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# The Illegal Israeli Occupation of Palestinian Territories: An Overview based on the ICJ Advisory Opinion of July 19, 2024

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Murad M. A. Abu Murad\* & Fareed Mohd Hassan\*\* &  
Hazmi Rusli\*\*\*

*This paper explores the illegal Israeli occupation of Palestinian territories, focusing on the West Bank and Gaza after 1967. It employs a qualitative research approach, analyzing primary and secondary sources to examine the legal ramifications of Israel's ongoing occupation and settlement expansion, which violate international law. The findings highlight that, despite various international resolutions, Israel continues its unlawful presence. Key legal rulings, such as the International Court of Justice's decision of July 19, 2024 and a UN General Assembly resolution in September 2024, reaffirm the illegality of Israel's actions. Nonetheless, Israel has ignored these calls for withdrawal and persists in expanding settlements. The paper argues that the UN*

\* Ph.D. candidate, Faculty of Syariah and Law, Universiti Sains Islam Malaysia; MCL (IIUM, Malaysia). ORCID: <https://orcid.org/my-orcid?orcid=0009-0001-7896-9378>. He may be contacted at: [muradabumurad95@raudah.usim.edu.my](mailto:muradabumurad95@raudah.usim.edu.my) / Address: USIM, Bandar Baru Nilai, 71800, Nilai, Negeri Sembilan, Malaysia.

\*\* Senior Lecturer at the Faculty of Syariah and Law, Universiti Sains Islam Malaysia; Research Fellow, Australian National University; LL.B. (USIM), MCL (IIUM, Malaysia), Ph.D. (Aberdeen). ORCID: <http://orcid.org/0000-0003-0099-6875>. He may be contacted at: [fareed@usim.edu.my](mailto:fareed@usim.edu.my) / Address: USIM, Bandar Baru Nilai, 71800, Nilai, Negeri Sembilan, Malaysia.

\*\*\* Associate Professor at Faculty of Syariah and Law, Universiti Sains Islam Malaysia; Visiting Researcher at the Asian Institute of International Affairs and Diplomacy (AIAD), Universiti Utara Malaysia; LL.B./MCL. (IIUM, Malaysia), Ph.D. (Wollongong U.). ORCID: <http://orcid.org/0000-0003-0099-6875>. He may be contacted at: [hazmirusli@usim.edu.my](mailto:hazmirusli@usim.edu.my) / Address: USIM, Bandar Baru Nilai, 71800, Nilai, Negeri Sembilan, Malaysia.

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*member states must enforce international legal rulings and hold Israel accountable through international courts. It advocates for the imposition of economic and diplomatic sanctions by the UN Security Council to curb settlement expansion and dismantle existing illegal settlements, emphasizing the need for coordinated international efforts to achieve justice for Palestine.*

### **Keywords**

Gaza Strip, Israeli Occupation, Palestinian Territories, ICJ Advisory Opinion of July 19, 2024

## **1. Introduction**

Israel's occupation of Palestinian territories has persisted for decades.<sup>1</sup> Attempts to occupy and control the Palestinian territories began in the late nineteenth century by encouraging Jewish immigration to these territories. The First Zionist Congress, organised by Theodor Herzl, was held in Basel, Switzerland in 1897. One of its most important results was the implementation of the Zionist program by the World Zionist Organization, which states that "the Zionist goal is to establish a national homeland for the Jews in Palestine."<sup>2</sup> Its roots can be traced back to early twentieth-century's nationalist movements, the enduring effects of colonial rule and the religious importance of the region. Throughout history, global political leaders have greatly influenced the course of this conflict through diplomatic efforts and explicit support for one side or the other.<sup>3</sup> The historical context of Jewish immigration to Palestine is complex and tied to various factors, including persecution in different parts of the world, the rise of Zionism and the Holocaust.<sup>4</sup>

The conflict between Jews and Palestinians began in the early twentieth century and escalated into a significant war in 1947, characterised by a campaign of ethnic cleansing and the widespread displacement of Palestinians from their villages and

1 Marlini Alianita & Eva Zulfia, *Palestinian-Israeli Conflict in War and Peace Approach*, 1:6 INT'L J. ACCT. MGMT. ECON. & SOC. SCI. 845 (2023).

2 Jewish Virtual Library, *Zionist Congress: First Zionist Congress & Basel Program (1897)*, <https://www.jewishvirtuallibrary.org/first-zionist-congress-and-basel-program-1897>.

3 Abu Rayhan, *Global Leadership and the Israel-Palestine Conflict: A Historical and Contemporary Analysis*, ResearchGate 1-2 (2024), <http://dx.doi.org/10.13140/RG.2.2.32308.87681>.

4 Oren Yiftachel, *Deepening Apartheid: The Political Geography of Colonizing Israel/Palestine*, 4 FRONTIERS. POL. SCI. 5 (2023).

cities. It turned into the first Palestinian–Israeli war, in May 1948, following the declaration of the establishment of the State of Israel.<sup>5</sup>

With the announcement of the establishment of the State of Israel on Palestinian lands, the suffering of the Palestinians began through their expulsion from their land.<sup>6</sup> The Palestinian Nakba was the result of intentional military strategies and the involvement of various states, leading to a major catastrophe for the Palestinian people. Over 800,000 of the 1.4 million Palestinians living in 1,300 towns and villages in 1948 were forcibly displaced from their homeland, seeking refuge in the West Bank, Gaza Strip and neighbouring countries.<sup>7</sup> In December 1948, the United Nations General Assembly (UNGA) passed Resolution 194, which guaranteed the right of Palestinian refugees to return to the lands that were then occupied by Israel.<sup>8</sup> Although Resolution 194 and other resolutions grant Palestinian refugees the right to return to their homes from which they were displaced, to this day, they have not been able to return to their homes because of the Israeli occupation.

Despite the UN's mandate, such as Resolution 181, which refers to the division of Palestine into an Arab state and a Jewish state, Israel has not adhered to these resolutions. According to the partition decision, Resolution 181, the Jews were granted the establishment of a state on an area of 57% of the territory of historic Palestine, and the Arab state was granted an area of approximately 43%, in addition to Jerusalem and Bethlehem, which are under international guardianship.<sup>9</sup> Although the partition decision granted Israel a larger portion of the land in order for it to establish a Jewish state, the land was originally Palestinian Arab land. However, Israel did not abide by the partition decision and controlled 78% of the land, which is considered a clear violation of Partition Plan 181 issued by the UNGA.<sup>10</sup> Israel's control and settlement in the Palestinian territories and the expulsion of the remaining Palestinians from their lands are considered violations of international resolutions, especially Resolution 181. Although this resolution granted Israel the

5 Israeli Ministry of Foreign Affairs, The Declaration of the Establishment of the State of Israel (May 14, 1948), <https://www.gov.il/en/pages/declaration-of-establishment-state-of-israel>.

6 ADEL MANNA, NAKBA AND SURVIVAL: THE STORY OF PALESTINIANS WHO REMAINED IN HAIFA AND THE GALILEE, 1948-1956, 7 (2022).

7 Palestinian Central Bureau of Statistics, Special Statistical Bulletin on the 67th Anniversary of the Palestinian Nakba (May 13, 2015), <https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=1391>.

8 G.A. Res. 194, U.N. Doc. A/RES/194(III) (Dec. 11, 1948), <https://www.securitycouncilreport.org/un-documents/document/ip-ares-194.php>.

9 G.A. Res 181 (II), U.N. Doc. A/RES/181(II) (Nov. 22, 1947), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A%20RES%20181%20\(II\).pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A%20RES%20181%20(II).pdf).

10 US Congress, Recognizing the Nakba and Palestinian Refugees' Rights (May 16, 2022), <https://www.congress.gov/bill/117th-congress/house-resolution/1123>.

largest part of Palestinian lands, Israel violated it and seized most of the Palestinian lands.

In June 1967, a war broke out between Arab forces and Israel, which resulted in Israel taking control of the rest of the Palestinian territories (West Bank and Gaza Strip, including East Jerusalem).<sup>11</sup> The United Nations Security Council (UNSC) issued Resolution 242, establishing the principles of a just peace in the Middle East, based on Israel's withdrawal from all the lands it occupied in 1967, along with reaching a just settlement to the Palestinian refugee problem and settlement.<sup>12</sup> The terms "Israeli settlements" and "settler violence" refer to the following: "Israeli settlements are illegal communities established by Israel within the Occupied Palestinian Territory (OPT). These settlements are inhabited by Israeli civilians, and their establishment has been directly or indirectly facilitated by the Israeli occupying authorities."<sup>13</sup>

Israel is still occupying the Palestinian territories, which are considered occupied territories according to international law. Furthermore, it has not yet abided by any of the resolutions of the UNGA or the UNSC. In addition, under international law, the construction of settlements by the Israeli occupation is forbidden and regarded as a violation of international law.<sup>14</sup> The Israeli occupation is responsible for halting all establishment and expansion of Israeli settlements in the OPT, including East Jerusalem, and reversing any existing construction or expansion of settlements in these areas.<sup>15</sup>

Hamas launched a surprise attack on Israel on October 7, 2023. The attack left hundreds of Israelis dead and led to the declaration of a state of war against Gaza. Israel launched a massive military campaign in Gaza aimed at "destroying Hamas's military capabilities," plunging the region into a new phase of escalation and ongoing violence.<sup>16</sup> Hamas announced that its surprise attack on Israel was a result of Israel's

11 Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), 2023 I.C.J. 192 (Dec. 29).

12 G.A. Res. 242, U.N. Doc. S/RES/242(1967), <https://www.securitycouncilreport.org/un-documents/document/ip-s-res-242.php>.

13 Amber Kunnen, *The Dutch Government on Israeli Settlements in Palestine* 12 (unpublished Masters Thesis, Utrecht University, 2023), <https://studenttheses.uu.nl/handle/20.500.12932/45573>.

14 Amnesty International, ch. 3 (Israeli Settlements and International Law), <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law>.

15 OHCHR, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, U.N. Doc. A/HRC/55/72 (Feb. 1, 2024), <https://www.ohchr.org/en/documents/reports/ahrc5572-israeli-settlements-occupied-palestinian-territory-including-east>.

16 Maria Bordas, *Hamas-Israel War: A Brief Analysis of First Two Phases of War*, 20:11 ESJ HUMAN. 1-4 (2024), <https://esipreprints.org/index.php/esipreprints/article/view/1063>; Omer Dostri, *Hamas's October 2023 Attack on Israel: The End of the Deterrence Strategy in Gaza*, MIL. REV. 1-9 (2023), <https://www.armyupress.army.mil/journals/military-review/online-exclusive/2023-ole/dostri>.

continued occupation of Palestinian territories, the settlers' provocative incursions into Al-Aqsa Mosque and the violations against Palestinians.<sup>17</sup>

Against this backdrop, this paper highlights that such occupation violates international law and constitutes a continuous crime for which the responsible parties must be held accountable, according to the articles of the Geneva Convention of 1949 and the UNSC resolutions, in addition to the decisions issued by the International Court of Justice (ICJ) regarding the legitimacy of Israel's existence in Palestinian lands. This paper is composed of six parts including Introduction and Conclusion. Part two will historically review the Israeli Occupation of the Palestinian Territories. Part three will examine the ICJ Advisory Opinion of July 19, 2024. Part four will evaluate the Israeli existence in the Palestinian territories under international law. Part five will discuss the two-state solution.

## 2. Israeli Occupation of the Palestinian Territories: A Historical Review

The Palestinians remain without a state, living under the Israeli occupation or as refugees in neighbouring countries. Some, primarily descendants of those who stayed in Israel after its founding, hold Israeli citizenship.<sup>18</sup> By 2024, however, approximately 465,000 Israeli settlers were residing in the West Bank, concentrated primarily in Area C.<sup>19</sup> (Figure 1)

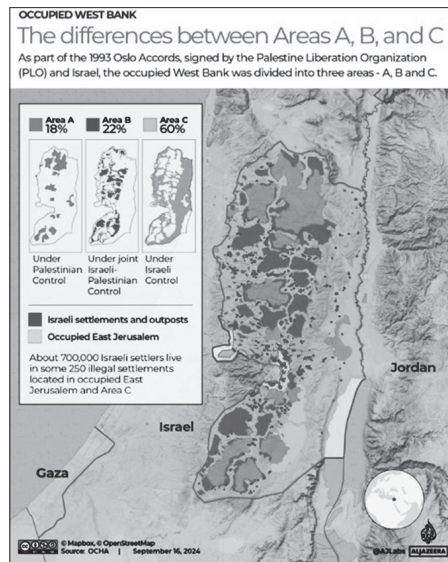
These settlers were living in approximately 300 settlements and outposts. Additionally, approximately 230,000 Israeli settlers were living in East Jerusalem, while a further 3,000 were residing within Palestinian neighbourhoods in East Jerusalem.<sup>20</sup>

17 *Why the Palestinian group Hamas launched an attack on Israel? All to know*, AL JAZEERA (Oct. 9, 2023), <https://www.aljazeera.com/news/2023/10/7/palestinian-group-hamas-launches-surprise-attack-on-israel-what-to-know>.

18 *What Is the Two-State Solution to the Israel-Palestinian Conflict?*, REUTERS (May 28, 2024), <https://www.reuters.com/world/middle-east/what-is-two-state-solution-israel-palestinian-conflict-2024-01-25>.

19 OHCHR, *supra* note 15.

20 *Id.*

Figure 1: Map indicating the situation in and around Area C<sup>21</sup>

Israeli governments have authorised many settlements in the OPT, greatly hindering the two-state solution and Palestinian hopes for an independent state within the 1967 borders. These settlements infringe on Palestinian sovereignty, risk civil peace and security, imperil water resources, and obstruct agricultural development, making a viable Palestinian state increasingly challenging to realise.<sup>22</sup> The expansion of Israeli settlements, separate roads, land confiscations, security barriers, checkpoints and Jewish housing in East Jerusalem have led many Palestinians to believe that a two-state solution is no longer possible.<sup>23</sup> The ICJ also declared that the continued presence of the State of Israel in the OPT is illegal.<sup>24</sup> Therefore, the Israeli occupation

21 OCHA, West Bank Monthly Snapshot - Casualties, Property Damage and Displacement | February 2025 (Apr. 14, 2025), <https://www.ochaopt.org/content/west-bank-monthly-snapshot-casualties-property-damage-and-displacement-february-2025>; Mohammed Haddad & Marium Ali, *Ten maps to understand the occupied West Bank*, AL JAZEERA (Sept. 16, 2024), <https://www.aljazeera.com/news/2024/9/16/ten-maps-to-understand-the-occupied-west-bank>; Global Protection Cluster, oPt (West Bank) Protection Analysis Update (Mar. 17, 2025), <https://globalprotectioncluster.org/index.php/publications/2162/reports/protection-analysis-update/opt-west-bank-protection-analysis-update>.

22 Reham Owda, *How Israeli Settlements Impede the Two-State Solution*, Carnegie Endowment for International Peace (Mar. 7, 2023), <https://carnegieendowment.org/sada/2023/03/how-israeli-settlements-impede-the-two-state-solution?lang=en>.

23 Herbert Kelman, *A One-Country/Two-State Solution to the Israeli-Palestinian Conflict* (2011), in *TRANSFORMING THE ISRAELI-PALESTINIAN CONFLICT* 203 (Herbert Kelman et al. eds., 2018).

24 ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Press Release 2024/57 (July 19, 2024), <https://www.icj-cij.org/case/186>; Zaha Hassan, *The ICJ's*

aims, through building its presence in the Palestinian territories and expanding the settlements, to work to prevent the establishment of a Palestinian state by controlling the largest percentage of Palestinian lands.

### 3. Illegal Israeli Occupation over Palestinian Territories under the ICJ Advisory Opinion of July 19, 2024

On July 19, 2024, the ICJ issued an advisory opinion stating that Israel's extended occupation of Palestinians in Gaza, the West Bank and East Jerusalem, along with its settlement activities, violates international law and amounts to apartheid.<sup>25</sup> Israel's annexation, assertion of permanent control and denial of Palestinian self-determination violate core international law principles, making its presence in the OPT illegal.<sup>26</sup> Following the ICJ's advisory opinion, hence, Israel's occupation of Palestinian territories is illegal. The ICJ called for its immediate end, a halt to new settlements and compensation for Palestinian losses. It urged states and the UN to avoid recognising the occupation and to consider further measures to end it. The ICJ also stressed the duty of states and international organisations, including the UN members, not to recognise the existing illegal situation, and called on the international community to consider additional measures that could be taken to end the occupation.<sup>27</sup>

The ICJ urged the international community, especially Israel's allies, to act decisively to end Israel's illegal occupation including halting settlement expansion.<sup>28</sup>

Paradigm Shift on Palestine, Carnegie Endowment for International Peace (July 25, 2024), <https://carnegieendowment.org/emissary/2024/07/icj-israel-occupation-palestine-ruling-us-effects?lang=en>.

25 Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 2024 I.C.J. (July 19), ¶¶ 224-5, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>; Hassan, *supra* note 24.

26 UNRIC, International Justice: The ICJ Demands "the End of Israel's Presence" in the Occupied Palestinian Territory (July 20, 2024), <https://unric.org/en/international-justice-the-icj-demands-the-end-of-israels-presence-in-the-occupied-palestinian-territory>.

27 G.A. Res. 12626, U.N. Doc. A/RES/12626 (Sept. 18, 2024), <https://press.un.org/en/2024/ga12626.doc.htm>; OHCHR, Experts hail ICJ declaration on illegality of Israel's presence in the occupied Palestinian territory as "historic" for Palestinians and international law (July 30, 2024), <https://www.ohchr.org/en/press-releases/2024/07/experts-hail-icj-declaration-illegality-israels-presence-occupied>; Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 2024 I.C.J. (July 19), <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

28 Amnesty International, ICJ Opinion Declaring Israel's Occupation of Palestinian Territories Unlawful Is Historic

The ICJ's opinion arises from a December 2022 request by the UNGA for the Court to assess the legal consequences of Israel's practices in the OPT.<sup>29</sup> The opinion addressed two main issues: the legal consequences of Israel's actions in the Palestinian territories occupied after 1967 and the implications of these actions for the legal status of the occupation, as well as their impact on all states and the UN.<sup>30</sup> While the ICJ's advisory opinion is not legally binding, it holds significant value as a framework for the future UN actions to address the conflict, emphasising the roles of the UNGA and the UNSC. Member states, especially those in both bodies, bear the responsibility to unite efforts to resolve the situation,<sup>31</sup> because it can only be implemented through a resolution issued by the UNSC.<sup>32</sup>

As a result, it will be difficult to issue a resolution preventing Israel from continuing its illegal occupation of Palestinian territories. The presence of countries allied with Israel in the UNSC will use all their powers to prevent the issuance of resolutions against the Israeli occupation. For instance, during the war on Gaza, the US used its veto power against any resolution issued to stop Israel's war on the Gaza Strip and any resolution that could be against Israel. Although these decisions were in the interest of civilians in Gaza by stopping the ongoing war against them, the US and Britain prevented their issuance.

Nawaf Salam, president of the ICJ, read the advisory opinion from the 15-judge panel on Israel's occupation of Palestinian territories. The judges listed policies such as settlement expansion in the West Bank and East Jerusalem, exploitation of natural resources, annexation of land and discriminatory practices, all of which they said violated international law.<sup>33</sup> The Court affirmed that Israel has no sovereignty over these territories; is breaching laws against acquiring land by force; and is obstructing

Vindication of Palestinians' Rights (July 19, 2024), <https://www.amnesty.org/en/latest/news/2024/07/icj-opinion-declaring-israels-occupation-of-palestinian-territories-unlawful-is-historic-vindication-of-palestinians-rights>.

29 G.A. Res. 77/247, U.N. Doc. A/RES/77/247 (Jan. 9, 2023), [https://www.un.org/unispal/wp-content/uploads/2023/01/A.RES.\\_77.247\\_301222.pdf](https://www.un.org/unispal/wp-content/uploads/2023/01/A.RES._77.247_301222.pdf); Human Rights Watch, World Court Finds Israel Responsible for Apartheid (July 19, 2024), <https://www.hrw.org/news/2024/07/19/world-court-finds-israel-responsible-apartheid>.

30 Billy Esratian, Beyond Legal Matters: Tracing the International Court of Justice's Activism in the Advisory Opinion of 19 July 2024, CSIS, at 1-5 (2024), [https://s3-csis-web.s3.ap-southeast-1.amazonaws.com/doc/CSIS\\_Commentaries\\_02024.pdf?download=1](https://s3-csis-web.s3.ap-southeast-1.amazonaws.com/doc/CSIS_Commentaries_02024.pdf?download=1).

31 *Id.* at 4.

32 Alexander Loengarov, *Israel and the ICJ: Comparing International Court Cases during the Gaza War*, WASH. INST. NEAR E. POL'Y ANALYSIS (July 19, 2024), <https://www.washingtoninstitute.org/policy-analysis/israel-and-icj-comparing-international-court-cases-during-gaza-war>.

33 ICJ, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly, Press Release (July 19, 2024), <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-pre-01-00-en.pdf>.

Palestinians' right to self-determination.<sup>34</sup> It confirmed that the OPT (West Bank, East Jerusalem and Gaza) form a unified territorial unit that must be preserved. The Court noted that Israel still controls key aspects of Gaza, such as borders, imports and taxes, meaning its withdrawal from Gaza did not fully relieve it of its obligations under occupation law.<sup>35</sup>

The UN Commission of Inquiry welcomed the ICJ's ruling that Israel's occupation of Palestinian territory is illegal under international law. Chair Navi Pillay stressed the ruling's clarity and its binding obligations on Israel, the UN and all nations, noting its importance for maintaining the international legal order.<sup>36</sup> The recent advisory opinion surpasses the 2004 Palestine Wall Advisory Opinion, which focused solely on the Wall's legality without providing a comprehensive legal examination of Israel's occupation. The Court has now identified a pattern of violations of international humanitarian law (IHL) and international human rights law, including Israel's settlement activities, territorial annexation by force, discriminatory laws and policies, and the denial of Palestinian self-determination.<sup>37</sup>

## 4. Evaluation of the Israeli Existence in the Palestinian Territories under International Law

On September 13, 2024, by a majority of 124 members, the UNGA adopted a resolution demanding that Israel ends its "illegal presence in the occupied Palestinian territory" within 12 months, based on an advisory opinion requested by the General Assembly from the ICJ on the legal consequences of Israel's policies and practices in Palestine.<sup>38</sup> The resolution is based on an advisory opinion issued by the ICJ on July 19, 2024 at the

34 *ICJ Says Israel's Presence in Palestinian Territory Is Unlawful*, AL JAZEERA (July 19, 2024), <https://www.aljazeera.com/news/2024/7/19/world-court-says-israels-settlement-policies-breach-international-law>.

35 *Law for Palestine, Summary of the Advisory Opinion of the International Court of Justice on the Illegality of the Israeli Occupation of the Occupied Palestinian Territory and the Consequences Thereof* (July 20, 2024), <https://law4palestine.org/summary-of-the-advisory-opinion-of-the-international-court-of-justice-on-the-illegality-of-the-israeli-occupation-of-the-occupied-palestinian-territories-and-the-consequences-thereof>.

36 OHCHR, UN Commission of Inquiry welcomes International Court of Justice Advisory Opinion stating that Israeli occupation of Palestinian territory is now illegal under international law, Press Release (July 22, 2024), <https://www.ohchr.org/en/press-releases/2024/07/un-commission-inquiry-welcomes-international-court-justice-advisory-opinion>.

37 Kai Ambos, *The 2024 ICJ Advisory Opinion on the Occupied Palestinian Territory-An Introduction*, Verfassungsblog (Oct. 9, 2024), <https://verfassungsblog.de/the-2024-icj-advisory-opinion-on-the-occupied-palestinian-territory>.

38 U.N. Doc. A/ES-10/L.31/Rev.1 (Sept. 13, 2024), <https://www.un.org/unispal/document/ga-draft-resolution-advisory-opinion-of-icj-13sep24>.

request of the General Assembly, in which it confirmed that the Israeli occupation of the Palestinian territories since 1967 is “illegal.”<sup>39</sup> Independent human rights experts emphasize that Israel and other UN member states must urgently adhere to the ICJ binding ruling regarding Israel’s presence in the OPT.<sup>40</sup>

The UN experts said: “Israel’s continuous annexation of portions of the OPT, now focusing on large swathes of the West Bank after unlawfully annexing East Jerusalem, suggests that a concrete effort may be under way to annex the entire OPT in violation of international law.”<sup>41</sup> Under international law, settlements are deemed a violation of Article 49 of the Fourth Geneva Convention which prohibits the occupying power from transferring its civilian population (i.e. settlers) into territories under its authority and control.<sup>42</sup>

The establishment of settlements has been addressed by numerous UN resolutions since the 1970s. These resolutions have declared that “any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition”<sup>43</sup> of the occupied territories, including the relocation of parts of Israel’s civilian population to the West Bank, including Jerusalem, is contrary to IHL. All actions intended to change the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, are violating IHL and several UN resolutions.<sup>44</sup>

According to Article 42 of the Hague Convention (IV) of 1907, “territory is considered occupied when it is actually placed under the authority of the hostile army.”<sup>45</sup> Given that Israel occupied these territories during the armed conflict of 1967 to exercise effective control, the Palestinian territories are considered to be under military occupation. Therefore, the Hague Convention (IV) of 1907 is applicable to this situation.<sup>46</sup> Establishing settlements in the OPT and transferring the population of the occupying state to the occupied territories violates international legal principles and agreements, such as the Hague Convention (IV) of 1907, the 1949 Geneva Conventions and the UN Charter.

39 ICJ, *supra* note 33.

40 OHCHR, *supra* note 27

41 UN, UN Experts: International Community Must Act to End Israel’s Annexation of West Bank, Press Release (July 26, 2023), <https://www.un.org/unispal/document/un-experts-press-release26july2023>.

42 Geneva Convention Relative to the Treatment of Prisoners of War [hereinafter Fourth Geneva Convention], art. 46.

43 S.C. Res. 446, U.N. Doc. S/RES/446(1979), ¶ 3, <https://digitallibrary.un.org/record/1696?ln=en&v=pdf>.

44 OHCHR, *supra* note 15

45 The Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of Law on Land [hereinafter Hague Convention], art. 42.

46 ICRC, Occupation and Other Forms of Administration of Foreign Territory (2013), at 1-15, <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-4094.pdf>.

For example, Article 46 of the Hague Convention of 1907 clearly indicates that families and their private property should be respected.<sup>47</sup> In addition, Article 53 of the Fourth Geneva Convention 1949 states: “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”<sup>48</sup> The Israeli occupation violates Article 53 by destroying Palestinians’ property and bulldozing their lands, in addition to building settlements on them and imposing the Israeli occupation’s sovereignty over these lands and properties.

Despite the resolutions issued by the UNGA, the UNSC and the advisory opinion of the ICJ, Israel did not abide by them; rather, it ignored them and continued to build settlements in the OPT. For instance, the UNGA issued Resolution 2949, condemning settlement activities in the Palestinian territories as a violation of the Fourth Geneva Convention 1949. Resolution 2949 demands that Israel cease its settlement construction.<sup>49</sup> On December 26, 2019, the UNGA issued Resolution 74/88, which condemns Israeli settlements in the OPT, including East Jerusalem, considering them violations of international law and obstacles to peace and urging Israel to halt all settlement activities in these areas.<sup>50</sup>

Furthermore, the UNSC issued Resolution 242, which called for Israel to withdraw from the Palestinian territories it occupied in 1967.<sup>51</sup> On December 23, 2016, the UNSC also issued Resolution 2334, which considers that Israel’s establishment of settlements in the OPT since 1967, including East Jerusalem, has no legal legitimacy and constitutes a flagrant violation under international law.<sup>52</sup> Aligned with the commitment of the European Union (EU) to Resolution 2334 and acknowledging the illegality of settlements under international law, which hinder peace and threaten a two-state solution, the EU firmly opposes Israel’s settlement policy.<sup>53</sup> During the UNSC session on September 27, 2023, many delegates asserted that expanding settlements in the OPT violates international law and stressed the necessity of halting this expansion.<sup>54</sup>

47 Hague Convention art. 46.

48 Fourth Geneva Convention art. 53.

49 G.A. Res. 2949, U.N. Doc. A/RES/2949(XXVII) (Dec. 8, 1972), <https://www.jewishvirtuallibrary.org/un-general-assembly-resolution-2949-december-1972>.

50 G.A. Res. 74/88, U.N. Doc. A/RES/74/88 (Dec. 26, 2019), <https://digitallibrary.un.org/record/3846447?ln=en&v=pdf>.

51 *Supra* note 12.

52 S.C. Res. 2334, U.N. Doc. S/RES/2334 (Dec. 23, 2016), <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.

53 EEAS, EU Statement- UN Security Council: Open Debate on the Situation in the Middle East, Including the Palestinian Question (Apr. 25, 2023), [https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%9393-un-security-council-open-debate-situation-middle-east-including-palestinian-question\\_en?s=63](https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%9393-un-security-council-open-debate-situation-middle-east-including-palestinian-question_en?s=63).

54 UN, Settlement Expansion in Occupied Palestinian Territory Violates International Law, Must Cease, Many Delegates

## 5. The Israeli Occupation of the Palestinian Territories and Impact on the Principle of the Two-State Solution

The two-state solution was proposed to resolve the Arab-Israeli conflict, involving the establishment of two states - Palestine and Israel - coexisting in historical Palestine. This approach represents a shift from demands for full liberation of Palestine or a one-state solution.<sup>55</sup> It was endorsed in Resolution 242 following the 1967 war and Israel's occupation of remaining Palestinian territories.

To achieve lasting peace, historical Palestine was divided into an Arab state and a Jewish state. Israel was established in 1948, but a Palestinian state has not yet been realised. Therefore, today, the two-state solution aims to create a sovereign Palestinian state with the same rights as any other nation under the UN Charter.<sup>56</sup> On February 16, 2024, Israeli Prime Minister Benjamin Netanyahu announced that he opposes the principle of the two-state solution.<sup>57</sup> The Knesset (Diet) in Israel supported Netanyahu's declaration against any "unilateral" recognition of a Palestinian state, while international calls for renewed efforts towards a two-state solution to the longstanding conflict are increasing.<sup>58</sup> Although the US, Israel's strategic ally, supports the principle of the two-state solution, Israel does not believe in this principle; it seeks only to occupy the largest area of Palestinian lands it can, and it is not interested in international law and international resolutions.<sup>59</sup> While most countries in the world support the principle of the two-state solution, Israeli Prime Minister Netanyahu objects to granting Palestine an independent statehood in addition to opposing the principle of the two-state solution.<sup>60</sup> In the same vein, there is no evidence suggesting

Tell Security Council (Sept. 27, 2023), <https://www.un.org/unispal/document/sc15424-meeting-27sep2023-questionofpalestine>.

55 PASSIA, Palestinian Academic Society for the Study of International Affairs, Jerusalem, *The Two-State Solution: History and Challenges* (2024), at 1-5, [https://palestine.fes.de/fileadmin/user\\_upload/Publication\\_1/PASSIA/PASSIA\\_2024/Two-State\\_solution\\_FINAL\\_print.pdf](https://palestine.fes.de/fileadmin/user_upload/Publication_1/PASSIA/PASSIA_2024/Two-State_solution_FINAL_print.pdf).

56 Stanly Johny, *Watch: Israel-Palestine Conflict: What's the Two-State Solution?*, HINDU (July 13, 2024), <https://www.thehindu.com/news/international/video-israel-palestine-conflict-whats-the-two-state-solution/article68399630.ece#:~:text=An>.

57 *Netanyahu Rejects International Pressure for Palestinian State*, REUTERS (Feb. 16, 2024), <https://www.reuters.com/world/middle-east/netanyahu-rejects-international-pressure-palestinian-state-2024-02-16>.

58 Sam Sokol, *Knesset Votes Resoundingly against Unilateral Palestinian State Recognition*, REUTERS (Feb. 22, 2024), <https://www.timesofisrael.com/knesset-votes-resoundingly-against-unilateral-palestinian-state-recognition>.

59 UN, *Israel's settlement expansion is alarming and flies in face of international law* - OHCHR (Aug. 19, 2024), <https://www.un.org/unispal/document/israels-settlement-expansion-19aug24>.

60 Abeer Salman et al., *Netanyahu again rejects Palestinian sovereignty amid fresh US push for two-state solution*, CNN (Jan. 21, 2024), <https://edition.cnn.com/2024/01/21/middleeast/netanyahu-palestinian-sovereignty-two-state->

that Israeli society is moving toward recognizing Palestinian collective rights. On the contrary, the primary directive of Netanyahu's far-right government asserts that "The Jewish people have an exclusive and unquestionable right to all areas of the Land of Israel."<sup>61</sup>

Meanwhile, former US President Joe Biden announced his support for the two-state solution to resolve the Palestinian issue.<sup>62</sup> In a sudden, however, it will be difficult to end the Israeli occupation of the Palestinian territories and achieve the principle of the two-state solution, given that US President Donald Trump has a different vision for resolving the Palestinian issue. In a broad interview with TIME magazine, President Trump expressed doubts about the viability of a two-state solution.<sup>63</sup> While president-elect, Trump said: "Most people thought it was going to be a two-state solution. I'm not sure a two-state solution anymore is going to work."<sup>64</sup> During his previous term in office, Trump, in the presence of Israeli Prime Minister Benjamin Netanyahu, announced his promised plan to achieve peace between the Palestinians and the Israelis, known as the "Deal of the Century."<sup>65</sup> The initiative included continued Israeli control over most of the West Bank, which Israel occupied in 1967, annexing the huge settlement blocs in the West Bank to the State of Israel, and keeping the city of Jerusalem united and under Israeli sovereignty.<sup>66</sup> Although the ICJ declared in July 2024 that the Israeli occupation of the Palestinian territories [is] illegal, and in September 2024 demanded that Israel end its occupation of the Palestinian territories within 12 months, it will be virtually impossible to implement this decision because of the lack of any commitment to it on the part of the Israeli occupation, in addition to the policy of President Trump to grant Israel control over most of the Palestinian territories, and their lack of support for the principle of the

solution-intl/index.html.

61 Yoav Shemer-Kunz, *Annexation, Normalization and the Two-State Solution in Israel-Palestine*, 5 FROTIERS POL. SCI. 13.

62 Rachel Treisman, *Biden Wants a Two-State Solution for Israeli-Palestinian Peace. Is It Still Possible?*, NPR (Oct. 27, 2023), <https://www.npr.org/2023/10/27/1208694837/two-state-solution-israeli-palestinian-conflict>.

63 *Donald Trump's Interviews with TIME*, TIME (Apr. 30, 2024), <https://time.com/6972022/donald-trump-transcript-2024-election>.

64 Troy Fritzhand, *Trump: Reaching a Two-State Solution Now "Very, Very Tough"*, JNS (May 2, 2024), <https://www.jns.org/trump-reaching-a-two-state-solution-now-very-very-tough>.

65 Mohd No & Muhammad Ibrahim, *Deal of the century: analysis of its impact on the Israel-Palestine peace process and the stability of the Middle East* [Deal of the century: analisis impaknya terhadap proses damai Israel-Palestin dan kestabilan timur tengah], 45:1 INT'L J. ISLAMIC STUD. [Jurnal Antarabangsa Pengajian Islam] 47-59 (2023), <https://journalarticle.ukm.my/22480>; Jeremy Bowen, *Trump's Middle East peace plan: 'Deal of the century' is huge gamble*, BBC NEWS (Jan. 29, 2020), <https://www.bbc.com/news/world-middle-east-51263815>.

66 Arab Center Washington DC, "Deal of the Century": What Is It and Why Now? (Feb. 4, 2020), <https://arabcenterdc.org/resource/deal-of-the-century-what-is-it-and-why-now>.

two-state solution and ending the Israeli occupation of the Palestinian territories.<sup>67</sup>

The Likud Party, led by Israeli Prime Minister Benjamin Netanyahu, has pledged to advance and expand Israeli settlements in all parts of the land of Israel, including the Galilee, Negev, Golan Heights and the West Bank regions referred to as Judea and Samaria.<sup>68</sup> The Israeli government, led by Netanyahu, is also exploiting the war on Gaza (2023–25) in order to increase settlement activity in the West Bank and work to prevent the establishment of a Palestinian state in accordance with the principle of the two-state solution.<sup>69</sup> Increasing settlements in the Palestinian territories are not consistent with international resolutions, which consider that building settlements in the Palestinian territories hinders the principle of the two-state solution. Conversely, the current Israeli government is working to prevent the establishment of a Palestinian state by expanding its colonial activity in the Palestinian territories, which is in violation of international law.

Israel's occupation and settlement policies have inflicted significant hardship on Palestinians, stripping them of basic rights and affecting all aspects of daily life. Palestinians face ongoing humiliation, fear and oppression under Israeli military rule. This occupation has severely restricted Palestinian daily lives, while Israel has implemented strict laws to suppress any dissent against its policies.<sup>70</sup> Since 1967, when Israel occupied the West Bank, including East Jerusalem, it has continued to pursue the settler-colonial agenda that the Zionist movement had been implementing across historic Palestine after the late nineteenth century. This agenda involves the gradual establishment of Israeli settlements and control over land and resources in the OPT.<sup>71</sup>

Despite peace efforts and plans to withdraw Israeli forces from the OPT, successive Israeli governments have continued to move civilians into illegal settlements in the West Bank and East Jerusalem. When the Oslo Accords were signed in 1993, there were over a quarter million illegal settlers.<sup>72</sup> According to this

67 *Four examples of Trump's neverending support for Israel*, AL JAZEERA (Feb. 5, 2025), <https://www.aljazeera.com/news/2025/2/5/four-examples-of-trumps-neverending-support-for-israel>.

68 *Israel to Ramp up Settlement Expansion in Occupied West Bank*, AL JAZEERA (June 18, 2023), <https://www.aljazeera.com/news/2023/6/18/israeli-minister-given-sweeping-settlement-building-powers>.

69 *Palestinian Authority Says Israeli Post-War Gaza Plan "Destined to Fail,"* AL JAZEERA (Feb. 23, 2024), <https://www.aljazeera.com/news/2024/2/23/palestinian-authority-says-israeli-post-war-gaza-plan-destined-to-fail>.

70 Amnesty International, *Israel's Occupation: 50 Years of Dispossession* (June 7, 2017), <https://www.amnesty.org/en/latest/campaigns/2017/06/israel-occupation-50-years-of-dispossession>.

71 Jerusalem Story, *The History of Israeli Settlement Expansion in and around East Jerusalem from 1967 to 1993* (Dec. 6, 2022), <https://www.jerusalemstory.com/en/article/history-israeli-settlement-expansion-and-around-east-jerusalem-1967-1993>.

72 Samih Al-Abid, *The Israeli-Palestinian Case: Current Prospects and Continued Importance of the Two-State Solution*, Baker Inst. Pub. Pol'y: Conflict Resolution and U.S. Foreign Policy | Report (July 1, 2022), <https://www.bakerinstitute.org/research/the-israeli-palestinian-case-current-prospects-and-continued-importance-of-the-two-state-solution>.

agreement, the negotiations between the two sides were to address remaining issues such as Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with neighbouring countries, and other matters of mutual interest. All of these matters were to be discussed according to the UNSC Resolutions 242 and 338.<sup>73</sup> Israel's continuous building of settlements in the OPT violates The Hague and Geneva Conventions. Despite the creation of the Palestinian Authority, Israel has persisted in expanding settlements and moving Israeli civilians into these areas, thereby defying international law.<sup>74</sup>

For a long time, various obstacles have hindered the progress of the two-state solution, which envisions the peaceful coexistence of Israeli and Palestinian states side by side. These obstacles include Jewish settlements on land that Palestinians aspire to claim for their state and rigid stances on critical issues such as borders, the status of Palestinian refugees and the fate of Jerusalem, a city of great religious significance to both Israelis and Palestinians.<sup>75</sup> Although Israeli Prime Minister Benjamin Netanyahu endorsed the two-state solution in 2009, he promised in his 2015 election campaign to prevent the establishment of a Palestinian state.<sup>76</sup> Additionally, many Israeli ministers have advocated for controlling Palestinian lands by building settlements.<sup>77</sup> However, the Israeli government's action to prevent the two-state solution and the establishment of settlements in the Palestinian territories to prevent the establishment of a Palestinian state is a violation of all international resolutions and conventions.

Meanwhile, the EU is seen as having taken a normatively successful stance by opposing Israel's settlement policies, aligning itself with the international community's position on this issue.<sup>78</sup> The EU has taken measures to oppose and condemn the expansion of Israeli settlements in the OPT, reflecting the broader international consensus against these settlement activities. The EU is concerned

73 G.A. Res. 48/486, U.N. Doc. A/RES/48/486 (Oct. 11, 1993), <https://unispal.un.org/pdfs/a48486.pdf>.

74 Adnan Oudeh, *The Two-State Solution and Its Dual Significance for the Palestinian People and the Hashemite Kingdom of Jordan* (2020), at 11, <https://library.fes.de/pdf-files/bueros/ammen/20929.pdf>.

75 *What Is the Two-State Solution to the Israel-Palestinian Conflict?*, REUTERS (May 28, 2024), <https://www.reuters.com/world/middle-east/what-is-two-state-solution-israel-palestinian-conflict-2024-01-25>.

76 Barak Ravid, *Netanyahu: Bar-Ilan 2-state Speech No Longer Relevant in Today's Reality*, HAARETZ (Mar. 8, 2015), <https://www.haaretz.com/2015-03-08/ty-article/.premium/bar-ilan-speech-no-longer-relevant/0000017f-ef07-d0f7-a9ff-efc790e10000>; See also Isabel Kershner, *Netanyahu Backs Palestinian State, With Caveats*, N.Y. TIMES (June 14, 2009), <https://www.nytimes.com/2009/06/15/world/middleeast/15middleeast.html>.

77 Muriel Asseburg & Jan Busse, *The End of a Two-State Settlement? Alternatives and Priorities for Settling the Israeli-Palestinian Conflict*, 24 SWP COMMENTS 2 (2016), [https://www.ssoar.info/ssoar/bitstream/handle/document/46893/ssoar-2016-asseburg\\_et\\_al-The\\_end\\_of\\_a\\_two-state.pdf?sequence=1&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/46893/ssoar-2016-asseburg_et_al-The_end_of_a_two-state.pdf?sequence=1&isAllowed=y).

78 Ellinor Ringby, *The European Union Position Towards Israel-Palestine: Changes in Position After October 7th, 2023* 11 (Unpublished BA thesis, Linnaeus University, 2023), <https://www.diva-portal.org/smash/get/diva2:1831710/FULLTEXT01.pdf>.

about the continued expansion of Israeli settlements in the West Bank, which it views as undermining the prospects for a two-state solution and jeopardizing overall prospects for peace between Israelis and Palestinians. The EU has expressed its opposition to the growth of settlements, seeing them as an obstacle to achieving a negotiated resolution to the conflict.<sup>79</sup> The foreign ministers of the Group of Seven (G7) nations harshly denounced the recent steps taken by the Israeli government related to the expansion of settlements in the West Bank. In a joint statement, the G7 ministers and the representative from the EU condemned the announcement by Israeli Finance Minister Bezalel Smotrich that five unauthorised outposts in the OPT would be legalised.<sup>80</sup>

Israeli settlements in Palestinian territories threaten the future of the State of Palestine. These settlements, along with the oppressive practices of the occupation government and its military, pose a significant danger, particularly because of the widespread occupation of Palestinian lands.<sup>81</sup> Israeli settlement policies in the occupied territories lack legal legitimacy, and pose a significant challenge to the international community and a major obstacle to peace in the Middle East. These policies also severely impede the establishment of a Palestinian state.<sup>82</sup>

Israeli Finance Minister Bezalel Smotrich, a far-right member of Netanyahu's cabinet, emphasised preventing the occupied West Bank from becoming part of an independent Palestinian state by promoting Jewish settlements.<sup>83</sup> Through settlement construction, the Israeli government has implemented policies that severely restrict Palestinian development and the coherence of a Palestinian state. As a result, these actions undermine the feasibility of a two-state solution and hinder prospects for a political resolution between the parties.<sup>84</sup> This is because the Israeli authorities

79 *Id.* at 22.

80 Ministry of Foreign Affairs Japan, G7 Foreign Ministers' Statement on the Situation in the West Bank, Press Release (July 12, 2024), [https://www.mofa.go.jp/press/release/pressite\\_000001\\_00424.html](https://www.mofa.go.jp/press/release/pressite_000001_00424.html).

81 Shadi Al-Shadifat & Ali Al-Jabra, *The Position of International Law on Israeli Settlements on Palestinian Lands* [فوقم  
 21:4 AL-MANARA J. RES. & STUD. [أين يتصل فلسطيني على إسرائيل على عتيل يئار إسرائيل انانطوسملا نم يلودل انون اقل  
 قلم] 296 (2015), <https://search.mandumah.com/Record/748223>.

82 Hakim Al-Omari, *Israeli Settlement in the Occupied Territories from the Perspective of International Law* [ناطيتسلا 71 (قانونا قلا تاساردا قلا ج.), 5:2 J. LEGAL STUD. [يولودلا نونا قلا روظنم نم قلت حلا يضا رالا ي في ليديا راسالا (2019), <https://asjp.cerist.dz/en/article/101532>].

83 Lauren Izso & Tim Lister, *Far-Right Israeli Minister Sets Out Plan to Prevent West Bank from Becoming Part of a Palestinian State*, CNN (June 21, 2024), <https://edition.cnn.com/2024/06/21/middleeast/israel-west-bank-bezalel-smotrich-settlements-intl-latam/index.html>.

84 2022 Report on Israeli settlements in the occupied West Bank, including East Jerusalem (Jan.-Dec. 2022), Office of the EU Representative (May 25, 2023), [https://www.eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/2022-report-israeli-settlements-occupied-west-bank-including-east-jerusalem-january-december-2022\\_en?s=206](https://www.eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/2022-report-israeli-settlements-occupied-west-bank-including-east-jerusalem-january-december-2022_en?s=206).

believes that increasing the construction of settlements on the lands restricts the establishment of an independent Palestinian state, and this is considered a flagrant violation of international law, which grants the Palestinians the right to independence and the establishment of a Palestinian state on the 1967 borders.<sup>85</sup>

In summary, the Israeli occupation is a major obstacle to achieving a two-state solution and securing a fair, lasting and comprehensive peace in the region.<sup>86</sup> The Palestinian side believe that the Israel occupation of Palestinian territories and the expansion of Israeli settlements in the West Bank, the construction of separate roads, land confiscations, the erection of security barriers and the development of Jewish housing in the West Bank and East Jerusalem have made a two-state solution unachievable.<sup>87</sup> Hence, Israel's ongoing construction of settlements on Palestinian territories has consistently been the main obstacle to peace negotiations to solve the Palestine issue.<sup>88</sup> The South African government has even compared Israeli occupation practices to apartheid, highlighting similarities between policies such as Jewish settlements and the forced displacement of Palestinians in East Jerusalem and the forced removals experienced during South Africa's apartheid era.<sup>89</sup>

The UNGA Resolution 60/106 provides that settlements in the Palestinian territories are illegal and constitute a violation of the Fourth Geneva Convention. They are also considered an obstacle to achieving peace and development in this region.<sup>90</sup> The construction of Israeli settlements in the OPT, including Jerusalem, is a flagrant violation of the principles of international law, most notably the UN Charter, the Hague Conventions, the Geneva Conventions, the resolutions of the UNSC and UNGA, and further the ICJ's advisory opinion.

85 Amnesty International, *supra* note 14.

86 UN, "Impact of Israeli Settlement Policies on the Palestinian Population in Jerusalem" - Palestinian Rights Committee Virtual Event - Chair Summary (Aug. 20, 2023), at 1-5, <https://www.un.org/unispal/document/jerusalem-conference2023>.

87 Herbert Kelman, *A one-country/two-state solution to the Israeli-Palestinian conflict*, 18:1 MIDDLE E. POL'Y 27-41 (2011), [https://scholar.harvard.edu/hckelman/files/one\\_country\\_two\\_state\\_solution.pdf](https://scholar.harvard.edu/hckelman/files/one_country_two_state_solution.pdf).

88 Imtiaz Khan et al., *Deciphering the Relevance of United Nations and International Law in Peace Efforts: A Case Study of Palestine-Israel Conflict*, 3:1 CRITICAL REV. SOC. SCI. STUD. 2776-87 (2025), <https://thecrssh.com/index.php/Journal/article/view/356>.

89 Murad Abu Murad, *Jurisdiction of ICC over Alleged War Crimes and Crimes Against Humanity against Palestinians under the Complementarity Principle*, 11:1 BRAWIJAYA L. J. 120 (2024); John Dugard & John Reynolds, *Apartheid, International Law, and the Occupied Palestinian Territory*, 24:3 EUR. J. INT'L L. 868 (2013).

90 G.A. Res. 60/106, U.N. Doc. A/RES/60/106 (Jan. 18, 2006), <https://unispal.un.org/pdfs/D28E6C316706C04385257106006CE8CA.pdf>.

## 6. Conclusion

Since the Israeli occupation of the Palestinian territories and the declaration of the establishment of the State of Israel in 1948 on Palestinian lands, Israel has been engaged in an illegal occupation of Palestinian territories. This occupation significantly obstructs the two-state solution and restricts the Palestinians' right to independence and self-determination. Successive Israeli governments have continuously encouraged and facilitated the expansion of settlements on Palestinian land, violating numerous international laws and resolutions. Since Israel does not possess a legal right to the territories it captured in 1967, these areas are classified as "occupied territories" under international law and the UN resolutions. Consequently, Israel is regarded as an occupying power and obligated to adhere to international law. This also grants Palestinians the right to reclaim their occupied lands and seek compensation for damages caused by the Israeli occupation and settlements. The most recent Israeli government, known for its extremism, has escalated the construction of settlements in the Palestinian territories, further exacerbating the crisis.

The construction of settlements is considered a violation of international law, particularly the Fourth Geneva Convention of 1949, which, under Article 49, explicitly prohibits the occupying power from deporting or transferring parts of its own civilian population into the territories it occupies. Furthermore, this practice contravenes various international resolutions, including those of the UNSC and the ICJ. Therefore, the Israel should end the occupation of Palestinian territories and withdraw from the settlements unlawfully established on Palestinian land. The UNSC is required to take decisive measures against Israel regarding its continued settlement expansions in the OPT, as referred to at Resolution 2334.

This position has been reinforced by the ICJ's advisory opinion issued in July 19, 2024, which declared: "the Israeli occupation of Palestinian territory is illegal."<sup>91</sup> The ruling underscored that international organisations, including the UN, are duty-bound not to recognize the legitimacy of any situation arising from this unlawful occupation. The ICJ's position also places an obligation on the UNSC to impose economic and diplomatic sanctions against Israel to curb this continued "illegal land grab" of Palestinian territories.

91 Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 2024 I.C.J. (July 19), ¶¶ 111-156, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

Many states have expressed concern over Israel's continued defiance of international law, yet concrete actions remain limited. The imposition of targeted economic sanctions and diplomatic pressure, including trade restrictions on Israeli products originating from settlements, could serve as effective deterrents. Moreover, international bodies should take a more proactive role in ensuring the enforcement of the UNSC resolutions. The failure to hold Israel accountable not only undermines international law, but it also perpetuates a cycle of oppression and violence that hinders peace efforts.

Additionally, the role of regional organisations such as the Organisation of Islamic Cooperation, the League of Arab States and the African Union should be strengthened in advocating for Palestinian rights. These organisations can coordinate political, economic and diplomatic responses to pressure Israel to end its occupation. Public awareness and activism must also be encouraged because global solidarity movements have played significant roles in past struggles for justice, such as the anti-apartheid movement in South Africa.

Hamas asserted that Operation Flood of Al-Aqsa on October 7, 2023, came in response to Israeli practices and violations, and to confront Israeli plans aimed at liquidating the Palestinian cause, controlling all historical Palestinian lands, and Judaizing Jerusalem and Palestine, in addition to ending the siege on the Gaza Strip. It also emphasized that this operation aims to end the Israeli occupation of Palestinian territories.

Up to this end, the international community must hold Israel accountable for its violations of international law and work collectively to end the illegal occupation of Palestinian territories. The enforcement of international legal mechanisms, combined with diplomatic and economic pressures, remains crucial in ensuring justice for the Palestinian people and advancing the prospects of a just and lasting peace in the region.

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