

The ICJ Must Address Israeli Impact on Palestinian Education Rights: A Statement from Education Above All Foundation

Foundation urges Intl. Court of Justice to consider effects of Israeli policies in the Occupied Palestinian Territory on right to education for Palestinians.

THE HAGUE, THE NETHERLANDS, March 26, 2024 /EINPresswire.com/ -- During 19-26 February 2024, the International Court of Justice (ICJ), in The Hague, heard oral submissions from the State of Palestine, 49 Member States of the United Nations, and three international organisations as a consequence of the request for an advisory opinion in respect of the 'Legal Consequences arising from the Policies and Practices of Israel in the Occupied Territory, including East Jerusalem'.

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EAA calls on the International Court of Justice to address the obligations of the occupying power under international law to essential health and education facilities towards the occupied people.”

*Education Above All
Foundation*

[Education Above All Foundation](#) calls the attention of the International Court of Justice to address the obligations of the occupying power under international law to essential health and education facilities towards the occupied people, including the duty to facilitate the working of care

and education institutions (Art. 50, Geneva Conventions (IV)). It is essential that there be an end to Israel's 'perpetual occupation' of Palestine, which is the root cause of the flagrant violation of the right to education of Palestinian peoples.

Education Above All Foundation invites the Court to exert particular attention to the legal consequences of the Israeli occupation and of the practices and policies of Israel on education in the Occupied Palestinian Territories in light of the extensive, systematic and deliberate targeting of schools and UNRWA schools designated as official- and make-shift shelters during the ongoing bombardment of Gaza.

Explanatory Notes:

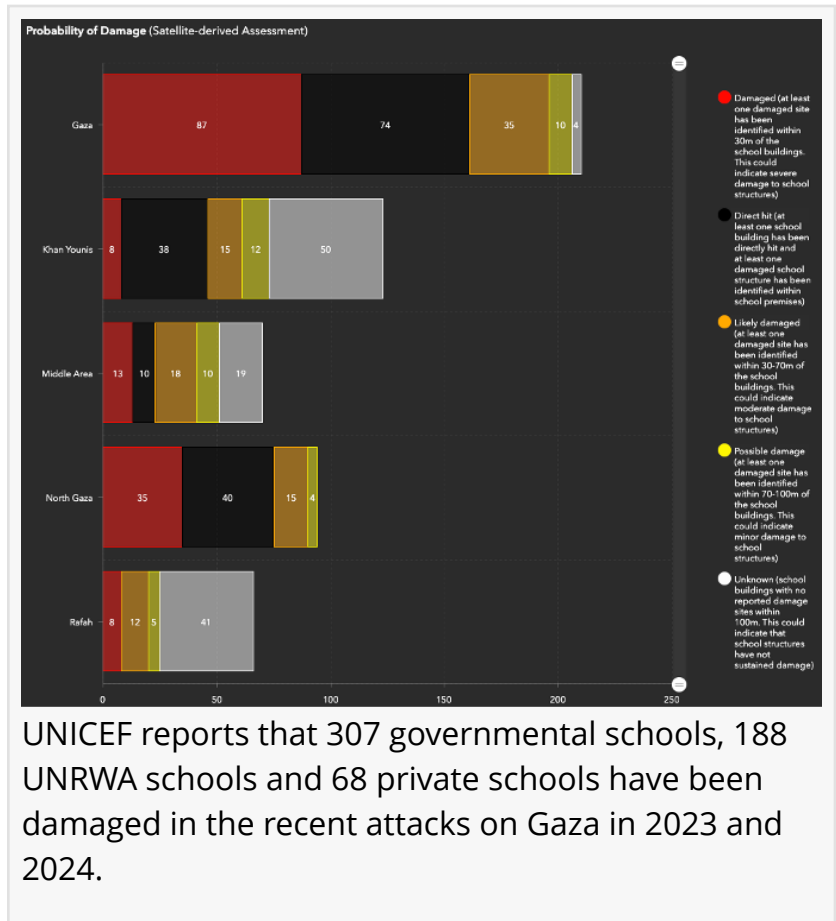
- The proceedings at the ICJ were the result of a resolution adopted by the General Assembly of the United Nations ([UN GA Res. A/RES/77/247](#)) on 30 December 2022, in accordance with Article

65 of the Statute of the Court and Article 96 of the UN Charter, which allows the General Assembly to request the Court for an Advisory Opinion on a legal question. On 17 January 2023, the Secretary-General of the United Nations officially communicated the request for an advisory opinion to the world Court. The League of Arab States, the Organisation of Islamic Cooperation and the African Union also requested to participate in the proceedings. All written statements and comments are published on the ICJ's website, as are verbatim records of the oral proceedings.

- The request for the advisory opinion asks two questions: what are “the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures”; and how do these practices and policies “affect the legal status of the occupation and the legal consequences that arise for third parties from this status.”

- Israel announced that it would not participate in the hearings or send a delegation but also submitted a written statement dated 24 July 2024 in which it proposed that the request to the Court for an advisory opinion was “contrary to the established legal framework governing the Israeli-Palestinian conflict”. The statement also confirms that Israel “has not given its consent to judicial settlement of its dispute” with Palestine and that for Israel “to engage with the subject-matter of the request placed before the Court...would not just be unwarranted; it would be harmful.”

- The ICJ was previously requested to issue an advisory opinion on a related issue in 2004, which specifically concerned the legal consequences of one aspect of the occupation: the legality of the construction of the Wall in the Occupied Palestinian Territories. The Court held that the Wall was illegal under international law and that the Palestinian people have a right to self-determination. This is a right that Israel has breached as a “belligerent occupier” according to the first Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory,



including East Jerusalem and Israel. The ICJ further emphasised that, under Article 1 of the Fourth Geneva Convention, every State party is under an obligation to not recognize the illegal situation resulting from the construction of the Wall in the Occupied Palestinian Territories and not to render aid or assistance in maintaining the situation created by such construction.

- The submissions made during the current case at the ICJ were focused around several common points, from which one particular issue found a high level of consensus: that the policies and practices of Israel in the Occupied Palestinian Territories have rendered what was once a “belligerent occupation” into an illegal occupation.

- With this background, [UNICEF](#) has reported that 307 governmental schools, 188 UNRWA schools and 68 private schools have been damaged in the recent attacks on Gaza in 2023 and 2024. Satellite-derived damage assessments have shown that in Gaza alone, at least 87 schools have suffered severe damage to their structure and around 74 schools have been directly hit with at least one building severely damaged. Statistics in the North of Gaza show similar proportions, with severe damage to around 35 and 40 schools, respectively (Fig.1).

- UNICEF has similarly reported that, as of 30 January 2024, 78% of all schools in the Gaza strip have sustained damages and that 92% of schools are either being used as IDPs shelters – which is around four times more than their capacity – and/or have sustained damage.

Patience Rusare

Education Above All Foundation

parusare@eaa.org.qa

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