



Peace, justice and equal rights in Palestine/Israel

David Lammy MP
Foreign, Commonwealth and Development Office
King Charles St
London
SW1A 2AH

9 October 2024

Dear Mr Lammy,

RE: The implications of the ICJ Advisory Opinion on the Illegality of the Occupation

The ICJ Advisory Opinion issued in July 2024 which ruled that Israel's Occupation of the Palestinian Territory is unlawful, and amounts to annexation, imposed increased legal obligations on the UK and all other third-party states to ensure no relationship with the state of Israel ends up directly or indirectly recognising or assisting the unlawful presence of Israel in the OPT.

The Balfour Project welcomes the Government's commitment to upholding international law as a core principle that underpins all government policy, and is aware that a review of the legal implications of the Advisory Opinion is on-going. We are concerned however that despite the escalating conflict in the region and the vanishing prospect of a ceasefire in the Gaza Strip, the Government is displaying a lack of urgency in completing the review, and translating its obligations arising from the Advisory Opinion, into actions.

The Balfour Project recently convened a discussion between a number of distinguished international and human rights lawyers of the implications of the Advisory Opinion, and the actions for third-party states, including the UK, arising from it. The key points which we ask the UK Government to implement urgently include:

- Recognition now of the State of Palestine. The Advisory Opinion concludes that in addition to East Jerusalem, Israel is engaged in continuing and active annexation of land in the West Bank. In effect, the failure to recognise Palestine now on pre-June 1967 borders prolongs the occupation;
- Review all arms sales to Israel in line with the UK's obligations under the International Arms Trade Treaty and the requirement to avoid breaches of IHL, in Gaza but also the West Bank;
- Review across the board all economic relationships with Israel including signed bilateral agreements, the draft FTA and the Roadmap 2030. It is not sufficient to insert a territorial exclusion clause in the draft FTA and in existing bilateral agreements (where it is woefully absent). The test is whether the content of any agreement directly or indirectly assists the Occupation. Roadmap 2030 certainly does and should be revoked.
- If the Government agrees that the Occupation is unlawful and that annexation is taking place, as the ICJ indicates, a settlement trade ban must be enforced. UK-based companies,

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including banks and other financial institutions, should be banned from all involvement with settlements or their support structures in Israel proper. In the past, Labour has supported a trade ban in the context of annexation. This principle should now be put into practice.

- Widen its advice to UK-based businesses to highlight the economic, legal and reputational risks of engaging with the unlawful Occupation. Businesses need to be aware of the new obligations arising from the Advisory Opinion.
- Tell British nationals that they must not live in illegal settlements. Until now there has been condemnation of settlements but not settlers. Implement additional sanctions against violent settlers, those inciting them, those organisations funding them, and those supporting settlement construction; the UK is lagging behind others in this respect.
- Work with like-minded EU member states, including Ireland, Spain and Belgium, on these issues.
- As advised by the ICJ, the UK Government should amend its current standard language for the OPT to the singular, to denote the unity of all parts of the OPT, and refer in all circumstances to the “illegally occupied Palestinian Territory”.

The Balfour Project is particularly concerned at the reason given by the Government for its abstention in the UN General Assembly vote of 18th Sept namely “...because the resolution does not provide sufficient clarity to effectively advance our shared aim of a peace premised on a negotiated two-state solution...”

This language appears to frame the proper implementation of the Advisory Opinion as an obstruction to achieving a ceasefire and subsequent negotiations on the two-state solution. In reality, Israel remains opposed to any Palestinian State, is actively continuing its annexation of Palestinian land, and is pursuing an exclusively military solution. Its mind-set is reinforced by the long-standing inability of its allies, including the UK, to translate verbal condemnations into meaningful actions that have practical consequences.

Far from being an obstruction, the speedy implementation of the measures demanded by the International Court of Justice is crucial in preserving the territorial basis for Palestinian self-determination and the best means of facilitating both a ceasefire and a negotiated solution. We urge the Government to act now.

With best wishes,



Andrew Whitley
Chair, the Balfour Project

cc.

Hamish Falconer MP
The Rt Hon. the Lord Hermer KC
Shabana Mahmood MP

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