



Foreign, Commonwealth
& Development Office

Hamish Falconer MP

Minister for the Middle East, North Africa,
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Mr Andrew Whitley
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29 October 2024

Dear Mr Whitley,

Thank you for your correspondence of 9 October to the Foreign Secretary, 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. A deal is on the table, and we are urging both sides to show flexibility.

The Government is absolutely clear on the fundamental importance of the international rule of law and respects the independence of the International Criminal Court (ICC) and the International Court of Justice (ICJ). We respect the ICC Pre-Trial Chamber's decision in 2021 that the Court's territorial jurisdiction extends to the OPTs. The UK abstained at the UN General Assembly resolution on the ICJ's Advisory Opinion on Israel's presence in the OPTs on 18 September. Our abstention reflects our unwavering determination to focus on efforts to bring about a peaceful and negotiated two-state solution. But as the ICJ has advised, Israel should bring an end to its presence in the OPTs as rapidly as possible.

We received the Advisory Opinion issued by the ICJ on Friday 19th July, and are considering it carefully before responding. The issues raised are by their nature complex and require proper consideration. It has taken the Court five months to produce its Opinion, and we will comment further when we have considered it carefully.

Palestinian statehood is the inalienable right of the Palestinian people. During the Foreign Secretary's visit to Israel and the OPTs on 14 July, he reiterated our commitment to recognising a Palestinian state as a contribution to a peace process to deliver a two-state solution, with a safe and secure Israel alongside a viable and sovereign Palestinian state. We routinely update our guidance to British businesses on the Overseas Business Risk website. We advise British businesses to bear in mind the British Government's view on

the illegality of settlements under international law when considering their investments and activities in the region.

The UK does not recognise the OPTs, including Israeli settlements, as part of Israel. Goods imported from the settlements are therefore not entitled to benefit from trade preferences under the UK-Israel Trade and Partnership Agreement.

Our position is that only Israeli goods originating from the State of Israel will be covered by the UK-Israel FTA. Palestinian goods originating from the West Bank and Gaza will continue to benefit from the terms of the UK-Palestinian Authority FTA. Settlement goods originating from Israeli settlements in the West Bank will be covered by neither FTA. Such trading is not allowed under the existing trade and partnership agreement, and we have no plans to change that.

Israel is a close friend and strategic partner of the UK, a relationship built on decades of cooperation. It is a key partner across UK priorities, including trade and investment, security, and science and technology. We cooperate across a wide range of issues for our mutual benefit. 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 have been clear that the Government will uphold both our domestic and international legal obligations when it comes to arms exports. The UK operates a robust system of export controls, set out in the Strategic Export Licensing Criteria. It states that items may not be exported where there is a clear risk that they might be used to commit or facilitate a serious violation of International Humanitarian Law (IHL). As soon as we took office, we commissioned new advice on Israel's compliance with IHL in the context of the war in Gaza.

We have deemed that there is such a risk for items that are for use in military operations in the current conflict in Gaza and have made the decision to suspend these exports immediately. That's around 30 items used in the current conflict in Gaza out of 90 licences which go to the IDF, from a total of approximately 350 licences to Israel. It includes components which go into military aircraft, including fighter aircraft, helicopters and drones, as well as items which facilitate ground targeting.

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.

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 Minister of Turkey, 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 visited Israel and the OPTs twice in his first two months in 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.

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