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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 COMMENTS OF THE
ORGANISATION OF ISLAMIC COOPERATION**

October 2023

[Translation by the Registry]

INTRODUCTION

1. In accordance with the possibilities open to it under the proceedings initiated before the International Court of Justice, the Organisation of Islamic Cooperation has the honour to present here further comments relating to the request for an advisory opinion submitted to the International Court of Justice by the General Assembly of the United Nations on 20 December 2022 concerning the consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

2. The General Assembly seeks the opinion of the Court on the following two-fold question:

- “(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from 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 the policies and practices of Israel referred to in paragraph 18 (a) above 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?”¹

3. Some of the 57 States and intergovernmental organizations that have submitted written statements on these questions have requested the Court to decline its jurisdiction. Moreover, while none of the participants in these proceedings has disputed that there have been serious violations of international law by Israel in the Occupied Palestinian Territory since 1972, two consider the prolonged military occupation to be justified. The Organisation of Islamic Cooperation will briefly address those matters here.

I. THE OPINION SOUGHT IS OF PARTICULAR IMPORTANCE AND IT IS IMPERATIVE FOR THE COURT TO FIND THAT IT HAS JURISDICTION

4. It is of paramount importance that the Court enlightens the General Assembly by responding to the questions submitted to it by the latter and, in so doing, fulfils the advisory function provided for in Article 65, paragraph 1, of its Statute, which stipulates that “[t]he Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request”. In these proceedings, it is the General Assembly of the United Nations that has seised the International Court of Justice by the above-mentioned resolution. The General Assembly has thus used the possibility open to it under Article 96, paragraph 1, of the Charter to request an advisory opinion: “The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.”

5. The Organisation of Islamic Cooperation wishes to emphasize that none of the arguments put forward in these proceedings to convince the Court to decline its jurisdiction in this case is of any relevance, and that it would be disastrous if, by refusing to exercise its advisory function in this instance, the Court were to leave unanswered the important questions put to it.

¹ United Nations General Assembly resolution 77/247, 30 Dec. 2022.

1. The General Assembly is perfectly justified in requesting an advisory opinion on the questions posed, for which it has a responsibility under the Charter

6. The General Assembly is in fact vested with the powers and responsibilities of the United Nations in matters relating to international peace and security. And the United Nations “has a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy”². It is on these grounds that the Court, when previously seised of a request for an advisory opinion on the question of the wall built by Israel in the Occupied Palestinian Territory, determined that the object of the request before it was to obtain an opinion which the General Assembly deems of assistance to it for the proper exercise of its functions³.

7. In this regard, the Court considers that it is not for it to determine the usefulness of its response to the requesting organ. It is for the requesting organ, in this case the General Assembly, to determine “whether it needs the opinion for the proper performance of its functions”⁴, since “[t]he Court has consistently made clear that it is for the organ which requests the opinion, and not for the

Court, to determine whether it needs the opinion for the proper performance of its functions”⁵.

8. In adopting resolution 77/247 of 30 December 2022, by which the Court was seised of the present request for an advisory opinion, the General Assembly was therefore acting within the scope of its responsibilities and there is nothing in that request that might lead the Court to decline its jurisdiction.

2. The questions submitted to the Court by the General Assembly are legal questions

9. The participants in these proceedings who are opposed to the Court’s jurisdiction ask the Court to decline its jurisdiction on the ground that the questions raised by the request for an advisory opinion are of a political character. The Court must indeed make sure that any request for an advisory opinion seeking the examination of a situation under international law does in fact concern a legal question.

10. There is no doubt here that the questions submitted to the Court are of a primarily legal nature. They concern the *legal* consequences of well-established violations of international law — which have been recognized as such by the Security Council, the General Assembly, the Human Rights Council, the overwhelming majority of States and the Court itself — as well as the *legal* status of the occupation in view of these violations and the *legal* consequences of its unlawfulness. They are thus clearly points of law on which the Court must enlighten the General Assembly. And as the Court has previously stated, “questions . . . framed in terms of law and rais[ing] problems of

² United Nations General Assembly resolution 75/23, 2 Dec. 2020.

³ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 159, para. 50.

⁴ *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 (II)*, p. 417, para. 34; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, p. 115, para. 76.

⁵ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 417, para. 34.

international law . . . are by their very nature susceptible of reply based on law”⁶. Therefore, “[a] question which expressly asks the Court whether or not a particular action is compatible with international law certainly appears to be a legal question”⁷.

11. Although these questions are strictly questions of law, they clearly have political implications; nonetheless, the consistent jurisprudence of the Court is clear in this regard. The Court considers that the political aspects a legal question might have must not lead it to decline its jurisdiction. It has stated on this subject:

“The fact that this question also has political aspects, as, in the nature of things, is the case with so many questions which arise in international life, does not suffice to deprive it of its character as a ‘legal question’ and to ‘deprive the Court of a competence expressly conferred on it by its Statute’ (*Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1973*, p. 172, para. 14).”⁸

12. The Court has further observed that:

“Indeed, in situations in which political considerations are prominent it may be particularly necessary for an international organization to obtain an advisory opinion from the Court as to the legal principles applicable with respect to the matter under debate”⁹.

And that:

“the political nature of the motives which may be said to have inspired the request and the political implications that the opinion given might have are of no relevance in the establishment of its jurisdiction to give such an opinion”¹⁰.

The indisputable political dimension of the questions submitted to the Court does not therefore deprive them of their legal character and it is on the law that the Court will have to decide.

3. The questions raised do not pertain to a bilateral dispute on which the Court cannot rule in the absence of the parties’ consent

13. As for the argument that the Court must decline to give an opinion because it would have the effect of circumventing the principle of consent to a judicial settlement, this would only be relevant if the questions put to the Court pertained solely to a bilateral relationship without any wider implications. However, while on first examination the questions put to the Court concern the relationship between Israel and Palestine, what is actually at issue is the way in which the decolonization process of Palestine, hampered since the end of the British Mandate, has been called into question and seriously undermined by Israel’s occupation since 1967. Falling as they do under

⁶ *Western Sahara, Advisory Opinion, I.C.J. Reports 1975*, p. 18, para. 15, and *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 (II)*, pp. 414-415, para. 25.

⁷ *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 (II)*, pp. 414-415, para. 25.

⁸ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I)*, p. 234, para. 13.

⁹ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, p. 87, para. 33.

¹⁰ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I)*, p. 234, para. 13.

the law of decolonization, these matters have always been regarded as of general interest to the international community and as incapable of falling within a State's domestic purview.

14. A conflict between a colonizer and a colonized people exceeds the bounds of their relationship, which is by its very nature unequal, and resolving that conflict is the responsibility of international institutions. The General Assembly of the United Nations fixed its policy in this area in the 1960s, in particular during the decolonization of Algeria. In its resolution 1573 of 19 December 1960, the Assembly rejected France's claim that this was a matter of domestic jurisdiction and that, pursuant to Article 2, paragraph 7, of the Charter, the Assembly should not therefore be involved¹¹. The United Nations has never deviated from this policy and is directly concerned by the Israeli-Palestinian conflict.

15. In its 2004 Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the Court determined that the subject-matter of the General Assembly's request could not be regarded as only a bilateral matter between Israel and Palestine. Consequently, it decided to exercise its jurisdiction¹². The same is true here. Although the matter at issue is broader than the one submitted to the Court in 2004, it is of even greater general interest to the community of States, and the Court cannot forgo its advisory function on the ground that Israel has not consented to its jurisdiction.

4. The Court has no reason to decline to give an advisory opinion on the pretext that the opinion would upset negotiations that have been inactive for many years

16. The Court has consistently stated that while it has a discretionary power to decline to give an advisory opinion, its answer to a request for an advisory opinion

“represents its participation in the activities of the Organization, and, in principle, should not be refused’ (*Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion, I.C.J. Reports 1950*, p. 71; *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Reports 1999 (I)*, pp. 78-79, para. 29; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 156, para. 44).”¹³

Hence only “compelling reasons” can lead the Court to refuse to give an advisory opinion in response to a request falling within its jurisdiction. In applying this criterion, the Court has never declined to render an advisory opinion. And there is no compelling reason in this case to refuse to issue the opinion requested.

17. Particular attention should be drawn here to the inconsistency of the argument put forward by some of the States participating in these proceedings that, since negotiations are ongoing between

¹¹ In that resolution, the General Assembly: “Recognizes the right of the Algerian people to self-determination and independence; . . . Recognizes . . . that the United Nations has a responsibility to contribute towards the successful and just implementation of this right.”

¹² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, pp. 158-159, paras. 49-50.

¹³ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, p. 113, para. 65.

Israel and Palestine, the proceedings initiated by the request for an opinion would upset those negotiations.

18. It is true that when this conflict first emerged, a negotiating framework was established under the auspices of the United Nations and, on occasion, certain States engaged in diplomatic efforts to resolve the conflict, with terms of reference aimed at ensuring respect for international law and for the United Nations resolutions underpinning the peace process. Those terms of reference include the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap. The right of the Palestinian people to self-determination, the right of return of Palestinian refugees when the Israeli occupation comes to an end and the implementation of a two-State solution based on the pre-1967 borders, with an independent, sovereign and contiguous State of Palestine, living side by side with Israel in peace and security, form the basis of those terms of reference. The latter also recall the inadmissibility of territorial acquisition by force, including the unlawfulness of settlement activities and of any measures of *de jure* or *de facto* annexation of the Palestinian territory.

19. The aim of the negotiations is therefore to reach a peaceful settlement in accordance with the international law thus identified and with the relevant resolutions of the United Nations Security Council. Palestine, for its part, has consistently reaffirmed its wish to negotiate peace in accordance with international law and, on the basis of this mandate, to ensure the realization of the inalienable rights of the Palestinian people under international law, in particular the right to self-determination and the right of return, and to establish an independent and sovereign State based on the 1967 borders, with East Jerusalem as its capital, living side by side with Israel in peace and security, in keeping with the relevant resolutions of the United Nations. This is the spirit in which it entered into the negotiations that opened in Madrid in the 1990s, which resulted in the Oslo Accords of 1993 and 1995.

20. There is, however, something risible about claiming today that there is an active negotiation process under way, which might be upset by the Court's opinion, when that process has been at a standstill for many years. The Organisation of Islamic Cooperation recalled in its written statement (paras. 154 *et seq.*) how, after Israel's occupation in 1967, no negotiations aimed at finding a just settlement of the question were held until the first Intifada in 1987. And while a certain momentum emerged at that time, paving the way for the Oslo Accords in 1993 and for a further Interim Agreement in 1995, the process has since collapsed in phases. Its final item, tabled for 1999, has still to be achieved in 2023. How can one speak of negotiations that must not be disrupted when the last positive developments to take place occurred almost 30 years ago?

21. The autonomy granted to the Palestinian Authority, a step on the road to self-determination, has stalled and is deteriorating, with no opportunity for any form of progress. A few meetings have admittedly been held since the start of the 2000s, but all have failed to make any headway towards the stated goal, the creation of a State of Palestine. On these occasions, the two parties no doubt reaffirmed their wish to negotiate on the tirelessly reiterated terms of reference. But these meetings were nothing more than ritualistic, meaningless encounters.

22. Although the Palestinians have on various occasions persistently reaffirmed their commitment to achieving a political solution based on the resolutions of the United Nations and on the principle of two States living side by side in peace, the same cannot be said of Israel. That State, which has come empty-handed to every meeting, has pursued and even expedited a policy of destroying opportunities for the creation of a Palestinian State. Hence the decades of fruitless meetings, a ruse to mislead the international community, were not years of a frozen situation. They

were years of one party erecting as many obstacles as possible to the resumption of good faith negotiations. They allowed drastic progress to be made towards annihilating the bases of what should be a State of Palestine.

23. Thus there are no “ongoing negotiations” that ought to be protected from any third-party intervention. There is a situation of persistent violations of the most fundamental rules of international law on which the Court is requested to give an advisory opinion. It is its role, as the United Nations’ judicial organ, to state the law when the General Assembly or other competent organs of the United Nations request it to do so. In clarifying the legal rights and obligations of the parties, as well as the obligations that arise for all States and for the United Nations, the Court will provide much-needed information on the legal questions raised by the *de facto* situation and, in so doing, will contribute to the peaceful settlement of the conflict on the basis of international law.

5. The Court is fully able to deal with the factual aspects of the case

24. Some of the written statements submitted to the Court argue that the latter should decline its jurisdiction on the ground that it is unable to gather solid evidence on the disputed facts at the centre of the request for an opinion. An advisory opinion rendered by the Permanent Court of International Justice in 1923 is cited in support. However, the complete citation reads as follows:

“The Court does not say that there is an absolute rule that the request for an advisory opinion may not involve some enquiry as to facts, but, under ordinary circumstances, it is certainly expedient that the facts upon which the opinion of the Court is desired should not be in controversy, and it should not be left to the Court itself to ascertain what they are.”¹⁴

25. The facts at issue in this case should of course be verified. But they are not “in controversy” and are fully documented by organs of the United Nations and respected non-governmental organizations. These enquiries and investigations are long-standing, comprehensive and up to date, and they provide the Court with a solid factual base on which to render the legal opinion requested of it. The essential facts are not in dispute, including as regards the violations of peremptory norms of international law. They are the subject of official statements by Israeli politicians and official administrative decisions of Israel.

26. The desire to annex Palestinian territory arises, as far as Jerusalem is concerned, from laws publicly enacted by Israel (the law of 23 January 1950 for East Jerusalem and the law of 30 July 1980 for the complete and united city) and from Israel’s policies and practices, as well as from statements made by Israel’s most senior officials, as regards the *de facto* annexation of the West Bank or large parts thereof.

27. The practices of racial discrimination and apartheid are attested to by the laws, policies and practices of Israel, in particular the existence of separate courts for Palestinians and Jewish Israelis in the Occupied Palestinian Territory. The institutional and structural discrimination against the Palestinian people as a whole, akin to apartheid, is confirmed by the Absentee Property Law

¹⁴ *Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5, p. 28.*

(1950)¹⁵, the Law of Return (1950) and the Basic-Law: Israel — the Nation-State of the Jewish People (2018)¹⁶.

28. Denying the Palestinian people self-determination has been part of Israel's policy since its inception, as the Organisation of Islamic Cooperation demonstrated in its written statement. This long-standing denial is indisputable and attested to by the settler occupation of Palestinian land and by the racial discrimination akin to apartheid that is practised against the Palestinian people.

29. Thus, in so far as the facts before the Court are in the public domain, they do not require it to conduct specific investigations. Nor are they disputed by any of the States that have submitted written statements to the Court.

**II. ISRAEL'S MILITARY OCCUPATION OF THE OCCUPIED PALESTINIAN TERRITORY CANNOT
BE JUSTIFIED IN LAW BECAUSE IT IS A PRETEXT FOR MASSIVE VIOLATIONS OF
INTERNATIONAL LAW AND BECAUSE ITS DURATION LAYS BARE
THE PLANNED ANNEXATION CARRIED OUT BY ISRAEL**

30. Some of the participants in these proceedings consider that Israel's occupation of the Palestinian territory arises from a right recognized under the agreements reached between the parties pending the conclusion of the negotiations, and that Israel was justified in the interim in maintaining a military and civilian administration in the Palestinian territory.

31. This argument cannot be accepted, since the occupation proved to be a pretext for a policy of racial discrimination akin to apartheid and for the *de facto* annexation of the West Bank and the *de jure* annexation of Jerusalem, the instruments by which the Palestinian people are denied their right to self-determination.

1. A policy of racial discrimination akin to apartheid

32. Contrary to what two of the participants in these proceedings have claimed, Israel's occupation of the Palestinian territory is not the good faith implementation of agreements pending a negotiated solution. As stated above, the negotiations have been frozen for many years. The occupation serves as a cover for a specific plan that is being executed through massive violations of international law. These include violations of the humanitarian law applicable in armed conflict and human rights violations. The vast majority of the participants in these proceedings recall in their written statements that these two branches of international law are simultaneously applicable to the situation in Palestine, as the Court stated in its 2004 Advisory Opinion¹⁷. And they draw attention to the fact that Israel has systematically violated norms of these branches of international law, in particular by persecuting and discriminating against the Palestinian people and by establishing settlements on Palestinian lands.

¹⁵ United Nations General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/77/328, 14 Sept. 2022, para. 33 (Ann. 40).

¹⁶ Basic-Law: "Israel — the Nation-State of the Jewish People", 19 July 2018; English translation by the Knesset (Ann. 4).

¹⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, pp. 172-181, paras. 89-113.

33. It has been recognized that Palestinians are subjected to this racial discrimination on both sides of the Green Line, as are both Palestinians of the West Bank and Gaza, many of whom are refugees in their own country, and Israeli Arabs. This discrimination in the Occupied Palestinian Territory is governed by the same logic as that behind the promulgation of the “Jewish Nation-State” law. It has also been observed that a two-tier system has been put in place by Israel in the Occupied Palestinian Territory to ensure the supremacy of Israeli settlements to the detriment of the fundamental human rights of the Palestinian people in that territory.

34. The Court will have to acknowledge, following the example of several participants, that such racial discrimination constitutes a régime of apartheid. The written statements of States with first-hand knowledge of such policies are authoritative assessments of the apartheid practised by Israel against the Palestinian people.

35. The prohibition of racial discrimination and apartheid has the status of a peremptory norm in international law. Israel’s violations of this prohibition are therefore internationally unlawful acts engaging its responsibility. That State is obliged to cease those acts immediately, in particular by revoking all laws, policies and practices related to them, to offer assurances of non-repetition and to make full reparation to the victims of those policies.

36. States, international organizations and the United Nations have an obligation to ensure respect for the prohibition of racial discrimination and apartheid, notably by holding perpetrators to account. They must make sure that they do not recognize these unlawful acts, or aid or assist in their perpetuation. The obligations incumbent on them include contributing to the cessation of those acts. This obligation is borne by State actors and by all actors falling under the jurisdiction of the State, including businesses, enterprises, entities and individuals.

2) An official or widespread policy of annexation aimed at appropriating Palestinian territory, which must be strongly condemned

37. The prohibition of the threat or use of force under Article 2, paragraph 4, of the Charter of the United Nations and its corollary, the unlawfulness of territorial acquisition by force, are the most fundamental rules of the legal régime governing international relations of the post-World War II period.

38. The vast majority of the participants in these proceedings consider that Israel is seeking to unlawfully annex Jerusalem and the rest of the Occupied Palestinian Territory, or large parts thereof. Israel is achieving this objective through its prolonged occupation of the Palestinian territory, through the intense settlement activity taking place in that territory and its associated régime, including the wall, and through Israeli laws, acts, policies and practices. Given the duration of the occupation (over 56 years) and the unlawful use of force deployed during it, it no longer corresponds to the temporary military régime that was formalized in agreements dating back more than 30 years. It has thus been made unlawful by this excessive duration, the inertia of the negotiations and the means used during the occupation, which constitute massive violations of peremptory norms of international law, which are among the most important norms enshrined in the Charter of the United Nations: the unlawfulness of annexation, the right to self-determination and the prohibition of racial discrimination and apartheid.

39. Recording this unlawfulness does not in any case deprive civilians of the protection to which they are entitled under international humanitarian law, and in particular Article 47 of the

Fourth Geneva Convention. By failing to take account of any of the norms of this humanitarian law, Israel is adding to the above-mentioned violations, war crimes of a very serious nature.

40. Israel is obliged to put an immediate, unconditional and complete end to its planned annexation of Palestine and to the instruments of that plan, namely the occupation of and the establishment of settlements in the Palestinian territory. That State is obliged to revoke all relevant laws, policies and practices, to dismantle settler infrastructure, to withdraw its occupying forces and to evacuate its territorial settlements. It is also obliged to offer guarantees and assurances of non-repetition and to make full reparation for any harm caused by its illegal occupation of the territory and use of that territory's natural resources.

41. All States have an obligation to help put an end to these internationally wrongful acts, not to aid or assist (through their governments or other State actors, or actors under their jurisdiction, including businesses, enterprises, entities and individuals) in that settlement — a means of annexation — including, with regard to Jerusalem, not to recognize that annexation, including by not transferring their embassies in Israel to Jerusalem or by reversing such a move if it has already taken place, and to hold accountable those responsible for these violations of international law, including in their role as High Contracting Parties to the Fourth Geneva Convention. The United Nations, and the Security Council in particular, is also responsible for adopting measures within its jurisdiction to ensure the full implementation of the relevant United Nations resolutions and of international obligations, and to ensure respect for the Charter of the United Nations.

3. A systematic constraint on the right of the Palestinian people to self-determination in violation of peremptory norms of international law

42. In accordance with the Charter of the United Nations, resolutions of the United Nations and the Court's 2004 Advisory Opinion, the Palestinian people have a right to self-determination, and none of the participants in these proceedings denies it that right. The latter is exercised through the independence and sovereignty of the State of Palestine. It derives from a *jus cogens* norm and, as the Court confirmed in its 2004 *Wall* Advisory Opinion, it has an *erga omnes* character¹⁸.

43. The Organisation of Islamic Cooperation draws the Court's attention to the action that must be taken as regards Israel's extensive violation of the right of Palestinians to self-determination. Israel must put an end to the occupation by withdrawing its military contingents and civil services from the Palestinian territory, and the Israeli settlements present on the territory must be fully dismantled. Israel must immediately comply with the need to respect the territorial unity, contiguity and integrity of the entire Occupied Palestinian Territory, including East Jerusalem, and the right of the Palestinian people to permanent sovereignty over their natural resources.

44. Israel must immediately cease all measures aimed at modifying the demographic composition of Palestine, the character or status of the territory, and all measures of racial discrimination akin to apartheid against the Palestinian people.

¹⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 199, para. 155.

45. All States have an obligation under the Charter of the United Nations and international law to ensure the removal of any obstacle to the exercise by the Palestinian people of their right to self-determination and to help the Palestinian people to realize this right promptly.

46. The United Nations, its specialized agencies and the organizations of the United Nations system must continue to support and help the Palestinian people to realize their right to self-determination promptly, in particular through the adoption by the Security Council and General Assembly of the measures needed to ensure that this right is respected by Israel.

47. The Organisation of Islamic Cooperation respectfully requests the Court to declare that it has jurisdiction to render the advisory opinion sought and urges it to reach a finding on the merits in keeping with these comments.

20 October 2023

on behalf of the Organisation of Islamic Cooperation.

(Signed) Hissein Brahim TAHA,
Secretary-General.
