

# Proscribing Palestine Action: Questions and Issues for the UK

Written by Lee Jarvis and Tim Legrand

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<https://www.e-ir.info/2025/06/27/proscribing-palestine-action-questions-and-issues-for-the-uk/>

LEE JARVIS AND TIM LEGRAND, JUN 27 2025

The UK government's proposal to ban the group Palestine Action has shone a spotlight onto one of the most severe state powers: the power to proscribe an organisation as terrorist under the Terrorism Act 2000. Activists from the group last week allegedly broke into the RAF base Brize Norton, damaging military aircraft and prompting urgent questions of where the bounds of tolerated and legitimate political protest lie in modern Britain. As a matter of principle, most scholars on this topic agree that proscription powers sit uncomfortably in a modern liberal democracy. The freedom of association is a fundamental tenet of liberalism and a cherished human right, and interfering with that freedom can evoke the sinister spectre of illiberalism at best, and at worst authoritarianism. The executive's use of proscription in the UK is frequently described as a 'severe' power for precisely this reason, and ministers that 'reluctantly' wield it perhaps do so with a wary eye on the not-so-distant slippery slope.

Nonetheless, the prevailing political consensus in UK politics is that proscription powers are an effective, even if politically uncomfortable, means to curtail organisations unambiguously bent on political violence. Banning powers in various legal guises have in fact been broadly accommodated in the UK and other liberal democracies for centuries. Parliament, notably, introduced the Act of Proscription in 1746 to counter the growing threat of the Jacobite movement in the Scottish Highlands, while today's Terrorism Act 2000 offers what might be seen as the most recent iteration of such powers. Since the legislation was enacted 25 years ago, the government have banned a total of 81 organisations, and appended to that list are a further 14 organisations listed under earlier legislation relating to the conflict in Northern Ireland.

If Palestine Action is indeed added to the list of Proscribed Organisations on 30<sup>th</sup> June, as seems likely, they will become the 82nd addition to a gallery of organisations complicit in, at one extreme, the most appalling acts of mass violence, atrocities and human rights abuses, and at the other extreme, groups that have been vocal supporters of those forms of violence. Al Qaeda was amongst the first of such organisations added in 2000, and others to have been added include Hamas – established in 1987 and proscribed in full in November 2021; Hizballah – founded in 1982 and proscribed in 2019; Palestinian Islamic Jihad – proscribed in 2001; and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) – formed in 1968 and proscribed in 2014.

When this decision to proscribe Palestine Action is confirmed – and, once the order is laid before Parliament, proscription decisions are as close to a foregone conclusion as we have in the UK legislative process – it will become a criminal offence, amongst other things, to belong to the organisation, invite support for the organisation, express support for the organisation, attend meetings on behalf of the organisation, and wear clothing or articles supporting the organisation. Any committing of these offences would risk significant prison sentences of up to 15 years and fines of up to £5000.

The Home Secretary's statement – delivered on 23 June 2025 – saw Yvette Cooper offer both familiar and unfamiliar arguments in setting out the case for proscribing Palestine Action. Familiar was the moral condemnation of this group's 'disgraceful' and 'unacceptable' actions, and the Home Secretary's emphasis on the capabilities of an organisation with its 'footprint in all 45 policing regions in the UK'. Familiar, too, from earlier uses of this power was the reference to international commitments and responsibilities, with the positioning of proscription as part of a wider

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framework of responsible British engagement in the world. These references are important, in part, because they help clarify the proportionality of proscription in this case, given the discretion that is available to the Home Secretary to take into account factors such as an organisation's scale, and the extent of its presence in the UK.

What is less familiar, and ultimately most contentious, is that the fundamental determination in a proscription order is that the group is deemed to be 'concerned in terrorism'. In many cases, this provision has attracted little argument – few, for instance, would contest the banning of ISIS or al Qaeda on these grounds. But the description of Palestine Action's involvement in terrorism – using evidence of the group's damage to property including military aircraft – has been widely and publicly contested.

To get at the government's reasoning, we need look no further than the Home Secretary's order, which states that Palestine Action is to be added to the list because its actions have been undertaken with the aim of 'progressing its political cause' (Section 1 (c) under the Terrorism Act 2000), and 'influencing the government (Section 1 (b)), through 'serious damage to property' (Section 2(b)), and – by creating 'panic among staff who feared for their safety as pyrotechnics and smoke bombs were thrown' – creating a 'serious risk to the health or safety of the public' (Section 2 (c)).

We can be reasonably sure that the Home Secretary's description of Palestine Action as a legitimate target for proscription is not intended to persuade the parliamentarians who will debate the proscription order next week. Proscription decisions have never been challenged by the formal political opposition, even when they involve clusters of very different organisations. Indeed, the debate more resembles a sort of political ritual of familiar speech and action that proceeds toward its inevitable conclusion: the banning of additional organisations.

Instead, this positioning appears to be calibrated to challenge critics of the government – including high profile novelists willing to risk right-wing outrage – for whom Palestine Action's activities fit more comfortably beneath the heading of political activism, or, perhaps, criminal damage, than they do under the heading of terrorism. This is not an organisation facing proscription because it stands accused of bringing death or serious physical violence to any person.

One of the problems highlighted by these debates is that the legal definition of terrorism in the UK – like all definitions of terrorism – has sufficient plasticity within it to enable its application to an extremely wide range of organisations. On top of this, the proscription process, as noted above, also builds in further discretion to the UK executive, which is why it encourages criticisms around consistency and the intrusion of unrelated concerns in the application of this power to different groups and their members or supporters. To illustrate: while one of the members of the band Kneecap has recently been charged for displaying a flag in support of Hezbollah – a proscribed organisation – a short walk around areas of Belfast will show houses adorned with flags, posters, and architecture celebrating (or 'commemorating') the – also proscribed – Ulster Volunteer Force.

These questions of consistency speak to wider concerns that Palestine Action's proscription sits within a broader context of exceptionalising, and/or the draconian clamping down upon, Palestinian activism more generally. The reasons for such a trend might be multiple, including the UK's close political ties to the US and Israel, the racialised interpretation of Israel's critics, and sympathy or compassion for legitimate fears amongst Jewish communities in the UK. While it is true that the UK's list of proscribed organisations is more plural than it was in the past – with recent years having seen the addition of a number of far-right organisations to the list – groups associated with political Islam, or with Muslim-majority conflicts, contexts, and countries, remain prominent thereon.

The wider question raised by Palestine Action's proscription, is, however: what does this do for political rights and protections more broadly? Will this open the door to subsequent listings of other activist or protest organisations whose activities fall short of the type of violence many would associate with terrorism? These are legitimate concerns for at least three reasons. First, the UK's proscription list tends only to expand over time – such that only four groups have ever been removed from it after their inclusion. Second, is the tendency of politicians to use proscription decisions as an opportunity to advocate for further expansions of the list, asking why other groups with ostensibly similar motives and actions are not being treated in the same manner. Third, and relatedly, the proscription order

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opens up the possibility that any new and subsequent activist group will be treated as merely an 'alias' for Palestine Action. This is because the Terrorism Act (2000) enables the government to treat such groups as one and the same, with their members subject to the same criminal penalties:

The use of an alternative name which has not been formally recognised in an order does not prevent the police and Crown Prosecution Service from taking action against an individual for proscription offences (Home Office)

In this final use, the proscription of Palestine Action might be taken to contain the means of stemming all and any organised political activism connected to Palestine in the UK, which ultimately could be the most severe, and overlooked, consequence of this proscription order.

These trends, importantly, are not party political: similar or related dynamics have been evident across the twenty-five years or so since the emergence of the UK's proscription regime. They also might encourage us to ask whether Palestine Action's proscription should be inserted within a much larger history of banning resistance or oppositional organisations, as witnessed in the British state's use of such powers to quash anti-colonial movements in its overseas territories throughout the twentieth century.

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