



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Rt Hon Jeremy Wright MP
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Dear Jeremy,

The Modern Law of Self-Defence

The Joint Committee on Human Rights has noted with interest the speech you gave on 11 January at the International Institute for Strategic Studies on *The Modern Law of Self-Defence*, and would like to invite you to give evidence to the Committee so that it can explore in more detail some of the interesting questions you raise.

As you know, the Committee asked the Government to clarify its understanding of the meaning of “imminence” in the international law of self-defence in its Report on *The Government’s policy on the use of drones for targeted killing* (Second Report of Session 2015-16, paras 3.30-3.42). The Government’s response to that Report provided some clarification, but the Committee was concerned by the statement that “an effective concept of imminence cannot therefore be limited to be assessed solely on temporal factors.” The Committee indicated that it would be seeking further explanation from the Government (Fourth Report of Session 2016-17, paras 12-16).

The Committee therefore welcomes your speech as a constructive and positive step. It provides further clarification of the Government’s understanding of the legal position which facilitates scrutiny and accountability. The Committee also welcomes the very clear restatement of the Government’s commitment to the rule of law, including international law, and your acceptance and avowal of the UK’s international leadership role in this respect. Together these constitute a most welcome response to some of the concerns which underlay our original Report on the Government’s policy on the use of drones for targeted killing.

However, your speech raises a number of significant issues which invite careful scrutiny in Parliament and which the Committee would like to explore with you in an oral evidence session. It is interested, for example, in whether the formulation of imminence that you set out in your speech represents the law as it is or the law as the Government would like it to be. If the former, the Committee would like to explore with you the process by which the meaning of international law concepts changes over time.

The Committee would also like to hear more about the role played by factors, such as the likely scale of the attack, which cannot have any temporal dimension, and about "the limits and safeguards built into the doctrine" which ensure that your formulation is not too facilitative of the use of force in self-defence.

The Committee hopes that you will be available to give evidence on these and other questions as soon as possible after the Easter recess. The Committee's Clerks will be in touch with your office to discuss possible dates.

I look forward to hearing from you.

A handwritten signature in black ink, appearing to read "Harman". The signature is written in a cursive style with a period at the end.

Rt Hon Harriet Harman MP
Chair