



**ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS**

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

Your ref.:

Our ref.:

Date: 7 July 2023

Request for an advisory opinion pursuant to United Nations General Assembly Resolution A/RES/77/247

Acting upon instructions, I have the honour to hereby submit within the time-limit of 25 July 2023 a written statement on behalf of the Government of Norway, subsequent to the invitation contained in the order dated 3 February 2023 of the International Court of Justice regarding the request for an advisory opinion on the question of the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

I.

In the vote on resolution A/RES/77/247 in which the General Assembly requested an advisory opinion, the Norwegian government decided to abstain. During the debate, Norway indicated that a request for an advisory opinion from the ICJ would not help the efforts of the two parties to relaunch a political dialogue and that only a negotiated two-state solution can bring about lasting peace between the Israelis and the Palestinians, and also considered the time given to assess and elaborate the proposed wording of the questions to the ICJ to be too brief. The resolution was adopted by the General Assembly, on 11 November 2011, by 98 votes to 17 with 52 abstentions. The questions have therefore been referred to the ICJ and the present situation is thus different from that of the debate in the General Assembly. Furthermore, Norway recognizes the propriety and usefulness in clarifying the legal framework within which future negotiations will have to take place and the contributions of ICJ in this regard.

Several times in the past, the ICJ has considered the argument that an advisory opinion could impede a political, negotiated solution in a particular conflict. For instance, in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, the Court stated: "The Court is aware that, no matter what might be its conclusions in any opinion it might give, they would

Postal address:
Postboks 8114 Dep
0032 Oslo

post@mfa.no

Office address:
7. juni plass 1
0251 Oslo

www.regjeringen.no/ud

Telephone:
23 95 00 00
Org. no.:
972417920

Reference:
Kristian Jervell

have relevance for the continuing debate on the matter in the General Assembly and would present an additional element in the negotiations on the matter". Norway shares this view, which also reflects the great importance that Norway attaches to public international law and judicial settlement procedures.

The question of propriety of an advisory opinion must be assessed by the ICJ using its discretionary powers under the ICJ Statute Article 65. In accordance with ICJ's consistent jurisprudence, ICJ should not in principle refuse to give an advisory opinion unless "compelling reasons" should lead it to such a refusal, see e.g. *Legality of the Threat or Use of Nuclear Weapons*. Considering the former advisory opinions of the ICJ, Norway is of the view that no such compelling reasons exist in the present case and that the ICJ should exercise its competence to give an advisory opinion as requested by the General Assembly. Norway trusts that all relevant factors will be taken into account by the ICJ when considering the exercise of its discretionary powers under Article 65.

Norway believes that a lasting, peaceful solution to the Israeli-Palestinian conflict must be found through political negotiations and must be in conformity with the framework of international law. Norway notes in this regard that it falls within the discretion of the Court to depart from the language of the questions put to it, as set out in its *Advisory Opinion on the Separation of the Chagos*. Norway trusts that the Court will use this discretion wisely, with the aim of clarifying the legal framework within which a negotiated solution can be sought.

It is the view of Norway that an advisory opinion of the ICJ will provide important guidance to the General Assembly and the Security Council in furthering the process of reaching a negotiated two-state solution based on internationally agreed parameters and public international law, and Norway therefore looks forward to studying its deliberations.

II.

Norway has on repeated occasions made clear its position on the legality of various Israeli actions carried out in the occupied territories and its preference for a negotiated, peaceful two-state solution within the framework of international law.

On numerous occasions, including in a statement in the General Assembly Plenary Debate on the Question of Palestine, 30 November 2022, Norway has made it clear that Norway believes that a negotiated two-state solution based on the internationally agreed parameters is the best way to achieve lasting peace, and ensure the rights and safety of both Israelis and Palestinians. Norway has consistently emphasized its principled stand that any acquisition of territory by force is inadmissible and constitutes a serious violation of international law. In this regard, Norway also refers to Security Council 2334 (2016), which also underlines that no changes to the 4 June 1967 lines other than those agreed by the parties through negotiations will be recognized.

Norway has consistently supported and referred to the relevant resolutions of the Security

Council, including most recently resolution 2334 (2016), which reaffirms that the Israeli settlements in the Palestinian territory occupied since 1967 constitute a flagrant violation under international law, and demands an immediate and complete cessation of all settlement activities.

Norway has on numerous occasions, including in a statement to the UN General Assembly of 3 December 2019, expressed serious concerns regarding developments on the ground in the occupied Palestinian territory, including further plans for the expansion of Israeli settlements in East Jerusalem and the West Bank, as well as possible measures for the further annexation of territory occupied since 1967. Norway has made it clear that all measures taken towards further settlement expansion and annexations, including in East Jerusalem, are in contravention of international law, and will undermine the possibility of achieving a negotiated two-state solution.

Norway has also expressed its concern, including in the statement to the UN Security Council 28 July 2021, about continued settlement expansions, house demolitions, evictions, and violence. Norway has taken note of reports that indicate a significant increase in demolitions and evictions in the West Bank, including East Jerusalem. Of particular concern are the repeated demolitions of the local Palestinian Bedouin communities and plans for infrastructure constructions that will isolate Bethlehem and the southern West Bank from East Jerusalem. In this regard, Norway has emphasized that all Israeli measures altering the demographic composition, character, and status of the occupied Palestinian territory are illegal under international humanitarian law, and that they severely undermine the prospects for a two-state solution.

In 2013, Norway was among the co-sponsors for a resolution in the UN Human Rights Council (A/HRC/22/L.43) on the “Right of the Palestinian people to self-determination”, which reaffirms the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. The resolution also stresses the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem.



Kristian Jervell
Representative of the Kingdom of Norway