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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

State of Palestine:* draft resolution

Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory¹

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations and international law, including the inalienable right of self-determination of peoples and the principle of the inadmissibility of the acquisition of territory by force,

Recalling all its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also all the relevant resolutions of the Security Council, including resolution [2334 \(2016\)](#) of 23 December 2016,

Stressing the obligation of all Member States to fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations, including to accept and carry out the decisions of the Security Council,

Recalling its resolution [77/247](#) of 30 December 2022, by which it decided, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following questions:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character

* Any changes to the list of sponsors will be reflected in the official record of the meeting.

¹ All references to the Occupied Palestinian Territory in the text refer to the Occupied Palestinian Territory, including East Jerusalem.



and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

(b) How do the policies and practices of Israel referred to above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?

Having received the advisory opinion of the International Court of Justice, rendered on 19 July 2024,² in which the Court determined, inter alia, that:

(a) Israel's continued presence in the Occupied Palestinian Territory is unlawful,

(b) Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible,

(c) Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory,

(d) Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory,

(e) All States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of Israel in the Occupied Palestinian Territory,

(f) International organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory,

(g) The United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of Israel in the Occupied Palestinian Territory,

Affirming, in accordance with the advisory opinion of the International Court of Justice, that:

(a) The Israeli settlements, and their associated regime, including the transfer by Israel of settlers to the West Bank, including East Jerusalem, as well as Israel's maintenance of their presence, the confiscation or requisitioning of land, the exploitation of natural resources, the extension of Israeli law to occupied territory, the forced displacement of the Palestinian population, and violence by settlers and occupying forces against Palestinians, have been established and are being maintained in violation of international law,

(b) Israel's policies and practices, including the maintenance and expansion of settlements, the construction of associated infrastructure, including the wall, the exploitation of natural resources, the proclamation of Jerusalem as Israel's capital, the comprehensive application of Israeli domestic law in East Jerusalem and its extensive application in the West Bank, entrench Israel's control of the Occupied Palestinian Territory, notably of East Jerusalem and of parts of the West Bank, and are designed to remain in place indefinitely and to create irreversible effects on the ground, and amount to annexation of large parts of the Occupied Palestinian Territory,

(c) To seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of

² [A/78/968](#).

territory by force and constitutes a violation of the obligation to respect territorial integrity and sovereignty under the Charter of the United Nations and international law,

(d) A broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians differently on grounds prohibited by international law, and that, accordingly, the régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory, including Israel's residence permit regime in East Jerusalem, its policies restricting freedom of movement for Palestinians, its planning policy and its practice of demolition of Palestinian properties, amounts to prohibited discrimination and constitutes systemic discrimination based on, inter alia, race, religion or ethnic origin in violation of the relevant rules of international humanitarian law and international human rights law, including the Fourth Geneva Convention,³ the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights⁵ and the International Convention on the Elimination of All Forms of Racial Discrimination⁶ and customary international law,

(e) Israel's legislation and measures impose and serve to maintain a near-complete separation in the West Bank, including East Jerusalem, between the settler and Palestinian communities and constitute a breach of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which refers to two particularly severe forms of racial discrimination and stipulates that "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction",

(f) The Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations, a right that constitutes a peremptory norm of international law in such a situation of foreign occupation, and that Israel, as the occupying Power, has the obligation not to impede the Palestinian people from exercising its right to self-determination, including its right to an independent and sovereign State, over the entirety of the Occupied Palestinian Territory,

(g) Israel's policies and practices, which span decades, including its settlements and their associated regime, its annexation, its legislation and measures that discriminate against Palestinians in the Occupied Palestinian Territory, and the forced displacement of Palestinians and strict restrictions on their movement, have violated the integrity of the Occupied Palestinian Territory, undermined the integrity of the Palestinian people and the protection against acts aimed at dispersing it, deprived the Palestinian people of its enjoyment of the natural resources in the Occupied Palestinian Territory in breach of its permanent sovereignty over its natural resources, and have obstructed the right of the Palestinian people freely to determine its political status and to pursue its economic, social and cultural development, and that these policies and practices constitute a prolonged breach of the Palestinian people's fundamental right to self-determination,

(h) The existence of the Palestinian people's right to self-determination, in view of its character as an inalienable right, cannot be subject to conditions on the part of the occupying Power,

(i) Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation, nor can

³ United Nations, *Treaty Series*, vol. 75, No. 973.

⁴ See resolution 2200 A (XXI), annex.

⁵ *Ibid.*

⁶ United Nations, *Treaty Series*, vol. 660, No. 9464.

Israel's security concerns override the principle of the prohibition of the acquisition of territory by force,

(j) The violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people's right to self-determination have a direct impact on the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory, and that the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful, and that this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967,

(k) Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible, as it constitutes a wrongful act of continuing character entailing its international responsibility which has been brought about by Israel's violations, through its policies and practices, of the prohibition on the acquisition of territory by force and of the right to self-determination of the Palestinian people,

Reaffirming the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Considering that respect for the International Court of Justice and its functions, including in the exercise of its advisory jurisdiction, is essential to international law and justice and to an international order based on the rule of law,

Recalling the permanent responsibility of the United Nations with regard to the question of Palestine until it is resolved in all its aspects in accordance with international law and the relevant United Nations resolutions,

Reaffirming its commitment to the realization of the right of the Palestinian people to self-determination, including its right to an independent and sovereign State, living side by side in peace and security with Israel, in accordance with the relevant resolutions of the Security Council and the General Assembly,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, in accordance with international law and the relevant United Nations resolutions, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East, and reaffirming the right of all States in the region to live in peace within secure and internationally recognized borders,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Reaffirming its commitment for respect for, and the preservation of, the territorial integrity and unity of the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming the illegality of Israeli settlements and their associated regime, as well as all other measures aimed at altering the demographic composition, character and status of the City of Jerusalem and of the Occupied Palestinian Territory as a whole, and rejecting in this regard any attempt at demographic or territorial change in the Gaza Strip, including any actions that reduce the territory of the Gaza Strip, which constitutes an integral part of the Occupied Palestinian Territory,

Stressing that, as indicated by the International Court of Justice, the obligations violated by Israel include certain obligations of an *erga omnes* character that are, by their very nature, “the concern of all States” and, in view of the importance of the rights involved, all States can be held to have a legal interest in their protection, among them the obligation to respect the right of the Palestinian people to self-determination and the obligation arising from the prohibition of the use of force to acquire territory as well as certain of its obligations under international humanitarian law and international human rights law,

Emphasizing the imperative of ensuring accountability for all violations of international law in order to end impunity, ensure justice, deter future violations, protect civilians and promote peace,

1. *Welcomes* the advisory opinion of the International Court of Justice of 19 July 2024 on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory;

2. *Demands* that Israel brings to an end without delay its unlawful presence in the Occupied Palestinian Territory, which constitutes a wrongful act of a continuing character entailing its international responsibility, and do so no later than 12 months from the adoption of the present resolution;

3. *Demands* that Israel comply without delay with all its legal obligations under international law, including as stipulated by the International Court of Justice, by, inter alia:

(a) Withdrawing all its military forces from the Occupied Palestinian Territory, including its airspace and maritime space;

(b) Putting an end to its unlawful policies and practices, including ceasing immediately all new settlement activity, evacuating all settlers from the Occupied Palestinian Territory and dismantling the parts of the wall constructed by Israel that are situated in the Territory, and repealing all legislation and measures creating or maintaining the unlawful situation, including those which discriminate against the Palestinian people, as well as all measures aimed at modifying the demographic composition, character and status of any parts of the Territory;

(c) Returning the land and other immovable property, as well as all assets seized from any natural or legal person since its occupation started in 1967, and all cultural property and assets taken from Palestinians and Palestinian institutions;

(d) Allowing all Palestinians displaced during the occupation to return to their original place of residence;

(e) Making reparation for the damage caused to all the natural and legal persons concerned in the Occupied Palestinian Territory;

(f) Immediately complying with obligations under international law indicated in the respective provisional measures orders of the International Court of Justice in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide⁷ (*South Africa v. Israel*) in relation to the right of the Palestinian people in the Gaza Strip to be protected from all acts within the scope of articles II and III of the Convention;

(g) Not impeding the Palestinian people from exercising its right to self-determination, including its right to an independent and sovereign State, over the entirety of the Occupied Palestinian Territory;

⁷ Resolution 260 A (III), annex.

4. *Calls upon* all States to comply with their obligations under international law, inter alia, as reflected in the advisory opinion, including their obligation:

(a) To promote, through joint and separate action, the realization of the right of the Palestinian people to self-determination, the respect of which is an obligation *erga omnes*, and refrain from any action which deprives the Palestinian people of this right and, while respecting the Charter of the United Nations and international law, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end;

(b) Not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory;

(c) Not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Territory, including by taking steps towards ceasing the importation of any products originating in the Israeli settlements, as well as the provision or transfer of arms, munitions and related equipment that may be used in the Territory;

(d) Not to recognize any changes in the physical character or demographic composition, institutional structure or status of the territory occupied by Israel on 5 June 1967, including East Jerusalem, except as agreed by the parties through negotiations, as affirmed by the Security Council in its resolution 2334 (2016), and the obligation in this regard, in relation to, inter alia, their diplomatic, political, legal, military, economic, commercial and financial dealings with Israel, to distinguish between Israel and the Palestinian territory occupied since 1967, including by:

(i) Abstaining from treaty relations with Israel in all cases in which it purports to act on behalf of the Occupied Palestinian Territory or a part thereof on matters concerning the Occupied Palestinian Territory or a part of its territory;

(ii) Abstaining from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the Territory, including with regard to the settlements and their associated regime;

(iii) Abstaining, in the establishment and maintenance of diplomatic missions in Israel, from any recognition of its illegal presence in the Occupied Palestinian Territory, including by refraining from the establishment of diplomatic missions in Jerusalem, pursuant to Security Council resolution 478 (1980) of 20 August 1980;

(iv) Taking steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory, including with regard to the settlements and their associated regime;

(e) To take steps to ensure that their nationals, and companies and entities under their jurisdiction, as well as their authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory;

(f) To implement sanctions, including travel bans and asset freezes, against natural and legal persons engaged in the maintenance of Israel's unlawful presence in the Occupied Palestinian Territory, including in relation to settler violence;

(g) To ensure, as States parties to the Fourth Geneva Convention, compliance with international humanitarian law as embodied in that Convention, in particular pursuant to their obligations under articles 146, 147 and 148 regarding penal sanctions and grave breaches, while respecting the Charter of the United Nations and

international law and underscoring the urgency of undertaking measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem;

(h) To undertake efforts towards bringing to an end systemic discrimination based on, inter alia, race, religion or ethnic origin, including to prevent, prohibit and eradicate the violations by Israel of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination identified in the advisory opinion;

(i) To support accountability efforts for all victims;

5. *Calls upon* international organizations, including the United Nations, and regional organizations not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and to distinguish, in their relevant dealings, between Israel and the Occupied Palestinian Territory and not to recognize, or cooperate with or assist in any manner in, any measures undertaken by Israel to exploit the natural resources of the Occupied Palestinian Territory or to effect any changes in the demographic composition or geographic character or institutional structure of the Territory;

6. *Calls upon* the United Nations, and its bodies and organs, to respect and act in a manner consistent with the determinations made by the International Court of Justice, including in relation to all relevant maps, statements and reports, as well as in their respective programmes and actions;

7. *Strongly deplores* the continued and total disregard and breaches by the Government of Israel of its obligations under the Charter of the United Nations, international law and the relevant United Nations resolutions, and stresses that such breaches seriously threaten regional and international peace and security;

8. *Recognizes* that Israel must be held to account for any violations of international law in the Occupied Palestinian Territory, including any violations of international humanitarian law and international human rights law, and that it must bear the legal consequences of all its internationally wrongful acts, including by making reparation for the injury, including any damage, caused by such acts;

9. *Recognizes in this regard* the need for the establishment of an international mechanism for reparation for all damage, loss or injury arising from the internationally wrongful acts of Israel in the Occupied Palestinian Territory, and calls for the creation by Member States, in coordination with the United Nations and its relevant bodies, of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as to the Palestinian people, caused by the internationally wrongful acts of Israel in the Occupied Palestinian Territory, as well as to promote and coordinate evidence-gathering and initiatives aimed at securing such reparation by Israel;

10. *Emphasizes* the need to ensure accountability for the most serious crimes under international law through appropriate, fair and independent investigations and prosecutions at the national or international level, and to ensure justice for all victims and the prevention of future crimes;

11. *Calls for* the convening of a Conference of High Contracting Parties to the Fourth Geneva Convention relative to the protection of civilian persons in time of war on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with common article 1 of the four Geneva Conventions,⁸ and invites in this regard the Government

⁸ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

of Switzerland, in its capacity as the depositary of the Geneva Conventions, to convene the Conference within six months of the adoption of the present resolution;

12. *Decides* to convene during the seventy-ninth session of the General Assembly an international conference under the auspices of the Assembly for the implementation of the United Nations resolutions pertaining to the question of Palestine and the two-State solution for the achievement of a just, lasting and comprehensive peace in the Middle East;

13. *Requests* the Secretary-General, in consultation with the United Nations High Commissioner for Human Rights and Member States with relevant experience and expertise, to present proposals, in the report requested in the present resolution, for the establishment of a mechanism to follow up on the violations by Israel of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination identified by the International Court of Justice in its advisory opinion;

14. *Confirms its determination* to examine further practical ways and means to secure the full respect of the advisory opinion and the full implementation of all relevant United Nations resolutions, notably in case of non-compliance;

15. *Urges* all States, the United Nations and its specialized agencies and organizations, as well as regional organizations, to support and assist the Palestinian people in the early realization of their right to self-determination and to actively pursue steps to ensure full implementation of the advisory opinion and of all relevant United Nations resolutions;

16. *Requests* the Secretary-General to submit a report to the General Assembly within three months on the implementation of the present resolution, including any actions taken by Israel, other States and international organizations, including the United Nations, for the implementation of its provisions or for any violations thereof;

17. *Reaffirms* the permanent responsibility of the United Nations with regard to the question of Palestine until it is resolved in all its aspects in accordance with international law and the relevant United Nations resolutions;

18. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.
