



Rt Hon James Cleverly MP

Secretary of State for Foreign, Commonwealth and Development Affairs of the UK

24 May 2023

Re: International Court of Justice – United Nations General Assembly – Request for an Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

Dear Secretary of State,

On 30 December 2022, the United Nations General Assembly overwhelmingly voted in favour of seeking an Advisory Opinion from the International Court of Justice (“the ICJ”) in The Hague with respect to the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory (“the oPt”), comprising the West Bank, including East Jerusalem, and Gaza.

Specifically, the ICJ will render its opinion on the legal consequences arising from Israel’s ongoing violation of the right of the Palestinian people to self-determination, its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of discriminatory legislation and measures.

The United Nations General Assembly resolution further asks the Court how Israel’s policies and practices referenced affect the legal status of the occupation and what are the legal consequences that arise for all States and the UN.

The Israeli occupation has lasted for 55 years with no end in sight. Over the past five decades the Government of Israel has actively pursued illegal settlement growth as a strategic policy unlawfully to annex the West Bank on a *de facto* basis, thwart the birth of a genuine Palestinian state, and deprive the Palestinian people of their fundamental right to self-determination. These illegal acts must not be allowed to provide a precedent for Russian annexation of areas of Ukraine, which the UK vigorously opposes.

Accordingly, we ask you, in the event that the UK is invited by Israel or by any other state to participate in the forthcoming proceedings before the ICJ in opposition to the Advisory Opinion, to resist any such entreaty.

The UK remains committed to a two State solution, as reiterated on 14 February in the joint statement issued by the UK, the USA, France, Germany and Italy. In the absence of any peace process, and in view of the steadfast opposition by the Government of Israel to allowing a genuine Palestinian state to emerge, the Court’s answers to the questions contained in the request for the Advisory Opinion will provide great assistance to the international community in definitively clarifying Israel’s and third parties legal obligations. This will be crucial to



member States and the UN in considering what further measures should be adopted to ensure full compliance with international law.

Furthermore, any intervention by the UK in opposition to the Advisory Opinion – either on jurisdictional grounds or on the substantive issues – will bring no credit to our country's international reputation. The arguments the UK raised against the competence of the ICJ in the 2003-4 Advisory Proceedings concerning *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* were rejected, and similar or other arguments on jurisdiction would be likely to be rejected again. The Israeli government is led by a coalition of far-right parties whose common goal is the formal annexation of the West Bank and the extension of a one-state reality of unequal rights over more than five million Palestinians under occupation. It is perfectly possible that the Court will consider aspects of that situation to amount to apartheid. An ICJ opinion on this point would also assist the UK, given that the current position of the UK government is that the question of apartheid is one to be decided by a court, and not one that politicians can resolve without that.

A copy of this letter goes to Minister of State Lord Ahmad, and to the Legal Adviser.

Yours faithfully,

Sir Geoffrey Bindman KC	Professor Michael Lynk, UN Special Rapporteur on the human rights situation in the oPt (2016-22)	Sir Geoffrey Nice KC
Riel Karmy-Jones KC	Liz Davies KC	Professor Sara Chandler KC (hon)
Patrick O'Connor KC	Brenda Campbell KC	Pete Weatherby KC
Richard Hermer KC	Tessa Gregory	Fiona McKay
Tareq Shrourou	Nusrat Uddin	Professor Iain Scobbie
Dr Natalie Sedacca	Alicia Mendonca-Richards	John McHugo
Angelina Nicolaou	Dearbhla Katharine Minogue	Professor Bill Bowring
Lucy McCann	Edita Maric	Jocelyn Hurndall (non-lawyer)
Daniel Machover	Richard Meeran	Martyn Day
Sophie Besma Kasmi	Mira Hammad	Farheen Chaudhry
Lauren Chaplin	Tom Short	Sue Willman
Asma Nizami	Jane Deighton	Eleri Griffiths
Dr Nicola Palmer	Professor Eva Pils	Shaila Pal
Rachel Farrier	Murshed Anwar	Annahita Moradi
Waleed Sheikh	Katy Robinson	Sean Humber
Siobhan Allen	Marcella Navarrete	Ricardo Gama
Charlotte Andrews-Briscoe	Krishnendu Mukherjee	Tassadat Hussain
Imogen Townley	Dr Tanzil Chowdhury	Rudolph Spurling
Daniel Merriman	Kate Stone	Suhanya Jeyashiri
Mikhail Karnik	Lucy Mair	Andrew Jones
Alexander McColl	Matthew Moriarty	Ahmed Osman
Serena Fasso	Raggi Kotak	Danny Bayraktarova
Ryan Bradshaw	Ahmed Ali	Alexandra Wilks
Dan Carey	Ciara Bartlam	Jed Pennington