

House of Commons Foreign Affairs Committee

A cautious embrace: defending democracy in an age of autocracies

Second Report of Session 2019

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 4 November 2019

The Foreign Affairs Committee

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Summary

Democracies today face a greater challenge than ever before. Autocratic states are undermining the rules-based international system that has seen freedom and prosperity become more widespread. While the Foreign and Commonwealth Office (FCO) recognises the threats, and work is being done across Whitehall to address them in the fields of cyber security, disinformation and illicit finance, the efforts to combat autocratic interference need to increase if we are to continue to be able to sup at the same table. We are going to need a longer spoon.

One area which has not sufficiently been addressed is autocracies' influence on academic freedom in the UK. The FCO's current focus is on protecting universities from intellectual property theft and risks arising from joint research projects. This is not enough to protect academic freedom from other types of interference such as financial, political or diplomatic pressure, with a view to shaping the research agenda or curricula of UK universities or attempts to limit the activities of UK university campuses. The FCO and universities should develop together a strategy to address the challenges posed by autocracies to UK universities. The FCO should start by examining the mounting evidence of foreign influence in UK universities to fully understand the extent of the problem. We also recommend that the UK should coordinate with likeminded countries on academic freedom to stop us from being played off against each other using established groups, such as the Commonwealth, to help coordinate. Given the cross-departmental nature of the issue, we recommend that a Whitehall Champion is appointed to oversee Government efforts to protect academic freedom in the UK and share best practice with universities.

Sanctions—the subject of two previous reports by this Committee—are also an important foreign policy tool in relation to autocracies. Although the FCO has confirmed that it has powers under the Sanctions and Anti-Money Laundering Act 2018 (SAMLA) to impose sanctions against individuals connected with autocratic regimes, it has not yet used these powers. To ensure cross-departmental coherence, and greater effectiveness, of the UK's sanctions policy, we reiterate our recommendation that the Government appoint a Senior Responsible Owner (SRO) with personal accountability to the National Security Council for devising and implementing sanctions policy. We also call on the Government to act with much greater urgency in establishing the power and processes with which to block listings in the UK on national security grounds—a potentially crucial tool in limiting the influence and reach of autocracies in the UK.

We continue to be concerned by the dangerous erosion of the One Country, Two Systems principle of governance in Hong Kong—a key finding of our March 2019 report on China and the rules-based international system. We reiterate our view that the Sino-British Joint Declaration on Hong Kong is a legally binding international treaty registered at the United Nations. The UK, along with Australia, Canada and New Zealand, are judiciaries represented in the Hong Kong Court of Final Appeal. The FCO should coordinate its response to the Hong Kong crisis with partner governments of these judiciaries. We further recommend that the Government grants residency to Hong Kong citizens who are British National (Overseas) passport holders in recognition of their status as British nationals and as a means of reassurance to UK nationals.

1 Introduction

- 1. For the purposes of this inquiry, and to ensure a meaningful examination of the UK's foreign policy regarding autocracies, we define autocratic states as those in which governments gain or hold power by means other than democratic elections that meet international standards. The Government has acknowledged that autocracies pose a challenge to the rules-based international system: the Foreign and Commonwealth Office (FCO) describes autocracies' efforts "to change the rules, norms, and values on which the current system is based." In February 2019, we launched an inquiry into the FCO's policy towards autocracies. We sought to assess the Government's response to challenges that autocratic states pose to the rules-based international order, and in particular the role of the FCO. This inquiry grew out of our more specific investigation of the UK's China policy, which we concluded earlier this year.
- 2. We took oral evidence over three sessions between June and October. In addition to FCO ministers, we took evidence from human rights activists from China and Russia, experts and academics, and stakeholders from UK and US universities involved in safeguarding academic freedom.⁵ This inquiry has been curtailed because of the dissolution of Parliament in November 2019. It nonetheless builds on other inquiries in this Parliament relating to autocracies, such as those on global media freedom and the use of sanctions.⁶
- 3. This report focuses on three policy areas: autocracies' influence on academic freedom; the use of sanctions against autocracies; and the UK's cooperation with other democracies in responding to autocracies. It is necessary for the Government to engage with autocracies, for reasons of security, trade and tackling issues such as climate change and modern slavery. We concentrate in particular on Russia and China. Our evidence suggests that both have engaged in overt and covert interference in the affairs of the UK and its partners. The two take different approaches to the rules-based system: Russia has been accused of actively working to undermine the system, whilst China largely works within the system, but aims to change it to suit its own goals, which may be very different from those of the UK. Our evidence cited as examples Russia's 2014 annexation of Crimea, the repression of Uyghur Muslims in Xinjiang, the chemical attack in Salisbury in 2018, and attempts at interference in elections within democracies. 9
- 1 Foreign and Commonwealth Office (AFP0022), paras 7–10
- 2 Foreign and Commonwealth Office (AFP0022), paras 7–10
- Foreign Affairs Committee, 'Autocracies and UK Foreign Policy examined', accessed 30 October 2019
- 4 Foreign Affairs Committee, Sixteenth Report of Session 2017–19, China and the Rules-Based International System, HC 612
- A full list of the written and oral evidence published by the Committee is available at the back of this report, and also on the Committee's webpage for the inquiry into autocracies and UK foreign policy. We are grateful to all who gave us evidence.
- Foreign Affairs Committee, Seventeenth Report of Session 2017–19, <u>Fragmented and Incoherent: the UK's sanctions policy</u>, HC 1703; Foreign Affairs Committee, Twenty-first Report of Session 2017–19, <u>"Media freedom is under attack"</u>: The FCO's defence of liberty, HC 1920
- Foreign Affairs Committee, Eighth Report of Session 2017–19, Moscow's Gold: Russian corruption in the UK, para 20
- Foreign Affairs Committee, Sixteenth Report of Session 2017–19, China and the Rules-Based International System, HC 612, para 9–12

 As Dr Kobayashi told us, China has gone from being a "silent watcher ... moving on to participating, and finally
 - As Dr Kobayashi told us, China has gone from being a "silent watcher ... moving on to participating, and finally to revising and reforming" the rules-based international system.
- Foreign and Commonwealth Office (<u>AFP0022</u>), para 30; The Rights Practice (<u>AFP0027</u>), para 27; Dr Pete Duncan (<u>AFP0031</u>), para 10–11

2 Autocracies' influence in academia

4. Autocracies' influence in UK universities is a complex phenomenon which can take different forms. Our definition of influence in this context includes:¹⁰

Financial, political or diplomatic pressure, to shape the research agenda or curricula of UK universities, whether at the macro level (for example, providing direct or indirect financial support for research or educational activities with explicit or implicit limits on the scope of the subjects that can be discussed) or at the micro level (for example, pressuring event organisers not to invite certain speakers);

Attempts to limit the activities of UK university campuses or joint venture universities abroad which constrain freedoms that would normally be protected in the UK, such as criticisms of foreign governments;

Pressure on UK-based researchers who focus on subjects related to the countries concerned, including through visa refusals, pressure on university leadership, pressure on relatives still living in that country;

Pressure on UK-based students born in the country concerned, or on their families, to inform on the speech or activities of other students, or to engage in political protest in the UK in support of the country's objectives.

- 5. During our inquiry into China and the rules-based international system, we heard alarming evidence about the extent of Chinese influence on the campuses of UK universities. ¹¹ Despite the fact that there are now over 100,000 Chinese students in the UK, the issue of Chinese influence has been the subject of remarkably little debate compared to that in Australia, New Zealand and the US. ¹²
- 6. Universities have a strong incentive to establish overseas partnerships to secure funding and enhance collaboration on research projects, but this should be balanced with potential risks to academic freedom. Universities UK told us that "the vast majority of international partnerships are highly beneficial to all parties and augment the UK's standing on the global stage"¹³ but warned that there is a significant threat from hostile state actors of "misappropriation of research output, including the seizing of research data and intellectual property".¹⁴
- 7. The need for universities to attract more funding and grow internationally can come into conflict with the principle of academic freedom. Dr Catherine Owen of the University of Exeter highlighted this tension, stating that it was becoming more acute

¹⁰ We wrote to Universities UK and the Russell Group asking whether they were aware of examples of influence as defined above.

¹¹ Foreign Affairs Committee, Sixteenth Report of Session 2017–19, China and the Rules-Based International

System, HC 612, paras 107–111,
See oral evidence, 8 January 2019, Q124–128, Q143–145, Q152

The UK has the second largest share of international students in the world (11%), after the US (24%), many of them Chinese. See Higher Education Statistics Agency https://www.hesa.ac.uk/news/11–01–2018/sfr247-higher-education-student-statistics/location

¹³ Universities UK (AFP0032), executive summary

¹⁴ Universities UK (AFP0032), executive summary

as the commercialisation of global academia intensifies.¹⁵ She noted that "China's internationalising trend in higher education has been accompanied by domestic attempts to curb the influence of educational norms and values associated with the West."¹⁶

- 8. Professor Christopher Hughes of the LSE told us that he had seen Chinese students in London engaged in activities that undermine Hong Kong protestors¹⁷ and Chinese Confucius Institute officials confiscating papers which mention Taiwan at an academic conference.¹⁸ Charles Parton of RUSI said that the Chinese Students and Scholars Association (CSSA), which is supported and partly financed by the Chinese Government, was an instrument of this interference: "Its stated aim is to look after Chinese students, but it also reports on them to the embassy and authorities, tries to stop discussion of topics sensitive to China (Taiwan, Tibet, Tiananmen), and takes more direct action under guidance of the embassy." Ayeshagul Nur Ibrahim, an Uyghur Muslim who became politically active while studying in the UK, told us how the Chinese Government started monitoring her and harassing her family in China.²⁰
- 9. There are allegations that these efforts are directly coordinated by the Chinese Embassy. Earlier this year, SOAS Professor Steve Tsang said:

In one Russell Group University a pro-vice chancellor was spoken to by someone in the Chinese embassy and as a result he stood a speaker who was already invited down... I am also aware of a vice-chancellor again under pressure from the Chinese embassy asking one of his senior academics not to make political comments on China at a specified period of time.²¹

10. Pressure is exerted in other ways. According to one recent media report, managers at the University of Nottingham—one of two UK universities with a branch in China—pressured academics to cancel events relating to Tibet and Taiwan, at the university's

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5 Dr Catherine Owen (AFP0033), paras 1–7
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- Prof Christopher Hughes told us: "I have seen patriotic Chinese students in Trafalgar Square in London, because I went along to look at the Hong Kong demonstration, and I would say it was more like hate crime. The things they were saying—"traitor". I won't go into the details, but it was really intimidating and threatening. I do not think they were students; I do not know who they were. However, it is that kind of activity where there are clear links of direction from the consulate". Q42
- Parton further notes that: In 2017, Chinese embassy officials in Canberra gave training to hundreds of CSSA students to form 'security squads' to help drown out protesters during the visit of Premier Li Keqiang to Australia. The same thing seems to have happened during Li's visit to the UK in 2014. In February 2017, the CSSA organised students to barricade the building where the Durham University Debating Society had invited a speaker who supports the Falun Gong (a spiritual movement banned in China). The Chinese embassy also contacted the debating society, asking it to cancel the speaker's invitation and accusing it of harming the China–UK 'Golden Era'." RUSI, China-UK Relations: Where to Draw the Border Between Influence and Interference?, Charles Parton, February 2019, page 15.
- Q6, Ayeshagul Nur Ibrahim told us: My sister lives away, but she gave me a hint: "Don't call me too often." I said, "Okay." Actually, I do not call them too often. Normally I just say, "Hello. How is the family?" and so on. Then she told me, "You should be cautious about your activities," and I thought, "What's going on?" Then, in a short message, she said, "Stop sending anything. We're all well, so just keep quiet." Then she said, "I went to the police, so you should know." It was just a short, incomplete sentence. Then she said, "They already know where you are. Maybe they will call you." I was surprised, but I already knew they had cut the landline. My sister is a lawyer herself, and I thought about what might happen to her. I was worrying about this, so I cut contact with my sister as well because I wanted to protect my family. Then I understood that, as an educated person, if I am myself having this pressure, what happens to the ordinary people living there? I am already outside. I am not a political activist or somebody who often speaks against the Chinese Government, so if this is happening to me, what happens to the people living there under that control all the time?

¹⁶ Dr Catherine Owen (AFP0033), paras 5

¹⁷ Q42

Chinese and British campuses after complaints from Chinese officials.²² Another reported that LSE halted a proposed China studies scheme funded by a pro-Beijing venture capitalist after academics raised concerns about its impact on academic freedom.²³

- 11. Similar issues have been reported in other countries. Human Rights Watch published a 12-point Code of Conduct for US universities responding to Chinese influence, stating that the Chinese government "has stepped up surveillance of diaspora communities, including through controls on students and scholars from China".²⁴
- 12. Most of the evidence we received related to Chinese influence in UK universities, but there are claims that other autocracies pose similar threats. Although Russia's overall influence in UK universities is low, the Russkiy Mir Foundation²⁵—a Russian Government-sponsored body—is active on UK campuses, according to UCL's Dr Peter Duncan. He told us; "I have personal knowledge of a Russkiy Mir employee planting a bugging device to record an academic discussion on Russia held by the British International Studies Association in Edinburgh."²⁶
- 13. We heard evidence that Central Asian autocracies also put pressure on UK academics. Professor John Heathershaw of the University of Exeter said that "travel bans, 'interviews' with the security services, detentions for hours and days, and threats against family members by authorities, are commonplace for academics working on projects with UK universities",²⁷ while a Kazakh study programme is monitored by the country's national security services, and students are subject to surveillance and control measures, including through the use of Kazakh societies on UK campuses.²⁸
- 14. However, university representatives who gave evidence to the inquiry did not acknowledge this issue. The Russell Group told us "we are not aware of any significant or systematic attempts to influence university activity by foreign actors in any of the ways outlined in your letter. Nor have we held any discussions with Ministers or officials about improper foreign influence." Bill Rammell, Chairman of Million Plus, which represents 20 'modern universities' in the UK, said he had "not heard one piece of evidence" that substantiates claims of foreign influence in universities. When we asked the Minister why there had not been engagement with these organisations specifically about foreign interference, she said that she was surprised "because the Department for Education has met the Russell Group."
- 15. There are strong signs that the FCO is not treating the issue of interference in academia as the priority it should be. Although the Government said in June, in its response to

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22 "Security services fear the march on universities of Beijing's spies", The Times, 27 October 2012
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^{23 &}quot;London School of Economics academics outraged by proposed China programme", Financial Times, 27 October 2019

²⁴ https://www.hrw.org/news/2019/03/21/china-government-threats-academic-freedom-abroad

²⁵ Russkiy Mir Foundation (Russian: Фонд "Русский мир", literally "Russian World Foundation") is a Russian government-sponsored organisation formally aiming to promote the Russian language worldwide.

²⁶ Dr Pete Duncan (AFP0031), para 11

²⁷ Dr John Heathershaw, written evidence (AFP0029), para 17

²⁸ Ibid

²⁹ Correspondence 18 March 2019

³⁰ Q39

On 22 October, we questioned Parliamentary Under Secretary of State (Minister for Asia and the Pacific)
Heather Wheeler MP, along with FCO Officials Martin Harris, Director of Eastern Europe and Central Asia and
Kate White, Director of the Asia-Pacific Directorate.

³² Q89

our China inquiry, that it had initiated work to understand universities' concerns and needs regarding protection from interference, and said it would issue written guidance "shortly", this does not yet appear to have been done, and the FCO made no mention of this in its written evidence. When we asked about the FCO's assessment of the risks posed by autocracies to academic freedom in the UK, the relevant FCO Minister told us: "We get anecdotal reports, sometimes from universities, that x or y pressures are being applied to them. In those situations, the advice that I and my team would always give would be absolutely to stand clearly to the values and principles by which their university is established". The Minister appeared relaxed when we suggested that there is a discrepancy between the FCO's policy and the urgency of this issue, stating, "at the moment, we have not had particular grumbles back, but we want to make sure, through things like the trusted research work, that they feel they can come to us, either through the Department for Business, Energy and Industrial Strategy or the Department for Education." ³⁴

16. Given the weight of the evidence publicly available, we were surprised that the FCO's submission to this inquiry did not identify academia as being a distinct area at risk of influence by autocracies. We recommend that the FCO inform the Committee, in confidence if necessary, of its assessment of the extent of the problem.

The FCO's response

- 17. In 2017–18, UK universities received £8.2 billion in research income, £1.39 billion of which came from international sources.³⁵ The Government has stated that research collaboration with institutions based in autocratic states "can be vulnerable to misuse by organisations and institutions who operate in nations whose democratic and ethical values are different from our own."³⁶ In the UK, 'Trusted Research' and 'academic technology approval schemes' are designed to protect universities working in collaboration with foreign institutions, particularly in terms of protecting sensitive technology from intellectual theft.³⁷ Trusted Research schemes aim to "secure the integrity of the system of international research collaboration, which is vital to the continued success of the UK's research and innovation sector."³⁸
- 18. Some UK institutions are reluctant to respond to allegations of influence due to their reliance on income from student recruitment and research grants. In the course of the inquiry, we sought to examine how other countries address similar issues. Alexander Bustamante, of the University of California, said that "one of the items we first identified in the beginning was that we did not have an understanding of the scope of the issue." His university sought support from US federal authorities to remedy this.³⁹
- 19. We note the introduction of the Foreign Influence Transparency Scheme in Australia (FITSA) in December 2018, with the aim to provide visibility of the nature, level and extent of foreign influence on Australia's Government and political process to the public. The scheme introduced registration obligations for persons and entities who have arrangements with, and undertake certain activities on behalf of, foreign principals. This

³³ Q94

³⁴ Q78

³⁵ Trusted Research Guidance

³⁶ Ibid

³⁷ Q7

³⁸ Trusted Research guidance https://www.cpni.gov.uk/trusted-research-guidance

³⁹ Q45

includes universities that are recipients of overseas donations as the FITSA applies to universities that undertake political or governmental lobbying, communication activities or disbursement activities on behalf of foreign entities. In the US, a recent Senate report recommends the US Department of Justice to probe whether Confucius Institutes should register under the Foreign Agents Registration Act, the American forerunner to Australia's framework.⁴⁰

- 20. The FCO told us that they are tracking the way conversations about tackling foreign influence in UK universities have unfolded in Australia and other partner countries.⁴¹ When we asked them about the merits of introducing measures such as the Australian Foreign Influence Transparency Scheme⁴² to protect UK universities from malign foreign influence, we were told only that the Department's approach is to carry this forward in its open dialogue with the pro-vice-chancellors.⁴³
- 21. The UK, along with Australia, Canada and the US, is the most popular overseas destinations for Chinese students.⁴⁴ In its 2019 International Education Strategy White Paper, the Government makes the case for a whole-of-Government approach to boosting the UK higher education sector globally.⁴⁵ The paper mentions China over 20 times in the context of boosting education export to the Chinese market, with no mention of security or interference. At present, the international education strategy involves the Department of Education and the Department of International Trade, with no evidence of input from the FCO.
- 22. The FCO's role in advising universities on the potential threats to academia from autocracies is non-existent. There is no evidence that it has considered the threat from autocracies to academic freedom, which underpins the quality of UK higher education, nor engaged sufficiently with other departments to develop a co-ordinated response. We believe that it is vital for the FCO to take the lead across Government on this issue, given that foreign influence falls directly within the Department's remit.
- 23. We are disappointed that the FCO has not made detailed assessments about how the UK and its universities should respond to foreign influence in UK academia, and at its failure to engage directly with counterparts in the US, Australia or elsewhere to share best practice. We recommend that the Government and universities develop together a strategy to address the challenges posed by autocracies to UK universities. As a starting point, the Government should examine mounting evidence of foreign influence in UK universities to fully understand the extent of the problem. This strategy should examine the extent to which market incentives may serve to undermine academic freedom in the UK. We recommend that the Government share with us in confidence the details of this strategy by Autumn 2020.

⁴⁰ https://www.hsgac.senate.gov/imo/media/doc/PSI%20Report%20China's%20Impact%20on%20the%20US%20 Education%20System.pdf

⁴¹ Q7

The Foreign Influence Transparency Scheme commenced on 10 December 2018. Its purpose is to provide the public and government decision-makers with visibility of the nature, level and extent of foreign influence on Australia's government and political process.

⁴³ Q97

⁴⁴ https://monitor.icef.com/2019/05/chinese-study-destinations-and-post-study-plans-changing-this-year/

International Education Strategy, global potential, global growth, March 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799349/International_Education_Strategy_Accessible.pdf

- 24. We further recommend that a Senior Responsible Owner (SRO) is appointed to coordinate the FCO's response to threats to academic freedom. The Government should nominate a single point of contact to both gather evidence from, and provide advice to, academic institutions on the political, diplomatic and legal implications of accepting funding and pursuing collaboration with institutions based in non-democratic states. We recommend that the Government appoints a cross-departmental Whitehall champion for academic freedom to coordinate the different agencies involved in monitoring and responding to foreign influence.
- 25. We recommend that the Government engages in dialogue with Australia, Canada, New Zealand and the US to explore ways to protect universities from attempts by autocracies to use their financial muscle to leverage influence through the withdrawal of funding. This could take place through existing structures such as the Commonwealth.
- 26. We welcome the Government's use and promotion of 'trusted research' and academic technology approval schemes to protect UK universities from intellectual theft that may arise from academic collaboration with universities from autocratic states. The Government should continue to support such schemes and provide up-to-date guidance to universities on the political, diplomatic and legal implications of accepting funding and pursuing collaboration with institutions based in non-democratic states.

3 Sanctions

Use of sanctions against individuals from autocracies

- 27. Sanctions are an essential tool in supporting the rules-based international system and the defence of the UK's national interests. The UK, in partnership with the EU, has played a leading role in international efforts to sanction terrorist groups, rogue regimes and individuals connected with those regimes. Examples have included individuals and organisations involved in human rights abuses, illegal arms trade and extraterritorial attacks such as the Salisbury chemical attack in 2018. However, as we noted in our June 2019 report, *Fragmented and incoherent: the UK's sanctions policy*, leaving the EU will bring about a seismic shift in how the UK adopts, imposes and implements economic and financial sanctions, with about two thirds of its current sanctions regimes deriving from the EU.⁴⁶ The Sanctions and Anti-Money Laundering Act 2018 (SAMLA) sets out the post-Brexit framework for UK sanctions policy.⁴⁷
- 28. Since SAMLA⁴⁸ received Royal Assent in May 2018, we have repeatedly asked Government Ministers and officials whether the UK has the power to make and implement its own sanctions on individuals accused of human rights violations—known as 'Magnitsky powers', in reference to the United States' 2016 Global Magnitsky Act—while it is still a member of the EU. Our June 2019 report on UK sanctions policy after Brexit set out the unclear and contradictory answers we had received from FCO Ministers and officials, and it called on the Government to resolve this question as soon as possible by agreeing on a clear legal position regarding the UK's ability to adopt and implement Magnitsky sanctions while still an EU member and during any possible post-Brexit implementation period.⁴⁹
- 29. In September, the FCO confirmed in its response to our June report that using the Magnitsky-style powers is legally possible.⁵⁰ The Government, however, has not acted yet to resolve the matter. We asked the Parliamentary Under Secretary of State (Minister for Asia and the Pacific) Heather Wheeler MP in October what the Department's plans were for establishing sanctions under SAMLA, and what criteria would be used to determine which individuals should be subject to sanctions. These might, for example, be individual
- 46 Foreign and Commonwealth Office (FSP0015), para 12; Foreign Affairs Committee, Seventeenth Report of Session 2017–19, Fragmented and incoherent: the UK's sanctions policy, para 2
- Sanctions and Anti-Money Laundering Act 2018. The legislation states that the appropriate Minister may "make sanctions regulations" under SAMLA if it would: further the prevention of terrorism; be in the interests of national security; be in the interests of international peace and security; further foreign policy objectives; promote the resolution of armed conflicts or the protection of civilians in conflict zones; provide accountability for or be a deterrent to gross violations of human rights; promote compliance with international humanitarian law; contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction; or promote respect for democracy, the rule of law and good governance. In relation to money laundering, the legislation states that the appropriate Minister may "by regulations make provision for": enabling or facilitating the detection or investigation of money laundering, or preventing money laundering; enabling or facilitating the detection or investigation of terrorist financing, or preventing terrorist financing; or the implementation of Standards published by the Financial Action Task Force from time to time relating to combating threats to the integrity of the international financial system.
- 48 The Sanctions and Anti-Money Laundering Act 2018
- Foreign Affairs Committee, Seventeenth Report of Session 2017–19, Fragmented and incoherent: the UK's sanctions policy, paras 11–18
- 23rd Special Report: Fragmented and incoherent: the UK's sanctions policy: Government Response to the Committee's Seventeenth Report

Chinese officials involved in the perpetration of human rights abuses in Xinjiang or Hong Kong. Ms Wheeler said that the announcement of a new Statutory Instrument (SI) was "imminent" and would cover the criteria and the possibility to "include names."⁵¹

- 30. After considerable delay, the FCO has now established that it is legally possible for the UK unilaterally to impose sanctions on individuals and organisations while still a member of the European Union. However, the Minister was not able to tell us how the FCO plans to use these so-called 'Magnitsky powers', the criteria on which individuals will be selected for sanctions, or the date on which the FCO would lay the relevant Statutory Instrument before Parliament—a process which will now be further delayed by the 2019 General Election. The FCO has been far too slow to make use of this important foreign-policy tool in countering the abuse of human rights by countries such as China and Russia, and more broadly in support of the rules-based international system.
- 31. In its response to this report, the FCO should explain why it has not yet used Magnitsky-style sanctions in response to ongoing repression by the state authorities in Hong Kong and Xinjiang, what plans it has to do so, and how far these plans have progressed. It should also state how it is seeking to coordinate with the EU when designing and imposing sanctions on individuals and organisations connected to autocratic regimes. The FCO should further set out in the Statutory Instrument to be laid before Parliament the criteria for determining which individuals and organisations should be subject to UK Government sanctions.
- 32. During our inquiry, we heard about the potential power of sanctions in curbing the egregious actions of autocracies, and of individuals and organisations connected with them. For example, Dr Pete Duncan, Associate Professor of Russian Politics and Society at UCL, highlighted the effectiveness of sanctions imposed by the UK and its international partners on Russian targets following the annexation of Crimea in 2014.⁵² He argued that the overall impact of these sanctions had led to a decline in the Russian economy which has had, in turn, a negative effect on Putin's domestic approval ratings.⁵³ Some witnesses called for the UK to be more robust in its approach when implementing its independent regime. Russian dissident businessman Aleksey Shmatko told us that sanctions lists should be expanded to include the relatives, business partners and other associates of Russian officials.⁵⁴ The Sentry—an investigative and policy team that follows "dirty money" linked with conflicts in Africa—stated that the UK should go further in its efforts to use sanctions to "encourage the resolution of political crises and armed conflicts", by "developing new sanctions targeting leaders, their support networks, and the companies that they own or control."⁵⁵
- 33. The Sentry also pointed to the importance of cross-government collaboration on sanctions, stating that "UK foreign policy must also work alongside other Whitehall departments to ensure that sanctions are not only imposed, but effectively implemented ...". This echoes the evidence we took during our previous inquiry on the future of UK sanctions policy. In our report, we concluded that there was room for improvement

⁵¹ Q122, Q132

⁵² Dr Peter Duncan (AFP0031) para 7

⁵³ Ibio

⁵⁴ Q11 [Aleksey Shmatko]

The Sentry (AFP0009) para 18(iii)

⁵⁶ Ibid

in relation to cooperation between departments, which should in turn support the development of a more coherent overall strategy on sanctions.⁵⁷ The Government said in its response to that report that it would only "consider the Committee's recommendation to create an SRO [Senior Responsible Owner] role within the FCO to be accountable for sanctions policy and implementation" on the basis that there are already SROs providing oversight of sanctions policy.⁵⁸ We reiterate our recommendation that the Government appoint a Senior Responsible Official with personal accountability to the National Security Council for devising and implementing sanctions policy. This is a necessary step to ensure the cross-departmental coherence, and greater effectiveness, of the UK's sanctions policy.

Rooting out 'dirty money' in the UK economy

34. As we stated in our May 2018 report *Moscow's Gold: Russian corruption in the UK*, money laundering is a foreign policy issue: it allows those who would do harm to the UK to hide their wealth and obscure their sources of financial support.⁵⁹ Our June 2019 report on the future of UK sanctions policy further explored the implications of the Government's currently fragmented approach. One case study was the listing of the energy firm En+ Group, which, at the time of its initial public offering (IPO) on the London Stock Exchange in November 2017, was controlled by Kremlin associate Oleg Deripaska.⁶⁰ We concluded that:

Although the involvement of an individual such as Oleg Deripaska may have raised red flags at the FCO and elsewhere, there was evidently no mechanism for those concerns to be conveyed, and no requirement for the Financial Conduct Authority to consult national security experts.⁶¹

35. Witnesses to this inquiry have also pointed to the importance of disrupting the flow of 'dirty money' as a means of countering the influence of autocracies in the UK. The Henry Jackson Society, for example, suggested that the UK should apply tougher anti-money-laundering legislation to root out corrupt money from the economy. This includes the expansion of 'Unexplained Wealth Orders' (UWO), established under the Criminal Finances Act 2017, which require foreign wealthy individuals to explain how they made their wealth or risk having their assets in the UK seized. In October 2017, a joint investigative journalism project by Novaya Gazeta (a Russian investigative newspaper) and the Organized Crime and Corruption Reporting Project (OCCRP—a global non-profit media organisation founded in the US) reported that \$24 billion of unexplained wealth belonging to Vladimir Putin's inner circle was often hidden in Western Europe. 4

Foreign Affairs Committee, Seventeenth Report of Session 2017–19, Fragmented and incoherent: the UK's sanctions policy, para 28

⁵⁸ Foreign Affairs Committee, Twenty-third Special Report of Session 2017–19, Fragmented and incoherent: the UK's sanctions policy: Government Response to the Committee's Seventeenth Report, para 8

⁵⁹ Foreign Affairs Committee, Eighth Report of Session 2017–19, Moscow's Gold: Russian corruption in the UK,

The Treasury Select Committee also explored the listing of En+ on the London Stock Exchange (LSE) in its report on Economic Crime.

⁶¹ Foreign Affairs Committee, Seventeenth Report of Session 2017–19, Fragmented and incoherent: the UK's sanctions policy, para 40

⁶² Henry Jackson Society (AFP0017) para 4.1

⁶³ Ibid

Putin and the proxies https://www.occrp.org/en/putinandtheproxies/

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36. The Government has previously told us, in its response to our June 2019 report Fragmented and incoherent: the UK's sanctions policy, that it was exploring the possibility of blocking stock exchange listings on the London Stock Exchange on national security grounds, potentially through changes to the legislative framework. It has also considered, at our recommendation, what role the National Security Council and its secretariat should play in the use of this power, and how best to formalise links between the Government departments responsible for sanctions and arms-length bodies including the Financial Conduct Authority, which is ultimately responsible for overseeing listings in the UK. The evidence we have taken during this inquiry on the ways in which autocracies can establish a foothold in the UK economy has only underscored the need for urgent Government action in this regard. We recommend that the Government acts with much greater urgency in establishing a power to block listings in the UK on national security grounds—a potentially crucial tool in limiting the influence and reach of autocracies in the UK. We expect the Government to update our successor Committee on its progress no later than May 2020.

4 Hong Kong and Interpol

37. One of the aims of this inquiry is to examine in what ways the UK should work with its democratic partners on the international stage. This chapter focuses on the UK's response to the crisis in Hong Kong and the ways in which the UK can cooperate with democracies through Interpol to counter influence from autocracies.

Hong Kong

- 38. In April 2019, our report on *China and the international rules-based system* noted the dangerous erosion of the One Country, Two Systems principle of governance in Hong Kong. Since then, the situation has markedly deteriorated. We reiterate our view that the Sino-British Joint Declaration on Hong Kong is a legally binding international treaty registered at the United Nations. Its validity and implementation are of profound importance both to UK national interests and to the health of the rules-based international system. We are therefore deeply concerned by the events in Hong Kong over the last six months, which have demonstrated that Hong Kong's autonomy is at risk, especially in the area of the rule of law, which underpins its economy.
- 39. As one of the judiciaries represented in the Hong Kong Court of Final Appeal (CFA), we believe that there could be a reputational risk to the UK if the Government inadvertently appears complicit in supporting and participating in a system that is undermining the rule of law. In August, we wrote to our counterparts in the parliaments of Australia, Canada and New Zealand, also represented on the CFA, to urge our governments to assess the impact of continued participation in the CFA if current trends continue.
- 40. The issue of British National Overseas passport holders has also come to our attention in the course of this inquiry. As individuals holding the BN(O) passports do not have British citizenship, they do not benefit from the same rights accorded to UK citizens. In the context of the well-documented arrests of pro-democracy demonstrators, book sellers and political activists, we are concerned that BN(O) passport holders, by reason of not having the right of abode in the UK, may become more vulnerable to arrests by authorities.⁶⁶
- 41. In its response to this report, the Government should provide us with its assessment of the reputational risk to the UK being an active participant in the Hong Kong judiciary. We recommend that the Government coordinates its response to the Hong Kong crisis with the governments of Australia, Canada and New Zealand as judiciaries represented in the Hong Kong Court of Final Appeal. We further recommend that the Government extends the right of abode to Hong Kong residents who are British National (Overseas) passport holders as a means of reassurance that the UK cares about its nationals.

Interpol

- 42. We considered the growing problem of political abuse of Interpol, an important multilateral organisation, by autocracies. Contributors to the inquiry told us that political abuse of Interpol, primarily by autocracies, is a growing problem in the organisation in the area of red notices.⁶⁷
- 43. Currently, draft red notices enter databases and are shared across the police database systems of Interpol member states. Although a red notice requires approval from Interpol itself, a 'diffusion' notice can be circulated by and among any member of the organisation. Crucially, the notices are acted upon irrespective of whether additional checks have been done to ascertain the motive of the request. Professor Heathershaw told us reforms of the red notice system were supposed to "ensure that the checks would be done more thoroughly in advance, but we still see cases where unregistered refugees are being held up at airports, which they should not be, according to Interpol processes, but they are, because of the requests of authoritarian states." 68
- 44. We believe that the financial leverage of the UK and its democratic partners in Interpol is considerable and should be used to counter abuses. Dr Ted Bromund, Senior Research Fellow at the Heritage Foundation in the US, said that "autocracies may stand on a roughly equal plane with the democracies in the General Assembly, but they do not control it financially." To illustrate this, of the top 25 contributors to Interpol, 20 are democratic states, collectively paying 78.1 % of Interpol's statutory contributions. On the other hand, the only non-democracies in the top 30 contributors are China (2.03 million euros), Russia (958,000 euros), and Saudi Arabia (437,000 euros). Ted Bromund noted that "all four of these nations contributed only 785,000 euros more in 2017 than the United Kingdom did by itself."
- 45. We recommend that the FCO steps up its work with the Interpol National Central Bureau (NCB) and its counterparts in democratic states within Interpol to collectively encourage reform of the red notice system to protect it from abuse by autocracies.

⁶⁷ A Red Notice is a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.

⁶⁸ Dr John Heathershaw, written evidence (AFP0029), para 14

⁶⁹ Dr Theodore Bromund, written evidence (AFP0028), para 16

⁷⁰ Ibid para 18

⁷¹ Ibid para 18

Conclusions and recommendations

Autocracies' influence in academia

- 1. Given the weight of the evidence publicly available, we were surprised that the FCO's submission to this inquiry did not identify academia as being a distinct area at risk of influence by autocracies. We recommend that the FCO inform the Committee, in confidence if necessary, of its assessment of the extent of the problem. (Paragraph 16)
- 2. The FCO's role in advising universities on the potential threats to academia from autocracies is non-existent. There is no evidence that it has considered the threat from autocracies to academic freedom, which underpins the quality of UK higher education, nor engaged sufficiently with other departments to develop a co-ordinated response. We believe that it is vital for the FCO to take the lead across Government on this issue, given that foreign influence falls directly within the Department's remit. (Paragraph 22)
- 3. We are disappointed that the FCO has not made detailed assessments about how the UK and its universities should respond to foreign influence in UK academia, and at its failure to engage directly with counterparts in the US, Australia or elsewhere to share best practice. We recommend that the Government and universities develop together a strategy to address the challenges posed by autocracies to UK universities. As a starting point, the Government should examine mounting evidence of foreign influence in UK universities to fully understand the extent of the problem. This strategy should examine the extent to which market incentives may serve to undermine academic freedom in the UK. We recommend that the Government share with us in confidence the details of this strategy by Autumn 2020. (Paragraph 23)
- 4. We further recommend that a Senior Responsible Owner (SRO) is appointed to coordinate the FCO's response to threats to academic freedom. The Government should nominate a single point of contact to both gather evidence from, and provide advice to, academic institutions on the political, diplomatic and legal implications of accepting funding and pursuing collaboration with institutions based in non-democratic states. We recommend that the Government appoints a cross-departmental Whitehall champion for academic freedom to coordinate the different agencies involved in monitoring and responding to foreign influence. (Paragraph 24)
- 5. We recommend that the Government engages in dialogue with Australia, Canada, New Zealand and the US to explore ways to protect universities from attempts by autocracies to use their financial muscle to leverage influence through the withdrawal of funding. This could take place through existing structures such as the Commonwealth. (Paragraph 25)
- 6. We welcome the Government's use and promotion of 'trusted research' and academic technology approval schemes to protect UK universities from intellectual theft that may arise from academic collaboration with universities from autocratic states. The Government should continue to support such schemes and provide up-

to-date guidance to universities on the political, diplomatic and legal implications of accepting funding and pursuing collaboration with institutions based in non-democratic states. (Paragraph 26)

Sanctions

- 7. After considerable delay, the FCO has now established that it is legally possible for the UK unilaterally to impose sanctions on individuals and organisations while still a member of the European Union. However, the Minister was not able to tell us how the FCO plans to use these so-called 'Magnitsky powers', the criteria on which individuals will be selected for sanctions, or the date on which the FCO would lay the relevant Statutory Instrument before Parliament—a process which will now be further delayed by the 2019 General Election. The FCO has been far too slow to make use of this important foreign-policy tool in countering the abuse of human rights by countries such as China and Russia, and more broadly in support of the rules-based international system. (Paragraph 30)
- 8. In its response to this report, the FCO should explain why it has not yet used Magnitsky-style sanctions in response to ongoing repression by the state authorities in Hong Kong and Xinjiang, what plans it has to do so, and how far these plans have progressed. It should also state how it is seeking to coordinate with the EU when designing and imposing sanctions on individuals and organisations connected to autocratic regimes. The FCO should further set out in the Statutory Instrument to be laid before Parliament the criteria for determining which individuals and organisations should be subject to UK Government sanctions. (Paragraph 31)
- 9. We reiterate our recommendation that the Government appoint a Senior Responsible Official with personal accountability to the National Security Council for devising and implementing sanctions policy. This is a necessary step to ensure the cross-departmental coherence, and greater effectiveness, of the UK's sanctions policy. (Paragraph 33)
- 10. We recommend that the Government acts with much greater urgency in establishing a power to block listings in the UK on national security grounds—a potentially crucial tool in limiting the influence and reach of autocracies in the UK. We expect the Government to update our successor Committee on its progress no later than May 2020. (Paragraph 36)

Hong Kong and Interpol

11. In its response to this report, the Government should provide us with its assessment of the reputational risk to the UK being an active participant in the Hong Kong judiciary. We recommend that the Government coordinates its response to the Hong Kong crisis with the governments of Australia, Canada and New Zealand as judiciaries represented in the Hong Kong Court of Final Appeal. We further recommend that the Government extends the right of abode to Hong Kong residents who are British National (Overseas) passport holders as a means of reassurance that the UK cares about its nationals. (Paragraph 41)

12. We recommend that the FCO steps up its work with the Interpol National Central Bureau (NCB) and its counterparts in democratic states within Interpol to collectively encourage reform of the red notice system to protect it from abuse by autocracies. (Paragraph 45)

Formal minutes

Monday 4 November 2019

Members present:

Tom Tugendhat, in the Chair

Ann Clwyd Royston Smith Andrew Rosindell

Draft Report (*A cautious embrace: defending democracy in an age of autocracies*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Summary agreed to.

Paragraphs 1 to 45 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the <u>inquiry publications</u> page of the Committee's website.

Wednesday 5 June 2019

Aleksey Shmatko, Businessman, Jihyun Park, North Korean defector and human rights activist and Outreach Director, Connect North Korea, Ayeshagul Nur Ibrahim, Uyghur activist

Q1-12

Dr Oisín Tansey, Reader in Comparative and International Politics, King's College London, **Annette Bohr**, Associate Fellow, Russia and Eurasia Programme, Chatham House, **Professor John Heathershaw**, Professor of International Relations, University of Exeter

Q13-34

Tuesday 3 September 2019

Bill Rammell, Vice Chancellor, University of Bedfordshire and Chair of Million Plus, **Professor Christopher Hughes**, Professor of International Relations, LSE, **Alexander Bustamante**, Senior Vice President and Chief Compliance and Audit Officer, University of California

Q35-69

Tuesday 22 October 2019

Heather Wheeler MP, Parliamentary Under Secretary of State, **Martin Harris**, Director, Eastern Europe and Central Asia, **Kate White**, Director, Asia-Pacific Directorate, Foreign and Commonwealth Office

Q70-163

Published written evidence

The following written evidence was received and can be viewed on the $\underline{\text{inquiry publications}}$ page of the Committee's website.

AFP numbers are generated by the evidence processing system and so may not be complete.

- 1 Al-Shehhi, Yousuf (AFP0025)
- 2 Bahrain Institute for Rights and Democracy (BIRD) (AFP0015)
- 3 Blick, Dr Andrew (AFP0023)
- 4 Bromund, Dr Theodore (AFP0028)
- 5 Campaign Against Arms Trade (AFP0007)
- 6 Conservative Party Human Rights Commission (AFP0002)
- 7 Duncan, Dr Pete (AFP0031)
- 8 Falun Dafa Assoc. UK (AFP0020)
- 9 Fisher, Jonathan (AFP0014)
- 10 Foreign and Commonwealth Office (AFP0022)
- 11 Foreign and Commonwealth Office (AFP0034)
- 12 Fulda, Dr Andreas (AFP0001)
- 13 Heathershaw, Dr John (AFP0029)
- 14 Henry Jackson Society (AFP0017)
- 15 Human Rights Watch (AFP0016)
- 16 James Woolas (AFP0030)
- 17 Jarvis, Dr Samuel (AFP0005)
- 18 Jones, Miss Sara (AFP0008)
- 19 Kenealy, Dr Daniel (AFP0021)
- 20 Koza Ltd (AFP0019)
- 21 Owen, Dr Catherine (AFP0033)
- 22 Quakers in Britain (AFP0012)
- 23 The Rights Practice (AFP0027)
- 24 Saferworld (AFP0018)
- 25 The Sentry (AFP0009)
- 26 Stavrianakis, Dr Anna (AFP0006)
- 27 Tibet Society UK and The International Campaign for Tibet (AFP0011)
- 28 turkmen.news (AFP0026)
- 29 United Nations Association UK (AFP0024)
- 30 Universities UK (AFP0032)
- 31 War on Want (AFP0013)
- 32 Wearing, Dr David (AFP0010)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the <u>publications page</u> of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2019

First Report	Responding to irregular migration: A diplomatic route	HC 107
Session 2017–19		
First Report	Violence in Rakhine State and the UK's response	HC 435
Second Report	The future of UK diplomacy in Europe	HC 514
Third Report	Kurdish aspirations and the interests of the UK	HC 518
Fourth Report	2017 elections to the International Court of Justice	HC 860
Fifth Report	The UK's response to hurricanes in its Overseas Territories	HC 722
Sixth Report	Global Britain	HC 780
Seventh Report	Global Britain and the 2018 Commonwealth Summit	HC 831
Eighth Report	Moscow's Gold: Russian Corruption in the UK	HC 932
Ninth Report	The FCO's preparations for the 2018 World Cup	HC 1011
Tenth Report	Global Britain and the Western Balkans	HC 1013
Eleventh Report	UK arms exports during 2016	HC 666
Twelfth Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention	HC 1005
Thirteenth Report	Global Britain: Human rights and the rule of law	HC 874
Fourteenth Report	Global Britain: FCO Skills	HC 1254
Fifteenth Report	Global Britain and the British Overseas Territories: Resetting the relationship	HC 1464
Sixteenth Report	China and the Rules-Based International System	HC 612

Seventeenth Report	Fragmented and incoherent: the UK's sanctions policy	HC 1703
Eighteenth Report	Building Bridges: Reawakening UK-India ties	HC 1465
Nineteenth Report	Stemming the flow: An urgent look at tackling a culture of leaks	HC 2541
Twentieth Report	Global Britain and South America	HC 1617
Twenty-First Report	"Media freedom is under attack": The FCO's defence of an endangered liberty	HC 1920
First Special Report	The United Kingdom's relations with Russia: Government Response to the Committee's Seventh Report of Session 2016–17	HC 322
Second Special Report	The UK's relations with Turkey: Government Response to the Committee's Tenth Report of Session 2016–17	HC 333
Third Special Report	'Political Islam', and the Muslim Brotherhood Review: Government Response to the Committee's Eighth Report of Session 2016–17	HC 334
Fourth Special Report	Violence in Rakhine State and the UK's response: Government Response to the Committee's First Report	HC 868
Fifth Special Report	The future of UK diplomacy in Europe: Government response to the Committee's Second Report	HC 918
Sixth Special Report	Kurdish aspirations and the interests of the UK: Government response to the Committee's Third Report	HC 983
Seventh Special Report	2017 elections to the International Court of Justice: Government response to the Committee's Fourth Report	HC 1012
Eighth Special Report	Article 50 negotiations: Implications of "No Deal": Government response to the Committee's Ninth Report	HC 1053
Ninth Special Report	The UK's response to hurricanes in its Overseas Territories: Government response to the Committee's 5th Report	HC 1052
Tenth Special Report	Global Britain: Government response to the Committee's 6th Report	HC 1236
Eleventh Special Report	Global Britain and the 2018 Commonwealth Summit: Government response to the Committee's 7th Report	HC 1427
Twelfth Special Report	Moscow's Gold: Russian Corruption in the UK: Government response to the Committee's 8th Report	HC 1488
Thirteenth Special Report	The FCO's preparations for the 2018 World Cup in Russia: Government response to the Committee's 9th Report	HC 1507

Fourteenth Special Report	Global Britain and the Western Balkans: Government Response to the Committee's Tenth Report	HC 1572
Fifteenth Special Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention: Government response to the Committee's Twelfth Report	HC 1719
Sixteenth Special Report	Global Britain: Human rights and the rule of law: Government response to the Committee's Thirteenth Report	HC 1759
Seventeenth Special Report	Global Britain and the Western Balkans: Supplementary Government response to the Committee's Tenth Report	HC 1760
Eighteenth Special Report	UK arms exports during 2016: Government Response to the Committees' First Joint Report	HC 1789
Nineteenth Special Report	Delivering Global Britain: FCO Skils: Government Response to the Committee's Fourteenth Report	HC 1937
Twentieth Special Report	Global Britain and the British Overseas Territories: Resetting the relationship: Government response to the Committee's Fifteenth Report	HC 2174
Twenty-First Special Report	China and the Rules-Based International System: Government Response to the Committee's Sixteenth Report	HC 2362
Twenty-Second Special Report	Building Bridges: Reawakening UKIndia ties: Government Response to the Committee's Eighteenth Report	HC 2633
Twenty-Third Special Report	Fragmented and incoherent: the UK's sanctions policy: Government Response to the Committee's Seventeenth Report	HC 2642
Twenty-Fourth Special Report	Stemming the flow: An urgent look at tackling a culture of leaks: Government Response to the Committee's Nineteenth Report	HC 2681