



Business and Trade Committee

House of Commons, London SW1A 0AA

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Rt Hon Jonathan Reynolds MP
Secretary of State for Business and Trade

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

Rt Hon John Healey MP
Secretary of State for Defence
[by e-mail]

13 August 2025

Dear Jonathan, David and John,

Exemption of F-35 Components from Suspended Arms Exports to Israel

As you are aware, since our previous ministerial evidence session on 10 December 2024, we have continued to closely follow UK policy on F-35 exports and the broader conflict. We are especially mindful of the High Court's recent ruling in *Al Haq v Secretary of State for Business and Trade* **which underscored Parliament's constitutional duty to scrutinise these matters.**

In advance of our next ministerial session on 9 September, we write to request clear answers about the UK's continued export of F-35 components (except where these are going directly to Israel), despite the Government's broader suspension of arms licences to Israel.

- As part of the *Al Haq* case, we understand that the High Court considered an updated Memorandum of Understanding, signed in 2021, setting out the governance of the F-35 programme. **The Committee requests a copy of this MoU.** We note that the provision of such information to Parliament is not unprecedented as in 2006 the MoD placed in the House of Commons Library a copy of the "MoU among the Secretary of State for Defence of the United Kingdom and the Secretary of Defense of the United States of America, inter alia, concerning the production of the Joint Strike Fighter".

- The judgment in the Al Haq case also cites advice from the Defence Secretary that it is not possible to suspend licensing for export of F-35 components for use by Israel without having an impact on the entire F-35 programme and that a suspension of licensing for all F-35 nations would have a profound and immediate impact on international peace and security. **The Committee requests a copy of this advice.**
- At our previous evidence session, MoD Minister Coaker told us that UK manufactured F-35 components, when exported, become the property of the US Government and that the UK cannot track them once they leave the UK. He also confirmed that the parts are tracked by the US Government. Stuart Mills from the MoD also told us that “the UK has no ability to influence where they go once they are within the US system”. Please can you clarify whether the Government has asked the F-35 partner nations or Lockheed Martin to implement a system that would allow the tracking of UK manufactured parts supplied to the global spares pool, thereby providing the Government with an option to request that they are not supplied to Israel. If not, please set out the reasons for not doing so.
- Paragraph 174 of the Al Haq judgment states that under the MoU it is not possible for the UK unilaterally to ensure that UK manufactured components do not reach Israel. We would be grateful if you could clarify whether there is any mechanism in the MoU which would permit such a request to be made and whether it would require unanimity between the F-35 partners.
- Please provide the start and end date of each assessment carried out by the FCDO’s IHLCAP cell together with the conclusion of each assessment on Israel’s compliance with International Humanitarian Law.
- We are grateful for Minister Alexander’s commitment that DBT will publish a further edition of the ‘Export control licensing management information for Israel’. The publication of this data is important for the forthcoming evidence session on

9 September. **We therefore request that this data is published by 28 August 2025.**

Outstanding correspondence

On 7 March 2025, we wrote to Stephen Doughty requesting clarification of answers to questions asked in previous correspondence. The Minister responded to that letter on 22 April stating that, given that the issues were then the subject of live litigation, he did not have anything further to add. That litigation is no longer live, now that the court has reached a judgment, so we would be grateful for a response to those questions, set out again below.

Q1: Stephen Doughty stated in his letter of 6 February: “A decision to suspend licences would, within weeks, lead to very serious consequences and disruption for F-35s across the programme, and therefore to the UK and NATO’s defence and deterrence capabilities. Prolonged disruption to the production of new F-35s or the operation of the existing fleet might require NATO states to pause their planned transfer of F-16s to Ukraine.” This raises a number of questions:

- a) **Please explain why suspension would have such serious consequences. What precisely would happen?**
- b) **Is it the Government’s understanding that there are no manufacturers outside the UK who would be capable of providing these parts? If so, please explain the basis for this understanding. On the other hand, if there are or may be such manufacturers, what would be detrimental to peace and security if new manufacturers stepped in?**
- c) **Why might the planned transfer of F-16s to Ukraine have to be paused?**
- d) **Stephen Doughty also referred to detailed advice from the Ministry of Defence relevant to this issue. The Committee requests a copy of this advice.**

Q2 In the response to a question about Article 7 of the Arms Trade Treaty, the Minister referred to Article 6.

The preamble to the Arms Trade Treaty says that the parties to it are “Determined to act in accordance with the following principles”, which include:

Respecting and ensuring respect for international humanitarian law in accordance with, inter alia, the Geneva Conventions of 1949, and respecting and ensuring respect for human rights in accordance with, inter alia, the Charter of the United Nations and the Universal Declaration of Human Rights.

There is no indication in the Treaty that this principle – of ‘Respecting and ensuring respect for international humanitarian law’ – does not apply to interpretation and application of Article 7. On the face of it, it seems much more likely that Article 7 is to be interpreted as consistent with general principles of international humanitarian law and the Geneva Conventions in particular, and that accordingly there is no escape from the application of such principles by introducing a ‘balancing test’ of some contribution of the arms exports in question to “peace and security”.

What is your response to those who interpret the Government's position as meaning it is content to facilitate serious violations of the Geneva Conventions?

Q3: We find it hard to see how His Majesty’s Government continues to argue there has been no change in its approach to interpreting Article 7 of the Arms Trade Treaty. In recent years, the UK has deemed the test of ‘overriding risk’ of IHL breaches described in Article 7 as the threshold for prohibiting arms exports as synonymous with ‘clear risk’:

- The “clear risk” test was treated as synonymous with the “overriding risk” test by the EU – and still is. As such, this was clearly the way the UK judged the test while it was a member of the EU.

- It is very clearly stated in the Government's "Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level" that the means by which the Government complies with its obligations under the Treaty was by applying the "clear risk" test in Criterion 2c.²²
- This was published in October 2025 – after the decision to exempt F-35 components, and so must have been in operation at the time when the F-35 exemption was determined.

Would you please reflect on the Government's response on whether it has changed its position on judging risk of IHL breaches for the purposes of compliance with the Arms Trade Treaty?

Q4: In addition, please provide an answer to the following questions, for which no answer has yet been received:

- a) Has the Government considered the international implications of adopting its contentious view of the Arms Trade Treaty, or not?**
- b) If it has done so, please let us know what that consideration involved. If it has not, why has it not done so?**

We would be very grateful for a response by 27 August, which we will publish alongside a copy of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Liam Byrne", with a long horizontal flourish extending to the right.

Chair of the Business and Trade Committee