

**International Law Framework Regarding the Protection of the Environment in
the Palestinian territory Israel captured in and has controlled since 1967
(the Gaza Strip and West Bank, including East Jerusalem)**

Independent Expert Legal Opinion

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PART 1: INTRODUCTION AND EXECUTIVE SUMMARY

1. This independent expert opinion is concerned with the environmental harm perpetrated by Israel in the Palestinian territory it captured and has controlled since 1967—the Gaza Strip and West Bank, including East Jerusalem—hereinafter the ‘occupied Palestinian territory’ (OPT), and the question of responsibility for this harm in international law. I was asked to provide it by an international NGO (unnamed) as a means of supporting public understanding of the subject. It is written in my personal, individual capacity as a legal expert only, not in any other capacity (including as legal practitioner) or on behalf of any other entity. It does not constitute legal advice or the provision of a legal service, and no responsibility is accepted for any action taken in reliance of the analysis contained herein. The original views expressed are my own only, and not to be attributed to any other actor.
2. Part 2 details the various different ways that Israel has perpetrated widespread and severe environmental harm in the OPT. It begins by providing an overview and places the situation in the OPT in the broader historical context of Zionist colonisation (Section 1). It then addresses particular forms of harm in turn: pollution due to inadequate waste management infrastructure for Palestinian communities (Section 2); the transfer of waste from Israel (Section 3); pollution from Israeli settlements (Section 4); the disparity in environmental regulations as between Israel and the OPT and between different parts of the OPT (Section 5); pollution caused directly during periods of intensified military action, notably in the Palestinian Gaza Strip (Section 6); acts of destruction of agriculture, natural resources and flora/fauna (Section 7); water resource issues (Section 8); land expropriation and settlement expansion leading to overexploitation and ecosystem destruction (Section 9); changes and decline in Palestinian agricultural practices (Section 10); occupation-induced climate vulnerability (Section 11); the establishment of national parks and associated greenwashing (Section 12); and environmental harm caused by Israeli settlers (Section 13).
3. Part 3 sets out and applies the relevant international legal framework. It begins by explaining the question of where legal sovereignty resides, and the legal status of Israel’s presence, in the OPT (Section 14). Having introduced the applicable international law (Section 15), it then addresses the two different components of this law in turn. On the one hand is the *conduct-regulatory regime*: the law that regulates how Israel conducts its presence in the OPT (Section 16). On the other hand is the *presence-legality regime*: the law that determines whether or not Israel’s presence in the OPT is, in and of itself, lawful (Section 17).

4. As far as the *conduct-regulatory regime* is concerned (Section 16), it is explained that the relevant rules are drawn from three different areas of international law: the law of armed conflict/*jus in bello*/international humanitarian law, including the law of occupation; international environmental law; and international human rights law, including the human right to self-determination. The relevant parts of these areas of law are applicable extraterritorially, and in a situation of armed conflict generally and occupation in particular. The opinion then draws from across these three areas to provide a holistic, single framework involving two duties: to respect, and protect, the environment. The former duty includes an obligation not to exploit natural resources. The latter duty includes an obligation to protect the environment from harm perpetrated by non-State actors, including settlers, and a broader conservationist duty. How these duties are capable of being limited, in certain circumstances, if necessary for security purposes, and/or to preserve order, and/or in the interests of the occupied (Palestinian) population, is explained. The various, multiple aspects of the two duties are set out, followed by a detailed summary.
5. Determining the legality/illegality of the impact of Israel's presence in the OPT on the environment as a matter of this conduct-regulatory framework requires a complex chain of reasoning. Determinations on any given issue or situation are dependent in large measure on the specificities of the particular facts of the issue or situation. Moreover, given the widespread and systematic nature of Israel's harm to the environment in the OPT, covering more than half a century, the quantum of such determinations of legality/illegality required to capture the scale of what has happened is vast. It is not possible, therefore, in an opinion of this length, to provide such determinations. Instead, what is provided is the framework that could be applied to make them. Insofar as such determinations would lead to findings of illegality, Israel has breached international law.
6. However, and in any case, a more fundamental legal matter must also be determined, and this is something that can be, and is, done, in the present opinion, leading ultimately to a conclusion that addresses, in a more comprehensive fashion than the conduct-regulatory framework, the legality of the impact of Israel's presence in the OPT on the environment.
7. The more fundamental legal matter is the question of legality as far as the *presence-legality regime* is concerned (Section 17). This legal regime comprises the law on the use of force, and the law of self-determination. Applying this legal regime to the Israeli presence in the OPT leads to the conclusion that the presence is, in and of itself, illegal. The significance of this illegality is that everything Israel does in the OPT—including all forms of environmental harm—is unlawful, not just those actions that violate the rules of the aforementioned conduct-regulatory

regime, because it is conducted as part of a presence that is itself illegal. In consequence, whether or not environmental harm can be legally-justified for security/public order purposes in, or in other ways is not prohibited by the requirements of, the conduct-regulatory regime, is, ultimately, irrelevant. It will in any case be illegal as a matter of the more fundamental presence-legality regime.

8. The need to address the legal position holistically—taking account of both legal regimes, rather than, as is usually the case, the conduct-regulatory regime only—is explained. In the first place, this is necessary to avoid greenwashing the existence of the occupation: presenting a false impression that, insofar as the conduct of the occupation meets the relevant standards, its existence is somehow thereby legitimated. In the second place, this is necessary to avoid security-washing those components of the harm Israel causes to the environment not prohibited by the conduct-regulatory framework because they meet the legal test to be justified for security/public order purposes. Legally, the occupation can be neither greenwashed nor security-washed, because even if it were to be fully compliant with the conduct-regulatory framework, and even if the harm perpetrated by it to the environment were to be justified for security/public order purposes by this framework, nonetheless on the different, and ultimately more fundamental, matter of the legality of its very presence, it, and everything done pursuant to it, is illegal. Israel has, thus, breached international law on this basis with respect to all the widespread and severe environmental harm that has occurred in the OPT outlined in Part 2, regardless of whether or not the harm in question has also involved breaches of, or could be justified (or at least is not prohibited) by, the conduct-regulatory framework.
9. The foregoing analysis on the question of legality/illegality as a matter of the two legal regimes is summarized (Section 18), before the analysis turns to Part 4, which addresses the legal consequences of Israel's violations of international law for three of the main legal persons involved: Israel, the State of Palestine and the Palestinian people, and third States (i.e. all States other than Israel and the State of Palestine).
10. Israel is legally obliged to perform three obligations in relation to its legal violations: cessation, providing assurances and guarantees of non-repetition, and reparation (Section 19).
11. The State of Palestine and the Palestinian people are entitled to see Israel perform the foregoing three obligations. They also have standing, as the legal victims, to bring cases against Israel before domestic and international mechanisms. It is explained that those domestic remedies that exist for Palestinian people provided by Israel are inadequate, and in any case sometimes form part of a system of

domestic-law-application that is itself illegal (the application of Israeli law in the OPT as if it were sovereign Israeli territory), including as a matter of their right to self-determination. The availability of international mechanisms to bring claims against Israel are very limited. In consequence of these two factors, domestic and international, there is a pressing need for further international remedies to be provided for the Palestinian people (Section 20).

12. For third States, because some of the breaches of international law by Israel are of a special, fundamental character, they bear special obligations to suppress the violations: (1), to bring them to an end, (2), not to recognize the illegal situation created by them, and, (3), not to aid or assist them (Section 21). States also have special legal rights to complain about the violations, including to bring legal cases about them (*id.*).
13. Part 5 draws on the foregoing analysis to make the following recommendations for action on the part of States, international organizations and NGOs: (1) Prepare detailed case studies, drawn from the summary situation set out in Part 2, with facts applied to the legal framework set out in Part 3 to determine, in each case, whether and if so how the conduct-regulatory legal regime has been violated (Section 23); (2) support domestic remedy cases brought by individual Palestinian people based in part on the case studies (Section 24); (3) support existing, and create new, international mechanisms to promote the human rights of the Palestinian people (Section 25); (4) take the full range of actions possible to invoke Israel's violations of international law, including by bringing and participating in international cases (Section 26); (5) support the International Criminal Court (Section 27).

PART 2: FACTUAL BACKGROUND

1. Historical overview and background

14. The Israeli occupation of the Palestinian Gaza Strip and West Bank (including East Jerusalem) since 1967 is a continuation of the longer-standing project of the Zionist colonisation of Palestine. This is a land-based project, concerned with the control, alteration, management and exploitation of the land of Palestine.¹ As part of this, the objective is to completely and permanently sever, or at least drastically alter, the relationship between the Palestinian people and their land, and effect dominion over, settlement and residence in, and ownership and exploitation of,

¹ See e.g. Abofoul, A., *Israel's ecological apartheid in the Occupied Palestinian Territory* (2021) *Opinio Juris*, 22 Oct, available from: <https://opiniojuris.org/2021/10/22/israels-ecological-apartheid-in-the-occupied-palestinian-territory/>; Braverman, I., *Settling Nature: The Conservation Regime in Palestine-Israel* (2023) Minneapolis: University of Minnesota Press (hereinafter Braverman, *Settling Nature*).

this land by Jewish Israelis.² By the time Israel captured the Palestinian Gaza Strip and West Bank (including East Jerusalem) in 1967, the environmental transformation of Palestine on this basis was already well underway within the 78% of this land that had been proclaimed to constitute Israel by those controlling it in 1948.³ The introduction and operation of Israeli control over the remaining 22% of Palestine since 1967 has enabled it to extend this transformatory enterprise to operate throughout Palestine in its entirety, from the Jordan River to the Mediterranean Sea.

15. As this Part of the present opinion details, the conduct of this enterprise in the Palestinian Gaza Strip and West Bank (including East Jerusalem) since 1967 has resulted in widespread and severe environmental harm. Particular causes of such harm have included military operations; expropriation of land; restrictions on Palestinian free movement; denying Palestinian access to and sovereignty over natural resources; acts of deliberate environmental damage and destruction, and impunity for such acts, by private actors, notably Israeli settlers; and weak or non-existent environmental regulation. At the same time, while inflicting widespread and severe environmental harm in the foregoing and other ways as a matter of fact, Israel attempts to invoke environmental protection as a justification for the subjugation of the Palestinian people and the acquisition of their land, thereby attempting to greenwash this subjugation and acquisition, and enable its continuance and extension.⁴ Also, Israel typically invokes security and military necessity to justify actions with harmful environmental implications, such as the destruction of civilian infrastructure, and pollution, during periods of particular intensified military operations; the blockade of the Palestinian Gaza Strip; the destruction of nature and agriculture; and the construction of the separation wall and other military infrastructure, and related appropriation of land.
16. This Part of the present opinion starts by detailing the issue of pollution arising from inadequate waste management infrastructure for Palestinian communities (covered in Section 2), including causes (covered in Section 2.2) and implications thereof (covered in Section 2.3). It then tackles the transfer of waste from Israel into the OPT (covered in Section 3), and the pollution of the OPT by waste from Israeli settlements (covered in Section 4), before going on to cover the disparities in environmental regulations between Israel and the OPT and within the West

² Id.

³ For example, national parks had been declared and land afforested on the site of hundreds of Palestinian villages that were ethnically cleansed and destroyed in 1948, in an attempt to conceal the dispossession and extinguish claims for return. See Sasa, G., *Oppressive Pines: Uprooting Israeli green colonialism and implanting Palestinian A'wna* (2023) 43 (2) *Politics* 219; Masalha, N. *Remembering the Palestinian Nakba: Commemoration, oral history and narratives of memory* (2008) 7 (2) *Holy Land Studies* 125.

⁴ Braverman, *Settling Nature*, *supra* note 1.

Bank between Israeli settlements and Palestinian communities (covered in Section 5). Section 6 then outlines the direct pollution caused by particular intensified military operations, and Section 7 details acts of destruction of natural resources, agriculture and natural habitats. Section 8 summarises the impact of the occupation on water resources in the OPT, and Section 9 details the impact of land appropriation and settlement expansion on the environment of the OPT. Section 10 then explains changes to Palestinian agricultural practices, and Section 11 outlines the nature of occupation-induced climate vulnerability. Finally, Section 12 details Israel’s greenwashing and environmentalist discourse, and Section 13 sets out the environmental damage and destruction perpetrated by Israeli settlers.

2. Pollution due to inadequate waste management infrastructure for Palestinian communities

2.1 Overview

17. Inadequate waste management infrastructure has resulted in widespread pollution in Palestinian communities in the OPT. This inadequacy in infrastructure is a result of deliberate Israeli policies and practices inhibiting the implementation of functioning infrastructure. A 2019 study of infrastructure in the OPT by Weinthal and Sowers concluded that Israel conducts “systematic targeting” of environmental infrastructure, a policy that represents “an important feature” of the occupation.⁵

2.2 Causes of poor infrastructure

2.2.1 Intensified military operations, especially in the Palestinian Gaza Strip

18. Aerial bombardment and other particular intensified military operations by the Israeli military have inflicted major damage on civilian infrastructure, most notably in the Palestinian Gaza Strip since Israel’s 2005 reconfiguration of its occupation there. In particular, the targeting of civilian infrastructure in the Palestinian Gaza Strip was systematically conducted in 2008-9,⁶ and 2014,⁷ and has been ongoing since 2023.⁸ In 2014, for example, the United Nations Environment Programme reported “severe damage” to the Palestinian Gaza Strip’s

⁵ Weinthal, E. and Sowers, J., Targeting Infrastructure and Livelihoods in the West Bank and Gaza (2019) 95 (2) *International Affairs* 340 (hereinafter Weinthal and Sowers, Targeting Infrastructure).

⁶ Id.

⁷ Id.

⁸ World Bank, European Union, United Nations, Interim Rapid Damage and Needs Assessment, February 2025, <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf> (hereinafter IRDNA).

infrastructure, including its water supply, sewage system and energy supply.⁹ As much as 60 per cent of the Palestinian Gaza Strip's wastewater treatment plants were destroyed.¹⁰ The total war perpetrated by Israel in the Palestinian Gaza Strip from October 2023 onwards has involved the almost total destruction of solid waste management and wastewater treatment infrastructure.¹¹

2.2.2 *Planning regulations in the Palestinian West Bank*

19. In the Palestinian West Bank, restrictive planning processes for Palestinian communities inhibit the construction of safe and modern waste management infrastructure. In so-called Area C, which comprises 60% of the total area of the Palestinian West Bank and is home to 150,000-300,000 Palestinian people,¹² Israel has designated as much as 70% of the land as state or settlement land, firing zones, and nature reserves, meaning that the construction of Palestinian infrastructure is automatically blocked.¹³ In the remaining 30%, planning permission in general, including for waste management infrastructure, is presided over by the Israeli Civil Administration, and planning permission is, according to UNEP, "almost impossible for Palestinians to obtain".¹⁴ Such infrastructure that is built without permission is subject to demolition.¹⁵

2.2.3 *Blockade of the Palestinian Gaza Strip*

20. Even before Israel's conduct of total war in the Palestinian Gaza Strip from October 2023 onwards, its blockade of the territory since 2007 imposed strict limits on the movement of goods into the territory under the pretext of security,¹⁶ including materials necessary for waste management construction. For example, Oxfam reported in 2017 that less than 16% of materials needed for sanitation

⁹ United Nations Environment Programme (UNEP), *State of Environment and Outlook Report for the oPt 2020* (2020). Available from:

<https://www.un.org/unispal/document/state-of-environment-and-outlook-report-for-the-opt-2020-un-environmental-program-report>, at 24-5 (hereinafter UNEP SEORP).

¹⁰ Weinthal and Sowers, Targeting Infrastructure, *supra* note 5.

¹¹ IRDNA, *supra* note 8.

¹² See e.g. UN OCHA, *Humanitarian Factsheet on Area C of the West Bank*, available from: https://www.ochaopt.org/sites/default/files/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf; B'Tselem, *Area C*, available from: https://www.btselem.org/topic/area_c.

¹³ B'Tselem, *Acting the Landlord: Israel's Policy in Area C, the West Bank* (2013), available from: https://www.btselem.org/download/201306_area_c_report_eng.pdf.

¹⁴ UNEP SEORP, *supra* note 9, 23.

¹⁵ B'Tselem, *Acting the Landlord*, *supra* note 13, 23.

¹⁶ ICRC (n.d.) *Israel, Blockade of Gaza and the Flotilla Incident*, available from: <https://casebook.icrc.org/case-study/israel-blockade-gaza-and-flotilla-incident>, para 30.

infrastructure construction were permitted to enter.¹⁷ The need for construction has been and is particularly vital in light of the repeated destruction of infrastructure during particular intensified military operations. Moreover, restrictions on electricity have hindered the functioning of existing vital infrastructure.¹⁸

2.3 Wastewater

21. As a result of the factors described in Section 2.2, the OPT has highly inadequate wastewater treatment systems, resulting in a high level of long-term pollution of waterways and soil.
22. In the Palestinian Gaza Strip, since the reconfiguration of the occupation in 2005, wastewater infrastructure has been severely impacted by particular intensified military operations and restrictions on the entry of fuel into the territory.¹⁹ This has led to dire levels of untreated wastewater being released into the Mediterranean Sea. In 2020, for example, 108,000 cubic metres of partially treated or untreated wastewater was being released into the sea per day,²⁰ and UNEP recorded nitrate concentrations there six times higher than the WHO recommended level,²¹ as well as unsafe levels of nitrate and chloride in wells.²²
23. This pollution is highly damaging to human health. In the Palestinian Gaza Strip, even before the total war perpetrated by Israel there from October 2023, data from 2020 showed that waterborne diseases were the main cause of childhood morbidity and represented 26 per cent of all diseases.²³ Moreover, pollution of the sea with wastewater has, in the words of Al-Hindi, Aker, & Al-Delaimy, caused “major health problems for terrestrial and marine life, as well as a reduced quantity of fish”.²⁴
24. Israel’s conduct of total war in the Palestinian Gaza Strip from October 2023, notably the major destruction of the territory’s already limited civilian

¹⁷ Oxfam, *Failing Gaza: undrinkable water, no access to toilets and little hope on the horizon* (n.d.), available from: <https://www.oxfam.org/en/failing-gaza-undrinkable-water-no-access-toilets-and-little-hope-horizon>.

¹⁸ UNEP SEORP, *supra* note 9, 72.

¹⁹ *Id.*, 51.

²⁰ Al-Hindi, A., Aker, A., Al-Delaimy, W.K., The destruction of Gaza’s infrastructure is exacerbating environmental health impacts (2022) 6 (1) *Environmental Epidemiology*.

²¹ *Id.*, 16.

²² *Id.*, 76.

²³ *Id.*, 77.

²⁴ *Id.*, 52.

infrastructure, and the total blockade of fuel into the territory, led to, in the words of Ahmed, a “total collapse” in the functioning of infrastructure.²⁵ In March 2024, the World Bank, the European Union and the United Nations jointly reported “high levels of pollution of surface and groundwater, coastal waters, and soils with severe impacts on human health”, which the United Nations Environment Programme (UNEP) noted had led to “widespread infectious diseases”.²⁶

25. In the Palestinian West Bank, the inability to secure planning permission for wastewater infrastructure from the Civil Administration means that there is an 85% reliance on septic tanks for wastewater disposal.²⁷ Moreover, in rural areas, wastewater may be released, untreated, directly into the environment, where it impacts the health of the soil and agricultural output.²⁸ UNEP reports that there is “severe pollution” to waterways in the Palestinian West Bank and that “many streams have become wastewater channels”.²⁹

2.4 Solid waste

26. The OPT also has insufficient solid waste disposal infrastructure (such as recycling, landfill and e-waste treatment centres). Only 65% of solid waste is disposed of in sanitary landfill sites, while the remaining 35% is predominantly disposed of in random, unregulated sites, which make up hundreds of km² of land, representing, in the words of Atallah writing for the German NGO Heinrich Böll Stiftung, “a constant source of pollution to the Palestinian environment”.³⁰ The lack of sufficient official landfill sites, and the confined concentration of Palestinian people into particular zones has resulted in the widespread burning of

²⁵ Ahmed et al., ‘Ecocide in Gaza’: Does scale of environmental destruction to a war crime? (2024) *Guardian*, 29 March, available from: <https://www.theguardian.com/environment/2024/mar/29/gaza-israel-palestinian-war-ecocide-environmental-destruction-pollution-rome-statute-war-crimes-aoe> (hereinafter Ahmed et al., Ecocide).

²⁶ World Bank, the European Union, the United Nations, *Gaza Strip Interim Damage Assessment, Summary Note* (2024) 29 March, available from: <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>, 16 (hereinafter GSIDA); UNEP, *Environmental Impact of the Escalation of Conflict in the Gaza Strip: Second assessment of environmental damage and recommendations for recovery and reconstruction planning* (2025) 23 September, available from: <https://wedocs.unep.org/items/7aa1738b-c460-499b-9227-5818dbac66bc>, 10 (hereinafter UNEP Second Assessment).

²⁷ UNEP SEORP, *supra* note 9, 111.

²⁸ Pearce, E., *Settler Colonialism and the Environment in Al-Walaja, Palestine* (2025) 29 (7) *International Journal of Human Rights* 1191, (hereinafter Pearce).

²⁹ UNEP SEORP, *supra* note 9, 73, 74.

³⁰ Nidal Atallah, *Palestine: Solid waste management under occupation* (Heinrich Boll Stiftung, 2020) Available from: <https://ps.boell.org/en/2020/10/07/palestine-solid-waste-management-under-occupation> (hereinafter Atallah).

waste, with highly toxic effects.³¹ In the Palestinian Gaza Strip, the decimation of solid waste infrastructure through Israel’s conduct of total war from October 2023 led to the accumulation of half a million tonnes of solid waste (including hazardous waste) in over 200 informal dumping sites after one year, “further compounding the already dire humanitarian and public health crisis” according to the United Nations Development Programme (UNDP).³²

3. The transfer of waste from Israel

27. There is significant evidence that Israel transfers solid waste from Israel to the Palestinian West Bank. UNEP noted in 2020 that “there is evidence that hazardous products and electronic waste (‘e-waste’), is transported from Israel into the West Bank for treatment at numerous waste processing facilities there”.³³ In 2016, the Heinrich Böll Stiftung reported that more than half of the e-waste generated in Israel was transferred to the Palestinian West Bank.³⁴ A 2017 report by Israeli NGO B’Tselem found that Israel was facilitating the transfer of waste from Israel to fifteen sites across the Palestinian West Bank. This included sewage as well as hazardous waste and dangerous substances.³⁵ As the report noted, this practice has significant environmental impacts and “could potentially result in health hazards and pollution, including harm to open spaces; water, air and ground pollution; noise and dust nuisance; visual pollution and pests”.³⁶

4. Settlement waste pollution

28. Waste from Israeli settlements is disposed of in Palestinian communities, with negative environmental and health impacts. While there are some dedicated Israeli-only solid waste disposal sites for settlements, other waste is serviced by Palestinian landfill (which is already overburdened due to the reasons outlined in Section 2.2 above). Moreover, in the words of Atallah, settlement waste is also “illegally dumped in numerous random sites, mostly located near Palestinian

³¹ Stamatopoulou-Robbins, S.C., *Waste Siege: The Life of Infrastructure in Palestine* (2020) Stanford, CA: Stanford University Press.

³² United Nations Development Programme, *Impact of the War on Solid Waste Management in the Gaza Strip: Executive Summary* (2024) Available from: https://www.undp.org/sites/g/files/zskgke326/files/2024-10/undp_papp_gaza_insights_on_solid_waste_management_october_2024_0.pdf. See also UNEP Second Assessment, *supra* note 26.

³³ UNEP SEORP, *supra* note 9, 112.

³⁴ Atallah, *supra* note 30.

³⁵ B’Tselem, *Made in Israel: Exploiting Palestinian Land for Treatment of Israeli Waste* (2017), available from: https://www.btselem.org/sites/default/files/publications/201712_made_in_israel_eng.pdf.

³⁶ *Id.*

communities, and with no monitoring or accountability.”³⁷ One 2011 study noted that 80% of settlements’ solid waste was being dumped in unsanitary landfill sites.³⁸

29. The release of untreated wastewater from settlements in the Palestinian West Bank poses a major environmental threat. As of 2009, only 81 out of 121 Palestinian West Bank settlements had wastewater treatment services, leaving 40 settlements releasing untreated sewage into the environment.³⁹ A 2024 report from the Norwegian Research Council (NRC) revealed serious impacts to the health of the soil and waterways in the Palestinian West Bank as a direct result of settlement household and industrial wastewater effluent, noting the likely impact on “agricultural productivity, public health and biodiversity” and the threat posed to Palestinian climate adaptation.⁴⁰
30. One example of the serious health impacts of settlement pollution is the West Bank Palestinian village of Bruqeen where, as the present author has directly witnessed, raw sewage is dumped from a nearby Israeli residential settlement on one side, and various land and air-borne pollutants are spewed from a settlement-factory on another side. This has led to, in the words of Abofoul, “increasing cases of miscarriage, cancer, and congenital birth defects” and, “among other serious diseases, respiratory illness and gastrointestinal failures”.⁴¹

5. Disparity in environmental regulations in Israel versus the Palestinian West Bank and within the Palestinian West Bank

31. As explained below, Israel is not sovereign over the OPT, and so is prohibited in international law, including as a matter of occupation law, from applying its national law there.

³⁷ Atallah, *supra* note 30.

³⁸ Isaac, J and Hilal, J, Palestinian landscape and the Israeli-Palestinian conflict (2011) 86 (4) *International Journal of Environmental Studies* 413-29.

³⁹ B’Tselem, *Foul Play: Neglect of wastewater treatment in the West Bank* (2009), available from: https://www.btselem.org/publications/summaries/200906_foul_play, 7.

⁴⁰ Norwegian Refugee Council, *Ripple Effects: exploring the environmental impact of Israeli settlements’ wastewater discharge* (2024), available from: <https://www.nrc.no/globalassets/pdf/reports/ripple-effects/exploring-environmental-impact-israeli-settlements-wastewater-discharge.pdf> (hereinafter NRC, *Ripple Effects*).

⁴¹ Abofoul, above note 2; see also Khloud M. Hammad and Mazin B. Qumsiyeh, ‘Genotoxic effects of Israeli industrial pollutants on residents of Bruqeen village (Salfit district, Palestine)’ *International Journal of Environmental Studies*, 2013, available from: <https://www.palestinature.org/research/GenotoxicityPalestine.pdf>.

32. Despite this, Israel applies its national law in East Jerusalem on the erroneous, unlawful basis that it is part of sovereign Israel territory, and also applies some elements of national law to other parts of the Palestinian West Bank. On the latter, when it comes to environmental law in particular, this is applied in a way that offers inferior protection compared to application in territorial Israel. For instance, neither the law on Environmental Management of Electric and Electronic Equipment and Batteries, nor the Price Control of Mixed Waste Decree, which requires reporting on waste data, apply.⁴² In addition, regulations on the treatment of hazardous waste are only applied selectively. For example, as of 2020, Israel's Clean Air Law and Environmental Protection Law do not apply in the Palestinian West Bank and therefore do not regulate waste treatment in settlements.⁴³ In the words of Rahim and Grist, "gaps in data and coordination" created by the differing frameworks understood to be applicable as between Israel and the Palestinian West Bank have resulted in "persistent environmental degradation".⁴⁴

6. Pollution caused directly during periods of particular intensified military action including bombardment in the Palestinian Gaza Strip

33. The bombardment of civilian infrastructure in the Palestinian Gaza Strip over the course of approximately two decades has caused significant pollution, both directly from the munitions themselves, and indirectly through the debris of collapsed buildings. The bombing of buildings pulverises concrete, creating toxic dust, while industrial chemicals and fuel may be released into the environment.⁴⁵ The extensive presence of asbestos in buildings caused by Israeli restrictions on the entry of proper building materials had already created a significant risk of asbestos poisoning and the eventual development of asbestos-exposure-related cancer. This risk has been massively amplified by the release and widespread dispersal of asbestos caused by the destruction of these buildings, creating an acute situation, especially during the period of Israel's total war conducted there since October 2023.⁴⁶ The World Bank, the European Union and the United Nations described in 2024 the polluting impact of bombardment in a general sense thus:

⁴² UNEP SEORP, *supra* note 9, 148.

⁴³ *Id.*

⁴⁴ *Id.*, 152.

⁴⁵ Rahim, S. and Grist, 'Israel's war in Gaza is creating enormous hidden health problems' (2024) *Scientific American*, 19 January, available from: <https://www.scientificamerican.com/article/israels-war-in-gaza-is-creating-enormous-hidden-health-problems/> (hereinafter Rahim & Grist). See also Ahmed et al., *Ecocide, supra* note 25 and Nils Adler, "Death sentence": Asbestos released by Israel's bombs will kill for decades', *Al Jazeera*, 8 October 2024, <https://www.aljazeera.com/news/2024/10/8/death-sentence-asbestos-released-by-israels-bombs-will-kill-generations>

⁴⁶ Rahim & Grist, *supra* note 45.

Munitions and chemicals severely pollute the soil, air, and water, with implications for human health, agriculture and food safety. They also further contaminate Gaza's scarce water sources... Because of bombardments, there is an enormous volume of debris...destroyed facilities now leaking petrol and other hazardous materials, and high levels of air, water and land pollution to which people in Gaza are now exposed on a daily basis.⁴⁷

Through Israel's conduct of total war from October 2023 onwards, 78 per cent of buildings were destroyed, generating 61 million tonnes of debris (20 times more than that from all previous conflicts in Gaza combined); this has contributed to increased cases of respiratory infection, including 37,000 in June 2025 alone.⁴⁸ The flooding of underground tunnels by Israel from January 2024⁴⁹ was characterized by a hydrologist Mark Zeitoun as a measure which would "ruin the conditions of life of everyone in Gaza" by eradicating safe drinking water and agriculture.⁵⁰ The then United Nations Special Rapporteur on the human right to a healthy environment, David Boyd, decried the measure as "catastrophic" for the environment and for the human rights of the Palestinian Gaza Strip's inhabitants.⁵¹

7. Acts of destruction of agriculture, natural resources and flora/ fauna

34. Throughout the period since 1967, Israeli and Israeli settlers have committed innumerable acts of wanton environmental destruction. Settlers enjoy total impunity for their actions as far as Israel is concerned. Often, they act in direct partnership with the Israeli military.
35. Perhaps the most notable destruction has been of Palestinian olive trees, with thousands destroyed and uprooted every year. In 2021, for example, an estimated 9300 trees were destroyed in the Palestinian West Bank alone,⁵² while it is

⁴⁷ UNEP Second Assessment, *supra* note 26, v.

⁴⁸ GSIDA, *supra* note 26.

⁴⁹ Fabian, E., IDF confirms flooding Hamas tunnels in Gaza with seawater (2024) *The Times of Israel*, 30 January, available from: <https://www.timesofisrael.com/idf-confirms-flooding-hamas-tunnels-in-gaza-with-seawater/>

⁵⁰ Gayle, D. and Lakhani, N., Flooding Hamas tunnels with seawater risks 'ruining basic life in Gaza', says expert (2023) *Guardian*, 23 December, available from: <https://www.theguardian.com/world/2023/dec/23/israel-flooding-hamas-tunnels-seawater-risks-ruining-basic-life-gaza-expert>.

⁵¹ *Id.*

⁵² International Committee of the Red Cross, *2021 olive harvest season in the West Bank amidst a triple challenge* (2021), available from: <https://www.icrc.org/en/document/2021-olive-harvest-season-west-bank-amidst-triple-challenge>.

estimated that 800,000 olive trees have been destroyed across the OPT since 1967.⁵³

36. In the Palestinian Gaza Strip, repeated rounds of particular intensified military operations have seen the widespread destruction of trees, agriculture and agricultural infrastructure under the guise of military needs.⁵⁴ This activity has been described on multiple occasions by human rights organisations and the United Nations as systematic and targeted, including in 2002,⁵⁵ 2008-9,⁵⁶ 2014,⁵⁷ and 2023-ongoing.⁵⁸ The Israeli military has also carried out extensive spraying of herbicide on the Gaza Strip-Israel border since 2014 under the guise of security, using methods that have disproportionately negatively affected Palestinian land and have inflicted maximum damage on livelihoods by taking place during harvest periods. This has led to the decline of the soil, and the abandonment of agricultural activity on territory along the border.⁵⁹ The total war perpetrated by Israel from October 2023 onwards caused the overwhelming destruction of Gaza's natural environment and agricultural land, including the destruction of 97.1 per cent of tree crops and 82.4 per cent of annual crops, as well as damage to the soil that, in the words of UNEP, "could take decades to recover".⁶⁰

8. Water resources

37. One of the most significant impacts of the occupation on Palestinian daily life is the impact on water. Soon after the commencement of the occupation in 1967, Israel seized control of all natural water sources and water infrastructure in the

⁵³ UNCTAD, *The besieged Palestinian agricultural sector* (2015), available from: https://unctad.org/system/files/official-document/gdsapp2015d1_en.pdf

⁵⁴ B'Tselem, *Policy of Destruction: House Demolition and Destruction of Agricultural Land in the Gaza Strip* (2002), available from: https://www.btselem.org/publications/summaries/200202_policy_of_destruction (hereinafter B'Tselem, *Policy of Destruction*); Human Rights Watch, *"I lost everything" Israel's unlawful destruction of property during Operation Cast Lead* (2009), available from: <https://www.hrw.org/report/2010/05/13/i-lost-everything/israels-unlawful-destruction-property-during-operation-cast-lead> (hereinafter Human Rights Watch, *"I lost everything"*).

⁵⁵ B'Tselem, *Policy of Destruction*, *supra* note 54.

⁵⁶ Human Rights Watch, *"I lost everything"*, *supra* note 54.

⁵⁷ United Nations Institute for Training and Research and United Nations Operational Satellite Applications Programme. *Impact of the 2014 Conflict in the Gaza Strip: UNOSAT Satellite Derived Geospatial Analysis* (2014). Available from: https://unosat.web.cern.ch/unosat/unitar/publications/UNOSAT_GAZA_REPORT_OCT2014_WEB.pdf.

⁵⁸ Forensic Architecture, *No traces of life: Israel's ecocide in Gaza 2023-4* (2024), available from: <https://forensic-architecture.org/investigation/ecocide-in-gaza>.

⁵⁹ *Id.*

⁶⁰ UNEP Second Assessment, *supra* note 26, v.

OPT.⁶¹ Since then, it has limited water infrastructure for Palestinian communities in the same ways outlined in relation to wastewater management infrastructure in Section 2.2 above, and appropriated water sources for the exclusive use of Jewish Israeli citizens including settlers.⁶² Even the harvesting of rainwater by the Palestinian people is tightly controlled and often impeded in the Palestinian West Bank.⁶³ Moreover, Palestinian communities there suffer from acts of sabotage of their water sources by Israeli settlers.⁶⁴

38. Jewish Israeli citizens including settlers in the Palestinian West Bank enjoy vastly higher water consumption, with almost no restrictions, while the Palestinian people often struggle to access sufficient water for their basic needs and are routinely unable to access water from natural sources whatsoever.⁶⁵ It should also be noted that the pollution of water sources in the Palestinian West Bank (as detailed in Sections 2, 3 and 4) disproportionately affects the Palestinian population. This is because the Jewish Israeli, including settler, population enjoy unlimited access to water from Israel's water network, while the Palestinian population experiences severe shortages.⁶⁶ This means the health of remaining water sources in Palestinian communities is particularly vital, and the pollution of these sources particularly devastating.
39. In the Palestinian Gaza Strip, damage to the coastal aquifer over the years has caused a severe shortage of natural water supply. Access to safe drinking water via a public network fell from 98.3% to 10.5% across the years 2000-2014 and reliance on water tanks, containers and bottled water rose from 1.4% to 89.6% across the same period.⁶⁷ As a result of the total war perpetrated by Israel from October 2023 onwards, the World Bank, the European Union and the United Nations reported that by March 2024, "57 per cent of water infrastructure and assets have been destroyed or partially damaged", while 2025 UNEP estimated that around 65 per cent of Gaza's sewage network had been destroyed by September 2025.⁶⁸

⁶¹ Amnesty International, *The occupation of water* (2017), available from: <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/> (hereinafter Amnesty, Occupation of Water).

⁶² Id.

⁶³ Id.

⁶⁴ B'Tselem, *State Business: Israel's misappropriation of land in the West Bank through settler violence* (2021), available from: https://www.btselem.org/publications/202111_state_business, 9.

⁶⁵ Isaac and Hilal, *supra* note 38, 422-3.

⁶⁶ Amnesty, Occupation of Water, *supra* note 61.

⁶⁷ UNEP SEORP, *supra* note 9, 68.

⁶⁸ GSIDA, *supra* note 26; UNEP Second Assessment, *supra* note 26, 11.

40. It is also important to note the environmental impacts of the appropriation and unsustainable exploitation of water sources by Israel. The Wetland ecosystem of the Jordan River, for example, has been decimated, with half of its biodiversity lost, in part due to the diversion of water upstream by Israeli authorities and Israel's appropriation of about 64 per cent of the water of the Jordan River for its national water supplier.⁶⁹ The Palestinian people have been unable to access the Jordan River since 1967 as it is under total Israeli military control.⁷⁰

9. Land expropriation and settlement expansion leading to overexploitation and ecosystem destruction

41. In the OPT, the steady expropriation of land for settlements, military infrastructure and other forms of state land has caused overexploitation and a decline in biodiversity.
42. Since 1967, Palestinian people in the Palestinian West Bank have become increasingly cut off from living on, using and accessing land, with over 2 million dunams (200,000 hectares) of land having been appropriated,⁷¹ often under the pretext of security.⁷² They also face major impediments to their freedom of movement, hindering their use and enjoyment of the land that has not been appropriated.⁷³ As UNEP notes, "because Palestinians have, in effect, been prevented from using a large proportion of the West Bank, they use the remaining available land areas intensively", with urbanisation and overexploitation causing ecological deterioration.⁷⁴
43. The Palestinian people's loss of access to land has resulted in significant changes in agricultural practices, with for example a rise in monocropping of olive and citrus trees and a decline in pastoralism.⁷⁵ Monocropping, along with the overexploitation of land as a result of limited space, degrades the soil, causing at a minimum a decline in agricultural output and at worst the desertification of the

⁶⁹ UNEP SEORP, *supra* note 9, 73.

⁷⁰ *Id.*, 73.

⁷¹ B'Tselem, *'This is ours, and this too': Israel's settlement policy in the West Bank* (2021), available from: https://www.btselem.org/sites/default/files/publications/202103_this_is_ours_and_this_too_eng.pdf (hereinafter B'Tselem, *This is ours*)

⁷² *Id.*, 45.

⁷³ B'Tselem, *Expel and Exploit: The Israeli practice of taking over rural Palestinian land*, available from: https://www.btselem.org/publications/summaries/201612_expel_and_exploit (hereinafter B'tselem, *Expel and Exploit*).

⁷⁴ UNEP SEORP, *supra* note 9, 128

⁷⁵ B'Tselem, *Expel and Exploit*, *supra* note 73; Pearce, *supra* note 28.

land.⁷⁶ Moreover, there has been an increase in the use of chemical fertilisers and pesticides in order to compensate for decreased size of agricultural lands and the shortages of water, resulting in a greater degree of soil pollution.⁷⁷

44. The shrinking territory available for the Palestinian people has also inevitably resulted in significant deforestation and ecosystem destruction in order to enable human habitation needs. UNEP notes that “since 2002, land expropriation by Israel and construction of the separation barrier has been a driving factor for environmental degradation, particularly for biodiversity.”⁷⁸ For example, between 1971 and 1999, an estimated 23 per cent of the forest area of the OPT was destroyed.⁷⁹
45. The construction of the separation wall in particular, built under the pretext of security,⁸⁰ involved the uprooting of tens of thousands of trees and widespread deforestation.⁸¹ It resulted in the destruction and fragmentation of habitats and their ecosystems, which, according to UNEP, “increases risks to livelihoods and to the historical, cultural, environmental and economic value of Palestinian biodiversity”.⁸²
46. Similarly, the buffer zone created on the border between the Palestinian Gaza Strip and Israel by the Israeli military, which de facto extended into the Palestinian Gaza Strip to within 300 metres of the fence, left a significant quantity of agricultural lands inaccessible to the Palestinian people.⁸³

10. Changes and decline in Palestinian agricultural practices

10.1 The nature of the changes and decline

47. The environmental factors described above, along with restrictions on Palestinian access to water, restrictions on movement, and the expropriation of land, have

⁷⁶ Jaber, D.A., Settler colonialism and ecocide: case study of Al Khader, Palestine (2019) 9 (1) *Settler Colonial Studies* 135-54 (hereinafter Jaber).

⁷⁷ Isaac and Hilal, *supra* note 38.

⁷⁸ UNEP SEORP, *supra* note 9, 56

⁷⁹ *Id.*, 128

⁸⁰ B’Tselem (2005) *Under the Guise of Security: Rerouting the Separation Barrier to enable the construction of Israeli settlements in the West Bank*, available from: https://www.btselem.org/publications/summaries/200512_under_the_guise_of_security

⁸¹ UNEP SEORP, *supra* note 9, 56

⁸² *Id.*

⁸³ Gisha, *Closing In: Life and Death in Gaza’s Access Restricted Areas* (n.d.), available from: <https://features.gisha.org/closing-in/> [accessed 2 Jan 2026].

resulted in a significant decline in, and changes to, agricultural practices in the OPT.⁸⁴

48. In the Palestinian West Bank, non-settlement agriculture has declined by around a third since 1997.⁸⁵ A plethora of interrelated policies systematically restrict Palestinian access to their agricultural land, including the declaration of state land, the separation wall, army surveillance and Jewish settler violence and intimidation.⁸⁶ In addition, the appropriation of water sources impacts the kind of crops that can be grown.⁸⁷ As a result, farmers have abandoned farming a diversity of crops in favour of a narrower pool of hardier, more drought-resistant crops such as olive trees and citrus trees.⁸⁸ This is also a consequence of Israeli policy on untended land, whereby failed crops can result in the declaration of Palestinian farmland as state land, meaning that farmers are incentivised to grow more permanent crops such as olive trees.⁸⁹ Furthermore, farmers have abandoned pastoral farming due to limited space and restrictions on movement.⁹⁰
49. In the Palestinian Gaza Strip, agricultural practices had also changed and declined due to the hardship of maintaining traditional agricultural practices under occupation, including during periods of intensified military operations occurring before the total war perpetrated by Israel from October 2023 onwards. Causal factors include the targeting of water infrastructure and the increase salinity of water, along with military surveillance, systematic razing of crops and agricultural infrastructure, cycles of conflict and displacement, and a policy of maximum crop height on the border.⁹¹ Moreover, agricultural practices, including the types of crops grown, shifted, with, for example, a growth in more profitable crops such as strawberries and pineapple.⁹² This is a result of the suppression of certain crops such as citrus from 1967, as well as the encroachment of space during the period of Israeli settlement in the Palestinian Gaza Strip (prior to the reconfiguration of authority in 2005).⁹³ The total war perpetrated by Israel from October 2023 onwards decimated Gaza's agriculture, with, in the words of UNEP, food production no longer "possible at scale" and creating "permanent" and

⁸⁴ Grosplik, R., Handel, A. and Monterescu, D., Soil, territory, land: the spatial politics of settler organic farming in the West Bank, Israel/ Palestine (2021) 39 (5) *Environment and Planning D* 906, at 910.

⁸⁵ Id.

⁸⁶ B'Tselem, *Expel and Exploit*, *supra* note 73; Pearce, *supra* note 28; Jaber, *supra* note 76.

⁸⁷ Pearce, *supra* note 28.

⁸⁸ Jaber, *supra* note 76.

⁸⁹ Id.

⁹⁰ B'Tselem, *Expel and Exploit*, *supra* note 73.

⁹¹ Molavi, S., *Environmental Warfare in Gaza* (2024) London: Pluto Press (hereinafter Molavi).

⁹² Id.

⁹³ Id.

“irreparable” damage to the soil.⁹⁴ This raises the question of whether agriculture will be viable at all in Gaza in the future.

10.2 Implications

50. The decline in agricultural output and practices in the OPT since 1967 has implications for Palestinian cultural life, food security, economic wellbeing, access to land and biodiversity.
51. The eradication of certain Palestinian agricultural practices and the vast reduction in the number of Palestinian people making a living through agriculture is an attack on Palestinian society and culture. B’Tselem notes that agricultural decline has “undermined their [Palestinian] communal way of life, unravelling the web of social and cultural traditions that revolved around their [Palestinian] ties to the land”.⁹⁵ Numerous other studies have also documented the negative impact of Israel’s targeting of Palestinian agriculture on Palestinian culture and the Palestinian way of life.⁹⁶
52. The decline of Palestinian agriculture has led to a rise in unemployment and an increase in Palestinian people entering the Israeli job market.⁹⁷ The Palestinian people have also suffered a decline in food security as they are no longer able to produce enough to subsist on the land.⁹⁸ Livestock farmers have become heavily indebted due to the need to purchase water and feed for their animals.⁹⁹ Overall, the decline in agriculture has led to the impoverishment of many rural Palestinian communities.¹⁰⁰
53. The decline in Palestinian agriculture also represents a further threat in terms of the appropriation of Palestinian land. The NRC noted in its study of wastewater pollution from Palestinian West Bank settlements that failure to produce agricultural output “leaves agricultural areas exposed to a heightened risk of expropriation through Israeli declarations of untended lands as “state land”, which are then used for settlement construction and expansion”.¹⁰¹

⁹⁴ UNEP Second Assessment, *supra* note 26, 18.

⁹⁵ B’Tselem, *Expel and Exploit*, *supra* note 73.

⁹⁶ Molavi, *supra* note 91; Jaber, *supra* note 76; Pearce, *supra* note 28.

⁹⁷ B’Tselem, *Expel and Exploit*, *supra* note 73.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ NRC, *Ripple Effects*, *supra* note 40, 6

54. The decline of Palestinian agriculture is also a serious threat to biodiversity. Factors assessed to be of the highest risk to biodiversity in the OPT include overgrazing, desertification, overexploitation, and pollution.¹⁰² These factors are all strongly related to the impact of the occupation on the environment as described thus far. UNEP notes the negative impact of poor crop biodiversity, observing that there has been “a replacement of the locally adapted varieties of fruit trees, vegetables and field crops with higher-yielding cultivars, hence hampering the gene pools of crops”.¹⁰³

11. Occupation-induced climate vulnerability

55. The progressive ecological degradation in the OPT and the inability to build adequate, sustainable infrastructure has left the Palestinian people highly vulnerable to the threat of climate change. UNDP considers the occupation to be such a threat to climate vulnerability that it has classified it as a climate “risk” “in and of itself” alongside sea-level rise and changing precipitation patterns.¹⁰⁴
56. In particular, the scarcity of water for the Palestinian people in the OPT will only be exacerbated by climate change as the overall availability of natural water sources decreases.¹⁰⁵ Additionally, it seems probable that the disproportionality of the water supply afforded to Palestinian communities versus Israeli communities may increase further as maintaining the availability of water supply for Israelis takes precedence over addressing the exacerbation of shortages for the Palestinian people.

12. National Parks and Greenwashing

57. In the OPT, nature protection and environmental factors are regularly cited as justifications for the appropriation of land and restrictions on Palestinian development and freedom of movement.¹⁰⁶
58. The role of Israeli nature reserves in appropriating Palestinian land and normalising appropriated land is well-documented. Nature reserves are a key element of the declaration of state lands, which in turn constitute a vital tool for

¹⁰² State of Palestine, State of Palestine Fifth National Report (CBD) (2015) *International Union for Conservation of Nature*, available from: <https://www.cbd.int/doc/world/ps/ps-nr-05-en.pdf>.

¹⁰³ UNEP SEORP, *supra* note 9, 55.

¹⁰⁴ United Nations Development Programme, *Climate Change Adaptation Strategy and Programme of Action for the Palestinian Authority* [online] (2013), available from: <https://www.undp.org/papp/publications/palestinian-climate-change-adaptation-strategy>, 18.

¹⁰⁵ UNEP SEORP, *supra* note 9, 95.

¹⁰⁶ B'Tselem, *Expel and Exploit*, *supra* note 73; Braverman, *Settling Nature*, *supra* note 1.

the appropriation of Palestinian land.¹⁰⁷ As B'tselem notes “Israel has instituted a separate planning system for Palestinians, chiefly designed to prevent construction and development. Large swathes of land are unavailable for construction, having been declared ‘state land’, a ‘firing zone’, a ‘nature reserve’ or a ‘national park’”.¹⁰⁸

59. There are 48 Israeli-designated so-called nature reserves in the Palestinian West Bank.¹⁰⁹ Such designation criminalizes Palestinian agricultural activities, and limits free Palestinian movement, in the land covered. For the Palestinian people, it can lead to eviction, or eventual forced displacement due to the restrictions which make continued residence.¹¹⁰ Limits on development within nature reserves are not applied equally to Palestinian communities and Israeli settlements. For example, land within the Jabal Abu Ghneim national park was deforested and cleared for the construction of Har Homa settlement.¹¹¹ Likewise, Elon Moreh settlement was allowed to expand within the Har Kabir nature reserve, while Palestinian construction there was strictly prohibited.¹¹²
60. Since the Mandate period, Zionist-led organizations have understood the landscape to be a powerful nation-building tool and have transformed the land extensively through the introduction of non-native species and the unnatural afforestation of the land.¹¹³ Most notably, this has occurred through the planting of pine trees by the Jewish National Fund (JNF), a project which served the purpose of physically obscuring the ruins of depopulated Palestinian villages and lending what is perceived to be a more Jewish, European character to the land.¹¹⁴ As the JNF itself has said, “each day a tree is planted is a day that we become more rooted to the land of our ancestors”.¹¹⁵ The non-native pine trees consume a significant amount of water, are susceptible to fires, and harm biodiversity.¹¹⁶

¹⁰⁷ B'tselem, *This is ours*, *supra* note 71.

¹⁰⁸ *Id.*

¹⁰⁹ Peace Now, *The Minister of Defence approved the declaration of the largest nature reserve in 25 years in the West Bank* (2022), available from: <https://peacenow.org.il/en/the-minister-of-defense-approved-the-declaration-of-the-largest-nature-reserve-in-25-years-in-the-west-bank>.

¹¹⁰ Braverman, *Settling Nature*, *supra* note 1.

¹¹¹ Isaac and Hilal, *supra* note 38.

¹¹² *Id.*

¹¹³ Braverman, *Settling Nature*, *supra* note 1.

¹¹⁴ Pappé, I., *The Ethnic Cleansing of Palestine* (2006) Oxford: One World.

¹¹⁵ Pirinoli, C., Erasing Palestine to Build Israel: Landscape Transformation and the Rooting of National Identities (2005) 173-4 (1-2) *Études Rurales* 67.

¹¹⁶ Aboufoul, A., Israel's ecological apartheid in the Occupied Palestinian Territory (2021) *Opinio Juris*, 22 October, available from: <https://opiniojuris.org/2021/10/22/israels-ecological-apartheid-in-the-occupied-palestinian-territory/>.

61. Moreover, the various occupation-induced environmental challenges and harms experienced by the Palestinian people in the OPT, in particular the scarcity of water, contrast with the abundance of well-watered gardens, nature reserves and afforested land within Israel and the settlements. This marked contrast in the abundance and health of nature creates a visible distinction, which commentators have noted plays into a favourable narrative of strong ecological guardianship on the part of the occupying power, facilitating the greenwashing of occupation.¹¹⁷

13. Environmental harm caused by Jewish Israeli settlers

62. Jewish Israeli settlers enjoy a high degree of impunity, their violence being an integral part of Israel's takeover of land in the OPT.¹¹⁸ Some of the practices outlined in this Part are in part the product of activities by these people. This includes some instances of destruction and sabotage of water infrastructure (covered in Section 8) and agricultural land and crops (covered in Section 7).¹¹⁹

PART 3: LEGAL FRAMEWORK

14. Sovereignty and territorial status of, and legal character of Israel's presence in, the OPT

63. The Palestinian people, and the State of Palestine, are exclusively sovereign over the OPT. For Israel, the OPT is non-sovereign territory. As Israel exercises its authority over the OPT through military force, Israel's presence there constitutes a use of force. As Israel exercises overall control of the territory through this force, Israel's presence meets the legal test to constitute an 'occupation'. This use of force, involving the exercise of overall control and so constituting an occupation, has existed on a continual basis since 1967. In the Palestinian West Bank, the partial administration exercised by Palestinian entities in certain areas on the basis of the Oslo Accords is still subject to overall Israeli military control. Likewise, in the Palestinian Gaza Strip, whereas Israel reconfigured its presence in 2005, ending a permanent boots-on-the-ground operation and removing Israeli settlements, there was still effective, overall, force-enabled control exercised by land, sea and air—the blockade—with then regular episodes of drastic force amplification in the form of land-based attacks and aerial bombardments, including the total warfare conducted there from October 2023.

¹¹⁷ Pearce, *supra* note 28; Molavi, *supra* note 91; Braverman, *Settling Nature*, *supra* note 1.

¹¹⁸ B'Tselem, *State Business*, *supra* note 64.

¹¹⁹ Jaber, *supra* note 76; United Nations, *Israel must stop violent settler attacks on Palestinian farmers that threaten their olive harvest, say UN experts* (2024), available from: <https://www.ohchr.org/en/press-releases/2024/10/israel-must-stop-violent-settler-attacks-palestinian-farmers-threaten-their>.

15. Applicable law

64. Israel's obligations in international law concerning its presence in the OPT generally, from which duties concerning the environment are drawn, are of two different types, addressing two different aspects of legality:
- 1) In the first place, there are legal obligations that determine whether or not Israel has a legal right to operate this presence at all – whether the *presence* is, in and of itself, lawful.
 - 2) In the second place, there are legal obligations that regulate how Israel *conducts* its presence in the OPT.
65. The following explanation will address these two sets of obligations separately, in reverse order, before providing an overall picture.

16. Conduct-regulatory regime

16.1 Introduction

66. Three principal areas of law regulate Israel's *conduct* of the occupation. All exist in both customary international law and treaty law.
67. The first area of law is the laws of war, also known as the *jus in bello* or international humanitarian law (IHL), including occupation law. The latter includes, notably, the Hague Regulations of 1907, the Fourth Geneva Convention of 1949 (GCIV), and the first Additional Protocol to the Geneva Conventions of 1977 (AP1).¹²⁰ Israel is not a party to the Hague Regulations or AP1 (it is a party to GCIV); the provisions in these instruments addressed herein are understood to exist in customary international law.¹²¹

¹²⁰ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907 (hereinafter Hague Regulations) ICRC Database of State Parties (indicating Israel is not a party) <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/state-parties?activeTab=>; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 (hereinafter GCIV), ICRC Database of State Parties (listing Israel as a State Party, signed 8 Dec.1949; ratified 6 July 1951) <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/state-parties?activeTab=default>; *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts* (1977) (hereinafter AP(1)), UNTS entry for the treaty, indicating Israel is not a party: <https://treaties.un.org/pages/showdetails.aspx?objid=08000002800f3586>.

¹²¹ On the Hague Regulations, see e.g. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)* [2004] ICJ Rep 136, para. 89 (hereinafter *Wall*

68. The second area of law is international environmental law (IEL).¹²²
69. The third area of law is international human rights law (IHRL), including the right of self-determination, which within it includes the concept of permanent sovereignty over natural resources vested in the Palestinian people, and the prohibition of genocide.¹²³

Advisory Opinion); *Suleiman Tawfiq Ayyub et al. v. Minister of Defense et al.*, Israeli High Court, Judgment 606/78, at 6. On AP(1), *supra* note 120, see e.g. Abualrob, W., *Protection of the Environment under International Law during Occupation* (2024) Taylor & Francis, (hereinafter Abualrob), 60 and ICRC *Customary International Humanitarian Law, Rule 45*. Available from: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule45>; ICRC (n.d.) *Customary International Humanitarian Law - Rule 54*. Available from: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule54>.

¹²² Israel's legal position in relation to IEL is as follows (source for this legal position: UN Treaty Series, linked by hypertext): Agreement on the Conservation of African-Eurasian Migratory Waterbirds ([accession 2002](#)); [Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal](#) (hereinafter Basel Convention) ([ratification 1994](#)); Convention on Biological Diversity ([ratification 1995](#)); Convention on the International Trade in Endangered Species of Wild Fauna and Flora ([ratification 1980](#)); Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the amended name of the original Convention for the Protection of the Mediterranean Sea Against Pollution) (hereinafter Barcelona Convention) ([ratification of original Convention 1978](#)) ([ratification of the 1995 Amendment 2005](#)) (ratification of the [Prevention and Emergency Protocol, 2014](#)) (ratification of the [Land-Based Sources Protocol, 2009](#)) (ratification of the [Integrated Coastal Zone Management Protocol 2016](#)) (signature (no ratification) of the [Specially-Protected Areas and Biodiversity Protocol 1995](#)) (signature (no ratification) of the [Dumping Protocol 1984](#)) (signature (no ratification) of the [Offshore Protocol 1994](#)); Kyoto Protocol ([ratification 2004](#)); Montreal Protocol on Substances that Deplete the Ozone Layer ([ratification 1992](#)); [Paris Agreement](#) ([ratification 2016](#)); [Ramsar Convention on Wetlands of International Importance](#) (hereinafter Ramsar Convention) ([entry into force 1997](#)); Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. Israeli ratification ([ratification 2011](#)); [1994 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa](#) (hereinafter UNCCD) ([ratification 1996](#)); United Nations Framework Convention on Climate Change ([ratification 1996](#)); Vienna Convention for the Protection of the Ozone Layer ([accession 1992](#)); Convention on the Conservation of Migratory Species of Wild Animals ([accession 1983](#)); Minamata Convention on Mercury ([signature 2013](#)); Stockholm Convention on Persistent Organic Pollutants ([signature 2001](#)).

¹²³ Israel's legal position in relation to IHRL is as follows (source for this legal position is the [UN Treaty Series](#)): Convention on the Prevention and Punishment of the Crime of Genocide [Genocide Convention]. Israeli (ratification 1950); Convention on the Political Rights of Women [CPRW] (ratification 1953); International Convention on the Elimination of All Forms of Racial Discrimination [ICERD] (ratification 1979); International Covenant on Civil and Political Rights [ICCPR] (ratification 1991); International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratification 1991); International Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] (ratification 1991); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT]. (ratification 1991); Convention on the Rights of the Child [CRC] (ratification 1991); Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict [OP1-CRC] (ratification 2005); Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution, and child pornography [OP2-CRC] (ratification 2008).

16.2 Applicability– extraterritoriality, and in the context of armed conflict, including occupation

70. IHL generally by definition applies to a situation of armed conflict, whether territorial or extraterritorial, and, likewise, occupation law by definition applies to Israel in the OPT given that, as indicated above, Israel’s presence there meets the legal test for an occupation.
71. As for IEL, customary IEL is applicable during extraterritorial armed conflict, including occupation.¹²⁴ As for international environmental treaties, the position is varied and complex, with applicability depending on the nature of the obligations; those which do apply are addressed herein.
72. IHRL, including the right to self-determination, applies during armed conflict,¹²⁵ including extraterritorially during occupation.¹²⁶ In particular, Israel’s human rights obligations, including its obligations concerning the right of the Palestinian people to self-determination, apply to it in the OPT.¹²⁷

16.3 Overview

73. It is typical for the foregoing areas of law to be addressed discretely (e.g., a focus only on IEL, or only on IHL). However, Israel is bound by all the obligations together, and the legal position on any given issue, for example pollution, is arrived at by taking them all into account—selectivity in focus is inadequate. Moreover, whereas in certain respects the different areas of law cover mutually-distinct matters, they mostly overlap in their coverage, and it is typically necessary, therefore, to take into account the position across multiple areas of law in order to arrive at the correct legal position on any given issue. For example, while pollution is in part addressed through a duty to protect the environment, obligations relevant to such a duty exist in all three areas of law. In consequence, it is necessary to have a complete picture of these obligations across all three areas when it comes to this

¹²⁴ International Law Commission, *First report on the protection of the environment in relation to armed conflicts* by Marja Lehto, *Special Rapporteur* (2018) (hereinafter First report), paras 77, 81-98.

¹²⁵ Draft articles on the effects of armed conflict on treaties, with commentaries, *UN Doc (A/66/10)*, Draft Article 7; *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ Rep 226, para 25; *Wall Advisory Opinion*, *supra* note 121, paras 106, 111, 121–122.

¹²⁶ *Armed Activities on the Territory of the Congo (DRC vs Uganda)*, judgement, ICJ, para 178; *Application of the Convention on the Elimination of all Forms of Racial Discrimination (Georgia v Russian Federation)*, ICJ Reports 2011, p.70; *Wall Advisory Opinion*, *supra* note 121, p.178, para. 111.

¹²⁷ *Wall Advisory Opinion*, *supra* note 121, p. 178, para. 106, 111-113; *Legal Consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, ICJ, Advisory Opinion (2024) (hereinafter *OPT Advisory Opinion*), para 101.

particular duty, and then address the subject of pollution in part on the basis of a comprehensive, synthesized concept of the duty.

74. The remainder of this section synthesises the relevant rules drawn from the three areas of law to provide a general legal framework.
75. The general legal framework can be briefly summarized as follows (a lengthier summary is provided below in sub-Section 16.6):

Israel is obliged to *respect* and *protect* the environment, including the non-exploitation of natural resources. The duty to protect includes a duty to protect the environment from harm perpetrated by non-State actors, including, notably, Israeli settlers, and a general conservationist duty to ensure the preservation of the environment. These obligations can be departed from insofar as is strictly necessary for military purposes, and/or to preserve order. However, environmental harm conducted pursuant to genocide, and/or attacks intended, or expected to cause, widespread, long-term and severe damage to the natural environment, are never permissible. Resource exploitation in particular can also be permissible if required for the benefit of the occupied (Palestinian) population. Any resource exploitation conducted pursuant to this, or the national security/public order exception, must be conducted sustainably.

76. The following two sub-sections set out the detailed components of the legal framework on which the foregoing summary is based. In the first place, legal obligations specific to the duty to *respect* are explained. In the second place, legal obligations concerned with a broader duty to *protect* are explained. After these explanations, a more detailed summary is set out, and then an explanation of how the legal framework would be applied to the facts is provided. In what follows, the term ‘permitted exceptions’ will be used as shorthand for the limited military purpose/public order/benefit to occupied (Palestinian) population exceptions summarized above (these are covered in more detail in the lengthier legal framework summary provided sub-Section 16.6).

16.4 Obligations specific to the duty to *respect*

16.4.1 Refraining from altering the natural environment

77. The conservationist principle of occupation law, and the human right of the Palestinian people to self-determination, when applied to the environment,

requires Israel to refrain from altering the natural environment of the occupied territory, subject to the permitted exceptions indicated above.¹²⁸

16.4.2 Prohibition of widespread, severe and long-term damage to the environment during hostilities

78. The rules of customary international law reflected in Articles 35(3) and 55(1) of AP(1) oblige Israel not to engage in “methods or means of warfare, which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment”.¹²⁹ Further, the customary international law rules reflected in Article 55(2) of AP(1) prohibit attacks on the environment “by way of reprisals”, i.e. when the reason for the attack is not for military purposes but by way of a ‘tit for tat’ response (e.g. as an act of revenge, and/or punishment).¹³⁰ These rules have no exceptions.

16.4.3 Prohibition of harm to the environment as part of an act of genocide against the Palestinian people

79. Israel is prohibited under the law of genocide in both the Genocide Convention and customary international law from perpetrating harm to the environment which deliberately inflicts on the Palestinian people conditions of life calculated to bring about its physical destruction in whole or in part, and is committed with the intent to destroy, in whole or in part, the Palestinian people. This rule has no exceptions.

16.5 Broader duties to *protect* the environment (including the duty to *respect*)

16.5.1. General duty to protect the environment based on the right of self-determination

80. There is a broad, general obligation on the part of Israel to protect the environment in the OPT on the basis of the right of self-determination of the Palestinian people. This includes, on the basis of the exclusive Palestinian sovereign right over the natural resources of the OPT, the duty to ensure that those resources are not exploited, whether by Israel itself, or by non-State actors. The obligation exists in customary international law and common article 1 of the global human rights Covenants, and is reflected in Principle 23 of the Rio Declaration, which states that “the environment and natural resources of people under oppression,

¹²⁸ Hague Regulations, *supra* note 120, Article 43; GCIV, *supra* note 120, Art 64.

¹²⁹ The quotation is reflected in both articles. On the position in custom, see e.g. ICRC, *Customary International Humanitarian Law - Rule 45* (n.d.), available from: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule45>.

¹³⁰ Article 55, AP(1), *supra* note 120.

domination and occupation shall be protected”.¹³¹ It is subject to the permitted exceptions indicated above.

16.5.2 Duty to protect the environment from widespread, severe and long-term damage in IHL

81. In addition to, and, effectively, encompassing, the aforementioned obligation not to perpetrate widespread, severe and long-term damage to the environment itself, Israel is subject to a broader obligation in customary IHL “to protect” the environment from such damage (see AP(1) Art. 55(1)), subject to the permitted exceptions indicated above. The draft ILC principles on the protection of the environment in armed conflict state that “an Occupying Power shall take appropriate measures to prevent significant harm to the environment of the occupied territory”.¹³²

16.5.3 General duty to protect the environment based on the human rights of the Palestinian people (beyond the human right to self-determination in particular)

82. The impact of the state of the environment on the welfare of human beings means that Israel’s obligations to respect, protect and fulfil the right to life, and the socio-economic rights, of the occupied (Palestinian) population include, necessarily, an obligation to protect the environment in the OPT, including from harm caused by the use of force, including occupation, subject to the permitted exceptions indicated above.¹³³ These obligations concerning the welfare of the Palestinian people exist in IHRL and IHL.
83. In the case of IHRL, these general obligations are reflected in how obligations with respect to the rights to health, and food, in particular, have been understood.
84. On the right to health, Article 12 of International Covenant on Economic, Social and Cultural Rights (ICESCR) requires States to take action aimed at “the improvement of all aspects of environmental and industrial hygiene”.¹³⁴ According

¹³¹ United Nations, Rio Declaration on Environment and Development (Rio de Janeiro, 3-14 June 1992) (1992), available from: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_C_ONF.151_26_Vol.I_Declaration.pdf. Principle 23 reflects customary international law and is applicable during armed conflict, see: Abualrob, *supra* note 121, 155.

¹³² Principle 19(2), International Law Commission (2022) *Draft Principles on protection of the environment in relation to armed conflicts*, available from: https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf.

¹³³ On the impact of environmental protection on human rights in the particular context of armed conflict, see: First report, *supra* note 124, Draft Principle 19(1), 49.

¹³⁴ ICESCR, Art. 12.2(b).

to the UN Committee on Economic, Social and Cultural Rights, this means that States must “prevent and reduce the population’s exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly have an impact upon human health”.¹³⁵ Additionally, they must safeguard the population from infringements on the right to health in this area by third parties,¹³⁶ and “enact and enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries”.¹³⁷ Likewise, the Committee on the Rights of the Child has confirmed the importance of addressing environmental pollution in order to guarantee the right to health of children under the Convention on the Rights of the Child (CRC).¹³⁸

85. On the right to food, the obligation to secure this has been understood to be violated through harm to the environment (e.g. harm affecting potential sources of food such as agriculture and livestock), by both the UN Committee on Economic, Social and Rights¹³⁹ and, in the present context of the OPT, by the International Court of Justice.¹⁴⁰
86. More generally, a human right to a clean, healthy and sustainable environment is understood to exist in general international law, whether as distinct entitlement in customary international law, or by implication as a consequence of the significance to the enjoyment of human rights generally of the existence of a clean, healthy and sustainable environment.¹⁴¹ This is reflected in Principle 1 of the Stockholm Declaration, which asserts the “fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and wellbeing”¹⁴² and the 2022 General Assembly proclamation of a

¹³⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12) Adopted at the Twenty-second Session of the Committee on Economic, Social and Cultural Rights, on 11 August 2000 (Contained in Document E/C.12/2000/4), para 15

¹³⁶ *Id.*, para. 15.

¹³⁷ *Id.*, para 51.

¹³⁸ UN Committee on the Rights of the Child (2013) General Comment 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (art. 24) (*CRCR/C/GC/16*), para 19.

¹³⁹ Committee on Economic, Social and Cultural Rights (2019) *General Comment 12*, paras 4, 10.

¹⁴⁰ *Wall Advisory Opinion*, *supra* note 121, paras 133-134.

¹⁴¹ See e.g. Brunnée, J. ‘The Stockholm Declaration and the Structure and Processes of International Environmental Law’ in Chircop, A., McDorman, T. and Rolston, S. (eds), *The Future of Ocean Regime-Building: Essays in Tribute to Douglas M. Johnston* (2009) Leiden: Brill Nijhoff, 53; Collins, L., *The United Nations, Human Rights and the Environment*. In: A. Grear and L. Kotzé (eds) *Research Handbook on Human Rights and the Environment* (2015) Cheltenham: Edward Elgar, 231-2; Abualrob, *supra* note 121, 100

¹⁴² Stockholm Declaration, 16 June 1972, Principle 1.

“right to a clean, healthy and sustainable environment as a human right” in 2022.¹⁴³ This right is subject to the permitted exceptions indicated above.

87. In the case of IHL, obligations to secure the welfare of the occupied (Palestinian) population, subject to the permitted exceptions indicated above, are reflected, for example, in the obligation in Article 43 of the Hague Regulations requiring Israel to uphold the wellbeing of the occupied population and Article 56 of the fourth Geneva Convention of 1949 (GCIV) on public health and hygiene during occupation.¹⁴⁴ The aforementioned stipulation of customary IHL, reflected in Article 55 of AP(1), to protect the environment from certain forms of damage, expressly invokes the risk of prejudicing the health of the population in its prohibition of using means and methods that are intended or likely to cause such damage.

16.5.4 Protection duties on particular subjects in IEL treaties: pollution, hazardous waste, desertification, wetlands

88. Protection duties specific to particular subjects exist in Israel’s IEL treaty obligations; the discharge of these duties is subject to the permitted exceptions indicated above.
89. Article 4 of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean obliges Israel “to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development”.¹⁴⁵
90. The Basel Convention obliges Israel to implement environmentally sound waste management, and to refrain from the transboundary export of hazardous waste, thereby covering the transfer of such waste between Israel and the OPT.¹⁴⁶
91. Under the United Nations Convention to Combat Desertification, Israel is obliged to protect the environment of the OPT from desertification by taking active preventative measures in a range of areas.¹⁴⁷

¹⁴³ GA Res 76/300, 28 July 2022.

¹⁴⁴ On the significance of this for environmental protection, see First report, *supra* note 124, para 65.

¹⁴⁵ Barcelona Convention, *supra* note 122, Art. 4.

¹⁴⁶ Basel Convention, *supra* note 122, *passim*.

¹⁴⁷ UNCCD, *supra* note 122.

92. Under the Ramsar Convention, Israel is obliged to “promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands.”¹⁴⁸

16.5.5 Duty to protect natural resources, and infrastructure relevant to the environment, under IHL

93. Some of the obligations concerning the protection of public and private property rights under IHL are, in the words of the International Law Commission (ILC) Special Rapporteur on the protection of the environment in armed conflicts, “generally seen to apply to natural resources”.¹⁴⁹ In particular, the obligation of Article 55 of GCIV to “protect the capital and administer it according to the rules of usufruct”, means that the occupying power may only exploit natural resources for security needs or the benefit of the occupied population, and must prevent any abuse or exploitation of these resources.¹⁵⁰ Israel may not, therefore, extract natural resources in the OPT for the benefit of its own population, whether Jewish Israeli settlers in the OPT, or Israelis in Israel. The illegality of such action is demonstrated in another context in the example of how the Japanese transfer of natural resources to its civilian population during the occupation of Sumatra was treated.¹⁵¹
94. Article 55 of GCIV lists as examples of protected property “forests and agricultural works”, clearly indicating the inclusion of the natural environment within IHL property rights. Moreover, it is generally agreed that the list of examples in this article is not exhaustive, and that the protections apply to all immovable public property not used for military purposes.¹⁵² In respect of the environment, immovable public property should therefore be understood to include all aspects of the natural environment, including soils, marine environments and the landscape in general. All aspects of the natural environment are therefore protected from overexploitation and abuse by the occupying power.
95. A number of other IHL rules also prohibit the destruction and seizure of public and private property, with the property in question being understood to include the natural environment.¹⁵³ Article 53 of GCIV is supplemented by Article 54(2) of

¹⁴⁸ Ramsar Convention, *supra* note 122, Art. 4. An example of a wetland in the OPT is Wadi Gaza – see UNDP, ‘Wadi Gaza’ (2023), available from: https://www.undp.org/sites/g/files/zskgke326/files/2023-06/wadi_gaza_pamphlet.pdf

¹⁴⁹ First report, *supra* note 124, para 29

¹⁵⁰ First report, *supra* note 124, para 30.

¹⁵¹ *Bataafsche Petroleum vs War Damage Commission* (1956) 22 *Malayan Law Journal* 155, Court of Appeal, Singapore (13 April 1956).

¹⁵² First report, *supra* note 124, para 30

¹⁵³ Article 23(g), Hague Regulations, *supra* note 120; Article 46(2), 53, GCIV, *supra* note 120.

AP1, the latter (reflective of the position in customary international law) providing comprehensive protection to “objects indispensable to the survival of the civilian population”,¹⁵⁴ including during occupation.¹⁵⁵ This specifically includes agricultural areas and agricultural infrastructure.¹⁵⁶ The destruction and seizure of natural resources and aspects of the natural environment are therefore prohibited, particularly agricultural or other resources crucial to the survival of the occupied population. This prohibition is supported by the right to life under IHRL,¹⁵⁷ in particular in terms of the pollution of water resources and agricultural land.¹⁵⁸

96. The obligation to refrain from the seizure of immovable private property under Article 46 of the Hague Regulations can be understood, according to the aforementioned ILC Special Rapporteur, to provide protection against “excessive or indiscriminate exploitation that could lead to environmental harm”.¹⁵⁹ This provision is supported by the right to private and family life enshrined in Article 17 of the International Covenant on Civil and Political Rights (ICCPR).¹⁶⁰ Aspects of the environment and natural resources that are owned privately and impact upon people’s livelihoods such as crops, fruit trees and water sources affect the enjoyment of this right.¹⁶¹
97. Case law also evidences that the definition of pillage under Article 47 of the Hague Regulations and Article 33 of GCIV includes the extreme exploitation of natural resources by the occupying power.¹⁶²
98. Racially-discriminatory interferences in the ownership or enjoyment of property are illegal in IHRL.¹⁶³ The right to property as a protection against environmental harm was confirmed by the International Court of Justice (ICJ) in its *Wall* Advisory Opinion, which held that the destruction of agricultural land, trees and

¹⁵⁴ Article 54(2), AP(1), *supra* note 120.

¹⁵⁵ First report, *supra* note 124, para 42.

¹⁵⁶ Article 54(2) AP(1), *supra* note 120.

¹⁵⁷ Abualrob, *supra* note 121, 105-6

¹⁵⁸ Human Rights Committee (2019) General Comment Number 36 on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life, (CCPR/C/GC/36), paras 26, 62.

¹⁵⁹ First report, *supra* note 124, para 39.

¹⁶⁰ ICCPR, Article 17; United Nations Environment Programme, *Protecting the Environment during Armed Conflict: An inventory and analysis of international law* (2009) 48.

¹⁶¹ Human Rights Committee, Views adopted by the committee under Article 5 (4) of the Optional Protocol, Concerning Communication no. 2751/2016 (CCPR/C/126/D/2751/2016), para 7.7.

¹⁶² *Armed Activities on the Territory of the Congo (DRC vs Uganda)*, judgement, ICJ, paras 245-6; *Trial of the Major War Criminals before the international Military Tribunal, Nuremberg (14 November 1945 - 1 October 1946)*, 1947. Vol 1, Nuremberg, 238-9.

¹⁶³ CERD, Article 5(V).

water sources represented a violation of the property rights of the Palestinian people.¹⁶⁴ This was reaffirmed in the 2024 *OPT* Advisory Opinion.¹⁶⁵

16.5.6 Duty to protect the environment from significant harm in IEL

99. In addition to the foregoing stipulations of IHL, under customary IEL, Israel has an obligation not to cause itself, and to ensure no other actor in its territorial jurisdiction or under its effective control extraterritorially (i.e. all non-State actors in the OPT) causes significant environmental harm extraterritorially, including during occupation.¹⁶⁶ The obligation is one of “due diligence”, meaning that Israel must take, in the words of the aforementioned ILC special rapporteur, “all measures it can reasonably be expected to take”.¹⁶⁷ When it comes to the actions of Israel’s own agents, including its soldiers, the material capabilities of Israel, as the recipient of multi-billion-dollar fiscal assistance, including for military purposes, from the USA on an annual basis, are such that the standard is, effectively, a strict one. When it comes to the actions of other actors in the OPT, notably Jewish Israelis, including settlers, Israel’s effective overall control of the OPT, and the aforementioned fiscal position enabling this exercise of control, gives it very high level of capacity to prevent harm by these actors and thus a correspondingly high legal standard of responsibility when such harm occurs.

16.5.7. Significance of the obligation to respect, unless absolutely prevented, domestically-applicable law in the OPT

100. The aforementioned conservationist principle in occupation law obliges Israel as the occupying State to respect the domestic laws of occupied territory.¹⁶⁸ This includes an obligation to comply with these laws, subject to the usual possible exceptions strictly justified by military necessity, public order, and the needs of the occupied population. In addition, Israel is required to comply with all applicable international law, regardless of whether the substantive content of its international legal obligations is also reflected in the domestic law of the OPT.

¹⁶⁴ Abualrob, *supra* note 121, 95

¹⁶⁵ *OPT* Advisory Opinion, *supra* note 127, paras 124, 130

¹⁶⁶ First report, *supra* note 124, para 82-4, 89; *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, ICJ. Reports 1971, p. 54, para. 118; *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, ICJ. Reports 2010, p. 14, para. 101; *Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, Judgment, ICJ. Reports 2015, p. 665; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 253, para. 247.

¹⁶⁷ First report, *supra* note 124, para 84, 88

¹⁶⁸ Article 43, Hague Regulations, *supra* note 120; Article 64, GCIV, *supra* note 120.

Insofar as there is any conflict between international law, and the domestic law applicable in the OPT, Israel must follow the international legal standards. This essentially means that all the general duties outlined herein must be complied with by Israel, *whether or not they are provided for in domestic law*, with then the duties of domestic law concerning the environment also being followed insofar as they are compatible with international law (i.e., if they duplicate, or supplement but do not contradict, what international law stipulates).

16.6 Detailed summary of legal framework

101. The legal rules set out in the previous two sub-Sections can be summarized as follows.

102. Israel is subject to two duties:

- 1) A duty specifically to *respect* the environment—essentially a negative obligation of restraint on the part of Israel, not to alter or harm, including not to exploit natural resources.
- 2) A broader duty to *protect* the environment, which encompasses a negative duty to respect, as outlined above (in this case, it is a duty to protect the environment from harm caused by itself), but goes beyond this, as a positive obligation to protect the environment. This includes:
 - i. A duty to protect the environment from harm, including the exploitation of resources, caused by other, non-State actors, notably Jewish Israelis, including settlers, and settler companies. The standard of diligence required of Israel ('due diligence') here is calibrated according to Israel's capacities. Given the extent to which Israel exercises effective control in the OPT, especially when it comes to the behaviour of Jewish Israeli citizens, including settlers, and companies run by such citizens, which cannot be present/operate in, and move around the OPT and between the OPT and Israel, without the permission and enablement of Israel, Israel's obligation to suppress environmental harm by these actors is set at a strict level.
 - ii. A more general conservationist duty, to ensure the *preservation* of the environment.

103. The foregoing duties are subject to the following two *exceptions*.

- A. In the first place, they do not need to be followed insofar as this is necessary to take action that is strictly required for military purposes and/or to preserve order, provided that, if the issue is resource exploitation, this is done in a sustainable manner.

Given the limitations of this exception, the following would be violations of the foregoing obligations:

- a. Attacks on the environment taken not for military purposes but as a reprisal (e.g. tit for tat/revenge).
- b. Action incompatible with the foregoing obligations which is taken to facilitate the construction and/or continued existence of Israeli settlements.
- c. Action incompatible with the foregoing obligations which is taken for the non-military benefit of Israel, its citizens, companies etc, including economic and resource benefits.

Moreover, action incompatible with the foregoing obligations, but which is taken for military purposes and/or to preserve order, will be illegal regardless of whether it can somehow be understood to be strictly required by the military/public order objective, if:

- d. it constitutes harm to the environment which deliberately inflicts on the Palestinian people conditions of life calculated to bring about its physical destruction in whole or in part, and is committed with the intent to destroy, in whole or in part, the Palestinian people (and so constitutes genocide); and/or
- e. it involves methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

- B. In the second place, when it comes to the exploitation of natural resources in particular, this is permissible also if it is for benefit of the occupied (Palestinian) population, provided that, as with the first exception, resource exploitation is conducted in a sustainable manner. Given the Palestinian-specificity of this exception, the exploitation of natural resources to support Israeli settlements and the residents and companies in them in particular, and Israel and its

citizens, companies etc, as a general matter, is subject to the foregoing absolute prohibition.

16.7 Applying the law to the facts

104. The legality of Israel's conduct of its presence in the OPT according to the foregoing framework depends on the following analysis being applied to the facts, both as a general matter, and to particular incidents and situations:

- Stage 1: Determine which legal elements of duties (1) and (2) are relevant to the situation at issue. Apply these legal elements to the facts to determine whether the legal test or tests have been met.
 - If the legal tests have been met, then there is no legal violation.
 - If the legal tests have not been met, and so one or more duties have not been complied with, move to Stage 2.
- Stage 2: Analyze whether one or more of the tests under (A) (a)-(e) are met, on the facts.
 - If none of the legal tests are met, move to Stage 3.
 - If one or more of the legal tests have been met, then there is a legal violation.
 - In the case of tests (a)-(c), this is illegality based on a breach of the relevant duty as determined in Stage 1 where the military necessity and/or public order exception is not met.
 - In the case of tests (d) and (e) this is illegality based on a breach of the relevant duty as determined in Stage 1 where no military necessity and/or public order exception applies, and is also, in addition, a breach of the self-contained rule set out in test(s) (d) and/or (e). So, for example, environmental harm meeting the test in (d) is *both* a breach of (environmental) duties (1) and/or (2) *and* a breach of the prohibition on genocide.
- Stage 3: Analyse whether or not the breach determined in Stage 1 can be strictly justified according to military necessity and/or public order or, if it is concerned with the exploitation of natural resources in particular, can be strictly justified for the benefit of the occupied (Palestinian) population.
 - If so, move to Stage 4.
 - If not, there has been a legal violation.

- Stage 4: If the breach determined in Stage 1 does not concern the exploitation of natural resources in particular (whether performed for military necessity/public order purposes, or for the benefit of the occupied (Palestinian) population), there has been no legal violation. If it does concern this matter, analyse whether or not the resource exploitation has been in a sustainable manner.
 - If so, there has been no legal violation.
 - If not, there has been a legal violation.
105. As the foregoing indicates, determining the legality/illegality of the impact of Israel’s presence in the OPT on the environment according to this framework requires a complex chain of reasoning. Determinations on any given issue or situation are dependent in large measure on the specificities of the particular facts of the issue or situation. Moreover, given the widespread and systematic nature of Israel’s harm to the environment in the OPT, covering more than half a century, as outlined above, the quantum of such determinations of legality/illegality required to capture the scale of what has happened is vast. It is not possible, therefore, in an opinion of this length, to provide such determinations. Instead, what has been provided is the framework that could be applied to make such determinations.

17. Presence-legality regime and its relationship to the conduct-regulatory regime

17.1 Presence-legality regime

106. Operating at the same time as the conduct-regulatory framework, but with more fundamental significance, are the rules that determine whether or not Israel should even be present in the OPT at all: the law of self-determination and the law on the use of force. When these rules are applied, the conclusion, as affirmed by the ICJ in the *OPT* Advisory Opinion of 2024, and endorsed by the UN General Assembly, is that Israel’s presence in the OPT is, in and of itself, illegal, and must therefore end as rapidly as possible.¹⁶⁹
107. Only the Palestinian people as a self-determination unit, and the State of Palestine, have the legal right in international law to operate an administrative presence in and, more generally, exercise internationally-legally-valid authority with respect to, the OPT. Israel has no such right, hence its presence being illegal, and the requirement that it end this presence as rapidly as possible. Consequently, everything Israel has done in the OPT since 1967 has been illegal as a matter of the law on the use of force and the law of self-determination.

¹⁶⁹ *OPT* Advisory Opinion, *supra* note 127; GA Res. A/ES-10/L.31/Rev.1, 13 September 2024.

17.2 Conduct-legality regime applies even though the occupation is illegal according to the presence-legality regime

108. The illegal nature of Israel's presence in the OPT as a matter of the presence-legality regime makes no difference to the applicability of the conduct regulatory framework, hence that being reviewed above. IHL in general, and occupation law in particular, for example, apply to illegal and lawful wars, including occupations, alike.
109. However, the illegal nature of the occupation does alter the substantive position Israel is in, compared to the position arrived at from applying the conduct regulatory framework alone, as was done above. Moreover, this altered position has fundamental significance to the question of the legal responsibility of Israel when it comes to environmental harm in the OPT in particular. It is necessary, then, to appraise legality holistically, taking both frameworks into account. There are two serious problems caused by an exclusive focus on the conduct-regulatory framework, which can only be avoided by adopting a holistic approach: first, greenwashing an illegal occupation and, second, security-washing environmental harm.

17.3 Significance of a holistic approach 1: Avoiding greenwashing an illegal occupation

110. The conduct-regulatory regime could be complied with by Israel, leaving it in a position, according to that regime, that it is exercising authority within the OPT lawfully. However, it would *still* be acting unlawfully according to the presence-legality regime, because, according to that regime, it should not even be in the position of exercising effective control over the territory, thereby triggering the conduct-regulatory framework obligations, in the first place. Those obligations only regulate Israel's presence if it exists; they do not provide a legal basis for this existence itself.
111. Compliance with those obligations, which might lead to the environment being protected, then, makes no difference to the question of whether or not Israel should even be exercising authority in the OPT in the first place. The legal answer to that question would still be no – Israel's presence would *still* be unlawful. Avoiding this fundamental issue, and only focusing on whether or not Israel complies with the conduct-regulatory framework as it concerns environmental protection, risks 'greenwashing' the occupation. Israel can be presented, and present itself, as legally compliant on environmental grounds, and it can invoke this as ostensible support for the legitimacy of its rule over the OPT, even though the legal framework being applied does not address that subject. Actually, the maintenance of the occupation cannot be legally 'greenwashed' in the sense that Israel cannot

invoke any compliance with the environmentally-protective aspects of the conduct regulatory framework as a legal foundation for that maintenance. Equally, the continuance of the occupation cannot be legally justified on the grounds that this is necessary to ensure the protection of the environment, on the basis that this is required by the conduct regulatory obligations. However, it is only possible to maintain emphasis on these points if the focus is on not only the conduct-regulatory framework, but also the presence-legitimacy framework.

17.4 Significance of holistic approach 2: Avoiding security-washing environmental harm

112. A further problem with focusing on the conduct-regulatory framework in isolation is that it adopts an approach on the fundamental issue of the security/public order rationale for Israel's actions in the OPT, enabling Israel to perpetrate environmental harm, even though, paradoxically, this rationale is legally invalid, as a general matter, according to the presence-legality regime.
113. As indicated above, the conduct-regulatory framework permits Israel, in certain circumstances, not to have to comply with the general duties to respect and protect the environment, if this is strictly necessary for military purposes and/or to preserve order. If, for example, environmental harm falls within these lawful exceptions, Israel would be acting lawfully as a matter of the conduct-regulatory framework. However, as a matter of the presence-legality regime, Israel should not even be in the OPT, and so there cannot be any justification for any of its actions and omissions, including those which cause environmental harm. It does not matter, then, if environmentally harmful action can be justified on military necessity and/or public order grounds: such action is still unlawful for this more fundamental reason.
114. The position on the legality of the impact of Israel's presence on the environment in the OPT is fundamentally different, being much more comprehensive and wide-ranging, when the presence-legality framework is applied. Every aspect of Israel's behaviour in the OPT, both acts and omissions, involving environmental harm, as outlined above, has been illegal, because it has been pursued through authority that is itself illegal. Likewise, Israel has had no legal entitlement to do anything in the OPT, including any actions which cause environmental harm. It is ultimately unnecessary and misleading, therefore, to engage in a situation-specific facts-based analysis concerning military necessity and/or public order to determine whether, in each case, an act or omission that led to environmental harm was or was not legally permissible.
115. This can be illustrated through the total war perpetrated by Israel in the Palestinian Gaza Strip from October 2023 which, as indicated above, has involved

catastrophic environmental destruction. The conduct regulatory framework generally assesses the question of the legality of this destruction through the application of fact- and situation-specific tests focusing on what was justified by military necessity, etc. The law of genocide in particular, for example, assesses this question with reference to whether or not the environmental destruction was sustained as part of an operation conducted with the intent to destroy, in whole or in part, the Palestinian people. By contrast, the presence-legality framework addresses things in more basic, simple, and comprehensive terms: does Israel have any legal right to take military action in the Palestinian Gaza Strip in the first place? Because if it does not, then *all* the environmental damage caused by its military action has been unlawful, not just the damage that cannot be justified on the basis of the conduct-regulatory framework, and not just the damage that falls within the legal test of genocide. As I have argued elsewhere, in both my academic writing, and the legal submissions I made for the League of Arab States to the International Court of Justice, which were, on this point, implicitly adopted by the Court (as I have explained in a legal opinion written for the Palestinian NGO Al Haq Europe), Israel indeed has no legal right to use force in the Palestinian Gaza Strip.¹⁷⁰

116. The alternative approach to this issue, which would focus on what is permissible according to the conduct-regulatory framework exclusively, presents an ultimately distorted picture whereby certain harm is legally-justified when, actually, according to the presence-legality framework, it is not. This is, then, the converse of the ‘greenwashing’ problem identified earlier: ‘security-washing’ environmental harms.

¹⁷⁰ Ralph Wilde, [‘Using the master’s tools to dismantle the master’s house: international law and Palestinian liberation’](#) *Palestine Yearbook of International Law* (2021); Ralph Wilde, [‘The international law of self-determination and the use of force requires an immediate end to the occupation of the Palestinian West Bank and Gaza’](#), Policy Brief (2022); Ralph Wilde, [‘Is the Israeli occupation of the Palestinian West Bank \(including East Jerusalem\) and Gaza ‘legal’ or ‘illegal’ in international law?’](#), Legal Opinion (2022); Ralph Wilde, [‘Israel’s War in Gaza is Not a Valid Act of Self-defence in International Law.’](#) *Opinio Juris* blog (2023); Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (Request for Advisory Opinion), International Court of Justice, [Written Submission by the League of Arab States](#), 20 July 2023 and [Written comments on the written statements made by States and organizations by the League of Arab States](#), 25 October 2023; Oral Statement by Ralph Wilde, Senior Counsel and Advocate, League of Arab States, 26 February 2024 (video [here](#); verbatim record [here](#) (from page 25)); Ralph Wilde, [Illegality of Israel’s presence in the Palestinian Gaza Strip and West Bank, including East Jerusalem, in the light of the 2024 Occupied Palestinian Territory Advisory Opinion of the International Court of Justice, and consequences for third States and the European Union](#), Expert Legal Opinion for Palestinian human rights NGO Al Haq Europe, 1 December 2024 (hereinafter ‘Wilde 2024 Al Haq Europe Opinion’), in particular Section 3.c., from page 19.

18. Overview of legality/illegality

117. The question of the legality/illegality of the impact of Israel's presence in the OPT on the environment has two elements, reflecting the two different legal frameworks.
118. On the one hand, as a matter of the conduct-regulatory framework, this question is a matter, as indicated above, to be determined by applying the foregoing legal framework to particular factual incidents, based on a full appraisal of the factual evidence, something that is beyond the scope of the present opinion. Insofar as this process of determination leads to findings of illegality, Israel has breached international law.
119. On the other hand, as a matter of the presence-legality framework, this presence is illegal. This means that every aspect of it involving environmental harm has necessarily been unlawful, by virtue of being conducted as part of an overall presence that was and is, of its very nature, illegal. Israel has thus breached international law in its conduct of this environmental harm on this legal basis, regardless of whether the harm in question has also involved breaches of the conduct regulatory framework.

PART 4: LEGAL CONSEQUENCES

19. Israel

19.1 Introduction

120. Insofar as Israel has breached international law when it comes to the impact of its presence in the OPT on the environment, as outlined above, it must perform the following in relation to the breaches—in the language of the law of State responsibility, the “acts that are internationally-wrongful”:

- (1) Cessation;¹⁷¹
- (2) Making guarantees of non-repetition;¹⁷²

¹⁷¹ See International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001, U.N. Doc. A/56/10, https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf (hereinafter ARSIWA), Art. 30(a).

¹⁷² Id, Art. 30(b).

- (3) Reparation,¹⁷³ which can come in the form of restitution,¹⁷⁴ compensation,¹⁷⁵ and/or satisfaction.¹⁷⁶

19.2 Cessation: Israel must put an end to the unlawful situation immediately

121. Israel as the State responsible for the internationally wrongful acts must cease these acts and end the violations.¹⁷⁷ This duty is vital. Not only is this a necessary step on the path to eliminating the consequences of Israel's wrongful conduct. Also, it safeguards the continuing validity and effectiveness of the rules that have been violated. In this way, in the words of the Commentary to the International Law Commission's Articles on State Responsibility (hereinafter ILC ARSIWA Commentary), it "protects both the interests of the injured State or States and the international community as a whole in the preservation of, and reliance on, the rule of law".¹⁷⁸ As the ICJ indicated in the *Wall* Advisory Opinion, the duty of cessation "is well established in general international law, and the Court has on a number of occasions confirmed the existence of that obligation".¹⁷⁹
122. The ICJ has repeatedly affirmed that the duty of cessation constitutes an obligation to take immediate steps to put an end to the continuing wrongful act. In the 1980 *United States Diplomatic and Consular Staff in Tehran* case, the Court held that Iran had violated, and was continuing to violate, several obligations owed to the USA under international law,¹⁸⁰ and ordered Iran to "immediately terminate the unlawful detention of the United States Chargé d'affaires and other diplomatic and consular staff and other United States nationals now held hostage in Iran" (emphasis added).¹⁸¹ In the 2009 *Navigational and Related Rights* case, the Court explained:

¹⁷³ Id, Art. 31.

¹⁷⁴ Id, Art. 35.

¹⁷⁵ Id, Art. 36.

¹⁷⁶ Id, Art. 37.

¹⁷⁷ Id, Art. 30(a).

¹⁷⁸ Id, Part Two, Ch. I, Art. 30 Commentary, para. 5.

¹⁷⁹ *Wall* Advisory Opinion, *supra* note 121, p. 197, para. 150, as affirmed, in the context of the same situation, in the *OPT* Advisory Opinion, *supra* note 127, para. 267; see also *id*, para. 268. See also, *Haya de la Torre Case*, Judgment of June 13th, 1951, I.C.J. Reports 1951, p. 71 at p. 82 ("This decision entails a legal consequence, namely that of putting an end to an illegal situation"); *Jurisdictional Immunities of the State (Germany v. Italy)*, Judgment of 3 February, 12, I.C.J. Reports 2012, p. 99 at p. 153, para. 137 (referring specifically to ARSIWA Article 30(a)); see also *Rainbow Warrior (New Zealand v. France)*, Arbitration Award, 30 April 1990, para. 114; *Libyan Arab Foreign Investment Company (LAFICO) and the Republic of Burundi*, Arbitration Award, 4 March 1991, para. 61 (noting that the obligation to put to an end a wrongful act that constitutes a violation of customary international law is "not in doubt").

¹⁸⁰ *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, Judgment, I.C.J. Reports 1980, p. 3 at pp. 41-42, para. 90.

¹⁸¹ *Id*, p. 44, para. 95.

[I]t should be recalled that when the Court has found that the conduct of a State is of a wrongful nature, and in the event that this conduct persists on the date of the judgment, the State concerned is obliged to cease it *immediately* [emphasis added].¹⁸²

19.3 Assurances and guarantees of non-repetition

123. The circumstances of Israel's breaches of international law are such as to require that Israel is obliged to offer assurances and guarantees of non-repetition.¹⁸³

19.4 Reparation

19.4.1 General position

124. Israel is obliged to make adequate reparation for its breaches of international law.¹⁸⁴ In the words of the Permanent Court of International Justice,

[t]he essential principle contained in the actual notion of an illegal act . . . is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed.¹⁸⁵

125. Reparation can take a variety of forms, including restitution, compensation, and/or satisfaction. As the ILC ARSIWA Commentary indicates:

[F]ull reparation may only be achieved in particular cases by the combination of different forms of reparation. For example, re-establishment of the situation which existed before the breach may not be sufficient for full reparation because the wrongful act has caused additional material damage (e.g. injury flowing from the loss of the use of property wrongfully seized). Wiping out all the consequences of the wrongful act may thus require some or all forms of reparation to be provided, depending on the type and extent of the injury that has been caused.¹⁸⁶

¹⁸² Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua), Judgement, I.C.J. Reports 2009, p. 213 at p. 267, para. 148.

¹⁸³ On this obligation, see ARSIWA, *supra* note 171, Art. 30(b), and Part Two, Ch. I, Art. 30 Commentary.

¹⁸⁴ See, in the context of the OPT, the OPT Advisory Opinion, *supra* note 127, paras. 269.

¹⁸⁵ See *Factory at Chorzów (Claim for Indemnity) (Merits)*, Judgment of 13 September 1928, P.C.I.J., Series A, No. 17, 1928, p. 47 (hereinafter *Factory at Chorzów Judgment* (1928)).

¹⁸⁶ ARSIWA, *supra* note 171, Part Two, Ch. II Art. 34 Commentary, para. 2. See OPT Advisory Opinion, *supra* note 127, para. 270.

19.4.2 Restitution

126. Restitution is the prime means of reparation.¹⁸⁷ It is related to but distinct from cessation in that it is aimed at the re-establishment of the situation that existed before the breach—reverting to the *status quo ante*. In the *Chorzów Factory* case, the Permanent Court of International Justice underscored the primacy of restitution over other forms of reparation.¹⁸⁸ According to Article 35 of the ILC Articles of State Responsibility (hereinafter ILC ARSIWA):

A State responsible for an internationally wrongful act is under an obligation to make restitution, that is, to re-establish the situation which existed before the wrongful act was committed, provided and to the extent that restitution:

- (a) is not materially impossible;
- (b) does not involve a burden out of all proportion to the benefit deriving from restitution instead of compensation.¹⁸⁹

19.4.3 Compensation

127. As the ICJ affirmed in the *Gabčíkovo-Nagymaros* case, “[i]t is a well-established rule of international law that an injured State is entitled to obtain compensation from the State which has committed an internationally wrongful act for the damage caused by it”.¹⁹⁰ This entitlement applies equally to the Palestinian people, both individually and collectively, and in the form of the State of Palestine, for the damage caused to them by Israel’s violations of their rights.¹⁹¹ The relationship between the compensation and restitution requirements is indicated in ILC ARSIWA Article 36: “[t]he State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution”.¹⁹²
128. The injury to which reparation is due “includes any damage, whether material or moral, caused by the internationally wrongful act”.¹⁹³ As the ILC explained:

¹⁸⁷ *Factory at Chorzów* Judgment (1928), *supra* note 185, p. 47; ARSIWA, *supra* note 171, Part Two, Ch. II, Art. 35 Commentary, para. 3.

¹⁸⁸ *Factory at Chorzów* Judgment (1928), *supra* note 185, p. 47.

¹⁸⁹ ARSIWA, *supra* note 171, Art. 35.

¹⁹⁰ See *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I.C.J. Reports 1997, p. 7 at p. 81, para. 152.

¹⁹¹ See also *OPT* Advisory Opinion, *supra* note 127, para. 271.

¹⁹² ARSIWA, *supra* note 171, Art. 36(1).

¹⁹³ *Id.*, Article 31(2).

Material damage here refers to damage to property or other interests of the State and its nationals which is assessable in financial terms. ‘Moral’ damage includes such things as individual pain and suffering, loss of loved ones or personal affront associated with an intrusion on one’s home or private life.¹⁹⁴

129. Compensation means, in the words of the Permanent Court of International Justice in the *Chorzów Factory* case, the “payment of a sum corresponding to the value which a restitution in kind would bear”¹⁹⁵ And, according to ILC ARSIWA Article 36, “shall cover any financially assessable damage including loss of profits insofar as it is established”.¹⁹⁶

19.4.4 Satisfaction

130. As indicated in ILC ARSIWA Article 37, “[t]he State responsible for an internationally wrongful act is under an obligation to give satisfaction for the injury caused by that act insofar as it cannot be made good by restitution or compensation”.¹⁹⁷ The Article goes on to indicate that satisfaction may “consist in an acknowledgement of the breach, an expression of regret, a formal apology or another appropriate modality”.¹⁹⁸

20. The State of Palestine and the Palestinian people

131. Insofar as Israel has breached international law when it comes to the impact of its presence in the OPT on the environment, as outlined above, the victims of these breaches—the State of Palestine and the Palestinian people—are legally entitled to two things.
132. In the first place, they are legally entitled to full performance of the duties borne by Israel as a consequence of its breaches, as outlined in the previous section.
133. In the second place, they have valid legal standing to bring claims against Israel before national and international courts, tribunals and other bodies that apply international law, in order to pursue judicial or quasi-judicial remedies for the legal injuries they have suffered. Legal standing denotes a valid legal ‘interest’ in the legal matter that would form the basis of the remedy process: in this case, the interest would be as the legal person whose rights have been violated.

¹⁹⁴ Id, Part Two, Ch. II, Art. 31(2) Commentary, para. 5.

¹⁹⁵ *Factory at Chorzów* Judgment (1928), *supra* note 185, p. 47.

¹⁹⁶ ARSIWA, *supra* note 171, Art. 36(2).

¹⁹⁷ Id, Art. 37.

¹⁹⁸ Ibid.

134. Whether such claims can be brought depends on whether the particular mechanism in question would have jurisdiction.
135. As for international complaints mechanisms, Israel has not accepted any of the opt-in jurisdictional permissions that would enable complaints to be brought against it, whether before human rights bodies, or the ICJ. What is left is the unlikely possibility that Israel might give its consent to a case at the ICJ (*forum prorogatum*) or that further cases are brought by Palestine on the treaty-basis of jurisdiction that exists before the ICJ in the case of the Genocide Convention (Palestine is already intervening in the *South Africa v Israel* case concerning the Palestinian Gaza Strip) and before the ICJ and the Committee on the Elimination of Racial Discrimination under the Convention on the Elimination of Racial Discrimination (Palestine already brought one such case on this basis). No possibilities exist for individuals to bring international human rights complaints against Israel.
136. As for domestic claims mechanisms, individual Palestinian people have a legal human right to a domestic remedy for human rights law violations, including violations of human rights law, as indicated above, involved in environmental harm. The situation is complicated because the State perpetrating the violations, Israel, is not sovereign in the territory where the violations take place, and one aspect of that lack of sovereignty is that it is legally prohibited from applying its domestic law, including law that would potentially provide such a remedy, in occupied territory. Israel nonetheless applies its national law, illegally, in East Jerusalem, and more broadly certain matters concerning the OPT can be reviewed before Israeli courts.
137. Accessing those remedies that do exist which operate on the basis of the territorial application of Israeli law (e.g. in East Jerusalem) requires Palestinian people to operate through a system presupposing that they collectively, as a self-determination unit, and the State of Palestine, are not sovereign over the territory concerned. They must, then, accept, for the purposes of obtaining a human rights remedy in one area, an arrangement that constitutes a denial of their legal human rights (the collective Palestinian right of self-determination) in another area, and the sovereign legal rights of the State of Palestine. A human rights remedy that itself constitutes a violation of human rights (and a violation of the prohibition of annexation through the use of force) is manifestly inapt.
138. The only way Israel can lawfully discharge its obligation to provide effective human rights remedies for individual Palestinian people to complain about violations of their legal human rights in the area of environmental harm (and all

other areas) is to provide mechanisms that do not operate on the basis that presuppose a denial of the self-determination right the Palestinian people have, including in human rights law.

139. A further, related problem is that those mechanisms that do exist are widely regarded to fail the legal requirements that must be met when it comes to the substance of the remedy: that it is prompt, effective, independent and impartial, and non-discriminatory.
140. Because of the foregoing problems, there is an urgent need for effective international human rights remedies for the Palestinian people. The problem of the inadequacy of domestic remedies is not unique to the Palestinian situation. However, the problem that those remedies which do exist typically operate on the basis of a system that presupposes a denial of the Palestinian legal right to self-determination is, globally-speaking, highly unusual, and, moreover, a fundamental matter that renders the remedies inappropriate in and of themselves.
141. The aforementioned opt-in international remedies that enable individual complaints to be brought against Israel require Israel's consent, which is unlikely to be forthcoming. The only means of providing redress, then, is through mechanisms that do not require such consent. There have been UN Commissions of Inquiry, with one currently in operation, and these mechanisms should be utilized, and further ones created, to fill this important gap. Other mechanisms of this type should be pursued, including those operated by civil society, such as people's tribunals. Greater support should be given to the Mandate of the independent UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (UNSR OPT), an unpaid post that receives minimal administrative support from the UN and yet is expected to carry the main duty within the international system, alongside the current UN Commission of Inquiry, to provide independent international scrutiny of the general human rights situation, including as it relates to the environment, in the OPT.
142. The International Criminal Court is concerned with the criminal responsibility of individuals, not the legal responsibility of States, and so does not adjudicate Israel's responsibility for the violations of international law addressed in the present opinion. However, the individual crimes it is concerned with are an extreme sub-set of human rights violations, some of which including harm to the environment, notably war crimes, which are grave breaches of IHL (so including some of the aforementioned IHL rules concerning the environment), crimes against humanity, and, as indicated above, genocide. These crimes can be, and often are, committed by State agents (e.g. soldiers) and when this happens

correspond to actions which are also unlawful for the State concerned. Thus when the individual is being prosecuted, the corresponding illegal act by the State in whose name the individual acted is, indirectly, being addressed. The ICC is, therefore, in a sense, a ‘back door’ means of addressing responsibility for some of the violations of international law perpetrated by States, in circumstances where equivalent mechanisms to adjudicate State responsibility do not operate or are only partially in operation. In the present situation, the Court has jurisdiction over what happens in the OPT, via the State of Palestine’s acceptance of the ICC Statute, and this jurisdiction covers crimes committed by all individuals in the OPT, including Israelis, without the consent of Israel as the State of nationality being required.¹⁹⁹ Thus, although, as indicated above, when it comes to the responsibility of Israel, only violations of the Genocide Convention and the racial discrimination convention can be adjudicated internationally without Israel’s consent being required, when it comes to individual Israelis, a relatively broader set of violations (but not specifically racial discrimination by itself) can be adjudicated, with Israeli consent being irrelevant, when it comes to the responsibility of Israeli individuals.

21. Third States²⁰⁰

21.1 Introduction

143. The areas of international law being violated by Israel according to the legal framework concerned with the legality of its presence in the OPT (the law of self-determination and the law on the use of force), and a sub-set of the areas of international law relevant to environmental protection that are potentially being violated by Israel according to the conduct-regulatory framework (the right to self-determination, the core norms of IHL, the prohibition of racial discrimination generally and apartheid in particular), are of a special fundamental character. Because of this, third States—States other than Israel and the State of Palestine—have three legal duties to suppress these violations. For the same reason, third States also have special legal entitlements to complain about these legal violations, and to bring international legal cases against Israel about them.

21.2. Duty (1): To bring the violations of fundamental rules to an end

144. States bear a positive duty to bring Israel’s violations of fundamental rules to an end, through both individual and joint, co-operative, means, and a related

¹⁹⁹ International Criminal Court, *Situation in the State of Palestine* (Investigation) ICC-01/18, available from: <https://www.icc-cpi.int/palestine>.

²⁰⁰ For more detail on the issues covered in this Section, see Wilde 2024 Al Haq Europe Opinion, above note 170.

obligation to co-operate with the UN to put into effect any modalities promulgated by the General Assembly and the Security Council to this end.

145. No particular form of action, whether individually or in co-operation with other third States and international organizations, is prescribed by international law, given the multiplicity of possibilities that exist. One option is to adopt sanctions against Israelis, including government officials, involved in the violations of fundamental rules. This may extend to freezing bank accounts and assets abroad, and travel restrictions. Further possibilities are addressed in Part 5 below.

21.3 Duty (2): Not to recognize as lawful any situation brought about Israel's violations of fundamental rules

146. Third States are required not to recognize the validity of anything Israel has done which has involved the violation of fundamental rules of international law.

21.4 Duty (3): Not to aid or assist Israel in its violations of fundamental rules

147. Third States bear a special obligation not to aid or assist Israel in its violations of fundamental rules. This obligation is distinct from the more generally-applicable, narrowly-relevant rule from the international law of State responsibility, covering any and all violations of international law by Israel, that a third State is legally responsible if it aids or assists Israel in the commission of one or more of these unlawful acts, *and such aid or assistance is given with a view to facilitating the illegality*. The issue here (a special obligation arising as a consequence of the fundamental nature of the rules being breached) is, more simply, an obligation not to provide aid or assistance that will enable Israel to continue to breach the fundamental rules. Whether or not the intent behind this provision is to support illegality is irrelevant.
148. When it comes to Israel's violation of the presence-legality legal framework in particular, States are prohibited from providing any and all aid or assistance to Israel in maintaining its presence in the OPT. The focus is on the existence of the presence itself, not only how it is being conducted, including when it comes to any violations of the conduct-regulatory framework. Addressing aid and assistance only in the latter context, and not also in the former context, would be legally inadequate. On ensuring no aid or assistance is given to Israel's presence in the OPT in and of itself: given the impossibility of meaningfully distinguishing between aid/assistance that would end up supporting, one way or another, this presence as distinct from Israel's other activities, including within Israel, there cannot be any aid/assistance to Israel *at all*. A complete embargo on all forms of aid/assistance to Israel as a general matter is therefore required.

149. On the issue of military aid and assistance in particular, given the way the conduct of the presence in the OPT is inextricably linked to the operation of the Israeli military system as a general matter, there can be no aid or assistance to Israel's military *at all*. Moreover, given that it is the military *presence* in the OPT, in and of itself, that is unlawful, the ban has to cover *all* elements of aid that supports the Israeli military, not just aid covering matters such as arms that can be and are being used to perpetrate violations of international humanitarian law.
150. When it comes to trade, investment, and scientific, technological, cultural, educational and sporting relations, it is necessary, as with the obligation of non-recognition, to implement a complete trade (including arms), finance, investment, scientific, technological, audiovisual, cultural (including tourism), educational and sporting embargo, operating reciprocally, on Israel as a general matter (so including, but not limited to, settlements) in order to ensure that trade, investment and scientific, technological, cultural, educational and sporting relations do not end up assisting in the maintenance of the illegal Israeli presence in the OPT.
151. Third States must exercise their national legal jurisdiction to regulate their own nationals, and all other non-State actors, including companies and other entities, in their territorial jurisdiction, to prevent them from providing any aid or assistance to the Israeli presence in the OPT. This requires the same ban as outlined above in the context of the obligation of non-recognition.

21.5 Right to invoke Israel's violations of fundamental rules

152. One consequence of the fundamental character of the rules being violated is that they operate *erga omnes* ('against all'), meaning that all States have a legal right to be concerned about Israel's illegality, despite not having any direct legal stake (their own legal rights are not being violated by this illegality). They are entitled to invoke the illegality, to characterize Israel's behaviour as such, and to call upon Israel to perform the obligations outlined above in Section 19, viz: bring the illegality to an end immediately, give assurances of non-repetition, and provide reparation. They also have a legal right to take measures to induce cessation and reparation on the part of Israel, corresponding to the legal duty above (number (1)) that they have to bring Israel's violations of fundamental rules to an end. They also have the legal right to invoke any breaches by other third States of the aforementioned suppression duties (2) and (3) (the obligations not to recognize or aid or assist Israel's illegal presence) and likewise call for these breaches to end immediately. These rights are vested in all States individually, and can be exercised individually and collectively, including, in the case of EU States, through the EU.

153. One aspect of this legal right to invoke Israel’s illegality is to bring international cases against Israel to complain about such illegality, to support such cases brought by other States, and to participate in Advisory Opinion proceedings concerning the situation in Palestine. They can also bring cases against other States for failing to discharge their suppression duties. The bringing of cases against Israel is illustrated in South Africa’s case at the ICJ concerned with the question of Israel’s violations of the Genocide Convention. The supporting of such cases is illustrated in the States who are participating in the South Africa case. Participating in Advisory Opinion cases is illustrated in the significant number of States who participated in the proceedings that culminated in the 2004, 2024 and 2025 OPT-related Advisory Opinions. The bringing of cases against third States is illustrated in Nicaragua’s case against Germany, commenced before the ICJ in 2024, concerning Germany’s violations of various areas of international law in supporting Israel’s military action in the Palestinian Gaza Strip.

PART 5: RECOMMENDATIONS FOR ACTION

22. Introduction

154. What follows is a list of recommendations for States, international organizations, and NGOs. They are mostly linked to what has already been covered in detail above, and in such instances, actions are listed briefly, with references back to the relevant sections containing further detail.
155. For States in particular, performing themselves, and supporting the performance by others, of the action points herein can be understood as a means through which they discharge the legal obligation set out above in Section 21.2. States are also required to comply with the legal obligations concerning non-recognition, and no aid and assistance, as set out above in Sections 21.3 and 21.4.

23. Action (1): Prepare detailed case studies

156. Work should be done to conduct a series of detailed, fact-based, fully-evidenced case-studies covering particular situations, incidents and aspects of environmental harm by Israel, as outlined in Part 1. In each case, the conduct-regulatory legal framework as summarized above in Section 16.6 should then be applied to determine whether or not this area of applicable international law was violated. Case studies concerning ongoing situations should be kept under ongoing review, supplementing the factual information as necessary, and periodically renewing the application of the legal framework

24. Action (2): Support domestic remedy cases

157. Support should be given to individual Palestinian people who wish to bring legal cases concerning environmental harm, including on the basis of the aforementioned case studies, through whatever domestic legal system is available.

25. Action (3): Support existing, and create new, international human rights remedies for the Palestinian people and support the work of the UNSR OPT

158. Bearing in mind the limitations and problems of domestic remedies for human rights violations, including such violations concerned with environmental harm, when it comes to the Palestinian people as indicated above in Section 20, support should be given to existing international mechanisms, and the creation of new international mechanisms, that can provide effective human rights remedies to the Palestinian people, and to the Mandate of the UNSR OPT.

26. Action (4): Take the full range of actions possible to invoke Israel's violations of international law, including initiating and participating in international cases

159. States should take the full range of possible actions to invoke Israel's violations of international law, including initiating and participating in international cases, as outlined above in Section 21.5.

27. Action (5): Support the International Criminal Court

160. Given the exceptionally limited nature of the domestic and international human rights remedies available to the Palestinian people and the State of Palestine, as outlined in Section 20, the role the International Criminal Court can potentially play in providing accountability, thereby furthering the cause of suppressing Israel's violations of international law, is fundamental. This is particularly important in the context of the subject of the present opinion, given the Office of the Prosecutor's 2025 Policy on Environmental Damage, in which it commits to "more fully account for crimes within its jurisdiction that involve environmental damage" and "rigorous investigation and prosecution" of crimes with environmental dimensions.²⁰¹
161. However, the effectiveness of the ICC is acutely precarious, both politically and financially. There are important, ongoing concerns about the ability and

²⁰¹ Office of the Prosecutor, *Policy on Addressing Environmental Damage through the Rome Statute (2025)*, International Criminal Court, 2 December, available from: <https://www.icc-cpi.int/sites/default/files/2025-12/2025-env-eng.pdf>.

willingness of the institutions of the ICC to address the situation in Palestine effectively, given the immense pressure that Office of the Prosecutor and the Judges and staff of the Court are under on that situation by those, such as the USA, who are opposed to the Court addressing it. In 2025 this pressure shifted into extreme, punitive coercion, through the imposition of sanctions by the US on some of the Court's judges, its Prosecutor, three Palestinian human rights NGOs, and the UNSR OPT.

162. The consequence of the foregoing matters taken together is that the position taken on ICC jurisdiction over the situation in Palestine by third States has the potential to be transformative.
163. Given this, there is an urgent need for States, individually and collectively, to take effective action to increase the likelihood that the Office of the Prosecutor and the judges and staff of the Court are able to deliver justice to the Palestinian people, a good in and of itself, and also a potentially vital means of enabling greater compliance with international law by Israel, an objective which, as indicated above in Section 21.2, they bear a legal obligation to secure.
164. Such action should be taken in the following ways.
165. In the first place, States parties to the Rome Statute should join the seven States (South Africa, Bangladesh, the Plurinational State of Bolivia, Chile, Comoros, Djibouti and Mexico) that joined the referral of the situation in Palestine originally made by the State of Palestine.²⁰² (These referrals are to be contrasted with the forty-three States parties to the Rome Statute who referred the situation in Ukraine to the Court.²⁰³)
166. In the second place, States, whether or not parties to the Rome Statute, should pledge financial support to the Office of the Prosecutor, explaining that the motivation for this is to support the Palestine investigation (even though the Office would use any funds provided across all its investigations). (Notably, it is reported

²⁰² See Office of the Prosecutor, *Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties* (2023), International Criminal Court, 17 November, available from: <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine>; International Criminal Court (2024) *Chile and Mexico Article 14 Referral*, available from: https://www.icc-cpi.int/sites/default/files/2024-01/2024-01-18-Referral_Chile_Mexico.pdf.

²⁰³ International Criminal Court (2022) *Situation in Ukraine* (Investigation) ICC-01-22, available from: <https://www.icc-cpi.int/situations/ukraine>.

that such extra support has been given by third States for an equivalent motivation as far as the Ukraine investigation is concerned.²⁰⁴)

167. In the third place, States, both individually and, where necessary (e.g. for EU States, at EU-level) collectively, should take effective action to prevent the application of the aforementioned US sanctions in their jurisdictions, and provide effective support to all those individuals and organizations (and their staff) subject to the sanctions.

²⁰⁴ Associated Press (2023) Millions in Extra Funding Pledged for ICC Work in Ukraine, *VOA News*, 21 March, available from: <https://www.voanews.com/a/millions-in-extra-funding-pledged-for-icc-work-in-ukraine/7014220.html>.