



Peace, justice and equal rights in  
Palestine/Israel

## Foreign Affairs Committee inquiry: UK engagement with the Middle East and North Africa

*Question: What is the viability of a two-state solution for Israel and Palestine and how can the UK engage with all the parties involved to help bring about a peaceful resolution of the conflict?*

### The Balfour Project

The charity's aims are educational. It seeks to shed light on Britain's role and responsibilities from before the 1917 Balfour Declaration through the Mandate period up to 1948 and to the present day. It encourages Britain's civil society, Parliament, and Government to advance **equal rights for Palestinians and Israelis** now by acknowledging the right to national **self-determination** of both peoples as an integral part of Government policy. Just as the Government recognised the state of Israel in 1950, so now it should **recognise the state of Palestine**. This must be a precursor to negotiations – not a result of negotiations since the latter would hand Israel a veto over Palestinian statehood.

#### Two states and a peaceful resolution

1. The viability of a two-state outcome is very much in jeopardy, then US Secretary of State John Kerry said in 2016. Since then, the situation has deteriorated still further. It remains PLO policy to seek Palestinian statehood on 22% of the territory of British Mandate Palestine (i.e. East Jerusalem, the rest of the West Bank and Gaza: the Occupied Palestinian Territories or OPT). The PLO recognised the state of Israel at Oslo, thirty years ago. But successive Israeli Governments have pursued a policy of isolation and blockade of Gaza, fragmentation of the Palestinian polity and **effective illegal annexation** in the West Bank. The latter is null and void under international law, both in the case of the arbitrarily expanded territory of East Jerusalem, post 1967, and the many West Bank settlements, all of which are illegal under international law. The current Israeli Government, however, has undertaken a qualitative policy shift, transferring control of the OPT from military to civilian hands without at the same time granting its Palestinian population their civil and political rights. It has also accelerated the creation of settlements, the "legalisation" of previously illegal outposts and facilitated settler violence, displacing the Palestinian population in the process, with the avowed intention of **preventing** the creation of a viable Palestinian state. Taken together, these policies equal annexation and attempted ethnic cleansing.
2. It is the policy of the UK, the EU, the United Nations, and the Biden Administration to support the two-state outcome, in line with UN Security Council Resolution 2334 of 2016 and other Resolutions. This is partly because the alternative to two states appears to be either

**unrealistic or unacceptable**, or both, to the parties directly concerned. Current tragic events demonstrate the unsustainability of the status quo. Permanent Israeli occupation of the OPT is contrary to UNSCRs written or endorsed by the UK and would mean the perpetual subjugation of one people by another: cementing separation and inequality. While favoured by a growing number of Palestinians, especially the young, a single state with equal rights for all - Jew and Arab - is anathema to Israel's government and the vast majority of its Jewish citizens.

3. To quote former US Secretary of State Kerry: *"It is vital that we all work to keep open the possibility of peace, that we do not lose hope in the two-state solution, no matter how difficult it may seem – because there really is no viable alternative"*.

## HM Government should recognise the state of Palestine now

4. The Balfour Project does not advocate any particular outcome to this continuing crisis so as not to pre-empt the decisions of the principal parties, the Palestinian and Israeli peoples. But we advocate **British Government recognition of the state of Palestine now**, for the following reasons:

- Britain recognises states, not governments or factions; there is no question of recognising anything but the entity that is Palestine, as already recognised bilaterally by over 140 of the 193 UN member states and by the UN General Assembly when it admitted Palestine as a non-Member Observer State in November 2012.
- Our Government has long held that the Palestinian people have the right to self-determination, including the option of statehood – and that this right cannot be subject to any veto (cf. Berlin European Council conclusions, 1999).
- Recognition of both states on the land of former British Mandate Palestine signifies **parity of esteem on the part of Britain** for both peoples.
- Recognition creates both **rights** and **responsibilities** on the part of the state recognised – e.g. the responsibility to adhere to signed treaties. (Palestine has already acceded to several international treaties, including the Rome Statute establishing the ICC, and been admitted to UN intergovernmental organisations as a full member.)
- **Validating** the second state in the two-state outcome confirms and increases the prospect of that outcome while taking nothing away from Israel that legally belongs to it.
- Given Britain's historical role in the former Ottoman territory of Palestine and its status as a permanent member of the Security Council, UK recognition will encourage others in Europe and the Commonwealth to do likewise. It will also increase momentum towards **negotiations based on international law**.

To those who might argue that Palestine cannot be recognised as a state without first having defined, internationally recognised borders, it should be noted that Israel was recognised by the UK in 1950 at a time when none of Israel's borders had been defined.

5. The proposal for British Government recognition of the state of Palestine was advanced by the House of Lords Committee on International Relations and Defence in its 2<sup>nd</sup> report of Session 2016-17 *“The Middle East: Time for New Realism”* (para 270):

*“A negotiated two-state outcome remains the only way to achieve an enduring peace that meets Israeli security needs and Palestinian aspirations for statehood and sovereignty, ends the occupation that began in 1967, and resolves all permanent status issues. We condemn the continuing Israeli policy of the expansion of settlements as illegal and an impediment to peace. The Government should give serious consideration to now recognising Palestine as a state, as the best way to show its determined attachment to the two-state solution”.*

We hope that the Foreign Affairs Committee will refer to and endorse the recommendation of its counterpart in the Lords.

## Upholding International Law: accountability

6. Britain prides itself as a state which upholds the law. That should mean strong support for the **International Court of Justice** and the **International Criminal Court**. State and non-state actors in this conflict habitually breach International Humanitarian Law and International Human Rights Law. A law is of use only if it is implemented, with consequences for whoever breaks it – not least to deter others from doing the same. That principle should be central to UK policy in relation to this conflict, as it is to other conflicts. It is for Government to determine what those consequences should be.
7. In 2016 the UK voted for the landmark UN Security Council Resolution 2334, which instructs all states to **distinguish**, in their dealings, **between the state of Israel and the illegal Israeli settlement project** in East Jerusalem and the rest of the occupied West Bank. Israel is an internationally recognised state; but the **settlements cannot be viewed as part of Israel**.

## The Gaza Strip

8. Gaza continues to be Palestinian territory under belligerent Israeli occupation, along with East Jerusalem and the rest of the West Bank. According to the UN’s Legal Department, endorsed by FCDO Legal Advisers, the withdrawal of Israeli settlers in 2005 had no effect on its status as occupied land: Israel remains the occupying power. **Gaza must remain an integral part of the future state of Palestine** regardless of the outcome of the current war. While Hamas seized control of the territory by force in 2007, HM Government continues to regard the Palestinian Authority as the legitimate authority there. The current horrendous violence in Israel, Gaza and the West Bank has set back the cause of peace and subjected the population of Gaza to an unimaginable humanitarian and security crisis. Israel’s 17-year blockade, which has already impoverished the people of Gaza (2.3 million with over 50% unemployment), locked down since 2007 and unable to move even to the West Bank, demonstrates that collective imprisonment breeds **despair and, with it, radicalisation**. Mutual security for Israelis and Palestinians remains an essential element in any sustainable outcome to this conflict.

# Conclusion

9. The tragic current events highlight the risks inherent in seeking to “manage” the conflict instead of pressing for a just and equitable outcome based on the rule of law, upholding the **right to national self-determination of both peoples, with mutual security**. Recognition of both states **now** is the best way to reaffirm the prospect of an eventual **just** outcome, **to generate momentum with like-minded partners** and express the **parity of esteem** missing for too long.

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