



Foreign, Commonwealth
& Development Office

Stephen Doughty MP

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King Charles Street
London
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Rt Hon. Liam Byrne MP
Chair, Business and Trade Committee
House of Commons
London
SW1A 0AA

23 December 2024

Dear Liam,

Thank you for your letter of 12 December 2024 about the Government's decision to continue to authorise the export of components to the F-35 programme where Israel is an end-user. I write to set out the Government's approach, following discussions with Minister Alexander and Lord Coaker at the Business and Trade Select Committee.

At the outset, we wish to be clear that the Government remains appalled by the immense loss of civilian life in Gaza, the widespread destruction to civilian infrastructure and the immense suffering caused by the conflict. That is why we have consistently called for an immediate ceasefire. We also wish to be clear that we are fully committed to upholding our responsibilities under domestic and international law, including the Export Control Act 2002 and the Arms Trade Treaty.

The Government's decision to suspend licences for the export of items for use by the IDF in military operations in the Gaza conflict reflects our determination that there is clear risk that such items might be used to commit or facilitate a serious violation of international humanitarian law (IHL) in the Gaza conflict. Criterion 2c of the Strategic Export Licensing Criteria (SELC) states that the Government will not grant a licence if it determines such a risk to exist.

As set out to Parliament, the Government has decided, exceptionally, to exclude exports to the global F-35 programme from the suspension. The F-35 programme has a significant dependence on the UK, which provides unique and critical components. Due to the highly integrated nature of the programme's structure and supply chain, the only way to avoid the export of UK components to Israel would be to suspend exports to the entire programme, which includes many of the UK's closest Allies and partners. The Defence Secretary has advised, and the Business and Trade Secretary agreed, that such a suspension would have a critical impact on international peace and security, including NATO's defence and deterrence and our support to Ukraine. For instance, Allied F-35s are regularly deployed in missions across NATO's flanks – from Iceland to the Baltic and Black Sea regions – to signal the Alliance's military capabilities and protect the security of Alliance airspace.

Exceptional cases of this nature were anticipated by Ministers when the SELC were laid before Parliament on 8 December 2021. At that time the then Secretary of State for International Trade informed Parliament that the application of the Criteria would be without prejudice to the application to specific cases of specific measures as may be

announced to Parliament from time to time. The exception of the F-35 from the wider suspension is in line with that provision.

This approach is consistent with our obligations under the Arms Trade Treaty (ATT). You refer specifically to Article 7 of the ATT. Article 7 requires us to take account not only of international humanitarian law but of whether exports would contribute to or undermine peace and security. It therefore requires a balancing exercise, giving due consideration to all relevant factors. Exports are only prohibited if the conclusion is reached that the risk of negative consequences is “overriding”. The Government has been clear about the IHL risks in this case, but also that F-35 licences cannot be suspended without serious prejudice to the entire programme and therefore to international peace and security.

As we explained to the Committee at the hearing on 10 December, our approach to export licences, including the suspension and the F-35 exclusion remain under review in light of developments. We also continue to call for an immediate ceasefire in Gaza, the release of all hostages and sustained progress towards a two-state solution. We are determined to continue our efforts to bring this devastating bloodshed to an end.

Yours sincerely,

A handwritten signature in dark ink, reading "Stephen Doughty". The signature is written in a cursive, flowing style with a large 'S' and a long, sweeping 'y'.

Stephen Doughty MP
Minister of State for Europe, North America and UK Overseas Territories