



Foreign, Commonwealth
& Development Office

Hamish Falconer MP

Minister for the Middle East, North Africa,
Afghanistan, and Pakistan

King Charles Street
London
SW1A 2AH

Email:

fcdo.correspondence@fcdo.gov.uk

Rt Hon. Sir Julian Smith MP
House of Commons
London
SW1A 0AA

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20 December 2024

Dear Sir Julian,

Thank you for your correspondence of 9 December to the Foreign Secretary, on behalf of a constituent, about Israel and the Occupied Palestinian Territories (OPTs). I am replying as the Minister responsible for the Middle East.

The death and destruction in Gaza is intolerable. Since the election, the UK Government has led international calls for an immediate ceasefire. The fighting must stop, Hamas must release the hostages and Israel must ensure much more aid can enter Gaza. We continue to urge all parties to engage in negotiations in good faith and show the flexibility needed to reach an agreement. As the Foreign Secretary has said, we will continue to use every diplomatic lever to bring about a ceasefire and secure the release of hostages, in co-ordination with international partners.

The UK is working closely with our international partners to drive efforts to help civilians in Gaza, including calling for urgent action to prepare the population for winter. As the Prime Minister said on 18 October, the world will not tolerate any more excuses from Israel on humanitarian assistance. The UK will continue to make significant funding available, working through trusted international partners, to ensure that UK humanitarian support reaches civilians on the ground. The UK trebled its aid commitment to the OPTs in the last financial year, and this Government will maintain significant funding this financial year to support trusted aid agencies on the ground.

We also used our UN Security Council Presidency in November to highlight the deteriorating situation in Gaza and the urgent need to bring the civilian suffering to an end. The UK continues to press Israel to take all possible steps to avoid civilian casualties; to allow the free passage and facilitation of unfettered aid into Gaza; and to respect and enable the humanitarian operations of UN agencies and NGOs acting in Gaza. As the Foreign Secretary stated to the UN Security Council on 18 November it is totally unacceptable that it's harder than ever to get aid into Gaza.

On your constituent's first point, regarding arms trade with Israel, please note that on 2 September the Foreign Secretary announced the suspension of export licences to Israel for use in the conflict in Gaza, as required under the Export Control Act 2002. The suspended licences were for equipment where we assess there is a clear risk that the items could be used in breach of International Humanitarian Law (IHL) in the current conflict in Gaza. This is not a blanket ban; but targets licences for items that might be used in military operations in Gaza. The majority of UK export licences for Israel are for civilian use, covering a range of products such as food-testing chemicals, telecoms, and data equipment. They are not for weapons.

To ensure international peace and security it was necessary to depart from the Strategic Export Licencing Criteria to exclude exports to the F-35 programme from the scope of the suspension, as previously set out to Parliament. This is due to the F-35 programme's broader strategic role in NATO and wider implications for international peace and security. Following the suspension, there are currently no extant export licenses that we assess are for use in military operations in Gaza, Lebanon or the West Bank except for exempt F35 components.

Alongside our allies, we have repeatedly communicated to the Israeli government our concerns regarding the humanitarian situation in Gaza but found that those concerns have not been addressed. The UK remains fully committed to Israel's security and its right to self-defence, in accordance with international law. The IHL assessments will continue. We hope to see sustained evidence of Israel's commitment to IHL that would allow us to lift this suspension.

Regarding trade deals, allow me to make clear that Israel is an important trading and bilateral partner for the UK, and remains a part of our trade negotiation programme. However, in parallel, the UK Government continues to use our range of diplomatic tools and bilateral dialogues with Israel to discuss issues of concern, including in relation to the Israel/Gaza conflict.

We received the Advisory Opinion issued by the International Court of Justice (ICJ) on 19 July and are considering it carefully before responding. The issues raised are by their nature complex and require proper consideration. The UK respects the independence of the ICJ, and the Government is absolutely clear on the fundamental importance of the international rule of law. It has taken the Court five months to produce its Opinion, and we will comment further when we have considered it carefully.

Your constituent also raises the question of arrest warrants issued by the International Criminal Court (ICC). The ICC is the primary international institution for investigating and prosecuting the most serious crimes of international concern. In line with this Government's stated commitment to the rule of law, we respect the independence of the ICC and the judicial process that will now be followed. It is not for this Government to agree or disagree with the decisions of independent Courts. It bears reminding, however, that there is no moral equivalence between Israel, a democracy, and Hamas and Lebanese Hizballah, which are terrorist organisations. This Government has been clear that Israel has a right to

defend itself, in accordance with international law. That right is not under question and the Court's approval of the warrants do not change that.

The UK is concerned by the Israel Defence Forces' (IDF) ongoing military operation in the occupied West Bank. We recognise Israel's need to defend itself against security threats, but we are very worried by the methods Israel has employed and by reports of civilian casualties and the destruction of civilian infrastructure.

Our position is clear. Settlements are illegal under international law, present an obstacle to peace, and are harmful to a two-state solution. Settlement expansion and settler violence have reached record levels. The Israeli government have seized more of the West Bank in 2024 than in any of the past 20 years. That is completely unacceptable. The UK strongly condemns inciteful remarks such as those made by Israel's National Security Minister Ben-Gvir and Finance Minister Smotrich. The UK will challenge those who undermine a two-state solution. We have sanctioned people and groups for perpetrating, supporting and inciting human rights abuses against Palestinian communities in the West Bank and we will look at all options to take tougher action. We continue to call on Israeli authorities to exercise restraint, adhere to international law, and clamp down on the actions of those who seek to inflame tensions.

Finally, regarding Palestinians in custody, we are deeply concerned by reports of the mistreatment of detainees and raise this with the Israeli government as a priority. The UK continues to reiterate calls for Israel to allow the International Committee of the Red Cross (ICRC) unfettered and immediate access to detention facilities. The UK reaffirms our support for the ICRC as the only humanitarian actor with the experience, capability, independence and mandate to carry out their important responsibilities. We believe it is critical that the ICRC is given regular access to detainees to deliver on their independent visiting role, as enshrined within the 1949 Geneva Conventions.

As we look for a pathway out of the wider crisis, we are conscious of this conflict's complexities and are determined to listen to all sides. Our overarching goal is clear: a viable and sovereign Palestinian state, alongside a safe and secure Israel. There is no way out of this crisis without a route to both Palestinians and Israelis enjoying security, justice and opportunity in lands that they can call their own. We want a credible and irreversible pathway towards a two-state solution and are committed to recognising a Palestinian state as a contribution to a peace process, at a time that is most conducive to that process.

In pursuit of these objectives, I have spoken to the Foreign Ministers of Egypt, Lebanon, Iraq and Yemen, the Qatari Minister of State, the Kuwaiti Deputy Foreign Minister, the Vice Foreign Minister of Saudi Arabia, the Deputy Foreign Ministers of Turkey and Israel, the Prime Ministers of Yemen and the Palestinian Authority, as well as to the Ambassadors to the UK of Israel, Jordan and Bahrain and the Head of the Palestinian Mission to the UK.

The Foreign Secretary has twice visited Israel and the Occupied Palestinian Territories since taking office, meeting with Israeli and Palestinian leaders, as well as families of hostages, victims of violence and members of the humanitarian community. The Prime Minister last spoke to Israeli Prime Minister Netanyahu on 19 October and met with

President Abbas of the Palestinian Authority on 25 September. I have visited Kuwait, Egypt, and attended the Lebanon Support Conference in Paris, to meet with partners and reiterate our calls for an immediate ceasefire.

The situation in the Middle East continues to evolve rapidly. But please rest assured that the Foreign Secretary and his entire Ministerial team will continue to do all they can to secure lasting peace in the region.

Yours ever,

A handwritten signature in black ink, appearing to read 'Hamish Falconer', with a long, sweeping flourish extending to the right.

HAMISH FALCONER MP
Minister for the Middle East, North Africa, Afghanistan, and Pakistan