



Lawyers for Palestinian Human Rights' briefing on the urgent imperative for the UK government to ensure application of international law in response to Israel's continued threat of illegal annexation of parts of the occupied West Bank and its policy of illegal settlement expansion – including suggested substantive recommendations



About Lawyers for Palestinian Human Rights (LPHR)

LPHR is a lawyer-based charity in the UK that works on projects to protect and promote Palestinian human rights. We distinctly provide a legal and human rights perspective on issues affecting Palestinians. Our trustees include leading human rights lawyers, Sir Geoffrey Bindman QC, Fiona McKay and Tessa Gregory.

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1. This short briefing emphasises the urgent imperative for the UK government to ensure application of international law in response to Israel’s continued threat of illegal annexation of parts of the occupied West Bank and its policy of illegal settlement expansion. Urgent action in full conformity with international law obligations is required on settlement expansion, in recognition that it **“promotes the effective annexation of the West Bank”**, as [expressly stated by Foreign Secretary Dominic Raab](#) in August 2019.
2. Condemnatory statements are insufficient to deter, or exact a cost, for ongoing and anticipated flagrantly illegal acts with grave human rights impacts for Palestinians in the occupied Palestinian territory.
3. Lawyers for Palestinian Human Rights outlines below the tangible actions that must be urgently implemented by the UK government to fulfil necessary compliance with its international law obligations and human rights responsibilities.

Annexation

4. On **13 August 2020**, the United Arab Emirates and Israel announced an agreement to normalise relations. The parties stated it also included a commitment by Israel to temporarily **“suspend”** its plan to imminently proceed with formal annexation of parts of the occupied West Bank. The duration of this suspension has not been specified.
5. UK Foreign Secretary Dominic Raab has implicitly acknowledged that the threat of annexation remains, twice stating during [Foreign Office Questions on 8 September](#) that Israel has **“taken [annexation] plans off the table for the foreseeable future”**.
6. The 13 August 2020 development came following two significant and deeply disturbing moves earlier this year in the direction of formal annexation.
7. According to [reporting on the agreement](#) signed by Benjamin Netanyahu and Benny Gantz to form a unity government on **20 April 2020**, the Israeli government granted itself the green light to proceed with formal annexation of parts of the occupied West Bank, including all illegal Israeli settlements and the fertile Jordan Valley, on **1 July 2020**.
8. The unity government agreement on imminent annexation was consistent with the terms of the **‘Trump Plan’** of **28 January 2020**, and the subsequent formation of the [US-Israel Joint Mapping Committee](#) comprising of high-level officials to decide which parts of the occupied West Bank will be annexed to Israel. (Our response to the plan is [here](#).)
9. The formal (de jure) annexation of parts of the occupied West Bank to Israel, should it occur, will constitute a serious breach of a fundamental principle of international law.
10. There are precise [international law obligations](#) on all states that arise from a serious breach of a fundamental principle of international law. There is a legal duty on all states



to cooperate to bring the breach to an end through lawful means, and complementary duties of non-recognition, non-aid and non-assistance in relation to the illegal situation.

11. A clear and compelling precedent for the implementation of these international law duties in an analogous situation is the concerted action taken by EU Member States in response to Russia's illegal annexation of Crimea and Sevastopol in March 2014. [Actions taken pursuant to these legal duties](#), and which are extant, include: substantial restrictions on economic exchanges with Crimea, visa bans, and asset freezes.
12. The EU [states](#): ***"The EU policy of non-recognition consists of a broad range of measures. The goal is to demonstrate that the EU does not accept the illegal annexation, using tangible measures in addition to regular political and diplomatic action."***
13. Foreign Secretary Dominic Raab has published two statements this year ([here](#) and [here](#)) that underscores the UK government's continuing commitment to applying tangible measures against Russia in response to its illegal annexation, emphasising that *"that we do not and will not accept its illegal annexation of Crimea and Sevastopol."*
14. **This represents a model response to an illegal annexation, grounded in necessary recognition of and compliance with relevant international law duties. It provides the UK government with a clear precedent for concrete action in conformity with international law duties, should the Israeli government actually proceed with its extant serious threat to illegally annex parts of the occupied West Bank.**

Ongoing Settlement Expansion

15. Supplementing the continued threat of annexation, Israel has this year announced thousands of new housing units in illegal settlements in the occupied West Bank, including in East Jerusalem. The UK government has properly expressed [condemnation](#) following these announcements.
16. History has however shown that declaratory statements of condemnation, although necessary, are insufficient to deter the Israeli government from continuing to breach international law.
17. The building of settlements and their expansion, including the associated infrastructure (the illegal Barrier, military checkpoints and settler-only by-pass roads), has continued apace for decades, shrinking the space available for Palestinians to develop livelihoods and build essential housing and infrastructure. There is a well-recognised tight nexus between the ongoing policy and practice of [demolition of homes](#) of Palestinian residents in the West Bank and illegal settlement expansion. Settling civilians from the occupying country into territories that it occupies violates international humanitarian law and constitutes a war crime under international criminal law.
18. Further, the presence of settlements and their associated infrastructure severely impedes the exercise by the Palestinian people of its right to self-determination. This



has specific legal significance because the right to self-determination is an elevated norm of international law, equivalent to the prohibition on annexation, which consequently engages a range of legal duties (aforementioned at paragraph 7) that all states are required to implement when a serious breach occurs.

19. The UN Special Rapporteur on human rights in the occupied Palestinian territory, Professor Michael Lynk, published a [statement](#) in March 2020 calling on the international community to ensure there is a cost to defying international law in the context of settlement expansion, and we agree.
20. There are two key steps, to be enacted through legislation, that the UK should immediately take when it comes to settlements:
 - **Ban settlement goods from entering the UK marketplace. This is a requirement anchored by third-party state duties under international law. It should not inaccurately or misleadingly be interpreted as a call for a boycott against Israel, as settlements are not recognised as part of Israel under international law.**
 - **Prevent companies from operating in and trading with settlements, or otherwise from contributing to their maintenance and/or expansion.** The regulations should capture the three UK based companies listed in the recently published [UN database](#) for their “material and substantial” involvement in settlement-related activity: [JCB](#), Opodo and Greenkote. The database’s publication on 12 February 2020 provides an opportunity for the UK to implement its commitment to foster corporate respect for human rights, as already called for in a recent [statement](#) by LPHR, Amnesty International UK, Quakers in Britain, War and Want and Christian Aid. The UK government has not apparently taken any action following the listing of three UK-based companies on the UN Database.
21. The UK government should also immediately give an undertaking that settlements are to be expressly excluded from all future trade agreements with Israel.
22. Settlements “*have no legal validity and are a flagrant violation of international law*” as reaffirmed by [UN Security Council resolution 2334](#); are inherently discriminatory; violate international criminal law; result in pervasive and systemic human rights violations against Palestinians on a daily basis; and settlement expansion “*promotes the effective annexation of the West Bank*” as recognised by [Foreign Secretary Dominic Raab in August 2019](#). Despite this, Israel’s settlement policy has alarmingly not changed.
23. We cannot afford to wait any longer: statements opposing illegal settlement expansion must be matched with concrete actions in necessary conformity with international law obligations and human rights responsibilities. At this extremely critical juncture, we urge the UK government to demonstrate needed international leadership and ensure the necessary application of international law, rather than inertia to the continued trampling of the rules-based international order with far-reaching consequences.