

STATES OF JERSEY



CEASEFIRE IN GAZA (P.7/2024): AMENDMENT

Lodged au Greffe on 22nd February 2024
by the Minister for External Relations

STATES GREFFE

CEASEFIRE IN GAZA (P.7/2024): AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

For the words “the loss of civilian lives” substitute the words “death and harm to civilians”.

After the word “especially” insert the words “women and”.

2 PAGE 2, PARAGRAPH (b) –

For the words “a permanent ceasefire” substitute the words “an immediate suspension of hostilities”.

For the words “and that all hostages and those held under unlawful detention should be released” substitute the words “to enable the unconditional release of hostages and those held under unlawful detention, the urgent provision of humanitarian assistance, and a permanent ceasefire”.

3 PAGE 2, PARAGRAPH (c) –

For the words “stop further significant loss of civilian lives and to avoid potential acts of genocide” substitute the words “prevent death and harm to civilians and damage to civilian infrastructure on a mass scale”.

4 PAGE 2, PARAGRAPH (d) –

For the words “interim ruling” substitute the words “independence and work”.

For the words “in South Africa’s case against Israel” substitute the words “, including in relation to the conflict in Gaza,”.

After the words “should be respected” insert the words “having particular regard to the court’s interim ruling”.

5 PAGE 2, PARAGRAPH (e) –

For the words “solution to end the conflict” substitute the words “resolution to the conflict is vital”.

Delete “including an immediate end to the military occupation of Palestine, should be pursued by the UK Government and its allies”.

After the words “lasting peace in the region” insert the words “, based on a two-state solution which provides justice, freedom from occupation, and security for both Israelis and Palestinians”.

6 PAGE 2, PARAGRAPH (f) –

For the words “express the view of” substitute the word “updates”.

For the word “on” substitute the words “over the steps taken by Ministers to raise”

After the word “matter” for the word “to” substitute the word “with”.

MINISTER FOR EXTERNAL RELATIONS

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) to express their profound sadness and dismay at the extent of loss of civilian lives in Gaza and Israel and to condemn the taking of hostages and all acts of aggression which violate international law and result in death and harm to civilians, especially women and children;
- (b) that an immediate suspension of hostilities should be established to enable the release of hostages and those held under unlawful detention, the provision of humanitarian assistance, and a permanent ceasefire;
- (c) that international law should be adhered to in order to prevent death and harm to civilians and damage to civilian infrastructure on a mass scale;
- (d) that the independence and work of the International Court of Justice, including in relation to the conflict in Gaza should be respected having regard to the court’s interim ruling;
- (e) that a diplomatic resolution to the conflict is vital, in order to secure stability and a lasting peace in the region, based on a two-state solution which provides justice, freedom from occupation, and security for both Israelis and Palestinians; and
- (f) to request that the Government of Jersey updates the Assembly over the steps taken by Ministers to raise this matter with the UK Government.

REPORT

The purpose of this amendment is to ensure that the Assembly can express its view on the concerning situation in Gaza in a manner that accords with Jersey's values of supporting peace, tolerance and unity. In preparing this amendment, the Minister for External Relations has sought to find a position which balances, to the greatest extent possible, the perspectives of Jersey's diverse community, in order to maintain unity and respect within our island.

The Amendment is also intended to bring the P.7/2024 in line with the Island's longstanding constitutional position vis-a-vis the United Kingdom, particularly given the need to find a balanced expression of the often strongly held views in this area of foreign policy. Noting their concurrent responsibility for the conduct of Jersey's external relations, the Chief Minister and the Minister for External Relations jointly support the amendment.

Jersey has a good reputation as a responsible international actor and is committed to the respect for human rights and the rule of law. Jersey has experienced conflict many times in its long history, and Islanders have continued to support humanitarian assistance to people living in conflict-affected environments, including in Gaza.

Prior to lodging this amendment, the Minister for External Relations has liaised with Deputy Tadier in an effort to align the objective of the proposition with the intention of the amendment. The Minister is also grateful to Jersey's local faith community leaders for their ongoing engagement and positive efforts to encourage Islanders to come together and show through cohesion and mutual respect that we oppose those who seek to divide.

Background

The events in Israel and Gaza in recent months have raised significant concerns across the international community, and the Minister fully accepts that Deputy Tadier, in lodging P.7/2024, has legitimately utilised his right to raise his views on the situation.

The Minister also recognises and shares the profound sense of sadness at the ongoing loss of life and suffering caused by the conflict, as expressed in the Jersey Unity Statement published in November 2023. The Minister appreciates the Island's continuing efforts to show its compassion to those affected by violence and humanitarian crises overseas, and intends to support this approach, through the proposed amendment, in a balanced manner which has regard to the complexities and fast-moving nature of the issue in question.

The Minister also seeks to align P.7/2024 with Jersey's constitutional position. The United Kingdom is ultimately responsible for the defence and international relations of Jersey and, whilst the Island has a distinct international identity which the United Kingdom Government is committed to support and defend¹, there are limited areas in which Jersey can act internationally.² Such activities – including the negotiation and conclusion of international agreements – are subject to the prior approval of the United Kingdom, and by established convention do not infringe upon the United Kingdom's responsibilities as the sovereign party.

¹ This is outlined in the 2007 ['Framework for Developing the International Identity of Jersey'](#).

² See the Ministry of Justice [factsheet](#) on the UK's relationship with the Crown Dependencies.

The operation of British foreign policy as addressed in P.7/2024 is a key aspect of these sovereign responsibilities and the proposed amendment, explained below, is proposed in part to better reflect Jersey's established constitutional position in this regard.

The amendment

The Minister wishes to amend P.7/2024 to reflect the sensitivities raised by the conflict, both at home and abroad, relating to religious and national communities. The Minister believes that the use of specific phrases, even where they are intended to describe solidarity with vulnerable communities affected by the conflict, may not act in support of peace, tolerance and unity. Moreover, the Minister wishes to ensure that any united expression of the Assembly is appropriately balanced and adequately nuanced to reflect the complexity and delicacy of the ongoing situation in Israel and Gaza.

The Minister believes that consideration of these difficult issues could have been achieved through other mechanisms such as an In-Committee debate. Instead, the Deputy has asked the Assembly to determine its view on what is a very complex and fast-moving area of foreign policy, and further that the Assembly request the Government of Jersey to express this view to the UK government.

The latter request is problematic given Jersey's constitutional position, recognising that Jersey is a sub-sovereign jurisdiction and that it is the UK which exercises responsibility for foreign policy as a matter of international law. As such, the Minister additionally wishes to amend parts of the proposition which are inconsistent with UK foreign policy or with the internationally recognised position of institutions such as the UN Security Council.

Part (a)

The Minister seeks to slightly amend paragraph (a) of the proposition to include the broader concept of "harm" as well as loss of life. The Minister believes that this amendment should be uncontroversial and is in line with recent statements by international partners, particularly with regard to post-conflict rebuilding. Following a discussion with the Council of Ministers, specific reference is also being made in part (a) to women as well as children.

Part (b)

The Minister supports the need for a permanent ceasefire. However, the proposed amendments also reflect the credible sequencing of conditions and events that are likely to precede and enable such a ceasefire. The additional language therefore prioritises the need for an immediate pause in the fighting to enable the provision of aid and unconditional release of hostages or those under unlawful detention, so that progress can be made towards a sustainable, permanent ceasefire – all of which are in line with resolutions favoured by the international community at large.

Part (c)

The Minister wishes to amend paragraph (c) to reflect sensitivities in the terminology around conflict and international law, to improve readability, and to align with proposed changes in paragraph (a). In particular, the use of the term "genocide" is contested internationally and has not been ruled upon in relation to the conflict in Gaza. The wording in Deputy Tadier's original proposition therefore raises potential sensitivities and risks undermining the sense of unity and solidarity. Further, the Minister believes the amendment better reflects Jersey's longstanding constitutional position, whilst still

supporting without question the need for international law to be adhered to in relation to the conflict.

Part (d)

The Minister proposes changes to encapsulate and recognise the wider work of the International Court of Justice, in addition to the interim ruling in the case of South Africa vs Israel. Members will also be aware that Jersey does not participate in the International Court of Justice (ICJ), and that the United Kingdom Government continues to represent Jersey as a matter of international law. In general terms, however, the Minister is clear that the Government of Jersey respects the independence and integrity of the International Court of Justice, including in relation specifically to the interim ruling, and this is reflected in the minor amendment.

Part (e)

The original wording, which referred to “the military occupation of Palestine” but made no reference to the two-state solution, is problematic and does not achieve a balanced expression of the international consensus in this area of foreign policy. There is no doubt that an urgent and peaceful resolution is desired by the international community, and the Minister strongly believes that the amendment accurately reflects this position, which includes clear support for freedom from occupation on all sides.

Part (f)

The Minister wishes to amend paragraph (f) so that it no longer impinges upon the responsibility of the Government of Jersey to conduct external relations on behalf of the Island. This executive function is already well-enshrined through past practice and through the Common Policy for External Relations. The Minister believes the amendment more accurately reflects this position and places additional emphasis on the importance of regular engagement with States Members through the proper channels, including Scrutiny, in-Committee debates and lodging of Reports as may be appropriate.

Financial and staffing implications

There are no additional financial and staffing implications.

Children’s Rights Impact Assessment

A Children’s Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.