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**International Court
of Justice**

**Cour internationale
de Justice**

THE HAGUE

LA HAYE

YEAR 2024

Public sitting

held on Wednesday 21 February 2024, at 10 a.m., at the Peace Palace,

President Salam presiding,

**on the Legal Consequences arising from the Policies and Practices of Israel
in the Occupied Palestinian Territory, including East Jerusalem**
(Request for advisory opinion submitted by the General Assembly of the United Nations)

VERBATIM RECORD

ANNÉE 2024

Audience publique

tenue le mercredi 21 février 2024, à 10 heures, au Palais de la Paix,

sous la présidence de M. Salam, président,

**sur les Conséquences juridiques découlant des politiques et pratiques d'Israël
dans le Territoire palestinien occupé, y compris Jérusalem-Est**
(Demande d'avis consultatif soumise par l'Assemblée générale des Nations Unies)

COMPTE RENDU

Present: President Salam
 Vice-President Sebutinde
 Judges Tomka
 Abraham
 Yusuf
 Xue
 Bhandari
 Iwasawa
 Nolte
 Charlesworth
 Brant
 Gómez Robledo
 Cleveland
 Aurescu
 Tladi

 Registrar Gautier

Présents : M. Salam, président
M^{me} Sebutinde, vice-présidente
MM. Tomka
Abraham
Yusuf
M^{me} Xue
MM. Bhandari
Iwasawa
Nolte
M^{me} Charlesworth
MM. Brant
Gómez Robledo
M^{me} Cleveland
MM. Aureescu
Tladi, juges

M. Gautier, greffier

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HE Ms Carolina Olarte Bácares, Ambassador of the Republic of Colombia to the Kingdom of the Netherlands,

Mr Marco Alberto Velásquez Ruiz, Counsellor, Embassy of the Republic of Colombia in the Kingdom of the Netherlands,

Mr Raúl Alfonso Simancas Gómez, Second Secretary, Embassy of the Republic of Colombia in the Kingdom of the Netherlands.

The Government of the Republic of Cuba is represented by:

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Mr Reynier del Calvo Matos, First Secretary, Ministry of Foreign Affairs,

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Ms Mariham Youssef, First Secretary, Embassy of the Arab Republic of Egypt in the Kingdom of the Netherlands,

Mr Mohamed Samir Salem, Second Secretary, Embassy of the Arab Republic of Egypt in the Kingdom of the Netherlands.

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Mr Niels Von Deuten, Attorney Adviser, United States Department of State,

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M^{me} Kelly A. Molloy, assistante administrative, ambassade des États-Unis d'Amérique au Royaume des Pays-Bas,

comme assistante.

The PRESIDENT: Please be seated. The sitting is open. La Cour se réunit ce matin pour entendre la Colombie, Cuba, l'Égypte, les Émirats arabes unis et les États-Unis d'Amérique sur les questions soumises à elle par l'Assemblée générale des Nations Unies relatives aux *Conséquences juridiques découlant des politiques et pratiques d'Israël dans le territoire palestinien occupé, y compris Jérusalem-Est*. Permettez-moi de rappeler que chaque délégation doit respecter le temps imparti pour sa présentation, qui est de 30 minutes. Ce matin, la Cour observera une brève pause après la présentation de l'Égypte. I shall now give the floor to the representative of Colombia and invite Ms Andrea Jiménez Herrera to address the Court.

Ms JIMÉNEZ HERRERA:

I. INTRODUCTION

1. Mr President, Members of the Court, it is a great honour for me to address the Court, on behalf of the Republic of Colombia, in these proceedings.

2. Our presence here today bears witness to Colombia's tradition of respect for international law. But it also reflects Colombia's deep concern about the incidents that regularly occur between the State of Palestine and the State of Israel, exacerbated after the horrific events taking place since 7 October 2023, which have unleashed a cycle of violence that has only worsened an already calamitous situation, causing the death of more than 27,000 civilians and thousands of wounded.

3. Colombia rejects any recourse to violence or unilateral acts that lead to a higher level of confrontation. We also believe that holding States accountable for violating international law, especially when their actions bring about dire humanitarian consequences, is a sign of respect for the rule of law.

4. Colombia has expressed before and reiterates today that the occupation of the Palestinian territory is a violation of international law and is contrary to the principles enshrined in the Charter of the United Nations.

5. Furthermore, as the Court itself stated in the *Construction of a Wall* Opinion, it is clear that both Israel¹ and Palestine² have the obligation to abide by international law, and to respect and ensure

¹ *Wall* Advisory Opinion, p. 167, para. 78; pp. 171-181, paras. 86-113; p. 197, para. 149; pp. 200-201, para. 162.

² *Ibid.*, pp. 200-201, para. 162.

respect for international humanitarian law and human rights law within the Occupied Palestinian Territory. Both States also need to implement in good faith all relevant Security Council and General Assembly resolutions.

6. Additionally, Colombia fully shares the Court's view in its Advisory Opinion on the *Construction of a Wall*, to the effect that the United Nations, and the General Assembly in particular, need to redouble efforts to encourage a negotiated solution to the outstanding problems, on the basis of international law, and with the purpose of the establishment of a fully viable Palestinian State, existing side by side with Israel and its neighbours, fostering peace and security in the region³.

7. Nearly two decades after that landmark decision was issued, and in light of the gravity of the current situation in the Occupied Palestinian Territory, the advisory opinion to be rendered by the Court in these proceedings shall provide much needed guidance to the United Nations system and third States in order to continue supporting both States reaching a solution through dialogue and based on mutual respect.

8. Colombia thus considers that, through its advisory opinion, the Court can contribute to clarifying the law, especially the rules governing the consequences of violations to peremptory norms of international law — namely, rules of *jus cogens* and *erga omnes* obligations — and to specific legal régimes which are the concern of all of mankind.

II. JURISDICTION OF THE COURT

9. Mr President, I will begin by referring to the issue of the jurisdiction of the Court to render the requested advisory opinion.

10. By virtue of Article 65, paragraph 1, of the Statute of the Court, two requirements must be met for the Court to have jurisdiction to give an opinion: (i) there must be a formal request from a body duly authorized by the United Nations Charter, or in accordance to it, to make such a request, and (ii) the question put before the Court must be a legal question.

11. It is undisputed that the General Assembly is one of the bodies authorized to make such a request, in line with Article 96, paragraph 1, of the Charter and that the decision of the General Assembly to submit the questions contained in resolution 77/247 was adopted in accordance with its

³ *Ibid.*

rules of procedure and by the required majority. A significant number of Member States — including Colombia — decided it was important for the General Assembly to receive guidance on the questions put to the Court. Therefore, the request observes the first requirement.

12. The second requirement, namely that the question put before the Court be a legal one, is also complied with in the present case. Indeed, in your jurisprudence, particularly, for example, in the *Nuclear Weapons Advisory Opinion*, you have clarified that a question is a legal one when “the Court is asked to rule on the compatibility of the [request] with the relevant principles and rules of international law”⁴. In other words, questions “framed in terms of law and rais[ing] problems of international law”⁵, whereby the Court is asked to identify and apply principles and rules of international law, qualify as questions of a legal character.

13. Colombia considers that the questions raised in resolution 77/247 are indeed framed in legal terms, since they request the Court to determine the legal consequences arising from the policies and practices of the State of Israel, a Member State of the United Nations, in the Occupied Palestinian Territory, including East Jerusalem, and to ascertain how those actions affect the legal status of the occupation. Those questions are to be answered through the application of rules of international law and therefore constitute legal questions which could form the basis of a request for an advisory opinion.

14. Thus, in the opinion of Colombia, the Court has jurisdiction to respond to the questions contained in resolution 77/247.

III. PROPRIETY

15. Mr President, I will now focus on the question of propriety. In this respect, while Article 65, paragraph 1, of the Statute of the Court, gives the Court discretionary power to give or not an advisory opinion that has been requested from it, in its case law the Court clarified certain important points, namely:

⁴ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I)*, p. 234, para. 13.

⁵ *Western Sahara Advisory Opinion*, p. 18, para. 15.

- (i) that the Court *may* give an advisory opinion should be interpreted to mean that the Court has always a discretionary power to decline to give an advisory opinion, even if the conditions of jurisdiction are met; and
- (ii) the Court is always mindful of the fact that 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.

16. While certain States have expressed opposition to the request by the General Assembly, the reasons argued are, for the most part, quite similar to those dismissed by the Court in its Advisory Opinion on the *Construction of a Wall*⁶. In that case the Court decided to render the requested Opinion as, in its own words “[d]ifferences of views . . . on legal issues have existed in practically every advisory proceeding”⁷. Colombia posits that the Court’s thorough reasoning then, soundly grounded on its long-standing jurisprudence, is directly applicable to the current request.

17. Consequently, Colombia considers that the Court should reach the same conclusion in the present proceedings, that is, that it can and will exercise jurisdiction, and that there are no compelling reasons for it to use its discretionary power not to render an opinion.

18. Hence, Colombia invites the Court to pronounce the law on the legal consequences arising out of serious breaches of peremptory norms of general international law and thus assist the General Assembly in the proper exercise of its functions⁸; the United Nations in discharging its responsibilities in this matter, originating, as the Court recalled, in the Mandate and the Partition resolution concerning Palestine⁹; and all States who possess an interest in the protection of *erga omnes* obligations.

19. Mr President, an additional important circumstance that should be factored in by the Court when deciding as to the propriety of rendering its advisory opinion is that the situation in the Palestinian occupied territory has changed drastically since the request was transmitted to the Court in January 2023.

⁶ *Wall* Advisory Opinion, pp. 156-164, paras. 43-65.

⁷ *Ibid.*, p. 158, para. 48.

⁸ *Ibid.*, p. 159, para. 50.

⁹ *Ibid.* See also, pp. 165-166, paras. 70-71.

20. On 7 October of the same year Israel was the victim of a horrifying attack by Hamas. We all know the scale and the magnitude of Israel's reaction to the attack. The Court itself has already been confronted with the veritable map of horror and devastation which the Gaza Strip has become, as a result of the total war and scorched-earth policies unleashed by the Government of Israel.

21. Indeed, in several passages of its Order of 26 January concerning provisional measures in the case brought by South Africa against Israel on 29 December 2023¹⁰, the Court took judicial notice of some details of this dire situation¹¹. To quote just one of such passages, in the Court's own words:

“The Court considers that the civilian population in the Gaza Strip remains extremely vulnerable. It recalls that the military operation conducted by Israel after 7 October 2023 has resulted, *inter alia*, in tens of thousands of deaths and injuries and the destruction of homes, schools, medical facilities and other vital infrastructure, as well as displacement on a massive scale . . . The Court notes that the operation is ongoing and that the Prime Minister of Israel announced on 18 January 2024 that the war ‘will take many more long months’. At present, many Palestinians in the Gaza Strip have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating.”¹²

22. Evidently, the factual matrix of that case and the background of these advisory proceedings are not identical and, in particular, the request by the General Assembly has a wider scope than South Africa's Application in at least two respects: (i) in that the requested advisory opinion refers to the policies and practices of Israel in the whole Palestinian Occupied Territory and not only in the Gaza Strip; and (ii) in that it covers all actions that Israel carries out in such territory and not only the actions and omissions by State agents that, according to the Applicant in the contentious case, amount to genocide.

23. But the point remains that those policies and practices — which in Colombia's view contravene essential norms of international law — have taken a turn for the worse as a result of Israel's military campaign unfolding in Gaza, today a place of death and despair that, in the words of an impartial source, “has simply become uninhabitable”¹³.

¹⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

¹¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, *Provisional Measures, Order of 26 January 2024*, para. 13, para. 46 and paras. 70-72.

¹² *Ibid.*, p. 165, para. 70.

¹³ Statement by Martin Griffiths, Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, 5 January 2024, as recalled in the Court's Order in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, *Provisional Measures, Order of 26 January 2024*, para. 47.

24. Colombia respectfully submits that the Court should not underestimate the fact that the situation in Gaza has become more deadly over the past months and, therefore, the legal consequences of such actions must be even more serious today than in the world we were living before this bloodshed started.

25. Against that distressing background, and for all the reasons explained above, the Government of Colombia, in line with its policy of pursuing Total Peace both within and beyond its borders, calls upon the Court to avail itself of the opportunity to clarify legal aspects that may pave the way for the parties to resume a fruitful discussion and achieve peace, and support the General Assembly to better assist them in that purpose.

IV. VIOLATIONS OF INTERNATIONAL LAW

26. Mr President, let me address now the questions submitted to the Court by the General Assembly. The questions relate to the legal consequences arising (i) from Israel's ongoing violation of the right of self-determination of the Palestinian people as a result of its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, and (ii) for all States and the United Nations from this ongoing occupation.

27. In order for the Court to rule on those questions, it must first determine (i) whether Israel is violating the right of self-determination of the Palestinian people, and (ii) whether Israel's prolonged occupation, settlement and annexation of the Palestinian territory since 1967 is in violation of international law. An answer in the affirmative to both questions will then enable the Court to address the ensuing legal consequences.

28. With regard to the first issue, as mentioned, in the *Wall* Advisory Opinion the Court stated that Israel is bound to comply with its obligation to respect the right of the Palestinian people to self-determination and, in doing so, it is obliged to respect international humanitarian law and international human rights law¹⁴. The General Assembly routinely reaffirms such right by means of an annual resolution on the matter.

29. Regarding the second point, Israel's prolonged occupation and further annexation of the Palestinian territory is in manifest violation of the rule of international customary law which clearly

¹⁴ *Wall* Advisory Opinion, p. 167, para.78; pp. 171-181, paras. 86-113; p. 197, para. 149; pp. 200-201, para. 162.

prohibits the acquisition of territory by force. It also blatantly ignores the United Nations Charter and the findings of this Court in its Advisory Opinion on the *Wall* case.

30. An occupation that includes the annexation *de facto* of the occupied territory amounts, in Colombia's view, to an illegal acquisition of territory by use or threat of force, and to a denial of the right of self-determination. Furthermore, the occupation violates peremptory norms of general international law. In addition, as the Court recalled in its 2004 Advisory Opinion, Israel's policies and practices involving the establishment of settlements in the Occupied Palestinian Territory are contrary to the terms of Article 49, paragraph 6, of the Fourth Geneva Convention, to which Israel is a party¹⁵.

31. Given that the Israeli occupation has since its onset been acquisitive in nature and, consequently, its policies and practices in furtherance of that occupation have resulted in imposed persecution, racial discrimination and apartheid over the Palestinian people, it can only be found to be in breach of various international legal obligations incumbent upon Israel.

V. LEGAL CONSEQUENCES OF THE VIOLATIONS

32. Mr President, with regard to the consequences of those violations, Colombia is of the view that Israel's actions contrary to international law engage its responsibility and therefore entail distinct legal consequences.

33. First of all, Israel is obliged to cease its violations and to return to a situation of compliance with the obligations it has breached. Consequently, Israel is bound to put an end to the prolonged occupation, settlement and annexation of the Palestinian territory. It must do so unconditionally, immediately and completely. It must cease the continuing internationally wrongful acts, and should offer appropriate assurances and guarantees of non-repetition. Israel also must respect international humanitarian law and international human rights law vis-à-vis the Palestinian people.

34. Moreover, Israel must make reparations for the damage caused. The Court's jurisprudence on the essential forms of reparation in customary law is clear. Israel likewise has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons

¹⁵ *Ibid.*, p. 183, para. 120.

having suffered any form of material or immaterial damage as a result of its occupation upon the Palestinian territory.

35. Israel also has violated *erga omnes* obligations, and as the Court indicated in the *Barcelona Traction* case, such obligations are by their very nature “the concern of all States” and “in view of the importance of the rights involved, all States can be held to have a legal interest in their protection”¹⁶.

36. Given the character and the importance of the rights and obligations involved, it follows that all States are under an obligation not to recognize the illegal situation resulting from the occupation of the Palestinian territory. They are also under an obligation not to render aid or assistance in maintaining the situation created by such occupation. As the Court has asserted, “it is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment to the exercise by the Palestinian people of its right to self-determination is brought to an end.”¹⁷

37. Finally, Colombia believes that States must co-operate within the multilateral framework of the United Nations. In the present situation, the Organization, and especially the General Assembly and the Security Council, should consider what further and urgent action is required to bring to an end the illegal situation resulting, in the instant request, from Israel’s illegal occupation. The Court’s guidance is crucial for that purpose.

VI. CONCLUSION

38. Mr President, to conclude: Colombia respectfully calls upon the International Court of Justice to give the advisory opinion requested by the General Assembly. Ultimately, what is at stake here is ensuring the safety and, indeed, the very existence of the Palestinian people, bearing in mind the real and imminent risk of irreparable prejudice to the rights of Palestinians as a consequence of Israel’s occupation, as has been fully documented by international agencies, United Nations organs, and even recently recognized by the Court itself.

¹⁶ *Barcelona Traction, Light and Power Company, Limited (New Application:1962) (Belgium v. Spain), Second Phase, Judgment, I.C.J. Reports 1970, p. 32, para. 33.*

¹⁷ *Wall Advisory Opinion, para. 159.*

39. As the Court stated two decades ago¹⁸, and one of its Members recently recalled¹⁹, “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”, and so does the Court, as the principal judicial organ of those United Nations.

Thank you, Mr President, Members of the Court. This concludes my presentation on behalf of the Republic of Colombia.

The PRESIDENT: I thank the delegation of Colombia for its presentation. I invite the next participating delegation, Cuba, to address the Court. I call upon Her Excellency Ms Anayansi Rodríguez Camejo to take the floor.

Ms RODRÍGUEZ CAMEJO:

1. Good morning, Mr President, distinguished Members of the Court. It is an honour for me to address you on behalf of the Republic of Cuba.

2. On 25 July 2023, the Republic of Cuba presented its written submissions as part of the advisory opinion on the legal implications resulting from Israel’s practices and policies in the occupied Palestinian territories.

3. Our delegation appears before this solemn sitting as an expression of Cuba’s genuine interest in and commitment to peace, and based on its historical and unconditional solidarity with the peoples that are subject to colonialism and foreign domination.

4. The Palestinian people, its girls, boys, women and civilian population as a whole, continue to be massacred due to the illegal use of force by Israel, the occupying Power.

5. All this takes place with the complicity of countries such as the United States of America, responsible under international law for genocide, war crimes, crimes against humanity and the apartheid régime that determines where people can live, work and move around depending on their ethnic and religious backgrounds.

¹⁸ *Ibid.*, para. 49.

¹⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024*, declaration of Judge Xue, para. 2.

6. Members of the Court, we and you bear the high moral, historical and legal responsibility to pronounce ourselves in a clear, transparent and forceful manner on the ignominious situation of the Palestinian people and to demand international responsibility for what is happening in the occupied territories.

7. The current context highlights the importance of the questions circulated by the United Nations General Assembly resolution 77/247.

8. The presentation of the Cuban delegation has been structured as follows.

9. In the first part we will discuss the essential legal elements that should serve as the basis for establishing the international responsibility of the occupying Power and all other international actors involved.

10. In the second part we will focus on the legal implications and consequences that should be demanded for such internationally wrongful acts or omissions.

11. Finally, on behalf of the Republic of Cuba, I will present our conclusion on this proceeding.

FIRST PART

12. Referring to the first part, the violations of the ban on the threat or use of force, equal rights and free determination of peoples have been amply documented before the international community and this very Court.

13. Israel's occupation of Palestinian territories is an internationally wrongful act; the reiteration and duration of which aggravate the responsibility of the occupying Power before the Palestinian people and the international community.

14. The prohibition to acquire territories by threat or the use of force is a rule of customary international law with broad regulatory and jurisdictional recognition. This prohibition applies regardless of whether the territory is acquired as a result of an act of aggression or self-defence.

15. The United Nations Charter, which is the basic international legal instrument for the new international order and the contemporary international law, is very clear in this regard.

16. This treaty, of which the Statute of the International Court of Justice is an integral part, establishes in Article 2.4 that every State "shall refrain . . . from the threat or use of force against the

territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”.

17. The Charter itself, in Article 1.2, recognizes as one of its purposes “respect for the principle of equal rights and self-determination of peoples”, which are systematically and flagrantly denied to the Palestinian people. These violations of general customary international law stand *erga omnes*.

18. In relation to the specific question before the International Court of Justice, it should be pointed out that since the adoption of resolution 242 (1967) of the Security Council, it was agreed that Israel’s armed forces would withdraw from all the territories occupied during the 1967 conflict and that the 1949 Green Line would be recognized as the demarcation of the borders between Israel and Palestine.

19. The occupation of the Palestinian territories is also considered as a wrongful act of annexation in accordance with the provisions contained in resolutions 476 (1980), 478 (1980) and 497 (1981) of the Security Council, which state that the acts of Israel oriented to the annexation of East Jerusalem and the Golan Heights are null and void and should not be recognized by States.

20. These spurious attempts have also included manoeuvres to change the international status of the Holy City of Jerusalem.

21. Some States not only recognize and accord legal status to Israel’s policies and practices, but act with complicity and blatant impunity to prevent the international community, including the United Nations, from stopping the ongoing genocide.

22. Under the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by United Nations General Assembly resolution 1514, the Palestinian people have the inalienable right to determine their own political, economic and social destiny.

23. This is in keeping with the recognition of equal rights and self-determination of peoples, peremptory norms endorsed in the United Nations Charter, the Human Rights Covenants and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, in conformity with the Charter, agreed upon by the United Nations General Assembly resolution 2625.

24. The presence of Israeli settlements in the occupied territories, the forced changes to the demography of the Palestinian people through land occupation and forced displacement of people,

the construction of the separation wall, the control exercised over their natural resources and the restrictions imposed on their mobility, undermine and deny the ability of Palestinians to exercise their right to self-determination.

25. Israel is also in violation of resolution 242 (1967) of the Security Council and the Oslo Accords. These agreements state that “no party shall commence or take any step that would modify the status of the West Bank and the Gaza Strip, pending the outcome of negotiations on the permanent status”.

26. The destruction and appropriation of property in occupied territories, which are not justified by military necessity and are carried out on a large scale, unlawfully and arbitrarily, constitute grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and therefore constitute a war crime.

27. The Palestinian question demands a clear statement on the legal implications resulting from the non-applicability and violations of the Fourth Geneva Convention.

28. Land, sea and air blockades constitute collective punishment and are extreme violations of freedom of movement and the enjoyment of economic, social and cultural rights.

29. Collective punishment is expressly prohibited by international humanitarian law and is incompatible with several international human rights law provisions.

30. The written submission presented by Cuba to this Court provides well-documented evidence, particularly the serious violations of the Convention on the Prevention and Punishment of the Crime of Genocide.

31. The genocide against the Palestinian people is not limited to the current stage of the extermination war by Israel. All this with the complicity of the United States of America, which prevents the international community from acting to protect the Palestinian people. The justifications for fighting terrorism and exercising the right to self-defence are deceitful when they are raised by the aggressors themselves.

32. The legal consequences of current and past events should not be analysed in a fragmented manner.

33. Taken as a whole, this institutionalized violence, which makes no distinction between civilians and combatants, is part of a broader policy that also includes, in a systematic and organized

manner: massive confiscations of land and property, unlawful killings, extrajudicial executions, torture, administrative detentions, forced transfers, restrictions on movement and the denial of nationality and citizenship to the Palestinian population.

34. There is also a discriminatory economic and cultural policy aimed at impoverishing the Palestinian population and denying the realization of their fundamental human rights.

35. The International Court of Justice should make a general assessment of this situation so as to determine the legal implications resulting from it. In this regard, the Republic of Cuba believes that, rather than an obvious apartheid régime situation, prosecuted as a crime against humanity, this is indeed an act of low-intensity genocide that is perpetrated with systematic and effective cruelty. To qualify Israel's actions merely as acts of apartheid would leave out the implicit intention to exterminate the Palestinian people, either in part or as an ethnic and religious group to whom the right to self-determination is denied.

36. In case there was any doubt about the arguments that Cuba presented to the Court in its brief, the current situation that is taking place in the eyes of all confirms the ongoing genocide.

37. Innocent victims, girls, boys, women, civilians in general, number in the thousands.

38. For the Genocide Convention to apply, the life of one single victim, or the incitement, attempt or conspiracy to commit such acts would be enough.

39. The Convention against Genocide also punishes the accomplices and instigators; those who veto decisions and prevent the international community and the United Nations from taking action; those who oppose an immediate ceasefire and the delivery of humanitarian aid; those who, for years, have supported each and every one of the policies and practices of Israel, the occupying Power, which deny the existence of the Palestinian people and their rights. This agenda, to a large extent, has advanced in the course of time.

40. We are convinced that this Court should not wait for the complete extermination of an entire nation before ruling on the matter. That was the intention of the United Nations General Assembly in requesting the advisory opinion.

41. The terrible situation currently facing the Palestinian people is a reminder of the urgency of a clear and consistent statement on the questions submitted to the consideration of the Court.

42. Israel, the occupying Power, and its allies, must take responsibility for the legal implications resulting from the sustained non-compliance with the international law.

43. Consequently, the analysis of the international responsibility of Israel should go hand in hand with the responsibility of the United Nations and the Member States that hinder its actions, creating by sustained and continued omission an international wrongful act that aggravates and worsens a clear situation of violation of international law in the Palestinian occupied territories.

44. There should be a clear and unanimous ruling by the Court that impartially and independently establishes the legal implications resulting from depriving the Palestinian peoples from their fundamental rights, including the right to life, freedom and self-determination.

SECOND PART

45. Mr President, Members of the Court, related to the second part, added to the aforementioned international violations there is the indolent attitude of Israel, the occupying Power, of ignoring the numerous resolutions and decisions adopted by the United Nations General Assembly, the Security Council and the International Court of Justice.

46. In this regard, and without intending to cover all issues, our brief to the Court contains a report on the violations of the aforementioned provisions.

47. In line with the foregoing and all other relevant opinions that may be contributed by other States, the main legal implication resulting from these violations of international law should be the declaration of the international legal responsibility of Israel, the occupying Power, and its accomplices.

48. All this based on the series of conventional and customary primary rules of international law that have been violated by Israel.

49. Likewise, the aforesaid responsibilities and legal consequences must be established for Israel and its accomplices, in accordance with the secondary rules of State Responsibility for Internationally Wrongful Acts contained in the Draft Articles of the International Law Commission, as reflected in document A/56/10.

50. It would be appropriate for the Court to provide in its advisory opinion that the international responsibility of Israel covers all illicit acts or omissions of its State bodies and those executed by

persons or entities exercising powers of public authority, acting in the absence of official authorities or under the guidance or control of the occupying Power.

51. These secondary rules that govern the international responsibility of States clearly establish the guidelines to determine the legal implications of the internationally wrongful act.

52. This would motivate a strong ruling by the Court, indicating the immediate obligation of all States, particularly the occupying Power, to comply with the conventional and customary norms flagrantly and systematically violated in the Palestinian territory, including the cessation and non-repetition and reparation for the damage caused to the Palestinian people referred to, respectively, in Articles 29, 30 and 31 of the Draft Articles on Responsibility of States. All of the foregoing is without prejudice to the applicable provisions of treaty law.

53. In addition, the International Court of Justice should separately address the international responsibility of other States for the aid and assistance they offer to Israel including those that supply weapons.

54. It is an undisputed fact that certain Members of the Organization violate the principles reflected in Article 2 of the Charter, not only by denying the sovereign equality and rights of the State of Palestine, but also by acting in bad faith in such a way that precludes any possibility for a negotiated solution to the conflict that, far from being resolved, has worsened over the last 70 years.

55. In all these years, the United States has systematically and consistently overused its veto power to prevent any effective action by the Security Council and to ensure impunity to Israel. Just yesterday, the United States vetoed *for the 48th time* a Security Council resolution related to the Palestinian question.

56. The International Court of Justice should emphasize the scope of Article 2.5 of the United Nations Charter, which states that all Members “shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action”.

57. This entails the obligation of all States to abide by the decisions adopted by the Organization as a whole, particularly when the Security Council remains passive by the indolent attitude of one of its permanent members, the United States of America, and the United Nations General Assembly has continuously and categorically taken a stand on this question, supported by the International Court of Justice.

CONCLUSIONS

58. Mr President, Members of the Court, to conclude and based on the foregoing and, especially, taking into account the unbearable situation of the Palestinian people, the honourable International Court of Justice should take a stand, in the clearest, strongest and most forceful legal terms, in support of international law.

59. The advisory opinion should establish the legal implications for Israel, other States and the United Nations for the violations of the norms against the threat or use of force, equal rights and self-determination of peoples; as well as of the main international human rights instruments, the Geneva Convention on the Protection of Civilian Persons in Time of War, the Convention on the Prevention and Punishment of the Crime of Genocide and the continued non-compliance with decisions of the United Nations General Assembly, Security Council and the International Court of Justice.

60. A special pronouncement would be merited by the issues related to the character and status of the Holy City of Jerusalem, in light of the continuous violation by Israel and the regrettable inaction of the United Nations, a direct result of the abusive and irresponsible exercise of the veto privilege in the Security Council.

61. The Court should carefully think about the legal implications of these actions or omissions. We understand that, once the Court has declared the existence of a situation of violation of international law, for example, the commission of a crime of genocide, war crime or crime against humanity, there should be clear legal implications for all States that act in a way that ignores or undermines the decision or opinion of the Court.

62. Actions or omissions that support violations of general international law should be held to be incompatible with the exercise of any international privilege.

63. Honourable magistrates, it is up to the International Court of Justice to render the peace and justice that the Palestinian people deserve, without political double standards.

64. That is the reason why the delegation of the Republic of Cuba respectfully requests the prompt issuance of an advisory opinion against the many years of genocidal impunity, clearly stating the international implications and responsibilities of those who, in one way or the other, contribute to the extermination of the Palestinian people.

65. The international community requires a pronouncement that makes it clear to those responsible that today they may use their force against the innocent civilians, but this force will not be enough to spare them from justice.

66. I thank you very much.

The PRESIDENT: I thank the delegation of the Cuba for its presentation. I invite the next participating delegation, Egypt, to address the Court, and call Ms Jasmine Moussa to the podium.

Ms MOUSSA:

1. Mr President, distinguished Members of the Court, it is my great honour and privilege to appear on behalf of the Arab Republic of Egypt in this advisory opinion of historical importance in which the General Assembly is once again seeking the Court's guidance in respect of the question of Palestine. This comes against the backdrop of a 75-year history of displacement, dispossession, collective punishment, and daily, indiscriminate and systematic violence and human suffering of untold proportions.

2. Mr President, as we speak, Israel's brutal onslaught continues to rage in occupied Gaza, where 29,000 innocent civilians have been killed and almost 2.3 million people forcibly transferred and displaced, in violation of international law. Israel is deliberately and wantonly creating conditions of life that are intended to make life in Gaza impossible, imposing siege and starvation including by impeding humanitarian access and the distribution of relief through constant obstruction and bombardment. With the impending attack on Rafah, where 1.4 million people have sought refuge, Israel is continuing its policy of mass forcible expulsion of Palestinian civilians, all while the Security Council repeatedly fails to call for a ceasefire, in callous disregard for Palestinian life.

3. Simultaneously, Israel is continuing its illegal practices in the West Bank, scaling up attacks, access restrictions, punitive house demolitions and supporting settler violence that has displaced

entire communities²⁰. Increased settlement activity continues to erode the basis for a two-State solution, dimming prospects for a lasting peace in the region.

4. These ongoing, grave violations of international law by Israel — the occupying Power — are part of a wider policy that seeks to dispossess the Palestinians of their land and assert Israeli sovereignty over it. This is manifestly illegal and renders the occupation, *as a whole*, unlawful.

5. It is shocking that, at this critical moment, some States would rather see this Court abscond its responsibility — as the principal judicial organ of the United Nations — by declining to render this advisory opinion. What message does this send about these States' respect for international justice and the rule of law?

6. Mr President, I will focus my statement on four main points, namely:

- (1) the Court's jurisdiction and competence;
- (2) the legal framework for assessing Israel's prolonged and illegal occupation, which violates non-derogable principles of international law;
- (3) the purported justifications of self-defence or military necessity; and
- (4) finally, I will conclude on the legal consequences and a summary of each of the submissions.

7. First, on the matter of jurisdiction and competence, the small number of States objecting to the Court's exercise of jurisdiction have variously argued that the request is politically motivated, instrumentalizes the Court, circumvents the consent of Israel, covers too vast a scope or will prejudice the peace process and negotiations between the parties.

8. Let me recall that the Court has repeatedly and consistently rejected such arguments. In the *Kosovo* Advisory Opinion, the Court did not concern itself with the motives which may have inspired the request or the political implications of its Opinion²¹. Since the General Assembly is duly authorized under Article 96 (1) of the United Nations Charter, and brought forth its request through

²⁰ OCHA, "The other mass displacement: while eyes are on Gaza, settlers advance on West Bank herders", 21 Nov. 2023, available at: <https://www.unocha.org/publications/report/occupied-palestinian-territory/other-mass-displacement-while-eyes-are-gaza-settlers-advance-west-bank-herders-enhe>; "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan", Report of the Secretary-General of the United Nations — advance unedited version, A/78/554, Office of the United Nations Human Rights High Commissioner, 25 Oct. 2023, available at: <https://www.ohchr.org/en/documents/reports/a78554-israeli-settlements-occupied-palestinian-territory-inc>.

²¹ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 (II)*, p. 415, para. 27; *Wall Advisory Opinion*, p. 155, para. 41; *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I)*, p. 234, para. 13 (hereinafter "*Nuclear Weapons Advisory Opinion*").

a validly adopted resolution, the request, in the Court's own words, "in principle, should not be refused"²². In the *Nuclear Weapons* and *Chagos* Advisory Opinions, the Court refused to second-guess the decision of the General Assembly, stating that it "has the right to decide for itself on the usefulness of an opinion in the light of its own needs"²³.

9. Distinguished Members of the Court, the General Assembly has turned to this august Court with what is manifestly a legal question, seeking a legal answer that would indisputably assist in discharging its functions. Allow me to recall that this very Court in the *Wall* Opinion affirmed the United Nations' "permanent responsibility towards the question of Palestine" until such time as it may be "resolved in all its aspects in a satisfactory manner in accordance with international legitimacy"²⁴.

10. In the *Wall* Opinion, the Court found no merit in the proposition — echoed by some in these proceedings²⁵ — that the ongoing negotiations constituted a compelling reason to decline its competence²⁶. It reached a similar conclusion in the *Nuclear Weapons* Advisory Opinion, after noting that its opinion would "have relevance for the continuing debate on the matter in the General Assembly and would present an *additional element . . .* on the matter"²⁷.

11. Indeed, rather than prejudicing the peace process, the present advisory opinion serves not just as an "additional" element but rather an "essential" one for the General Assembly to continue to carry out its role in relation to the Palestinian-Israeli conflict. This is absolutely critical given the complete absence of any real prospect for a peaceful solution.

12. The Court could not possibly turn its back on this wealth of jurisprudence or disregard the many compelling reasons for it to honour the General Assembly's request, as summarized so aptly by the representative of Palestine. The Middle East region yearns for peace and stability and a just, comprehensive and lasting resolution to the Palestinian-Israeli conflict, based on the principles of

²² Written Statement of Egypt, p. 5, para. 19.

²³ *Nuclear Weapons* Advisory Opinion, p. 237, para. 16; *Chagos* Advisory Opinion, p. 115, para. 76.

²⁴ *Wall* Advisory Opinion, p. 159, para. 49; UNGA resolution 57/10, UN doc. A/RES/57/10, 3 Dec. 2002.

²⁵ Written Statement of the UK, p. 35, para. 70; Written Statement of the US, p.19, para. 3.7, and p. 20, para. 3.10, p. 22, para. 3.15, p. 22, paras. 3.14-3.15, p. 25, para. 3.22, pp. 31-32, paras. 5.5-5.7; Written Statement of Italy, p. 3, para. 5; Written Statement of Hungary, p. 10, para. 37; Written Statement of Canada, p. 5, paras. 19, 20 and 21.

²⁶ *Wall* Advisory Opinion, p. 160, para. 53.

²⁷ *Nuclear Weapons* Advisory Opinion, p. 237, para. 17; *Wall* Advisory Opinion, p. 160, para. 51.

international law, and the establishment of a viable Palestinian State on the pre-1967 lines, with East Jerusalem as its capital. The legal determination by the Court in the present advisory opinion is indispensable to guide the General Assembly and the international community to achieve this objective.

13. Second, Mr President, I turn to the question of 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.

14. Distinguished Members of the Court, Palestine has been subjected to the longest protracted state of occupation in modern history, as well as *de facto* and *de jure* annexation that confirm the unlawful nature of the occupation²⁸.

15. Israel's persistent policy of implanting settlements in the West Bank and occupied Jerusalem for the purpose of creating facts on the ground and breaking up the territorial contiguity of the occupied territories, is a blatant disregard for international law. Twenty years ago, the representatives of the State of Palestine laid before this Court the facts of Israel's intensive settlement and colonization policy, which had, at the time, transferred 400,000 illegal settlers to the occupied Palestinian territories. Today, that number stands at 750,000, deliberately and permanently altering the status of the occupied territories.

16. In addition to the policy of *de facto* annexation, Israel purported to annex East Jerusalem *de jure* through the Basic Law adopted by the Israeli Knesset in 1980, stipulating "Jerusalem, complete and united, is the capital of Israel".

17. The very limited number of States defending these policies advance two principal claims, namely that "the legal *status* of occupation" does not change if the occupation is prolonged or involves illegal violations of *jus in bello*²⁹ and that under *jus ad bellum*, Israeli occupation is lawful since, *inter alia*, relevant United Nations Security Council resolutions did not declare otherwise³⁰.

²⁸ UNGA resolution 77/328, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, UN doc. A/77/328, 14 Sept. 2022 (hereinafter "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel"), available at: <https://www.un.org/unispal/document/report-of-the-independent-international-commission-of-inquiry-on-the-occupied-palestinian-territory-including-east-jerusalem-and-israel-a-77-328/>.

²⁹ Written Statement of the US, p. 27, para. 4.2.

³⁰ Submission by Fiji, p. 5.

18. Egypt submits that the proposition that occupation is, merely, a *de facto* situation whose legality cannot be called into question is seriously flawed. As highlighted by a number of participants, the legality of an occupation must be assessed by reference to the United Nations Charter and general international law.

19. In fact, Israel's prolonged occupation violates a number of distinct legal régimes that exist and operate simultaneously and concurrently. These include:

- (1) *the law of occupation*, part of the *jus in bello*, that is characterized by this Court as “intransgressible”³¹;
- (2) the *jus ad bellum* and the peremptory prohibition of the acquisition of territory through force;
- (3) the principle of self-determination, also a peremptory norm of international law, described by this Court as *erga omnes* and “irreproachable” in the *East Timor* case; and
- (4) the fundamental prohibition of racial discrimination, segregation and subjugation.

20. It is against this legal framework that the legality of Israel's policies and practices in the occupied Palestinian territories must be assessed.

21. First, with respect to the *jus in bello*, it is a fundamental principle of international law that an occupying Power is prohibited from changing the status of the occupied territory, as well as its annexation, in whole or in part. It is only entitled to exercise limited powers, intended to be temporary in nature, with the aim of balancing between its own military needs and the protection of the local inhabitants. These are not rights bestowed on the occupying Power, but rather limitations on its authority.

22. It flows from this that belligerent occupation is governed by two key principles. First, it is a temporary régime and, second, it cannot transfer sovereignty to the occupying Power. Rather, it freezes the legal order of the occupied territory throughout the duration of the occupation³². The occupying authority is merely a *de facto* administrator, a principle intended to protect both the inhabitants of the occupied territory, as well as “the separate existence of the State, its institutions

³¹ *Nuclear Weapons Advisory Opinion*, p. 257, para. 79.

³² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, CR 2004/1, p. 43 (Abi Saab), 23 Feb. 2004.

and its laws”³³. This is reflected in Article 47 of the Fourth Geneva Convention and is precisely what “distinguishes occupation from annexation”³⁴.

23. The prohibition of permanently changing the occupied territory extends also to its demographic component. Article 49 of the Fourth Convention prohibits “individual or mass forcible transfer” of civilians outside the occupied territory; and the transfer by the occupying Power of “parts of its own civilian population into the territory it occupies”. According to the 1958 Commentary, this was intended “to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories”.

24. As demonstrated in Palestine’s statement, there is overwhelming evidence that Israeli support for and maintenance of settlements is intended to permanently alter the demographic composition of the Occupied Palestinian Territory and extend Israeli sovereignty over it. This is coupled with Israel’s mass forcible transfer and forced displacement of the Palestinians in Gaza, through its illegal evacuation orders and indiscriminate use of force, which has been labelled by the United Nations Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory as “ethnic cleansing”³⁵.

25. It should be highlighted that Article 49 not only prohibits forced transfers, but also, in the Court’s own words, “any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory”³⁶.

26. Numerous resolutions of the General Assembly and Security Council affirmed the illegality of Israel’s settlements, annexation and measures altering the demographic composition,

³³ International Committee of the Red Cross, *Commentary on the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Jean S. Pictet ed.), (1958), p. 273, available at: <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-47/commentary/1958>.

³⁴ *Ibid.*, p. 275.

³⁵ OHCHR, “UN expert warns of new instance of mass ethnic cleansing of Palestinians, calls for immediate ceasefire”, press release, 14 Oct. 2023, available at: <https://www.ohchr.org/en/press-releases/2023/10/un-expert-warns-new-instance-mass-ethnic-cleansing-palestinians-calls>.

³⁶ *Wall Advisory Opinion*, p. 183, para. 120.

character and status of the Holy City of Jerusalem — considering them invalid and a flagrant violation of the Fourth Convention³⁷, while requiring Israel to desist from such practices³⁸.

27. Security Council resolution 298 stated that

“all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status”³⁹.

28. The Security Council also declared in relation to Jerusalem — in resolution 478 (1980) — that Israeli “legislative and administrative measures . . . are null and void . . . and must be rescinded forthwith”⁴⁰. Israel remains in defiance of these and subsequent resolutions, including resolution 2334 (2016)⁴¹ and numerous General Assembly resolutions in addition to the provisions of the Geneva Conventions previously described.

29. Israel’s prolonged military rule and its strategic settlement policy, considered a “national value” under Israeli legislation, is essentially a systemic “de-Palestinianization” of the occupied territory, including Jerusalem, intended to permanently change its demographic characteristics, and enhance its Jewish component, thereby achieving the *de jure* and *de facto* annexation of that territory⁴². This leads to the conclusion that Israeli occupation is, in fact, an illegal annexation, conquest and *de facto* colonial endeavour.

30. Mr President, the second legal principle by which the legality of Israel’s occupation is to be assessed, is Article 2 (4) of the Charter of the United Nations, which prohibits the acquisition of territory through force; one of the most fundamental principles of the post-UN Charter era.

31. The vast majority of States participating in these proceedings submit that Israeli occupation — by virtue of its permanence, *de jure* and *de facto* annexation — manifestly violates the

³⁷ See Written Statement of Palestine; *Wall* Advisory Opinion, p. 183, para. 120, p. 191, para. 134 and pp. 201-203, para. 163.

³⁸ UNSC resolution 446 (1979), 22 Mar. 1979, UN doc. S/RES/446 (1979).

³⁹ *Wall* Advisory Opinion, p. 166, para. 75; see also UNSC resolution 252 (1968), 21 May, 1968, UN doc. S/RES/252 (1968).

⁴⁰ UNSC resolution 2334 (2016); UNGA resolution 35/169 (1980), also rejected Israel’s annexation of East Jerusalem, declaring that this measure did not affect the status and continued application of the Fourth Convention in the Palestinian occupied territories, including Jerusalem.

⁴¹ For example, UNGA resolution 42/209 (B), 11 Dec. 1987, UN docs. A/RES/42/209 (B), A/RES/42/209 (C) and A/RES/42/209 (D) and UNGA resolution 44/42, Question of Palestine, 6 Dec. 1989, UN doc. A/RES/44/42.

⁴² Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, para. 75.

principle of inadmissibility of acquiring territory through force. Only one State has attempted to justify Israel's actions, by contesting the Palestinians' title to the occupied territories and justifying Israel's territorial expansion as the product of a defensive war⁴³.

32. Egypt submits that these claims have no basis in fact or in law and seek to derail the Court by raising issues outside the temporal scope of this request. They are reminiscent of the archaic international law of the nineteenth century that justified territorial conquest through denying the sovereign status of colonized peoples, relegating them to the realm of *terra nullius*.

33. There is, also, no support for the proposition that Israel was acting defensively in 1967. International law recognizes neither pre-emptive nor preventive self-defence and the terms of the United Nations Charter on this matter are clear, requiring an armed attack to occur in order to trigger the right of self-defence. Israel's attack in 1967 was, therefore, not a defensive but an aggressive war.

34. Even if the claim of self-defence were valid — which clearly is not the case — a decades-long occupation is not reconcilable with the customary international law conditions of necessity, immediacy and proportionality⁴⁴. In any event, the issue is a moot one, as it is universally recognized that a State may not gain title to territory through any use of force, regardless of its purported legitimacy.

35. These claims also find no basis in Security Council resolution 242, which unequivocally recognized the inadmissibility of acquiring territory through force, demanding Israel's withdrawal from territories occupied in the recent conflict and emphasizing the duty of all States to act in accordance with Article 2 (4) of the Charter. Resolution 242 was reaffirmed by resolution 338, while the inadmissibility of territorial acquisition through force was confirmed in at least nine subsequent Security Council resolutions. In fact, resolution 471 clearly stated, as far back as 1980, the overriding necessity to end the prolonged occupation of the Arab territories occupied by Israel since 1967 including Jerusalem.

36. In Egypt's view, it is clear that under international law, the territorial status of the West Bank, including Jerusalem, and the Gaza Strip cannot lawfully be altered through armed conflict.

⁴³ Written Statement of Fiji, p. 6.

⁴⁴ Written Statement of Namibia, para. 142; Written Statement of Belize, para. 33; Written Statement of The Gambia, para. 1.3; Written Comments of Qatar, p. 56-57.

Israel's protracted occupation, which is coupled with measures to permanently change the demographic characteristics of the occupied territory, and annex parts of the land *de facto* and *de jure* in violation of the cardinal principle of the prohibition of the acquisition of territory through force, is therefore, illegal per se and an ongoing violation of international law⁴⁵.

37. Distinguished Members of the Court, the third legal principle against which Israel's conduct must be assessed is self-determination. Egypt submits that Israel's indefinite occupation amounts to a nullification and denial of the Palestinian people's inalienable right to self-determination.

38. It is indisputable, that this right — enshrined in Article 1 (2) of the United Nations Charter and both human rights Covenants — is a cardinal principle in modern international law⁴⁶. Its *erga omnes* character, confirmed by the Court in the *East Timor* case, entails that all States and international organizations have a legal interest and a duty in respecting and protecting this right⁴⁷.

39. This Court already affirmed in the *Wall* Advisory Opinion the applicability of this right to the "Palestinian people"⁴⁸.

40. Mr President, Israel's indefinite occupation of the Palestinian territories is as *a whole* inconsistent with the principle of self-determination and breaches three salient aspects of this principle. First, it obstructs the Palestinian people from freely determining their political status, achieving independent statehood, sovereignty and the right of return.

41. Second, it deprives Palestinians of their right to pursue their economic, social and cultural development. In gross breach of international law, Israel restricts Palestinians' access to Jerusalem's Christian and Muslim holy sites, notably Al-Aqsa Mosque, wantonly depletes Palestinian natural

⁴⁵ *Wall* Advisory Opinion proceedings, CR 2004/1, p. 46 (Abi Saab), 23 Feb. 2004; *Wall* Advisory Opinion, p. 181, para. 115; Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, paras. 75-76.

⁴⁶ Draft Articles on the Responsibility of States for Internationally Wrongful Acts, with commentaries, Text adopted by the International Law Commission at its fifty-third session, in 2001, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/56/10). The report, which also contains commentaries on the draft articles, appears in *YILC*, 2001, Vol. II, Part Two, as corrected, commentary to Article 26, p. 85, para. 5; commentary to Article 40, p. 113, para. 5.

⁴⁷ *East Timor (Portugal v. Australia)*, Judgment, *I.C.J. Reports* 1995, p. 102, para. 29.

⁴⁸ *Wall* Advisory Opinion, pp. 182-183, para. 118; See e.g. UNGA resolution 2649 (XXV), 30 Nov. 1970, UN doc. A/RES/2649 (XXV); the Human Rights Council has recognized "the inalienable, permanent and unqualified right to self-determination of the Palestinian people, including the right to live in freedom, justice and dignity and their right to their independent State of Palestine". See for example the following HRC resolutions in UN docs. A/HRC/RES/34/29, A/HRC/RES/37/34, A/HRC/RES/40/22 and A/HRC/RES/49/28.

resources, imposes access restrictions to “Area C” and obstructs the movement of goods and people between the West Bank and Gaza, stunting Palestine’s economy and impeding the geographical unity of the State of Palestine.

42. Third, the fragmentation and dismemberment of the occupied territories, through Israel’s settlements policy, the wall and measures of *de facto* and *de jure* annexation, are a blatant violation of the fundamental principle of the integrity of the self-determination unit. The territorial unit of Palestine includes both the West Bank, including the Holy City of Jerusalem, and the Gaza Strip. Although Israel withdrew its forces from Gaza in 2005, it still retains effective control by, *inter alia*: exercising complete control over Gaza’s airspace and territorial waters; the flow of people and goods in and out of Gaza; the Palestinian population registry; and the tax policy and transfer of tax revenues. Israel’s continuing military incursions into Gaza, including the ongoing brutal assault, indicate Israel’s continuing authority over the territory⁴⁹. Together, the West Bank and Gaza constitute a single territorial unit. This has been confirmed by numerous Security Council resolutions which refer to Gaza as an integral part of the territory occupied in 1967 and of the Palestinian State under the two-State solution⁵⁰.

43. Egypt firmly denounces the ongoing obstruction of the Palestinian people’s inalienable, permanent and unqualified right to self-determination, a violation — as argued by Palestine — that is an “essential feature” of Israel’s prolonged occupation⁵¹.

44. One only needs to look at Israel’s vicious, wholesale destruction of Gaza today, after years of imposing the medieval methods of siege and blockade, to realize the extent of Israel’s transgression of this principle. Israel’s prolonged occupation is therefore illegal, *per se*, and is an

⁴⁹ Situation of human rights in the Occupied Palestinian Territory, including East Jerusalem, with a focus on collective punishment, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/44/60, 22 Dec. 2020, available at: <https://documents.un.org/doc/undoc/gen/g20/352/94/pdf/g2035294.pdf?token=6IVKWA6N1q8LDtQBAC&fe=true>; UNGA resolution A/RES/77/247, adopted on 30 Dec. 2022, recognized the status of Gaza as occupied and called “upon Israel, the occupying Power to cease its blockade on the Gaza Strip”.

⁵⁰ See e.g. UNSC resolution 2720, S/RES/2720, 22 Dec. 2023, available at: <https://documents.un.org/doc/undoc/gen/n23/424/87/pdf/n2342487.pdf?token=9TdbtySYwsgjUC5vKh&fe=true>.

⁵¹ The Committee on the Exercise of the Inalienable Rights of the Palestinian People has repeatedly stated that implementing the right to self-determination of the Palestinian people requires that Israel evacuate the Palestinian territory it occupied by force contrary to the UN Charter. The Human Rights Council has also recognized “the inalienable, permanent and unqualified right to self-determination of the Palestinian people, including the right to live in freedom, justice and dignity and their right to their independent State of Palestine”. See for example the following resolutions of the Human Rights Council: A/HRC/RES/34/29 of 12 Apr. 2017, A/HRC/RES/37/34 of 13 Apr. 2018; A/HRC/RES/40/22 of 16 Apr. 2019; A/HRC/RES/49/28 of 11 Apr. 2022.

ongoing, internationally wrongful act that must be immediately brought to an end by Israel, by immediately ending the occupation.

45. The fourth legal principle against which Israel's conduct must be assessed is the fundamental prohibition of racial discrimination, segregation and subjugation.

46. On a daily basis, under occupation, Palestinians face institutionalized discrimination and segregation under a dual legal system, applying different laws to Palestinians and Israelis. Israeli military orders in the occupied territories entrench racial discrimination between Palestinians and Israeli settlers. Israel also implements *de facto* and *de jure* measures of racial discrimination, including in the areas of detention, criminal justice, housing, land confiscations and house demolitions. How can such practices — which have been described by a number of participants as “crimes against humanity”⁵² — how can they be consistent with any notion of human rights and human dignity in the 21st century?

47. Israel is under an obligation to repeal all such legislation that maintains its systematic, oppressive and institutionalized policy of racial discrimination and segregation against the Palestinian people, and to cease all discriminatory policies and practices.

48. I now turn to whether self-defence or military necessity may justify Israel's prolonged occupation.

49. The argument that a State may exercise self-defence against a territory under its own military occupation and effective control is counter-intuitive, particularly since the occupying State has the authority and even the obligation to “ensure public order and safety” in the occupied territory.

50. In the *Wall* Advisory Opinion, this Court found that Article 51 of the Charter, which recognizes the inherent right of self-defence, had no relevance, as the acts invoked by Israel were acts arising out of the occupied Palestinian territory, which is under Israeli effective control and not imputable to another State⁵³. Egypt finds no reason for the Court to depart from this considered Opinion in the current proceedings.

51. The Court also rejected the justification of military necessity. The modern conception of military necessity is strictly limited to the contexts in which it is expressly recognized. It is thus

⁵² Written Comments of Jordan, paras. 64-66.

⁵³ *Wall* Advisory Opinion, p. 62, para. 139.

already considered in the formulation of the obligations set out in humanitarian conventions, some of which “expressly exclude reliance on military necessity”⁵⁴.

52. For example, no military necessity qualification is permitted under Article 49 (6) of the Fourth Geneva Convention, which prohibits the transfer of any part of the occupying Power’s civilian population into an occupied territory. This cannot be justified as a safety measure taken by Israel in the exercise of its prerogatives as an occupying Power.

53. According to the legal maxim *ex injuria jus non oritur*, one should not be able to profit from one’s own wrongdoing. Israel thus cannot invoke self-defence to maintain a situation created by its own illegal conduct, or to justify violations of peremptory norms of international law.

54. Distinguished Members of the Court, for how much longer do the Palestinian people need to wait before they are able to exercise their legitimate rights under international law? For how much longer will the United Nations continue to manage the humanitarian impacts of Israeli violations, without addressing their root cause? History will judge us for how we respond today.

55. Egypt respectfully submits that the Court should advise the General Assembly that:

- (1) the prolonged Israeli occupation is, per se, a continuing violation of international law for its breach of: (i) the *jus in bello*; (ii) the prohibition of the acquisition of territory through force; (iii) the right to self-determination of the Palestinian people; and (iv) the prohibition of racial discrimination, segregation and subjugation.
- (2) Israel — as the wrongdoing State — is obliged to make full reparation through restitution, compensation and satisfaction, either singly or in combination⁵⁵, by ceasing immediately and unconditionally its unlawful occupation of Palestinian territory, and rescinding the associated unlawful policies and practices of annexation, settlements and discriminatory legislation.
- (3) All States have a duty not to recognize the illegal situation created by Israel’s ongoing violation, resulting from its prolonged occupation, settlement and annexation of the occupied territory, and not to render aid or assistance in maintaining that situation.

⁵⁴ United Nations, International Law Commission, Report on the Work of its Fifty-third Session (23 April-1 June and 2 July-10 August 2001), General Assembly, *Official Records*, Fifty-fifth Session, p. 84, (A/56/10), available at: https://legal.un.org/ilc/publications/yearbooks/english/ilc_2001_v2_p2.pdf; State responsibility for violations of international humanitarian law, Marco Sassoli, ICRC, June 2002, Vol. 84, No. 846, p. 415, available at: https://www.icrc.org/en/doc/assets/files/other/401_434_sassoli.pdf.

⁵⁵ Draft Articles on State Responsibility, *op. cit.*, Art. 34.

56. Mr President, the consequences of Israel's prolonged occupation are clear, and there can be no peace, no security, no stability, no prosperity in the Middle East, without upholding justice and the rule of law for the Palestinian people. I thank you.

The PRESIDENT: I thank the delegation of Egypt for its presentation. Before I invite the next delegation to make its oral statement, the Court will observe a break for 10 minutes. The sitting is suspended.

The Court adjourned from 11.25 a.m. to 11.40 a.m.

The PRESIDENT: Please be seated. The sitting is resumed. I now call upon the delegation of the United Arab Emirates to address the Court and invite Her Excellency Lana Nusseibeh to take the floor.

Ms NUSSEIBEH:

I. INTRODUCTION

1. Mr President, distinguished Members of the Court, it is an honour and privilege to appear before you on behalf of the United Arab Emirates. The gravity of the situation we are called to address has compelled the UAE to participate in advisory proceedings for the first time in its history.

2. Allow me to begin by affirming the UAE's recognition of the importance of the Court's advisory function in clarifying applicable legal frameworks, contributing to peaceful relations between States. This is critical at a time of growing polarization over when and how international law is applied. International law cannot be an à la carte menu; it must apply equally to all. And it is all the more essential in the long shadow cast by the Palestinian question: an injustice that has persisted for more than seven decades, and which implicates the most fundamental principles of the international system — of self-determination, of human rights, and of our most basic and universal yearning for peace, justice and freedom.

3. By responding to the General Assembly's request to render an advisory opinion, the Court will tangibly assist the Assembly's proper exercise of its functions in relation to the question of Palestine. It will also contribute to achieving a peaceful and just resolution of the conflict, including

the preservation of the parameters of the two-State solution to which Member States have collectively subscribed. This is vital not only for Palestinians and Israelis, but for peace and stability in our region and beyond.

4. The UAE strongly believes that the only path to that just and lasting peace is through the fulfilment of the long-denied right of the Palestinian people to self-determination, with an independent and sovereign Palestine based on the 1967 borders, with East Jerusalem as its capital, living side by side with Israel. That right to self-determination and the duty of every member of the international community to co-operate in its fulfilment was expressly recognized in this Court's Advisory Opinion of 2004⁵⁶.

5. Mr President, rather than repeat the UAE's written statement of July 2023, I will elaborate on five key points here today.

6. My first point addresses the significance of this advisory opinion to the realization of the two-State solution. In so doing, I wish to respond to the claim that in providing an advisory opinion the Court would hinder the negotiating process. I will then direct my second submission to the deteriorating situation in the Occupied Palestinian Territory since the written stage of these proceedings. Third, I will devote some time to East Jerusalem and Israel's violations there, including its annexation of territory and its undermining of the legal and historic status quo. Israel's violations in the West Bank, in East Jerusalem and in the Gaza Strip imperil the two-State solution. The conclusion that flows from these violations is that Israel's occupation is illegal. This will be my fourth point. Finally, I will focus on the consequences of Israel's unlawful actions: for Israel, for all States, and for the United Nations.

7. I will now address the first point: the two-State solution.

II. THE TWO-STATE SOLUTION

8. The General Assembly and the Security Council, through dozens of resolutions, have entrenched the two-State solution as the basis for peace. This vision necessarily includes the Gaza Strip as part of the Palestinian State, as reaffirmed most recently by the Security Council in resolution 2720 of 22 December 2023.

⁵⁶ *Wall Advisory Opinion*, pp. 171-172, para. 88; p. 199, para. 156.

9. The viability of this vision of peace and of an independent Palestinian State are imperilled by Israeli violations that are the subject of the present proceedings. Since the General Assembly's request to the Court in December 2022, these violations and the level of violence have risen sharply.

10. We convene today while Israel's grave violations against Palestinians persist with impunity, four months into its military operation in Gaza and following four failures by the Security Council to call for a ceasefire. Meanwhile, an increasingly brutal Israeli régime of systemic subjugation in the West Bank compounds Palestinian suffering. The horrors that have unfolded over the last few months, the 7 October attack on Israel, the destruction of the Gaza Strip, and the oppression in the West Bank underscore the desperate need for realizing the two-State solution. In the context of this grim reality, the Court's advisory opinion is appropriate, it is urgent, and it is necessary.

11. Far from prejudicing the negotiating framework, the Court's opinion will reinforce the contours of the two-State solution. Indeed, that solution must be consistent with international law. In the *Wall* Opinion, the Court recognized that a negotiated solution and the establishment of a Palestinian State, alongside Israel, must be on the basis of international law⁵⁷. This is also what the Security Council reaffirmed most recently in resolution 2720⁵⁸.

12. These pronouncements make clear that a negotiating process could not, and must not, lead to a result that is contrary to international law. And it is self-evident that a negotiating process that results in the contravention of peremptory norms of general international law would be void. By their very nature peremptory norms are non-negotiable. The fact that a solution is negotiated does not mean that it should not be principled⁵⁹.

13. By responding to the questions posed by the General Assembly as regards Israel's violations and their consequences, the Court will be advising on legal questions directly relevant to the two-State solution. In so doing, the Court will aid efforts to realize the right of the Palestinian people to self-determination. This could not be more pressing.

⁵⁷ *Ibid.*, p. 201, para. 162.

⁵⁸ UNSC resolution 2720 (2023), 22 Dec. 2023, UN doc. S/RES/2720 (2023), para. 12.

⁵⁹ *Wall* Advisory Opinion, separate opinion of Judge Al-Khasawneh, pp. 238-239, para. 13.

14. Moreover, as the State of Palestine observed in its oral statement on Monday⁶⁰, the Court's exercise of its advisory function can and has served to advance deadlocked negotiations, as occurred with its *Chagos* Opinion. There is a similar need for the Court's advice on the Palestinian question, which is characterized by prolonged stalemate and frustrated negotiations while Israel continues to change facts on the ground.

III. ESCALATING VIOLATIONS IN THE OCCUPIED PALESTINIAN TERRITORY

15. Mr President, the 56 years of occupation of Gaza and the West Bank, including East Jerusalem, have been shaped by Israel's consistent grave violations against the Palestinian people. The UAE is confident that the Court has before it ample evidence to assist its identification of those violations and determination of their legal consequences. As I turn to my second point, I will outline briefly how the situation has severely deteriorated since July 2023.

16. Under international law, the Gaza Strip is occupied territory⁶¹. Gaza is also one of the most densely populated places on Earth.

17. For over four months now, and after enduring 17 years of blockade, its population of over 2.2 million has been under siege, faced with severe restrictions on water, food and other essential goods. The level of human suffering faced by civilians in Gaza, predominantly women and children, is on a scale seldom seen in the modern era.

18. Israel's indiscriminate attacks on the Gaza Strip have caused massive civilian casualties and the extensive destruction of homes, schools and hospitals. Some 75 per cent of Gaza's total population is displaced. I note here, Mr President, the latest orders issued to the Israeli Defense Forces to plan for the evacuation of Rafah ahead of another military offensive. That offensive would leave the approximately 1.5 million displaced Gazans taking refuge in the city with nowhere to go. These plans have been met with the international community's resounding rejection.

19. Israel has imposed a policy of collective punishment against the Palestinian people, in violation of Article 33 of the Fourth Geneva Convention. Israel has repeatedly issued so-called

⁶⁰ Oral submission of Palestine: CR 2024/4, p. 59, para. 21 (Zimmermann).

⁶¹ UNSC resolution 2720 (2023), 22 Dec. 2023, UN doc. S/RES/2720 (2023), preamble.

evacuation orders that in effect seek to transfer Palestinians forcibly, in violation of Article 49 of the Fourth Geneva Convention.

20. Israel has also failed its duty of ensuring the food and medical supplies of the population in Gaza, in violation of Article 55 of the Fourth Geneva Convention. Israel has further failed to protect the wounded and the sick, in violation of Article 16 of the Fourth Geneva Convention.

21. Each passing day is met with further violations of international humanitarian law.

22. And while the eyes of the world are trained on its brutal military operation in Gaza, Israel's violations in the West Bank have intensified. As submitted to the Court, a number of Israeli acts in the West Bank, including East Jerusalem, constitute grave breaches under the Fourth Geneva Convention⁶². Israel's conduct also violates the right of the Palestinian people to self-determination, which lies at the heart of these proceedings⁶³.

23. 2023 was by far the deadliest year for Palestinians in the West Bank since the United Nations began keeping records — more than tripling the previous high in 2022⁶⁴.

24. 2023 also saw the highest levels of settler violence yet recorded by the United Nations⁶⁵. The freedom of movement of Palestinians has been severely impacted, including for Palestinian farmers seeking to harvest their lands in the West Bank⁶⁶. Demolitions of Palestinian property have also reached their highest levels. This puts into stark relief the magnitude of this latest iteration of the Israeli settlement enterprise that erodes key components of the Palestinian people's right to self-determination, including the denial of access to ancestral lands and control over natural resources.

25. In addition, there has been an intensification of Israeli settlement construction that undermines the viability of the two-State solution. According to the Secretary-General, 2023 saw the

⁶² Written Statement of the United Arab Emirates, paras. 64-70.

⁶³ *Ibid.*, paras. 71-74.

⁶⁴ OCHA, Data on Casualties, available at: <https://www.ochaopt.org/data/casualties>.

⁶⁵ OCHA, Hostilities in the Gaza Strip and Israel, Flash Update #104, 28 Jan. 2024, <https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-104-enarhe>.

⁶⁶ OHCHR, Flash Report: The human rights situation in the occupied West Bank including East Jerusalem, 7 October-20 November 2023, 27 Dec. 2023, pp. 16-17, paras. 41-43.

highest reported level of Israeli approvals and support for settler housing in the West Bank, including East Jerusalem⁶⁷.

26. I raise these recent developments to underline that the violations at the core of the questions posed by the General Assembly are not static. After decades of violent dehumanization, dispossession and despair, the breaches resulting from the Israeli occupation in all parts of the Occupied Palestinian Territory are worsening at an alarming pace.

27. I will now focus on Israel's long-standing violations in East Jerusalem.

IV. ISRAEL'S VIOLATIONS IN EAST JERUSALEM

28. Jerusalem is "a city of unique cultural and religious depth and texture" that has occupied, through history, a place "at the crossroads of cultures and civilizations"⁶⁸.

29. The City of Jerusalem has the unique feature of being sacred for all three Abrahamic religions and is home to a host of Holy Places. This feature has put a special imprint on the city's character. And the international community has accordingly underlined the need to preserve Jerusalem's unique spiritual and religious dimensions.

30. If Jerusalem has — throughout its long history — represented one thing, it is tolerance⁶⁹. In the words of UNESCO, "[m]ore than any other place in the world, Jerusalem embodies the hope and dream of dialogue between cultures, civilizations and spiritual traditions, a dialogue through which mutual understanding between peoples may flourish"⁷⁰. Such is the unique historical nature of Jerusalem that an Israeli official once cautioned that "[a]nyone depriving Jerusalem of these contrasts, anyone upsetting the equilibrium by trying to make one factor predominant over another . . . would make Jerusalem cease to be herself"⁷¹.

⁶⁷ "Implementation of Security Council resolution 2334 (2016)", Report of the Secretary-General, UN doc. S/2023/988, 14 Dec. 2023, para. 66.

⁶⁸ "United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People", *The Status of Jerusalem* (1997), p. 3.

⁶⁹ S. S. Montefiore, *Jerusalem: The Biography* (2012), pp. 232, 239, 347.

⁷⁰ UNESCO, "First meeting of experts on the cultural heritage of the Old City of Jerusalem", 26 Jan. 2015, available at: <https://whc.unesco.org/en/news/105>.

⁷¹ M. Benvenisti, *Jerusalem: The Torn City* (1976), p. xiv.

31. Jerusalem is a place of enormous significance to hundreds of millions of people worldwide. On account of their artistic, religious and historical value, the Old City and the Holy Places are of exceptional importance to all humanity⁷².

32. Jerusalem's unique character has given rise to specific legal obligations as regards the rights of religious communities, including "specific guarantees of access to the Christian, Jewish and Islamic Holy Places"⁷³. Since 1757, it has been the case that whoever holds Jerusalem is bound by this legal and historic status quo⁷⁴.

33. As early as 1948, the Security Council urged all governments and authorities concerned "to take every possible precaution for the protection of the Holy Places and of the City of Jerusalem, including access to all shrines and sanctuaries for the purpose of worship"⁷⁵. The concerns that motivated the Council then still remain. In 2023, the Security Council called "for upholding unchanged the historic status quo at the holy sites in Jerusalem in word and in practice"⁷⁶.

34. Israel has, in agreements with Jordan and with the Holy See, committed to the historic status quo and freedom of access to the Holy Places in Jerusalem⁷⁷. In the *Wall* Opinion, the Court relied on such bilateral agreements, observing that they were part of the specific guarantees of access to Holy Places⁷⁸.

35. It is therefore gravely disconcerting that Israel has taken, and continues to take, measures which undermine the special character of Jerusalem and erase its cultural heritage.

36. Israel is in breach of its obligations by repeatedly interfering with the Holy Places and hindering freedom of access to them. Since the start of the occupation in 1967, Muslims and Christians have been impeded from worshipping at their holiest sites.

⁷² UNESCO, *Records of the General Conference*, Fifteenth session, Paris 1968, Resolution, p. 53, para. 3.343.

⁷³ *Wall* Advisory Opinion, p. 188, para. 129.

⁷⁴ L. Cust, *The Status Quo in the Holy Places* (1929), pp. 9-12; see also UNGA resolution 77/247, UN doc. A/RES/77/247, 30 Dec. 2022, preamble.

⁷⁵ UNSC resolution 50 (1948), 29 May 1948.

⁷⁶ Security Council Presidential Statement, UN doc. S/PRST/2023/1, 20 Feb. 2023.

⁷⁷ Israel-Jordan General Armistice Agreement, 3 Apr. 1949, 656 *UNTS* 194, Art. VIII; Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, 26 Oct. 1994, 2042 *UNTS* 393, Art. 9, para. 1; Fundamental Agreement between the Holy See and the State of Israel (1994), *International Legal Materials*, Vol. 33, p. 153, Art. 4.

⁷⁸ *Wall* Advisory Opinion, p. 188, para. 129.

37. Also in breach of the historic status quo are Israel's excavations in Jerusalem. Excavations and tunnelling, particularly in and around the Old City, imperil its historical, cultural and religious character. The works are carried out despite the serious risks to the integrity of Muslim and Christian Holy Places. The General Assembly has determined that these acts are flagrant violations of the Fourth Geneva Convention⁷⁹.

38. Turning to the question of settlements, the "ring" settlements in East Jerusalem contribute to "the further isolation of the city from the rest of the Occupied Palestinian Territory"⁸⁰. They thereby undermine the viability of East Jerusalem as the capital of an independent Palestinian State. This is fast becoming a *fait accompli*.

39. Mr President, Israel's measures to extend its administration and laws to East Jerusalem are inconsistent with the most fundamental tenets of the law of occupation and the right to self-determination. Indeed, Israel's administration of East Jerusalem constitutes annexation of territory on which the Palestinian people have the right to self-determination. International law is unequivocal in this respect: all measures by Israel that affect or aim to alter the status of East Jerusalem are null and void and have no legal effect on its status.

40. By resolution 478 of 1980, the Security Council affirmed that Israel's enactment of the Basic Law was a violation of international law⁸¹. Resolution 478 was plainly intended to be legally binding on Israel and all United Nations Member States. A binding determination by the Security Council to the effect that a situation is illegal must have consequences⁸². As the Court noted in the *Namibia* opinion, "it would be failing in the discharge of its judicial functions if it did not declare that there is an obligation . . . to bring [such a] situation to an end"⁸³.

41. Israel's violations in East Jerusalem and throughout the Occupied Palestinian Territory threaten the viability of the two-State solution and go to the very nature of the occupation.

⁷⁹ UNGA resolution 36/15, 28 Oct. 1981, para. 1.

⁸⁰ UNGA resolution 76/12, 1 Dec. 2021, preamble; see Lord Caradon, *UN Security Council Resolution 242: A Case Study in Diplomatic Ambiguity* (1981), pp. 10-11.

⁸¹ UNSC resolution 478 (1980), 20 Aug. 1980, para. 2; *Wall Advisory Opinion*, p. 167, para. 75.

⁸² *Namibia Advisory Opinion*, p. 54, para. 117.

⁸³ *Ibid.*; see also *Haya de la Torre (Colombia v. Peru), Judgment, I.C.J. Reports 1951*, p. 82.

V. ISRAEL'S OCCUPATION IS ILLEGAL

42. It is in this context that I come to the legality of the occupation itself. The Security Council reaffirmed in 1980 “the overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967”⁸⁴. The General Assembly has declared that “the Arab territories occupied since 1967 have continued . . . to be under illegal Israeli occupation”⁸⁵.

43. Israel's occupation is — as the vast majority of participants in these proceedings have recognized — illegal and must end. Israel's occupation breaches the requirement, under the law of occupation, that an occupation must be temporary and cannot become permanent⁸⁶. It is in breach of the cardinal principle, enshrined in the Charter of the United Nations, that the acquisition of territory by war is inadmissible⁸⁷. Israel's occupation furthermore violates peremptory norms of general international law, such as the Palestinian people's right to self-determination⁸⁸. Mr President, whether the illegality of Israel's occupation is determined under general international law or under the Charter, the conclusion is the same: it is illegal.

44. Israel's illegal acts cannot remain without consequence. Which takes me to my last point.

VI. LEGAL CONSEQUENCES

45. Mr President, distinguished Members of the Court, I will now address the legal consequences of the ongoing violations by Israel.

46. I wish to draw the Court's attention to the obligations identified by the Court in the *Chagos* and *Wall* Opinions⁸⁹. First, Israel has, *inter alia*, an obligation to comply with the primary obligations it has breached; an obligation to ensure cessation of those breaches; and an obligation to make reparation for the damage caused by those breaches. Let me illustrate these obligations with a few examples.

⁸⁴ UNSC resolution 476 (1980), para. 1; see also UNSC resolution 471 (1980), para. 6.

⁸⁵ UNGA resolution 32/20, 25 Nov. 1977, preamble.

⁸⁶ See Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 Aug. 1949, Art. 6, paras. 3 and 47; see also J. S. Pictet, *The Geneva Conventions of 12 August 1949 Commentary — IV Geneva Convention relative to the Protection of Civilian Persons in Time of War* (1958), p. 275.

⁸⁷ See UNSC resolution 242 (1967), 22 Nov. 1967, preamble; *Wall* Advisory Opinion, p. 171, para. 87.

⁸⁸ See *Wall* Advisory Opinion, p. 184, para. 122; M. Kohen, “La longue marche vers la reconnaissance territoriale de l'autre” in W. Ossipow (eds.), *Israël et l'autre* (2005), pp. 68-69.

⁸⁹ *Wall* Advisory Opinion, pp. 197-200, paras. 147-160; *Chagos* Advisory Opinion, pp. 138-140, paras. 177-182.

47. This means that Israel must cease all policies and practices impeding the exercise of the Palestinian right to self-determination and repeal all laws and regulations that aim to alter the demographic composition, character and status of East Jerusalem. It also means that Israel must ensure freedom of access to the Holy Places and respect the legal and historic status quo.

48. This means that Israel must comply with all its obligations as the occupying Power in the Occupied Palestinian Territory, in East Jerusalem, the West Bank, and the Gaza Strip. For example, Israel must bring into the Gaza Strip the necessary food and medical supplies to the Palestinian population, and it must end its siege and all practices depriving Palestinians of supplies essential to their survival. In practical terms, it must mean a ceasefire.

49. It also means that Israel must stop its so-called evacuation orders and forcible transfers of Palestinians. It means that Israel must dismantle settlements in the Occupied Palestinian Territory and must prevent violence perpetrated by settlers — many of them armed — against Palestinians. And it means that Israel must put an end to its settlement activities, its confiscation of land, demolition of homes, and the transfer of new Israeli settlers to the Occupied Palestinian Territory.

50. Finally, Israel must also comply with all decisions of the Security Council, in line with Article 25 of the United Nations Charter. This includes the binding decisions in resolutions 478, 2334, 2712 and 2720.

51. The UAE further submits that the *erga omnes* and *jus cogens* character of norms violated by Israel also give rise to obligations for all States. First, no State may recognize as lawful the situation resulting from Israel's unlawful conduct nor render assistance to maintain such a situation. Second, States are under an obligation to co-operate to bring to an end Israel's serious breaches. Additionally, States parties to the Geneva Conventions must ensure respect for those Conventions.

52. These obligations may translate into different actions from one State to another. The UAE believes that diplomatic engagement and dialogue can be effective tools to encourage compliance and cessation of unlawful conduct. But where these tools fail, third States' obligations remain, as do the other instruments of the international system, including the General Assembly, the Security Council, and the Court that sits in this Great Hall of Justice.

53. As the Permanent Representative of a country that has just completed its term on the Security Council, I wish to invite the Court to consider the following: the obligations to co-operate

and to ensure respect for international law carry implications for States in the exercise of their vote in the Security Council. Voting against or preventing the adoption of a Security Council resolution that seeks to put an end to serious breaches of international law cannot be compatible with such obligations.

54. Israel's violations also have implications for international organizations. The organs of the United Nations can and should take all steps within their respective mandates with a view to ensuring an end to those violations. The UAE remains firmly committed to play its part in supporting the principles of international law which underpin the international system.

55. The UAE considers that the Court's advice on the questions before it is critical. Indeed, we believe it matters for all States — large and small — who rely upon and seek to preserve our international order. The reason it matters is quite simple: the even-handed application of international law is essential if that order is to function. To allow otherwise, to permit States to pick and choose what international law to apply and when, risks destabilizing our international order.

VII. CONCLUSION

56. Mr President, distinguished Members of the Court, the Palestinian people have suffered for far too long under an occupation that is seemingly immune from international law. Palestinians and Israelis deserve to thrive, side by side, in their own independent, prosperous, and secure States. This cannot happen if Israel's violations persist. Peace will remain elusive while the Palestinian people's inalienable right to self-determination continues to be denied. The UAE has every confidence that the Court's opinion will contribute significantly towards achieving a peaceful resolution of this conflict in accordance with international law. Thank you.

The PRESIDENT: I thank the delegation of the United Arab Emirates for its presentation. I invite the next participating delegation, the United States of America, to address the Court. I call upon Mr Richard Visek to take the floor.

Mr VISEK :

INTRODUCTION

1. Thank you, Mr President and Members of the Court. I am honoured to appear before you today on behalf of the United States of America.

2. The Court has a serious and difficult task before it. In the time since the General Assembly first requested this advisory opinion, the international community has confronted the horror of the terrorist attacks of 7 October, including the taking of hostages who have yet to be released, and the ongoing conflict between Israel and Hamas, which has had severe, widespread and tragic consequences for Palestinian civilians in Gaza. Violence, including extremist settler violence, also surged in the West Bank.

3. The United States, along with others, is engaging intensively — with the Palestinians, with Israel, and with other States in the region, and within the United Nations — not only to address the current crisis but to get beyond where we have been; namely to advance a political settlement that will lead to a durable peace in the region that includes lasting security for Israelis and Palestinians and a path to Palestinian statehood.

4. The Security Council and the General Assembly remain convinced that the Israelis and Palestinians must take the steps necessary to resolve their conflict and create such an enduring peace. These principal organs of the United Nations have laid out, and continue to endorse, the path to achieve that peace through the principles first articulated in Security Council resolutions 242 and 338. Those resolutions are the core of the established framework within which the Court should address the legal questions before it.

5. This Court's advisory opinion will have consequences for the parties to the conflict, and for the ongoing efforts of all of those working to achieve a durable peace. It will do so for the Security Council, which bears primary responsibility for maintenance of international peace and security; it will do so for the General Assembly, which requested the Court's advice; and it will do so for the other members of the international community.

6. Throughout the tumultuous and often violent history of the Israeli-Palestinian conflict, the United Nations has been consistent in its support for the proposition that a comprehensive, just and

lasting peace requires negotiations between the parties to the conflict. As the Court can see in the submissions before it, there is broad international support for achieving a negotiated solution to the conflict that will give rise to a Palestinian State: a solution in which two peoples live side by side with equal measures of freedom, security, opportunity and dignity, and which results in broader regional integration and stability, with respect for the right of all States to live in peace within secure and recognized borders.

7. It is for these reasons that the United States encourages the Court to ensure that its opinion preserves and promotes the established framework and the prerogatives of the principal political organs of the United Nations to identify the appropriate measures to address this particular matter of international peace and security.

8. Mr President, Members of the Court, it will not be possible in this statement to address every assertion or underlying assumption, including those with which the United States disagrees. Instead, my statement today will proceed in two parts. First, I will discuss the established framework set forth and endorsed by the Security Council and the General Assembly, as well as the widespread recognition that the parties must return to that framework as the pathway to durable peace. I will then address guiding considerations for the important role the Court should play in preserving and promoting that framework.

I. THERE IS WIDESPREAD RECOGNITION THAT THE ESTABLISHED FRAMEWORK IS THE PATHWAY TO PEACE AND THE PARTIES MUST RETURN TO IT

9. Mr President, Members of the Court, the first time the General Assembly sought this Court's advice in relation to the Israeli-Palestinian conflict, the Court recognized that "this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 adopted in 1967 and 338 adopted in 1973"⁹⁰. This statement remains as true today as it was then, as the Security Council, the General Assembly and the international community have consistently affirmed, and as many of the submissions in these proceedings recognize⁹¹.

⁹⁰ *Wall* Advisory Opinion, pp. 200-201, para. 162.

⁹¹ See Written Comments of the United States, para. 8, fn. 18.

10. As set out in our written submissions, the established framework for achieving a comprehensive and enduring peace is anchored in Security Council resolutions 242 and 338. At their core, these and subsequent resolutions call for the application of two interdependent and inseparable requirements for a just and lasting peace: one is the withdrawal of forces from occupied territory; and the other is peace and security for States in the Middle East through acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area. In identifying these interdependent requirements, the Security Council decided that the withdrawal of Israeli forces relies on, and is bound together with, the termination of belligerency, mutual recognition and respect for the right of Israel and every other State in the region to live in peace within secure and recognized boundaries free from threats or acts of force. This principle is referred to by both the Security Council and the General Assembly as Land for Peace⁹².

11. In the years since, these interdependent and inseparable requirements have been the organizing principle of historic peace agreements: first between Israel and Egypt, and then between Israel and Jordan. They were also adopted by Israel and the Palestinians in the Oslo Accords, though the promise of Oslo has yet to be fulfilled. The framework built upon these requirements remains the only basis for achieving a comprehensive peace in the region, and between the parties. The Security Council and the General Assembly have reflected this time and again in their respective resolutions⁹³.

12. This framework also remains the basis for ongoing U.S. efforts to facilitate a lasting peace. Earlier this month, United States Secretary of State Blinken travelled to the region for the fifth time since 7 October and discussed the sets of commitments that all parties would need to make. As he explained, there will be difficult choices necessary to realize the vision of a long-elusive prospect of true peace and true security. He also reinforced that the diplomatic path to a just and lasting peace, and to true security for all in the region, continues to be a path to an Israel that is fully integrated into the region, with normal relations with the countries of the region, and with firm guarantees for its

⁹² See Written Statement of the United States, para. 1.4.

⁹³ See e.g. UNSC res. 2720, para. 12, UN doc. S/RES/2720, 22 Dec. 2023; UNGA res. 78/192, The Right of the Palestinian People to Self-Determination, preamble, UN doc. A/RES/78/192, 19 Dec. 2023; Written Statement of the United States, paras. 2.11-2.16; Written Comments of the United States, para. 4.

security. He underscored that this must include a concrete path to a Palestinian State living side by side in peace and security with Israel⁹⁴.

13. The United States is not alone in this effort to achieve and sustain the goal of the established framework that the Security Council and the General Assembly have created and continue to endorse. Countries and organizations around the world, some of which are participating in these proceedings, continue to reiterate the imperative of reviving the peace process and urgently achieving the two-State solution. Our Written Comments collect a number of statements made to that effect⁹⁵.

II. THE COURT HAS AN IMPORTANT ROLE TO PLAY IN PRESERVING AND PROMOTING THAT FRAMEWORK

14. Mr President, Members of the Court, I turn now to the second part of my statement and the important role the Court can play in preserving and promoting this established framework.

15. The Court has appropriately recognized that its role in rendering an advisory opinion is to assist the requesting United Nations organ, while taking care to avoid a result that could undermine the determinations of the Security Council and its primary responsibility for the maintenance of international peace and security⁹⁶. This feature of the Court's advisory function has several important implications for the Court's work in this proceeding. I will discuss three of them.

A. The Court should issue its opinion mindful of the nature of the questions

16. First and fundamentally, the Court should not take up the suggestion of some to interpret the questions in this proceeding as encompassing "the entire Question of Palestine"⁹⁷. The request seeks advice only with respect to the legal consequences of the conduct of one of the parties to the underlying conflict.

17. This one-sidedness, which contrasts with the reciprocity inherent in the established framework, necessarily must inform the Court's approach to this advisory proceeding.

⁹⁴ Antony Blinken, Secretary of State, *Remarks at a Press Availability in Tel Aviv, Israel* (7 Feb. 2024), available at <https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-46/> (last visited 19 Feb. 2024).

⁹⁵ See Written Comments of the United States, para. 2, fn. 4, para. 17, fn. 46.

⁹⁶ See Written Comments of the United States, paras. 5-6.

⁹⁷ See Written Statement of the United States, para. 5.7.

B. Respecting the roles, responsibilities and actions of the principal political organs preserves the important role of the Court

18. Second, contrary to the assertions of some participants, in calling for the Court to take this measured approach to the question referred, the United States is by no means suggesting there is no role for the Court. Nor is it the position of the United States that the Court must refrain from considering violations of international law or the legal consequences thereof. Participants who have said as much, have misunderstood us.

19. Our argument is grounded in respect for the United Nations Charter and the roles and responsibilities assigned to the United Nations' principal organs. The Court's advisory function was designed to assist the UN's principal political organs in the proper performance of their respective functions. In exercising its advisory role, the Court must necessarily consider the extent to which the Security Council and General Assembly have taken action to address a matter of international peace and security, particularly where, as here, they have directly and repeatedly endorsed a specific framework for achieving peace.

20. None of the Security Council's resolutions have suggested altering or departing from this framework. In fact, as recently as late December, the Council in resolution 2720 reiterated its "unwavering commitment to the vision of the two-State solution where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders, consistent with international law and relevant UN resolutions". And, at around the same time, the General Assembly likewise stressed in resolution 78/192

"the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on 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 road map to a permanent two-State solution to the Israeli-Palestinian conflict."

21. International law has a central and important role to play here. Within the established framework, the Security Council itself, including in recent resolutions 2712 and 2720, has demanded that all parties comply with their obligations under international law, including international humanitarian law⁹⁸.

⁹⁸ See UNSC res. 2712, para. 1, UN doc. S/RES/2712, 15 Nov. 2023; UNSC res. 2720, para. 1, UN doc. S/RES/2720, 22 Dec. 2023.

22. And, within the framework, the Council has also sought to remove obstacles to the achievement of a two-State solution, including the establishment of civilian settlements⁹⁹, destruction of infrastructure¹⁰⁰, demolition of homes¹⁰¹ and the failure to prevent acts of terrorism¹⁰².

23. The Council has likewise emphasized that the parties should be held to their commitments. For example, Security Council resolution 1850 notes the “irreversibility of the bilateral negotiations” between the parties and urges

“an intensification of diplomatic efforts to foster in parallel with progress in the bilateral process mutual recognition and peaceful coexistence between all States in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East”¹⁰³.

24. In any consideration by the Court of these or other issues, the challenge for the Court is how to provide its advice in a way that promotes the framework rather than disrupting its balance, potentially making the possibility of negotiations even more difficult.

25. In this regard, it would not, as some participants suggest, be conducive to achievement of the established framework to issue an opinion that calls for a unilateral, immediate and unconditional withdrawal by Israel that does not account for Israel’s legitimate security needs. Whatever the Court’s opinion on the legal consequences of particular violations of international law, such an outcome would be contrary to the established framework, which the Security Council and General Assembly have structured around the two interdependent and inseparable elements: not only withdrawal, but also the conditions necessary for peace and security for all States in the region. An enduring peace requires progress on *both* of these balanced elements.

26. In addition, as noted in the United States’ Written Comments, the establishment of this framework by the Security Council and General Assembly is a salient feature of these proceedings, distinguishing it from other proceedings¹⁰⁴.

27. Mr President, Members of the Court, as Secretary-General Guterres remarked just a few weeks ago in connection with ending Israel’s occupation:

⁹⁹ See UNSC res. 2334, para.2, UN doc. S/RES/2334, 23 Dec. 2016.

¹⁰⁰ See UNSC res. 1435, para.2, UN doc. S/RES/1435, 24 Sept. 2002.

¹⁰¹ See UNSC res. 1544, para.1, UN doc. S/RES/1544, 19 May 2004.

¹⁰² See UNSC res. 2334, para. 6, UN doc. S/RES/2334, 23 Dec 2016.

¹⁰³ See UNSC res. 1850, paras. 1, 5, UN doc. S/RES/1850, 16 Dec. 2008; See also UNSC res. 1435, para. 4, UN doc. S/RES/1435, 24 Sept. 2002.

¹⁰⁴ Written Comments of the United States, paras. 14-15.

“A lasting end to the Israeli-Palestinian conflict can only come through a two-State solution. Israelis must see their legitimate needs for security materialized, and Palestinians must see their legitimate aspirations for a fully independent, viable and sovereign State realized, in line with United Nations resolutions, international law and previous agreements.”¹⁰⁵

28. Under the established framework, any movement towards Israel’s withdrawal from the West Bank and Gaza requires consideration of Israel’s very real security needs. We were all reminded of those security needs on 7 October, and they persist. Regrettably, those needs have been ignored by many of the participants in asserting how the Court should consider the questions before it.

29. In sum, it is important that the Court keep in mind the balance that the Security Council and the General Assembly have determined is necessary to provide the best chance for durable peace.

C. The Court should not deviate from long-standing principles of international humanitarian law

30. Mr President, Members of the Court, I turn now to my third point. In carefully considering how its advice might best support progress within the established framework, the Court should not deviate from long-standing principles of international law, including with respect to the law of belligerent occupation.

31. As set out in the written submissions of the United States¹⁰⁶, international law does not provide for an occupation itself to be rendered unlawful or void based either on its duration or on any violations of occupation law. Under international humanitarian law, a belligerent occupation is established when the customary international law standard reflected in Article 42 of the Hague IV Regulations is satisfied. The fact of an occupation is the basis for the occupying Power to exercise its authority over occupied territory. The fact of an occupation is also the basis for the application of the legal rights and duties applicable to an occupying power. For example, the Fourth Geneva Convention prohibits an occupying Power from transferring parts of its own civilian population into territory it occupies. Even if an occupying Power violates such a prohibition — as has been argued in this proceeding, and as the Court found in *Construction of a Wall*¹⁰⁷ — the *legal status* of the occupation would not change as a consequence, because the occupation continues in fact.

¹⁰⁵ Antonio Guterres, Secretary-General of the United Nations, “Remarks to the Security Council on the Middle East”, 23 Jan. 2024, available at <https://www.un.org/sg/en/content/sg/speeches/2024-01-23/secretary-generals-remarks-the-security-council-the-middle-east> (last visited 19 Feb. 2024).

¹⁰⁶ Written Statement of the United States, paras. 4.1-4.6; Written Comments of the United States, para. 13.

¹⁰⁷ *Wall Advisory Opinion*, pp. 183-184, para. 120.

Importantly, this means that the protections of occupation law, including its protections for civilians, would continue to apply.

32. We were surprised to hear that some have questioned in this proceeding the United States' position on the illegality of acquisition of territory by the use of force. We have repeatedly stated our strong opposition to any unilateral attempts to change the peacefully established status of territories by force or coercion anywhere in the world and have reaffirmed that the acquisition of territory by force is prohibited¹⁰⁸. And as our Written Statement made clear, in reference to this and other situations, the Security Council and the General Assembly have declared that any actions to change the status of occupied territory are null and void, and do not affect the continued application of the Fourth Geneva Convention¹⁰⁹.

33. With respect to duration, international law does not impose specific time-limits on an occupation¹¹⁰. That said, belligerent occupation is a temporary measure for administering territory under the control of belligerent armed forces. A few days ago at the Munich Security Conference, Secretary Blinken emphasized that it "is more urgent than ever: to proceed to a Palestinian State, one that also ensures the security of Israel and makes the necessary commitments to do so"¹¹¹.

34. In light of these considerations, the Court should not find that Israel is legally obligated to immediately and unconditionally withdraw from occupied territory. The Court can address the questions before it within the established framework based on the "land for peace" principle, and within the parameters of established principles of occupation law.

CONCLUSION

35. Mr President, Members of the Court, as I said at the outset, you have a difficult task before you. Others have asked you to broadly construe the questions and the law. They have asked you to try to resolve the whole of the dispute between the parties through an advisory opinion, addressed to questions focusing on the acts of only one party. The United States disagrees that this approach would

¹⁰⁸ See e.g. "G7 Hiroshima Leaders Communiqué", 20 May 2023, available at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/20/g7-hiroshima-leaders-communicue/> (last visited 20 Feb. 2024).

¹⁰⁹ See Written Statement of the United States, para. 4.5.

¹¹⁰ See Written Statement of the United States, para. 4.3, fn. 78.

¹¹¹ Antony J. Blinken, Secretary of State, "Remarks at the Munich Security Conference", 17 Feb. 2024, available at <https://www.state.gov/secretary-antony-j-blinken-german-foreign-minister-annalena-baerbock-and-indian-external-affairs-minister-subrahmanyam-jaishankar-at-the-munich-security-conference/> (last visited 20 Feb. 2024).

be consistent with the Court's role within the United Nations or the established UN framework for achieving peace through negotiations.

36. Hamas' attacks, hostage taking and other atrocities; the ongoing hostilities and the suffering of Palestinians in Gaza; and the violence in the West Bank reinforce the United States' resolve to urgently achieve a final peace that includes the full realization of Palestinian self-determination. The current crisis illustrates the vital need to achieve this final peace with a Palestinian State living safely and securely alongside a secure Israel, fully integrated into the region. As Secretary Blinken said, "we're not going to have durable security for Israel unless and until Palestinian political aspirations are met"¹¹².

37. The lack of meaningful progress on a negotiated end to the conflict and establishment of peace between the parties and for the region cannot and must not persist. The Security Council and General Assembly continue to make clear their support for the two-State solution, and the established framework to fulfil it. This conflict cannot be resolved through violence or unilateral actions. Negotiations are the path to lasting peace.

38. For these reasons, we respectfully encourage the Court to carefully calibrate its advice in this proceeding to support and promote final realization of peace and stability within the established United Nations framework set out in Security Council resolutions 242 and 338.

39. Mr President, Members of the Court, this concludes the oral statement of the United States. I thank you for your kind attention.

The PRESIDENT: I thank the delegation of the United States of America for its presentation, which brings to a close this morning's hearing. The Court will meet again this afternoon at 3 p.m. to hear the Russian Federation, France, The Gambia, Guyana and Hungary. The sitting is adjourned.

The Court rose at 12.30 p.m.

¹¹² United States Department of State, "Secretary Antony J. Blinken With Jake Tapper of CNN State of the Union" (10 Dec. 2023), available at <https://www.state.gov/secretary-antony-j-blinken-with-jake-tapper-of-cnn-state-of-the-union-3/#:~:text=From%20our%20perspective%2C%20I%20think,Palestinian%20political%20aspirations%20are%20met> (last visited 14 Feb. 2024).