



Rt Hon Alistair Burt MP  
Minister of State for the Foreign and Commonwealth Office  
Foreign and Commonwealth Office  
London SW1A 2AH

24 April 2018

CC: Rt Hon Boris Johnson MP, UK Foreign Secretary

Dear Minister Burt,

**Re: The UK's duty to ensure respect for international humanitarian law in response to Israel's Settlements Regularisation law**

We write in relation to a significant test case before the Israeli Supreme Court on 3 June 2018 that will hear petitions against Israel's 'Settlements Regularisation law'. The petitions have been filed on behalf of around forty Palestinian local councils, sixteen Israeli human rights NGOs and several individual land owners. It will be heard before an unusually large panel of nine judges.

You will be aware that the law in question was passed by the Israeli Knesset on 6 February 2017, and very problematically provides retroactive legal approval to unauthorised housing built by Israeli settlers on expropriated private Palestinian land in occupied territory. The law further provides that Palestinians from whom land is taken have no right to claim it back 'until there is a diplomatic resolution of the status of the territories.'

The law is mainly applicable to 'outposts' which have been built on an ad hoc basis without official authorisation. Although outposts are separate from settlements they are often located close to them. Both settlements and outposts are illegal under international criminal, humanitarian and human rights law. UN Security Council Resolution 2334, passed on 23 December 2016, described their status as a 'flagrant violation under international law'.

By entrenching its settlements policy through passing the Settlements Regularisation law, the Israel Knesset demonstrated an open disregard for Security Council Resolution 2334, international law and Palestinian human rights. Israel's Attorney General, Avichai Madelblit, has refused to defend the legislation in his response to the Israeli Supreme Court petition, calling it 'unconstitutional' and stating that it should be repealed in view of its 'sweeping and harmful' nature. The EU High Representative for Foreign Affairs and Security Policy, Francesca Mogherini, stated that the law would further entrench a one-state reality of unequal rights, perpetual occupation and conflict.

We commend the fact that the former Minister for the Middle East and North Africa, Tobias Ellwood, 'condemned' the law the day after it was passed by the Israeli Knesset. The Minister's statement was in accordance with the UK's legal duty under Common Article 1 of the Geneva Conventions to 'undertake to ensure respect for the Convention in all circumstances'.



In view of the imminent Israeli Supreme Court hearing on the Settlements Regularisation law which, we stress, authorises yet more violations of the Geneva Convention, we urgently request the government to review and carry out its legal duty to secure compliance with the Convention. We suggest that compliance with this duty should involve taking the following steps:

1. Urgently reiterate the UK's condemnation of Israel's Settlements Regularisation law in public statements, your bilateral relations with Israel, and in international fora;
2. Arrange to have the UK's diplomatic staff attend and/or monitor the Supreme Court case hearing listed to begin on 3 June;
3. Continue to stress, in its bilateral relations, public statements and before international fora, the unequivocal illegality of both settlements and outposts in international law, and the obligation on Israel to immediately end all settlement activity.

We would be grateful for your careful consideration of the above and for your written reply.

Yours sincerely,

Tareq Shrourou (Director), Natalie Sedacca and Sir Geoffrey Bindman QC  
**Lawyers for Palestinian Human Rights**