

“Is the Israeli occupation of the Gaza strip, the West Bank and East Jerusalem legal under international law?” A Palestinian Legal Masterpiece by Dr. Ralph Wilde at the ICJ

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Global Research, February 29, 2024

Region: [Middle East & North Africa](#)
Theme: [Law and Justice](#), [United Nations](#)
In-depth Report: [PALESTINE](#)

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The International Court of Justice (ICJ) has been asked for an opinion. The question put before the panel of 15 judges at The Hague in the Netherlands, is simply put, “Is the Israeli occupation of the Gaza strip, the West Bank and East Jerusalem legal under international law?”.

A simple question about a complex problem between Israel and Palestine that began in 1948.

51 countries, along with three international organizations, have sent representatives to The Hague to answer the ‘Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem’. Each person addressing the court was allotted 30 minutes to make their case for whether it is legal, or it is illegal.

On Monday, February 26, the very last day of the court's hearings, Dr. Ralph Wilde, representing the Arab League took his place behind the podium. Later, some of the audience may have said, “They saved the best for last.”

As [Marwan Bishara](#) would later comment, the Arab League has never been very effective, but this time they stole the show.

Dr. Ralph Wilde is a member of the Faculty of Laws at University College London. He is currently engaged in an interdisciplinary research project, funded by the European Research

Council, on the extraterritorial application of international human rights law, called 'human rights beyond borders'.

Dressed in his flowing legal robe, and speaking in a melodious British accent, everyone watching and listening was captivated by his presentation. He spoke in a dry, legal manner with neither emotion, nor drama. He proceeded to present his case like a surgeon cutting into a diseased body and removing the cancer, and sewing up the incision with tight, neat stitches.

"The Palestinian people have been denied the exercise of their legal right to self-determination through the more than century-long violent, colonial, racist effort to establish a nation State exclusively for the Jewish people in the land of Mandatory Palestine," [said Wilde](#).

"Today I will address, first, violations of international law arising out of the régime of racial domination — apartheid — perpetrated against the Palestinian people across the entire land of historic Palestine, and then, second, the existential illegality of Israel's occupation of the Palestinian Gaza Strip and West Bank, including East Jerusalem, since 1967," [said Wilde](#).

The global citizenry has watched the conflict through successive generations. Many wondered why couldn't Israel be a non-racist state, where all citizens are treated the same, have the same rights and obligations, and Palestinians who were living in exile could return home?

Israel's greatest partner is the US, which is based on a secular government, with all races treated equally, and all live under the same laws and obligations. Why couldn't Washington, DC, teach the Israelis the formula for success, and an end to conflict?

The UN, the US, and most other nations have stressed the two-state solution is the goal to be met. Others have offered that a one-state solution is more like the American model.

However, the US and UK have been working diligently and systematically since 1948 to keep Israel in constant turmoil and at odds with the oppressed Palestinians who are denied all human rights.

Israel is now considered to be a pariah state, similar to South Africa under apartheid.

"We as South Africans sense, see, hear and feel to our core the inhumane, discriminatory policies and practices of the Israeli regime as an even more extreme form of the apartheid that was institutionalized against black people in my country," Vusimuzi Madonsela, South African ambassador to the Netherlands, told the court."

Israel stands accused of the acquisition of Palestinian territory by force, denial of the right of the Palestinian people to self-determination, imposition of alien subjugation and rule, racial discrimination and apartheid, and genocide.

The worst crimes attributed to Israel are genocide and apartheid. Apartheid is classed as a 'crime against humanity' under the Rome Statute of the International Criminal Court.

Israel stands accused of breaching the laws of occupation, and its settlement plan has made

creating an independent Palestinian state impossible, which a number of states relayed to the court.

[Irish Foreign Minister Rossa Fanning](#) also held the court enthralled.

“By transferring parts of its own civilian population into the OPT, Israel has violated Article 49(6) of the Fourth Geneva Convention,” Fanning said.

Israel’s settlement enterprise, accompanied by the application of domestic Israeli laws and administration in the occupied Palestinian territory, constitute a “disguised form of annexation,” added Fanning.

Fanning explained that annexation is acquisition of territory by force, and constitutes one of the gravest breaches of international law, which renders the occupation illegal.

The US State Department humiliated itself by sending their attorney, Richard Vissek, to the court to argue in defense of Israel’s policy of occupation of Palestinian territories. A motley crew accompanying the US were Canada, UK, Zambia and Figi, who all claimed Israel had every right to deny the Palestinian people their rights. The US seemed to make the claim that there is international law, agreed to and recognized by all nations, but there is a sole exception to the laws, and rules of norm, for Israel. Just Israel sits alone, protected by the world’s superpower, and supported by the decadent remains of the British Empire.

However, Israel’s staunch supporters realize that they stand alone against international laws, opinions, and rules based global order. They know the outcome will shame them in their stance, and are now taking measures to soften the blow.

[Judge Jeffrey White](#), of the US District Court, cited “undisputed evidence” that “the ongoing military siege on Gaza is intended to eradicate a whole people and therefore [plausibly falls within the international prohibition against genocide.](#)”

Judge White called on US officials “to examine the results of their unflagging support” for Israel.

Israel did not show up in court at The Hague. Apparently, they could not think up ways to justify how they have treated 6 million people since 1948.

If and when the court’s verdict is made known, it will hit Israel economically. Countries will be prevented in selling arms and weaponry to Israel, which has the 6th strongest army on earth. It also means the end to all Israeli businesses who are located in illegal settlements in the West Bank. Most of the settlers are American Jews and they run businesses from their homes and neighborhoods which export abroad. All of that would have to stop, because countries will not buy from them any longer.

In January, the Netherlands cut off selling F-35 spare parts to Israel. In November 2023, the Norwegian Pension Fund withdrew its half-billion-dollar investment in Israel Bonds, and last week, four Norwegian universities terminated ties with Israeli universities.

If a court ruling is issued against Israel, the US government will also have to stop sending weapons and cash to Israel. This may dove-tail nicely with President Donald Trump, if he should win in November. Unlike past US presidents Obama, Bush, Clinton, and the current President Biden, Trump is against the US-NATO instigated wars, which have resulted in

'forever-wars'. Trump's foreign policy is inward looking, with a prime goal of making America great again, and doing so by using the money spent on foreign wars on the American people, infrastructure and security.

According to Wilde, and the evidence he presented, it is clear beyond a shadow of doubt, that the Israeli policies and practices over the course of its 56-year belligerent occupation of the Palestinian territories, including East Jerusalem, are illegal under international law, and the occupation must end immediately.

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This article was originally published on [Mideast Discourse](#).

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