make that clear. What I would say is that the Treasury are the custodians of the frozen funds themselves and they are best placed to make comment on this.

Q108 Chair: Maybe we will question them, but from your point of view, is it odd that the main asset is frozen but the interest and dividends on it are not? It strikes me as an odd situation.

Mr Ellwood: I really do not make a judgment about those matters. These are firm rules that apply for any freezing of funds, whether it be in Libya or, indeed, anywhere else.

Q109 Kate Hoey: Who do they get sent back to? You are saying there is no government, or there is no central unit that you are dealing with at the moment in Libya. Who does it go to? Do they send a cheque off to Mr Somebody-or-other? Seriously, how does this interest get there?

Mr Ellwood: I do not know the details of that. I can certainly look into that. There is a Bank of Libya, which is operating. Just to give you an indication as to the curiosity of how Libya is functioning, oil is still being sold, the Bank of Libya is still working, and teachers and all the civil service, including the armed forces and the police, are still being paid, even though there is a chaotic, multiple-level civil war taking place between a number of tribal systems across the country. Thankfully, because there are funds coming through because of the oil, there is a banking system. As I say, I will look into the details. I would speculate that any payments are going directly to the Bank of Libya, because that is still functioning, but we will look into this and confirm what the situation is.

Q110 Oliver Colvile: Can you just tell us whereabouts the money is? Is it in a clearing bank, like HSBC or somewhere like that, or is it held within the Bank of England—or where? Perhaps you could find out for us and let us know.

Mr Ellwood: I would be delighted. As I say, our standing position has been that the opportunity to seek access to any frozen funds is not there. All these questions, pertinent though they would be, are only relevant if that first question is in the affirmative, and our recognition, our understanding, our interpretation is that that is not the case. That is why

we do not have the answers to what are absolutely relevant questions, but only if that first question is correct. If you invite HM Treasury, I am sure they can—

Oliver Colvile: You are pointing us in the right direction. Thank you for that.

Q111 Lady Hermon: Thank you very much indeed, Minister, for coming and, Mr Dart, thank you for joining the Minister to give us evidence this morning. May I just confirm for the record, Minister, that you have read the transcript of the evidence that was given to us last week?

Mr Ellwood: I have scanned through it. I have done my best to get hold of not only that but an awful lot of detail in relation to this case.

Q112 Kate Hoey: You did not watch the Parliament programme, did you, at the weekend?

Mr Ellwood: I did not watch the Parliament programme. No, I did not.

Q113 Lady Hermon: The evidence that was given to us last week was very compelling and very upsetting, particularly from the victims. I want a categorical assurance that this Government is committed to ensuring that compensation is paid to all UK victims of IRA Libyan-sponsored terrorism.

Mr Ellwood: As I articulated in my opening remarks, which I was invited to give, the process that we have in this country in situations like this is that the ability for the Government to support victims is there, but it is deemed to be a private matter. There is assistance that can be given by the Government, but the stance that we take is that it is a private case, not one from government to government.

Q114 Lady Hermon: That was absolutely dreadful as a reply and I hope you will revisit that reply. I am interested because the written submission that you have given to the Committee, at the top of the second page, paragraph three, says: “We remain committed”—this is the Government—“to engaging with the Libyan authorities to address this matter once stability is restored”. Once stability is restored, would you please confirm that this Conservative Government is giving a priority—I would like you to say a top priority—to ensuring that compensation is paid to all victims of IRA Libyan-sponsored terrorism? Would you give that commitment, please?

Mr Ellwood: First, I acknowledge the Government’s position is not what the Committee and, indeed, others would like to see. It is the stance of not just this Government but previous Governments—you mentioned the Conservative Government—that compensation requests on this case are done in a private capacity, not in a government-to-government capacity. That said, I personally, as Minister for the Middle East and North Africa, not least because I have, as you are aware, my own personal experience of losing a family member from terrorism, will do my best to facilitate the necessary discussions with the new government to support that. But we cannot take the case up directly from a government-to-government perspective. That does not prevent our embassy and, indeed, myself making sure that, as quickly as a government is in place, this is deemed a priority.

I put a caveat there to say that any country that is forming a new government will have a series of priorities and we should anticipate that this is not necessarily going to be at the top of their agenda with so many other things to sort out. It is up to us and, indeed, myself to make sure that we do get this expedited and that we do get the intention given by the Libyan Government so they can provide the answers that you are looking for.

Q115 Lady Hermon: It is not just answers we are looking for; it is compensation that the victims are perfectly entitled to expect their own Government to seek from the Libyan Government. I am deeply sympathetic to the fact that you have lost a member of your family to terrorism; though not IRA Libyan-sponsored terrorism, it is terrorism nevertheless and I know that I speak for my Committee members when I say we are deeply sympathetic to that and we do appreciate your commitment to victims of terrorism.

Can I just turn to Mr Dart and ask what the legal authority is? It is completely contradicted by the evidence that we received last week from a firm of solicitors, McCue & Partners—formerly H2O Law—who have looked at this issue for a long period of time. They are experts, I would say, in this field. What is the legal basis for the Government taking the approach that this is a private matter for ordinary victims—well, they are not ordinary; to me, they are extraordinary people that they remain so dignified—to seek compensation themselves and organise themselves, after all they have come through, without the help of the Government? Why is it not a government-to-government issue?

Jonathan Dart: That is a political question. I do not think it is a legal question.

Lady Hermon: Thank you, but we have a politician beside you.

Q116 Kate Hoey: How was Lockerbie different? Why did the Government negotiate on Lockerbie but you will not do it on other victims?

Chair: Mr Dart, do you want to answer? Minister, would you prefer to?

Lady Hermon: So, the answer is there is no legal basis that obliges private individuals to seek compensation. You have told the Committee just now that that is a political decision.

Jonathan Dart: I cannot see a legal reason why a Government could not espouse a claim, but it has been a longstanding Government practice that we do not espouse compensation claims from private individuals.

Q117 Mr Anderson: What advice have civil servants given politicians on that? Have you kept out of the discussion completely and just let the politicians come up with this or have you said, “You can or cannot do this” or “You should or should not do this”?

Jonathan Dart: We have not provided advice on that.

Q118 Mr Anderson: At all.

Jonathan Dart: No.

Q119 Chair: So it is a decision taken by this Government on the basis of previous actions or inactions. Is that more or less—

Jonathan Dart: That is my understanding.

Q120 Lady Hermon: In fairness to the many victims throughout the United Kingdom who have suffered because of IRA violence that has been sponsored by Libya—that is the Semtex and the armaments as well—there is a moral imperative on this particular Government not to follow the pattern of previous Governments but to change that trend. Would the Minister concede that it would be helpful to have a short-term independent inquiry with a single chairman taking evidence to find out what happened in the past, and how it was that Tony Blair seemed to have some particular arrangement with the Libyan Government that was carried forward then by the Brown Government, then by the coalition Government and now by a Conservative Government? Would the Minister endorse a short, independent inquiry to get to the truth of how this has come about? It is absolutely shocking—shocking for the victims and their families and for us as a Committee.

Mr Ellwood: Going back to the substantive question as to whether the Government should take on these cases or not, this would be a fundamental change of approach by the Government.

Kate Hoey: Good.

Mr Ellwood: With respect, you say “good”, but you then have to say, “What are the parameters for other cases?” What precedents are you then setting for the Government to be able to take on a case and then make judgments as to when a case is too large or too small, and so forth? The judgment has been taken that the Government can facilitate and assist in the cases and provide consular and embassy support, but it is better served from the perspective of a private claim rather than it being from Government. I am happy to expand in more detail in writing to you as to the challenges that would be faced if you moved to a government-to-government case. Whilst I can understand the very powerful arguments about it being clear-cut, you then have to ask yourselves as to when a case is criminal or terrorism and so forth and have that conversation, who is best placed to make claims and so forth, and what is the then role of the Government in that sense. I believe, currently speaking, the big challenge at the moment is not whether it is Government or whether it is private; it is whether there is a Libyan government at the moment to even talk to. That is the challenge itself. Once that is sorted, then I certainly believe that we will be able to make progress on this case.

Q121 Lady Hermon: An independent inquiry. Could we just have a straight answer on that one, please?

Mr Ellwood: I am not going to give a reply on that. I hear what you say. You are asking me a question straight upfront.

Q122 Lady Hermon: Will you agree to take it back to discuss with Government colleagues?

Chair: We would be glad to get that full explanation.

Mr Ellwood: I will take that away and I will reply to you in due course on that request.

Q123 Lady Hermon: You will consult with other colleagues at Cabinet level as to whether there should be an independent inquiry.

Mr Ellwood: I would certainly be happy to do so and to give you a full reply in response to your request.

Q124 Jack Lopresti: Minister, it is good to see you. Should the 2005 Government have pushed harder when there was the US-Libya agreement to include UK victims? Was there a missed opportunity, do you think?

Mr Ellwood: Jonathan, I do not know if you want to expand on this, because I know that you have been involved in the detail side. There are some legal parameters that prevented this taking place. We looked at this in detail. Do you want to expand on this?

Jonathan Dart: Yes. There was an attempt made to include UK victims of Libyan-sponsored IRA terrorism in the American claim, which was specifically related to Lockerbie and the Berlin bombing. The US concluded that it could not include UK victims in that claim.

Q125 Jack Lopresti: On the basis of?

Jonathan Dart: We do not know. They replied to us that they could not do it.

Q126 Jack Lopresti: Even though there were countless hours of discussions and negotiations, you are not able to tell me why that decision was made.

Mr Ellwood: My reading of it is that US law prevents the inclusion of foreign nationals in their own bid, so it was simply not possible to batch them together in that sense.

Q127 Jack Lopresti: Does the Department have any information on the role that Tony Blair played in the agreement?

Mr Ellwood: That was before my time. I do not know if you want to comment.

Q128 Jack Lopresti: On whose behalf was he acting? As an individual or on behalf of the Foreign Office?

Jonathan Dart: We understand that he was not acting on behalf of the Foreign Office.

Q129 Jack Lopresti: Do you have information on more specifics?

Jonathan Dart: We do have some information.

Q130 Jack Lopresti: Would the Committee be able to see that?

Jonathan Dart: I think that question would be best directed at Mr Blair.

Mr Ellwood: Can I ask if you are calling Mr Blair?

Chair: We may be; we have to decide on future witnesses. That is, to an extent, determined by what we hear today. We are anxious to try to move it forward rather than find out too much about how we got to where we are. The priority is to move forward, but sometimes you do have to look over the past as well, so we will have to take that decision.

Q131 Jack Lopresti: As a missed opportunity, even though American law prohibited them from including us in their agreement, was there not then a moral case and perhaps the impetus at the time for the UK Government to have looked at what they were able to do and make a case, in their own right, for including British and Irish victims of the IRA?

Mr Ellwood: It is difficult for me to respond to that, because I was not there at the time and, as you say, it was a different Government. I am not sure how helpful it is to go back and say, “We should have done things differently then”. We have to deal with the decisions that were made and move forward. I know that in hindsight there are different approaches that you would take. I think it would be unhelpful to go down that avenue; it would not be productive.

Q132 Danny Kinahan: Thank you very much for coming today. Last week, from the lawyers, we very much heard that if we put something in place that chased up what was going on, we would send a signal to terrorists worldwide that justice would always be followed up on. Will your Government put something in place that really does follow this up and puts all the resources into it?

Mr Ellwood: Can you expand on your first bit?

Danny Kinahan: Yes. We are trying to send a message worldwide to terrorists that anyone who sets off a bomb anywhere in the world knows they are going to be chased to the ends of the earth for justice for the victims. We know that is what the Conservatives stand for, but will you now put the resources in place so that we are ready?

Mr Ellwood: I cannot commit resources as such. The spirit of what you say is absolutely right—wherever it may be. Terrorism continues to take place in Libya; unfortunately, ISIL is now developing training camps and so forth there. We are all aware of what is happening in Syria. In the long term, time will catch up with all of the people involved in criminal and terrorism acts that are taking place, as we saw in Bosnia, including damage to antiquities and so forth, and they will be taken to The Hague to the International Court and be tried. So yes, I would agree with the spirit of what you say.

Q133 Danny Kinahan: If you follow that up, you have said that you are willing to give assistance and to help, but at the same time we are being told that there is not a government to negotiate with. Will you sit down with the victims and, first of all, find out how many there are—i.e. get a scoping exercise in place—and, secondly, get ready for all the things that need to be done so that the moment there is a government you can talk to you are going there prepared?

Mr Ellwood: If there is some assistance that I can provide in preparation for when there is a Libyan government to deal with—if it is felt that I can play that role within the parameters that I have spelled out—I would be happy to serve in that capacity.

Q134 Gavin Robinson: Minister, you will have heard that there has been a consideration of the approach of the FCO and I do not think it is any surprise that that has not changed, but there is a huge level of disappointment that, as a successor Government to when this initially started, there has not been a change of political approach. In 2010, the Prime Minister told McCue & Partners, who have been referred to, that the “Government will be unequivocal in its attitude to Libya’s past sponsorship of terrorism”. Has that changed?

Mr Ellwood: I do not think it has. As I say, until there is a government in Libya for us to work with, we cannot pursue any of these aspects and we cannot pursue any form of compensation or, indeed, retribution for what has happened.

Q135 Gavin Robinson: You referred to United Nations and European Union resolutions that frustrate the ability to take compensation from frozen assets. Do you have references for those resolutions?

Mr Ellwood: I can get those references for you, but I do underline where we take ourselves if we made the judgment that we can help ourselves to funds in the UK that belong to Libya. That would be a dangerous precedent to set. Much as it may feel the right thing to do and it may satisfy in the short term, because of the legal complications that it would make, from the Libyan perspective and international law but also in future cases as well, I do not believe it is the right course of action. It could very well be that Libya itself makes a judgment that it will use these frozen assets, but ultimately it is compensation. Where that compensation comes from—whether it is from released frozen funds or so forth—is up to the Libyan Government to determine.

Q136 Gavin Robinson: You made reference earlier, Minister, to the resolutions containing a provision that the money is there for the benefit of the Libyan people.

Mr Ellwood: Correct.

Q137 Gavin Robinson: Can you indicate what efforts, either politically or from an official perspective, let us say, were made during the construction of those resolutions to make provision for the victims of Libyan terrorism?

Mr Ellwood: The parameters in which frozen assets are created—again, I can give you more information on that—were not a result of this particular aspect; they existed already. We can certainly look into the UN resolution from the perspective of New York as to what the wording was and what our contribution was. I would be happy to get you that.

Q138 Gavin Robinson: But at this stage you are unaware that, when a draft form of resolution was presented, no one from the United Kingdom Government said, “There is an issue of compensation for victims of Libyan-sponsored terrorism”.

Mr Ellwood: I do not have that information on me now. I will certainly look into it. As I say, there are fixed rules that already exist governing the responsibilities of what would be the treasury department in any country to watch over or, indeed, freeze the assets of individuals or government assets in that particular country, and then rules of what then happens to that as to when they can be liberated or, indeed, returned to the country. They are already there—they are fixed; they are nothing new—but if there is further wording in relation to UN wording, I will be happy to look at that for you.

Q139 Gavin Robinson: Finally, Minister, as has been mentioned, we had some compelling evidence last week from victims. One of those victims is present here this morning and they said this of the Reconciliation Unit: “I was always annoyed that this unit in the Foreign Office was a ‘reconciliation unit’, as if we need to be reconciled with the Libyans and they needed to be reconciled with us. To us, we felt much more bonded with the Libyans and their struggle than we do with our Government. Maybe the Government needs to consider what it should do to be reconciled with us.” Can I have your view on that and, potentially, Mr Dart’s as well?

Mr Ellwood: First, the wording of the Reconciliation Unit itself is not meant to cause any offence. It is what its function is, which is the important thing, and its determination to assist in getting a resolution here. I apologise if the wording of it itself is—

Q140 Gavin Robinson: It is not the wording; it is the interaction between the Reconciliation Unit and victims that so disappoints—that they feel they need to be reconciled with you and your efforts and your Department’s efforts as opposed to with the people of Libya.

Mr Ellwood: Again, I focus on the fact that our attention is very much on making sure that there is a Libyan government there for us to be able to do business with. Until that is secured all the efforts are on hold. That must be our attention. If there are areas where the victims themselves believe there should be improvements with the Foreign Office, I would be more than happy to meet with the representatives of the victims and to speak with them directly in order to look at this in more detail.

Q141 Gavin Robinson: The lady who said it is here, Minister, so potentially this morning could be a good start.

Mr Ellwood: As I say, I stand ready to be of service if I can be.

Q142 Mr Anderson: You mentioned that the stance of your Government is the same as the previous Government in terms of whether or not this should be a private matter. I understand exactly what you are saying about there is no way to talk down there, because there is no Libyan government as such. When the time comes when there is a Libyan government, will you still have the same stance—i.e. that it is not a matter for government and government; it is a matter for private individuals and the Government will help where it can? As you answer that, can you also explain to me—if you can, because it was not your Government that started on this trail—how you came to that view? What advice did you take—we are told civil servants did not give you any advice—to say this is not a matter for Government but for private people? If you are going to say that it was all Tony Blair’s problem and

Gordon Brown's, etc. you can say that, but the fact that you have not changed that stance means that you have taken on, without trying to be prejudicial, the culpability for that stance. Is the stance going to be the same when there is a government, and why and how did you come to have that stance?

Mr Ellwood: Thank you for the question. I have already given the Committee a commitment to give you further detail on the arguments as to why the Government's position is such that we do not take on government-to-government cases such as this, and I will provide more detail on that. In relation to Libya itself once a government is in place, no, there is no intention for any change in that. What there is a commitment to is to make sure that we are able to assist in every way we can within the parameters that I have spelt out.

Q143 Mr Anderson: Perhaps I am just being thick—and that would not be the first time—but explain to me how the Government has got to this position that it is not the Government's job to get involved in this, particularly when other governments clearly have got involved. The Government at the time asked the US Government to do a government-to-government job on your behalf and yet you are saying that you should not do so. What is the rationale for that view?

Mr Ellwood: The legal parameters in which any country develops its own laws in relation to terrorism vary across the world and we have seen that. The legacy of this is that this is a position that is deemed to be the most appropriate.

Q144 Mr Anderson: Why was it deemed to be the most appropriate? I know the position; I am trying to work out how people came to that position. I do not think any reasonable person would say that is a good position to be in. I was a PPS in the Foreign Office in the last Government and I will apologise on behalf of them, if it helps. They made a huge mistake in not involving themselves in this matter much more than they did—a huge mistake. We might question later on why they did that. Were there external reasons? Was it because they wanted to promote trade? Was it because they wanted to try to keep the peace process going? Whatever it was, we need to understand why it has gone on and why you are continuing that stance.

Mr Ellwood: You mentioned trade and these other aspects of it. As I said, the position of successive Governments has been very clear. It is not related to trade at all. That is a position that has been held firm from the very first cases of the situations that have developed. You do open up a judgmental position whereby you have to means test every single case were you to then move to a government-to-government position. The US has very succinctly chosen specific cases where they have chosen to act from a Government perspective, but it has been in the clear-cut, larger cases, under their own laws. We are subject to different laws and, from that perspective it has been deemed that these cases should be taken from a private perspective with the assistance of Government.

Q145 Mr Anderson: In compensation cases up and down this country today, lawyers will be using the means test of individual people to pursue a case that then can become a class action. They will take the best possible winners. Surely that could have been adopted back then. Why was it not?

Mr Ellwood: We are now going into the legacy and history of this law itself. I do not have the details in front of me. In a sense, this is the same question. I have already made a commitment to say that I will write to the Chairman with more detail as to how this stance was developed.

Q146 Mr Anderson: Do you accept what Mr Dart said—that this position was completely done without Civil Service advice?

Jonathan Dart: I do not think I said that.

Mr Anderson: I think you did.

Jonathan Dart: I was asked whether there was a legal obstacle to the Government espousing compensation claims and I said there was a not a legal obstacle.

Q147 Mr Anderson: You said it was a political act and I intervened—which I tend not to do on this Committee—and asked you specifically, “Did you give the Government advice?” and you said no, you did not. The record will show it. Would you accept there was not advice from the Civil Service?

Jonathan Dart: Let me clarify. What I meant to say was that I was not aware of any legal reason why the Government could not move to a policy of espousing compensation claims. The Minister has made it clear that that policy exists and he will write to the Committee explaining why successive Governments have chosen to maintain that.

Q148 Mr Anderson: Will you write to us and show whether there was any advice given by the Civil Service to guide politicians in coming to the position that said the best way to pursue this is through private individuals—or advice to say, “Do not go down this route”? Will you give us that?

Jonathan Dart: I am not aware of any of this issue. The default position would have been that the Government did not espouse private compensation claims against foreign governments. I am not aware that there was any attempt to change that policy. That policy would have been in existence possibly forever.

Mr Anderson: The plot thickens.

Q149 Chair: Can I just clarify where it stops, though? You said the Government can assist to a point—you mentioned consular access and so on and so forth—but at what point does the help stop?

Mr Ellwood: Jonathan might want to elaborate on this. Making legal representation is not something that the Government is going to do, but we can knock on the doors of the ministries and so forth to raise the profile of this and to make sure that the new government is aware that this is outstanding, that this is a priority and we want this resolved. We can make sure that access is provided, the support is given, and that the necessary visits and so forth, and support, is all there as well. Those are the mechanics

that I, from a personal perspective, will be very committed to making sure, as soon as a government is in place—I will be much involved and at the forefront of this.

Q150 Mr Anderson: I hear what you are saying. From September 2003 until February 2011, there was the best working relationship between the British Government and the Libyan Government that there had been for years and nothing happened. There was no progress. You are saying that even when things were working really well, you had a man who had completely turned around from where he was, giving up his weapons of mass destruction and agreeing to pay compensation with Lockerbie, but would not move on this despite this good relationship. You are still saying that is the best way to pursue it in future—not to get involved legally. That is your position.

Mr Ellwood: No, for the same reason that I gave in response to Mr Lopresti. I do not think it is appropriate for me to comment on what happened between 2003 and 2007 and why the relationship was not leveraged in the manner in which you said. I do not think it is helpful for me to do that. I need to learn from that experience and look into it, perhaps, and I will take your question away with me, but I do not think it is right for me to respond to that here now.

Q151 Oliver Colvile: First of all, Minister, thank you very much for coming to see us and, Mr Dart, thank you also for coming as well. In your memorandum that you submitted to us, in paragraph six it clearly states that Gordon Brown, when he was the Prime Minister established “a dedicated unit in the Foreign and Commonwealth Office to support the victims’ families in their efforts to secure compensation from Libya regarding its past support for the Provisional IRA”. Mr Dart, you are the product of that, I presume. Is that right? Has the Government’s position changed from that position that I just read out?

Jonathan Dart: The Reconciliation Unit was set up, as you said, by Prime Minister Gordon Brown. Our role is to facilitate the claims by UK citizens—victims of Libyan-sponsored IRA terrorism. As the Minister said, we will be facilitating visits by victims and victims’ groups and access to a Libyan government as and when there is on, and as and when that government is prepared to engage on this issue.

Q152 Oliver Colvile: So you are still interested in helping the victims in order to make sure that they can get compensation, though we have had a complete explanation this morning as to how that is rather difficult to deliver at the moment. Preparation is always incredibly helpful when you are going to do be doing this and we hopefully can anticipate a Libyan government being in place that we can end up dealing with, so can I ask you: do we have details of the terrorist attacks where Semtex was used?

Jonathan Dart: I believe our colleagues at the Northern Ireland Office have some information, although I am told it is extremely difficult to have a great deal of confidence, but that is not my area of expertise.

Q153 Oliver Colvile: If I put down a parliamentary question, you are saying I should put it down to the Northern Ireland Office, asking for full details of all the Semtex attacks that have taken place. I was in two of them. The first one was in Harrods. I was there at the time. I

was also at the Brighton bomb when, as you know, they tried to blow up the Prime Minister of the day, Mrs Thatcher. Have we set out criteria as to what people have to do to qualify for it? Is it those people whose families have been killed in it? Is it people who were there? Believe you me, I do not want any money for my experiences, so let us rule that out at the very beginning, but can we make sure we have the criteria for which they can then know what they need to fulfil in order to do that? Is that a thought that you have had yet?

Jonathan Dart: I am not sure I entirely understand. I would have assumed that it would be for the Libyan courts to assess, on the basis of evidence presented to them, which victims qualified for any compensation that they developed. Are you suggesting that we might try to pre-qualify—

Q154 Oliver Colville: It would be helpful for them to understand what criteria they need to fulfil in order to have the British Government's support in their claim. Or are you not willing to—

Jonathan Dart: To be honest, we do not pre-qualify. Anyone who comes to us and says that they were a victim, we offer to include them. I have meetings with DVA; I have had meetings with Willie Frazer and lots of telephone and email contact. I have updated people, but I have not tried to say, "Show me the evidence before I will talk to you".

Q155 Oliver Colville: Do we have a list of potential victims?

Jonathan Dart: No.

Q156 Oliver Colville: Do we think we might start doing that?

Jonathan Dart: We have a list of organisations that have approached us.

Q157 Oliver Colville: Excellent. It would be helpful if we could ask them if they could provide a list of their people. We can talk about that in due course. Finally, I just want to understand what assistance you think the British Government can give to the victims who have lost families and people in that. Do you have an idea as to what assistance you might be able to give?

Jonathan Dart: It will not be easy, but I am thinking in terms of facilitating visits, giving contact details, speaking to the new Libyan government to try to ascertain what systems they have in place, perhaps even assisting them to develop those systems, and then introducing victims. A lot will depend on the nature of the new Libyan government and its openness to engage on this issue.

Q158 Oliver Colville: If you were a family of a victim, what advice would you, as HM Government, give to those families as to how they can take their case forward?

Jonathan Dart: I do not think I would presume to give them advice, but maintaining contact with the victims' associations makes a lot of sense, because that makes it easier for us to take matters forward.

Q159 Oliver Colvile: Minister, what advice would you give?

Mr Ellwood: Again, I go back to my personal experience. It is important—and I say this from a humble perspective—that, as they form, the groups, or subgroups, have a clear representative who can speak on behalf of them. It does make communications a lot easier in that sense. Once a Libyan government is in place, I will request a meeting—in fact, I will be happy to host a meeting—with those representatives of the victims and the new Ambassador for Libya, so the Ambassador herself can hear first-hand the importance of this case from the representatives of the victims, or as many victims as would like to be there, so a clear message goes back straight away that we want to push forward with this.

Q160 Oliver Colvile: Have you met yet with the victims' groups?

Mr Ellwood: I have not, no.

Q161 Oliver Colvile: It might be quite helpful to do that.

Mr Ellwood: I have already made the undertaking that I would be happy to do so.

Oliver Colvile: That would be excellent.

Q162 Ian Paisley: The last time I checked, I thought that the sovereignty in all of this issue rests with this Parliament and the sovereignty for our citizens in this issue rests with our Parliament. Frankly, waiting for the Libyan authorities to sort themselves out will be like waiting for Jeremy Corbyn to sing the national anthem; it is not going to happen. It is kind of round and round the mulberry bush; whenever everything is sorted out in Libya then we can help pursue these cases.

There are two things that come to mind. First of all, this desk that has been set up to help the victims in the Foreign Office I think is an absolute sop. If I am right, it was put in place a year after Gordon Brown wrote a letter saying, "The case is now closed. Do not come back." They opened this desk as a sop, frankly, to victims, and they send them out on journeys in the knowledge that the Prime Minister of the day has written and said very publicly, "This is closed" and Libya just entertains it as a nonsense. I am very sceptical about the desk being able to achieve, even in the fullness of time, the things that we want to achieve.

What I am interested in is a mechanism that can allow us to do something for the victims. If this Parliament is sovereign, Minister, is it possible for a law to be introduced for an Act of Parliament to operate in the same way as the National Defence Authorisation Act in 2008 worked for Congress, which sets aside all of these international agreements and says, "We are seizing this asset and we are doing this with this asset"? I calculate that at a 3% interest rate this money is making £200 million a year or more. On that basis alone, could Parliament take unilateral action and lift some of this money for victims?

Mr Ellwood: First, I hear what you say about the Reconciliation Unit. It has been extremely helpful to hear your thoughts and very much your concerns about where we are as a totality here. I very much appreciate that personally. On the case of the funding itself, we have made it very clear that these frozen assets belong to the people of Libya.

We go down into a very difficult place if we then legislate to say that we want to retain some of that funding and deny the people themselves that funding. From the Foreign Office's perspective, officially, we would not have a firm position in which to make that case. It would be for the Treasury. If you are going to invite somebody from HM Treasury, they are the people who are pertinent, because they are the custodians of the funds themselves. It could very well be that they may have a different view, whether it is the interest that has been accumulated or, indeed, the frozen assets themselves.

Q163 Ian Paisley: But Parliament could take an action that will allow access to this money.

Mr Ellwood: You are asking me a legislative legal question that I cannot answer now. I can get back to you on that. The chances are that we are subject to EU law and, as such, we do not have that right.

Q164 Ian Paisley: It was not just EU law that was cited; it was international laws that were cited, and the United States set them completely aside in 2008 by an act of Congress. As a result, Libya then came running to them to sort the problem out, because they realised it was going to stop and damage business.

Mr Ellwood: As I say, Congress does operate differently. Again, I am happy to look at this. As I say, our reading of the rules that govern frozen assets is that this is not a possibility and could end up with a counter-claim from Libya to say, "Why have you taken funds away that possibly you would have got anyway, had you"—

Q165 Ian Paisley: Would you employ an expensive British lawyer and challenge the sovereign Parliament of this land? Parliament has the authority to do this and Parliament should take the authority to do this. If, as I believe, Members of Parliament across this House think morally there is a case here, then we have a legitimacy to act.

Mr Ellwood: My advice would be that we are close, in the next few weeks, to determining whether or not we see the formation of a Libyan government. We will know in the next three or four weeks whether we are there or whether there is going to be a further period of discord in the country itself. It would make sense, for the moment, to pursue seeking compensation directly from a newly formed Libyan government. It is an interesting question—not to wander too far outside of my comfort zone here—about whether the interest that has been accumulated from this would be something for HM Treasury to consider if there is no prospect of a Libyan government forming in the future. I pose that as a question; I do not have the answers at all, and there would be some very firm legal parameters and consequences were decisions made in the direction of travel that you are suggesting.

Q166 Ian Paisley: Finally, as I said, the last significant written documentation on this was a letter from the Prime Minister that said, "The case is closed. Do not come back." Is your view that the case is now open, given what you have said?

Mr Ellwood: When you say the case is closed, I do not believe the case is closed in the sense that the determination to seek compensation for those victims is ended. That is completely wrong. It was an unfortunate choice of words by the then Prime Minister.

Q167 Kate Hoey: My colleague Mr Anderson talked about that period between 2003 and 2007 when there was a stable government and nothing seemed to be done by Government to really stand up for the victims. It is very interesting, because I have looked back over my records and when William Hague, as shadow Foreign Secretary, was in Northern Ireland just before the 2010 election he made some very strong comments about the then Government—how feeble they had been and how much more was going to happen and what he was going to do and how it was going to be different. It was quite strong words. He then goes into Government a couple of months later and goes into the Foreign Office and somehow then it all goes soft.

It strikes me that while there is a political decision here, there is clearly a Foreign Office view on this that this is an awkward area—it is going to interfere with our trade and all sorts of things. I think the public watching this will find this a double standard in terms of what happened with the American Government and, as my colleague Mr Paisley said, what they did. Do you think, deep down, there is something else going on here? Do you think this has anything at all to do with the fact that some of the people who ordered the Semtex from the Libyans are in Government now in Northern Ireland and there is a determination that peace process is sacred and therefore perhaps it was easier to drop the thing? Would you like to comment on that, Minister?

Mr Ellwood: First, I do not agree with your interpretation of the events themselves. I am afraid you have discarded an awful lot of key events that took place in Libya itself. William Hague became Foreign Secretary but, at the same time, in Libya, the very country that we are attempting to get compensation from, there was a gradual demise in the Government's capability. We involved ourselves in preventing a bloodbath in Benghazi in 2011; then came the creation of a no-fly zone. That started the beginning of a civil war and resulted in, indeed, the removal of Gaddafi. This is a backdrop for which, no matter what intention, any new government of any hue would find it very difficult to secure compensation or, indeed, pursue this to the ends that we would deem satisfactory. We need to place the context of what was happening in Libya as well.

Then, more latterly, after 40 years of misrule with Gaddafi, you have over 35 tribal systems that had been sat on for that period of time all vying for space, all vying for a sense of governance and so forth, and that has led to the turmoil. As I say, we will see in the next three weeks or so whether the UN envoy, Bernardino León, has been successful in bringing the various parties together, not least because the mandate of their key parliamentary body, the House of Representatives, runs out in a couple of weeks. That is why what happens with the direction of travel of the country will be critical. I do not think I am going to be drawn into comments on that; that is unhelpful. I would just underline my personal commitment and the fact that I think this hearing that you are conducting is very helpful indeed in raising the entire profile of this case.

Q168 Kate Hoey: I accept your personal commitment on this and we will look forward to seeing that in action. Last year, the Prime Minister asked Sir Kim Darroch to go to Libya, it says in the Foreign Office statement, “to lead renewed cross-Government efforts to build a

dialogue with Libyan authorities on reconciliation initiatives relating to Gaddafi-sponsored IRA terrorism. This was not a mandate to secure payment of individual compensation claims.” What was his role—to bring about reconciliation? Was there any attempt at all to say there was a priority about compensation? Did he do anything? To be honest, it seems to us, when we look at some of the emails, that a lot of effort and time goes into helping Mr Blair when he visits Libya, but when the victims try to go or the lawyers go, the Reconciliation Unit does not really help in any way whatsoever. What did Sir Kim’s visit achieve?

Mr Ellwood: His agenda was quite wide and covered a number of areas. Jonathan, I do not know if you want to go into the detail specifically to do with the unit itself, but one of his key messages was to do with talking about what further assistance Britain can give with the progress in gaining an appropriate governance structure. You will be aware that the Prime Minister has committed Jonathan Powell, who is very familiar with this area that we are discussing now from his days there, to try to assist with that package as well. That is why Kim Darroch was there, but whilst he was there, he was able to cover other aspects of the bilateral relationship. Jonathan, do you want to say a couple of words on that?

Jonathan Dart: The reason that Kim Darroch will have been there to promote reconciliation between Libya and the communities in Northern Ireland would be to create the space then for perhaps compensation claims to be made. The aim of his visit was to establish contacts and to start building that relationship. Unfortunately, the timing was not good; Libya, at the time, was decaying into civil war and within a few weeks of his visit we had to close our embassy and withdraw our staff under fire. Since then, the situation has deteriorated dramatically, up to the present day, which the Minister has just mentioned, where we have some hope of seeing a government again. Sir Kim Darroch’s role was very much to establish a dialogue with the Libyans, to promote reconciliation between the communities and—

Q169 Kate Hoey: Reconciliation between who?

Jonathan Dart: The communities in Northern Ireland. This is something I discussed earlier in the year with Willie Frazer. Willie is very keen to see reconciliation between the communities in Northern Ireland who have been victims of Libyan-sponsored terrorism and Libya itself.

Q170 Kate Hoey: Just explain that in very simple terms. We sent a senior person—I have forgotten what his official title is—to talk about reconciliation between Libyan communities and Northern Ireland communities. That was what we sent him to do.

Jonathan Dart: We sent him to establish some space in which we could discuss these things with the Libyan Government.

Q171 Kate Hoey: How many full-time equivalent people are in your unit?

Jonathan Dart: We have seven in the Libya team and I am the Head of the Reconciliation Unit. The workload varies dramatically, as you can imagine.

Q172 Kate Hoey: It almost sounds like a tea and sympathy unit. Seriously. The whole unit worries me, and it also worries me that the victims are having to fund all of the work they do—the legal costs of the wonderful lawyers, who have been very good. Why is the Foreign Office and Her Majesty’s Government not helping these victims? These are huge numbers of people throughout the United Kingdom—it is not just a Northern Ireland matter—who suffered from Libyan Semtex.

Mr Ellwood: I very much sympathise with the time it is taking to resolve this, but I do believe that we need to be careful that the inability for us to speak with the Libyan government is not seen as somehow a reason to say that the British Government is not committed to providing assistance, so please, if we can just keep that in context. There is not a government in Libya for us to be able to talk to at the moment, so whatever we do on this side of the Mediterranean will not expedite any quicker resolving this case with the Libyans. Please, I ask just that to be placed into context.

Q173 Lady Hermon: Could I just pick up on that point? I have listened very carefully to what you have said. I am confused. I think your evidence is quite conflicted in places, but we will come to that. You have explained to us that you are hopeful that within the next three to four weeks there will be a Libyan government. Am I right? Yes. You have given us evidence that the British Government is, at the present time, hopeful that within the next—I wrote it down—three to four weeks there will be a Libyan government. You very kindly—I mean that genuinely—offered and you did say you would be happy to host a meeting between victims of Libyan-sponsored IRA violence and any new government. Yes? You are nodding. That is all very well and good, but what we want from the Government is a commitment at the top of the agenda that it will not just host a meeting about reconciliation between the communities, but that it will say to the Libyan Government, “You have an obligation to commit and to compensate all victims throughout the United Kingdom” for the terrible grief and loss that they have caused. Is that going to be on the agenda?

Mr Ellwood: First, to put things into context, there are some set meetings that are taking place with the UN envoy, which will determine whether or not a government of unity is signed and agreed. There is a deadline that is approaching on 21 October.

In relation to the meeting that I suggested would be helpful, it was in specific context to a question as to what we could do relating to the victims in the near future. Please do not read from that that is the sole initiative or the limit to what I am—or, indeed, the Foreign Office is—willing to do. It was a first step for me personally to be able to engage with the victims themselves and a starting point at this end with the embassy that is easy to facilitate, can happen straight away, does not require any visas, does not require any travel arrangements—does not require anything at all—to initiate a process of engagement with the new government. That was the intention. I hope that has placed it in perspective. It is not just a standalone and that is it and I walk away.

Lady Hermon: Good.

Mr Ellwood: From there, we can then look at those aspects that you have implied of making sure that we are able to identify to who it is in the necessary ministries to whom the case needs to be made, and making sure that the British embassy is geared and ready to provide all necessary support to make sure that that case is put forward.

Q174 Lady Hermon: Let me just rephrase my question. Perhaps you could just answer the question. Will the British Government be giving a priority to demanding compensation from the newly formed Libyan Government to compensate UK victims for Libyan-sponsored violence in this country?

Mr Ellwood: Yes.

Q175 Lady Hermon: Right. We have extracted that. I am very glad to hear that, because in the statement that was submitted by the Foreign Office before you came to give us evidence, reference was made to the fact that Jason McCue had travelled out personally, at some personal risk, as he explained to the Committee last week, in 2011 after the Arab Spring. He had met with the Head of the National Transitional Council, Abdul Jalil—no minor figure at all. He had apparently signed statements apologising “for Libyan support for IRA terrorism and agreed to financially compensate UK victims”. In this statement from the Foreign Office, to my horror, it says—and I am quoting—

Mr Ellwood: What page is this?

Lady Hermon: It is paragraph seven of the submission from the Foreign Office. “As and when a future Libyan government is in a position to consider this issue, we will draw their attention to the statement”. “Draw their attention to the statement.” I want a commitment from the British Government that they are going to expect the Libyan Government to abide by their statements, to apologise for the sponsorship of IRA violence that has wreaked havoc on people’s lives, and also to compensate them. Can you give that commitment to us—that you will not just draw their attention to this statement that was made by Abdul Jalil, but that you will expect the new Government to adhere to those statements?

Mr Ellwood: First, to place this in context, the National Transitional Council no longer exists; it has been superseded by a series of administrations. I stand to be corrected, but if my memory serves, Abdul Jalil was out of that particular job within weeks of making that statement.

Q176 Lady Hermon: Yes, but at the time he acted on behalf of the Libyan Government. He apologised for IRA-sponsored violence and he agreed to compensate the victims. Why is the British Government not pressing—

Mr Ellwood: Am I right in saying that this was before Gaddafi had been taken out in Tripoli?

Q177 Lady Hermon: No, this was in 2011, during the Arab Spring.

Mr Ellwood: So, this is at the heat of when the National Transitional Council was formed in Benghazi and there was still this other administration existing in Tripoli. I do not try to make excuses—

Lady Hermon: Good. I am glad you explained that.

Mr Ellwood: If I may, what I am trying to say is that we have to deal with the administration of the day in order to move this process forward. There is no administration, even today, for us to have clarity on who will deal with this matter. We can present documents that are in the past, but we should be realistic as to whether they will honour anything that has been written by previous administrations, bearing in mind that many of them have fought to discredit those various administrations as well. Absolutely, it is important to be aware of what has been signed, what has been agreed and what has been said in the past, but we should also be very clear that they are not necessarily going to respect those old agreements and we need to pursue a fresh agreement on behalf of compensation moving forward with the new administration.

Q178 Lady Hermon: Thank you. I think I would be content if you would confirm that the Foreign Office will not just bring these statements to their attention but will be demanding that they honour the commitments that were made earlier in the name of the Libyan Government.

Mr Ellwood: I just make it very clear that they have no obligation, after a revolution, to honour what a previous administration has committed itself to. That is the reality check that we face in this situation in a very turbulent country where there have been a series of administrations. We now have two parliaments, effectively. We are trying to unite them and move forward on this.

Q179 Lady Hermon: That is the Libyan Government. I really want to make sure that the British Government—my Government—is going to prioritise this and is going to be insisting that compensation is paid to UK victims of Libyan-sponsored violence in this country.

Mr Ellwood: That takes us back to the essence of what we are here to talk about and I am committed to that, but what I cannot do is lock myself or, indeed, the British Government down to a particular document that was signed by a previous administration that is no longer going to be honoured by a new administration. We just need to be realistic here and say that that is not necessarily going to be possible.

Q180 Lady Hermon: Okay. Let us move on. A little earlier in your evidence, between Mr Dart and yourself, you confirmed that espousing private claims for compensation by individuals is a political decision, and a political decision has been made that the British Government is not going to espouse the claims of private individuals. Minister, you are nodding in agreement that that is Government policy. There is great gratitude on my part that the British Government did seek compensation, quite rightly, for the murder of WPC Yvonne Fletcher, which was paid by the Libyan authorities, and did also seek compensation for the Lockerbie victims. Those are quite right; that is what I want to see the British Government doing. Why is it that IRA Libyan-sponsored terrorism has not been compensated? Why has the British Government appeared to pick and choose which victims it is going to seek to espouse their claims?

Jonathan Dart: We offered before to offer some background on exactly why the UK Government has this policy of not espousing private claims against foreign governments.

Q181 Lady Hermon: How come the British Government did—quite rightly; it is not a criticism—seek and did obtain from the Libyan Government compensation for the Lockerbie victims and for WPC Yvonne Fletcher?

Kate Hoey: What is the difference?

Mr Ellwood: I am quite happy to look at the Lockerbie case. My interpretation is that that this was done en masse; I think it was a US perspective that did this and it was on behalf of all those who were involved on the plane itself. Therefore, Britain was involved in assisting and making sure that this happened. As I say, I will confirm what exactly our role is, but I do not think there is the double standard that you are—

Q182 Lady Hermon: Certainly from the evidence we have received there would appear to be, and that is deeply concerning.

Mr Ellwood: I am very happy to clarify exactly what the role was and to make sure that we have a consistent policy, because, absolutely correctly, it needs to be consistent.

Q183 Lady Hermon: Thank you. Moving on to something completely different, can you tell us how many British oil companies are working in Libya during this terrible time of turmoil and shifting governments and changing governments?

Mr Ellwood: I cannot tell you that off-hand.

Q184 Kate Hoey: One? Two? Three? Four? You must know something, Minister; you are responsible for that whole area.

Mr Ellwood: There are many dual-listed companies that are listed. We have had a long involvement in the hydrocarbon industries in Libya, but many of them have backed away or sold off or been purchased by other people. I am happy to give that information. In fairness, if you had prompted me to bring that information, I would have been happy to have investigated beforehand and provided that.

Q185 Gavin Robinson: Minister, you have heard that the Reconciliation Unit has been described as a “sop” this morning. You have heard that it has been described as “tea and sympathy”. I think if you can take anything from this session, it is that there is a huge level of frustration with the engagement of the Government and their determination on this issue. I have no reason to doubt you or your personal intentions in what you have outlined going forward and I welcome the promise of engagement, at embassy level initially and then with the country, but rather than continue to give equivocation and contextualise what has gone on before, can you recognise that the victims are incredibly patient people in their pursuit for truth and justice? They have been incredibly patient, but now is the time for Her Majesty’s Government to show some dogged determination to say, “Whatever has been in the past, we want to stand up for you and for your interests”.

Mr Ellwood: I very much heed the spirit in which you pose your question. I think some of these descriptions are bordering on sensationalist and are unhelpful, if I am frank. I very much want to assist in what I can do and will very much make sure that the FCO is able to

do everything it can, within the parameters we have set forth. I have personally, as I say, made a commitment to engage with the victims themselves. But I repeat the point that until we have a Libyan government that we can work with, then you can keep pointing your finger at the Reconciliation Unit and saying, “Why are you not doing more?” and the descriptions that you have come out with, but that takes us into a very unhelpful place of calling names, which is disingenuous on the one hand and time-consuming on the other, when we should be focusing our efforts on making sure that everything is in place once a government is there and that, once it is there, everybody knows what they are going to do to expedite this, to make this a priority, as I have made a commitment to already, and to put it in place. I hope I have made it clear. Let us keep this professional and constructive, but I am very aware that this is testing the patience of the very people who all of us want to make sure see justice.

Q186 Gavin Robinson: Minister, I think you would graciously accept that neither of those descriptions of the Reconciliation Unit came from me. I was just making reference to them having been made.

Mr Ellwood: You echoed them. Forgive me if I was a bit harsh in my response, but I just want to qualify where we stand on this.

Q187 Gavin Robinson: In terms of that dogged determination, no one on this Committee fails to see the significance of the formation of a government in Libya. It is something we all welcome, but we recognise that the UK Government will have an important role in providing support, providing infrastructural advice and funds and making sure that the Libyan Government have the best start possible. Given that we will be offering that assistance to the Libyan Government, are we not in a prime position to seek movement on this issue?

Mr Ellwood: We should leverage every opportunity that we can and every connection that we make, absolutely, because we have been very much involved in encouraging the formation of a new government. As I say, I will then do what I can. I will think carefully about opportunities in meeting representatives of Libya at the UN General Assembly, which comes up in two weeks’ time. When it comes to Libya, I can now say that this is certainly at the forefront of my mind.

Lady Hermon: It is a priority. “Priority” is the word you are looking for.

Q188 Chair: What sort of embassy operation do we have at the moment in Libya?

Mr Ellwood: As you heard, we were one of the last embassies to evacuate. We stayed there when other countries had already dispersed. We were in a different section of Tripoli, but eventually we had to move away. We now have a full embassy operation, but based in Tunis.

Q189 Danny Kinahan: You nearly said it, Minister, but will you be ready, the moment you think there is a government there, to take this on board and move everything forward?

Mr Ellwood: There is some homework to do—that has been highlighted today—as to what needs to be done. A starting point will be me meeting with the representatives of the

victims. Some perhaps personal comments have been made against the Reconciliation Unit. I know the team and I will make sure that everybody redoubles their efforts so we are best placed to take advantage of the new government when it is formed.

Q190 Kate Hoey: Minister, can I just be clear that should there be a government in the next short period, the Government's position is changing and that you have given a commitment today that rather than be a facilitator of the victims and supporting them in whatever way the Reconciliation Unit seems to think is good, which is fair enough, it will be Her Majesty's Government that is doing the work in terms of negotiating with the new government and not leaving it to the victims and their voluntary efforts and their lawyers?

Mr Ellwood: In looking at the legacy as to how the decision was made, which we have made a commitment to give to the Committee, I will also spell out the legal parameters in which support is provided so you have that, but knocking on doors and making sure that we are able to get into the correct ministries to make sure that this message is heard will be a priority in itself. I will, no doubt, have an opportunity to meet the new Prime Minister and President and I will be able to raise these matters and it will be, as I say, a priority. It will be one of the main bullet points that we will raise once the Government is in place. We have to put it in perspective. This is a country that is going through huge turmoil at the moment; not least, they have insurgencies developing in Sirte, in Derna, in Tripoli and in other coastal towns as well. There is a massive security concern that they will be wanting, I hope, international support in order to defeat. They will have their own set of priorities, but I will make sure that that does not overshadow the importance of raising this issue.

Q191 Lady Hermon: May I just urge you, please, after the Committee and when you have some free time—I do appreciate that you are very busy indeed—to read the transcript of the evidence that was given to us last week? The issue of oil companies, their involvement and their influence on the British Government and certainly on a former Prime Minister was mentioned to us in evidence. That is what prompted my question to you, “How many British oil companies are currently operating in Libya?” It would be very helpful to the Committee if you would read the evidence and come back and respond to the suggestions that the British Government had given priority to the interests of British oil companies in Libya over the interests of UK victims of IRA Libyan-sponsored violence. It would be appalling if that issue was not addressed firmly by the Foreign Office.

Mr Ellwood: I can certainly look into those issues. You have the power to call anybody and I would humbly suggest that the best people placed to answer those questions are those who were in those positions of responsibility at the time. They are the ones who can give you not just the detail of what has been minuted and so forth, but also the spirit of what the intentions are, which I cannot provide. We cannot do that in retrospect.

Q192 Lady Hermon: That takes me on to the next point, which is that the Committee and certainly the victims would like the reassurance that—at the current time, you are answering, Minister, for the current Government—the current Government is not being influenced by British oil companies operating in Libya. It would be very helpful if, in fact, we knew which British companies were operating and which of them are donors to the Conservative Party. That would be helpful as well.

Mr Ellwood: I understand the need for you to raise the question. I can assure you that certainly my judgment and all the decisions that have been made from my perspective are done according to our foreign policy and are not influenced by oil companies and so forth.

Jonathan Dart: Since I have been Head of the Reconciliation Unit, at no time has there been any pressure on me to modify our approach in response to either commercial concerns or conspiracy theories about political developments elsewhere. At no stage has any pressure ever been put on me to change.

Q193 Lady Hermon: I am very glad that that is on the record. How long have you been the head of the unit?

Jonathan Dart: I have been head since December last year.

Q194 Lady Hermon: So, in less than a year you have not felt any pressure.

Jonathan Dart: I have felt no pressure at all, nor did my predecessor refer to any pressure, but it would be open to the Committee to ask her to appear as well.

Q195 Lady Hermon: It is a point that the Minister might like to write back to the Committee and just give us that reassurance and details about the British oil companies.

Mr Ellwood: I am certainly happy to do that.

Q196 Mr Anderson: And donations. You would not want to be accused of being influenced by your paymasters, would you, like some of us in this House get regularly accused of?

Mr Ellwood: I do not know how to respond to that.

Mr Anderson: Just say “no”.

Mr Ellwood: We have made it very clear that we are keen to do this. I would like to think that across the world Britain espouses standards of diplomacy, of democracy and of transparency in the entire prosperity agenda and it should not be influencing, in any way, decisions such as this. I cannot speak for what has happened in the past. I would be horrified to learn that that is the case. It is very easy to speculate when you see one thing happening and then you see something else, but certainly on my watch I would be horrified, and I would certainly take measures if I ever saw that.

Lady Hermon: It would address the evidence that we were given last week. I will just add that I would like to think that the British Government was seen internationally as standing up for British citizens who are victims of terrorism. I would like that message to go out internationally as well.

Chair: Thank you. We will close the public session. Minister and Mr Dart, thank you very much. In the list of qualities that you say the British are proud of, I think fairness is also one. We are motivated by the fact that there is a great unfairness surrounding this situation, so anything we can do to help the victims I am sure we would all be very pleased to do. Thank you very much indeed for coming today.

