

## **IN THE INTERNATIONAL COURT OF JUSTICE**

### **ADVISORY OPINION**

### **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 state the following:

#### **STATEMENT OF LAW:**

1. The Arab Republic of Egypt was one of the first nations to adopt UN Security Council resolution 242 of November 22, 1967. Egypt's subsequent efforts birthed the first peace treaty between an Arab State and Israel in 1979.
2. The UN General Assembly passed resolution No. ES-10/13 on October 1, 2003, demanding that Israel reverse the construction of the proposed wall in the Occupied Palestinian Territories, a direct violation of the 1949 Armistice Line.
3. Upon no reversal by Israel, the UN General Assembly requested the International Court of Justice on December 8, 2003, to provide an urgently needed advisory opinion on the question of "What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the occupied Palestinian territory including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of International Law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"

#### **STATEMENT OF FACT:**

The UN General Assembly, in November of 1947, set up a resolution for a two-State system in the Palestinian Territory. The following year, the State of Israel accepted this resolution and resolution 194 regarding the right of refugees to return to their homeland. Because of these actions by Israel, the State was admitted into the UN in 1949. However, after the war of 1967, Israel amassed the entirety of the Palestinian territory outlined in the British Mandate. Since then, Israel has continued to expand its occupation of Palestinian Territory. Thus, the fact that Israel has blatantly gone against the terms of their UN admission constitutes a thorough examination of their membership status. Chapter 2 of resolution 181 states that, "No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State) shall be allowed except for public purposes." Considering Israel has continuously violated these agreements which were made in view of the world and consistently perpetuated the human rights abuses against the Palestinian people, a further violation as to build a separation wall will only cause increased distress and injustice.

Resolution 446 of 1979 states that the actions of Israel in "establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just, and lasting peace in the Middle East." During the war of 1967, the occupied region of Sinai was successfully recovered by Egypt, albeit a lengthy and expensive process. Egypt also takes a particular interest in the wellbeing of those living in the Gaza Strip due to its. The steps by Israel to isolate the region and promote their ideology is, by International Law, deplorable.

Egypt wishes to express its grave concern over the developments in this issue. We have experienced first-hand the successes of international arbitration during our own location disputes, and Egypt is therefore committed to this method of conflict resolution.

### **STATEMENT OF JURISDICTION**

1. As per Article 65 of the Court Statutes, the ICJ is in its right to issue an advisory opinion: “The Court may give its opinion on any legal question at the request of whatever body authorized by or in accordance with the UN Charter to make such a request.” Thus, the “question of legal nature” does fall under the court’s jurisdiction.
2. The issue of whether the question considered is “of legal nature” is resolved since the focus of the General Assembly is concerned with the legal consequences of the separation wall in reference to International Law. Therefore, the ICJ is justified according to Article 96, paragraph 1 of the UN Charter in advising the parties present on the situation.

### **ARGUMENTS**

1. Israel has refused to comply with resolution No. ES-10/13 of the UN General Assembly regarding the building of a wall which includes the confiscation of even more Palestinian territory and will further alienate its people, reinforcing the apartheid set in place by Israel. This is in direct contradiction to Articles 42-56 of the Haque Regulations on War on Land of 1907 and Articles 27-34 and 47-78 of the 1949 Geneva Convention on the Protection of Civilian Persons at the Time of War.
2. Israel has an obligation to stop the prejudiced treatment of both public and private properties in the Occupied Territories of Palestine, which further proves its disregard for its commitments to the United Nations General Assembly and, more specifically, to resolution 273 and resolution 465 of 1980 that state that there is no legal validity in “settling parts of its population and new immigrants in those territories,” and that this action constitutes a, “flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.”
3. The Construction of a Wall of Separation violates International Humanitarian Law and Human Rights as it will move sizable portions of Palestinian-inhabited land. Article 49 of the Fourth Geneva Convention states the “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power [...] are prohibited, regardless of their motive.” Thus, whether Israel commits these actions in the name of national security, they are still clear examples of illegalities violating the universal right to free movement, and limit Palestinian access to education, healthcare, and nutrition.

### **SUMMARY AND REQUESTS**

Considering Israel’s explicit agreement to uphold the conditions of their admission to the United Nations, specifically to respect the boundaries which had been previously outlined, it is imperative that any attempts to further violate this resolution must be stopped by the international community.

The Arab Republic of Egypt prays the court to consider Israel’s negligence and deliberate disobedience of International Law when deciding this case. Egypt stands by the Resolution 465, which “reaffirms the overriding necessity to end the prolonged occupation of the Arab territories occupied by Israel since 1967.” The building of a Separation Wall is not justified legally nor morally.