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ON THE UNITED NATIONS GENERAL ASSEMBLY SESSION CONCERNING ISRAEL AND THE INTERNATIONAL COURT OF JUSTICE -- HON. W. TODD AKIN (Extensions of Remarks - February 06, 2004)

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HON. W. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
FRIDAY, FEBRUARY 6, 2004

- Mr. AKIN. Mr. Speaker, December 8, 2003, the General Assembly of the United Nations, sitting in an emergency special session, adopted Resolution ES 10/14, requesting the International Court of Justice to render an advisory opinion on the legal consequences of Israel's security fence .
- The placing of this issue before the ICJ as the result of a political campaign within the U.N. General Assembly is a highly unsatisfactory means of dealing with a profoundly complex and contentious issue. If successful, this initiative portends an increasingly political and divisive use of the ICJ.
- There is an increasing concern by many countries that the use of the ICJ to obtain an advisory opinion will undermine the stature of the court as well as the role of international law. It is also important that the ICJ continue to abide by the principle of not addressing such contentious issues without the consent of all parties involved. To do otherwise could set a precedent that could serve to weaken the stature of the U.N. by encouraging a new level of politically oriented activity.
- This requested abuse of the ICJ would raise the threshold of politically oriented activity. It is important to note that this controversial initiative has not garnered the support of even a majority of U.N. members. Only 90 states, none of them democracies, voted in favor of the resolution.
- Israel is a small democratic nation with myriad adversaries bent on its destruction. The undeniable truth remains that Israel, as with any other nation, has the right and responsibility to protect the lives of its innocent civilians from brutal terrorist attacks. Consequently, the question of the preservation of due process with the General Assembly and the preservation of the integrity of the ICJ is essential.

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