

Boris Johnson, Please Get In Touch with Your Inner Lord Caradon

by Hugh Fitzgerald



Lord Caradon and George Brown. 1967

If Israel applies its laws in parts of the West Bank, it would violate international law, UK Prime Minister Boris Johnson said in the House of Commons on June 16. He's wrong.

The story, in the Jerusalem Post, is [here](#).

"I believe that what is proposed by Israel would amount to a breach of international law and we strongly object to it, and

we believe profoundly in a two-state solution and will continue to make that case,” Johnson said in response to a question from fellow Conservative MP Crispin Blunt.

Blunt also pressed Johnson to threaten economic sanctions on Israel, but the prime minister did not respond to that part of the question.

Crispin Blunt has long been known for the deep antipathy he feels for Israel, and for remarks many deem antisemitic, such as when he accused the chief rabbi of Manchester of demanding “special status” for Britain’s Jews. Blunt’s question was meant to elicit from Johnson a commitment to punish Israel if it went ahead with its annexation plans. He did not get from Johnson what he sought. The Prime Minister did say that annexation “would amount to a breach of international law,” but did not say that there would be any attempt by the U.K. to impose sanctions. A vote in the U.N. deploring such annexation is, for Great Britain, likely to be the end of it. Meanwhile, a week before the Prime Minister made his comments on annexation, he gave a speech noting the increasing importance of trade with Israel, and the UK’s desire to increase scientific cooperation with Israel. Israel was, it’s worth noting, one of the first countries with which the UK – Israel’s third-largest trading partner after the EU and US – signed an agreement to ensure continued trade in case of a no-deal Brexit.

As for sanctions on Israeli companies by the E.U., such sanctions can only be put in place if there is unanimous agreement by its members. Israel is counting on its friends – Germany, Austria, Hungary, the Czech Republic, Bulgaria, and most recently, Greece under its new pro-Israel Prime Minister Kyriakos Mitsotakis – to block any such agreement.

Boris Johnson is a mixed bag when it comes to Israel. On the plus side, he mentions with pride his maternal great-

grandfather, who was a Lithuanian rabbi. He has lauded Israel as a "great country" and described himself as a "passionate Zionist." He visited the country as a university student in 1984 and spent some time volunteering on Kibbutz Kfar Hanassi in northern Israel. He would later speak of the "bonds of hard work, self-reliance and audacious and relentless energy" holding together "a remarkable country," and, in a comparison of Israel with Churchill, praised the "daring, audacity, derring-do and indomitability" of the Jewish state. As Mayor of London, he arrived in Israel for a three-day trade mission in November 2015 with a team of high tech entrepreneurs. He later said that London was the "natural tech partner for Israeli firms." This extensive economic and technological collaboration is likely to increase now that Johnson is Prime Minister.

Johnson has also condemned the Boycott, Divestment and Sanctions (BDS) movement in the strongest terms, describing it as a "completely crazy" campaign led by "ridiculous, snaggle-toothed, corduroy-wearing lefty academics." Those comments, made in 2015, led to a series of meetings in Ramallah being cancelled. He has also understood the endemic anti-Israel bias found within the U.N. In a visit to the U.N. Human Rights Council in its first session of 2018, he urged the body to get rid of its Item 7 (which singles out Israel for criticism) that is on its permanent agenda, as it was "disproportionate and damaging to the cause of peace."

On the other hand, in 2014, at the height of Israel's war with Hamas, Johnson criticized Israel's actions as "disproportionate, ugly and tragic," and described the war as "utterly horrifying and unacceptable." He has condemned "incitement and rocket fire against Israel," but also called for an "independent inquiry" over 120 Palestinian deaths on the Gaza border. Johnson was also seen as playing an important role in drafting U.N. Security Council resolution 2334, which said that all settlements established since 1967, including in

East Jerusalem, “were a flagrant violation under international law.” Wrong, very wrong, outrageously wrong. But we’ll get to that.

When it comes to terror groups, his record is again inconsistent. In the past, he has rejected calls to ban Al Quds Day marches in London or to prevent the Hezbollah flag from flying, despite the antisemitic rhetoric on display. Yet when the Muslim Home Secretary, Sajid Javid, did proscribe Hezbollah as a terrorist organization, Boris Johnson tweeted his congratulations.

What most disturbs about Johnson’s repeated insistence that the West Bank settlements are a “flagrant violation of international law” is that he is content to repeat that canard without feeling any need to provide his sources. One suspects he is merely repeating what he has heard so many other people say (and they were only repeating what still others said before them). He prides himself on his knowledge of history, but he appears to know very little about the history of modern Israel, and the basis for the Jewish state’s claims to Judea and Samaria (the “West Bank”).

So let’s give him a Short Course.

There are two sources for Israel’s claim to the West Bank. The first, and the most important, is the Mandate for Palestine, set up by the League of Nations in 1922, for the sole purpose of creating the Jewish National Home that in time, sympathetically nurtured by the holder of the Mandate, Great Britain, would become the Jewish state. The Arabs were well-provided for, too, by the League of Nations. They were given several mandates – for Iraq, for Syria, and Lebanon. Furthermore, all of Palestine east of the Jordan River “out to the desert,” which had originally been intended for inclusion in the Palestine Mandate, was closed to Jewish immigration by the British, and given to the Hashemite Emir Abdullah to rule over, as the Emirate of Transjordan. And as we know, the Arabs

now have twenty-two independent states, far more than any other people, while the Jews have exactly one, a tiny sliver so small that it can scarcely be discerned on a world map.

The Mandate for Palestine – see the Preamble and Articles 4 and 6 – was meant to create “the national home for the Jewish people” by “encouraging Jewish immigration” and “close settlement by Jews on the land.” That was its only purpose: not “two states” but one. The Arabs were already well provided for, by the mandates, and would be even more provided for outside the mandates system. At present, the Arabs have twenty-two independent states, far more than any other people, while the Jews have exactly one, a tiny sliver so small that it can scarcely be discerned on a world map.

The Mandates system of the League of Nations was never thought to “flagrantly violate international law.” It became part and parcel of international law. It did not cease to be relevant, either, when the League dissolved, to be replaced by the United Nations. Article 80 of the U.N. Charter – known as “the Jewish people’s article” – committed the U.N. to bring to a successful conclusion any mandates that still remained.

The Foreign Office long ago ceased to bother with the Mandate for Palestine. And the rest of the world appears to have followed. This indispensable document is too rarely discussed, even by many of Israel’s well-wishers, who may not comprehend its significance. Boris Johnson owes it to himself to study that document, carefully. And then he should look at the Mandate maps, that clearly show the territory included in the Mandate. Mandatory Palestine extended from the Golan Heights in the north, to the Red Sea in the south, and from the Jordan River in the east, to the Mediterranean Sea in the west. That was the territory assigned to the Jewish National Home. When Jordan seized parts of Judea and Samaria during the 1948-1949 war, renaming them “the West Bank” in 1950, that did not extinguish Israel’s claim to that land. From 1949 to 1967, Jordan held the “West Bank” as military occupier. When Israel

took possession of that territory after the Six-Day War, this did not create its claim but allowed that claim to be acted upon. Israel took control, and began to build settlements, according to the Mandate's express provisions. Now Israel proposes to annex not all of the West Bank – as it is entitled to, under the Mandate – but only 30%, including the Jordan Valley, critical for the country's defense, and the towns and small cities (called "settlements," which suggests impermanence) where half a million Israeli Jews now live. There are pros and cons to such annexation; the wisdom or folly of it may be legitimately discussed, but what is illegitimate is to describe such extension of Israeli sovereignty over territory it was assigned by the League of Nations as a "violation of international law." It would be a good thing for Boris Johnson – and for many others – to grasp that.

There is another, independent claim that Israel has to the "West Bank." This is U.N. Resolution 242, which was adopted unanimously by the General Assembly on November 22, 1967. It was intended to deal with the territories that Israel won in the Six-Day War.

The chief drafter of Resolution 242 was Lord Caradon (Hugh M. Foot), the permanent representative of the United Kingdom to the United Nations from 1964 to 1970. At the time of the Resolution's discussion and subsequent unanimous adoption, and on many occasions since, Lord Caradon always insisted that the phrase "from the territories" quite deliberately did not mean "all the territories," but merely some of the territories:

Much play has been made of the fact that we didn't say "the" territories or "all the" territories. But that was deliberate. I myself knew very well the 1967 boundaries and if we had put in the "the" or "all the" that could only have meant that we wished to see the 1967 boundaries perpetuated in the form of a permanent frontier. This I was certainly not prepared to recommend.

On another occasion, to an interviewer from the Journal of Palestine Studies (Spring-Summer 1976), he again insisted on the deliberateness of the wording. Lord Caradon was asked:

The basis for any settlement will be United Nations Security Council Resolution 242, of which you were the architect. Would you say there is a contradiction between the part of the resolution that stresses the inadmissibility of the acquisition of territory by war and that which calls for Israeli withdrawal from "occupied territories," but not from "the occupied territories"?

Nota bene: "from territories occupied" is not the same thing as "from occupied territories" – the first is neutral, the second a loaded description. And Resolution 242 refers only to "territories occupied in the recent conflict."

Lord Caradon answered:

I defend the resolution as it stands. What it states, as you know, is first the general principle of inadmissibility of the acquisition of territory by war. That means that you can't justify holding onto territory merely because you conquered it. We could have said: well, you go back to the 1967 line. But I know the 1967 line, and it's a rotten line. You couldn't have a worse line for a permanent international boundary. It's where the troops happened to be on a certain night in 1948. It's got no relation to the needs of the situation.

Had we said that you must go back to the 1967 line, which would have resulted if we had specified a retreat from all the occupied territories, we would have been wrong.

Note, too, how Lord Caradon says that "you can't justify holding onto territory merely because you conquered it," with that "merely" applying to Jordan, but not to Israel, because

of the Mandate's explicit provisions allocating the territory known now as the "West Bank" to the Jewish state. Note, too, the firmness of his dismissal of the 1967 lines as nothing more than "where the troops happened to be on a certain night in 1948," that is, nothing more than armistice lines and not internationally recognized borders.

Nothing could be clearer than Caradon: Israel has a right to hold onto territories that it requires if it was to have, as the key phrase in the Resolution 242 puts it, "secure [i.e. defensible] and recognized boundaries." That would require, at the very least, the annexation of both the Golan Heights and of the Jordan Valley. This is not the opinion only of Israeli military men, but also that of the American officers who, in 1967, were sent by the Chief of the General Staff to Israel, at the direction of President Johnson, to see what territories Israel would have to retain. Their report made clear that the Golan Heights needed to be kept to prevent Syrian forces from once again using those looming heights to fire on Jewish farmers far below, and that the Jordan Valley needed to remain in Israel's hands in order to thwart or slow down potential invaders from the east, who might otherwise be able to cut Israel in two at its pre-1967 nine-miles-wide waist.

Boris Johnson should cease to repeat, as so many are doing, this claim that Israeli "annexation" of 30% of the West Bank constitutes a "flagrant violation of international law." It is not. The Mandate for Palestine, which like the other League of Nations' Mandates, at its creation became part of, and was never in violation of, international law, was not undone either by the dissolution of the League of Nations, nor by the Jordanian conquest of the West Bank. Israel's legal claim to the West Bank is based on the provisions, and the maps, of the Palestine Mandate. The Jews' legal claim arose out of its other – historic and moral – claim, that rests on 3,000 years of a continuous Jewish presence in the Land of Israel.

Johnson read Classics at Balliol. He's also a student of

ancient history. He knows how to burn the midnight oil. Now it's time for him to study what is most needful to grasp at this critical moment in Israel's history: the Balfour Declaration (1917), the Treaty of San Remo (1920) and, above all, the Mandate for Palestine (1922), both its text and its accompanying maps.

Having accomplished that study of the Mandate, if he is quite sincere with himself, Boris Johnson will be disinclined to ever again insist that Israel's annexing of part of the West Bank is a "violation of international law." Having grasped that, he should proceed to that other, and independent, basis for Israeli territorial adjustments after the Six-Day War. U.N. Resolution 242 gave Israel the right to keep territory it needs if it is to have "secure" (defensible) boundaries. Lord Caradon expressed this most memorably (see his forthright comments above). . It comes down to this: a country that has won a war of self-defense has a right to keep territory taken from the aggressors, in order to make another attempt by them less likely to succeed. That is what U.N. Resolution 242 recognizes.

Boris Johnson, your tousle-headed comic turns, even your impressive snatches of the Iliad in Greek, have delighted us long enough. Now it's time to get in touch with your inner Lord Caradon.

First published in