

Written Statement submitted by the Sultanate of Oman concerning the Advisory opinion by the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian territory, including East Jerusalem.

Oman supports UNGA resolution 77/247 of 30 December 2022 in which the Assembly requested the court to render an advisory opinion in relation to two specific issues namely;

- a) What are the legal consequences arising from Israel's ongoing violation of the right of the Palestinian people to self-determination, its prolonged occupation, settlement, and annexation of the Palestinian Territory occupied since 1967, including measures aimed at altering the demographic composition, character, and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?
- b) How do Israel's policies and practices referred to in paragraph (a) affect the legal status of the occupation and what are the legal consequences that arise for all States and the United Nations from this status?

Regarding paragraph (a) the Sultanate of Oman requests that the following issues are taken into account;

1. *Violation of the Right to Self-Determination*

That the occupation, settlement, and annexation of Palestinian Territory occupied since 1967 by Israel obstructs the realisation of the Palestinian people's inalienable rights, including their right to self-determination and right to return.

There is an overwhelming international agreement on the existence of the right to self-determination and its continued denial in the Occupied Palestinian Territories. The right to self-determination is enshrined, inter alia, in article 1(2) of the Charter of the United Nations. The UN General Assembly has consistently reaffirmed the right of the Palestinian people to self-determination. The UN Security Council has called for an end to the Israeli occupation and the establishment of two states based on the 1967 lines. The Human Rights Council consistently recognises the 'inalienable, permanent and unqualified right to self-determination of the Palestinian people'.

Arising from these clear and consistent breaches of international law in maintaining a 57 year occupation, the Court should determine that the Government of Israel should bring to an immediate and unconditional end to all activities, policies and laws that prevent and impede Palestinian self-determination principally by ending the occupation of the Palestinian Territory. The Court should recognise the clear responsibility on all States to support the establishment of Palestinian self-determination in line with UN resolutions and the UN Charter.

2. *Prolonged Occupation, Settlement and Annexation of Palestinian Territory*

The consistent and systematic unlawful transfer of Israeli citizens to settlements in the Occupied Palestinian Territory over decades is designed to perpetuate the occupation and make it permanent. A concomitant of this policy is the displacement of Palestinians and the establishment of a coercive system of discriminations, zoning, planning, unlawful land appropriation, arbitrary arrest, and arbitrary violence since 1967.

This forcible displacement of the occupied people and the transfer of citizens of the occupying power to the occupied territory is prohibited under article 49 of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War. Article 1 of that Convention stipulates that every High Contracting Party to the Convention is under an obligation to ensure compliance in all circumstances. The United National General Assembly, United Nations Security Council and United Nations Human Rights Council have consistently and repeatedly condemned Israel's efforts to alter the demographic character and status of the Occupied Palestinian Territories.

The International Community has an obligation to prevent unlawful annexation of Palestinian land. A fundamental principle of international law as reflected in the Charter of the United Nations is that the use of force in any form is prohibited. Consequently acquisition of territory by use of force is illegal. The 57 year occupation and settlement policy of the State of Israel is preventing the establishment of a contiguous, viable Palestinian State and is an affront to international law.

The Court should find that the legal consequences for the Government of Israel in this regard should include the immediate cessation of all illegal acts including settlements and associated legal and administrative frameworks. Clearly, reparations for, and dismantling of, illegal structures and legal frameworks is also an imperative.

Third States are under a clear obligation not to recognize or assist the illegal situation present in the Occupied Palestinian Territory. State parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War

are under obligation to ensure Israeli compliance with international humanitarian law as embodied in the convention, including the unlawful transfer of citizens in occupied territories.

UN General Assembly Resolution 77/25 called upon all states 'consistent with their obligations under the Charter and relevant Security Council resolutions' to a policy of non-recognition, non-cooperation, non-assistance to the Israeli occupation and to ensure respect for international law in this regard.

3. In summary, the primary legal consequences arising from Israel's behaviour is that there is now a de facto annexation by Israel of the Palestinian territories.

Regarding paragraph (b) the Sultanate of Oman requests that the following issues are taken into account;

1. Legal Status of Occupation

The conduct and practices of an occupying power are well-documented and strictly regulated in international law. The 4th Geneva Convention is clear that an Occupying Power may not transfer its civilian population to occupied territories. In addition, international law does not provide for permanent occupation or occupation legitimised through establishment of demographic change through settlement. The 57 year duration of Israeli presence in the Occupied Palestinian Territories and the persistent policy of settlement renders the Israeli occupation illegal and in breach of the UN Charter.

The Court should determine that Israel should bring to an immediate and unconditional end to this unlawful situation. Third States should support these efforts.

Signed and submitted on behalf of the Government of the Sultanate of Oman by

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