

Written statement by the Republic of Zambia in regard to the case concerning *Legal consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*

Pursuant to the Court Order dated 3 February 2023, the Republic of Zambia hereby submits its Written Statement in the case concerning *Legal consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*.

At the outset, the Republic of Zambia wishes to inform the Court that, although it had earlier joined the Africa Group in support of Resolution 77/247, the Republic of Zambia has decided to withdraw its support concerning the request made therein for an advisory opinion of the Court.

Israel, the Palestinians, and the broader international community have long accepted and repeatedly reaffirmed that a peaceful resolution of the Israeli-Palestinian conflict can only be achieved through direct bilateral negotiations. These negotiations are to determine the final status of the territory in question and at the same time guarantee Israel's right to live in peace within secure borders.

The Republic of Zambia fully supports this recognized and established legal framework for the resolution of the Israeli-Palestinian conflict. This is anchored in the fundamental international legal principle of *pacta sunt servanda*, which is to the effect that parties must comply with agreements to which they are parties.

Further to the forgoing, the ICJ, as the principle judicial organ of the United Nations, should give deference to the parties' sovereign right to enter into agreements to resolve their dispute through a settlement means of their choice (i.e. negotiations). In so doing the Court will be acting in harmony with other principal organs of the UN, namely the Security Council and the General Assembly.

The Republic of Zambia also wishes to stress that both Israelis and Palestinians are obliged to comply fully with the Israeli-Palestinian agreements entered into within the context of the Middle East peace process and Security Council resolutions 242 (1967) and 338 (1973). Indeed, no side may take unilateral steps that undermine the possibility of achieving peace through direct dialogue as has been agreed.

Thus, in *the Wall* case (2004) the Court found for a fact that illegal actions and unilateral decisions have been taken on all sides; however, the Court determined that this tragic conflict can be terminated only through implementation in good faith of all relevant

Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973).

The Court should also bear in mind that Israel, which expressly committed to negotiate a settlement through direct negotiations with the Palestinian side, has not given its consent to judicial settlement of the Israeli-Palestinian conflict. The ICJ as court of law should not undermine the legal agreement that the parties have accepted as binding on them for the resolution of the conflict and should not in any way prejudice the outcome of bilateral negotiations by Israelis and Palestinians on security arrangements, the scope of Palestinian self-determination, and any other 'permanent status' issue.

The Republic of Zambia is of the view that the ICJ advisory proceedings risk further escalation of violence and tension that may run counter to efforts to stabilize the situation on the ground, and urges caution in this regard. The Republic of Zambia's position is that good faith negotiations between the two sides, anchored in the established legal framework for the resolution of their conflict, remain the only viable path to peace, security and prosperity in the region.

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