



The International Court of Justice's Advisory Opinion: Israel's Occupation is Illegal What We Can Do; What We Must Do

UCC Palestine Israel Network Working Paper, August 2024

The United Church of Christ Palestine Israel Network (UCC PIN) applauds the historical advisory opinion issued by the International Court of Justice (ICJ) on July 19, 2024, declaring that the current and ongoing occupation of all Palestinian Territories, including East Jerusalem and Gaza, is unlawful under international law. UCC PIN believes that this ruling by the UN's highest court marks a critical inflection moment for human rights and the rule of international law, for Palestinian solidarity work, and for the UCC's and UCC PIN's ongoing work for justice.

In their advisory opinion, the ICJ declares that Israel has been engaged in "de facto annexation," enacted through "systematic discrimination, segregation, and apartheid." While Israel withdrew its troops and settlements from Gaza in 2005, the ICJ opinion recognizes that even so, the Gaza Strip has continued all these years to suffer the oppression of an "occupying force."

The ICJ calls on Israel not just to halt all settlement building immediately, but to remove the settlements and the settlers as well, in short, to dismantle completely the whole infrastructure of occupation: land confiscations, control of natural resources, home demolitions, military installations, and the apartheid wall. Land stolen is to be returned, and Palestinians forced out of their homes and off their land have the right to return. In addition, the advisory opinion calls for reparations to Palestinians for the harm caused by the 57 years of Israel's occupation.

Access this resource on our website:

uccpin.org

Israel's Occupation is Illegal

What We Can Do; What We Must Do

UCC Palestine Israel Network Working Paper, August 2024

The ICJ advisory opinion makes the work of ending Israel's illegal occupation the first and foremost priority and calls for action and accountability, not only from Israel but from all states. "All states," the ruling asserts, "are under obligation not to recognize as legal the situation arising from the unlawful presence of the state of Israel in the Palestine Territories." In addition, states are obligated to desist from providing any and all aid – economic, trade, military -- that helps Israel maintain its illegal occupation.

While the advisory opinion in and of itself is "non-binding," the international laws it references are binding on all states. On the strength of those laws, the advisory opinion provides ample grounds for lawyers from all countries and from the UN to propose sanctions against Israel and all those, companies as well as states, complicit in supporting Israel's occupation and its infrastructure.

Predictably, the United States responded to the ICJ's advisory opinion by criticizing its "breadth," while reiterating its own more circumscribed position that it is Israel's settlements that are illegal, stating "We have been clear that Israel's program of government support for settlements is both inconsistent with international law and obstructs the cause of peace." Despite years of failed efforts to secure negotiated peace deals, the US government refuses to acknowledge that it has not been and cannot be an honest broker. It continues to define its role as the one who helps bring Israel and Palestine to the table to negotiate peace. Meanwhile, the ICJ advisory opinion effectively exposes the disingenuousness of peace negotiations in general and the Oslo accords in particular.

UCC PIN applauds and supports the national executive leadership of the United Church of Christ for their "[A Prophetic Call for Justice and Peace in Palestine](#)" which calls for an end to Israel's genocide. In addition, it responds to this ICJ advisory opinion by calling "on the United Nations General Assembly to take clear and decisive action in support of the advisory opinion issued by the International Court of Justice on July 19, 2024, that Israel's occupation of Palestinian land is illegal and should end immediately, that the international community must not recognize Israel's unlawful presence, and that the UN consider ways to end this illegal occupation."

Access this resource on our website:

uccpin.org

Israel's Occupation is Illegal

What We Can Do; What We Must Do

UCC Palestine Israel Network Working Paper, August 2024

The ICJ ruling creates a critical inflection moment not just for the UN General Assembly to “take clear and decisive action.” It creates an inflection moment for the United Church of Christ to “take clear and decisive action” again now, as it did twenty years ago when the ICJ issued an opinion on July 9, 2004, declaring Israel’s separation wall illegal. The UCC’s response? We passed a General Synod resolution called “Tear Down the Wall” supporting that ICJ decision. A decade later in 2015, the General Synod adopted A Call for the United Church of Christ to Take Actions Towards a Just Peace in the Israeli-Palestinian Conflict which included calling for the support of the Palestinian led Boycott, Divestment, and Sanctions movement. With this latest ICJ ruling, as Craig Mokhiber observes in a Mondoweiss article, “participating in boycotts, divestment, and sanctions against Israeli occupation, colonization, and apartheid is not only a moral imperative and constitutional and human right, but also an international legal obligation.

UCC PIN believes that now is the time for the UCC to double down on our commitment to use economic leverage and support BDS campaigns. We, therefore, call upon the United Church of Christ and its financial boards including its Pension Board and the United Church Funds to divest from any banks or corporations that are still profiting by this illegal occupation. UCC PIN is working in consultation with the American Friends Service Committee’s Divesting for Palestinian Rights to provide guides, resources, and recommendations for supporting actions that promote boycotts, divestments, and sanctions.

In addition, we call upon all UCC conferences and congregations who have committed themselves to being anti-racist to recognize that Israel’s illegal occupation is a form of racism not so different from our own racial discrimination. We further urge conferences and churches to extend their anti-racist study and work by taking the pledge to become an Apartheid-Free Congregation.

God calls us to be loving and accountable to all of God’s children. As peacemakers, we are called to work for peace with justice. The advisory opinion from the ICJ gives the UCC a new set of demands and tools to work with to end not only the genocide in Gaza but also the ongoing illegal occupation. Let us work together to help bring forward God’s shalom in God’s holy lands.

Access this resource on our website:

uccpin.org