

Foreign Affairs Committee

Oral evidence: The UK's role in strengthening multilateral organisations, HC 513

Tuesday 23 June 2020

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Members present: Tom Tugendhat (Chair); Chris Bryant; Alicia Kearns; Stewart Malcolm McDonald; Andrew Rosindell; Bob Seely; Henry Smith; Royston Smith; Graham Stringer; Claudia Webbe.

Questions 1 - 36

Witnesses

I: Her Excellency Sylvie-Agnès Bermann, former French Ambassador to China, the UK and Russia.

II: Rt Hon. Alistair Burt, Foreign Affairs and Middle East Consultant, and former Minister of State at FCO and DFID; Ben Emmerson QC, Judge on the International Criminal Tribunals for Rwanda and the Former Yugoslavia, and former UN Special Rapporteur on Counter-terrorism and Human Rights.

Examination of witness

Witness: Her Excellency Sylvie-Agnès Bermann.

In the absence of the Chair, Chris Bryant was called to the Chair.

Q1 Chair: Madam Ambassador, it is a great pleasure to have you with us. We are very pleased, not least because—I am going to try to put this as politely as possible—you have seen a few things in your time and you might help us to see around some corners in this inquiry. We are very grateful for your spending time with us today.

Unfortunately, Tom Tugendhat, who is normally the Chair, is in another Committee and will join us in a little while. I am Chris Bryant, and I have been around for so long now that I am allowed to chair things occasionally.

Ambassador Bermann: Thank you very much for inviting me. I am very happy to be back in a certain way in London; I would have liked to have been really there.



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I express my condolences and my solidarity after the attack in Reading and assure you that France will always stand with the UK in combating terrorism.

Chair: Many thanks. We are very grateful. Alicia is going to kick us off.

Q2 **Alicia Kearns:** Thank you for joining us, Ambassador Bermann. Over the last few weeks there has been much discussion about the importance of protecting the international rules-based order, and multilaterals are obviously a key component of that. There is a fine line between legitimate influence and unacceptable interference in the pursuit of the strategic interests of member states. Some would argue the line is probably finer than others. What vulnerability, in your experience, to abuse from malign or hostile interests do you recognise in multilaterals across the piece?

Ambassador Bermann: If you consider the broad picture, you have to see it at the Security Council also, not only other organisations. In the past, when thinking of the UN, we always thought of the Security Council. Now the Security Council is stuck. It cannot take a decision on very important issues. It is still sending peacekeepers all over the world, and in particular to very weak countries, and that is very useful, but apart from that it does not work.

It does not work because of the position of the US, of course, but also of Russia concerning Syria and other issues. It is the global image of the international organisations, but in the past our Heads of State and Governments—and even Ministers—were interested only in what was happening in the Security Council.

It is very different now because you have other very serious crises, such as the pandemic, of course, but there could be other crises—a cyber-crisis or any other kind of crisis in the world—and everybody has to play by the rules, which is not always the case. I mentioned the Security Council, and the abuse of the veto right, which is not the case with France and the UK, because we were trained properly in that.

In other organisations, I know everybody is talking a lot about the growing influence of China—you spoke about legitimate and not legitimate—but I think it is legitimate that the second economy in the world is having a growing influence in the system. I remember when I was a UN director we were all asking China to increase its contribution and to exert more responsibilities. That is now what it is doing, but of course it is doing it according to its interests.

It depends on the organisations they want to chair. For some of them, it is all right and it is legitimate, but for others it is more problematic. For instance, in Interpol we saw what happened, and it was outrageous in a certain way and something that is not explicable. There was not so much noise around this, but maybe we could have considered before that it did not have the right standards on those issues of security and police.

The second one is WIPO, but they were defeated. Generally speaking, what they are trying to do—every country is pushing its own interests



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and its own views—is push more the belt and road initiative because you find that in every text. It is a way to use their chairmanship to promote their own interest.

We have to be vigilant, but it does not mean that China does not have a role in the UN system. They did not have one in the past; they were not really interested, but also it was the Euro-Atlantic circles.

Q3 Alicia Kearns: You touched on Interpol and the UN. What realistic reform could the UK Government be pushing for, and, in your experience, what would the French Government be most interested in working with us on to achieve reform?

Ambassador Bermann: First, I think the Security Council is not reformable, for many reasons that we know. We tried—both of us tried—and we were the most interested. We supported the G4 initiative, but unfortunately other countries do not agree—not necessarily the P5 members, but other countries, even those in Africa, because they want to be represented, but they do not want to be represented by such and such countries. There is competition between Brazil, for instance, Mexico and Argentina, so this is going to be very difficult. We should still push for that, but without too many expectations.

I think we should also work on UN agencies and see how they can work better, but it is not only the agencies themselves; it is not the head or the bureaucracy of the agency—it is the member states. For instance, the WHO is very visible for the time being.

I think we should not only reform the system but the way it is funded because funding is about influence and governance. In the past it was 80% of the budget, which was mandatory. Now it is voluntary contributions and it is generally targeted because most of the countries, and sometimes organisations, say, “Well, we are funding you provided you target it to such and such item.”

I think it is important to have more freedom for this organisation to work. We should also increase our funding. I know that the UK is doing better than France because you have a budget line for it. We are not funding all the agencies enough, so we have lost influence.

We launched an initiative—not with the UK but with Germany—the Alliance for Multilateralism to work on everything, on Covid, on cyber and on new monetary aid, and it is open to other countries obviously.

In the past I think the UK and France worked very closely together. We were drafting 70% of the resolutions of the Security Council but we thought that we were twin countries with the same GDP and populations, the same status in the world, which is important with the Security Council membership, and with our nuclear status.

Of course, now the UK will not be in the EU any more, and of course, we will work with you in the UN and show solidarity and with our EU



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partners, but I think we are very close and our values and our ways of thinking are very similar in the UN system.

Q4 Chair: What general trends in the world do you think are impeding the reform of these major institutions?

Ambassador Bermann: It depends. What I said about the Security Council will not change because the problem with the Security Council is that it does not reflect the world as it is. Emerging countries and others would like to participate, but I explained why this is not possible.

You have more populism in many countries—more souverainism. The US has been a major player, but not all the time. When I was a UN director, John Bolton was the Government's representative to the UN. He said that if you destroyed 10 floors of the building nobody would care. It is not an exact quotation, but nevertheless he was very anti-UN and against multilateralism.

Donald Trump said during the last General Assembly that the future belongs to patriots, not to globalists, so if the US, which should be a major player in the system, is trying to destroy the system by cutting funds and leaving organisations such as UNESCO, WHO and other organisations, of course it does not help, and it gives room for China.

Each time the US leaves an institution, as I saw in Syria and other places, another country comes in its place. In Syria, it is more Russia, of course, which is interested in sovereign issues and geopolitics, not so much UN institutions, apart from the Security Council, because they say that is a question of status and because they have the veto.

That is why countries such as the UK, France, Germany and Australia, maybe, and other countries should play a role. Everybody is saying that we were successful in dealing with Ebola because there was a decision by the Security Council calling it a threat to peace and security. It mobilised the other countries, other organisations.

I remember something that was very important—a UK initiative concerning global warming. At that time it was not that well received in the Security Council. Everybody opposed it, but, finally, it was the most successful ministerial meeting of the Security Council and it mobilised all the other agencies. So it is very important to work in this context and to try to keep alive the P5, which will help to mobilise agencies of the UN or other countries. But it is difficult for reasons we know now.

Q5 Alicia Kearns: I have one final follow-up.

You may be aware that we are focusing on the WHO, Interpol, the ICC and the Office of the UN High Commissioner for Human Rights, but what vulnerabilities are states exploiting in such organisations? Which states should we be concerned about? Too often we talk only about Russia, China and more frequently the US, but limiting it to those three does not seem like we are necessarily fully looking at the threats and instead are falling back on lazy, common threat perpetrators or risks that are



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commonly recognised.

Ambassador Bermann: You mention the ICC. There were threats of sanctions by the American Administration against the judges, and of course this is unacceptable. Other countries are more or less hiding behind the bigger ones, but of course we have problems with Venezuela, with Cuba, with Iran and other countries where human rights are at stake. Of course, there is a majority of countries in this case.

On the issue of human rights, there is a question also of reproductivity—I do not remember the word in English, I am sorry—women’s rights and gender equality. This is a serious problem, but we are going backwards on those issues because all those conventions were accepted in the 1990s by almost every country. That is not the case any more. It is true to say that some Muslim countries—not all of them, of course—are very against any kind of rights for women.

Q6 **Stewart Malcolm McDonald:** Thank you, Ambassador, for your time this afternoon. Unfortunately, I have to keep my video off for technical reasons—it is not working properly—but thank you.

You mentioned the threat of sanctions to ICC judges by the US Administration. If that were to be followed through, what would the consequences be, do you think, for the ICC and its members?

Ambassador Bermann: I think if they are threatened and if sanctions were really taken—it will not necessarily happen—it will not be able to work. It is very difficult in the ICC because so many countries are opposed to its work. In fact, in the beginning they were very enthusiastic because they thought it would concern other countries, other people, and I remember that the African countries were very supportive of the ICC until a citizen of theirs was accused or was judged by the ICC, so it makes it very difficult.

I should say something about the Africans, because there is a question of votes, of course, in the organisation. We lost Africa—we lost African countries—because in the past we provided assistance, but then we did not do so much; we considered they were hopeless. Again, there was a vacuum and the Chinese came without any link at that time to the regime, so now they are supporting Chinese candidates.

Russia organised for the first time in Sochi last October a summit meeting of 46 Heads of States, of Governments and Governments of Africa, and I think it was a way to get their support in the system in the GA and in other organisations. So I think we should work more with the Africans.

Q7 **Stewart Malcolm McDonald:** We took evidence in this inquiry a few weeks ago from Ambassador Samantha Power, who was ambassador to the United Nations under President Obama. We took evidence on the same day from former Foreign Secretary William Hague on this very issue. Ambassador Power talked about the risk of American withdrawal from international organisations—the WHO, the United Nations and whatever—and how that provides an opportunity for hostile states and



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hostile interests. What is your assessment of what America is up to at the minute, and does it therefore fall on countries such as France, the United Kingdom and others to do more in the international arena?

Ambassador Bermann: Yes. I fully agree with you. For instance, can we say America is up to something, or is it Donald Trump who is up to something? Clearly, he does not like internationalism, multilateralism; he does not like the EU anyway, or Europeans; he does not like China. So of course we have to play the role of mediators or moderators, and that is what we did during the last assembly of the WHO. I think it is very important to try to find compromise.

When I referred to the fact that we were drafting 70% of the resolutions in the Security Council, it is not just by chance; it is because, while the UK and France were considering other countries' interests, the Americans were drafting resolutions that were only their position, without taking other countries' interests. China and Russia did not draft a lot of resolutions, and most of the time when they did it was to oppose.

I think it is important, as I said in the Security Council, not to have too many expectations because we will not solve the middle east, Syria or some other crisis there. But there are agencies that are playing a very crucial role, such as the WHO now and in the future—because they might have new pandemics—and the Human Rights Council, although I think it is as difficult as the Security Council. We tried to amend it, we tried to improve it and it is a failure.

There is a tool that is interesting—UPR—where countries present their improvements in the human rights system and other countries ask questions, even if we know that Cuba and Venezuela are queuing up to ask questions so that—

Q8 **Chair:** I am sorry, Ambassador, did you say UPR?

Ambassador Bermann: UPR—what is it? It is peer review in the Human Rights Council. It was a reform that we made more than 10 years ago. We worked a lot on that, including with the Americans and with you also. There is a vote and a resolution—not criticising a country but asking them to present their case and then asking questions. It should have improved—it was a good instrument—but it does not really work properly.

I think on the UN HRC or others—WHO and so on—we can take the initiative, and because of Covid it is more visible, so that is the time to do something about it. That is why we created the Alliance for Multilateralism and took a position on Covid—not the last pandemic; probably there will be new pandemics in the future.

Q9 **Stewart Malcolm McDonald:** I am curious about two things, Ambassador. When France decides to try to pursue reform, how do you decide what is worth pursuing and what is not worth pursuing, and how do you go about that?

Secondly—this is perhaps a more general question—when we took evidence from William Hague, he said that the UK diplomatic service had



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to “be more French”. That was the exact phrase he used. When we took evidence last week from President Ellen Johnson Sirleaf—we had a good session about Africa—she alluded to the fact that the French relationship in Africa is much more engaging perhaps than the British. What do you think the UK’s FCO could learn from the French?

Ambassador Bermann: This is very interesting because I think 20 years ago—before I went to London, so it is less than that—there was a poll in the FCO asking what is the best foreign service in the world, and it was the Quai d’Orsay, so I am very proud of it. But if you had asked the French Quai d’Orsay—there has not been a poll—we would have said the Foreign Office. We have admiration for the Foreign Office—it is a wonderful tool—but it is true that they do not take so many initiatives where we used to take initiatives because we have a quick reaction. Maybe we have a system that makes it easier to take decisions because it is the President himself and not the Parliament, like it is in the UK.

William Hague is not the first one to have said that. I remember Robin Cook. We received the head of the policy planning staff. She told us that Robin Cook had said, “You should act more like the French and send a balloon, a ball—I do not know—and see what is happening.”

I think that the UK studies everything, every consequence. If you do not take risks, you do not play a role. What was decided at that time by Robin Cook was to launch an initiative concerning a small-arms treaty, and it is still effective.

So I think there is a possibility for the UK to launch an initiative. When you are launching an initiative, it is important to have a coalition, of course. If it is just you announcing something and you do not prepare it, you do not have a success.

Again, I remind you of what happened with global warming when the UK was the first country to take that seriously into consideration and to bring it politically to the Security Council. There is room for initiative. It is also taking a risk, of course, because we are not always successful, but we try to be.

Q10 **Chair:** Ambassador, you could say that this is quite a depressing moment in the world because we have relied on the rules-based system, certainly in the west, since the second world war when a lot of it was set up, to maintain order in various different regards—on intellectual property, trade or issues that come before the United Nations—but it feels at the moment as if an awful lot of countries want to pull away individual threads and there is the danger of it all unravelling, even countries like China, who have prospered under the rules-based system. Is this a time for us to be depressed or are there things that we should be optimistic about?

Ambassador Bermann: We can always be depressed, but it does not lead anywhere, so we have to act. I think it is very important to co-operate with China. We have to defend ourselves, especially in commercial issues or trade issues.



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But on other issues, and in particular in climate change, we have really to co-operate with and convince China. What is interesting, in fact, is that China is learning lessons because it was very aggressive when it considered its success in handling the Covid crisis and our weaknesses and our failures, so it took very undiplomatic positions—backlashed—and now I think it shows more restraint and wants to co-operate.

During the assembly of the WHO, Xi Jinping said he would provide \$2 billion in additional funds to the WHO. He also said that a vaccine, if it is discovered in China, should be a public good. This is multilateralism, and I think we should try to convince China and to co-operate with China.

Kissinger said that strategic co-operation is better than strategic confrontation, and sometimes China is also reacting to strategic confrontation, so I think we should, as Europeans, at least in the largest sense, not follow the American way with China, in particular because you are going to chair—I do not know when—the COP 26, which is an important step. To achieve success, you will need China.

Q11 Claudia Webbe: It is great to see you, Ambassador Bermann.

Can I move to the issue of diplomacy because, of course, absolutely, there could not be a better time for co-operation and partnership than now? Could you outline the role of diplomacy in strengthening organisations against the vulnerabilities of, if you like, abuse and misuse so as to reassure us all in that respect? Could you give some examples of where you have seen targeted diplomacy work well?

Ambassador Bermann: I think what has worked in the past is diplomacy, because it is what we are doing every day in the Security Council. There have been some failures, as I mentioned, on very crucial issues, but there have been some successes also. When we put in place the ICC, it was a success, and I think most of the time when we have success it is because of diplomacy and not because of sanctions, aggression or accusations. It does not always work, but without that nothing will work out.

Q12 Claudia Webbe: Would you say a bit more about the role of diplomacy in strengthening organisations?

Ambassador Bermann: I think in the past nobody cared about those organisations and it was dealt with by the civil servants. Now I think people are more concerned, Ministers are more concerned—and also the Heads of State, with the Covid crisis—and this is talking to other countries, to their counterparts; it is really diplomacy.

With the Alliance for Multilateralism—it is just the beginning because we launched it a year ago—we would like to do something in a larger circle, not only with European partners but other partners. I think it is important when you launch an initiative not to be only with the like-minded because it is always very easy to agree among the like-minded countries, so we have to reach out to other countries, even those who disagree with us



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because diplomacy is about talking with strangers and talking with people who disagree with you.

- Q13 **Claudia Webbe:** If I can look quite specifically at the UK, from your own experience, what particular strengths do you see that the UK can bring to this issue of diplomacy and what is the UK's value added, if you like, on the world stage?

Ambassador Bermann: First, the UK is a permanent member of the Security Council, so it has a role that is higher than maybe it would be, like us; we are very similar on that. You have a network: you have, of course, the Commonwealth. It does not mean that politically the countries of the Commonwealth would agree with your values or your positions. It is the same for us with the OIF, the international organisation of Francophonie, but I think you have networks and you have this wonderful tool, which is the Foreign Office, and I think that is what can be done. You also have budget lines that are higher than ours. You have a law, I understand, for diplomatic assistance, so that is also something that can be used.

Again, I mentioned Africa before and I think we should co-operate more with African countries and not leave them only with China.

- Q14 **Claudia Webbe:** I want to know what opportunities there are for the UK to work with lead groups—like-minded organisations or allies, if you like—in this effort. Is this a good use, do you think, of the UK's political capital in diplomacy?

Ambassador Bermann: I think anywhere the most important issues now are global, so you need diplomacy and coalitions to find global solutions.

We were talking about bilateral relations, but there is also a coalition issue that has been very useful in the past: the EU3. It will not be the EU3 after Brexit, but it is a strong initiative taken by France, Germany and the UK. It is very integral in the world, and even if, again, the UK will not be in the EU any more, it is still important.

You asked about a successful diplomatic initiative. The JCPOA on Iran, the nuclear agreement, was very interesting because it started in 2003 when there was a disagreement between the UK and Germany concerning the war in Iraq. The idea of this initiative was to reconcile the three countries to doing something in common. When we succeeded—it took long years, of course—we had the Americans with us, we had the Chinese and the Russians with us. Unfortunately, Donald Trump decided to withdraw from this agreement, but that was really a big success.

- Q15 **Claudia Webbe:** Thank you for that. I want to pursue that a little bit further in relation to the UK's role in ending global debt, particularly in relation to poorer countries. How do you use that political power to participate with those other countries that are calling for this so that it reaches to some level of success?

That also runs through to issues such as global ceasefire, particularly



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during this pandemic. In what ways can the UK do more around this issue of diplomacy so that we can get some of these global effects to reach a successful conclusion?

Ambassador Bermann: As you know, it was not accepted by Donald Trump, so it is very difficult in those circumstances. Of course, while the Prime Minister can talk to Donald Trump, he has his own ideas and now it is very difficult. It is very unfortunate, because it would have been good to have this global ceasefire. It would have been very symbolic, but now—two months or three months after—it is still relevant, but it is really a pity.

On the question of the peace treaty agreement on climate change, our President Emmanuel Macron tried a lot with Donald Trump but he failed. We failed on Iran on the JCPOA because he wanted to convince him to stick to the agreement and said that we were ready to discuss further obligations on the part of Iran, but, if he does not want it, it is very difficult to force him.

Q16 **Alicia Kearns:** Ambassador, you have seen Governments effectively achieve reform within multilateral organisations. What are the capabilities that organisations like the FCO need to be able to build up to be able to achieve that reform, or does it come solely down to alliances? If so, what case studies would you have us look at to achieve reform again?

Ambassador Bermann: I am afraid I am a bit pessimistic. We had global reform of the UN system: we had one UN and all the agencies were working together, whereas in the past they worked separately. In a certain way we achieved something, but it is not, of course, a full success.

We decided also to reform peacekeeping, saying that there should be robust peacekeeping, meaning that it should protect civilian populations, and that legitimate defence is also about the mandate and not only about the people. It was after Rwanda.

We took another initiative concerning the protection of women during conflicts and the protection of journalists. In a certain way, we achieved something because we had a decision taken, or it was included in a resolution creating a peacekeeping operation. But afterwards, of course, you have to implement that and it does not necessarily work as well as we expect, but I think there has been some improvement in peacekeeping. That was an example.

I referred to the reform of the Human Rights Council, and, frankly, we have been very disappointed.

Chair: I think we are about to be joined by Tom, our Chair, but, Royston, you wanted to ask a question.

Q17 **Royston Smith:** I want to follow on from Alicia about reform and how you can reform organisations where, for a start, you need to reach consensus with those who are already involved. You said that the world is



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a different place for some of these organisations. Therefore, perhaps—I do not know—they are not fit for purpose. How do you reform something that does not want to be reformed by its members? For example, one reason we cannot get consensus on some of the global action that we might want to take is that not everyone on the Security Council agrees, and that is only five members. How can we reform such organisations where you need to get consensus in order to do it?

Ambassador Bermann: It depends on the organisations, of course. What I said about the Security Council is that it is not possible to reform it, but it is possible, with smaller organisations—and I remember that we discussed the reform of UNEP, for instance, dealing with environmental issues, and I think we can try to do something about WHO because for the time being it is the most important issue.

Of course you have to discuss with others to try to find a consensus, which is not always what you expect at the beginning, but diplomacy is also about attempting some compromises.

Q18 Chair: You referred to the British statute that states that we must give 0.7% of our GNP to aid, which is a very good thing. The Government have just decided to merge the Foreign and Commonwealth Office with the Department for International Development. Is that a good or a bad thing in your view?

Ambassador Bermann: It is difficult for me to say, obviously, but what I can say is that in France we have the AFD—a development agency—but I think it is too autonomous. It is very difficult to use it politically because it has been more and more independent, so I think it is a good thing that it is the same politically and not only technically.

I do not know how it will be implemented, of course, and I hope you will keep this law of 0.7%, which is very good—we do not do as much. You ask what you can do in diplomacy. I think because of that tool you can play a bigger role.

Q19 Chair: May I ask you about the secretariats within many of the international organisations? Sometimes there is a lot of jockeying for position between the different member states who want to get their personal candidate in there. It could be suggested that, for instance, China lobbying to get somebody into the WHO shows that the WHO is not as independent as it might be, or Russia trying to get its person to run Interpol shows that Interpol is not as independent as it might be. How do we ensure that we have the best people rather than necessarily the person who has been fitted in by an individual member state?

Ambassador Bermann: I think we have to choose the appropriate candidate—someone who is fit for the job. There was a time when France made a mistake because we represented eight of the candidates. We decided we would choose who is more important for us—who would be the good candidate—and afterwards we would lobby to have the backing of other countries.



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We have had for many years the head of the PKO, as you know, which has been criticised in the UN. Why is that? It is because we are not deploying as many soldiers as we used to. We were the first contributor, which is not the case any more, but we have expertise in this field and we want to be sure that it is really peacekeeping.

You had also a very efficient deputy secretary in the past on political issues and so on, but now the problem is that we have to share with other nations. We were not used to it, so we have to be sure that they are more fit for the job.

Chair: William Hague told us a couple of weeks ago that we should be more French in the UK, so you should just bear that in mind. Tom is going to ask a question now, I think.

Q20 Tom Tugendhat: It is a great pleasure to see you again, Ambassador. Thank you very much for appearing before the Committee. It is a great privilege to have you.

France's way of leveraging influence in multinational organisations has demonstrated quite remarkable success in many areas. What lessons do you think a country like the United Kingdom could draw from the Quai d'Orsay, and how do you think we could structure our own diplomatic careers to achieve similar results?

Ambassador Bermann: I think the problem is not diplomatic careers or your diplomats. Your diplomats are really quite good—among the best—and I think we work well together. But, as I said before, you should maybe take more initiatives and take more risks. You do not always succeed, but afterwards the other countries are ready to support you.

I gave two examples when you were not here. One was the treaty on small arms, which was an initiative of Robin Cook, and we still have that. He said, "You should be more French." There is also the initiative that has been taken by the Foreign Office. I do not know if it was the Minister, but it probably was because it was a ministerial meeting of the Security Council about climate change. Everybody said it was not up to the Security Council—it was not a question of peace and security—but you insisted, and it was the most successful meeting we ever had at the ministerial level because you could mobilise other countries.

Generally speaking, because you work well—you have good specialists and technicians—it is possible to take more initiatives. You can never take an initiative alone. You should have the support of other countries, of course, as well, so you have to have some that are like-minded and to reach out to a lot of countries—what I called before you came the usual suspects and like-minded.

Q21 Chair: If you were to give us the top three international organisations, which would they be?

Ambassador Bermann: For the time, of course, WHO, and maybe try to achieve something in the Security Council, which I know is very difficult. Again, it is the core of UN organisations, so maybe the UNHRC, because



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the question of migration is very important for all of us and could be a consequence of a sanitary crisis in the south.

- Q22 **Chair:** You spent quite a lot of time in Beijing. Can you tell me a little about how you see China's new interests in international organisations, as it has been playing for various seats? Obviously, it maintains the International Telecommunications Union, but it was playing for the World Intellectual Property Organisation. Do you see a concerted effort by Beijing to use more leverage over multinationals or do you see this as simply a natural continuation of Beijing's existing policy?

Ambassador Bermann: If you make a comparison between Russia and China, for instance, Russia is not really interested in international organisations—except maybe the Security Council because of its veto right, but China is really interested. It was not at the beginning. I remember sitting in the Security Council years ago when I was a young diplomat and they were half sleeping and just showed some interest when Taiwan or human rights were mentioned. It is not the case any more and they are also answering to something we asked them to do—to exert more responsibilities in the system to increase their contributions.

China is a real global power. It is not interested in many peacekeeping operations—*[Inaudible]*—which is very good for the system, but to exert influence they now have new ideas, such as the belt and road initiatives and so on. They want to be respected in the world.

They consider that in the past it was only the Europeans and the Americans and they did not exist at all. So they started discreetly, supporting Margaret Chan as a candidate for the WHO, but afterwards they chose—I was still in Beijing at that time—someone to be director general of UNIDO. UNIDO was not the most important agency and we left. I do not know if you still are a member or not, but we left UNIDO.

But they started like this and they are learning lessons. If they can be successful, they can continue, with maybe more lessons from their failure in WIPO, but otherwise they will continue—and why not? It is a question of influence and power, and they want to increase it.

It is up to us to see what we consider acceptable and how we would co-operate with them and maybe say we are ready to support their candidate in such and such an organisation but we have good candidates with expertise in a lot of organisations. So I think we could well work with them and not only criticise them and say they are doing badly or they are, as you said, a systemic rival. I think they are showing co-operation.

Chair: Yes. I am slightly conscious that we have Ben Emmerson and Alistair Burt waiting, and I do want to come to them fairly soon, but we have a couple more questions. Tom, do you want to ask more about China?

Tom Tugendhat: I will leave it.

- Q23 **Chair:** I end with this one question, unless anybody else on the



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Committee wants to ask anything. Historically, we have funded things on a multilateral level, but, increasingly, there is a move towards bilateral funding, nation to nation. Is that a change that worries you, or is it just something we are going to have to get used to?

Ambassador Bermann: No, I think bilateral funding could be useful. You can get influence with that, but if you want to solve global issues you need more international co-operation, more co-ordination.

Chair: I am going to hand over the Chair now because we are going to move on to our second panel, but, Ambassador, may I say an enormous thank you? That was very valuable for us. Thank you very much. There are lots of ways in which I would love us to be more French—I am sorry, but I am probably winding half the Committee up by saying that now—but we are enormously grateful to you. Tom is going to chair the next part of the panel.

Ambassador Bermann: Thank you very much. It was a pleasure to be here.

Tom Tugendhat took the Chair

Examination of witnesses

Witnesses: Rt Hon. Alistair Burt and Ben Emmerson QC.

Q24 **Chair:** May I introduce our two witnesses? Ben Emmerson has been a leading lawyer and advocate on many different cases and has been a UN Special Rapporteur.

To many of us here, Alistair Burt needs no introduction, having been a very dear friend of many of us for many years and of course a Minister.

We recognise that there is a fine line between legitimate influence and unfair or unacceptable interference by member states within multilaterals. What vulnerabilities to abuse and misuse do you recognise in multilaterals at the current time?

Alistair Burt: Thank you, Chair, for the opportunity of being back with the team again. It is a great pleasure to see colleagues old and new on the Committee and to listen to Her Excellency, who has made a substantial contribution to international diplomacy. I agreed with many of the things she said and I suspect we will cover much of the same ground.

We probably start in the same position in relation to vulnerabilities of multilateral organisations because they have changed over the years—the world is not the same as when they started. These are the organisations, by and large, that grew out of the debris of the middle of the 20th century when we twice sought to destroy ourselves. The leaders who put them together painstakingly are no longer there and I worry that people have forgotten the lessons.

They grew out of a situation in which national interest had always come first and, sooner or later, if you do that, there is a problem. The first and



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most important vulnerability facing multilateral organisations now is the forgetting of the need to pool sovereignty and interests for our own sake. Multilateral organisations are strategic in that they allow a nation a chance to find a place in another organisation. They are there for our own security. You can strengthen national interests by being part of something else rather than have them threatened, and, of course, in practical ways, they can defend you against various attacks, whether it is trade or physical security.

The first great vulnerability is that change in mindset to believe somehow that we can forget all that we have learned and the determination to make your own country great again and to be No. 1 never comes at a price.

The second thing is that the world geographically is very different. At the end of the second world war, the dominance of Europe and the west was almost complete as other states were in a state of poverty, as in the far east, and China's extraordinary success in lifting 800 million people out of poverty since 1979 is a measure of the change.

The world's institutions do not reflect that change in the nature of the world. That is why India and Africa are talking more together. Between them they are a third of humanity; they are not represented at the top of the organisations around the world as they might be.

The vulnerabilities are the change in the times and the fact that the organisations in some cases have not caught up with the geographic realities of changing power and the changing nature of states, and then you add, as we will no doubt go through some of them, individual frailties in bureaucracy, bad leadership and handling. But we must not forget a lot of the successes, and I hope we will talk about those as well.

Q25 Chair: Mr Emmerson, do you have a comment on that?

Ben Emmerson: Broadly speaking, I am sure we all agree that the fracturing of the post-war consensus in favour of a need to attenuate nationalism and national interests with a more multinational series of institutions has faded as time has gone on, and, as a result, we have seen a weakening of commitment by many states, including important and powerful ones, to the core institutions that have carried that ideology forwards.

I would go a little further. I think advances in technological capabilities and changes in the nature of some of the ambitions of the states engaged in multilateral organisations with us have changed the risks quite considerably, and the organisations have failed to keep pace. Quite specifically, a number of organisations, particularly those that are involved in international legal co-operation, have failed to protect themselves against malign influences through misuse and penetration by corrupt or malign actors.

In a sense, of course, those problems are not new, but the way in which they manifest themselves is new and requires a new approach.



Q26 **Alicia Kearns:** Thank you, Mr Emmerson and Mr Burt, for appearing before us. It is a real privilege to hear from you.

We need to build the resilience of multilaterals, which are key to maintaining the international rules-based order. Increasingly, as the public become more aware that multilaterals are vulnerable to abuse by states pursuing interests hostile to multilaterals, it is very difficult for them to understand specific circumstances and how these multilaterals are being abused.

It would be helpful if you set out, looking at the organisations we are considering in the inquiry, where you yourself have experience or knowledge of specific abuses so we can understand how these multilaterals are being attacked.

Alistair Burt: I will try to leave off the ICC and UN Human Rights because I am absolutely certain that Ben Emmerson has a much greater knowledge of those than I do. I will deal with a couple.

I was involved with WHO as Minister at DFID responsible for global health. Of course it has been very much in the news recently because of the pandemic and everything else. I sometimes feel that we seem to assume that organisations are not the sum of their parts but are an entity in themselves, and of course they are in one sense, but when you are funded by individual nations and when individual nations compete to put people in place, which Ambassador Bermann was talking about, then, of course, they are not just an entity in themselves.

WHO had practical structural problems. If you look at the way in which it handled Ebola in 2014, compared with 2018, you saw a marked change and improvement for the better because, technically, it did not do a great job: it was slow in coming down on the places where Ebola was operating in Angola, and it was very different on the second occasion.

The United Kingdom made some determination to the leaders of WHO to say, "You have got to change your structure." Among those changes was Jane Ellison, a former Public Health Minister, who went from the UK to fulfil a senior position there.

The United Kingdom used its influence to look at the WHO and make recommendations for structural changes that would make it a more effective organisation. That has been very important.

I listened to what Ambassador Bermann said about the UN as well. I know the UN Security Council is outside the scope of the inquiry, but you are not going to be able to avoid it because it will come up so often—it is so important. The workings of the UN Security Council in recent years have just not delivered because the use of the veto is so extreme.

There is one case in particular I want to bring to the Committee's mind: the recent decision on resolution 2504 on cross-border aid to Syria. For political reasons, the Al Yarubiyah crossing between Kurdish-controlled Syria and Iraq has been taken off the list of approved crossings. Cross-border aid is absolutely vital for Syria and the WHO originally supported



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Al Yarubiyah being part of that system. It is suggested that recently, under pressure, it dropped off a memo, and we must be very clear: the decision in the Security Council not to support that crossing has been taken largely at the interests of Russia and China because of their interests in Syria. It is a political decision affecting the transfer of humanitarian aid, and that should not be happening.

There again the WHO is caught in a problem. If a nation decides not to support it financially—the American decision—then money has to come from somewhere, and it will only increase the interests of others.

I think the WHO remains an absolute cornerstone for the future. We have to be very clear: what we are facing will come back again. When I was responsible, I remember asking in the Ebola outbreak how many public health emergencies the WHO deals with. It is notified of 7,000 a month; 0.5% of those become actual formal risk assessments, and in 2018 there were 481 new public health events, including Ebola and plague, in 141 different countries.

Anyone who thinks they can manage without the WHO is kidding themselves. The WHO's effective work on spreading information and campaigning for vaccine support and everything is fine, but people have to accept that if it is funded by individual nations there will be issues. Again, that will be solved only if people put their individual interests to one side and are prepared to work collectively. That is the key to the WHO.

Ben Emmerson: My starting point is that all international organisations inevitably are the subject of deep penetration by the intelligence agencies of interested states. It is a starting point that anybody working in those fields assumes. The question then is to what extent those organisations are robust enough to protect themselves against manipulation or abuse.

We saw—and the problem has rippled right the way through the United Nations for obvious reasons—immediately after the Skripal expulsions from the United Kingdom that the United States was obliged to expel 60 Russian diplomats working at the United Nations, and you can draw your own conclusions about why that would have been.

You can see that same problem replicated throughout the organisation, and you have to work with it and around it and make allowances for it.

Where it becomes more of a challenge is when you can see Russian official state interests, for example, taking control of major institutions within the organisations that have a direct impact on international law enforcement. I think, for example—we will come to talk about Interpol in a while—the promotion of Vladimir Voronkov, a former Russian foreign service officer, to head the office of counter-terrorism at the United Nations, which is answerable not to the Security Council but to the General Assembly, and creating the role of under-secretary-general was in itself a sign of a power grab in a really significant and sensitive area of international policy.



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One area in which the United Nations mechanisms more closely resemble an international system of law enforcement is counter-terrorism, which is an area on which since 9/11 there has been an extraordinary degree of consensus on the need for effective action.

The Security Council's paralysis is, funnily enough, the flip side of the point that Alistair and I were making about forgetting, because, of course, the membership of the P5 reflects the status quo as it was in June 1945. It was meant to be a council made up of the victors of the second world war and it has remained ossified in that formation ever since, given that the P5 are those who have effective power of veto.

That is inevitably going to mean that, as time progresses and alliances change—alliances changed very quickly after the war—you have an institution that is no longer the governing body of an alliance, a military alliance that had just won an armed conflict, but rather one that is seeking to mediate conflicts of all kinds around the world using, first, diplomacy, then potentially coercive measures, such as sanctions, and, ultimately, under chapter 7 of the charter, force.

Of course, that creates a paralysis in the organisation if those who were in alliance are now on opposite sides—in the cold war and, more recently, in connection with Russia, where we are dealing with a state in relation to which the levers of power are being manipulated by individuals very closely associated and directly involved in international organised crime. Those are all issues that affect the way in which the UN can operate.

I am afraid to say that you do see some evidence of that in the Human Rights Council. One of my bugbears is the disproportionality between the funding of the Security Council and all the other political entities of the United Nations and the funding of the Human Rights Council and its entities, because it is a tiny fraction—I cannot remember what it is in the latest budget—of the UN's overall budget that is devoted to the protection and promotion of human rights, even though that is one of two central objectives of the United Nations.

Ambassador Bermann was talking about the UPR, the system of universal periodic review by the Human Rights Council of every member state—their human rights record. China's was last year, and in that process a lot of organisations who were working on the Uighur incarcerations made representations to the United Nations about it and, as is the customary practice, those representations are put into a compendium and made public before the UPR process takes place. Very shortly after they went up, they went down again without explanation and were reposted having been radically sanitised to remove quite a lot of the most serious allegations—plainly at the behest of the Chinese Government—before the matter even got to the stage of the UPR.

There is no entity of the United Nations that is immune from or adequately protected against that type of interference and it would be a mistake to work on the basis that they are.



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The problem, as I see it, is more fundamental. Many of these organisations were established either before the war, like Interpol, or since the war, on the assumption that it has always motivated international relations, namely the presumption of good faith on the part of nation states. We used to call it the comity of nations. We do not impede one another's Governments or states in the courts of different countries precisely because principles of sovereignty mean that we assume that there is a basic level of trust between nation states. So these institutions have been built without the sort of safeguards that they need to make sure that they are not vulnerable to abuse. Interpol is a fabulous case study of the problem.

Of course Interpol's predecessor was in existence before the second world war and was forced to confront the problem of whether international policing co-operation should be suspended with Nazi Germany, and it was duly suspended for a period before and during the war. But since then there has been a sort of sacred-cow notion that the only direction of travel can be in favour of enlargement.

So you have a situation where, beyond question—I take Russia as an example, but there are others, although it is a particular problem among the former Soviet Union states—there is deliberate, quite calculated promotion of entirely fabricated criminal allegations against those who are political opponents, for example, Bill Browder, and chasing them repeatedly around the world as acts of political harassment.

The danger is that not only is it a threat to the individual, it is also a threat to the institution because you reach a point at which that action, which is in violation of Interpol's constitution, goes unanswered by the organisation. It happens over and over again, but because the organisation does not publish its findings in that respect, the degree of transparency is extremely limited, and it is only when an individual such as Mr Browder is repeatedly chased time and again and gets the same answer each time that it is through them going public that we see the extent of the political manipulation. I say that because it is a really important issue for this Committee to focus on.

The United States has already engaged in a process of reforming its relationship with Interpol in order to inject a measure of domestic scrutiny on applications or requests emanating from Russia or other states who are known to have abused the system, and the UK needs to do the same—and do so quickly. Those are some examples.

We could talk about the ICC as well. There, the problems are of a different order of magnitude. The ICC's problem is that there is a structural difficulty with its mandate. It could only ever have really been successful as a global or virtually universal entity, and one problem is that, if you look at a map showing those countries that have signed up and ratified the ICC, you will see it is most of Africa, most of South America, most of western Europe—

Alistair Burt: Not Asia.



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Ben Emmerson: Not Asia, not eastern Europe and, of course, not North America. It was only a question of time before the rubber hit the road, and as soon as the ICC began to investigate Russia in relation to war crimes in Georgia and then in relation to war crimes in Crimea and Donbass, Russia withdrew from the system altogether and repudiated its membership.

The United States has always, to its credit, although it took part in the negotiation of the Rome statute, maintained that it was not prepared to ratify the process, and I know people are blaming and, rightly, calling out the current Administration for attacking the court with threats of sanctions, but this is not a new policy. It pre-dates President Obama, it was maintained during President Obama's period in office and was reinforced with the enactment of domestic legislation in the United States, which makes it a federal offence for any judge or executive officer to co-operate with the ICC without the express approval of the President.

So you cannot go to the United States and say, "We want to have either a defendant surrendered or witness evidence provided," or any other form of co-operation, without an express waiver at presidential level. That has always been the position. Of course, if it was an adversary of the United States, you might get such permission, but you would never get it in relation to a member of the United States armed forces.

There was a problem because we know—it is beyond doubt—that members of the United States forces committed war crimes in Afghanistan and Iraq. We know that because the Feinstein inquiry has revealed the extent of torture of detainees by authorised members of the CIA. You may say—and the Americans did say under Attorney-General Eric Holder—"We are not going to prosecute them because they were doing what they did according to the orders they had been given and it would be wrong to prosecute them." That, I am afraid, is precisely the circumstance in which the ICC would have jurisdiction, where a state is unwilling or unable to prosecute its own citizens for something that is in fact a war crime. These problems were inevitable.

Chair: Mr Emmerson, I am going to move on.

Ben Emmerson: It was rather a long answer; I am sorry.

Chair: Alicia, you wanted to follow up on one point and then I was going to go to Graham.

Q27 **Alicia Kearns:** Obviously, you make the point there that the reason we are doing this review is that many of us are concerned about how multilaterals are being used to hide, obfuscate or frankly deny and continue ethnic cleansing against people like Uighur or to prosecute individuals such as Bill Browder. I think, Alistair, your point that, if we had perfect members, we would not be having this conversation today is absolutely right. That is why we need to identify these practical solutions.

My question, therefore, takes me to sanctions. When a member state serially seeks to abuse multilaterals, what recourse is there for other



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member states? Mr Emmerson, I would appreciate your view on the abuses of Interpol and the ICC, and has Interpol even tried to bring sanctions against Russia for abusing red notices? Mr Burt, I would like your views on the WHO and the OHCHR or indeed any other organisation you would like to raise.

Alistair Burt: I have a couple of points, if I may, and I will get to sanctions in a second.

On the ICC, one point I am keen to make is that of course these bodies have inherent flaws, and I think both Ben and I have identified a similar pattern of causes—ultimately, of self-interest, and if you represent to your people that your self-interest is solely determined by your own sovereignty, your ability to join and to come away from things that you think might affect you, then you are not giving a sense of leadership because there is no common purpose in that. If all the international organisations simply reflect self-interest, we will go back to where we were, and we know what will result.

I am the UK commissioner for the International Commission on Missing Persons, which was instrumental through the ICC in prosecuting Radovan Karadžić and Mladić in relation to crimes in Bosnia, particularly Srebrenica. The ICMP submitted a 9,000-word dossier to the International Criminal Court to ensure that Karadžić was convicted. It is an international treaty-based organisation that identifies the missing on the basis of if you know who they are in mass graves, if you know how they died, you probably know who killed them.

The question is: if we do not have the ICC, who does that job? How do we make sure that the genocides and the war crimes are convicted? The danger with these organisations, which all have flaws, is that if the flaws come to dominate the purpose and we lose them we will be going backwards in a big way.

At the moment the ICC has any number of outstanding warrants for individuals—Ben would know better than me, but I think it is about 15—and this is where individuals are able to travel around the world because individual states do not respond to the warrant, so people are getting away with it. Ultimately, in that way lies disaster.

Sanctions are a two-edged sword. If you are going to take sanctions against states for non-compliance, you are starting something very dangerous, as we know. By and large, big people take sanctions against smaller people. That is the way it works, because if you are going to take sanctions against big people, there is a comeback.

Australia, worried about what has been happening over the outbreak of the virus, was wanting to challenge China through the WHO with an independent inquiry and China was very quick off the block to say, "If you do that, we will take action against you on trade and everything else." That is similar to the suggestion of sanctions and the like.



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I go back to where Ambassador Bermann was. Much more is achieved by talking, by raising common interests, by demonstrating how my pooling of sovereignty here will benefit you on another day as well as me, and if we do not go down that road, we are both leading ourselves into trouble.

The moment you get into sanctions, you start to get into questions of having to withdraw them at some stage, having to repair relationships and the like. It is a blunt instrument. When used on specific individuals—and some of the sanctions that are used at the moment against those who are responsible for murdering their own people in Syria, for example, and targeted sanctions in Libya—they can be effective. But if they are going to be used state to state as state sanctions—and we may be running into issues very soon in relation to another country in the middle east as well—there are issues to flow from that.

It is much better to resolve these issues by being able to talk and come to common agreement than it is to take the steps to practical sanctions that almost always have a kickback at some stage.

Ben Emmerson: I am attracted, of course, by the idealism, if you like, that underlies Alistair's analysis of the international criminal justice options. Of course, before the Rome statute, the answer to the question, "How do we get the genocidaires?" was by going to the Security Council and asking for a mandate to set up a special tribunal. That is what in fact resulted in the prosecution of Milošević, Mladić and so on at the ICTY, the Yugoslavia tribunal. It was also the solution for Rwanda, Cambodia, Lebanon and Sierra Leone. But the project of universal jurisdiction in the ICC has so many holes within its coverage that we are dealing with a major challenge for its future operability.

Of the four major conflicts to be bedevilling the middle east over the last five to seven years—Libya, Syria, Yemen and Iraq—Libya falls within the jurisdiction of the ICC because it was referred by the Security Council; none of them was a signatory state. Syria does not fall within the ICC's jurisdiction; neither does Yemen; and attempts to have the Security Council refer the situations to the ICC have all run aground because Russia has vetoed them.

So, when you need it most, you are going to get a referral to the ICC only if the potential defendant has no friends among the permanent five. If they have a friend among the permanent five, or even a sponsor who sees it as in their interests to make a friend, you will never have an effective referral mechanism.

That is one challenge facing the ICC going forward. It is at a crossroads, but, rest assured, the Assembly of States Parties is in the process of conducting just such an overhaul and the United Kingdom will play an important part in that process.

In a sense, it is very difficult for this Committee to second-guess what could be done to strengthen the mandate of the ICC at a time when its



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own mandate is under review in order to see what lessons can be learned from the time it has been in operation thus far.

I did not understand the question to refer to sanctions of the kind that are adopted by the United Nations, because, by definition, you would never get Security Council support for sanctions against the states that we have in mind here. But Interpol does have its own method of sanctioning, which is suspension. If a state persistently makes use of the system in circumstances that amount to a political abuse—it brings red notices or diffusions in relation to offences that are politically motivated—it can be suspended.

That has never been done in the post-war period, but it is possible that, in Mr Browder's case, or others, representations may be made for precisely that course. It is a big step for Interpol to take, to suspend a member state like Russia, but, under the constitution, it certainly ought to have considered and be considering it, which is one reason why the intention to appoint Alexander Prokopchuk as Interpol's president caused so many ripples in October 2018. Of course, there was a last-minute, widespread objection to that appointment. I think the Chair himself—

Chair: Mr Burt will remember some of us speaking very actively and vigorously against it, yes.

Ben Emmerson: Exactly.

Alistair Burt: I remember you always speaking actively and vigorously, Chair. It was part of your *raison d'être*, I think.

Ben Emmerson: So there is a mechanism. Again, we do not have time to get under the skin of this, but the answer for the United Kingdom is to look at establishing a mechanism in our own jurisdiction for identifying those countries that have abused the system and requiring an extra level of expertise and scrutiny before we give effect to red notices from those countries. Whether there is mutual legal assistance, extradition or Interpol, the same principle applies. You are dealing with certain states that misused the system habitually for political persecution. Therefore, any request coming from those states ought to be the subject at least of special heightened scrutiny.

For my money, it is worth considering in a post-Brexit world, where our reliance on Interpol will be greater because we do not have the same access to Europol, whether the sort of migration that has just been done in relation to DFID ought to be done in relation to Interpol co-operation. Why is that a Home Office responsibility rather than a Foreign Office responsibility, given the very obvious way in which foreign states can misuse the system to pursue political enemies?

Let us not forget that the main culprit for this is in the habit of committing acts of nuclear and biological terrorism to kill its opponents on British soil. We have had two assassinations of people with asylum and protection in this country on our soil from a state that we are then



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giving unconditional co-operation to without any proper due process in an international mechanism that was not built for this purpose. Whoever thought when Interpol was set up that it was going to be handling, processing and rubber-stamping a system where the criminal justice process itself was suborned to the interests of a criminal elite running the Government? It is an extraordinary state of affairs and we do really need to wake up to it.

Q28 Graham Stringer: I think Mr Emmerson has begun to answer my question in his quick summary of the history of these institutions. He said there was a belief when they were set up that they were set up with good will and that safeguards had not been built into these institutions, which leads to the question: what safeguards would you put into those institutions?

Ben Emmerson: I think as far as Interpol is concerned, I probably, to some extent, have answered that as far as I can today, which is, first, the organisation needs to take seriously its responsibility to weed out those states that are abusing its systems and to take action against them. I am not saying they have not done anything. There have been complaints of this nature being brought to Interpol's attention consistently over the last 10 years and some suggested attempts to clean up its house have been made, but it is opaque. It runs from a committee in Lyon whose deliberations are entirely lacking in any transparency; its reasoning is extremely superficial; and those who use the system frequently simply do not trust it to conduct that type of due process.

Indeed, I think the organisation never saw it as its purpose. It was really just a clearing house for requests, but it has become very much more than that because, if you have an Interpol red notice out against you, you know about it—you are not in a position to travel. That is one dimension.

What a state like the United Kingdom can do individually is to recognise the practice. It is the same as with our judges: we ought not to be enforcing mutual legal assistance requests or foreign judgments issued by Russian courts without at least very careful scrutiny of the reliability of the judicial determination.

To be frank, there can be no presumption that anything emanating from a Russian court or anything emanating from any part of the Russian state apparatus is to be treated as reliable unless you have a proper mechanism for getting under the skin of the problem and ascertaining whether it is an abuse of the process. So I think we need to sharpen up our act at this end in the same way as the Americans are doing right now.

Q29 Stewart Malcolm McDonald: Thank you, Chair. I want to come to Ben, and before asking my question I refer to my register of interests: I am a recipient of the order of merit from the President of Ukraine, and it is about Ukraine I want to ask Ben specifically.

The inquiry is looking at multilateral organisations. Ukraine is obviously a crowded field when it comes to multilateral bodies operating there, but



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that war has raged on now with no real end in sight, and obviously you do huge amounts of work on Ukraine and on Georgia. How do you assess the multilateral bodies that the UK is a part of for all the work that they do on anti-corruption, international aid and all the rest of it?

Where is the main failure, and in terms of the UK's actions there—we are a signatory to the Budapest memorandum, but we are not in the Minsk protocols—it strikes me that our input into trying to resolve that conflict is a bit muddy. How do you think it could be better channelled to try to bring the conflict to an end?

Ben Emmerson: That is a very challenging—

Stewart Malcolm McDonald: It is probably a dinner question rather than a Committee question, to be fair.

Ben Emmerson: It is a very challenging question to answer in any event because, as you know, there is a process under way—the so-called Steinmeier formula—for bringing about a demilitarisation of the border area and the establishment of elections in the republics that have been the subject of the conflict, particularly Donetsk and Luhansk.

People sometimes refer to it as a frozen conflict, but I question that language. There is a strong view that it is not in Russia's interests to reach a solution, but neither does Russia want to annex Donetsk and Luhansk any longer, although it may have done at the beginning.

These are just political observations that third parties have made rather than inside knowledge, but the process itself is massively complicated by the usual type of difficulties in conflict resolution: which comes first—demilitarisation and regaining control of the border or the conduct of free elections in the republics of Donetsk and Luhansk?

That process has caused a great deal of difficulty. There is undoubtedly a willingness to bring the conflict to an end on Ukraine's side, and has been all the way through, but I cannot say to you, "This is what the United Kingdom ought to do to make that outcome more likely."

As you know, the talks that began in Paris with President Zelensky and President Putin were essentially mediated by Germany and France, and of course the United States's most recent involvement ended up with the impeachment inquiry, so it is a minefield diplomatically.

Q30 **Stewart Malcolm McDonald:** Could we have been more vocal on things like Nord Stream 2, for example? I always thought our relative silence was an odd position.

Ben Emmerson: Again, as you know, there are tensions within Europe on the relative merits of Nord Stream 2. In other words, there was not a common European position on it, or a common EU position on it. I have my own personal views, but, like you, I approach it from a partisan perspective because I represent the Government of Ukraine, so what I would say about that would probably not be properly regarded as an independent point of view.



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Stewart Malcolm McDonald: Perhaps we can catch up on that another time, Mr Emmerson.

Ben Emmerson: Of course, yes—an offline conversation.

Q31 **Stewart Malcolm McDonald:** I thought I had one question for Mr Burt, but I have two. The first is: please come back—all is forgiven.

The second question is: what are your thoughts on the DFID and FCO merger because, if I am not mistaken, Alistair, you straddled both Departments for a period?

Alistair Burt: Yes, I did, and thank you very much for the kind comment. I think coming back with you lot is quite difficult, but there is a place down the corridor, and I am always free if you want to make any suggestions.

Chair: They do not send anybody. I would not ask him.

Stewart Malcolm McDonald: I do not think my reference for you will see you get very far in that regard.

Alistair Burt: I do not know. You would not believe how strong your influence is, but thank you anyway.

I am on record as saying I would prefer the Departments to stay separate. DFID has made an international name for itself. The fact that we have a Cabinet Minister responsible for international development—there have been some very significant personages in the past—is recognised around the world. It has given us an extra push.

It is not impossible to combine them. The Prime Minister is correct that plenty of countries do this, and Ambassador Bermann was quite clear about it as well. But if the attempt is to put it together to get more co-ordination and more political bang for the buck, well, that can be done anyway.

Of course, putting Ministers across the Departments was Prime Minister Theresa May's attempt to do that: Rory, myself and Harriett Baldwin had those joint roles, as all the Ministers do now. Foreign Secretary Boris Johnson, when he was in place, brought Penny Mordaunt into the team meetings so that the two Secretaries of State would be together as we did the normal team meetings during the week to work out where we were going and things like that. You can work effectively together even if you have two separate Departments.

There will be other reasons why this is being done, and I imagine the House will be pretty careful to ensure that the merger works smoothly for the best interests of development as well as foreign policy. You must keep the skills that are there in DFID; the people must feel they are valuable; it is very important that the right language is used to validate their work, which has been exceptional in British interests over the years; and there are practical problems in-country as well. This is not just something that will have to be sorted at King Charles Street and up the



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top near Trafalgar Square. This has to happen in-country, so I hope the timetable is not too tight to do that.

I think it is very likely—we are where we are—that the merger will go ahead. It is important that it is a merger and that people make sure that development remains a central card for the United Kingdom to play internationally, because it is very important. We could have done it by keeping the separate Departments and I would rather that had been the case, but it seems to me the Government have made up their mind.

Q32 Stewart Malcolm McDonald: I am a Scot Nat, Alistair, and I love to criticise the Government, but the aid Department and UK aid was the one thing you could just not criticise: its job and footprint abroad is first class, maybe partly because you have so many Scots at East Kilbride working for it, mind you, but do you think there is a danger—maybe five years from now, maybe a bit more or less—that the financial commitment to international aid ends up being the casualty?

Alistair Burt: We will have to see. First, we know that the 0.7% will mean less money this year because the economy has shrunk and GNI will be different. We all understand that. That will be the same all around the world. The Prime Minister has been very clear in saying how important that commitment is to him and the Government, and there is no reason not to accept that going forward.

It will remain important that the money is effectively used. I liked what you said at first, but we should all be wary of the fact that nothing should be uncriticisable. Once you get to be the sacred cow, all the alarm bells should go off in politics. Work was done over the years to make sure that DFID's processes were accountable and everything was triple checked in DFID to make sure that when Ministers went in front of a Select Committee it was all going to be handled absolutely right; the business cases and everything were very onerous. Problems tended to occur when you moved away from strict DFID control to the cross-Whitehall use of the development money, and, there, some of the things that got into the papers were more about that than anything else. But nothing is uncriticisable.

We do have to make it clear that we want to retain our world leadership in relation to aid. It has to be effectively spent. It can be done both in the national interest and in the interests of those we are seeking to support. East Kilbride was an absolutely integral part of that and I enjoyed visiting Abercrombie House. They were a great bunch, and I hope their futures are secure because they have an awful lot to offer both to foreign policy and development.

Stewart Malcolm McDonald: Thank you Alistair. Thank you, Chair.

Alistair Burt: Nice to see you. Thank you.

Chair: Before we come on to Royston, the Government have said that Abercrombie House is secure and they have indeed spoken about increasing employment in the area.



Q33 Royston Smith: Alistair, it is good to see you again.

I know that the UN Security Council is out of scope, but you referred to it—rightly, I think—by saying that of course people keep on referring to it because it is sort of obvious. But when the UN Security Council cannot agree with itself and we are going to need consensus to reform these institutions—I refer to the UN Security Council only as an example, not because it is what we are talking about—how are they reformable when it is very unlikely that we will get the consensus required in order to do it?

Alistair Burt: Hello, Royston, and thank you for the question; it is nice to see you again as well.

It is genuinely incredibly difficult at the moment because I think we are at one of these cusp points. These institutions have been there for a long time, but they are all flawed to the extent that they are indeed the sum of their parts. Unless you have that determination led by states' leaderships to say, "We are prepared to forgo an element of our sovereignty for us all to be more secure," you will not get past the current impasses.

China has changed its nature fundamentally from 1945 in its world power, influence and everything else. Russia, which Ben has explored and we all know very well, is also in a different place. In a sense—we have to be honest—there's a United States that is no longer sure of its position in the world. Is it still engaged; is it pulling out; where does America see its interests? By and large, we all assume that American interests have become very domestic, with America seeing itself as great again, looking back to its isolationist past more than anything else but still wanting to be effective. Nations are testing it out.

We have not got a world leadership in the way we used to have and it is hanging vacant. One of my favourite expressions in foreign affairs is that there is no vacuum in foreign affairs. If you are not there, somebody else is. By and large, if it is not us and friends of ours, it will be somebody worse. The UN has to recognise that it is absolutely at this cusp point, with norms and everything else.

I mentioned earlier that other parts of the world want a say. India and Africa, with their growing power and size, want more of a say. They do not want another dominant power to come along. They want an equal opportunity. Unless states are prepared to recognise that there are norms of human rights, international rules-based order, acquisition of territory—things that if people get away with them will only encourage others—we will go back to where we were; that has been history. Unless people recognise that, reform will be incredibly difficult. Ultimately, a bit like the pandemic, you get people to recognise that they have to work together, because if they do not they are all vulnerable.

We now know that, as far as the pandemic is concerned, there have been 1,500 new pathogens since 1970. They are going to be out there and the World Health Organisation has said there is no question about when; it is just a question of where something is going to happen. We know that we



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have to improve health systems around the world to make sure that we are not vulnerable.

Equally, in relation to Ben's field in particular in human rights and everything, if we do let states get away with things—if there is no real condemnation of what is happening with the Uighur community in China—who is next? This is the crunch point. Nations have to face up to it, and I am not quite sure they are there yet.

Q34 Alicia Kearns: What is the UK's best leverage to achieve change in these organisations beyond our alliances—which, to be fair, are probably our greatest asset in the current world—and which states should we be worried about that are trying to pursue hostile interests? We always look at the usual suspects, whereas, in my experience, quite often it is proxy states that are pursuing and pushing the interests of some of the biggest states, but we always default to Russia and China, which does not mean that we should put to one side their atrocities. Alistair, I am sure you will be unsurprised to hear that the Chinese ambassador this morning said that there was no issue or human rights abuses being perpetrated against the Uighur, but, yes, I would be very interested in your views on leverage and on which states we should be paying attention to.

Alistair Burt: I am interested to hear Ben's view, because he has a lot of experience in relation to this.

The usual suspects are the usual suspects for obvious reasons. It is easier to target the United States because they are easier to talk about and they do not take reprisals in quite the same way for their retreat from various things and the way in which they are handling themselves at the moment. The Administration is well known, and it will be interesting to read John Bolton's book. But America remains in so many ways a cornerstone of good things, and it is very important not always to put it in a bracket of being under pressure.

It is hard to pick out individuals. I would go back to the ICC and look at those states that do not enforce warrants against people. The current topic of the hour is police brutality. You can easily find out the states where the number of civilian killings at the hands of security forces is listed. America sort of makes it halfway down and Britain is hardly there. There are a lot of other states that nobody ever mentions who top that list—and some surprising ones. There should be more attention paid to the quiet states where there is discrimination and control of people. No one is immune from this.

We know some of the issues in eastern Europe in relation to human rights, we have issues facing us in migration coming forward, and there are the terrible circumstances in Libya with the passage of migrants, who are then abused there. There are whole issues with the Sahel, and people are not focusing sufficiently on that.

Alicia, you could take your pick, but the reason the usual suspects come out is their power, strength and influence on others. Strong states will



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always seek to persuade smaller states of their interests, and for those who have strong economic interests in different countries where there is a clear imbalance of economic power there should always be an understanding that their motives may not be entirely genuine. You cannot do international diplomacy without your eyes wide open and without knowing when you raise things and when you do not. You must know all the facts when you are dealing with people even if you are not expressing them all the time.

I would be interested in Ben's perspective.

Ben Emmerson: I agree that the usual suspects are there for a reason. They are not just usual suspects; we are talking about tectonic plates in power bases within the world.

If you are asking about proxy states, yes, of course, you see leverage exercised through proxy states, but it is the leverage coming from those power blocs. China has traditionally been a very good rules-based player within the organisations, in the sense that it would take quite a literalist approach to the application of international law and so forth, and quite a minimalist approach. While it was doing that, it was engaging in a global strategy of covert influence and investment, which has undermined many of the west's defences, both in intellectual property and in investment terms.

Many people will find it quite shocking that China is in a position to threaten de-investment on a major nuclear project in this country as a reprisal for a decision to disinvest in Huawei. I think people will find it rather surprising that we are already so vulnerable to Chinese investment that they are in a position to be exercising economic espionage and threats against key United Kingdom interests even now, and we are dealing with a state that has gained sufficient confidence to be threatening Taiwan and Hong Kong and engaged in a mass incarceration—and I should declare an interest as the legal adviser to the World Uighur Congress.

It is an extraordinary and horrific development resonant of some of the worst atrocities of the last century in the way in which it is being conducted. To try to suggest that it is not an illegitimate counter-terrorism measure is, frankly, entirely alien to our collective values and the international law of prohibition on collective punishment on the basis of people's race or religion. I think people rightly describe it as culture genocide, but that does not really mean anything other than that there is an intention to seek to eliminate the Uighur as a distinct, separate cultural and ethnic group and to eliminate them as a separate presence in East Turkestan and Xinjiang. But you can see the proxy issues.

One very good example of where you see the proxy issues being hammered out is in Kosovo. The United States has intervened to take over a long-running negotiation process for normalisation between Serbia and Kosovo—if you like, to bang heads together in an attempt to get a peace agreement or a lasting normalisation agreement before the



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elections in the United States in November. In doing so, it risks pushing the parties into land swaps that could destabilise the entire Balkan region.

I certainly would be one of those who adhere strongly to the view that land blocs are a disastrous idea in the Balkan context—do we have somebody playing the guitar in the background?

Chair: Graham, it is your annunciator.

Alistair Burt: It is a very familiar noise to me, Ben. I have not heard it for a long time and it is rather nice to hear it again.

Ben Emmerson: There is a good example where Russia is now desperately getting involved to try to prevent a deal. Kosovo is suddenly once again thrust into the very top of the international agenda as a classic piece of proxy diplomacy where the Russians are trying to prevent Serbia from recognising Kosovo's independence and the Americans are trying to persuade Kosovo to give up its most valuable northern territories to achieve a successful diplomatic result at the next United States presidential elections.

I understand the motivation behind the question: what can be done to achieve greater consistency in changing these organisations? I have to be honest with you: this is not a question that in a way admits of a single answer. There are so many different types of problems and so many different state interests.

The underlying challenge is the fact that there is no longer the consensus that there was that we should be travelling in the direction of multilateralism—that treaties, agreements, organisations and talking are always the right way to go rather than other forms of asserting national interest. I think that is a problem and it goes back to what Alistair said about people forgetting why we had those organisations in the first place.

Chair: May I thank you, Mr Emmerson, and ask Graham Stringer to bring this session to a close? You have been extremely generous with your time. Graham, if you ask yours, then I have one final question for Alistair afterwards.

Q35 **Graham Stringer:** It is good to see you, Alistair.

In your answers about the merger of DFID and the Foreign Office you were being quite diplomatic. I do not care, and I suspect you do not really care, whether international aid is delivered by one, two, three or four Departments. What matters are the policy priorities and whether they are delivered effectively. Do you think that the merger of these two Departments is a change in both policy and a criticism of the previous efficiency and effectiveness of DFID, because it has had criticism from organisations from War on Want to the *Daily Mail*? What do you really think is afoot with this organisational change?



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Alistair Burt: In all fairness, it is difficult to say. There are perfectly proper procedural reasons where you could make a case to have a single Department, as other countries have. The suspicion that the Government will have to overcome—let us be clear—is that they have listened more to the criticisms of the *Daily Mail* than anything else, and it is a suggestion that overseas aid money has not been wisely spent in the past. One or two colleagues have sometimes referred to that.

We will only find out what the Government motivation is when we see this in practice. My sense would be that there are sufficiently sensible elements in the Government to recognise that we should not lose an important card for the Government in recent years: the determination to demonstrate that they are making a significant contribution, not only to the absolute poorest in the world but to states that are moving forward, recognising the population increases in Africa and the middle east in particular, the need for jobs and a secure economy and how health systems need to be stabilised. The United Kingdom is no longer going in and doing one-off projects. It is supporting a sustainable system that will benefit health and benefit us. The combination of interest between the United Kingdom's own individual interests and others is much closer than people would imagine. I think the Government will be very conscious of not losing that sense and being able to project it through a combined Department. We will have to see what the leadership is. It will be interesting.

In some parts of the world ambassadors will be drawn from DFID rather than the Foreign Office. We will see ambassadors drawn from different places. I remember Jeremy Hunt was very open to that when he was Foreign Secretary. The danger will be if serious practitioners of aid feel that the process of development is being subverted in some manner. There is absolutely no reason why this should be the case. I would be looking for the Government to be very determined to demonstrate that is not the case.

At the moment nobody can quite tell. It is a contentious political matter. Those who oppose it will say what they do and they will be worried. People like me are worried about it, but I want the Government to make it a success on behalf of those who will be receiving the aid and those who will be working on it who want to keep the quality of work that we have done, which is so appreciated around the world.

I think the jury is currently out. Let us wait and see.

- Q36 **Chair:** May I follow that up with one final question, Alistair? You have had experience of both Departments. Although there are obviously culture differences in many ways, a key difference has been in policy. DFID has very much seen itself as a country-led Department—in-country directors and in-country staff have pulled aid to where it is most needed—whereas the Foreign Office has traditionally relied on regional directors in Whitehall to target and influence, and indeed we have seen on some occasions ambassadors undermined—others will have different views—and being rather more representative than envoys. How do you



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see the main influence going here?

Alistair Burt: Before I answer that, may I say a short word about a couple of very successful multilateral organisations, because we have concentrated on the difficulties?

The recent pandemic has demonstrated that the World Food Programme, superbly led, does fantastic work—the great success of the Gavi conference the other week and the work that Gavi does. There are multilateral organisations in which the United Kingdom is heavily involved that work extremely well. We would be wrong to leave those who have been watching or reading these proceedings to believe that it is all about difficulties. But there is no doubt that, where serious political influence is involved, we have to be very wary of what people are looking for. That is where the danger lies in the future.

I found that, if the Minister has an open door and you are working with colleagues in-country, you are handling things through the FCO and DFID together and people know what they are doing. I forget the number of conferences we had where you were joined by people in-country, so I would be sitting in King Charles Street, and out there in Jordan, for example, would be Edward Oakden and the team in Jordan—the DFID team. Everyone was together. So in your country teams, the ambassador sat with the DFID team and the DFID director was not anywhere separate. You were talking through with the political representatives in King Charles Street what you needed to do. So communication can either come because you put everybody in the same Department or you have two Departments represented in the same room.

DFID would probably feel that, because of its history, the FCO sort of assumes a dominance, and I think personalities will make a lot of difference. The new permanent secretary is going to be a key appointment as someone able to reassure both elements of the FCO and DFID that they are going to be working closely together. I think the greater reassurance will be needed for DFID in the work it is going to do. But I think in-country—certainly in the areas that I was used to—quite a good relationship probably exists already. They already work effectively as one Department because of the one-Government platform for all the different Government Departments that are operating inside an embassy, whether it is Home Office, defence, DFID or FCO. Effectively, once you are out there, everyone is working together. That spirit needs to come back to the FCO.

I remember wanting an exercise some time ago to go to in-country and say, “How do you make it work? What are the best bits about working together? How can we bring that back home to work more closely in London between the two Departments?” I think that work will obviously be accelerated as part of the merger programme.

I make no secret of it: I would have preferred DFID to stay stand-alone, and I really appreciate the time that I had with DFID and the people who worked there and everything else. It really is not impossible providing the



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motivation from the top is absolutely clear about the interests of both development and foreign policy, that the work is respected, the people are respected and we make the most of it. I think that is the best way to go forward.

Chair: Thank you very much. On that note, and paying my own tribute to David Beasley—Governor Beasley—and his team in the World Food Programme, and many others who have done heroic work in international organisations around the world, I think we should pay tribute to all of them and thank them for what they are doing.