

Top lawyer says Britain should stop arming Israel after ICJ advisory ruling



Members of Humanity and Inclusion UK are examining and marking unexploded bombs Israel

has dropped on Deir Balah in the central Gaza Strip on April 27, 2024. (Photo via AFP)

London, July 29 (RHC)-- Britain should comply with the historic ruling by the United Nation's top court and stop arming the Israeli regime, a lawyer who represented the Palestinians has said. The International Court of Justice (ICJ) has ruled that the UK, as well as all other UN member states, should not "render aid or assistance" to the Israeli regime for its illegal occupation of the Palestinian territories.

The ICJ ruled that the Israeli regime's settlement policies and occupation of the territories were in breach of international law. It also ruled that UN member states were under an obligation to neither recognize the occupation as lawful nor abet it.

In an interview published on Monday in The Guardian, Philippe Sands KC (King's Counsel), who is a professor of law at University College London and a visiting professor at Harvard law school, as well as a member of Palestine's legal team for the case at the ICJ, said the ICJ court's opinion had important ramifications for the UK.

"The most immediate issue is the obligation in the advisory opinion on the states, which includes the United Kingdom, not to aid or assist in the maintenance of the current situation in the occupied territories of the West Bank, including [East] Jerusalem," said Sands. "That legal obligation precludes sales of military material which could be used directly or indirectly to assist Israel in maintaining its unlawful occupation of the occupied Palestinian territories."

Sands said the ruling also affected the legality of imports from Israeli settlements to the UK and other countries. "Anything that is produced in the occupied territories, such as food, or that is sold there over the internet, is in principle subject to the international prohibition, if it can be said to aid or assist in the maintenance of the unlawful occupation," he said.

The law professor said the ICJ's ruling, as an advisory opinion requested by the UN general assembly, was not directly binding as such on the UK or other individual member states, but would be "recognized as an authoritative statement of the law and one that the UN and its specialized agencies will follow as law".

He added that ICJ advisory opinions were routinely followed by a vote two to three months later at the UN general assembly. After the ICJ advisory opinion on the Israeli regime, the UK Foreign, Commonwealth and Development Office said on July 19th it was "considering it carefully before responding" and "respects the independence of the ICJ".

In this regard, UK Foreign Secretary, David Lammy, has said officials are, on his instructions, carrying out a "comprehensive review of Israel's compliance with international humanitarian law" and has signaled that he is considering banning some arms sales to the country.

Meanwhile, other legal experts see the ICJ's advisory opinion declaring the Israeli regime force's occupation of Palestinian territories (OPT) as an illegal move, marking a significant milestone as it provides a clear legal framework for finally addressing and resolving the decades-long Israeli-Palestine conflict in an international court of law.

"The Court's ruling that Israel's occupation itself is illegal is extremely significant because until now UN Resolutions and opinions from the various human rights bodies have found that many aspects of Israel's treatment of Palestinians in the Occupied Palestinian territories are illegal, but not that the occupation itself is illegal.

"The ICJ found that aside from the length of time of the Israeli occupation—57 years—the legal and non-legal measures Israel has implemented in the OPT and East Jerusalem (Al-Quds) have converted its

occupation into annexation," Susan Akram, the director of the International Human Rights Clinic at the Boston University School of Law, told Press TV in an interview last week.

"The ICJ equates annexation to aggression, which is absolutely prohibited by the UN Charter and customary international law. There are many other groundbreaking aspects of the Court's opinion, but this is the main underlying ruling that makes the opinion so significant.

"For the Palestinians, it is a watershed decision, setting out in no uncertain terms that Israel must end its occupation immediately, remove all of its settlers and settlement activities in all of the OPT, repeal all of its discriminatory residency/citizenship, housing, and criminal laws that the court equated with Apartheid.

"The decision has put an end to many of Israel's defenses for its occupation. It found that the Oslo agreements, security measures, the construction of the Wall, and all of Israel's claimed justifications for prolonging and deepening the occupation are unsubstantiated," the law professor said.

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