

EMBASSY OF JAPAN
IN
THE NETHERLANDS

Cour internationale de Justice
Enregistré au Greffe le :

International Court of Justice
Filed in the Registry on :

30 JAN 2004/28

Mr. P. Couvreur
Registrar
International Court of Justice
Peace Palace
Carnegieplein 2
2517 KJ The Hague

30 January 2004

Dear Mr. Couvreur,

I have the great honour to submit to the court herewith, the written statement of the Japanese Government on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.”

I avail myself of this opportunity to renew to the International Court of Justice the assurances of my highest consideration.

With best wishes,
H. Koike

Hiroharu Koike
Ambassador of Japan
to the Netherlands

Written Statement of the Government of Japan

1. On December 8, 2003, the United Nations General Assembly adopted a resolution (A/RES/ES-10/14), whereby it decided to request the International Court of Justice (ICJ) to urgently render an advisory opinion on the legal consequences of the construction of “the Barrier” being built by Israel. Based on this resolution, the ICJ decided that “the United Nations and its Member States are considered likely ... to be able to furnish information on all aspects raised by the question submitted to the Court.” While Japan abstained from the voting because it considers this issue to be political in nature and is, therefore, doubtful that an advisory opinion by the ICJ would contribute to its solution, Japan wishes to submit the following view on this question to the ICJ.

2. Since the 1993 Oslo Agreement, Japan has contributed to the Middle East Peace Process through both political and economic support. This is based on the nation’s recognition that the only path to peace in the Middle East is for “two states”, Israel and Palestine, to live side by side in peace. Japan has extended more than US\$650 million in assistance to the Palestinians since 1993, and Japan’s recent assistance activities have focused on the fields of humanitarian assistance, assistance to promote reform of the Palestinian Authority, and assistance for confidence building between Israelis and Palestinians. Ambassador Arima, Special Envoy for Peace in the Middle East, has built a constructive cooperative relationship through dialogue not only with Israeli and Palestinian sides, but also with

the dignitaries in the surrounding countries. In these assistance efforts, Japan has held the view that the conflicts between the Israeli and Palestinian sides are highly political in nature and that nothing but steady implementation by both the Israeli and Palestinian sides of their respective measures stipulated in the Road Map will bring about a peaceful resolution to the Middle East conflict in line with the vision of “two states”.

3. Under such circumstances, unilateral actions which prejudice final settlements on pending issues will seriously undermine the resolution of this conflict. Based on all the points stated above, Japan presents its opinion on the question of the construction of “the Barrier” as follows:

The construction of “the Barrier” is negatively affecting the livelihood of Palestinians because it is being constructed inside the “Green Line”; moreover, it prejudices the outcome of the final status negotiations. The construction of “the Barrier” inside the “Green Line” appears to be in contradiction to relevant provisions of international law, based on the limited information available. Hence, Japan maintains that the construction of “the Barrier” within the “Green Line” should be stopped. Although Japan is aware of the Israeli side’s claims that “the Barrier” is intended to prevent the intrusion of terrorists, Japan does not find the information at its disposal to definitively justify the construction of “the Barrier” inside the “Green Line”.

4. At the same time, it must be noted that a large number of innocent Israeli lives have been lost because of the failure of the Palestinian side to prevent terrorist attacks by Palestinian extremists. Terrorism cannot be justified for any reason, and Japan resolutely condemns terrorism. The Palestinian Authority must make the utmost effort both to improve its security capacity and to suppress terrorism.

5. While Japan's view on the question of the construction of "the Barrier" is as stated above, Japan would like to add that, in a general sense, the "acquisition" of land by force is not admissible, and measures taken under such "acquisition" do not constitute a basis for obtaining territorial title under international law.