Legal Brief

Priority Measures for UK Policy on Palestine

ICJP
International Centre of Justice for Palestinians

LABOUR MUSLIM NETWORK

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Executive Summary

This briefing identifies six areas in which the United Kingdom should adopt further legal and policy measures in response to Israel's conduct in the occupied Palestinian territory ("oPt"), namely the West Bank, including East Jerusalem, and the Gaza Strip.

The six priority areas are:

1. Illegal Israeli settlements: sanctions, economic relations and charitable funding;
2. UNRWA: sustained UK funding and protection of the Agency's mandate and operations;
3. Religious sites and freedom of worship: protection of Palestinian access to holy sites and places of worship, and defence of the status quo at Al-Aqsa and the Muslim and Christian holy sites of Jerusalem;
4. Arms exports: suspension of all military exports and transfers capable of supporting Israeli military operations;
5. Protection of Palestinian civilians in the occupied West Bank: a UK-led initiative at the UN Security Council for an international protective presence; and
6. British nationals serving in the IDF: accountability and reform of the domestic legal framework.

These issues should not be viewed as six discrete policy questions. Rather, taken together, they demonstrate that the UK's domestic and foreign policies, and the measures through which those policies are implemented, are not consistently adhering to its obligations under international law.

This legal context was significantly clarified by the International Court of Justice (ICJ) in its Advisory Opinion of 19 July 2024 on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory. The Court concluded that Israel's continued presence in the oPt is unlawful and that Israel is under an obligation to bring that unlawful presence to an end as rapidly as possible.[1] The Opinion also has implications for the conduct of third States, including the UK, and therefore provides an important framework against which UK policy should be assessed. Accordingly, UK policy should not be assessed solely by reference to whether the Government condemns particular Israeli practices or supports particular diplomatic initiatives. It should also be assessed by reference to the practical consequences of UK law and policy: whether UK financial flows, trade and economic relations, charitable funding, military exports, and other forms of support are consistent with the UK's international legal obligations, including those arising in relation to Israel's unlawful presence in the oPt.

This briefing therefore considers each of the six priority areas through that broader legal and policy framework, identifying the measures that the UK should take to ensure that its domestic law and policy are aligned with its obligations under international law.

It is preceded by an introduction setting out the position on the ground as of August 2026, the stated intentions of the Israeli government, the legal position in summary, and the reasons why the measures recommended cannot wait for the outcome of the Israeli general election on 27 October 2026.

[1] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory

A displaced Palestinian child looks through a covering made from blankets as they take shelter at an UNRWA-run school, after U.S. President Donald Trump announced that Israel and Hamas agreed on the first phase of a Gaza ceasefire, in Khan Younis in the southern Gaza Strip, October 9, 2025. REUTERS/Ramadan Abed.

Introduction: Why the UK Cannot Wait

The situation on the ground

This briefing is written against a West Bank that the United Nations now describes as being at breaking point.

On 11 August 2026 the UN Deputy Special Coordinator for the Middle East Peace Process told the Security Council that settler violence had reached unprecedented levels; that 76 Palestinians, including 18 children, had been killed in the West Bank by Israeli forces or settlers since the start of the year; that some 3,800 Palestinians, nearly half of them children, had been forcibly displaced by settler violence, demolitions and evictions; and that the Israeli authorities had approved or advanced about 12,360 settlement housing units since January, with $431 million allocated to 34 new settlements.[2]

Many of the incidents, he told the Council, took place in the presence of Israeli forces. Israel is at the same time withholding $6 billion in clearance revenues, leaving the Palestinian Authority unable to pay salaries or deliver basic services.[3]

The UN Human Rights office reported on 29 July 2026 that settler attacks had reached an all-time high, running at around 190 a month in the first four months of the year and on course to exceed 2,000 by its end, and that settlers and Israeli security forces had often acted together in attacking Palestinian communities.[4] OCHA records that between January 2023 and 6 July 2026, 123 Palestinian communities were wholly or partly forcibly displaced, 47 of them entirely, with more than 6,200 people, over 3,000 of them children, forced from their homes, including more than 2,300 in 2026 alone.[5] More than 34,000 refugees remain forcibly displaced from the Jenin, Tulkarm and Nur Shams camps following the Israeli military operation that began in January 2025, during which alleged war crimes have been committed [6] and the military closure orders on those camps have been extended into the autumn.[7]

Against this backdrop, the United Kingdom and twenty other governments, together with the European Commission, issued a joint statement on 20 August 2026, subsequently updated on 27 August to include additional signatories, describing settler violence as having reached "unprecedented levels", reaffirming that Israeli settlements in the West Bank are illegal under international law, and calling on Israel to retract the E1 plans and end settlement expansion.

Significantly, the statement also warned businesses against bidding for E1 construction tenders, citing the potential legal and reputational consequences of involvement in serious breaches of international law.[8]

[2] United Nations (11 August 2026) With West Bank Settler Violence at New High, Security Council Speakers Demand Accountability, Full Implementation of Resolution 2803 (2025), SC/16430.

[3] Ibid.

[4] UN News (29 July 2026) UN warns West Bank settler violence hits 'all-time high' as calls grow to end occupation.

[5] OCHA (23 July 2026) oPt: Humanitarian Situation Report, 23 July 2026.

[6] Human Rights Watch (20 November 2025), West Bank: Israel's Emptying of Refugee Camps a Crime Against Humanity

[7] UN News (13 August 2026) Occupied West Bank: Settler siege of Palestinians marks a new low (reproduced).

[8] Prime Minister's Office, 10 Downing Street (20 August 2026, updated 27 August 2026) Joint Leaders' Statement on the E1 West Bank Settlement Plan

Human Rights Watch on 20 August 2026, stated that the settlers responsible for soaring violence against, and the forced displacement of, Palestinian communities operate with the financial, material and legal backing of the Israeli state; that attacks are frequently carried out alongside army units or with soldiers standing by; and that in March 2026 the government approved approximately 50 million shekels for illegal outposts, money used for the all-terrain vehicles, night-vision equipment and drones with which Palestinian communities are harassed. Outposts established under the present government now effectively control roughly 18 per cent of the West Bank, four times the area they controlled before taking office.[9] In June 2026, Amnesty International concluded that Israel's state-sanctioned campaign to forcibly displace Palestinian Bedouin and herding communities from Area C constitutes a policy of ethnic cleansing, involving the war crime of unlawful deportation or transfer and the crime against humanity of forcible transfer or deportation.[10] These violations take place in a climate of near-total impunity. Yesh Din reported that only three per cent of the hundreds of cases it has documented since 2005 resulted in convictions. Police cases against settlers have fallen by approximately 70 per cent since Itamar Ben-Gvir became National Security Minister, despite an unprecedented rise in attacks, while only one Israeli has reportedly been charged with killing a Palestinian in the West Bank since 2019.[11]

On 18 August 2026 the Israeli Ministry of Construction and Housing opened a tender for seven residential compounds comprising 1,234 housing units in E1, the first tranche of the 3,401 units approved in August 2025. Bidding closes on 19 October 2026, eight days before Israel's general election. Peace Now has described the timing as an attempt to secure construction contracts before the vote, making it substantially more difficult for a successor government to halt the project.[12]

In response, The Foreign Secretary condemned the tender as "an unacceptable and destructive act", summoned the Israeli Chargé d'Affaires, and demanded that Israel immediately halt the E1 plans, retract the tender, and end all settlement expansion.

He also announced that the Government would set out a comprehensive set of measures in the coming weeks, including targeted sanctions against those participating in illegal settlement expansion.[13] The Israeli Foreign Minister, Gideon Sa'ar, rejected the statement outright and described its tone as "patronising"[14] while National Security Minister, Itamar Ben-Gvir, responded that the British Mandate had ended in 1948.[15]

[9] Human Rights Watch (20 August 2026) West Bank: Israel-Backed Settler Violence Drives Displacement.

[10] Amnesty International (10 June 2026) 'Erasing anything Palestinian': Israel's ethnic cleansing of West Bank Bedouin and herding communities.

[11] Ibid.

[12] Euronews (20 August 2026) European leaders demand Israel halt controversial E1 settlement project in West Bank.

[13] Gov UK (19 August 2026) Foreign Secretary statement on Government of Israel launch of a tender for the E1 settlement project.

[14] The Times of Israel (20 August 2026) FM Sa'ar rejects 'patronizing' UK condemnation of E1 settlement tender.

[15] UPI (21 August 2026) Countries condemn Israel's E1 settlement tender in West Bank.

What members of the Israeli government are saying and doing

The expansion of settlements and the violence that accompanies it are not the work of a fringe. They are the policy of the Israeli government, announced as such by the ministers responsible.

In July 2026, Defence Minister, Israel Katz, stated that the government had approved 104 new settlements since taking office, nearly doubling their number, and had "legalised" approximately 160 outposts.[16] During the war with Iran, the Israeli cabinet secretly approved 34 settlements in a single decision, described in Israeli media as the largest expansion in the history of the settlement enterprise.[17]

Finance Minister Bezalel Smotrich, who also holds the defence ministry portfolio responsible for civilian administration and settlement matters in the West Bank, presented a plan in September 2025 to annex 82 per cent of the territory.

He described its guiding principle as "maximum land with minimum Arab population" and declared that "there will never, and can never be, a Palestinian state in our land".[18]

In February 2026, he presented the annulment of the Oslo Accords, the application of Israeli sovereignty and the encouragement of Palestinian emigration from both Gaza and the West Bank as objectives for a future government.[19] In June 2026, while signing an agreement to advance 6,000 housing units at Karnei Shomron, he called on the Prime Minister to apply sovereignty in the West Bank before the election.[20]

Under Ben-Gvir, firearms-licensing requirements have been loosened, and the Ministry of National security has established armed "rapid response squads" in settlements, providing them with weapons, uniforms and special policing powers. Ben-Gvir has also reportedly personally overseen the distribution of rifles to settlers in some cases. Meanwhile, the army has called up 5,500 settler reservists and assigned them to regional defence battalions that operate in the West Bank with wide autonomy.[21]

In July 2026 the UN Human Rights Office recorded open calls by Israeli leaders for revenge and collective punishment against Palestinian communities, accompanied by threats to turn the West Bank into "another Gaza".[22]

Chatham House assessed in April 2026 that, while international attention was focused on the war with Iran and its aftermath, the Israeli government had accelerated its de facto annexation of the West Bank.[23] The International Crisis Group had already concluded in October 2025 that annexation had advanced to the point at which a formal declaration of Israeli sovereignty over all or part of the territory would be "a matter of form rather than substance".[24]

[16] DAWN (3 November 2023) Ben-Gvir Is Arming Thousands Of Israelis—And Playing With Fire.

[17] Human Rights Watch (20 August 2026) West Bank: Israel-Backed Settler Violence Drives Displacement.

[18] The Times of Israel (3 September 2025) Smotrich proposes annexing 82% of West Bank in bid to prevent Palestinian state.

[19] The New Arab (18 February 2026) Smotrich pushes for displacement of West Bank, Gaza Palestinians.

[20] The Times of Israel (14 June 2026) Smotrich signs deal to advance 6,000 apartments in settlement, calls for West Bank annexation before election.

[21] Human Rights Watch (20 August 2026) West Bank: Israel-Backed Settler Violence Drives Displacement.

[22] UN News (29 July 2026) UN warns West Bank settler violence hits 'all-time high' as calls grow to end occupation.

[23] Chatham House (17 April 2026) Israel's accelerating de facto annexation of the West Bank has dangerous implications.

[24] International Crisis Group (9 October 2025) Sovereignty in All but Name: Israel's Quickening Annexation of the West Bank, Middle East Report No. 252.

The legal position

Each of the following propositions is grounded in treaty obligations binding on the UK, a resolution for which the UK voted, or an opinion of the principal judicial organ of the United Nations.

The territory is occupied.

The oPt comprises the West Bank, including East Jerusalem, and the Gaza Strip. Israel is the Occupying Power and may exercise only the limited authority conferred on an occupying power by the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949. In relation to Gaza, the ICJ held in 2024 that Israel's obligations under the law of occupation remained commensurate with the degree of its effective control. Occupation cannot confer sovereignty - Israel is not entitled to sovereignty over, or to exercise sovereign powers in, any part of the oPt and cannot acquire title by force, settlement activity or domestic legislation.

Israel's continued presence is unlawful:

On 19 July 2024, the International Court of Justice held that Israel's continued presence in the oPt is unlawful. It found that Israel must bring that presence to an end as rapidly as possible, cease immediately all new settlement activity, evacuate all settlers from the oPt and make reparation for the damage caused.[25]

The settlements are unlawful.

Article 49(6) of the Fourth Geneva Convention prohibits an occupying power from transferring parts of its own civilian population into occupied territory. Security Council resolution 2334 (2016), for which the UK voted, affirms that Israeli settlements have "no legal validity" and constitute "a flagrant violation of international law".[26] The UK's own stated position, reiterated by the Foreign Secretary on 19 August 2026, is that all settlements are a flagrant breach of international law.[27]

Israel is in breach of Article 3 of CERD, which prohibits racial segregation and apartheid

In 2024, the ICJ found that Israel's legislation and measures maintain a near-complete separation between settlers and Palestinian communities in the West Bank and East Jerusalem and therefore constitute a breach of Article 3 of the International Convention on the Elimination of all Forms of Racial Discrimination, which requires states to prevent, prohibit and eradicate racial segregation and apartheid. [28]

[25] United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (26 January 2025) The Government of Israel orders UNRWA to vacate its premises in occupied East Jerusalem and cease operations in them

[26] United Nations Security Council (23 December 2016) Resolution 2334 (2016)

[27] Gov UK (19 August 2026) Foreign Secretary statement on Government of Israel launch of a tender for the E1 settlement project.

[28] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion.

Israel has a positive duty to protect the occupied population.

Article 43 of the Hague Regulations requires the Occupying Power to take all measures within its power to restore and ensure public order and civil life. Article 27 of the Fourth Geneva Convention requires protected persons be protected, in particular, against all acts of violence or threats of violence. [29] In 2024, the Court found that Israel had systematically failed to prevent or punish settler attacks on Palestinians. It further found that settler violence, alongside Israel's other policies and practices, creates a coercive environment that leaves Palestinians with little choice but to leave and is contrary to the prohibition of forcible transfer.[30]

Third States, including the UK, are subject to legal obligations.

The Court held that all states must not recognise as lawful the situation arising from Israel's unlawful presence in the oPt and must not render aid or assistance in maintaining it. States must also distinguish, in their dealings with Israel between Israeli territory and the territory occupied since 1967.[31] These duties are reflected in Articles 40 and 41 of the ILC Articles on State Responsibility, concerning serious breaches of obligations arising under peremptory norms of international law.[32] They are reinforced by Common Article 1 of the Geneva Conventions, under which the UK has undertaken to ensure respect for the Conventions in all circumstances.

Individuals may incur criminal responsibility.

Genocide, crimes against humanity and war crimes give rise to individual criminal responsibility regardless of the perpetrator's nationality or service in a foreign armed force. The International Criminal Court has jurisdiction over alleged Rome Statute crimes committed in the State of Palestine, comprising Gaza and the West Bank, including East Jerusalem.

Domestically, the International Criminal Court Act 2001 gives courts in England, Wales and Northern Ireland jurisdiction over relevant conduct committed abroad by UK nationals, UK residents and persons subject to UK service jurisdiction.

Equivalent provision is made for Scotland by the International Criminal Court (Scotland) Act 2001. The Geneva Conventions Act 1957 provides jurisdiction over any person, irrespective of nationality, who commits or participates in a grave breach of the Geneva Conventions or Additional Protocols I, whether inside or outside the United Kingdom.

Palestine is a State recognised by the UK.

On 21 September 2025, the United Kingdom formally recognised the State of Palestine.[33] That recognition removed a central factual premise on which the Government had previously relied in explaining why section 4 of the Foreign Enlistment Act 1870 did not apply to British participation in Israel's armed forces - namely that the oPt was not recognised by the UK as a state. The Act nevertheless remains subject to its statutory requirements, considered in section 6.2.

The question addressed by this briefing is what legal and policy consequences must now follow.

[29] Hague Regulations (1907), Article 43; Geneva Convention (IV), Article 27

[30] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion

[31] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion

[32] International Law Commission (2001) Articles on Responsibility of States for Internationally Wrongful Acts, Articles 40 and 41

[33] UK Government (21 September 2025) UK formally recognises Palestinian State

The danger of further delay: the UK must not wait for the Israeli election

The E1 tender closes on 19 October 2026 - eight days before Israel's general election.[34] By polling day, contracts may already have been awarded and a central component of the government's settlement programme placed on a path that will be materially harder for any successor government to reverse. There may be a temptation to defer further measures until the outcome is known, on the assumption that a new government might change course and that action taken now could be overtaken by events. That reasoning should be rejected for six reasons.

First, the threat is present, not prospective. The killings, displacement and appropriation of land described above are taking place now, at record levels. On 24 July 2026, Human Rights Watch warned that the surge in settler violence threatened mass atrocities.[35] Every week of delay risks further deaths, the displacement of additional communities and the creation of new facts on the ground that will become progressively harder to reverse. Palestinians at risk cannot wait until the election, and the UK's existing international obligations are not suspended during an Israeli election campaign.

Second, the present Israeli government is using the pre-election period to create facts that are intended to survive it. The E1 tender closes eight days before polling day. The finance minister – already sanctioned in a personal capacity by the UK government but still able to operate with impunity – has called for Israeli sovereignty to be applied before the election. The cabinet approved the largest single settlement expansion in its history while the world's attention was on Iran. These are clearly the acts of a government determined that, whatever the electorate decides, the map will already have been redrawn by the time the election is over. Contracts let, land registered and sovereignty declared before 27 October will bind any successor government. An international response is effective only if it is delivered before those facts are created, not after.

Third, the election may change nothing. Current projections indicate continued political stalemate, with no bloc assured of the 61 seats required to form a government. Chatham House has observed that, unless the result is substantially more decisive than polling suggests, Israel may find itself returning to the polls after 27 October.[36] In July 2025, the Knesset adopted, by 71 votes to 13, a motion calling for Israeli sovereignty to the West Bank and the Jordan Valley.[37] The motion received support from outside the governing coalition. A UK policy conditioned on the election result is a policy conditioned on an event that may resolve nothing and that, on present evidence, is unlikely to produce a government committed to ending the occupation.

Fourth, rejection of a Palestinian state is the position of the Israeli political mainstream, not of one government. In July 2024, the Knesset resolved, by 68 votes to 9 and with the support of parties inside and outside the coalition, that it "firmly opposes the establishment of a Palestinian state west of the Jordan".[38] The Israeli Prime Minister has repeatedly declared that there will be no Palestinian state.[39] Nor do his likeliest rivals differ. Gadi Eisenkot stated in August 2026, that a Palestinian state would not be established under a government he formed.[40] Naftali Bennett has said Israel will not allow one in the foreseeable future.[41] Opposition to Palestinian statehood extends well beyond the present coalition and is shared by the principal parties and candidates with a realistic prospect of leading the next government. Although they differ in pace, method and presentation, none presently offers a credible commitment to ending the occupation and enabling a viable Palestinian state. Waiting for the election in the hope of a fundamental change of course is therefore a mirage - and one with a long history.

[34] Al Jazeera (12 July 2026) Israel to hold national elections on October 27, parliament says

[35] Human Rights Watch (24 July 2026) West Bank: Surge in Settler Violence Threatens Mass Atrocities

[36] Chatham House (22 July 2026) Israel's general election will be like no other before.

[37] Chatham House (17 April 2026) Israel's accelerating de facto annexation of the West Bank has dangerous implications.

[38] The Times of Israel (18 July 2024) Knesset votes overwhelmingly against Palestinian statehood, days before PM's US trip.

[39] Al Jazeera (11 September 2025) Israel's Netanyahu says there will be no Palestinian state.

[40] Haaretz (22 August 2026) Eisenkot vows no Palestinian state after Arab party leader urges recognition.

[41] Middle East Eye (25 August 2021) Israel will not allow a Palestinian state in foreseeable future, says Bennett.

For almost six decades, the international community has repeatedly deferred meaningful action in anticipation of a more moderate Israeli government. The result has been continued settlement expansion and an increasingly emboldened settlement movement, encouraged by the absence of meaningful consequences. Nearly sixty years of deferral helped create the situation described in this briefing. Further delay would be a policy of inaction under another name.

Fifth, the UK's obligations are present obligations. The duties of non-recognition, non-assistance and cooperation and distinction identified by the Court apply now. An election in another state does not suspend them or permit conduct that would otherwise amount to recognition of, or assistance in maintaining, an unlawful situation. The Foreign Secretary has said that Britain will not "stand back and accept the destruction of the two-state solution" and has promised a comprehensive package of measures in the coming weeks.[42] The credibility of that statement will be judged by whether those measures are in force before the E1 bids close on 19 October.

The conclusion is not that sanctions should follow the election, but that the election reinforces the need for action before it. Sanctions imposed in response to conduct already committed do not cease to be justified merely because the composition of a government changes. Nor does a prohibition on trade with illegal settlement depend on the identity of the governing coalition. Measures adopted now would impose consequences on those presently responsible, help prevent further entrenchment and establish a legal and policy framework with which any successor government would have to reckon.

Sixth, the consequences of inaction are already visible in the escalating assault on UNRWA. In October 2024, the Knesset legislated to prohibit UNRWA's operations and contact with Israeli authorities. Those laws took effect in January 2025, severely obstructing the Agency's work and forcing its international staff from occupied East Jerusalem.[43] Israel subsequently expanded the legislation, targeted UNRWA premises and utilities, and repeatedly entered its facilities without authorisation.[44] On 25 August 2026, Israeli forces forcibly entered the Kalandia Training Centre in occupied East Jerusalem, expelled UNRWA staff and began taking possession of the site.[45] The National Security Minister personally participated in the operation, while the Prime Minister expressly stated that it was being carried out pursuant to the legislation adopted in 2024.[46]

The timing exposes the failure of diplomacy unsupported by consequences. The seizure occurred one day after representatives of 28 diplomatic missions visited Kalandia and were briefed on the threat to the Centre.[47] Israel proceeded regardless, despite the obligations of the UN and the diplomatic community and the ICJ's October 2025 Advisory Opinion on privileges and immunities of the UN.[48] The progression from legislative prohibition to operational obstruction, forcible entry and physical seizure was neither sudden nor unforeseeable.

It took place over nearly two years in which international condemnation was not matched by measures capable of securing compliance. Further delay will not preserve space for diplomacy; it will provide time for the dismantling of UNRWA to continue. The UK must therefore demand the immediate restoration of UNRWA's possession of and access to the Centre, the protection of all its premises and personnel, and the repeal of the legislation directed against it. Those demands must be backed by concrete consequences, including targeted sanctions, if Israel refuses to comply.

The demolitions at Kalandia follow Israel's January 2026 demolition of the UNRWA headquarters in East Jerusalem which the UK and other states condemned without consequence.[49] During Israels ongoing genocide in Gaza, at least 311 UNRWA staff have been killed, and almost all UNRWA buildings damaged or destroyed.[50]

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[42] Gov UK (19 August 2026) Foreign Secretary statement on Government of Israel launch of a tender for the E1 settlement project.

[43] UNRWA (26 January 2025) The Government of Israel orders UNRWA to vacate its premises in occupied East Jerusalem and cease operations in them

[44] Reuters, "UN chief warns he could refer Israel to world court over action against UN Palestinian refugee agency", 13 January 2026

[45] UNRWA, "UNRWA Press Statement on Kalandia Training Centre in occupied East Jerusalem", 25 August 2026. For the expulsion of staff and commencement of the takeover

[46] Prime Minister of Israel, statement on the evacuation of the UNRWA compound, 25 August 2026

[47] Palestinian Ministry of Foreign Affairs and Expatriates, reported by WAFA, "Foreign Ministry organizes diplomatic field visit to Qalandiya refugee camp to brief missions on Israeli occupation crimes", 24 August 2026.

[48] International Court of Justice, Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory, Advisory Opinion, 22 October 2025.

[49] Foreign, Commonwealth & Development Office (28 January 2026), Demolition of UNRWA headquarters in East Jerusalem: joint statement

[50] United Nations Relief and Works Agency for Palestine Refugees in the Near East (12 August 2026), UNRWA Situation Report #232 on the Humanitarian Crisis in the Gaza Strip and the Occupied West Bank, including East Jerusalem

Illegal Israeli Settlements

The continued expansion of Israel's illegal settlement enterprise is a central feature of its unlawful presence in the occupied Palestinian territory and is intertwined with numerous violations of international law. The legal framework governing the settlements is firmly established in international humanitarian law, including treaties to which the UK is a party. The UK is required not only to respect international humanitarian law but also, under under Common Article 1 of the Geneva Conventions, to ensure respect for it in all circumstances.

The ICJ's July 2024 Advisory Opinion further clarified the obligations for third States, including the UK, pertaining to the unlawfulness of Israel's continued presence in the oPt, including the duties of non-recognition, non-assistance and distinction. This section outlines such obligations of the UK and the measures required to bring UK policy in line with those obligations.

A general view of the Israeli settlement of Beit El in the Israeli-occupied West Bank. The Palestinian town Surda, near Ramallah, can be seen in the background. July 22, 2026. REUTERS/Ronen Zvulun

1.1 Current Legal Position

Israeli settlements in the West Bank, including East Jerusalem, are illegal under international law. This position is firmly established under international humanitarian law, and has been repeatedly affirmed by the ICJ, UN Security Council, and the UK itself.

The unlawful nature of Israel's settlements and advancing settlement expansion is extensively documented in international treaties to which the UK is a party, including the Hague Convention,[51] the Fourth Geneva Convention,[52] and the Genocide Convention.[53] In particular, Article 49(6) of the Fourth Geneva Convention provides that an Occupying Power "shall not deport or transfer parts of its own civilian population into the territory it occupies."[54] Israel's settlement policy, as affirmed by ICJ's July 2024 Advisory Opinion, contravenes Article 49(6), including through the transfer of Israeli civilian population into the West Bank and East Jerusalem and the maintenance and expansion of settlements there.[55] It found that Israel's land policies violate Articles 46, 52 and 55 of the Hague Regulations and that its use of natural resources, including its diversion of water and exploitation of resources for the benefit of its own population and settlers, is inconsistent with its obligations as an Occupying Power and with the Palestinian people's right to permanent sovereignty over its natural resources.[56]

The illegality of the settlements has also repeatedly been recognised by the United Nations Security Council. Resolution 2334, adopted in 2016 with the UK's support, states that Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem, have **"no legal validity" and constitute a "flagrant violation under international law".** It also calls upon States to distinguish in their relevant dealings between the territory and the State of Israel and the territories occupied since 1967.[57]

The UK itself continues to state that Israeli settlements are illegal under international law. In June 2026, the Government reiterated that position while announcing further measures against individuals and entities financing or enabling settler violence and strengthening its guidance against British economic and financial activity in illegal settlements.[58] These measures represent an acknowledgement that settlement expansion is sustained by wider financial and institutional networks. However, the continued absence of comprehensive measures addressing the settlement enterprise leaves a substantial gap between the UK's stated legal position and the action required to give practical effect to it.

1.2 The Significance of the 2024 ICJ Advisory Opinion

The International Court of Justice concluded that Israel's continued presence in the oPt is unlawful and that all states are under an obligation not to recognise the presence as lawful, or aid, or assist in maintaining that situation. Against the backdrop of ongoing settlement expansion, annexation, apartheid, persecution, mass displacement, and grave violations committed in Gaza, the UK must ensure that its diplomatic, military, economic, and regulatory policies are fully consistent with these obligations. A failure to do so exposes the UK to allegations of complicity in internationally wrongful acts and undermines its commitment to the rule of law and the international legal order.

[51] Hague Convention (IV) Respecting the Laws and Customs of War on Land and its Annex (1907) Regulations Concerning the Laws and Customs of War on Land: Art. 55.

[52] Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art 49.

[53] Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 U.N.T.S. 277.

[54] Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art 49(6).

[55] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, p.797.

[56] Ibid., p.757-758.

[57] UN (23 December 2016) Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms.

[58] Gov UK (9 June 2026) UK and allies sanction networks enabling settler violence in the West Bank.

The July 2024 Advisory Opinion goes beyond simply confirming the illegality of individual settlements. It authoritatively clarifies the legal framework within which third states must conduct their relations with Israel and the oPt. The Court concluded that Israel's continued presence in the oPt itself is unlawful, and identified corresponding obligations in third States, including the UK.[59] The Court reached this conclusion due to the prolonged character of Israel's occupation and its policies and practices of annexation, permanent control, settlement expansion, and the frustration of the Palestinian people's right to self-determination.[60] The prolonged character of the occupation cannot confer sovereignty on Israel or legalise conduct that would otherwise be unlawful.

The Court further held that Israel is under an obligation to bring its unlawful presence in the oPt to an end **"as rapidly as possible",** cease immediately all new settlement activity, evacuate all settlers from the oPt and make reparation for the damage caused.[61] Israel has not complied with those requirements and has instead continued to expand settlements and entrench its control over the territory.

The ICJ's findings identify clear, present obligations for third States. The UK must: Not recognise as legal the situation arising from Israel's unlawful presence in the oPt; not render assistance in maintaining the situation; distinguish in their dealings between the territory of Israel and the oPt, and; cooperate through lawful means to bring the unlawful situation to an end.[62]

These obligations require more than verbal opposition to new construction. The settlement enterprise is sustained not only through the physical construction of housing but also through infrastructure, financial services investment, trade, public procurement, corporate activity, institutional support and charitable funding. The UK must therefore examine whether its own decisions, public funding, commercial relationships and regulatory framework recognise, support or facilitate the maintenance of the unlawful situation.

The ICJ's findings also set out clear obligations for the UK and other third States:

The duty of distinction: Security Council Resolution 2334 called upon States to distinguish in their relevant dealings between the territory of the State of Israel and the territories occupied since 1967.[63] In 2024, the ICJ reinforced this requirement by locating it within the consequences flowing from Israel's unlawful presence and the obligation of non-recognition.[64] In practical terms, the UK must not treat economic activity taking place in an Israeli settlement as equivalent to economic activity taking place within Israel's internationally recognised pre-1967 territory. This distinction should be reflected consistently across trade, customs, procurement, investment, financial regulation, official documentation and other relevant dealings.

Non-recognition: States must not recognise as lawful a situation created by serious violations of international law. In the context of the oPt, UK conduct must not expressly or implicitly recognise Israeli sovereignty over settlements or any part of the occupied territory.[65] At a minimum, this requires the UK to consider whether its regulatory framework adequately prevents UK-linked activity from erasing or undermining that distinction. For example, property situated in an Israeli settlement should not be marketed or treated as though it were property situated within Israel without distinction.

[59] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory.

[60] International Court of Justice (19 July 2024) Summary of the Advisory Opinion of 19 July 2024.

[61] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, p.760.

[62] International Court of Justice (19 July 2024) Summary of the Advisory Opinion of 19 July 2024.

[63] United Nations Resolution 2334 (2016) Illegality of Israeli Settlements in Palestinian Territory Occupied Since 1967.

[64] International Court of Justice (19 July 2024) Summary of the Advisory Opinion of 19 July 2024.

[65] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, para.280.

The prohibition on aid or assistance: The 2024 Advisory Opinion also held that States, including the UK, must not render aid or assistance in maintaining the situation created by Israel's unlawful presence in the oPt.[66] This obligation extends beyond acts of formal recognition, although its application depends on the nature of the assistance and its connection to the unlawful situation. Not every economic interaction with an Israeli person or entity will constitute prohibited aid or assistance. However, activity that directly finances, facilitates, or materially supports the establishment, expansion, or permanence of settlements raises substantially more serious legal concerns. For example, financing construction of settlements, investment in entities whose activities materially contribute to settlement expansion, or facilitating transactions involving settlement property.

Settlement trade and economic activity: The UK's present approach exposes a significant gap between its recognition of the risks associated with settlement activity and its legal regulation of that activity. Government guidance now "strongly advises" against economic and financial activity in settlements, including investment purchases, procurement, financial transactions, and services.[67] However, the UK has not prohibited trade with, investment in or other services to settlements. The legal question is therefore whether advisory guidance alone is sufficient in implementing the obligation to distinguish between Israel and the oPt and the prohibition on rendering aid or assistance in maintaining the unlawful situation.

Despite these obligations, the UK government continues to allow UK-based financial institutions to invest heavily in companies enabling Israel's illegal settlement enterprise [68] and other atrocities against the Palestinians, and other UK-based corporations to help sustain Israel's illegal settlement enterprise.[69] The UK government allows countless corporations enabling these atrocities to operate in the UK, without any sanction. The UK government has also allowed events to take place in the UK in which property illegally "owned" in settlements is marketed.[70]

[66] International Court of Justice (19 July 2024) Summary of the Advisory Opinion of 19 July 2024.

[67] Gov UK (9 June 2026) Overseas business risk: Israel, 2.1 Settlements.

[68] Oxfam (15 September 2025) Trading With Illegal Settlements: How Foreign States and Corporations Enable Israel's Illegal Settlement Enterprise; United Nations (26 September 2025) UN Human Rights Office updates database of businesses involved in Israeli settlements in occupied West Bank.

[69] Amnesty (18 September 2025) Global complicity, UK involvement: Profiting from atrocity and enabling Israel's genocide and apartheid – new briefing.

[70] The Guardian (17 June 2026) Real estate event in London 'advertised sale of land in illegal Israeli settlements'.

Israeli National Security Minister Itamar Ben-Gvir takes part in the annual Jerusalem Day march in the Old City of Jerusalem, May 14, 2026. REUTERS/Ammar Awad

1.3 UK Sanctions

The UK has already demonstrated that its domestic sanctions legislation can be used against individuals and entities connected to settlement-related violence. In October 2024, the Government sanctioned three illegal settler outposts and four organisations that had supported, incited or promoted violence against Palestinian communities.[71] In May 2025, it imposed further sanctions on three individuals, two illegal outposts and two organisations involved in supporting or perpetrating such violence.[72] In June 2025, acting alongside Australia, Canada, New Zealand and Norway, the UK sanctioned Israeli ministers Itamar Ben-Gvir and Bezalel Smotrich, in their personal capacities only, due to their repeated incitement of violence against Palestinian civilians.[73]

In June 2026, the government designated a further six entities and one individual involved in financing, enabling, or carrying out settler violence in the West Bank.[74] Those designations were made under the Global Human Rights Sanctions Regulations 2020.[75] The Regulations permit the designation of persons involved in specific serious human-rights violations or abuses, including violations of the right to life, freedom from torture or cruel, inhuman or degrading treatment and freedom from slavery and forced labour.[76]

The UK's sanctions relating to Israeli settlers have therefore principally been structured around involvement in serious human rights abuses and settler violence, rather than involvement in establishment, expansion or maintenance of illegal settlements as such. This creates a material gap. A person or entity may contribute substantially to settlement expansion without necessarily satisfying the designation criteria under the Global Human Rights Sanctions Regulations. For example, an entity may finance settlement construction or infrastructure without sufficient evidence linking it to the serious human-rights violations within the scope of that regime. This weakens the effectiveness of the UK's sanctions approach.

[71] Gov UK (15 October 2024) New UK sanctions target illegal outposts and organisations supporting extremist Israeli settlers in the West Bank.

[72] Gov UK (20 May 2025) UK sanctions hit West Bank violence network

[73] Gov UK (10 June 2025) UK and partners unite to sanction ministers inciting West Bank violence.

[74] Gov UK (9 June 2026) UK and allies sanction networks enabling settler violence in the West Bank.

[75] Gov UK (2020) The Global Human Rights Sanctions Regulations 2020.

[76] Ibid. Section 4.

The Sanctions and Anti-Money Laundering Act 2018 ("SAMLA"),[77] provides the government with broader powers to establish or amend autonomous sanctions regimes. Under section 1, sanctions regulations may be made for purposes including:

- Promoting international peace and security;
- Furthering UK foreign policy objectives;
- Promoting the resolution of armed conflicts or the protection of civilians;
- Providing accountability for, or deterring, gross violations of human rights;
- Promoting compliance with international human rights law;
- Promoting compliance with international humanitarian law; and
- Promoting respect for democracy, the rule of law and good governance.

SAMLA therefore provides a clear statutory basis on which the Government could establish a new regime, or amend an existing one, to target persons and entities materially involved in establishing, expanding or sustaining illegal settlements. Any such regime would need to define its purposes and designation criteria clearly, and individual designations would remain subject to the statutory requirements of reasonable suspicion, appropriateness and proportionality.

The Government should therefore conduct an urgent review of whether the Global Human Rights Sanctions Regulations can address the full breadth of the settlement enterprise. That review should consider a tailored sanctions framework covering persons and entities materially involved in:

- Financing or constructing settlements and outposts;
- Providing infrastructure or essential services that sustain their expansion;
- Facilitating the confiscation, transfer, registration or commercial exploitation of occupied land;
- Financing or otherwise supporting the forcible displacement of Palestinian communities; and
- Providing material support for acts intended to establish permanent Israeli control over occupied territory.

The existing regime demonstrates that sanctions are legally and operationally possible. The remaining question is why the UK continues to confine its response principally to violence associated with settlements, rather than addressing the unlawful settlement enterprise that the violence serves.

1.4 Settlement Trade and Investment

In June 2026, the Foreign Secretary announced that official UK guidance would advise British citizens and businesses not to conduct economic and financial activities in illegal Israeli settlements.[78] This was an important step, however, advice against settlement-related economic activity is not the same as a legal ban.

Current guidelines mean there are no assurances that British citizens and businesses are not conducting such activities in illegal settlements, and that UK persons and companies may therefore continue, depending upon the particular activity, to engage in trade, investment, or financial relationships connected to settlements despite the government's recognition that settlements are unlawful.

[77] Gov UK (2018) Sanctions and Anti-Money Laundering Act 2018.

[78] Gov UK (9 June 2026) Foreign Secretary statement on the Middle East.

1.5 E1 Settlement

The UK has repeatedly stated its support for a 'two-state solution' in Palestine and Israel and emphasised the need to "preserve the land and the people" of Palestine.[79] This is not a realistic position in current circumstances, which includes Israel's unlawful E1 settlement project. This project will permanently sever the West Bank (from which East Jerusalem has already been unlawfully separated by Israel) into two disconnected enclaves - each divided into many far smaller enclaves or "bantustans" - and entrench annexation. As of 18 August 2026, tenders for construction in E1 have now been issued by Israel.[80] Once construction begins, the changes on the ground will be irreversible.

Israel's rapid advancement of settlement projects will foreclose any viable path to a just political solution to Palestinian sovereignty and regional peace, and while the UK Government's previous condemnation of E1 is encouraging, tangible action is needed to stop the permanent and further severing of Palestinian land in the West Bank. The UK has an obligation to align itself with its own position of Israeli settlements being in 'flagrant violation' of international law [81] and to ensure full compliance with the ICJ's July 2024 Advisory Opinion.

Israeli Finance Minister Bezalel Smotrich and a woman hold a map that shows the long-frozen E1 settlement scheme, that would split East Jerusalem from the occupied West Bank, on the day of a press conference near the Israeli settlement of Maale Adumim, in the Israeli-occupied West Bank, August 14, 2025. REUTERS/Ronen Zvulun

[79] Gov UK (24 March 2026) We must preserve the land and the people of Palestine so that a two-state solution remains viable: UK statement at the UN Security Council.

[80] Gov UK (19 August 2026) Foreign Secretary statement on Government of Israel launch of a tender for the E1 settlement project.

[81] Gov UK (8 May 2026) Settlements in the West Bank are a flagrant violation of international law and must cease: UK statement at the UN Arria meeting on the West Bank.

1.6 Charities

The UK's responsibilities in relation to illegal Israeli settlements also raise a distinct issue concerning charitable funding. Charities registered in England and Wales remain subject to UK charity law irrespective of whether their expenditure occurs domestically or overseas.

An important legal distinction must be maintained. The fact that an organisation or beneficiary is located in an Israeli settlement does not, by itself, make a grant from a UK charity unlawful. Instead, the proper legal and regulatory assessment depends on the charity's purposes, trustees' duties, the use and destination and ultimate purpose of the funds, applicable sanctions and other legal requirements, and the factual relationship between the funded activity and the settlement enterprise.

Trustees are legally responsible for ensuring that charitable funds are properly used, adequately protected and not exposed to misuse.[82] Charity Commission guidance requires trustees to undertake proportionate, risk-based due diligence concerning donors, beneficiaries and local partners and to monitor and verify the end use of charitable funds.[83] The Commission's *Essential Trustee* guidance further requires trustees to ensure that the charity acts in pursuit of its charitable purposes, complies with applicable law, manages resources responsibly and remains accountable.[84]

These duties are particularly significant where charities operate internationally or transfer funds to third parties abroad. Where charitable funds are transferred to organisations, institutions, or projects located within or supporting Israeli settlements, relevant regulatory questions may include:

- Where the funds ultimately go;
- What activities they finance;
- Whether trustees have undertaken sufficient due diligence;
- Whether trustees retain adequate control over overseas expenditure;
- Whether the recipient organisation carries out activities beyond the purposes for which funding was provided;
- Whether expenditure contributes to settlement infrastructure or permanence;
- Whether trustees have considered legal, sanctions and reputational risks;
- Whether statements made to donors or the Charity Commission accurately describe the destination and purpose of charitable expenditure; and
- Whether the expenditure genuinely advances the charity's registered charitable purposes.

The Charity Commission stresses that trustees remain responsible for ensuring that funds transferred internationally reach its intended beneficiaries and is used for legitimate charitable purposes.[85] Giving money to another organisation does not discharge that responsibility - trustees must be able to account for the funds, maintain an adequate audit trail and demonstrate that the intended charitable activity was actually delivered.

[82] Gov UK (3 January 2011) Charities: due diligence, monitoring and verifying the end use of charitable funds.

[83] Ibid.

[84] Gov UK (1 March 2012) The essential trustee: what you need to know, what you need to do (CC3).

[85] Gov UK (5 January 2011) Chapter 4: Holding, moving and receiving funds safely in the UK and internationally.

A regulatory issue may therefore arise where a UK charity:

- Describes its activities in general terms while funds are ultimately directed to institutions located in settlements;
- Does not adequately identify the geographical destination of overseas expenditure;
- Provides funds through intermediaries without sufficient monitoring;
- Funds construction, infrastructure or other capital projects within settlements;
- Fails adequately to assess sanctions or international law risks;
- Cannot demonstrate that expenditure was exclusively in furtherance of its charitable purposes; or
- Provides incomplete or inaccurate information concerning its activities or expenditure.

With this in mind, the key legal question is not simply where the recipient is located, but what the funds are going to do and whether trustees have properly discharged their duties in relation to those funds. This distinction is not reflected in active Charity Commission regulation.

On 5 August 2026, the Charity Commission announced a statutory class inquiry concerning multiple charities working in illegal Israeli settlements.[86] The commission stated that the inquiry will seek to establish:

- The extent to which charitable funds are being used in illegal Israeli settlements,
- The purpose of that expenditure
- Whether the expenditure furthers the charities' charitable purposes,
- Whether charity assets or beneficiaries are at risk; and
- What regulatory action, if any, is required.[87]

The scope of the inquiry reflects an important legal distinction. The Commission has not stated that all charitable expenditure within a settlement automatically breaches charity law. Rather, it is investigating the purpose, destination and ultimate use of the funds, whether the expenditure genuinely advances the charities' purposes, and whether charity assets, beneficiaries or public trust and confidence are at risk. This assessment will necessarily require scrutiny of trustees' due diligence, governance, financial controls and monitoring of overseas expenditure.

A related issue arises where donations to UK charities attract tax relief and the charity subsequently uses its resources overseas in connection with settlements. UK Gift Aid is a tax mechanism applying to qualifying charitable donations, and the fact that a charity incurs expenditure in the oPt does not, in itself, disqualify it from claiming Gift Aid.

[86] Gov UK (5 August 2026) Charity regulator opens inquiry into charities working in illegal Israeli settlements.
[87] Ibid.

Thus, the policy question is whether the Government should amend the tax rules to ensure that public tax relief does not subsidise expenditure that materially sustains an unlawful settlement enterprise. This could include considering whether additional restrictions are appropriate where charitable expenditure is used specifically to:

- Settlement construction
- Property acquisition or development
- Infrastructure contributing to settlement expansion, or
- Other activities materially supporting the maintenance of settlements

1.7 Policy Recommendations

The UK Government should establish a robust and tangible policy approach to Israel's illegal settlement enterprise to ensure it aligns itself with its legal obligations under international law and prevent irreversible damage on the ground in Palestine.

First, the UK should align its policy with its obligations arising from the ICJ's July 2024 Advisory Opinion. This includes not recognising as lawful the situation arising from Israel's unlawful presence in the oPt, refraining from rendering assistance in maintaining that situation, distinguishing between the territory of Israel and the oPt in its dealings, and cooperating through lawful means to bring the unlawful situation to an end. This policy must address the wider economic ecosystem that enables the establishment, expansion, and maintenance of illegal settlements.

Second, the UK Government must strengthen and broaden its sanctions approach. This includes moving beyond the existing framework of the Global Human Rights Sanctions regime and adopting a proactive policy that targets the illegality of settlements themselves and avoid scenarios where complicit individuals and entities slip through the cracks. Additionally, the UK should utilise its powers under the Sanctions and Anti-Money Laundering Act 2018 and establish an autonomous and tailored sanctions regime, including where persons or entities materially involved in sustaining illegal Israeli settlement activity exist. This includes applying tangible pressure through sanctions to address, for example, Israel's unlawful E1 settlement project and align itself with the ICJ's July 2024 Advisory Opinion.

Third, the government must implement a full ban on British citizens and businesses conducting economic and financial activities in illegal Israeli settlements as well as in activities that assist the wider illegal settlement economy. Government guidance is not enough to ensure that UK entities and persons are not engaging in economic and other activities in settlements despite the UK's recognition of them as unlawful. The implementation of robust and watertight policies to ensure an end to such activities is urgently needed.

Finally, the Government should address continuing accountability gaps within the UK charity sector. This should include ensuring that the Charity Commission has the powers, resources, and regulatory approach necessary to scrutinise charitable expenditure connected to settlements. The Government should also review existing tax rules, including the operation of Gift Aid, to ensure that UK public tax relief does not indirectly subsidise expenditure that materially sustains the Israeli settlement enterprise. The objective should be to ensure that UK charitable structures cannot be used to finance activity that contributes to the establishment, expansion or maintenance of settlements.

UNRWA

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by the UN General Assembly in Resolution 302(IV) of 8 December 1949. It is a subsidiary organ of the UN, established and repeatedly mandated by the General Assembly. [88]

UNRWA's original mandate was to carry out direct relief and work programmes for Palestine refugees. It has since become the principal UN body for providing education, primary healthcare, relief, social services, infrastructure, camp improvement, and emergency assistance to Palestine refugees across Gaza, the West Bank, including East Jerusalem, Jordan, Lebanon, and Syria.[89] Approximately 5.9 million Palestinian refugees are registered with UNRWA out of an estimated total displaced Palestinian population of up to 9 million worldwide since the Nakba in 1947/48.[90]

UNRWA's status and operations engage several bodies of international law, including:

- The Charter of the United Nations;
- UN General Assembly decisions establishing and defining UNRWA's mandate;
- The Convention on the Privileges and Immunities of the United Nations;
- International humanitarian law, especially the rules on providing aid to civilians in occupied territory;
- The legal responsibilities of an Occupying Power; and
- The duties of UN Member States toward the UN and its agencies.

The legal issue therefore extends beyond the funding of humanitarian assistance. It concerns whether a UN Member State and, in the oPt, an Occupying Power, may lawfully obstruct the work of a subsidiary organ mandated by the General Assembly to provide essential services to a protected civilian population.

The starting point for UK policy should be stated plainly. **UNRWA is an integral part of the United Nations,** and the campaign against it is not a dispute about the conduct of individual employees but a sustained attempt by a Member State to dismantle a UN organ operating in territory that the Member State unlawfully occupies.

In October 2024 the Knesset enacted two laws prohibiting UNRWA from operating within territory treated by Israel as falling under its sovereignty and prohibiting contact between Israeli authorities and the Agency. The legislation was expressly understood to extend to occupied East Jerusalem. It entered into force on 30 January 2025, severely obstructing UNRWA's operations and compelling the Agency to withdraw its international staff from East Jerusalem.[91]

On 29 December 2025 the Knesset amended the legislation to prohibit the supply of essential utilities to UNRWA and to authorise state and local authorities to take possession of land held by it.[92] The Secretary-General condemned the amendments as inconsistent with the international legal framework applicable to UNRWA and called for their immediate repeal.[93] Israeli authorities subsequently entered, closed, damaged or took steps to seize a series of UNRWA premises, including schools, clinics, offices and training facilities in occupied East Jerusalem.

[88] UN General Assembly Resolution 302 (IV)

[89] UNRWA (6 October 2021) UNRWA Letter to UNHCR describing the UNRWA mandate and services (22 September 2021).

[90] Arab Center Washington DC. Where do Palestinian refugees live, and how many Palestinians are there in the world today?

[91] UN News (29 January 2025) Israel's new laws banning UNRWA already taking effect.

[92] Library of Congress (29 January 2026) Israel: Law to Cease UNRWA Activities Amended.

[93] UN Secretary-General (31 December 2025) Statement attributable to the Spokesperson for the Secretary-General on the adoption of amendments to the Law to Cease UNRWA Operations by the Knesset of Israel.

Two men stand near fallen cables next to a damaged building at the Jerusalem headquarters of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) as the headquarters is dismantled by Israeli forces, in East Jerusalem, January 20, 2026. REUTERS/Ammar Awad

The International Court of Justice addressed the applicable legal framework in its Advisory Opinion of 22 October 2025. The Court concluded that Israel is obliged to facilitate relief provided by UNRWA and other UN entities in the oPt and to ensure full respect for the privileges and immunities of the UN.[94] It also found that it had not been established that UNRWA, as an organisation, lacked the impartial character required for the purposes of Article 59 of the Fourth Geneva Convention.[95]

Israeli domestic legislation cannot release Israel from these international obligations. To the extent that the Knesset legislation prevents UNRWA from carrying out its mandate, obstructs humanitarian relief or violates the privileges and immunities of the UN, its enactment and implementation are incompatible with Israel's obligations under international law.

The question for the UK is therefore not merely whether continued funding for UNRWA can be defended. It is how the UK will discharge its own obligations – as a UN member state, a permanent member of the Security Council and a party to the Convention on the Privileges and Immunities of the UN, when another Member State obstructs and seeks to dismantle a subsidiary organ of the UN.

[94] International Court of Justice (22 October 2025) Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory, Advisory Opinion

[95] International Court of Justice (22 October 2025) Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory, Advisory Opinion, para. 118.

2.1 UNRWA's mandate is established by the General Assembly

UNRWA derives its mandate from the General Assembly, which established the Agency and has repeatedly renewed its mandate pending a just and lasting resolution of the Palestine refugee question. Its mandate cannot be extinguished or unilaterally displaced by the domestic legislation of a single Member State.

It is legally significant. Measures directed against UNRWA do not concern only the operational presence of a humanitarian organisation. They interfere with the implementation of a mandate conferred by a principal organ of the UN and with the ability of the organisation to carry out its functions.

Article 105 of the UN Charter provides that the organisation shall enjoy in the territory of each Member state such privileges and immunities as are necessary for the fulfilment of its purposes. The convention on the Privileges and Immunities of the UN gives effect to that obligation and provides, among other things, that UN premises are inviolable and that its property and assets are immune from search, requisition, confiscation, expropriation and other forms of interference.

2.2 The Colonna Review

The allegations concerning UNRWA staff members following October 2023 led to an independent review of the Agency's neutrality and safeguards. The review, led by Catherine Colonna, considered allegations concerning the neutrality of UNRWA and the mechanisms in place to ensure compliance with the principle of neutrality. [96]

The Review reported in April 2024 that Israel had not provided supporting evidence for its claim that a significant number of UNRWA employees were members of terrorist organisations, and found that the Agency had a more developed approach to neutrality than comparable UN entities.[97] The UN Office of Internal Oversight Services separately investigated allegations concerning nineteen staff members. In one case, it obtained no evidence supporting the allegation; in nine others, it found the evidence insufficient to support the employees' involvement; and in the remaining nine case, it found that the evidence could indicate that the staff member may have been involved in the attacks of 7 October 2023. UNRWA terminated the employment of those nine staff members.[98]

The Colonna Review is important because it provides a framework for addressing concerns about individual staff conduct and institutional safeguards without treating those concerns as automatically extinguishing UNRWA's legal status or mandate.

[96] UN, Catherine Colonna (2024) Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality – Independent Review on UNRWA.

[97] UN, Catherine Colonna (22 April 2024) Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality.

[98] United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (5 August 2024) Note to correspondents – OIOS investigation of UNRWA

The distinction identified above remains important. There is a difference between:

- Misconduct or terrorism by individual employees
- Institutional failures in neutrality or oversight
- The legal status and mandate of UNRWA as a UN body

The existence of allegations against individual employees does not, by itself, establish that UNRWA as an organisation lacks the impartial character required for the purpose of Article 59 of the Fourth Geneva Convention. Neither does individual misconduct automatically extinguish the mandate given to UNRWA by the General Assembly.[99]

The Colonna Review instead provides a mechanism through which concerns about neutrality and oversight can be addressed through reforms. The UK has supported this process, and the government has welcomed progress in implementing the Colonna recommendations and has confirmed that part of its financial contribution to UNRWA would support the implementation of those reforms.

2.3 The legal position

The legal position therefore requires the status of UNRWA to be distinguished from allegations concerning individual members of its staff.

UNRWA derives its mandate from the General Assembly and its status as part of the UN engages the Convention on the Privileges and Immunities of the United Nations. Its premises and property are therefore subject to the protections provided by that Convention.

Those protections do not mean that individual UNRWA employees are immune from accountability for criminal conduct. Nor do they prevent legitimate investigation of allegations concerning individual staff members. Rather, the protections exist to safeguard the independent functioning of the Organisation.

The ICJ's 2025 Advisory Opinion is important in this respect. The Court considered the position of UNRWA and the allegations concerning its impartiality and concluded that it had not been established that UNRWA, as an organisation, lacked the impartial character required for the purposes of Article 59.[100] The Court also recognised the continuing importance of UNRWA to the humanitarian response. The legal framework therefore does not support treating allegations concerning individual staff members as automatically terminating UNRWA's mandate or removing the legal protections applicable to the Organisation.

The appropriate approach is instead to distinguish between individual responsibility, institutional oversight and the continuing legal status of UNRWA. Where credible evidence exists against an individual employee, that evidence should be investigated and appropriate action taken. At the same time, the existence of individual allegations does not remove the obligations applicable to the provision of humanitarian relief or the protections applicable to UN premises.

[99] United Nations General Assembly (8 December 1949) Resolution 302 (IV): Assistance to Palestine Refugees; United Nations General Assembly (12 December 2022) Resolution 77/123: Assistance to Palestine Refugees.

[100] International Court of Justice (22 October 2025) Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory, Advisory Opinion, para. 118

2.4 Policy recommendations

The UK should therefore maintain its support for UNRWA while requiring continued implementation and independent monitoring of the reforms identified by the Colonna Review. That support should not be presented as a reluctant exception made subject to the Agency repeatedly proving its institutional legitimacy: the mandate exists, the humanitarian need exists, and UK policy should be directed at protecting the Agency's ability to discharge that mandate.

First, the UK should continue to provide financial support for UNRWA's humanitarian operations, recognising the Agency's unique infrastructure and operational capacity in Gaza and the continuing humanitarian need.

Second, UK funding should be placed on a multi-year, predictable footing. The Colonna process has answered the question of institutional neutrality; the UK welcomed its findings and funded their implementation. The UK should say so and should not allow each fresh allegation to reopen conditions that the Review was commissioned to settle. Oversight of the Colonna reforms should continue through the ordinary mechanisms of the Agency and its Advisory Commission, of which the UK is a member, not through the suspension or threatened suspension of funds.

Third, the UK should distinguish clearly between allegations against individual UNRWA employees and the legal status of UNRWA itself. Where credible evidence exists against an individual, the appropriate response is investigation and, where justified, disciplinary or criminal proceedings against that individual. Allegations concerning particular employees should not automatically be used as a basis for withdrawing support from an organisation whose mandate derives from the UN General Assembly and whose humanitarian role has been recognised as indispensable.

Fourth, the UK should continue to emphasise Israel's obligations concerning the protection and inviolability of UN premises and the facilitation of humanitarian relief. The UK's position should be consistent: concerns about neutrality and staff conduct should be addressed through accountability mechanisms, while interference with UN humanitarian operations must remain subject to international legal obligations.

Fifth, the UK should move from defending UNRWA to acting for it. It should call publicly for the repeal of the Knesset legislation and its December 2025 amendments, as the Secretary-General has; it should raise the legislation and the incursions into UN premises at the Security Council as breaches of the Charter and of the 1946 Convention; and it should make clear that an Occupying Power which bans the UN agency serving the occupied population assumes, under Articles 50, 55 and 56 of the Fourth Geneva Convention, the whole responsibility for educating, feeding and treating that population itself, a responsibility Israel has shown no intention of discharging.

UNRWA is not beyond scrutiny, and it has been scrutinised more closely than any other body in the UN system. It has survived that scrutiny. What it cannot survive is the withdrawal of the Member States that created it in the face of a campaign to close it down. The UK's policy should be one of unconditional support for UNRWA's mandate, sustained funding, and active resistance, at the United Nations and bilaterally, to the measures taken against it.

Religious persecution

The religious persecution of Muslim and Christian Palestinians in the occupied Palestinian territory is a central part of Israel's systematic discrimination against Palestinians and the targeted destruction of Palestinian Muslim and Christian heritage sites across the oPt. This persecution takes multiple forms; attacks on and damage to places of worship, interference with their administration and protected status, restrictions on the access of worshippers and clergy, violence, harassment and intimidation by Israeli forces and settlers, and measures that sever Palestinian communities from religious sites central to their spiritual and cultural life.

Although events outside the oPt fall beyond the scope of this briefing, attacks by Israeli forces on Muslim and Christian sites in Lebanon during the same period have also been documented.[101]

These violations have intensified significantly since October 2023. In June 2025, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel concluded that Israeli forces had destroyed more than half of all religious and cultural sites in Gaza. The Commission found that Israeli forces had committed the war crime of intentionally directing attacks against protected civilian objects in relation to some of these sites. It further found that civilians, including children, had been killed while sheltering in schools and religious sites, and that those killings formed part of the crime against humanity of extermination.

Israel's attacks on sites like the Al-Aqsa Mosque Compound and the Ibrahimi Mosque, its intentional fragmentation of the territorial contiguity of the oPt, and the restriction of movement and access to holy sites for Palestinians will be explored in this section in order to highlight the illegality under international humanitarian law of Israel's encroachment upon Palestinian religious and cultural sites across the oPt, which further serves the Israeli policies and practices of apartheid and erasure of Palestinian Muslims and Christians, and what the UK's legal obligations are to prevent and punish such violations under international law.

A view by drone for a cross over the Church of the Nativity through a mosque crescent, on the day of celebrations ahead of Christmas, according to the Eastern Armenian calendar, in Bethlehem, in the Israeli-occupied West Bank, January 18, 2026. REUTERS/Yosri Aljamal

[101] The New Arab (20 April 2026) Destruction of Lebanese Jesus statue is latest in long list of Israel damaging Arab Christian and Muslim religious sites.

3.1 Current situation

Elsewhere in the oPt, the pattern continues. In its June 2025 report, the Commission found that in the occupied West Bank, including East Jerusalem, Israeli authorities have "appropriated, developed and profited from cultural heritage sites representing Palestinian, Jewish and other cultures, forcibly displaced Palestinian residents from those sites, and blocked or severely restricted Palestinians from accessing such sites".[102] Notably, there has also been a stark decrease in the Christian population of Jerusalem in this period.[103]

Attacks on cultural and religious sites also have a deep impact on culture, memories, and religious practice. The targeting of Palestinian Muslims, particularly during the holy month of Ramadan, reflects, as the International Criminal Court (ICC) has found, the "nexus between destruction of cultural heritage and crimes against humanity".[104] The persecution of Palestinian Muslims and Christians vis-à-vis the restricting of access to religious sites and the destruction of those sites is also an extension of the wider Israeli policy of systematic discrimination against Palestinians that has increasingly manifested in the annexation and ethnic cleansing practiced in the oPt by Israel.

As well as increased violence against Palestinian Muslims during Ramadan, there has also been an increase in punitive measures to restrict religious practices associated with Ramadan, Palestinian Muslims are increasingly denied and restricted access to sites like Al-Aqsa Mosque in general, but this has been restricted further for Ramadan.

The status quo at Al-Aqsa: Central to this section is Israel's accelerating violation of the status quo governing the Al-Aqsa Mosque compound. Under that decades-old, internationally recognised arrangement, the entire 144-dunam complex is an exclusively Islamic holy site: non-Muslims may visit but may not pray, and responsibility for access, worship and administration rests with the Jerusalem Islamic Waqf under the custodianship of the Hashemite Kingdom of Jordan, a special role Israel itself recognised in Article 9 of the 1994 Israel-Jordan peace treaty.[105] That arrangement is being dismantled, step by deliberate step, by the present Israeli government.

Palestinian families celebrate Eid al-Adha at the Al-Aqsa mosque, also known to Jews as the Temple Mount, in Jerusalem, May 27, 2026 REUTERS/ Sinan Abu Mayzer

In August 2025 the National Security Minister led Jewish prayers beside the Dome of the Rock, which experts and the Waqf Council described as a turning point in the Status Quo arrangements.[106] In January 2026 the Israeli Prime Minister publicly endorsed his minister's changes, stating that they were coordinated with him, while denying any breach.[107] In March 2026 the Israeli authorities cancelled Friday prayers at the mosque altogether, one of a series of restrictions imposed on Muslim worshippers during Ramadan.[108]

[102] United Nations Human Rights Council (6 May 2025) Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, UN Doc. A/HRC/59/26, para. 93.

[103] Daniel Seidemann (6 August 2026) X.

[104] Al Haq (22 February 2022) Cultural Apartheid, Israel's Erasure of Palestinian Heritage in Gaza.

[105] Middle East Eye (31 March 2026) Al-Aqsa and the Holy Sepulchre: How has Israel undermined the Status Quo?.

[106] Jerusalem Story (16 August 2025) Experts Warn: Israel Is Changing the Long-Standing Status Quo at al-Aqsa Mosque.

[107] Haaretz (5 January 2026) Netanyahu Backs Ben-Gvir Allowing Jewish Prayer at Temple Mount, Denies Status Quo Breach.

[108] Al Jazeera (5 March 2026) Israel cancels Friday prayers at Al-Aqsa Mosque amid Iran conflict.

On 16 August 2026 Israeli police, for the first time, formally authorised Jewish group prayer inside the compound, permitting prayer books to be brought in and organised services to be held. This is an unprecedented, official breach of the status quo, converting what were previously unlawful individual acts into state-sanctioned practice.[109] Arab and Muslim foreign ministers, meeting in emergency session in Amman, have warned that the dismantling of the status quo risks igniting a wider religious confrontation and threatens regional security,[110] and the sustained undermining of Jordan's custodianship strikes at the treaty partner on which the UK relies for stability in the region.[111] The pattern is the one Palestinians have long warned of: the trajectory of the Ibrahimi Mosque in Hebron, divided after 1994, applied to Islam's third-holiest site.

Attacks on Christian Palestinians and Christian sites: The persecution is not confined to Muslims. Attacks on Christians, their clergy and their churches have increased massively over the same period. The Rossing Center's annual report documented a record number of incidents against Christians in Israel and East Jerusalem in 2025, including physical assaults, attacks on church property, harassment of clergy and desecration of Christian symbols, concentrated in the Old City of Jerusalem.[112] The trend is accelerating: the Religious Freedom Data Center recorded 83 attacks between April and June 2026, nearly double the 44 of the first quarter.[113] On Palm Sunday 2026 the Israeli authorities barred the Latin Patriarch of Jerusalem from entering the Church of the Holy Sepulchre, the first time in centuries that the heads of the Church had been prevented from celebrating Palm Sunday there.[114]

The UN Alliance of Civilizations has expressed alarm at the increasing pattern of harassment and violence affecting Christian pilgrims, clergy and Palestinian Christian residents.[115] Church leaders warn that the combination of violence, official indifference and restrictions on worship is driving Christian families to emigrate, threatening the survival of the oldest Christian communities in the world. This is notably evident in Christian Palestinian communities such as Taybeh, where ongoing Israeli state-backed settler terrorism is driving forced displacement, violent attacks, and the destruction of Palestinian land and property.[116] Any UK response to religious persecution in the oPt must therefore address the position of Christian Palestinians alongside Muslim Palestinians, and the protection of Christian holy sites alongside Islamic ones.

[109] Middle East Eye (17 August 2026) Israel allows Jewish ritual at Al-Aqsa Mosque in unprecedented violation of status quo.

[110] Arab News (August 2026) Continued violations of Al-Aqsa status quo could lead to 'catastrophic situation'.

[111] Middle East Eye, Jordan faces existential choice over defence of Al-Aqsa.

[112] Rossing Center for Education and Dialogue (March 2026) Annual Report 2025: Attacks on Christians in Israel and East Jerusalem.

[113] Crux (8 July 2026) 'Disheartening': Attacks against Christians nearly double in Israel, territories, says report.

[114] Religion News Service (10 April 2026) Blocked access to Christian holy site is a symptom of a larger problem.

[115] UN Alliance of Civilizations (May 2026) Press Statement on attacks on Christians in the Holy Land.

[116] Al Jazeera (14 August 2026) Fear and attacks grip Taybeh, the last all-Christian town in the West Bank.

3.2 The position of international law

The deliberate destruction of religious sites and cultural heritage, and restrictions to freedom of movement, the right to freedom of religion, and the right to practice this religion, are prohibited under international law. Any obstruction of these rights contravenes international legal obligations and international human rights law.

As outlined in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights (ICCPR), Article 18, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[117]

As expressed by Article 7(1)(h) of the Rome Statute of the ICC, a crime against humanity is committed when there is an act of persecution against any identifiable group or collectively on religious grounds, that are universally recognised as impermissible under international law, when committed as part of a widespread or systematic attack against the civilian population, with knowledge of the attack.[118]

In 2009, the UN Special Rapporteur on religious freedom, Asma Jahangir stated:

"Places of worship, religious sites and cemeteries have more than a material significance for the religious community attached to them. General Assembly resolution 55/254 calls upon all States to exert their utmost efforts to ensure that religious sites are fully respected and protected as well as to adopt adequate measures aimed at preventing such acts or threats of violence. Furthermore, the General Assembly encourages all States, relevant intergovernmental and non-governmental organizations and the media to promote a culture of tolerance and respect for the diversity of religions and for religious sites, which represent an important aspect of the collective heritage of humankind. The Special Rapporteur would like to emphasize that the concept of collective heritage of humankind could be used more prominently when addressing on a case-by-case basis the intricate questions of how to preserve and protect religious sites."[119]

Similarly, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) states that states parties to the convention undertake to prohibit and eliminate all forms of racial discrimination and guarantee the right to everyone, without distinction to race, colour, national origin, and to equality before the law, notably in respect to the following rights: The right to freedom of thought, conscience, and religion.[120] This treaty was ratified by Israel on 3rd January 1979.

[117] United Nations (10 December 1948) Universal Declaration of Human Rights, Art.18.

[118] Al Haq (22 February 2022) Cultural Apartheid, Israel's Erasure of Palestinian Heritage in Gaza.

[119] Asma Jahangir (12 January 2009) Mission to Israel and OPT – Special Rapporteur on freedom of religion.

3.3 Policy recommendations

In line with the findings of the UN's International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel, the UN Commission, international treaties, and numerous NGO reports, the following policy recommendations are needed to bring the UK in line with its international legal obligations.

First, as a third-party State, the UK must comply with all international legal obligations, namely pertaining to the ICJ Advisory Opinion of July 2024 and the Geneva Convention, and to cease aiding or assisting in the commission of violations.

Second, the UK must explore and enact measures to ensure the accountability of perpetrators of international crimes, grave human rights violations and abuses by Israel and illegal settlers in the oPt.

Third, the UK should state publicly that it rejects any change to the status quo at the Al-Aqsa Mosque compound and at all Islamic and Christian religious sites in Jerusalem, including the formal authorisation of Jewish prayer announced in August 2026, and that it endorses the internationally recognised custodianship of the Hashemite Kingdom of Jordan over the Muslim and Christian holy sites of Jerusalem. That position should be conveyed to Israel bilaterally and stated at the Security Council.

Fourth, the Foreign, Commonwealth and Development Office should report periodically to Parliament on the status of religious sites in the oPt and on violations, restrictions and intimidation affecting worshippers and clergy of all faiths, so that the erosion of the status quo and the persecution of Muslim and Christian Palestinians are placed on the public record and can inform sanctions and other policy decisions.

Fifth, the UK should press for a Security Council resolution providing for international observers to monitor violations of religious rights and of the status quo at the holy sites of Jerusalem and the wider oPt. This should form part of, or run alongside, the protection initiative set out in section 5: a monitoring presence at the holy sites is the minimum the Council can do where the Occupying Power is itself the author of the violations.

Finally, the UK must also apply diplomatic pressure to push for:

- Israel to immediately end the unlawful occupation of Palestinian territory, cease all new settlement plans and activities, and to remove all settlers and settlements as rapidly as possible in compliance with the ICJ Advisory Opinion of July 2024;
- Israel to immediately end attacks targeting cultural, religious and educational institutions, sites and personnel, and ensure full compliance with international humanitarian and human rights law in relation to all the protected sites;
- Israel to ensure respect and protection for the rights to freedom of expression, thought, and religion for Muslim and Christian Palestinians.

[120] United Nations (21 December 1965) International Convention on the Elimination of All Forms of Racial Discrimination.

Arms licences

In September 2024, the government suspended 29 arms export licences to Israel after concluding there was a "clear risk" that certain military items might be used to commit or facilitate serious violations of international humanitarian law in Gaza.[121] This constituted fewer than 10 percent of extant UK arms export licences to Israel. A further six licences were subsequently suspended or amended as additional information emerged. The UK continues to licence the export and transfer of military equipment, components and technology to Israel.

Notably, components for the multinational F-35 programme were excluded from the suspension, except where exported directly to Israel for Israeli use.[122]

As of 28 February 2026, the government reported 203 non-suspended extant military licences involving Israel. Of these, 68 listed the Government of Israel as an end-user or potential end-user, including licences connected to the global F-35 programme.[123] The central legal and policy question is therefore no longer whether the government recognises a serious IHL risk, for it has already concluded that the relevant threshold is met for certain military exports.

4.1 Domestic export-control framework

UK strategic export controls are principally established through four distinct areas:

- The Export Control Act 2002;
- The Export Control Order 2008;
- Legislation governing dual-use goods and technology; and
- The Gov's Strategic Export Licensing Criteria (SELC).[124]

The Export Control Act provides the statutory basis for the UK's export controls. Section 9 requires the Secretary of State to issue guidance on the principles governing licensing decisions.[125]

Criterion One of the Strategic Export Licensing Criteria (SELC) requires respect for the UK's international obligations, including its obligations under the Arms Trade Treaty (ATT).[126]

This underscores that export licensing must be exercised consistently with international law. Most directly relevant to Gaza is Criterion Two(c), which states that the government will "not grant a licence" where it determines there is a "clear risk" that the items might be used to commit or facilitate a serious violation of international humanitarian law.[127]

[121] Gov UK (2 September 2024) Summary of the IHL process, decision and the factors taken into account.
[122] Gov UK (2 September 2024) NTE 2024/20: suspension of licences for Israel.
[123] Gov UK (20 April 2026) Israel export control licensing data: 28 February 2026.
[124] Gov UK (2002) Export Control Act 2002.
[125] Ibid., Section 9.
[126] UK Parliament, (8 December 2021) Trade Policy Update.
[127] Ibid.

4.2 Arms Trade Treaty

The UK is a State Party to the Arms Trade Treaty (ATT), which creates legally binding obligations governing international transfers of conventional arms and related items.[128] Articles 6 and 7 are particularly relevant to UK arms licensing.

Article 6 sets out circumstances in which a State Party **must not authorise** a transfer, including where:

- Article 6(2): the transfer would breach relevant international obligations; or
- Article 6(3): the State has knowledge that the arms would be used to commit genocide, crimes against humanity, or certain war crimes.

Where Article 6 does not prohibit a transfer, Article 7 requires the exporting State to assess whether the arms could contribute to or undermine peace and security, or could be used to commit or facilitate serious violations of international humanitarian or human rights law. The State Party must also consider whether measures could be adopted to mitigate the identified risks. If, after conducting that assessment and considering available mitigation measures, the exporting State determines that there remains an "overriding risk" of any of the adverse consequences identified in Article 7(1), it must not authorise the export.

A view of the destroyed roof of a vehicle where seven employees from the World Central Kitchen (WCK), including three British nationals, were killed in an Israeli airstrike, according to the NGO as the Israeli military said it was conducting a thorough review at the highest levels to understand the circumstances of this "tragic" incident, amid the ongoing conflict between Israel and Hamas, in Deir Al-Balah, in the central Gaza, Strip April 2, 2024. REUTERS/Ahmed Zakot

[128] United Nations (2 April 2013) Arms Trade Treaty.

4.3 Policy recommendations

To align UK policy with its obligations under IHL and the Arms Trade Treaty, the government should:

First, suspend all remaining arms export licences to Israel, and revoke or suspend licences where items could be used in military operations in Gaza and across the oPt or contribute to serious IHL violations, rather than restricting only specific categories of equipment.

Second, close the F-35 loophole, and suspend licences for F-35 components entering the global supply chain where UK-origin components could ultimately support Israeli military operations. Despite the government's repeated claims that suspending licences for F-35 components would have a 'profound impact on international peace and security', there were almost no details outlining the reasoning behind this assessment in the Al-Haq case. The US is the UK's main partner in the F-35 programme; it has been the largest exporter of arms to Israel since the beginning of the genocide and has provided unwavering military support. Thus, it would seem that domestic policy enshrined in the Strategic Arms Export Licensing Criteria can be overridden, when UK foreign policy is determined by its reliance on the US.[129]

Finally, apply the legal test consistently and transparently, and urgently review all remaining and indirect Israel-related licences against the Strategic Export Licensing Criteria and ATT, taking account of new evidence and potential end-use, and to publish the basis for these decisions and ensure meaningful parliamentary oversight.

A Palestinian man inspects a destroyed car, which Palestinians say was burned by Israeli settlers last night, in Jalud, near Nablus, in the Israeli-occupied West Bank, August 4, 2026. REUTERS/Mohammed Torokman

[129] Campaign Against Arms Trade (13 November 2025) CAAT STATEMENT: COURT OF APPEAL REFUSES AL-HAQ PERMISSION TO APPEAL REGARDING ARMS LICENCES TO ISRAEL.

Protection of Palestinian civilians in the West Bank

The four areas above concern the UK's own conduct. This section concerns what the UK should now do at the United Nations Security Council.

Palestinians in the occupied West Bank have no protection. The power obliged by law to protect them is the power from which they need protecting, and the Security Council is the UN organ with primary responsibility for international peace and security and the power to impose binding measures under Chapter VII. The UK is a permanent member of the Security Council.

5.1 There is no existing protection

Under Article 43 of the Hague Regulations and Article 27 of the Fourth Geneva Convention the Occupying Power must ensure public order and safety and must protect the occupied population against violence.[130] The International Court of Justice found in 2024 that Israel had systematically failed to prevent or punish settler violence and that the coercive environment so created is contrary to the prohibition of forcible transfer.[131]

The evidence set out in the introduction shows that failure has since become participation: attacks carried out with soldiers present, settler reservists assigned to regional defence battalions with wide autonomy, rapid response squads armed by the National Security Ministry, and government money for the outposts from which attacks are launched.[132] The Palestinian Authority, with $6 billion in clearance revenues withheld by Israel, is described by the UN Deputy Special Coordinator as on the brink of collapse; it cannot police Area A, still less Areas B and C, where most attacks occur.[133]

The one international protective presence that did exist, the Temporary International Presence in Hebron, established following Security Council resolution 904 (1994) after the massacre by a US-Israeli settler of dozens of Palestinian Muslims at the Ibrahimi Mosque, was terminated by Israel in January 2019 when the Prime Minister refused to renew its mandate.[134] A Security Council statement expressing regret, which would have recalled Israel's obligation to protect the Palestinian civilian population, was blocked by the United States.[135] OCHA recorded an increase in settler harassment in Hebron in the months that followed.[136] Since then the burden of protection has fallen on Palestinian villagers keeping night watches with torches, on a handful of Israeli and international volunteers, and on humanitarian agencies whose own premises are entered by Israeli forces.[137]

[130] Hague Regulations (1907), Article 43; Geneva Convention (IV), Article 27.

[131] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion.

[132] Human Rights Watch (20 August 2026) West Bank: Israel-Backed Settler Violence Drives Displacement.

[133] United Nations (11 August 2026) With West Bank Settler Violence at New High, Security Council Speakers Demand Accountability, Full Implementation of Resolution 2803 (2025), SC/16430.

[134] OCHA (2019) Israel terminates TIPH operations in H2: Further shrinking of humanitarian space leaves residents facing increased protection risks.

[135] Al Jazeera (7 February 2019) US blocks UN Security Council statement on Hebron monitors.

[136] OCHA (2019) Israel terminates TIPH operations in H2: Further shrinking of humanitarian space leaves residents facing increased protection risks.

[137] Human Rights Watch (20 August 2026) West Bank: Israel-Backed Settler Violence Drives Displacement.

That is not a tenable position in law or in fact. The law places the primary duty of maintaining public order and protecting the occupied civilian population upon the Occupying Power. It is legally and practically inadequate to shift that protection burden onto individual Palestinian civilians. International humanitarian law places primary responsibility for maintaining public order and protecting the occupied civilian population on the Occupying Power. That responsibility cannot be transferred to individual Palestinian civilians or treated as discharged by leaving communities to organise their own protection. Where the Occupying Power fails to protect the occupied population and effective international protection is absent, the guarantees of the Fourth Geneva Convention risk existing on paper only.

5.2 The Security Council and the UK's position

The Council has acted on this before. Resolution 904 (1994) called for measures to be taken to guarantee the safety and protection of Palestinian civilians throughout the occupied territory, including a temporary international or foreign presence.[138] Resolution 2334 (2016) called for immediate steps to prevent all acts of violence against civilians and demanded that Israel cease all settlement activity.[139] Resolution 2803 (2025) endorsed the Comprehensive Plan to End the Gaza Conflict and the New York Declaration, whose premise is that there shall be no annexation and no displacement.[140] In the Council on 11 August 2026 the UK described settler attacks carried out alongside IDF personnel as appalling and recorded an 80 per cent increase in settlements in four years.[141] The UN Human Rights Office has said that third States must act urgently and in unison.[142] The Court has said that States must cooperate to bring the unlawful situation to an end.[143]

Condemnation in the Council is not cooperation to bring the situation to an end. What is missing is an initiative, and the UK is placed to lead it. It holds a permanent seat; it recognised the State of Palestine in September 2025; it has imposed sanctions in concert with partners; its Foreign Secretary has said that Britain will not stand back; and it voted for resolutions 904 and 2334. It has the standing to table a resolution and the partnerships, with France and with the Arab Group, to build support for one.

A resolution may face a veto. That is not a reason for not tabling it. A vetoed resolution carried by a clear majority establishes the position of the Council's membership, triggers a General Assembly debate under resolution 76/262,[144] opens the way to action under the Uniting for Peace procedure, and records which State prevented protection from being extended to a civilian population under occupation. A resolution that is never tabled establishes nothing.

[138] United Nations Security Council (18 March 1994) Resolution 904 (1994).

[139] United Nations Security Council (23 December 2016) Resolution 2334 (2016).

[140] United Nations Security Council (2025) Resolution 2803 (2025).

[141] United Nations (11 August 2026) With West Bank Settler Violence at New High, Security Council Speakers Demand Accountability, Full Implementation of Resolution 2803 (2025), SC/16430.

[142] UN News (29 July 2026) UN warns West Bank settler violence hits 'all-time high' as calls grow to end occupation.

[143] International Court of Justice (19 July 2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion.

[144] United Nations General Assembly (26 April 2022) Resolution 76/262, Standing mandate for a General Assembly debate when a veto is cast in the Security Council.

5.3 Policy recommendations

First, the UK should table, or co-sponsor with like-minded members, a Security Council resolution on the protection of Palestinian civilians in the occupied West Bank. The resolution should determine that the situation constitutes a threat to international peace and security; demand that Israel comply with its obligations under Article 43 of the Hague Regulations and Article 27 of the Fourth Geneva Convention, halt settler violence and prosecute those responsible; request the Secretary-General to present options within thirty days for an international civilian protection and monitoring presence in the West Bank, comprising civilian observers with accompaniment and evidence-preservation functions, and with a monitoring, reporting and protective mandate; and establish regular reporting to the Council on settler violence, displacement and settlement expansion.

Second, in parallel, the UK should convene with France and other European and Arab partners a contact group on protection in the West Bank to prepare the personnel and financial commitments that a protective presence would require, so that a mandate, once adopted, can be deployed without delay. The States that contributed to the Hebron mission stated in February 2019 that they were prepared to continue it if asked.[145] That offer should be revived and widened.

Third, if the resolution is vetoed, the UK should take the matter to the General Assembly under the veto initiative and support a resolution of the Tenth Emergency Special Session recommending the establishment of a protective presence and calling upon Member States to contribute to it. In parallel, and without waiting for the outcome of proceedings in New York, the UK should pursue with willing States, the United Nations, the Palestinian authorities and relevant humanitarian organisations an interim international protective-presence and monitoring arrangement consistent with international law, while continuing to seek Security Council authorisation for a more comprehensive mechanism.

Fourth, the UK should strengthen the protection that exists on the ground now, by increasing its support for the West Bank Protection Consortium and for protective presence organisations, and by instructing the British Consulate-General in Jerusalem to maintain a regular monitoring presence in the communities at greatest risk of displacement, so that attacks are witnessed and recorded by the representatives of a permanent member of the Security Council.

Finally, the UK should make clear, in tabling the resolution, that the protection of civilians under occupation is not a matter for negotiation with the Occupying Power. Israel's consent is not required for the Council to act under Chapter VII; it was not required for resolution 904. A presence that depends on Israeli renewal every six months, as the Hebron mission did, is a presence that can be ended the moment it becomes effective. The mandate should come from the Council and be answerable to it.

[145] Government of Norway (1 February 2019) Joint statement by the Foreign Ministers of the TIPH contributing countries.

Israeli soldiers stand on rubble in Rafah in the southern Gaza Strip, December 8, 2025. REUTERS/Nir Elias REUTERS EDITOR'S NOTE: PHOTOGRAPHS WERE REVIEWED BY THE IDF AS PART OF THE CONDITIONS OF THE EMBED. NO PHOTOS WERE REMOVED

British nationals serving in the IDF

As of March 2025, 2069 people holding British nationality were reported to be serving in the Israeli Defense Forces (IDF) following the commencement of Israel's assault on Gaza in October 2023. This information was brought to light by a Freedom of Information (FOI) request issued to the IDF by lawyer Elad Man from the NGO Hatzlacha.[146] The government's failure to collect this data and track the movement of potential war criminals raises serious concerns; the revelation highlights a troubling gap in the legal system and raises a question for the British authorities, which have been unsuccessful in making any such prosecutions. Individuals suspected of involvement in war crimes must be investigated and held to account – irrespective of nationality. Additionally, the government's position on Ukraine should be applied to its position on Israel – the government should make it clear that dual British-Israeli nationals are not exempt from UK law.

6.1 Current legal position

When considering the legal implications, three issues must be kept distinct: whether service by a British national in the IDF is prohibited under UK law; whether a British national may incur individual criminal responsibility for conduct committed while serving in the IDF; or whether the UK's current investigative and prosecutorial framework provides an effective mechanism for accountability where credible allegations arise.

International criminal law is concerned with individual conduct and individual modes of liability. [147] So, the central issue in this context is therefore one of accountability and regulatory adequacy: whether existing British law can address both participation in foreign armed forces and allegations of international crimes committed by British nationals abroad.

[146] Declassified (11 February 2026) Over 2,000 Britons served for Israel amid Gaza genocide.

[147] International Criminal Court (17 July 1998) Rome Statute of the International Criminal Court, Article 25.

6.2 The Foreign Enlistment Act 1870

The most important UK statute concerning enlistment in a foreign armed forces is the Foreign Enlistment Act (FEA). [148] Section 4 makes it an offence for a British subject to accept, or agree to accept, a military or naval position in the service of a foreign State without a licence from the Crown, if that foreign State is at war with another foreign State that is at peace with the Crown.

The FEA was enacted in 1870 to regulate British neutrality in conflicts between foreign states. Its language and structure therefore reflect 19th-century conceptions of nationality, statehood and interstate warfare. This creates obvious difficulties when applying the statute to modern conflicts, particularly those involving dual nationality, non-State armed groups, contested statehood and contemporary military reserve systems.

6.3 The UK government's pre-recognition of Palestine interpretation

Before September 2025, the UK government took the position that British dual nationals could lawfully serve in the IDF. [149]

In December 2023, the previous Conservative government recognised the right of British nationals with additional nationalities to serve in the armed forces of their other nationality; including British nationals volunteering for the IDF and undertaking national service. [150]

In January 2024 when at least 25,000 Palestinians in Gaza had already been killed – more than one in every 100 people – and more than 8,000 were missing or believed to be buried under rubble,[151] the government was asked specifically about the FEA. Its answer relied on two propositions. First, it stated that section 4 did not expand to enlistment in the forces of a foreign government engaged in "a civil war or combatting terrorism or internal uprisings". Second, it stated that the UK did not recognise the oPt as a State. On that basis, it concluded that the FEA did not apply "in this instance".[152] The answer therefore identified the absence of UK recognition of Palestinian statehood as one part of the government's explanation for the non-application of section 4, alongside its position concerning the types of conflict to which the provision extends.

The government's position on Israel should be set beside its position on Ukraine, adopted in the same period. When British nationals began travelling to fight for Ukraine in February 2022, the Foreign, Commonwealth and Development Office inserted a dedicated section in its published travel advice, headed "British nationals fighting in Ukraine", warning that a person who travels to fight, or to assist others engaged in the war, engages in activities that "may amount to offences under UK legislation" and could be prosecuted on return to the UK.[153] That warning remains in force. It is addressed to all British nationals, and the same page expressly addresses dual British-Ukrainian nationals, noting that they are subject to Ukrainian conscription law in the same way as mono-nationals.[154] An FCDO spokesperson said at the time that anyone travelling to a conflict zone to engage in unlawful activity should expect to be investigated on return.[155]

[148] Foreign Enlistment Act (1807)

[149] UK Parliament Hansard (7 April 2025) Question for Foreign, Commonwealth and Development Office

[150] Ibid.

[151] Al Jazeera (21 January 2024) Gaza death toll surpasses 25,000 as Israel escalates assault.

[152] Politico (5 February 2024) No change in UK policy on recognizing Palestinian statehood, Sunak insists

[153] Gov UK, Ukraine travel advice: Warnings and insurance, section "British nationals fighting in Ukraine" (updated 14 August 2026).

[154] Ibid.

[155] ITV News (4 March 2022) Can British nationals go to Ukraine to fight against Russian troops?.

In January 2025 the Solicitor General, asked specifically about the position of returning volunteers who held dual Ukrainian and British citizenship, sole British citizenship with Ukrainian parents, and sole British citizenship without any Ukrainian connection, confirmed that the travel advice applied to all three categories and that any prosecution would be considered by the Crown Prosecution Service case by case under the Code for Crown Prosecutors.[156] Dual nationality, in other words, is treated for Ukraine as neither a licence nor a defence.

The ministerial answer of January 2024 maintained that the positions of British nationals fighting in Ukraine and in Israel were "not analogous". In explaining why section 4 did not apply, the government relied both on its view that the provision did not extend to foreign forces engaged in civil war, combatting terrorism or internal uprising, and on the fact that the UK did not recognise the oPt as a State.[157]

The latter proposition ceased to be true on 21 September 2025. Recognition did not, by itself, resolve the government's separate position concerning the character of the conflict or the scope of section 4. It did, however, remove one of the express grounds on which the government had previously relied, requiring a fresh and transparent assessment of the Act's application following recognition. By contrast, the FCDO's travel advice for Israel, as current at 21 August 2026, contains no warning of any kind about service in the Israel Defense Forces.[158] A British national consulting the government's own guidance before enlisting would find a warning for Ukraine and silence for Israel. The government has not publicly explained the legal basis for maintaining that distinction following its recognition of Palestine and should be required either to justify it or to adopt consistent guidance.

6.4 UK recognition of the State of Palestine

On 21 September 2025, the UK formally recognised the State of Palestine.[159] This marked a significant change from the position relied upon by the government when it previously stated that section 4 of the FEA did not apply to British nationals serving in the IDF because the UK did not recognise Palestine as a State. Recognition therefore removes one of the central factual premises on which the government had previously relied when explaining why the FEA did not apply.

However, recognition of Palestine does not mean that all subsequent service by British nationals in the IDF automatically constitutes an offence under section 4. The wording of the FEA still requires a number of legal questions to be addressed, including whether the relevant hostilities constitute a "war" between Israel and Palestine for the purposes of the Act, whether the individual falls within the scope of section 4, whether the individual was serving without the required Crown licence, and how dual nationality affects the application of the provision.

[156] UK Parliament (7 January 2025) Written Question 2244, Attorney General: returning British volunteer fighters (Ukraine), answered by the Solicitor General.

[157] UK Parliament (9 January 2024) Written Question 8748, Foreign, Commonwealth and Development Office.

[158] Gov UK, Israel travel advice: Warnings and insurance (still current at 21 August 2026).

[159] UK Government (21 September 2025) UK formally recognises Palestinian State

6.5 Consistency with the Government's approach to Ukraine

The Government should approach dual British-Israeli nationality consistently with the way it already approaches dual nationality and military service in Ukraine. Current FCDO guidance states that dual British-Ukrainian nationals are subject to the same Ukrainian military-conscription laws as Ukrainian mono-nationals,[160] and the FCDO's general guidance likewise recognises that a dual British national may have responsibilities to the State of their other nationality, including compulsory military service.[161]

At the same time, the Ukraine guidance makes a separate point about British criminal law: it warns British nationals that if they travel to Ukraine to fight, or to assist others engaged in the war, their activities may amount to offences under UK legislation and that they could be prosecuted on their return to the UK.[162] **That is the appropriate model for Israel.** The existence of Israeli nationality, or a lawful obligation under Israeli law to perform military service, should not be confused with immunity from British criminal law. No comparable warning appears in the Government's published guidance in relation to service in the Israeli armed forces.

The UK position should therefore be stated in equivalent terms. A dual British-Israeli national may have obligations under Israeli law that the UK does not purport to extinguish. But British nationality remains legally relevant where UK legislation provides extraterritorial jurisdiction over international crimes. If a British national commits, aids, abets or otherwise participates in conduct amounting to an offence within UK jurisdiction, dual nationality and foreign military status do not prevent investigation or prosecution. The distinction the Government draws in relation to Ukraine - between foreign military-service obligations and continuing exposure to UK criminal law - should be made explicit in relation to service in the IDF.

Recognition of Palestine has therefore changed the factual and legal context in which the Government's previous position on section 4 was formulated, without resolving the wider deficiencies of the statutory framework.

6.6 The FEA exposes a legislative gap

The application of the Foreign Enlistment Act 1870 to contemporary foreign military service has recently come into practical focus following the United Kingdom's recognition of the State of Palestine.

In 2026, the International Centre of Justice for Palestinians sought the issue of a summons under section 4 of the FEA in respect of a dual British-Israeli national who had served in the IDF. Westminster Magistrates' Court declined to issue the summons.[163] The proceedings nevertheless brought into sharp focus a wider question which remains unresolved: whether legislation enacted more than 150 years ago provides an adequate framework for British nationals participating in contemporary foreign armed forces.

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[160] Foreign, Commonwealth & Development Office, Ukraine travel advice, section "Dual nationals" (updated 14 August 2026), https://www.gov.uk/foreign-travel-advice/ukraine

[161] Foreign, Commonwealth & Development Office, "Who the FCDO can support abroad", https://www.gov.uk/guidance/who-the-fcdo-can-support-abroad, section on dual nationals (current at August 2026).

[162] Foreign, Commonwealth & Development Office, Ukraine travel advice, section "British nationals fighting in Ukraine" (updated 14 August 2026), https://www.gov.uk/foreign-travel-advice/ukraine.

[163] CrimeLine (8 April 2026), International Centre of Justice for Palestinians v A, https://crimeline.co.uk/internation-centre-of-justice-for-palestinians-v-a-8-april-2026/ 8 April 2026.

The FEA was enacted principally to protect British neutrality in conflicts between foreign States. Its language reflects nineteenth-century concepts of nationality, military service and interstate warfare. It was not designed for the circumstances that governments now routinely confront, including dual nationality, compulsory military service, reserve obligations, modern systems of mobilisation, conflicts involving both States and non-State armed groups, or the relationship between foreign military service and the United Kingdom's jurisdiction over international crimes.

The policy issue is therefore wider than the outcome of any individual case. The present legislation leaves significant questions about the circumstances in which British nationals may enter or continue service in foreign armed forces and about the relationship between such service and continuing obligations under UK criminal law. Those questions have become more important following the UK's recognition of Palestine and should now be addressed expressly by Government and Parliament rather than left to the uncertain application of Victorian legislation.

There is a related and distinct accountability issue. Whether or not service in a foreign armed force is itself lawful, British nationals may remain subject to UK jurisdiction in respect of war crimes, crimes against humanity, genocide and other offences committed abroad. An effective accountability system therefore depends upon the authorities having sufficient information to identify cases in which investigation may be warranted.

The scale of British participation makes this a practical rather than theoretical concern. Information obtained from the IDF indicated that, as of March 2025, 1,686 British-Israeli dual nationals and a further 383 people holding British, Israeli and another nationality were serving in the IDF - a total of 2,069 people holding British nationality.[164]

That information sits uneasily with the UK Government's stated position that it does not systematically track British dual nationals serving in foreign armed forces. The central policy question is therefore whether the United Kingdom has an adequate mechanism for identifying British nationals serving in overseas forces where credible allegations of serious violations of international humanitarian law arise, and for ensuring that cases warranting investigation are identified at an early stage.

The appropriate response is not to presume criminality from foreign military service. It is to ensure that the United Kingdom has a clear, modern and even-handed legal framework governing such service, together with effective mechanisms for identifying and investigating conduct that may fall within UK criminal jurisdiction.

[164] Declassified (11 February 2026), Over 2,000 Britons served for Israel amid Gaza genocide. https://www.declassifieduk.org/over-2000-britons-served-for-israel-amid-gaza-genocide/

6.7 International crimes - a separate basis of liability

The FEA is only one potential legal route. More importantly, British nationals may incur criminal responsibility for international crimes committed abroad, irrespective of whether their underlying military service was lawful.

The International Criminal Court Act 2001 (ICC Act) creates domestic offences corresponding to genocide, crimes against humanity, and war crimes.[165] Section 51 provides a basis for prosecuting relevant conduct within the jurisdiction of England and Wales, including certain conduct committed abroad by British nationals and other persons falling within the Act's jurisdiction.[166]

The Rome Statute makes clear that international criminal responsibility attaches to individuals rather than to military organisations. Liability can arise not only from directly committing a crime, but, where the relevant legal requirements are satisfied, through other forms of participation including ordering, soliciting, inducing, aiding or assisting.[167]

This distinction is particularly important in the context of British nationals serving in the IDF. Membership of the IDF does not itself establish that an individual has committed a war crime, crime against humanity or genocide. Equally, service in the armed forces of another State does not provide immunity from prosecution where an individual's own conduct satisfies the elements of an international crime.

The Geneva Conventions Act 1957 provides an additional route in relation to grave breaches of the Geneva Conventions and Additional Protocol I. Section 1 applies to any person, regardless of nationality, who commits, or aids, abets or procures the commission of, a grave breach.[168] This creates a particularly important jurisdictional basis because liability for these offences is not dependent upon the suspect being a British national.

The legal framework therefore already contains mechanisms capable of addressing serious international crimes committed overseas. The central policy problem is whether those mechanisms are being used effectively where allegations concern British nationals serving in the IDF.

[165] UK Parliament (11 May 2001), International Criminal Court Act (2001)

[166] UK Parliament (2001) International Criminal Court Act 2001, sections 51 and 54.

[167] International Criminal Court (17 July 1998), https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf

[168] Geneva Conventions Act (1957)

6.8 The Met Police War Crimes Team

The UK already has specialist investigative capacity for international crimes. The Metropolitan Police War Crimes Team, within the Counter Terrorism Command, has national responsibility for investigating allegations of war crimes and other core international crimes within UK jurisdiction.[169]

The existence of this specialist team is significant because it means that the UK does not need to create an entirely new investigative structure to address allegations concerning British nationals who have served abroad. The existing framework is capable, in principle, of investigating suspected genocide, crimes against humanity, war crimes and torture committed overseas where the relevant jurisdictional requirements are met.

However, international crimes investigations are inherently complex. Investigators may need to identify a specific suspect, establish the individual's role within an armed force, identify victims and witnesses, obtain evidence from overseas, establish what happened during the relevant military operation and prove the mental element required for the offence. Evidence may be in an active conflict zone or in a State that is unwilling or unable to cooperate with an investigation.

This makes early identification particularly important. If the authorities do not know which British nationals have served, when they served, which units they belonged to or what functions they performed, investigations may only begin after substantial time has passed and potentially important evidence has been lost.

The current approach therefore risks creating a reactive rather than preventative system. The authorities may wait until a specific allegation, named suspect or substantial evidential package is presented before taking action. Yet the scale of British participation in the IDF suggests that a more systematic approach may be necessary.

In a joint campaign with Declassified UK, ICJP has called on the Home Secretary, Shabana Mahmood, and previous Foreign Secretary, Yvette Cooper, to raise concerns about the absence of investigations into British nationals returning to the UK who have served in the IDF.[170]

The policy question is therefore whether the UK has taken sufficient steps to identify individuals where there are credible grounds to believe that international crimes may have been committed. Dozens of UK nationals reportedly live in Israeli settlements in the oPt. The UK Government has stated that it considers Israeli settlements in the oPt illegal under international law. There are also reports that UK diplomats own property in Israeli settlements.[171]

[169] Metropolitan Police (4 March 2022) Met Police War Crimes Team supporting International Criminal Court investigation

[170] Declassified UK (26 May 2026) Nobody wants to live next to a war criminal.

[171] Declassified UK (28 March 2024) REVEALED: OVER 100 BRITONS AMONG ISRAELI SOLDIERS AND SETTLERS.

6.9 Policy recommendations

The UK government should establish a clear and modern framework for British nationals serving in foreign armed forces.

First, the government should clarify the application of the Foreign Enlistment Act 1870 following the UK's recognition of Palestine. The government should publish clear guidance explaining whether and in what circumstances section 4 applies to British nationals serving in foreign armed forces, including the position of dual nationals and reservists.

In practical terms, the government should adopt for Israel the position it has already adopted for Ukraine. The Israel travel advice should carry a section headed “British nationals serving in the Israel Defense Forces” in terms identical to the Ukraine warning: that travelling to serve, or to assist others engaged in the hostilities, may amount to offences under UK legislation and may result in prosecution on return. The advice should state in terms that it applies to dual British-Israeli nationals, including those performing compulsory or reserve service, exactly as the Ukraine advice applies to dual British-Ukrainian nationals. A second nationality is no defence to an offence under the International Criminal Court Act 2001 or the Geneva Conventions Act 1957, and the government’s published guidance should not be allowed to suggest otherwise. The same equivalence should govern investigation: British nationals returning from service in the IDF should face the same expectation of inquiry on return that the FCDO has told Ukraine volunteers to expect, and the Home Office and the Metropolitan Police War Crimes Team should confirm publicly that this is so.

Second, Parliament should review and modernise the FEA. A statute enacted in 1870 is poorly suited to regulating participation in contemporary armed conflicts. Any replacement legislation should clearly distinguish between lawful military service, participation in foreign conflicts and conduct that may amount to an international crime. It should also address recruitment and organised facilitation of foreign military service from the UK.

Third, the government should establish a mechanism for identifying British nationals who serve in foreign armed forces where there are credible allegations of serious violations of international humanitarian law. This does not require treating military service itself as evidence of criminality. Rather, it would allow the authorities to identify cases in which further investigation may be justified.

Fourth, the Metropolitan Police War Crimes Team and Crown Prosecution Service should publish clearer guidance on how allegations concerning British nationals serving in foreign armed forces are assessed. This should include the evidential threshold for opening an investigation, the treatment of evidence obtained from overseas and the circumstances in which information supplied by civil society organisations can trigger further investigation.

Finally, the government should ensure that British nationals are not effectively placed outside the reach of domestic international criminal law simply because the alleged conduct occurred while they were serving in another State's armed forces. Where credible evidence exists that an individual has committed, aided or otherwise participated in an international crime, the fact that they were acting as a member of a foreign military should not prevent investigation or prosecution.

Rather than the issue being whether Britain should criminalise foreign military service, it is whether Britain has an adequate legal and institutional framework to ensure that its nationals cannot use foreign military service as a shield from accountability. The current framework leaves significant uncertainty over the legality of enlistment while relying on investigative mechanisms that may struggle to identify potential suspects in the first place. The combination of the FEA's age, the government's failure to systematically track British participation, and the practical difficulties of investigating international crimes demonstrates the need for Parliament and the government to close this accountability gap.

Conclusion

The legal analysis demonstrates that the UK already has several legal obligations and mechanisms relevant to its conduct in relation to Israel and the oPt. The central issue is therefore whether existing laws, obligations, and institutional mechanisms are being applied effectively to ensure accountability and compliance with international law. This question is also increasingly reflected in political opinion within the Labour Party. Regarding settlements, recent polling has found substantial majorities of Labour members supporting stronger government action. Recent polling commissioned by Save the Children UK, Christian Aid and Medical Aid for Palestinians found that 62% of Labour Party members were dissatisfied with the government's approach to the oPt, while 78% supported suspending all UK arms exports to Israel and 87% supported banning trade with illegal Israeli settlements.[172] Additionally, at the 2025 Labour Party Conference, the UK's largest trade union, Unison, passed an emergency motion calling on the Labour government to "employ all means reasonably available to it to prevent the commission of genocide in Gaza" and to "fully suspend the arms trade with Israel and the UK-Israel trade and partnership agreement". Those present argued that the motion should have prompted the Labour government to acknowledge and act upon the findings of the UN Commission of Inquiry, which concluded that "genocide is occurring in Gaza and is continuing to occur".[173]

In relation to British citizens serving in the IDF, UK law does not establish that military service itself constitutes criminal conduct. However, British nationals remain potentially liable for international crimes committed abroad, including where such conduct occurs while serving in a foreign armed force. The difficulties surrounding the Foreign Enlistment Act 1870, together with the government's lack of comprehensive information about British nationals serving in the IDF, expose a wider gap between the existence of potential jurisdiction and the UK's ability to identify and investigate cases in which criminal liability may arise. Strengthening investigative and accountability mechanisms is therefore crucial to ensure that the UK's legal obligations can operate effectively in practice.

The position of UNRWA similarly demonstrates the importance of maintaining a distinction between individual allegations and the legal status of an international organisation. UNRWA was established by the UN General Assembly, and its work and premises are protected by the legal protections given to the United Nations. Allegations concerning individual staff members must be investigated and addressed where appropriate, but they do not take away UNRWA's mandate or remove the obligations applicable to humanitarian relief, which is of the utmost importance as the genocide continues to unfold in Gaza. The Colonna Review provides a mechanism for strengthening neutrality and accountability while allowing UNRWA to continue fulfilling its humanitarian role.

The UK's arms export regime presents a further example of the tension between legal obligations and their practical application. The government has itself determined that there is a clear risk that certain military items might be used to commit or facilitate serious violations of international humanitarian law; that is the government's own repeated, published assessment. Yet substantial numbers of military licences involving Israel remain in place, including licences connected to the F-35 programme. The political significance of this position is heightened by polling showing that a clear majority of Labour members support suspending UK arms exports to Israel, including F-35 components.

The same tension can be seen in relation to economic activity connected with Israeli settlements. The government has taken steps to impose sanctions on individuals and companies associated with settler violence and has strengthened guidance concerning economic activity in Israeli settlements. However, these measures have fallen short of introducing a comprehensive ban on trade with illegal settlements.

[172] Save the Children (3 June 2026) New poll shows overwhelming majority of Labour members support a full arms export ban to Israel, illegal settlement trade ban

[173] The Guardian (29 September 2025) Labour conference backs motion saying Israel is committing genocide in Gaza.

This is significant given that nearly 80% of Labour members show support for a ban[174] and the support expressed by a significant number of Labour MPs, with more than 140 Labour MPs backing a complete ban on trade with illegal Israeli settlements.[175] The case for banning trade with Israeli settlements should not be framed solely as a response to settler violence. The underlying legal concern is that the settlements themselves are unlawful under international law. Sanctioning individual settlers for acts of violence addresses only one aspect of the problem, while leaving the wider settlement enterprise and the businesses that sustain it largely untouched. If the objective is to prevent the continued expansion and consolidation of unlawful settlements, measures targeting the wider illegal settlement economy are essential.

Across all areas, a common concern emerges: the existence of legal rules does not by itself guarantee compliance or accountability. Effective implementation requires the government to identify risks, investigate credible allegations, and ensure that policies are consistent with domestic and international legal obligations.

The UK needs to strengthen the mechanisms through which these obligations are implemented. This includes modernising the legal framework governing British participation in foreign armed forces where war crimes have been committed; ensuring the effective investigation of credible allegations of international crimes; maintaining safeguards to enable UNRWA to carry out its work; and implementing a complete ban on arms exports to Israel and trade with the illegal settlement economy, consistent with the UK's international obligations. The government's willingness to impose targeted sanctions against actors connected to settler violence demonstrates that such mechanisms can be deployed where there is political will.

The assault on the religious status quo in Jerusalem requires its own conclusion. The formal authorisation of Jewish prayer at Al-Aqsa in August 2026 marks the collapse, by official act, of an arrangement that has held since 1967 and on which the stability of the region and the position of Jordan depend, and it has been accompanied by a doubling of attacks on Christian Palestinians and their churches. The UK should reject any change to the status quo at the Islamic and Christian holy sites of Jerusalem, endorse the Hashemite custodianship, require the FCDO to report periodically on violations, and seek international observation of the holy sites through the Security Council. A government that stays silent while the status quo is dismantled will share responsibility for what follows.

Two further conclusions follow from the introduction and from section 5. The first concerns timing. The measures recommended in this briefing are not measures for after the Israeli election of 27 October 2026; they are measures made urgent by it. The present government is using the weeks before the vote to create facts on the ground, in E1 and across the West Bank, that are designed to outlast it, and the UK's obligations under the Court's Opinion of July 2024 are not suspended while it waits to see who forms the next coalition. The second concerns protection. Every measure in this briefing addresses the conduct of the UK and of Israel; none, on its own, puts a single observer between a Palestinian family and the settlers who come for their land at night. That is what a Security Council mandate for a protective presence would do, and the UK, as a permanent member that has recognised Palestine and condemned what is happening, is the member best placed to propose it.

Ultimately, the UK's response should be guided by a consistent principle: international law must apply in practice as well as in principle. Where the government has identified a legal obligation or a serious risk of unlawful conduct, there must be effective mechanisms to ensure that the obligation is acted upon. The substantial support among Labour members and MPs for stronger measures adds political weight to the argument for more effective implementation. The credibility of the UK's commitment to international law depends on its willingness and capacity to give effect to those obligations.

[174] The New Arab (8 June 2026) Nearly 80% of Labour members back UK sanctions on Israel over Gaza

[175] Labour List (8 June 2026) Over 140 Labour MPs call for trade ban on illegal Israeli settlements

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