



The Miliband Thunderclap

Potential Implications of Declaring Israel's Occupation Unlawful

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The September 8 announcement by British Foreign Secretary Ed Miliband of London's intention to ban the import of goods from West Bank settlements—an idea endorsed that same day by ten European Union member states and Canada¹—triggered outrage across much of Israel's political spectrum, government and opposition alike. But scant attention was paid to the most important sentence in his declaration: "Today I announce that the official view of the British Government is that the occupation is unlawful."²

That is not a statement about Israeli behavior, such as a condemnation of settlement expansion, extremist violence, or land confiscation. It is not a statement accusing Israel of indifference to vandalism against Palestinian homes, arson against Palestinian orchards, or theft of Palestinian livestock. And it is certainly not a statement suggesting that specific changes in policy—such as suspending the issuance of tenders for the controversial E1 settlement project, resuming use of the law enforcement tool of administrative detention for the most violent settler radicals, or dispatching adequate police to arrest lawless Hilltop Youth marauders—would suffice to quiet British criticism. Rather, it is a statement that there is nothing Israel can do to satisfy Britain’s concerns because Israel’s very presence in occupied territory is itself illegal.

The audacity of Miliband’s statement might even prompt a sigh of relief from some Israelis. Having played the “occupation is unlawful” card, Britain has upended nearly sixty years of diplomatic precedent and left Israel little theoretical response other than a total departure from the West Bank. Since not even Israel’s farthest-left Zionist party, the Democrats,³ advocates this solution, Miliband’s formulation effectively relieves Jerusalem of the responsibility to resolve differences with London. Indeed, the position will likely be viewed by most Israelis as so extreme as to render any further British criticism just noise.

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But such a response would be mistaken. Whether Miliband’s action was motivated by high-minded statesmanship or petty domestic politics, adopting as national policy the notion that Israel’s very presence in occupied territory is illegal marks a major diplomatic turning point. It effectively means that Britain has embraced the precedent-shattering 2024 advisory opinion of the International Court of Justice declaring the occupation unlawful. While numerous Arab and Muslim countries have taken this position, along with significant “Global South” countries like South Africa, Britain is a major U.S. ally and UN Security Council permanent member that, despite departing from the European Union, continues to wield considerable influence on the continent and around the world. Although Norway is alone among the eleven endorsers of Miliband’s import-ban announcement to also adopt this broader position,⁴ Britain’s decision alone could have huge implications. These will extend to all Israelis, not just the more-than-half-million who live in West Bank settlements, and perhaps even to all who invest in, donate to, or visit Israel, including millions of Americans. Should other major countries follow suit, it is no exaggeration to say that the policy could pose a threat unlike anything the Jewish state has ever faced.



Ten other European countries and Canada endorsed the idea of banning imports from West Bank settlements.

Assessing Miliband's announcement begins with reviewing how the occupation came about. Israel's control of what is now commonly termed the "occupied Palestinian territories" emerged as a result of the June 1967 war. At the time, Palestinians lacked an internationally recognized political identity and the territories were part of the Hashemite Kingdom of Jordan, which had annexed the West Bank, including the Old City of Jerusalem, after the dust settled from the 1948–49 war. In 1967, Jordan was urged to stay out of a conflict between Israel and other Arab states but joined the war, and within three days, Israel captured the entire territory west of the Jordan River. The formerly Jordan-held section of Jerusalem along with its immediate hinterland were separated from the rest of the West Bank and merged with Israel-controlled western Jerusalem to create a new, enlarged municipality that was declared Israel's "eternal capital." (Importantly, most critiques of Israeli action in Jerusalem focus on the annexation of territory to pre-1967 Israel, not the area's underlying status as occupied territory.⁵) The rest of the conquered territory was placed under military government.

Five months after the war, the UN Security Council unanimously approved Resolution 242, an artfully drafted statement that for decades would define the global consensus on the status of those territories. That resolution connected two interlocking ideas—withdrawal and peace—by calling on Israel to withdraw "from territories" occupied in the 1967 war so as to achieve the "just and lasting peace" based on "secure and recognized borders" to which all states, including Israel, were entitled. It was well understood, and not disputed, that until that peace was achieved, Israel was entitled to maintain a military occupation of territory it acquired during the war. Subsequent disputes over whether, in a final peace, Israel had to withdraw from all, most, or some of the territory do not alter the fundamental point that its occupation was universally deemed legitimate, pending negotiation of that peace. (Palestinians were not mentioned in Resolution 242 and referenced only obliquely in the resolution's

call for a "just settlement of the refugee problem.") Ironically, the resolution's architect was Britain's permanent UN representative, Lord Caradon, who began his long diplomatic career as Hugh Foot, assistant district commissioner for Nablus in Mandatory Palestine.

For the subsequent six decades, international criticism of Israel focused on two themes: how Israel met (or failed to meet) its responsibility as a military occupier and whether it was pursuing, in good faith, the search for a "just and lasting peace."

The former usually targeted the growth of Israeli settlements. The first settlement was established by a Labor government in September 1967—in the southern West Bank community of Kfar Etzion, where Jewish residents had been massacred less than two decades earlier, in May 1948—and the larger settlement project has been supported, passively or actively, by every Israeli government since. Today, there are more than 145 officially registered settlements, with about 550,000 residents. (These statistics exclude both Jerusalem, which is discussed below, and unauthorized settler outposts.)

Critiques of Israeli settlement policy usually take one of two forms. The first is legal, focused on whether the establishment of settlements violates the Fourth Geneva Convention's prohibition on transfer of population to an occupied territory. Israel does not recognize the applicability of the convention to the West Bank, based on the claim that the territory's status was disputed prior to the 1967 war—given that Jordan's 1950 annexation of the West Bank was recognized by only two countries (Britain and Pakistan). Nevertheless, Israel has long agreed to operate there under the humanitarian principles governing the laws of occupation, as called for by its Supreme Court.⁶

As important as the legal critique may be, the even more significant critique has been political. Here, the argument is that over time Israeli settlement activity has effectively prevented a negotiated resolution of

the conflict. As the number of Israeli residents grew, the use of local natural resources expanded, and the architecture of Israel's presence deepened—so this argument went—Israel was pursuing a policy of de facto annexation.

Israel has offered two persuasive ripostes to this critique, both of which have underscored the argument that settlements would not be an obstacle to achieving the “just and lasting peace” called for in Resolution 242. The first was the evacuation in 2005 of all twenty-one Gaza settlements, with nearly nine thousand residents, when Prime Minister Ariel Sharon's government withdrew from the Strip. This process included the removal of four additional settlements in the northern West Bank, designed to show that the Gaza precedent could apply to that territory.⁷

The second response, connected to critics' theme of military occupation, was Israel's progressively more generous offers to leave the territories in exchange for peace, regardless of the growth of settlements or the number of their residents. On that theme, critics often contended that Israel was never serious about pursuing the bargain inherent in Resolution 242—land for peace via the negotiation of “secure and recognized borders.” Here, Israel's reply was to recite the list of proposals in which it offered Jordan, and then Palestinians,⁸ ever larger parts of the West Bank to achieve peace. That began with the post-1967-war Allon Plan,⁹ presented to Jordan's King Hussein though never formally approved by the Israeli government, and included Israeli Prime Minister Ehud Barak's offer to Palestine Liberation Organization (PLO) Chairman Yasser Arafat at the 2000 Camp David summit, hosted by U.S. President Bill Clinton, and the 2008 offer from Israeli Prime Minister Ehud Olmert to Arafat's successor, Mahmoud Abbas.¹⁰ The last of these envisioned Israeli withdrawal from territory equaling 100 percent of the area of the West Bank—about 95 percent to be handed over directly, with the balance accounted for in a swap inside pre-1967 Israel.¹¹ Israel could point out that the Arab side rejected all these offers and the parties have never gotten close to a resolution since.¹²

In recent years, international diplomacy on the Middle East peace process has focused elsewhere. One direction has been the Abraham Accords, built on the “outside-in” idea of developing state-to-state relations that could effectively shrink the Israeli-Palestinian conflict, making it more manageable and ultimately resolvable. Another direction has been the campaign to protect a potential two-state solution, which reached a crescendo with a conference chaired by France and Saudi Arabia in July 2025. That effort recognized the daunting challenges to a diplomatic agreement, especially in the wake of Hamas's October 7, 2023, assault on Israeli civilian communities, and was designed to rally international support for the idea of exchanging territory for a “just and lasting peace”—although the discussion was framed in a way much more demanding, one-sided, and accusatory than Israel could accept.

To be sure, recent Israeli policies and actions in the West Bank, largely unconnected with the response to the October 7 attack, have fed international criticism of the occupation. Three developments during the current government stand out:

- the decision to replace the military government with a civilian authority, under Deputy Defense Minister (and Finance Minister) Bezalel Smotrich¹³
- the dramatic growth of settlement activity, which includes a year-over-year increase of more than 200 percent in tenders for housing units in 2025,¹⁴ the creation of 104 settlements and 160 settlement farms since the current government was formed in 2022,¹⁵ and the tendering of contracts for the E1 development
- the explosion of criminal attacks by violent settler extremists and the woefully inadequate response of Israeli military and police authorities, especially those under National Security Minister Itamar Ben Gvir¹⁶

Added to this mix is an ambiguous approach at best from the current Israeli government to the core principle of Resolution 242¹⁷—that military

occupation of the territories is legitimate as long as Israel remains committed to achieving a “just and lasting peace” through negotiating “secure and recognized borders.” Israel has never formally annexed territory occupied in 1967—except for the expansion of Jerusalem’s municipal borders—but it has increasingly signaled desire and intent. In July 2025, the Israeli parliament, with strong support from members of the governing Likud Party, approved by a large majority (71–13) a nonbinding resolution declaring the West Bank “an inseparable part of the Land of Israel, the historical, cultural and spiritual homeland of the Jewish people.” The measure further asserted that “Israel has the natural, historical and legal right to all of the territories of the Land of Israel,” and called on the government to “apply Israeli sovereignty, law, judgment and administration to all the areas of Jewish settlement of all kinds in Judea, Samaria and the Jordan Valley.”¹⁸ Some especially outspoken cabinet members have issued statements rejecting even the theoretical idea, under any circumstances, of ceding any territory to any negotiating partner.¹⁹ Taken together, the policies and actions of the current Israeli government—when added to the global opprobrium generated by Israel’s prosecution of the war in Gaza—have raised legitimate doubts about its commitment to the bargain enshrined in Resolution 242.

Still, despite all this, none of the Arab-Israeli diplomacy of recent years focused on questioning the fundamental legality of Israel’s occupation. At the core of the Abraham Accords, for example, was an agreement that conditioned the United Arab Emirates’ recognition of Israel on Washington’s rejection of any move by Israel to annex West Bank territory for at least four years, an idea that had been floated by Israeli officials.²⁰ In its demand to preserve

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the status quo, the UAE effectively affirmed the legality of Israel’s occupation.

As for the campaign to preserve the two-state solution, the forty-two-paragraph New York Declaration—adopted in July 2025 by the EU, the Arab League, and numerous individual states and endorsed by the UN General Assembly that September—neither terms Israel’s occupation “unlawful” nor calls for the immediate, unconditional, and nonnegotiable dismantling of Israel’s occupation. Rather, its main message was to advocate more diplomacy, stating that “only a political solution”—in this case, a negotiated agreement to establish a Palestinian state alongside Israel—“can satisfy the legitimate aspirations, in accordance with international law, of both Israelis and Palestinians.” The closest the document came to challenging the underlying legality of Israel’s occupation was an obscure reference, in a subordinate clause of paragraph 30, stating that signatories’ opposition to “illegal actions of both sides” was “in line with” the International Court of Justice’s 2024 advisory opinion. That language hardly constituted a rousing endorsement of the judicial decision.²¹

All this preamble is meant to underscore how profoundly new and different is the position just adopted by the British government, as announced by Miliband. By labeling the occupation itself “unlawful”—and not just different aspects of Israel’s behavior or misbehavior—the foreign secretary effectively took an ICJ advisory opinion and made it state policy. Indeed, he said this explicitly:

Now, for a long time, the British government has rightly said settlements are illegal. But we have remained silent on the question of the legality of the occupation as a whole, which in 2024 the International Court of Justice concluded was unlawful. Today I announce that the official view of the British Government is that the occupation is unlawful.²²

A detailed review of the ICJ case—whose final judgment and appended opinions run a thousand pages—is beyond the scope of this essay.²³ Suffice it to say that the core decision upended a half-century of global consensus. It declared Israel’s entire presence in the territories—the West Bank, Gaza, and East Jerusalem, with no carve-outs for the Jewish quarter or even the Western Wall—as unlawful, violating prohibitions against discrimination and apartheid. As a remedy, the court ordered Israel to evacuate its presence “as rapidly as possible,” including all settlements, and to pay reparations to Palestinian entities and individuals for the pain and suffering caused by occupation.

The extent to which the opinion undid the fundamental bargain of Resolution 242 is exemplified by a passage in the supplementary “declaration” written by Nawaf Salam, then presiding justice of the ICJ and now the prime minister of Lebanon:

[The court’s demand for Israeli] withdrawal cannot be conditional on the success of negotiations whose outcome will depend on Israel’s approval. In particular, Israel cannot invoke the need for a prior agreement on its security claims for such a condition may lead

to perpetuating its unlawful occupation... Negotiations between the parties—which remain necessary—would then focus mainly on the modalities of implementation, rather than on the question of Israel’s withdrawal, which must take place, according to the terms of the Opinion, “as rapidly as possible.”²⁴

Nawaf’s statement did not represent the court’s decision—indeed, that is why he needed to make a supplementary declaration. But it does spotlight the court’s thinking on the underlying “lawfulness” of the Israeli occupation. And in a video he made on the sidelines of the UN General Assembly meeting in September 2026, Miliband himself seemed not only to embrace the idea but to endow it with righteous indignation, declaring that the absence of a two-state solution is solely and completely due to Israeli actions. Echoing Nawaf—who relieved the Palestinians of any responsibility to address Israeli security concerns when he argued that eventual negotiations would deal only with the details of Israel’s withdrawal—Miliband’s explanation effectively excludes any Palestinian agency from the failure to reach peace.²⁵

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It is important to note that a significant minority of ICJ judges dissented, appreciating how far this decision strayed from both law and common sense. Their basic argument was that Israel could be found in violation of the laws of occupation without the occupation itself being declared unlawful. A joint declaration by three judges—Peter Tomka (Slovakia), Ronny Abraham (France), and Bogdan Aurescu (Romania)—was particularly pointed:

Indeed, for the first time, the Court does not only declare that Israel's practices in the territories it occupies are unlawful, in light of the obligations incumbent upon it as an occupying Power, but it also asserts that Israel's very presence in the territories is unlawful and that it must therefore withdraw from them without any prior guarantee, particularly regarding its security, even though the respect of Israel's right to security is one of the essential elements to consider in order to achieve a lasting peace. We are of the view that, by doing so, the Court has embarked on a legally wrong path and reached conclusions that are not legally correct.²⁶

For context, one can compare Israel's occupation of territories acquired in the June 1967 war with Russia's 2014 occupation of Crimea. The latter has been considered by overwhelming global opinion as illegal from its very inception,²⁷ a fact that does not alter Russia's responsibility to abide by the laws of occupation for as long as its troops retain effective control of the area. In contrast, the UN Security Council's unanimous vote in Resolution 242 was unambiguous in endowing Israel's occupation with legitimacy, pending a negotiated resolution of the conflict. Subsequent criticisms focused on whether Israel was fulfilling or violating aspects of the law of occupation, not about the legality of the occupation itself. That changed with the advisory opinion, which declared that at some point between 1967 and 2024—precisely when is uncertain—the occupation itself became unlawful.

Although breathtaking in scope and implication, the court's decision—which rejected the legitimacy of Israel's security interests in the territories and defined negotiations in terms exactly opposite those agreed by unanimous vote of the Security Council—was only an advisory opinion. It was subsequently endorsed in a non-enforceable resolution of the UN General Assembly, with 124 countries supportive and 57 either opposed or abstaining, Britain among the abstentions.

Significant as these developments were, supporting a General Assembly resolution is a far cry from adopting its contents as national policy. Indeed,

even some of Israel's worst critics have shied away from echoing the ICJ opinion. Spain, for example, has condemned Israel in especially vitriolic terms, leading the charge to label Israeli actions in Gaza as "genocide."²⁸ But when Spain's Foreign Ministry "welcomed" the ICJ opinion, it did not specifically state that it was adopting this opinion as state policy. Instead, it twice noted the opinion was "advisory" and merely "[urged] the UN as well as the international community to take into consideration the conclusions of the opinion and to adopt the appropriate measures in this regard."²⁹ Similarly, Turkey is a vociferous critic of Israel, but its submission to the ICJ calls for labeling only "the policies and practices" of the occupation as unlawful, not the occupation itself—a distinction that may be based on Turkey's own military occupation of northern Cyprus.³⁰

In this respect, Miliband's declaration labeling Israel's occupation as "unlawful" is far more consequential than the announced import ban. It signals, as Miliband specifically noted, that Britain now seeks to implement the ICJ's advisory opinion.

There is considerable irony in Britain embracing as policy an ICJ advisory opinion on the unlawfulness of long-term occupation. After all, in 2019, the court effectively previewed this judgment in a ruling on the little-known dispute between Britain and Mauritius over the Chagos Archipelago, an island chain in the Indian Ocean that includes the UK-U.S. military base at Diego Garcia. In that case, the court concluded that the process by which Britain maintained control over the islands after London granted independence in 1968 to Mauritius "was not lawfully completed" and that "the United Kingdom is under an obligation to bring to an end its administration of the

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Chagos Archipelago as *rapidly as possible*” [emphasis added]—precisely the words later used in the Israel case.³¹ Soon thereafter, the UN General Assembly overwhelmingly approved a resolution demanding Britain return the islands to Mauritius within six months and facilitate the return of native peoples displaced by the British.³²

What is especially interesting is that successive British governments rejected the legal premise of the Chagos Islands case using arguments similar to those later employed by Israel regarding the West Bank. Britain argued that the archipelago was not a colony but had been sovereign UK territory for 150 years, much as Israel rejects the concept of “occupied territories” because it disputes the underlying legal status of Jordan’s annexation. Britain also similarly insisted, as Israel later did, that it would reach a political resolution through direct negotiations, rejecting the call by the court—endorsed by General Assembly resolution—for unconditional withdrawal.

Eventually, the two parties took a major step toward resolving the Chagos conflict between themselves by signing a treaty in 2025 that recognized Mauritian sovereignty over the islands in exchange for an initial ninety-nine-year UK lease on Diego Garcia and a payment to Mauritius averaging £101 million per year. Britain and Mauritius were evidently satisfied with the outcome, even if it ran counter to the court’s opinion and the specific demand of the General Assembly.³³ This remedy, however, is effectively frozen since the United States withdrew support for amending the terms of the agreement with Britain over the Diego Garcia base, without which the treaty cannot be implemented.³⁴ The result is that Britain has no response to the court’s order for a resolution “as rapidly as possible,” in contrast to its new position on the court’s same order regarding Israel’s occupation.

Despite commonalities between the two disputes, they differed in at least one key area: the lack of international outrage over Chagos.

No country ever suggested—let alone implemented—penalties on Britain for dismissively rejecting the global consensus to quit the islands “as rapidly as possible.” In contrast, the consequences for Israel of a major country like Britain treating the occupation as unlawful—as opposed to any particular act or aspect of that occupation—cannot be exaggerated. The ICJ opinion found Israel guilty of the war crime of population transfer, violating the Fourth Geneva Convention; unlawful appropriation and destruction of property; criminal exploitation of Palestinian national resources; as well as discrimination and apartheid. If, as Miliband noted, Britain “is not silent in the face of deep injustice,” the import ban is most likely only a first step.

Further steps are likely if for no other reason than Britain imports very little from the West Bank. According to the most recent statistics, overall UK-Israel trade in 2025 was £5.9 billion, with Britain enjoying a trade surplus of £1.1 billion (£3.5 billion of exports, £2.4 billion of imports).³⁵ At the same time, overall trade between Israel and the Palestinian territories, reflecting a mix of goods from both Israeli settlements and Palestinian-owned enterprises, was estimated at only £6 million—just one-quarter of 1 percent of overall British imports from Israel.³⁶ Even if Britain somehow clears the administrative hurdles of implementing an import ban, advocates are unlikely to find its impact very satisfying, lending credence to Shadow Foreign Secretary Tom Tugendhat’s scathing criticism of Miliband’s grand policy pronouncement as “performative.”³⁷

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That may be why Miliband included in his statement promises of other legal measures to disconnect Britain from Israeli settlements—promises largely overlooked by the media—which could have much more serious repercussions than the import ban. These included sanctions against “specific companies and individuals who provide services such as construction, infrastructure, financing, or real estate for settlement expansion,” as well as a “ban [on] the advertising in the UK of [sale of real estate in] illegal settlements.” Each one of these opens a pathway to much broader penalties. Sanctions on “financing,” for example, could easily lead to sanctions on Israel’s banking sector, given that virtually all major Israeli banks participate in commercial housing, industrial, business, and infrastructure financing, and the provision of home mortgages to individual purchasers.

Over time, one can imagine a British government concluding that a ban on trade with Israeli settlements should extend beyond imports to exports. Banning exports to Israeli settlements may eventually require Britain to demand certification that none of its goods sent to Israel ends up in the territories. Since no Israeli government would ever comply with such a requirement, one can imagine this ending in a political decision to suspend trade with Israel, either in those sectors most closely associated with settlements (e.g., construction, finance, real estate) or more generally. Such measures would run counter to commitments Miliband made in his September 8 parliamentary address opposing the boycott, divestment, and sanctions (BDS) movement because he supports “prosperity for Israel.” But no one can have confidence what his—or the British government’s—ultimate position will be if a consensus develops that Britain can only meaningfully hinder Israel’s settlement project by expanding sanctions beyond those affecting its trickle of imports from the settlements themselves.

If, as Miliband promised, Britain imposes trade sanctions on businesses involved in Israeli settlements, the move will likely draw on research and recommendations already prepared by another UN body that has drawn controversy, the Human Rights

Council. In March 2016, the HRC asked the UN High Commissioner for Human Rights to create a list of commercial enterprises whose operations in the territories raised “human rights concerns,” including those that supply equipment and materials for the construction and expansion of settlements, provide services and utilities supporting the maintenance and existence of settlements, and engage in banking and financial operations helping to develop, expand, or maintain settlements.³⁸ The list, most recently updated in September 2026, includes 214 companies, of which two are British;³⁹ eight are American; eight are based in EU countries; one each from China, South Africa, and Mexico; and the rest from Israel. Global travel and tourism companies are heavily represented—e.g., TripAdvisor, Airbnb, Expedia, and Booking.com—as well as Israel’s national water company (Mekorot), its largest mobile phone operator (Cellcom), the controlling shareholder of its largest credit card company (Delek Group Ltd.), and all Israel’s major banks.⁴⁰ Targeting companies on this list—either in whole or in part—would dramatically raise the stakes for Israel and for UK-Israel relations. Taking this step could also complicate UK-U.S. relations by triggering American anti-boycott legislation, both on the federal and state levels.⁴¹

At the same time, one can imagine consequences extending to individuals. This could take different forms. Already, the Netherlands government, among those in the EU to endorse Miliband’s announcement, has begun enforcing new regulations to prevent the import of goods “obtained or manufactured wholly or partly” in Israeli settlements by searching the personal luggage of at least some passengers arriving on El Al flights from Tel Aviv.⁴² In theory, this dragnet could be expanded at some point to all Israeli citizens traveling through Dutch airports or, eventually, all passengers who answer positively to a customs questionnaire asking whether they have ever been to Israel.

So far, Britain has not announced any intention to search individual Israelis for banned goods and is likely watching the Dutch precedent closely. But the number who would be affected should Britain opt for inspections would be substantial. Britain welcomed

180,000 visitors from Israel in 2024, an especially low figure amid the post–October 7 travel slump and down from about 440,000 the previous year. Should travel return to pre–October 7 levels, a search policy would mean suitcase-by-suitcase inspection of 1,200 passengers every day of the year.⁴³

Beyond tourists, other categories of individuals may find themselves targets of more punitive sanctions. One group could include Israeli ministers, military officers, and government officials responsible for developing, promoting, expanding, and maintaining settlements. A second might include those “individuals” Miliband targeted for providing services to enable settlement expansion: “So to those who finance or facilitate illegal settlements, let me say this, you will face the full force of UK sanctions.” He did not specify the details of these sanctions, but if penalties imposed on Russian oligarchs for supporting the war in Ukraine are any guide, measures could include asset bans, trade prohibitions, and travel restrictions.⁴⁴

Notably, the concept of individual responsibility for the “unlawfulness” of occupation was not specifically included in the formal ICJ opinion, although Justice Salam did raise it in his accompanying declaration:

The Opinion rightly points out in paragraph 115 that the establishment of these settlements is a clear violation of Article 49 (6) of the Fourth Geneva Convention, which prohibits the deportation of the population of the occupied territory and the transfer by the occupying Power of its population to the occupied territory. These are therefore serious violations that the States parties to the Geneva Conventions are obliged to punish; *they are also under an obligation to track down those responsible for committing or ordering the commission of such offences* [emphasis added]. The ICRC [International Committee of the Red Cross] has pointed out that this obligation is also a customary one, extending to all States, which must not only investigate such grave breaches allegedly committed by their nationals or their armed forces, or on their territory, they also have the right to confer on their national courts universal jurisdiction for the punishment of such

grave breaches for which no statute of limitations may apply.⁴⁵

Salam’s remarks have special resonance given that Miliband, in his September 8 statement on the import ban, specifically accused Israel of ethnic cleansing. “The British government agrees that there is ethnic cleansing of Palestinians in areas of the West Bank—perpetrated by settler terrorists,” he said, carefully excluding Israeli officials themselves from the accusation. While widely considered one of the worst violations of international law, ethnic cleansing is itself technically not a crime. Prosecutors seeking justice for ethnic cleansing target its underlying illegal acts, such as forced displacement, deportation, and persecution. Hence, the relevance of this statement by Salam:

[It] is also undoubtedly worth recalling that the “[d]eportation...of population” is an act constituting a *crime against humanity* under Article 7 of the Rome Statute of the International Criminal Court (hereinafter the “Rome Statute”). Similarly, the direct or indirect transfer by an occupying Power of part of its civilian population into the territory that it occupies constitutes a *war crime* under Article 8 of the Rome Statute. It should also be noted that, according to Article 8bis (2) of the Rome Statute, “any annexation by the use of force of the territory of another State or part thereof” constitutes a crime of aggression “regardless of a declaration of war.” In accordance with their obligations under the Rome Statute, *the States parties should draw all the legal conclusions from the Court’s findings in this Advisory Opinion to prevent and punish the perpetrators of these acts* [all emphasis added].⁴⁶

While Miliband focused on the role of “settler terrorists” in perpetrating ethnic cleansing, Salam’s statement targets those government officials whose actions are responsible for what he would argue are the underlying crimes, and calls on countries to “punish the perpetrators.” It is important to note that while Britain does not claim universal jurisdiction for crimes against humanity committed abroad unless the accused is a UK national or legal resident, several European countries do assert this claim.⁴⁷

Another highly consequential aspect of Miliband's announcement concerns Jerusalem. When he announced that Britain would henceforth view Israel's occupation as unlawful, the foreign secretary said very little about Jerusalem. He could have specifically reaffirmed British rejection of Israel's annexation of that part of the city acquired in the 1967 war and the declaration of "united Jerusalem" as Israel's "eternal capital," but he did not. Indeed, only by inference can one conclude that what is popularly known as "East Jerusalem" is part of his definition of "occupied Palestinian territory."⁴⁸ But that conclusion is clear from this passage in his September 8 statement: "Madame Deputy Speaker, at the time of the Oslo peace accords in 1993, around 270,000 settlers lived in the occupied Palestinian territories. Today it is some 770,000." Since only slightly more than a half-million people live in Israel's West Bank settlements, that number—770,000—only makes sense by including the more than 250,000 Jews who live in formerly Jordan-held Jerusalem. This position comports with the succinct policy statement found on the website of the British consulate in Jerusalem, now forced to shutter and reopen as a slimmed-down "mission" due to Israel's retaliation for Britain's announced import ban on settlement goods:

The position of the UK government has remained constant since April 1950, when the UK extended *de jure* recognition to the State of Israel, but withheld recognition of sovereignty over Jerusalem pending a final determination of its status. We recognise Israel's *de facto* authority over West Jerusalem. In line with Security Council Resolution 242 (1967) and subsequent Council resolutions, we regard East Jerusalem as under Israeli occupation.⁴⁹

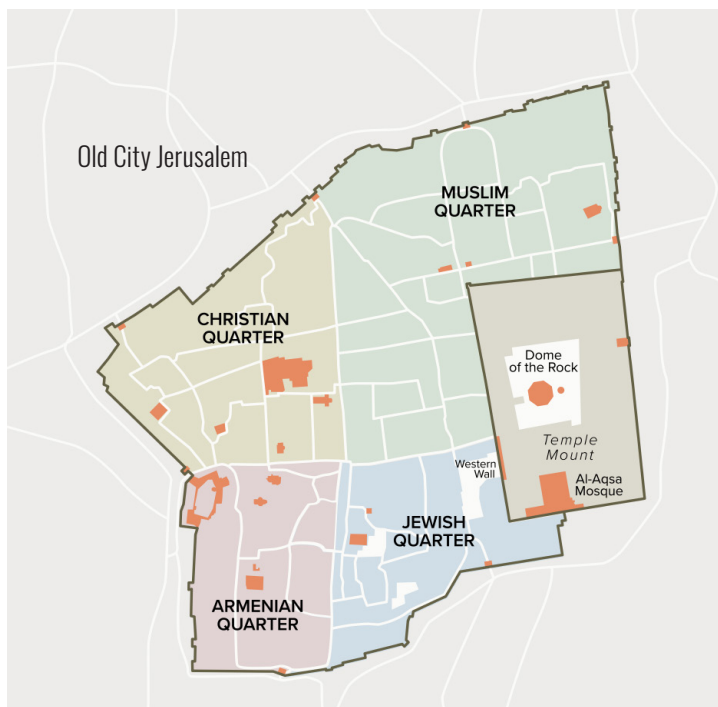
It is noteworthy that, as of this writing, the consulate has not yet caught up with the foreign secretary in declaring the occupation of Jerusalem "unlawful."

Including "occupied Jerusalem"—i.e., the part of the current municipality formerly held by

Jordan—in the area subject to the import ban (and, by extension, any future sanctions) raises numerous complications. In its current municipal boundaries, Jerusalem—Israel's capital—is its largest city by both area and population. More than a million people live there, about one-quarter of whom are Jews living in territory acquired in the 1967 war.⁵⁰ Huge numbers traverse the previous armistice lines multiple times a day. Four government ministries—Justice; National Security; Construction and Housing; and Innovation, Science, and Technology—are located in the "occupied" part of the city, as are headquarters of Israel's national police. Throngs of tourists visit the city, a substantial percentage of the millions who visit Israel each year.⁵¹ The vast majority who come to Jerusalem visit sites sacred to the three monotheistic religions—from the Western Wall to the Church of the Holy Sepulchre to the al-Aqsa Mosque—all of which are located in the Old City, "occupied" since 1967.

Just applying the import ban to goods produced in what Britain calls "East Jerusalem" will be a huge challenge. Whereas in the West Bank the ban will ostensibly apply to all goods produced in or by Israeli settlements, which are easily identifiable geographic sites, the same principle does not apply to Jerusalem. Would such a ban apply to all goods in formerly Jordan-held territory—except those with a religious exemption—or only those produced by Jewish-owned companies? Would Britain really go down the road of differentiating targets of the import ban by the religion of the corporate owner? Specifically, would a British customs and tax inspector permit the import of goods produced in a Muslim-owned workshop in the Christian, Muslim, or Armenian quarter but prohibit imports from a Jewish-owned workshop in the Jewish quarter, just steps away? The complications multiply if Britain seeks to apply additional sanctions, such as suspending cooperation with those four ministries headquartered in "occupied" Jerusalem.

These are just the potential implications if one major Western country adopts the ICJ opinion as national policy. The consequences increase dramatically if



[W]ould a British customs and tax inspector permit the import of goods produced in a Muslim-owned workshop in the Christian, Muslim, or Armenian quarter but prohibit imports from a Jewish-owned workshop in the Jewish quarter, just steps away?

multiple countries join in collective implementation of this approach. So far, that has not happened. While numerous countries view Israeli settlements as illegal, Norway appears to be the only other Western country to have adopted the position that the occupation is itself “unlawful.” There is little likelihood of the European Union endorsing the ICJ opinion as policy, given firm German opposition and support for Britain’s import ban from little more than one-third of EU countries so far.

Yet momentum could build over time, especially if national courts in key European countries claim universal jurisdiction to adjudicate what plaintiffs will present as major human rights violations in the West Bank.⁵² This could leave remaining EU friends of Israel in an embarrassing minority. If a substantial group of major countries coordinates efforts and jointly imposes the full range of possible sanctions, the implications for Israel—and Israelis—would be nothing short of catastrophic.

**Even some of Israel’s worst critics
—such as Spain and Turkey—
have shied away from
echoing the ICJ opinion.**

As Israel's most significant ally, America should view preventing this disastrous outcome as a foreign policy priority. The threat of diplomatic isolation, legal attack, and economic strangulation triggered by the Miliband declaration should today be considered among the greatest external dangers to the Jewish state. In theory, collective action by multiple major countries to penalize Israel for its "unlawful" occupation of Palestinian territories could shut down Israel's economy, prevent normal international travel for Israeli citizens, and turn Israel's capital into a no-go zone. Moreover, applying personal culpability to those involved in Israel's "unlawful" occupation, as advocated by the British foreign secretary, could sweep up substantial numbers of current and former Israeli officials and private-sector leaders in a dragnet of zealous enforcement. Should a consensus emerge on the illegality of Israel's occupation and the urgency of punishing the perpetrators of what Miliband identified as ethnic cleansing, the vilification Israel has suffered because of the global campaign against its Gaza policy will pale in comparison to what is to come.

Along the way, participating countries—many of which may be longtime partners of the United States—risk ensnaring both themselves and numerous major companies in violations of various federal and state anti-boycott laws, with potentially huge consequences for bilateral trade. Moreover, tens of thousands of U.S. citizens—whether they live inside Jerusalem and West Bank settlements or elsewhere in pre-1967 Israel⁵³—risk getting caught in the enforcement web aimed at pressuring Israel to end its "unlawful" actions. It does not take much imagination to see how this will affect many of the 400,000–600,000 Americans who visit Israel each year, Jews and non-Jews alike.⁵⁴

So far, the Trump administration has been uncharacteristically subdued in its response to the British decision to ban imports from West Bank settlements. According to media reports, a statement condemning the import ban was drafted by a top

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aide to U.S. ambassador to Israel Mike Huckabee but shelved by senior officials in Washington.⁵⁵ If accurate, perhaps this is because of increasing unease inside the administration with the current Israeli government or aspects of its approach to the West Bank. Or perhaps it was a goodwill gesture to the new British prime minister, Andy Burnham. In early October, the U.S. assistant attorney general for civil rights, Harmeet Dhillon, condemned the import ban proposal as "antisemitic" and threatened retaliatory sanctions, but this statement has not been affirmed by more senior officials.⁵⁶ Perhaps most important, Washington has said nothing at all about Miliband's declaration of the occupation as unlawful.

Whatever the tactical explanation, it remains in the U.S. interest to contain the damage from Miliband's declaration and limit the impact British action could have both on Israel and on U.S. citizens and companies. A White House statement affirming Dhillon's warning would have a salutary effect. U.S. interests especially call for steps to prevent a snowballing of international approval for declaring Israel's occupation "unlawful," a development that would undermine America's longstanding support for direct negotiations as the pathway to resolving the Israeli-Palestinian conflict.

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While a public row with London may be unavoidable, the administration can help defuse the situation through quiet diplomacy. This should be targeted toward three fronts:

- **Cautioning the British government** that an import ban on settlement goods will have damaging implications both for bilateral trade and broader relations, coupled with a stern warning against any further punitive measures. Specifically, Washington should point out that imposing any sanctions (on goods, services, or other sectors) that touch on Jerusalem, recognized by the United States as Israel's capital, or that target individuals—which would likely affect U.S. citizens—will have especially dire consequences. Furthermore, the administration should probe the implications of declaring Israel's occupation unlawful by asking London to explain whether it now considers UN Security Council Resolution 242 irrelevant, whether it still supports a negotiated resolution to the Israeli-Palestinian conflict, whether it still considers Israel's security vis-à-vis threats from the West Bank a legitimate concern, and whether it now repudiates those aspects of bilateral agreements between Israel and the PLO that the parties themselves still consider operable, such as the very existence of the Palestinian Authority.

- **Reaching out to wavering countries**—including those that have endorsed the idea of an import ban but have not yet implemented it, as well as the larger number that have not joined London in declaring Israel's occupation "unlawful"—to warn against taking those decisions. Washington could paint a bleak picture for these capitals of the potentially negative repercussions of these steps, both for the pursuit of Arab-Israeli peace and for relations with the United States, if they follow Britain's lead.
- **Most important, urging the Israeli government to adopt a series of policies** that together affirm the core bargain in Resolution 242. Such a step would underscore the principle of Israel's commitment to a negotiated resolution of the conflict with the Palestinians. The goal would not be to convince Paris, Canberra, Tokyo, Warsaw—the only Eastern European capital to say it will join in Britain's ban on West Bank goods—and other wavering governments of the rectitude of Israeli policy in the territories. Rather, the goal would be to reassure them that Israel remains faithful to the idea of a "just and lasting peace," whose pursuit underlies the legality of Israel's occupation, and that settlement activity would not stand in the way of achieving a fair, equitable, and final resolution of the conflict.

Given how Israeli words and actions have in recent years moved in the opposite direction, taking this advice will require Israel to adopt a substantial policy shift. Aspects could include:

- **Declaring, through official government statement, that Israel continues to seek the "just and lasting peace" called for in Resolution 242** and that, if circumstances were ripe, it recognizes "withdrawal from territories" as a painful price it will pay to achieve that goal.
- **Reaffirming that Israel will continue to govern the West Bank by the humanitarian principles of the laws of military occupation**, which prohibit the unilateral annexation of territory.

- **Ending the application of civilian law to the West Bank** and returning governance to a “military administration.”
- **Ending three controversial policies regarding settlements:** confiscation of land for settlement construction; provision of government financial incentives for the territorial expansion of settlements; and legalization of illegal wildcat outposts as government-recognized settlements.
- **Embracing President Trump’s twenty-point plan for Gaza** in all its parts. While the ICJ opinion focuses on the West Bank, Miliband’s declaration included a lengthy section on Gaza, critiquing Israel for what he called the “ongoing crisis,” despite the 2025 ceasefire. Affirming support for the Trump plan in both words and deeds—including backing constructive international efforts on Hamas disarmament, Gaza reconstruction, and Palestinian governance—would be an effective Israeli response.
- **Adopting a whole-of-government approach to settler violence,** which would range from reauthorizing the use of preventive detention against key leaders and perpetrators to dispatching adequate police and law enforcement to address the security problem. Such an approach would also include shutting down illegal outposts used as operational bases by violent groups and holding criminally responsible those religious and political leaders whose ideological indoctrination of perpetrators constitutes incitement to violence.

Taken together, these six steps would constitute a significant initiative to affirm Israel’s good-faith commitment to the letter and spirit of UN Security Council Resolution 242. Following them will not quiet international criticism of Israeli settlement policy, nor will it extinguish calls to penalize Israel for its failure to embrace a two-state solution. At the same time, adopting these measures does not violate any aspect of Israel’s post–October 7 national consensus on security. Renouncing annexation of West Bank territory and reaffirming Israel’s commitment to the principle of defining “secure and recognized

borders” in the context of a final resolution of this conflict does not in any way require Israel to endorse Palestinian statehood, an idea today outside the mainstream of Israeli politics.

The fact that many countries may support an import ban on settlement goods but have hesitated in endorsing Miliband’s declaration that the occupation itself is unlawful suggests an opening. Indeed, these countries may appreciate the slippery slope that would await such a declaration and are looking for a good reason to hold back. The United States is uniquely positioned to advise Israel to heed a critical lesson of October 7—that the best defense is a bold and confident offense—by giving those wavering countries that rationale.

In this context, a bold and confident diplomatic offensive means taking significant steps to renounce unilateral annexation of West Bank territory and reaffirm Israel’s commitment to the core principles of Resolution 242. Without such steps, no amount of direct U.S. lobbying or even U.S. threats are likely to convince Britain to content itself with the import ban or deter other capitals from joining London in labeling the occupation “unlawful.” As Israel’s closest ally, Washington is singularly placed to make clear to the country’s leaders that outside help cannot prevent the potentially disastrous repercussions of a global campaign to penalize it for its “unlawful” occupation unless Israel helps itself. ❖

[A] bold and confident diplomatic offensive means taking significant steps to renounce unilateral annexation of West Bank territory and reaffirm Israel’s commitment to the core principles of Resolution 242.

NOTES

- 1 “Joint Statement of the Foreign Ministers of Canada, Denmark, Finland, France, Iceland, Ireland, Norway, Poland, Portugal, Spain, Sweden and the UK on the Two-State Solution,” Government of Canada, September 8, 2026, <https://www.canada.ca/en/global-affairs/news/2026/09/joint-statement-of-the-foreign-ministers-of-canada-denmark-finland-france-iceland-ireland-norway-poland-portugal-spain-sweden-and-the-uk-on-the-two.html>.
- 2 “Full Speech: Ed Miliband Says Entire Occupation Unlawful, Slams ‘Settler Terrorists’ and Israeli Government That Indulges Them,” *Times of Israel*, September 8, 2026, <https://www.timesofisrael.com/full-speech-ed-miliband-lays-out-uks-new-approach-to-support-two-state-solution/>.
- 3 For the Democrats’ security-diplomatic platform, which calls for stopping annexation of the West Bank but says little else about the future of the territories, see <https://yes.democrats.org.il/topics/security-diplomatic>.
- 4 Norway considers Israel’s “presence” in the territories to be “illegal.” See “Do Not Engage in Trade and Business Cooperation That Serves to Perpetuate Israel’s Occupation of Palestine,” Government.no, updated October 23, 2024, <https://www.regjeringen.no/en/whats-new/do-not-engage-in-trade-and-business-cooperation-that-serves-to-perpetuate-israels-occupation-of-palestine/id3061358/>.
- 5 See, e.g., UN Security Council Resolution 252 (1968), the first post-1967 Security Council resolution critiquing Israeli actions in Jerusalem. It noted that “all legislative and administrative measures and actions taken by Israel...which tend to change the legal status of Jerusalem, are invalid and cannot change that status”—meaning that Israel remained, in the view of the Security Council, responsible for military occupation of those territories along with all the others occupied in the June 1967 war. The United States (and Canada) abstained. Available at *Interactive Encyclopedia of the Palestine Question*, <https://www.palquest.org/en/historictext/9957/unsc-resolution-252>.
- 6 See, e.g., this important 2005 statement by Israel’s High Court, then under the presidency of Aharon Barak: “Mara’abe v. the Prime Minister of Israel,” available at Versa (Opinions of the Supreme Court of Israel), <https://bit.ly/4i2GnFL>.
- 7 For the exchange of letters on this issue between Israeli Prime Minister Ariel Sharon and U.S. President George W. Bush, available at Institute for National Security Studies, see <https://www.inss.org.il/wp-content/uploads/2018/12/16-2004-Exchange-of-Letters-between-PM-Sharon-and-President-Bush.pdf>.
- 8 How Palestinians evolved from unnamed actors in UN Security Council Resolution 242 to the key interlocutors in diplomacy over the disputed lands occupied in 1967—now termed “occupied Palestinian territories” in most official statements—is itself a fascinating story, although outside the purview of this essay.
- 9 For details, see Yigal Allon, “Israel: The Case for Defensible Borders,” *Foreign Affairs*, October 1976, <https://www.foreignaffairs.com/israel/israel-case-defensible-borders>.
- 10 For the authoritative account on the 2000 talks, see Dennis Ross, *The Missing Peace: The Inside Story of the Fight for Middle East Peace* (Farrar, Straus and Giroux, 2004), 650–711.
- 11 For details, including a photo of the map presented by Olmert to Abbas, see “In First, Olmert Reveals Map of His Offer to Abbas for Two-State Solution,” *Times of Israel*, February 24, 2025, https://www.timesofisrael.com/liveblog_entry/in-first-olmert-reveals-map-of-his-offer-to-abbas-for-two-state-solution/.
- 12 An attempt by U.S. Secretary of State John Kerry to launch serious negotiations sputtered in 2014. The last official U.S. proposal for a territorial resolution was made by the Trump administration in 2020. It included Israeli withdrawal from 70 percent of the West Bank and compensation for the remaining 30 percent with two large chunks of the Negev along the border with Egypt, meant for industrial and agricultural development. The plan—labeled the “deal of the century”—died a speedy death, having received neither Israeli nor Palestinian endorsement.
- 13 Isabel DeBre, “Israel’s Finance Minister Now Governs the West Bank. Critics See Steps Toward Permanent Control,” Associated Press, September 14, 2023, <https://apnews.com/article/palestinians-israel-occupation-west-bank-smotrich-netanyahu-e262d0bca6a637d217852ea238ab45b2>.
- 14 European Union, *2025 Report on Israeli Settlements in the Occupied West Bank, Including East Jerusalem*, July 6, 2026, <https://www.eeas.europa.eu/sites/default/files/2026/documents/2025%20Report%20on%20Israeli%20settlements%20in%20the%20occupied%20West%20Bank.pdf>.
- 15 “Israeli Defense Minister Says Government Approved 104 Illegal Settlements in the West Bank Since 2022,” *Middle East Monitor*, July 31, 2026, <https://www.middleeastmonitor.com/20260731-israeli-defense-minister-says-government-approved-104-illegal-settlements-in-the-west-bank-since-2022/>.
- 16 Neomi Neumann, “Extremist Settler Terrorism and Violence in the West Bank: New Data Calls for a New

- Strategy,” PolicyWatch 4265, Washington Institute for Near East Policy, September 18, 2026, <https://www.washingtoninstitute.org/policy-analysis/extremist-settler-terrorism-and-violence-west-bank-new-data-calls-new-strategy>.
- 17 For example, the Israeli government endorsed President Trump’s twenty-point plan but has backed away from those planks that imply the possibility of an eventual Palestinian state and explicitly rejected the subsequent fifteen-point plan designed to implement the original. Aaron Boxerman and Adam Rasgon, “Netanyahu Rejects Trump’s Plan for Disarming Hamas,” *New York Times*, August 9, 2026, <https://www.nytimes.com/2026/08/09/world/middleeast/israel-netanyahu-trump-15-point-plan-hamas-peace-gaza.html>.
- 18 Sam Sokol and *ToI* staff, “Knesset Votes 71–13 for Non-Binding Motion Calling to Annex West Bank,” *Times of Israel*, July 23, 2025, <https://www.timesofisrael.com/knesset-votes-71-13-for-non-binding-motion-calling-to-annex-west-bank/>.
- 19 See, e.g., Smotrich’s statement on “burying the idea of a Palestinian state,” Tom McArthur and Jon Donnison, BBC, August 14, 2025, <https://www.bbc.com/news/articles/ckgdzxpkkdd7o>, and Ben Gvir’s statement that “there is no such thing as the Palestinian people,” Sam Sokol, “Smotrich, Ben Gvir Demand Netanyahu ‘Make It Clear’ Palestinian State Won’t Be Established,” *Times of Israel*, November 15, 2025, https://www.timesofisrael.com/liveblog_entry/smotrich-ben-gvir-demand-netanyahu-make-it-clear-palestinian-state-wont-be-established/.
- 20 Jacob Magid, “U.S. Assured UAE It Won’t Back Israel Annexation Before 2024 at Earliest, *ToI* Told,” *Times of Israel*, September 13, 2020, <https://www.timesofisrael.com/us-assured-uae-it-wont-back-israel-annexation-before-2024-at-earliest-toi-told/>.
- 21 “New York Declaration on the Peaceful Settlement of the Question of Palestine and the Implementation of the Two-State Solution,” United Nations High-Level International Conference, July 29, 2025, <https://www.un.org/unispal/document/un-high-level-international-conference-new-york-declaration-29jul2025/>.
- 22 “Full Speech: Ed Miliband,” <https://www.timesofisrael.com/full-speech-ed-miliband-lays-out-uks-new-approach-to-support-two-state-solution/>.
- 23 International Court of Justice, “Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem,” advisory opinion, July 19, 2024, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-jud-01-00-en.pdf>.
- 24 See “Declaration of President Salam,” 855–73, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-jud-01-01-en.pdf>. The ICJ’s leadership by a representative of a country that was both at war with and never recognized Israel is just one of many questionable aspects of its advisory opinion.
- 25 Miliband’s September 2026 video is available on X, https://x.com/Ed_Miliband/status/2103163549719945443?s=20.
- 26 “Joint Opinion of Judges Tomka, Abraham and Aurescu,” International Court of Justice, 931–32, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-jud-01-04-en.pdf>. Sarah H. Cleveland, the American judge appointed by the Biden administration, joined the court in February 2024, just two weeks before hearings on this case opened, and concurred with the advisory opinion. She did, however, join another judge in a declaration noting that the court did not adopt the most extreme remedy advocated by the plaintiffs—an immediate withdrawal from the territories—but rather endorsed the somewhat less demanding call to evacuate the area “as rapidly as possible.” See p. 980 of this same citation.
- 27 Russia vetoed the March 2014 UN Security Council resolution declaring that an upcoming referendum on Crimea’s secession from Ukraine had “no validity,” a statement endorsed later that month by a UN General Assembly resolution by a vote of 100–11, with 58 abstentions. “Backing Ukraine’s Territorial Integrity, UN Assembly Declares Crimea Referendum Invalid,” *UN News*, March 27, 2014, <https://news.un.org/en/story/2014/03/464812>.
- 28 Spain was the first European country to join South Africa’s ICJ case charging Israel with “genocide” for its action in Gaza. “Spain Joins South Africa’s UN Case on Israel Genocide Accusations,” *Voice of America*, June 6, 2024, <https://www.voanews.com/a/spain-joins-south-africa-un-case-/7645496.html>.
- 29 Spain Ministry of Foreign Affairs, European Union, and Cooperation, “Spain Welcomes the Advisory Opinion of the International Court of Justice on the Israeli Occupation of the Palestinian Territories,” press statement, July 19, 2024, https://www.exteriores.gob.es/en/Comunicacion/Comunicados/Paginas/2024_COMUNICADOS/20240719_COMU037.aspx.
- 30 For Turkey’s ICJ submission, see <https://www.un.org/unispal/document/written-statement-of-turkiye-icj-20jul23/>.
- 31 For details, see “Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965,” International Court of Justice, <https://www.icj-cij.org/case/169>.

- 32 Samuel Osborne, “Chagos Islands: UN Officially Demands Britain and U.S. Withdraw from Indian Ocean Archipelago,” *Independent*, May 23, 2019, <https://www.independent.co.uk/news/world/americas/chagos-islands-uk-un-resolution-general-assembly-vote-indian-ocean-a8924656.html>.
- 33 For details, see “2025 Treaty on the British Indian Ocean Territory/Chagos Archipelago,” House of Commons Library, September 8, 2025, <https://commonslibrary.parliament.uk/research-briefings/cbp-10273/>.
- 34 For details, see Jennifer McKiernan, “Chagos Deal Paused over Trump Opposition, Minister Confirms,” BBC, April 13, 2026, <https://www.bbc.com/news/articles/ce9m47y1ez2o>.
- 35 On British trade with Israel, see UK Department for Business, Innovation, Science and Trade, “Trade and Investment Factsheets: Israel,” September 24, 2026, <https://assets.publishing.service.gov.uk/media/6ab265b38cb3c0580e500fa0/israel-trade-and-investment-factsheet-2026-09-24.pdf>.
- 36 On British trade with Palestine, see “Overseas Business Risk: Palestine,” Gov.uk, updated June 9, 2026, <https://www.gov.uk/government/publications/overseas-business-risk-for-palestine/overseas-business-risk-the-occupied-palestinian-territories>.
- 37 UK Parliament, “Israel and Palestine,” vol. 790, debated September 8, 2026, https://hansard.parliament.uk/commons/2026-09-08/debates/B9E48476-ADE4-4D56-8EA8-F76BBFF188E8/IsraelAndPalestine?utm_source=
- 38 See UN Office of the High Commissioner for Human Rights, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/36.
- 39 The two UK-registered companies are Greenkote PLC, which develops and markets protective coating for the construction, automotive, and mining industries, and J. C. Bamford Excavators Ltd., which manufactures equipment for construction, agriculture, waste handling, and demolition.
- 40 For the full list of targeted companies, see Human Rights Council, 63rd Session, September 7–October 9, 2026, agenda item 2, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session63/advance-versions/a-hrc-63-20-aev.pdf>.
- 41 For federal U.S. anti-boycott legislation and regulations, see U.S. International Trade Administration, “Antiboycott Compliance,” <https://www.trade.gov/antiboycott-compliance>; for individual states, see “U.S. State Anti-BDS Legislation,” Israel Legal Advocacy Project, <https://www.lawandisrael.org/library/topical/bds/anti-bds-legislation/u-s-state-legislation/>.
- 42 *ToI* staff and Nava Freiberg, “Dutch Customs Authorities Search Luggage of El Al Passengers as New Ban on Bringing in Items from West Bank Settlements, Golan Takes Effect,” *Times of Israel*, live blog, September 27, 2026, https://www.timesofisrael.com/liveblog_entry/dutch-customs-authorities-search-luggage-of-el-al-passengers-as-new-ban-on-bringing-in-items-from-west-bank-settlements-golan-takes-effect/. There is some dispute as to whether the Netherlands meant to target individuals or overstepped regulations designed to prevent the importation of commercial goods. See Tal Schneider, “The Netherlands Is Just a Symptom of a Widening Global Boycott Against Israel,” *Times of Israel*, September 28, 2026, <https://www.timesofisrael.com/the-netherlands-is-just-a-symptom-of-a-widening-global-boycott-against-israel/>. For the official Dutch explanation of the incident, see Netherlands Ministry of Finance, “This Is How Customs Checks Passengers’ Baggage for Sanctioned Goods” (in Dutch), September 30, 2026, <https://www.douane.nl/zo-controleert-de-douane/>.
- 43 For visits to Britain by Israelis, see databases at VisitBritain.org, <https://www.visitbritain.org/research-insights/inbound-visits-and-spend-annual-uk>.
- 44 “UK Hits Russian Oligarchs and Banks with Targeted Sanctions: Foreign Secretary’s Statement,” press release, Gov.uk, February 22, 2022, <https://www.gov.uk/government/news/uk-hits-russian-oligarchs-and-banks-with-targeted-sanctions-foreign-secretary-statement>.
- 45 “Declaration of President Salam,” 858, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-jud-01-01-en.pdf>.
- 46 “Declaration of President Salam,” 858, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-jud-01-01-en.pdf>.
- 47 For details, see “At a Glance: Universal Jurisdiction in EU Member States,” Eurojust (European Union Agency for Criminal Justice Cooperation), May 23, 2023, <https://www.eurojust.europa.eu/sites/default/files/assets/at-a-glance-universal-jurisdiction-in-eu-member-states.pdf>.
- 48 The widely used term “East Jerusalem” is inadequate because today’s Jerusalem includes the former “West Jerusalem,” held by Israel since 1949, the six square kilometers of what used to be “East Jerusalem”—namely the Jordanian municipality of Jerusalem, of which the Old City is one square kilometer—plus another sixty-four square kilometers of what used to be West Bank territory.
- 49 “British Consulate General Jerusalem,” Gov.uk, <https://www.gov.uk/world/organisations/british-consulate-general-jerusalem>.

- 50 For detailed demographic data on Jerusalem, see the annual yearbook of the Jerusalem Institute for Policy Research, <https://jerusalemresearch.org.il/en/yearbook/#/4372>. On the geographic spread of the city's population by religious affiliation, see graphic from the same yearbook "Table III/10—Population of Jerusalem, by Age, Religion and Geographical Spreading, 2024," https://jerusalemresearch.org.il/wp-content/uploads/2026/05/shnaton_C1026.pdf.
- 51 The high point for tourist visits to Israel was 2019, with 4.5 million. More than 3 million visited in 2023, before the October 7 attacks. Since then, regional conflict has kept numbers relatively low, although still 1.3 million—including almost 100,000 UK residents—visited in 2025. Israel Ministry of Tourism, "Summary of the Ministry of Tourism's Activities for 2025," December 31, 2025, <https://www.gov.il/en/pages/summary-ministry-of-tourism-activities-2025>.
- 52 See, e.g., Annie Hylton, "Could Other Countries Prosecute Soldiers in Gaza?" *The New Yorker*, January 11, 2025, <https://www.newyorker.com/news/the-lede/could-other-countries-prosecute-soldiers-in-gaza>.
- 53 According to U.S. ambassador Mike Huckabee, 700,000 Americans are currently living in Israel, although most estimates are much lower, closer to 250,000. Zeena Salfi and Clarissa War, "'It's a Scary Time to Be Here Right Now': Americans Stuck in Israel Are Desperate to Get Out," CNN, June 21, 2025, <https://www.cnn.com/2025/06/21/middleeast/americans-israel-desperate-get-out-intl-latam>.
- 54 For details, see Claudette Covey, "Israel Draws Nearer to Tourism Recovery," TravelPulse, updated January 7, 2026, <https://www.travelpulse.com/news/destinations/israel-draws-nearer-to-tourism-recovery>, and Jerusalem News Syndicate, "U.S. Tops List of Tourists to Israel," August 7, 2023, <https://www.jns.org/israel-news/us-tops-list-of-tourists-to-israel>.
- 55 Reuters, "U.S. Drafted Memo Condemning UK over West Bank Sanctions, but It Was Never Released—Report," *Jerusalem Post*, September 23, 2026, <https://www.jpost.com/middle-east/article-909494>.
- 56 Iona Cleave, "U.S. Threatens Britain with Tariffs over Israel Sanctions," *Telegraph*, October 6, 2026, available at <https://www.yahoo.com/news/politics/articles/us-threatens-britain-tariffs-over-225927861.html>.

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