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INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES ARISING FROM THE POLICIES
AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY,
INCLUDING EAST JERUSALEM**

(REQUEST FOR AN ADVISORY OPINION)

WRITTEN STATEMENT OF THE KINGDOM OF MOROCCO

25 July 2023

[Translation provided by the Kingdom of Morocco and revised by the Registry]

Unofficial translation

INTERNATIONAL COURT OF JUSTICE
WRITTEN STATEMENT OF THE KINGDOM OF MOROCCO
ON THE REQUEST FOR AN ADVISORY
OPINION ARISING FROM UNITED
NATIONS GENERAL ASSEMBLY
RESOLUTION A/RES/77/247 OF
30 DECEMBER 2022

– July 2023 –

By its resolution A/RES/77/247 of 30 December 2022, the General Assembly of the United Nations requested the International Court of Justice (hereinafter “the Court”) to give an Advisory Opinion on the questions set out in its paragraph 18 (a) and (b). In its Order of 3 February 2023, the Court decided that “the United Nations and its Member States ... are considered[, in accordance with Article 65, paragraph 2, of the Statute,] likely to be able to furnish information on the questions submitted to the Court for an advisory opinion”.

The Government of the Kingdom of Morocco submits to the Court the present written observations in accordance with its sincere interest in and active commitment to respect for international law and the promotion of peace in the Middle East, which requires the implementation of a just, comprehensive and lasting solution based on the two-State principle: an independent Palestinian State on the basis of the borders of 4 June 1967, with Al-Quds/East Jerusalem as its capital, living side by side with the State of Israel, in peace and security, in accordance with international law and United Nations resolutions, and as an extension of the Arab Peace Initiative.

Since 1967, the United Nations General Assembly and Security Council have taken a consistent position on the legal status of the Gaza Strip and the West Bank, including Al-Quds/East Jerusalem¹.

With regard to Al-Quds/East Jerusalem in particular, and in addition to its singular spiritual, historical and political importance, the Holy City enjoys a special status and protection under international law. In a long series of resolutions since 1967, the Security Council and the General Assembly have consistently emphasised, monitored and protected the legal status of Al-Quds/East Jerusalem under international law. The subject of international consensus, this consistent position concerning the legal status of Al-Quds/East Jerusalem was enshrined by the Court in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*².

The Kingdom of Morocco, whose Sovereign is Chairman of the Al-Quds Committee of the Organisation of Islamic Cooperation (OIC), is working by every legal means at its disposal to protect the legal, historical, political and spiritual status of the Holy City, and to preserve its unique vocation as a city of peace and a meeting place for the followers of all monotheistic religions.

On 30 March 2019, His Majesty King Mohammed VI — Amir Al Mouminine (Commander of the Faithful) — and His Holiness Pope Francis, signed the “Al-Quds/Jerusalem Appeal”, in which they jointly affirm:

“We consider it important to preserve the Holy City of Jerusalem/Al-Quds Acharif as the common patrimony of humanity and especially [for] the followers of the three monotheistic religions, as a place of encounter and as a

¹ See, in particular, Security Council resolution 242 of 22 Nov. 1967, operative para. 1 (a). See also [General Assembly] resolutions 2253 (ES-V) of 4 July 1967; 2254 (ES-V) of 14 July 1967; 2443 (XXIII) of 19 Dec. 1968; 2546 (XXIV) of 11 Dec. 1969; 2727 (XXV) of 15 Dec. 1970; 2851 (XXVI) of 20 Dec. 1971; 54/77, 54/78 and 54/79 of 6 Dec. 1999; ES-10/7 of 20 Oct. 2000; 55/50 of 1 Dec. 2000; 55/131, 55/132, 55/133 and 55/134 of 8 Dec. 2000; 56/36 of 3 Dec. 2001; 56/60, 56/61 and 56/62 of 10 Dec. 2001; ES-10/8 and ES-10/9 of 24 Dec. 2001; and ES-10/10 of 14 May 2002.

² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*.

symbol of peaceful coexistence, where mutual respect and dialogue can be cultivated.

To this end, the specific multi-religious character, the spiritual dimension and the particular cultural identity of Jerusalem/Al-Quds Acharif must be protected and promoted.

It is our hope, therefore, that in the Holy City, full freedom of access to the followers of the three monotheistic religions and their right to worship will be guaranteed, so that in Jerusalem/Al-Quds Acharif they may raise their prayers to God, the Creator of all, for a future of peace and fraternity on the earth.”

Furthermore, the General Assembly and the Security Council have adopted numerous resolutions enshrining Palestine’s right to respect for its territorial integrity. In particular, General Assembly resolution 52/67 of 20 February 1998 stressed “the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem”³. Similarly, resolution A/RES/74/11 of 9 December 2019 emphasizes “the need for respect for, and the preservation of, the territorial integrity and unity of the Occupied Palestinian Territory, including East Jerusalem”.

Likewise, there is a clear consensus of the international community on the legal status of the Israeli settlements in parts of the Occupied Palestinian Territory — including Al-Quds/East Jerusalem. They constitute an obstacle to peace and threaten to render impossible a two-State solution: an independent and viable Palestinian State within the 1967 borders, living side by side with the State of Israel, in peace and security⁴.

³ General Assembly resolution 52/67 of 20 Feb. 1998, operative para. 3.

⁴ On the legal status of the settlements, see in particular General Assembly resolution A/RES/74/11 of 9 Dec. 2019; General Assembly resolution A/RES/77/126 of 15 Dec. 2022; Security Council resolution 446 of 22 Mar. 1979; Security Council resolution 465 of 1 Mar. 1980; Security Council resolution 2334 of 23 Dec. 2016; Security Council presidential statement S/PRST/2023/1 of 20 Feb. 2023.

The settlement of the Israeli-Palestinian conflict through dialogue and negotiation, in accordance with the United Nations negotiating framework, and Security Council resolutions 242 and 338 in particular, remains the keystone for lasting peace and stability in the Middle East. This vision underpins the action of the Kingdom of Morocco both bilaterally, and multilaterally within the United Nations — in the context of the work of the General Assembly and its six Main Committees, and that of the regional groups representing the League of Arab States and the Organisation of Islamic Cooperation — within which His Majesty King Mohammed VI holds the presidency of the Al-Quds Committee.

In his message addressed to the Chairman of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, on the occasion of the celebration, in November 2022, of the International Day of Solidarity with the Palestinian People, His Majesty King Mohammed VI stated:

“We stress once again that the deadlock in the political process between Israelis and Palestinians does a disservice to the peace that We wish to see prevail in the region. At the same time, we encourage all positive signs and praiseworthy initiatives likely to restore the climate of confidence and encourage the start of responsible negotiations, the outcome of which would be a just, comprehensive and lasting settlement of the Palestinian question, in accordance with the decisions of international legality and on the basis of the realistic two-State solution”.

For these reasons, the Kingdom of Morocco expresses the hope that any Advisory Opinion that the Court may give will promote a constructive peace dynamic, with a view to an applicable, equitable and lasting solution, satisfying the legitimate right of the Palestinian people to an independent, viable and sovereign State on the basis of the borders of 4 June 1967, with Al-Quds/East Jerusalem as its capital, living side by side with the State of Israel, in peace and security and allowing the peoples of the region to live in peace, security, stability and dignity.

The Ambassador

Mohamed Basri