

**MATERIALS COMPILED PURSUANT TO ARTICLE 65, PARAGRAPH 2 OF THE  
STATUTE OF THE INTERNATIONAL COURT OF JUSTICE**

**(Request for an advisory opinion by the International Court of Justice pursuant to  
General Assembly Resolution 77/247)**

**Introductory Note**

**31 May 2023**

1. At the 26th meeting of the Fourth Committee on 11 November 2022, the representative of Namibia, on behalf of Algeria, Brunei Darussalam, Cuba, Egypt, Iraq, Jordan, Lebanon, Mauritania, Namibia, Qatar, Saudi Arabia, Senegal, Tunisia, and the State of Palestine, introduced a draft resolution entitled “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem”. Subsequently, the following countries joined in sponsoring the draft resolution: Bahrain, Bangladesh, Plurinational State of Bolivia, Djibouti, Indonesia, Kuwait, Malaysia, Maldives, Morocco, Niger, Oman, Pakistan, Somalia, South Africa, Sudan, United Arab Emirates, Bolivarian Republic of Venezuela, and Yemen.<sup>1</sup>

2. At the same meeting, the Committee adopted draft resolution [A/C.4/77/L.12/Rev.1](#) by a recorded vote of 98 in favour, 17 against, with 52 abstentions, and recommended it for adoption by the General Assembly.<sup>2</sup>

3. On 30 December 2022, the United Nations General Assembly at its seventy-seventh session, adopted resolution 77/247 by a recorded vote of 87 votes in favour, 26 against, with 53 abstentions. Operative paragraph 18 of the resolution contains the specific request, which reads as follows:

*The General Assembly,*

...

18. *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, to render an advisory opinion on the following questions, considering the rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and the advisory opinion of the Court of 9 July 2004:

- (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

---

<sup>1</sup> See A/77/400, para. 8. The summary records have not yet been published.

<sup>2</sup> See A/77/400, para. 9.

prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character 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 in paragraph 18 (a) 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?

4. The certified true copies of the resolution, in English and in French, were transmitted to the International Court of Justice (hereinafter, “the Court”) under cover of a letter dated 17 January 2023 from the Secretary-General of the United Nations to the President of the Court. In his letter, the Secretary-General informed the President of the Court that, pursuant to Article 65, paragraph 2, of the Statute of the Court, the United Nations Secretariat would prepare a Dossier containing a collection of all relevant documents that are likely to throw light upon these questions, to be transmitted to the Court in due course.

#### **Framework of the Dossier**

5. The Dossier is comprised of relevant United Nations documents bearing an official document symbol of the United Nations published from 1967, being the start of the occupation, through the present. Documents that are primarily administrative or procedural in nature are not included. Letters from individual Member and Observer States, even if circulated as United Nations documents, are not included, with the exception of those that may be included in a report of the Secretary-General. The press statements of the Security Council have also been included as they are negotiated texts reflecting the positions taken by the members of the Council.

6. The Dossier consists of two separate parts. The first part is divided as follows: (I) material relating to the request by the General Assembly for an advisory opinion of the Court and (II) material of the United Nations relating to the questions before the Court. The latter is comprised of (a) General Assembly and Economic and Social Council (hereinafter, “ECOSOC”) resolutions and reports to the General Assembly and ECOSOC; (b) General Assembly emergency special session documentation; and (c) Security Council documentation.

7. The second part of the Dossier will focus on documentation related to the United Nations human rights bodies.

## **I. Material relating to the Request by the General Assembly for an Advisory Opinion of the Court**

8. This section of the Dossier contains the documents on the procedural steps taken with respect to the adoption of the aforementioned General Assembly resolution 77/247. The summary records of the Fourth Committee and the verbatim records of the General Assembly have not yet been published and will be provided upon publication.

## **II. Material of the United Nations Relating to the Questions before the Court**

### **A. General Assembly and ECOSOC Resolutions and Reports to the General Assembly and ECOSOC**

9. Given the significant volume of documentation of the United Nations on the Occupied Palestinian Territory (hereinafter, “the OPT”), the Dossier includes resolutions of the General Assembly and ECOSOC and reports to those bodies that provide a substantive overview of the situation in the OPT. Given the volume of verbatim records and summary records of the General Assembly and its subsidiary bodies in relation to meetings regarding the OPT, these have not been included. For similar reasons, the reports and documents of the relevant committees of the General Assembly have not been included as the outcome of the committees’ deliberations are generally contained in the resolutions of the General Assembly.

10. In instances where similar information appears in multiple documents of the General Assembly, such as a source document and a summary document, the source document has been included in the Dossier rather than the summary or reporting document.

11. For ease of use, this part of the Dossier has been structured by subject matter in alphabetical order to allow the tracing of the subject matter through the relevant time period. The documents have been divided into nine sub-sections as outlined below. In certain sub-sections, the relevant resolution of the General Assembly was comprised of several parts, resulting in individual reports in response to each part. The full text of such General Assembly resolutions is included in the Dossier, as are the reports that shed light on the questions posed. In later years, the different parts of those resolutions became distinct, individual resolutions. Accordingly, such later resolutions that shed light on the questions posed are included, as are the relevant reports. In such cases, the reports to the General Assembly are organized such that they are identified with the same subject matter as the later resolutions. The time period for the reports will, however, reflect that they are also responsive to the same subject matter in earlier resolutions even though they have different titles.

## **1. Israeli Settlements**

12. This section contains:

- a. General Assembly resolutions (1991-2022);
- b. ECOSOC resolutions (1992-1996);
- c. Reports of the Secretary-General and the Economic and Social Commission for Western Asia (1991-2022).<sup>3</sup>

## **2. Living Conditions of the Palestinian People**

13. This section contains:

- a. General Assembly resolutions (1976-1991);<sup>4</sup>
- b. Reports of the Secretary-General (1977-1991);
- c. ECOSOC resolutions (1997-2022);<sup>5</sup>
- d. Reports of the Economic and Social Commission for Western Asia (1998-2022).

## **3. Palestinian Children and Women**

14. This section contains:

- a. General Assembly resolutions concerning the situation of Palestinian children (2002-2004);
- b. ECOSOC resolutions concerning the situation of and assistance to Palestinian women (1984-2022);<sup>6</sup>
- c. Reports and Notes of the Secretary-General concerning the situation of and assistance to Palestinian women (1986-2019);<sup>7</sup>
- d. Selected reports of the Secretary-General regarding Children and Armed Conflict with specific mention to the OPT.

---

<sup>3</sup> There was no report for 1998.

<sup>4</sup> Starting in 1985, this item was considered every other year by the General Assembly.

<sup>5</sup> The 2020 resolution was published in 2021 and there was no additional resolution in 2021.

<sup>6</sup> Between 1984-1988, these resolutions were adopted once every two years. There was no resolution in 1994. The resolution for 2020 was published in 2021 and there was no additional resolution in 2021.

<sup>7</sup> For 2022, see the ESCWA report A/77/90-E/2022/66 of 8 June 2022 in Section 2(d) above.

#### 4. Permanent Sovereignty over Natural and National Resources

15. This section contains:
- a. General Assembly resolutions related to the permanent sovereignty over natural and national resources in the OPT (1962, 1973-1983,<sup>8</sup> 1996-2022);
  - b. Reports of the Secretary-General (1975-1985);<sup>9</sup>
  - c. General Assembly decisions (1984-1985) and ECOSOC resolutions (1989-1990) concerning the economic and trade practices of Israel in the OPT;
  - d. Report of the Secretary-General on Israeli trade practices (1989) and a report from the Economic and Social Commission for Western Asia on Israeli land and water practices (1991).

#### 5. Right to Self-Determination

16. This section contains:
- a. General Assembly resolutions entitled “*Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights*” (1970-1994);
  - b. General Assembly resolutions entitled “*Universal realization of the right of peoples to self-determination*” (1981-2022);
  - c. General Assembly resolutions entitled “*Right of the Palestinian People to Self-Determination*” (1994-2022).

#### 6. Question of Palestine

17. This section contains:
- a. General Assembly resolutions on the “*Question of Palestine*” (1974-1995) and a General Assembly resolution on “*Status of the Occupied Palestinian Territory, including East Jerusalem*” (2004);

---

<sup>8</sup> In 1972, this issue was taken up in the resolution on the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People (see A/RES/3005 (XXVII) of 15 December 1972, in Section 8(a) below). There was no resolution in 1978. For the period 1991-1996, the General Assembly and ECOSOC resolutions related to the Israeli settlements detailed in Section 1(a)-(b) above refer to natural resources.

<sup>9</sup> In 1997, this issue was covered in the report of the Secretary-General related to the economic and social consequences of the Israeli settlements (see A/52/172-E/1997/71 in Section 1(c) above). The ESCWA reports from 1998-2022 on the living conditions of the Palestinian people contained in section 2 above are also in response to the resolutions on permanent sovereignty over natural resources.

- b. General Assembly resolutions on the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP), which was established under resolution 3376 (XXX) of 10 November 1975 (1996-2022);<sup>10</sup>
- c. Reports of the CEIRPP (1976-2022);
- d. Reports entitled “*Economic Costs of the Israeli Occupation for the Palestinian People*” prepared by the secretariat of the United Nations Conference on Trade and Development further to CEIRPP resolutions (2016, 2018-2022);
- e. General Assembly resolutions entitled “*Peaceful settlement of the Question of Palestine*” (1996-2022);
- f. Reports of the Secretary-General concerning the peaceful settlement of the Question of Palestine (1984-2021);
- g. General Assembly resolutions concerning the Palestinian intifadah (1988-1991);
- h. Report of the Secretary-General concerning the Palestinian intifadah (1988).<sup>11</sup>

## **7. Situation in the Middle East**

18. This section contains:

- a. General Assembly resolutions concerning the “*Situation in the Middle East*” (1970-1996),<sup>12</sup> and General Assembly resolutions concerning peace in the Middle East;
- b. Reports of the Secretary-General (1971-1992);<sup>13</sup>
- c. General Assembly resolutions concerning Jerusalem (1981, 1996-2018, 2021);<sup>14</sup>
- d. Reports of the Secretary-General that contain information from Israel or the State of Palestine regarding Jerusalem and one report concerning excavations in eastern Jerusalem (1981).

## **8. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People**

19. This section contains documents relating to the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was established under General Assembly resolution 2443 (XXIII) (1968) (hereinafter “Special Committee”) as follows:

---

<sup>10</sup> There was no resolution in 2021.

<sup>11</sup> See also the reports of the Secretary-General to the Security Council in Part II, Section C below: S/19443 (21 January 1988), S/21919 (31 October 1990) and S/22472 (9 April 1991).

<sup>12</sup> There were no resolutions adopted in 1973 and 1974.

<sup>13</sup> There were no reports in 1973, 1974 or 1975.

<sup>14</sup> There were no resolutions on this topic in 2019, 2020, or 2022. The issue of Jerusalem is also referenced in the 1979-1981 resolutions on the “*Question of Palestine*”.

- a. General Assembly resolutions on the Special Committee (1968-1995) and on the Work of the Special Committee (1996-2021);<sup>15</sup>
- b. Annual reports of the Special Committee (1970-2022);
- c. Periodic reports of the Special Committee (1989-2002);<sup>16</sup>
- d. General Assembly resolution entitled “*Situation in the occupied territories*” (1979);
- e. Reports of the Secretary-General concerning expulsion/deportation further to the Special Committee resolutions (1981-1993);
- f. Reports of the Secretary-General concerning arbitrary detention/imprisonment further to the Special Committee resolutions (1984-1993);
- g. Reports of the Secretary-General concerning attempted assassinations further to the Special Committee resolutions (1981, 1983-1985);
- h. Reports of the Secretary-General concerning reports of the Special Committee further to the Special Committee resolutions (1994-1996);
- i. General Assembly resolutions related to Israeli practices affecting the human rights of the Palestinian people in the OPT, including Jerusalem (1996-2022);<sup>17</sup>
- j. Reports of the Secretary-General related to Israeli practices affecting the human rights of the Palestinian people in the OPT, including Jerusalem (1989, 1997-2021);<sup>18</sup>
- k. General Assembly resolutions related to the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the OPT, including Jerusalem, and the other occupied Arab territories (1996-2018);<sup>19</sup>
- l. Reports of the Secretary-General related to the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the OPT, including Jerusalem, and the other occupied Arab territories (1981-2019).

## **9. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**

20. This section contains:

- a. General Assembly resolutions concerning UNRWA (1967-2022);
- b. Annual reports of the UNRWA Commissioner-General (1967-2022);
- c. General Assembly resolutions entitled “*Persons displaced as a result of the June 1967 and subsequent hostilities*” (1996-2019);

---

<sup>15</sup> There was no resolution in 2022.

<sup>16</sup> The periodic reports of the Special Committee were discontinued as of 2003. See paragraph 11 of the Special Committee’s report of 22 August 2003 (A/58/311) in Section 8(b) above in which the Special Committee noted that “[d]ue to the restrictions imposed on the elaboration of reports to the General Assembly, the Special Committee gave up the submitting of periodic reports”.

<sup>17</sup> There was no resolution adopted in 2021.

<sup>18</sup> There was no report in 2022.

<sup>19</sup> In 2019-2022, the General Assembly referenced this issue in its resolutions on Israeli settlements detailed in Section 1(a) above.

- d. Reports of the Secretary-General related to persons displaced as a result of the June 1967 and subsequent hostilities (1969-2018);<sup>20</sup>
- e. General Assembly resolutions concerning the University of Jerusalem “Al Quds” for Palestine refugees (1996-2002);
- f. Reports of the Secretary-General concerning the University of Jerusalem “Al Quds” for Palestine refugees (1981-2003);
- g. Reports of the Secretary-General concerning Palestine refugees in the Gaza Strip pursuant to the UNRWA resolutions (1972-1988);<sup>21</sup>
- h. Reports of the Secretary-General concerning Palestine refugees in the West Bank pursuant to the UNRWA resolutions (1984-1988);
- i. Reports of the Secretary-General concerning Palestine refugees in the OPT since 1967 pursuant to the UNRWA resolutions (1989-1994);
- j. Reports of the Secretary-General concerning protection of Palestine refugees pursuant to the UNRWA resolutions (1983-1994);
- k. Reports of the Secretary-General concerning protection of Palestinian students and educational institutions pursuant to the UNRWA resolutions (1990-1994).

## **B. General Assembly Emergency Special Sessions**

21. This section contains General Assembly resolutions from its 5th, 7th, 9th and 10th emergency special sessions and reports of the Secretary-General to the General Assembly.<sup>22</sup>

## **C. Security Council**

22. This part of the Dossier contains documents of the United Nations Security Council in chronological order, including (i) Security Council resolutions; (ii) Security Council Presidential statements and notes; (iii) Security Council Commission reports; (iv) Security Council press statements; (v) reports and notes of the Secretary-General to the Security Council; and (vi) letters from the Secretary-General to the Security Council and letters to the Secretary-General for the attention of the Security Council.

---

<sup>20</sup> This issue was considered post-2018 in the reports of the Commissioner-General of UNRWA. There was no report requested for 1970.

<sup>21</sup> For the years 1974-1976, see the reports of the Secretary-General under Section 9(d) above (A/9740 of 17 September 1974, A/10253 of 16 September 1975 and A/31/240 of 4 October 1976).

<sup>22</sup> Only the last progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the OPT has been included as this is a cumulative document and contains references to the Board's previous reports.



23. The verbatim records of the Security Council have not been included, with the exception of the inclusion of oral reports of the Secretary-General or his representative to the Security Council in response to Security Council resolution 2334 (23 December 2016).