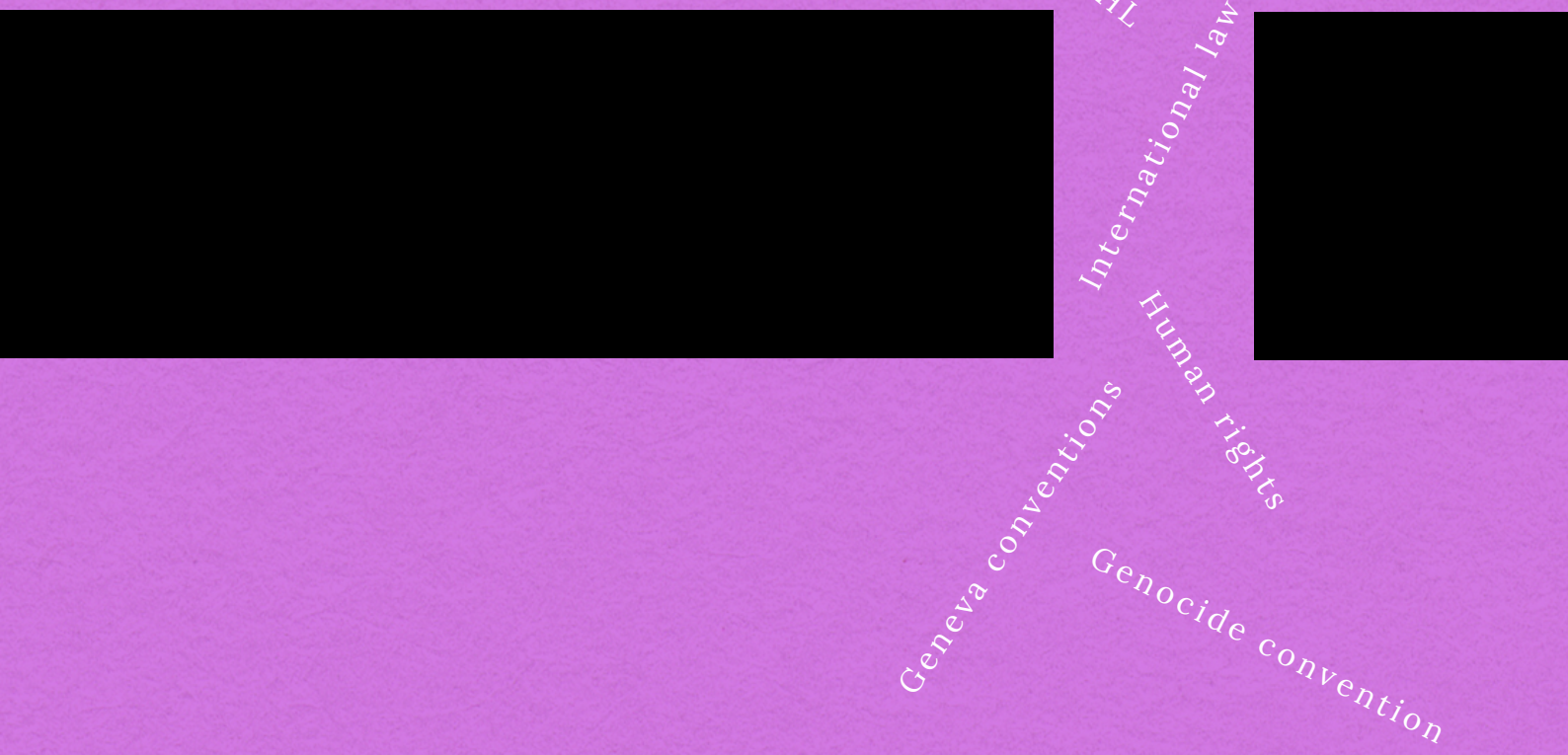
# EXPOSING THE UK ARMS TRADE ACCOUNTABILITY GAP

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“In Israel’s genocide against the Palestinian people, international humanitarian law is among the casualties. The government would like us to believe they respect it, but their duplicity and moral bankruptcy are clear. Who will hold the government to account for this?
Parliament and the courts have failed and declined. The accountability gap is wider than eyes can see.”

**Jennine Walker,**
Senior Lawyer at GLAN

# The UK arms trade accountability gap

## What GLAN and Al-Haq's UK arms case revealed about the UK government's decision-making on exports to Israel.

Since October 2023, successive UK governments have continued to allow British military equipment and components to reach Israel for use in Gaza and the West Bank.[1] As of September 2026, more than 75,000 Palestinians in Gaza have been killed, while 82% of Gaza's structures have been damaged or destroyed. Most of Gaza's 2.1 million people remain displaced, living amid extraordinary destruction and humanitarian need.

This short report explores how successive UK governments were able to keep British weapons flowing despite an arms export control process intended to prevent weapon transfers where international law has been violated. It sets out what our legal challenge revealed about how the arms export rules were applied, and the urgent questions those revelations now pose for the government.

### The case: Al-Haq v Secretary of State for Business and Trade

By December 2023, Israel announced it had struck over 10,000 sites in Gaza in one of the most intensive aerial bombardments of the century.[2] By 5 December, UN Humanitarian Affairs Office reported that 16,248 Palestinians had been killed, with women and children accounting for around 70% of the reported casualties.[3]

Against this backdrop, Palestinian human rights organisation Al-Haq, supported by Global Legal Action Network (GLAN), initiated judicial review proceedings against the UK government over its continued licensing of arms exports to Israel (Al-Haq v Secretary of State for Business and Trade). UK arms-export rules, the Strategic Export Licensing Criteria (SELC) are intended to prevent British made military equipment being exported overseas if doing so would conflict with the UK's international obligations. The case asserted that the government's decision to grant and maintain licences was unlawful because it violated the SELC, which incorporate obligations under the Arms Trade Treaty and wider international law.

1 For more on the UK's arms exports to Israel more generally, see the work of Campaign Against Arms Trade: https://caat.org.uk/data/countries/israel/ On 24th September 2026, CAAT published a report outlining the UK government's arms licensing processes in respect of Saudi Arabia and Israel: see https://caat.org.uk/publications/dead-letter-how-the-uk-governments-arms-export-policies-have-eviscerated-international-humanitarian-law/ The CAAT report outlines in detail many of the matters touched upon in this report, and reaches the same conclusions. Importantly, it connects the methodology deployed in the Al-Haq case to CAAT's landmark litigation in respect of Saudi Arabia.
2.OCHA report 5 December 2023 Gaza_casualties_info-graphic_5_Dec_2023 final
3.Ibid.

## The two criteria most relevant in the challenge were:

**Criterion 1(b)** — The government must refuse a licence where the transfer would be inconsistent with the UK's international obligations, including under the UN Arms Trade Treaty. This is the Criterion which "imports" the Genocide Convention and the Geneva Conventions into the policy.

**Criterion 2(c)** — The government must refuse a licence where there is a clear risk that the items might be used to commit or facilitate a serious violation of international humanitarian law.

Crucially, criterion 2(c) is forward looking. The government did not need to prove that a British weapon had already been used in a war crime. The question was whether there was a "clear risk" that an exported weapon might be used to commit or facilitate a serious violation of international humanitarian law. If so, export licences must be suspended.

In September 2024, partly under pressure from the challenge, the government suspended the majority of licences to Israel that they assessed to be directly destined for use in Gaza, and by extension, the West Bank. This was because the government concluded that there was a clear risk that certain UK-supplied equipment might be used to commit or facilitate serious violations of international humanitarian law. But it made an exception for UK-made components entering the global F-35 programme, even though that supply chain continued to serve the same army. Doing so required it to depart from its own policy that all weapons exports must comply with international law.

The challenge opened a rare window into the government's otherwise opaque arms-export decision-making process. Documents disclosed through the case reveal how the government assessed evidence of Israel's violations in Gaza, how it justified an exception for F-35 warplane components, and how it approached its obligations under the Genocide Convention.

**The case exposed three major accountability failures in the UK's arms-export system.** Those failures did not disappear when the case ended. They remain live questions for the current government.

**One) An assessment process unable to find violations unless confirmed by Israel**

Under the UK's arms-export rules, the government had to assess whether there was a "clear risk" that British military equipment might be used to commit or facilitate serious violations of International Humanitarian Law (IHL). To do that, it examined incidents in Gaza and classified incidents as either "possible" or "unlikely" violations. Findings of "possible" violations would then feed into its assessment of the risk of future violations. Where the government could reach no conclusion, these incidents were placed into a third category consisting of attacks for which there was "insufficient information".

The government required detailed information about individual attacks before it would reach a conclusion - including information about what Israeli forces knew, what they intended to target and why a particular attack was carried out. The problem with this approach became apparent almost immediately.

One of the gravest features of Israel's bombardment of Gaza in late 2023 was the frequent killing of entire families in their homes. Amnesty International published a report decrying "damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza", and Al-Haq's own staff had lost many family members according to this repeated pattern.[4]

The government revealed that it had raised Amnesty's report with the Israeli authorities in a letter sent on 21 November 2023, asking Israel what the justification was for five incidents listed in the report. Israel responded on 26 November stating that it would not be responding "especially [to questions] which related to specific incidents," instead providing general assurances that it was committed to complying with international law. Israel additionally repeated debunked claims it had made in the public domain concerning the use of hospitals by Hamas.

4. Amnesty International, 20 October 2023, *Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza* - Available at: https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/

The government assessed Israel's refusal to be "credible" and "reasonable," accepting that Israel would not be providing case-by-case information. However, it did not amend the aspect of its methodology which required case-by-case information before any conclusion could be reached. The government thus determined, as early as November 2023, that for every single attack carried out by Israel, it would proceed with a methodology which could not make a finding of "possible" breach" given that Israel had already confirmed its intention not to share case-by-case information. This marked the first indication of the engineered blindness that was to follow throughout the life cycle of this case, and which continues to the present day. Without concluded assessments of "possible" violations, the government could find no "clear risk" of future violations – and thus no clear risk for the purposes of the SLEC.

The government insisted that it was necessary to perform a case-by-case analysis, wrongly citing the Divisional Court judgment in Campaign Against the Arms Trade's (CAAT) previous Yemen litigation as having established a requirement to do so. GLAN and Al-Haq argued that it was wrong to require case-by-case information from Israel and that the government could have assessed "clear risk" through a range of other means, such as patterns of attack on all structures essential for life in Gaza, like hospitals, schools and sources of food and water. Additionally, the government had access to statements by Israeli politicians and soldiers at all levels and whistleblower interviews given to Israeli media, all of which made it abundantly clear that Israeli conduct in Gaza was violating IHL.

The practical consequence was stark: the absence of information from Israel became a reason not to reach conclusions about its conduct. No matter what Israel did, the UK government would never reach a conclusion on individual incidents – even when they were textbook examples of war crimes.

**Hundreds of incidents, almost no conclusions**

The consequences of this approach were visible throughout the government's assessments. Among the incidents on which the government considered itself unable to reach a concluded assessment were the killing of five-year-old Hind Rajab, the shooting of a grandmother as she crossed a junction holding her grandson's hand, and the killing of two men in their hospital beds at Ibn Sina Hospital. By September 2024, the government said they were assessing 413 incidents, out of thousands, but had reached a conclusion on only two.

The only incident it classified as a "possible" IHL violation was the World Central Kitchen attack. Significantly, Israel itself had investigated that incident and claimed that there were failures in the conduct of the strike.

The methodology therefore produced an extraordinary outcome: mounting evidence of civilian deaths and destruction in Gaza could be documented, examined and added to the government's own database without finding violations of international law. In short, the UK government engineered a system of wilful blindness to violations of international humanitarian law.

**Two) US pressure to create exception for F-35 fighter jet parts**

On 2 September 2024, a day before the government was due to come to Court for a hearing on the progress of the case, it announced that the "clear risk" threshold had been passed. This was conceded not on the basis of Israel's attacks, killing and destruction, but on the basis that it was "possible" Israel had violated IHL through restricting humanitarian aid and mistreating detainees. The government concluded that Israel's "attitude" to IHL meant that it was "not committed" to compliance, and that this meant the "clear risk" threshold had been crossed for all weapons transfers, including those involved in airstrikes. From this point on, the government therefore **accepted that there was a clear risk Israel would commit serious violations of IHL with weapons coming from the UK.**

The rules meant that all licences for weapons destined for use in Gaza should be stopped. However, the government did not suspend all licences. It made an exception for UK-made components of the F-35 fighter jet - the world's most lethal warplane. These parts were being exported into a global programme for spare parts, known to serve Israel. Not only was it known that F-35 parts in the programme served Israel, but it was known that the F-35 was being used extensively in the campaign against Gaza, causing catastrophic and indiscriminate damage.

These transfers were now in breach of the government's own rules. Instead of withdrawing British weapons parts from the F-35 supply chain, the government decided to depart from the rules it had set for itself, creating what it called a "carve-out" for the F-35 parts. Under the law of England and Wales, it is permissible to depart from a policy if there is "good reason" to do so, and the government argued that this reason was the need to avoid disrupting the global F-35 programme, which served not only Israel but other allies. It was said that to withdraw component parts from the supply chain would threaten international peace and security, factoring the USA's perception of the UK's loyalty as an ally.[5]

5. Defendant's Skeleton Argument of 30 April 2025, paragraph 5.

When pressed on why the UK could not simply dictate that its parts could be used by allies but not be sent to Israel it was revealed that component parts within the supply chain are not tracked. It also emerged that the US government is the contractual owner of all F-35 components manufactured by private companies operating in the UK, and that the US government had no intention of tracking individual parts or withholding assistance to Israel.

The F-35 arrangements exposed a fundamental sovereignty problem: the UK cannot fully control the ultimate destination of weapons components manufactured on its territory. If the government cannot ensure that UK-made military equipment is withheld where its own international-law obligations, including the Geneva Conventions and the Genocide Convention require it, then its ability to comply with those obligations is itself compromised.

**Three) The government rendered the duty to prevent genocide practically inoperable.**

The third major issue exposed by the litigation concerned one of the most fundamental obligations of the post-war international legal order: the duty to prevent genocide.

The Genocide Convention does not simply require states to punish genocide after it has happened. The International Court of Justice has held that the duty to act arises once a state knows, or should know, that there is a serious risk that genocide will be committed. From that point, it must use the means reasonably available to it which could contribute to preventing the crime.

That distinction matters because it means prevention is supposed to operate before it is too late. This obligation was directly relevant to the UK's arms-licensing decisions through Criterion 1(b). The question was therefore not simply whether genocide had already been legally established, but whether the evidence had reached the point at which the UK was required to take preventive action.

The case exposed how difficult it was to hold the government to that obligation.

**The genocide-risk assessment Parliament was not told about**

The case also revealed that the government had itself assessed whether there was a serious risk of genocide in Gaza and concluded that there was not, without informing parliament.

The challenge revealed that an internal assessment in June 2024 expressly considered the UK's duty to prevent genocide and concluded that there was not a "serious risk of genocide occurring". The government later revisited the question and maintained its position. The High Court judgment records both the assessment and the government's understanding that the duty to act arises when the UK is, or should be, aware of a serious risk of genocide.

Yet this assessment and its reasoning were not disclosed to parliament. Ministers repeatedly emphasised instead that determinations of genocide were matters for "competent courts". Even when Members of Parliament (MPs) asked specifically whether the government had assessed the risk of genocide, they were not told that such an assessment had already been undertaken.

On 14 May 2025, Adrian Ramsay MP asked whether the UK's Foreign, Common and Development Office (FCDO) had conducted its own assessment of the risk of genocide and whether the government accepted its obligation to act to prevent it. The Secretary of State for Foreign, Commonwealth and Development Affair, Hamish Falconer MP, said that relevant tests were considered through ongoing assessments but did not disclose the assessment or its conclusion.[6]

Later in the same debate, Brendan O'Hara MP, having just returned from following the case at the High Court hearing, pointed out that government lawyers were relying in court on an assessment that the evidence did not support genocide. In response, the same Minister, confirmed that the government was carrying out internal assessments across its international-law obligations on a continuing basis.[7]

The issue was therefore not whether ministers should declare in Parliament that genocide had occurred, it was whether the government had assessed the risk that genocide might occur, what that assessment concluded, and what preventive action should follow from it. The legal case revealed that the government had answered the first two questions internally without Parliament being informed of the answer. Given Parliament's essential democratic function in holding the Executive to account, this is information parliamentarians should have had access to and been able to scrutinise.

**The same engineered blindness infected the genocide assessment**

Court documents eventually showed that the genocide assessment was closely connected to the methodology examined in Finding One.

6. *Gaza: UK Assessment debate*– Hansard, Volume 767: debated on Wednesday 14 May 2025, available at: https://hansard.parliament.uk/Commons/2025-05-14/debates/D0220F25-5BED-4AAF-9E15-0CDE142FCB47/details
7.Ibid.

The court heard that although the government accepted that "conduct which could, in principle, satisfy the physical component of genocide continues to take place in Gaza" – they believed the Israeli government had showed no intent to commit genocide.

They maintained this position despite GLAN and Al-Haq having filed over 100 pages during the case of statements by Israeli officials demonstrating this intent, and despite the government publicly condemning "the abhorrent language used recently by members of the Israeli government".[8] The government said that it did not believe that the openly genocidal statements made by the Israeli government were actually reflective of genocidal intent. It also did not accept the conclusions of the United Nations, or any non-governmental organisation (NGO), which has concluded that genocide is underway in Gaza,[9] instead relying on its own assessments.

As to Israel's conduct, including killing tens of thousands of Palestinians, the government said that because it did not have evidence of deliberate attacks on civilians, Israel could not harbour genocidal intent. The government additionally claimed it had seen "no deliberate targeting of women and children," and therefore "no serious risk of genocide." This assertion makes the disturbing suggestion that men cannot be victims of genocide – but even on its own terms, it was contradicted by overwhelming evidence, including evidence of young children being sniped in the head and the heart, of a grandmother being sniped whilst walking with 5-year-old grandson, who was carrying a white flag, of tanks crushing civilians, and of Gaza's entire healthcare system having been methodically dismantled. The government also had in its own evidence; a report titled "Research Report: Long-Range Shootings or Shootings of Minors." This report was withheld during the case, despite an explicit request made by GLAN and Al-Haq for its disclosure.

The reasoning was circular:

The government's methodology prevented it from reaching conclusions about whether civilians were being deliberately attacked. It then relied on the absence of such conclusions as a reason for rejecting genocidal intent - and therefore that the serious-risk threshold had not been reached. Each route towards preventive action seemed only to lead to another reason why no action was required.

8. Gaza: UK Assessment debate– Hansard, Volume 767: debated on Wednesday 14 May 2025, available at: https://hansard.parliament.uk/Commons/2025-05-14/debates/D0220F25-5BED-4AAF-9E15-0CDE142FCB47/details

9. UN OHCHR *Israel has committed genocide in the Gaza Strip, UN Commission finds,* 16 September 2025, available at: https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds

The methodological failure exposed in *Finding One* therefore did much more than determine whether individual arms licences should be suspended. It fed directly into the government's assessment of whether one of the most serious preventive obligations in international law had been triggered.

The result is a profound accountability gap. The duty to prevent genocide exists independently of IHL and is intended to require action before genocide occurs, but there was no effective mechanism for testing the government's refusal to accept that the threshold had been reached while prevention was still possible.

The courts instead emphasised parliament's role in holding the government accountable. But parliament cannot effectively perform that role if the assessments, evidence and methodology on which these decisions depend are not disclosed to it.

The central questions for the current government are: what is its current assessment of the serious risk of genocide, what evidence and methodology underpin that assessment, and what preventive action follows if that threshold has been crossed?

**Conclusion**

GLAN and Al-Haq's case has served to expose how safeguards in the UK arms exports control process, intended to prevent British weapons contributing to serious violations of international law, including possible genocidal acts, are failing in practice. The case also revealed a major accountability gap that exists in the UK arms exports control process, one that renders the government able to avoid scrutiny in both parliament and the courts.

These issues remain live for the current government that has asserted its commitment to international law.

It is GLAN's recommendation that the government should:

1) Explain whether the methodology exposed by the case is still in use
2) Publish its current genocide-risk assessment
3) Address an F-35 system which limits UK control over the ultimate destination of British-made components.

Despite ultimately being dismissed by the court,[10] GLAN's challenge with Al-Haq succeeded in exposing the fundamentally rigged methodology used by the UK government to assess Israel's actions in Palestine, underpinning its continued arms exports to Israel.

International law safeguards are meaningless if the systems applying them can avoid conclusions that require action.

10. The Court determined that the methodology itself did not need to be examined by the Court because the government had, as of 2 September 2024, accepted that the "clear risk" threshold had been passed. Al-Haq argued that it continued to be relevant for a number of reasons, but the Court agreed with the government that it had become "academic": see the judgment of Mr Justice Chamberlain dated 30 January 2025: https://www.judiciary.uk/judgments/al-haq-v-secretary-of-state-for-business-and-trade/. As to why the overall claim failed, the Divisional Court and the Court of Appeal agreed that the matters of international law engaged by the claim were not suitable for determination by English courts. As such, the Court did not endorse or strike down the government's assessment of international law compliance – instead, it said that these questions were a matter for the executive. Further, it held that the government's evaluation of the international peace and security justification for departing from the SELC was a matter for the executive, held to account by Parliament.

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