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**BRIEFING PAPER**

**The Future of the “Occupied Palestinian Territory”:  
Will Common Sense Return to the United Nations?**

**A Legal and Policy Analysis of UNGA Resolutions 10/24 and A/79 L/23**

**EXECUTIVE SUMMARY**

This Briefing Paper examines the legal and policy implications of the recent UNGA Resolutions ES-10/24 and A/79 L/23 in the context of the situation in the West Bank and Gaza Strip, and the current geostrategic developments in the region.

Seen together, these UN resolutions, partly relying on ICJ Advisory Opinions, seek to compel Israel to withdraw its military and civilian presence from the “Occupied Palestinian Territory”, and to effectuate the speedy realization of a Palestinian state in fulfilment of the “two state solution”. They call on all member states to support these demands by applying pressure on Israel through legal, diplomatic and economic measures. Resolution A/79 L/23 calls for an international conference to implement the “two states solution” in New York in June 2025.

These are politically-driven resolutions that totally ignore the massive problem presented by extreme Islamist terrorism—not only for Israel, but for regional and global stability and security. They also proceed from a number of false legal assumptions: that the Palestinian people have an automatic and unconditional right to statehood, that the 1949 Armistice Lines represent secure borders, and that Israel’s status in East Jerusalem, the West Bank and Gaza Strip is no more than that of an occupying power. And they ignore the culture of corruption and the influence of radical Islamism within the Palestinian institutions – including the Palestinian Authority.

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Accordingly, this paper outlines the three main issues that UN member states should take into account when determining how to respond to these resolutions, which are:

- the security problems that will be unleashed by Israeli withdrawal from these strategically significant territories in the absence of eliminating Hamas and all other threats of radical Islamist entities committed to Israel's destruction ,
- the fact that these resolutions undermine Israel's UN Charter rights to secure borders, political independence and territorial integrity, and
- the necessity of a fundamental reform of Palestinian political culture and institutions of government as a precondition for statehood.

## **Key Findings:**

### **1. The content of the Resolutions**

- **Resolution ES-10/24** (September 18, 2024) demands an unconditional Israeli civil and military withdrawal from East Jerusalem, the West Bank and Gaza Strip within 12 months, relying on the International Court of Justice (ICJ) Advisory Opinion of July 2024.
- **Resolution A/79 L/23** (November 25, 2024) calls for a high-level international conference in June 2025 to address the peaceful settlement of the question of Palestine.

### **2. Geostrategic Context**

These resolutions must be seen in the context of the volatile geostrategic trends in the region, especially -

- **Iran's Influence:** Notwithstanding Israel's recent successful campaigns, the revolutionary regime in Iran remains a destabilizing actor in the region, including the West Bank and Gaza Strip, funding and arming proxies like Hamas and Hezbollah. Its influence extends globally, including threats in Europe, North and Latin America.

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- **Syria and Jihadist Threats:** The collapse of the Assad regime has led to the resurgence of groups like ISIS and Hay'at Tahrir al-Sham (HTS), with Turkey's involvement further complicating the security landscape. The absence of the Syrian Democratic Forces (SDF) as a stabilizing force exacerbates these risks, with potential spillover effects on Israel's borders as the SDF face the Syrian National Army (SNA), controlled by Turkey, which is attacking the Kurds.
  - **Qatar's Role:** While Qatar has positioned itself as a mediator in regional conflicts, including the Israeli-Hamas war, its close ties to Hamas and Iran raise questions about its neutrality and long-term commitment to peace.
  - **Palestinian Governance:** The Palestinian Authority (PA) continues to struggle with corruption, inefficiency, and an inability to curb extremist groups, raising concerns about the viability of a future Palestinian state existing side-by-side with Israel in peace.
  - **Provisional Ceasefire in Gaza:** a ceasefire between Hamas and Israel is currently in effect in Gaza, accompanied by the weekly release of Israeli hostages that began on January 19. While this development provides a temporary respite, there is much uncertainty about the medium- to long-term security dynamics and the durability of the agreement.
  - **President Trump's Proposal on Gaza:** It is difficult to ascertain whether President Trump's recent proposal on Gaza—consisting of a transfer of Gazan civilians to safe locations outside the Gaza Strip— risks collapsing the current ceasefire and impeding the release of the remaining Israeli hostages. Trump has not clarified whether the transfer would be temporary or definitive. He also called on Jordan and Egypt to host Gazans. The proposal outlines a framework for post-war governance in Gaza, which contrasts sharply with UNGA Resolution ES-10/24. Trump asserted that Gaza would be put under United States “ownership” but has not provided details.

### 3. Legal Implications

- The ICJ Advisory Opinion and Resolution ES-10/24 misapply international law on occupation, territorial sovereignty and statehood. Requiring unconditional Israeli

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withdrawal behind the 1949 Armistice Lines is a fundamental infringement of the Oslo Accords and UNSC Resolution 242 (1967), which the parties and the Security Council have accepted as the foundation for a negotiated settlement based on mutual security and recognition.

- Unlike ES-10/24, Resolution A/79 L/23 omits any specific reference to the latter resolution, and avoids setting a deadline for Israel's withdrawal. It seems to recognize the continuing legality of the Oslo Accords and UNSC Resolution 242 as frameworks for negotiations, thus allowing broader diplomatic engagement on final status issues such as borders and security.
- In fact, under the Oslo Accords, Palestinian self-determination is inextricably tied to Israel's right to secure and defensible borders.
- It specifically requires all parties involved to ensure "full compliance" with the agreements. This stipulation underscores that key issues related to "final status" under the Oslo Accords—such as final borders, including Israel's legitimate sovereign claims over territories in the West Bank under the principle of *uti possidetis juris*, settlements, and refugees—must exclusively be resolved through direct negotiations between the conflicting parties.
- Omitting specific deadlines and references to ES-10/24 opens the door for more pragmatic and inclusive diplomacy. However, UN member states must be vigilant to ensure that UN intervention does not undermine the rights and obligations of the parties (Israel and the PLO) under the Oslo Agreements and international law.

#### 4. Security Implications

- Both resolutions disregard the role of state and non-state actors in the Middle East promoting international terrorism.
- An unconditional Israeli withdrawal would create a security vacuum, heightening risks from Iranian proxies and jihadist groups. It could also jeopardize religious freedoms in Jerusalem, with implications for global stability.

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## 5. Palestinian Reforms as Precondition to Statehood

- In refusing to amend the PLO Charter and other measures, the Palestinian leadership has shown that its true goal is an Arab majority state in all of the territories of the former British Mandate—not to establish a peace-loving Arab state adjacent to Israel.
- The Palestinian political culture remains entrenched in resistance and extremism, often driven by the ideology of Islamist groups like Hamas.
- The Palestinian people must develop a stable, independent government that respects the rule of law, as a precondition to third state recognition of Palestinian statehood.
- Hamas must be uprooted. By failing to hold Hamas accountable, UNGA Resolution ES-10/24 will reinforce the cycle of violence. Hamas's ultimate goal is the elimination of Israel. As long as Hamas exists there can be no peace.
- UNRWA must be dismantled. The failure of UNRWA, which has been infiltrated by Hamas, exacerbates the crisis by undermining the agency's role in providing civil services and perpetuating extremism. Instead of aiding reform, the agency has become part of the problem.

## 6. Latest Developments and Potential Consequences

- The previously discussed Trump proposal on Gaza—while not yet official U.S. policy— has significantly altered the geostrategic landscape in the Middle East. President Trump is disrupting conventional frameworks of thinking about the Israeli-Palestinian conflict. He has yet to make any statements regarding his policies on the West Bank.
- In this context, the Gaza ceasefire remains fragile and is at risk of collapse. Given the volatile nature of the situation, predicting every possible outcome remains challenging.

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- Hamas has threatened to delay the release of the remaining hostages. If the ceasefire collapses and war resumes in Gaza, the potential consequences could be grave. Israel may then consider the following options:
    - i. **Terminate the Oslo Accords** due to the persistent inability of the Palestinian Authority (PA) to exercise effective control of the territories of the West Bank and Gaza Strip transferred by Israel. This includes its blatant failure to fulfil its primary obligation of combating and preventing terrorist threats and violence originating from these territories. Hamas's failure to release all the remaining hostages taken on October 7 may lead Israel and the United States to take more drastic actions.
    - ii. **Proceed with a forcible (temporary) transfer** of Gazan civilian population to safe locations outside the Gaza Strip. This measure would be largely justified by military necessity, namely, depriving Hamas of human shields to protect themselves from IDF operations.
  - **Reassessing the Palestinians' right to self-determination:** Hamas's failure to release all of the remaining hostages taken on October 7 might lead the international community to reassess the Palestinians' right to self-determination. Like all rights in international law, self-determination is not absolute. In this case, self-determination is conditioned on Israel's right to secure and defensible borders. Moreover, since 1948, Palestinians have consistently rejected opportunities to establish their own state, choosing instead to prioritize the destruction of a neighboring state. This prolonged refusal to exercise their right to self-determination, combined with a focus on undermining Israel, must lead the international community to reassess this right. The evolving geopolitical landscape should prompt reassessment of the Palestinian claims to self-determination due to sustained rejectionism and engagement in terror, especially when it threatens regional stability and security.

## 7. Conclusions:

- Implementing Resolution ES-10/24 in its current form compromises Israel's legal rights to territorial integrity, secure borders, and political independence. It poses existential security risks to Israel and undermines regional and global security.

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- The international conference to be organized pursuant to Resolution A/79 L/23 provides an opportunity to revive meaningful negotiations. However, in participating in such a conference, UN member states must adopt balanced policies that respect the rights and obligations of the parties to the Oslo Accords, and address the legal, security and governance challenges critical to achieving lasting peace.

## 8. Recommendations:

UN member states should:

- **Reject the terms of Resolution ES-10/24** calling for an immediate and unconditional Israeli withdrawal of military and civilian presence from East Jerusalem, the West Bank and Gaza Strip.
- **Prioritize the imperative of neutralizing internationally-sponsored terrorism** and jihadist threats over Palestinian demands for immediate statehood recognition.
- **Leverage Resolution A/79 L/23** to encourage pragmatic diplomacy and negotiations rooted in the Oslo Accords and UNSC Resolution 242.
- **Ensure reforms of Palestinian governance** to establish the foundations for a viable state, while recognizing Israel's sovereign claims and maintaining Israel's right to control of the West Bank as a security buffer until such time as a negotiated agreement is reached satisfying Israel's need for secure borders.
- **Recognize Israel's right to secure borders, its sovereignty over East Jerusalem, and its superior sovereignty claims to the territories of the West Bank and Gaza Strip** under international law.
- **Ensure that Hamas and other Islamist jihad groups in Gaza and the West Bank are uprooted.** By failing to hold Hamas accountable, these UNGA Resolutions reinforces the cycle of violence. Hamas's ultimate goal is the elimination of Israel. As long as Hamas exists there can be no peace.

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- **Ensure that UNRWA is dismantled.** The failure of UNRWA, which has been infiltrated by Hamas, exacerbates the crisis by undermining the agency's role in providing civil services and perpetuating extremism. Instead of aiding reform, the agency has become part of the problem.
  - **Propose the establishment of an international peacekeeping force in the Gaza Strip** led by Israel and the United States, consisting of countries that signed the Abraham Accords and other peace-loving nations from regions such as Latin America and Africa, possibly followed by an innovative modern trusteeship, to foster long-term stability and peace.
  - **Advocate for the creation of an arbitration mechanism** or claims commission to compensate refugees who fled their homes in 1949: Palestinians who left the territories of the State of Israel on or around that date and Jews that left the territory of Arab states and the territories of Mandate Palestine that were seized by Jordan—in line with UNSC Resolution 242's call for a “just settlement of the refugee problem”.