

Balfour  
Project

# Israel/Palestine:

## in search of the rule of law

*Essays on equality, rights and responsibilities*

Sir Vincent Fean  
Rt Hon Jack Straw  
Rt Hon Baroness Tessa Blackstone  
Dr Philippa Whitford MP  
Rt Hon Andrew Mitchell MP  
Julie Elliott MP  
Crispin Blunt MP  
Layla Moran MP  
Daniel Seidemann  
Daniel Levy  
Hannah Weisfeld  
Dr Phyllis Starkey  
Sir Stephen Sedley  
Chris Doyle



[www.balfourproject.com](http://www.balfourproject.com)

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Essays in advance of the  
free online conference

## *Israel/Palestine: in search of the rule of law*

held on the afternoons of  
25 & 26 May 2021

Measuring the  
distance between  
international law —  
which Britain has  
pledged to uphold —  
and the lived reality  
in the Occupied  
Palestinian Territory.

Recordings of the  
conference are available  
on the

[Balfour Project website.](http://www.balfourproject.org)

## What is the Balfour Project?

For Peace, Justice and Equal Rights in Israel/Palestine.

Established as a charity in 2017, the Balfour Project invites the government and people of the United Kingdom to:

- **learn** what the Balfour Declaration and Palestine mean for both Jews and Arabs,
- **acknowledge** that whilst a homeland for the Jewish people has been achieved, the promise to protect the rights of the Palestinian people has not yet been fulfilled,
- **urge** the people and elected representatives of the UK to take effective action to promote justice, security and peace for both peoples.

## Introduction - Sir Vincent Fean KCVO

Sir Vincent Fean, Chair of the Balfour Project, former Consul - General, Jerusalem (2010-14)



@BalfourProject

The Balfour Project charity works for peace, justice and equal rights in Israel/Palestine, through education and advocacy directed to – ourselves, the British. What was done in our name in the first half of the 20<sup>th</sup> Century is still felt today. For over thirty years Britain governed Mandate Palestine. The charity seeks to raise awareness of our historic



responsibilities, which require Britain now to advance equal rights for both peoples, Israeli and Palestinian. We seek to persuade the British Government to recognise the state of Palestine alongside the state of Israel. Where once we exerted power, now we can exert influence to further the cause of peace with justice. The most charitable thing to say about current British policy is that it is not working. We owe the two peoples parity of esteem. Both have the right to self-determination. We should treat them equally - but we don't. There is much to be done to re-shape British policy – to make it effective, rights-based, and actively to uphold the Law. We need only look at our TV screens to see why it matters, profoundly.

## Balfour Project Mission Statement

Acknowledging Britain's historical and continuing responsibilities, through popular education and advocacy to uphold equal rights for the Israeli and Palestinian peoples. To persuade the British Government to recognise the state of Palestine alongside the state of Israel.

The conference, and this collection of essays, are about the Law: the rule of law, which we say we uphold, and “the law in these parts” – in the territories occupied militarily by Israel in 1967 – where international law is flouted, daily. We British wrote much of that international law, particularly after World War 2. We wrote UN Security Council Resolution 242 in 1967, emphasising that acquiring territory by war is inadmissible. We helped to draft the Geneva Conventions, which prohibit the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies. The Israeli state-sponsored settlement project breaches that Convention, and the Rome Statute which created the International Criminal Court. What are the consequences for breaking that law? If there are none, what will convince the Israeli Government to conform to international law? Quiet diplomacy does not work. We have seen Mr Johnson's words to Mr Netanyahu four years ago: “You either have a two-state solution or some kind of apartheid system”. Human Rights Watch has concluded that we are witnessing the practice of apartheid in the Occupied Palestinian Territory.

The conference seeks to measure the distance between international law and the lived reality in the OPT, to discuss current developments at the ICC and elsewhere, and to ask our highly experienced British Parliamentary panel how Government and civil society can effect positive change to ensure equal rights. The Balfour Project advocates equality as the only way to lasting peace. There is a job to do to persuade Government that this outcome is attainable and worth the effort, and conversely that a selective approach to the law is wrong and damaging to our values and our interests.

These essays address issues of inequality, rights withheld, responsibilities wilfully ignored. They also propose realistic ways forward. I commend these essays to you.



# Israel, Palestine, and Law

## Balfour Project statement, 26 May 2021

Equal rights under the law are the foundation stone of all democracies.

Israel views itself as a democracy. But many in Israel and around the world, including in Britain, were dismayed by the Knesset's adoption in 2018 of the discriminatory Nation State Law. This declares that the right to self-determination in "Eretz Israel" – that is former British Mandate Palestine – is reserved exclusively for Jews.

Israel is high-handed in its disregard for Palestinian rights in the territories it occupied in 1967. There, in what we in the Balfour Project call Palestine, it imposes military law and systematic inequality.

In 2016, then US Secretary of State John Kerry said he feared that without policy change, Israel would become "separate and unequal". In 2017, then Foreign Secretary Boris Johnson told Benjamin Netanyahu "You either have a two-state solution or some kind of apartheid system". This year, B'Tselem and Human Rights Watch have concluded that the Israeli authorities practise apartheid on a systematic basis.

The separate legal regimes the Israeli government implements through use of arms in territories beyond the pre-1967 Green Line intended to become the State of Palestine are deeply harmful to all concerned. Above all, they injure those living under occupation. But they also damage those tasked with enforcing these discriminatory practices.

Israel may be a friend and ally, as Prime Minister Johnson recently reasserted. But its actions result in injustice in Palestine. In turn, injustice and inequality breed insecurity and radicalisation, increasing the risk of violence – as has been seen in recent days. Israel and Palestine both have legitimate security concerns, which must be addressed mutually.

In the firmly held view of the Balfour Project, the occupation must come to an end, peacefully. Upholding the core principle of equality between peoples is the only way to achieve lasting peace.

The Palestinian leadership has often disappointed its own people. Recently, this was by postponing the first national elections in over 15 years, needed to restore its democratic credentials. The PLO needs to reform itself to overcome Palestinian divisions and reunify the people around a common cause. The reality though is that it has virtually no power – and only Israel can end the occupation.

We commend the Foreign Secretary's insistence on rescheduling early elections across the occupied territories, and especially his call upon Israel to enable Palestinians in East Jerusalem to vote. And we now appeal to our Government to heed the following calls. All are based on international law and those basic human rights the United Kingdom has pledged to uphold.

They are:

1. **Uphold** equal rights for all in Israel and Palestine.
2. **Recognise** the State of Palestine now alongside Israel, along pre-June 1967 lines. Both peoples have an equal right to self-determination, as the Balfour Project has consistently argued.
3. **Reaffirm** publicly that the systematic, illegal annexation of Palestinian land is destroying the premise of British policy – two independent, sovereign states – and must be reversed.
4. **Affirm** that international law must apply in deed, not just in word. Specifically, this means:
  - **Declaring** the continued closure of Gaza, now in its fourteenth year, to be collective punishment, with consequences for the Israeli occupying power until it ends the closure;
  - **Sponsoring** an independent fact-finding mission on the treatment of Palestinian children in Israeli military detention, seeking implementation of the findings of a 2011 FCO-funded review;
  - **Pressing** the Palestinian Authority to create an independent judiciary, and to incorporate the category of “crimes against humanity” into Palestinian law;
  - **Ensuring** the International Criminal Court is properly resourced, so as to be able to conduct its work independently and remain immune from interference; and
  - **Supplying** information to the UN database on foreign companies engaging with settlements and those who sustain them, and asking the UN High Commissioner for Human Rights to publish reports regularly.
5. **Put** into UK domestic law the principle that Israel should not benefit economically from its de facto annexation of Palestinian land. In practice, this means ending:
  - access to UK markets for settlement products; and
  - UK business dealings with settlements and those who sustain them, such as banks.And strengthening:
  - UK support for legal efforts to keep Palestinians on their land in East Jerusalem and across the West Bank; as well as
  - the international response to systematic land theft, house demolitions, destruction of aid projects and settler violence against Palestinian civilians.

Upholding the rule of law consistently, without fear or favour, should be the hallmark of Global Britain, promoting those universal values shared by our friends and partners in Europe, America and further afield.

The British Government will be judged by its response to this call by the Balfour Project, made in the interest of both peoples in the region, and in our own national interest.

## How you can help

We need your support. We depend on your donations to keep going and develop. If you have attended our events, please consider making a donation. If you can afford to give regularly through Direct Debit, we will be deeply grateful.

If each person who reads this booklet [donated £25](#), we would have enough to cover the running costs for our Fellowship programme, events and advocacy work in the year ahead.

Better still, if you [set up an annual donation for £25, or a monthly donation of £10](#), by selecting the Direct Debit option, that would secure our future for years to come.

Any donation is welcome – and if you can gift-aid it, please do. [Here is the link](#) to donate.

A photograph showing the words 'THANK YOU' spelled out using light-colored wooden blocks with dark letters. The blocks are arranged on a rustic wooden surface. The background is a soft-focus green and yellow bokeh.

# Calling an end to ‘another dead Palestinian’

## Rt Hon Jack Straw

Rt Hon Jack Straw, former Foreign Secretary (2001-06), Home Secretary, Leader of the House of Commons and Secretary of State for Justice

When a young Israeli friend was a raw recruit to the Israeli Defence Force (IDF), one of his less onerous tasks was delivering the daily newspapers to the officers. I asked him which were the most popular papers, and which were read by the Commanding Officer. To the first question, he rattled off a list, headed by the mass-circulation *Yedioth Ahronoth*, and *Israel Hayom*. The latter is a free-sheet, Israel’s most widely-distributed newspaper, which was controlled and indirectly owned by the US/Israeli gambling billionaire, Sheldon Adelson, until his death in January this year. Adelson was amongst the largest donors to Donald Trump’s campaigns – and a slavish acolyte of Benjamin Netanyahu. Indeed so close had been the relationship between Adelson and Netanyahu that one of the sets of charges which Netanyahu faces in the Israeli courts (Case 2000) focuses on their relationship, and the actions which Netanyahu is alleged to have taken to limit the circulation of rival papers, and help *Israel Hayom* – and his pal Adelson.

To the second question, my friend answered: ‘That’s easy – *Haaretz*’

In British terms, it’s a quality broadsheet, small typeface, not many laughs, but as the US Center for Research Libraries has commented: ‘*Haaretz* is considered the most influential and respected [of Israeli newspapers] for both its news coverage and its commentary’.

In normal times there’s remarkably little news in American news media, and little more in UK papers, about the daily indignities to which the Palestinians, in Gaza, the West Bank, East Jerusalem are subject at the hands of the authorities, or of right-wing settlers on Palestinian land; nor of the routine brutality of the IDF and Israeli Police especially in the West Bank. The skewed narrative is thereby perpetuated – that the problem is almost always with the Palestinians, ‘their’ violence, ‘their’ unwillingness to come to a deal with the Israeli government.

Only when, as this month, is there really serious violence, or where it’s an Israeli citizen who is killed or injured is there likely to be much notice taken. At the time of writing 230 Gazan Palestinians and 13 Israelis have been killed in the latest conflict; of those many in Gaza were women and children. In a single air raid, *Haaretz* reports that three families totally 38 people were killed; the majority were bound to be women, children, the elderly and infirm.

By contrast to the general treatment in the Western press of the Middle East, *Haaretz* does report properly on what’s been happening to the Palestinians in normal times as well as occasions of extreme violence. I have subscribed to its English-language edition for the past two years, and read it every day. (It’s also brilliant for wider Middle East and US news.)





In this paper, beyond the world headlines when Hamas and the IDF are engaged, there's a dismal, daily catalogue of the death or injury of Palestinians; yes, some of them will have been throwing rocks at IDF personnel, but it's rare to read a report where the use of live fire in return would have happened in similar circumstances where it's Israelis throwing the rocks, or in equivalent situations in the UK or Western Europe. One example: a 16 year old Palestinian shot dead on 5<sup>th</sup> May in Nablus allegedly for throwing a fire-bomb; another with him shot in the back and wounded. His auntie told *Haaretz* 'We know no one will investigate it... For Israel, he's just another dead Palestinian'.

There's one fundamental reason for the impunity felt by the IDF in dealing with the Palestinian community. Save only when the Palestinian dead are measured by the score or the hundred, the rest of the world switches off.

Beyond the confrontations with deeply frustrated young Palestinians, there is the relentless march of Israeli settlers into Palestinian lands. Where the Palestinian owners object to leaving land and houses which are theirs by all rights, and on which they and their families have lived and often gained their occupation for generations, it's extremely rare for the Israeli courts, the Police and the IDF not to be the agents of evictions and clearances. It's a process which has accelerated in the 12 unbroken years of Netanyahu's premiership.

International law is clear about what the Israelis do. Their actions, almost without exception, are contrary to international law, and to their obligations as the Occupying Power of the West Bank and Gaza.

But none of this will change unless and until the United States shifts its approach. Even for a President with the good instincts of Joe Biden this is difficult, because of the understandably strong sense of responsibility the US has always felt to protect the State of Israel, because of the umbilical cord which connects so many in Israel with the US – and because of the astonishing political clout which the Israeli lobby, especially through the 'American Israel Public Affairs Committee' (AIPAC) and its associates. They are ruthless at using the funds at their disposal to campaign against any law-maker whom they do not appreciate. The only ray of hope from this last two weeks is that at last a significant, and growing, element amongst the Democrats are calling out the prevailing sentiment that the US will always back Israel, right or wrong.

The UK's power to influence events in Israel and the Occupied Territories is subsidiary to that of the United States; but the UK does not have to be a bystander – as it lamentably has been during this conflict. We have the Presidency of the G7 this year. Do a word-search of the 87 paragraphs of the G7 Foreign Ministers' meeting earlier this month – and put in 'Middle East'; 'Israel' 'Palestine'

or 'Gaza'. You'll get 'o/o' for each. Extraordinary in that in a communiqué which is a Cook's Tour of every known conflict, these Ministers were simply silent. This sadly rather makes my point.

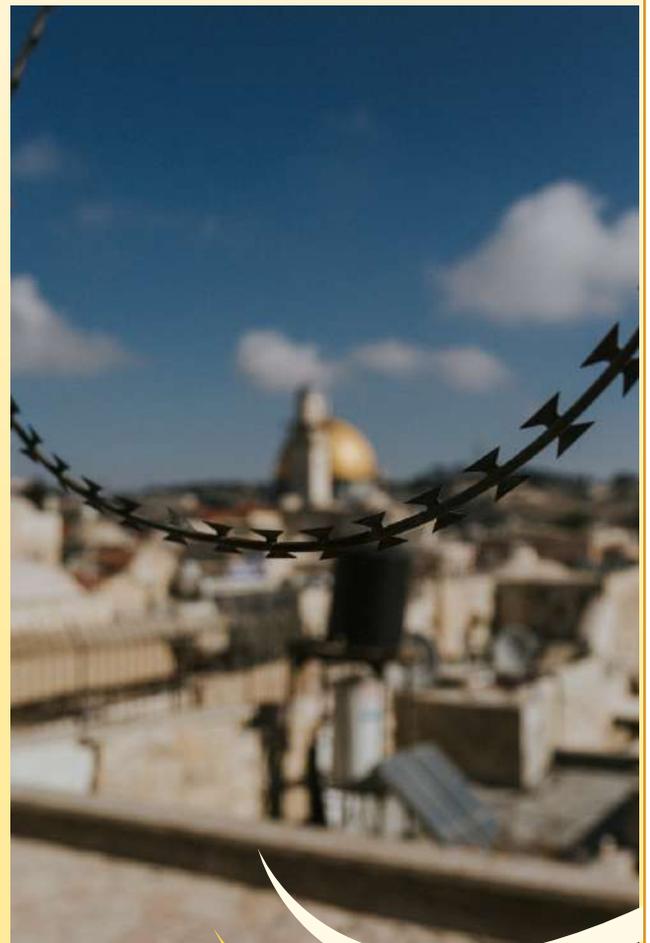
It is correct that this G7 meeting concluded on 5<sup>th</sup> May – shortly before the serious fighting erupted, but maybe none of these Ministers, nor their advisers, had even noticed this 'another dead Palestinian', killed earlier that day. Or had not spotted that in mid-April, three weeks before, the Israeli police had raided the Al-Aqsa Mosque, just as Ramadan started, street violence erupted, and there were belligerent threats from Hamas. If Belarus could merit a full paragraph in the G7 communiqué, as it did, why couldn't the Israel/Palestine conflict?

There is nothing inconsistent in a Conservative government adopting a balanced policy which is firmly on the side of Israel's right to live in peace and security (the position of the Labour Party), and being far more assertive about the rights of Palestinians, the need for a Palestinian state, the end to illegal settlements on Palestinian land, the obligations on the Israelis to observe the rule of law. This need for a balanced approach is a key theme of a major, cross-party online conference, ['Israel/Palestine: in search of the rule of law'](#), on 25<sup>th</sup> & 26<sup>th</sup> May organised by the Balfour Project.

Moreover, the UK government, by adopting a more assertive stand on Palestinian rights and international law could do much to help the Biden Administration domestically, especially if the UK leads an international coalition of like-minded nations.

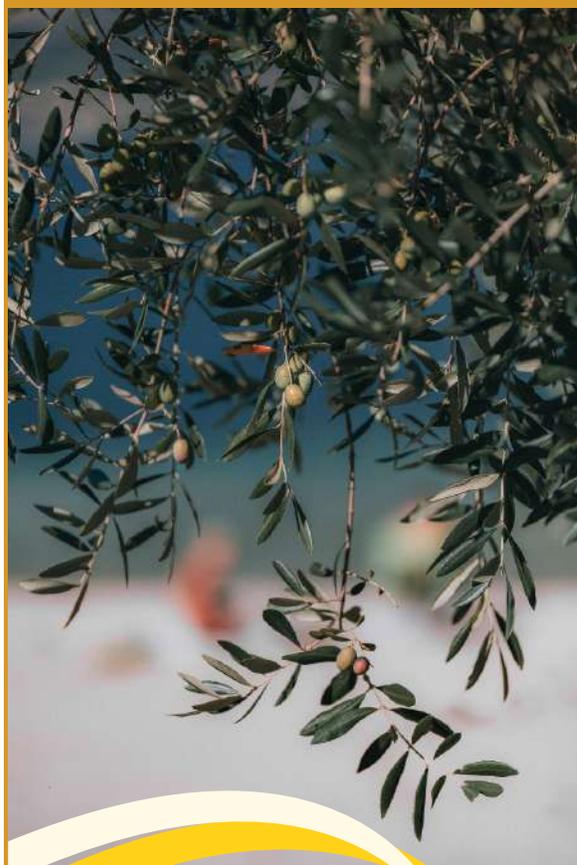
There are many Israelis, too, who believe that Israel's long term future will only be secured when and if there is a respectful settlement with the Palestinians, entailing universal recognition of a State of Palestine. However, as commentators in Israel have pointed out, Netanyahu and Hamas need each other; both have a common interest in undermining more moderate forces on both sides, especially in Fatah, so as further to stall the chances of two states living peacefully side by side.

I can still see the forlorn faces of women who'd been waiting hours in the pouring rain to get through a check-point so they could go to work; or the looks on the faces of scared boys, 11 and 12, appearing in a military court on charges of throwing rocks, wearing manacles around their legs as well as handcuffs. It's routine; it's awful. But we all of us have to do more than express our outrage; we have to campaign much harder for a more vigorous UK policy on Palestine, for international law. Otherwise there will be many more 'just another dead Palestinian', of whom the world takes no notice.





Rt Hon Baroness Tessa Blackstone,  
Chair of the Bar Standards Board,  
former Minister for Education



## Why the UK must recognise the State of Palestine now

### Baroness Tessa Blackstone

One state, Greater Israel from the Mediterranean Sea to the Jordan River, denying the Palestinians their right to self-determination and statehood on the land Israeli troops captured in 1967 is in no people's interest – not Israel's, not Palestine's, not ours. Without change, it will be the new reality. Britain can do two things to help prevent it: recognise the state of Palestine alongside Israel, their borders based on pre-June 1967, then treat both states equally according to international law.

Britain has a historic role and responsibility. That role predates 2 November 1917 and Foreign Secretary Balfour's declaration of support for a national home in Palestine for the Jewish people, "it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine". Those "non-Jewish communities" then constituted 90% of the population of Palestine. By the end of the British Mandate in 1948, they were still 69%. In Britain's haste to hand over to the UN, their vital interests were flouted. After the June 1967 war, Britain negotiated Security Council Resolution 242, which ruled against the acquisition of territory by force and called upon Israel to withdraw from Palestinian territories recently occupied by force.

When Foreign Secretary William Hague said in 2011 "We reserve the right to recognise the state of Palestine at a time of our own choosing, when it can best serve the cause of peace" it probably wasn't intended that ten more years would pass with no progress at all. Subsequent Government statements have made recognition dependent on successful Israeli/Palestinian negotiations. But now there are no serious negotiations or prospects of them. Meanwhile creeping annexation day by day is utterly destroying the prospect of a viable two state solution.

The tragic events of recent weeks have only served to strengthen the case.

The question to the Government must be “If not now, then when?”. In September 2020, the Government said: “We are clear that we want to see the creation of a sovereign, independent and viable Palestinian state - living in peace and security, side by side with Israel. The UK will recognise a Palestinian state at a time when it best serves the objective of peace... We continue to work closely with international partners strongly advocating a two-state solution and encouraging a return to meaningful negotiations.<sup>1</sup> In February 2021, the FCDO reiterated again: the UK will recognise a Palestinian state at a time of our choosing, and when it best serves the objective of peace.<sup>2</sup>

But the lack of progress and sheer urgency are why Parliament has previously gone further. In October 2014, the House of Commons [voted in favour](#) of the following: “That this House believes that the Government should recognise the state of Palestine alongside the state of Israel, as a contribution to securing a negotiated two state solution.” The majority was 272 to 14.

At that time, more than 300 Israeli figures signed a letter urging Parliament to vote in favour of the motion. They included former Ministers, ex-diplomats and human rights activists in Israel. The vote was not binding on the Government but it argued that recognition is now needed not as an outcome of negotiations but as a contribution to negotiations for a lasting settlement.

The main international legal criteria for statehood are often attributed to the 1933 [Montevideo Convention on the Rights and Duties of States](#).<sup>3</sup> Palestine meets the legal criteria for recognition. Currently, [139 of 193 UN Member States](#) recognise Palestinian statehood, from Brazil to India and Sweden to Poland.

The UK Government has not recognised this statehood and disappointingly abstained in the UN General Assembly vote that granted non-member observer status for the State of Palestine.

Palestinian membership of international organisations now includes the International Criminal Court, the Non-Aligned Movement, the Organisation of Islamic Cooperation, the Economic and Social Commission for Western Asia, the Group of 77, and UNESCO. Yet on the



ground, the Israeli military occupation is entrenched, and deepening. Israel's blockade of Gaza is now in its 15<sup>th</sup> year. It is unacceptable; it must not be allowed to become 'the new normal'. The casual humiliations of West Bank checkpoints are wrong. The passage of time does not make them right. Israel has security concerns we must also address, but lasting



Israeli security is not going to be attained by suppressing Palestinian rights. What is needed is mutual security, giving equal weight to Israeli and Palestinian needs of protection.

Settlement expansion and the accompanying crippling restrictions on Palestinian rights to build on and work their own land are the heart of the matter. Illegal Israeli settlements now spread far and wide in East Jerusalem and the rest of the West Bank. Over 630,000 Israeli citizens – 10% of the country's Jewish population – now live on the Palestinian side of the pre-June 1967 line. Some settlements are in the fertile Jordan Valley, geographically as far away from Israel as you can get without entering the state of Jordan.

Today, our Government is on good terms with Israel and the Palestinians. With our US and European partners, we can influence both parties. But our policy of polite encouragement has not worked. A more assertive, international rules based and values-based approach is needed to create a decisive shift on the journey to two states at peace.

British values are embodied in the international humanitarian laws we drafted after World War II, including the laws on occupation. Upholding our values and our interests, we should speak truth to power. Israel's current policies are making less likely the solution of two independent states coexisting peacefully, with international security guarantees for both.

Our support for two states by recognising both states will be the best way to help those moderate Palestinian voices who argue urgently for non-violence and two states. Britain recognised the state of Israel in 1950. Britain is a permanent member of the UN Security Council, alongside France, the US, Russia and China. Our measured decision **now** to recognise Palestine and to act accordingly will find a ready echo elsewhere in Europe.

1. PQ [82211](#) [Palestinians: Recognition of States], 9 September 2020.
2. PQ [151691](#) [Palestinians: Recognition of States], 19 February 2021.
3. Article 1, Montevideo Convention on the Rights and Duties of States.

# Annexation: Palestinians are still waiting for the protection of international law

## Chris Doyle

Chris Doyle, Director of the Council for Arab-British Understanding (CAABU) since 2002

 @Doylech @Caabu



For Palestinians international law is like ‘Waiting for Godot’. They hear about this miraculous saviour, this fix-all cure for their ills under occupation, blockade and subjugation. They sit for year after year waiting, bombarded with references to the Fourth Geneva Convention, human rights and something called International Humanitarian Law. They hear about the 30 UN Security Council resolutions and the hundreds of General Assembly resolutions of which Israel is in breach but nothing changes - it just gets worse.

Whilst waiting for this utopia, their dystopian world is a place of danger, of rights denied. The Nakba (catastrophe) that started in 1948 continues. Dr Yara Hawari, a Palestinian academic, sums this up: “We are not commemorating the 1948 Nakba. We are living it. The pogroms, the lynch mobs, the burning of our homes, the bombardments have been reiterated throughout each generation.” This is the lived reality for Palestinians.

In the Occupied Palestinian Territory, ever since 1967, Palestinians have seen their lands taken over, mostly for illegal settlements but also for extensive nature reserves and military zones, from which they are banned. When the settlements kicked off back then, Israeli officials asked why are they complaining about a few hundred Israeli settlers? It was, they said, just a real estate issue in disputed territory; the self-same line of propaganda Israeli officials deploy now over the forcible evictions in Sheikh Jarrah. The answer is clear in 2021, as over 630,000 settlers inhabit over 250 illegal settlements and outposts controlling over 60 per cent of the West Bank’s Area C.

For Palestinians, this is settler-colonialism. For Israeli leaders, the intent is to annex further territory, after the illegal annexation of East Jerusalem in 1980. Prime Minister Netanyahu, backed by President Trump, announced plans in 2019 to annex other areas of the West Bank. That he did not do so formally was in part due to a rare outbreak of international pressure. Instead of de jure annexation, the de facto annexation is almost a fait accompli. What Palestinians term “creeping annexation” is far



from creeping, more galloping. It is a one state reality on the ground, as major human rights groups such as Human Rights Watch and B'Tselem have determined: a regime of apartheid. Then again, Palestinian human rights groups have been waiting years for the world to say what they already knew.

Palestinians hear routine British and other European statements that these settlements are illegal, a grave violation of the Fourth Geneva Convention and an obstacle to peace. Yet no action is taken. Settlers can export freely to Europe using stolen Palestinian land, materials and water. Israeli settler groups plan to increase that number from 630,000 to over a million. With the full backing of the Israeli state and the quiescence of international powers, it may not be long until that happens. Unlike Palestinians, settlers do not have to wait.

Israeli settlers enjoy not just impunity from their government but active encouragement - just as Israel enjoys impunity from the international community. Testimonies from Israeli soldiers who served in the West Bank show that they had no authority to stop settler violence against Palestinians. They are there to protect the settlers, not to police them.

After 54 years, Israeli checkpoints litter the landscape in the West Bank, also peppered with earth mounds, barriers, ditches and of course a massive barrier - the separation wall - trespassing on Palestinian soil inside the West Bank. Palestinians joke that their cars only have first and second gears, because if they got to third gear, they would hit a check point. The settler neighbours have no such barriers, and live in a very different world just yards away. They live under Israeli civil law, not the military law Palestinians have to endure.

In Gaza, Palestinians wait too. They hear that international law says they should not be collectively punished. They hear that Israel should not target civilians. The world around them suggests something else. When Palestinians in Gaza drive, they go on roads which have been paved over with crushed rubble from bombed buildings. Yes, Palestinians drive on the ruins of their own homes.

The international community cannot keep Palestinians waiting any longer. To fail to act is to risk leaving international law as an instrument of their oppression and part of the problem. What does it say about the U.N Security Council if it cannot compel Israel to abide by its own resolutions? What does it say about the high contracting parties to the Fourth Geneva Convention, including the United Kingdom, if they cannot ensure the Israeli occupation is temporary, not permanent?

This is why some Palestinians are starting to ask why should international law govern their behaviour if it does not govern Israel's? If international law is not there to protect them and their homes, who will do it except themselves, they ask. Why does nobody speak of a Palestinian right to self-defence and discuss what that means? Why do international leaders not call for Palestinian freedom, for equality?

This is a dangerous path, given the asymmetry in power between the occupier and occupied. As Palestinian human rights lawyer Noura Erekat points out: 'Palestinians, anytime that they rise up, even with Israel, have been met with excessive force.'

Palestinians need, deserve and demand the protections and rights that international law is meant to afford. If this is not forthcoming, are they just supposed to sit there and wait for Godot?





Dr Phyllis Starkey, former MP for Milton Keynes South West (1997-2010), former chair of the Britain Palestine All Party Parliamentary Group

## Distinguishing between Israel and the illegal settlement project

### Dr Phyllis Starkey

Since 1967, Israel's annexation of East Jerusalem, and occupation of the West Bank and Gaza has been characterised by a continuing and accelerating project to create "facts on the ground" through settlement of Israeli citizens on land expropriated from the Palestinian population, and by squeezing the indigenous population into a number of disconnected blocks centred on the main Palestinian urban areas. The only exception to this trend was the 2005 abandonment of settlements in Gaza.

This settlement project, includes not only the settlements themselves, but their supporting infrastructure of settler-only roads, water, sewage and utilities networks privileging settlements over the indigenous population, and a system of checkpoints and travel permits to control and limit Palestinian movements, ostensibly to protect the security of settlers. The West Bank now has more than 280 settlements and outposts with more than 440,000 settlers, a 42% increase since 2010, and more than 2 million hectares of Palestinian land has been expropriated.<sup>1</sup>

The settlers live under Israeli law, with significant benefits and tax incentives designed to encourage individuals and businesses to relocate from sovereign Israel. The settlements are integrated into the Israeli economy and linked by settler-only roads, in a single space with Israel itself. The underlying principle of this project was, as highlighted by recent reports from B'Tselem<sup>2</sup> and Human Rights Watch<sup>3</sup>, made more visible in 2018 through the Basic Law Israel; the Nation State of the Jewish people. This makes institutionalised discrimination in favour of Jews in settlement housing, planning, access to utilities etc a binding constitutional principle.



Under international law the expropriation of Palestinian land and the settlement of Israeli citizens in the Occupied Territory is illegal and a war crime. A series of UN resolutions, culminated in 2016 with UNSCR 2334 confirming the settlements have “no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive



peace” and call on member states “to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967”.

The **Trading Away Peace** report<sup>4</sup>, published in 2012 by a group of European NGOs, highlighted the paradox of EU member states including the UK, repeatedly condemning Israeli settlement expansion whilst permitting settlements to enjoy the benefits of a range EU-Israel bilateral trading and cultural arrangements. At that time, the value of exports to the EU from settlements was 15 times that of those from Palestine. The report recommended robust measures at EU and member state level to differentiate between Israel and settlements and prevent direct or indirect support for settlements. A number of these were implemented including requiring correct origin labelling of settlement products, exclusion of settlement products from import duty relief available under EU -Israel Trade Agreement, excluding settlements from participation in cultural and other programmes including the EU science programme, and from EU financial instruments including European Development Bank loans. A majority of member states issued similar human rights advice to businesses to avoid links with businesses in settlements or involved in the occupation.

But many of these measures (and those of many other countries) rely on consumers or businesses taking the responsibility to avoid settlement involvement, and although this reminds the Israeli public that settlements are not part of Israel and cannot be treated as such, their practical effect on settlements is often offset by additional subventions from the Israeli government. Most importantly, these measures had no apparent effect on the continuing expansion of the settlement project and the creeping de facto annexation of the West Bank.

More robust government action against settlements is required and the measures taken by the EU and others against the Russian authorities and their separatist allies, following the occupation



of Crimea, provide a model<sup>5,6,7,8,9</sup>, given the similarities of the two occupations in legal terms.<sup>10</sup> As applied to Israel's occupation of Palestine, these measures would include:

- banning the import of goods from settlements
- prohibiting the provision of finance, insurance and reinsurance related to import of settlement goods
- imposing an asset freeze and travel ban on named individuals involved in undermining Palestinian territorial integrity e.g. settler leaders including the members of the settler regional councils in Judea and Samaria, Israeli politicians supporting settlement expansion and officials implementing the takeover of Palestinian land for settlements
- imposing an asset freeze on organisations, including banks, supporting the settlement project. Many Israeli Banks<sup>11</sup> are effectively partners through "accompaniment agreements" with developers in providing settlement housing and infrastructure,

from land acquisition to sale of individual units. As key facilitators of settlement expansion they have been included in the UN database of businesses involved in settlements.<sup>12</sup>

- prohibiting purchase of real estate in settlements AND the provision of credit to purchase such real estate
- prohibiting the provision of services to tourism in settlements
- prohibiting the supply of goods and technology to key sectors in settlements e.g. transport, telecommunications, energy and mineral extraction

This approach targets the settlements and those who support them, it inhibits governments, businesses and individuals from directly or indirectly financing settlements and it obliges the occupying power to itself differentiate between the settlements and sovereign Israel, to avoid falling within the remit of the restrictive measures. Most importantly it offers a way to halt the so far inexorable settlement expansion and shift the focus to respect for the rights of both Palestinians and Israelis.

1. [This is ours – and this too: Israel's settlement policy in the West Bank](#), B'Tselem. March 2021
2. A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: this is apartheid, B'tselem,
3. A threshold crossed: Israeli authorities and the crimes of apartheid and persecution, Human Rights Watch, April 2021
4. Trading Away Peace, Crisis Action *et al.*, October 2012
5. Council Regulation (EU) No 692/2014 Official Journal of EU, 23 June 2014
6. [Council of the European Union](#), updated in 2020 to include further 7 individuals involved in organising Russian local elections in Crimea. Official Journal of EU, 28 Jan 2020
7. [EU strengthens sanctions against separatists in Eastern Ukraine](#), Council of the European Union, 2014.
8. Council Regulation (EU) No. 1351/2014 Official Journal of EU, 19 Dec 2014
9. [EurActiv.com](#) 15 April 2014
10. Occupation/annexation of a territory: respect for international humanitarian law and human rights and consistent EU policy, European Parliament, June 2015, PE 534.995
11. Financing Land Grab: The direct involvement of Israeli banks in the Israeli settlement enterprise Who Profits, Feb 2017
12. Annual Report of the UN High Commissioner for Human Rights, 43<sup>rd</sup> session of the Human Rights Council, 12 Feb 2020



Rt Hon Andrew Mitchell MP,  
former Secretary of State for  
International Development, MP for  
Sutton Coldfield

## UNRWA: the lifeline for Palestinian refugees

### Rt Hon Andrew Mitchell MP

Behind an underused full title and an often lesser known relief and development -organisation, the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in the Near East – lies a largely unknown, extraordinary story. It would not be an exaggeration to say that if it had not been for UNRWA's foundational work over the past 70 years, many thriving Middle East societies, especially in the Gulf, would today look very different.

UNRWA began life as a humanitarian agency, providing the essentials of life for some 700,000 refugees - Palestinian as well as other ethnicities – who had fled the 1947-8 violence and needed help. Those who could manage for themselves never registered with it. For those who did, the ID card handed out to recipients entitled them to the basics: food, water, shelter, health and education.

It was meant to be a temporary body until conditions would enable the refugees to return home. That is why UNRWA's mandate is renewed by the UN General Assembly every three years. But, despite endless negotiations, the refugee issue remains one of the most intractable. UNRWA has been literally left to through the decades to deal with the consequences in the absence of a political solution.

Its political masters in the UNGA and among the refugee host and donor countries, including the UK – a stout supporter from the start – agree its work is indispensable. However faced with an inexorable rise in the refugee population, they disagree over any fundamental changes to the mandate or the services UNRWA delivers. For the host countries to act otherwise would be to accept that the refugees were there to stay, an



unpalatable option for fragile states like Jordan and Lebanon. The bottom line remains: whose responsibility is it to pay for the refugees, with no political solution on the horizon?

As arguments continue over who should pick up the bills, several generations of UNRWA staff – the vast majority of whom are themselves refugees – have quietly got on with the job of educating and taking care of those who remain in need. While UNRWA frequently has to respond to emergencies, as in the Gaza Strip, Lebanon, and Syria today, in practice it has transformed itself into a development agency. In the jargon of modern

development work, it is building core human capacity.

What does this mean in practice? And why should the British taxpayer pick up some of the bill for what critics view – unfairly – as tantamount to pouring water into a bottomless well?

To answer those questions there is no better place to start than the inspiring story of Basma Doukhi. The 28-year-old grew up in the squalid Rashidieh camp in Lebanon, one of the most difficult countries to be a Palestinian refugee in. Her education was in UNRWA girls' schools and her health was looked after at an UNRWA health clinic. Thanks to UNRWA and of course her own talents, Basma has just completed an FCDO funded Chevening scholarship year at Oxford Brookes University before returning to Lebanon to resume her career as a social worker, helping others in need.

Basma's siblings studied at the excellent Sibli vocational training centre in Lebanon, also run by UNRWA. Sibli graduates can be found in skilled jobs throughout the Gulf, following in the footsteps of previous generations of Palestinian refugees. In the 1950s and 1960s, UNRWA refugees formed the backbone of the professional classes who laid the foundations for the spectacular boom in the Gulf economies.

One of UNRWA's proudest – and most justified – claims is that it was THE pioneer in promoting girls' education in the Arab world, long before this became fashionable. Its teacher training programmes produce highly motivated male and female teachers who meet the demanding expectations of Palestinian families, for whom education is the most precious asset. So, as girls' education has been identified by the Johnson government as a top priority for UK development aid, by this logic surely more, not fewer, funds should be allocated to UNRWA?

Helping vulnerable young people, prey to radical groups and ideologies all around them, to stand on their own feet and contribute positively to their societies and local economies is at the core of what UNRWA does day in and day out. With Al Qaeda and ISIS still very active in the Middle East region, that risk of radicalisation is real.

It is worth reflecting on what good value for money UNRWA represents. Keep in mind that today over 5.4 million people are registered on its rolls for basic services normally provided by states, and recall that absolute poverty has increased dramatically due to the regional turmoil. On top of everything else, COVID-19 has not spared the refugees, many of whom live in crowded shanty towns.

Traditionally the UK with its historic responsibility has been UNRWA's third or fourth largest donor. Its multi-year funding programme has provided stability and security for the agency's managers, enabling them to plan ahead. All this has been put at risk by a threatened draconian cut in the UK's funding this year and in future years.

In the aftermath of any cuts, the losers will be the Palestinian refugees themselves – the human faces of what is accurately called the longest and most intractable refugee crisis in the world. But as we have seen all too starkly in recent weeks, instability in one area can spill over with consequences for states and innocent civilians in the wider area and for the international community. Without continued support in line with need and Britain's responsibility, in future years we in Britain may come to regret our short-term thinking and mean spiritedness towards the Palestinian refugees who many in Britain feel it is in our national interest as well as our moral duty to support.





Dr Philippa Whitford MP, breast cancer surgeon, MP for Central Ayrshire, SNP spokesperson on Health

 @Dr\_PhilippaW

## Palestine: right to health in the Occupied Palestinian Territory

### Dr Philippa Whitford MP

#### Update

Dr Whitford wrote what follows shortly before the violence which has filled our TV screens. It is unprecedented in its careless intensity, but the violence is chronic – 2008, 2012, 2014, the Great March of Return... As I write, 259 now killed in Gaza and the West Bank including 65 children, 13 in Israel including 2 children. Doctors and their families among the dead in Gaza; hospitals bombed and damaged. Philippa writes of de-development; the whole of Gaza, the overcrowded home to two million souls, has been set back years, before our eyes. Unbelievable, but true. Her essay describes life in Gaza and the rest of Palestine in what passes there for ‘normal’ times. Vincent Fean, 23 May 2021

#### Dr Philippa Whitford’s essay

In 1991, the year of the Madrid Peace Conference, I was working as a consultant general surgeon for Medical Aid for Palestinians (MAP) in Al Ahli Hospital in Gaza. At that time, my Palestinian colleagues and I faced numerous challenges to treating the patients who arrived on our operating table: a lack of basic medicines and equipment, neglected infrastructure along with repeated curfews and travel restrictions, both within the Gaza Strip and when trying to send patients to hospitals in Jerusalem. These arbitrary barriers to movement often prevented timely care and even resulted in the loss of patients to what would normally be treatable disease.

Thirty years on, much has changed in the Occupied Palestinian Territory, but little of it for the better. Palestinians have lost yet more land to the inexorable growth of illegal Israeli settlements, Gaza still suffocates under closure and a 14-year blockade and Palestinian society and institutions are more fragmented than ever as a result of the expansive matrix of physical and bureaucratic barriers to people’s movement. Sadly

on my return visits to Palestine in recent years, I have seen that the severe resource constraints and pressure on health workers have remained, and that the inability to transfer patients when necessary continues to have a major and direct impact on patient care.

The COVID-19 pandemic has thrown into sharp relief how inextricably linked the rule of law is to health and healthcare in the OPT. The Fourth Geneva Convention places the responsibility on Israel, as the occupying power, for ensuring access to healthcare and essential health resources for the Palestinian population under its control. International Human Rights Law also carries an obligation to respect, protect and fulfil the right to the highest attainable standard of physical and mental health.

Despite these solemn responsibilities, Israel's occupation and all the overlapping violations of international humanitarian law and Palestinian rights that stem from it had caused severe fragility in the Palestinian health system even before the pandemic began. Around 45% of essential medicines and 33% of medical consumables commonly run at 'zero stock' in Gaza, meaning less than a month's supply left on shelves. The discriminatory planning regime and demolitions policy in Area C of the West Bank means there are no permanent healthcare facilities for Palestinian communities. Palestinian hospitals in illegally annexed East Jerusalem – which provide the only source of many specialist services such as radiotherapy – have been [systematically neglected, underfunded, and cut off from the rest of the OPT by the separation wall.](#)

The resulting situation is one where healthcare has not simply stagnated over recent years, but is in many ways de-developing. This is particularly true in Gaza, where doctors, nurses and other health professionals are [frequently denied](#) permits to exit the Strip to attend conferences, training courses or professional development opportunities elsewhere in the OPT or abroad. This has led to a lack of access to key specialities in Gaza, including in my field of breast cancer



surgery. Through MAP we are attempting to address this through input and training support from Scottish specialists, but the gaps in service apply across many specialities and, along with difficulties in getting permission to travel to hospitals in Jerusalem, severely limit the treatments and care available to Gazans. At times of tension within the OPT, Palestinian health workers have been [frequently obstructed and even attacked](#) by Israeli forces while on duty – usually with blanket impunity.

Even the most vulnerable patients are not spared the indignities and uncertainty of the travel permit regime when needing to travel to access services not available locally. In 2019 35% of patient permits to exit Gaza for treatment in the rest of the OPT or abroad were [denied outright or delayed](#) beyond the date of their appointment. This has impacted significantly on the ability to provide modern breast cancer treatment, of which radiotherapy is a key component, and has led to many more women being forced to lose their breast to mastectomy.

More broadly, the basic social and economic determinants of health are also out of reach to many Palestinians. The closure of Gaza, which the ICRC considers to be a [“collective punishment imposed in clear violation of Israel's obligations under international humanitarian law”](#), has left roughly half (46%) of the population living in poverty, and two thirds (62%) of people severely food insecure. With around 96% of water undrinkable and one of the highest population densities in the world, the basic infection control measures needed to slow COVID-19 have been hard to implement.

The nearly 300,000 Palestinians living in Area C of the West Bank also face severely [restricted access to water, electricity and livelihoods](#) as a result of the discriminatory



policies of the Israeli authorities. Attacks from settlers [threaten physical and mental health](#) in these communities, as do the demolitions of homes and other structures by Israel that have [increased in frequency](#) during the pandemic.

In 2018, [UN Special Rapporteur for human rights in the OPT](#) Prof Michael Lynk found Israel to be “in profound breach of its responsibility with respect to the right to health in the Occupied Palestinian Territory”. It is little wonder, then, that Israelis and Palestinians have very different trajectories for recovery from the pandemic, despite both living under the effective control of the Israeli Government. While Israel is lauded for having vaccinated more than 80% of its adult population, and is lifting restrictions, only a small percentage of the Palestinian population it controls have any access to vaccines, and [ICUs continue to operate close to capacity](#) amid an ongoing COVID-19 surge.

While the international community has long expressed its support for the rule of international law in the context of the OPT, it has failed to take meaningful action when that law is broken. Instead, it has adopted a policy of aid without accountability by providing vital humanitarian support to the Palestinian people, while letting Israel off the hook for both causing the humanitarian need in the first place and even for damaging or demolishing donor-funded health resources.

The UK Government should realise that a just peace will only be achieved when the health and dignity of both peoples – Palestinians and Israelis – is equally respected.





Sir Stephen Sedley, former Lord Justice of Appeal (1999-2011), former Judge of the European Court of Human Rights



## Defenceless: Palestinian children in Israeli military detention

### Sir Stephen Sedley

An Israeli boy throws a stone from a settlement at a Palestinian child. In the unlikely event that he is arrested, he will be bailed. If he is questioned, it will be with full safeguards. If he is prosecuted, it will be before a juvenile court, with his parents and a lawyer present. If convicted, he will be dealt with in the community under the supervision of a professional probation service. Juvenile justice in Israel ticks all the boxes.

The Palestinian boy throws the stone back. In the small hours of the morning soldiers of the Israel Defence Force burst into his home, terrify the family, seize the child and transport him, hooded or blindfolded and face down on the floor of a military vehicle, his hands bound, across the border which separates the occupied territory of the West Bank from the state of Israel. There, in military custody, with no access to parents or a lawyer, he may be kept in isolation for days; he will be shouted at, threatened and possibly struck by an interrogator who wants the names of other children. He will be required to sign a confession, often in a language he doesn't understand. If he eventually sees a lawyer, he will be advised that there is no point in pleading not guilty because practically everyone before the military juvenile courts is convicted. It may be months, even years, before he sees his family again, and when he does he may well be permanently damaged.

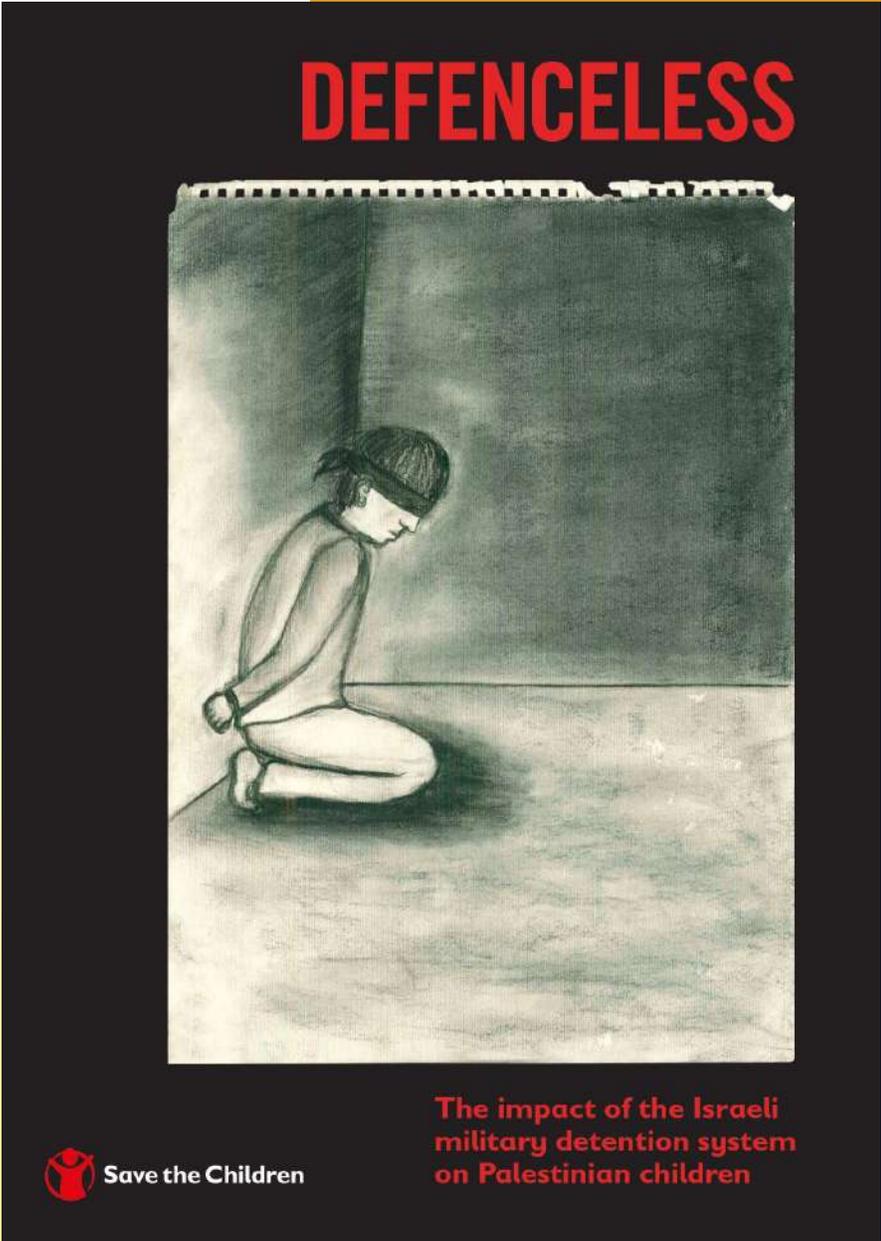
In 2011 I was one of a group of nine British lawyers who, with Foreign Office sponsorship, went to Israel and the West Bank

to examine the legal aspects of Israel’s practice of detaining Palestinian children, girls as well as boys, in military custody. We found that Israel was violating numerous provisions of the UN Convention on the Rights of the Child, from the use of shackles in court to imprisonment with adults. Arguably the most disturbing finding was that Israel, of all countries, was routinely violating the ban introduced by the 1949 Geneva Convention on transporting prisoners across frontiers.

There has been very little progress in this regard since our 2011 visit, despite anxious pressure from UNICEF and practical work by NGOs – Save the Children not least among them. The focus of the report is the medium-term and long-term damage done to young people who have been in the power of a military establishment with its own courts.

Whatever one’s view of the ongoing conflict and its causes, there is no excuse for the systematic infliction of psychological harm on a generation of young Palestinians. Save The Children deserves much credit both for helping to bring this to light and for seeking ways of repairing some of the damage.

[Click here](#) to read the *Save The Children* report “*Defenceless: the impact of the Israeli military detention system on Palestinian children*”.





Daniel Seidemann, Israeli lawyer, member of the Israeli Bar Association since 1987, co-founder of Terrestrial Jerusalem

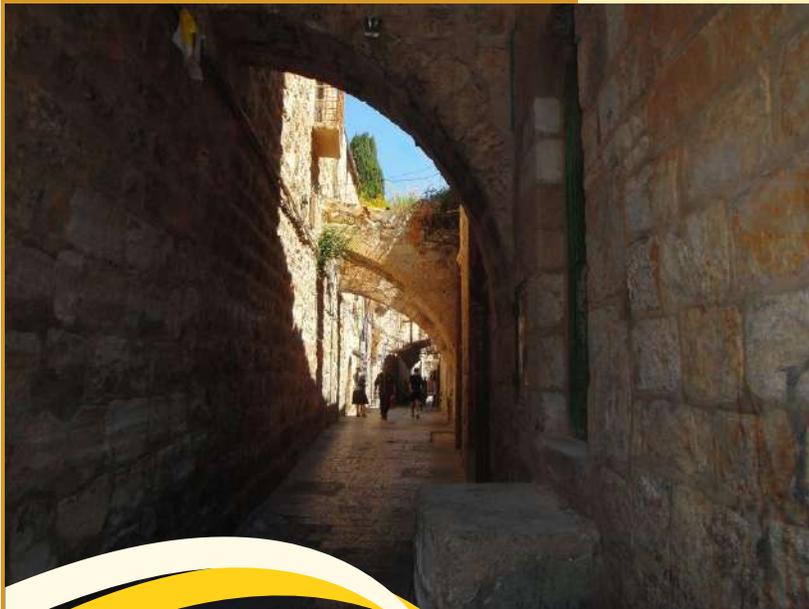
 @DanielSeidemann

## Forced displacement of Palestinians in East Jerusalem Daniel Seidemann

In May 2021, convulsive violence gripped Israel, East Jerusalem and Gaza, and threatened to spread to the occupied West Bank. Two Jerusalem issues were major contributory factors in triggering the eruption of violence: events surrounding the Temple Mount/Haram al Sharif and the displacement of Palestinian residents of Sheikh Jarrah.

It is no coincidence that these were the issues sparking violence. Among all of the issues that make up the Israel-Palestine conflict, two stand out as being exponentially more sensitive and volatile: Jerusalem and displacement. Both of these cut to the core of the national identities of both peoples. Both peoples define themselves by their devotion to Jerusalem, and both are haunted by a traumatic refugee past. The events of May 2021 took these two "radioactive" issues and transformed them into an act of nuclear fusion.<sup>1</sup>

In regard to Sheikh Jarrah, the immediate trigger was a pending court verdict if the Israeli Supreme Court on the validity of eviction orders against Palestinian residents of the neighborhood handed down by lower courts. The eviction orders were based on Israeli legislation from 1967 allowing Jews who owned land in East Jerusalem prior to the 1948 war to recover those lands; Palestinians who lost properties in West Jerusalem are not entitled to do so.<sup>2</sup>



Two Jewish religious trusts acquired rights to the property in question in 1875. The land fell under Jordanian jurisdiction after the 1948 war. Jordan and the UN built 28 houses on the plot for Palestinian refugees. After the 1967 war settlers acquired the rights to the property, and are now seeking to evict a number of the Palestinian families who live in those homes, claiming that they had been in violation of the protected tenancy laws that allowed them to provisionally remain in the houses.

The pending court case deals with six of those families. However, the numbers of Palestinian families in danger of eviction are in the hundreds, in households with thousands of souls. Eviction proceedings have been instituted in four neighborhoods, two in Sheikh Jarrah and two in Silwan, either by the government of Israel or the East Jerusalem settlers. The settlers and the government are complicit, and share a goal of transforming these four Palestinian neighborhoods into settlements that will ring Jerusalem's Old City.

The Israeli Foreign Ministry has described the case of Sheikh Jarrah as a routine "real estate dispute. It is technically correct that this is a dispute over land, but there is nothing routine about it. In fact, asserting that this is about "real estate" is so blatantly oblivious to what is really happening that it can be believed only by means of false innocence and cultivated denial.

These are no "kangaroo courts", where the outcome is entirely clear in advance. The playing field is indeed very much tilted in favor of the government and the settlers. There is close cooperation between the state and the settlers. The judge is invariably Israeli who rules based on laws that aspire to serve an Israeli public – and the Palestinian residents are not Israeli.



There are a number of decisive questions, which may best be described as meta-legal:

Is it legal for the Government of Israel and its official bodies to harness all of the laws, and procedures towards the goal of transforming an existing Palestinian community by means of eviction, and to transfer the evicted properties exclusively to ideologically motivated settlers?

Is it legal for the Government of Israel, in its entirety, to always identify the public interest as identical with the interest of the settlers, and never that of the Palestinians? Is it legal for the ideological DNA of the settlers of East Jerusalem to drive the policies of the state of Israel and the way it interprets its laws?

In one city, in which there was one war in which some of the city's two peoples were displaced and in which both peoples lost property, is it legal for the law to empower one people to recover the property lost in that war, while the other people is not entitled to?

Is it legitimate for Israel to advance its geopolitical goals in Jerusalem by means of large-scale displacement of entire Palestinian communities?

It is quite possible, perhaps likely, that the Israeli courts will ignore all of these questions and the broader context of the suits regarding Sheikh Jarrah and Silwan, and rule as though it were indeed a "real estate dispute". It is also possible that the court will address the meta-legal issues raised above. To do so the courts will be required to display enormous courage, and a willingness to embroil itself in one of the most hotly contended issues in Israeli society. However, courts of law very understandably avoid entering the minefield of political controversy.



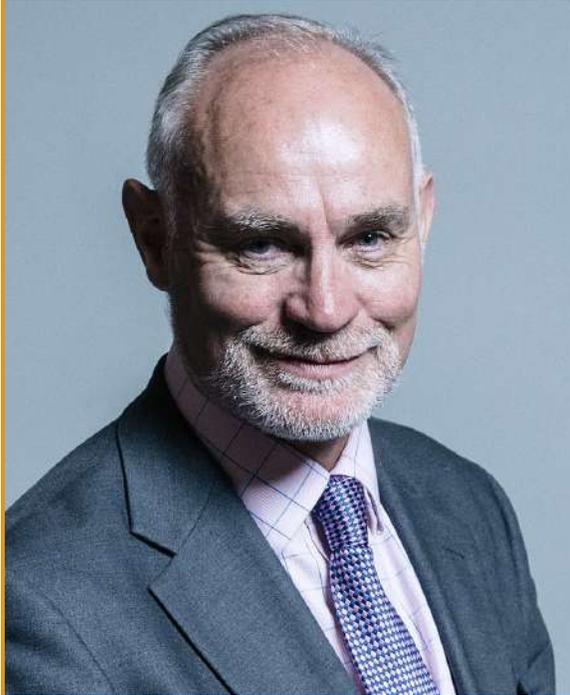
Neither the status of Jerusalem's holy sites nor the question of displacement will disappear from the agenda of Israelis, Palestinians and the international community.

As with the issues surrounding holy sites, the fate of the Palestinians families in Sheikh Jarrah and Silwan should not be determined by a court of law. Removing these cases from the court docket will be doing a great service not only to the court, but to the peoples of Jerusalem, Palestine and Israel. Imposing upon the courts the obligation to rule on this matter is both unwise and potentially dangerous.

It is amply clear to all but the ideologically devout that the displacement of Palestinian families and Palestinian communities is not only a gross injustice, it is contrary to the genuine interests of both Israelis and Palestinians. It is also an issue so incendiary that it poses a threat to regional and global security.

The government of Israel has ample authorities to create circumstances that will leave the Palestinian families securely in their homes, and it would be well advised to do so.

1. For an in-depth discussion of these issues, see our recent [analysis](#), "Large-scale Displacement: from Sheikh Jarrah to Silwan".
2. There is broad international consensus that East Jerusalem is occupied territory. It is crystal clear that the eviction proceedings discussed in our analysis violate international law. Transferring Israeli population to this occupied territory, and forcefully displacing the Palestinian population under occupation is clearly such a violation. However, since the effective law being applied is that of the State of Israel under which the fate of these and other families will be sealed, our discussion is limited the provisions of Israeli law.



Crispin Blunt MP, former chair of the Commons Foreign Affairs Committee (2015-17), MP for Reigate

 @CrispinBlunt

## Accountability to the law replaces politics for this politician still seeking justice for Palestinians

### Crispin Blunt MP

That the wider Palestinian case should have unimpeachable legal and moral authority is surely a statement of the obvious. Violence has undermined it and ordinary British Parliamentary politics certainly hasn't helped the Palestinians' pursuit of justice either. The situation for Palestinians is now more dire than ever. No discernible national strategy, divided with consummate ease by an Israeli polity that grows ever more remote from delivering the historic compromise required to end this running sore that brutally exposes western liberal double standards to an Islamic and Arab world with nihilistic violence as an indirect consequence. The practicality of a two-state solution disappears in front of us leaving economic disaster, statelessness, and continued oppressive controls on daily life as the reality facing Palestinians who can't escape.

Violence won't work, diplomacy and politics are seized up, so this leaves using the moral and legal authority of the historic and current Palestinian case as the best, indeed to me, the only constructive path left. I remain committed to addressing this

injustice, which will remain a core source of instability and erosion of the moral force of western liberal values on which rest all our basic individual human rights. But I'm giving up on Westminster chest beating to try something practical.

I'm going to put my experience and knowledge of three decades of work on this political track to upholding the laws we have delivered. I'm joining others in founding the International Centre of Justice for the Palestinians (ICJP). It will



focus on delivering justice through bringing breaches of the law in all its forms to account, and to try and coordinate the efforts being made by so many in so many different jurisdictions.

My disillusion with advancing justice through the British political process has been long in the making. My awareness that there was something up with the standard narrative of heroic Israel, born out of the greatest crime in human history, began as a young soldier and student in the early 80s. By 1994, visiting Israel for that year's annual Balfour lecture by Malcolm Rifkind, the first British Defence Secretary to officially visit Israel, it was painfully clear the hope that had surrounded the Oslo process and the agreement that established the Palestinian Authority was already beginning to dim. Bus bombs had had their baleful effect. The murder of the innocents by illegitimate violence had its effect on Israeli opinion, reinforced by the despair of so many Palestinians now denied a livelihood in Israel. The final



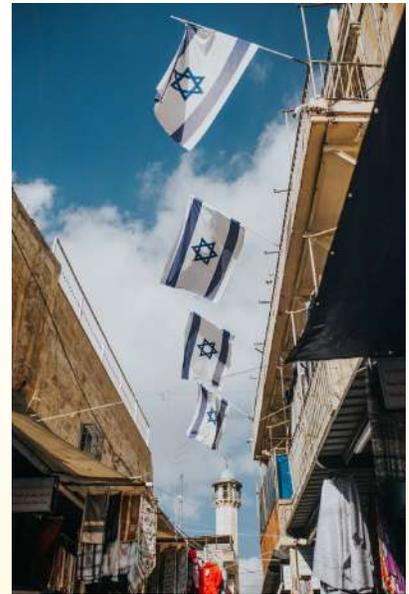
blow was still to come when a few months later Yitzhak Rabin, the Israeli architect of the peace and former Prime Minister, was assassinated by a Jewish rejectionist. Some may claim that subsequent negotiations got close, but for me that tragic loss was the moment effective leadership for peace was largely extinguished.

However this was, and is, a cause in which I am invested. On my election to Parliament in 1997 I became an officer of the Conservative Middle East Council (CMEC), established in 1980 to organise Conservative Parliamentary support for the Venice Declaration of the EU in support of Palestinian statehood. It was also to try and act as a counterbalance to the very strong and effective lobby from the Conservative Friends of Israel (CFI).

As the West's attention shifted to Afghanistan and Iraq, the Palestinian issue began to sink down the priority list, despite the 2001 intifada. Indeed, the failure to hold our friend and ally Israel to the same standards expected of everybody else remains a foundation for Islamic and Arab resentment at the double standards of the West.

As Chair 2003-8, I tried to take CMEC out of pointless competition with the CFI through trying to broaden its perspective into our interests in the whole region. On the Israel Palestine question there are two perspectives. I think it is our duty as MPs to understand both. So enable CFI colleagues to explain the Israeli perspective, whilst attempting to best present that of the Palestinians. Despite this attempt at tactical jujitsu it has never been an entirely even contest. MPs are naturally risk averse, not least on issues where misspeaking will be instantly policed, so generally avoid the minefield of criticising Israel for fear of being construed as anti-Semitic.

In 2014 the House of Commons voted in favour of Palestinian Statehood. Although this represented the Parliamentary highwater mark on the promotion of justice for Palestinians since I became active in politics, this was really a meaningless vote. The reality is that the tide of active opinion has been running firmly in the other direction for a long time. The Parliamentary caucus for Palestine has sadly been ineffective in the UK much as in the rest of the Western world, and in the Congress holding similar views would hardly help any aspirant for office there!



Hence, I am refocussing my efforts with a new ‘International Centre of Justice for the Palestinians’. The delivery of justice through the rule of law will be an essential core of advancing the Palestinian interest. The ICJP will deal with individual cases, but more importantly will aim to map and enable the co-ordination of all the different paths of restitution being undertaken.

For the law to be effective, breaches of it must be held accountable. Doing so will mean that perpetrators know there is always a threat of litigation, the threat being almost as powerful as litigation itself. It will set a strong precedent and will be difficult to overturn. The suffering and injustice felt by the Palestinian, a lot of which contradicts international treaties, must be made answerable. I can’t go on pretending that the stern words of Foreign Secretary Malcolm Rifkind about illegal settlement extension in 1996 are any more relevant than James Cleverly’s recent expression of “concern” about threatened evictions of Palestinian families in Sheikh Jarrah. The UK will continue to offer the Palestinians every sort assistance to address breaches of international law against them short of actual help.

ICJP will provide litigation support: enabling and backing the work of lawyers promoting and protecting the rights of Palestinians in Israel, Gaza and the West Bank. We will investigate groups and organisations that abuse their charitable status to promote violations of international law in Israel, the Occupied Palestinian Territories and elsewhere. We’ll provide legal support to activists and organisations that are prevented from participating in lawful protest work in relation to Palestinian rights, and we will assist lawyers who seek accountability before international and domestic legal and political institutions for violations of international criminal, humanitarian and human rights law.

I’m done with false hope, and I believe this will be a more relevant way of delivering justice for Palestinians and eventually security for Israel. Israel began as a great moral project of the 20<sup>th</sup> century. I refuse to lose the hope that the coming generations of Israelis and Palestinians will use the moral force of justice, the rule of law and universal human rights to make their reconciliation a great moral project for the 21<sup>st</sup> century.

# Ending the occupation is in the interests of all

## Hannah Weisfeld

Hannah Weisfeld, Director and Founder of Yachad (meaning Together, in Hebrew), the British NGO which is pro-Israel and pro-peace

 @hannahweisfeld @YachadUK



This year Israel turned 73 and in just a few weeks' time, the occupation will mark its 54<sup>th</sup> birthday. For three quarters of Israel's short life, it has ruled over another people against their will. The moral imperative to end the occupation is clear and obvious. The Palestinian people do not vote for the government that controls their lives; the government that decides whether they can drive on certain roads, whether they can build a home, if they can cross a checkpoint to access their land, whether their land can be declared a military firing zone and therefore be deemed uninhabitable. The list goes on. Of course, the rules are different depending on whether you live in Areas A, B or C of the West Bank, or indeed Gaza, but ultimately, those that decide your fate as a Palestinian belong to a government that the Palestinian people have no right to choose. The lack of basic political and human rights conferred upon the Palestinian people, that are widely documented, are a good enough reason to immediately end the 54-year-old occupation.

There are many reasons why maintaining a continuing Israeli presence in the West Bank has been supported by different sectors of Israeli society. The existential threat to Israel's security, the desire for control over religious and historical sites in the West Bank, and even the need for cheaper housing options have all motivated Israelis to not only continue to occupy, but to entrench and permanently solidify an Israeli presence through the building of large settlements and road infrastructure. The complete blurring of the line between what is often referred to as Israel 'proper' i.e. Israel within the Green Line, and the occupied Territories, means that it is now almost impossible to separate these two areas and it is not even clear where Israel ends and the occupation begins.

However, polling shows that a majority of Israelis do not support settlements and believe that there should be a Palestinian state alongside Israel. Whilst security concerns are often what dictates the political outcome at the ballot box in Israel, it is very easy to argue, from purely a security perspective, that the occupation does not enhance the security of Israelis. Keeping millions of people under permanent and undemocratic rule is hardly safe -it is understandably a tinderbox waiting to explode in Israel's 'backyard'. It is for that reason alone that has led the majority of those that have served in highest echelons of Israel's security and military establishment to conclude that it is the occupation and not Iran, Hamas or Hezbollah that poses the gravest threat to Israel's security.



So why then does the occupation still exist, 54 years later? Occupation corrupts. That is not unique to Israel. One only has to look at the conduct of the British and US armies in Iraq to see that. It chips away at the moral fibre of society. When the occupier does not really see the occupied as an equal – almost an inevitability when thousands upon thousands of young men and women are tasked with maintaining the occupation – then the question is not about whether there is support

for occupation, but whether anyone cares enough about it to try and end it. The system can only work if it goes unchallenged. When Israeli human rights organisations sound the alarm and shine a light on the immorality of the situation, they are vilified, shut down and called traitors - their attempt to make a dent in the lack of interest and apathy towards the occupation is a danger to those that rely on the silence of the majority to maintain it. Of course, this cycle thus serves to further weaken Israel's democratic character.

It is not just Palestinians and Israelis that suffer the consequences of allowing the occupation to metastasise and go unchecked. When the occupation both simultaneously justifies maintaining a military court system in which the IDF plays the role of judge and prosecutor, on the basis that the IV Geneva Convention confers that power on a temporary occupying power, whilst also choosing to ignore other parts of the IV Geneva convention on the basis it does not recognise that the convention should necessarily apply to the occupied territories, it undermines an international rules-based order which was designed to place limits on human behaviour, even in the most extreme of cases such as war. It is not just Israelis and Palestinians that stand to lose from that, but the world at large, and in particular Israel's allies. We cannot assume our rights will be protected and safeguarded by an international system, when we are prepared to turn a blind eye to the rights of others being fundamentally undermined.

Without an end to the occupation, we are left with the de-facto one state in which millions of people are denied the right to vote. The idea that this is somehow a temporary situation is thoroughly undermined when hundreds of thousands of Israelis now live in built-up neighbourhoods in the West Bank, with a road and transport infrastructure that cuts through the entirety of the territory. A non-democratic one state ultimately will not survive, and neither should it. It is incumbent upon all parties who care about the future of both Israelis and Palestinians to work to bring an end to the occupation, for the interests of all.



Daniel Levy, President of the US/ Middle East Project, former adviser to Israeli Prime Minister Ehud Barak (1999-2001)

 @USMEP

## Three pillars for a new US approach to peace

### Daniel Levy

The Israeli-Palestinian conflict is unlikely to be a priority for this US administration, but the conflict's trajectory and its implications for US interests should nonetheless concern US policymakers.

Over the years, US policies have had the unfortunate – at times unintended – effect of facilitating entrenchment of Israeli control over Palestinians. The unintentional became clearly purposeful under the Trump administration, which has encouraged settlement construction and released a “Peace for Prosperity Plan” that tilted decisively in favour of Israel’s continued occupation.

What is needed today is not a Nobel Prize-grabbing reach for a final peace deal but rather patiently putting in place those building blocks that are required to steer future generations of Israelis and Palestinians to a more peaceful and just future. Those building blocks include: an Israeli public that understands the consequences of permanent occupation and that the only way to avoid those consequences is to engage Palestinians both individually as equals and as a collective with aspirations to national self-determination; a coherent Palestinian polity with a leadership that can effectively chart a path forward and challenge the status quo by non-violent means and in ways consistent with international law; and a reversal of on-the-ground, legal and political trends that have savaged the diplomatic landscape and failed to ensure Palestinians their most basic human rights.

In this context, the US should also make clear that in the event Israel continues to obstruct the establishment of a fully sovereign and viable Palestinian state, any alternative will have to respect the right to full equality and enfranchisement of all those in any space controlled by Israel.

Accordingly, the point of departure for a new Israel-Palestine policy should rest on the following three pillars:

**1. Mitigate the damage of the Trump legacy and replace an emphasis on perpetuating the peace process with one centred around protecting the rights and well-being of people on the ground.** Undoing key Trump policies should be a priority, but it ought not to be tantamount to reverting to the status quo ante, when saving the peace process – as opposed to achieving peace or setting conditions for it – too often became a goal in itself. The result was to implicitly give cover to Israeli actions, particularly the construction and consolidation of settlements. Instead, the US should prioritise halting creeping annexation and protecting Palestinians in the West Bank, including East Jerusalem, and Gaza, where the blockade has precipitated a humanitarian emergency and threatens an escalation at any moment. Specifically, the new administration should:

a. Unequivocally disavow the Trump plan of January 2020, issuing a clear statement that the plan does not represent US policy;

b. Focus on policies aimed at protecting the rights of Palestinians and Israelis. While the US has historically affirmed and sought to safeguard the rights of Israelis to live in safety and security, it has been far less attentive to those of Palestinians to



be free from violence, restrictions on freedom of movement, home demolitions, prolonged administrative detention and forced dispossession;

c. Reaffirm that Israeli settlements are illegal, and that the US will not recognise Israel's annexation of any part of the Occupied Territories, including East Jerusalem;

d. Reassert and strengthen differentiation between Israel and the Occupied Territories in all US dealings.

e. Clarify that, in opposing Boycott, Divestment and Sanctions (BDS) campaigns toward Israel, the US does not consider BDS to be, prima facie, anti-Semitic and will guarantee free speech rights;

- f. Re-engage with the PLO leadership and allow the PLO to reopen its mission in Washington;
  - g. Re-establish the US Consulate in East Jerusalem separate from the US Embassy to Israel, actively support reopening Palestinian institutions in East Jerusalem and affirm the US intention to open an embassy to Palestine in East Jerusalem;
  - h. Focus efforts on ending the blockade on Gaza and bringing security to those living in southern Israel and Gaza by advancing durable ceasefire arrangements between armed factions operating in the Gaza Strip and the Israeli government;
  - i. Press Israel not to threaten Palestinian communities in Area C with further displacement, land expropriation and restrictions on movement, infrastructure development, construction and access to agricultural lands;
- 2. Desist from actions that enable and empower Israeli policies seeking to prevent any peace deal or Palestinian state, including emboldening political actors who are looking to achieve the unacceptable outcome of a single, Jewish undemocratic state between the Jordan and the Mediterranean. Even prior to the Trump administration, US policy too often made it too easy for Israelis to assume that occupation can be permanently cost-free and hard choices can be avoided. In that spirit, the new administration should:**

- a. Refrain from using its veto in the UN Security Council when doing so would undermine international law or be at odds with US policy;
- b. Work with the EU, its member states and other third parties, including in international forums, to advance the above objectives, including with regard to the updating of the UN Human Rights Council database of business enterprises involved in settlements;



- c. Avoid entering into negotiations with Israel over so-called acceptable settlement expansion;
- d. Ensure greater transparency, end-use monitoring and accountability regarding security assistance to Israel, so that Israel can be held to standard US human rights and other benchmarks for aid recipients.

**3. Help facilitate and encourage the Palestinians to undertake their own political renewal,** embrace democratic and accountable politics, advance internal reconciliation and give breathing space to non-violent strategies for achieving their goals. The Palestinian leadership is far from blameless – its security services mistreat their people, its national bodies are neither representative of, nor accountable to their public, and it has failed to pursue a coherent, effective approach. It has contributed to a situation in which Palestinians are divided and lack a credible strategy. Accordingly, the new US administration should:



- a. Work with international partners to encourage and facilitate Palestinian political renewal, including Palestinian Legislative Council, presidential and Palestinian National Council elections, and in removing Israeli obstacles to the participation of Palestinian East Jerusalem residents in such elections;
- b. Support and promote internal Palestinian political reconciliation, conditioning US engagement with a unity Palestinian government on its commitment to non-violence;
- c. Work with third parties to advance reforms to Palestinian governance, ensuring greater transparency and accountability in its finances.

There are other elements, of course. President-elect Biden welcomed normalisation deals between Israel and several Arab countries and his administration can be expected to pursue more. But in doing so, it should ensure such deals contribute to, rather than detract from, the well-being of Palestinians and resolution of the conflict, and more broadly advance regional de-escalation and peace. Too, a Biden administration should embrace a multilateral approach to the conflict, coordinating with Europe and actively reintegrating Jordan into its efforts.

The broader point is this: the Biden administration could be tempted to limit its engagement on Israel-Palestine to mitigating the Trump administration's damage and restarting negotiations. That would be understandable but ineffective. The likely outcome of such an approach would be consolidated Israeli control over Palestinian territories, further Palestinian fragmentation, and rising frustration and despair. To steer the parties back to a place where a forceful diplomatic push might be productive, the Biden administration would be better advised to pursue a policy that is faithful to its stated commitment to international norms, respect for human rights, multilateralism and diplomacy.



Julie Elliott MP, Chair of the Britain Palestine All Party Parliamentary Group and of Labour Friends of Palestine and the Middle East, MP for Sunderland Central

 @JulieElliottMP

## Connecting Parliaments in Europe for Israeli/Palestinian equality

### Julie Elliott MP

Europe is neighbour, friend and trading partner to both Israel and Palestine. Economically, the EU/Israel Association Agreement matters greatly to Israel, affording free access to its biggest market. The same terms apply to the UK/Israel Trade Agreement, post-Brexit. Trade between Europe and the Occupied Palestinian Territory – I call it Palestine – is twenty times less. I attribute this mainly to the negative impact of the occupation, with Gaza blockaded and West Bank businesses hamstrung by costly Israeli controls. But Europe is an indispensable source of development assistance to Palestine, and will be asked to contribute to rebuilding Gaza, yet again.

All this to say that Europe, Israel and Palestine are inextricably linked – not just economically, but culturally, educationally, strategically... And politically. 41 years ago, what was then the nine member EEC produced the Venice Declaration, expressing “the two principles universally accepted by the international community: the right to existence and security of all States in the region, including Israel, and justice for all the peoples, which implies the recognition of legitimate rights of the Palestinian people”. The Declaration called upon Israel to “put an end to the territorial occupation which it has maintained since the conflict of 1967”. 22 years ago, in 1999 the 15 member Berlin European Council reaffirmed “the continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfilment of this right... which is not subject to any veto”.

Where are we today? As Tessa Blackstone and Layla Moran have written, the British Government has full discretion to recognise the state of Palestine on pre-June 1967 lines, and should do so. In the EU, the picture is mixed: Sweden was the last European state to recognise Palestine, in 2014. Recognition is purely a national government decision – it is not a matter within EU competence.

More broadly, the 27 member EU is politically divided over Israel/Palestine, which makes the valiant efforts of High Representative Josep Borrell both arduous and frustrating: herding cats.

Yet there is a shared concern across the Parliaments of Europe, from Oslo to Dublin and Rome and beyond, that European states should come together to work for peace with justice in Israel/Palestine, complementing and supplementing the efforts needed from the United States.

That is why my friend and colleague Stephen Kinnock MP convened a meeting last July of Parliamentarians from France, the UK, Ireland and Belgium – to “preserve the prospect of Palestinian self-determination and equal rights for both peoples within a two-state framework: a secure, sovereign Palestine alongside a secure, sovereign Israel”. I succeeded Stephen as convener in September. The network he created has grown to fourteen national Parliaments plus the European Parliament, with more on the horizon. All Parliamentarians in Europe are welcome.

We have a name: European Parliamentarians for Israeli-Palestinian Equality. We have a vision:

Working for European policies that advance peaceful solutions to the Israeli-Palestinian conflict based on equality, human rights and international law, ensuring respect for the individual and collective rights of Palestinians and Israelis.

The network advocates consistent, clear European policies and actions for Israeli/Palestinian peace and mutual respect; a distinct, proportionate European role alongside the United States; holding all parties to account for progress/regress on the ground, and concerted action to this end in Parliaments across Europe.

We seek to develop a coalition of the willing, and to overcome that sense of powerlessness which pervades Government thinking. We have political and economic power, if we have the will to use it to advance peace with justice. Over time, the network will connect further with like-minded Parliamentarians in democracies beyond Europe – first and foremost, in the United States – working together to influence Government policy in the right direction – towards Equality.





Layla Moran MP, Lib Dem Foreign Affairs and International Development spokesperson, MP for Oxford West and Abingdon

 @LaylaMoran

## Palestine: Britain's special responsibility

### Layla Moran MP

Farah Nabulsi's brilliant and moving Bafta-winning and Oscar nominated short film 'the Present' provides us with a sharp reminder of the tragic situation ordinary Palestinians find themselves in today. The protagonist, a father living in the West Bank, decides to buy a fridge as a wedding anniversary present to his wife, but is subjected to a series of humiliations at the checkpoint he must pass through to make his purchase.

It all becomes too much for him in the end and he loses it, shouting at the young Israeli soldiers at the checkpoint, whose nervous fingers are twitching on their triggers. His young daughter, who has travelled with him, saves the day by wheeling the fridge through the barrier while the men look on, in awe of her courage. For me, she symbolises hope in the face of dispossession and oppression.

That said, hope has been in short supply for far too long in Palestine. As a young schoolgirl back in the 1990s, I remember watching that famous handshake at the White House between Yitzhak Rabin and Yasser Arafat when they forged the Oslo accords. My grandfather, a 1948 Palestinian refugee from Jerusalem, told us that for the first time in a very long time he could dream of a homeland.

Then Rabin was assassinated, and the Oslo process turned out to be a blind alley, with his successors encouraging further Israeli settlements, riding roughshod over the basic principle underlying it, namely 'land for peace'. By the time I got to university, the second intifada had broken out and my grandfather's dream was in ruins. He had given up any thought of returning to his beloved Jerusalem, and while he led a rich and successful life, he died, along with so many of his compatriots in the diaspora, in exile.



He had a complex relationship with Britain. A cultural Anglophile, he happily blessed the marriages of two of his daughters, including my own mother, when they decided to tie the knot with Brits, and he had a long and productive relationship with UK companies that he represented in the Middle East. And he was perhaps the only person in Athens, where he became resident in the 1970s, to buy an Austin Allegro, possibly the worst car ever made anywhere, on the basis that British cars were the best. Needless to say, it spent most of its time in the garage!



At the same time, and while he was generally sympathetic to the British administration of Palestine during the years of the mandate, he was very critical of the Balfour Declaration, with its failure to recognise Palestinian political rights, and felt that, as a high-contracting party to the Geneva Convention and a permanent member of the UN Security Council, Britain had failed to live up to its responsibility for a just peace in the region.

He was right. Britain does indeed have a special responsibility here, and I was pleased that in 2014 Parliament voted to join 138 other UN member states (72% of the total) in recognising the Palestinian State based on UN Resolution 242. Unfortunately, successive governments have ignored the will of the House. I raised the issue with Boris Johnson when he was Foreign Secretary and got a typically ambivalent response.

I continue to believe that recognition, along with strong support for a revived UN-led peace process, is one of the most effective ways that Britain could contribute to future peace negotiations and I will carry on working for that. Britain should also play a more active role in encouraging President Biden to deliver on his word; just a few weeks ago, eschewing the destructive and one-sided policy of his predecessor, he made it clear that the US supports the two-state solution.

At the same time, the Palestinians badly need to put their own house in order. Elections, the first in fifteen years, were scheduled to be in May but have been postponed, and Israel had also made it

extremely difficult for the necessary logistics to be put in place, especially in East Jerusalem. They had also been tardy in providing the necessary permissions for international election observation teams, notably from the EU, to do their work, on which the legitimacy of any vote will to an extent depend.

Britain, working with the US, the EU and other like-minded countries, needs to get more active and put pressure on both sides to ensure that Palestinians have the chance for a democratic renewal of their governance. Once a new leadership is in place, hopefully after elections later this year, there should be a chance for a new push for peace talks. On the other hand, if the process is derailed, I fear yet another generation of Palestinians will know only oppression and humiliation.

As a daughter of Palestine, I relate to that young girl in Nabulsi's film. But it should not be up to the next generation to give us hope. The UK is not simply an audience to the Palestine-Israel drama, it is a protagonist. And it is time to starting acting like it.





Chris Doyle, Director of the Council for Arab-British Understanding (CAABU)

 @Doylech @Caabu

## Conclusion - Chris Doyle

This collection of essays lays out the vital part that international law should be playing to help bring peace with justice to Israel and Palestine - but is not. The aim, as Sir Vincent Fean says, is

“to measure the distance between international law and the lived reality in the OPT”. This applies to the failure to stop illegal settlements, home demolitions, the blockade of Gaza and the mistreatment of Palestinian child detainees. The international legal position is remarkably clear. The West Bank, including East Jerusalem, and Gaza form one single territorial unit, all under Israeli occupation.

The provisions of the Fourth Geneva Convention apply throughout.

The question that Palestinians ask is - why is international law not enforced? Why for so long? This unanswered question is reflected in my own essay; for Palestinians, international law is like waiting for Godot – “this miraculous saviour, this fix-all

cure for their ills under occupation, blockade and subjugation”, but it just never arrives. For a long time, Palestinians have also been calling for the dismantling of what Human Rights Watch, B’Tselem and Michael Sfard have defined as a regime of apartheid.

As former Foreign Secretary Jack Straw points out, “None of this will change unless and until the United States shifts its approach”. Daniel Levy addresses this need, outlining three pillars for US policy required for the Biden administration to make a difference beyond correcting the misdeeds of President Trump. Some had great hopes for the Biden administration. Now is the time, for the good of Israel, Palestine – all of us.

As Jack Straw highlights, Britain has a key role. The UK, “by adopting a more assertive stand on Palestinian rights and international law could do much to help the Biden Administration domestically, especially if the UK leads an international coalition of like-minded nations”. Julie Elliott MP takes up Jack Straw’s theme of a coalition of the willing. Convener of the network of



European Parliamentarians for Israeli/Palestinian Equality, she calls for “consistent, clear European policies and actions for Israeli/Palestinian peace and mutual respect; a distinct, proportionate European role alongside the US; holding all parties to account for progress/regress on the ground, and concerted action to this end in Parliaments across Europe”.

The UK has it in its power now to recognise the State of Palestine, as Baroness Tessa Blackstone argues persuasively. Recognition is consistent with the U.K. Government two-state policy, but the Government is reluctant. Tessa poses the telling question “If not now, when?” Britain’s first Member of Parliament of Palestinian heritage, Layla Moran, also advocates recognition and upholding the law, telling a powerful personal story of her family. She concludes that “The UK is not simply an audience to the Palestine-Israel drama, it is a protagonist. And it is time to starting acting like it”.

Former chair of the Commons Foreign Affairs Committee Crispin Blunt outlines his bold plans to work with the International Centre of Justice for the Palestinians with the aim of “delivering justice through bringing breaches of the law in all its forms to account, and to try and coordinate the efforts being made by so many in so many different jurisdictions”. It is born of a profound frustration after decades trying to advance “justice through the British political process”.

One of the most grave breaches of international law, indeed a war crime under the Rome Statute, is Israel’s massive settlement project. Former MP Dr Phyllis Starkey outlines practical steps that governments should take to adhere to UN Security Council Resolution 2334, for which the U.K. voted. This means the UK must apply rigorously the policy of distinction, in all its dealings with Israel, between the sovereign state of Israel and the territories occupied in 1967, which are not part of Israel.

As events in April and May 2021 demonstrate, few issues are more incendiary and sensitive than the future of Jerusalem. The Israeli expert and lawyer Daniel Seidemann explains clearly why the forced evictions at Sheikh Jarrah are far from being a real estate dispute, but Israel “advancing its geopolitical goals in Jerusalem by means of large-scale displacement of entire Palestinian communities”.

Detention has a massive impact on children. As the recent Save the Children report “Defenceless” found, around 80% of detained children are unable to return to normal life. Former Lord Justice of Appeal Sir Stephen Sedley observes: “Whatever one’s view of the ongoing conflict and its causes, there is no excuse for the systematic infliction of psychological harm on a generation of young Palestinians”.



Palestinian refugees have waited all their lives for their rights under international law. Even then, the international community has failed to give UNRWA the backing it requires. The former Secretary of State for International Development, Andrew Mitchell, criticises UK aid cuts to UNRWA. “Without continued support in line with need and Britain’s responsibility, in future years we in Britain may come to regret our short-term thinking and mean spiritedness towards the Palestinian refugees, who many in Britain feel it is in our national interest as well as our moral duty to support.”

Countering the Covid-19 pandemic is also constrained by the occupation. Dr Philippa Whitford, who worked in the 1990s in Gaza, explains that the “pandemic has thrown into sharp relief how inextricably linked the rule of law is to health and healthcare in the Occupied Palestinian Territory”. Even before the latest carnage, Gaza was facing man-made de-development. Gaza’s health service and infrastructure have suffered terrible blows.

Ending the Israeli occupation that has lasted since 1967 is key. From a legal perspective, occupation is meant to be temporary. The Israeli occupation looks anything but. Hannah Weisfeld of Yachad warns that ending the occupation is vital for Israelis as well as Palestinians, and that we cannot allow the “existing the de-facto one state in which millions of people are denied the right to vote” to continue. “A non-democratic one state, ultimately, will not survive, and neither should it. It is incumbent upon all parties who care about the future of both Israelis and Palestinians to work to bring an end to the occupation, for the interests of all.”

These essays show that failure to ensure compliance with international law and accountability for those who violate it lies at the heart of the dire situation in the Occupied Palestinian Territory. The climate of impunity for the Israeli government, its armed forces, its security forces and the settlers is entrenched. The lack of compliance is harming every single aspect of Palestinian life in the OPT - from health, to education, to jobs and even life itself. This is why the Balfour Project charity ([www.balfourproject.org](http://www.balfourproject.org)) has devoted an entire conference to re-focus attention on the issue, seeking change at last for the good of all.



## Conference Schedule

All recordings are available on the [Balfour Project website](#)

### Day 1—Tuesday 25 May 2021

Welcome – Sir Vincent Fean & Rt Hon Dominic Grieve QC

Why the rule of law matters – Rt Hon Baroness Hale of Richmond

Israel/Palestine: recent developments at the ICJ and ICC – Philippe Sands QC

Discussion between Philippe Sands and John McHugo, Balfour Project Trustee

Q&A with Philippe Sands QC

Why a rights-based approach makes a just, lasting political solution more likely, and why now – Zaha Hassan

The dual legal system in the Occupied Palestinian Territory, and the role of the Supreme Court of Israel – Michael Sfard

Discussion between Zaha Hassan and Michael Sfard, moderated by Dominic Grieve QC

Remarks by Dominic Grieve QC

Forward look to Day 2 with Sir Vincent Fean

### Day 2—Wednesday 26 May 2021

Welcome - Andrew Whitley, Balfour Project Trustee

International Law: indispensable in the search for a just Middle East peace – Prof Michael Lynk

Four case studies introduced by Michael Lynk:

Gaza – Issam Younis

The settlement project - Hagit Ofran

Palestinian children in Israeli military detention – Sahar Francis

Accountability – Nada Kiswanson

Panel discussion and Q&A

Parliamentary session, chaired by Lord Alderdice

Can international law prevail in Israel/Palestine, and if so, how? The role of the UK - Rt Hon Jack Straw

Panel discussion – Jack Straw, Wayne David MP, Layla Moran MP, Joanna Cherry QC MP, moderated by Lord Alderdice

Remarks by Lord Alderdice

Conference conclusion—Andrew Whitley

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Richard Burden

Rt Revd Christopher Chessun, Bishop of Southwark

Rt Revd Declan Lang, Bishop of Clifton

Rt Revd John Pritchard former Bishop of Oxford

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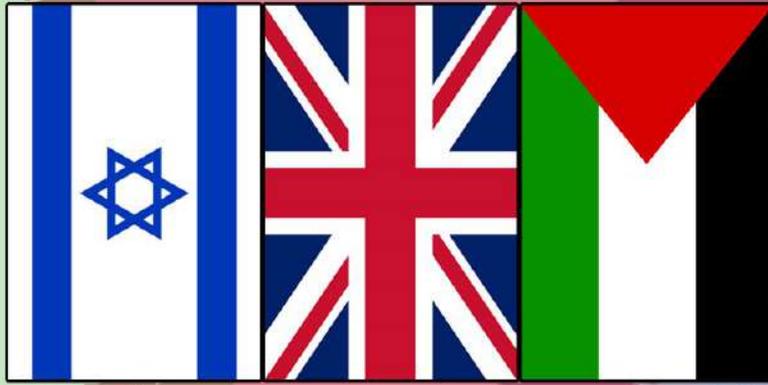
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# Balfour Project

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