

# THE CONVERSATION

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## The World Court says Israel's occupation of Palestinian land is illegal: 4 steps NZ can take now

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Peace in the Middle East seems further away than ever. The assassinations of [Hamas](#) and [Hezbollah](#) leaders, the threat of Iranian retaliation against Israel, and the ongoing catastrophe in Gaza have all put the region on a knife edge.

At first glance, there might seem to be little opportunity for New Zealand to contribute to a peaceful resolution. But that is not to say the country has no options.

In particular, the "[advisory opinion](#)" on the unlawful Israeli occupation of Palestinian territory issued by the International Court of Justice (ICJ) on July 19 has clear implications – and opportunities – for every country.

The ICJ, informally known as the World Court, has for the first time carefully laid out what international law says about the occupation of Gaza and the West Bank. This was in response to a [request in late 2022](#) from the United Nations General Assembly for the court to rule on the legality of the Israeli occupation.

The court received 57 written submissions from states and regional organisations (and heard 53 oral submissions). The court's 15 judges then voted on the list of findings in the advisory opinion.

The advisory opinion is officially titled "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory including East Jerusalem". It sets out the court's position on the occupation and what other countries can do to end it, including that:

*The State of Israel's continued presence in the Occupied Palestinian Territory is unlawful [and it] is under an obligation to bring to an end its unlawful presence [...] as rapidly as possible. (Vote: 11-4.)*

*All States are under an obligation not to recognise as legal the situation arising from the unlawful presence of the State of Israel in the [Occupied Palestinian Territory] and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory. (Vote: 12-3.)*

*The UN, and especially the General Assembly [...] and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory. (Vote: 12-3.)*

Moral authority: ICJ judges deliver their advisory opinion at The Hague, July 19. Getty Images

## What does it mean for New Zealand?

Although its advisory opinions are not technically binding on member states, the ICJ says they "carry great weight and moral authority". The UN General Assembly has said "respect for the Court and its functions [...] is essential to international law and justice and to an international order based on the rule of law".

This ruling clearly has implications for New Zealand, beyond reiterating that "Israel must honour its international obligations". Trade and investment policies will need revisiting, and possibly diplomatic and immigration settings, too. Four areas should be prioritised.

1. The government should issue a clearly articulated statement acknowledging the importance of the ICJ's advisory opinion and recognising New Zealand's obligations in light of it.
2. There needs to be a comprehensive review of all Crown financial institution investments, including scrutiny of the Superannuation Fund and Accident Compensation Corporation investment fund. By law, the Superannuation Fund must be invested to "avoid prejudice to New Zealand's reputation as a responsible member of the world community". The review should include all companies, listed bonds and private equity funds the Crown institutions invest in.

3. The Ministry of Foreign Affairs and Trade should advise companies and individuals about ensuring they comply with international law. The UN Office of the High Commissioner for Human Rights has compiled a [database of Israeli and global businesses](#) involved in activities relating to settlements in the Occupied Territories. Export regulations, including the list of export prohibitions and restrictions, need to be revisited and updated if necessary.
4. New Zealand needs to consider what role it will play in the UN General Assembly, given the ICJ advice that it find a way to end the Israeli occupation. As one of the 51 founding members of the UN, New Zealand should play an active part in formulating the next steps.

**Winston Peters**   
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The International Court of Justice has issued an advisory opinion ruling that Israel's presence in the Occupied Palestinian Territories is unlawful and must end as rapidly as possible.

Continued settlement expansion makes a two-state solution, the only way for Israelis and [Show more](#)

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## The power of international law

New Zealand was not among the 57 states that submitted a statement to the ICJ. Nor has it filed any response to South Africa's ongoing [genocide case](#) against Israel at the ICJ, or even been [willing to fully disclose](#) its position.

Additionally, New Zealand has not recognised a Palestinian state, despite [146 other UN member countries](#) having done so, including most recently [Norway, Spain and Ireland](#).

Inevitably, New Zealand's claims to be a defender of the rule of law and supporter of a "rules-based international order" will come under increased scrutiny. The ICJ has made those rules very clear, so now is the time to act.

By making tangible and practical moves in response to the advisory opinion, New Zealand would be doing more than simply showing it is a good global citizen. It would be recognising the potential of international law to gain traction in resolving a conflict that has raged far too long.