

The Norwegian government  
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Oslo, 9 July 2014

**9<sup>TH</sup> JULY 2014: 10 YEAR ANNIVERSARY OF THE ADVISORY OPINION OF  
THE INTERNATIONAL COURT OF JUSTICE REGARDING ISRAELS  
BREACHES OF INTERNATIONAL LAW.**

On the 9th of July it has been 10 years since the International Court of Justice (ICJ/ «The court» from here on out) published its advisory opinion regarding the breaches of international law connected to the construction of the separation wall in the Occupied Palestinian Territories (OPT). The advisory opinion was requested by the United Nations General Assembly (UNGA) through a resolution (A/RES/IES-10114 (A/ES—10/L.16) adopted on 8 December 2003).

The conclusions of the advisory opinion are as follows:

1

*In its Opinion, the Court finds unanimously that it has jurisdiction to give the advisory opinion requested by the United Nations General Assembly and decides by fourteen votes to one to comply with that request.*

2

*The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law*

3

*Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion*

4

*Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem*

5

*All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation*

*created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention*

6

*The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion.*

The ICJ is unanimous regarding the court's *jurisdiction* to give its opinion as all 15 judges voted in the affirmative. Regarding the question of whether the court *should* give its opinion regarding the material points the court voted in the affirmative with 14 votes. Only the judge from the United States of America, Thomas Buergenthal, dissented. The courts conclusions regarding the *material points* as rendered above were also decided against the vote of Judge Buergenthal, who received the support of the judge from the Netherlands, Peter Kooijmans, regarding point 5.

The court makes clear that the construction of the wall is in breach of the UN Charter, the Hague Convention and the IV Geneva Convention. It is also in breach of the UN Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

The opinion emphasizes Israel's obligation to:

- Cease breaches of international law through the immediate cessation of construction on the wall, and that wall be immediately demolished in the OPT including in and around East-Jerusalem.
- To repeal or immediately abandon all legislative and regulatory actions connected to the construction of the wall.
- Pay compensation for all damages done to property in connection with the construction of the wall.

The opinion emphasizes the obligation to:

- The international community does not recognize the illegal de facto situation brought about by the construction of the wall.
- The UN, especially the UNGA and the Security Council, should evaluate which further measures may be necessary to enforce the cessation of the illegal de facto situation which the wall has brought about.

Little, if anything, has been done to enforce the position of the ICJ.

## **The Wall**

I

The wall, as constructed and planned is approx. 708 km long. This is almost twice as long as the 1949 armistice line, also known as «the Green Line». The «Israeli» side of the wall encompasses approx. 9,4 % of the West-Bank (including Jerusalem). The wall encompasses 8 (eight) industrial zones and between 80 to 90 settlements in the West-Bank (including Jerusalem). These settlements house approx. 85% of all Israeli settlers in the West-Bank, i.e. 450 000 settlers (all numbers from 2012).

## II

The wall is one of many actions pursued by Israel in the OPT since 1967 that contribute to undermining potential economic growth in the OPT. Israel claims that the wall is necessary to defend Israel from attacks emanating from the West-Bank. In reality the wall is a tool to secure new land for the expansion of existing and new potential settlements in the West-Bank. Were security reasons the main aim for the construction of the wall it would be sufficient to build it along the «Green Line».

The practical consequences of the wall are well known and well documented. First and foremost it fragments Palestinian cities, towns, villages and agricultural areas. Passing from one side of the wall to other is a daily trial for many Palestinians and is impossible in some sectors of the wall.

The wall has a destructive influence on normal social relations between former neighbors in the West-Bank and Jerusalem, it hinders economic collaboration and renders the connection between farmers and their lands difficult, if not impossible, to maintain. The consequences are also serious in regards to healthcare and education for people living in close proximity to the wall.

Hardest of all is the situation in so-called «Seam Zones» that Israel has established on the «Israeli» side of the wall. In these zones, which encompass over 75 % of the OPT areas between the wall and the «Green Line», Israel has established a strict regime of passes and permits necessary to inhabit and/or move in and out of the area. This system of passes and permits makes it extremely difficult to engage in elementary forms of daily life such as work, agriculture, trade, education, healthcare, contact within families and socializing.

The sum of limitations imposed by the wall have contributed to the stagnation and/or cessation of economic activities and agriculture in areas where the situation has been stable, the right of the Palestinian people to self-determination has been fundamentally eroded. Villages are abandoned and economic life is destroyed.

## III

The situation for the Palestinian population living along the wall and the long-term economic and political effects of the wall are well-known to the international community. The international response, including that of Norway, towards the wall has been condemnatory for 10 years and yet so far no-one has put any significant pressure on Israel to demolish the wall.

The situation, not least on the «Israeli» side of the wall is critical, inasmuch as it de facto annexes land that settlers then take over. The Israeli policy of establishing «facts on the ground» is highly effective and ensures that these areas are lost to a potential Palestinian state that may be established as a result of a two-state solution.

When a state breaks international law and breaches fundamental human rights it must lead to consequences. It brings shame on the international community, including Norway, that Israel consistently continues its inhumane and illegal policies without any significant reactions or sanctions. The international community *must* take action against Israel's flagrant disregard for international law.

We therefore demand:

- That Norwegian authorities condemn in the strongest possible terms Israel's breaches of international law, through the introduction of sanctions against Israel.
- That Norwegian authorities support every initiative that contributes to the

- immediate demolition of the wall.
- That Norwegian authorities work at the UN to ensure the demolition of the wall in accordance with the advisory opinion of the ICJ from 9<sup>th</sup> July 2004.

Yours sincerely,

Harald Stabell  
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(sign)

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Geir Høin  
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Kjell M. Brygfeld  
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Kathrine Jensen  
The Head of The Palestine Committee of Norway  
(sign)

**Joined by:**

The Norwegian Labour Youth League

Norwegian Church Aid

The Electrician and IT workers union

Norwegian Union of Municipal and General Employees

The Norwegian United Federation of Trade Union

Norwegian Union of Social Educators and Social Workers

The Association of Norwegian NGOs for Palestine

Norwegian Union of Commercial and Office Employees

International Commission of Jurists-Norway

Industri Energi

Ketil Lund, former Norwegian Supreme Court Justice and ICJ Commissioner

KFUK-KFUM Global

The Religious Society of Friends (Quakers) in Norway

The local branch of Norwegian Confederation of Trade Unions in Oslo

Marit Skjeggstad, priest, the congregation of Kampen

Church of Norway, Council on Ecumenical and International Relations by Chairman Bishop Erling

Pettersen and General Secretary Berit Hagen Agøy

Nils A. Butenschøn, Professor, Norwegian Center for Human Rights

The Norwegian Communist Party

Norwegian Union of General Workers

Norwegian Union of Railwaymen

Norwegian Food and Allied Workers' Union

Norwegian Union of Postal and Communication Workers

Norwegian Transportworkers' Union

Palestine Network Norway

Save the Children Norway

The Read Party

Friends of Sabeels Norway

Seniors for Palestine – Norwegian People's Aid

Ship to Gaza Norway

The Socialist Youth League of Norway  
The Karibu Foundation  
Socialist Left Party  
The Communist Youth League of Norway  
Grandmothers for Peace

*Copy to:*

The Standing Committee on Foreign Affairs and Defence, Norway  
Secretary-General of the United Nations Ban Ki-moon