

World Court scrutinizes Israeli wall despite opposition

By [Canadians for Justice and Peace in the Middle East](#)

Global Research, February 24, 2009

24 February 2009

Region: [Canada](#)

Theme: [Law and Justice](#)

In-depth Report: [PALESTINE](#)

For Immediate Release

Toronto, February 23, 2009 – The International Court of Justice (ICJ) brought important scrutiny to the construction of Israel’s Wall being built in Palestinian land in the West Bank when it began formal hearings five years ago today. The Court proceeded with the case despite strong opposition from important players in the UN, including both Canada the United States. Without the ICJ’s decision to move ahead with hearings, important legal implications of Israel’s Wall would never have been formally pronounced.

Canadians for Justice and Peace in the Middle East (CJPME) followed the case closely at the time, and was critical of Canada’s position on the case. In its written statement to the Court, Canada questioned the “usefulness” of a Court ruling on the case. Canada stated that “the issues would be more effectively addressed in a broader negotiation context” than before the Court. The United States, for its part, argued that Court proceedings risked endangering the Roadmap Peace Process, and would be irrelevant anyway as it felt that “permanent status issues” could only be addressed through the peace process. In hindsight, with the utter failure of the Roadmap Peace Plan of the Bush Administration, it is fortunate that the Court ignored these arguments.

In the opinion ultimately rendered by the Court, and applauded by CJPME, the Court thoroughly addressed and dismissed all questions of jurisdiction and “appropriateness” of proceeding with the Opinion. The Court did ultimately speak to “permanent status” issues declaring, for example, that Israel’s regime of colonization/settlement of the West Bank and Gaza was strictly illegal, and could not be used to bolster arguments around Israeli security concerns.

“While most legal mechanisms have failed the Palestinians, the decision by the ICJ to move ahead with this Opinion was one welcome exception,” said Thomas Woodley, President of CJPME. “While some countries argued that legal mechanisms might interfere with ‘political’ mechanisms, it was actually the other way around – to the disgrace of both Canada and the US,” continued Woodley. CJPME believes in the importance of respecting and promoting international law, especially in terms of bringing a just peace to the Middle East.

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