

The Rt Hon Boris Johnson MP
Prime Minister of the United Kingdom
10 Downing Street
Westminster
London
SW1A 2AA
United Kingdom
(By email only)

25 June 2020

Dear Prime Minister,

I am writing on behalf of the Bar Human Rights Committee of England and Wales (“BHRC”) to raise our grave concerns regarding the expressed intention of Israeli Prime Minister Benjamin Netanyahu, to move towards the unilateral annexation of large areas in the West Bank on or after 1 July 2020. Those areas, amounting to approximately 30 percent of the West Bank, are to include the Jordan Valley and approximately 235 illegal Israeli settlements.

BHRC has worked for many years with human rights organisations in Israel and Palestine and have watched with dismay the deteriorating situation for human rights in the region. We therefore welcome your statement in Parliament on 16 June 2020 condemning the proposed annexation as a breach of international law, and commend your strong objection to it.

There can be no doubt that any such purported annexation would constitute a flagrant violation of fundamental norms of international law, including the prohibition of the unilateral annexation of territory by force. It would violate the Charter of the United Nations, UN Security Council Resolutions, as well as the right of the Palestinian people to self-determination, and would also pose a serious threat to international peace and security in the region. It would have devastating effects on the Palestinian population, intensifying the well-documented ongoing, serious violations of human rights and international humanitarian law, including the Fourth Geneva Convention, by Israel over the course of its 53-year-old occupation of Palestinian territory. It would also undermine the international rules-based order, intended to check States’ unlawful territorial ambitions, and to keep us all safe.

As Foreign Secretary, you cautioned the Israeli Government in 2017 that “*you have to have a two-state solution, or else you have a kind of apartheid system*”¹. On 16 June 2020, 47 of the United Nations independent Special Procedures mandates appointed by the Human Rights Council stated that the intended annexation would create a Palestinian Bantustan in the West Bank, consisting of islands of disconnected land, surrounded by Israel and with no territorial connection to the rest of the

¹ Jerusalem Post, “UK’s Johnson to JPost: Israel’s choice is two states or apartheid” (March 2017)

world, under the permanent security control of Israel.² The UN experts warned that *“the morning after annexation would be the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights. This is a vision of a 21st century apartheid”*.

In the face of such a prospect, mere words of condemnation by the UK Government, and by the broader international community, are insufficient. The UK, and the international community as a whole, has fundamental obligations to defend a rules-based international legal order, and to oppose serious violations of human rights and of fundamental precepts of international law. All States, including the UK, have a duty not to aid or assist Israel – or any other State – in the pursuance of unlawful activity, and are bound not to recognise as lawful any situation created by such activity, including both annexation and the establishment and maintenance of settlements in occupied territory. As the UN experts underscore, criticism and condemnation without consequences will not prevent annexation nor ensure the fulfilment of the right of Palestinians to self-determination, including through the ending of the occupation.

We note the strong response by the the UK government to another recent situation of annexation, namely the purported Russian annexation of Crimea in 2014, and its continued support for sanctions imposed on Russia in response. On that occasion, the UK Government made clear its understanding that mere statements of condemnation and political *démarches* are insufficient in such circumstances.

We further note the pledge you made on the part of the UK, as Foreign Secretary, in October 2017, to give *“whatever support we can”* to fulfil the promise of the Balfour Declaration, that the creation of a Jewish homeland would not prejudice the rights of Palestinians.³

In light of the UK’s historic role in the region and of the strong and clear stance it has adopted to other recent situations of annexation, we are writing to request clarification as to what concrete measures the government proposes to implement in response. We are seeking clarification in particular as to the concrete measures the government intends to implement in this situation to demonstrate that the UK does not and will not accept the intended illegal annexation of parts of the West Bank, and to ensure accountability and an end to impunity for the ongoing and intended serious violations of international law.

We are happy to meet with you to discuss the ramifications of this matter further, and indeed the wider human rights and humanitarian picture, at your convenience, should this be of assistance.



Schona Jolly QC
Chair, Bar Human Rights Committee of England and Wales

² UN OCHCR press release (16 June 2020).

³ Boris Johnson, “My vision for Middle East peace between Israel and a new Palestinian state”, The Telegraph (29 October 2017).

Copy to:

The Rt Hon Dominic Raab MP
Secretary of State for Foreign and Commonwealth Office
Foreign and Commonwealth Office
King Charles Street
London
SWQA 2AH
United Kingdom