

[Transcript] The News Agents / Is Suella prepared to break international law?

This is a global player original podcast.

The need for reform is obvious and is urgent.

This government has not sat on its hands, Mr Speaker.

No, it certainly hasn't sat on its hands.

It's tried endless measures to stop the flow of small boats crossing the channel and with each new measure, so the numbers of boats making the crossing increase exponentially.

They have been in government for 13 years and over that time, well, really in the last sort of five or six, actually, the Guardian reckons they've come up with about 40 ideas.

So we've chosen a few of our peachy favourites.

I quite like the patrol on skis, do you remember the jet skis?

That was September of 2020, there was the bid to send asylum seekers to Moldova and or Papua New Guinea.

Those are good.

One of the ones I really liked was when Pretty Battelle said that they were going to use the navy to block crossings before boats can enter British waters.

I mean, I don't know how many British Navy vessels she thinks.

The Royal Navy.

The Royal Navy would be deployed across the whole of the English Channel and still wouldn't get them.

There was also the social media blitz, there was going to be Facebook ads to warn migrants.

I think they spent, what, £90,000 on the ads for that.

That didn't work.

And then there was the Twitter diplomacy embarked upon by Boris Johnson, where there had been talks with the French government over what might happen and the British government put up the five point plan that it wanted to pursue, which led to the French disinviting Pretty Battelle from further forks with a va te faire encouler.

Oh, very nice.

Last one.

They did try and prosecute asylum seekers themselves for steering dinghies, saying that anyone who is actually steering the thing then became automatically a people's smuggler, even if they weren't doing it for commercial gain.

We could go on.

We will go on shortly because we're going to be talking about Soella Braverman's newest, latest, freshest attempt to stop small boats.

And just what that means for our position with regard to international law now.

Welcome to the news agents.

The news agents.

It's John.

It's Emily.

And it's Lewis.

And a short time ago, we had in the House of Commons, Soella Braverman, the Home Secretary setting out the new plan for dealing with the scourge of boats crossing the channel.

And there's no doubt it is a huge problem and one that I'm sure vast sections of Middle England and Middle Britain feel deeply concerned about.

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And there is a need for action.

But as we've just discussed, there's been no shortage of action.

There has just been a paucity of results.

Yes.

And it's very hard to know what people are worrying about most.

Is it that they actually think the country is being overrun by rivals in small boats?

Is it a sense of injustice that they think they're not coming from war-torn countries?

They're coming from Albania or places in the EU where they're just looking to make a better economic life?

Or is it that they are responding to an inflamed sense of the tension that this government is talking about when it says you should be very worried by the numbers?

This is the problem the government consistently finds, which is that there is absolutely no doubt.

Look, we talked about it a couple of weeks ago.

When I went to Rotherham and the protests outside the asylum hotels, this is intensely felt.

And there is no doubt that last year, there were over 45,000 arrivals by small boats.

Conservative MPs are absolutely adamant something has to be done.

It's a big problem for the Conservative electoral coalition.

It would be a big problem for Labour if they were there.

But in a way, this is a sort of un-virtuous or horrible circle.

The government time and time again says something has got to be done about this.

It's an enormous problem.

Nothing happens.

People get angrier.

Then they have to say again, something's got to be done about this.

It's an enormous problem.

Nothing happens.

So the problem for Sunak is, and it was the same for Johnson, every time they propose that they want to do something about it and it doesn't happen, it just makes things worse.

And bear in mind, right, Suella Brouham was in the House of Commons today basically saying this is going to require a new bill to make this even tougher.

We've just had the Nationalities and Borders Bill go through Parliament under Preeti Patel and Boris Johnson.

That was their legislative action that was said that was going to address this problem.

It was going to be tougher than ever before.

What happened to the small boats?

They've continued.

And the danger is, is that, well, I mean, you know, we can talk about why this particular scheme and what she's proposing is problematic.

But you know, the idea is you keep flying a kite and you keep saying that we're going to do something about it.

And all you're actually doing when you don't do anything is advertising your own inability to actually get anything done, which not only makes you look stupid, but it makes the passion

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about the problem even more inflamed.

Yeah.

And this stands in such contrast to a lot of what Rishi Sunak has prioritised, which is to under promise and over deliver.

And with this particular policy, you feel that there is the over promise we're going to stop all small boats.

But being able to deliver it has been proven to be very problematic.

Let's hear Suella Broughman as she was trying to set out her stall in the Commons a short time ago.

For a government not to respond to waves of illegal migrants breaching our borders would be to betray the will of the people we were elected to serve.

Now the small boats problem is part of a larger global migration crisis.

In the coming years, developed countries will face unprecedented levels with pressures from ever greater numbers of people leaving the developing world for places like the United Kingdom.

Unless we act today, the problem will be worse tomorrow and the problem is already unsustainable.

So what Suella Broughman is setting out there is a brand new attempt to control a problem that has grown fundamentally.

And one of the reasons it's grown, you could argue, is because safe routes to the UK do not exist anymore except for those who are invited, if you like, from three countries, from Afghanistan, from Ukraine and from Hong Kong, where there is an actual visa system in place.

But what she's not explained is how this new idea that she's had today, which is essentially not only to make everyone arriving here illegal, but to ban them from ever applying again, will actually take place.

What she's said today is that the fast of accommodating migrants in hotels must end after the first 28 days of detention.

What she hasn't said is what happens after that 28 days.

Because it puts a duty on the Home Secretary, her in other words, to remove the entrance to everyone who comes in except for those under 18, i.e. children, or those who are medically unfit, or those who are at serious risk of harm.

Now, most people, presumably, will argue that they are at serious risk of harm if they are returned.

Otherwise, they wouldn't have attempted to do an incredibly dangerous channel crossing in the first place.

So that's a whole new round of legal arguments and lawyers and solicitors.

What happens to them?

We literally do not know the answer to that.

If you listen to the whole statement that Swela Braferman gave, she was asked that question repeatedly.

So where do they go after 28 days?

What are you going to do with it?

I mean, even if the legal challenges fail and people can be taken to Rwanda.

We didn't even mention Rwanda in our list of attempts because that's still ongoing.

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It is quite a big one.

This is the point, right, is that it seems to me that there are three big impediments to this happening.

One, John, you just alluded to it, Rwanda actually needs to work.

Right now, it isn't working.

It isn't happening.

You need somewhere to send them.

And Rwanda, which is the last government's big idea, isn't happening because it's being bogged down in the courts.

And just to remind people, I mentioned it before, but we've already been through Moldova, Morocco, Papua New Guinea.

I mean, there's a sort of brand new country that you've slightly forgotten about before Rwanda came on the surface.

Well, quite.

And then you've got the question, this is, as I say, going to be a whole new bill.

We saw what happened with the Nationality and Borders bill.

It took a long time to get through Parliament.

This is now going to have to start the whole parliamentary process.

It's going to get mended to death in the Lords.

When does it get Royal Assent?

And then you've got the wider legal problems with the court, and in particular, the European Convention on Human Rights, which Rishi Sunak and Soella Bravman have hinted at or alluded to the idea that maybe if this were to fall foul of the ECHR, then you would be in a situation where maybe the government would withdraw from it.

But that would be a huge, huge moment in terms of Britain's foreign policy, particularly at a time, John, when, as you say, it cuts totally against the overall tone that Sunak is trying to strike.

The other question that Emily and I debated when we were listening to the statement, Soella Bravman talked about, we will introduce these policies in line with our international obligations.

I've got the exact wording here.

She said, the UK will always seek to uphold international law.

And I'm confident that this bill is compatible with international obligations.

So the question is, is that a categorical statement that they will stay in the European Convention on Human Rights, or have they left themselves some wiggle room whereby they could just say, well, we've tried, but we can't do it.

I think this is politically fascinating because there are some in Rishi Sunak's party, particularly the Dominic Robs of this world, who think, oh, go ahead, just break the UN Convention.

The UN Convention was brought in in the 1950s, post World War II, post Holocaust.

It's nothing to do with the European Union.

It's nothing to do with the European Union, but it was brought in as a way of responding to all those homeless people and a European Holocaust in the 1950s.

There are some Conservative MPs now who think, actually, we've moved on, we're past it.

There are others who say, oh, my God, what does that make us look like if we no longer abide by a UN Convention?

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And I think what Rishi Sunak is doing here is plotting a really delicate, intricate path whereby he doesn't want to actually break it, but he wants to sail as close to it as he possibly can and see what happens.

But there are Tory MPs who see it as the kind of last bastion of European entanglement with British law.

Now, that isn't the case for reasons you've already alluded to, Emily, but that's how they see it.

And you see voices on the wider Conservative right, like Nigel Farage, always never far from the surface, who are doing exactly the same.

But you've already alluded to it, Emily.

The fact is, if this bill were to go through in the way that Braverman has described it, I mean, let's make no mistake, for all intents and purposes, it would be removing Britain from the international asylum regime.

Right.

You know, you would basically not be able to claim asylum in Britain unless you were invited to do so by the British government.

Now that is just not really how international asylum law and precedent has worked for the last 70 or 80 years.

Or say, do we want to be that briar country that says...

Well, we're with Russia and Belarus.

What are the optics of that?

Well, also, it's not our problem, Jack.

I mean, according to the UNHCR, 70.8 million people forcibly displaced right now.

It is not in an era of general political instability, worldwide political instability, surprising that a percentage of those people end up on British shores.

The Braverman-Sunak approach, if it were to be executed, would effectively say, well, it's not our problem.

It's going to be someone's problem.

I guess the fundamental question, though, what Sunak and the Braverman will be calculating is this may come at a very hefty price and our reputation may be solid, but if it works, screw it.

And I guess the question that has to be addressed is, will it work?

Is this what is going to make the difference now for people smugglers to think, oh, I better not do this, or for a refugee from wherever in the world where they're escaping the most awful grinding poverty, thinking, oh, my God, I mustn't get on a small boat.

No.

But the key thing, and a lot of, we're going to hear from Evette Cooper in a moment because this is the Labour shadow home office response to Suella, but I think the key thing that comes across with where we are at the moment as a nation is our sense of isolation.

We used to return many, many more people to France.

That relationship's broken down.

We used to have return agreements.

Those relationships are broken down.

It's all very well saying, I want my sovereignty.

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I want to have our independence.

Oh, it's Independence Freedom Day.

And then you turn round and you think, where are all those allies that were going to help us solve the problem?

They don't exist anymore.

Well, this morning I was with a very senior conservative who had to grapple with these issues at one stage, who said to me that, listen, the government is right to throw everything at this and probably right to do what Suella Broughamann has introduced today.

But don't be under any illusions.

The most important thing is going to happen on Friday when there is an Anglo-French summit and Rishi Sunak is going to be sitting down with Emmanuel Macron.

If those two can get an agreement in the way that going back 20 years, David Blunkett, when he was Home Secretary, got an agreement with Sarkozy, who was then the French Interior Minister, then you might make real progress on this, on right of return of refugees and closer cooperation.

But for too much of the time, the British government has been throwing rotten eggs at the French in public, as you have to say, it's all your fault.

That doesn't help get anything done at all.

It might buy you a good headline in the Daily Express and the Daily Mail.

But as a concrete piece of policymaking, it's rubbish.

You two said it on the news agents last week, though, that I think I did my run in the Atlas Mountains to your dulcet voices until I got outside the Wi-Fi and then it didn't work.

But I think there was a point at which Rishi Sunak realised that whilst the Windsor framework is absolutely fundamental to moving us on, it's also a gateway to better relations with France, with Europe.

Rishi Sunak gets that, doesn't he?

And so if what he did last week just opens that crack for a slightly warmer handshake, one of those Macron sort of arm hugs, then it will all have paved a quite significant way for something that voters probably do care about much more than the transportation of sausages.

Well, let us now consider the Labour response to this, because this is not an easy one for Labour.

Because Labour is very attuned to the anxiety felt by a lot of people in this country about the site of boats just coming up onto British shores with asylum seekers or illegal immigrants or call them what you will.

And so Yvette Cooper had to navigate that, but mainly it was an attack on the government's handling of this so far.

The Home Secretary has said anyone who arrives illegally will be deemed inadmissible and either returned to the country they arrive from or a safe third country.

Only that wasn't this Home Secretary.

It was the last one.

And that wasn't this bill, it was the last one, passed only a year ago which did not work.

I think the big question for Labour is whether they fundamentally think, yes, everyone can

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say small boats is a problem because that's about people smugglers and it's about people risking their lives and dying in the channel.

But does Labour fundamentally think there's a problem with more people coming here?

Because if you listen to refugee crisis they'll say actually Britain takes a very small percentage of refugees in Europe and that isn't actually a numbers problem at all.

Labour politically won't say that out loud, but they do have to work out which side of this argument they're on.

Do they want to stop immigration completely or do they not?

They're on the side of the government's making a mess of it and they're trying to ride that horse for as long as they can on loads of issues.

Actually, this is just one of those issues, as we've discussed before, Stammer actually so often will try and take the politics out of stuff and basically adopt the kind of managerialist kind of thing.

But I mean, he talks to Labour people as well.

They are very conscious that in 18 months' time it's going to be their problem.

This could well be their problem.

Well, in a moment we're going to be speaking to Jack Straw.

He was Labour's Home Secretary from the time they were elected in 1997 until 2001.

And we're going to be asking him what he would be advising Keir Starmer to do now.

This is The News Agents.

Welcome back.

I'm very happy to say that we are joined now by the former Labour Home Secretary, Jack Straw, who was Home Secretary from 1997 to 2001 and then became Foreign Secretary.

So he knows his way round some of these immigration problems.

Do you think what Suella Braverman has announced today will solve the issue of these small boats?

No, I don't.

And I was trying to work out against the background of 12 and a half years of failure on immigration policy, why they'd suddenly done this.

It'll take them months and months and months to get the legislation through.

There will be legal challenges and quite shortly we'll be facing a general election.

And I can only assume that they are planning for failure and what they hope to do is to put the Conservative Party on the sides of patriotic people against the forces of darkness in the metropolis, in the BBC and now News Agents.

Jack, forgive me for interrupting.

I'm just going to explain to those who are listening rather than watching that you said patriotic people with an ironic twist.

Inverted commas.

You're talking about pleasing the right of the Conservative Party, presumably.

I am pleasing the right of the Conservative Party and its supporting newspapers and setting themselves up for a fight with the courts.

And after all, it's not so long ago that the Daily Mail described a Supreme Court as quotes enemies of the people.

So it's hard to think of a less thought-through policy, I mean, there are plenty of candidates

for that.

It is really difficult running immigration centres because the people in immigration centres are detainees, they're not convicted criminals.

So you have to be really careful about ensuring that they're accorded rights.

But apart from anything else, there are not the detention centres available to detain these people.

So I think it's likely to fall apart pretty quickly.

Jack, you said they're detainees, not criminals.

Obviously, that depends on where you put the definition because we heard Suella Braverman already call them illegal migrants.

And I'm wondering whether you think that we are about to, going to, break the UN Convention on Human Rights, which obviously decrees that anyone has the right to arrive on these shores and try to seek asylum.

If we're going to get the wrong side of that now.

I think we will.

And the truth is, some people who claim asylum come in as visitors, having promised they'll return.

And then they break the terms of that.

Others, they're smuggled in one way or another.

When I was home secretary, it used to be in Lorries, that's been so closed down that now it's small boats.

But the UN Convention on Refugees is designed to deal with a situation where people break through borders in order to go to safety.

Now, it's true that some of the people coming in, namely the Albanians, are not coming from an unsafe country and they are facilitated by criminals and they need to be sent back as quickly as possible.

But the overwhelming bulk of people who come in are from Iran, Iraq, Afghanistan, Syria and you can't send them back.

Jack, you suggested that Rishi Sunak is trying, if you'd like, to leave a trap for a new Labour government.

It is a real problem for Labour this, because everyone can agree that small boats is a problem in the sense that you don't want people dying at sea, you don't want people traffickers, you don't want criminal gangs, but at the moment Labour is just saying this won't work.

What we don't know is whether they think that as a country we could handle more asylum seekers, we could handle growing numbers.

Should they make that clear?

Well, I don't speak for the Labour front bench anymore, although I think the Divet Cooper, the shadow home secretary, did a brilliant job in the House of Commons today.

Members in government, as this lot have found over the last 13 years, as numbers of asylum seekers have shot up, you've got to cope with the situation as it is and hardly the number of asylum seekers you get is a function of overseas conflicts, Afghanistan, Iraq.

And nothing can do about that and that will affect the whole of Europe, including us.

But what you can do is speed up the process.

This government, in its early years particularly, slashed the budgets of the Home Office.

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But forgive me, Jack, they could turn round and say, well, Labour caused the Iraq and Afghanistan wars, so no wonder you unsettled so many people in that part of the world. Well, you could say that, and I'm happy to debate that, although let me just tell you that they supported in larger numbers both those wars than those who were free to vote within the Parliamentary Labour Party.

But the fact that it turns out that it takes one case worker a week to deal with a case is frankly just ridiculous.

Other countries get through these more quickly.

But Jack, isn't there a problem that you've got, that if the Tories are setting a trap, it might be quite effective?

It might well chime with an awful lot of people that this is a huge problem and Labour just can't decide where it is on the argument on it.

I don't think you'll get Kerstina or Yvette Cooper being indecisive about what we do when we come into government.

Yvette and Keir have always been very clear, as the Parliamentary Party has been.

You've got to have effective rules to control and abuse of the immigration system.

And you've also got to make arrangements to improve its administration.

But a lot hangs on abuse, doesn't it?

I mean, are people abusing the system if they come looking for asylum?

That's what Labour's got to decide.

Well, if people have a right under the 51 convention to asylum, they should be given it.

If they don't, they should be returned as soon as possible.

Now, one of the countries, which is providing at the moment the single largest number on the boat is Albania.

Albania is a perfectly safe country.

They are just pushing their luck, the Albanian criminal gangs.

We need to speed that process very rapidly indeed, because that is simply an abuse.

There are one or two other countries where there are some people who claim asylum from India or Bangladesh, and although people may not like living in those countries, they normally can find somewhere to live, which is perfectly safe.

But other than that, we are going to have to do our share of coping with the genuine asylum seekers who come from countries which are in the most terrible circumstance and where people, basic human rights and our worst right to live and not to be incarcerated without any reason, are protected.

Jack Straw, grateful to you.

Thank you very much indeed for being with us.

And coming up after the break, we'll be talking about the human angle on all of this.

This is the news agents.

Before we go, I'm very conscious that we've talked a lot about the policy and the party political fight over this and who comes out on top.

What we haven't spent much time talking about are the people at the heart of this, the people who think it is worth making that perilous journey across the English Channel in all weathers at great human risk, because they calculate that whatever horrors lie ahead

of them, it was worse where they had come from.

Does this tackle the motivation of people to cross the channel in this way?

I think in the short term, the answer has got to be no, partly for the reasons that we described, which is that actually when you go to the camps in northern France and you talk to people there, they're very aware of things that are going on in Britain.

The people who've helped in their refugee groups and so on, they're actually informing them what they knew.

I mean, the last time I was there, they knew about the Rwanda Plan.

They also knew that the Rwanda Plan was very unlikely ever to happen, or certainly happened in the near future.

Just on an efficacy point, it doesn't really work.

I think there's a wider point to this that always gets missed.

We've talked about it a little bit on the show before, but whenever you're there, and I remember being there in November 2021, the night after 27 people had died on the English Channel, I mean, you were there as well in Dover.

We did a whole special on TV about it, and I was in northern France.

I remember saying to people at the time, well, surely, I mean, you know some of the people who were even on that boat, surely, you're not going to go tonight.

You're not going to try literally the next night, and they say, oh, brother, God willing, I'll make it.

And there is this sense, I mean, and it is really hard to grasp, and you never get it in the papers in the way that it's written up.

There is this sense of providence.

There is this sense among some of them, and I know some people will say, look, some of them are economic migrants, and okay, some of them probably are, but you've also got to accept, if one accepts that, that some of them are refugees.

They are from war-torn, politically appalling places, and they have fled from appalling situations, often where their life has been in danger or where their families have died.

And there is just this sense for these people that they have got so far, partly because God is on their side, and this is just the channel, by comparison to some of the barriers and the problems they've had to overcome hitherto on that journey.

The channel is nothing.

Yeah.

Providence or desperation.

Yeah.

You could call it whatever you want.

But this morning, we have a kind of editorial meeting where we hash out the ideas for the day, and Emily, you were rushing off because you were going to a citizenship ceremony.

Completely coincidentally, I was invited to be a witness to a friend who's just got

UK nationality citizenship, and I think it's important just to try and explain the route and the length and the cost that people who do it legally go through, and this was a man who was a human rights advocate in the Philippines.

He was working with Indigenous Peoples groups when Duterte, the Trump of the Tropics as they call him, got elected and started threatening his life.

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So he came here on a spousal visa and was lucky, was one of the lucky ones.
But at that point, he started a journey which then took him seven years.
It cost him £1,800 for his first visa extension.
It cost him £2,500 for indefinite leave to remain.
It then cost another £1800 for citizenship, and then you've got the solicitors fees on top of that.
He's got another friend who's going through the same process.
She's nine years in, and after ten years, she gets allowed indefinite leave to remain, but they're just about to change the laws.
So she might have spent all the money and wasted nearly a decade on a system which is now going to refuse her.
So it's just to give you an indication when people talk about, oh, why don't they do the legal route?
Why don't they just come on the visa?
Why don't they apply and get to the back of the queue?
That's why.
It could be taking a decade of your life and costing you £10,000 that you really don't have.
If there even is a legal route.
If there even is one.
Which often there's not.
We'll be back tomorrow.
I have a feeling we'll be back to this subject in the not too distant future.
Thanks for listening.
Bye-bye.
Bye for now.
Bye-bye.
This has been a Global Player original podcast and a Persephoneka production.