Bates Wells
10 Queen Street Place
London EC4R 1BE

Tel: +44 (0)20 7551 7777
DX: 42609 (Cheapside 1)

Secretary of State for Foreign, Commonwealth and Development Affairs

By email only

Direct Dial: 020 7551 7650
Email: h.fry@bateswells.co.uk

Your ref:
Our ref:

8 May 2025

Dear Secretary of State

LETTER BEFORE ACTION IN A PROPOSED CLAIM FOR JUDICIAL REVIEW

1. This is a formal letter before claim written in accordance with the Pre-action Protocol for Judicial Review under the Civil Procedure Rules.

Details of the matter being challenged

2. The proposed challenge is to the decision, first announced by the Prime Minister on 25 February 2025 - but with the full details not confirmed until the Spring Statement presented to Parliament by the Chancellor of the Exchequer on 26 March 2025 - to reduce the UK's spending on official development assistance (**ODA**) to 0.3% of gross national income (**GNI**) by April 2027, including cuts of almost £5 billion over the next two years, to fund an increase in defence spending (the **Decision**).

The proposed claimant

3. The proposed claimant is The ONE Campaign (**ONE**) of 175 High Holborn, Office 6.08, London WC1V 7AA, for which we act.[1] ONE is a registered US charity founded in 2004. ONE spearheads a global movement aimed at ending poverty and preventable diseases, and seeks to secure healthier lives and economic opportunities for people in Africa. It has been at the centre of global campaigns to increase development budgets and ensure that aid is spent effectively, as well as efforts on debt relief, anti-corruption and equitable investment in Africa.

4. ONE has had a registered branch office in the UK since 2009, from which it has worked to galvanise a public conversation around poverty elimination and effective aid, as well as working on those issues with policy makers. It works in close collaboration with other NGOs in the UK aid sector, including Christian Aid, Save the Children, Action

[1] Join - ONE.org US

Aid, and Tearfund. It set up a charity in 2016 (ONE Against Poverty (UK)) to advance some aspects of its work in the UK.

5. ONE was a key part of the campaign to enshrine in UK law the UN's target of setting ODA spending at 0.7% of GNI, which ultimately resulted in the *International Development (Official Development Assistance Target) Act 2015* (the **2015 Act**).[2]

6. Since then, a significant part of ONE's work in the UK has focused on safeguarding both the quality and quantity of ODA; its website features extensive resources on the topic.[3] It has advocated against cuts to ODA, and has sought to raise awareness of the impact of such cuts. In 2021, for example, ONE submitted written evidence to the International Development Committee on the impact of the 2021 decision to reduce ODA (see further below).[4] It has also campaigned against the proposed 2025 cut (for example in its recent analysis "Cuts to UK aid will cost hundreds of thousands of lives").[5]

7. While it is not yet clear how particular organisations will be impacted by the 2025 Decision, it is clear that it will have a substantial effect across the UK aid sector, and will harm the beneficiaries supported by many of ONE's partners. Any cuts to the UK's contributions to the World Bank's International Development Association would be particularly devastating.

8. Save the Children has estimated that the cuts will leave 55.5 million of the world's poorest people without access to basic resources.[6] ONE's own analysis estimates that the 40% cut to UK aid could result in:

    a. **600,000 fewer lives saved**, due to reduced funding for the Global Fund to Fight AIDS, Tuberculosis and Malaria – roughly the population of Glasgow;

    b. **37 million children** missing out on vaccinations for diseases like measles and polio through Gavi, the Vaccine Alliance – more than double the number of children in the UK;

    c. **290,000 schoolchildren** losing access to food assistance provided by the World Food Programme.

9. ONE is, in short, an expert on ODA and the vital role it plays in supporting the overseas work of ONE's partner organisations. It has a deep and genuine interest, and

---

[2] See examples of its commentary: ONE responds to bringing forward International Development Bill; ONE urges party leaders to support the International Development Bill; The ONE Campaign Response to the Autumn Statement; ONE responds to International Development Bill passing third reading
[3] ONE Campaign website: ODA
[4] committees.parliament.uk/writtenevidence/114302/pdf/
[5] Cuts to UK aid will cost hundreds of thousands of lives
[6] 'Savage' UK aid cuts will impact more than 55 million people around world, Save the Children analysis shows | The Independent

substantial expertise, in the important issues raised by the claim, and on that basis seeks to bring these proceedings in the public interest.

The proposed defendant

10. The proposed defendant is the Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office (**FCDO**), King Charles Street, London, SW1A 2AH (the **Secretary of State**), on the basis that he is responsible for compliance with the statutory duties outlined below, and was jointly responsible for the decision under challenge (albeit some aspects of that decision have been communicated by other members of the government).

Details of any interested parties

11. ONE does not consider there to be any interested parties; please let us know if you disagree.

Legal framework

12. There are four key statutes underpinning the UK's approach to international development and overseas aid, which impose various duties on the Secretary of State.

13. The *International Development Act 2002 (*the **2002 Act**) provides that the Minister (being the Secretary of State or the Treasury) *"may provide any person or body with development assistance if [the Minister] is satisfied that the provision of the assistance is likely to contribute to a reduction in poverty."*

14. The *Reporting and Transparency Act 2006* (the **2006 Act**) requires the Secretary of State to produce an annual report on aid levels across government in the previous calendar year, explaining the effects the government's policies have had on sustainable development and poverty reduction.

15. The *International Development (Gender Equality) Act 2014* (the **2014 Act**) amended the 2002 Act so that, before providing ODA, the Secretary of State shall have regard to whether the proposed spending is likely to contribute to poverty reduction *"in a way which is likely to contribute to reducing inequality between persons of different gender*." It also added to the 2006 Act a duty to report on those efforts.

16. As mentioned above, the 2015 Act was enacted, with cross-party consensus, to align with the United Nations' target (in place since 1970) that all economically advanced countries should provide 0.7% of their GNI as ODA (the **0.7% Target**) – a target that the UK met in every year from 2013 to 2019. The objective of the 2015 Act was to lift ODA spending above the political fray of day-to-day budget decisions and spending pressures.

17. Section 1(1) of the 2015 Act provides that: "*It is the duty of the Secretary of State to ensure that the target for official development assistance (referred to in this Act as "ODA") to amount to 0.7% of gross national income (in this Act referred to as "the 0.7% target") is met by the United Kingdom in the year 2015 and each subsequent calendar year*".

18. If the Secretary of State's annual report to Parliament shows that the 0.7% Target was missed in the previous calendar year, section 2 of the 2015 Act requires him to explain why, and describe any steps he has taken to ensure that the 0.7% Target will be met in the following year. Section 3 provides that the section 2 requirement is the only accountability mechanism in relation to "*the fact that the duty in section 1 has not been, or will or may not be, complied with*."

Background to the Decision

19. In November 2020, citing the economic impact of the Covid-19 pandemic, the Secretary of State's predecessor, Dominic Raab, announced that ODA spending would be reduced to 0.5% of GNI from 2021:

> *"Given the impact of the global pandemic on the economy and, as a result, the public finances, we have concluded after extensive consideration – and, I have to say, with regret – that we cannot for the moment meet our target of spending 0.7% of gross national income on ODA, and we will move to a target of 0.5% next year. Let me reassure the House that this is a temporary measure. It is a measure we have taken as a matter of necessity, and we will return to 0.7% when the fiscal situation permits.*
>
> *…given the requirements of [the 2015 Act], the fact that we cannot at this moment predict with certainty when the current fiscal circumstances will have sufficiently improved and our need to plan accordingly, we will need to bring forward legislation in due course..."*[7]

20. The Secretary of State also confirmed that: "*We have taken advice very carefully on this, and it is very clear that if we cannot see a path back to 0.7% in the foreseeable, immediate future, and we cannot plan for that, then the legislation would require us to change it. We would almost certainly face legal challenge if we do not very carefully follow it*".

21. Then Prime Minister Boris Johnson subsequently decided, however, that the government did not need to bring forward legislation, because "*the law makes it very clear that when we have exceptional circumstances…we are entitled to vary that 0.7% commitment".*[8]

[7] Official Development Assistance - Hansard - UK Parliament
[8] Integrated Review - Hansard - UK Parliament

22. Giving evidence to the International Development Committee in April 2021, the Secretary of State confirmed that the government had carried out an equality impact assessment (**EIA**) in relation to the cut at the time, and that "*it showed no evidence that programmes targeting those with protected characteristics were more likely to be reduced than other programmes*."[9] The government declined to publish the EIA, but a leaked version released in March 2022 showed that the Secretary of State was in fact aware that the cuts were likely to have particular impacts on the poorest and most marginalised, many of whom have protected characteristics. In particular, the EIA stated that: "*The proposed scale of reductions to specific gender interventions, including Violence Against Women and Girls (VAWG) and Sexual and Reproductive Health and Rights (SRHR) will impact girls' education and wider efforts to advance gender equality…"*[10]

23. In July 2021, then Chancellor Rishi Sunak made a Written Statement to Parliament setting out two tests that would have to be met for the government to restore spending to 0.7% of GNI, namely that the Office for Budget Responsibility (**OBR**) shows that "*on a sustainable basis*" the country is not borrowing for day-to-day spending (i.e. the current budget is in surplus), and the ratio of underlying debt to gross domestic product is falling (the **Fiscal Tests**).[11]

24. A motion was then put to the House asking it to confirm that it had considered the Statement, with the Chancellor explaining that "*what we are asking the House to vote for today is a road map for returning to 0.7%"* which *"puts beyond doubt the fact that the reduction in the aid budget is temporary; it defines a reasonable set of tests for when we will return to 0.7%; and it makes those tests objective and verifiable*".[12] The motion passed.

25. In March 2023, the government committed to spend £11.6 billion on International Climate Finance – funding to support mitigation and adaptation efforts in developing nations, which is classified as ODA - from financial years 2021-22 to 2025-26, further to its commitments under the Paris Agreement.[13] (The Secretary of State confirmed in September 2024 that that remained the government's ambition.[14])

26. Some two years after the move to 0.5% was announced, in July 2023, the FCDO published an EIA in relation to its 2023-24 ODA allocations, which concluded that "*the impact of the ODA reductions on FCDO programming with a strong focus on fostering equalities is expected to be severe. Women and girls and humanitarian focused programmes will be reduced in many of the FCDO's biggest bilateral countries, including those facing acute humanitarian need."*[15] It gave some striking examples: half

[9] committees.parliament.uk/oralevidence/2073/html/
[10] committees.parliament.uk/writtenevidence/106856/default/
[11] Written statements - Written questions, answers and statements - UK Parliament
[12] International Aid: Treasury Update - Hansard - UK Parliament
[13] UK International Climate Finance Strategy - GOV.UK
[14] UK calls for "ambition" on COP29 climate finance goal but won't talk numbers
[15] committees.parliament.uk/publications/41098/documents/200208/default/

a million women and children in Yemen who would not receive healthcare; 41,700 teachers missing out on training in Ethiopia; 101,680 people who would not now be reached with information on gender based violence in South Sudan.

27. On 13 September 2023, the Independent Commission for Aid Impact (**ICAI**) produced a report titled "*UK aid under pressure: a synthesis of ICAI findings from 2019 to 2023"* which raised various concerns about the impact the cuts had had, including that:[16]

    a. "*the UK has reduced its focus on the eradication of extreme poverty. While poverty reduction remains the statutory purpose of UK aid under the International Development Act, it no longer features prominently in the strategy documents…"*;

    b. there had been "*a rebalancing in favour of middle-income countries*", and a shift to a "*mutual prosperity*" model – i.e. a model in which aid creates economic benefits both for the recipient country and for the UK itself - without sufficient thought being given to the risk that this would undermine the poverty reduction focus required by the 2002 Act;

    c. in particular, aid spending through British International Investment (**BII**) did not appear to be contributing to poverty reduction, "*since many of its investments were primarily benefiting middle-class workers and consumers*"; and

    d. with regard to the 2014 Act: "*Despite the priority given to gender in official policies, gender programming has been heavily impacted by recent aid budget reductions. For example, while our peacebuilding review found that gender had been mainstreamed into programming, the abrupt termination of some programmes funding women, peace and security activities had left the participating women unsupported and at risk of harm."*

28. In its Autumn Budget 2024, the new Labour government confirmed that it was not restoring the 0.7% Target, and was continuing to apply the previous government's Fiscal Tests, which were *"not due to be met within the Parliament*."[17]

29. On 5 December 2024, the House of Commons Library published a research briefing on the 0.7% Target, which projected that the Fiscal Tests "*will not both be met at any point in the OBR's forecast period, which ends in 2029/30.*"[18]

30. On 29 January 2025, the government reiterated that the Fiscal Tests "*are not due to be met within this Parliament*".[19]

---

[16] UK aid under pressure: a synthesis of ICAI findings from 2019 to 2023 - ICAI
[17] Autumn Budget 2024 (HTML) - GOV.UK
[18] SN03714.pdf
[19] Written questions and answers - Written questions, answers and statements - UK Parliament

31. On 25 February 2025, the Prime Minister trailed (in a statement in the House of Commons) an intention to cut ODA spending further, to 0.3% of GNI. The proposal was set out alongside an announcement that the government would increase defence spending to 2.6% of gross domestic product (**GDP**) in response to the Russian invasion of Ukraine, with the sums cut from ODA spending used to fund this increase:

> "*we must change our national security posture, because a generational challenge requires a generational response…in the short term, it can only be funded through hard choices. In this case, that means we will cut our spending on development assistance, moving from 0.5% of GNI today to 0.3% in 2027…We will do everything we can to return to a world where that is not the case and to rebuild a capability on development. But at times like this, the defence and security of the British people must always come first*."[20]

32. On 26 March 2025, the Chancellor in her Spring Statement announced a "*gradual reduction*" to 0.3% by 2027:[21]

> "*The increase in defence spending will be funded by reducing ODA from 0.5% to 0.3% of Gross National Income (GNI) by 2027, and reinvesting it into defence. This difficult choice reflects the evolving nature of the threat and the strategic shift required to meet it while maintaining economic stability, a core foundation of the Plan for Change. The government remains committed to returning spending on ODA to 0.7% of GNI when the fiscal circumstances allow.*" [2.12]

33. The Spring Statement set out crucial details about the decision to reduce ODA – including that the ODA budget for future years would be fixed with reference to the current projections of GNI, rather than being adjusted to reflect any increase or decrease to projected GNI in the coming years.

34. It also set out the proposed timetable for the cuts, which – contrary to the expectations of ONE and many in the sector – were frontloaded to start immediately, with heavy cuts of £4.8 billion in 2026-27. Organisations such as Bond had been calling for the opposite approach, namely protecting spending until 2027 to give the sector time to prepare.[22]

35. In May 2025 the government set out revised fiscal targets for borrowing, which will not (from 2026-27) require the current budget to be in surplus.[23] It did not, however, suggest that it was amending the Fiscal Tests in the relation to 0.7% Target.

[20] Defence and Security - Hansard - UK Parliament
[21] CP1298 – Spring Statement 2025
[22] Bond-UK-Aid-Cuts-MAR25.pdf
[23] CBP-9329.pdf

R (International Planned Parenthood Federation) v Secretary of State for FCDO [2021] EWHC 3629

36. The 2021 decision to reduce ODA spending to 0.5% was challenged by International Planned Parenthood Federation (**IPPF**), which had seen its grant funding cut by FCDO as a result of the cut to ODA. IPPF argued that the decision to cut the grant was *ultra vires*, on the basis that the decision to cut the ODA had also been *ultra vires* (since it amounted to a decision to change the 0.7% Target without passing primary legislation).

37. The claim was refused permission by Tipples J, and the refusal was upheld on renewal by Cotter J on 16 November 2021, on the grounds that:

    a. it was out of time, being in reality a challenge to the decision to reduce ODA to 0.5% rather than a challenge to the subsequent decision to reduce IPPF's grant;

    b. the government in any event had an "*unqualified right*" to terminate IPPF's grant arrangement [29]; and

    c. while "*[i]t is clear, and not in dispute, that the target cannot be changed other than [by] primary legislation*" [17], the decision to reduce ODA to 0.5% was not a revision of the 0.7% Target; it was an advance acknowledgment that the target would be missed. The 0.7% Target itself remained unequivocally in place, and it was the government's intention to meet it once the temporary emergency of the Covid-19 pandemic had passed:

    > *"Given the necessarily prospective nature of fiscal planning policy, there are likely to be occasions when it is appreciated by the government, well in advance of the end of the year and including for one or more of the reasons set out in section 2(3), that the threshold will not be – as opposed to may not be, met for the forthcoming year. The duty and target remain but the target will not be met. There is no mischief in setting out a lower percentage which will be achieved…*
    >
    > *…In my judgment a prospective statement of the form in issue in this case does not amount to a change of target as Mr Westgate QC argues, and none of the sources referred to comes close to the unequivocal change to the statutory target he asserts took place. The government has repeatedly stated that the target remains, the position is temporary and it will meet its statutory obligations to Parliament…The government's statements have been unequivocal; this is a temporary state of affairs and a return to meeting the target is intended as soon as financial circumstances allow."* [19-21]

Analysis

Distinction between the Decision and the decision challenged by IPPF

38. The permission decision in the IPPF case is not binding precedent. Insofar as it is persuasive, however, it is clearly distinguishable from the present challenge.

39. Firstly, this is a challenge to the decision to cut the aid budget – not to a subsequent cut to grant funding – so the points about delay and contractual rights do not apply.

40. More substantively, the decision in *IPPF* was predicated on an acceptance of the Secretary of State's position that (in announcing the move to 0.5%) he had merely recognised in advance that "*the threshold will not be…met for the forthcoming year"* [19]. Crucially, Cotter J found that "*[t]he government's statements have been unequivocal; this is a temporary state of affairs and a return to meeting the target is intended as soon as financial circumstances allow*" [21].

41. It is of course correct that the government (reasonably) described the Covid-19 pandemic as an "*exceptional"* state of affairs – indeed it considered it so unprecedented as to justify "*extraordinary measures*" such as the (time-limited) restrictions on liberties contained in the Coronavirus Act 2020.[24]

42. The state of affairs that has prompted the 2025 cut to 0.3%, however, is very different. The cut has been justified as a means of funding an increase in defence spending to 2.6% of GDP, which is said to have been necessitated in part by the gradually increasing volatility of international affairs in light of both Russia's February 2022 invasion of Ukraine and other factors. The Spring Statement explained that "*[i]n recent years, the world has been reshaped by global instability, including Russian aggression in Ukraine, increasing threats from malign actors and rapid technological change*".

43. The government has not suggested that it expects either that volatility, or the UK's "*enduring support for Ukraine"*, to be temporary or short-term. Its descriptions of the proposed use of the funding underscores the fact that it is not to address a temporary crisis, but rather to fundamentally reinvent the UK's defence capabilities in a changing world; the increase "*will support the government in building a modern and resilient Armed Forces. It will accelerate the adoption of cutting-edge capabilities that are vital to retain a decisive edge as threats rapidly evolve, and rebuild stockpiles, munitions and other essentials depleted after a period focused on international terrorism and global crises*".[25]

44. In that context, it is unsurprising that the Spring Statement set out an intention to continue increasing defence spending, with an ambition to reach 3% of GDP in the next Parliament. The Secretary of State, writing about the Decision in the Guardian,

[24] Coronavirus Act 2020
[25] Spring Statement 2025

referred to “*Keir Starmer’s commitment to dramatically raise defence spending in both this and the next parliament*”, describing it as “*a pledge to safeguard our future – and act as a pillar of security on our continent – in a world plagued by more active conflicts than at any time since the second world war*.”[26]

45. The Decision has accordingly not been justified as a temporary response to an emergency need, but rather as a strategic realignment of spending priorities, based on developments that have been building over several years and are expected to continue indefinitely. It is a decision to change the target in substance. No plan has been set out to redirect funding from defence back to aid over the short- or even medium-term, and the government has given no indication of how else a restoration of the 0.7% Target might be funded.

46. The government has also recognised – in advance of announcing the Decision - that the Fiscal Tests, which it says must be met before the 0.7% Target can be restored, will not be met during this Parliament. The OBR has forecast that they will not be met “*at any point in the OBR’s forecast period, which ends in 2029/30”.*

47. This is not a question (as in *IPPF*) of the government recognising in advance that the target “*will not be – as opposed to may not be, met for the forthcoming year. The duty and target remain but the target will not be met.”* The government has made it clear – expressly through its references to the Fiscal Tests, and implicitly through its defence spending plans – that it has no intention of meeting the target for at least the rest of the Parliament.

48. The Secretary of State is not claiming, as his predecessor did, to see *“a path back to 0.7% in the foreseeable, immediate future”* – indeed he has taken no steps to set out such a path, despite the requirements of the 2015 Act.[27]

49. In a further departure from the requirements of the 2015 Act, the government has said that even its revised target of 0.3% will, for the rest of the Parliament, be based on GNI projections that have already been fixed (i.e. they will ignore any decrease or increase in projected GNI from this point onwards). That approach is clearly at odds with what Parliament intended when it linked target ODA spend to GNI in the 2015 Act. The point is further illustrated by the 2006 Act, which states that each year the Secretary of State must produce an annual report detailing the UK’s ODA spend, and calculating that total as a percentage of GNI; that exercise becomes irrelevant if the Secretary of State is concerned with a target expressed as a figure rather than a percentage. Breaking the link between ODA and GNI is fundamentally contrary to the purpose of the statutory scheme.

---

[26] This is a hard choice. We believe in foreign aid – but we have to make cuts. We must keep the UK safe | David Lammy | The Guardian

[27] See paragraph 20

50. Unlike in 2021, therefore, the current proposal constitutes a permanent variation of the 0.7% Target (both in terms of the level of the spend, and the requirement to fix it to GNI). We presume that, like in 2021, it is "*not in dispute, that the target cannot be changed other than [by] primary legislation*". The Decision is accordingly *ultra vires*.

Duties under the 2002 Act, the 2014 Act, and the Equality Act 2010

51. Further, it is clear that the 2021 cut, and the strategic approach taken to ODA spending in light of it, have resulted in an ongoing failure by the Secretary of State to meet the duties under the 2002 Act and the 2014 Act (namely, duties to have regard to the desirability of providing ODA that is likely to contribute to reducing poverty and gender inequality). Nothing in the government's communications to date has indicated that regard was had to those duties in reaching the Decision. Indeed, the Secretary of State has indicated that a "mutual prosperity" model will be given primacy for the spending that survives - "*[i]n a tough fiscal environment, all our spending must be laser-focused on delivering the maximum possible impacts for our national security and growth*"[28] – which is likely to result in further drift from the targets.

52. The Public Sector Equality Duty at s149 of the Equality Act 2010 – which requires public authorities, in their decision-making, to have due regard to the need to eliminate discrimination and advance equality - does not apply directly to impacts on people who are overseas. However, this is precisely the kind of case envisaged by the Supreme Court in *R (Marouf) v SSHD* [2023] UKSC 23, namely:

> "*circumstances where the kinds of factors listed in section 149 are so germane to the lawfulness of a decision or policy to be implemented overseas that they become relevant factors that the public body must take into account in accordance with ordinary judicial review principles…If in respect of a particular decision, the Minister ought to have taken into account the need to minimise disadvantages suffered by persons who share a relevant protected characteristic in a foreign country where the decision will be implemented, then that decision is open to challenge for failure to take that into account*."

Section 3 of the 2015 Act

53. Insofar as it is suggested that section 3 of the 2015 Act constitutes an ouster clause preventing not just challenges to a failure to meet the 0.7% Target in a given year, but to any challenge to a decision relating to the 2015 Act on any grounds, that analysis is not accepted. Such a reading is not supported by the wording of section 3, which limits external accountability mechanisms in relation to the "*duty in section 1*", namely the duty to ensure that the 0.7% Target is met "*in the year 2015 and each subsequent calendar year*". An argument that section 3 is in fact an ouster clause broad enough to prevent a challenge to an *ultra vires* attempt to remove the target altogether would

[28] See footnote 26

have significant constitutional implications. If such an argument is relied on in these proceedings, it would require careful analysis, in the context of evidence, and could not properly be determined at the permission stage.

Grounds of challenge

54. As detailed above, ONE's position is that the Decision was unlawful, because the Secretary of State:

    a. took the Decision *ultra vires*, since it constituted an attempt to amend the 0.7% Target other than by primary legislation;

    b. failed to take into account relevant factors, namely:

        i. the Secretary of State's duties under the 2002 Act and the 2014 Act;

        ii. the need to minimise disadvantages suffered by persons who share a relevant protected characteristic – for example, women - in the foreign countries that will be affected by the Decision; and

        iii. the UK's obligations under the Paris Agreement, particularly its International Climate Finance commitments; and

    c. failed to provide sufficient reasons for the Decision - in particular, by explaining why the increase in defence spending had to be met from the ODA budget and not from cuts elsewhere or through borrowing.

Action and information requested

55. Please provide:

    a. a copy of any legal advice received by the Secretary of State in relation to the Decision;

    b. confirmation of whether an EIA was carried out in relation to the Decision (and if so a copy);

    c. confirmation of whether the government proposes maintaining its commitments on International Climate Finance;

    d. confirmation of whether the Fiscal Tests that must be met before the government will return to the 0.7% Target must also be met before it will commit to further increases in defence spending, and if not, why different tests are being applied;

    e. an explanation of why the Fiscal Tests applied to the 0.7% Target are more stringent that the fiscal target applied to borrowing; and

f. an explanation of why the increase in defence spending had to be met from the ODA budget and not from cuts elsewhere, or through borrowing.

Alternative dispute resolution

56. ONE is willing to engage in alternative dispute resolution; it would be happy to consider any proposals put forward by the Secretary of State to that end.

Costs capping order

57. Should it have to issue proceedings, ONE proposes – given the clear public interest in the claim being brought - applying for a costs capping order. To assist the Court in considering that application, please include in your response to this letter an estimate of the Secretary of State's legal costs to trial. We draw your attention to the Court's decision in *R (Good Law Project) v Secretary of State for Health and Social Care* [2022] EWHC 2888 (TCC), in which the defendant's refusal to provide an early estimate of costs for this purpose was criticised.

The address for reply and service of court documents

58. ONE is represented by Helen Fry and Matthew Smith of Bates Wells. All correspondence should be addressed to Ms Fry and Mr Smith, who are instructed to accept service of Court documents on ONE's behalf.

59. We are authorised to accept service by email to h.fry@bateswells.co.uk. It would be of assistance if such emails were copied to m.smith@bateswells.co.uk and e.carey@bateswells.co.uk.

Proposed reply date

60. We should be grateful for a reply within the usual 14-day period, that is by 22 May 2025. Please confirm by return if you are not able to comply with that deadline, in which case it may be necessary for ONE to file proceedings on a protective basis without having seen your response.

Yours faithfully

Bates Wells & Braithwaite London LLP