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9 July 2004 – The International Court of Justice (ICJ) issued an [advisory opinion](#) today that Israel's building of a barrier in the occupied Palestinian territory is illegal and said construction must stop immediately and Israel should make reparations for any damage caused.



Responding to a request from the United Nations General Assembly, the World Court's opinion said the Assembly and the Security Council should consider what steps to take "to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion."

By a majority of 14 to 1, the judges found that the barrier's construction breaches international law, saying it violated principles outlined in the [UN Charter](#) and long-standing global conventions that prohibit the threat or use of force and the acquisition of territory that way, as well as principles upholding the right of peoples to self-determination.

Observing that 80 per cent of Israeli settlers in the occupied Palestinian territory now live between the barrier and the so-called Green Line marking the 1949 boundary of Israel, the Court said the structure's route could "prejudge the future frontier between Israel and Palestine."

The [ICJ](#) – the UN's principal judicial organ – said construction "would be tantamount to de facto annexation" as it explained that the barrier could create a potentially permanent "fait accompli" on the ground.

The judges noted that, combined with the Israeli settlements, which have been deplored by the Security Council, the barrier's construction alters the demographic composition of the occupied Palestinian territory and impedes the Palestinians' right to self-determination.

Concluding that Israel could not rely on a right of self-defence or on a state of necessity to justify the barrier, the Court said it was not convinced the specific route chosen was necessary for security reasons.

The judges also said Israel is obliged to stop construction immediately and dismantle the sections of the barrier that have already been built. They added that Israel must nullify any laws relating to its construction and make reparations for any damage caused by its erection.

Voting 13-2, the judges found that all States should not "recognize the illegal situation resulting from the construction of the wall" and not give any aid or assistance in maintaining the situation.

The judges' advisory opinion, released at the ICJ's headquarters in The Hague, is non-binding. It follows three days of court hearings in February.

Last December the General Assembly, during an emergency special session on the occupied Palestinian territories, adopted a resolution asking the ICJ to urgently render an opinion on the legal consequences of the construction of a barrier.