

The Apartheid Wall: Israel Continues to Defy the International Court of Justice (ICJ) with Impunity

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The 9th of July 2014 marked a decade since the International Court of Justice issued [an Advisory Opinion](#) regarding the construction of the Apartheid Wall by Israel in the Occupied Palestinian Territories. As if the onslaught currently being wreaked upon the people of Gaza weren't evidence enough of the degree of exceptionalism afforded to Israel by the international community, the anniversary of the ICJ verdict further underscores Israel's effective exemption from the most basic norms of international law and human rights. The conclusions reached by the ICJ were unambiguous: the wall constitutes a violation of international law, Israel should cease its construction, tear down those sections already built and pay reparations for the damages caused by its construction thus far.

In addition to affirming the illegality of the wall itself, the ICJ stated that the manner in which it is traced serves to effectively annex large swathes of the occupied West Bank and East Jerusalem to Israel, thereby converting the illegal West Bank settlements into irreversible "facts on the ground." This constitutes a grave breach of Article 49 of the Fourth Geneva Convention, which is a "flagrant violation" of international law according to the ICJ, echoing the wording of previous United Nations Security Council resolutions concerning the settlements.

International complacency

One would be forgiven for assuming that in the wake of such an unequivocal condemnation by the highest judicial authority in the world, the international community would have taken some concrete measures to compel Israel to meet its international law obligations, seeing as it has consistently failed to do so. Indeed, according to the opinion of the ICJ, such action is legally required of the international community:

"Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction."(p. 13)

In spite of this however, the ten years since the ICJ ruling have instead seen an unabated expansion of the Apartheid Wall and its "associated regime" of illegal settlements, all with the tacit consent of the international community and at the expense of the Palestinians whose daily lives have been rendered unliveable by the wall's physical presence.

The devastating impact that the Apartheid Wall has had on such families and communities has been well documented by human rights groups such as [Amnesty](#), [Human Rights Watch](#), [B'tselem](#) and [al Haq](#). There would appear to be a general consensus among such organisations that the real function it serves is to aid Israel in realising its territorial ambitions, while brazenly violating the Palestinians' right to freedom of movement, as well as numerous other inalienable human rights in the process.

Ending Impunity

In the face of utter complacency on the part of the international community of sovereign states, Palestinians have called upon international civil society to come to their aid in obliging Israel to respect international law and human rights norms. Exactly one year after the ICJ issued the Advisory Opinion, a broad-based coalition of Palestinian civil society organisations issued a call for a campaign of [Boycott, Divestment and Sanctions](#) to be initiated against Israel, akin to that which helped topple the Apartheid Regime in South Africa.

The international BDS campaign has gathered consistent momentum as international civil society has mobilised in response to the call. To cite but a few recent examples: in June 2014, the American Presbyterian Church, the most prominent religious group in the USA, [voted](#) to divest from three large companies (Hewlett Packard, Motorola and Caterpillar) whose products are used by Israel in the Occupied Territories; a few weeks prior to that, the Bill Gates Foundation [announced](#) that it would sell its entire stake in G4S, the controversial security company that is contracted by Israel to run numerous services in its prisons and along the Apartheid Wall; in December 2013, the American Studies Association, the largest association of scholars of American culture in the United States, [voted](#) in favour of an academic boycott of Israel, while similarly here in Ireland, the Teachers Union of Ireland became the first European trade union to [call](#) for an academic boycott of Israel in April 2013.

Irish complicity in Apartheid

Meanwhile, the Irish company [Cement Roadstone Holdings](#) continues to refuse to divest its 25% stake in the Mashav group, which is a holding company for Nesher cement, the sole producer of cement in Israel. The implication of CRH's stake in a company that is directly involved in the construction of Israel's Apartheid Wall is clear: CRH is heavily complicit in the process of keeping Palestinians in an increasingly ghettoized state of subjugation, and as a result, is in contravention of international law. The Ireland Palestine Solidarity Campaign has long called upon CRH to abide by international law by heeding the Palestinians' BDS call.

Irish universities are equally implicated in these violations through participation in [EU funded research projects](#), which include among their beneficiaries Israeli security and surveillance companies whose technologies are vital to the infrastructure of the Apartheid Wall and illegal settlement project. Researchers at the University of Limerick have collaborated with Israel Aerospace Industries, which helps provide surveillance systems for the wall, while academics at Trinity have collaborated with Israeli drone manufacturer [Elbit Systems](#), one of the top profiteers of the Israeli occupation. The recently formed [Academics for Palestine](#) have done work to raise awareness about the extent of the complicity of Irish universities in Israeli war crimes, while also coordinating adherence to the BDS call among academics in Ireland through an academic boycott pledge.

The examples cited above are but a few of the many ways in which Ireland is complicit in the international law violations outlined by the ICJ. And the tenth anniversary of the ICJ's verdict serves as a stark reminder that we have thus far ignored international law and Palestinian human rights by choosing to side with the Israeli occupation.

'Against international law'?

Viewed against the context of the abject failure of the peace process to achieve anything other than a guise under which Israel's sustained violations of international law can be carried out with impunity, the ICJ's Advisory Opinion and the subsequent Palestinian BDS call offer a far more optimistic and pragmatic framework for a humane and sustainable resolution to be implemented. The escalation in violence we are currently witnessing only compounds this failure, and demonstrates the grim consequences of the dogmatic insistence upon a solution that caters exclusively to the interests of the occupying power.

The true nature of the US-brokered peace talks can be seen in a [statement](#) made by Tzipi Livni in response to a request by Palestinian negotiators that a reference to international law be included in negotiation documents: "I was the minister of justice. I am a lawyer ... But I am against law – international law in particular. Law in general." That such an opinion is held by a negotiator on the purportedly liberal end of the Israeli political spectrum further highlights the need for an alternative approach to be taken that is unequivocally based on international law and human rights norms.

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