

# ICJ Says Israel's Occupation of Palestinian Territory Is Illegal and Must End

By [Jake Johnson](#)

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Region: [Middle East & North Africa](#)

Theme: [Law and Justice](#)

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*The International Court of Justice said Friday that Israel's decades-long occupation of [Gaza](#) and the West Bank, including East Jerusalem, is unlawful and must end "as rapidly as possible."*

The court's non-binding [advisory opinion](#) was read aloud by ICJ President Nawaf Salam, a Lebanese judge and academic. Salam said the court determined based on "extensive evidence" that [Israel](#) is guilty of confiscating "large areas" of Palestinian land for use by Israeli settlers, exploiting natural resources, and undermining the local population's right to self-determination under international law.

The court pointed to "Israel's systematic failure to prevent or punish" settler violence and "demolition of Palestinian property" in the West Bank as part of its case that the Israeli government's actions in the occupied territories are indicative of an attempt to permanently annex land and forcibly transfer Palestinians from their homes.

"Israel is not entitled to sovereignty in any part of the occupied Palestinian territory on account of its occupation, nor can security concerns override the prohibition on acquisition of territory by force," said Salam.

The ICJ vote against Israel's occupation was 11-4. The court also voted to call on Israel to evacuate all settlers from the West Bank.

In a 12-3 vote, the ICJ said that all nations

"are under an obligation not to recognize as legal the situation arising from the unlawful presence of the state of Israel in the occupied Palestinian territory and not to render aid or assistance in maintaining the situation created by the continued presence of the state of Israel in the occupied Palestinian territory."

The United States was [among the countries](#) that warned the ICJ against advising that Israel must swiftly end its occupation.

THE COURT,

(1) Unanimously,

*Finds* that it has jurisdiction to give the advisory opinion requested;

(2) By fourteen votes to one,

*Decides* to comply with the request for an advisory opinion;

IN FAVOUR: *President* Salam; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

AGAINST: *Vice-President* Sebutinde;

(3) By eleven votes to four,

*Is of the opinion* that the State of Israel's continued presence in the Occupied Palestinian Territory is unlawful;

IN FAVOUR: *President* Salam; *Judges* Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Aureescu;

(4) By eleven votes to four,

*Is of the opinion* that the State of Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;

IN FAVOUR: *President* Salam; *Judges* Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Aureescu;

(5) By fourteen votes to one,

*Is of the opinion* that the State of Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;

IN FAVOUR: *President* Salam; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

AGAINST: *Vice-President* Sebutinde;

(6) By fourteen votes to one,

*Is of the opinion* that the State of Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;

IN FAVOUR: *President* Salam; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

AGAINST: *Vice-President* Sebutinde;

(7) By twelve votes to three,

*Is of the opinion* that all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory;

IN FAVOUR: *President* Salam; *Judges* Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Aureescu;

(8) By twelve votes to three,

*Is of the opinion* that international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory;

IN FAVOUR: *President* Salam; *Judges* Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Aureescu;

(9) By twelve votes to three,

*Is of the opinion* that the United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.

IN FAVOUR: *President* Salam; *Judges* Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Aureescu.

The ICJ handed down its opinion as the court is also considering a genocide case brought against Israel over its ongoing assault on the Gaza Strip—a devastating war that the court did not weigh as part of its new advisory opinion.

Trita Parsi, executive vice president of the Quincy Institute for Responsible Statecraft, [applauded](#) the ICJ's call for the dismantling of Israeli settlements and reparations for Palestinians harmed by Israel's occupation.

“The ICJ ruling in essence confirmed what the majority of people (except the West) already knew and have recognized: that Israel's occupation is illegal, that it is still occupying Gaza, it is annexing the West Bank, and Israel is an apartheid state,” Parsi wrote on social media. “If there is any respect for international law, Western media must now include this in all its Israel coverage. Most don't even describe settlements as illegal!”

Nancy Okail, president and CEO of the Center for International Policy, said in a statement that

“while the ICJ’s action is nonbinding, countries that seek to uphold international law should respect the court’s determination and take all appropriate steps to counter the injustices of the occupation and bring it to a peaceful end.”

“At a minimum, countries should not engage in actions which help to perpetuate the occupation and its discriminatory, annexationist goals,” said Okail. “In particular, the United States must end the unconditional supply of arms that Israel uses in connection with the dispossession and settlement of Palestinian land and other violations of Palestinian rights.”

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*Jake Johnson is a senior editor and staff writer for Common Dreams.*

*Featured image: Illegal Israeli settlements*

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