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Strengthening of the United Nations system

Norway: draft resolution

Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States

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,

Having considered the letter dated 28 October 2024 from the Secretary-General addressed to the President of the General Assembly¹ bringing to the attention of the General Assembly, on an urgent basis, developments which could prevent the United Nations Relief and Works Agency for Palestine Refugees in the Near East from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the Assembly,

Having noted that, according to the aforementioned letter, it can readily be appreciated that a situation may exist in which a difference has arisen between the United Nations and the State of Israel regarding, among other things, the interpretation or application of the Convention on the Privileges and Immunities of the United Nations,² to which Israel is a party,

Acknowledging, moreover, the statement by the Secretary-General, in his letter, that he would be grateful for any guidance and support which the General Assembly may be able to provide at this critical juncture in the history of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

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

¹ [A/79/558](#).

² [Resolution 22 A \(I\)](#).



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,

Welcoming 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,³

Reaffirming, in accordance with the advisory opinion of the International Court of Justice, that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations, 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,

Recalling that the International Court of Justice, in its advisory opinion, found that Israel remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination as well as its obligations under international humanitarian law and international human rights law and that it is for all States 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 of self-determination is brought to an end,

Recalling also its resolution [ES-10/24](#) adopted on 18 September 2024, following the advisory opinion issued by the Court on 19 July 2024,

Stressing the importance of upholding multilateralism and the central role of the United Nations in the multilateral system,

Expressing grave concern about plans and measures, including legislation, adopted by Israel to interfere with or obstruct the presence and operations of the United Nations and United Nations entities and organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as mandated by the General Assembly, contrary to the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and other applicable principles and rules of international law, inter alia reflected in the Convention on the Safety of United Nations and Associated Personnel⁴ and the relevant United Nations resolutions, and reiterating the need for the United Nations and United Nations organizations to fully implement their mandates in the Occupied Palestinian Territory, including East Jerusalem, without interference,

Taking note of the press statement of 30 October 2024 of the members of the Security Council on the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in which they expressed their grave concern over legislation adopted by the Knesset and demanded that all parties enable the Agency to carry out its mandate, as adopted by the General Assembly, underscored that the Agency remains the backbone of all humanitarian response in Gaza and affirmed that

³ [A/78/968](#).

⁴ United Nations, *Treaty Series*, vol. 2051, No. 35457.

no organization can replace or substitute the Agency's capacity and mandate to serve Palestine refugees and civilians in urgent need of life-saving humanitarian assistance,

Considering that any action taken in this regard to impede the provision of basic services and humanitarian assistance to the civilian population leads, in addition to the ongoing unacceptable and widespread loss of life and suffering, to further population displacement, and, in this regard, recalls that the International Court of Justice, in its advisory opinion, found that the policies and practices of Israel are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁵

Recalling the obligation to refrain from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population,

Expressing deep concern at measures taken by Israel that impede assistance to the Palestinian people, including through measures that affect the presence, activities and immunities of the United Nations, its agencies and bodies, and those of other international organizations, and the representation of third States in the Occupied Palestinian Territory, including East Jerusalem, aimed at providing, in accordance with international law, basic services and humanitarian assistance in the Occupied Palestinian Territory,

Noting that the provision of such essential assistance to the civilian population in the Occupied Palestinian Territory is dependent upon the continued presence of the United Nations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which is the backbone of United Nations humanitarian relief operations, together with the facilitation of its operations and respect for its privileges and immunities, and that this presence, facilitation and respect for privileges and immunities are closely related,

Noting also the utmost urgency of upholding such essential assistance and that, according to the aforementioned letter from the Secretary-General, the cessation of or restriction on the activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East would leave Palestine refugees without the essential assistance that they require,

Expressing the view that these developments demand consideration by and guidance from the International Court of Justice, on a priority basis and with the utmost urgency, of certain additional questions to supplement the Court's advisory opinion of 19 July 2024,

1. *Expresses its grave concern* about the dire humanitarian situation in the Occupied Palestinian Territory;
2. *Demands* that Israel comply without delay with all of its legal obligations under international law, including as set out by the International Court of Justice;
3. *Expresses its appreciation* to the Secretary-General for his rapid response and ongoing efforts regarding assistance to the Palestinian people, including with regard to the emergency humanitarian needs in the Gaza Strip;
4. *Expresses its appreciation* for the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizes the vital role of the Agency in providing humanitarian and development assistance to the Palestinian people, notably Palestine refugees, and particularly in the Gaza Strip, and endorses the efforts of the Agency to continue operations as far as possible in the Occupied

⁵ Ibid., vol. 75, No. 973.

Palestinian Territory, including East Jerusalem, pursuant to resolution [77/123](#) of 12 December 2022, by which it extended the mandate of the Agency, and any further resolution extending the mandate;

5. *Reiterates its call* to all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination;

6. *Calls upon* Israel to uphold and comply with its obligations not to impede the Palestinian people from exercising its right to self-determination, including by rescinding any measures that obstruct the provision of basic services and humanitarian assistance to the Palestinian people;

7. *Also calls upon* Israel to abide by the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations in order to ensure the safety of the personnel of the United Nations, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times, as well as not to impede or impair the work of third States in the Occupied Palestinian Territory;

8. *Calls upon* all parties to avoid actions that could weaken the critical role of the United Nations in conflict resolution, in accordance with the Charter of the United Nations and the relevant resolutions, to support initiatives that contribute to a peaceful and lasting solution of the crisis in the Middle East, and expresses its firm support for the role of the Secretary-General in this regard;

9. *Decides*, 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, on a priority basis and with the utmost urgency, to render an advisory opinion on the following question, considering the rules and principles of international law, as regards in particular the Charter of the United Nations, international humanitarian law, international human rights law, privileges and immunities applicable under international law for international organizations and States, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, the advisory opinion of the Court of 9 July 2004 and the advisory opinion of the Court of 19 July 2024, in which the Court reaffirmed the duty of an occupying Power to administer occupied territory for the benefit of the local population and affirmed that 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:

What are the obligations of Israel, as an occupying Power and a member of the United Nations, in relation to the presence and activities of the United Nations, its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory, including the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance throughout the Occupied Palestinian Territory, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?
