

International Court of Justice

**Legal Consequences arising from the Policies and Practices of Israel in the Occupied
Palestinian Territory, including East Jerusalem**

(Request for an advisory opinion)

Written statement of the Government of the Czech Republic

July 2023

Pursuant to the provisions of Article 66 (2) of the Statute of the International Court of Justice, and in response to the invitation by the Registrar of the International Court of Justice (hereinafter as the “Court”) in its Order of 3 February 2023, the Government of the Czech Republic wishes to submit general comments on the request for an Advisory Opinion submitted to the Court through Resolution A/RES/77/247 adopted on 30 December 2022, in which the General Assembly of the United Nations asked the Court to respond to the following questions, considering the rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and the advisory opinion of the Court of 9 July 2004:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

(b) How do the policies and practices of Israel referred to in paragraph 18 (a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?

The Czech Republic recalls that it voted against adoption of the Resolution A/RES/77/247. As the Czech Republic has repeatedly stressed on several occasions, including while explaining its vote on Resolution of the General Assembly of the United Nations A/RES/67/19 of 29 November 2012, it fully supports aspirations for Palestinian statehood in a fully negotiated solution, living side by side with Israel in mutual recognition. The Czech Republic strongly supports the Court and recognizes its role as the principal judicial organ of the United Nations. At the same time, the Czech Republic is not entirely convinced that adoption of the above-mentioned resolution A/RES/77/247 requesting the Court to render an advisory opinion is capable of advancing the negotiated solution. It is regrettable that the questions submitted to the Court seem to be formulated on politically charged presumptions, which may complicate the objective legal assessment of the issues raised.

The Czech Republic is therefore of the view that the questions on which the Court has been requested to give its advisory opinion, should be seen in a larger context, in particular in the said framework of the efforts to reach a negotiated solution, including Resolutions 242 (1967) and 338 (1972) of the United Nations Security Council.

The Czech Republic notes that in accordance with Article 25 of the Charter of the United Nations, the Members of the United Nations agree to accept and carry out the decisions of the Security Council. This legal obligation was further developed into a legal framework of the Israeli-Palestinian agreements reached within the context of the Middle East peace process.

The Czech Republic wishes to note its opinion that the questions referred to in the present resolution, including any allegations of violations of international law, should be

appropriately dealt with by the States and parties to the conflict in accordance with international law.

The negotiated solution continues to remain the only path to ending the conflict. In case the Court decides to give an advisory opinion on the questions at the request of the United Nations General Assembly, the Czech Republic is convinced that the answers should not be construed as allowing departure from the established legal framework already established for putting an end to decades of confrontation and conflict, as precisely stated in the Declaration of Principles on Interim Self-Government Arrangements (Washington, D.C., 13 September 1993).

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