

International Court of Justice condemns Israel's wall

Chris Marsden
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One can confidently predict that that United States and Britain will do everything in their power to prevent the United Nations Security Council from condemning Israel's so-called security wall.

They will act to oppose the July 9 ruling by the International Court of Justice (ICJ)—the UN's highest judicial authority—that the planned 425-mile barrier that slices into occupied Palestinian territory on the West Bank and annexes East Jerusalem is illegal under international law and should be torn down.

The judges voted by 14 to 1 that "Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated".

The advisory opinion is non-binding and was sought by the UN General Assembly in December at the request of the Palestinian Authority (PA). The ruling also determined that the lands captured by Israel in the 1967 war, including East Jerusalem, are occupied territory.

Significantly, The Hague court's judgement rules that the wall's illegality arises not only because of its disruption of Palestinian lives, but also because of its potential constraint on the Palestinian right of self-determination. This goes much further than an earlier ruling by the Israeli High Court on June 30, which called on the Israeli army to re-route a 20-mile stretch of the wall situated north of Jerusalem because of its impact on the Palestinian population.

The non-binding character of the resolution means that only the UN can act on the decision. But once again the US has made it clear that it will use its veto on the UN Security Council to prevent any

condemnation of Israel's actions. The sole ICJ dissenter was US Judge Thomas Buerghenthal, who claimed that not enough account had been taken of Israel's security concerns and that the court did not have "the requisite factual basis for its sweeping findings".

It is a mark of the Bush administration's determination to defend the illegal actions of its main Middle Eastern ally, the Likud-led government of Ariel Sharon, that Israel's Foreign Minister Silvan Shalom said the following day, "The issue will go to the Security Council because the [Palestinians] can muster an automatic majority in the UN General Assembly," adding that he had asked the US to veto any resolution proposed. As well as the US, Israel expects the support of Britain. The Labour government of Prime Minister Tony Blair has formally opposed the wall's construction, but has rejected the ICJ having jurisdiction on the issue.

An Israeli Foreign Ministry official, Jonathon Peled, said Israel was also pressing its "European friends to discuss the implications of this advisory opinion and to enlist their assistance and their cooperation in preventing the Palestinians from exploiting the United Nations and international bodies for their political gain."

Some commentators even predicted that the PA would, in the end, not push for a Security Council resolution for fear of embarrassing and alienating the US.

No such diplomatic restraint was shown by Sharon's government, which, emboldened by its backing from Washington, immediately declared that construction of the wall would continue.

On the morning of Sunday July 11, a bomb planted in Tel Aviv and claimed by the Al-Aqsa Martyrs Brigade

killed a 19-year-old female Israeli soldier. Sharon took the opportunity to blame the ICJ decision. “The murderous act that was carried out this morning was the first to occur under the patronage of the world court’s decision,” he said.

“I want to make clear the state of Israel absolutely rejects the ruling. It is a one-sided and politically motivated ruling.”

Other leading government figures queued up to make comments in a similar vein, with Justice Minister Tommy Lapid stating, “We cannot accept decisions made in The Hague when in Jerusalem buses explode.”

Finance Minister Binyamin Netanyahu, Sharon’s main rival within Likud, wrote in the *Yediot Aharonot* daily that it was the “Palestinian terrorists and their senders [who] should have been put on trial, those who are responsible for war crimes par excellence. The government of Israel will not sacrifice Israelis’ lives on the profaned alter of international law.”

The previous week Sharon had taken another opportunity to express his contempt for the UN that was provided by a visit to Israel by the head of the UN’s International Atomic Energy Agency, Mohamed ElBaradei on July 6. ElBaradei had called for Israel to abandon its “weapons of mass destruction”, referring to the existence of an estimated 200 nuclear warheads that can be delivered by long-range ballistic missiles, advanced war planes, and, in the near future, possibly even launched by submarine. Israel adopts a policy of refusing to confirm the existence or non-existence of such weapons. It has never signed the Nuclear Non-Proliferation Treaty and is therefore not subject to either inspections or sanctions by the IAEA.

On Israeli army radio, Sharon proclaimed, “I don’t know what he is coming to see... Israel has to hold in its hands all the elements of power necessary to protect itself by itself.”

Once again the treatment of Israel serves to expose not merely the hypocrisy, but the false character of the central justifications used to legitimise the war against Iraq.

Israel consistently flouts the authority of the UN, an offense that has seen Iraq punished with years of stringent sanctions and tonnes of bombs. Israel carries out crimes against humanity that include the killing of thousands of Palestinians and the reduction of the Palestinian people to a state of near-starvation, with

two-thirds of West Bank citizens living on less than one dollar a day. And it continues to actively pursue both the development and use of weapons of mass destruction, including a nuclear capability that was never enjoyed by Saddam Hussein.

Yet, in the case of Israel, the Bush administration and all its international clout is used to prevent and sabotage any action that might act to curb the illegal activities of its Middle Eastern client.

The sole basis for this contradiction is to be found not in the relative characters of the Iraqi and Israeli governments, despite America’s constant stress on the democratic character of the latter, but because Israel is considered an ally of the US and its ongoing efforts to subjugate the Middle East and ensure that American corporations control the region’s oil supplies.

For their part, the European powers will perhaps make more critical noises against Israel. But they will do nothing that substantially threatens to cut across US interests in the region, or anything that would bring them into conflict with Tel Aviv.



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