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On September 10, Israeli settlers became illegal migrants

We are used to seeing Israel indulge in exactions under the pretext of its security, and the Anglo-Saxons defending it at the Security Council. As a result, we witness crimes without any judicial consequences. This situation is now over. The International Court of Justice has swept aside Tel Aviv's reasoning, and the State of Palestine has become a full member of the United Nations. It will therefore no longer be possible to turn a blind eye to the situation of the Palestinians, and they will have the capacity to prosecute their tormentors.

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Pursuant to its vote on May 10, 2024, the General Assembly welcomed Palestine as a full member of the United Nations on September 10.

On September 10, 2024, Israeli settlers, who claim to be fulfilling a divine plan by settling in the West Bank (Judea-Samaria, in their words), went from being Israeli citizens living in disputed territories to illegal immigrants in the sovereign state of Palestine.

At the opening of its seventy-ninth session, the United Nations General Assembly implemented its resolution ES-10/23 of May 10 [1]. The State of Palestine has become a full member of the United Nations (UN). No one can now oppose the exercise of its rights as a sovereign state.

If Palestine is a sovereign state, this changes the interpretation of the *Interim Agreement on the West Bank and Gaza Strip* (known as the “Oslo II Agreement”). The Palestinian Authority is no longer a transitional administration, but a government in the full sense of the term. The Palestinian Territories are no longer “disputed areas”, but the internationally recognized territory of a sovereign state.

Since the 1967 war (known as the “Six-Day War”), the settler movement has steadily gained ground. There are now over 700,000 settlers in the West Bank, East Jerusalem and the Golan Heights.

On July 19, the International Court of Justice (ICJ) - the internal court of the United Nations, consulted by the UN General Assembly - defined the rules of law concerning Israel’s policies and practices in the Occupied Palestinian Territory [2]. This opinion has not been acted upon, as only the Security Council has the power to compel Israel to apply it.

Let’s not forget that international law, unlike criminal law, does not rely on a police force and a penitentiary system. It is simply the obligation of governments to honor the signature of their state. In this case, by joining the UN, Israel signed its charter [3]. Chapter XIV of the Charter commits each member “to abide by the decision of the International Court of Justice in any dispute to which it is a party”.



The International Court of Justice has stated the law. Its decision is binding on all UN member states, including Israel, the United States and the United Kingdom.

The Court ruled (§ 229) that these policies and practices violate the *International Convention on the Elimination of All Forms of Racial Discrimination*. According to the Court, de facto, Israel is practicing a form of apartheid (cf. art. 3 of the said Convention). This is exactly what the UN General Assembly proclaimed on November 10, 1975: “Zionism is a form of racism and racial discrimination” (resolution 3379) [4]. This text was only repealed to facilitate the Madrid peace conference in 1991 [5]. However, as Israel has not fulfilled its commitments of the time and has intensified its policies and practices, this text should be reinstated.

The Court also observed (§ 263) that “the Oslo Accords do not authorize Israel to annex parts of the Occupied Palestinian Territory in order to satisfy its security needs and obligations. Nor do they authorize it to maintain a permanent presence in the Occupied Palestinian Territory for the same purpose”. What was true in July is even truer now that Palestine is an internationally recognized sovereign state.

As a result, last week, after this decision and before Palestine entered the General Assembly, the Israel Defense Forces (IDF) suddenly evacuated the main West Bank towns they had occupied. On the other hand, the Israeli government told the High Court of Justice on September 12 that there was no reason to increase humanitarian aid to Gaza, since Israel does not control the territory and therefore has no responsibility there..

This being the case, the Court concluded that “Israel is under an obligation to make full reparation for the damage caused by its internationally wrongful acts [occupation and apartheid] to all natural or legal persons concerned” (§ 269). This includes “Israel’s obligation to return all land and other real property, as well as all assets confiscated from any natural or legal person since the beginning of its occupation in 1967, and all cultural property and buildings taken from Palestinians and their institutions, including archives and documents. It also demands that all settlers in existing settlements be evacuated, that those parts of the wall built by Israel which are situated in the Occupied Palestinian Territory be dismantled, and that all Palestinians displaced during the occupation be allowed to return to their original place of residence” (§ 270).

Note that the Court does not order reparations for damage caused before 1967. This was not the question put to it. Moreover, the guns have spoken and the Palestinians have lost several military operations, the consequences of which they must also bear. The wrongs are shared, even if it is clear that both the wrongs and the damage suffered by the Palestinians are out of all proportion to those suffered by the Israelis.

The Court has ruled on the consequences of the occupation since 1967. Its decisions are not retroactive. It notes facts that have continued to worsen since 1967.

Addressing all member states of the United Nations, the Court notified them that they “are under an obligation not to recognize any change in the physical character or demographic composition, institutional structure or status of the territory occupied by Israel on June 5, 1967, including East Jerusalem, other than those agreed upon by the parties through negotiations, and to make a distinction, in their dealings with Israel, between the territory of the State of Israel and the territories occupied since 1967. The Court considers that the obligation to distinguish, in exchanges with Israel, between that State’s own territory and the Occupied Palestinian Territory includes, in particular, the obligation not to maintain treaty relations with Israel in all cases where the latter purports to act on behalf of the Occupied Palestinian Territory or part thereof in matters concerning the said territory; not to maintain, with regard to the Occupied Palestinian Territory or parts thereof, economic or commercial relations with Israel which would be of such a nature as to strengthen the latter’s illicit presence in that territory; they must refrain, in the establishment and the maintenance of diplomatic missions in Israel, to recognize in any way its illegal presence in the Occupied Palestinian Territory; and to take measures to prevent trade or investment which helps to maintain the illegal situation created by Israel in the Occupied Palestinian Territory” (§ 278).



For Volker Turk, United Nations High Commissioner for Human Rights, if words mean anything, the ICJ decision obliges all UN member states not to recognize the Israeli occupying authority over the territory of the sovereign state of Palestine.

This is why, on September 9, Volker Turk, UN High Commissioner for Human Rights, opening the 57th session of the Human Rights Council, declared: “No State should accept

blatant disregard for international law, including the binding decisions of the UN Security Council and the orders of the International Court of Justice, not in this situation [the Israeli occupation of Palestine], nor in any other situation”.

Each and every one of us must be aware that the rules have changed. Israel’s occupation of the State of Palestine is illegal. Since September 10, this state has been internationally recognized, even if several permanent members of the Security Council have not done so in their personal capacity. It now has legal means at its disposal that it previously lacked. The Anglo-Saxon umbrella behind which Tel Aviv sheltered no longer exists in law. We are entering a new period in which Washington and London will have to use force to maintain this system of oppression.

This legal revolution marks the victory of President Mahmoud Abbas’s (89) strategy. Paradoxically, it comes at the end of his life, at a time when his government is discredited for its collaboration with Israel and corruption.

Thierry Meyssan

Translation

Roger Lagassé

- [1] “[Admission of new Members to the United Nations](#)”, *Voltaire Network*, 10 May 2024.
- [2] [Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#), International Court of Justice, July 19, 2024.
- [3] “[Charter of the United Nations](#)”, *Voltaire Network*, 26 June 1945.
- [4] « [Qualification du sionisme](#) », ONU (Assemblée générale) , *Réseau Voltaire*, 10 novembre 1975.
- [5] « [Retrait de la qualification du sionisme](#) », ONU (Assemblée générale) , *Réseau Voltaire*, 16 décembre 1991.