



Foreign, Commonwealth
& Development Office

**The Rt Hon the Lord Cameron
of Chipping Norton**
Secretary of State for Foreign, Commonwealth
and Development Affairs

King Charles Street
London
SW1A 2AH

Alicia Kearns MP
Chair, Foreign Affairs Committee
House of Commons
London
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15th April 2024

Dear Alicia,

IHL COMPLIANCE AND EXPORT LICENSING PROCESS

Thank you for your letter of 11th April requesting a detailed explanation and summary of the processes by which decisions are being made on commitment to International Humanitarian Law (IHL), breaches of IHL, and the continuation of arms exports.

The UK operated some of the most robust export controls in the world. The Government assesses all export licence applications on a case-by-case basis against the Strategic Export Licensing Criteria. These constitute guidance, as required by the Export Control Act 2002. We last revised and laid the Criteria before Parliament on 8th December 2021.

It is for the Secretary of State for Business and Trade to decide whether to amend, suspend or revoke any relevant licences, or to refuse any new licence applications. As Foreign Secretary, I have a responsibility to provide advice in accordance with the Criteria to inform these decisions. Criterion 2c makes clear that the Government will:

“Not grant a license if it determines there is a clear risk that the items might be used to commit or facilitate a serious violation of international humanitarian law.”

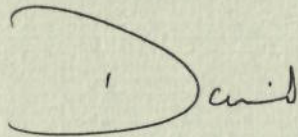
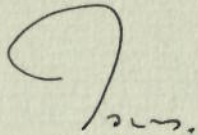
My advice follows a methodology that the Court of Appeal accepted in judicial reviews. It draws on open-source evidence, intelligence, accounts of diplomatic and ministerial engagements, and correspondence with the relevant country. The resulting policy assessments are not “legal” judgements but are informed by legal advice. Engagement with the government in question is an important part of the process. The evidence base of the assessments includes analysis of:

- a. The overall nature and dynamics of the conflict, covering the political, military, humanitarian and human rights context;
- b. Statements made by credible NGOs, international bodies and partner countries relating to the country’s adherence to IHL;

- c. Evidence from the country in question, including statements made by its government and military representatives, and information regarding its military structures, processes and training; and,
- d. The country's record of compliance, including legal analysis of specific allegations of IHL violations.

The analysis considers any patterns, trends or systemic weaknesses that might exist in the country's compliance with IHL. Where there might be concerns, isolated incidents or processes that could be improved, Ministers might still judge that there is not a clear risk that the export of relevant goods to that country might be used to commit or facilitate a serious violation of IHL. This would depend on whether that country has a genuine intent, capacity and commitment more broadly to comply with IHL.

Following the Hamas attack on 7th October 2023, and the Israeli response to it, extant export licences for Israel have been kept under review. I announced on 9th April that, having reviewed the most recent advice about the situation in Gaza and Israel's conduct, the UK position on export licences remained unchanged. I have attached a copy of the statement I made in Washington – which explained this decision.





**Foreign Affairs
Committee**

From the Chair
Alicia Kearns MP

The Rt Hon Lord Cameron
Secretary of State for Foreign, Commonwealth and Development Affairs
Foreign, Commonwealth and Development Office
SW1A 2AH

[by email]

11 April 2024

Dear Foreign Secretary,

Decision making processes on matters of International Humanitarian Law

Further to your correspondence of 9th February, and as part of our ongoing scrutiny of the Government's foreign policy in the Middle East and Gaza in-particular, I would be grateful if you could provide a detailed explanation and summary of the processes by which decisions are being made on commitment to International Humanitarian Law (IHL), breaches of IHL, and the continuation of arms exports. This would help inform Parliament and our Select Committee on these processes.

I would be grateful if this could be provided to the Committee at the earliest opportunity. I intend to place this letter and your response in the public domain. I understand the Chair of the Business and Trade Committee wrote to you regarding arms export controls on 4 April, I await your response to this too.

Yours,

ALICIA KEARNS