Thank you for the opportunity to give evidence during the Joint Committee for Human Rights inquiry into human rights protections in international agreements. During the course of the session several issues were raised that I committed to writing to the Committee about.

**Sino-British Joint Declaration**

Fiona Bruce MP, raised the issue of human rights guarantees in the Sino-British Joint Declaration. The Joint Declaration on the Question of Hong Kong remains as valid today as it did when it was signed over thirty years ago. It is a legally binding treaty, registered with the UN, and continues to be in force. As co-signatory, the UK is committed to monitoring its implementation closely. Hong Kong’s success is underpinned by its high degree of autonomy, independent judiciary, and respect for fundamental rights and freedoms enshrined in the Joint Declaration.

While in many areas ‘One Country, Two Systems’ continues to function well, there is continued pressure on Hong Kong’s high degree of autonomy and on the rights and freedoms guaranteed by the Joint Declaration and enshrined in the Basic Law.

We have raised publicly our concerns about recent developments, which call into question Hong Kong’s high degree of autonomy. We have also made clear in private to the Chinese and Hong Kong Special Administrative Region Governments that it is vital that Hong Kong’s rights and freedoms and high degree of autonomy are fully respected.

The UK’s exit from the EU provides us with an opportunity to explore how we can most appropriately use free trade agreements to pursue broader international objectives while recognising the need for a balanced and proportionate approach. The Government is exploring all options in the design of future trade and investment agreements, including relevant human rights provisions within these.

**UK-Israel Trade Agreement**

You asked about the UK-Israel Trade Agreement. Following a successful meeting between the UK Secretary of State for International Trade, Liam Fox, and Israeli Minister for Economy, Eli Cohen, the UK has been able to conclude formal discussions on issues of substance for the UK-Israel Trade and Partnership Agreement (“an agreement in-principle”).

On the issue of human rights standards in the UK-Israel Trade Agreement, the agreement replicates the effects of the original EU-Israel Trade Agreements to the extent possible, so as to minimise trade disruption for businesses and consumers in the UK and Israel. The agreement ensures continuity of effect as we leave the EU, including the rolling over of human rights provisions. Officials will be finalising technical details, with a view to signing in the coming weeks. We will publish the text of the agreement following signature.

Officials from the Foreign and Commonwealth Office, both in London and at the Embassy in Tel Aviv, have worked closely with the Department for International
Trade throughout the process. The UK Ambassador to Israel has routinely discussed the Agreement with the Israeli authorities and Embassy officials took part in several of the technical working groups in Israel. The FCO will continue to work with DIT on the remaining technical details in the run-up to signature.

**Export-licensing**

Finally, on the issue surrounding the rules on the prohibition of arms and the export of torture equipment, raised by Baroness Hamwee, our overall objective is to maintain the integrity of the export licensing system through Brexit and beyond. The UK has legislation in place for export controls and will use the EU (Withdrawal) Act to preserve EU export control regulations.

Controls on export of goods usable for capital punishment or torture are currently contained in EU law (i.e. Council Regulation 1236/2005). These would become “retained EU law” under the EU (Withdrawal) Act 2018 in a No Deal Brexit. In regards to the legislative process through which changes would be made, there are powers in the Export Control Act 2002 which would allow the retained Regulation to be amended using secondary legislation.

Controls on export of military goods are set out in national law (the Export Control Order 2008, made under the Export Control Act 2002) and are unaffected by Brexit. Regarding the legislative process, any change to those controls would require secondary legislation amending the 2008 Order.

Export control policy is set out in the Consolidated EU and National Arms Export Licensing Criteria. This statutory guidance which the International Trade Secretary is required to give to Parliament under section 9 of the Export Control Act 2002. The Criteria will remain in force until such time as new or amended guidance is given to Parliament.

It will be for the Government of the day to decide whether to review and, if appropriate, amend rules and regulations applying to export control. This would follow the normal processes for making changes to laws and regulations.

*5 February 2019*