

30 JAN. 2004/29



ROYAL MINISTRY
OF FOREIGN AFFAIRS

H.E. Mr. Philippe Couvreur
The Registrar of the International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

Your ref

Our ref

Date

30 January 2004

**Request for an advisory opinion pursuant to United Nations General Assembly
Resolution A/RES/ES-10/14**

Acting upon instructions, I have the honour to hereby submit within the time-limit of 30 January 2004 a written statement on behalf of the Government of Norway, subsequent to the invitation contained in the order dated 19 December 2003 of the International Court of Justice regarding the request for an advisory opinion on the question of the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

I.

The position of the Government of Norway with regard to the question of the legality of Israel's construction of the wall, also referred to as a security fence or barrier, in the Occupied Palestinian Territory, including in and around East Jerusalem, has been made unequivocally clear on repeated occasions.

Norway voted in favour of General Assembly resolution A/RES/ES-10/13, which was adopted on 21 October 2003. According to paragraph 1 of that resolution, the construction of the wall in the said areas is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law. Therefore, the General Assembly demands that Israel stop and reverse its construction.

It is *inter alia* also noted that the tenth preambular paragraph of this resolution expresses particular concern that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and

around East Jerusalem, could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian hardship to the Palestinians.

Moreover, the General Assembly reiterates in the eleventh preambular paragraph its call upon Israel, the occupying Power, to fully and effectively respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 973).

The position of the Government of Norway has also been expressed in other statements, including in Norway's statement to the United Nations Security Council on 14 October 2003, where it was noted that the routing of the second phase of the wall in most places illegally runs deep into the West Bank.

The consistent position of the Government of Norway on the question of the legality of the above Israeli actions has most recently been stated in the Norwegian Parliament by Foreign Minister, Mr. Jan Petersen, on 29 January 2004.

II.

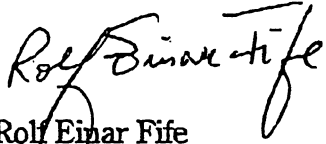
The Norwegian Government has also expressed its doubts and concerns regarding the propriety and possible consequences of the submission by the General Assembly of a request for an advisory opinion, as set out in General Assembly resolution A/RES/ES-10/14, which was adopted on 8 December 2003. Norway was therefore among the 74 member States which abstained during the vote on this resolution. The considerable number of abstentions added to negative votes, may reflect such doubts and concerns.

On its part, the views of Norway in this respect were made known, as Norway was aligned with the declaration made by the Presidency of the Council of the European Union after the adoption of the resolution.

In the view of Norway the request was inappropriate and would not help the efforts of the two parties to re-launch a political dialogue.

Particular reference is made, in this context, to efforts to achieve a negotiated settlement based upon the road map (UN Doc. S/2003/529) drawn up by the Quartet of the United Nations, the European Union, the Russian Federation and the United States of America, and endorsed by the Security Council in its unanimously adopted resolution 1515 (2003). Norway stands by the vision as stated in the resolution of "a region where two States, Israel and Palestine, live side by side within secure and recognized borders".

Against the above background, Norway trusts that all relevant factors will be taken into account by the International Court of Justice when considering the exercise of its discretionary powers under Article 65, paragraph 1 of its Statute.

A handwritten signature in cursive script that reads "Rolf Einar Fife". The signature is written in black ink and is positioned above the printed name.

Rolf Einar Fife
Representative of the Kingdom of Norway