



The Permanent Mission of Israel to the United Nations and other International Organizations in Geneva presents its compliments to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) and wishes to refer to the Secretariat's Note, dated 20 August 2019 (Reference: ICERD-ISC 2018/3), by which it transmitted the decision taken by the Committee on the Elimination of Racial Discrimination ("the Committee") following the Permanent Mission's Note Verbale of the same date.

The Permanent Mission wishes to reassure the Committee that its Note Verbale, dated 20 August 2019, was in no way intended to exert undue pressure on the Committee, and it deeply regrets that it was interpreted in this way. Indeed, the Permanent Mission respectfully submits that making reference to substantive and relevant legal information that had come to it indirectly, and through no inappropriate proactive measures of its own, should not be characterized in this way. The Note Verbale's only intention was to bring to the attention of the Committee that Israel had learned of the Legal Memorandum of the United Nations Office of Legal Affairs ("OLA") and to note its understanding, based on information it had received, that the Memorandum confirms its view – which finds further support in extensive State practice, the law of treaties, and the Committee's own past decisions – that the Committee lacks jurisdiction to consider the Palestinian communication purportedly made under Article 11 of the Convention.

The Permanent Mission respectfully submits, moreover, that informing the Committee of pertinent information of which a State party has become aware – in this case an authoritative and independent assessment by the OLA of the Committee's lack of jurisdiction in the present situation – should be regarded as a legitimate part of a State Party's effort to present its case before the Committee as persuasively as possible, as it is entitled and indeed expected to do.

The Permanent Mission further notes that, notwithstanding the difference of views as to how to characterize its Note Verbale of 20 August 2019, the legal situation of lack of treaty relations between Israel and the Palestinian entity and the resulting lack of jurisdiction in this case, as reportedly confirmed in the OLA Memorandum, remains unchanged.

Additionally, in view of the fact that the Committee has indicated that it intends to transmit a copy of the OLA Memorandum to the Palestinian entity, the Permanent Mission requests that a copy of the Memorandum will likewise be transmitted to it.

Should the Committee require further information, Israel reiterates its willingness to engage with the Committee for such purposes, including by appearing separately before it.

The Permanent Mission avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) the assurances of its highest consideration.



Geneva, 6 September 2019