

Advisory Proceedings on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem | Table of State Positions\*\*

State	Does the Court have jurisdiction?	Should the Court decline to exercise its jurisdiction?	Are there unlawful practices in the oPt?	Is there a violation of Palestinians' right to self-determination?	Is there apartheid/systematic racial discrimination?	What is the legal status of the occupation (legal, illegal, no clear position)?	Occupation illegal because of violation of self-determination	Occupation illegal because of annexation/acquisition of territory by force	Occupation otherwise illegal under jus ad bellum	Occupation illegal because of apartheid	Occupation illegal under jus in bello	Does the occupation have to end immediately?	Legal consequences for Israel	Legal consequences for third States	Legal consequences for the UN
<b>Monday 19 February 2024, 10.00-13.20</b>															
Palestine	Yes	No	Yes	Yes	Yes	Illegal	Yes	Yes				Yes	Yes (cessation, non-repetition, full reparation for injury)	Yes (non-recognition, non-assistance, cooperation to realise Palestinian self-determination, no arms trade, humanitarian assistance to the Palestinian people, punish perpetrators of int'l crimes)	Yes (cooperation to realise Palestinian self-determination)
<b>Tuesday 20 February 2024, 10.00-13.00</b>															
South Africa	Yes (detailed in written submission)	No (detailed in written submission)	Yes	Yes	Yes	Illegal	Yes	Yes		Yes		Yes	Yes (cessation and reparation, including dismantling apartheid)	Yes (non-recognition, non-assistance, use lawful means to end the occupation)	Yes (must take all measures to bring the unlawful occupation to an end)
Algeria	Assumed	No	Yes	Yes		Illegal (detailed in written submission)	Yes (detailed in written submission)	Yes (detailed in written submission)					Yes (cessation and reparation)	Yes (non-recognition and non-assistance)	Yes (take decisions)
Saudi Arabia	Yes	No	Yes	Yes	Yes	Illegal	Yes	Yes	Yes	Yes		Yes	Yes (cessation and non-repetition, resume compliance with obligations, full reparation)	Yes (non-recognition, non-assistance, cooperation)	Yes (non-recognition, non-assistance, take steps to bring violations to an end, require the immediate end of the occupation)
Netherlands	Up to the Court to determine	Up to the Court to determine		Abstract exposition of self-determination		No clear position	Abstract exposition of self-determination	Abstract exposition of annexation	Abstract exposition of the prohibition on the use of force		Abstract exposition of jus in bello			Abstract exposition only (non-recognition, non-assistance, cooperation to bring violations to an end either through the UN or bilateral or multilateral fora, entitlement to invoke the responsibility of the author of the breach)	Abstract exposition only (same as for third States)

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Bangladesh			Yes	Yes	Yes	Illegal	Yes	Yes	Implied	Yes	Yes (Michael Lynk's test)	Yes	Yes (cessation of all acts preventing Palestinian self-determination and reparation)	Yes (non-recognition, non-assistance, cooperation to ensure immediate cessation of unlawful acts)	Yes (immediate action to end the occupation and apartheid)
Belgium			Yes (focus on settlement policy)	Yes (settlement policy)	Discrimination in relation to settlement policy, two separate legal systems	No clear position	Mentions that Israel's settlement policy is problematic for Palestinians' right to self-determination	Mentions that Israel's settlement policy contravenes the prohibition against the annexation of territory by force			Theoretical exposition with regards to prolonged occupations	Settlement policy must end immediately, including dismantling of existing settlements	Yes (cessation, assurances and guarantees of non-repetition, reparation; specifically, putting an end to the settlement policy)	Yes (non-recognition, non-assistance, cooperation to bring violations to an end; also duty to ensure respect for IHL)	Yes (exercise discretion to bring serious violations of peremptory norms to an end)
Tuesday 20 February 2024, 15.00-17.00															
Belize			Yes	Yes	Yes	Illegal	Yes	Yes	Yes	Yes	IHL violated, but not 'the breaches that lead to the most important consequences'	Yes	Yes (cessation, including immediate withdrawal and dismantling of settlements, full reparation)	Yes (recognition of the illegality of Israel's actions and non-assistance, including by means of regulating private actors)	
Bolivia	Yes		Yes	Yes	Yes	Illegal	Yes	Yes	Yes	Yes	Yes	Yes	Yes (cessation of all acts that prevent the realisation of Palestinians' right to self-determination)	Yes (non-recognition, non-assistance, cooperation to prevent and bring violations to an end, including duty to prevent genocide)	Yes (similar as for States; should continue to call upon Israel to end violations and implement measures to bring the occupation and apartheid to an end)
Brazil	Yes		Yes	Would appreciate if the Court could highlight that the occupation violates Palestinians' right to self-determination	Yes (reference to discrimination)	Illegal		Yes				Yes (must put the occupation to an end and must not prolong it)	Yes (cessation and reparation)	Yes (non-recognition, non-assistance, cooperation)	
Chile	Yes	No	Yes	Yes	Yes (racial discrimination)	Illegal	Yes	Yes	Yes		Yes (cumulative effect of	Yes			

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											systematic violations; reference to Michael Lynk's test)				
<b>Wednesday 21 February 2024, 10.00-12.30</b>															
Colombia	Yes	No	Yes	Yes	Yes (racial discrimination and apartheid)	Illegal	Yes	Yes	Implied (reference to the UN Charter)	Yes/implied	Yes/implied	Yes	Yes (cessation, return to compliance with obligations, reparation)	Yes (non-recognition, non-assistance, cooperation within the UN framework)	Yes (consider further action to bring the illegal situation to an end)
Cuba			Yes	Yes	Yes (discriminatory economic and cultural policy; rather than apartheid regime, low-intensity genocide)		Yes	Yes	Yes				Yes (cessation, non-repetition, reparation)	Yes (no rendering of assistance to a State against which the UN is taking enforcement action, comply with all decisions of the UN)	Yes
Egypt	Yes	No	Yes	Yes	Yes (racial discrimination, segregation, and subjugation)	Illegal	Yes	Yes	Yes	Yes	Yes	Yes	Yes (cessation, including rescission of unlawful policies associated with the occupation, full reparation for injury)	Yes (non-recognition and non-assistance)	
UAE						Illegal	Yes	Yes	Implied (reference to UN Charter)			Yes (must end)	Yes (compliance with the primary obligations, cessation of violations, reparation, compliance with resolutions of the Security Council)	Yes (non-recognition, non-assistance, cooperation, ensuring respect for IHL; specific implications for Security Council members not to veto)	Yes (take all steps within mandate to bring violations to an end)
USA		Should address the questions before it in line with the 'established framework' (the principle of 'land for peace' as				Implied that it is legal		Acknowledges the prohibition of the acquisition of territory by force on a theoretical level	No/implied		No (occupation is a question of fact)	No (the Court should not call for immediate and unconditional withdrawal without considering			

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		enshrined in Security Council resolutions 242 and 338)										Israel's legitimate security needs)			
<b>Wednesday 21 February 2024, 15.00-17.20</b>															
Russian Federation		Suggested that the Court should render an advisory opinion that contributes to the peace process	Yes, especially the construction of settlements	Yes		No clear position	Yes/implied					Yes, though the Court should not specify precisely how Israel's responsibility is to be implemented	Yes (compliance with obligations, cessation of violations, reparation; specifically, respect Palestinians' right to self-determination and end settlement activity). Both Israel and Palestine have an obligation to resume final status negotiations	Cooperate to make final status negotiations possible	Cooperate to make final status negotiations possible
France			Yes	Mentions obstacles to the realisation of Palestinians' right to self-determination	Mentions the principle of non-discrimination in the abstract	No clear position	Implied (maintaining the occupation constitutes an obstacle to the realisation of Palestinians' right to self-determination)					No clear position	Yes (cessation and reparation, holding perpetrators of serious violations accountable)	Yes (non-recognition, including distinction in dealings between Israel and the oPt)	Yes (consider taking follow-up action once the advisory opinion is rendered, support peace negotiations)
The Gambia			Yes	Yes	Yes	Illegal	Yes	Yes	Yes	Yes		Yes, or at least as rapidly as possible	Yes (must bring about the end of the occupation as soon as possible)	Yes (must bring about the end of the occupation as soon as possible)	Yes (must bring about the end of the occupation as soon as possible)
Guyana		No	Yes	Yes		Illegal		Yes				Yes			
Hungary	Yes	Yes (bilateral nature of the dispute, existing negotiation framework)													
<b>Thursday 22 February 2024, 10.00-13.05</b>															
China	Yes	No	Yes	Yes		Implied that illegal (refers to General Assembly and Security	Theoretical exposition only	Theoretical exposition only	Theoretical exposition only			No clear position (refers to negotiated settlement)	Mutual efforts by Palestine and Israel		Support from the international community

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						Council resolutions declaring the occupation unlawful and states that: 'Fifty-seven years have passed since Israel began its occupation of the Palestinian territory. Regardless of the duration of the occupation, the unlawful nature of the occupation and the sovereignty over the occupied territories remain unchanged')									
Iran	Yes	No	Yes	Yes	Yes (discriminatory measures and apartheid)	Implied that illegal	Yes	Implied and as a manifestation of the violation of Palestinians' right to self-determination		Apartheid as a manifestation of the violation of Palestinians' right to self-determination		'[T]he only legal, practical, democratic and just method to effectively realize the inherent right to self-determination of the Palestinian people is to hold a national referendum in Palestine'	Yes (non-assistance, non-recognition, cooperation, including duty to prevent genocide)	The Security Council should take enforcement action, other bodies should document violations	
Iraq	Yes	No	Yes	Yes	Reference to 'apartheid wall'	Implied that illegal	Yes					Yes			
Ireland	Yes	No	Yes	Yes		No clear position (though hinting at illegality)	Yes/implied	Suggested that Israel is already engaged in the process of annexing Palestinian land <i>de facto</i> and <i>de jure</i> (so illegality implied)	Yes/implied			No clear position	Yes (end serious breaches, make reparation)	Yes (non-recognition and non-assistance, including reviewing trade agreements, cooperation within the framework of the UN and the EU)	

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Japan						No clear position		Detailed theoretical exposition, including reference to Security Council resolution 242	Detailed theoretical exposition (right to self-defence in relation to the prohibition of annexation and the acquisition of territory by force)						
Jordan		No	Yes (special emphasis on holy sites in Jerusalem)	Yes	Yes (discriminatory legislation and measures tantamount to apartheid)	Illegal	Yes	Yes		Yes		Yes	Yes (end the occupation)	Yes (non-recognition, non-assistance, cooperation, punishing perpetrators of international crimes)	Yes (adopt measures to bring the occupation to an end)
<b>Thursday 22 February 2024, 15.00-18.10</b>															
Kuwait	Yes	No	Yes	Yes	Yes (discrimination that amounts to apartheid)	Illegal	Yes	Yes	Yes (prohibition on the use of force)	Yes	Yes	Yes	Yes (cessation, including ending the occupation, assurances and guarantees of non-repetition, full reparation for injury)	Yes (non-recognition, non-assistance, protecting the Palestinian people from international crimes, holding perpetrators accountable)	Yes (non-recognition, non-assistance, cooperation to bring the occupation to an end)
Lebanon		No	Yes	Yes	Yes (reference to written statement)	Illegal	Yes	Yes (as a corollary of the prohibition on the use of force)	Yes (the occupation as an act of aggression)			Yes	Yes (cessation, including recognition of the State of Palestine, non-repetition, full reparation for injury)	Yes (non-recognition, non-assistance, cooperation to bring the occupation to an end)	Yes (non-assistance and cooperation to bring the occupation to an end; special responsibility for the UN General Assembly and the Security Council)
Libya	Yes	No	Yes	Yes	Yes (systematic and comprehensive racial discrimination tantamount to apartheid)	Illegal	Yes	Yes	Yes/implied	Yes		Yes (immediate, unconditional, and total end)	Yes (cessation, including dismantling of illegal structures and repealing of laws, assurances and guarantees of non-repetition, full reparation for injury)	Yes (ensure that impediments to self-determination are brought to an end, non-recognition, non-assistance, ensure respect for IHL)	Yes (take action to enforce relevant resolutions and to bring the occupation to an end)

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Luxembourg	Yes	No	Yes	Yes (in relation to settlements and fragmentation)		No clear position						No clear position	Yes (put an end to continued violations of international law, including of Palestinians' right to self-determination and the construction of settlements, holding perpetrators accountable)	Yes (ensure respect for IHL, non-recognition, cooperation to end violations, distinguishing in their dealings between Israel and the oPt)	Yes (cooperate to bring violations to an end, especially the UN General Assembly and the Security Council)
Malaysia	Yes	No	Yes (and argument that these policies and practices are the occupation)	Yes		Illegal	Yes					Yes	Yes (cessation, assurances and guarantees of non-repetition, full reparation)	Yes (cooperate to bring violations to an end, non-recognition, non-assistance, support for UNRWA)	Yes (permanent responsibility for the Question of Palestine, forum for cooperation to bring violations to an end)
Mauritius		No	Yes	Yes		Illegal	Yes		Theoretical treatment of <i>jus ad bellum</i> and <i>jus in bello</i> (noting that the former regulates the legality of the occupation)			Yes	Yes (end the occupation as soon as possible)		
Friday 23 February 2024, 10.00-12.55															
Namibia	Yes	No	Yes	Yes	Yes	Illegal	Yes	Yes	Yes/implied (reference to the UN Charter and illegal use of force)	Yes	Yes/implied (breaches the law of occupation)	Yes	Yes (dismantle apartheid and settlements, recognise Palestinians' right to self-determination in their own State, ending the occupation)	Yes (non-recognition of violations and positive duty of recognition of Palestinians' right to self-determination in their own State, non-assistance, including no arms transfers)	
Norway			Yes	Yes/implied (permanent or irreversible measures would be in violation of Palestinians' right to self-determination)		No clear position		Theoretical exposition only	Theoretical exposition only in relation to the prohibition of annexation			No clear position	Theoretical exposition only (ending the occupation), reference to Israel's obligation under the law of occupation		

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													to allow for the safe passage of humanitarian relief and obligation to contribute to the establishment of a Palestinian State (on the basis of commitments made when Israel first joined the UN)		
Oman			Yes	Yes		Illegal	Yes/implied	Yes/implied				Yes	Yes (immediate cessation of illegal acts and reparation)	Yes (non-recognition and non-assistance, ensuring respect for IHL)	
Pakistan			Yes	Yes	Yes (systematic racial discrimination and apartheid)	Illegal	Yes	Yes	Yes			Yes	Yes (immediate withdrawal and non-repetition)	Yes (non-recognition and non-assistance)	
Indonesia	Yes	No	Yes	Yes	Yes (apartheid policy)	Illegal	Yes/implied	Yes	Yes	Yes/implied		Yes	Yes (immediate withdrawal and reparations to the Palestinian people)	Yes (non-recognition, non-assistance, ensuring Israel's compliance with its obligations)	Yes (non-recognition and ensuring Israel's compliance with its obligations)
Qatar		No (there is no peace process, expert opinions by Professors Avi Shlaim and Rashid Khalidi)	Yes (settler-colonial project featuring settlement, displacement, fragmentation, discriminatory and unlawful violence, a discriminatory military legal system, the suppression of Palestinian culture, economic oppression, and repression of those seeking to document violations)	Yes	Yes	Illegal	Yes	Yes	Yes (prohibition on the use of force)	Yes	Yes (the occupation is not temporary and not administered in good faith)	Yes			

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<b>Friday 23 February 2024, 15.00-18.10</b>															
United Kingdom		Yes (non-circumvention principle, unsuitability of fact-finding exercise by the Court, impact of Security Council resolutions 242 and 338)				No clear position						No clear position			
Slovenia	Yes/implied	No	Yes	Yes		Yes/implied	Yes/implied (violations of international law arising from Israel's prolonged occupation undermine the realisation of Palestinians' right to self-determination)	Yes/implied			Theoretical exposition only	Yes/implied (Israel must end unlawful acts in the oPt that undermine Palestinians' right to self-determination, including the prolonged occupation and annexation of Palestinian territory)	Yes (cessation and reparation, promoting the realisation of Palestinians' right to self-determination)	Yes (promoting the realisation of Palestinians' right to self-determination, ensuring respect for IHL, taking measures to put the illegal situation to an end, non-recognition, non-assistance, including distinguishing in dealings between Israel and the oPt)	Yes (taking measures to put the illegal situation to an end)
Sudan	Yes	No				No clear position (focus on jurisdiction and admissibility only)						No clear position (focus on jurisdiction and admissibility only)			
Switzerland			Yes			No clear position (focus on IHL and IHRL in situations of prolonged occupation)					Detailed theoretical exposition of the phenomenon of prolonged occupation and the tensions that arise regarding the different principles underlying the law of occupation	No clear position (focus on IHL and IHRL in situations of prolonged occupation)			
Syria			Yes	Yes	Yes (discriminatory)	Illegal		Yes				Yes (including the occupation)	Yes (put an immediate end to violations of)	Yes (put an end to Israel's violation of)	Yes (especially the UN Security Council and the

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					measures and apartheid)							of the Golan Heights)	Palestinians' right to self-determination, including dismantling of settlements, the separation wall, and related legislative measures, reparation)	Palestinians' right to self-determination, non-recognition, non-assistance, support ending the occupation)	General Assembly should consider further action and implement relevant resolutions)
Tunisia	Yes	No	Yes	Yes		Illegal (also because of genocide)	Yes/implied	Yes (acquisition of territory by means of genocide)	Yes/implied			Yes/implied	Yes (no circumstances precluding wrongfulness for violations of peremptory norms)	Yes (non-recognition, non-assistance, cooperation to bring violations to an end; in relation to genocide, universal jurisdiction, referral of the matter to the UN for follow-up action, bringing a case before the ICJ pursuant to the Genocide Convention, referral to the ICC)	Yes (consider what further measures must be taken to bring the occupation and serious violations of international law to an end)
<b>Monday 26 February 2024, 10.00-12.40</b>															
Türkiye			Yes (specific focus on the holy sites in Jerusalem)			No clear position						No clear position			
Zambia	Yes	Yes (the Court should defer to existing bilateral agreements; if the Court decides to exercise its jurisdiction, it should assist the parties in returning to negotiations)				No clear position						No clear position			
League of Arab States			Yes	Yes	Yes (racial discrimination and apartheid)	Yes, existentially illegal	Yes	Yes	Yes	Yes/implied		Yes (Israel must renounce all sovereignty claims and	Yes (ending serious violations relating to how authority is		Yes (the UN was tasked with the decolonisation of Palestine; any peace

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												dismantle settlements)	exercised in the oPt, as well as the exercise of authority itself. In the absence of the occupation ending, everything Israel does in the oPt is unlawful, even if it is in compliance with the law of occupation)		agreement should be concluded under UN auspices)
Organisation of Islamic Cooperation (OIC)		No	Yes	Yes	Yes (apartheid is developing)	Illegal	Yes	Yes	Yes		Yes (the manner in which the occupation has been administered)	Yes	Yes (cease all violations)	Yes (take all measures to bring violations to an end, including sanctions)	Yes (take all measures to bring violations to an end, including sanctions)
African Union	Yes	No	Yes	Yes	Yes (systematic racial discrimination)	Illegal	Yes	Yes	Yes/implied	Yes/implied	Yes (cumulative policies and practices in the oPt)	Yes (ending the occupation as rapidly as possible, citing the Chagos Advisory Opinion)		Yes (non-recognition, non-assistance, cooperation)	Yes (discuss and supervise modalities for ending the occupation)
<b>Monday 26 February 2024, 15.00-16.30</b>															
Spain	Yes		Yes	Yes	Yes (institutionalised discrimination)	No clear position						No clear position	Theoretical discussion only (continued performance, cessation, non-repetition, full reparation)	Theoretical discussion only (non-recognition, non-assistance, cooperation; invitation for the Court to determine what the duty to cooperate could look like, and whether UN Security Council members have a specific obligation not to obstruct collective action; specific obligations in relation to grave breaches of the Geneva	

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														Conventions, distinguishing in dealings between Israel and the oPt)	
<i>Fiji</i>		Yes (non-circumvention principle, undermining of the existing legal framework for resolving the dispute, absence of the full factual picture)		Implied that not (self-determination as a relative right)		No clear position						No clear position/ implied that not			
<i>Maldives</i>		No	Yes	Yes	Yes (systematic discrimination and apartheid; focus on discriminatory practices relating to water resources)	Illegal	Yes	Yes				Yes	Yes (cessation of unlawful acts, including ending the occupation, assurances and guarantees of non-repetition, full reparation; prior to ending the occupation, full compliance with IHL and IHRL)	Yes (non-recognition, non-assistance, cooperation; prosecuting or extraditing persons accused of having committed grave breaches of the Geneva Conventions)	Yes (particularly the UN General Assembly and the Security Council should take follow-up action to bring violations to an end)

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