

# What we need now is a change to England's libel laws

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Yesterday's sacking of Nadhim Zahawi by Rishi Sunak following an investigation by the prime minister's ethics adviser tells us more than any of those three people might like.

The ethics advisor, Sir Laurie Magnus, played a minor role in this episode, because it turns out that Zahawi's tax affairs were not within the scope of his inquiry. All that he was allowed to investigate were the attempts that Zahawi made to cover up the fact that he was subject to HMRC investigation. That was, however, enough to suggest multiple breaches of the Ministerial Code, but it also suggests how sensitive Sunak is to any issue relating to tax avoidance. There are issues that he would rather not address, and this is clearly one of them.

But this was not all that the episode had to say about Sunak. He said when appointed that he would lead a government based upon integrity and competence. Anyone seeking to contrast himself with his immediate predecessors had to say that. What is now clear is that this was not true.

Sunak was warned about Zahawi's tax affairs many months ago and took no apparent action. The issue was in the press from last July, and he ignored the warnings. Sunak's willingness to overlook what must, to him, have looked like routine risk taking to manage tax affairs is a powerful indication of how far removed from the normal experience of life of almost all those he governs our prime minister really is. His judgement must be questioned, simply because he has not got the life experience to form the judgements that his position requires. As ever, the Tories chose the wrong person for the job.

So, what about Zahawi? There is literally nothing that arises from this episode that speaks to his credit. For months he claimed that he was not subject to a tax investigation. Let me assure you, if you are subject to such an investigation you most definitely know that to be the case, not just because HM Revenue & Customs spell it out very clearly in the correspondence that they sent to you personally, but also because any even vaguely competent tax advisor would also make clear the significance and reality of that issue to any client whose affairs were subject to enquiry.

In that case Zahawi's denial speaks either of a man who is ignorant, or stupid, or who was so keen to deceive that he will even deceive himself in pursuit of denial of the truth. One of those things, must have been true, or alternatively he was simply not telling the truth. It has to be said that the ethics advisor recognised the last: he questioned his honesty.

Without it mattering which of these possibilities, unattractive as they all are, was true what we also know is that Zahawi was willing to use the law to try to oppress others who were telling the truth. He threatened litigation against anyone who questioned his tax affairs. He said that the press was smearing him. He even continued with this line after he was sacked, making clear that his failure to silence the press was the only regret that he had with regard to this matter.

In my opinion this is the clearest indication of the crisis that we now have with the people now in government in this country. Not only are many of them, like Sunak, out of touch with reality, many others are, like Zahawi, unable to realise that they are not in public office to advance their own self interests.

The very nature of public officeholding requires the person in it to be held to higher account than they might be otherwise. Zahawi used his very best efforts, and fortune, to try to prevent this. It was his wish that the press be silenced.

There are, of course, political creeds that endorse the silencing of the press, opposition, and all comment on those in power. None of them are attractive. All are anti-democratic. None respect the fact that the media is an essential component of a free society.

Zahawi clearly had no such sentiment about the press: He clearly thought it was their job to leave him alone whatever he might do. By this action he revealed his political preference, which seems to be wholly opposed to accountability. The failure of the prime minister or his ethics adviser to address this aspect of the affair only adds to the concern that we should feel about it.

If Labour, as the official opposition in this country, is to appropriately react to the harm we have done by this affair there are two issues that it needs to address. One is tax avoidance, and I will deal with that in a separate comment. The other is a libel laws.

As anyone who goes anywhere near publishing on current affairs knows, the risk of being sued for publishing what you honestly believe to be the truth is very high in the UK, and much higher than it is in almost any other equivalent so-called democracy. The burden of proof in the UK lies upon the person making the comment. The public interest defence for making comment is extremely hard to win in a UK court. The accused need only say that the accuser was wrong, and is not obliged to prove it: the demand for proof falls upon the person making the suggestion.

The consequence, as we will know, is a very large numbers of stories that should be

published if we are to hold those in power to account never see the light of day. As a consequence abuse takes place. And this whole situation is compounded by the fact that those in power do, very often, happen to have considerable wealth with which they can defend their position and those making the accusations do not. As a consequence the hierarchies of power in this country are reinforced by our libel laws.

In my opinion Zahawi is unfit for public office. He can disagree, but he cannot dispute my opinion. However, when it comes to facts he can still challenge anything that I and others might say knowing full well that he has his wealth on his side as a means to secure our silence, which he so obviously desires. If we are to have a proper democracy this has to change. Those who are seeking to honestly hold to account those who hold public office must be able to do so without fear of being ruined for simply having told what they believe to be the truth.

We will know if Labour is in favour of upholding a free press, truth and democracy if it says in response to this sacking that it will change the libel laws if and when it gets into office. Like many others, I am watching them.