

## **Written evidence submitted by the Women's International League for Peace and Freedom (IPC0017)**

WILPF

Address: 1, rue de Varembe, C.P.28, 1211 Geneva 20, Switzerland

Tel: +41 22 919 7080

### **Introduction:**

1. The Women's International League for Peace and Freedom (WILPF) has a 109-year legacy as a membership organisation and a peace movement, working in solidarity and partnership with activists, networks, coalitions, and civil society organisations across six continents. WILPF has national Sections and Groups in over 40 countries, and partners around the world. WILPF's vision is to create a world of permanent peace built on feminist foundations of freedom, justice, nonviolence, human rights, and equality for all, where people, the planet, and all its other inhabitants coexist and flourish in harmony.
2. As the oldest women's peace organisation in the world, WILPF is committed to ending war by addressing the root causes of violence and advocating for the inclusion of women's voices in all levels of decision making. WILPF's work on disarmament has been at the forefront of these efforts, advocating for arms control of many different weapon systems, the reduction of global military spending and militarism, and the investigation of gendered aspects of the impact of weapons and of disarmament processes. Achieving a ceasefire and lasting peace for Gaza and Lebanon requires a commitment from all governments around the world, including the United Kingdom (UK), to an arms embargo. This submission will address what the UK can and should do to bring about a ceasefire and ensure lasting peace in Gaza and Lebanon. It will examine the UK's obligations to uphold international peace and security and prevent genocide, particularly focusing on the UK's role as an arms provider to Israel.

### **Context:**

3. For 75 years, Palestinians have endured the profound human rights impacts of Israel's settler-colonial policies and practice, including violations of the rights of women, girls, and their communities, as well as land and environmental degradation. The current situation, rooted in the legacy of the British Mandate and the mass displacement and dispossession of Palestinian in 1948 known as the Nakba, cannot be reduced to a mere "conflict." Escalations over decades have included arbitrary arrests, enforced

disappearances, and the Gaza blockade, which has persisted for over 16 years, inflicting grave humanitarian, economic, and political consequences on its population.

4. As of December 2024, Palestinians have endured over a year of genocide perpetrated by Israel after Hamas' attack on October 7th.<sup>1</sup> The [latest estimates](#), which are likely an undercount, indicate that over 45,000 people have been killed and over 106,000 wounded, and over half of Gaza has been destroyed. Israel has also bombed buildings and deployed explosives inside commonly used technological devices in Lebanon; Israel's ground invasion in Lebanon will inevitably lead to further massive civilian casualties, destruction and displacement.
5. Since October last year, Israel's bombing of homes, hospitals, medical facilities, markets, schools, water and sanitation facilities, and refugee camps; its systematic destruction of farmland and olive trees; its murder of journalists, humanitarian aid workers, and medical practitioners; its brutal detention, torture, and sexual violence of Palestinians; and its impunity for settler vigilante violence against Palestinian lives, livelihoods, and homes have all solidified Israel's actions firmly outside of the system of international law. At the UN General Assembly in September, Israel's prime minister Netanyahu proclaimed that his government "seeks peace," yet hours later ordered unprecedented massive airstrikes on Beirut. Months earlier, the Israeli ambassador to the UN stood on the same stage and shredded a copy of the UN Charter. Most recently, Israel has barred the UN Secretary-General from visiting the country.
6. This genocide and unending violence are fueled by weapons, political support, and aid from countries that claim to defend women's rights and human rights. The UK is one of the governments that, despite the ample evidence of Israel's violations of international human rights law and international humanitarian law, including war crimes, has until recently continued to authorise arms transfers to Israel, in blatant violation of its obligations under international law, including but not limited to the Arms Trade Treaty (ATT).

### **The UK's International Law Obligations:**

7. The UK's transfer of arms and components used in fighter aircraft to Israel violate its obligations under international law as a party to the International Covenant on Civil and Political Rights (ICCPR), the Genocide Convention, and the ATT.
8. Under ICCPR, the UK has an obligation to take appropriate measures to protect individuals against deprivation of life by other States and foreign corporations operating

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<sup>1</sup> UN Office of the High Commissioner for Human Rights, "UN Special Committee finds Israel's warfare methods in Gaza consistent with genocide, including use of starvation as weapon of war," 14 Nov. 2024, <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide>; Amnesty International, "Amnesty International investigation concludes Israel is committing genocide against Palestinians in Gaza," 5 Dec. 2024, <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>.

within their territory or subject to their jurisdiction.<sup>2</sup> This includes taking into consideration the impact on the right to life of when engaging in the deployment, use, sale, or purchase of existing weapons,”<sup>3</sup> and an obligation to protect individuals from violations committed by private entities by taking appropriate measures or exercising due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.<sup>4</sup> This is relevant to consider in relation to violations of the right to life facilitated by the arms industry. In relation to States’ arms transfers to third countries, States’ extraterritorial obligations to protect have also been reaffirmed by other UN human rights treaty bodies, including the CRC and CESCR.<sup>5</sup>

9. With regard to the Genocide Convention, the UK has an obligation to prevent and punish the crime of genocide.<sup>6</sup> This further extends to the ICCPR, as clarified by the Human Rights Committee’s General Comment 36, which notes the obligation to prevent and punish all deprivations of life, which constitute part of a crime of genocide.<sup>7</sup>
10. In its 26 January 2024 order in the case of *South Africa v. Israel*, regarding Israel’s responsibility for genocide against Palestinians in the Gaza Strip, the International Court of Justice granted provisional measures calling on Israel to take measures to prevent the commission of genocide in Palestine.<sup>8</sup> In granting the provisional measures, the Court found that the claim of genocide was at least plausible. In accordance with the

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<sup>2</sup> UN Human Rights Committee, “General Comment No. 36, Article 6: right to life” (3 September 2019) UN Doc CCPR/C/GC/36, para. 22.

<sup>3</sup> UN Human Rights Committee, “General Comment No. 36 Article 6: right to life” (3 September 2019) UN Doc CCPR/C/GC/36, para. 65.

<sup>4</sup> UN Human Rights Committee, General Comment No. 31, “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”, CCPR/C/21/Rev.1/Add. 13, para. 8.

<sup>5</sup> Committee on the Rights of the Child, “Concluding observations on the fifth periodic report of Sweden” (6 March 2015) UN Doc CRC/C/SWE/CO/5, para. 54; Committee on the Rights of the Child, Concluding observations on the reports under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by: the Netherlands (8 July 2015) UN Doc CRC/C/OPAC/NLD/CO/1, para. 24; Brazil (28 October 2015) UN Doc CRC/C/OPAC/BRA/CO/1, para. 34; Turkmenistan (20 February 2015) UN Doc CRC/C/OPAC/TKM/CO/1, para. 24; China (29 October 2013) UN Doc CRC/C/OPAC/CHN/CO/1, para. 34; Ukraine (11 April 2011) UN Doc CRC/C/OPAC/UKR/CO/1, para. 26; Republic of Moldova (20 February 2009) UN Doc CRC/C/OPAC/MDA/CO/1, para. 15; Tunisia (6 February 2009) UN Doc CRC/C/OPAC/TUN/CO/1, para. 18; United Kingdom (17 October 2008) CRC/C/OPAC/GBR/CO/1, para. 33; USA (25 June 2008) UN Doc CRC/C/OPAC/USA/CO/1, para. 34; France (15 October 2007) UN Doc CRC/C/OPAC/FRA/CO/1; Committee on Economic, Social and Cultural Rights “Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland” (14 July 2016) UN Doc E/C.12/GBR/CO/6, para. 12; Committee on the Rights of the Child, “Concluding observations on the combined third and fourth periodic reports of Germany” UN Doc CRC/C/DEU/CO/3-4, para. 77; Committee on the Rights of the Child, “Consideration of reports submitted by states parties under article 44 of the convention” (21 October 2010) UN Doc CRC/C/OPAC/MNE/CO/1, para. 25.

<sup>6</sup> Convention on the Prevention and Punishment of the Crime of Genocide, art. 1 (1948), [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf).

<sup>7</sup> UN Human Rights Committee, “General Comment No. 36 Article 6: right to life” (3 September 2019) UN Doc CCPR/C/GC/36, para. 39.

<sup>8</sup> International Court of Justice, Order, Application of the Convention on the Prevention and Punishment of The Crime of Genocide in The Gaza Strip (South Africa V. Israel), 26 January 2024, para. 78, available at: <https://www.icj-cij.org/case/192>.

jurisprudence, it is therefore clear that by supplying arms in such circumstances, the UK is in violation of that obligation and arguably, may be complicit in genocide, as Israel continues to directly violate the provisional measures ordered.

11. The UK also has obligations under the ATT, a legally binding instrument regulating the transfer of conventional arms by States, to which it is a state party. Article 6(3) of the ATT prohibits authorising arms exports if the State has knowledge at the time of the authorisation that the arms will be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.
12. If an export does not fall within the prohibition of Article 6, Article 7(1) of the ATT stipulates that the exporting State must still assess prior to authorisation the “potential” that the arms:
  - (a) would contribute to or undermine peace and security;
  - (b) could be used to [inter alia]:
    - (i) commit or facilitate a serious violation of international humanitarian law;
    - (ii) commit or facilitate a serious violation of international human rights law; (...)
13. If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences stipulated in Article 7(1) of the ATT, the exporting State Party shall not authorise the export. Article 7(4) of the ATT also requires the exporting State Party to consider the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.<sup>9</sup> It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied.
14. Under the UK’s own Strategic Export Licensing Criteria (SELC), criterion 2 refers to the ICCPR explicitly.<sup>10</sup> Based on these criteria the government is obliged to not grant a license if doing so would be inconsistent with the UK’s obligations under international law, if there is a clear risk that the items might be used to commit violations of international humanitarian law, or if there is a clear risk that the items would, overall, undermine peace and security.
15. The UK government’s announcement in September 2024 that it would suspend 30 export licenses to Israel due to the risk that the items could be used in Gaza is a welcome first

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<sup>9</sup> United Nations (2014) ‘Arms Trade Treaty’. New York, 2 April 2013. Available at: [https://thearmstradetreaty.org/hyper-images/file/ATT\\_English/ATT\\_English.pdf?templateId=137253](https://thearmstradetreaty.org/hyper-images/file/ATT_English/ATT_English.pdf?templateId=137253).

<sup>10</sup> UK Secretary of State for International Trade Anne-Marie Trevelyan, ‘Trade Policy Update’, Statement to House of Commons, UIN HCWS449, 8 December 2021, available at: <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/hcws449>.

step. However, the continued export of components for fighter craft that are being used in the attacks on Gaza, raises serious concerns about the UK's application of its export licensing criteria and its obligations under international law. The UK and BAE systems are major partners in the manufacturing of the US F-35 Joint Strike Fighter Program, providing 15% of components of every F-35 warplane.<sup>11</sup> F-35s are among the planes that Israel is using in its ongoing genocide and relentless bombing campaign of Gaza.<sup>12</sup> A US Pentagon executive in charge of the F-35 program has boasted that "Israel's fleet of F-35s have performed 'absolutely outstanding' in the war against Hamas" and that "the F-35 program office is going to 'learn a lot' from seeing F-35s used in combat."<sup>13</sup>

## **Recommendations:**

16. To achieve a ceasefire and lasting peace for Gaza and Lebanon, the UK must acknowledge its role in contributing to the conflict and violations of international law. The UK's continued military aid to Israel, including supplying components for US-made fighter aircraft used in Gaza, clearly enables the violation of international human rights law and humanitarian law. In addition, it signals to other governments that the UK believes that the situation in Gaza does not require stopping military support to Israel, despite circumstances where the International Court of Justice has already found that there is a plausible risk of genocide. This undermines the legitimacy of international institutions, inhibiting justice and accountability across a wide spectrum of armed conflicts and situations of concern, and further undermines the UK's credibility as a human rights actor.
17. In this regard, WILPF urges the UK government to:
  - Immediately stop arms transfers and the licensing of arms and related equipment to Israel, including via third States such as the US, and to any State where there is a risk that these arms might be used in the commission of the crime of genocide, to violate international humanitarian law or international human rights law, including the rights protected under the ICCPR, or any other action prohibited or restricted by the Arms Trade Treaty or other relevant international law;
  - Ensure that the relevant export authorities in the UK comply with their obligations under the ICCPR, the Arms Trade Treaty, and the UK's Strategic Export Licensing Criteria (SELC), in particular by including in their assessment for granting licenses a monitoring of whether the recipient country is using licensed weapons not only in

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<sup>11</sup> Campaign Against Arms Trade, Country Profile: Israel, available at: <https://caat.org.uk/data/countries/israel/>.

<sup>12</sup> Business Insider, "The 3 US-made fighter jets Israel is using in its air war over Gaza", 6 January 2024, available at: <https://www.businessinsider.com/us-fighter-jets-israel-air-war-gaza-2024-1?r=US&IR=T>.

<sup>13</sup> Defense One, "US rushed new F-35 capabilities to Israel after Hamas attack", 12 December 2023, available at: <https://www.defenseone.com/technology/2023/12/us-rushed-new-f-35-capabilities-israel-after-hamas-attack/392718/>.

compliance with international humanitarian law, but also with international human rights law including the ICCPR;

- Ensure meaningful legislative control over UK arms exported, by increasing transparency around its decision-making process for authorising or denying exports;
- Ensure independent, impartial and prompt investigations in potential violations of international humanitarian law and of international human rights law, including of the right to life, related to the UK's transfers of arms and related equipment to Israel; and
- Withdraw the 2002 "incorporation guidelines" to remove the loophole that allows the UK government to bypass its own legal obligations to prevent the sale of military equipment where there is a clear risk they might be used for serious violations of international law, including international human rights law.

*20<sup>TH</sup> December 2024*