

IN THE INTERNATIONAL COURT OF JUSTICE

ADVISORY OPINION ON THE LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY

MEMORIAL OF THE ARAB REPUBLIC OF EGYPT

COMES NOW the Arab Republic of Egypt and for their Memorial to the Court states the following:

STATEMENT OF LAW:

1. The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War applies in this instance, as the State of Israel occupies Palestinian territory. Article 49 states that: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” Article 55 states that: “To the fullest extent of the means available to it the Occupying Power has the duty of ensuring the food and medical supplies of the population.”
2. Article 55 of the Fourth Hague Convention respecting the Laws and Customs of War on land and its annex: Regulations concerning the Laws and Customs of War on Land states that: “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.”

STATEMENT OF FACT:

Since the Six-Day War of 1967, the State of Israel has occupied Palestinian territory beyond the Green Line that was established in 1949. Though officials never intended the Green Line to become a permanent border, it has retained its political and administrative importance, even after the Oslo Accords were signed to establish borders and Palestinian mandates in 1993. When the plan for a Wall was announced by the State of Israel in 2002, reports by United Nations agencies were undertaken, in order to determine the legality of its construction. According to the Special Rapporteur on the Right to Food, the planned route of the Wall will “effectively annex most of the western aquifer system (which provides 51 per cent of the West Bank’s water resources).” “Over 210,000 Palestinians will be seriously affected by the Wall,” wrote the Special Rapporteur of the Commission on Human Rights, stating that “Palestinians living between the Wall and the Green Line will be effectively cut off from their farmlands and workplaces, schools, health clinics, and other social services.” The State of Israel maintains that its actions are justified as necessary, because of security concerns, and that its goal is to keep its citizens safe. The construction of the Wall was deemed legal by the Israeli Supreme Court.

STATEMENT OF JURISDICTION:

1. The application is brought under Article 65, Paragraph 1 of the Statute of the Court: “The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.”
2. Article 96, Paragraph 1 of the Charter of the United Nations states that: “The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.” The nature of this question is purely legal, as the General Assembly inquires about the legal implications of the construction of the Wall, not the political implications.
3. Due to the inaction of the Security Council, as evidenced by its failure to pass a resolution on the subject, the Tenth Emergency Special Session was allowed to convene and request that the Court issue an advisory opinion.

ARGUMENTS:

1. The State of Israel has obviously violated its obligations under Articles 49 and 55 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War by establishing Israeli settlements in Palestinian territory, threatening to displace Palestinians who live between the Green Line and the proposed route of the Wall, and blocking access to water and medical care through the construction of the Wall.
2. Violation of the Fourth Hague Convention respecting the Laws and Customs of War on land and its annex: Regulations concerning the Laws and Customs of War on Land has also taken place, as Israel extracts more than 85 percent of the water from the West Bank aquifers, which the Palestinian people are entitled to by virtue of its location.
3. The boundaries and borders established by the Oslo Accords have not been adhered to, as the construction of the Wall is an effort by the State of Israel to annex territory to which it does not have the right.

SUMMARY AND REQUESTS:

In light of the information presented above, the construction of the Wall by Israel violates International Law, specifically Articles 49 and 55 of the Fourth Geneva Convention, Article 55 of the Fourth Hague Convention, and the agreements reached in the Oslo Accords. Therefore, the Arab Republic of Egypt requests that the Court formally declare that Israel’s plans to construct the Wall violate the provisions that Israel is obligated to adhere to. The Arab Republic of Egypt

also respectfully asks the Court to affirm that Israel will be held accountable for the consequences that result from these violations.