



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Chairperson and Members of the
Committee on the Elimination of Racial
Discrimination and the CERD Secretariat
UNOG – OHCHR

Geneva, 1 May 2019

To the attention of the Chairperson, Committee Members and the Secretariat,

Please find herewith attached a communication submitted by Israel relating to the communication that was forwarded to the Permanent Mission of Israel by the Secretariat of CERD, dated 29 April 2019 (Reference: ICERD-ISC 2018/3).

Yours sincerely,

Aviva Raz Shechter
Ambassador
Permanent Representative



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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 Note, dated 29 April 2019 (Reference: ICERD-ISC 2018/3), by which the Secretariat informed the Permanent Mission of the reply of the Committee on the Elimination of Racial Discrimination (the "Committee") to the Note of the Permanent Mission, dated 23 April 2019.

The Permanent Mission wishes to reiterate its sincere regret that it is unable to participate in the upcoming proceedings of the Committee regarding the question of its jurisdiction over the Palestinian complaint purportedly submitted under Article 11 of the Convention on Elimination of All Forms of Racial Discrimination (the "Convention"). As explained in the Permanent Mission's previous note, Israel is of the view that the format proposed for the proceedings is incompatible with its fundamental position in the present case as to lack of treaty relations with the Palestinian entity.

The Permanent Mission wishes to clarify that at issue, in its view, is not merely the "non-recognition of the State of Palestine" as referred to in the above-mentioned reply of the Committee, but, more specifically, the joint appearance at this hearing of an Israeli and Palestinian representative before the Committee in the absence of treaty relations between them. It is respectfully submitted that the format of joint appearance and participation, in the framework of formal proceedings before the Committee, appears in Israel's view to be legally inconsistent with the fact that Israel does not recognize the Palestinian entity as a *State party* under the Convention and is not in treaty relations with it.

The Permanent Mission takes note of the Committee's position, as expressed in the abovementioned reply, that "the object of the upcoming proceedings is precisely to determine whether there is in respect of the Convention a treaty relation between the State of Israel and the State of Palestine, which would allow for the application of articles 12 and 13 of the Convention". In this regard, it is recalled that Israel's written submissions to the Committee have demonstrated, unequivocally, that no such treaty relations exist under the

Convention. Indeed, as the Committee is aware, a formal communication precisely to that effect was validly submitted by Israel to the United Nations Secretary-General as depositary to the Convention, as also confirmed by the United Nations Office of Legal Affairs.

The Permanent Mission further wishes to express its appreciation to the Committee for ensuring that all its members will have full access to all written documents it has submitted and 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, 1 May 2019

