



THREE PRACTICAL STEPS  
TOWARDS SUPPORTING  
A JUST FUTURE

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**POLICY BRIEFING**

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JUNE 13, 2023

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Dear Policymaker,

May 15th 2023, marked 75 years of dispossession, subjugation, and exile of the Palestinian people. In Arabic, the Nakba (catastrophe) most often refers to the period between 1947 and 1949, during which approximately 750,000 women, men and children were permanently forced out of their homes and homeland, while thousands were killed, and the State of Israel was created on the land of those dispossessed.

Three quarters of a century later, we are further than ever from a just resolution. The Nakba continues in the form of daily killings, injuries, and incarceration of Palestinians, forced expulsions and home demolitions, repeated bombardments of a captive population in Gaza, severe discrimination against Palestinians with Israeli citizenship, attacks on human rights defenders working to hold Israel to account, and the ongoing denial of the right of millions of Palestinian refugees to return to their homes.

This year also marks 75 years of failed approaches to resolving the ongoing injustice. It is beyond time to interrogate a flawed framing of the situation that obscures its root causes and allows for partial approaches, the dehumanisation of Palestinians, the selective application of international law, and the erasure of our collective rights. A fresh approach, adhering to common principles and international standards is essential.

The purpose of this policy brief is to provide some key insights and recommendations based on broad Palestinian consensus. It draws upon the expertise and experience of Palestinian lawyers, academics, policy professionals, and human rights defenders in Palestine, the UK and elsewhere. It is designed with busy policymakers in mind and specifically for the UK context, although we hope it will be useful as a resource for other audiences too. It is not intended to be an exhaustive analysis, but rather to provide a solid starting point for future policymaking.

Given the UK's historic role, the issue of Palestine may be uncomfortable for British policymakers, but it is not as complicated as is often made out. There are real, concrete and meaningful actions policymakers can take to support a just outcome. Below we outline three practical steps, with concrete recommendations for each one.

At this juncture, the UK has an opportunity to play a critical role in helping realise a just future.

Yours Sincerely,  
The British Palestinian Committee

## I. RECOGNISE THE ROOT CAUSES AND ONGOING DRIVERS OF THE PROBLEM

The international community has systematically failed to hold Israel accountable, thus enabling its impunity and permitting its settler colonial endeavours.” (1)

- Francesca Albanese, UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967

### 75 years of failed approaches

**1.** For decades, dominant political discourse, in the Global North, has situated the issue of Palestine within a ‘conflict paradigm’. Within this paradigm, Palestinians and Israelis are conceived of as two peoples or ‘sides’ in an age-old, ethno-national and/or religious conflict over land.

**2.** This conflict framing fails to take into account key historical facts and identify root causes - in particular the settler colonial nature of the Zionist project from its inception in the late 19th century and the mass dispossession of Palestine’s indigenous population, which prefaced the creation of the State of Israel in 1948. This has resulted in 75 years of flawed or partial approaches from the international community.

*(1) Albanese, F. (2022) Situation of human rights in the Palestinian territories occupied since 1967, United Nations. Available at:*

*[https://www.un.org/unispal/wp-content/uploads/2022/10/A.77.356\\_210922.pdf](https://www.un.org/unispal/wp-content/uploads/2022/10/A.77.356_210922.pdf)*

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**3.** The Oslo Accords, once hailed as the path to peace, are now widely understood not only to have failed, but to have entrenched injustice.

Several key factors led to the failure of the Oslo process, including the failure to address the deep asymmetry between the occupier and occupied, the postponement of core issues - not least the rights of millions of Palestinian refugees - and the exclusions of provisions that might lead to Palestinian self-determination. Oslo created a false notion of parity between Israel and the PLO as negotiating partners, subordinated human rights and the rule of law to a political process designed to achieve Israel's long term strategic goals, and fed into the notion of a zero sum game - the idea that Israel will lose out if Palestinian rights are upheld - thereby conditioning universal human rights on the will and whim Israel.

**4.** None of these underlying assumptions or circumstances have improved since the mid-90s. As Israel has continued to colonise Palestinian land and become more explicit about its expansionist goals, the rhetoric of Oslo and its humanitarian, economic and people-to-people approaches - requiring the occupied to come to the table while they continue to be oppressed - has become further entrenched.

**5.** A truly pragmatic and effective approach - grounded in the facts as they are rather than the illusion of 'peace-building' - must go beyond 'managing' the supposed 'conflict', as this approach has persistently failed to address root causes or uphold the rights of Palestinians. Genuine, practical steps towards a just future will require a paradigmatic shift; without an approach that is grounded in historical fact and current reality, there will be no realistic hope of making progress towards peace and justice.

### **Acknowledging the reality today**

**6.** Despite consensus on the illegality of Israel's settlement enterprise, the entrenchment of occupation, de facto and de jure annexation, and ongoing policies of dispossession and violations of international law, the international community's current approach has enabled Israel's impunity and emboldened the advancement of its settler colonial project.

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**7.** At the same time, successive Israeli governments have established a complex system of discriminatory laws, policies and practices through the entirety of the land between the River Jordan and the Mediterranean Sea, which Palestinian, Israeli, and international human rights organisations (most recently Amnesty International and Human Rights Watch), as well as the UN Special Rapporteur, have documented as meeting the legal definition of apartheid. In a context where a flawed understanding of the reality has played a huge role in the failure to reach a just resolution, accurate application of terminology is essential in order to address the daily structural violence to which Palestinians are subjected.

**8.** There is no 'status quo'. Successive Israeli governments have, through settlements and other policies, worked persistently to expand control and to eliminate Palestinian rights. Israeli laws, such as the Nation State law of 2018, have confirmed unequivocally that Israel is not a state of all its citizens, while its continued military rule over millions of Palestinians contradicts claims of being a genuine democracy. While decades of impunity have led to the most extreme Israeli government of the country's 75 year history - which is guided by an explicitly stated principle of territorial expansion from the Mediterranean Sea to Jordan River - focusing on this particular coalition will not address the core issues.

### **Britain's role - past and present**

**9.** Britain bears deep and particular historical responsibility for the current reality. As the colonial power in Palestine between 1917 and 1948, Britain laid the groundwork for the mass dispossession of the Palestinian people during the Nakba. Committed to implementing the Balfour Declaration and establishing a national home for the Jewish people in Palestine, in disregard of the presence and wishes of the native majority, Britain worked to facilitate mass European settlement, to crush Palestinian resistance and to undermine the possibility of Palestinian self-determination.

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**10.** Despite Britain's historical role in undermining Palestinian self-determination and contributing to the apartheid reality we now face in Palestine, few efforts have been made by successive UK governments to appraise and address this injustice. On the contrary, in recent years, the UK has increasingly adopted positions that have not only sought to protect Israel from international accountability and endorse its defense of apartheid policies by appeal to Israeli national security, but to moreover, reward its gross violations of Palestinian rights.

### RECOMMENDATIONS:

**Ensure that public statements reflect the reality on the ground** including the daily structural violence of military occupation and deeply asymmetrical relationship between Israel and the populations under its control. Avoid language such as 'clashes', 'both sides', or 'cycle of violence', which serve to obscure the power dynamics, reality and root causes of the situation.

**Take appropriate and effective action in response to the ever growing and weighty body of evidence concluding that Israel's laws, policies and practices meet the legal definition of apartheid.**

**Take a comprehensive approach that actively supports the national, collective and individual rights of Palestinians** including the right to self-determination and the right of return, beginning with public statements affirming this support and through UK voting at the UN.

## II. ANCHOR BRITISH POLICYMAKING IN UNIVERSAL PRINCIPLES, INTERNATIONAL MECHANISMS, AND RULE OF LAW

“Rule of law and institutional reform cannot start with a “clean slate”. Understanding the patterns of past human rights violations and ending impunity for the worst violations are indispensable for successful transformative processes.” (2)  
– Navanethem Pillay, former United Nations High Commissioner for Human Rights

### The role and application of international mechanisms

**11.** International mechanisms are designed to uphold universal principles, standards, and the rule of law. Under this global system, states have duties and obligations to uphold international law and address violations wherever they occur.

**12.** In the case of Palestine, decades of well-documented violations and resolutions testify to the prolonged and belligerent nature of Israel’s occupation, its ongoing project of illegal settlement, and associated human rights abuses. Despite the UK’s stated policy regarding settlements, repeated rhetoric in support for the Palestinian people’s right to self-determination, and its own international legal obligations (as set out succinctly in the 2004 International Court of Justice Advisory Opinion), the operative policy of the UK has been one of selective application when it comes to Israel, in many cases actively shielding Israel by voting against resolutions seeking to uphold Palestinian rights.

(2) Pillay, N. (2012) *Establishing effective accountability mechanisms for human rights violations*, United Nations. Available at:

<https://www.un.org/en/chronicle/article/establishing-effective-accountability-mechanisms-human-rights-violations>

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**13.** Individual states also have access to a series of diplomatic tools that can be employed in order to promote values and rights in their bilateral relations, and conversely oppose human rights abuses by other state actors. Russia's 2022 invasion of Ukraine provides a timely example of how Western diplomatic pressure can be applied in a situation of acquisition of territory by force; the UK's response includes a range of sanctions against Russia as the occupying power, and clear support for the Ukrainian people's right to self-defence.

**14.** Yet, UK policy has not only served to shield Israel from accountability but reward violations and abuses with even greater support, as starkly demonstrated by the 2030 roadmap for UK-Israel bilateral relations released in March 2023.

**15.** The UK has an opportunity to make a positive contribution to international peace and cooperation by negotiating diplomatic relationships based on respect for human rights and the rule of law. The importance of moving away from double standards and a politics of short-term self-interest is not only a matter of justice, but of credibility. Singling out Israel for preferential treatment can only serve to further damage UK credibility on the international stage while actively prolonging the devastating realities of Israel's violations for the millions of Palestinians under its rule, as well as those in exile.

### **From obstruction to support**

**16.** If the goal of British policymakers is to support a just and peaceful outcome based in international law, whatever form that outcome is to take will require policies grounded firmly in accountability for any party who violates international law.

**17.** Current UK policy is not only failing to support accountability but actively limiting those who are seeking it, whether through voting against resolutions at the UN, promoting domestic legislation limiting the ability of public bodies to make ethical choices as regards human rights abuses perpetrated by Israel (or indeed any other country or regime), making public statements conflating criticism of Israel with anti-semitism, or otherwise seeking to silence those calling for Palestinian freedom across the entirety of the territory under Israeli control.



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**18.** These worrying trends reflect affinity with Israel's policies criminalising human rights organisations doing crucial work to monitor and expose human rights violations, outlawing expressions of Palestinian identity, and dehumanising Palestinians. Without immediate review, UK policy will continue to be actively complicit in violations and contribute to a worsening situation on the ground.

### **RECOMMENDATIONS:**

#### **Ensure British policy upholds the UK's obligations under international law and its commitment to human rights**

- Any free trade agreement must require Israel to cease its human rights violations, end its occupation and annexation of Palestinian territory and otherwise comply with international law.
- End the import of products from Israeli settlements and regulate companies domiciled in UK jurisdiction in a manner that prohibits companies operating in settlements or trade in settlements goods.
- Suspend the direct and indirect supply, sale or transfer, of all weapons and other military and security equipment to Israel, including the provision of training and other military and security assistance.
- Exercise universal jurisdiction in investigating any person under UK jurisdiction who may reasonably be suspected of committing crimes against humanity or other crimes under international law.

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### RECOMMENDATIONS:

#### **Support international bodies and mechanisms for universal justice, while ending the practice of defending Israel from the consequences of violating international law**

- Support the International Criminal Court in its investigation of all alleged war crimes committed in the region and beyond.
- Support ICJ Advisory Opinion on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem”.
- Assist the [UN Independent Commission of Inquiry on the Occupied Palestinian Territory](#), including East Jerusalem, and in Israel.
- Reconstitute the UN Special Committee against Apartheid and the UN Center Against Apartheid.
- Vote at the Human Rights Council in support of tackling violations wherever they occur and upholding the inalienable rights of the Palestinian people.
- Utilise the UNHRC database as a tool to facilitate the implementation of measures under UNSCR 2334, including engaging with businesses domiciled within their jurisdiction which contribute to and profit from Israel’s unlawful settlement enterprise.
- Restore UK funding to UNRWA which was cut by more than 60% between 2018 and 2021 (3) and contribute to international efforts to put the Agency on a sustainable financial footing.

*(3) Evidence to the UK Select Committee. Available at:*

<https://committees.parliament.uk/writtenevidence/111065/pdf/>

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### RECOMMENDATIONS:

#### **Oppose repressive legislation and actions designed to limit accountability both in Palestine/Israel and in the UK**

- Ensure that British nationals, including British Palestinians, are not subjected to discriminatory procedures or denied entry when travelling to Palestine.
- Publicly commit to supporting human rights and human rights defenders in Palestine and around the world, while protecting and supporting human rights organisations targeted by Israel.
- Oppose legislation and policy that serves to prevent Palestinians from testifying to the facts of their historical and ongoing oppression and/or seeking justice.

## III. CENTRE PALESTINIAN PERSPECTIVES IN POLICYMAKING TOWARDS PALESTINE

“It has never been more important to uphold and protect the lives and futures of the Palestinian refugees, and do all that is humanly possible to acknowledge and involve the main victims of this [...] conflict in any future arrangements. Based on the inclusion of refugees’ voices themselves, this Report has offered a set of guidelines to peace and policy making that is both practical and relevant.”

- Ernie Ross MP, Preface, ‘Right of Return: Joint Parliamentary Middle East Councils Commission of Enquiry on Palestinian Refugees’, 2001

### The importance of centring those most affected

**19.** Recent years have seen growing recognition that British policymaking should be grounded in a deeper understanding of Britain’s history, and the way many countries in the Global South view the historical role of the UK, as well as centring the voices of minority communities affected by Britain’s colonial legacy.

**20.** Palestine is no exception. Logic dictates that a just and lasting resolution in Palestine must have Palestinian self-determination at its core, taking into deep consideration the perspectives of those most affected. This includes approximately 5 million Palestinians living under military occupation and blockade in the occupied Palestinian territory, including East Jerusalem, 1.9 million subjected to second class citizenship and a raft of discriminatory laws within the State of Israel, and an estimated 7 million living as refugees or in exile, including British Palestinians.

**21.** Despite consistent rhetorical support by successive UK governments, the Palestinian right to self-determination has not been reflected in British policy.

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### **Bypassing Palestinian rights**

**22.** Part of the lack of ability to reach a just solution rests on the fact that Palestinians and Palestinian concerns have been repeatedly sidelined or bypassed – both politically and at a civil society level - exacerbating a growing trend towards actively silencing Palestinians (as described above).

**23.** While the Oslo Accords made no reference to Palestinian self-determination and sidelined international law, effectively giving Israel veto power over Palestinian aspirations, the 2020 Abraham Accords - a series of joint statements normalising relations between Israel and various Arab states developed by the Trump Administration - have bypassed Palestinian concerns altogether. The operative language of the agreements feature no reference to Palestinians or Palestinian rights. Instead, they reward Israel with the benefits of diplomatic relations with parts of the Arab world while it maintains and intensifies its occupation and annexation of Palestinian land. Furthermore, it rewards autocratic Arab regimes with Israeli military and surveillance exports field-tested on the Palestinian population. A securitisation deal rather than a peace deal, the Abraham Accords serve to further embolden Israeli aspirations for maximum territorial expansion, as most recently and explicitly stated in the [first guiding principle](#) of the current Israeli government.

**24.** People-to-people or ‘co-existence projects’, which were first promoted during the Oslo era, have recently re-appeared in political discourse. Such approaches, which have proved fruitless, highlight the shortcomings of the ‘conflict paradigm’, and represent an untenable approach whereby victims of oppression are asked to come to a table at which they are positioned as equally culpable for their own dispossession. Such projects have proved unsuccessful and have been shown to divert attention away from holding Israel accountable under international law. Significantly, no constituency of Palestinian civil society supports the International Fund, and only a handful of the projects supported by the Fund are Palestinian founded and run.

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### **Repercussions for current policymaking towards Palestine**

**25.** Current approaches reflect how out of touch British policymaking is with the realities on the ground, the experience of Palestinians, and the broad consensus positions shared by the majority of Palestinian civil society.

**26.** UK policies and positions are also out of step with the broad sympathy of the British people - which both [polling](#) and popular mobilisation consistently demonstrates remains in support of the Palestinian cause.

## **RECOMMENDATIONS:**

**Consult meaningfully with Palestinians**, including British Palestinians, regarding policy decisions which stand to directly impact them, and question initiatives where Palestinians are not central to their own fate.

**Ensure that Palestinians' inalienable rights to self-determination and return are the basis for any discussion or proposal** for a resolution in the Middle East region.

**Protect the space for Palestinians and advocates to defend and claim their rights in Palestine and in the UK while improving mechanisms for all marginalised communities** in the UK to have their voices heard.

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### FURTHER READING:

#### Documents on UK commitments and policies

- [UK National Action Plan](#) (2019), committed to upholding the UN Guiding Principles on Business and Human Rights.
- [UK Support for Human Rights Defenders](#) (2019)
- Right of Return: [Joint Parliamentary Middle East Councils Commission of Enquiry](#) - Palestinian Refugees (2001), a UK cross-party initiative investigating and making policy recommendations related to the Palestinian right of return

#### Palestinian Civil Society Reports and Statements

- 'Urgent Call for International Protection and Accountability for Israeli Crimes Against the Palestinian People', [PNGO](#) (Palestinian NGO Network) (April 2023)
- 'Israeli Apartheid: Tool of Zionist Settler Colonialism', [Al Haq](#) (November 2022)
- 'No Way to Treat a Child, Palestinian Children in the Israeli Military Detention System', [DCI](#) (Defence for Children International - Palestine) (April 2016)
- 'The Inequality Report: The Palestinian Arab Minority in Israel', [Adalah](#) (2010)
- 'Palestinians Register: Laying Foundations and Setting Directions - Report of the [Civitas Report](#)' (2006)
- 'Palestinian Civil Society Call for Boycott, Divestment and Sanctions', [BDS](#) (July 2005)

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### FURTHER READING:

#### International NGO Reports

- 'Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity', [Amnesty International](#) (February 2022)
- 'Report on Israel's Military Court System in the West Bank', [War on Want](#) (2021)
- 'Israeli Authorities and the Crimes of Apartheid and Persecution', [Human Rights Watch](#) (April 2021)
- 'A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid', [B'Tselem](#) (January 2021)

#### Key UN Documents and Reports

- UN Human Rights Council - [Latest Resolutions on Palestine](#) (April 2023)
- '[Situation of Human Rights in the Palestinian territories occupied since 1967](#)', Francesca Albanese (2022)
- '[Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967](#)', John Dugard (2013)
- [Unispa](#) - UN Resolutions List on the Question of Palestine
- 'Israeli Practices towards the Palestinian People and the Question of Apartheid', [UN ESCWA](#) (March 2017)





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