

Prospective UK- Israel Free Trade Agreement

**Submission to the Department of
International Trade**

March 2022

Introduction

The TUC exists to make the working world a better place for everyone. We bring together more than 5.5 million working people who make up our 48 member unions.

The TUC welcomes the opportunity to respond to the Department for International Trade's consultation on a prospective free trade agreement (FTA) with Israel.

The TUC believes the government must require respect for fundamental human and labour rights as a pre-condition for any trade deal.

The TUC believes trade deals must promote good jobs, contain effective mechanisms to enforce core International Labour Organisation conventions and protect all public services, personal data and democratic decision making.

We believe that the UK government should not sign trade deals with countries where workers' and human rights are systematically abused, including Colombia,¹ India,² and the Gulf States.³

Israel is an occupying power. In violation of international law, it has occupied Palestinian territory for over 50 years. UN Resolution 242 (1967) emphasises "the inadmissibility of the acquisition of territory by war" and highlights that establishing a just and lasting peace in the Middle East should include "withdrawal of Israel armed forces from the territories occupied in the recent conflict."⁴

This submission details evidence of persistent violations of international law by successive Israeli governments that are linked to the occupation, and grave human and labour rights abuses experienced by Palestinians living under occupation.

The UK government has stated that, "Britain's view is that the settlements in the Occupied Palestinian Territories are illegal under international law, so they are not covered within the scope of our trade agreement."⁵ However, in reality, the Israeli economy cannot be separated from activities in the illegally occupied territory because Israel is in a customs union with the occupied Palestinian territory (OPT).⁶ The Israeli

¹ TUC (2021) 'Briefing on the UK-Andean trade agreement', available online at: <https://www.tuc.org.uk/research-analysis/reports/tuc-briefing-uk-andean-trade-agreement>

² TUC (2022) 'UK government should not entertain UK-India trade agreement', available online at: <https://www.tuc.org.uk/news/tuc-uk-government-should-not-entertain-uk-india-trade-deal-until-widespread-rights-abuses-are>

³ TUC (2022) 'TUC opposes UK trade talks with Gulf states', available online at: <https://www.tuc.org.uk/research-analysis/reports/tuc-opposes-uk-trade-talks-gulf-states-abusing-human-rights>

⁴ United Nations (1967) 'Overview of Security Council Decisions, S/RES/242', available online at: <https://www.securitycouncilreport.org/un-documents/document/ip-s-res-242.php>

⁵ Hansard (20 January 2022) 'UK-Israel Trade Negotiations', available online at: <https://hansard.parliament.uk/Commons/2022-01-20/debates/22012065000001/web>

⁶ United Nations Conference on Trade and Development (2018) 'Economic reality in Occupied Palestinian Territory is bleaker than ever', available online at: <https://unctad.org/news/economic-reality-occupied-palestinian-territory-bleaker-ever>

economy benefits from the expropriation of Palestinian land and resources, and the exploitation of Palestinian labour in the settlements and in Israel – as detailed in this submission.

In addition, due to the UK government's inadequate approach to labelling, there is a risk that goods made in the OPT could gain tariff free access to UK markets through the proposed UK-Israel free trade agreement.

On the basis of the evidence in this submission, the TUC believes that the UK should not enter into trade negotiations or sign a trade deal with Israel and calls on the government to engage with trade unions to discuss these concerns.

The TUC has longstanding policy in support of Palestinian rights which has been developed through a democratic process. TUC policy and the evidence base in support of this is set out in our 2020 report, *Justice for Palestine*.⁷

Our policies support Palestinian rights by calling for an end to the illegal occupation and the blockade of Gaza, ending settlement expansion and construction of the wall/separation barrier. We call for an ethical policy on all UK trade with Israel, which includes suspension of the UK-Israel Trade and Partnership Agreement (rolled over from the EU-Israel Association Agreement) until Palestinian rights are established.⁸ The TUC has also called for a ban on trade in goods from the illegal settlements.⁹

Our policies condemn the discriminatory Nation State Law and the cuts to the United Nations Relief and Works Agency for Palestine Refugees (UNWRA).¹⁰

The TUC supports genuine efforts towards a just and lasting peace in Israel and Palestine that is consistent with international law and respect for human and labour rights. TUC policies support an inclusive peace process, based on a two-state solution that delivers security for Israel and Palestine, and which respects the right to self-determination and the right to return.¹¹

In 2020, the TUC passed a motion stating full opposition to the Israeli government's intention to annex parts of the West Bank in violation of international law, with such a

⁷ <https://www.tuc.org.uk/Justiceforpalestinereport>

⁸ TUC (2014) 'Report of Congress 2014', available online at <https://www.tuc.org.uk/sites/default/files/Report%20of%20Congress%202014%20-%20using%20new%20template%20rs.pdf>

⁹ TUC (2012) 'UK can legally ban Israeli settlement goods', available online at <https://www.tuc.org.uk/news/uk-government-can-legally-ban-israeli-settlement-goods>

¹⁰ TUC (2018) 'Report of Congress', available online at: <https://www.tuc.org.uk/sites/default/files/ReportofCongress2018.pdf>

¹¹ TUC (2010) 'Congress 2010 composite motion c18 on Palestine', available online at <https://www.tuc.org.uk/research-analysis/reports/congress-2010-composite-motion-c18-palestine>
TUC (2012) 'Congress decisions 2012', available online at <https://www.tuc.org.uk/sites/default/files/tuc-21430-f0%281%29.pdf>

See TUC (2014) 'General Council Statement on Gaza', available online at: <https://www.tuc.org.uk/research-analysis/reports/general-council-statement-gaza-congress-2014>

TUC (2019) 'Congress 2019 motion 75 on Palestine, supporting the right to self-determination', available online at <https://congress.tuc.org.uk/motion-75-palestine-supporting-rights-to-self-determination/#sthash.zYeT3nni.dpbs>

move being another significant step in the creation of a system of apartheid.¹² In 2021, TUC Congress passed a motion noting that the crime of apartheid in relation to Israel is increasingly discussed in respect of its definition under international law. This motion acknowledged that Israeli NGO B'Tselem¹³ and Human Rights Watch¹⁴ have concluded that the Israeli regime is guilty of apartheid.¹⁵ According to Amnesty International, Israel's policies of segregation, dispossession and exclusion across all territories under its control amount to the crime of apartheid under international law.¹⁶ Recently, the UN Rapporteur on the OPT also concluded that Israel is committing the crime of apartheid in the occupied Palestinian territory.¹⁷ This term has been discussed and related evidence documented by Palestinian trade unions and civil society for some time.¹⁸

The following sections of this submission set out evidence of persistent violations of international law by successive Israeli governments that have resulted in systematic violations of Palestinians' human and labour rights. These support our belief that the UK government should not sign a new free trade deal with Israel.

Occupation and annexation

1. TUC policy opposes Israel's illegal occupation of Palestinian territory which denies Palestinians their basic rights and has continued for over 50 years in violation of international law and relevant UN resolutions.¹⁹ Any discussion of labour standards must therefore be considered in terms of the overall human rights situation.
2. As an occupying power, Israel is prohibited from transferring parts of its own civilian population into the territory it occupies, and from forcibly transferring and deporting protected persons from occupied territory under The Fourth Geneva

¹² TUC (2020) 'Congress 2020 motion 66, Solidarity with Palestine and resisting annexation', available online at: <https://congress.tuc.org.uk/motion-66-solidarity-with-palestine-and-resisting-annexation/#sthash.YHUKU1Lo.dpbs>

¹³ B'Tselem (2021) 'A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid', available online at: https://www.btselem.org/publications/fulltext/202101_this_is_apartheid

¹⁴ Human Rights Watch (2021) 'A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution', available online at: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

¹⁵

TUC (2021) 'Congress 2021 motion 72, Palestine' available online at: <https://congress.tuc.org.uk/by-year/2021/#sthash.4axjOJBj.XFgSi0ii.dpbs>

¹⁶ Amnesty International (2022) 'Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity', available online at: <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

¹⁷ United Nations (2022) 'Israel's 55-year occupation of Palestinian Territory is apartheid – UN human rights expert', available online at: <https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights>

¹⁸ For example see Al Haq et al (2019) 'Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination', available online at: <https://www.alhaq.org/advocacy/16183.html>

¹⁹ See for example UN Security Resolutions:

- 242 (1967), available online at: <https://unispal.un.org/unispal.nsf/0/7D35E1F729DF491C85256EE700686136>
- 476 (1980), available online at: <https://unispal.un.org/UNISPAL.NSF/0/>
- 478 (1980), available online: <http://unscr.com/en/resolutions/478>

Convention (Article 49).²⁰ Yet, around 600,000 Israeli settlers now live in around 250 settlements in the occupied West Bank, with about one-third in East Jerusalem.²¹ The UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, has called for the settlements to be designated a war crime under the Rome Statute.²² And the UN Security Council, of which the UK is a member, acknowledged in Resolution 2334 that “the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace”.²³

3. Marking the fifth anniversary of Resolution 2334 in 2021, the UN Special Rapporteur called on the international community to hold Israel to account, contending that “without decisive international intervention to impose accountability upon an unaccountable occupation, there is no hope that the Palestinian right to self-determination and an end to the conflict will be realized anytime in the foreseeable future”.²⁴
4. In Gaza, the illegal blockade of land, sea and air has continued for nearly 15 years. The UN’s Special Rapporteur has stated that the blockade amounts to a form of collective punishment, which is prohibited under international law.²⁵ The blockade controls and restricts the movement of people and goods in and out of Gaza, resulting in economic suffocation, social and familial isolation from the outside world, and worsening living and health standards. As a result, the economy is in near collapse.²⁶
5. The policies and practices of Israeli governments, such as building illegal settlements, construction of the separation barrier, checkpoints, seam zones and designating large areas of land as closed military zones, have fragmented the West Bank including East Jerusalem, disrupting its contiguity, and undermining the possibility of a just and sustainable two-state solution.²⁷

²⁰ United Nations (1949) ‘IV Geneva Convention Relative to the Protection of Civilian Persons in the Time of War’, available online at https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

²¹ Amnesty International ‘Background: The Israeli Occupation’, available online at: <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-1-background/>

²² United Nations (2021) ‘Occupied Palestinian Territory: Israeli settlements should be classified as war crimes, says UN’ available online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E>

²³ United Nations (2016) ‘Resolution 2334’, available online at: <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

²⁴ United Nations (2021) ‘Five years after UNSC Resolution 2334, international accountability to end the Israeli occupation is more important than ever’ available online at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28010&LangID=E>

²⁵ United Nations (2018), ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’, online at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_75_EN.docx

²⁶ *ibid*

²⁷ United Nations (2014) ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk’ available online at: https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-25-67_en.pdf

6. The International Court of Justice, in its advisory opinion on the legal consequences of construction of the wall in the OPT, concluded that “the construction of the wall and its associated regime created a “fait accompli” on the ground that could well become permanent, and hence tantamount to a *de facto* annexation”. The Court also noted the illegal measures Israel had taken with regards to Jerusalem and the settlements - entailing further demographic changes to the population in the OPT, and that actions taken had impeded Palestinians’ expression of the right to self-determination.²⁸ In 2020, the UN Special Rapporteur noted that while formal annexation plans appeared to have been delayed, “Israel’s *de facto* annexation of Palestinian territory is ongoing”.²⁹ According to Palestinian human rights NGO, Al Haq, Israel has increasingly extended its sovereignty over the West Bank through legislative acts, in breach of its limited authority as a belligerent occupant, amounting to *de facto* annexation.³⁰
7. In May 2021, the escalation of violence in Palestine and Israel was, according to the UN, linked to the potential eviction of Palestinian families from East Jerusalem by Israeli settlers.³¹ The UN had called on Israel to halt all forced evictions - which violate international law.³² This violence resulted in the deaths of 282 Palestinians, including 66 children, and nearly 9,000 others being injured. In Israel, 13 people were killed, including 2 children.³³ At the time, the TUC published two statements, one condemning the excessive use of force by Israeli security forces against Palestinians protesting against the evictions and the Israeli air strikes on the Gaza strip,³⁴ and the other in solidarity with Palestinian workers during a general strike.³⁵
8. Between 2018-2019, 214 Palestinians were killed and 36,100 injured as a result of the excessive use of force, including use of live ammunition and rubber bullets, in response to the Great March of Return demonstrations in Gaza.³⁶ The UN expressed

²⁸ International Court of Justice (2003) ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory’, available online at: <https://www.icj-cij.org/en/case/131>

²⁹ United Nations (2020) ‘Seventy-fifth session, Situation of human rights in the Palestinian territories occupied since 1967’, available online at: https://www.ohchr.org/sites/default/files/Documents/Countries/PS/A_75_532_AUV.pdf

³⁰ Al-Haq (2021) ‘Questions and Answers: Israel’s Annexation of Palestinian Territory’, available online at: <https://www.alhaq.org/publications/18430.html>

³¹ United Nations (2021) ‘UN chief ‘gravely concerned’ as violence escalates in Occupied Palestinian Territory and Israel’, available online at: <https://news.un.org/en/story/2021/05/1091722>

³² United Nations (2021) ‘Stop evictions in East Jerusalem neighbourhood immediately, UN rights office urges Israel’, available online at: <https://news.un.org/en/story/2021/05/1091492>

³³ United Nations (2021) ‘Protection of civilians report’, available online at: <https://www.ochaopt.org/poc/24-31-may-2021>

³⁴ TUC (2021) ‘Stop Israeli government violence against Palestinians’, available online at: <https://www.tuc.org.uk/news/stop-israeli-government-violence-against-palestinians>

³⁵ TUC (2021) ‘The TUC stands in solidarity with Palestinian workers’, available online at: <https://www.tuc.org.uk/news/tuc-stands-solidarity-palestinian-workers>

³⁶ United Nations (2020) ‘Two Years On: People Injured and Traumatized During the “Great March of Return” are Still Struggling’, available online at: <https://www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/>

- concern about the excessive use of force used by Israeli Security Forces, which is contrary to standards under international law.³⁷
9. Violations of international law by the Israeli government persist. For example, in October 2021, under the leadership of Prime Minister Bennet, the Israeli government advanced plans for over 3,000 new homes in settlements in the occupied West Bank.³⁸ And in January 2022, another Palestinian family was forcibly evicted from their home in Sheikh Jarrah. At a UN Security Council meeting in February 2022, delegates urged Israel to end evictions of Palestinians.³⁹
 10. The International Criminal Court has initiated an investigation into crimes committed since 13 June 2014 with respect to the Situation in Palestine, following a near five-year preliminary examination of evidence.⁴⁰
 11. The Oslo Accords, which have steered Palestinian-Israeli relations towards a two-state solution since the 1990s are, according to the International Labour Organisation (ILO), losing their capacity to serve as reference points, because “for many years facts have been created, ranging from settlements to shifting borders and restrictions on movement and trade” that contradict decisions in the Oslo Accords and Paris Protocol.⁴¹

Human and labour rights

12. According to UN experts, Israel’s occupation is “the source of profound human rights violations against the Palestinian people”. These violations include land confiscation, forcible population transfer, home demolitions, excessive use of force, torture, labour exploitation, arbitrary detention, discriminatory law enforcement, discriminatory planning laws, confiscation of natural resources, lack of freedom of movement, and the imposition of a two-tier system of disparate political, legal, social, cultural and economic rights based on ethnicity and nationality.⁴² Palestinian and Israeli NGOs have also documented grave human rights abuses.⁴³

³⁷ United Nations (2019) ‘Great march of return: scores of people killed and injured over one year’, available online at: <https://www.unrwa.org/newsroom/press-releases/great-march-return-scores-people-killed-and-injured-over-one-year>

³⁸ BBC News (2021) ‘Israel advances plans for 3,000 new homes in West Bank settlements’, available online at: <https://www.bbc.co.uk/news/world-middle-east-59062909>

³⁹ United Nations (2022) ‘Security Council Delegates Urge Israel to End Evictions of Palestinians, as Chief Mediator Calls for Political Leadership, ‘Firm’ Actions That Enable Dialogue’, available online at: <https://www.un.org/press/en/2022/sc14802.doc.htm>

⁴⁰ International Criminal Court (2021) ‘Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine’, available online at: <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>

⁴¹ International Labour Organisation (2019) ‘The situation of workers of the occupied Arab territories’, available online at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_705016.pdf

⁴² United Nations (2020) ‘Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability’, available online at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960&LangID=E>

⁴³ Al-Haq (2021) ‘Al-Haq semi-annual field report on human rights violations, 2021’, available online at: <https://www.alhaq.org/monitoring-documentation/18746.html> and B’Tselem (2021) ‘Unwilling and Unable: Israel’s Whitewashed Investigations of the Great March of Return Protests’, available online at: https://www.btselem.org/publications/202112_unwilling_and_unable

13. In 2018, TUC Congress joined Palestinian and Israeli citizens in voicing opposition to⁴⁴ the discriminatory Nation State Law⁴⁵, which proclaims that exercising the right to national self-determination in the State of Israel is unique to the Jewish People and that settlement development is viewed as a national value. This is contrary to international law and the Universal Declaration of Human Rights which recognises “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.⁴⁶
14. In October 21, the Israeli Ministry of Defence designated six Palestinian human rights and civil society organisations as terrorist groups.⁴⁷ This decision was widely condemned with UN experts stating that it was “a frontal attack on the Palestinian human rights movement and on human rights everywhere”.⁴⁸ The TUC and affiliates also released a statement in opposition to this decision.⁴⁹
15. In 2018, the UN published a database of 112 companies involved in activities in the illegal settlements⁵⁰ based on the mandate of UN Resolution 31/36.⁵¹ This resolution acknowledged that “some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory”. The database is not a complete list, but it includes three UK registered companies Opodo, Greenkote and JCB. The 112 companies are known to be involved in one or more activities, detailed in UN Resolution 31/36, that raised human rights violations concerns including the supply of equipment for the demolition of housing and property; the supply of surveillance and identification equipment for settlements, the wall and checkpoints linked with the settlements; and the supply of equipment and materials facilitating the construction and the expansion of the settlements and wall. The TUC has policy calling for a ban on trade in goods with the illegal settlements⁵², and in support of

⁴⁴ TUC (2018) ‘Report to Congress’ op cit

⁴⁵ Knesset ‘Basic Law – The nation state of the Jewish people’, available online at: <https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawNationState.pdf>

⁴⁶ United Nations (1948) ‘Universal declaration on human rights’, available online at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴⁷ United Nations (2021) ‘Israeli military deauthorization of Palestine NGOs, ‘deepens concern’ of UN agencies’, available online at: <https://news.un.org/en/story/2021/11/1105292>

⁴⁸ United Nations (2021) ‘UN experts condemn Israel’s designation of Palestine rights defenders as terrorist organisations’, available online at: <https://news.un.org/en/story/2021/10/1103982>

⁴⁹ TUC (2021) ‘Trade union statement on the decision to criminalise six Palestinian human rights and civil society groups’, available online at: <https://www.tuc.org.uk/research-analysis/reports/trade-union-statement-decision-criminalise-six-palestinian-human-rights>

⁵⁰ United Nations (2018) ‘Database of all business enterprises involved in activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem’, available online at: <https://reliefweb.int/report/occupied-palestinian-territory/database-all-business-enterprises-involved-certain-activities>

⁵¹ United Nations (2016) ‘Resolution 31/36’, available online at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/36

⁵² TUC (2012), ‘The UK can lawfully ban goods from the illegal Israeli settlements, concludes a legal opinion from Professor James Crawford SC’, available online at: <https://www.tuc.org.uk/news/uk-government-can-legally-ban-israeli-settlement-goods>

actions calling on companies to cease their involvement and withdraw from the OPT.⁵³

16. Palestine is one of the worst countries to be a worker. The International Trade Union Confederation's (ITUC) Global Rights Index (2021) places Palestine in its worst ranking with "no guarantee of fundamental rights due to the breakdown of the rule of law".⁵⁴
17. The Palestine General Federation of Trade Unions, affiliated to the ITUC, has been clear that the illegal occupation of Palestinian territory has a negative impact on Palestinian workers, stating "Israel continues to insist on its positions in any global political - denying the legitimate national rights for the Palestinian people, the right of return to the Palestinian refugees and the right to self-determination. We also call for the establishment of the Palestinian State with Jerusalem as its capital, based on the resolutions of international Law and the United Nations Security Council, especially resolutions 242 and 338. However, Israel continues its racist policy, stealing Palestinian lands, building settlements, and factories. PGFTU demands to withdraw of international investments from the settlements and to boycott all their products. We are against the exploitation of Palestinian workers in the settlements. The PGFTU is working in all ways to defend the rights of Palestinian workers in Israel and to seek justice for them."⁵⁵
18. In 2021, the ITUC released a report documenting exploitation of Palestinian workers in the West Bank and Israel - finding evidence of low wages, sometimes payment below the legal minimum wage, unsafe conditions, gaps in social protection, and an oppressive work permit brokerage system.⁵⁶ The report calls on the international community to "no longer ignore the dehumanising arrangements for workers desperate to feed their families and forced to work in Israel or in the illegal settlements".
19. In May 2020, the Population and Immigration Authority decided to cease automatic deductions of trade union dues from Palestinian workers working in Israel,⁵⁷ following a legal petition. In theory, this could mean that Palestinian workers in Israel are able to join a union of their own choosing. However, we will need to see if this is the case in practice following the changes.⁵⁸
20. The ILO Director General's 2020 report on the situation of workers of the Arab occupied territories noted that work in the settlements is often informal and unregulated and Palestinian workers report multiple employment abuses including unregulated hiring and incidences of child labour, especially in agriculture. Virtually

⁵³ TUC (2014) 'General Council Statement', available online at:

⁵⁴ ITUC (2021), 'Global rights index 2021', available online at: <https://www.globalrightsindex.org/en/2021/countries/pse>

⁵⁵ Palestine General Federation of Trade Unions (2022) -statement available from the TUC on request

⁵⁶ ITUC (2021), 'Workers' rights in crisis, Palestinian workers in Israel and the settlements', available online at: <https://www.ituc-csi.org/workers-rights-in-crisis-palestine>

⁵⁷ ILO (2022) 'The situation of workers of the occupied Arab territories', available online at: https://www.un.org/unispal/wp-content/uploads/2022/05/ILOANRPT_170522.pdf

⁵⁸ Note: this point has been updated after submission, and information has been shared with the DIT

no labour inspections take place, meaning violations are rarely penalised and rights are seldom enforced.⁵⁹

21. Evidence indicates that hundreds of Palestinian children and approximately 5,000 Palestinian women work in Israel's illegal settlements, 45 per cent of them in agriculture⁶⁰ (the ILO's core conventions include 182 on the Worst Forms of Child Labour, and 138 on the Minimum Age).⁶¹ Most of these workers do not have permits or a direct contract with the settler employer, leaving them vulnerable to poor conditions, job insecurity, and exposure to physical and verbal abuse.⁶² While at crossing points, the ILO has noted that Palestinian workers are subjected to humiliating treatment and harassment, including an increased risk of sexual harassment of women.⁶³
22. In 2020, in the context of the Covid-19 pandemic and Israeli imposed lockdowns on the occupied West Bank, only Palestinian workers in essential sectors like construction and health were able to keep their jobs, on condition that they did not return home for two months. During this period, no clear arrangements were made to guarantee workers' safety and for adequate accommodation. Living conditions violated the Israeli Health Ministry's hygiene guidelines. Workers' IDs were withheld by employers to monitor and restrict their movement, which was identified by the Israeli Ministry of Justice as a mark of forced labour. Also, during this period, tens of thousands of Palestinian workers were placed on leave of absence without pay while others could not access work.⁶⁴
23. The ILO Director General's 2021 report highlights that administrative and physical restrictions on movement imposed by the occupation, together with the risk of violence, impairs the ability of workers to exercise their rights across the West Bank. In relation to Gaza, the ILO concludes that "[l]abour market indicators for the enclave convey an almost inconceivable picture of collapse and deprivation." It notes that despite reforms announced by the Israeli government in late 2020 for Palestinian construction workers in Israel, "permit brokerage is still operational and continues to subject large numbers of Palestinian workers to abuse". The report states unequivocally that "Palestinian workers will only be able to enjoy their full rights and dignity if and when the occupation is brought to an end."⁶⁵

Social and economic impacts of the occupation

⁵⁹ International Labour Organisation (2019), 'The situation of workers of the occupied Arab territories'

⁶⁰ ITUC (2021) 'Workers rights in crisis'

⁶¹ ILO 'Conventions and Recommendations', available online at: <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

⁶² ITUC (2021), 'Workers rights in crisis'

⁶³ ILO (2017) 'The situation of workers in the Arab occupied territories', available online at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_554441.pdf

⁶⁴ ITUC (2021) 'Workers' rights in crisis'

⁶⁵ International Labour Organisation (2021), 'The situation of workers of the occupied Arab territories', available online at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_793285.pdf

24. The United Nations Conference on Trade and Development (UNCTAD) estimates that the fiscal cost of occupation for the Palestinian people over the period 2000-2017 was US\$48bn (£36bn) and these costs constrain the capacity of the State of Palestine to achieve the UN Sustainable Development Goals. A simulation by UNCTAD indicates that if this money had instead been injected through expansionary fiscal policies, the economy would have generated two million job opportunities over this period, an average of 111,000 per year.⁶⁶
25. The ILO describes the Palestinian labour market as among the worst-performing in the world, even prior to the pandemic. In 2020, it highlighted that the labour market has been made structurally weak by decades of occupation-related obstacles, and with deficits in protections and rights. It had little resilience in the face of frequent lockdowns, workplace closures, and the economic impacts of the pandemic. This had devastating impacts for Palestinian workers and their families.⁶⁷
26. The latest available data from the Palestine Central Bureau of Statistics shows that in 2020 labour force participation was only 16 per cent for women, and overall unemployment stood at 25.9 per cent. In Gaza unemployment stood at 63.6 per cent for women, and 42 per cent for men.⁶⁸
27. In response to the second Intifada in the OPT in 2000, the then Israeli government tightened its closure policy and implemented more stringent measures in the territory. For the West Bank, evidence indicates that between 2000-2019, the estimated cumulative economic cost of these stricter measures is four and half times the size of the West Bank's regional economy. The cost of the occupation in terms of poverty, is described by the UN as "substantial", with poorer segments of the population disproportionately affected.⁶⁹
28. In 2018, UN resolution 73/255 reaffirmed the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources. International law strictly regulates what an occupying power may do with the resources of an occupied territory.⁷⁰ Resolution 73/255 deplored the detrimental impact of the Israeli settlements on Palestinian natural resources "especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences".
29. The potential contribution of natural resources to the Palestinian economy is large, but Israeli control of Palestinian natural resources finances the settlement enterprise

⁶⁶ United Nations (2019) '\$48 billion is the estimated revenue loss by Palestine from 2000-2017 due to occupation', available online at: <https://unctad.org/news/48-billion-estimated-revenue-loss-palestine-2000-2017-due-occupation>

⁶⁷ International Labour Organisation (2021) 'The situation for workers of the Arab occupied territories'

⁶⁸ Palestine Central Bureau of Statistics (2020), 'Labour', available online at: https://www.pcbs.gov.ps/site/lang__en/881/default.aspx#Labour

⁶⁹ United Nations (2021) 'Economic costs of the Israeli occupation for the Palestinian people: poverty in the West Bank between 2000 and 2019', available online at: https://unctad.org/system/files/official-document/a76d309_en_0.pdf

⁷⁰ United Nations (2018) 'UN Resolution 73/255, Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources' available online at: <https://www.un.org/unispal/wp-content/uploads/2019/01/A-RES-73-255.pdf>

and keeps the settlements economically viable for the Israeli state. At the same time, this hinders Palestinian economic development and access to decent jobs.

UK-Israel trading relationship

30. The UK carries out significant trade with Israel, but to date has not used this relationship to try to ensure adherence to human and workers' rights.
31. The government has previously stated that throughout the continuity trade deal programme there will be no diminution of UK standards, including on human rights.⁷¹ However, the current UK-Israel Trade and Partnership Agreement signed in 2019 (in force January 2021) has no binding safeguards for protecting human and labour rights, nor enforcement mechanisms or sanctions if there are violations of rights.
32. The OPT are excluded from the UK-Israel Trade and Partnership Agreement, therefore, in theory, goods from the settlements should not receive tariff free access to UK markets. However, as noted above, there is a risk that goods from the settlements produced on Palestinian land, with Palestinian resources, often in exploitative conditions, including the use of child labour, could enter UK markets tariff free through this proposed free trade agreement. This is due to the UK's weak voluntary guidance approach to labelling which means there is a risk goods from the OPT are mislabelled as Israeli. The TUC calls for a ban on trade in goods from the illegal settlements.⁷² In order for this to be effective, the government should introduce mandatory labelling of goods, with a rigorous process for accurately identifying if a product originates from the OPT. The UK government's voluntary approach towards labelling is out of step with the more robust legal requirement in Europe. In 2019, the European Court of Justice ruled that food products produced by Israeli settlements in the occupied Palestinian territory must indicate that they originate from a settlement, and not as a "product of Israel".⁷³
33. The UK government stated in October 2021 that, "trade will not come at the expense of human rights. The UK will continue to show global leadership in encouraging all states to uphold international rights obligations and to hold to account those who violate those rights".⁷⁴ The UK government should not therefore

⁷¹ Hansard (2020), Greg Hands MP, Minister of State for Trade Policy (8 October 2020, available online at: <https://hansard.parliament.uk/Commons/2020-10-08/debates/C20304AC-1BDF-4F7D-9890-930D640E3559/HumanRightsTradeAgreements#contribution-B00C2BF0-9120-4FAE-A94F-07DD31F7A514>

⁷² TUC (2012) 'UK can legally ban Israeli settlement goods', available online at <https://www.tuc.org.uk/news/uk-government-can-legally-ban-israeli-settlement-goods>

⁷³ United Nations (2019) 'UN expert welcomes ruling on labelling of Israeli settlements products by European Court of Justice', available online at: <https://www.un.org/unispal/document/un-expert-welcomes-ruling-on-labelling-of-israeli-settlements-products-by-european-court-of-justice-press-release/>

⁷⁴ Hansard (2021), 'Trade Deals: Human Rights', available online at: <https://hansard.parliament.uk/Commons/2021-10-21/debates/144E8CD3-8AC4-4FAA-AE64-765A602DE28D/TradeDealsHumanRights>

- be negotiating a trade deal with the Israeli government in the context of its ongoing violations of international law and grave human and labour rights abuses.
34. Despite the illegal occupation and the government's own guidance relating to the overseas business risk and the OPT, the UK has consistently sold arms to Israel. The government's guidance on business risks in the OPT emphasises that involvement in business activities could have reputational implications as well as leading to possible abuses of individual's rights.⁷⁵ Yet, between 2016 and 2020, the UK issued Single Individual Export Licenses (SIELs) for arms sales to Israel to the value of £387m.⁷⁶
 35. A number of UK companies are involved in the construction of F-35 warplanes. F-35s have been supplied to the Israeli military, and a spokesperson for the Israeli Defence Forces confirmed that F-35s were used in the bombardment of the Gaza strip in May 21.⁷⁷
 36. The most recent United Nations report on the situation of human rights in Palestine has recommended that international actors "[d]evelop a comprehensive set of accountability measures to be applied to Israel"⁷⁸ until it complies with international law "respecting the administration and termination of the occupation". Enforceable standards on human and labour rights in any UK-Israel trade agreement would go some way to fulfilling the spirit of this recommendation.⁷⁹

Conclusion

The TUC believes that the government must require respect for fundamental human and labour rights as a pre-condition for any trade deal.

As evidenced in this submission, successive Israeli governments have persistently violated international law and systematically violated Palestinian labour and human rights. Therefore, the TUC believes that the UK should not enter into trade negotiations or sign a trade deal with Israel.

⁷⁵ Foreign and Commonwealth Office/Department for International Trade (2018), 'Guidance, Overseas Business Risk - The Occupied Palestinian Territories', online at: <https://www.gov.uk/government/publications/overseas-business-risk-palestinian-territories/overseas-business-risk-the-occupied-palestinian-territories>

⁷⁶ Campaign Against the Arms Trade (2021) 'Country profile: Israel', available online at <https://caat.org.uk/data/countries/israel/>

⁷⁷ The Independent (2021) 'Revealed: The British military hardware used in Israel's bombardment of Gaza', available online at: <https://www.independent.co.uk/news/uk/home-news/israel-gaza-uk-arms-exports-airstrikes-b1851734.html>

⁷⁸ United Nations (2021), 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', available online at: <https://undocs.org/A/76/433>

⁷⁹ United Nations (2021), 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', available online at: <https://undocs.org/A/76/433>