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Standards of a Negotiated Settlement to End the Israeli Occupation

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Third: Commitments of Other Countries and the United Nations

- 1- After looking into the legality of the wall built by Israel in the occupied Palestinian territories and ruling it was illegal and should be removed and compensation should be paid to the afflicted people, the International Court of Justice then looked into the commitments of other countries and those of the United Nations in that regard, in addition to their responsibility in solving the Palestinian cause. The ICJ blamed the United Nations for its failure due to the use of veto powers by one of its Security Council permanent member states. In this research, we briefly discuss that aspect of the ICJ ruling and recall here what we have said earlier; that is, the ruling is a binding one because the principles and rules which it is based on are general principles and rules of international and humanitarian laws binding to all countries and so considered by the UN General Assembly.

Commitments of Other Countries

- 2- By other countries, we mean the rest of the world, including of course the Arab states, the United States of America and the European Union. The ICJ addressed them as countries first, then as UN member states and we will come to that point in the second part of this article. As for their commitments as countries, the court determined them as follows:

First: Commitments imposed by the international and humanitarian laws on all countries.

Second: The commitment not to acknowledge the legality of the wall.

Third: The commitment not to provide help or assistance to preserve it.

Fourth: The commitment to ensure the respect of the Fourth Geneva Convention related to the treatment of civilians during armed conflicts.

First: Commitments imposed by international and humanitarian laws

- 3- The International Court of Justice determined the commitments imposed by the international and humanitarian laws regarding the Israeli occupation, deciding these were binding to all countries and not just to Israel due to their general nature. This means that in dealing with the Palestinian-Israeli conflict, countries are bound to respect the rules of international and humanitarian laws and never to violate them in terms of the occupation, its effects and the solution that must be reached. For example, countries that agree on the keeping of settlements or annexation of occupied Palestinian territories, such as Jerusalem, are violating these rules and legal principles. Naturally, providing Israel with political, financial or military assistance to continue its occupation or to build more settlements or to abuse Palestinian rights is also considered a violation. Israel's violation of the principles of international and humanitarian laws that are binding to all entitles each country to take necessary procedures in attempts to end such violations. This means that any country boycotting Israel with the aim of forcing it to respect the rights of Palestinians is a legal move. That also applies to severing diplomatic relations. These countries may even have the right to sue Israel before the International Court of Justice or any other proper legal entity because they have interest in enforcing the respect of international law. This applies specifically to Arab and Islamic countries. In addition to their general interest in the respect of international law, they also have special interest due to the direct impact of Israeli violations.

Second: The commitment not to acknowledge the legality of the wall

- 4- The International Court of Justice ruled the wall to be illegal, so it was only natural to decide committing all parties not to acknowledge it. That commitment is binding to all countries, including Arab states and the Palestinian Authority in particular. The Arab countries and the Palestinian Authority have grown used to accepting all Israeli claims about their security. Egypt, for example, ceded a great deal of its sovereignty over Sinai for that reason. The Palestinian Authority also hunted down and locked up Palestinian activists for that reason. In any future negotiations, Israel will sure hold on to the wall as being essential to its security. We are afraid situations may repeat themselves and Arab regimes would accept that and start pressuring the Palestinians to accept the wall. Israel is experienced in marketing its plans, so, it may offer crossings, vowing to keep them open or offer permissions to landlords whose lands are beyond the wall to reach them. The danger here is to accept such measures. The wall is illegal and we must insist on its removal as the ICJ has ruled, at any cost. This is going to be the final solution for the Palestinian cause that will not allow Israel to achieve its goal of borders extending from the river to the sea.

Third: The commitment not to provide help or assistance to preserve the wall

- 5- This is a natural commitment emanating from the ruling against the legality of the wall and the necessity to remove it. In our opinion, that commitment extends from financial support to political and diplomatic support as well. It is not limited to America's military aid to Israel or loans or loan facilitations, it also extends to support in the UN Security Council via the use of veto power to abort collective measures by the international community to force Israel to remove violations such as the wall. We also believe that the United States can be sued, not just over its support for the Israeli occupation, but also over its illegal use of veto powers to maintain an illegal status. That commitment also imposes on countries to ban their companies from participating in the construction of the wall. Henceforth the soundness of decisions taken by US and British churches to end their contributions to