



OIFIG AN AIRE GNÓTHAÍ EACHTRACHA  
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

Cour internationale de Justice  
Enregistré au Greffe le :

International Court of Justice  
Filed in the Registry on : **30 JAN. 2004/34A**

Dear Mr. President,

Ireland, Presidency of the European Union, refers to the request by the General Assembly to the International Court of Justice for an advisory opinion on the legal consequences of the construction of a wall in the occupied Palestinian Territory. This letter, together with its enclosures, are provided as a written statement.

It is recalled that the European Union has presented a resolution ES/10-13 approved by the General Assembly on 21<sup>st</sup> October demanding Israel to stop and reverse the construction of the Barrier inside the occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the armistice line of 1949 and is in contradiction to the relevant provisions of international law. However, the EU believes that the proposed request for an Advisory Opinion from the International Court of Justice is inappropriate. It will not help the efforts of the two parties to re-launch a political dialogue.

Enclosed are the texts of the declarations made by the Presidency of the Council of the European Union at the General Assembly of the United Nations after the adoption of Resolutions A/RES/ES-10/14 and A/RES/ES-10/13.

Ireland would like to point out that the Acceding States to the European Union, i.e. Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, align themselves with this statement.

Please accept, Mr. President, the assurance of my highest consideration.

Brian Cowen T.D.  
Minister for Foreign Affairs of Ireland  
President of the Council of Ministers of the European Union

Dublin  
30 January 2004



2003

ITALIAN PRESIDENCY  
OF THE COUNCIL OF THE EUROPEAN UNION

*Presidenza del Consiglio  
dei Ministri - Palazzo Chigi*

**58<sup>th</sup> SESSION  
OF THE UNITED NATIONS GENERAL ASSEMBLY**

**PLENARY**

**TENTH EMERGENCY SPECIAL SESSION**

---

**ILLEGAL ISRAELI ACTION IN OCCUPIED EAST JERUSALEM AND  
THE REST OF THE OCCUPIED PALESTINIAN TERRITORY**

---

**Statement by  
H.E. Marcello Spatafora, Ambassador  
Permanent Representative of Italy  
to the United Nations  
on behalf of the European Union**

**NEW YORK  
8 December 2003**

Check against delivery



Mr. President,

I have the honor to speak on behalf of the European Union. The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovakia and Slovenia, the Associated Countries Bulgaria, and Romania, the Countries of the Stabilization and Association Process and potential candidates, Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro as well as the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

Mr. President,

after less than two months from its last meeting on 20 October this Emergency Special Session is convened again to discuss the issue of the Barrier that Israel is building in departure from the "Green Line" within the occupied territory of the West Bank.

The European Union is particularly concerned by the route marked out for the Barrier in the Occupied West Bank. The envisaged departure of the Barrier from the "Green Line" could prejudice future negotiations and make the two-State solution physically impossible to implement. It would cause further humanitarian and economic hardship to the Palestinians. Thousands of Palestinians west of the fence are being cut off from essential services in the West Bank, Palestinians east of the fence will lose access to land and water resources. In this context the EU is alarmed by the designation of land between the Barrier and the "green line" as a closed military zone. This is a de-facto change in the legal status of Palestinians living in this area which makes life for them even harder.

Hence the European Union has presented resolution ES/10-13 approved by the General Assembly on 21<sup>st</sup> October demanding Israel to stop and reverse the construction of the Barrier inside the occupied Palestinian territories, including in and around East Jerusalem, which is in departure of the armistice line of 1949 and is in contradiction to the relevant provisions of international law.

The European Union thanks the Secretary-General for the detailed and pertinent report he presented pursuant to this resolution. The European Union shares the concerns expressed by the Secretary-General in this report and fully supports the observations he made.

The European Union regrets the fact that Israel, according to the report of the Secretary-General pursuant to General Assembly resolution ES-10/13, is not in compliance with the Assembly's demand that it stops and reverses the construction of the wall in the Occupied Palestinian Territories.

The EU believes that the proposed request for an Advisory Opinion from the International Court of Justice will not help the efforts of the two parties to re-launch a political dialogue and is therefore inappropriate. It is for this reason, that the European Union will abstain on the relevant draft resolution submitted to the consideration of this Emergency Special Session.



Mr. President,

The European Union remains firmly committed to the clear objective of two States, Israel and a viable and democratic Palestinian State, living side by side in peace and security, in the framework of a comprehensive peace in the Middle East, as laid out in the Road Map presented by the Quartet to the parties on 30 April 2003. In this context the EU welcomes the unanimous endorsement of the Road Map by the Security Council in resolution 1515 (2003).

The European Union is deeply concerned by the situation in the region and has noted that, despite support given by the international community to the quest for a just and lasting solution, insufficient effort has so far been made by the concerned parties to seize the opportunity for peace set out in the Road Map.

The European Union therefore calls once again on both parties - Israel and the Palestinian Authority - to live up to the commitments they undertook at the Aqaba summit on 4 June 2003 and stresses the need for the speedy implementation of the Road Map and compliance with its provisions.

The European Union also urges all sides in the region to immediately implement policies conducive to dialogue and negotiations. The EU relationship with those who will take steps to the contrary will be inevitably affected by such behavior.

Notwithstanding the bleak picture of the last months, the European Union is encouraged and welcomes initiatives from Israeli and Palestinian civil societies aiming at promoting rapprochement, confidence building and the establishment of a lasting peace.

The Geneva initiative, confirms the willingness which exists within civil societies to achieve peaceful coexistence in two independent, viable and prosperous states, living side by side in security, to the benefit of all Israelis and Palestinians as well as of all countries in the region. It is also helpful to increase the awareness of the public opinion of both sides on the need to identify the necessary efforts and reciprocal concessions in order to achieve a negotiated settlement of the conflict.

In this regard, the EU considers the document presented on 1<sup>st</sup> December in Geneva as a valuable contribution by the civil society in support of the Quartet's Roadmap which remains the only basis for the immediate resumption of the peace process.

Mr. President,

The European Union wish also to emphasize once again its strong condemnation of the suicide attacks and other acts of violence that have occurred over the last period in the region and calls upon all sides to refrain from any provocative action which can further escalate the tension.

Terrorist attacks against Israel have no justification whatsoever. The European Union reiterates that the fight against terrorism in all its forms remains one of the priorities of the EU as well as of the entire international Community and that it is the duty of all countries, in particular of those in the region, to actively cooperate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organizations.

The European Union emphasizes once again that, in compliance with the Road Map, the Palestinian leadership must concretely demonstrate its determination in the fight against extremist violence and urges the Palestinian Government and the Palestinian President to take immediate steps to confront individuals and groups conducting and planning terrorist attacks. The European Union still believes that the Palestinian security services should be consolidated under the control of the Prime Minister and the Interior Minister.

While recognizing Israel's right to protect its citizens from terrorist attacks, the European Union urges the Government of Israel, in exercising this right, to fully respect international law, in particular human rights and international humanitarian law including the Fourth Geneva Convention and to exert maximum effort to avoid civilian casualties and take no action that aggravates the humanitarian and economic plight of the Palestinian people. It also calls on Israel to abstain from any punitive measures which are not in accordance with international law, including extra-judicial killings and to reverse its settlement policy and to dismantle settlements built after March 2001.

Mr. President,

In conclusion the European Union wishes to reiterate once again its determination to contribute, with its partners in the Quartet, in the efforts to re-launch the peace process through an early implementation of the Road Map and stresses the importance and urgency of setting up a credible and effective third-party monitoring mechanism including all member of the Quartet.

Thank you, Mr. President

## ESS Illegal Israeli Practices 20/10/2003 - the wall

Mr. President,

I have the honor to speak on behalf of the European Union. The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovakia and Slovenia, the Associated Countries Bulgaria, Romania and Turkey, align themselves with this statement.

Mr. President,

the European Union is firmly committed to the clear objective of two States, Israel and a viable and democratic Palestinian State, living side by side in peace and security, in the framework of a comprehensive peace in the Middle East, as laid out in the Road Map.

The European Union is deeply concerned by the situation in the region and has noted that, despite support given by the international community to the quest for a just and lasting solution, insufficient effort has been made by the concerned parties to seize the opportunity for peace set out in the Road Map, underscored by the recent Quartet Ministerial Statement issued September 26 last. On the contrary, rising violence is bringing added suffering and death to both the Israeli and the Palestinian peoples and putting at risk security in the region and beyond.

The European Union therefore calls on both parties - Israel and the Palestinian Authority to live up to the commitments they undertook at the Aqaba summit on 4 June 2003.

The European Union urges all sides in the region to immediately implement policies conducive to dialogue and negotiations. The EU relationship with those who will take steps to the contrary will be inevitably affected by such behaviour.

The European Union welcomes initiatives from civil society on both sides and is ready to further assist in the effort to promote rapprochement, confidence building and the search for a lasting peace.

Mr. President,

The European Union strongly condemns the intensification of suicide attacks and other acts of violence that have occurred over the last few weeks and calls upon all sides to refrain from any provocative action which can further escalate the tension.

The European Union strongly condemns the vile terrorist attack that took the lives of three US citizens near the Erez checkpoint in the Gaza strip on 15 October and expresses its condolences to the bereaved families. The EU expects that the perpetrators will be brought to justice.

Terrorist attacks against Israel have no justification whatsoever. The European Union reiterates that the fight against terrorism in all its forms remains one of the priorities of the EU as well as of the entire international Community and that it is the duty of all countries, in particular of those in the region, to actively cooperate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organizations.

The European Union emphasizes once again that the Palestinian Authority must concretely demonstrate its determination in the fight against extremist violence and urges the PA and its President to take immediate, decisive steps to consolidate all Palestinian security services under the clear control of a duly empowered Prime Minister and Interior Minister, and confront individuals and groups conducting and planning terrorist attacks. The European Union recognizes Israel's right to protect its citizens from terrorist attacks. It urges the Government of Israel, in exercising this right, to exert maximum effort to avoid civilian casualties and take no action that aggravates the humanitarian and economic plight of the Palestinian people. It also calls on Israel to abstain from

any punitive measures which are not in accordance with international law, including extra judicial killings.

Mr. President,

The European Union is particularly concerned by the route marked out for the so-called security fence in the Occupied West Bank. The envisaged departure of the route from the "green line" could prejudice future negotiations and make the two-State solution physically impossible to implement. It would cause further humanitarian and economic hardship to the Palestinians. Thousands of Palestinians west of the fence are being cut off from essential services in the West Bank, Palestinians east of the fence will lose access to land and water resources.

The European Union calls on Israel to reverse its settlement policy and to dismantle settlements built after March 2001.

The European Union reiterates its determination to contribute in all aspects of the implementation of the Road Map and stresses the importance and urgency of setting up a credible and effective third-party monitoring mechanism.

Thank you, Mr. President

