

Congress of the United States

Washington, DC 20515

June 13, 2023

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

We are deeply concerned by the biased, one-sided request to the International Court of Justice (ICJ) by the UN General Assembly (UNGA) for an anti-Israel advisory opinion. This is but the latest in a series of escalating attacks on Israel in the UN system, initiated by the Palestinian Authority, to unfairly and disproportionately single out the Jewish State. We urge you to vigorously support Israel as it defends itself against this proceeding.

We appreciate your vow to “uphold our strong commitment to Israel and its security, including by opposing actions that seek to target Israel unfairly”, and we urge you and the Administration to use all diplomatic tools available to support Israel at the ICJ, and to marshal support among our international partners to do the same.¹

In its latest salvo, at the behest of the one-sided Commission of Inquiry (COI) about which many of us have written to you previously, the UNGA passed a prejudicial resolution requesting that the ICJ issue an advisory opinion on legal issues relating to the Israeli-Palestinian conflict.² The resolution was opposed by the United States, Israel, and many of our European allies, but passed anyway, though without the backing of a majority of the UN’s 193 member states. Countries joining the US and Israel in voting against included Australia, Canada, Germany, Italy, and the United Kingdom.

Former State Department Spokesman Ned Price noted the Administration’s “strong opposition to the request for an ICJ advisory opinion concerning Israel.” He explained that “this action was counterproductive and will only take the parties further away from the objective of a negotiated two-state solution.” “Part of the reason why we’ve opposed the Palestinian move when it comes to the ICJ,” said Price on January 9, is that “it could potentially only serve to increase tensions,” and “that is exactly what has happened.”³

This resolution is unfortunately consistent with the hostile record of the UNGA, which again in 2022 passed more resolutions condemning Israel than against any other country. Though non-binding under international law, a negative advisory opinion - a practically assured outcome - would almost certainly be used to further the propaganda assault and the Boycott, Divestment, and Sanctions (BDS) movement against Israel while simultaneously undermining the credibility and effectiveness of UN human rights bodies.

Weaponizing the UN system to delegitimize and criminalize Israel will not lead to peace, which must be negotiated directly by Israel and the Palestinians. Furthermore, the UN’s disproportionate focus on Israel distracts attention and resources from grave human rights abuses and violations of international law committed by UN members such as Iran, China, Myanmar, and Russia. The international system needs robust, fair human rights oversight bodies to provide

¹ “The United States Opposes the ICC Investigation into the Palestinian Situation.” *US Embassy in Israel*, 3 Mar. 2021, <https://il.usembassy.gov/the-united-states-opposes-the-icc-investigation-into-the-palestinian-situation/> .

² “Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories.” *United Nations General Assembly Seventy Seventh Session Agenda Item 47*, 14 Nov. 2022, https://www.un.org/unispal/wp-content/uploads/2022/11/A.77.400_141122.pdf .

³ “Department Press Briefing Index – Monday, January 9, 2023.” *U.S. Department of State*, 9 Jan. 2023, <https://www.state.gov/briefings/department-press-briefing-index-monday-january-9-2023/> .


recourse to those whose own governments are unable or unwilling to safeguard individual rights. Regrettably, some UN human rights entities have been repurposed to unfairly target Israel.

Israel, of course, is not exempt from legitimate, proportionate, and accurately contextualized criticism, but that is not today's reality at the UN where accusations are exaggerated, Israel's security needs are ignored, and Israel's history is denied.

In keeping with longstanding U.S. policy that the UN is not the appropriate venue for resolving the Israeli-Palestinian conflict, we ask the Department to submit a strong brief to the ICJ opposing an advisory opinion against Israel. That brief should both procedurally (by urging the ICJ to decline the case) and substantively (on the merits) back Israel, its right to self-defense, and a negotiated solution to the conflict. In addition, we request the Department seek similar briefs from other countries - including the 26 countries who voted against involving the ICJ in this matter.⁴ Finally, where appropriate, other countries' representatives should be reminded that the US takes into consideration support for U.S. positions at the UN in our bilateral relationships.

We appreciate your attention to this matter and look forward to hearing from you soon.


Sincerely,



Josh Gottheimer
Member of Congress




Brian Fitzpatrick
Member of Congress



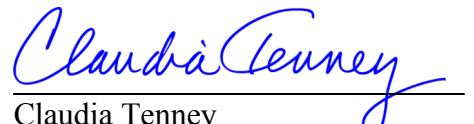
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Member of Congress



Bradley Scott Schneider
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Grace Meng
Member of Congress



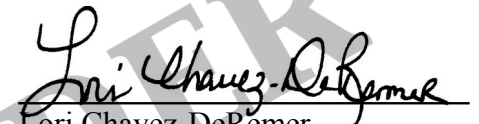
Claudia Tenney
Member of Congress

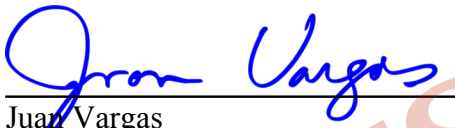
⁴ Tress, Luke. "UN asks world court to weigh in on Israeli 'occupation' and 'annexation'." *The Times of Israel*, 31 Dec. 2022, <https://static.timesofisrael.com/www/uploads/2022/12/Screen-Shot-2022-12-30-at-6.18.45-PM.jpg>.


Wiley Nickel
Member of Congress


Joe Wilson
Member of Congress



Maria Elvira Salazar
Member of Congress

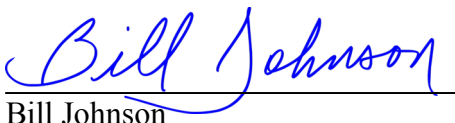

Lori Chavez-DeRemer
Member of Congress

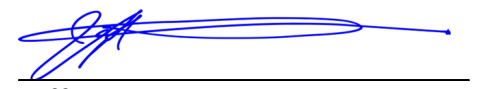

Juan Vargas
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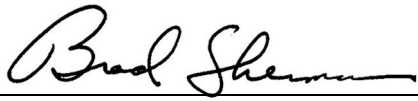

Jared Moskowitz
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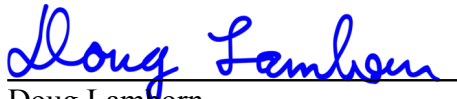

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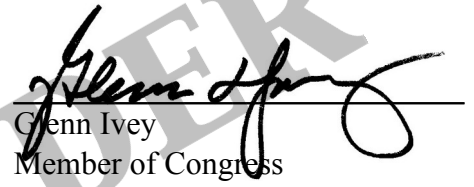
Brad Sherman
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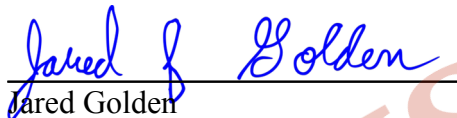
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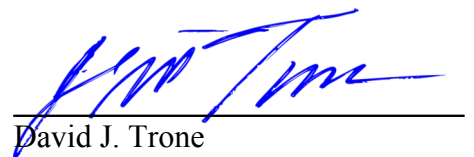
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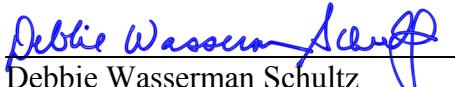
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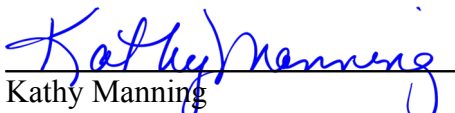
Jake Auchincloss
Member of Congress



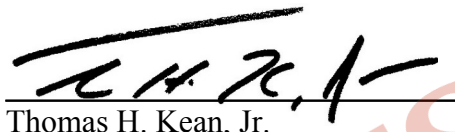
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