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Rt Hon James Cleverly MP
Foreign, Commonwealth and Development Secretary
King Charles St.
London SW1A 2AH

Dear Secretary of State,

Congratulations on your appointment as Foreign Secretary of the United Kingdom – you play a key role in upholding the rules-based international legal order.

You have extensive Middle East experience. No doubt Prime Minister Liz Truss will ask you to take charge of the review she promised to Conservative Friends of Israel – of the location of HM Embassy to Israel. We write, as friends of the United Kingdom, to say that there is nothing to review: the British Embassy should stay in Tel Aviv unless and until there is a comprehensive peace agreement between the Israelis and the Palestinians, with Jerusalem as the shared capital of two states. That has been consistent UK policy – with good reason.

Since 1967, Israel has been in foreign military occupation of the West Bank, including East Jerusalem, and the Gaza Strip – which the international community, including the United Kingdom, has determined are the occupied Palestinian territories (OPT). Indeed, at the UN Security Council in November 1967 the United Kingdom took the diplomatic lead in responding to Israel's occupation through Resolution 242, re-affirming the bedrock principle of international law regarding “the inadmissibility of the acquisition of territory by war”.

As an occupying power, Israel is prohibited from asserting *any* form of sovereign claim to *any* portion of the OPT, including East Jerusalem. Immediately after its conquest of the OPT in 1967, the Israeli Cabinet unilaterally and illegally annexed East Jerusalem and parts of the West Bank, amalgamating them with West Jerusalem. The UN Security Council immediately declared through resolution 252 that all “legislative measures and administrative measures and actions taken by Israel...which tend to change the legal status of Jerusalem are invalid and cannot change that status”.

In August 1980, when the Israeli Knesset formally annexed East Jerusalem through its Basic Law, the UN Security Council in Resolution 478 censured Israel “in the strongest terms”, stating that “the enactment of the ‘basic law’ by Israel” constituted “a violation of international

law” and was “null and void and must be rescinded forthwith.” In the Resolution, the Security Council called upon “all Member States to accept this decision”; and “[t]hose States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.”

The United Kingdom voted for all of these resolutions. Indeed, its long-standing official position has been to support international law and the body of UN resolutions respecting the Israeli occupation of Palestine. In June 2019, the Ambassador of the United Kingdom to the United Nations stated at the Security Council that:

The Security Council is responsible for maintaining international peace and security and we all agree that the Arab-Israeli conflict is such a threat to international peace and security. So, it’s right that we’ve passed resolutions and we are bound by those resolutions. And we all have a responsibility, Mr. President, to implement them, just as we do in other areas. Indeed, this is the very basis of the Council’s work”.¹

Elsewhere, the United Kingdom has endorsed the principle that states may not annex conquered territory. The British position on Russia’s illegal annexation and occupation of Crimea and Ukraine has been to endorse robust measures to ensure Russian compliance with its obligations to refrain from using force to acquire foreign territory illegally.

In his address to the OSCE on 4 March 2021, British Ambassador Neil Bush stated that:

In Crimea, Russia violated the first principle of international law – that countries may not acquire territory or change borders by force. Russia’s actions flagrantly violated its own international commitments including in: Article 2 of the United Nations Charter, the Helsinki Final Act and the Budapest memorandum. Their actions undermined and continue to undermine the security of us all. The passage of time will never make them acceptable.²

This is one of the cardinal principles of the post-World War II international rules-based legal order. It applies to the Holy City of Jerusalem. When Mr. Trump moved the US embassy to Jerusalem in 2020, the resulting rejection of it by the whole of the international community – including the United Kingdom – was predictable and swift. We can see no valid reason why a similar move by the United Kingdom now needs to be “reviewed”. Doing so would not be consistent with the United Kingdom’s public assertions that it stands firm on respect for international law, including its ‘first principle’ of prohibiting territorial conquest by force.

The United Kingdom was right to join the international community in declaring null and void Israel’s unilateral and illegal annexation of East Jerusalem. Nothing has changed, but a “review” would suggest the opposite. A move of the British Embassy to Jerusalem would be

¹ <https://www.gov.uk/government/speeches/political-progress-and-economic-opportunities-in-israel-and-the-occupied-palestinian-territories>.

² United Kingdom, Foreign, Commonwealth and Development Office, Statement of Ambassador Neil Bush to OSCE, 4 March 2021, available at: <https://www.gov.uk/government/speeches/seven-years-of-illegal-occupation-of-crimea-by-the-russian-federation-uk-statement>.

seen – rightly – as acquiescence in that illegal annexation, whatever words were said to accompany such a move.

In view of the above, and as friends of the United Kingdom, we ask you to conclude that there is nothing to review.

With respect and best wishes,



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cc. Minister for the Middle East
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