



Right Hon Philip Hammond MP
Foreign Secretary
Foreign and Commonwealth Office
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Email: fcocorrespondence@fco.gov.uk

For the urgent attention of: Right Hon Philip Hammond MP

14 October 2015

Dear Mr. Hammond,

Re: Extending the UK Government's Overseas Business Risk advice to cover business involvement with the Separation Barrier located in the occupied Palestinian territory

We write further to the recent publication of the UK National Contact Point's (NCP) 'Final Statement' concerning our complaint against G4S PLC under the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines). In brief, the NCP found G4S to be in breach of three human rights obligations under the OECD Guidelines in relation to its involvement with Israeli state agencies' human rights violations against Palestinians.

The main purpose of this letter is to request that a significant gap be remedied in the existing Foreign & Commonwealth Office Guidance to UK businesses operating in Israel and the occupied Palestinian territory. This lacuna is highlighted by the NCP at Paragraph 49 of its Final Statement:

“Overseas Business Risk advice does clearly state that the UK government does not support business links to settlements in the Occupied Palestinian Territories, because of their illegality in international law and associated impacts. No specific advice is provided about other locations, facilities and agencies associated in FCO Human Rights reports with breaches of international law and associated adverse impacts.”

The UK government has consistently taken the position that the parts of the Separation Barrier that are located in the occupied Palestinian territory violate international law. This is a position shared by the International Court of Justice in its 2004 Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory.

The ICJ Advisory Opinion further clarified that all states must ensure that any impediment to the peremptory norm of the right to self-determination of the Palestinian people created by the



construction of the Separation Barrier is brought to an end, and that all states have an obligation not to recognise as lawful, or act in a manner that implies recognition of, a situation resulting from a violation of a peremptory norm.

Against this background, we respectfully urge the extension of the Foreign Office guidance so that it properly covers UK companies' involvement in the construction or maintenance of the Separation Barrier located in the occupied Palestinian territory. Providing this advice to UK companies would be fully consistent with, and a logical extension of, the existing UK government guidance in relation to business involvement with illegal settlements. We believe it is an essential and urgent measure to meaningfully support the UK government's commitment to promoting the international rule of law and fundamental human rights.

We further respectfully urge that you raise this issue with EU member state governments with a view to the EU adopting a Common Message that its companies should not be involved, or at least discouraged from involvement, in the construction or maintenance of the Separation Barrier located in the occupied Palestinian territory.

We would be grateful for your careful consideration of the above and look forward to your reply.

Yours sincerely,

Tareq Shrourou
Director, Lawyers for Palestinian Human Rights