Commission of Inquiry welcomes General Assembly resolution requesting an ICJ Advisory Opinion relating to the Israeli occupation of Palestinian territory

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OHCHR Press Release

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The UN Independent International [**Commission of Inquiry**](https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index) on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, welcomes General Assembly resolution 77/400 deciding to request an advisory opinion of the International Court of Justice (ICJ) relating to the Israeli occupation of Palestinian territory.

The resolution, in accordance with Article 96 of the Charter of the United Nations, asks the ICJ - pursuant to Article 65 of the Statute of the Court - to render its opinion on the legal consequences arising from Israel’s ongoing violation of the right of the Palestinian people to self-determination, its 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 discriminatory legislation and measures.

The resolution further asks the Court how Israel’s policies and practices referenced affect the legal status of the occupation and what are the legal consequences that arise for all States and the UN.

In its [**report**](https://undocs.org/A/77/328) to the General Assembly, presented on 27 October, 2022 the Commission found there are reasonable grounds to conclude that the Israeli occupation of Palestinian territory is now unlawful under international law owing to its permanence and to ongoing actions undertaken by Israel to annex parts of the land de facto and de jure.

The Commission recommended that the General Assembly urgently request an advisory opinion from the International Court of Justice on the legal consequences of the continued refusal on the part of Israel to end its occupation of Palestinian Territory, including East Jerusalem, amounting to de facto annexation, of policies employed to achieve this, and of the refusal on the part of Israel to respect the right of the Palestinian people to self-determination, and on the obligations of third States and the UN to ensure respect for international law.

The Commission found in its first report that the continued occupation by Israel of Palestinian territory and discrimination against Palestinians were the key root causes of the recurrent tensions, instability and protraction of conflict in the region. The Commission’s second report to the General Assembly, based on its conclusion about the illegality of such an occupation, made the core recommendation for an advisory opinion from the International Court of Justice.

The Commission considers that a definitive clarification of the legal consequences of Israel’s refusal to end the occupation, and what the obligation of third parties to ensure respect for international law are, will be crucial to member States and the UN in considering what further measures should be adopted to ensure full compliance with international law.