

# mend

SUBMISSION PAPER



## MEND'S SUBMISSION TO THE FOREIGN AFFAIRS COMMITTEE: INQUIRY INTO ISRAELI- PALESTINIAN CONFLICT

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# MEND's Submission to the Foreign Affairs Committee: Inquiry into Israeli-Palestinian Conflict

## A Submission from Muslim Engagement and Development (MEND)

### 1. MEND's Contribution to the Inquiry

1.1. This submission from Muslim Engagement and Development (MEND) to the Foreign Affairs Committee Inquiry into the Israeli-Palestinian Conflict makes the argument that Israel's violation of International Humanitarian Law, as highlighted by numerous experts, requires the UK Government to take a tougher stance against such violations and revise its policies in line with international law and human rights. This includes a suspension of arms exports to Israel, sanctions on Israeli goods, as well as ministers and soldiers complicit in war crimes.

### 2. Key Positions

#### 2.1. Israel's violations of international humanitarian law

Israel's actions in Gaza constitute severe breaches of International Humanitarian Law (IHL), as highlighted by international courts and experts. Starvation through blockades, restricting food, water, and medical supplies, violates the Rome Statute of the International Criminal Court (ICC), with humanitarian groups warning of impending famine. Indiscriminate attacks on civilian areas, such as homes, schools, and hospitals, breach the Geneva Conventions and have caused widespread casualties and displacement. Legal experts cite evidence of possible genocide, including forced displacement, infrastructure destruction, and denial of basic rights. Acts of collective punishment and obstruction of humanitarian aid demand urgent accountability.

#### 2.2. UK Government Policies

The UK government has shown reluctance to hold Israel accountable for alleged violations of international law.<sup>1</sup> The Conservative government dismissed the charge of genocide against Israel at the International Court of Justice (ICJ), and opposed ICC involvement, disputing the court's jurisdiction.<sup>2</sup> In contrast, then-shadow Foreign Secretary David Lammy argued that the UK should respect ICC decisions, stating that a Labour government would comply with any ICC warrants issued.<sup>3</sup>

The UK long resisted calls for an immediate ceasefire in Gaza, instead advocating for "humanitarian pauses" and the nebulous concept of a "sustainable ceasefire". While urging Israel to comply with IHL, the government has been slow to impose meaningful measures such as an arms embargo or sanctions. Recent Labour-led initiatives, such as renewed funding for UNRWA and respecting ICC arrest warrants, signal progress but fall short of establishing a balanced foreign policy.

The UK's partisan pro-Israel policy has fuelled the conflict, contributed to significant geopolitical destabilisation and further complicated peace efforts. Moving forward, UK foreign policy should be guided by in-

<sup>1</sup> 'Israel-Hamas conflict: UK response October 2023 to July 2024', Commons Library Research Briefing, 11 Sep 2024, <https://researchbriefings.files.parliament.uk/documents/CBP-9874/CBP-9874.pdf>

<sup>2</sup> House of Commons Debate, 22 May 2024, column 872, <https://hansard.parliament.uk/Commons/2024-05-22/debates/B8B92127-ED22-4926-8B2C-C661A624E691/Engagements#contribution-F2FF6D69-E438-4354-8487-BD55E7EAE1FA>

<sup>3</sup> House of Commons Debate, 20 May 2024, column 647, <https://hansard.parliament.uk/commons/2024-05-20/debates/55D5AFDC-F855-43E8-9E74-5083F57C72B0/IsraelAndGaza#:~:text=Labour%20would%20comply%20with%20ICC%20arrest%20order%20for%20Netanyahu,Lammy%20reiterates>, *The Guardian*, 23 Jun 2024, <https://www.theguardian.com/politics/article/2024/jun/23/labour-would-comply-with-icc-arrest-order-for-netanyahu-lammy-reiterates>

ternational law and human rights conventions, prioritising these principles over blind allegiance to Israel or mirroring US policy. The UK must adopt a balanced approach, holding all parties accountable for violations and working towards a just and lasting peace.

### 2.3. British Government Complicity in Genocide

Numerous international organisations have documented Israel's repeated violations of International Humanitarian Law and the Genocide Convention<sup>4</sup>. The British government's involvement in this ongoing genocide in Gaza has come under increasing scrutiny, raising serious concerns about potential complicity in war crimes under international law. British intelligence agencies reportedly provided surveillance data to Israel which has been used in targeting individuals and infrastructure in Gaza.<sup>5</sup> The UK also allowed its RAF base in Cyprus to be used for U.S. arms shipments to Israel, ensuring a steady supply of weapons.<sup>6</sup> The base was also used for reconnaissance missions that supported Israeli military operations.

Despite substantial evidence of war crimes, the UK has refrained from condemning Israel, instead strengthening its support through continued arms sales and diplomatic backing. Legal experts caution that these actions may expose UK officials to prosecution under international law. Under the Rome Statute of the ICC, British ministers and military personnel could face legal consequences for their involvement in facilitating these violations and in aiding and abetting war crimes.<sup>7</sup>

The British government must urgently reassess its role in these atrocities and take concrete steps to end its complicity in violations of international law, ensuring accountability for the immense suffering inflicted on Palestinian civilians.

### 2.4. UK Arms Supply to Israel

MEND calls on the Government to suspend all arms exports to Israel, including components, indirect exports, and parts used in the production of military equipment. Under criterion two of the Strategic Export Licensing Criteria, the UK Government is required to deny export licenses where there is a clear risk that the items may be used to facilitate or commit serious violations of IHL.<sup>8</sup> Despite overwhelming evidence of such violations in Gaza, as highlighted above, the UK has failed to take decisive action, which risks complicity in international crimes.

In June 2024, United Nations experts called on states to end arms supply to Israel immediately or risk complicity in "international crimes, possibly including genocide".<sup>9</sup> They highlighted that Israel's assault on Gaza has been characterised by indiscriminate attacks on civilians, urging states to impose an arms embargo in line with their obligations under the Geneva Conventions, the Genocide Convention, and international human rights treaties. Similarly, in March 2024, UK government lawyers advised that Israel's actions in Gaza breached IHL, leading legal experts to recommend an immediate suspension of arms sales to avoid aiding and abetting war crimes.<sup>10</sup> Despite this legal advice and the escalating violence, the UK continued to reject calls for a suspension in April and May 2024.<sup>11</sup>

<sup>4</sup> See following reports:

'Rights expert finds 'reasonable grounds' genocide is being committed in Gaza', *United Nations News*, 26 Mar 2024, <https://news.un.org/en/story/2024/03/1147976>

'UN Special Committee finds Israel's warfare methods in Gaza consistent with genocide, including use of starvation as weapon of war', *United Nations*, 14 Nov 2024, <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide>

'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza', *Amnesty International*, Dec 2024, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>

<sup>5</sup> 'Keir Starmer's 100 Spy Flights Over Gaza in Support of Israel', *Declassified UK*, 3 Oct 2024, <https://www.declassifieduk.org/keir-starmer-100-spy-flights-over-gaza-in-support-of-israel/>

<sup>6</sup> 'U.S. Special Ops Flights to Israel from UK's Cyprus Base Surge Under Starmer', *Declassified UK*, 10 Oct 2024, <https://www.declassifieduk.org/u-s-special-ops-flights-to-israel-from-uks-cyprus-base-surge-under-starmer/>

<sup>7</sup> 'Revealed: America's Secret Special Forces Flights to Israel from UK Base on Cyprus', *Declassified UK*, 11 Jul 2024, <https://www.declassifieduk.org/revealed-americas-secret-special-forces-flights-to-israel-from-uk-base-on-cyprus/>

<sup>8</sup> Trade Policy Update, Statement made on 8 December 2021, Statement UIN HCWS449, UK Parliament, <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/hcws449>

<sup>9</sup> 'States and companies must end arms transfers to Israel immediately or risk responsibility for human rights violations: UN experts', *Office of the United Nations High Commissioner for Human Rights*, 20 Jun 2024, <https://www.ohchr.org/en/press-releases/2024/06/states-and-companies-must-end-arms-transfers-israel-immediately-or-risk>

<sup>10</sup> 'UK government lawyers say Israel is breaking international law, claims top Tory in leaked recording', *The Guardian*, 30 Mar 2024, <https://www.theguardian.com/world/2024/mar/30/uk-government-lawyers-say-israel-is-breaking-international-law-claims-top-tory-in-leaked-recording>

<sup>11</sup> 'New review by UK ministers again finds no reason to stop arms exports to Israel', *The Guardian*, 31 May 2024, <https://www.theguardian.com/world/article/2024/may/31/new-review-by-uk-ministers-again-finds-no-reason-to-stop-arms-exports-to-israel>

In September 2024, the UK Government announced the suspension of 30 out of 350 arms export licences to Israel, acknowledging risks of IHL violations.<sup>12</sup> This came after the killing of more than 40,000 Palestinians and repeated warnings of Israeli breaches of IHL.<sup>13</sup> However, human rights organisations have criticised this move as “riddled with loopholes”, calling for a total ban to ensure that arms sold to Israel are not used in the violation of human rights.<sup>14</sup> This partial suspension leaves in place licences for equipment such as components for trainer aircraft and naval vessels, as well as for components going to Israel’s arms industry to be included in equipment for onward export.<sup>15</sup> British-made components for the global F-35 fighter jet programme, 15% of which are manufactured by UK companies, also remain unaffected. These F-35 jets have been directly linked to airstrikes in Gaza.<sup>16</sup> For example, on July 13, 2024, Israeli F-35 jets were involved in the attack on Gaza’s Al Mawasi area, killing at least 90 civilians and injuring approximately 300.<sup>17</sup> Since 2016, the UK has exported over £336 million worth of F-35 components, further underscoring its role in equipping Israel’s military forces involved in IHL violations.<sup>18</sup>

Between 2015 and 2023, the UK approved £492 million worth of Single Individual Export Licenses (SIELs) for arms sales to Israel.<sup>19</sup> However, this figure underestimates the extent of UK involvement, as many UK-made components are exported indirectly via the US. Furthermore, after announcing the partial arms embargo, the UK approved 34 new military export licenses to Israel, including 31 “standard” and three “open” licenses for military goods.<sup>20</sup> Despite the embargo, the UK’s trade department continues to approve significant arms exports to Israel and the Labour government has not updated its assessment on Israel’s compliance with IHL since 31 July 2024.<sup>21</sup>

While it has been argued that the UK is not a significant arms exporter in comparison to other countries, any involvement in the supply of arms to Israel, whether directly or indirectly, risks the UK’s complicity in the violation of IHL and potentially even the crime of genocide. The UK must thus impose a total arms embargo, including the suspension of all components and indirect exports to Israel. It must also expand restrictions to cover all British-made components used in Israel’s military operations, including those exported indirectly through third countries, and ensure accountability through regular and transparent reviews of Israel’s compliance with IHL.

There must be full transparency in tracking F-35 parts, especially given recent legal challenges over their export to Israel. Legal cases against countries like the UK, Netherlands, Canada, and Denmark argue that these exports may violate international law.<sup>22</sup> The UK government has also been warned of potential criminal liability for continuing to export F-35 parts that could end up in Israel.<sup>23</sup> While officials claim tracing these parts is difficult, experts argue that real-time tracking is entirely possible through electronic tagging. Some ministers have argued that the UK is unable to influence how F-35 parts are used once exported because they go into a US-overseen and controlled “global pool of spare parts” used to service the fighter jets<sup>24</sup>. As some have

<sup>12</sup> ‘UK suspends around 30 arms export licences to Israel for use in Gaza over International Humanitarian Law concerns’, Foreign, Commonwealth and Development Office, 2 Sep 2024, <https://www.gov.uk/government/news/uk-suspends-around-30-arms-export-licences-to-israel-for-use-in-gaza-over-international-humanitarian-law-concerns>

<sup>13</sup> ‘UNRWA Situation Report #133 On the Situation in The Gaza Strip and The West Bank, Including East Jerusalem’, UNRWA, 3 Sep 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-133-situation-gaza-strip-and-west-bank-including-east-jerusalem>

<sup>14</sup> ‘UK: suspension of 30 arms export licences for Israel is ‘too limited’’, Amnesty International UK, 2 Sep 2024, <https://www.amnesty.org.uk/press-releases/uk-suspension-30-arms-export-licences-israel-too-limited>

<sup>15</sup> ‘Genocide in Gaza – Stop Arming Israel!’, Campaign Against Arms Trade, 28 Nov 2024, <https://caat.org.uk/data/countries/israel/>

<sup>16</sup> ‘UK-made F-35 components linked to civilian casualties in Gaza strikes new evidence suggests’, Action on Armed Violence, 2 Sep 2024, <https://aoav.org.uk/2024/uk-made-f-35-components-linked-to-civilian-casualties-in-gaza-strikes-new-evidence-published/>

<sup>17</sup> ‘Gaza: Guterres ‘shocked and saddened’ by deadly strikes on Al Mawasi, as WHO and partners aid medical response’, United Nations News, 13 Jul 2024, <https://news.un.org/en/story/2024/07/1152081>

<sup>18</sup> ‘UK-made F-35 components linked to civilian casualties in Gaza strikes new evidence suggests’, Action on Armed Violence.

<sup>19</sup> ‘Genocide in Gaza – Stop Arming Israel!’, Campaign Against Arms Trade.

<sup>20</sup> Israel export control licensing data: 6 December 2024, Department for Business and Trade, 10 Dec 2024, <https://www.gov.uk/government/publications/export-control-licensing-management-information-for-israel/israel-export-control-licensing-data-6-december-2024>

<sup>21</sup> ‘Labour Allowed Dozens of Arms Exports to Israel After Weapons Sanctions’, *Declassified UK*, 12 Dec 2024, <https://www.declassifieduk.org/labour-allowed-dozens-of-arms-exports-to-israel-after-weapons-sanctions/>

<sup>22</sup> ‘Legal battles loom over supply chain keeping Israeli F-35s flying over Gaza and Lebanon’, *Middle East Eye*, 4 Oct 2024, <https://www.middleeasteye.net/news/israel-us-f-35-global-supply-legal-spare-parts>

<sup>23</sup> ‘War on Gaza: UK officials warned of criminal liability over F-35 exports to Israel’, *Middle East Eye*, 20 Sep 2024, <https://www.middleeasteye.net/news/war-gaza-british-officials-warned-criminal-liability-over-f-35-exports-israel>

<sup>24</sup> Minister Hand Sovereignty Over UK Arms Exports to US, as They Refuse to Halt the Export of Components for F-35 Jets Used in Israel’s Genocide in Gaza, Campaign Against Arms Trade, 12 December 2024, <https://caat.org.uk/news/ministers-refuse-to-end-uk-complicity-in-israels-genocide-in-gaza-and-halt-parts-for-f-35-jets/>

highlighted, this raises grave concerns about the UK's sovereignty over its own arms exports and how they are used <sup>25</sup>. Considering that ministers know there is a chance these parts will be exported to Israel by third parties, it is not morally acceptable to defend a system which allows de-facto indirect arms exports to Israel.

## 2.5. Sanction Israeli Goods

MEND believes that the government must impose sanctions, cease trade and enforce a ban on goods from illegal Israeli settlements to uphold international law and human rights. The UK must take a stronger stance on illegal settlements in the occupied Palestinian territories.

In July 2024, the International Court of Justice (ICJ) declared Israel's occupation of Gaza and the West Bank, including East Jerusalem, unlawful, along with the associated settlement regime, annexation and use of natural resources.<sup>26</sup> The ICJ also found that Israel's actions violate international law, including the prohibition on apartheid, and emphasised that states must not assist in maintaining Israel's illegal occupation.<sup>27</sup>

In October 2024, the UK Government introduced sanctions targeting three illegal settler outposts and four organisations supporting extremist Israeli settlers in the West Bank.<sup>28</sup> These sanctions followed an alarming rise in settler violence over the past year, including attacks on schools, families, and children. However, the government has yet to address the broader economic ties that enable illegal settlements to thrive. While this step is a move in the right direction, it falls short of addressing the root causes of settler expansion, which are funded and supported by the production and trade of settlement goods.

Movements like Boycott, Divestment, and Sanctions (BDS) and organisations such as Amnesty International UK have long advocated for sanctions to pressure Israel into compliance with international law. However, the UK Government has resisted broader sanctions on Israel. This is part of a wider trend, evidenced by the failed Economic Activity of Public Bodies (Overseas Matters) Bill, which sought to prevent public bodies from engaging in BDS campaigns.<sup>29</sup> This Bill would have undermined fundamental democratic principles of the right to protest, stifle free speech and help shield Israel from accountability for violations of international law.

The UK has rightly implemented stringent sanctions against Russia in response to its illegal actions in Ukraine, including trade bans and asset freezes. Yet, the government has failed to apply similar principles to Israel, despite its ongoing violations of international law in Palestine. This double standard harms public trust in government. The principle should be upheld in both cases; goods and resources produced in violation of international law and through human rights abuses should not be allowed to enter the UK market.

## 2.6. Sanction ministers and soldiers complicit in violations of international law

The UK Government must impose and uphold sanctions against Israeli ministers and soldiers implicated in violations of international law and human rights abuses to uphold justice and accountability for atrocities committed during the ongoing crisis.

In January 2024, South Africa presented evidence to the ICJ based on a database of 500 statements illustrating the Israeli state's intent to commit genocide and incitement to genocide since October 7, 2023.<sup>30</sup> Among those accused, Israeli Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant have employed genocidal language, dehumanizing Palestinians by calling them "human animals" and "barbarians." Such rhetoric has been used to justify and incite further atrocities in Gaza.

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<sup>25</sup> Ibid.

<sup>26</sup> Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, International Court of Justice, 19 Jul 2024, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-pre-01-00-en.p>

<sup>27</sup> Ibid., p. 2.

<sup>28</sup> 'New UK sanctions target illegal outposts and organisations supporting extremist Israeli settlers in the West Bank', Foreign, Commonwealth and Development Office, 15 Oct 2024, <https://www.gov.uk/government/news/new-uk-sanctions-target-illegal-outposts-and-organisations-supporting-extremist-israeli-settlers-in-the-west-bank>

<sup>29</sup> Economic Activity of Public Bodies (Overseas Matters) Bill 2022-23, House of Commons Library, 9 Jan 2024, <https://commonslibrary.parliament.uk/research-briefings/cbp-9822/>

<sup>30</sup> 'Database of Israeli Incitement to Genocide', Law for Palestine, 15 Jan 2024, <https://law4palestine.org/wp-content/uploads/2024/02/Database-of-Israeli-Incitement-to-Genocide-including-after-ICJ-order-27th-February-2024-.pdf>

The International Criminal Court (ICC) has issued arrest warrants for Netanyahu and Gallant, finding reasonable grounds to believe they bear criminal responsibility for the war crime of starvation as a method of warfare and the crimes against humanity of murder, persecution, and other inhumane acts.<sup>31</sup> While the UK Government has indicated it would fulfil its legal obligations regarding these warrants, it has yet to confirm explicitly whether Netanyahu and Gallant would be arrested if they entered the UK. As a member state of the ICC, the UK must honour its international commitments by unequivocally enforcing these arrest warrants and imposing sanctions on these individuals.

The UK has also failed to act on plans by former Foreign Secretary David Cameron to sanction Israel's far-right Finance Minister Bezalel Smotrich and National Security Minister Itamar Ben-Gvir.<sup>32</sup> Both officials have been accused of encouraging extremist settler violence in the West Bank and obstructing humanitarian aid to Gaza. The UK's reluctance to penalise these individuals undermines its stated commitment to human rights and international law.

The UK must also sanction Israeli soldiers involved in human rights abuses and war crimes including indiscriminate attacks on civilians, the use of starvation as a method of warfare in Gaza, and the killing and detention of Palestinians in the West Bank. The UK should prevent these individuals from entering or residing in the country and work with international bodies to ensure they face legal consequences.

Finally, the UK must address the role of its nationals in the Israeli military if credible evidence surfaces showing them to have committed war crimes in Gaza and/or the West Bank. According to the Home Office, at least 80 British nationals were serving in Israel's military as of September 2023, with an estimated 100 more traveling to join the Israel Defence Forces (IDF) in October 2023.<sup>33</sup> While the IDF are not proscribed under the Terrorism Act, the Met Police war crimes unit has the authority to investigate individuals suspected of breaching the Geneva Conventions. Any UK nationals involved in war crimes must be held accountable and prosecuted in British courts. The UK Government must take decisive action, including sanctions and legal measures, against all individuals implicated in violations of international law.

<sup>31</sup> 'Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant', International Criminal Court, 21 Nov 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>

<sup>32</sup> 'UK imposes sanctions on seven groups that support West Bank settlers', *The Guardian*, 15 Oct 2024, <https://www.theguardian.com/politics/2024/oct/15/david-cameron-planning-sanctions-two-israeli-ministers>

<sup>33</sup> 'Revealed: Over 100 Britons Among Israeli Soldiers and Settlers', *Declassified UK*, 28 Mar 2024, <https://www.declassifieduk.org/revealed-over-100-britons-among-israeli-soldiers-and-settlers/>; 'More than 100 people travel from UK to Israel to join fight against Hamas', *ITV News*, 13 Oct 2023, <https://www.itv.com/news/2023-10-12/more-than-100-people-travel-from-uk-to-israel-to-join-fight-against-hamas>



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