



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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Home Affairs

House of Lords Committee Debate

Committee Stage: Economic Activity of Public Bodies (Overseas Matters) Bill

... col 536 **Baroness Noakes (Conservative):** ... I would ... like to comment on Amendment 46A, from the noble Lord, Lord Collins ... I could not understand why the noble Lord has chosen UN-related documents to refer to when trying to put what he calls “established investment principles” into the Bill. The UK Government have already announced a series of actions that they have implemented in relation to the UN guiding principles on business and human rights, much of it already in legislation ... we do not need to refer to a UN document to get any further on investment principles; they have already been interpreted by the UK Government.

Furthermore, we already have a perfectly good Stewardship Code in the UK, issued by the Financial Reporting Council, which deals with ESG [Environmental, Social, and Governance] matters. I do not believe the Bill alters that at all, so long as ESG principles do not acquire a territorial dimension. ...

The UN principles of responsible investment are not even issued by a UN body: it is a private body that issues them. Those principles have no standing whatever in the UK, except to the extent that UK-based signatories sign up to them. In my view, it is a rather odd thing to be putting into the Bill to define investment principles.

The UN Human Rights Council, which owns this territory, is, like most of the UN, including the General Assembly, pretty anti-Israel. I have an underlying concern that using these UN-affiliated principles—to use a shorthand—is just another way of allowing divestment

decisions in relation to Israel by the back door. I am sure that the noble Lord, Lord Collins, does not intend for that to be the effect of his amendment, but I have a fear that it will be the outcome of it.

col 537 Lord Collins of Highbury (Labour): ... if the purpose of the Bill was to stop BDS campaigns, it should have been about that. Our problem—and my noble friend's problem—is that it is going to be much broader in scope ...

Baroness Noakes: I accept that this goes beyond the narrow BDS campaign that has been focused on Israel. Nevertheless, it is a concern for a number of us that the Bill will be effective as regards its impact on actions by UK public authorities towards dealings with Israel, which is why I raised it.

To finish, my concern on this score was underlined by the action of the UN human rights special rapporteur on the Occupied Palestinian Territories. This person wrote to the Local Government Pension Scheme in 2021 with a “request for action”, which included divestment from companies that are involved in the Occupied Territories. Here we have someone associated with the UN Human Rights Council telling our Local Government Pension Scheme to carry out divestment activities. That is why this whole area is so concerning.

Lord Collins of Highbury: How does the noble Baroness think that that advice—I have not seen it—compares with the advice of her own Government in relation to the Occupied Territories?

Baroness Noakes: ... The Government highlight the risks associated with dealings in relation to the Occupied Territories but do not call for divestment. Very explicitly, that is not the case.

Lord Collins of Highbury: Is not the noble Baroness making my point? It is a risk which the Government have highlighted in their own policy on the Occupied Territories. They are illegal, and have no legal status, and that investment could be at risk. ...

col 539 Lord Hannay of Chiswick (Crossbench): ... this is another of the points at which this legislation's handling of Israel arises. The issue is the elision that has been made by the Government between the State of Israel and the Occupied Territories—the West Bank, the Golan Heights and east Jerusalem. Within the Occupied Territories there is a mass of illegal settlements, which the international community and the British Government regard as illegal. A whole rash of outposts have now been established from those settlements, which are also illegal. The elision between the State of Israel and the settlements is causing infinite trouble to this Bill, and I hope that the Minister will find some way to sort this out, because it really needs to be sorted out.

There is no disagreement, between the Government and those of us who wish to see this sorted out, about the settlements in the West Bank, Golan and east Jerusalem. We all agree that they are illegal under international law. I think we therefore agree—the Minister was very clear about this at Second Reading and when it came up in earlier amendments—that for British companies, pension funds or whatever else to invest in those illegal settlements, even unwittingly, would be to create an illegality. Presumably, the Government do not want a British company or a British pension fund to do that—and I hope that we would not want it either.

These amendments would make it somewhat easier for the bodies covered by the Bill to make sure that they were not being drawn into illegality in any way and thus acting in a way that would be contrary to government policy. I hope that the Minister will give careful consideration to the issue, because I am afraid that the elision between the State of Israel and the Occupied Territories is really damaging to the Bill's prospects. ...

col 544 Lord Collins of Highbury: ... It is important to have a consistent approach to the advice we give. This comes back to a point that has been raised during consideration of a number of groups: we should not single out a country. That is why BDS is so wrong; we should not hold Israel to a different standard from other countries. But addressing that

problem does not therefore mean that we can allow human rights and other abuses to be put lower down the agenda. That is what the Bill does and why we seek these changes. ...

col 545 The Minister of State, Cabinet Office (Baroness Neville-Rolfe): ... I will set out why it is so important that the administering authorities of LGPSs [Local Government Pension Schemes] are captured by the Bill. It is not a manufactured problem ... Administering authorities come under frequent pressure from external pressure groups such as the Palestine Solidarity Campaign and the BDS movement to engage in BDS campaigns. We saw a notable example in 2021, when a UN special rapporteur wrote to the administering authorities of LGPSs demanding divestment from a number of Israeli companies. ... The demands cited the LGPSs' ability to play a transformational role. We have also seen the BDS campaigners take credit for some decisions by administering authorities of LGPSs to divest from Israeli companies. For example, campaigners took credit for a decision by East Sussex Pension Fund to divest from an Israeli company. Amendment 27, tabled by the noble Baroness, Lady Drake, would ensure that the ban does not hinder the ability of public authorities to consider financial risk and impact in their investments in a way that is influenced by moral or political disapproval of foreign state conduct. The Government agree with the policy intention of the noble Baroness's amendment ...

However, having looked into the matter, we remain of the view that the Bill as drafted does not prevent public authorities being able to assess the financial and political risk of investments. The exception for considerations reasonably relevant to financial value and practical utility ensures that public authorities, including the administering authorities of LGPSs, will be able to make commercially viable decisions. ...

Lord Warner (Crossbench): ... Does this mean that, if my local authority pension scheme ... decided that an investment in Israel was risky and put the members' money at risk, it could disinvest because it was risky, but not for any other moral grounds? Is that still permitted under this legislation?

col 546 Baroness Neville-Rolfe: I will cover that later ...

The Government believe that it is right that companies that have been the target of boycotts and divestment campaigns can challenge these decisions through the courts. There are safeguards in place to prevent undue or nuisance claims. None the less, the number of examples of administering authorities participating in BDS campaigns is relatively small; therefore, we do not anticipate a large burden on the courts. ...

The Bill contains an exception to the ban for considerations that a decision-maker considers relevant to the financial value or practical utility of an investment. Therefore, it would not prevent public authorities asking companies in which they invest to consider matters that they consider may affect the long-term value of their investments.

col 547 I understand that the noble Baronesses, Lady Blackstone and Lady Janke, are concerned that this position conflicts with the Government's wider policy on stewardship. We do not consider this to be the case. This is an extremely narrow Bill that will place restrictions only on the ability of the LGPSs' administering authorities to make territorial considerations in their investment decisions that are influenced by moral or political disapproval of foreign state conduct. LGPSs' administering authorities will still be able, through effective stewardship, to exert a positive influence on investee companies to promote strong governance, manage risk, increase accountability and drive improvements in the management of environmental, social and corporate governance issues. ...

Amendment 46A ... would provide that a pension fund in scope of the ban can make territorial considerations influenced by moral or political disapproval of foreign state conduct when making decisions in line with certain investment guidelines published by the UN. The Bill will apply only to campaigns that target countries and territories specifically, and therefore will not prevent the adoption of ESG requirements that are not specific to a country, such as modern slavery requirements. For example ... the Bill will in no way

prevent the LGPS administering authorities divesting from fossil fuels, as long as this policy is applied to all countries and territories consistently. Similarly, the Bill will not prevent the administering authorities divesting from companies implicated in human rights abuses, provided the policy is applied to all countries, rather than identifying particular countries or territories.

The Bill will not prevent LGPS administering authorities making a decision in line with guidelines published by the UN, as long as this does not entail the public authority having regard to a territorial consideration in a way that indicates moral or political disapproval of foreign state conduct. For example, the Bill will not prevent public authorities having a policy to comply with all UN sanctions or UN Security Council resolutions, as that is not a territorial consideration. However, the policy must be genuinely non-country specific—

Lord Collins of Highbury: Can the Minister specifically address the contribution from the noble Lord, Lord Hannay, in relation to territorial extent? I have in mind, because it was raised in other groups and discussions, companies that attempted to have factories or investments in the Occupied Territories and might then have withdrawn from those investments. ... If a company decides that it will open a plant in the Occupied Territories and will not have the benefit of legal protection under international law, and it would be contrary to the advice the Government have given, and if a local government pension scheme then said, “Well, that company is putting our investment at risk and therefore we will disinvest”, would that be legal under the Bill?

col 548 **Baroness Neville-Rolfe:** I can confirm that LGPSs will be allowed to divest from, say, the settlements or Israel if the sole reason is that the investment is financially risky. It is if it is caught by the flavour of the Bill that we run into a problem—

Lord Collins of Highbury: It is important for clarification because the Government’s own advice says “It’s risky because it’s not legal and therefore won’t have that international law protection”. So it is very good if the Minister is being absolutely clear in relation to the Occupied Territories.

Baroness Neville-Rolfe: Perhaps I could just finish on the other points. It makes perfect sense to ensure that, when having regard to ESG requirements, these are applied consistently by LGPS administering authorities and do not single out particular countries or territories—because it is the latter that will breach the ban ...

Lord Hannay of Chiswick: I am slightly puzzled by the Minister’s statement that the Government wish to avoid any territorial connection, since the Government themselves have placed large chunks of territorial description in the Bill. ... After all, it is the Government who have put down a Bill that talks about Israel and elides Israel with the Occupied Territories, the Golan Heights, east Jerusalem and the West Bank. Although they have confirmed their view that the settlements in all those areas are illegal, and therefore that investment in those settlements would be illegal too, it is the Government who are specifying this matter territorially. By all means, take the whole lot out—that would be fine.

Baroness Neville-Rolfe: As I was trying to explain, the important point is that it depends on the motivation for the decision. The Bill would prohibit only investment and procurement decisions that would appear to a reasonable observer to be influenced by moral or political disapproval of foreign state conduct, and have a territorial element. It would not prevent public authorities making any other kind of territorial or practical business considerations. ...

col 549 **Lord Warner:** I am sorry, we are getting very confused ... as to what is the issue of risk. If a country—let us forget the names of the countries in the Bill—has a reputation for unrest and uncertainty, the cautious trustees of a local government pension scheme are highly unlikely to want to put their members’ money at risk. Where we have a situation in, say, a number of Middle Eastern countries where that is the position, they would, quite reasonably, in pursuit of their fiduciary responsibilities, not invest in those countries. So

they would presumably be documenting that the reason they were not investing in those countries was the risk at which it would put their members' money. Is that the position? As long as they show that that the reason they have made investment decisions to disinvest from, let us say, Israel or the Occupied Territories, is because it puts at risk their members' money, is that okay under this legislation?

Baroness Neville-Rolfe: To confirm, I think that is what I said a couple of minutes ago. The sole reason must be that it is financially risky—that it is business risk guidance, not boycotts. ...

The administering authorities are local authorities, which are clearly a core part of the state and are therefore public authorities for the purposes of Section 6 of the Human Rights Act. That is why they are the only pension funds captured by the Bill. We have seen clear examples of local authorities attempting to engage in BDS activity in the past. It would not be appropriate to apply the ban to funds administered by private entities, such as the Universities Superannuation Scheme.

col 550 As I have argued before, council tax payers should be able to expect their local councils to exert time and effort on solving local issues, rather than spending time thinking about boycotts of foreign states ... If the Bill were to stand without Clause 12, councils coming under pressure to develop their own policies on divisive international issues would be pushed towards an LGPS loophole to implement BDS campaigns. ...

House resumed.

To read the full transcript see

[https://hansard.parliament.uk/lords/2024-05-14/debates/D6D666B0-4E44-4FC3-A6E8-1EF475CB7DE7/EconomicActivityOfPublicBodies\(OverseasMatters\)Bill](https://hansard.parliament.uk/lords/2024-05-14/debates/D6D666B0-4E44-4FC3-A6E8-1EF475CB7DE7/EconomicActivityOfPublicBodies(OverseasMatters)Bill)

Committee continued.

col 571 Amendment 30

The Schedule, page 13, line 5, at end insert “and conventions, including the Genocide Convention, the Universal Declaration on Human Rights or any United Nations Security Council Resolution supported by the United Kingdom.”

Lord Henty (Labour): ... The paragraph ... permits a decision-maker to take into account whether the decision might put the UK in breach of its obligations under international law. ...

The amendment would make it clear that the decision-maker will be permitted to take into consideration and reject a tender or an investment that the decision-maker reasonably considers might put the UK in breach of its obligations under the genocide convention, the Universal Declaration of Human Rights or any UN Security Council resolutions supported by the United Kingdom. ...

I find it impossible to see what conceivable objection there could be to identifying matters of such grave importance to a law-abiding nation. ...

col 573 **Baroness Noakes:** ... The briefing sent by the Palestine Solidarity Campaign asserted that without this amendment, the Bill could compel public bodies to contravene the genocide convention. This extraordinary statement was explained in the context of the much-publicised opinion of a number of UK lawyers, including the noble and learned Baroness, Lady Hale, that the International Court of Justice had ruled that there was a plausible case that Israel has committed genocide. As the then President of the ICJ subsequently made clear, this is a complete misinterpretation of the ICJ's judgment. Judge Joan Donoghue, the then President of the ICJ, has stated that the court decided that the Palestinians had a plausible right to be protected from genocide and that South Africa had the right to present that claim in court. However, to correct something that is often said in the media, the court did not decide that the claim of genocide was plausible. So the items of international law referred to in the amendment, including the genocide convention, basically have the name “Israel” etched on them. Whether by design or otherwise, this

amendment would simply make it easier for public authorities to find excuses to boycott Israel and it would be very damaging if this amendment were accepted into this Bill. ...

col 574 Lord Verdirame (Non-affiliated): ... Amendment 30 does not really extend what paragraph 6 already does, because the expression “international law” in paragraph 6 includes everything that Amendment 30 mentions. My criticism of it, aside from the points that were discussed on day 3, is that it is just redundant. “Convention” is just another term for “treaty” and “obligations under international law” will include obligations arising under treaties to which the United Kingdom is a party. They will obviously include the genocide convention. The Universal Declaration of Human Rights is not a convention or a treaty but a resolution of the General Assembly, but it is widely believed to reflect customary international law and so is binding on the United Kingdom.

The reference in the amendment to the Security Council resolutions is also unhelpful and confusing. Security Council resolutions will be binding on the United Kingdom provided that they contain decisions under Article 25 of the United Nations charter, because it is the decisions of the Security Council that are binding on member states. Those resolutions will be binding on the United Kingdom, whether we supported them or whether we abstained in those votes.

There are also resolutions that the United Kingdom would have supported on the basis that they were not binding. It would be rather odd if we had a domestic law provision that sought to extend the legal effects of resolutions that were supported by the United Kingdom, in the council, on the basis that they were not decisions under Article 25. So I do not think that Amendment 30 really works. ...

col 575 Lord Wallace of Saltaire (Liberal Democrat): ... I note the argument ... that international law is not simply the law but a broad network of treaties, conventions and agreements to which the UK has become a party. Much of it was drafted in the formative years after the Second World War by British lawyers ... in which we played, as Ministers still like to say, a leading role. ...

We on these Benches would suggest that the Government take back paragraphs 6 and 8 of the Schedule, take into account the criticisms that the noble Lord, Lord Verdirame, and others have made, and consider how we can ensure that these are strengthened and clearer, so that we can all agree that there is nothing in the Bill that encourages denigration of international law. All those involved in taking investment decisions should be quite clear that, in dealing with overseas investments, the framework of international law is one that should always be considered and accepted. ...

col 576 Lord Collins of Highbury: One of the problems, when we look at paragraph 8 and the implications of international conventions and the ILO, is that it is sometimes difficult to put it into concrete examples. ... I think of the debate we had on construction in Qatar and the British companies that were operating in building those sites, where the Qatari authorities were forced to have inspections by the ILO and forced to respond to a report that said their legal standards were not adequate. ... Many textiles supply chains go into, for example, Bangladesh. The biggest fashion industry manufacturer is in Vietnam. The example of the Rana Plaza disaster ... required ILO intervention and British companies to say, “We will not invest”. ...

The fear is that this legislation will stop people making those sorts of decisions, or even expressing those sorts of opinions. ...

It is important that we bring this debate back to some sort of reality. What are we talking about? What are the impacts of these sorts of things? We start off with a manifesto commitment on BDS, and now we are into the territory of saying that there will be a limit on what public bodies can do to ensure compliance with proper labour standards—things that this Government have been strongly advocating for.

col 577 Lord Roborough (Conservative): ... the Government take their obligations under international conventions and UN Security Council resolutions very seriously. This Bill is

consistent with those obligations. ...

Amendment 30, from the noble Baroness, Lady Blower, would exempt from the ban considerations relevant to whether the decision in question would place the UK in breach of its obligations under international conventions, including the genocide convention, the Universal Declaration of Human Rights, and any UN Security Council resolution.

... where a judgment has been made that a party has breached international law, it is for the Government, and not a public authority, to determine the appropriate response. It is right for this Bill not to give public authorities discretion to engage in BDS campaigns based on their own interpretations of international law. ...

I will touch on the genocide convention in particular ... Genocide is a crime and, like other crimes, whether it has occurred should be decided by competent courts and judges, after consideration of all the evidence available, in the context of a credible judicial process. It is the long-standing policy of successive UK Governments that judgment as to whether genocide has occurred is for a competent national or international court to determine, not public authorities.

I reassure the Committee that nothing in the Bill will prevent public authorities complying with the UK's obligations under international conventions. It is not necessary to broaden the international law exemption in this way ...

col 578 In answer to the noble Lord, Lord Collins of Highbury, it is important to note that the Bill does not apply to campaigns that are not country specific. Therefore, nothing in the Bill will prevent public authorities deciding not to do business with suppliers which have engaged in conduct which would constitute a violation of the International Labour Organization, as long as the policy was applied consistently and did not single out a specific country or territory.

col 579 Lord Hendy: ... In relation to Amendment 30, the noble Baroness, Lady Noakes, argued as to whether or not Israel is in breach of the genocide convention. That is really not the issue. What is proposed is that a decision-maker should take into account whether any country is in breach of the genocide convention. The question of the State of Israel is not raised here. Of course, this matter is before the ICJ and I for one would hesitate to say anything about that until the ICJ has reached a decision. ...

... the Minister raised whether it is for the Government or a public authority to decide whether there is a breach. This amendment does not touch on that subject. Whoever makes the decision is permitted to take into account the various conventions listed in the amendment.

col 580

Amendment 33

Clause 4, page 3, line 18, leave out paragraph (b) ...

This amendment would remove the prohibition on a person publishing a statement indicating that they would have acted in a way prohibited by Clause 1 if it were legal to do so.

Baroness Chapman of Darlington (Labour): ... Clause 4 has to be one of the most egregious, nonsensical and unnecessary clauses in the entire Bill and, for that matter, pretty much any Bill that I have ever been involved with bringing through either House.

When I first read this clause—which talks about statements that a public body may make with regard to whether it will be taking a decision on BDS— I thought, “Ah, what the Government are trying to do here is to stop a public body making a statement that could be interpreted as a threat to commit to a boycott, or to divest”. But that is not right. This is a prohibition on making a statement that you are not going to enter into any kind of divestment or boycott decision. This is extremely odd. ...

col 581 We do not apply this to terrorism, child abuse or murder but, for some reason, the Government think it is necessary to put in this Bill that a public body cannot make a statement saying that it will not breach the terms of the Bill. That is extraordinary.

Further, it cannot even be the case under Clause 4 that a public body should be likely to make such a statement that it intends not to break the law. I have never seen anything like this in a piece of legislation anywhere. ... this goes beyond a gagging clause ... This is thought police. This is saying that, even if it is suspected that a public body is likely to make such a statement, it can be subject to an information notice, to penalties and to unnecessary intrusion. I just do not see why it is needed, even if we were to accept—and we do not—that the approach the Government are taking in the Bill as a whole would be successful. ...

Aside from the oddity of this and the fact that it is not really needed, I think I am right in saying that this clause is capable of being applied to elected representatives. I am thinking of positions such as the First Minister of Scotland, Wales or Northern Ireland, where the current postholders are not individuals known for hiding their lights under bushels. Were they to decide that they thought something the Scottish Government were going to do, for example, might contravene the Bill, are we seriously saying that the First Minister of Scotland would be prevented from making a statement explaining their position? I do not think that is viable or the right thing to do. I do not think that is the kind of country we are. col 582 Elected officials ought to be obligated to say where they stand on these issues. If they would have liked to have done something—not that they are going to do it or threaten to do it but had that been their wish—they should be obliged to say that. They should be free to say that. The fact that the Government are asking us to pass a Bill that would prevent the First Minister of Scotland saying what they think is dangerous, unnecessary and not something that we on these Benches would ever support. ...

The Lord Bishop of Manchester: ... Clause 4 represents an attack on free speech. It prohibits even statements that suggest a person would have acted differently had it been legal to do so, even if they make it clear that they are going to act within the confines of the law. It is hard—as the noble Baroness just said—to see this as anything other than a sizeable infringement on that basic right to free speech, which is a cornerstone of our democracy. ...

Free speech should be limited only when it is absolutely essential in order to prevent some very grave harm. I have heard nothing to date to suggest that such grave harm is likely to arise. ...

Having taken a matter of principle, let me now set out why I believe the clause also contains important practical challenges. The Local Government Association has labelled this clause as particularly problematic. The Government say in the Explanatory Notes that councillors are not prohibited from expressing support—including in minutes—but if that is so, why is it not clearly in the Bill? Why not just remove this problematic clause?

Aside from the moral qualms that we might have about limits on freedom of speech, it is difficult to see how this clause could be enforced. It makes councillors particularly vulnerable to challenge when we elect them to give their opinions; they have to be free to do so. I also know, from having served for a good number of years as the independent chair of a local authority standards committee, that it is not always clear when the elected member is acting on behalf of a council or on their own behalf. ...

col 583 We heard at Second Reading the concerns that this will create a culture in which difficult ethical discussions do not take place, because of fears that this clause might be brought into action. ...

Lord Wallace of Saltaire: ... this entire clause should go. The exact phrase in the Conservative Party manifesto in 2019 was: “We will ban public bodies from imposing their own direct or indirect boycotts, disinvestment or sanctions campaigns against foreign countries”.

There was nothing about what they say there, although I note that the department’s memorandum for us says: “It is intended that the measures will be widely construed”.

This is widely construed to the degree of being ambiguous and imprecise, as so much of

this badly drafted Bill clearly is. ...

I have found it difficult to find arguments in support of the clause. I looked through the Commons Public Bill Committee stage, where evidence was taken from the legal adviser to the Free Speech Union, who said: "My position is that clause 4 really needs to go in its entirety ... there is no need—I think it is not necessary either politically or perhaps even legally—to prohibit statements. The mischief that is to be prohibited is the threatened act ... This Bill very clearly targets expressions of political and moral conscience, which is to say the form of expression that is most highly protected by article 10 of the European Convention on Human Rights." [\[Official Report, Commons, Economic Activity of Public Bodies \(Overseas Matters\) Bill Committee, 5/9/23; cols. 38-39.\]](#) ...

col 584 The Constitution Committee of this House's very critical report says: "The protection of free speech is a fundamental right. In our view, clauses 4(1)(a) and 4(1)(b) unduly limit freedom of speech ... The House may wish to consider whether clause 4 should be removed from the Bill". ...

col 585 Lord Beith (Liberal Democrat): ... I have ... had a long involvement with Liberal Democrat Friends of Israel, and I understand where the pressure for legislation of this kind is coming from, and the concerns that have given rise to it, including some very aggressive campaigns that have occasionally veered towards anti-Semitism and contributed to a real sense of insecurity, leading to a demand for legislation of this kind.

When consideration was being given to a ban on boycotts, I do not think that anybody expected that this was going to include the sort of provisions that we are debating now—provisions to prevent people talking about a situation that has given rise to something as significant as a potential ban on boycotts. That is what this part of the Bill does—this prohibition of statements "indicating (in whatever terms) ... that the person intends to act in a way that would contravene section 1, or ... that the person would intend to act in such a way were it lawful to do so".

That really is the most preposterous set of words I have come across in any piece of legislation that I have looked at in my entire time in either House of Parliament. ...

The Government are keen to explain that all sorts of people will not be covered or affected by it. The noble Baroness spoke earlier about councillors. In their Explanatory Memorandum, the Government are very keen to say "Oh, councillors won't be covered by the Bill". It is not entirely clear to me that this is true, but let us just accept for the moment that it is the Government's position. The Explanatory Notes say that "councillors of a local authority are not a public authority and, therefore, are not prohibited from expressing support for or voting in favour of a motion supporting a boycott or divestment policy. If a local authority published the minutes of a debate or a meeting in which a councillor said that they would be in favour of their local authority engaging in such campaigns, this statement would not be captured under this clause".

The mere fact that this has been included in the Explanatory Notes suggests that the Government are a little worried on this point. Perhaps the Minister can explain how confident they can be that councillors are not covered.

Let us just take that situation a little further. Such a debate takes place in a local authority, and the minutes record that several councillors got up and said that they were very keen that there should be a boycott. The person who is, for the purposes of this legislation, a person who makes a statement on behalf of the authority, finds himself in a room surrounded by journalists and campaigners who ask "Why did you come to that decision? We've looked at your minutes and the majority of councillors said they were in favour of it—so why did you come to that decision?"

col 586 To which the answer is, "I came to that decision because it would be against the law for us to do that, and this local authority is not going to do things that are against the law—we believe in the rule of law". That statement would bring that person into jeopardy under the provisions of the Bill. We do not actually yet know what the system of enforcement is really going to be, because the Bill is unclear on the point. But that mere

explanation of why that is the outcome—why there is not going to be a boycott by that authority—would be covered by the provisions of the Bill.

These provisions are not necessary, as my noble friend pointed out, to satisfy the Conservative manifesto promise, which made no reference to provisions of this kind. It simply indicated that the Government would “ban public bodies from imposing their own direct or indirect boycotts, disinvestment or sanctions campaigns against foreign countries”.

There is nothing there about making sure that people could not explain what they were doing or not doing.

Here we have the ultimate paradox of a situation in which some country is the subject of a campaign because of its breaches of the rule of law—because it shows no respect for the law. The campaigners and people on a local authority or a public authority say, “We should boycott them because they don’t uphold the rule of law”, and the leadership of the authority says, “We can’t do that, because then we wouldn’t be upholding the rule of law, and we are in favour of the rule of law”. If they go out and make a statement saying so, once again they are in jeopardy under the provisions of this legislation. Do we support the rule of law or do we not? If we do, people should be allowed to talk about its relevance to that situation. These provisions are quite extraordinary. ...

col 587 Lord Davies of Brixton (Labour): ... Can the Minister give us an assurance? If councillors vote for a boycott, which they are entitled to do, according to the Explanatory Notes, and if that boycott motion is passed, enforcement action is taken and ultimately a civil penalty can be levied, is there any prospect whatever of those councillors who voted for the boycott motion being surcharged? Because the prospect of that must clearly be a limitation on their ability to speak.

Baroness Noakes: ... I do not think that the limits on freedom of speech in Clause 4 are as great as some noble Lords have tried to make out. I do not think that Article 10 of the European Convention on Human Rights is something that affects the rights of individuals, and Clause 4 is fundamentally aimed at public authorities. ... as the Explanatory Notes make very clear, the prohibition on statements is against public authorities and attaches to individuals only to the extent that they are speaking for the public authority. Even if it applies to the statements made by individuals on behalf of the public authority, the ban applies to the public authority and the enforcement action is taken against the public authority. So individuals are not targeted by Clause 4.

We have to remember that this is not an academic issue. We already know that councils are starting to pass BDS motions and they are against this Bill. We know that the student encampments are including demands or public statements on the conflict in the Middle East and on divestment. They may not get all their demands, but that is certainly where they are pushing towards. Without the Bill, I think we can be fairly sure that BDS activities and statements will continue to increase and that will have an impact on social cohesion, and a particular impact on the Jewish communities that are affected by the sorts of statements that are made.

Lord Wallace of Saltaire: The noble Baroness said that she is afraid that BDS statements will increase. Is she in favour of preventing such statements in unavoidably lively public debate?

Baroness Noakes: Yes, I am against statements being made by public authorities. I am trying to make the distinction at the moment between public authorities and the individuals who are involved in those public authorities, who I think are hardly affected by this, except to the extent that they speak for the public authority. I think there is a case for taking a position against statements by public authorities, because of the impact on social cohesion.

We have to remember that this provision does not come from nowhere: it is rooted in the real, live example of what happened in Leicester Council back in 2014. It passed a BDS

motion and then said, “only as far as legal considerations allow”. At that time, that was hugely divisive in the local community. It does cause very real harm ...

col 588 Lord Warner: ... Can she explain why the rather talented and experienced Constitution Committee took a totally different view from her and was so concerned about Clause 4? Why is she saying that, in effect, it has got this wrong—that it should not be saying that Clause 4 should be removed from the Bill but should welcome it as delivering the requirements of the Bill? ...

Baroness Noakes: ... I do not know why it has reached the conclusions that it has, but I believe that they are not in accordance with the impact of Clause 4 as drafted.

When dealing with stopping people doing things and making judgments about whether doing so is right, a balance always needs to be struck. In this case, the Government have tilted the scales in favour of social cohesion. People may think that that is the wrong decision and that allowing elected officials to speak on behalf of an authority in the way that they want to is a price worth paying. I believe that, because of the limited nature of Clause 4 as drafted, it strikes the right sort of balance in this case.

We must remember that this Bill does not stop elected officials speaking in their own capacity, nor does it stop bishops doing so ... Individuals in public life can have a big impact on social cohesion, but they are not debarred by this Bill from giving their own views on BDS activities, even though they would have such an impact. In that sense, this Bill is a modest change to the status quo on public statements. It is certainly not as far reaching as people have tried to make out. ...

Lord Henty: My Lords, the noble Baroness asserted that Clause 4 does not apply to individuals but only to entities. Clause 4 says: “A person who is subject to section 1 must not publish”, and so on. In law, a “person” could be a corporation or an individual, but Clause 1 is quite clear in referring to a “decision-maker”, which can clearly be an individual. One can easily visualise a public entity where the decision is made by one person who has had authority delegated to them, a committee or group of people who have the power to make such a decision or the full council, body or whatever it may be. Clearly, Clause 4 is capable of being directed at individuals.

Baroness Noakes: ... Clause 1 affects persons who are decision-makers. Decision-makers are defined in Clause 2, which uses the definition of public authority. As I said earlier, there are a very small number of cases where individuals can be decision-makers. It is not a question of people taking delegated authority to be decision-makers; if I were in a council and delegated to the chief executive, they would not thereby become the decision-maker. The decision-maker remains the public authority under the terms of Clause 2.

col 589 Lord Warner: ... I refer the noble Baroness to Clause 1(7)(b), not just Clause 1(7)(a), which says “any person seeking to persuade the decision-maker to act in a certain way”. That sounds to me rather like an individual.

Baroness Noakes: Indeed, but a person who is subject to Clause 1 is a decision-maker. The noble Lord has just referred to the person giving advice or the person seeking to persuade the decision-maker, but that person is not a decision-maker for the purposes of Clause 1, and therefore not for the purposes of Clause 4.

Lord Warner: With all due respect, Clause 4 applies to Clause 1(7)(b), which refers to an individual. ...

Baroness Janke (Liberal Democrat): ... the idea that individuals are not targeted is certainly not sufficiently reassuring to make local decision-makers feel protected. Most of what is in the Bill seems to be very much targeted at local authorities and their members. ... councils are directly elected and are accountable to their electorate. They are also obliged to report back to their constituents about such things as decisions that they have made. ...

I take exception to the idea that, somehow, statements from student encampments are

equated with statements issued by locally elected authorities and their officials. They are not the same at all. Local authorities have a constitutional role, and they should be respected as such. The contempt that I have heard from some people in this Committee is unwarranted, given the lack of evidence of councils making such decisions as are prohibited in the Bill.

The idea that prohibiting such statements will have a good effect on social cohesion is much more likely to have the opposite effect. If people are told that they are not allowed to make statements, they are much more likely to try to find other ways of getting their messages across. ...

col 590 ... freedom of speech is a basic right and a cornerstone of democracy. ...

We need much better clarification about the Human Rights Act. If the Constitution Committee of this House tells us that the Bill contravenes Article 10 of the Human Rights Act, we need to know how it is that Ministers are telling us that it is somehow compliant ... As the noble Lord, Lord Beith, said, to prevent people talking about issues important enough for them to be calling for a boycott is an outrage. The Explanatory Notes trying to maintain that somehow individual councillors will not be targeted or held responsible is totally inadequate if that is not going to be on the face of the Bill.

The clause deserves to be removed. I very much regret that it disrespects the role and responsibility of directly elected councillors and their officials. It has extreme overreach in trying to gag them and prevent them explaining their decisions, for which they are publicly accountable. ...

Baroness Neville-Rolfe: ... Amendment 33 to remove Clause 4(1)(b) ... and the amendment in the name of the noble Lord, Lord Collins, to remove Clause 4, undermine the aims of the Bill. ...

I reiterate that the Government are committed to protecting freedom of speech, which is why the Bill's provisions apply only to public authorities and not to individuals or companies in their private capacities. ...

I also clarify to the noble Baroness that we are not creating any new criminal offences in the Bill for statements about boycotts ... or any other kinds of statements. ... Statements of intent to boycott can be threatening and intimidating, particularly for those within the Jewish community.

col 591 **Baroness Chapman of Darlington:** ... we are not talking about a statement of intent to boycott; we are talking about a statement that you would have done something but you do not intend to do it. ...

Baroness Neville-Rolfe: ... I will deal directly with some points that I feel are misconceptions. The clause will not affect the statements of individuals, unless they are speaking as or on behalf of a public authority. ... Even when an individual is speaking on behalf of a public authority, the ban applies only to the public authority itself and there is no personal liability for the individual. This includes councillors ...

Lord Warner: ... I must ask the Minister to address the question about Clause 1(7)(b). If she reads that clause, she will see that it could cover any individual who seeks to influence a decision-maker. That could include, in my interpretation, a journalist writing a campaign statement in a newspaper, asking whichever council it is to take action. ...

Baroness Neville-Rolfe: I reiterate that it is important that the Bill does not breach Article 10 of the ECHR on the right to freedom of speech, and I have already reiterated the Government's support for free speech. The reason the Bill is compatible with the ECHR is that public authorities do not enjoy human rights, as the purpose of the convention is to protect individuals from undue interference by the state, of which public authorities form a part.

... we have already added extra provisions to the Explanatory Notes, some quoted by the noble Lord, Lord Beith, to make it clear how the sorts of concerns expressed this evening may be mistaken. He provided an example where a local authority debated a motion to

boycott that was ultimately not passed, and asked whether the public authority would be in breach of the ban if it explained that the reason it did not support the motion is that it would be illegal under the Bill. In this scenario, it is the individual councillors who said that this is the reason they did not support the motion in the vote. The public authority has not adopted the motion. Its statement merely summarises the individual councillors' reasoning. It is therefore not an expression of the public authority's intention to boycott. Even in the case where the councillor was speaking on behalf of that public authority, such a statement would be in breach of the Bill only if it clearly indicated that the public authority intended to engage in a boycott in the exercise of its public functions or would engage in such a boycott if that were lawful.

col 592 **Lord Beith:** ... As I say, it is the leader of the council who is being questioned as to why the council did not, in the event, agree to a boycott, although there were speeches in the chamber and maybe some votes cast supporting a boycott. What is he able to say that does not fall foul of the legislation as currently drafted? If he says, "The reason we are not going ahead with this is that it is against the law, and this council does not do things that are against the law", is that not in breach?

Baroness Neville-Rolfe: The principle is that the person seeking to influence would not be caught by the Bill. The provision is to deal with a situation in which a public authority boycotts because of pressure from someone else, rather than its own disapproval of a foreign state.

Lord Beith: ... I think the Minister is trying to answer at the same time the points that I and the noble Lord, Lord Warner, made. His point was about the category of people referred to in Clause 1(7), I think. I am talking about a situation, directly following the example that I gave and she has used, in which the leader of the council seeks to explain why the council is not doing what at least some people were recorded as having said that it should do during the debate, saying, "No, we're not going to do that because this council does not do things that are against the law".

Baroness Neville-Rolfe: I will take the noble Lord's example away. I have given him a clear statement and he makes a reasonable point. ...

The Lord Bishop of Manchester: ... I tried to give your Lordships' Committee a particular example of a case against the then Mayor of London. It was a notorious case and it took months in the courts to decide whether he was acting as a public authority or in his private capacity. Therefore, how can the Minister seem to think it so simple to decide when somebody is acting in a private capacity and when they are acting as a public authority, given that the one case that really got the public attention spent months in the courts before it was eventually determined that on that occasion he had been acting in a private capacity? ...

col 593 **Baroness Neville-Rolfe:** ... The noble Baroness, Lady Chapman, highlighted that Ministers in the Scottish Government would be captured by this provision. As I have explained, as Ministers in the Scottish Government are public authorities for the purpose of human rights, they do not have ECHR protections in their public functions. It is clearly right that this provision should apply to Scottish Ministers to ensure that communities in Scotland are protected from these divisive statements, and foreign policy is a reserved matter. Additionally, Clause 1 applies only in relation to procurement and investment decisions in the exercise of public functions. Therefore, Clause 4 would not apply to statements made by Scottish Ministers about how they tend to act in their private lives. ...
... as only public authorities are subject to Clause 1, Clause 4 is strictly limited to the actions of public authorities and therefore not individuals associated with public authorities. ...

col 594 I hope that makes it clear that this Bill is not an assault or restriction on the principle of free speech. Rather, it aims to ensure that the UK speaks with one voice internationally. Public authorities should not be pursuing their own foreign policy agenda or publishing

statements on foreign policy. It distracts from their core duties. Clause 4 will support those bodies to remain focused on that purpose. It is a core part of the Bill and meets the manifesto commitment to ban public bodies from imposing their own direct or indirect boycott, divestment or sanctions campaigns against countries and territories.

Briefly to address Amendment 33 ... I remind the Committee of just how divisive of community cohesion within the United Kingdom declarations of intent to boycott can be. That includes statements made by public authorities that indicate that they would intend to participate in boycotts and divestments if it were legal to do so. The right reverend Prelate the Bishop of Manchester ... asked for an example of our concern. We saw a good example in Leicester ... In its resolution in 2014, Leicester City Council passed a motion targeting the activity of the Israeli state with a boycott "insofar as legal considerations allow".

The motion was widely condemned by Jewish groups and was extremely divisive. This demonstrates the need to ban statements of intent to boycott or divest which express—

Lord Wallace of Saltaire: My Lords, we need to be very careful about how we talk about social cohesion at present. As it happens, I spent some time last weekend in Saltaire, which is part of the Bradford local authority, talking with one of Yorkshire's Christian leaders and one of Yorkshire's Muslim leaders about how we maintain social cohesion and interfaith co-operation under the current circumstances. It is not easy. ... We have to recognise the impact of the ongoing war, and in particular the response of our younger generation—white and Christian, and south Asian and Muslim—in all their diversity. It is very delicate at present, and simply asserting that stopping debate is a way to maintain social cohesion is not the answer.

col 595 Baroness Neville-Rolfe: ... we have seen examples of councils, such as Islington, passing motions in opposition to the Bill alongside foreign policy statements about Israel and other countries. While this might not be a breach of the ban, it demonstrates a strong interest in public authorities engaging in BDS campaigns. It could demonstrate that the Bill is already be having its intended effect of preventing public authorities making divisive statements.

The point is that, overall, Clause 4 supports the main aims of the Bill in ensuring that the UK speaks with one voice internationally and has one foreign policy agenda, and that public bodies do not introduce policies in that area that risk dividing communities at this difficult time. ...

Baroness Chapman of Darlington: ... I do not think that it is good enough to be reminded of social cohesion as a way of trying to entice us into supporting this measure. We all want to work hard to improve social cohesion where there are issues ...

There are fundamental problems with this clause. The Minister herself has said that she is unable to answer some quite basic questions that we have asked ...

col 596 Should the Bill pass, should this clause be included, social cohesion could be damaged. What social cohesion needs is communication, open expression of where people are coming from, and relationships of trust to be built up. You cannot build relationships of trust among community leaders, whether they are councillors, leaders of combined authorities or Ministers in devolved Administrations, if they feel, and are said to feel, unable to express their true positions. That is not a situation we should be content to tolerate in this country. ...

House resumed.

To read the full transcript see

[https://hansard.parliament.uk/lords/2024-05-14/debates/BDDFBA28-2D1A-433E-98CF-DF3135C59428/EconomicActivityOfPublicBodies\(OverseasMatters\)Bill](https://hansard.parliament.uk/lords/2024-05-14/debates/BDDFBA28-2D1A-433E-98CF-DF3135C59428/EconomicActivityOfPublicBodies(OverseasMatters)Bill)

The amendments discussed above can be read at

<https://bills.parliament.uk/publications/55479/documents/4831>

The Opinion referred to above by Baroness Noakes can be read at

<https://lawyersletter.uk/wp-content/uploads/2024/04/Gaza-letter-FIN-3-April.pdf>

The International Court of Justice judgement (Order) referred to above by Baroness Noakes can be read at

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

The Explanatory Notes, referred to above by the Lord Bishop of Manchester and others, can be read at

<https://bills.parliament.uk/publications/53575/documents/4225>

The Constitution Committee report referred to above by Lord Wallace of Saltaire can be read at

<https://committees.parliament.uk/publications/43319/documents/215686/default/>

The judgement in the case concerning the then Lord Mayor of London, referred to above by the Lord Bishop of Manchester, can be read at

<https://www.bailii.org/ew/cases/EWHC/Admin/2006/2533.html>

House of Commons Written Answers

Anti-semitism

John Hayes (Conservative) [25406] To ask the Secretary of State for Education, how many universities have adopted the International Holocaust Remembrance Alliance definition of anti-Semitism.

Luke Hall: As of 10 May 2024, 245 higher education (HE) providers in England, including all but six universities, have adopted the International Holocaust Remembrance Alliance definition of antisemitism.

While the decision to adopt the definition rests with individual HE providers, the government will continue to encourage all to adopt the definition. Adopting this widely recognised educative tool is a signal that providers take these issues seriously.

<https://questions-statements.parliament.uk/written-questions/detail/2024-05-09/25406>

Schools: Bullying

Nadia Whittome (Labour) [25397] To ask the Secretary of State for Education, how many incidents of ethnicity-based bullying within schools were reported to her Department in the last 12 months; and what steps her Department is taking to help tackle such incidents.

David Johnston: There is no legal requirement on schools to record and report incidents of bullying and there never has been. Schools should develop their own approaches for monitoring bullying and exercise their own judgement as to what will work best for their pupils.

All schools are legally required to have a behaviour policy with measures to prevent all forms of bullying. They have the freedom to develop their own anti-bullying strategies appropriate to their environment and are held to account by Ofsted.

In July 2017, the department updated its advice for schools, which outlines schools' responsibilities to support children who are bullied. The advice makes clear that schools should make appropriate provision for a bullied child's social, emotional and mental health needs. This advice is available here:

<https://www.gov.uk/government/publications/preventing-and-tackling-bullying>

The department provided over £3 million of funding, between 10 August 2021 and 31 March 2024, to five anti-bullying organisations to support schools to tackle bullying. This included projects targeting bullying of particular groups, such as those who are victims of hate related bullying.

<https://questions-statements.parliament.uk/written-questions/detail/2024-05-08/25397>

Faith Schools: Admissions

Fabian Hamilton (Labour) [25436] To ask the Secretary of State for Education, if she will make an assessment of the potential merits of ending the cap on faith school admissions.

Damian Hinds: My Rt. Hon. friend, the Secretary of State for Education, announced on 1 May 2024 that the department are consulting on faith designation reforms for new and existing free schools and special academies. This is available on Hansard at:

<https://questions-statements.parliament.uk/written-statements/detail/2024-05-01/hcws437>

The consultation will run for seven weeks, closing on 20 June 2024. The department will then carefully consider all responses to the consultation and use them to inform the department's recommendations for better meeting the policy objectives of faith schools.

The government's response will be published on the GOV.UK website within twelve weeks following closure of the consultation.

<https://questions-statements.parliament.uk/written-questions/detail/2024-05-09/25436>

The consultation referred to above can be read at

<https://consult.education.gov.uk/faith-schools-policy-team/faith-school-designation-reforms/>

TOP

Israel

See also the Lords Committee debate on the Economic Activity of Public Bodies (Overseas Matters) Bill that is included in the Home Affairs section above.

House of Commons Written Answers

UAV Engines: Exports

Richard Thomson (SNP) [24836] To ask the Secretary of State for Business and Trade, whether (a) Jet-A and (b) JP-8 fuel for Hermes 450 drones has been exported to Israel in the last 12 months.

Alan Mak: Data on UK exports is published by HMRC. For the latest 12-month period where data is available (until March 2024) there were no exports of any kerosene-type jet fuel to Israel.

<https://questions-statements.parliament.uk/written-questions/detail/2024-05-03/24836>

The data referred to above can be accessed via

<https://www.uktradeinfo.com/trade-data/>

Gaza: Humanitarian Aid

Mark Logan (Conservative) [24838] To ask the Deputy Foreign Secretary, if he will make an assessment of the (a) effectiveness of aid distribution in Gaza and (b) potential merits of reinstating funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Andrew Mitchell: Allegations that UNRWA staff were involved in the events that took place on 7 October in Israel are appalling, which is why we took decisive action to pause future funding to the organisation.

The Prime Minister has been clear that the UK will set out its position on future funding to UNRWA following careful consideration of Catherine Colonna's final report, UNRWA's response and the ongoing UN Office for Internal Oversight Services investigation into these allegations.

We have seen an increase in the number of aid trucks getting into Gaza and some aid has now moved from Ashdod Port into Gaza, but more needs to be done. We need progress on the UN's minimal operating requirements, including more visas and driver approvals granted, as well as more trucks permitted to cross into Gaza. We also need to see an expansion of the types of aid allowed into Gaza and the provision of electricity, water and telecommunications, to both the north and the south of Gaza.

Ministers continue to press these points with Israeli counterparts.

<https://questions-statements.parliament.uk/written-questions/detail/2024-05-03/24838>

Catherine Colonna's report, referred to above, can be read at

https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf

UNRWA's response referred to above can be read at

<https://www.unrwa.org/resources/reports/unrwa-preliminary-response-final-report-independent-review-mechanisms-and>

House of Lords Written Answers

Benjamin Netanyahu

The Marquess of Lothian (Conservative) [HL4159] To ask His Majesty's Government when the Prime Minister last spoke to the Prime Minister of Israel.

Lord Ahmad of Wimbledon: The Prime Minister last spoke to the Israeli Prime Minister on 30 April 2024.

They discussed the current hostage negotiations, the importance of getting much more aid into Gaza, including via vital land routes, and Israel's commitment to achieving this. The Prime Minister reiterated the UK's support for Israel's security and made clear that our focus is on de-escalation, which is essential and in everyone's interest.

<https://questions-statements.parliament.uk/written-questions/detail/2024-04-29/hl4159>

UNRWA: Finance

The Marquess of Lothian (Conservative) [HL4158] To ask His Majesty's Government what assessment they have made of the report by the Independent Review Group on the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, published on 22 April; and what assessment they have made of the implications of the findings in that report on the UK's funding of UNRWA.

Lord Ahmad of Wimbledon: Allegations that UNRWA staff were involved in the events that took place on 7 October in Israel are appalling, which is why we took decisive action to pause future funding to the organisation.

The Prime Minister has been clear that the UK will set out its position on future funding to UNRWA following careful consideration of Catherine Colonna's final report, UNRWA's response and the ongoing UN Office for Internal Oversight Services investigation into these allegations.

<https://questions-statements.parliament.uk/written-questions/detail/2024-04-29/hl4158>

Catherine Colonna's report, referred to above, can be read at

https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf

UNRWA's response referred to above can be read at

<https://www.unrwa.org/resources/reports/unrwa-preliminary-response-final-report-independent-review-mechanisms-and>

House of Commons Foreign Affairs Committee

The UK's engagement with the Middle East and North Africa

... **Q306 Chair (Alicia Kearns, Conservative):** ... This Committee ... has been very critical of what we saw as a deprioritisation of the Middle East and North Africa by the Foreign Office. Both in the integrated review and the integrated review refresh, we saw the tilt to the Indo-Pacific to be a tilt from the Middle East and North Africa. We were particularly concerned that there was no mention of the Palestine-Israel conflict and the situation in Palestine in either document. Has there been a period of reflection on that situation since the appalling atrocities of 7 October, and how it may have damaged our reputation in the region?

Lord Ahmad of Wimbledon (Minister of State for the Middle East, North Africa, South Asia, Commonwealth and United Nations, Foreign, Commonwealth and Development Office): Going back to 2021 with the original integrated review, I think there was reference made to the importance of the Middle East. ...

I think the world had also stood back before the tragic, abhorrent events of 7 October. ... it is one of those intractable problems and, perhaps with the tragedy that now confronts us, we are seized of this as a priority.

In terms of prioritisation, of course we can reflect on the two documents. I think they are broad ranging, but reference was made to the importance of the rights of Palestinians and the rights of Israelis. I am of a firm belief that until we secure rights, justice and equality for both Palestinians and Israelis, we will continue to return to this issue time and again.

Q307 Chair: ... We heard Jake Sullivan give an interview only a few days before 7 October saying that the Middle East has never been so peaceful, and yet you have parliamentarians in this place saying, "We are gravely concerned about the situation"—across a multitude of countries. Obviously, I said that we were going to see the Gaza crisis of 2023, although I did not expect it to happen as it did. Why do you think the Foreign Office, institutionally, and the State Department were in a place that was clearly so far from the reality on the ground?

Lord Ahmad: I would not say that they were removed from it. I think we all want peace in the Middle East, and I think we were seeing a period of relative calm compared with previous situations that had arisen. Let's not forget that we have been here before—we have seen the Gaza war break out before—but the severity of where we are now has not been seen in recent times. Nor had we seen the abhorrence of the attacks that we saw on 7 October—the biggest attack on Israel since, arguably, the challenges that it faced in 1973 and 1967.

There is absolutely a refocus on this, and rightly so, but at the same time, I would say that there is a focus on ensuring long-term stability and security from the projects we continue to do in the West Bank and that support. I remember Hamas's takeover in Gaza very well because I was in Israel, about to travel to Gaza on the day that Hamas took over the borders there, and there was a real sense of, "Should I go? Should I not go?" The reason that I did not go into Gaza on that occasion was that Israel then responded with missile attacks.

You talked about the State Department and the Foreign Office. There is one thing I would say when reflecting back on the events, and I am sure we will go on to this. When you look at what happened in Israel—I have been speaking to many Israelis, including commentators, friends and ex-leaders of Israel—one thing is very clear: it was a very rudimentary and basic attack. The worst kind of atrocities were committed by guys on the back of pick-up trucks with knives and guns. Although there are missiles—and Hamas have that capacity—this was a very crude and indiscriminate attack.

One final point that I would also make in reflections on this is that when I travelled to Israel after the attacks, I met Mansour Abbas, who is leader of the Palestinian Arab party. He

was the one who said to me, “Minister, there were at least 26 people who were killed in those attacks at that music festival who were Muslim, and there were a great number who were killed who were Christian.” We should not lose sight of the fact that Israel is actually 22% Christian Arab and Muslim. That is an important point that I have certainly made to Israeli leaders: as we move forward, to try to establish justice, security and stability, it is not just about the Palestinian territories; it is also about green line Israel. ...

Q308 Fabian Hamilton (Labour): The last time I went to Gaza, our passports were inspected not only by the Israeli and Palestinian Authority guards, but by Hamas before we were allowed admission. ...

Can I move us on to Iran’s influence in the MENA region? I wondered whether you had seen any evolution in the relationship between the Iranian regime itself and its proxies and affiliates since the 7 October attacks.

Lord Ahmad: One thing we have been clear about is Iran’s growing influence across proxies. I would say, from what I have seen particularly in the crisis since 7 October, in the command and control structure, it is not that Hamas, Hezbollah, the Houthis or anyone else are waiting for a green light from Tehran.

There is a clear link with the supply of weapons, and the United Kingdom along with others has been engaged in curbing that supply of weapons from Iran. Again, that is not state; it is often smugglers who are bringing those, as they did for the Houthis. There is a clear link, however, because those groups are supplied from somewhere. ... The malign influence of Iran is very clear.

Iran also presents a challenge to us in terms of cyber-challenges, which we have seen quite clearly. ...

We were, of course, also committed to the JCPOA—and remained committed when the Americans walked away—and with good reason. I have put it on record that it was far from a perfect treaty; it ignored ballistic missiles, for example, which were not included. But in our view, it was a way of trying to at least ensure that Iran did not develop its nuclear capacity and capabilities. What is very clear ... is that Iran has developed its capacity and enrichment.

Therefore, we have to be very clear about the threat that Iran poses, not just through proxies, as we have seen particularly in the Middle East, but directly through its actions. The strength of what we do now in the Middle East in terms of security and stability, not just for Israel and the Palestinians, but more broadly for the wider Gulf, is an important part of how we move forward in challenging Iran in the region.

Q309 Fabian Hamilton: Yet we have not proscribed the IRGC. What are the arguments in favour of and against proscription?

Lord Ahmad: ... The Foreign Secretary David Cameron ... had quite extensive engagement with the Iranian Foreign Minister when Iran launched its attack on Israel. One of the things that we had the capacity to do, which the Americans did not, was literally pick up the phone directly, challenge the Iranian Foreign Minister and land those points. That comes back to a point that the Chair raised about the strength of British diplomacy being our ability to talk to our foes when it really matters in a direct way.

As you will be aware, when it comes to the IRGC, in all, we have sanctioned the IRGC in its entirety and we have put a number of sanctions on particular individuals. The difference with the IRGC specifically is that you all recognise it as a particular arm of the state. ...

Q310 Fabian Hamilton: ... what sort of issues do you think that the UK can engage with Iran on, given that we have that diplomatic connection and the ability to do so? ...

Lord Ahmad: ... the situation in the Middle East, the use of Iran and its proxies and what it does, and the ability to land diplomatic and hard-edged messages as we did after the attack on Israel. ...

Fabian Hamilton: ... my late mother’s many, many friends were Jews from Iran who had left and come to the UK.

Q314 Chair: Have we been able to achieve the UK's objectives when it comes to the Gaza crisis, and if not, why not?

Lord Ahmad: Here we are, seven months on, and you know that this has not just been on my agenda, but dominating every facet of my life. I have never engaged so intensively on an issue. This matters. It matters to the 1,200 innocent lives lost in Israel in those abhorrent terror attacks, and it matters to the tens of thousands of people—a third of them women and children—who have been killed in Gaza. The short answer is that the conflict continues, and our No. 1 objective is to bring that conflict to a close. Being candid with you, I think we need to do even more in that respect, because that objective has not been achieved. The conflict continues.

Specific to your question, have things improved on the humanitarian side? Let's go back to 6 October. Gaza was very much on the brink then. The reports I was reading from visits were that there was a really desperate situation in Gaza, and that was when hospitals were functioning, people were going to work and livelihoods were continuing. Let's not forget the intellectual base, too: the educational base of Gaza was very high—a lot of people went to school. What they did not have was employment opportunities. I remember visiting Israel after the new Government was formed. I was the first Minister in, literally a few days later, and I talked to their trade and industry Minister, Minister Barkat. I said, "Forget for a moment about Israel-Palestine. You've got to provide a horizon of hope to young people in Gaza." He is a technology expert, and I said to him, "Now is the time to use your technology expertise to provide. Give scholarships to 1,000 young students." We did a lot of incubation of businesses in Israel and Palestine, and looked at how they could be utilised, because you have got to have that prosperity outlook.

Let me fast-forward to where we are today. We have a desperate situation. The WFP has made it very clear that Gaza is on the brink of famine. We have seen some relief coming in through Rafah, but let us also be clear that—many of you will have visited the borders—Rafah was a pedestrian crossing; it had a single lane. We pressed on Kerem Shalom because that had six lanes; it was state of the art.

Currently the Israeli operations in Rafah—which, thankfully, as I speak, although things move very dynamically, have not been with the intensity we saw in Khan Yunis or Gaza City—have stopped the Rafah crossing. The Rafah crossing was where fuel was getting in. Fuel is needed for hospitals. There is a belt of hospitals in the southern part of Rafah, including the European Hospital, which is really down to its last tank of fuel. In short, while we have seen some improvements, with certain routes opening up, the fact is that the 500 trucks came from UN sources. And that is not some grand target; it is the lowest possible threshold to avert famine. Our ambition needs to be higher.

Again on the humanitarian point, although we have been plugging away—and we are right to do so—in wanting the fighting to stop and aid to go in, and although we have been working with partners from the maritime to the airdrops, it is the land routes that make the difference. Yes, we welcome the opening of the Erez crossing, but as you all know and perhaps have followed, it was shocking to see that trucks going in from Jordan through Erez were again attacked in Israel. I think we need not just to call these things out, but to be focused on how we can really make this work.

I have one final point, if I may. I have met repeatedly—perhaps we will come to this—with hostage families. I am not saying I have met all of them, but I can say to you, Chair, and to members of the Committee, that of all those I have met, not one person after that initial shock has said to me, "Tariq, Minister, what is happening in Gaza—the loss of life, the tragic killing of so many children—is something that we endorse." They want an end to it. They want their loved ones to be returned, even those who are deceased, so that they can get closure. We have got to make sure that we get the fighting stopped and more aid in, but I say again: the 500 trucks are a minimum threshold to avert famine across Gaza.

Q315 Chair: ... let us turn briefly to the hostages. Obviously one of the greatest cruelties is the absolute silence for the families of those being held hostage. They do not know if

their loved ones are alive. What proof-of-life evidence do we have for all hostages, but particularly those with links to the UK? What are we doing, frankly, to demand that those who have influence over Hamas—be it Qatar, Egypt or Turkey—who may be playing productive roles elsewhere within the process, give us proof of life for all those families who are sat there in desperate agony, not knowing if their loved ones are alive or dead, or if their hope is misplaced?

Lord Ahmad: You are right: we need to ensure that this suffering comes to an end. I have sat with the hostage families; I have also sat with Palestinian people who have fled Gaza and whose families have people who have been killed. It is tragic beyond belief. There is a human element. I come back to what I said right at the start: we need to ensure that, first, we are giving that support—that they know there is accessibility. In that regard, I have sat in meetings with the Prime Minister and with the Foreign Secretary, and, directly, and we have been engaging consistently. We have also ensured that the hostage families have face time with those doing negotiations. I talked earlier about relationships and diplomacy. Without going into too much detail, the United Kingdom has helped to provide that bridge, so hostage families have been able to meet, and understand what negotiators—

Q316 Chair: Forgive me, but why haven't we received proof of life?

Lord Ahmad: I think the challenge is also that those who are holding the hostages are a terrorist organisation. They leverage this in a way that causes greater grief—the maximum level of grief—and we have seen that, and are looking into it, with the tragic case of Mr. Poplewell. This is how Hamas—a terrorist organisation—exploit the suffering of people. I assure you, Chair, and indeed the Committee, not just that we are making our best endeavours, but that we are landing these pretty direct messages with those who have influence. You know where I stand, and I have talked to you about this before as well: I do think that Qatar continue to play an important role but, equally, you mentioned Turkey, and they also have an important role.

Hamas have an option here. Fighting to the nth degree will not achieve their aims. They could take an easy option: they can put down their arms, come to the negotiation table and release the hostages, and then we have the leverage to be able to try to make that horizon for peace into a reality. However, at the moment, of course we demand proof of life—it needs to happen—but the people holding the hostages have a different value criteria to the one that you and I would deploy.

Q317 Bob Seely (Conservative): ... What is Turkey's role? ...

Lord Ahmad: The starting point on that is that Turkey have a diplomatic relation with Israel ... I do think they have an important influence, as we saw recently with the Hamas leadership meeting in Turkey. ...

... they are landing messages to Hamas to stop the war now, put down the weapons and bring about the release of hostages so we can have a pathway to resolve this crisis. So, yes, in short, Turkey, have an important role ... they are a bridging player and they have influence over the Hamas leadership.

Q318 Bob Seely: Is that because of the Muslim Brotherhood dynamic, or is this separate to that?

Lord Ahmad: I do not think it should be defined in terms of another organisation or religious issues alone. Of course, they have entertained and invited the Hamas leadership to Turkey, but they have done it with the intent of not suddenly saying, "We are going to supply you with a whole load of arms." On the contrary, they have done it to try and bring a resolution to this conflict. ...

Q319 Brendan O'Hara (SNP): Minister, can I take you to something you talked about earlier—food and the famine in Gaza. On 6 May, the United Nations said there is a "full-blown famine" in northern Gaza. Does the UK Government accept that there is a famine in Gaza?

Lord Ahmad: If you are referring to the WFP reports that came out, that is why we have pressed on the issue of the Erez crossing. I think we are on the brink of famine. I will ask Stephen to come in, but I have not yet seen a specific report. But whether we are on the brink or we are in famine, the fact is that there is malnutrition—evidence of that is very clear. The facilities in hospitals are dire, and people are dying because of a lack of medicine, support and basic amenities. We need to ensure that action happens; we should not wait for famine to occur—we need to act, and act now.

Q320 Brendan O'Hara: Why, in your opinion or the opinion of the UK Government, is there a famine in Gaza?

Lord Ahmad: The straight answer to that is very much because of the restrictions which are imposed on aid getting in through the borders.

Q321 Brendan O'Hara: Do you, then, believe that Israel is using starvation as a weapon of war?

Lord Ahmad: We make those assessments constantly. Over the weekend, the Foreign Secretary clearly said that there is no clean bill of health for Israel in any shape or form. Constant reviews take place of the way in which Israel is prosecuting this war. On the situation in Gaza, Israel needs to recognise that it, as the occupying power, has direct responsibilities under the Geneva convention, and it needs to ensure that the food, the medicines, the support and the humanitarian aid that are needed get in now.

Q322 Brendan O'Hara: I would not disagree with any of that, but to go back to my question, do you or the UK Government believe that Israel is weaponising food, in terms of its delivery to Gaza? Is it using starvation as a weapon of war?

Lord Ahmad: That is not the judgment that the UK Government have reached. However, we have clearly said that Gaza is on the brink of famine, and that food and medicines need to get in.

To take a step back, we hold Israel responsible in the way that we do—quite directly—because Israel as a state has signed up to those conventions. ... Of course, we are seized of the reports that are coming through. I proactively mentioned the WFP report. If you are asking about the UK Government's assessment overall, I have not seen an assessment saying that the determination that you described has been made. However, the reality on the ground is clear: people are in need of food, medicine and humanitarian aid, and we need to ensure that we implore Israel to do all it can, given its responsibilities as an established state on the world stage, with obligations under the Geneva convention as an occupying power, to fulfil them. It should be held accountable for those.

Q323 Brendan O'Hara: Given that, how else would you explain children dying of hunger and malnutrition in a part of the world where food is plentiful, just 44 miles from Tel Aviv, when the Israeli Government are responsible for the flow of that food, if food is not being used as a weapon of war?

Lord Ahmad: Clearly, aid, food and medicines are not getting through in Gaza right now. That is why the UK Government, with other partners, including those in the near vicinity, have been focused on that. You asked me a specific question on the determination, and I said that the UK Government have not made that assessment.

Q324 Brendan O'Hara: You accept that aid and food are not getting through. Surely any determination has to say that the people who the food has to come through are responsible for its not getting to where it needs to be. Surely there is a legal responsibility on them, as the occupying power, to ensure that the food gets through, and if they do not do that, they are indeed weaponising food.

Lord Ahmad: What I am saying is that those assessments are made constantly and consistently. Our relationship with Israel means that we can land those messages quite directly with them. You asked a specific question about the assessment made. I understand that. When we look at the situation on the ground, I could stand here and say

that we have got so much aid in through air drops, but compared with what needs to happen—proportionally—it is clearly not enough. The last report that I read—the WFP report—said that there was a real risk of famine, particularly in northern Gaza. That is why we pressurised Israel to get the Erez crossing open. We managed to get aid in the form of flour through Ashdod. It was going through the Erez crossing, but it was attacked. We have made the point directly to the Israelis that those who attack the convoys should be held accountable.

Brendan, you asked about a specific determination and I have been clear about that. However, whatever happens from hereon in, we will keep the issue under strict scrutiny to ensure that Israel fulfils its obligations. People say that Hamas are doing this, and of course there are distribution issues. The distribution channels in Gaza are really challenged at the moment. However, the difference between Hamas and Israel is that Israel is a state. It is a partner and ally of the UK and I assure you that we use every diplomatic lever directly and bluntly with Israel to ensure that it recognises its obligations.

Q325 Chair: ... humanitarian aid organisations tell me that not a single aid delivery has gone through the Rafah crossing—which obviously was the primary delivery route—since 6 May. That also means that there have been no medical evacuations of Gazans through that route, and no aid workers have gone out through that crossing. Separately, Kerem Shalom, in the immediate vicinity, is currently being bombed, so there is a high impact on the ability to get aid in. Is it true that no aid has got in through the Rafah crossing since 6 May?

Lord Ahmad: ... as of the last report last night, there was no opening, and that is why I said the crucial point about Rafah is that it is mainly where fuel was crossing. ... either Rafah must be open or Kerem Shalom must have the capability and capacity to provide fuel. ... fuel is needed to run the hospitals, and if the hospitals don't get fuel, the very issues that we just talked about will be further exacerbated. ...

Stephen Hickey (Director for Middle East and North Africa, FCDO): ... No aid has flowed through the Rafah crossing in recent days, and it is an urgent priority that the crossing is open again, that Kerem Shalom is open again, and that in addition to those two crossings more aid can enter Gaza through other crossings, such as Erez and, in the north, Ashdod. ...

Q326 Bob Seely: ... what are our diplomats telling you about how much Israel takes into account issues of proportionality when it comes to targeting? ... to what extent are the deaths of civilians due to either a sense of negligence or to an attempt at proportionality in trying to target Hamas terrorists in a very crowded space in which there are many other human beings?

Lord Ahmad: The current live situation, if we take Rafah, is that the diplomatic pressure being exerted by ourselves and, in particular, by the United States, has resulted in a more restrained operation compared with what we saw in Gaza City and Khan Younis. Does Israel have the capacity and capability to comply with the obligations? Yes, we believe it does. It has one of the most advanced militaries in the world.

On the issue of the prosecution of the war, as I said, that is looked at intensely and regularly by us in making our own assessments. Also, on the issue of proportionality, Israel has direct obligations through the conventions that it has to adhere to. You asked about what is coming through from our missions on the ground, and our own assessment is very clear: currently—this could change very quickly—the operation in Rafah has not been of the same scale and intensity as what happened in Gaza City or Khan Younis.

However, there is no plan. Israel has not shown us a credible plan of one evacuation. Again, on the principles, humanitarianism is an important principle. People from Rafah are being sent to Al-Mawasi; around 400,000 have now been moved. They get a leaflet in the morning saying that they must move by the afternoon; it is a pretty stark choice. If nothing else, we have seen resilience in terms of the way the Palestinians are moved from one

place to another. We consistently remind Israel of its obligations ...

Q327 Brendan O'Hara: Minister, you and your fellow Ministers often talk about Israel's capacity and capability to adhere to international humanitarian law. I have the capacity and the capability to do many things; it doesn't mean I always do them. Given what you have just said about the Rafah crossing being closed and no aid coming in since the 6th, talking about the famine that is either there or on the brink, can you honestly say that Israel's activities demonstrate a commitment to respecting international humanitarian law?

Lord Ahmad: I think Israel's obligations to international humanitarian law are very clear for them to see. We have an assessment procedure ... that we go through, and through those assessment procedures I very clearly give my perspectives as the Minister for the Middle East on how I perceive this on the information that is given. An overall assessment is made, and a determination is made after that of the British Government's position. That has happened before; it happens on a revolving basis.

It is very clear to me: I think the challenges are intense and immense on IHL, and from what we have already discussed, I think it is very clear what my thinking is. I think Israel is really leaving many of its partners, including ourselves, pretty challenged on where we are currently on the issue of IHL and how they are fulfilling their obligations. But I would add quite clearly that there is an established process, which the Foreign Secretary has talked about repeatedly, which he ultimately opines on from the information he receives, and those assessments happen.

This isn't a case of saying there is a green light to Israel. Israel has obligations. We are allies of Israel and, as a constructive friend to Israel, we land these points very directly to them. But at the same time, we make these assessments consistently. In all the points you have made, there has been nothing I have disagreed with, and I said those should blend into what happens from hereon in, and future decisions that are made will be based on some of these assessments and some of the points that we have been discussing. And these happen very regularly, which allows us to make a determination, but I am not going to pre-empt a determination or the process.

Q328 Brendan O'Hara: ... the actions of the UK Government just don't chime. The Foreign Secretary, as you alluded to earlier, on Sunday said that Israel does not have a "clean bill of health" when it comes to its military operations in Gaza. Just yesterday, US Secretary of State Blinken said, "given the totality of the damage that's been done to children, to women, to men", it was "reasonable to assess" that in certain circumstances Israel acted in a way that was not consistent "with international humanitarian law." He was talking there about the munitions that have not been sent from the United States. Given their concerns, given the Foreign Secretary's admission about not having a "clean bill of health", why are we continuing to license arms exports to Israel?

Lord Ahmad: On that final point, you would have heard the Foreign Secretary consistently say yes, with our arms exports there is a process involved. He is very much sticking to that process, because this is something that we deploy in all conflicts, with any shipments. There are no state shipments of arms to Israel, as you know, and while our position is different from that of the US, I agree with you that there has to be that principle that applies. Whether it is 1% or 90%, the principle should be, is there a contravention? As I have alluded to, I think that assessment is made in a robust way. ...

Fabian Hamilton: We used to have a system called the Committees on Arms Exports Controls. ...

Q329 Fabian Hamilton: ... Would you agree that such a Committee, allowing parliamentarians to scrutinise these export licences, would now be very appropriate, in terms of what is happening in Israel?

Lord Ahmad: ... I am happy to take this back to the FCDO to discuss it with the Foreign Secretary ...

Q330 Fabian Hamilton: I fully appreciate that, but the point is that parliamentarians should

be involved in those decisions, and those decisions should be accountable to parliamentarians ...

Lord Ahmad: ... The assessments that the Foreign Secretary will ultimately make are informed by different types of advice from different parts of Government, which will make assessments on adherence—coming back to IHL—and on exports and assessments made by our colleagues in the MOD. Then there is advice that is given to the Foreign Secretary.

In terms of parliamentary assessments, there have been occasions when there has been information that the Executive have that is not necessarily there, because of the sensitivity of it, which is across the piece. As I said, there are always ways to look at structures and seeing how we can reflect on those structures. ...

Q331 Chair: ... the Foreign Secretary has written to us on this. We are aware that ultimately the decision sits with the Department for Business and Trade, not with the Foreign Office. ...

Briefly, it has been five months now since Medical Aid for Palestinians was bombed, when in the so-called continuing safe zone of Al-Mawasi, despite having been de-conflicted by the IDF a month earlier. We were very lucky that British doctors were not killed. It was luck, not anything else.

We obviously also had the bombing of World Central Kitchen, where three British former soldiers were killed. We have had no answer yet as to how that happened, when both were de-conflicted with the IDF. What is the answer the British Government have received on how British nationals were almost killed and then were killed?

Lord Ahmad: ... Although we have got some assessments made by the Israelis themselves on the tragic killing of the World Central Kitchen team, we are still awaiting more answers. ...

We need answers ...

As part of the standards, Israel is a country that obligates, has signed up to adhering to the standards, that needs to ensure the de-confliction. The whole point of de-confliction—and it is a key priority, I know, for the Foreign Secretary and myself in emphasising this to Israel—is to ensure that, notwithstanding the politics of it, that agencies and workers can go around. ...

We need to ensure that de-confliction does mean that. I don't hold out hope with Hamas, but where we do hold out hope and have direct engagement is with Israel, to ensure that they fulfil their obligations.

Q332 Brendan O'Hara: On that, has the UK yet determined whether British-licensed arms exports were involved in those attacks?

Lord Ahmad: More advice will be coming through to the Foreign Secretary, including on that particular incident involving World Central Kitchen. ...

Q333 Brendan O'Hara: Has that question been asked? Has an investigation been launched ...

Lord Ahmad: ... we want to ensure that these points are covered off in the advice given to the Foreign Secretary. ...

Q334 Brendan O'Hara: ... Are you seeking to determine whether UK-licensed arms exports were involved in either of those attacks, and will we have an answer in due course? ...

Lord Ahmad: ... what I can share with you right now is that full advice on what happened will be coming, based on the issue of de-confliction and the incident itself. I believe it will be comprehensive ...

Q335 Graham Stringer (Labour): Hamas have an explicit policy of genocide— of destroying Israel and killing Jews; that is their policy. Prime Minister Netanyahu has said that he does not believe in the two-state solution. Most other interested international

parties, including the UK, do believe in the two-state solution. In that situation, what tactics and strategy do you have for getting on a pathway to the two-state solution?

Lord Ahmad: The starting point on that ... must be that you have to believe in the right of the other to exist. If one does not believe in that, it becomes very hard as negotiating partners. In terms of what has happened, I would go further: Hamas do not believe in the destruction or killing of just Jews; they believe, in the ideology that they follow, which is a perverse ideology, that anyone who may claim to follow the same faith they claim to follow, which is so removed, is also a legitimate target. So when we are dealing with Hamas, we are very clear, and that is why we proscribe them.

In terms of what needs to happen, Hamas cannot be, as we have clearly said, in power in Gaza. There are partners for peace. Is there work happening in this respect? Absolutely. I talked right at the start about the intensity of diplomacy. There are plans being floated, including with the US and our Arab partners. We are party to some of these discussions. But the starting point has to be about doing things in a phased way. First and foremost, the fighting must stop. ... on the issue of humanitarian support and getting the hostages out. That has to be a prerequisite to getting things restarted. The third element is looking at the whole issue of reconstruction. The fourth element, as we have said repeatedly—this is our stated position—is that we need an irreversible pathway to ensuring that we get a two-state solution.

To my absolute core, I believe that this is the moment to seize the opportunity to ask what structures need to be put in place. One discussion we have internationally with each of our partners as we sit around tables is about what, if you are the United Kingdom, Qatar or Saudi Arabia, you are bringing. What equity are you bringing in terms of achieving that objective? ...

Q336 Graham Stringer: Can you expand on the Arab states? It was speculated—it is probably true—that one reason for the 7 October attack was the détente happening between Saudi Arabia and other Arab states on the one hand and Israel on the other, which did not suit the Iranians or Hamas. October the 7th and Israel's response have put an end to that détente, certainly for a period. What is your assessment of the attitude of the involved Arab states to a move towards a two-state solution?

Lord Ahmad: First, we have seen movement. One glimmer of hope in this abhorrent tragedy that we are currently facing is that we are in a different position. We have two Arab states—Jordan and Egypt—that have peace treaties with Israel. We have two Gulf states—the UAE and Bahrain—and, with the Arab states, Morocco, which have also signed the Abraham Accords. That is, if you like, the first chapter. The final chapter will be the two-state solution. Notwithstanding the current situation, we have not seen a curtailing or cutting-off of diplomatic solutions ...

You are right that, before 7 October, there were discussions about normalisation with the Kingdom of Saudi Arabia. Obviously, that is an important priority—indeed, it is a stated priority of the Israeli Prime Minister.

One thing is clear, and the Saudis themselves have been explicit about this: for normalisation to happen, it is important that there is an irreversible pathway to a two-state solution. ...

You are also right, Graham, to say that Mr Netanyahu and his Government do not believe in the two-state solution. However, it was not so long ago—it seems a long distance away, but it was in 2021—when the then Israeli Prime Minister talked about the two-state solution. I think that was the first time since 2017. ...

Q337 Graham Stringer: One of the issues that exercises people in this country and that makes a pathway towards peace and a two-state solution more difficult is not just the conflict in Gaza, but the long period when Palestinians in the West Bank have been attacked and killed by Israelis. ... Does the Foreign Office believe that it is getting worse and that it is having a negative effect on any eventual solution to the problem?

Lord Ahmad: The short answer is yes—categorically. We have seen some of the biggest announcements of land seizures in the West Bank. The consistent position of successive Governments has always been that settlements in the occupied territories are impediments to the peace process. ... The intimidation used by extremist settlers is vented not just against Palestinians but often against visiting international dignitaries. I have experienced that myself. ...

I have not known a time previously when we sanctioned individuals. We have now done it on two occasions. This month, we also sanctioned extremist organisations linked to settler violence. We have also directly landed the message of accountability with the Israelis. In some ways, I agree with you: yes, there is an impediment and we have seen an increase in announcements of settlements and land grabs in the West Bank.

We have rightly been talking about Gaza, but 300 or 400 people have been killed in the West Bank, and detentions and incursions have increased there. Through the subsequent operations, the PA has become increasingly ineffective and settlers seem more emboldened. Some of the activity that has taken place is appalling. Settlers have also been affected; a young 14-year-old was killed. The tragedy engulfs all communities. In the West Bank, we have, tragically, seen an increase in settler activity and violence. As I said, the UK has acted directly by imposing sanctions on them for the first time.

Q338 Graham Stringer: ... you pointed out the role that Israel has as an occupying power to protect people. It is obviously a difficult thing to do when fighting a terrorist organisation. When I have talked to some of the concerned, mainly Muslim groups in my constituency, I have been asked whether Palestinians have the right to defend themselves. Hamas is a proscribed terrorist organisation. Where is the balance between Israel's responsibility as an occupying power to protect people and the right of Palestinians to protect themselves? ...

Lord Ahmad: It is a question I have been asked repeatedly as well. ... We need to focus on the governance of the Palestinians—the “who”. We are certainly focused on that with the Palestinian Authority, so you have a responsible authority—a responsible Palestinian governance structure—which we saw after the Oslo accords were signed 30-odd years ago. When we invested, for example, in the Palestinian Authority security forces, some of those issues of security and governance were being directly addressed.

But that has declined massively. We have seen Hamas's control of Gaza, and I am speculating purely here ... but I do not think that there would be any Palestinian in Gaza right now celebrating what Hamas has put on them. Yes, it was difficult beforehand, but now we see the pure devastation that has taken place: no livelihoods, no nothing. ...

Israel has the capacity to be able to go in in a much more measured and structured way against those who are perpetrators of the violence, aggression and terrorism. That is what needs to be implored when we have those engagements with them. Yes, we will make judgment calls on their prosecution of the war.

On the issue of Palestinian rights, the Palestinians are also reflective of different communities. There are Muslim and Christian communities that constitute the Palestinians, so when we talk about the rights of Palestinians, we need to ensure governance that protects the rights of all communities. If I was being very focused on the future, I would say that one hopes that maybe there will come a time when we will have a future state of Palestine that is inclusive—I use that word deliberately—of Jews who will be settled in Palestine.

When we go back in history, across the world Jewish communities were also represented, as we have heard from Fabian, in other parts of the Islamic world. We need to seize that again. ...

I fully accept the principle that you have alluded to, and the real strength of feeling there, that the Palestinians themselves do not have anyone protecting them. That is what we are seeking to create now, but we need an empowered Palestinian governance structure to make that happen. ...

Q339 Graham Stringer: ... The last time you were before the Committee, I asked you how you thought the Foreign Office and Government policy could help locally with relations between the Jewish community and the Muslim community. Over the last six months, both communities have become more frightened and more angry—almost in equal measure, it seems, from the meetings I have with them. What more can you as a Minister and the Government do to help foster better relations when those communities are so angry?

Lord Ahmad: First, the security and safety of all communities is something we pride ourselves on, irrespective of politics, and whether you are in Scotland or elsewhere the UK. If we lose that, we lose what we are as a country, and I think we have achieved a lot. That message of reassurance is very clear.

Notwithstanding the challenges we find, people still have the ability—notwithstanding security concerns in synagogues, mosques and so on—to go about their daily lives in relative security. We have got to take the oxygen away from the extremists on both sides, and not allow division to be the prevailing narrative. Doing that requires investment in local communities.

Perhaps there is also a role—I stand ready to do this—around how we brief out to some of the communities. On Friday, members of the Jewish community were in my office representing Jewish leaders, and talking about the rising tide of antisemitism and how it is impacting British communities. I myself, being Muslim, have been engaging extensively with Muslim communities. It has not been easy.

On a personal note, I have never known a time like it. With the intensity of the attacks, which I totally understand, we need to ensure that it is Government's responsibility to navigate this path. But I think we need like-minded community leaders from all sides to come forward with practical suggestions. Our respective roles are also important, as is how we communicate this better. ...

Q340 Chair: ... I lodge my concern that the situation seems to be escalating outside the West Bank ... In the last two weeks there have been attacks on three convoys from Jordan, the arson attack on UNRWA, and more attacks on aid convoys overnight. It is important that the need for restraint is clearly expressed to the Israeli Government.

Lord Ahmad: It is. We have called it out publicly. ...

Q341 Fabian Hamilton: Can I widen the discussion slightly? How important, for regional stability, are some of the strong men around the region—the long-term survivors? I am thinking, obviously, of President Erdoğan in Turkey; Netanyahu, famously the longest-serving prime minister in Israel; and Sisi, in Egypt, who is not quite as long-serving but nonetheless a fairly strong man. I am also thinking, of course, of the monarchies: particularly King Abdullah of Jordan and King Mohammed VI of Morocco. ...

Lord Ahmad: ... Coming back to one of the things Brendan focused on—getting in humanitarian aid—Ashdod, as you will know, is full of Moroccans, or people of Moroccan heritage. Yes, we help to facilitate: we had the structures and because of our relationship with Morocco, we were able to share those. We did see that Moroccan aid was some of the first aid to get through because of the relationship between His Majesty and the Israeli Government. ...

The short answer, in Morocco's case, is: absolutely. We have seen them play an important role in the Abraham Accords. They have stood firm on this particular issue and our relationship with them is strong. ...

I always found King Abdullah to be extremely inspiring in his messages ... about coexistence. ... But Jordan, as we all know, is very dependent on, and is arguably most impacted by, what is happening in Israel and Palestine. ...

President Erdoğan recognises the strength of Israel, again quite bilaterally. ...

Q343 Bob Seely: Do you think the security and extremism debate that dominates the media, because it is very often accompanied by violence, is overstated when it comes to your work in the region?

Lord Ahmad: What we have seen is that all it takes is a trigger to spark something that becomes a major issue. ...

Q345 Bob Seely: ... it is great that you are talking about messages landing and wonderful that we have all these connections, but do you accept that a result is not a message landing, but getting people to change behaviour?

In some of the examples you have given about messages landing, whether it is with the Palestinians, the Israelis or the Iranians, I do not necessarily see progress after the message has landed. ...

Lord Ahmad: ... I also agree that the real delivery is through the action on the ground. ... Israel, Palestine, Iran and so on do resonate. I feel strongly that what the UK thinks matters diplomatically. ...

Q354 Bob Seely: On the Lebanese army front, is it a force that could ever stand up to Hezbollah? To what extent can it actually continue to develop as a coherent military force that is the dominant military force in that country, over and above Hezbollah?

Lord Ahmad: Sometimes you judge an organisation by the principal. We met the principal, in General Aoun. He is a very dynamic general. He had some very clear ideas. When he asked for British support, he didn't ask for arms and weapons; he asked for uniforms. ... He also had a clear plan on how they fill those Hezbollah positions and get Hezbollah to move North of the Litani. Of course, Hezbollah, as we know, is a recognised political party within Lebanon. ...

Q358 Dan Carden (Labour): Minister, what is your view of Israel's decision to ban al-Jazeera and of media freedom in Israel at this point?

Lord Ahmad: I have a very straight answer on that: we are strong supporters of media freedom, and I think it was the wrong decision to make. ...

To read the full transcript see

<https://committees.parliament.uk/oralevidence/14808/html/>

The Integrated Review, referred to above by Alicia Kearns, can be read at

[https://assets.publishing.service.gov.uk/media/60644e4bd3bf7f0c91eababd/Global Britain in a Competitive Age- the Integrated Review of Security Defence Development and Foreign Policy.pdf](https://assets.publishing.service.gov.uk/media/60644e4bd3bf7f0c91eababd/Global_Britain_in_a_Competitive_Age-the_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf)

The Integrated Review Refresh, referred to above by Alicia Kearns, can be read at

[https://assets.publishing.service.gov.uk/media/641d72f45155a2000c6ad5d5/11857435 NS IR Refresh 2023 Supply AllPages Revision 7 WEB PDF.pdf](https://assets.publishing.service.gov.uk/media/641d72f45155a2000c6ad5d5/11857435_NS_IR_Refresh_2023_Supply_AllPages_Revision_7_WEB_PDF.pdf)

House of Commons Library Briefings

2023/24 Israel-Hamas conflict: UK actions and response

<https://researchbriefings.files.parliament.uk/documents/CBP-9874/CBP-9874.pdf>

2023/24 Israel Hamas conflict: US, UN, EU and regional response

<https://researchbriefings.files.parliament.uk/documents/CBP-10007/CBP-10007.pdf>

Downing Street

PM call with the Amir of Qatar, Sheikh Tamim bin Hamad al-ThaniEnglish

... The Prime Minister thanked Qatar for their ongoing efforts to try to negotiate a hostage deal. Both leaders agreed on the importance of a deal that secures the urgent release of hostages - ending the horrific ordeal of those being held and their loved ones – and getting

more aid into Gaza, while progressing towards a sustainable and permanent ceasefire. The Prime Minister shared his deep concern about the humanitarian impact of a full military incursion of Rafah, and updated the Amir on the UK's support to ensure more humanitarian aid was flowing into Gaza via land, sea and air. ...

To read the full press release see

<https://www.gov.uk/government/news/pm-call-with-the-amir-of-qatar-sheikh-tamim-bin-hamad-al-thani-13-may-2024>

Foreign, Commonwealth and Development Office

UK aid en route to temporary pier off Gaza

... UK aid has left Cyprus and will be part of the first delivery to the temporary pier on the Gaza coast.

Nearly 100 tonnes of UK aid comprising 8,400 shelter coverage kits – temporary shelters made up of plastic sheeting – are the first part of a £2 million package of UK aid to be delivered from Cyprus. The aid will be distributed within Gaza as soon as feasible.

The pier, which has been built by the US Navy and Army, will initially facilitate the delivery of an estimated 90 truckloads of international aid into Gaza each day, and scale to up to 150 truckloads a day once fully operational.

Prime Minister Rishi Sunak said: The UK has been working around the clock with our allies and partners to ensure more aid gets into Gaza via all possible routes - land, air and sea. We are leading international efforts with the US and Cyprus to establish a maritime aid corridor. Today's first shipment of British aid from Cyprus to the temporary pier off Gaza is an important moment in increasing this flow.

But we know that more is required, particularly via land, which is why alongside intensive work to get hostages out of Gaza we will continue efforts to unlock more routes to get vital aid in – helping people in desperate need.

Foreign Secretary Lord Cameron said: It's essential that we get vital aid to the people of Gaza by all possible routes. We're working with the US, Cyprus and other allies and partners to do just that and I'm proud that the UK will be part of the first delivery of aid to the new pier.

This pier will play a vital role in getting aid to those who need it in Gaza, but it must be accompanied by an increase in aid delivered through land routes. Israel's commitments to increase access are welcome but we need to see more aid making it over the borders and further action – fully opening Ashdod port for aid deliveries; more land crossings, open for longer; and better deconfliction measures. Only with these in place can we alleviate the humanitarian crisis in Gaza.

The UK has been central to the international effort to establish a maritime aid corridor. It is committing £9.7 million to provide aid, including the initial 8,400 coverage kits, as well as five forklift trucks, 900 family tents, a further 2,000 coverage kits, 9,200 hygiene kits, and help with coordinating logistics in Cyprus. The Ministry of Defence is also providing accommodation on board RFA Cardigan Bay for US military personnel constructing the pier.

The opening of the maritime corridor is not a replacement for aid being delivered through land routes, which remain the quickest and most effective way of getting much-needed aid into Gaza.

We continue to urge Israel to meet its commitment to allow at least 500 aid trucks to cross into Gaza through land crossings and open as many routes as possible, including Ashdod. As a fully functioning port, Ashdod's capacity to receive aid is much larger than will ever be feasible through the maritime pier.

The UK is also doing everything possible to get more aid into Gaza by land and air. We trebled our humanitarian funding to the Occupied Palestinian Territories last financial year,

delivering more than £100 million of vital medical, shelter, nutrition and water/sanitation support.

To date the British Royal Air Force has airdropped more than 100 tonnes of life-saving aid, including ready-to-eat meals, water, rice and flour directly into Gaza.

To read the full press release see

<https://www.gov.uk/government/news/uk-aid-en-route-to-temporary-pier-off-gaza>

David Cameron The video of Nadav Popplewell held by Hamas in Gaza is deeply distressing. Today I met with his family to hear more about their ordeal first-hand. We reiterate our call for Hamas to send all hostages home.

https://twitter.com/David_Cameron/status/1790789638711398622

Welsh Senedd Statement of Opinion

John Griffiths (Labour) [OPIN-2024-0410] **76 years on - Remembering the Nakba “The Ongoing Catastrophe”** – This Senedd:

1. Remembers the some 750,000 Palestinians who fled or were expelled from their homes during the Nakba in 1948.
2. Is greatly saddened and concerned at current events, conflict, loss of life and injury in Israel and the occupied territories of Palestine.
3. Acknowledges the continued dispossession and death suffered by Palestinians, and the ongoing human catastrophe.
4. Asks the Welsh Government to press the UK Government to support efforts of negotiation and to exert all effort towards lasting peace and justice between Palestinians and Israelis.

<https://record.senedd.wales/StatementOfOpinion/410>

Northern Ireland Assembly Members Statement

Nakba

Pat Sheehan (Sinn Féin): Tomorrow, Palestinians across the world will commemorate the Nakba. Nakba is the Arabic word for catastrophe. It is the term that Palestinians use to describe the ethnic cleansing of their country in 1948 when over 750,000 were driven from their homes. More than 15,000 Palestinians were killed at that time.

Nakba is also the term that they use to describe the ongoing displacement and persecution. Even though the Zionists fulfilled their dream of establishing their own Jewish homeland in Palestine in 1948, the process of ethnic cleansing and displacement carried on.

During the Arab-Israeli war in 1967, the Israelis occupied what was left of the Palestinian territories: East Jerusalem, the West Bank and Gaza. They still occupy those territories. That is why they are called the "occupied territories". We know also that the Israelis are continuing to build illegal settlements on land stolen from the Palestinians.

In the past year, the Israelis have killed more than 400 Palestinians in the West Bank. Therefore, when I hear in the media that the killing only began on 7 October last year, I know that that is just a lie and propaganda. Now there are more than 35,000 dead in Gaza, most of them children and women. However, also among the dead are doctors, journalists and aid workers. Hospitals, schools, universities, churches and mosques have been destroyed. Netanyahu cares nothing about the lives of the people in Gaza, much less the institutions that sustain life. However, he cannot kill every Palestinian. That is not going to happen.

For a resolution to happen there must be an immediate ceasefire. The Israelis must allow humanitarian aid in and completely withdraw all their military. The occupation must end, and, at the end of the day, there must be an independent, Palestinian state.

<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2024/05/14&docID=400577#4378752>

United Nations

Secretary-General Appalled by Escalation of Military Activity in, around Rafah

The Secretary-General is appalled by the escalation of military activity in and around Rafah by the Israeli Defense Forces.

These developments are further impeding humanitarian access and worsening an already dire situation. At the same time, Hamas goes on firing rockets indiscriminately. Civilians must be respected and protected at all times, in Rafah and elsewhere in Gaza. For people in Gaza, nowhere is safe now.

The Secretary-General reiterates his urgent appeal for an immediate humanitarian ceasefire and for the release of all hostages. He calls for the Rafah crossing to be reopened immediately and we must have unimpeded humanitarian access throughout Gaza.

<https://press.un.org/en/2024/sqsm22228.doc.htm>

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Relevant Legislation ** new or updated today

UK Parliament

Arms Trade (Inquiry and Suspension) Bill

<https://bills.parliament.uk/bills/3567>

Criminal Justice Bill

<https://bills.parliament.uk/bills/3511>

Disestablishment of the Church of England Bill

<https://bills.parliament.uk/bills/3539>

**** Economic Activity of Public Bodies (Overseas Matters) Bill**

<https://bills.parliament.uk/bills/3475>

Committee Stage, House of Lords

[https://hansard.parliament.uk/lords/2024-05-14/debates/D6D666B0-4E44-4FC3-A6E8-1EF475CB7DE7/EconomicActivityOfPublicBodies\(OverseasMatters\)Bill](https://hansard.parliament.uk/lords/2024-05-14/debates/D6D666B0-4E44-4FC3-A6E8-1EF475CB7DE7/EconomicActivityOfPublicBodies(OverseasMatters)Bill)

and

[https://hansard.parliament.uk/lords/2024-05-14/debates/BDDFBA28-2D1A-433E-98CF-DF3135C59428/EconomicActivityOfPublicBodies\(OverseasMatters\)Bill](https://hansard.parliament.uk/lords/2024-05-14/debates/BDDFBA28-2D1A-433E-98CF-DF3135C59428/EconomicActivityOfPublicBodies(OverseasMatters)Bill)

The Equality Act 2010 (Amendment) Regulations 2023 [Draft]

<https://www.legislation.gov.uk/ukdsi/2023/9780348253191/contents>

Genocide Determination Bill

<https://bills.parliament.uk/bills/3535>

Genocide (Prevention and Response) Bill

<https://bills.parliament.uk/bills/3521>

Holocaust Memorial Bill

<https://bills.parliament.uk/bills/3421>

Palestine Statehood (Recognition) Bill

<https://bills.parliament.uk/bills/3596>

Special Envoy for Freedom of Religion or Belief Bill

<https://bills.parliament.uk/bills/3564>

Terrorism (Protection of Premises) Draft Bill

<https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>

Scottish Parliament

Assisted Dying for Terminally Ill Adults (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/assisted-dying-for-terminally-ill-adults-scotland-bill>

Gender Recognition Reform (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/gender-recognition-reform-scotland-bill>

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Consultations

** new or updated today

**** closes today**

Office of the Scottish Charity Regulator: Charity banking challenges survey 2024

(closing date 15 May 2024)

<https://www.oscr.org.uk/news/have-your-say-charity-banking-challenges-survey-2024/>

Faith school designation reforms (closing date 20 June 2024)

<https://consult.education.gov.uk/faith-schools-policy-team/faith-school-designation-reforms/>

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The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438