

Global Policy UN Watch UNHQ deliberations on Question of Palestine No. 11, Part 2 | December 2024

GPUNW No.11 explores how the question of Palestine has been taken up by

Member States across a range of UNHQ processes. The selection from recent deliberations is presented in two parts: Part 1 (See part 1 here) • UN General Assembly main session (plenary and committees) resolutions – see

GPW Factsheet No.7, "79th UN General Assembly: Committees 2 & 3" for

- background on C2 & C3; Member State reactions to legislation barring UNRWA from operating in areas under Israeli control; • Call for the **suspension of Israel** from the UN;
- Resolution ES-10/24 on the Advisory Opinion issued by the ICJ regarding the legality of the Israeli occupation of Palestinian territories, 18 September 2024;

Part 2

- Security Council resolution on Israel/Palestine co-sponsored by the 10 elected Council members, approved by 14 of the 15-member body, failed due to a United States veto; • 52-country <u>call</u> to **halt provision or transfer of arms to Israel** if there is reason
- to believe they may be used in the Occupied Palestinian Territory Member State deliberations on Palestine
- Within ten working days of the Security Council veto of draft resolution S/2024/835 on 20 November, the UN General Assembly convened under the "veto initiative", Resolution 76/262, "to hold a debate on the situation as to which the veto was cast". The Arab League, OIC and NAM also requested resumption of the Emergency Special

Session (10th ESS) to address the situation in the Occupied Palestinian Territory and

implementation of Resolution ES-10/24 - requested in Operating Paragraph 17 of

Israel's legislation against UNRWA. The Secretary-General's report on the

Resolution ES-10/24 – will be issued by 18 December. Member States adopt resolution on ICJ advisory opinion: Israel must "end its unlawful presence" in Palestine 18 September 2024 | 55th Plenary of the UNGA 10th Emergency Special Session | ES-10/24 | ICJ Advisory Opinion Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem Voting Record on draft Resolution A/ES-10/L.31/Rev.1

ERITREA

ABSTENTION:43 The tenth Emergency Special Session of the General Assembly, convened for the first time in April 1997, deliberates illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. Member States adopted resolution A/ES-10/24 which responds to the ICJ advisory opinion issued by the court on 19 July. In addition to demanding that Israel comply "without delay with all its legal obligations under international law, including as stipulated by the International Court of Justice", ES-10/24 calls for certain actions to be taken by all States, including, but not limited to: not recognizing as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory; preventing trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory; taking steps towards ceasing the importing of any products originating in the Israeli settlements, as well as the provision or transfer of arms, munitions and

related equipment to Israel where there are reasonable grounds to suspect possible use in the Occupied Palestinian Territory; and ensuring accountability for the most serious crimes under international law through appropriate, fair and independent investigations and prosecutions at the national or international level. **IN FAVOUR**

their support of the rights of the Palestinian people, including the right to selfdetermination, and which the ICJ has recognized as a peremptory norm of international law."

violation of international law. States are obliged to recognize the unlawful situation arising from the illicit presence of the State of Israel in the Occupied Palestinian Territories. In the Occupied Palestinian Territories, like everywhere else, France will not recognize the illegal annexation of territories. France calls on this Assembly to condemn the flagrant violation of international law that constitute the barbaric terrorist

October 7, 2023. France condemns these odious acts and reiterates its solidarity with the Israeli people... Continued settlement in the Palestinian Territories occupied by Israel is a major obstacle to the two-State solution, the only solution capable of guaranteeing a just and lasting peace between Israelis and Palestinians. It is also the only solution capable of guaranteeing long-term security of Israel, to which France is

France: "As the Court indicated in its advisory opinion of July 2024, Israeli

colonization of the Palestinian Territories, including East Jerusalem, constitutes a

attacks and sexual violence committed by Hamas and other terrorist groups on

unwaveringly attached."

Territory."

New Zealand: "New Zealand supported this Resolution after careful consideration. We did so because we support a two-State solution and because we support international law... This Resolution, though not perfect, sets the international community's expectations that both parties must move towards a negotiated settlement. We hope the passage of this Resolution will provide impetus to the parties to re-engage in negotiations. The 12-month time frame set out in the Resolution for Israeli withdrawal from the Occupied Palestinian Territory is frankly unrealistic. A two-State solution needs to be the product of negotiations. Aspirations need to be tempered by realism, given the complexities to be addressed. However, in the next 12 months we expect Israel to take meaningful steps towards compliance with

international law, particularly through withdrawal from the Occupied Palestinian

Singapore: "We wish to place on record our serious reservations, as we did when General Assembly resolution 77/247 was adopted in November 2022, about the use of the Court's advisory jurisdiction to bypass the need for States' consent in submitting

what are essentially political disputes between two parties for adjudication. This approach sets an unsettling precedent, with wider implications that warrant further examination. We do not consider it appropriate to involve the Court in such disputes in this way... Our longstanding view remains that the Israeli-Palestinian conflict can only be resolved through direct negotiations between both sides so as to achieve a comprehensive, just and durable solution... They include measures that go beyond not just the advisory opinion but also our current obligations under international law, and will have far-reaching consequences on the prospects of the peace process... Singapore's consistent view on Israeli settlements is that they are illegal under

Belgium: "The resolution approved today is in line with the advisory opinion of the Court of July 19. The illegal occupation of Palestinian territories and illicit colonization policies have been perpetuating for decades a system that violates the human rights of the Palestinian population in a climate of impunity... This text offers a realistic perspective to give hope in the strength of the right to a population, which due to injustices that she has suffered for too long, is left at the mercy of extremist ideologies. It is up to us to give effect to it, so that this resolution can fully contribute to promoting peace and reconciliation." **AGAINST** Papua New Guinea: "Let me place on record that Papua New Guinea, as a member of the Non-Aligned Movement, regrettably, disassociates itself from the Non-

international law and they make it much harder to arrive at a two-State solution. Both

sides must find the resolve to remove obstacles to peace and work towards a

fully support any meaningful efforts agreed by the parties, including the Oslo framework that has been and remains the reference point for any further negotiations." **ABSTAIN** Canada: "Canada recognizes the Palestinian right to self determination and supports the creation of the Palestinian state. Canada firmly supports the ICJ's critical role in the peaceful settlement of disputes and its role in upholding the international rulesbased order. Canada took note of the Advisory Opinion issued on July 19, 2024 and called on Israel to respond substantively to the Opinion. Canada cannot support a resolution where one party, the State of Israel, is held solely responsible for the conflict. Canada supports Israel's right to live in peace with its neighbours within secure boundaries and recognizes Israel's right to assure its own security. There is no

Germany (2:47:32): "The ICJ stated that the State of Israel's continued presence in the Occupied Palestinian Territory is unlawful, and that Israel is under an obligation to bring it to an end as rapidly as possible. It clearly calls on the United Nations and its members to not recognize the status quo and to consider modalities and further action to bring an end to it. This is a very far-reaching task that we must take very seriously. We therefore regret the narrow time frame between the presentation of the draft resolution and its adoption today. We would also have wished that the resolution followed the conclusions of the ICJ more closely. Unfortunately, the resolution goes beyond the scope of the advisory opinion in several points. Instead of setting unrealistic time frames, it would have been advisable to emphasise more strongly that the parties need to resolve their differences through direct talks. The resolution also fails to spell out that the ICJ advisory opinion does not cover events after October 7, 2023, the brutal terror attack carried out by Hamas, the taking of hostages and the Israeli response since then. It should in no way undermine ongoing diplomatic efforts. We disagree with provisions that do not acknowledge the right of Israel to ensure its security and the safety of its population. The ICJ did not limit this right in any way in its advisory opinion. We regret that the resolution blurs the lines between this advisory opinion and other legal procedures addressing the situation in Gaza."

STATE OF PALESTINE Palestine (1:12:25): "A ceasefire doesn't resolve everything, but it is the first step towards resolving anything... We heard over and over again statements in this chamber by all members, without distinction, about protection of civilians, about rejecting forcible displacement, about rejecting starving the Palestinian population, about rejecting annexation, about rejecting wanton destruction, about rejecting regional escalation... What does it mean to proclaim all these principles, 'we reject, we reject, we reject', and then shield Israel of the consequences of its actions, thus allowing it to do exactly what we're asking it to stop doing? ... Maybe for some we have the wrong nationality, the wrong faith, the wrong skin colour, but we are humans, and we should be treated as such. Is there a Charter of the United Nations for Israel that is different from the Charter the rest of us have? Tell us, is there an international law for them and international law for us? Do they have the right to kill and the only right we have is to die? What the hell does Israel need to do more for this Council to act under Chapter VII? ...What we cannot accept is that **Israel has a veto** that blocks any attempts to put an end to this war, especially when we know what are its true intentions... [W]e all were hoping that 2735 would lead to a ceasefire, and we can discuss who is responsible for

that ceasefire not occurring... This veto is a dangerous message to Israel that it can

Israel is responsible for the Palestinian civilians it kills. It cannot be absolved of that responsibility. It is killing them purposefully, deliberately, repeatedly, massively. It is starving them on purpose, nobody can deny it. We said in this room, we heard every UN agency, every testimony, every NGO, Palestinian, Israeli, International, saying the

same things – this is by design. What does it mean that release of the hostages

release of hostages should be unconditional, but stopping killing Palestinians is

We are for a peaceful path, even after all that has happened, we are for a peaceful

conditional... People cannot sit and demand Palestinian pacifism under all

should be unconditional? This is what the Council has said repeatedly now for a year:

continue executing its plans...

circumstances and enable Israeli militarism...

of veto by the United States has reduced the authority of the Security Council and international law to an all-time low, but it is never too late to recognize the mistakes made and take corrective actions. We call on the US to take its responsibilities as a permanent member of the Council seriously and stop being passive and evasive." Guyana (1:04:00): "Importantly, this resolution would have gone further by adding several critical dimensions to that framework. Those include, for the first time, an unequivocal call for an immediate, unconditional and permanent ceasefire in Gaza, an affirmation of the centrality of UNRWA's role in the humanitarian response in Gaza, as well as an affirmation that respect for the International Court of Justice and its functions is essential to international law and justice and to an international order based on the rule of law.

Contemplating the end of the war and the mammoth investments that would be required for reconstruction, the resolution sought to make a contribution today after planning by requesting the Secretary-General to prepare a comprehensive report, which would include a needs assessment for Gaza in the short, medium and long

a major stain on our collective human conscience... Guyana hopes that the

continue this war as a license to continue killing, starving and maiming innocent

US (6:43) "We made clear throughout negotiations we could not support an

civilians."

AGAINST

term... [M]any have said that the ongoing annihilation of the Palestinian people is

inability of the Council to adopt this resolution will not be seen by those who want to

unconditional ceasefire that failed to release the hostages, because, as this Council has previously called for, a durable end to the war must come with the release of

the hostages. These two urgent goals are inextricably linked. This resolution

52 Member States and two international organizations sign joint letter calling for a halt to arms transfer to Israel 1 November 2024 | <u>A/79/572-S/2024/802</u> The letter addressed to the Secretary-General from **Türkiye** on behalf of 52 Member States and two international organizations calls for "immediate steps to be taken to halt the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory, including East Jerusalem" as stipulated in Op.5(b) of General Assembly resolution ES-10/24 adopted on 18 September 2024. The letter also calls on the Security Council to "declare an immediate ceasefire" and to "implement its resolutions" which the co-sponsors state are "being flagrantly violated." List of Co-sponsors:

> Bolivarian Republic of Venezuela Socialist Republic of Viet Nam Republic of Yemen Republic of Zimbabwe League of Arab States Organization of Islamic Cooperation

United Arab Emirates

People's Republic of China Additional reading & resources UN Digital Library A/ES-10 documents

People's Republic of Bangladesh

ICJ Advisory Opinion on legality of Israel OPT

Plurinational State of Bolivia

Federative Republic of Brazil

Negara Brunei Darussalam

Burkina Faso

Republic of Chile

9/18/2024

Saint Vincent and the Grenadines: "[T]his dire situation is inextricably linked to illegal occupation, dispossession and harsh settler colonialism, which gradually eroded the internationally established borders. The recent Advisory Opinion by the International Court of Justice is unambiguous - Israel's continued presence in the Occupied Palestinian Territory is unlawful and must be brought to an end as rapidly as possible. This conclusion is in line with the many General Assembly resolutions that have been adopted. It is also in accordance with the unambiguous statements made... by an overwhelming majority of Member States, which have not wavered in

negotiated two-State solution in accordance with the relevant UN Security Council resolutions." Aligned Movement co-sponsorship of the draft resolution... The draft resolution before this Assembly demands that Israel make unilateral concessions without any

reciprocal steps from the other parties involved. Such unbalanced demands, in our considered view, will not only perpetuate the conflict but may also reinforce views that the ICJ Advisory Opinion proceedings may have been biased given the Court's sole focus on the actions of Israel, and not the policies and practices of all actors involved in the conflict... While we recognize that the ICJ should be treated with the utmost respect, including for its Advisory Opinions, however, the manner and character of the

process leading to this Advisory Opinion calls into question the legitimacy of the

share this vision of peace in the region and commit to the means necessary and

commitment to the International Court of Justice. We take note of the Court's advisory opinion issued on 19 July 2024, and to quote the president of the ICJ, his Excellency, Nava Salam, 'by stating the law the court provides the parties and the international community with a reliable basis for a just, comprehensive and lasting peace.' We fully

adequate to achieve it. The current resolution, however, does not set a course forward for implementing the ICJ advisory opinion. Instead, it selectively interprets the Court's opinion, imposes deadlines that may not be feasible on the ground, and calls for unilateral actions that would undermine efforts to rebuild trust and to create an atmosphere where negotiations are possible. Furthermore, we believe that the path to achieving peace and resolving the long standing Israeli-Palestinian conflict must be grounded in direct bilateral negotiations between the parties. Hungary continues to

Hungary (2:15:51): "Our position is not contradictory to our long standing

Advisory Opinion itself."

mention in the resolution of the need to end terrorism, for which Israel has serious and legitimate security concerns. Canada continues to support Israel's right to defend itself from terrorism. Additionally, Canada is concerned that this resolution contains language that [aligns with Boycott, Divestment, Sanctions, which Canada firmly opposes. This effort] seeks to uniquely isolate Israel." **UK**: "The United Kingdom has [abstained] not because we do not support the central

findings of the ICJ's Advisory Opinion but rather because the resolution does not

a sovereign, viable and free Palestine, alongside a safe, secure and free Israel,

change the geographic or demographic make-up of the Occupied Palestinian Territories through force and outside of a negotiated settlement are illegal."

recognizing the security concerns and right of self defence of each one. We must also work towards the reunification of the West Bank, including East Jerusalem, and Gaza in line with 1967 borders and under the effective control of the Palestinian Authority, as a fundamental step towards a two-State solution... Any efforts to

provide sufficient clarity to effectively advance our shared aim of a peace premised on a negotiated two-State solution: a safe and secure Israel alongside a safe and secure Palestinian state... While its abstention reflects its unwavering determination to focus on efforts to bring about a peaceful and negotiated two-state solution, the United Kingdom aims by this statement to indicate our clear view that Israel should bring an end to its presence in the Occupied Palestinian Territories as rapidly as possible, and every effort to create the conditions for negotiations must be made which provides for

circulated by the State of Palestine, the **resolution still goes beyond**, in some respects, the determinations of the court, such as the imposition of sanctions and the indication of strict deadlines for the withdrawal of Israel's presence in the OPTs... We believe that for the international community and for the UN there is no shortcut to a two-State negotiated solution in which both Israel and Palestine and their people live side by side in full security within mutually agreed, recognized borders in line with the relevant Security Council's resolutions and international law." US vetoes E10 Security Council resolution calling for immediate, unconditional and permanent ceasefire in Gaza 20 November 2024 | UNSC meeting on the situation in the Middle East, including the Palestinian question (UN Web TV) | A/ES-10 documents | Relevant UNSC Resolutions (2712, 2720, 2728, and <u>2735</u> The ten elected members of the Security Council (E10) - Guyana, Algeria, Ecuador, Malta, Japan, Mozambique, Republic of Korea, Sierra Leone, Slovenia & Switzerland - introduced draft resolution <u>S/2024/835</u> to be considered by the SC which included a call for an immediate ceasefire, the release of all hostages and the delivery of humanitarian assistance to Palestinians. The resolution was vetoed by the USA.

path... We are not born to be occupied and killed and displaced. That's not our destiny... we call on the General Assembly to uphold the responsibilities that the Council has failed to uphold, owing to the US veto." **IN FAVOUR** Malta (14:46): "[T]he text we had in front of us today was by no means a maximalist one. It represented the bare minimum of what is needed to begin to address the desperate situation on the ground. It was a genuine effort to bring the Council to speak with one voice on a conflict that risks dragging the entire region over the precipice. It is deeply regretted that, due to the use of the veto, this Council has once again failed to uphold its responsibility to maintain international peace and **security**... The draft resolution would have finally made a clear demand for an immediate, unconditional and permanent ceasefire in Gaza. It would have demanded that the humanitarian needs of Palestinians in Gaza are urgently met, including for civilians in besieged North Gaza. It would have demanded the immediate and unconditional release of hostages. It would also have sought to call on all parties to enable UNRWA to carry out its mandate as adopted by the General Assembly in the face of grave threats emanating from the recently adopted legislation in Israel." Algeria (18:56): "The draft resolution this Council failed to adopt today served only to break its defining silence five months after the adoption of Resolution 2735, five months during which the Security Council remained idle, remained hand tied... There were significant concessions during negotiations, yet, one Member chose to block any action, any action from this Council. Today's message is clear to the Israeli occupying power: you may continue your genocide. You may continue your collective punishment of the Palestinian people with complete impunity. In this chamber, you enjoy impunity... Israel, the occupying power, has killed more journalists in one year than those lost in World War Two and the Viet Nam War combined. [W]e will soon return to the Security Council to demand an immediate and unconditional and permanent ceasefire in Gaza, and this time with even firmer language under Chapter Seven of the UN Charter."

abandoned that necessity, and for that reason, the United States could not support it. Simply put, this resolution would have sent a dangerous message to Hamas, [that] there's no need to come back to the negotiating table. Hamas would have seen it as a vindication of its cynical strategy to hope and pray the international community forgets about the fate of more than 100 hostages from more than 20 Member States who have been held for 410 days... Some members of this Council don't seem to want to confront the reality that today, it is not Israel standing in the way of a ceasefire and hostage deal. It is Hamas. Israel has said it is prepared to have a temporary ceasefire in exchange for the release of a few hostages, and then build on that to bring each and every hostage home... It is Hamas that instigated this conflict. It is Hamas that has put millions of Palestinian civilians in harm's way and has brought the region to the precipice of a broader war. We've been clear that it is time for this war to end, for the hostages to be released and for Palestinian civilians to begin rebuilding their lives; more immediately, the United

A/79/572 S/2024/802 We would be grateful if the present letter could be brought to the immediate attention of the members of the Security Council, and also circulated as a document of the General Assembly and the Council.

<u>Italy</u> (2:44:32): "We fully recognize the consultative competence of the International

Court of Justice to make legal determinations on matters of international law with regard to questions posed to it by the General Assembly. Our abstention in no way represents a challenge to the authority of the Court. At same time, while recognizing the improvements that the approved draft contains as compared to the first draft

Switzerland (1:01:25): "Switzerland would like to underscore that the obligations of the parties in this matter continue, regardless of whether or not resolutions are adopted by this Council. It is high time that the parties respected these obligations and protected civilians and civilian infrastructure in accordance with international humanitarian law." China (30:31): "With each veto, the death toll in Gaza continues to rise... For the past years or so, the United States has been so insistent in rendering the Council incapable of playing its role, leading to its paralysis. The US claims to be conducting parallel diplomatic efforts and has repeatedly promised that progress would be made soon in the negotiations. It is incomprehensible then, why to date, the so-called diplomatic negotiations have seen no progress... Israel has flagrantly breached every red line of international humanitarian law with its actions causing an unprecedented humanitarian disaster. But even as famine is imminent in Gaza, the United States always seems to be able to find a justification to defend Israel. This represents a distortion and selective regard of the applicable International Humanitarian Law (IHL). No wonder people feel angry. People's indignation also stems from the fact that the continued supply of weapons from the US has become a decisive factor in the war....

Our position has been very clear from the beginning: all hostages must be released,

important factors... They cannot be linked to each other, because facts have shown that the Israeli military operations in Gaza have long exceeded the scope of rescuing hostages. Insistence on setting a precondition for ceasefire is tantamount to giving the green light to continue the war and condoning the continued killing. The repeated use

and an immediate and unconditional ceasefire must be established... Both are

States has been explicitly clear to Israel that it has a responsibility to facilitate humanitarian access and the delivery of aid at scale. We believe the process of laying out the terms of what we expect from Israel in a very detailed way has generated a change in Israel's approach... An unconditional ceasefire with Hamas means this Council accepts Hamas retaining power in Gaza; the United States will never accept this. Rather than adopting a resolution that emboldens Hamas, let us instead demand Hamas implement Resolution 2735 without further condition or delay. Let's continue to ensure Israel facilitates additional humanitarian aid into Gaza, and let's work to bring a durable end to the suffering and misery of Hamas' many victims since October 7th." See the full meeting record with verbatim statements: S/PV.9790

Co-sponsors Republic of Türkiye Republic of Colombia State of Palestine Union of the Comoros People's Democratic Republic of Algeria Republic of Cuba Arab Republic of Egypt Republic of Djibouti Republic of Indonesia Republic of the Gambia Hashemite Kingdom of Jordan Islamic Republic of Iran State of Kuwait Republic of Iraq Republic of Kazakhstan Republic of Lebanon Malaysia Kyrgyz Republic Islamic Republic of Mauritania State of Libya Republic of Namibia Republic of Maldives Federal Republic of Nigeria United Mexican States (Mexico) Kingdom of Norway Kingdom of Morocco Islamic Republic of Pakistan Republic of Nicaragua State of Oatar Sultanate of Oman Kingdom of Saudi Arabia Russian Federation Republic of Senegal Saint Vincent and the Grenadines Republic of South Africa Democratic Republic of Sao Tome and Principe Federal Republic of Somalia Additional co-sponsors Republic of the Sudan Republic of Tunisia Kingdom of Bahrain

Genocide in the Gaza Strip (South Africa v. Israel) ASSEMBLY FOR PEACE: A Digital Handbook on the UN General Assembly's Past Practice on Peace and Security See previous editions of GPUNW

ICJ Application of the Convention on the Prevention and Punishment of the Crime of

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