

**Submission to Foreign Affairs Committee call for evidence:
The Israeli-Palestinian conflict
Written evidence from Campaign Against Arms Trade (IPC0015)**

Campaign Against Arms Trade (CAAT) is a UK-based organisation working to end the international arms trade. The arms business has a devastating impact on human rights and security, and damages economic development. Large scale military procurement and arms exports only reinforce a militaristic approach to international problems.

In seeking to end the arms trade, CAAT's priorities are:

- to stop the procurement or export of arms where they might:
 - exacerbate conflict, support aggression, or increase tension
 - support an oppressive regime or undermine democracy
 - threaten social welfare through the level of military spending
- to end all government political and financial support for arms exports
- and to promote progressive demilitarisation within arms-producing countries.

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Questions 1 and 3.

ENDS

Question 2.

What can be learned from the record of UK Government policies to date?

Given CAAT's remit and expertise this submission will focus on UK arms exports to Israel, and what can be learned from consecutive Governments' policies in this area.

UK arms licence to Israel: What has been exported?

1. The UK's secretive licensing system obscures precise figures for what is being exported from the UK, including the type of arms or components and the total value. Since 2015, CAAT's data browsers show that [the UK has licensed](#) at least £490 million worth of single licences for military exports to Israel, including components for combat aircrafts, missiles, tanks, technology, small arms and ammunition. Single Individual Export Licences (SIELs) authorise the transfer of a fixed quantity of specified goods (equipment, software, and/or technology) to a specified end-user, for a specified value, during the period of validity of the licence, which is generally 2 years. These are the only type of export or trade control licence to which a financial value is attached. These licences include:

2. ML22 – Technology £183m
ML10 – Aircraft, helicopters, drones £127m
ML14 – Military training equipment £48m
ML5 – Target acquisition, weapon control and countermeasure systems £35m
ML4 – Grenades, bombs, missiles, countermeasures £24m
3. **In addition to the licence above the UK has licensed 64 unlimited-value “open” licences.** These licences lack transparency and allow for unlimited quantities and value of exports of the specified equipment without further monitoring. Included in these open licences, are components for F-35 jets. For a detailed list of companies exporting arms and components to from the UK please see CAAT’s fact sheet: [Fact sheet re Gaza v2 Dec 2023](#).

Global F-35 programme

4. The most significant arms export from the UK to Israel is the F-35 fighter jet. 15% of the value of every F-35 is made in the UK. The value of UK parts in the 39 planes delivered to Israel so far since 2016 is about \$468m, or roughly £360 million. This is almost three times as much as the value of all the other aircraft-related licences to Israel over the same period.
5. BAE Systems is the biggest UK company in the programme, but many other UK companies are also involved. Some of the firms and manufacturing sites for the F35 in the UK are the following:
 - The rear fuselage of every F-35 fighter is made by **BAE Systems** at Samlesbury Aerodrome, Lancashire.
 - The “active interceptor system” is made by **BAE Systems** in Rochester, Kent. There is a steady stream of components for F35s and Israel’s F16s from this site.
 - “Durability testing” for the F35 is undertaken at the **BAE** structural testing facility in East Yorkshire.
 - **Martin-Baker** make the ejector seat in the UK; their headquarters is in Higher Denham, Buckinghamshire.
 - **L3Harris** make weapons release cables for the F-35 in Brighton, including ones that are specially adapted for Israel's use with their own munitions.
 - **Leonardo** make the laser targeting system for the F35 in Edinburgh. Dunlop Aircraft Tyres make the aircraft tyres in Birmingham.
6. Israel has used the F-35 on Gaza throughout the last fourteen months, making “[heavy](#)” if not unprecedented use, of 2,000 lb JDAMs. A UN report in June published an [assessment on six emblematic attacks by the Israeli Defense Forces](#) (IDF) in Gaza last year that led to high numbers of civilian fatalities and widespread destruction of civilian objects, raising serious concerns under the laws of war with respect to the principles of distinction, proportionality and precautions in attack. All of these were with (multiple) heavy bombs, up to 2,000lbs, the kind which can be carried by F-35s.
7. On 2 September 2024, the very day the Government made its announcement

suspending around 30 arms licences to Israel, Danish NGO Danwatch [revealed](#) that an F-35 was used in July to drop [three 2000 lb bombs in an attack](#) on a so-called “safe zone” on Al-Mawasi in Khan Younis, killing 90 people. The attack violated IHL and was likely a war crime.

Suspension and F-35 exemption

(CAAT's detailed policy paper on F-35 exemption)

8. Foreign Secretary David Lammy, in his [speech to Parliament](#) on 2nd September, stated he was left “*unable to conclude anything other than that for certain UK arms exports to Israel there does exist a clear risk that they might be used to commit or facilitate a serious violation of international humanitarian law.*” (Criterion 2(c) of the UK’s [Strategic Export Licencing Criteria](#).) The Government announced that it would suspend around 30 out of 350 export licences to Israel for items that could be used by the IDF in the current conflict in Gaza. Little detail has been published regarding these licences, and we do not know which licences have suspended or remain open. We don’t know how many of these 350 licences were military or dual-use, but from 2019-2023, a little over half of all export licences to Israel were dual-use.
9. It was later revealed through the Al Haq/GLAN legal case that the FCDO found Israel is not committed to complying with international humanitarian law (IHL) overall, including conduct of hostilities.
10. The Foreign Secretary stated that the F-35 licence had been exempted by the Business and Trade Secretary from the suspension, because such a suspension would undermine “**the global F-35 supply chain** (emphasis added) that is vital for the security of the UK, or allies, and NATO. Therefore, the Business and Trade Secretary has exempted these licences from his decision.”
11. The [F-35 licence has been amended](#) by the UK Government to prohibit direct export of F-35 components from the UK to Israel, due to the clear risk of serious violations of international law in Gaza, but the same licence allows indirect transfer via third party countries. (This was not explained in the Foreign Secretary’s speech on 2nd September.)
12. In a [follow up statement](#) the Business and Trade Secretary Jonathan Reynolds specified that “*exports to the global F-35 programme will be excluded from this suspension decision, except where going direct to Israel.*” The explanation given by Reynolds was that “*Due to the nature of the F35 as an **international collaborative programme** (emphasis added), it is not currently possible to suspend licensing of F35 components for use by Israel without **prejudicing the entire global F35 programme** (emphasis added), including its broader strategic role in NATO and our support to Ukraine.*”
13. The F-35 exemption is not consistent with the UK’s legal obligations, and not even consistent with any lawful departure that the Government can make for reasons of international peace and security. According to the Government’s latest submissions

to the High Court ‘*the F-35 Carve Out is based on detailed advice from the Defence Secretary explaining the collaborative nature of the F-35 programme*’, in a letter from the Defence Secretary to the Trade Secretary dated 18 July 2024.

14. The Defence Secretary’s advice stated “**Such a suspension of F-35 licensing leading to the consequent disruption for partner aircraft, even for a brief period, would have a profound impact on international peace and security (emphasis added). It would undermine US confidence in the UK and NATO at a critical juncture in our collective history and set back relations.**”
15. During the Business and Trade Committee held on [oral evidence session](#) on 10th December, Committee Chair Liam Byrne concluded that he was not convinced by the Ministers’ explanation of how the exemption of F-35 jet parts from the recent suspension of around 30 arms licences to Israel, could be compatible with the UK’s legal obligations under the Arms Trade Treaty.
16. Components exported from the UK for F-35 jets used by Israel in Gaza are tracked by the US, according to Minister of State for Defence Lord Coaker. The panel claimed the UK “loses sight” of F-35 parts when they leave the UK, and “has got no ability to influence” where they go once they are in the US system.
17. When asked why the UK had not asked the US, its close ally, to use its tracking capabilities to assure the UK that British made parts are not being used by Israel in Gaza, Lord Coaker responded that “the overall security picture for our nation and the allies that we stand with given the increased conflict” in the world requires the UK to apply the F-35 exemption. He stated that alongside the “horror” in Gaza, the UK also had to consider advice from the Secretary of State for Defence claiming that the F-35 programme “delivers peace and security in many parts of the world” and “defends our freedom”.
18. Lord Coaker stated that Ukraine is using the F-35 jets and it was the UK’s understanding that if they withdrew or tried to unilaterally change the “collaborative agreement” it would undermine the whole F-35 project or the UK risked being removed from the contract/collaboration.
19. The Department for Business and Trade [has said](#): “The UK cannot make changes to the F-35 programme unilaterally – any change requires agreement across all Partner Nations”. More written parliamentary questions on discussion with partner nations are [here](#). The other F-35 partners are Australia, Canada, Denmark, Italy, Netherlands, Norway and the lead partner is the United States.
20. Essentially the Government’s position is that they can’t bring the F-35 programme in line with the UK’s legal obligations should any end-user use an F-35 to violate international law. This is unlawful and possibly criminal, in the case of war crimes, crimes against humanity or genocide. These admissions raise serious concerns about the UK’s sovereignty over its own arms export regime and international law obligations.

21. Preventing UK arms exports, specifically the F-35 jets, from being used in war crimes by Israel against Palestinians, is in no way a threat to international security in Ukraine or elsewhere. The US is actively constructing a false dichotomy where the lives of Palestinians are pitted against the lives of other, usually white western civilians.
22. Calls to halt UK complicity in Israel's apocalyptic destruction in Gaza have been met with threats and bullying by the US all with the sole aim of maintaining US military hegemony by supporting Israel's genocide in Gaza. F-35 partners should immediately halt the export of F-35 parts to Israel, and place the maximum pressure on the US to do the same, along with a full arms embargo on Israel.

Israel's conduct of hostilities

23. The government has come to the correct conclusion that Israel is not committed to complying with IHL overall, and this includes conduct of hostilities. This informed the assessment that there is a clear risk UK arms exports to Israel might be used to commit serious violations of IHL, and the Foreign Secretary's statement to Parliament on 2nd September stating that he was "*unable to conclude anything other than*" this risk exists is absolutely definitive in this regard.
24. In their Open Position Statement from the Secretary of State, made public in Court by order of the judge on 18th November 2024, it assessed that Israel is **not committed to complying** with international humanitarian law (IHL), **including in the conduct of hostilities** (para 2. and para 5. of Open Position Statement.) Para 2. states: "*That assessment was based, in summary, on the IHL Cell's analysis that Israel had committed possible breaches of IHL in relation to humanitarian access and the treatment of detainees which undermined Israel's statements of commitment to IHL overall, including in the conduct of hostilities.*"
25. However on the record of specific incidents, Para 47 goes on to state:

"In relation to Israel's record of compliance in the conduct of hostilities, it was usually not possible to determine whether allegations amounted to possible violations of IHL."

"However, the overall picture was of obvious concern, especially having regard to the number of civilian casualties and the allegations of breaches of IHL that were being made."
26. This aligns with statements published on 2nd September, (which did not not make it clear that the judgment applied to conduct of hostilities overall.) The Government [claimed](#) "*it has not been possible to reach a determinative judgment on allegations regarding Israel's conduct of hostilities*", because of a lack of information given by Israel itself, such as "*intended targets and anticipated civilian harm.*"
27. Alarminglly however, their Opening Statement states that the FCDO's IHLCAP Assessments considered 413 incidents of potential violations of IHL by Israel in Gaza. As of the September Decision, the IHLCAP Cell had reached that conclusion

(insufficient information to decide either way) in 411 of 413 incidents considered, almost every single incident.

28. **Examining hundreds of potential incidents of IHL violations by Israel, and failing to reach a judgment on almost any of them is not credible.** This is especially the case in the face of the scale of evidence and multiplicity of findings from authoritative bodies regarding Israel's unlawful conduct of hostilities. Additionally Government is relying on Israel to provide information and evidence of its own crimes, to make these judgments. Refusing to make judgments on potential incidents of IHL violations obscures the degree to which the F-35 jets are already complicit in these crimes, including genocide.

Decisions taken by the previous Government not to suspend

29. Decisions taken by the previous Government not to suspend any arms licences to Israel, up until the UK election in July 2024 are complicit in Israel's genocide. The former Foreign Secretary David Cameron, gave answers on 9th January 2024 that were evasive and misleading, in response to whether or [not](#) he received legal advice indicating that Israeli forces had committed violations of international humanitarian law in Gaza, when it is known - and came to light afterwards - that he was indeed provided with [advice](#) in November 2023 expressing very serious concerns to that effect.
30. The legal advice that the ForSec has received was carefully and purposefully written to allow him to be evasive. While giving evidence to the Foreign Affairs Committee in January 2024 Cameron was questioned:

Brendan O'Hara: *Foreign Secretary, have you received any guidance or advice, or received any submissions from the FCDO or Government lawyers, that Israel may be in breach of international humanitarian law?*

Brendan O'Hara: *In terms of Israel's actions post 7 October—let me ask you personally—have you seen any evidence, been made aware of any evidence or have reasonable grounds to believe that Israel had breached international humanitarian law?*

The Foreign Secretary was not only evasive and misleading but also pushed responsibility off himself and on to civil servants.

.. **Lord Cameron:** *My job is not to make the legal adjudication, because I'm not a lawyer.*

Chair: *In any realm, in any respect, you have never had a piece of paper put in front of you by a Foreign Office lawyer that says that Israel is in breach of its international humanitarian commitments under international humanitarian law.*

Lord Cameron: *Look, the reason for not answering this question is that I cannot recall every single bit of paper that has been put in front of me.*

31. However through Al-Haq and GLAN's judicial review it came to light that Foreign

Office lawyers had expressed concerns about Israel's commitment to comply with IHL, but they argued they had insufficient information to make any call about possible breaches of IHL. The Foreign Office had written to the Israeli embassy - who wouldn't give any information about only eight selected incidents - and were accepting their assurances despite the ever mounting evidence. This allowed Cameron to misleadingly tell the Foreign Affairs Committee that he'd never received advice that 'concluded' there was a breach of IHL.

32. By March 2024 [it was reported](#) that the British Government received advice from its own lawyers stating that Israel has breached international humanitarian law in Gaza but failed to make it public or suspend licences, according to a leaked recording. The comments, made by the former Conservative chair of the House of Commons select committee on foreign affairs, Alicia Kearns, at a Tory fundraising event on 13 March. These reports were never denied by the previous Conservative Government, and they effectively sat on this advice until the election in early July 2024. It wasn't until almost 6 months later that the new Labour Government issued any form of suspension.

Questions 1 and 3

What can – and should – the UK do, in cooperation with regional and international partners, to help bring about a ceasefire?

How can the UK assure the resilience of efforts to bring about a lasting peace at a time of uncertainty caused by conflicts elsewhere and changes in leadership in the international community?

33. There is no peace without justice. The resilience of UK efforts to bring about a lasting peace in Palestine and Israel depends on the degree to which there is a genuine desire to place justice at the centre of these efforts. Without justice "lasting peace" is nothing more than a deeper entrenchment of Israel's occupation, apartheid, ethnic cleaning and genocide of Palestine and Palestinians.
34. This question raises the issue of "changes in leadership in the international community", which brings to mind not only the election of Donald Trump in the US, but the bilateral normalisation agreements he negotiated with Israel and countries including the UAE and Bahrain at the end of his last term in 2020. The recognition of the state of Palestine was clearly a non-issue for Trump, contributing to the entrenchment of occupation and apartheid described above. His attitude may remain the same for the next four years, and as such we implore the UK Government to think beyond one four year US electoral term, beyond the whims of one strongman, to the lifetimes of generations of Palestinians and Israelis to come.
35. Realising Palestinians' right to self-determination and the recognition of a Palestine state must be an urgent priority for the UK Government. We remained concerned by the Foreign Secretary's statement to the Committee on 26th November that in his view, this is contingent on Israel normalising relations with Saudi Arabia. Ministers have [repeated](#) that the UK is committed to recognising a Palestinian state "at the

time most conducive to the long-term prospects for peace”, but are unable to give either a timeline or describe the conditions on which this day will arise.

36. Crucially, the international community as whole bears responsibility for its failure to hold Israel to account for decades of violations of international law, including illegal settlements, which have led to the horrors of the present day. The time to act is now. Given that the government of Israel rejects the two-state solution and settlement expansion and violence have reached record levels, the need for the UK to clearly indicate that recognising a Palestinian state is the only path to peace could not be more urgent.

37. In her [latest report](#) the Special Rapporteur on the occupied Palestinian territory noted that:

“17. According to satellite imagery and other sources, Israeli soldiers have built roads and military bases in more than 26 per cent of Gaza, suggesting the aim of a permanent presence. The Israeli military expanded the “buffer zone” along the Gaza perimeter to 16 percent of the territory, flattening homes, apartment blocks and agricultural farms. By August 2024, repeated evacuation orders over approximately 84 percent of Gaza had corralled the majority of the population into a shrinking, unsafe “humanitarian zone” covering 12.6 percent of a territory now reconfigured in preparation for annexation. In early September, two ministers of the Government of Israel openly called for the conquest and annexation of significant areas of Gaza.”

All that was promised by the Israeli Government in October 2023 has come to pass. We ask that the UK believe the intention of the Israeli Government when they state it.

ENDS

20th December 2024