

UK must ensure that international law is not undermined by double standards and exceptions in the occupied Palestinian territory

Submission by Medical Aid for Palestinians (MAP)

Introduction

1. Medical Aid for Palestinians (MAP) is a UK-registered charity which operates through local partnerships in the occupied Palestinian territory (oPt) and refugee camps in Lebanon to support Palestinians' rights to health and dignity. Our key areas of work are women's and children's health, disability, mental health and psychosocial support, and emergency response.
2. Based on more than 35 years of experience working in Gaza, and the expertise and commitment of our local team, MAP was one of the first humanitarian organisations to respond to the current crisis, and we are currently delivering the largest aid operation in the our history, including: shipments of medical and shelter items, twelve emergency medical team (EMT) delegations staffed by British medical experts, a malnutrition programme, and rehabilitation of services at hospitals damaged by Israel's assault.

Summary

3. The present submission sets out how the UK's policy approach, and long-standing failure to uphold the rule of international law in this context, have undermined successive governments' stated regional foreign policy objectives, and marked dangerous double standards that undermine the rule of international law globally. In doing so, it seeks to address three questions of the terms of reference laid out by the inquiry:
 - What can be learned from the record of UK Government policies to date?
 - What can – and should – the UK do, in cooperation with regional and international partners, to help bring about a ceasefire?
 - How can the UK assure the resilience of efforts to bring about a lasting peace at a time of uncertainty caused by conflicts elsewhere and changes in leadership in the international community?
4. This submission grounds its analysis in the current emergency in Gaza, with reference to how weak and inconsistent support for international law in the region has provided a permissive environment for the deepening of Israel's discriminatory and fragmentary control over Palestinian lives through blockade, displacement, annexation, illegal occupation and apartheid¹ over several decades. It concludes that, if UK truly wishes to contribute to the achievement of a just and lasting peace in the region, it must redouble its efforts to end violations of international law, prevent further deterioration and degradation of essential institutions like

¹ International Court of Justice (ICJ) (2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem <https://www.icj-cij.org/index.php/node/204160>

healthcare, and centre Palestinians' rights to self-determination in the development and implementation of policies that affect them.

What can be learned from the record of UK Government policies to date?

5. For decades, Israel has dominated many aspects of Palestinian life through policies of occupation, blockade, apartheid,² annexation and the permanent displacement of refugees. This domination has perpetually denied Palestinians equitable access to many of the essential building blocks of health, including freedom of movement; access to land and essential resources; the development of vital infrastructure and institutions; and, ultimately, their collective right to self-determination. More than 75 years of dispossession have resulted in the fragmentation of Palestinian society and stymied the development of collective political structures and essential institutions like healthcare.³
6. In January 2023, responding to the case of South Africa vs Israel on the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (Genocide Convention), the International Court of Justice issued a series of Provisional Measures indicating plausible risk that Israel is committing genocide in Gaza, and ordering Israeli authorities to prevent the commission of all acts within Article II of the Genocide Convention, and to enable the provision of humanitarian assistance and basic services to those who need it in Gaza.⁴ Amid Israel's failure to uphold these measures, subsequent measures were ordered by the Court in March and May 2024, further highlighting Israel's non-compliance and the worsening conditions in Gaza.⁵ At the time of writing, all provisional measures ordered by the Court remain almost entirely unimplemented, and the UK Government is yet to acknowledge the risk of genocide outlined by the Court.
7. In July 2024, the International Court of Justice (ICJ) issued an Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*.⁶ This Opinion found that Israel's continued presence in the oPt is unlawful and that Israel must: bring its unlawful occupation to an end as rapidly as possible; cease all new settlement activities and evacuate all settlers from the oPt; and make reparation for the damage caused. The Court also made clear the obligations of States, including the UK government, not to recognise nor render aid or assistance in maintaining the unlawful occupation. In accordance with the Court's directive to the United Nations that it "should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory," the UN General Assembly adopted Resolution ES-10/24 in September 2024,

² ICJ (2024) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* <https://www.icj-cij.org/index.php/node/204160>

³ Medical Aid for Palestinians (2021) *Systematic Discrimination and Fragmentation as Key Barriers to Palestinian Health and Healthcare* <https://www.map.org.uk/downloads/reports/map-health-inequalities-paper-final.pdf>

⁴ ICJ (2024) Order of 26 January 2024: *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa V. Israel) <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

⁵ ICJ (2024) Order of 28 March 2024: *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa V. Israel) <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>, and ICJ (2024) Order of 24 May 2024: *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa V. Israel) <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-sum-01-00-enc.pdf>

⁶ ICJ (2024) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* <https://www.icj-cij.org/index.php/node/204160>

outlining steps that the Government of Israel, as well as the international community, should take in compliance with the Court's recommendations.⁷ The UK abstained on this resolution.⁸ While the UK has stated that it "does not disagree" with the central conclusions of the Court, the Government has not yet outlined which of findings it does or does not agree with, leading to unhelpful ambiguity.⁹

8. A climate of impunity for Israel's violations of international law over decades, facilitated in part by the UK's unwillingness to ensure those responsible are held fully accountable, has created an ever-deepening humanitarian and human rights crisis for the Palestinian people. The results of this chronic impunity can be seen in the unprecedented destruction and human suffering caused by Israel's assault and siege on Gaza since October 2023.

Attacks on healthcare: An example of how impunity has enabled atrocities

9. MAP have been documenting escalating attacks against Palestinian health workers and facilities for 10 years.¹⁰ Successive military operations in Gaza between 2008 and 2014 saw 147 cases of hospitals and primary health clinics being damaged or destroyed; 80 cases of ambulances being damaged or destroyed; and 145 medical workers injured or killed.¹¹ At the "Great March of Return" demonstrations, Israeli forces killed at least three and injured 845 health workers, and damaged 112 ambulances.¹² During Israel's assault in May 2021, Israel damaged more than 30 healthcare centres, including the near-total destruction of a COVID-19 testing and vaccination clinic, and killed two doctors and a psychologist.¹³
10. Since 2015, MAP has warned that repeated, and increasingly frequent, attacks on health workers and facilities are fuelled by the consistent failure of Israel to conduct genuine investigations into potential serious violations of international law by its forces and hold wrongdoers to account, and the associated failure of the international community to ensure accountability through international mechanisms where Israel has been unwilling and/or unable to do so itself.¹⁴ Without genuine investigations and legal accountability, it is gravely

⁷ ICJ (2024) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem <https://www.icj-cij.org/index.php/node/204160>, and UN General Assembly (2024) Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory <https://www.un.org/unispal/wp-content/uploads/2024/10/n2427275.pdf>

⁸ Ambassador Barbara Woodward, UK Permanent Representative to the UN (2024) The UK's explanation of vote on the UN General Assembly resolution on the ICJ's Advisory Opinion on Israel's presence in the Occupied Palestinian Territories <https://www.gov.uk/government/speeches/the-uks-explanation-of-vote-on-the-un-general-assembly-resolution-on-the-icjs-advisory-opinion-on-israels-presence-in-the-occupied-palestinian-terr>

⁹ Parliamentary Under-Secretary of State Hamish Falconer (2024) Israel: Occupied Territories <https://questions-statements.parliament.uk/written-questions/detail/2024-10-22/10451>

¹⁰ MAP, Al Mezan, Lawyers for Palestinian Human Rights (2015) No More Impunity: Gaza's Health Sector Under Attack <https://www.map.org.uk/downloads/no-more-impunity--gazas-health-sector-under-attack.pdf>, and MAP, Al Mezan, LPHR (2020) Chronic Impunity: Gaza's Health Sector under Repeated Attacks <https://www.map.org.uk/downloads/chronic-impunity-gazas-health-sector-under-repeated-attack.pdf>

¹¹ Medical Aid for Palestinians (2021) Systematic Discrimination and Fragmentation as Key Barriers to Palestinian Health and Healthcare <https://www.map.org.uk/downloads/reports/map-health-inequalities-paper-final.pdf>

¹² Ibid.

¹³ Ibid.

¹⁴ MAP, Al Mezan, Lawyers for Palestinian Human Rights (2015) No More Impunity: Gaza's Health Sector Under Attack <https://www.map.org.uk/downloads/no-more-impunity--gazas-health-sector-under-attack.pdf>

predictable that Palestinian health workers continued to be killed and injured by Israeli military forces.

11. In the context of its assault on Gaza since October 2023, and enabled by the permissive climate that the UK has contributed to through its failure to robustly stand up for international law in the region, Israel has conducted widespread disproportionate and indiscriminate attacks on civilian infrastructure, including attacks on Palestinian healthcare personnel and facilities that have expanded to a systematic dismantling of Gaza's health system. Since October 2023, the WHO has recorded 591 attacks on healthcare as of 4 December, which have affected 122 health facilities (including 33 hospitals damaged) and 146 ambulances (including 68 that sustained damage).¹⁵ Almost half of hospitals and clinics have been forced to shut down because of damage, insecurity and lack of resources.¹⁶ There are no fully-functioning hospitals, with just 17 out of 36 hospitals partially functional in Gaza.¹⁷ The Ministry of Health in Gaza reports that around 1,060 health workers have been killed, surpassing the number of healthcare workers reported killed in all conflicts globally in 2021 and 2022 combined.¹⁸
12. An Independent UN Commission of Inquiry concluded in October 2024 that Israel has “deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel and targeted medical vehicles”, as part of a concerted policy to destroy the healthcare system in Gaza.¹⁹ The Commission of Inquiry concluded that, that in doing so, Israeli forces have committed war crimes and the crime against humanity of extermination. The UK government is yet to respond substantively to this report or its findings.
13. Patterns of violence against Palestinian health workers and facilities are also reflected in the West Bank. In 2023, Medical Aid for Palestinians took the unprecedented step of providing bulletproof vests and helmets to first-responders in the West Bank, in response to urgent calls from Palestinian health workers for protection from the violence they face in the line of duty.²⁰ Israeli military and settler violence against Palestinians in the West Bank, including Palestinian health workers and facilities, has since continued to intensify. Between October 2023 and December 2024, the World Health Organisation recorded 659 attacks on healthcare in the West Bank, which have impacted 61 health facilities and 465 ambulances.²¹

¹⁵ World Health Organization (2024) oPt Emergency Situation Update: Issue 52

https://www.emro.who.int/images/stories/Sitrep_52.pdf?ua=1

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ United Nations Office for the Coordination of Humanitarian Affairs, OCHA (2025) Reported impact snapshot | Gaza Strip, 14 January 2025 <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-january-2025>, and Medical Aid for Palestinians (2024) 500 healthcare workers killed during Israel's military assault on Gaza <https://www.map.org.uk/news/archive/post/1598-500-healthcare-workers-killed-during-israelas-military-assault-on-gaza#:~:text=500%20healthcare%20workers%20killed%20during%20Israel's%20military%20assault%20on%20Gaza,-26%20June%202024&text=As%20Gaza%20mourns%20500%20healthcare,and%20an%20end%20to%20impunity>.

¹⁹ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel A/79/232 (2024)

<https://documents.un.org/doc/undoc/gen/n24/262/79/pdf/n2426279.pdf>

²⁰ Medical Aid for Palestinians (2023) MAP providing bulletproof vests and helmets to PRCS emergency teams amid recurrent attacks on health workers <https://www.map.org.uk/news/archive/post/1487-map-providing-bulletproof-vests-and-helmets-to-palestine-red-crescent-society-emergency-teams-in-response-to-recurrent-attacks-on-health-workers>

²¹ World Health Organization (2024) oPt Emergency Situation Update: Issue 52

https://www.emro.who.int/images/stories/Sitrep_52.pdf?ua=1

14. **The foreign and development policies of successive British Governments have been marked by a comprehensive failure to adequately address the chronic and escalating humanitarian crisis Palestinians face or its root cause: namely the chronic impunity which exists for Israel’s perpetual occupation, systematic discrimination, and manifold violations of international law against the Palestinian people, including attacks against essential healthcare.**

What can – and should – the UK do, in cooperation with regional and international partners, to help bring about a ceasefire?

15. The UK Government must meaningfully engage with partners to ensure that a ceasefire deal for Gaza is enforced, including at United Nations Security Council level. It must ensure that this ceasefire allows the beginning of genuine and rapid recovery for society and healthcare in Gaza, by allowing Palestinians to return to and rebuild their homes and infrastructure, with adequate access to necessary materials and humanitarian supplies and free from annexation, settlements or reoccupation. Gaza must not be ‘shrunk’, its connection to the occupied West Bank must be restored, including access to healthcare outside Gaza for patients requiring it, and Palestinian self-determination must be upheld. There must be no return to the *status quo ante* of illegal closure and blockade and collective punishment that has persisted since 2007.²²
16. While the new UK government has made welcome commitments to reengaging with multilateralism and working in partnership with the international community, its position as regards Palestinians’ rights in key international forums remains ambiguous. While this Government has taken the welcome step of voting in favour of a ceasefire at the UN Security Council, it also abstained on the UN General Assembly resolution to operationalise the International Court of Justice’s Advisory Opinion, and has failed to substantively respond to the findings of the UN Commission of Inquiry that Israel is committing the crime of extermination.²³ **While the implementation of an urgent ceasefire is critical, the UK Government must also recognise that prevention and definitive ending of atrocities is its legal and moral responsibility. The UK Government should:**
- Use the International Court of Justice’s Provisional Measures of January, March and May 2024 as a guide for clear action, ensure that these measures are implemented in full, and publicly monitor Israeli authorities’ compliance with these measures.
 - Clearly state support for UN General Assembly resolution ES-10/24, and take immediate steps to implement the resolution and uphold the recommendations of the International Court of Justice’s Advisory Opinion issued in July 2024.
 - Use all levers at their disposal to ensure the UK is not complicit in atrocities in Gaza, including through the implementation of a full arms embargo on Israel.

²² International Committee of the Red Cross (2010) Gaza closure: not another year!

<https://reliefweb.int/report/occupied-palestinian-territory/opt-gaza%C2%A0closure-not-another-year>

²³ Ambassador Barbara Woodward (2024) UK Statement at the UN Security Council

<https://www.gov.uk/government/speeches/we-voted-for-this-resolution-as-an-expression-of-our-determination-to-end-this-war-stop-the-suffering-in-gaza-and-secure-the-immediate-release-of-the>

How can the UK assure the resilience of efforts to bring about a lasting peace at a time of uncertainty caused by conflicts elsewhere and changes in leadership in the international community?

17. There is a growing realisation among policymakers that the moribund Oslo peace process and rhetorical commitments to a two-state solution without action to uphold international law and Palestinians' rights and prevent Israel's settlements and annexationism has failed to meet even the most basic aspirations of the Palestinian people. Instead, it has cemented what the EU has termed a "one-state reality of unequal rights, perpetual occupation and conflict."²⁴ While successive UK governments have reaffirmed their commitment to Palestinian self-determination through resolutions at the United Nations, this right remains perpetually unfulfilled.
18. Foreign Secretary David Lammy has stated that the UK's approach to foreign policy "should be grounded in a deeper understanding of our own history, and the way people in many countries in the Global South view the historical role of the UK. It must be sensitive to the criticisms of aid as patronising or paternalistic, and build instead modern relations of equals, two-way partnerships based on respect and mutual trust."²⁵ This is a welcome approach that has, thus far, failed to be implemented in the UK's with regards to Palestinians. Currently, there is no meaningful mechanism of consultation, engagement and feedback on UK policy with affected Palestinian communities, including critical service providers, human rights defenders, and broader civil society.
19. If a just peace is to be achieved – one that enables Palestinians to enjoy their full and equal rights to health and dignity – the UK must ground its foreign and aid policies firmly in international law, promote sustainable, locally-led development, and uphold Palestinians' right to self-determination.
20. Furthermore, the Government must ensure that its work to uphold the rule of international law globally is not undermined by double standards and exceptions as regards Israel and the Palestinians. For example, failing to ensure accountability for attacks on Palestinian health workers and facilities undermines the protection of healthcare in conflicts globally as demanded in UN Security Council Resolution 2286.²⁶ Likewise, failing to restrain Israel's annexationism in occupied Palestinian territory likewise erodes the prohibition of territorial conquest.

Recommendations

21. In line with the Foreign Secretary's stated approach to foreign policy and support for international law, MAP has outlined key principles and guiding questions for a coherent UK policy towards the region that is built on the foundations of international law, Palestinian self-determination and a principled aid response. These are as follows:

²⁴ Federica Mogherini (2017) Statement by EU High Representative https://eeas.europa.eu/delegations/taiwan/20104/statement-high-representativevice-president-federica-mogherini-regularisation-law-adopted_en

²⁵ Secretary of State for Foreign, Commonwealth and Development Affairs David Lammy (2023) Britain Reconnected: a Foreign Policy for Security and Prosperity at Home <https://fabians.org.uk/wp-content/uploads/2023/03/David-Lammy-Britain-Reconnected-240323.pdf>

²⁶ UN Security Council (2016) UN Security Council Resolution 2286 S/RES/2286 <https://digitallibrary.un.org/record/827916?ln=en&v=pdf>

22. Palestinians must be able to meaningfully participate in the development and implementation of UK foreign and aid policies to ensure they are appropriate and relevant to their needs.

- Have Palestinian communities who the programme or initiative seeks to support been consulted and involved in the formulation and design of the programme?
- Has this process been inclusive to Palestinians at all stages regardless of gender, disability, age and other characteristics?
- Does the policy reflect the aims, priorities and risks identified through consultation with those communities?
- Will the aims and outcomes of the initiative be communicated to the communities it seeks to serve, and are there mechanisms for them to provide feedback on its effectiveness?
- Does the initiative give decision-making power to civil society organisations by providing long-term, flexible funding, as opposed to short-term, project-based approaches?

23. UK foreign and aid policies must focus on sustainable development and self-determination.

- Does the initiative aim to build on existing local capacities to support the development and rebuilding of locally-led institutions, infrastructure and governance (e.g. healthcare and education)?
- Does the initiative address barriers to sustainability, such as accessibility of professional development opportunities (e.g. due to Israeli restrictions on freedom of movement, or UK visa restrictions) or short-term unsustainable funding?
- Does the initiative aim to challenge fragmentation and build connections between segregated Palestinian communities (e.g. West Bank, East Jerusalem, Gaza, refugees)?
- If the initiative is focused on urgent humanitarian relief, is there a political/diplomatic strategy for ensuring repeated relief is not necessary?
- Does the initiative recognise civil society actors and human rights defenders as significant development actors, and accordingly work in collaborative partnership to promote civic space and protect human rights in a clear and systematic manner?

24. UK foreign and aid policies must be backed up by political action to address root political, economic and social causes of needs, not just needs themselves.

- Does the initiative discharge the costs to Israel of maintaining the welfare of the population under its effective control per its obligations under international humanitarian and human rights law? If so, is there a plan to address this?
- Does the initiative challenge discriminatory and fragmentary policies and practices from which humanitarian, human rights, economic or other needs arise? For example:
 - i. The closure and blockade of Gaza;
 - ii. Discriminatory planning regime and demolition of Palestinian homes and infrastructure in Area C and East Jerusalem;
 - iii. Settlement expansion, the separation wall, and associated movement restrictions;

iv. Marginalisation, discrimination and the denial of the rights of Palestinian refugees, including their right of return.

25. UK foreign and aid policies must plan for addressing relevant violations of international law which may affect the success of initiatives.

- Will the Government demand compensation for any humanitarian infrastructure or material demolished or confiscated by Israel in contravention of its obligations under international humanitarian law?
- Will the Government support attempts to ensure potentially serious violations of international law in the oPt are investigated in line with international standards, and that wrongdoers are held accountable, including through international mechanisms such as the International Criminal Court and the International Court of Justice?
- Will the Government support Palestinian civil society and their attempts to monitor, advocate and seek recourse for violations of international law, including by supporting their participation in international forums such as the UN Human Rights Council?
- Will the Government challenge shrinking civil society space and attempts to discredit, delegitimise or obstruct the work of Palestinian and international humanitarian and human rights actors?

15th January 2025