

Cour internationale de Justice

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International Court of Justice

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INTERNATIONAL COURT OF JUSTICE

REQUEST BY THE UNITED NATIONS GENERAL ASSEMBLY
FOR AN ADVISORY OPINION ON THE "LEGAL CONSEQUENCES
OF THE CONSTRUCTION OF A WALL IN THE OCCUPIED
PALESTINIAN TERRITORY"

WRITTEN STATEMENT OF THE RUSSIAN FEDERATION

29 JANUARY 2004

The Russian Federation, having regard to Resolution A/RES/ES-10/14 adopted on 8 December 2003 by the General Assembly of the United Nations, whereby the General Assembly decided to request the International Court of Justice to urgently render an advisory opinion on the following question:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?";

Having regard to the Order of the Court of 19 December 2003, by which the Court fixed 30 January 2004 as the time-limit within which the United Nations and its Member States are able to furnish information on all aspects raised by the question submitted to the Court for advisory opinion and may submit written statements in accordance with Article 66 (2) of the Statute of the Court;

Having regard to the fact that the Russian Federation is a Member State of the United Nations and by virtue of Article 93 of the Charter of the United Nations is ipso facto a party to the Statute of the Court;

Wishing to avail itself of the opportunity given by the Court's Order of 19 December 2003 to States entitled to appear before the Court to make a written statement on the above-mentioned request by the General Assembly of the United Nations for an advisory opinion of the Court;

Has the honour to present the following statement:

The Russian Federation notes that on 8 December 2003 the General Assembly of the United Nations adopted its resolution A/RES/ES-10/14 in which *inter alia* referring to Article 65 of the Statute of the Court it requested the International Court of Justice to urgently render an advisory opinion on the following question:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"

This Resolution was approved by recorded vote of 90 in favor to 8 against, with 74 abstentions including the Russian Federation.

In this context we consider the following Statement of the Russian Federation of December 8, 2003 explaining its vote at the Emergency Special Session of the General Assembly, to be relevant to consideration by the Court of the question submitted to it for advisory opinion:

"The entire course of events bears out that a military solution of the Palestinian-Israeli conflict is impossible. The status quo is absolutely not viable, since it does not correspond to the interests of either party. The Palestinians will not be able to achieve the creation of their statehood, and the Israelis will not be in a position to ensure their national security.

Security Council Resolution 1515 was a unanimous call upon the parties in close cooperation with the Quartet of International Mediators to immediately start implementing the Road Map, which has now acquired an international legal status. It is now important to restore a direct Palestinian-Israeli dialogue. Russia hopes that the speediest holding of a meeting between Israeli Prime Minister Ariel Sharon and Head of the Palestinian Cabinet Ahmed Qurei will contribute to this. In accordance with the Road Map the Palestinian Authority is called upon to take effective measures to end terrorist acts against the civilian population of Israel. We

take note of the efforts made in this regard by the Palestinian side with reliance upon the important assistance of Arab states, primarily Egypt.

The Israeli leadership, in its turn, is called upon to fulfill its set of obligations under the Road Map, namely - to renounce the disproportionate use of force and extrajudicial killings, to take effective steps for alleviating the economic burden of the Palestinian population and to remove such an obstacle to peace as settlement activity and the construction of a "separation wall." The UN Secretary General has expressly called for this in his report, pointing out that Israel has not been fulfilling the General Assembly's requirements. No one denies the right of Israel to protect its citizens, but this right should not be realized by seizing other people's territories and should not run counter to the norms of international humanitarian law. Such actions must not be allowed to put in jeopardy the prospect of creating an integral and viable Palestinian state.

We understand the motives of the sponsors of the draft resolution, aimed at studying the legal consequences of the construction of the "wall." But that approach on a political plane would mean that the world community has put up with the current situation. In our conviction, however, at this stage all efforts should be focused on stopping and reversing the construction of the "wall." This is demanded by Security Council Resolution 1515 and by General Assembly Resolution ES-10/13. All the Quartet members staunchly support this. There now should be no yielding up to despair, no creating the impression of an inevitability of a negative scenario, but the full arsenal of political means should be used instead, so as to ensure the implementation of the already adopted decisions after all. We are convinced that the General Assembly and Security Council should continue to monitor closely this process, rendering support to the Quartet's efforts.

Russia in close cooperation with the UN, US and EU will continue to work actively towards Palestinian-Israeli and comprehensive regional settlement on the basis of Security Council Resolutions 242, 338, 1397 and 1515".

The Russian Federation is convinced that negotiations shall remain the only instrument to achieve peaceful and just settlement of the Palestinian-Israeli conflict. We believe that any response of the Court to the General Assembly's request, whether or not it decides to give an advisory opinion, should not hamper or create additional obstacles for such negotiating process or make the two - State solution impossible.

The Russian Federation expresses its hope that the Court will consider the above carefully while deciding how to respond to the General Assembly's request.



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of the Russian Federation
to the Kingdom of the Netherlands