



Business and Trade Committee

House of Commons, London SW1A 0AA

020 7219 4494 - Commonsbtc@parliament.uk - www.parliament.uk/CommonsBTC -

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Sir Chris Bryant MP
Minister of State
Department for Business and Trade

Luke Pollard MP
Minister of State
Ministry of Defence

Hamish Falconer MP
Parliamentary Under-Secretary of State
Foreign, Commonwealth and Development Office

[by e-mail]

16 September 2025

Dear Sir Chris, Luke and Hamish

Further to your appearance before the Committee on 15 September, I write to follow up on a number of important points.

The conduct of Mr Netanyahu's government in Gaza is completely unacceptable and as your last assessment confirmed, Israel is not committed to complying with international humanitarian law. The United Kingdom must spare no effort to bring about an end to this situation. It is the duty of Parliament to hold Ministers to account on these grave matters.

The Committee therefore asks you to respond to the following questions:

Export licences statistics

1. DBT confirmed during the session that 55 licences remain extant for military-use items where the government of Israel is the end-user or potential end-user, of which nine relate to the export of F-35 components ([Q4](#)).
 - a. Please provide a detailed breakdown and description of exports under the nine licences relating to F-35 components, and the 46 licences not relating to F-35s.
 - b. Please also provide a breakdown of the 76 licences for military-use items which Minister Falconer stated have been suspended since the September 2024 decision ([Q7](#)).
 - c. Minister Falconer stated his belief that no items licensed under the 55 extant military-use licences are being used in the West Bank ([Q103](#)). Please confirm that this is the Government's understanding.

Assessment of IHL violations and risk of genocide

2. Minister Falconer referred to a test of genocidal intent as being a very high threshold for the Government to establish (Q25). In fact we understand that this is not quite correct, and the relevant test for the Government is whether there is a serious risk of such intent, which is a significantly lower bar. Would you please confirm that that our understanding is correct?
3. Minister Falconer stated that the next assessment by the FCDO's International Humanitarian Law Cell will report to the Foreign Secretary "very shortly" (Q31). Please provide a commitment that, when the FCDO Cell next reports, you will provide the Committee with an explanation of the Government's reasoning for how it has determined whether or not there is a serious risk of intent to commit genocide in Gaza.
4. The Government's opening statement to the High Court in November 2024 noted criticism by the claimant that, as of September 2024, the IHLCAP Cell had concluded there was "insufficient information to decide either way" in determining whether an IHL violation had occurred in 411 of 413 incidents considered. Please provide an updated figure on the number of incidents considered, and the number of IHL violations identified.
5. Please clarify whether the FCDO has asked the Ministry of Defence for intelligence from RAF reconnaissance flights over Gaza, in order to support its assessment of whether genocide and/or IHL violations are occurring in Gaza.
 - a. If the FCDO has requested this information, please detail what information was provided and how it informed the FCDO's assessment. If the FCDO has not requested this information, please explain why not.
 - b. Please assure us that you will hold and not destroy any surveillance data collected by the Royal Air Force in its flights over Gaza.
 - c. Please clarify whether intelligence from any source could be used to monitor possible F-35 activity in Gaza.
 - d. Has the UK Government asked the Israeli Government if F-35s have been used in Gaza, beyond the single use against Mohammed Deif in July 2024 to which Minister Falconer referred? (Q52)
6. On 16 September a United Nations Independent International Commission of Inquiry concluded that Israel "bears responsibility for the failure to prevent genocide, the commission of genocide and the failure to punish genocide against the Palestinians in the Gaza Strip". Does the Government agree with the Commission's findings. If it does, what steps will it take as a result? If it does not agree, why not?¹

Interpretation of the Arms Trade Treaty

7. Minister Falconer committed (Q46) to share the Government's reasoning in concluding that Article 7 of the Arms Trade Treaty requires a "balancing exercise" between the factors outlined in Article 7(1)(a) and 7(1)(b).

¹ UN Human Rights Council, [Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide](#), 16 September 2025, para 255

- a. Please provide the Government's reasoning for this position.
- b. Please confirm our understanding that there is no support for the Government's interpretation of Article 7 of the Arms Trade Treaty from any academic commentary, the International Committee of the Red Cross, or any state that is a party to the Treaty; and that those states that have expressed a view, such as all members of the EU, support the alternative interpretation, consistent with Criterion 2(c).
- c. In the Secretaries of States' letter of 12 September, they stated that the Government's interpretation of Article 7 has never changed. This cannot be the case because the UK acted using an alternative interpretation while a member of the EU. The UK's "Voluntary Report on the Implementation of IHL" in October 2024 also explicitly stated (at pages 76 and 87) that Criterion 2(c) is the means by which the Government applies Article 7.² Please explain whether the UK has changed its position, and if not, how these statements can be reconciled.

UK suspension of F-35 exports

8. The Defence Secretary's advice, dated July 2024, stated that "there are significant obstacles to any changes to the present structure" that might allow a suspension of licensing F-35 components for Israel without disrupting the wider programme.³ This information is heavily redacted.
 - a. Please provide the Committee with an outline of the obstacles to halting F-35 exports to Israel without disrupting the wider programme.
 - b. Please set out whether the UK Government has taken steps to work with other F-35 programme partners in order to halt the use of F-35s in Gaza and the West Bank. If it has, please outline those steps. If it has not, please explain why.
9. Minister Falconer stated that "we take quite a thorough approach, compared with many of our comparator countries, to ensure that we focus on the final destination rather than simply the country we are trading to" (Q13). Please outline whether the UK Government has taken steps to develop a United States-style verification system to ensure that items subject to export controls are used in line with licence conditions, including those relating to re-export.

Recognition of Palestinian statehood

10. A decision on potential UK recognition of Palestinian statehood is imminent. Minister Falconer noted that recognition would result in a different position within International Humanitarian Law as regards Israel's conduct in Gaza (Q100). Please provide the Government's legal position on how Palestinian statehood would impact the UK's obligations under IHL and the Arms Trade Treaty, and (in the event of UK recognition) how the Government intends to

² HM Government, [Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level](#), October 2024

³ [Letter from the Secretaries of State for Business and Trade, for Foreign and Commonwealth Affairs and for Defence relating to the global F-35 programme](#), 12 September 2025

implement these obligations. Please also explain how recognition would impact the application of the Strategic Export Licensing Criteria.

I would be grateful for a response by Tuesday 30 September.

Yours sincerely

A handwritten signature in black ink, reading "Liam Byrne". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Chair, Business and Trade Committee