



# HOUSE OF LORDS

European Union Committee

House of Lords  
London  
SW1A 0PW

Tel: 020 7219 6083  
Fax: 020 7219 6715  
euclords@parliament.uk  
www.parliament.uk/lords

Rt Hon Dominic Raab MP  
Secretary of State for Foreign Affairs  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

10 November 2020

Dear Foreign Secretary,

At its meeting of 27 October 2020, the Lords' EU Security and Justice Sub-Committee which I chair held a public evidence session with experts on the UK's future cooperation with the EU on sanctions policy. I am writing to you to raise some important questions prompted by the evidence we heard.

The Committee discussed with the witnesses several of the findings of the report by the Lords' EU External Affairs Sub-Committee *Brexit: sanctions policy*, published in December 2017. That report noted the then Government's aspiration to achieve an 'unprecedented relationship' with the EU on sanctions after Brexit. The report concluded that the UK should continue to collaborate with its global partners to help ensure the effectiveness of an independent UK sanctions policy in the future. This finding was endorsed by our witnesses.

In our evidence session, we took stock of those conclusions in the light of the Government's new global human rights sanctions regime, launched on 6 July 2020. In relation to the earlier aspiration to achieve an 'unprecedented relationship' on sanctions policy with our EU partners, our witnesses said that this was possible, provided there was sufficient political will. Can you therefore confirm whether it is still the Government's intention to seek such a relationship with the EU on sanctions policy, and, if so, in what way would such a relationship set a new precedent for third country cooperation?

Alternatively, if the Government does not intend such a relationship, can you please set out how it is planning to work with the EU and its Member States on sanctions policy, including whether it intends to do so using formal frameworks to discuss intelligence and to agree designations?

If the Government is not seeking formal cooperation mechanisms, can you confirm whether it will still normally seek alignment with the EU on sanctions policy, including to agree potential targets? Our witnesses unanimously endorsed the findings of the External Affairs Committee's report that future alignment and cooperation between the UK and EU on sanctions policy, even informally, will make an independent UK sanctions regime more

effective. Emil Dall, a Senior Research Fellow at the Royal United Services Institute Centre for Financial Crime and Security Studies, told us:

“... sanctions [are] more effective when done in co-ordination ... the more countries there are that implement a sanctions measure, the fewer avenues there are for evasion, the fewer avenues are left for the sanctions actor to pursue business opportunities, the more markets you can shut off, the more you can inflict economic harm on the sanctions target.”

Our witnesses gave evidence that if the UK wishes to continue to influence EU sanctions policy, it should seek to maintain the strong bilateral relationships with those EU partners with whom it worked closely on sanctions when a Member State. Maya Lester QC observed: “The UK had, and ... will still have ... very strong relationships with Germany, France and whichever other key Member States are interested in any particular sanctions regimes. Lots of discussion is happening between the UK and other single Member States ...” Can you therefore confirm whether it is the Government’s intention to continue to exert influence on EU policy and to maintain those strong bilateral relationships in order to do so?

In respect of the Government’s new global human rights sanctions regime, you said in your statement to Parliament in July announcing the new regulations that: “... we will defend media freedoms, protect freedom of religion and ... hold to account the perpetrators of the worst human rights abuses...” Our witnesses made the point that assessing a regime’s effectiveness, whether in terms of its implementation, or whether it has achieved its ultimate goal is “a complex issue.” Please can you therefore set out how the Government plans: (i) to monitor the effectiveness of its new policy; and, (ii) to update Parliament on the imposition and effectiveness of its human rights sanctions regimes?

A further issue that was raised by our witnesses was the designations on current EU sanctions lists, which, under the Withdrawal Agreement, the UK is bound to follow until the end of the transition period on 31 December 2020. We were told that it was not clear whether all of these sanctions designations will be transferred to UK listings after the end of the period. Emil Dall commented: “I do not think an official percentage has been confirmed yet. I have heard various numbers, and ... every number I hear is slightly different.” It is important that the UK-based businesses and other organisations that have the ultimate responsibility for ensuring compliance with the sanctions measures that affect them should have certainty about their obligations. We would therefore be grateful to know what decisions have been made about the future of those EU listings and when the Government intends to make public this information.

Lastly, our witnesses noted that the EU Council of Ministers recently agreed legislation establishing the EU’s own system of human rights based sanctions; when do you expect to submit the Explanatory Memorandum on this Regulation to Parliament?

We look forward to considering your response to our questions in this letter within the usual 10-day deadline, and then to discussing these matters among others with a Minister from the FCDO in January.

I am copying this letter to Lord Kinnoull, Chair Lords EU Select Committee; Sir William Cash, Chair of the European Scrutiny Committee; Jessica Mulley, Clerk to the European Scrutiny Committee; Tom Tugendhat MP, Chair of the Foreign Affairs Committee; Chris

Shaw, Clerk to the Foreign Affairs Committee; and Olivia Cormack, Foreign, Commonwealth and Development Office.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Ricketts". The signature is written in a cursive style with a large initial 'P'.

Lord Ricketts

Chair of the EU Security and Justice Sub-Committee