THE IMPLEMENTATION OF THE ICJ ADVISORY OPINION
CONCERNING THE LEGAL CONSEQUENCES OF THE
CONSTRUCTION OF A WALL IN THE OCCUPIED
PALESTINIAN TERRITORY

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I. Introduction

More than a year after it was rendered, the time has come to carry out a first assessment with respect to application of the Advisory Opinion of the International Court of Justice in the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.¹ In its Advisory Opinion, the Court arrived at clear conclusions with respect to the illegality of the construction by Israel of the “Wall” in the occupied Palestinian territory and the associated judicial regime. In fact, the Wall was found to be in violation of international humanitarian rights, of different instruments regarding human rights, as well as of the principle of peoples’ right to self-determination. The Court drew a series of legal conclusions regarding both the State of Israel and third Parties. The following obligations were placed on Israel:

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;

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.

With respect to third party States and the United Nations, the Court concluded that they were under the following obligations:

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;

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 regime, taking due account of the present Advisory Opinion.