

IN THE INTERNATIONAL COURT OF JUSTICE

PALESTINE; ISRAEL; CANADA; EGYPT

MEMORIAL OF THE STATE OF ISRAEL

COMES NOW the State of Israel and for their Memorial to the Court states the following:

STATEMENT OF LAW

1. The State of Israel adheres to the United Nations Charter.
2. Chapter IV, Article 12 of the United Nations Charter forbids the general assembly from providing recommendations on issues that are to be dealt with by the security council, unless the security council asks the general assembly to do so.

STATEMENT OF FACT

1. The State of Israel, the Palestinian Liberation Organization, and the United Nations security council have affirmed the “roadmap for peace” as a guideline for the de-escalation of the Israel-Palestinian conflict.

STATEMENT OF JURISDICTION

1. The State of Israel believes that the International Court of Justice lacks jurisdiction in this advisory opinion. The *ultra vires* action of the tenth emergency special session of the general assembly, would remain an *ultra vires* action of the general assembly in regular session. This action is beyond the authority of the general assembly, of which these rights are reserved to the security council, as stated in Chapter IV, Article 12 of the United Nations Charter.
2. As stated in Article 96(1) of the United Nations Charter, requests to the court must be on the basis of a legal question. The unclarity in regards to whether the advisory opinion is looking to find if the construction of the border fence is indeed illegal, or if it is asking the court to assume illegality is not clear in this case.

ARGUMENTS

1. The Court lacks jurisdiction due to the actions of the tenth emergency special session acting *ultra vires*, as the conditions of the resolution of which the general assembly lay their authority upon, “UNGA Resolution 377A” also known as the “Uniting For Peace” resolution, are not met. As the security council fulfilled its obligation to international peace and security with its affirmation of the roadmap to peace (UNSC Res. 1515).
2. If the court finds jurisdiction, the State of Israel maintains its belief of self-defense against the Palestinian terrorist threat that threatens the peace. The Border Wall is a non-aggressive act that looks to deter this threat from being committed on Israeli land. The Roadmap to peace explicitly states that “A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism...”

SUMMARY AND REQUESTS

By reiterating the several claims made to Palestine, Canada and Egypt, the delegation of Israel ask that the court rules the territory within the border stay under Israeli control to protect from Palestinian threats. Israel further requests that the conditions of the memorial state ask that Palestine recognizes that there is a dire need to keep the border up to prevent threats and continue the rightful jurisdiction that belongs to Israel.