5 November 2014

Dear Sirs

In the matter of a proposed claim for judicial review: R (Campaign Against Arms Trade) v Secretary of State for Business, Innovation and Skills

We refer to your letter of 31 October 2014.

There is no inconsistency. The 12 August 2014 press release says twice that it would only be in the event of a resumption of significant hostilities that the government would have sufficient concern about future risk to suspend extant licences:

"Currently there is a ceasefire in place and the government continues to urge both sides to respect this and to secure a lasting end to hostilities through the negotiations taking place in Cairo. However, in the event of a resumption of significant hostilities, the government is concerned that it would not be able to clarify if the export licence criteria are being met. It would therefore suspend those licences as a precautionary step."

"In the event of a renewal of significant hostilities, the government’s concern is that it may not have sufficient information to determine whether the licence assessment criteria have been contravened..." (underlining added).

We agree that the quotation accompanying the press release could have been more clearly drafted. But the quotation is to be read alongside the full decision set out in the press release, which makes the relevant decision plain. As at 12 August the Government was satisfied that immediate suspension was not required because of the ceasefire. But if there was a resumption of significant hostilities, this would alter the assessment of risk of a future breach of Criterion 2.

We invite your clients to consider the substance of the decision. We repeat: the decision was taken on the basis of a difficult assessment as to the future conduct of a foreign state in a complex situation based on the available information. The assessment made a legitimate and reasonable assessment of future risk. We note that your client has not suggested otherwise in your letter of 31 October. The Secretary of State does not expect your client to
agree with the decision taken. This is an area in which reasonable people may disagree. But
the decision taken was lawful, and is carefully explained in a public decision open to debate,
criticism and scrutiny. In the absence of any substantive point, we suggest that the drafting of
press quotes is perhaps not a matter for judicial review.

We also take this opportunity to provide you with an update as to the current position.

On 4 November, Ministers decided to carry out a further review of extant licences and new
applications for Israel, including the 12 licences identified in the decision of 12 August.

This review is being carried out to ensure that up to date information and evidence is
considered and taken into account. The Department for Business, Innovation and Skills and
the Foreign and Commonwealth Office will publicly announce the outcome of the review
when completed.

In these circumstances, your client may wish to consider whether there is any practical
purpose or real public interest in pursuing a complaint that appears to amount to no more
than a criticism of the drafting of a quote in a clear public statement.

Yours faithfully

Ellen Richardson
For the Treasury Solicitor