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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

ABSTRACT

Background

The recent UNGA Resolutions ES-10/24 and A/79 L/23 aim to compel Israel to unilaterally withdraw its military and civilian presence from the “Occupied Palestinian Territory” (East Jerusalem, the West Bank and Gaza Strip), and to facilitate the swift establishment of a Palestinian state on the entirety of that territory.

Resolution ES-10/24 (September 2024) demands Israel’s unconditional withdrawal from this territory within 12 months of its date of adoption.

Resolution A/79 L/23 (November 2024) calls for a high-level, international conference for the Peaceful Settlement of the Question of Palestine and the Implementation of the Two-State Solution, in New York in June 2025.

UNGA Resolution A/79 L/23 insists on endorsing the two-state solution but, unlike ES-10/24, it omits a specific date for Israel to withdraw from this territory, and takes account of the Oslo Accords and the peace process sanctioned by the Security Council, based on a negotiated settlement of the conflict.

Main Findings

There are three main problems with these resolutions:

First, they ignore the massive problem of internationally sponsored, extreme Islamist terrorism in the region, and specifically in the West Bank and Gaza Strip.

Despite the fall of its key ally, Bashar al-Assad in Syria, Iran remains a major security threat, and the situation in Syria has introduced a heightened risk of regional instability and aggression against Israel. Qatar’s sponsorship of terrorism is highly problematic and should also be addressed.

The recent provisional ceasefire between Hamas and Israel in Gaza provides only a brief respite; it does nothing to increase the long-term prospects for stability in the Gaza Strip. In fact, leaving Hamas in power significantly undermines the prospects of peace and security.

In this context, hasty implementation of a two-state solution will present major security risks—not only for Israel, but for local, regional and global stability.

Second, they ignore the problem of the lack of Palestinian governance in these territories. Palestinian governance in Gaza is non-existent, and in the West Bank remains a critical security risk. The Palestinian Authority (PA) continues to struggle with corruption and inefficiency, and its weakness and inaction were significant factors leading to Hamas's attack on Israel on October 7.

UNRWA has undermined peace, inter alia through its education system that teaches hatred, and its infiltration by Hamas and other hostile groups. As long as UNRWA exists, the Palestinians will be unable to achieve good governance, and any resolution of the conflict will remain unattainable.

Third, these resolutions are contentious from a legal perspective. Reflecting flaws in judicial procedure and reasoning of the recent Advisory Opinion by the International Court of Justice (ICJ), they conflict with Israel's rights under international law to territorial integrity and political inviolability. In particular -

- the Court and UNGA Resolution ES-10/24 have failed to properly analyze the territorial sovereignty of these territories;
- they make a fundamental error in concluding that Israel's presence in the territories is illegal;
- they conflict with the agreements made in the Oslo Accords between Israel and the PLO;
- they incorrectly define the scope and content of the Palestinian right to self-determination under international law; and
- they fail to properly consider the legal implications of the security threats emanating from the "occupied territory".

Latest developments and Potential Consequences

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 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.

Hamas, for its part, has threatened to delay the release of the remaining hostages. If war resumes in Gaza, Israel may consider the following options:

- 1) **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 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.
- 2) **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.

Trump's proposal on Gaza—while not yet official U.S. policy—has significantly altered the geostrategic landscape in the Middle East. Trump has yet to make any statements regarding his policies on the West Bank. The Gaza ceasefire remains fragile and could collapse at any time. Given the volatile nature of the situation, predicting every possible outcome remains challenging.

Nonetheless, we believe it is necessary to issue this briefing to assist UN member states in making informed and balanced policy decisions concerning the Israeli-Palestinian conflict, particularly ahead of the high-level UN conference scheduled for June.

Please note: This Briefing is being published amid rapid evolving developments across the Middle East and the world. Consequently, updates and supplements may be required in the very short term.

Recommendations

In light of these findings, UN member states should:

1. *Reject* the terms of UNGA Resolution ES-10/24, which calls for an immediate and unconditional Israel withdrawal from East Jerusalem, the West Bank and Gaza Strip;
2. *Prioritize* the legal obligation of states to neutralize internationally sponsored terrorism and jihadist threats in the region over Palestinian demands for Israeli withdrawal and immediate and unconditional statehood;
3. *Recognize* that international law entitles the State of Israel, subject to the principles of international humanitarian law, to use necessary and proportionate force to eliminate the threat posed by the existence of Hamas and other hostile forces in the territories controlled by Israel since 1967;
4. *Affirm* that further implementation of the Palestinian right to self-determination is conditional upon -
 - (a) the cessation of violence and removal of extremist and destabilizing forces of the radical Islamist camp in the West Bank and Gaza;
 - (b) UNRWA must be dissolved;
 - (c) the dissolution of the Palestinian Authority, and its replacement with a stable, effective and independent Palestinian government; and
 - (d) recognition of Israel's right to secure borders, its sovereignty over East Jerusalem, and its legitimate sovereignty claims to the territory of the West Bank and Gaza Strip;
5. *Recognize* that under international law Israel is entitled and obliged to maintain control of the West Bank and Gaza Strip until these conditions have been satisfied; and
6. *Affirm* that the future for Gaza must break completely with current paradigms. In order to address post-war Gaza's security and governance challenges, an international peacekeeping force should be established, led by Israel and the United States and supported by Arab nations, including signatories of the Abraham Accords, Saudi Arabia and other peace-supporting countries from regions such as Latin America and Africa. This initiative could be followed by a modern trusteeship to oversee governance, reconstruction and development, to ensure a sustained peace. For the purposes of this recommendation, "post-war Gaza" means a scenario in which Hamas has been decimated or has unconditionally surrendered.