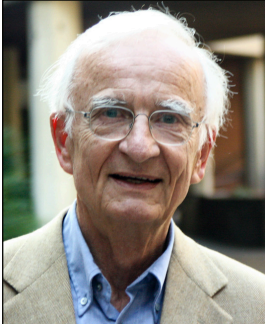


ICJ opinion on the Israeli occupation

A historic decision

Commentary by Norman Paech,* Germany



Norman Paech.
(Picture wikidata.org)

This opinion should come as no surprise to anyone. Everyone in government, parliament and the media has known for years that Israel's occupation, including the settlements, is illegal and must therefore withdraw from the occupied territories. Even in its first judgement in 2004,

when the *International Court of Justice* declared the construction of the wall illegal insofar as it encroached on Palestinian territory, it left no doubt about the illegality of the occupation and the settlements.

Now, however, he has become even clearer and more precise as a result of the questions posed to it by the *UN General Assembly* at the end of December 2022. The occupation is the product of "systematic discrimination, segregation and apartheid", a "de facto annexation". The government must immediately cease all settlement activities and to evacuate all settlers from the occupied Palestinian territory", as well as enable the "return of all Palestinians who were displaced during the occupation to their original place of residence". Israel must pay reparation for all damages suffered by all "natural or legal persons" as a result of the occupation. He also repeated his demand from 2004 for the wall to be dismantled on Israeli territory.

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As the order for the expert opinion was issued before 7 October 2023, the Court does not address the war in Gaza and its horrific consequences. However, it declares the Gaza Strip to be de facto occupied territory by Israel despite the withdrawal of the army and settlers at the time. Israel's control over the Strip was the decisive factor.

Netanyahu immediately labelled the opinion "absurd", which he would not abide by: "The Jewish people are not an occupier in their own land, not even in our eternal capital Jerusalem or in Judea and Samaria, our historic homeland." It is now becoming even more difficult for Israel's closest allies, the USA and Germany, to continue supporting this unrealistic and unlawful fiction. The ICJ has also determined that all states and international organisations, including the UN General Assembly and the Security Council, are obliged not to recognise the occupation as legal and not to provide any assistance or support for its maintenance.

It is now up to all of them to politically enforce these demands, for which the ICJ has provided a solid supreme court basis, against Israel. Above all, it is important to close the small loophole left by the opinion, which only calls for withdrawal from the occupied territories "as soon as possible". The ICJ has called on states to withdraw their support and end over fifty years of oppression, land theft and apartheid in Palestine. This is not new and not binding, but it is nevertheless a historic decision by the ICJ.

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