

Northern Ireland Affairs Committee

Committee Office House of Commons London SW1A 0AA

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The Rt Hon. James Cleverly MP,
Minister of State for the Middle East and North Africa,
Foreign, Commonwealth and Development Office

From **the Chair**
Simon Hoare MP

By email only

21 May 2021

Dear James,

Thank you for your letter of 20th inst., in response to mine of 28th ult.. I am pretty certain that the FCDO just hope that this issue will 'go away' as a result of frustration or boredom. It will not.

I am disappointed that Her Majesty's Government takes so lightly commitments made by Ministers. The House was informed that Shawcross' Terms of Reference would be published. You are refusing to do so. We have tried to convince your Department as to the necessity of doing so. I will now have to raise this with The Speaker on the floor of the House.

In your WMS (23rd March) you state: *"the responsibility for providing compensation specifically for actions of the Qadhafi regime lies with the Libyan State. The Government has therefore repeatedly urged the Libyan authorities, including at the highest levels of Libyan government, to engage with UK victims and their representatives, and to address their claims for compensation."* It goes on to highlight the fragility of current Libyan governance. In summary we can safely say that:

- a) HMG has urged Libya to self-author a compensation scheme for UK victims of IRA terrorism facilitated by Libya;
- b) those urgings have failed.

Against that backdrop, even with the full weight and influence of HMG, nothing has materialised from Libya by way of compensation. Could you explain to me how HMG believes victims and their representatives can or could engage with Libya with any hope of success given the failure of HMG to date? What assistance might the FCDO be able to provide? Frankly, the proposition is a naive nonsense. You know, as well I do, that compensation, such as that paid to Germany or the United States, **only** materialised by government to government engagement. Their victims had governments which understood the protective duty of the State to its citizens.

As I have said in previous exchanges, we accept that HMG cannot launch a 'raid' on either the capital or the interest on UK held frozen Libyan assets. Likewise, I accept that any move to retrospective hypothecation is a matter for HMT and I shall take this up with the Chancellor directly.

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Let me turn to the penultimate paragraph of your most recent letter. You state that there is no 'legal basis' for the UK to refuse to release frozen assets. You may be correct and the Committee shall explore this separately. However, there must be a political and moral basis for setting out our suggested quid pro quo to Libya. HMG asserts that Libya must pay; has tried to make it do so; has failed; passes the buck to victims to try to resolve while simultaneously resiling from any obligation to protect and assist UK citizens harmed by the interference of a foreign power. Is it to that which UK foreign policy been reduced? I am reliably informed that Libya is keen to resolve this issue and is perplexed that HMG is being so supine about it and not more actively engaged with the whole assets issue at the UN. We are the pen holder for Libya at the UN. Is the Government seriously proposing to forego any attempts at political leverage? Would we table and vote for a motion releasing frozen assets held in the UK without straining every sinew to secure a financial compensation package from Libya either in advance of, or concurrent with, the defrosting process? If so (and I am happy for my assessment to be corrected) that is shameful. I am not a Palmerstonian gun boat diplomatist. But I do think that when, according to the possibly apocryphal story, a policeman, in response to a lady's question in Whitehall 'excuse me, which side is the Foreign Office on?' replied: 'I'm told ours', the policeman, as far as relates to this issue, had a point. Can the FCDO now step up to the plate and use the political leverage it has at the UN to heal this, for too long, running sore? Simply washing one's hands, Pilate-like, will not do. I know you are an admirer of Churchill. He was 'action this day' not 'let's sit this one out and let the victims sort it'.

Yours, in growing frustration,

Simon

Simon Hoare MP

Chair, Northern Ireland Affairs Committee

Cc Rt Hon Dominic Raab MP; Rt Hon Boris Johnson MP; Tom Tugendhat Esq MP