



**Foreign, Commonwealth
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Rt Hon. Dame Emily Thornberry DBE MP
Chair, Foreign Affairs Committee
House of Commons
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8 January 2024

Dear Emily,

Thank you for your letter of 18 December detailing the evidence and testimonies given to the Foreign Affairs Committee during the Israeli-Palestinian Conflict inquiry so far.

The UK's role in ending the conflict

Securing a resolution to this conflict has been a priority for this Government since it came into office. We have used every diplomatic channel available to us, both publicly and privately, to press for an immediate ceasefire and the release of all hostages. A resolution to this conflict will only be possible through a diplomatic route negotiated by the international community, which is why we have been working closely with our G7, regional and Gulf partners to push this forward.

We have communicated these messages directly to the Israeli Government and to those with influence over Hamas. I have visited Israel and the Occupied Palestinian Territories (OPTs) twice since I became Foreign Secretary: within the first nine days after I came into office, then with my French counterpart in July.

We have led efforts at the G7 and G20 with statements calling on both parties to end the conflict and resume dialogue, as well as at the UN. Just last month we used our Presidency of the UN Security Council in November 2024 to maintain international focus on this crisis. I recently led a meeting of the UN Security Council on 18 November specifically focussed on "ending the war and securing durable peace."

Securing the release of all hostages

Ensuring the release of the hostages, including Emily Damari and three with strong UK-links, is central to our efforts to push for an immediate ceasefire. We have supported US, Qatari and Egyptian negotiators from the start of this conflict and continue to work alongside our allies and partners in the region, exercising every possible diplomatic lever to see them immediately released.

In recent weeks, I have spoken to the Israeli Foreign Minister Gideon Sa'ar and the US Secretary of State Antony Blinken, ensuring that Emily's release, and the release of the

UK-linked hostages, is at the top of their agenda. It was encouraging to see her name on the list of 34 hostages Hamas recently announced that it would be willing to release. I and other Ministers have met or spoken to all the families of British-linked hostages; most recently Minister Dodds did so on 5 December. We have been providing ongoing support to British families affected and remain committed to doing as much as we can for their loved ones to be returned.

Humanitarian efforts

In parallel to our efforts to support a resolution to the conflict, we remain focussed on the humanitarian emergency in Gaza. The humanitarian situation in Gaza is catastrophic and completely unacceptable. We have been absolutely clear that Israel can and must do more to ensure land routes are open to allow life-saving aid through. We continue to play a leading role convening the international donor community to press Israel on aid access, including urging the Israeli Government to delay the implementation of laws against UNRWA. The UK has now announced £112 million for the OPTs this financial year, including £41m for UNRWA, providing vital services to civilians in Gaza, and the West Bank, and Palestinians across the region delivered through partner agencies.

International Law

We are fully committed to upholding international law. We have consistently called on all parties to comply with International Humanitarian Law (IHL), to ensure the protection of civilians and civilian infrastructure, and allow much more aid into Gaza in line with IHL. On 2 September, we suspended a number of export licences to the IDF for items in relation to which we had concluded that there was a clear risk they might be used to commit or facilitate serious violations of IHL in the conflict in Gaza.

The FCDO carries out assessments of Israel's compliance with IHL in the Gaza conflict, as part of the process for considering arms export licences under the Strategic Export Licencing Criteria (SELC). Under IHL, proportionality requires that, for each attack, the expected loss of civilian life, injury to civilians, damage to civilian objectives, or a combination thereof, must not be excessive in relation to concrete and direct military advantage anticipated. The UK Joint Services Manual elaborates further on the UK's application of the principle of proportionality.

In the incidents considered to date, it has not been possible to make an assessment of Israel's compliance with the principle of proportionality. This is in part due to the opaque and contested information environment in Gaza and the challenges of accessing the specific and sensitive information necessary from Israel in relation to each incident, such as intended targets, anticipated military advantage and anticipated civilian harm.

The FCDO monitors the risk of genocide being committed as part of the SELC process. As you note, genocide is strictly defined in international law. It is among the most serious of international crimes, for which there is a high threshold of evidence. It is the UK Government's long-standing policy that any determination of genocide should be based on the judgment of a competent national or international court, not a government or non-judicial body. This approach ensures that any determination is above politics, lobbying and individual or national interest. As you will be aware, the International Court of Justice is currently considering the application and interpretation of the Genocide Convention in Gaza in the case brought by South Africa against Israel.

We continue to impress on Israel the need to ensure civilians are protected. We have raised protection of civilians and the destruction of health infrastructure repeatedly with the Israeli Government. On 23 December, the Minister for the Middle East underlined our grave concern to Israel's Ambassador for the safety of civilians evacuating Kamal Adwan hospital and their access to alternative medical facilities. With the death toll in Gaza mounting each week, we are clear that Israel must do much more to ensure civilians are protected.

Two State Solution

We are clear that Palestinian statehood is the right of the Palestinian people. It is not in the gift of any neighbour. We are committed to recognising a Palestinian state at a time that has the most impact in achieving this reality, and most conducive to long-term prospects for peace. UK bilateral recognition would be the single most important action the UK can take with regard to Palestinian statehood. That is why it is important to get the timing right. We must focus on maximising the impact rather than fixed timelines or circumstances, so it creates genuine momentum and is not simply a symbolic gesture.

Israeli efforts to undermine a two-state solution through settlement building, and punitive economic measures are unacceptable. Settlement expansion reached record levels in the past year and has been accompanied by an increase in settler violence. The UK's position is clear. Settlements are illegal under international law, present an obstacle to peace, and threaten the physical viability of a two-state solution. Since 7 October 2023, Israeli settlements have continued to expand. This is unacceptable. We have been clear in calling the Israeli Government to tackle settler violence, to end the environment of impunity and to stop settler expansion on Palestinian land. On 11 July, we joined G7 Foreign Ministers in condemning the announcement by Israeli Finance Minister Smotrich that five outposts are to be legalised in the West Bank. And on 15 October, the UK sanctioned 3 outposts and 4 entities linked to violence in the West Bank under the Global Human Rights regime. We will not hesitate to take further action as needed.

The UK's position on the Golan Heights also remains clear: they are occupied territory, and we do not recognise Israel's annexation. Israeli settlements in the Golan Heights are illegal under international law.

Israel has said that their presence in the buffer zone in the Golan Heights will be limited and temporary. The UK has been clear with Israel that we expect them to adhere to this commitment. The UK would strongly oppose any further advance by the IDF. As we have witnessed over the past year, Israel has legitimate security threats across its northern border. The UK stands by Israel's right to defend itself in line with international law. But Israel's presence in the buffer zone must not become permanent. We continue to call on Israel and all actors to uphold their obligations to peace, stability, and security under international law.

Next steps

Working with international partners, we are actively working on how best the UK can support day after/next phase planning in Gaza and how it may be possible to build up Gaza's governance and security institutions. All action should be predicated on supporting tangible progress towards a Palestinian state. We are therefore clear that the PA's role must be front and centre, and planning needs to advance security for both Gazans and Israel. The UK is ready to play a leading role in this process.

We are clear that planning for recovery and eventual reconstruction must begin now, to maintain momentum in the search for a long-term solution to the conflict, and to ensure that efforts are coordinated and cohesive when rebuilding can begin.

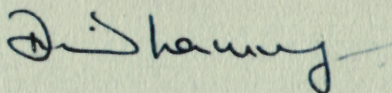
Given the uncertainty of the current environment, identifying the essential conditions which must be in place for donors and international agencies to go beyond life-saving humanitarian assistance and begin early recovery work is important to do now. A joined-up donor response is essential. Full reconstruction will only be possible once fighting has ended, and a durable ceasefire is in place. Reconstruction must be based upon and contribute to a long-term solution to the conflict and a two-state solution.

The UK has already begun convening partners, in-country and in capitals, on the financing and coordination of recovery and reconstruction to ensure donor support is coordinated and effective. We are encouraging partners to support and cohere around Palestinian Authority (PA) plans for recovery, and we are pleased to be funding two roles in the new PA reconstruction team.

As we enter 2025, we will continue to use all diplomatic levers to press for an immediate ceasefire, the immediate release of hostages, and urgent action to address the humanitarian crisis in Gaza. We will work closely with Canada as the chair of the G7 for 2025 and with the G20 (led by South Africa in 2025), including at the G20 Foreign Ministers' meeting on 20-21 February and the G7 Foreign Ministers' meetings on 15 February and 12-14 March. We will continue to use our permanent seat on the Security Council to shape the international community's response to the crisis. We will engage closely with the new US Administration on our joint priorities.

With bills passed by the Israeli Knesset banning UNRWA from operating in Israel and Israelis from engaging with UNRWA currently due to be implemented from 28 January, we will work closely with our partners to seek to mitigate the impact on Palestinians. We have been clear with Israel that we expect them to take steps to avoid undermining or obstructing UNRWA's operations which remain critical in Gaza, the West Bank, East Jerusalem, and for stability in the wider region.

Yours ever,

A handwritten signature in dark ink, appearing to read 'D. Lammy', with a stylized flourish at the end.

THE RT HON. DAVID LAMMY MP
Secretary of State for Foreign, Commonwealth and Development Affairs



**Foreign Affairs
Committee**

18 December 2024

Rt Hon David Lammy MP
Secretary of State for Foreign, Commonwealth and Development Affairs

[By email]

Dear David

The Israeli-Palestinian Conflict

The Foreign Affairs Committee has in recent weeks held several evidence sessions focusing on the ongoing Israeli-Palestinian conflict in Gaza and elsewhere, and would like to draw to your attention some of the points made by witnesses.

From the outset, the Committee, like the UK Government, condemns the atrocities of 7 October 2023. The Committee wants to see all remaining hostages returned home, and an immediate ceasefire in Gaza so that humanitarian aid can get to those who desperately need it.

The UK's role in ending the conflict

Whilst the FCDO has devoted significant resources to dealing with the impact of the conflict over the last 14 months, what we are being told repeatedly by witnesses to our inquiry is that the UK could be doing more to bring the conflict to an end. The Government has repeatedly called for a ceasefire and more humanitarian aid, but there is still no ceasefire in Gaza and aid there remains demonstrably insufficient.

The Committee has heard that the UK has at times done too little too late, in particular over illegal Israeli settlements in Occupied Palestinian Territory on the West Bank. In oral evidence, former FCDO Minister Rt Hon Alistair Burt told us:



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*[The UK] should have taken action against settlements much earlier. I think the fact that settlements have been allowed to grow with no consequence has done a lot of damage: it has fuelled a sense of impunity among certain politicians in Israel. If you have significant condemnation but no action, what is anyone going to do when you take the next step?*¹

The Committee heard from both Israeli and Palestinian voices calling for the UK to take a more prominent role in the region and contribute to stability there. It is felt that there are times when the UK underestimates its influence. Although the UK is not a superpower, its history means that as a convenor can be a powerful one. Samer Sinijlawi (Chairman of the Jerusalem Development Fund) told the Committee that "*the UK is the second most important country in this conflict after the USA*"² and retired Colonel Miri Eisin (former advisor to Prime Minister Olmert) noted that "*[the UK is] there and [you] have a voice, and in that sense you are involved*"³. Dr Husam Zomlot (Head of the Palestinian Mission in London) agreed that "*Britain has a unique historical role in and responsibility for Palestine. It remains an important and influential actor on the international scene.*"⁴

The rules of war

The Committee took evidence from Claire Clement, Director of International Law and Policy at the British Red Cross, and Professor Marco Sassoli, Professor of International Law at the University of Geneva, to get evidence on the record about how international humanitarian law applies the conflict. The Committee heard that the term 'genocide' has a legal meaning, and it was explained that the elements of the crime include intent. The judgment of whether genocide has occurred is one for the courts.⁵ Nevertheless, there is widespread public perception that the huge number of civilian casualties in Gaza is grossly disproportionate in relation to Israel's stated military objectives.

I have written to you separately about the ongoing detention of the Israeli hostages and won't repeat that here, save to say that their release should come immediately and the UK must continue to work to achieve this, including supporting the families.

¹ <https://committees.parliament.uk/oralevidence/15086/pdf/> Q13

² <https://committees.parliament.uk/oralevidence/15122/pdf/> Q44

³ <https://committees.parliament.uk/oralevidence/15122/pdf/> Q48

⁴ <https://committees.parliament.uk/oralevidence/15122/pdf/> Q52

⁵ <https://committees.parliament.uk/oralevidence/15141/pdf/> Q93 and Q94



Foreign Affairs Committee

Recognition for Palestine

Last month, you told this Committee that the Government's position is that the UK wants to see two states, and that "*the Palestinian cause and desire for a state of their own is an admirable one, which [you] would want to support*".⁶ Alistair Burt told us the reason the UK has not yet recognised the state of Palestine is because "*the UK recognises that to do so is a very important gesture in this whole peace process, and it has always wanted to make sure that when it did recognise the state of Palestine, it did so at a time of maximum advantage to the process*".⁷

However, last week, Dr Victor Kattan, Assistant Professor in Public International Law at the University of Nottingham told the Committee that "*the argument that, 'We will withhold recognition until it is the right time,' does not make sense in the absence of negotiations*". Alistair Burt also told us that other Middle East countries such as Saudi Arabia have been very clear that there is no prospect of normalisation unless there is recognition of a Palestinian state.⁸

At the same time, no one underestimated the difficulty of reaching resolution, with experts Miri Eisin and Dr Gershon Baskin (Middle East Director of International Communities Organisation) agreeing that "*change of leadership*" was required on both sides to move this forward and all witnesses listing many issues that needed to be resolved.

Next steps

In our recent sessions, the Committee has asked questions about what more the UK should do to hasten ceasefire which can progress to a peaceful end to this conflict, and how the UK can use its influence to bring together discussions for a long-term resolution. We heard support for a two-state solution from experts on both sides.

There is much political uncertainty with change of leadership in the US and elections in other countries, including EU member states. The Committee heard that UK should be providing leadership at this time.

⁶ <https://committees.parliament.uk/oralevidence/15045/pdf/> Q117

⁷ <https://committees.parliament.uk/oralevidence/15086/pdf/> Q10

⁸ <https://committees.parliament.uk/oralevidence/15086/pdf/> Q16



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The Committee would be grateful for your responses on the following points:

- The Committee believes that future adjudication on whether there are breaches of international humanitarian law will focus on whether the actions of the IDF is proportionate to the threat. What definition of 'proportionality' is the UK Government working on? Has the FCDO made an assessment about whether actions to date have been proportionate?
- The Committee heard evidence that there is a legal definition of genocide which is a matter for the courts. However, there is public feeling that genocide is occurring. What is the Government response to this public concern, and what is being done to provide reassurance that the lack of legal debate at this time does not equate to lack of action to protect civilians in the conflict?
- If conditions are required for the UK to recognise Palestine, what are these conditions or circumstances and when do you envisage they may be met or occur?
- With the ceasefire in Lebanon fragile but currently still lasting, what is the UK Government doing to achieve a ceasefire in Gaza? And what concrete actions are being taken to secure the release of the hostages held since 7 October?
- Given the former Foreign Office Minister Alistair Burt said that the UK Government had acted too slowly in the past over settlements, what action is the UK Government taking now that there is an expansion of settlements in the Golan Heights?
- The Committee agrees that the UK should be showing leadership at this time. What role is the UK playing in convening post-conflict discussions?
- What does the UK see as a viable long-term resolution for Gaza? Is the FCDO pursuing discussions with other Gulf states about participation in an international administration there?

I realise you cannot give details of the UK diplomatic negotiation, but can you please set out the broad strategy for the UK's next steps in the first quarter of 2025, including where there are more opportunities for the UK to play leadership and convening roles.

I would be grateful for your response by Wednesday 8 January. In line with usual practice, I will be placing a copy of this letter and your response on the Committee's website.

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Chair, Foreign Affairs Committee

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