



Sixth Report
of the

Foreign Affairs Committee

Session 2004–05

Foreign Policy Aspects of the War Against Terrorism

Response of the Secretary of State for
Foreign and Commonwealth Affairs

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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SIXTH REPORT OF THE FOREIGN AFFAIRS COMMITTEE

SESSION 2004-5

FOREIGN POLICY ASPECTS OF THE WAR AGAINST TERRORISM

RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

INTRODUCTION

- i) The Government welcomes the Foreign Affairs Committee's continued interest in the foreign policy aspects of the war against terrorism. The Government has taken careful note of the recommendations made by the Committee in its most recent report. The Government welcomes the Report's conclusions as a contribution to its ongoing foreign policy discussions with the Committee.
- ii) The Government's responses to the specific conclusions and recommendations in the Committee's report are set out below. The Committee's conclusions are set out in bold type.

CONCLUSIONS AND RECOMMENDATIONS

Introduction

1. **We recommend that in its response to this Report the Government make a statement of how it ensures that it pursues its various foreign policy priorities in ways which take into account their inter-connectedness, and how it factors into that process the primacy of the need to counter the threats from international terrorism and arms proliferation. (Paragraph 6)**

The Government agrees that terrorism, proliferation and other foreign policy priorities are closely inter-connected. The Foreign and Commonwealth Office, through its Embassies around the world and with other Government Departments, works to deliver effective policy responses to these issues in a way which reflects their inter-connections and the primacy of the need to counter the threats from international terrorism and counter-proliferation. The Government has set out its international strategy in publishing the Foreign Office's Strategic Priorities. As the Committee is aware, the need to counter the threats from international terrorism and arms proliferation is at the top of the Government's international agenda.

The ongoing threat from terrorism

- 2. We conclude that al Qaeda continues to pose a serious threat to the United Kingdom and its interests. Indeed, this threat may have grown more difficult to tackle in the years since 11 September 2001 owing to the fragmentation of groups and individuals associated with al Qaeda. This was shown once again by the recent suicide car bomb attack on a theatre packed with Westerners for a performance of Shakespeare's 'Twelfth Night' in Doha, Qatar, where there had been no such attacks previously. We further conclude that Iraq is providing a dangerous training ground for terrorists similar to that previously provided by Afghanistan. We further conclude that states such as Iran and Syria are not taking sufficient steps to prevent terrorism either in neighbouring Iraq or in Israel and the Palestinian Territories. We recommend that the Government continue to make clear to these states that they must end all support and assistance for terrorist groups and take meaningful steps to stop their territory from being used by terrorists. (Paragraph 27)**

The Government agrees with the Committee that Al Qa'eda continues to pose a serious threat to the UK mainland and to UK interests abroad despite its fragmentation. The Committee's Report demonstrates the point in referring to the attacks that have taken place recently and to those that been thwarted.

The Government also notes the FAC's concerns about states such as Syria and Iran taking insufficient steps to prevent terrorism. The Government too has serious concerns about the approach of the Iranian and the Syrian governments to terrorism. The UK has repeatedly pressed both countries to co-operate fully with international efforts to combat terrorism and not to support groups trying to undermine peace in the Middle East by violent means. The Foreign Secretary raised these concerns with the Syrian Foreign Minister in October 2004 and with the Secretary General of Iran's Supreme National Security Council, Hassan Rouhani, in December 2004. Senior officials have also raised it with their Syrian and Iranian interlocutors.

The multilateral framework

- 3. We conclude that the work of the UN Counter- Terrorism Committee (CTC) remains vital. We are therefore dismayed that the lack of a secretariat has impeded its efforts. We recommend that the Government take action to ensure that all states meet their reporting obligations to the CTC. We also recommend that the Government seek to enhance the effectiveness of the CTC, by ensuring it is provided with the requisite resources and powers and to encourage greater co-ordination between what are a series of ad hoc committees set up by separate UN Resolutions (Paragraph 33).**

The Government is working to exactly this end. The Government has been active with partners in pressing for the speedy establishment of the Counter-Terrorism

Executive Directorate (CTED) to support the Counter-Terrorism Committee (CTC) and to press those behind with their reports to respond to the CTC. The Government will continue to press for the CTED to receive the resources it requires and encourage co-ordination with other parts of the UN system.

- 4. We welcome the adoption of UNSCR 1540, although we stress that the Resolution must work alongside the existing multilateral regimes tackling non-proliferation. We recommend that in its response to this report the Government outline what it is doing to ensure that the work of the 1540 Committee is co-ordinated with that of the other non-proliferation and counter-terrorism bodies. We also recommend that the Government be prepared to assist states to compile reports on their non-proliferation controls and to identify shortcomings. (Paragraph 39)**

The Government warmly welcomes the adoption of UNSCR 1540, the first UNSCR to address the threat posed by WMD proliferation. The Government believes that the 1540 Committee is an important addition to the global non-proliferation architecture. Implementation of UNSCR1540 will reinforce, not replace, the existing multilateral regimes, as well as international standards on border controls and customs.

The Government agrees that it is important that the 1540 Committee draw effectively on the expertise and experience of other non-proliferation and counter-terrorism bodies. To that end the Chair of the Committee has been talking to IAEA, OPCW, Interpol, World Customs Organisation and other international and regional organisations to see where they can help Member States with implementation of the Resolution. In addition, the 1540, 1267 and 1373 Committees recently held a joint meeting, to ensure that they were properly co-ordinated, and to share best practice.

The Government circulated widely the UK's own draft report in order to provide a possible model for others to follow. The Government remains fully committed to the work of the 1540 Committee in ensuring global implementation of this resolution, including – where appropriate – through providing assistance or advice to others.

- 5. We conclude that the possible involvement of British nationals or entities in the UN's Oil for Food Scandal remains a concern but that the Government is right to withhold judgement until it is in possession of all the facts. However, we recommend swift action if any United Kingdom nationals or entities are implicated in the affair. (Paragraph 43)**

The Government notes the Committee's conclusion relating to the possible involvement of UK nationals or entities and shares its concern. The Government wishes to assure the Committee that allegations of such involvement will be passed promptly to the relevant UK authorities for investigation.

- 6. We conclude that the EU anti-terrorism measures hold promise, but have made slow progress. We recommend that the Government push for greater co-ordination at the EU level, and that it set out in its response to this Report what it is doing to improve counter-terrorism co-ordination with its EU partners.**

The Government welcomes the fact that co-operation on counter-terrorism with EU partners - and with partners beyond the EU - has increased significantly in recent years. In some areas, eg aviation security, the EU provides the principal vehicle for co-operation. In others, eg intelligence exchanges, co-operation is primarily bilateral. The UK has developed all these avenues across the many policy areas relevant to counter-terrorism, focusing in each case on the type of co-operation most likely to achieve results. The UK will use its Presidency of the EU to develop co-operation in areas where work at the EU level can add value. In addition to the existing "Hague Programme" on law enforcement co-operation, the UK will introduce new work on protecting critical national infrastructure and tackling recruitment to terrorism.

Human Rights and the war against terrorism

- 7. We conclude that, now that the British nationals have been released from Guantanamo Bay, the Government need no longer keep its diplomacy quiet in the interests of increasing leverage over individual cases. We recommend that the Government make strong public representations to the US administration about the lack of due process and oppressive conditions in Guantanamo Bay and other detention facilities controlled by the US in foreign countries, such as Iraq and Afghanistan. We further recommend that, during the United Kingdom Presidency of the EU, the Government raise the situation at these facilities in the UN Commission for Human Rights. (Paragraph 61)**

The US Government and international community are well aware of the British Government's views on Guantanamo Bay, including on the question of due process and the detention conditions there. Notwithstanding the release of the British nationals detained at Guantanamo, the Government will continue to discuss questions relating to the detention of suspected terrorists with the US Government.

The US Government announced at the recent Commission on Human Rights that it is discussing possible visits to Guantanamo with the UN Special Rapporteurs on torture, independence of judiciary and arbitrary detention. The US Government has made clear its intention of facilitating such visits. The Government fully supports this dialogue.

- 8. We conclude that US personnel appear to have committed grave violations of human rights of persons held in detention in various facilities in Iraq, Guantanamo Bay and Afghanistan. We recommend that the Government**

make clear, both in public and in private, that such treatment of detainees is unacceptable. (Paragraph 69)

The Government has made clear to the US Government our concerns about the treatment of detainees in Iraq, Guantanamo Bay and Afghanistan and will continue to do so, as necessary.

9. We agree with the recommendation of the Intelligence and Security Committee that the British authorities should seek agreement with allies on the methods and standards for the detention, interviewing or interrogation of people detained in future operations. (Paragraph 72)

As the Government has said in its response to the Intelligence and Security Committee report on the handling on detainees, the Government strongly believes that it is essential to work with allies in the fight against international terrorism. In doing so, the Government will always seek assurances on issues such as the treatment of detainees. But it may not always be possible to reach a formal agreement.

10. We conclude that some British personnel have committed grave violations of human rights of persons held in detention facilities in Iraq, which are unacceptable. We recommend that all further allegations of mistreatment of detainees by British troops in Iraq, Afghanistan or elsewhere be investigated thoroughly and transparently. We conclude that it is essential that wherever there are overseas detention facilities, those responsible for detainees must have adequate training. We recommend that the Government review its training of and guidance to agency personnel, officers, NCOs and other ranks on the treatment of detainees to ensure that there is no ambiguity on what is permissible. (Paragraph 76)

It is already the case that all substantive allegations of mistreatment of detainees by British troops are investigated by the Service Police. Where such investigations lead to prosecutions being brought under English criminal law, trials are held in open court. The Chief of the General Staff has announced the appointment of a senior experienced officer to assess what lessons might be learned from the recent court martial involving British troops accused of abuse in Iraq.

There is only one British overseas detention facility and that is in Iraq. It is run by British Military Personnel. The UK Armed Forces are given thorough mandatory training, which includes specific guidance on handling prisoners. All personnel must attend refresher training every year. Other UK personnel going to Iraq who are likely to be involved in activities that require an understanding of these international obligations are also given appropriate guidance.

Units which are responsible for the routine handling of detainees conduct further specialist training. All personnel who interact with detainees now receive training and advice on what is permissible, and have clear instructions on what to report if

they witness activity that is incompatible with our obligations under international human rights law.

11. We conclude that the arguments for evaluating information which purports to give details of, for example, an impending terrorist attack, whatever its provenance, are compelling. We further conclude, however, that to operate a general policy of use of information extracted under torture would be to condone and even to encourage torture by repressive states. (Paragraph 85)

12. We find it surprising and unsettling that the Government has twice failed to answer our specific question on whether or not the UK receives or acts upon information extracted under torture by a third country. We recommend that the Government, in its response to this Report, give a clear answer to the question, without repeating information already received twice by this Committee. (Paragraph 86)

The Government agrees with the Committee that “the arguments for evaluating information which purports to give details of, for example, an impending terrorist attack, whatever its provenance, are compelling”. As the Committee is aware, the British Government evaluates the reliability of all information it receives before it is passed into the assessment process. It considers, for instance, where the information comes from; what might be the motivation of the source; what kind of reporting record the source has. Where a report is known to derive from a source under detention, that too would be taken into account.

This is not the same as operating a general policy of use of information extracted under torture. The UK unreservedly condemns the use of torture and has worked hard with our international partners to eradicate this.

13. We recommend that the Government set out, in its response to this Report, a full and clear explanation of how its policy on the use of evidence gained under torture is consistent with the United Kingdom’s international commitments as set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states, at Article 15, that “Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”. (Paragraph 87)

UK law contains extensive safeguards in relation to evidence obtained by torture. Those safeguards are found in the common law; they flow from the Human Rights Act; and they are contained in statute.

The Courts will have regard to the UK’s international obligations, including under the UN Convention Against Torture, in exercising these powers.

Evidence obtained as a result of any acts of torture by British officials, or with which British authorities were complicit, would not be admissible in criminal or civil proceedings in the UK. It does not matter whether the evidence was obtained here or abroad.

It is hard to imagine circumstances in which evidence proved to have been obtained through torture could make its way into proceedings (other than as evidence of the fact of torture in a case against an alleged torturer). Indeed there is no recorded example in the modern era of a British court taking account of evidence that had been established to be the product of torture.

14. We conclude that the Government has failed to deal with questions about extraordinary rendition with the transparency and accountability required on so serious an issue. If the government believes that extraordinary rendition is a valid tool in the war against terrorism, it should say so openly and transparently so that it may be held accountable. We recommend that the Government end its policy of obfuscation and that it give straight answers to the Committee's question of 25 February. (Paragraph 98)

The Government's response to the Committee's question of 25 February did give a clear explanation of its policy towards rendition. The Government explained that its "... policy is not to deport or extradite any person to another state where there are substantial grounds to believe that the person will be subject to torture or where there is a real risk that the death penalty will be applied... The British Government is not aware of the use of its territory or airspace for the purposes of 'extraordinary rendition'. The British Government has not received any requests, nor granted any permissions, for the use of UK territory or airspace for these purposes..." The Government has also explained that it is not in a position to respond to all of the questions posed by the Committee without reference to information Parliament has decided is a matter for the Intelligence and Security Committee.

Iraq

15. We conclude that although many parts of Iraq are secure, much of the country continues to be wracked by violence. This has devastating consequences for the Iraqi population and imperils the country's political transition; it also hinders the reconstruction process which is key to improving the quality of the lives of Iraqis and drying up the 'recruitment pool' for insurgents. Foreign terrorists have certainly played a leading and deadly role in the insurgency. However, the evidence points to the greater part of the violence stemming from Iraqi groups and individuals, some motivated by religious extremism and others who have been dispossessed by policies adopted by the Coalition since the war, such as de-Ba'athification and the disbanding of the Iraqi security forces. Excessive use by the US forces of overwhelming firepower has also been counterproductive, provoking antagonism towards the Coalition among

ordinary Iraqis. We conclude that it should not have been beyond the planning capabilities of the Coalition to anticipate the consequences of these various policies. (Paragraph 109)

The Government agrees with the Committee's findings that much of Iraq is secure. But the Government does not agree with the Committee's overall characterisation of the security situation in Iraq. Ten provinces, including those in the Multi National Division (South East), account for less than 2% of attacks. The insurgent groups are disparate in nature with many localised groups who collaborate on a short-term basis. The Government does not believe that the insurgency has a cohesive structure.

While the greater part of the insurgency stems from Iraqi groups and individuals, evidence does not suggest a popular insurgency across the country. The Government believes that most attacks in Iraq are still the work of elements of the former regime and around 80% of the insurgency attacks take place in four provinces predominantly inhabited by Sunni Arabs. In these difficult operating areas the US has prime responsibility for security. US tactics have developed to meet evolving challenges and US forces have gone to great lengths to avoid causing civilian casualties.

Terrorists, some belonging to groups such as Al Qaeda, have been involved in high profile terrorist attacks in Iraq. There has been some recent evidence of recent co-operation between these foreign fighters and elements of the former regime. However, as the Committee concludes, the greater part of the violence stems from Iraqi groups and individuals.

16. We conclude that to date the counter-insurgency strategy has not succeeded. This may reflect an overriding focus on a military approach to the detriment of political engagement. This has been exacerbated by the slow progress of reconstruction efforts. We recommend that the Government encourage the Iraqi Government and Coalition forces to follow a more rounded counter-insurgency strategy where possible. (Paragraph 113)

The Government does not accept that there has been an emphasis on a military solution to the detriment of political engagement. The British Government encouraged efforts inspired by former Prime Minister Allawi to engage with Sunni Arab leaders and others outside the political process. Shia and Kurdish leaders have made clear in public that they want Sunni Arabs to be involved in the Iraqi Transitional Government and the constitutional process. The predominantly Shia United Islamic Alliance (UIA) has established a committee to take forward discussions with Sunni Arab groups. It will be for the Iraqi Transitional Government and the Transitional Assembly, with the United Nations in support, to devise a mechanism which will ensure a constitutional process which is as inclusive as possible.

In undertaking military operations in Fallujah and elsewhere the Multi-National Force (MNF) and Iraq Security Forces aim to return areas of Iraq to Iraqi Government control, providing a normal life to Iraqi civilians, thus creating better conditions for rapid progress on reconstruction and humanitarian efforts. As Fallujah and other areas are returned to governmental control, the reconstruction and humanitarian efforts will be able to gather pace. In the case of Fallujah, military action was not taken lightly. Fallujah had long been a stronghold of supporters of the former regime and a haven for terrorists and insurgents. It was regrettable that these groups chose to ignore Prime Minister Allawi's repeated calls for a political settlement. During combat operations in Fallujah and elsewhere, coalition forces operating in support of the ISF have gone to great lengths to avoid causing civilian casualties.

17. We conclude that while negotiations with al Qaeda and foreign fighters are out of the question, it might be possible to address some of the Iraqi insurgents' grievances through political negotiations. We recommend that the Government be prepared to support any such efforts by the new Iraqi Government. (Paragraph 117)

In the run up to the elections in January, the Government supported the efforts by the Iraqi Interim Government and the Independent Electoral Commission of Iraq to engage with those groups and individuals who occupied the fringes of the political process. Following the elections, the Government has urged the key political players to ensure credible and adequate representation of all of Iraq's communities in the new government. The goal of securing a credible constitution acceptable to Iraqis will dictate an inclusive and consultative approach. The Government, with international partners, will continue to urge such an approach.

18. We conclude that the slow pace of reconstruction and the failure significantly to improve the quality of life for many Iraqis may have played a role in fuelling the insurgency by providing a pool of willing recruits. We further conclude that it is essential that greater progress is made towards improving basic services in Iraq and increasing employment opportunities so that Iraqis may see a material improvement in the quality of their lives. We recommend that the Government step up its efforts in support of the reconstruction process and examine how to increase the impact of reconstruction efforts. (Paragraph 122)

The Government agrees that the provision of essential services is not yet satisfactory, and that unemployment remains a significant problem. Realistically, it is likely to take years rather than months to put right two decades of underinvestment in Iraq's infrastructure and the damage caused by sabotage and looting. Iraq's electricity infrastructure, for example, was designed in the mid-1960s for a population of 16 million. It has barely been updated or renovated since then, while Iraq's population has grown to 27 million. The end of sanctions led to rapidly rising demand for power for electrical appliances, exacerbating the problem. Meanwhile, electricity is provided virtually free of charge. Strategic vision from the new Transitional Government, together with a clear commitment to

pricing reform and the creation of conditions which encourage private sector investment, will be required in addition to support from international donors. The Government welcomes the EU's willingness to host an international conference with the Iraqi Transitional Government and US, to consider ways in which the international community can do more to assist Iraq and speed up progress on reconstruction.

DFID continues to focus on restoring infrastructure as one of its main priorities in southern Iraq. A new £40 million infrastructure rehabilitation project in southern Iraq began in April, with 75% of the funds earmarked for power and the rest for water and fuel services. This project is intended to increase power generation in the south by 160MW over the next 12 months and generate significant local employment. DFID will also be providing advice to the Ministry of Electricity in Baghdad, to support the development of a long-term Iraqi power sector strategy.

DFID is implementing a £20.5m programme in southern Iraq to help local government to manage reconstruction funds and plan policies and projects which meet local priorities, and to support the development of the private sector. DFID has also funded a £6.5m employment generation programme in southern Iraq, creating 1.8m work days on local improvement projects, and has contributed nearly £1m to an employment generation project managed by the United Nations Development Programme in southern Iraq. DFID uses local Iraqi contractors on its reconstruction projects wherever possible.

In Baghdad, DFID consultancy teams provide advisory support to the Iraqi Government in number of critical areas. These have included the organisation of centre-of-government institutions, preparing the national budget, reaching agreement with the IMF on a \$436 million assistance package, negotiating Iraq's debt reduction deal with the Paris Club, drafting a National Development Strategy, planning for essential economic reforms, and coordinating the humanitarian response to military action in Falluja in November 2004. DFID is also promoting public participation in the political process, and the development of civil society organisations through two £5m funds supporting grassroots projects throughout Iraq.

19. We conclude that progress has been made towards building up the new Iraqi Security Forces (ISF) and that they played a crucial role in providing security for the Iraqi elections. Indeed, we commend the immense bravery of members of the ISF, who operate under the most difficult of circumstances. However, the ISF remains too few in number and are insufficiently trained to be able to take over from the Multi-National Force. We conclude that the reliance on Shia and Kurdish communities to build up the ISF risks sowing the seeds of future ethnic and sectarian conflict. We recommend that the United Kingdom and its international partners redouble their efforts to build up the ISF. We further recommend that the United Kingdom work to prevent the ISF from becoming associated with particular ethnic or sectarian groups and ensure

that it reflects the whole of Iraqi society so that it can act as a force for national unity. (Paragraph 129)

Helping the Iraqi Security Forces (ISF) to take over security progressively within Iraq is one of the Government's prime objectives. The Government continues to develop training programmes and provide equipment to develop the Iraqi police and military. Over 150,000 Iraqi Security Forces have been trained and equipped by the Coalition, including approximately 56,000 Iraqi Police Service, 16,000 Department of Border Enforcement, 27,000 Army and Intervention Force, and 40,000 Former National Guard now part of the Iraqi Army. There are also around 74,000 in the Facilities Protection Service, who have a very basic level of training, are the responsibility of the Ministry of Interior, and are allocated across government departments. The UK, along with the Iraqi government and partners from the Multi-National Force, is aware of the dangers of associating particular ethnic groups with branches of the ISF and the UK is working with the Iraqi authorities to minimise this.

20. We conclude that Iraq's neighbours continue to have a role to play in assisting the political transition in Iraq and improving the security situation. We recommend that the Government continue to work with regional states including Syria and Iran to encourage them to play a more co-operative role. (Paragraph 133)

Iraq's neighbouring countries have a legitimate interest in Iraq and the Government is keen to see them play a constructive role in Iraq, particularly Syria and Iran whose policies have been of concern. The Government engages with Iraq's neighbours on a regular basis to encourage their support for the political process in Iraq. The Government supports a planned Iraqi-led International Conference to help generate further international support for Iraq, and hopes that Iraq's neighbours, including Iran and Syria, will attend.

21. We conclude that despite attempts to internationalise the Multi-National Force and contributions by around 30 nations, the US and United Kingdom have carried the major burden of the operation in Iraq. This burden will increase with the withdrawal by a number of states of their forces over the coming months. We conclude that despite steps towards increased involvement by the EU and NATO in Iraq, including with regard to training the Iraqi Security Forces, this assistance remains limited. We recommend that the United Kingdom and its international allies work to reduce the presence and visibility of its forces where possible. We further recommend that the Government set out in its response to this Report what plans it has to hand over to the Iraqi Security Forces. (Paragraph 143)

Despite the withdrawal of a few states, some of whom are refocusing their effort through the NATO training mission, 26 states remain committed to the Multi-National Force Iraq (MNF). During 2005 there will be a progressive transition from MNF leading on counter insurgency effort to the Iraqis taking the lead. The

Iraqi Security Forces (ISF) have already become increasingly involved in or led in, operations in Fallujah, Najaf, Samarra, North Babil and Baghdad.

In addition to existing MNF efforts to train the ISF, the UK supports the expansion of the NATO Training Mission in Iraq. Over 100 NATO personnel have already trained nearly 400 Iraqi officers in the joint operations centres in Baghdad. All 26 NATO Allies are contributing to NATO efforts to train Iraqi security forces, either providing trainers inside or outside Iraq or through funding. Out of country training is taking place at selected NATO training facilities, designed to provide strategic and operational training assistance to the Iraqi government.

In the Multi- National Division (South East) the following measures are being adopted to develop the capacity of the ISF to take over responsibility for security:

- Partnering of Iraqi Army (formerly Iraqi National Guard) units with MNF units in order to mentor and monitor. MNF formations provide regular courses of instruction in weapons, tactics and techniques.
- Strong focus on the mentoring of Iraqi Army Headquarters at Division and Brigade level. The Iraqi Army Divisional HQ has recently set up in Basra Air Station, next to the Headquarters for the Multi-National Division (South East). This allows for mentoring of the Iraqi Army Divisional Headquarters Staff. There are also mentors in the Iraqi Army Brigade Headquarters in the Multi-National Division (South East).

The Government wants British forces to leave Iraq as soon as possible, but not until the job is done. The UK will stay in Iraq for as long as it takes to ensure Iraqi Security Forces are able to take responsibility for Iraq's security, and as long as the Iraqi Government wants us to stay. The commitment and contribution of partners in the Multi-National Force and NATO Allies to bringing about stability and security in Iraq has been vital.

22. We conclude that Iraq's elections were a great achievement and could mark a milestone in the country's transition to a fully independent and free nation. We commend the dedication and bravery of the Iraqi people in casting their votes in the face of the most brutal intimidation. We further commend the role of the UN in supporting this process, which once again demonstrates the importance of UN engagement in processes of political transition. (Paragraph 149)

23. We conclude that it is essential that the international community, and especially the US and United Kingdom, refrain from interfering in Iraqi politics and decision making. Nevertheless, there is an important role for the international community in Iraq. We recommend that the Government do all it can to facilitate the UN's role in Iraq, both in terms of providing security assistance in Iraq and through support to the Security Council. We further recommend that the Government consider the case for a UN Special Rapporteur to Kirkuk. (Paragraph 168)

The Government agrees with the Committee's conclusion that it is essential that the international community should refrain from interfering in Iraqi politics and decision-making. At the same time, the Government recognises that the international community has a vital role to play in Iraq. The Government sees initiatives like the forthcoming International Conference as an opportunity for the international community to rally in support of Iraq's transitional process and institutions. UN Security Council Resolution 1546 mandates the UN to "play a leading role to...promote national dialogue and consensus-building on the drafting of a national constitution". Officials in Baghdad and New York work closely with the UN and the Government is committed to supporting the UN's efforts in Iraq.

The Transitional Administrative Law recognises the unique status of Kirkuk and envisages a potential role for the UN if the different Iraqi parties are unable to reach agreement on the way forward. The Government would support a UN Special Rapporteur in Kirkuk, if such an appointment were requested by the Iraqi parties.

24. We recommend that the Government provide an update in its response to this Report on the current status of the United Kingdom's diplomatic presence in Iraq and on the security provisions for safety of personnel. We conclude that the effectiveness of the United Kingdom's Embassy and Consulates-General is hindered by the limits on movement imposed by security considerations, but that the security of personnel is paramount. There are also issues of continuity given the short postings of many of those in Iraq. We recommend that the Government set out in its response to this Report what steps it is taking to enhance the effectiveness of the United Kingdom's diplomatic presence in Iraq and to ensure continuity of policy and approach. (Paragraph 172)

The Embassy in Baghdad now has around 100 staff, including DFID consultants and police and defence advisers. The Consulate-General in Basra consists of around 150 staff. The increase in numbers in Basra since September 2004 is due to the deployment of additional DFID consultants and police and prison advisers, some of whom are based with MND(SE) in the provinces of Maysan, Dhi Qar and Muthanna. The mission in Kirkuk is about to be expanded from a one to two person post, which will cover an Office in Irbil, which the UK is about to establish. Security provisions for UK staff in Iraq remain as outlined in our response to the last FAC Report. Travel outside the International Zone in Baghdad remains dangerous and is subject to tight security constraints. Nonetheless, staff are able to travel outside the Zone to meet Iraqi contacts and carry out diplomatic work. Staff in the two Consulates-General are also able to travel within their respective regions in order to deliver HMG policy objectives.

The maximum length of postings to Iraq is one year. This reflects the particular stresses of operating with high levels of security. This inevitably leads to a higher turnover of staff than in normal posts, but the Government aims to maintain continuity of policy and approach by ensuring that staff are thoroughly briefed before taking up their posts, and that arrivals and departures are well co-ordinated. A number of staff have returned to London to work on Iraq, contributing to

continuity in the broader sense. As the security of our staff is paramount, the Government keeps staff numbers under constant review in order to ensure that only essential staff are kept in country. The Government also reviews and changes the structure of our staffing to reflect the evolving political situation and the character and objectives of our diplomatic presence in Iraq. Such changes are necessary to ensure that our diplomatic representation is appropriate and effective.

The Maghreb

25. We conclude that the Maghreb is of strategic importance to the United Kingdom and that Algeria, Morocco and Libya are of great significance to the international war against terrorism. To date, the region has not been a priority for the United Kingdom; as a consequence, bilateral security relations are at an early stage and require some improvement. We further conclude that the security relationship is hindered by difficulties over the issue of extradition. We recommend that the Government set out in its response to this report what steps it plans to take to enhance its security relationship with each of Algeria, Morocco and Libya, as well as the current status of extradition arrangements with these countries. (Paragraph 182)

The Government agrees that North Africa is of strategic importance to the United Kingdom. As well as North Africa's significance in the war against terrorism, the countries of the region are also important in the context of UK energy strategy and the European Neighbourhood Policy. The Government is seeking to develop relations with North Africa across the board. Bilateral security relations are obviously one important strand of this work but the Government is also committed to developing relations with the countries of North Africa in other fields. To this end the Government will continue a programme of visits, exchanges and other co-operation and will look for other opportunities to strengthen ties with North Africa. The Government is increasing resources in its Embassies in North Africa to reflect the region's strategic importance.

Baroness Symons (then Minister for the Middle East and North Africa) discussed bilateral security relations when she visited North Africa in January 2005. Since then officials have taken forward work (through visits and working level discussions) to enhance the security relationship with North Africa. Extradition requests from North Africa are treated on a case by case basis.

26. We conclude that there are genuine concerns over the situation in parts of the Sahel, areas of which could be used for terrorist or criminal activities. We further conclude that regional co-operation is inadequate to address this problem. We recommend that the Government work with its EU and international partners to enhance co-operation between regional states and offer assistance with capacity building where appropriate. (Paragraph 185)

The Government agrees that the situation in the Sahel gives cause for concern. As the Committee notes, some work is already in progress in the region, notably the US Pan Sahel Initiative. The Government will work with EU and international partners to enhance regional co-operation and build capacity across the Sahel.

27. We conclude that the ongoing conflict over the Western Sahara is harmful both to Morocco's international relations and reputation and to efforts to enhance regional co-operation. We recommend that the Government work through the EU and the UN to achieve a permanent resolution of the conflict. (Paragraph 194)

The Government will continue to use its position on the UN Security Council and within the EU to call for a just, lasting and mutually acceptable solution to the Western Sahara dispute that provides the people of the Western Sahara with an opportunity to exercise their right to self-determination. The Government believes it is important that the UN process is maintained and fully supports UN efforts to take negotiations forward. The UK supported UN Security Council resolution 1598, which extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2005. The Government urges all parties to use this time to engage constructively with the UN.

The Government believes that it is necessary to distinguish between the humanitarian and political aspects of the conflict in the Western Sahara. It is the Government's view that resolution of humanitarian questions should not await the conclusion of a political settlement. The Government therefore continues to encourage all parties to cooperate with the International Committee of the Red Cross to account for those missing in the conflict and to urge the Polisario to release the remaining 408 Moroccan prisoners of war in their custody immediately and unconditionally.

28. We conclude that there is a need to address the religious ideologies abused and misrepresented by terrorist groups. However, we also conclude that this is a task for the Arab and Islamic world. We recommend that the Government provide assistance in this area when it is requested but otherwise refrain from interference. We further recommend that the Government consider the lessons of Moroccan efforts to regulate its mosques and religious teaching with a view to ending the negative effects of extreme Islamic teaching in the United Kingdom. (Paragraph 197)

The Government agrees that terrorists are misrepresenting Islam in an attempt to justify their actions. The Government seeks to work with those who are seeking to rebut the misguided ideology used by terrorists. Those most affected by the tarnishing of Islam's image - Muslims and regions around the world - are best placed to do so. The Government's role is to help facilitate dialogue and the projection of positive messages that demonstrate shared values. The Government is currently supporting a number of inter-faith and inter-Muslim dialogues and other initiatives. The UK is keen to learn from the experiences of others, including Morocco, in this area. The Government is co-operating closely with the Moroccan

Government in the run-up to the UK's Presidency of the EU and in the context of the G8 Broader Middle East and North Africa Initiative.

29. We conclude that there is a need for reform of the EU's policy towards the Maghreb. This includes a need for an overhaul of the Barcelona Process as well as careful consideration of the European Neighbourhood Policy in order to ensure that it fully engages the region. We further conclude that the United Kingdom's Presidency of the EU later this year offers a valuable opportunity to drive forward reform of the Barcelona Process on the occasion of its tenth anniversary. We recommend that the Government set out in its response to this Report its position towards reform of the Barcelona Process and what it plans to do to facilitate reform during its Presidency of the EU. We further recommend that the Government set out its understanding of the role of the European Neighbourhood Policy in the EU's relations with the Maghreb and how this policy might be developed to achieve a more satisfactory level of engagement with this important region. (Paragraph 207)

The Government has actively promoted greater EU engagement with North Africa and lobbied hard for EU policy to promote greater economic, political and social reform in the region. The EU Strategic Partnership with the Mediterranean and the Middle East, which drew largely on UK thinking, was endorsed by the European Council in June 2004. It sets out the objectives and principles of EU engagement with the region, including increased emphasis on promoting democracy, good governance, the rule of law and human rights. The next step is to make sure that the key instruments for delivering the EU Strategic Partnership's objectives in North Africa - the Barcelona Process and the European Neighbourhood Policy (ENP)- are properly focused and fully engage the countries of the region.

The Government believes that the tenth anniversary of the Barcelona Process provides an important opportunity to take stock of progress to date and agree a strategic vision for the future of the Process. The United Kingdom has called for a more strategic approach to Euro-Mediterranean relations, focussed on a limited number of ten year commitments and targets on governance, education and economic reform. The Government intends to use the tenth anniversary of the Barcelona Process, during the UK's EU Presidency to re-launch of the Barcelona Process, in partnership with all members of the Euro-Mediterranean Partnership.

The Government recognises that this is an ambitious agenda. But changes to the Barcelona Process offer the prospect of more effective co-operation between the EU and North Africa. This would be an important step forward in Euro-Mediterranean relations.

The European Neighbourhood Policy emerged from a UK initiative. It offers closer co-operation between the EU and its eastern and southern neighbours in return for progress on internal reform. The objective is to promote regional and sub-regional co-operation, political stability and economic development.

The EU has agreed that ENP Partners should only agree Action Plans once they have a functioning Association Agreement. This has been important in providing scope to gradually increase engagement with each country, creating leverage and incentives for reform at each stage. The UK contributed to the Action Plans for the ENP Action Plans with Morocco and Tunisia which were approved by the EU in December 2004. Once the EU-Algeria Association Agreement is in force, the UK will contribute to discussions with the Commission and other Member States on an Action Plan with Algeria. In the interim, the Government will continue to encourage the Algerian Government to implement its Association Agreement as soon as possible.

30. We conclude that migration from the Maghreb to Europe is a serious problem. Not only does the unregulated movement of people sometimes end in tragedy, but it also involves criminal networks that prey on desperate people and could feed into terrorist funding. We further conclude that this is a European concern and not just an issue for the countries that border the Mediterranean. We recommend that during its forthcoming Presidency of the EU the Government work to encourage greater EU engagement on migration from the Maghreb. We also recommend that the Government work with the countries of the Maghreb to identify the linkages between commercial and human flows that facilitate contraband activity that in turn fuels terrorist groups. We further recommend that the Government set out its position on establishing holding camps for migrants in North Africa. (Paragraph 212)

During the UK Presidency of the EU, the Government will work with the Commission and partners to develop further EU assistance to the region, focusing on the fight against terrorism, particularly with Morocco and Algeria, and a partnership approach to migration, within the EuroMed process and on a bilateral basis, for example with Libya. The Government, together with the Commission and other Member States, will explore ways to build willingness and capacity in North Africa to deal better with migration flows between North African states and Sub-Saharan African neighbours, and also to develop a plan of action on migration issues further to the EU's recent migration report on Libya.

The Government welcomes any proposals that add to the debate on improving the management of international migratory flows and the provision of protection for genuine refugees. The UK has however not put forward or seen any proposals to establish reception centres for asylum seekers or decide asylum applications offshore. The Government's current focus is on the strengthening of regional protection and the improvement of migration management. This includes co-operating with countries in North Africa to address the hazardous practice of crossing the Mediterranean into the EU. The Government believes that EU Member States need to work closely with third countries in full partnership on how best to achieve these objectives and assist third countries to develop their capacity to deal with migration management and put in place protection mechanisms.

31. We commend the decision to expand the Embassy in Algiers. However, we conclude that even the new level of staffing will be inadequate either to relieve the unacceptable level of pressure on staff or to carry out the work required of a British Embassy in a country as strategically important as Algeria. We recommend that the Government reassess staffing levels in Algiers with a view to a further expansion and keep the Committee informed of its plans. We further conclude that the current working arrangements at the Hilton Hotel and the old Embassy building hinder the work of the Embassy. We recommend that the Government set out in its response to this Report its plans for a new Embassy, including a timescale and cost-benefit analysis. (Paragraph 216)

As the Committee knows, the Government has agreed to keep the level of staffing in Algiers under review. Since the Committee visited Algiers, the Foreign and Commonwealth Office has confirmed the creation of five new slots in the Embassy in Algiers, almost doubling the complement of UK based officers. This includes the re-opening of Defence and Commercial Sections and the appointment of additional Chancery and Management Staff. Staff are expected to arrive at Post in the course of the year. This sharp increase in staffing reflects the strategic importance the Government attaches to its relations with Algeria.

The Government accepts that the current, temporary working arrangements are not ideal. Despite considerable effort, it has not been possible to identify a better alternative in the local marketplace. The Foreign and Commonwealth Office's Departmental Investment Strategy Group has recently agreed that a new Embassy building should be completed by 2007.

32. We conclude that Algeria is by no means a French preserve. Indeed, at both the political and popular levels, there is a strong desire in Algeria for stronger relations with the United Kingdom. However, to date the United Kingdom has put insufficient effort into engaging Algeria and is on the verge of missing an important opportunity there. We recommend that the Government reconsider its approach to Algeria with a view to fostering relations by means of bilateral engagement and exchange. We further recommend that the British Council reconsider its position towards Algeria with a view to re-opening an office there. (Paragraph 222)

The Government recognises the strategic importance of relations with Algeria and is working closely with the Algerian Government to develop strong relations. The Government does not agree that the United Kingdom is on the verge of missing an important opportunity in Algeria. On the contrary, it is the Government's firm intention to continue to develop our bilateral relations. Recent meetings, at ministerial and official level, have demonstrated this commitment. The British Council continues to review the security situation in Algeria with a view to expanding its operation there.

33. We conclude that great progress has been made towards ending the threat of terrorism in Algeria. Nevertheless, a number of terrorist groups remain

active, posing a threat to Algerians and foreigners alike. We further conclude that the evidence points to links between these groups and al Qaeda, most notably through the 'Afghan connection', making events in Algeria an international concern. (Paragraph 230)

The Government agrees with the Committee's conclusions and will continue to develop its security relationship with the Algerian government.

34. We conclude that there are substantial and long-standing links between the terrorists who remain active in Algeria and the informal economy and crime. We recommend that the Government work with the Algerian Government both bilaterally and through the EU to support and where possible assist the Algerian Government's work to tackle smuggling, money-laundering and other forms of illicit economic activity linked with terrorism, including offering training where required to help build Algerian capacity. We commend initial steps towards bilateral co-operation on policing and recommend that the Government consider what assistance it could provide Algeria in this area, especially with regard to community policing. We further recommend that the Government consider sending a police attaché to Algiers to facilitate this co-operation. (Paragraph 236)

The Government concurs with the Committee's assessment of the links between terrorism, the informal economy and crime. As the Committee notes, the Embassy in Algiers has taken initial steps to develop bilateral co-operation on policing. A senior Algerian police official visited the UK for bilateral discussions in May 2005. The Government is actively considering ways to promote reform in the police and judicial sector, using the Foreign and Commonwealth Office's Global Conflict Prevention Pool (GCPP). The Government notes the suggestion that it should post a police attache to Algiers to facilitate this co-operation and will keep the Committee's proposal under review.

35. We conclude that the re-election of President Bouteflika and withdrawal of the Algerian army from politics offer an opportunity for progress towards democratisation in the medium term. We recommend that the Government work to support this process, providing assistance with capacity building where appropriate. (Paragraph 240)

36. We conclude that there remain human rights concerns in Algeria, but that a process of national reconciliation is under way. Given the atrocities committed during the country's recent past, it is critically important that this process should succeed. To this end, we recommend that the Government provide the fullest assistance to Algeria on human rights, including assistance in such areas as the judiciary and through bilateral exchanges. (Paragraph 246)

The Government continues to support Algeria's plans for reform and will offer assistance where appropriate. The Government is committed to working with

Algeria and other countries in the region to promote sustainable development, underpinned by democracy, good governance and human rights. The Embassy in Algiers, as staff numbers and capacity increase, will look for opportunities to provide practical assistance through bilateral and multilateral programmes, including funding projects through the Foreign and Commonwealth Office's Global Opportunities Fund and through Euromed and the ENP.

The Government welcomes the process of national reconciliation under way in Algeria. The Government stands ready to provide assistance to Algeria in areas like judicial reform and exchanges, both bilaterally and through the EU. The Government continues to encourage Algeria to implement its EU Association Agreement as soon as possible. Once the Association Agreement comes into force, the UK will seek to play a full part in EU-Algeria dialogue on human rights.

37. We conclude that insufficient priority has been attached to an exchange of high-level visits between the United Kingdom and Morocco. We further conclude that this is a mistake given Morocco's strategic position on the southern shore of the Mediterranean, the country's status as a willing ally in the war against terrorism and the fact that Morocco represents a genuine success story in the pursuit of reform and moderation in the Arab world. We recommend that the Government give a higher priority to high-level exchanges. We further recommend that the Government keep us informed of its plans in this regard. We commend the valuable work of the British Council in Morocco. (Paragraph 240)

The Government continues to place great importance on developing closer relations with Morocco. In the Government's view, there has been a healthy exchange of visits to date - including Prime Minister Jettou's visit to London in November 2004 and Baroness Symons' visit to Morocco in January 2005 - but there is always room to do more. The Government will continue to work with Morocco to identify possibilities for future high level visits.

38. We conclude that Morocco remains vulnerable to the Islamist violence that has affected other states in the region and that, although the Moroccan authorities have taken concerted efforts to tackle the problem, there remains a threat both to Moroccan and to foreign interests. Moreover, a number of domestic factors that may have contributed to the violence remain to be addressed and could therefore contribute to further terrorist violence. These include a large informal economy, the existence of sprawling slums and the failure to address the socio-economic needs of the population in the light of failing living standards. We recommend that the Government, bilaterally and with its European partners, consider what assistance it can give to Morocco in these areas. (Paragraph 257)

The Government agrees with the Committee's assessment. Co-operation and assistance is already an important element of the UK's work in Morocco. The Government has sought to encourage Morocco's economic reform process through projects funded from the FCO's Global Opportunities Fund (GOF). In May 2004

the UK jointly funded with Morocco a conference on “Managing the Social Consequences of Economic Reform”. In 2004 the Government also supported a project on financial sector management. Funding has been granted for further projects in 2005/2006, including one aimed at helping young entrepreneurs access start-up capital. The Government will continue to work with Morocco to identify further areas for bilateral assistance.

The Government has sought to ensure that its bilateral assistance complements EU programmes in Morocco. Morocco is a substantial beneficiary of EU Mesures d'assistance (MEDA) funding. The MEDA programme offers technical and financial assistance in support of economic and social reform in the Mediterranean and the UK is a sizeable contributor to the programme. In Morocco, MEDA has financed projects including structural adjustment programmes and rural development.

39. We conclude that Morocco offers a reform success story in the Arab world. Although there remains work to be done, and not all recent developments have been positive, the country is pursuing a genuine process of democratisation and has taken important steps towards improving the human rights situation. Given the importance placed on democratisation and respect for human rights in conjunction with the war against terrorism, we recommend that the Government fully recognise the achievements made by Morocco in these areas. We further recommend that the Government work with Morocco to help facilitate further progress on human rights and that it keep Parliament informed of its efforts in this area. (Paragraph 267)

The Government commends the progress Morocco has made in improving its human rights record in recent years. As the Committee notes, the general direction has been positive. The Government will continue to work with Morocco to help to facilitate further progress on human rights. The Foreign and Commonwealth Office's Global Opportunities Fund (GOF) has already funded a number of projects in Morocco. In 2003 the Embassy in Rabat launched a two-year project to promote Morocco's judicial and administrative reforms and in 2004 the GOF funded a project designed to increase women's awareness of their rights under the new Moroccan family law. In 2005/6, the Government intends to continue this programme of practical co-operation with a number of projects including one aimed at improving human rights in Moroccan prisons.

40. We commend the Government's skilled work to restore diplomatic relations with Libya and welcome the improvement in ties over recent years. We conclude that there is scope for further improvement in cultural, business and defence relations and that the good relationship developed between the two governments and in particular between Mr Qadhafi and Prime Minister Tony Blair offers an opportunity for further progress. We recommend that the Government set out in its response to this Report its plans further to enhance relations in these areas. (Paragraph 279)

The Government believes that the case of Libya continues to demonstrate that international relationships can be transformed. Difficult problems like proliferation can be resolved through discussion and engagement – if political will and real commitment is present on both sides.

Libya's dismantling of its weapons of mass destruction programmes and formal acceptance of responsibility for the Lockerbie bombing have been welcome and important developments. As the Prime Minister said when he visited Libya in March 2004, the Government is aware of Libya's past record, but should acknowledge and support change where we judge that it is real.

A UK Libya Steering Group has been established to develop relations between the UK and Libya. Meeting at six monthly intervals, the Steering Group brings together senior officials from both countries to discuss a wide range of co-operation. The Duke of Kent, the Lord Mayor of London and then Minister for the Middle East and North Africa, Baroness Symons, have all visited Libya in recent months. Their visits underline the importance the Government attaches to furthering cultural, business and defence relations. The Prime Minister's Defence Co-ordinator for Libya, Major General Robin Searby, is taking forward a defence relationship and Sir Andrew Crockett has visited Libya to discuss bilateral economic co-operation. Through the Foreign and Commonwealth Office's Global Opportunity Fund, the Embassy in Tripoli has supported a number of projects to promote economic reform. The Government will continue to look for further opportunities to enhance relations with Libya.

41. We conclude that current Estate arrangements hinder the work of the United Kingdom's Embassy in Libya. It would make operational as well as financial and business sense to procure a site that would accommodate all Embassy offices. We recommend that the Government set out in its response to this Report what steps it plans to take to resolve this issue, including a timeframe for action. (Paragraph 281)

The Government agrees that the current Estate arrangements are not ideal. Officials from the Foreign and Commonwealth Office's Estate and Security Units will visit Tripoli during the 2005/2006 financial year to assess the various options for the Embassy estate. Following their visit, the Government will be in a position to decide on the future of estate arrangements in Tripoli.

42. We conclude that Libya is providing important co-operation in the war against terrorism. We commend the Government for its work to bring Libya back into the international fold and to facilitate this co-operation. (Paragraph 287)

The Government agrees with the Committee's conclusion. The Government believes it is right to seek to consolidate and build on the improvement in UK/Libya relations. A Libya that has renounced terrorism is a safer neighbour for the EU and the United Kingdom.

43. We commend the role of the United Kingdom in bringing about Libya's renunciation of WMD programmes. We conclude that great progress can be made by means of diplomacy to tackle the problem of proliferation when there is political will on all sides. We commend the co-operation between Libya, the United Kingdom, the US, the IAEA and the OPCW in verifying and destroying Libya's WMD programmes. We commend the decision at the 2004 G8 summit to co-ordinate threat reduction work with regard to Libya. We recommend that the Government, in its response to this Report, set out the work it has done to date, and work it plans to undertake, in this area, including with regard to redirecting Libyan WMD scientists. (Paragraph 298)

The Government worked hard to encourage Libya to undertake to abandon WMD and has supported Libya as it has implemented its commitments. The Government agrees that the case of Libya is proof that problems of proliferation can, with strong political will, be tackled through discussion and engagement.

The Government engaged consultants to undertake a Scoping Study on the potential for a UK programme to redirect Libyan former WMD personnel. The Study was completed at the end of February 2005 and made detailed proposals for an expertise redirection programme in Libya. In the course of the Scoping Study, the UK worked with the US to support two sets of trilateral workshops focused on Libyan priority areas. The first covered nuclear medicine and radiotherapy, and water management and desalination. The second dealt with environmental monitoring and remediation, and support to the oil and gas industry. Participants were drawn primarily from the nuclear and chemical sectors. The workshops produced around 30 potential projects. The Government is continuing to work with Libya to develop further individual projects, and is considering in detail the recommendations of the Scoping Study.

The Government lobbied hard to secure a technical change to the Chemical Weapons Convention that would allow a State that has recently joined the CWC, such as Libya, the option of converting its former Chemical Weapons Production Facilities to full peaceful uses, rather than destroying them. The change was agreed and entered into force earlier this year. It will allow Libya's Rabta facility to be converted to produce vaccines and medicines to combat diseases such as HIV/AIDS, malaria and tuberculosis in Africa.

A UK/US/Libyan Trilateral Commission has been set up by agreement between the three countries to deal with issues which may arise in the future in this area. This will comprise senior officials from the UK/US and Libya. At expert level, the Government will continue to offer assistance and advice in areas like scientist-to-scientist engagement and further facilitating Libyan engagement with relevant international organisations.

The IAEA and OPCW will continue to investigate Libya's declarations in relevant areas. The Government believes it is for Libya to work with them and others to

provide necessary information and access to demonstrate that they are not continuing to pursue any programmes in these areas.

44. We conclude that there is no early prospect of political reform in Libya. Given the importance placed on the spread of democracy in eradicating the root causes of international terrorism, we also conclude that the situation in Libya offers cause for concern. We commend the work of the Government to encourage improvements in the human rights situation, notably in the field of prison reform, but we are concerned about how the United Kingdom's improved relations with Libya—an authoritarian state with a very questionable human rights record—may be viewed elsewhere in the region. We recommend that the Government continue to make clear to the Libyan authorities that human rights abuses are wholly unacceptable and that it work both bilaterally and with its EU and international allies, especially the US, to demand that the Libyan authorities cease human rights abuses. We recommend that the Government set out in its response to this Report what steps it is taking in this area, including any plans to bring international mediation to bear in the case of the Bulgarian and Palestinian medical personnel. (Paragraph 311)

The Government remains seriously concerned by the human rights situation in Libya, including restrictions on freedom of expression and assembly, political prisoners, arbitrary detention and conditions in Libyan prisons. The Government continues to look for ways to work with the Libyan government to improve the human rights situation in Libya. Baroness Symons raised human rights with the Libyan Prime Minister Shukri Ghanem and Foreign Minister Abdul Rahman Shalgam when she visited Libya on 12-14 October 2004. The Government welcomed Amnesty International's visit to Libya in February 2005 – the first since 1988.

The UK, along with its EU partners, has made clear that it has very serious concerns over the plight of the Bulgarian and Palestinian medical staff sentenced to death in May 2004. The Government believes an improved EU-Libya relationship will help resolve this case and provide opportunities to raise human rights concerns with the Libyans in a systematic fashion. The Government hopes, in time, to see Libya join its neighbours as a full member of the EuroMed Partnership. The Government notes that Libya's membership of the EuroMed Partnership is subject to Libya's own readiness to accept the Barcelona Declaration adopted at the EuroMed Conference on 27/28 November 1995 and the Barcelona acquis.

The Government sympathises with the families of the children infected with HIV/AIDS at the Benghazi Children's hospital. The Government shares EU Partners' concerns about the case. Both the Foreign Secretary and Baroness Symons have spoken to Libyan Foreign Minister Shalgam raising our concerns. The Government welcomes European Commission's Action Plan for a package of HIV/AIDS related humanitarian assistance in Libya and supports the Commission's action in this field.

The Middle East Peace Process

45. We conclude that the London Meeting on support for the Palestinian Authority was a worthwhile and positive initiative, with some potentially very useful outcomes. We recommend that the Government ensure that the momentum generated by the Meeting and by other events is maintained, so that inevitable setbacks may be overcome. We further recommend that the Government continue to work closely with the United States, with a view to ensuring there is no loss of interest in or disengagement from the peace process by the US administration. In particular, we recommend that the Government bring pressure to bear on the international community to deliver on its promises, on the Palestinian Authority fully to implement its reforms, and on Israel to fully meet its commitments under the Road Map. (Paragraph 319)

The Government welcomes the Committee's support for the London Meeting and is committed to ensuring that the momentum generated by the Meeting is maintained. The Government will continue to work closely with the United States and other Quartet members to ensure that the work of the London Meeting is not allowed to drift. US Security Co-ordinator, General Ward, is working effectively with the Palestinian Authority on building their security capacity. Jim Wolfensohn, the Quartet envoy for Gaza disengagement, is working energetically on governance and economic reform and pressing donors to deliver focussed support. The Government actively supporting these efforts. And we will continue to urge both Israel and the Palestinian Authority to implement their Roadmap commitments. The Government remains committed to the search for peace in the Middle East and is convinced that a solution to the Israeli-Palestinian conflict is essential for long-term peace and stability in the region.

Afghanistan

46. We do not underestimate the difficulties faced by President Karzai and his government, but we are concerned that a lengthy postponement of elections may damage the credibility of Afghanistan's emerging democracy. We recommend that the Government encourage the Afghan authorities to proceed with parliamentary and district elections as planned in September, and that it offer substantial assistance to ensure that those elections are a success for the people of Afghanistan. (Paragraph 325)

Parliamentary and provincial elections will be held on 18 September 2005. This date is later than hoped, but it is the Government's view that a delay is worthwhile if the end result is a credible election process. These elections present a greater logistical challenge than the presidential election held in October 2004. Decisions have been required on the type of electoral system to be used (Single Non-Transferable Vote), whether or not to organise Out of Country Voting for refugees in Pakistan and Iran, how many seats to allocate to the *kuchis* (nomads) and what to use as acceptable population figures. On the advice of the Independent Electoral Commission (IEC)

and the Joint Election Management Board (JEMB), President Karzai has decided to postpone the district elections to a later date. This is due to uncertainty over district boundaries and associated issues, which can best be resolved by the new parliament. Afghanistan's Supreme Court has ruled that the new parliament can operate without those representatives who were to have been drawn from the districts. The IEC's advice was unequivocal – it was not possible to hold the district elections at the same time as the parliament and provincial elections in September. The Government respects that advice – it is important that the elections are well-handled and credible.

As it did for the presidential election, the UK will offer a wide range of assistance. The UK contributed £1.5m to the central UN fund for the elections in March and a further \$5m in April. The UK has also contributed £1m to support voter education programmes. The UK will also support EU and OSCE election observer missions, and seek to provide niche support to the new Parliament. In addition, the Embassy in Kabul will remain in close contact with the IEC, JEMB and UN.

47. We conclude that progress to date on disarmament, demobilisation and reintegration of militia forces is encouraging, but limited and that the scale of the task remaining is significant. We recommend the Government urge all involved in the DDR process to renew their efforts to achieve as much as possible before parliamentary and district elections take place. However, we do not believe that lack of progress on DDR should be accepted as a reason for further delaying those elections. (Paragraph 331)

The Disarmament, Demobilisation and Reintegration (DDR) of militia forces has continued to accelerate. As of early May 2005 49,000 had been disarmed, 46,600 demobilised, and 44,600 entered the reintegration programme. The UN and Government of Afghanistan have confirmed that at the current rate the disarmament and demobilisation elements of the programme will be complete by June 2005, well in advance of the September 2005 parliamentary elections. Reintegration, due to its longer-term nature, inevitably takes longer – the UN has estimated that it will be complete by June 2006. Reaching these targets will be a remarkable achievement – the momentum that was generated in the run-up to the October 2004 presidential election has not been allowed to dissipate.

A key future challenge for the Government of Afghanistan and international community will be tackling the Illegal Armed Militias, mostly criminal and bandit groups who are not associated with the Afghan Ministry of Defence and who are not currently part of the formal DDR process. Initial estimates suggest that there are between 80,000 and 130,000 militia in these groups. The UN is currently working with the Government of Afghanistan to draw up a priority list of the groups – based amongst other things on the threat that they pose to the electoral process – and agree a plan to disarm them.

48. We welcome the Minister's statement on the Afghanistan counter narcotics strategy and the continuing commitment by the United Kingdom to counter narcotics work in Afghanistan, in close co-operation with the Afghan authorities and with international partners. We support the dual emphasis

on immediate action to reduce opium poppy cultivation in 2005 and longer term action to eradicate it completely. We conclude that the United Kingdom's lead role in co-ordinating the UN's counter-narcotics strategy in Afghanistan is one of the Government's most important responsibilities overseas, not least due to some 95 percent of heroin in the United Kingdom originating from Afghanistan. We recommend that the Government continue to keep Parliament fully informed of progress. (Paragraph 337)

The Government fully endorses the Committee's conclusion about the importance of short and longer-term measures to tackle the narcotics trade in and from Afghanistan and its neighbours. This will remain among the most intractable and challenging of foreign policy priorities on which the UK has the lead co-ordinating role in the international community. The Government will continue to keep Parliament fully informed and would welcome the opportunity orally to brief the Committee.

49. We welcome progress on the expansion of NATO's ISAF operations in Afghanistan and in particular we acknowledge the considerable achievements of the Provincial Reconstruction Teams (PRTs). We recommend that the Government maintain its efforts to impress on its allies the need for them to commit substantial resources to ISAF and the PRTs and that it continue its work to generate the momentum necessary for these to be delivered as quickly as possible. (Paragraph 343)

The Government welcomes the Committee's acknowledgement of the achievements of the Provincial Reconstruction Teams (PRTs) and shares the Committee's desire to generate and maintain momentum behind expansion of the International Security Assistance Force (ISAF). The UK continues to work within NATO and bilaterally with Allies to generate the resources necessary to expand ISAF's area of operation. The deployment of the necessary additional resources to western Afghanistan will be complete by early autumn, allowing forces there, provided by the US, Italy, Spain, Lithuania and others, to transfer to ISAF authority. Planning is already underway to generate the resources for ISAF expansion to southern Afghanistan, in which the UK intends to play a leading role. The Government is aiming for endorsement of these plans by NATO Defence Ministers at their meeting in June 2005 and for political support for rapid expansion thereafter into eastern and central Afghanistan.

50. We conclude that the proposal for increased synergy between and better integration of NATO's operations in Afghanistan and those of the US-led coalition is a potentially positive move, which if correctly implemented should enhance the effectiveness of security, reconstruction and counter-terrorist activities alike. However, we would not support such a process being used as a cover for a significant withdrawal of US forces from the country or for a material reduction in the US commitment, unless there was a corresponding threat reduction. We recommend that in its response to this Report the Government set out its thinking on how to achieve the NATO Council's objectives in this area. (Paragraph 346)

The Government welcomes the conclusion reached at the February 2005 meeting of NATO Defence Ministers that NATO Military Authorities should produce a detailed plan, with timelines, to implement greater synergy between the NATO-led International Security Assistance Force (ISAF) and US/coalition-led Operation Enduring Freedom (OEF). That plan was circulated to NATO Allies in early May, and is currently being examined. The Government expects discussion of the plan prior to and at the NATO Defence Ministers meeting in June 2005.

The Government's approach in those discussions will highlight the benefits to Afghanistan and NATO of a single military operation, and address issues such as mandates and "national caveats". It will be important that achieving single mission status leads to no reduction in capability to undertake the tasks currently performed by OEF.

51. We welcome the appointment of Lieutenant General John McColl as the Prime Minister's Special Envoy to Afghanistan and assurances given by the Government that his role does not cut across that of the Embassy in Kabul. We recommend that in its response this Report the Government give a progress report on the work of the Envoy to date. (Paragraph 348)

Lieutenant General John McColl paid his first visit to Afghanistan in his new capacity of Prime Minister's Special Envoy on 19-24 April. His visit focussed on strengthening the relationship between the UK and Afghanistan. During his visit, he met President Karzai and several senior Cabinet Ministers, as well as UN and international military representatives. He also visited Kandahar and Mazar-e Sharif. The detail of Lt Gen McColl's report is now under consideration across Whitehall.

Non-proliferation

52. We conclude that the Non-Proliferation Treaty (NPT) is an essential element of the international security framework and that its survival is crucial to limit the spread of nuclear weapons capabilities. We also conclude that the risk of proliferation makes efforts to strengthen the International Atomic Energy Agency (IAEA) and curtail the spread of nuclear fuel generating facilities most important. While the United Kingdom has a good record on disarmament, and has already reduced its own nuclear weapons to "a minimum deterrent," other nuclear weapons states do not, and if they do not offer concessions on disarmament in exchange for a more effective system of counter-proliferation in May the NPT regime may suffer. The United Kingdom is well placed to pursue these issues with the US and we recommend that the Government encourage Washington to take steps on disarmament which move towards the 13 Practical Steps. (Paragraph 362)

The Government agrees that the Non-Proliferation Treaty (NPT) is an essential element of the international security framework and the fundamental cornerstone of the nuclear non-proliferation regime. The Government is making every effort at

this May's NPT Review Conference to ensure that all three pillars of the Treaty, namely non-proliferation, peaceful uses and disarmament, are strengthened. The Government believes that strengthening each element of the NPT is in the interest of all States Parties to the Treaty. However, the Government recognises that many Non Nuclear Weapon States will need to be convinced that Nuclear Weapon states have demonstrated their ongoing commitment to their NPT Article VI obligations concerning nuclear disarmament if there is to be a constructive dialogue in other areas, in particular on non-compliance issues.

The Government welcomes the Committee's acknowledgement of the UK's good record disarmament and is committed to building on its progress to date. Following on from the 1998 Strategic Defence Review, and in line with our announcement at the 2000 NPT Review Conference, the UK will at this year's conference be presenting in detail the results of its research programme on the verification of nuclear disarmament.

The Government also continues to support efforts to strengthen the IAEA. The UK fully supports proposals that would see the suspension of transfers of sensitive nuclear items, including enrichment and reprocessing equipment, to states that are judged by the IAEA Board of Governors to be in breach of their safeguards and non-proliferation obligations. The UK is actively working within the Nuclear Suppliers Group (NSG) to promote this initiative. Furthermore, the UK fully supports the adoption of an IAEA Additional Protocol by a recipient state as a Condition of Supply for the most sensitive nuclear items (those on the NSG Trigger List).

The UK maintains an active dialogue with the US, as with the other Nuclear Weapon States, about all aspects of the Treaty, including disarmament. The UK's support for, and commitment to, the Final Documents of the 1995 Review and Extension Conference and the 2000 Review Conference are well known.

53. We welcome the November 2004 agreement between the EU3 and Iran, and recommend that the Government continue its support for and commitment to diplomatic means to end the Iranian nuclear weapons programme. We also conclude that success will be difficult without US involvement, and we therefore welcome Washington's support for the EU3 and its offer of economic incentives for compliance to Tehran. However, if Iran continues to evade its obligation, the Government should consider referring the issue to the UN Security Council. (Paragraph 373)

The Government attaches importance to Iran's agreement to maintain the suspension of all its nuclear enrichment related and reprocessing activities while long term arrangements are being negotiated and to fulfil all of its international commitments including full cooperation with the IAEA. The Government remains committed to progress through a diplomatic negotiation. The UK is engaged in the current process in good faith, and committed to seeing it succeed. The Government's position on Security Council referral is unchanged and understood by all concerned. If Iran fails to abide by its commitments the Government shall

have no choice but to support referring Iran's nuclear programme to the UN Security Council.

54. We conclude that the Democratic People's Republic of Korea (DPRK) continues to play a major role in the proliferation of nuclear materials, knowledge and missile delivery systems, and that its reintegration into the NPT and international verification regimes is a matter of urgency. We recommend that the Government continue to engage the DPRK on non-proliferation issues, and urge full support for the six-party talks. We also recommend that the United Kingdom urge its EU partners to bring pressure to bear on the DPRK in concert with concerned parties such as China, Japan and the US. (Paragraph 379)

The Government fully supports the six-party talks process in its objective to find a peaceful resolution to the question of DPRK's nuclear programmes. The UK has not participated directly in the talks but maintain close contacts with all the participants, including DPRK, and welcome continued efforts by China, Russia, Japan, South Korea and the US. However, North Korea's withdrawal from the talks is cause for serious concern. The EU Presidency issued a statement on 11 February, expressing regret and asking that the DPRK return to the table. The statement reiterated the call to the DPRK to respect its international obligations on the nuclear issue and human rights. These conditions must be met before the EU can develop bilateral relations with North Korea.

55. We conclude that the United Kingdom's continued support for the Chemical Weapons Convention (CWC) is essential, and we recommend that the Government continues to proceed with its chemical weapons disarmament programme, in compliance with all terms of the CWC. We also recommend that the Government offer support to states which lack capacity in the implementation of the Organisation for the Prohibition of Chemical Weapons (OPCW) Action Plan, and that it set out in its response to this Report how it is doing so. (Paragraph 385)

The UK ceased its offensive chemical weapons programme in the 1950s. The UK has no chemical weapons disarmament programme. Occasionally, 'old chemical weapons' from prior to 1946 are found. These are discovered mainly as a result of land remediation work. In the event of old chemical weapons being found, the UK notifies the Organisation for the Prohibition of Chemical Weapons (OPCW) of the find, submits a detailed plan for the destruction of the old chemical weapons and carries out destruction, in accordance with the Convention.

The Government fully supports the OPCW's Action Plan on National Implementation Measures. This Action Plan stipulates that all States Party must have full and complete implementation measures in place before November 2005. The UK continues to offer assistance to States Party experiencing difficulties with implementation both bilaterally and also as an EU Member State. In the past year, the UK has worked in conjunction with the OPCW and made technical assistance visits to both Ethiopia and Cambodia. The UK National Authority (Department for

Productivity, Energy and Industry) also hosted a seminar for missions who have no permanent representative in The Hague, but do have a permanent representation in London. The Government, along with the OPCW, hopes to hold a training course for National Authority personnel at the Royal Military College of Science later this year or in early 2006. This will be aimed at those States Parties and Signatories that have had problems fulfilling their declaration obligations and/or establishing a National Authority.

As an EU Member State, the UK also assists States Party under the framework of the recently adopted EU Joint Action. This aims to support the OPCW, including by the provision of sustained technical support to States Party that request it for the establishment and effective functioning of National Authorities and the enactment of national implementation measures as foreseen in the CWC.

56. We conclude that the lack of a verification mechanism for the Biological Weapons Convention (BWC) is an extremely serious gap in the international non-proliferation regime, and we recommend that the Government work to garner support for a verification regime, particularly from the US. However, a “coalition of the virtuous” may be better than nothing. We also recommend that in its response to this Report the Government outline the most important developments relating to the BWC, in areas such as the implementation of a code of conduct for biological weapons scientists. (Paragraph 391)

Since the UK first proposed a separate Biological Weapons Convention (BWC) in 1968, the UK has always played a leading role in the negotiations and implementation of the Convention and has strongly supported all measures that would strengthen the BWC, including attempts to establish an effective verification regime. The Government continues to work alongside other States Party to strengthen the convention wherever possible.

Following the 5th Review Conference in 2002 States Party agreed a three-year programme of work leading up to the 6th Review Conference in 2006. This programme consists of annual meetings of technical experts and representatives of the States Party to “discuss and promote common understanding and effective action” on a number of specific issues. Meetings in 2003 and 2004 were successful. The UK (John Freeman, Ambassador to the Conference on Disarmament, Geneva) is chairing the international meetings during 2005. The topic in 2005 is "the content, promulgation, and adoption of codes of conduct for scientists". It is too early to know what can be achieved in 2005, but the Government hopes to ensure the fullest possible exchange of views between States Party and science stakeholders in the expert session in June, so that the discussion by States Party later in the year can lead to a successful outcome.

The Government does not support the negotiation of an optional verification protocol by a "coalition of the virtuous". The Government continues to believe this would be ineffective and would not strengthen the Convention. An optional arrangement would inevitably mean that those States about which the UK had most

concerns could opt out of a protocol leaving those inside any such coalition with more onerous obligations than others, without providing us with any more security.

57. We conclude that the ongoing work under the G8 Global Partnership is of critical importance, and we strongly support the Government's efforts to improve the security of the former Soviet WMD stockpile and to have it rendered non-harmful. We recommend that the Government sets out in its response to the Report what its priorities are for the G8 Global Partnership, and what challenges the Government foresees in implementation during its G8 Presidency. (Paragraph 398)

The theme of the UK Presidency for the Global Partnership is "Pledges into Progress". The Government is concentrating on implementing projects and converting pledges into successful results on the ground. Our priorities are to iron out any remaining obstacles to progress and to increase the pace of implementation of the Global Partnership priorities. The Government wants to demonstrate to all Global Partnership stakeholders that the initiative is delivering what it promised at Kananaskis, as well as to review priorities to identify future areas of work. The UK has a good track record of implementing projects and the Government is working with other donors and beneficiaries to further enhance the success of the Partnership. The Government is also working to achieve a greater focus on improving nuclear security. With the IAEA, the UK co-hosted an international conference on future directions for nuclear security in March 2005 and plans to roll out a portfolio of nuclear security projects during 2005. The UK's programme is expected to remain focused for the next few years on making spent nuclear fuel safe and secure, assisting in the redirection of weapons scientists and technicians, enhancing security and nuclear facilities, reducing stockpiles of weapon grade plutonium and chemical weapons destruction. The Government will review the balance of the programme annually and continue to publish an annual report setting out progress and future plans.

The Government has made considerable progress towards resolving issues that have impeded project implementation such as legal agreements, tax exemption, liability and access to sites. Remaining challenges include better long term planning, enhanced coordination, greater transparency and information sharing, and reporting and assessment of projects.

58. We conclude that the work carried out under the G8 Global Partnership is a most valuable contribution to nuclear non-proliferation efforts, and we welcome advances in the dismantlement of submarines, in increased security of spent nuclear fuel storage, in implementation of a legal regime for nuclear counter-proliferation efforts, and in the ongoing work of the Closed Nuclear cities Partnership. However, we remain concerned about the pace of progress on the plutonium disposition programme, and urge the Government to redouble its efforts to secure agreement while holding the G8 Presidency. (Paragraph 405)

The Government shares the Committee's concern over the slow pace of progress. The Government would like to see the programme of plutonium disposition underway, funded by international support, with transparent international procedures for procurement and a representative international steering body overseeing the project. But continuing disagreements over the legal and implementation frameworks for the programme and a shortfall in funds pledged by Russia and donor countries have delayed matters. A draft multilateral agreement is on the table and the Government is engaged in constructive bilateral and multilateral dialogue aimed at resolving outstanding issues.

59. We conclude that the Government's support for the Shchuch'ye chemical weapons destruction facility is essential, and we urge the Government to maintain its efforts. We also welcome the Russian Federation's determination to accelerate its chemical weapons destruction. However, we recommend that the Government examine the possibility of supporting other chemical weapon destruction facilities in Russia to address Moscow's concerns about transporting deadly stockpiles along rickety railroads. We also remain very concerned that the G8 Global Partnership is not working on biological weapons issues with the Russian Federation. (Paragraph 410)

The Government also welcomes the substantial increase in Russian funding for its chemical weapons destruction programme. This will need to be sustained over several years. The Government's current priority is to contribute effectively to the completion of the Shchuch'ye chemical weapon destruction facility. In parallel, the Government intends to decide at which planned CW destruction facility site the UK could provide further assistance, in close cooperation with other donors. The Government is currently waiting for Russia to provide a revised CW destruction programme, but does not expect that it will include the transport of CW stockpiles

A number of G8 Partners are working on biological weapons issues with the Russian Federation – although the Russians do not consider this a high priority. Along with other G8 partners the UK contributes to the International Science and Technology Centre (ISTC) in Moscow which funds projects for the redirection of former weapon scientists, including in the biological field. The UK began work in May 2004 on a biological non-proliferation project in Georgia. The Government intends gradually to expand the scale of UK biological redirection efforts in the former Soviet Union, in close conjunction with other donors. Combating the biological threat is a key element of the UK's G8 Presidency approach to counter-proliferation issues and the Government is following up with partners on the commitment made at Sea Island in 2004 to increase our collective defences against bioterrorism.

60. We conclude that the Co-operative Threat Reduction (CTR) and Nunn-Lugar programmes are positive contributions by the US to non-proliferation efforts. We recommend that the United Kingdom continue to support CTR efforts, for instance by encouraging the US to expand activities as widely as necessary. (Paragraph 413)

The Government strongly supports US co-operative threat reduction (CTR) programmes, including for example through our support for the Shchuch'ye CW destruction facility. The Government is aware of the potential availability of US funds for activities outside the former Soviet Union, and maintains close contact with the US over possible cooperation in Iraq, Libya and Albania.

61. We conclude that the Nuclear Suppliers Group and the Zangger Committee provide useful forums to discuss export controls, but fear that their wide membership and unbinding nature leaves controls too loose. We recommend that the Government work to strengthen the NSG, perhaps by considering a diplomatic initiative to encourage states not to permit exports of NSG list materials or goods to states outside the Additional Protocol on Safeguards. (Paragraph 417)

The Government agrees with the Committee's recommendation to make recipient adherence to the IAEA Additional Protocol on Safeguards a condition of supply for all Nuclear Suppliers Group (NSG) Trigger List items (material and equipment especially designed for nuclear end uses). The Government has been working for some time with key NSG partners to amend the NSG Guidelines to reflect this.

The Government believes that the wide membership of the Nuclear Suppliers Group and the Zangger Committee enhances the effectiveness of the regimes, by encouraging the universalisation of the highest levels of export controls amongst the world's primary producers of nuclear and nuclear related equipment and material. Whilst neither of the regimes is legally binding, participation does demonstrate a clear political commitment to nuclear non-proliferation. The NSG regularly conducts outreach with non-participating governments; some have indicated their willingness to apply the standards of the NSG Guidelines through their domestic export control systems even though they are not required to do so.

62. We conclude that UNSCR 1540 has strengthened the Missile Technology Control Regime (MTCR) by making it more legally binding. We recommend that the Government set out in its response to this Report what it is doing to encourage other states, such as China, to confirm to MTCR standards. (Paragraph 420)

The Government does not consider that the adoption of UNSCR 1540 affects the legal status of the Missile Technology Control Regime (MTCR), as the Regime is adhered to on a voluntary basis. UNSCR 1540 does oblige all states to exercise effective controls over missile-related technology. To that end the UK, along with other members of the MTCR, encourages all non-MTCR members to apply the MTCR control list and guidelines. The Government takes every appropriate opportunity to lobby in support of the MTCR in bilateral contacts on export controls. For those states that lack the legal and regulatory infrastructure to implement and enforce effective export controls the UK also has an active export control outreach programme. This helps the Government to build the links that facilitate an exchange of information and allows the UK to promote the benefits of export controls and the MTCR. Officials carry out a number of outward and

inward outreach visits each year, the most recent being an inward visit from China in March.

63. We conclude that the United Kingdom's efforts to counter the proliferation of small arms and light weapons (SALW) are steps in the right direction but that more needs doing. We urge the Government to continue its support for regimes such as the Wassenaar Arrangement by bringing states which produce SALW into the treaty regimes and by strengthening the binding elements of regimes tackling the proliferation of conventional weapons. We also fully endorse the comments made by the Quadripartite Committee on Strategic Export Controls, recommending that trade in MANPADS, rocket-propelled grenades and automatic light weapons, should be subject to extra-territorial control if intended for end use by anyone other than a national government. (Paragraph 426)

The Government fully agrees that illicit trade in small arms and light weapons (SALW) is a major concern, and that multilateral action, including through the UN, is the most effective way of addressing this. The Government will continue working at international level to introduce measures to help prevent illicit trade in this area and strengthen current regimes both through expanding their membership and levels of control. The Government is committed to working towards establishing negotiations on an International Arms Trade Treaty, to take place in the UN, that would cover trade in all conventional weapons. The UK would of course fully implement any international embargoes on trade in small arms.

The Government is also continuing with its activities under the global Transfer Controls Initiative (TCI), which aims to support the UN Programme of Action (UNPOA) on SALW. TCI encourages states to introduce minimum common standards on SALW transfers including the consideration of criteria or guidelines. This initiative is being carried forward via a series of workshops, at a regional and sub-regional level, with an overall aim of building strong international support for tighter controls on SALW transfers at the UNPOA Review Conference of the Programme of Action in 2006. The Government also supports the ongoing discussions within the UN Open-Ended Working Group to establish an international instrument on marking and tracing. The Government hopes that the international community will agree on a legally binding instrument on marking and tracing in the third session of the open-ended Working Group this June and supports the UN Secretary General's call for a legally binding treaty against the illicit trafficking and brokering of Small Arms.

The UK's national controls on SALW brokering are already extremely robust, making UK involvement in overseas trade in controlled goods licensable where any part of the activity takes place in the UK. Licence applications for such trade are considered in the same way as direct exports, against the consolidated EU and National Arms Export Licensing Criteria. Assessment of the applications would also take account of the efficacy of the export control regime of the exporting country.

The UK is fully compliant with the commitments agreed multilaterally in the G8 and the Wassenaar Arrangement in relation to MANPADS.

64. We welcome the ongoing development of the Proliferation Security Initiative (PSI) and we recommend that the Government set out in its response to this Report the most important developments which have come out of the meetings of operational experts and military exercises. However, we remain concerned about the legality of detentions of shipping on the high seas, and in particular with draft Article 8 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. We recommend that the Government outlines how it will ensure the human rights of those on board any detained vessels, and how it will limit any potentially destabilising interdictions or detentions, particularly if the Government adheres to its position of “deemed consent”, giving states four hours to respond to demands to allow boarding. (Paragraph 436)

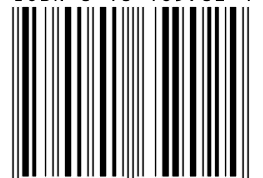
The UK continues to play a leading role in shaping the Proliferation Security Initiative (PSI). Operational experts meetings and the programme of military exercises to test national capabilities have enabled the UK and other PSI nations to develop a better understanding of each other’s methods of handling political/military decision making, operational practice and processes for handling intelligence. They have demonstrated the importance of co-ordinating effectively the intra- and inter-government decision-making process. This has informed ongoing efforts to establish mechanisms for the timely sharing of information and analysis among PSI participants with a view to spreading best practice.

The text of the amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation is still under discussion. However, the draft Article 8 makes clear that the detention of a vessel would only take place with the express authorisation of the flag state. It also includes a comprehensive safeguards provision to address claims, compensation and other issues. This obliges all States Party to ensure that all persons on board are treated in a manner which preserves their human dignity, and in compliance with the applicable provisions of international law; including international law of human rights. It further provides that States Party must take reasonable efforts to avoid a vessel being unduly detained or delayed. Where action is proved to be unfounded, the boarding state is required to provide appropriate compensation for any damage, loss or harm attributable to its actions. The Government believes that these provisions taken together will be sufficient to mitigate to an acceptable level any disruptive effects of interdictions or detentions.

65. We conclude that the Container Security Initiative is a sound means to promote the security of the United States. We recommend that the government examine the possibilities of enacting a similar initiative to secure the ports of the United Kingdom and its Overseas Territories. (Paragraph 439)

Any Container Security Initiative (CSI) would have an impact on international trade issues, which are an area of European Community (EC) competence. The EC is seeking to improve the security of the European Union by introducing provisions similar to those in the CSI into EC Customs Mutual Assistance Agreements with third countries. Additionally, the World Customs Organisation is producing a framework to increase supply chain security which incorporates CSI principles.

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