



Inter-Parliamentary Union  
For democracy. For everyone.

# 149th IPU Assembly

Geneva  
13–17 October 2024



Assembly  
Item 2

A/149/2-P.2-rev  
15 October 2024

## Consideration of requests for the inclusion of an emergency item in the Assembly agenda

### Request for the inclusion of an emergency item in the agenda of the 149th Assembly of the Inter-Parliamentary Union submitted by the delegation of Palestine on behalf of the Arab Group

On 13 October 2024, the IPU Secretary General received from the delegation of Palestine on behalf of the Arab Group a request and accompanying documents for the inclusion in the agenda of the 149th Assembly of an emergency item entitled:

“Enforcing UN General Assembly resolution ES-10/24 and ensuring accountability”.

Delegates to the 149th Assembly will find attached the text of the communication submitting the request ([Annex I](#)), as well as an explanatory memorandum ([Annex II](#)) and a draft resolution ([Annex III](#)) in support thereof.

The 149th Assembly will be required to take a decision on the request of the delegation of Palestine on behalf of the Arab Group on Tuesday, 15 October 2024.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution, which clearly define the scope of the subject covered by the request. The IPU Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a recent major situation of international concern on which urgent action by the international community is required and on which it is appropriate for the IPU to express its opinion and mobilize a parliamentary response. Such a request must receive a two-thirds majority of the votes cast in order to be accepted.
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted.
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject.
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

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#IPU149

**COMMUNICATION ADDRESSED TO THE IPU SECRETARY GENERAL  
BY THE DELEGATION OF PALESTINE ON BEHALF OF  
THE ARAB GROUP**

Dear Mr. Secretary General,

The delegation of Palestine would like to submit an emergency item on behalf of the Arab Group entitled:

“Enforcing UN General Assembly resolution ES-10/24 and ensuring accountability”.

We kindly ask that this item is circulated to the members of the IPU for their consideration.

Thank you.

Yours sincerely,

(signed)

Ibrahim BOUGHALI,  
Speaker of the People's Assembly of Algeria,  
President of the Arab Group

Musa HADID,  
Deputy Speaker of the Palestinian National Council

## ENFORCING UN GENERAL ASSEMBLY RESOLUTION ES-10/24 AND ENSURING ACCOUNTABILITY

### *Explanatory memorandum submitted by the delegation of Palestine on behalf of the Arab Group*

On 19 July 2024, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, delivered its historic Advisory Opinion entitled *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*.

The questions referred to the Court by the General Assembly of the United Nations, emphasized, by way of its focus on Israeli legislation, the functions and responsibility of the Israeli Parliament, and IPU Member, the Knesset:

- (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 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 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?<sup>1</sup>

The Advisory Opinion was delivered against the backdrop of Israel's ongoing escalation of violence and systematic destruction against the Palestinian people, including the ongoing assault on the Gaza Strip, and Israel's continued refusal to respect the ICJ's orders for provisional measures in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (South Africa v. Israel) in relation to the right of the Palestinian people in the Gaza Strip to be protected from all acts within the scope of Articles II and III of the Genocide Convention.

We recall the IPU Leadership Statement on the situation in Gaza issued at the 148th IPU Assembly (Geneva, 27 March 2024) which called for an immediate ceasefire, the release of all hostages, the expansion of humanitarian aid, and respect for international humanitarian law. We recall that, at its sitting on 26 October 2023, the Committee on Middle East Questions agreed that the utmost priority was stopping the bloodshed.

Nevertheless, the violence of Israel, the illegal occupying power, has continued without respite. The ICJ's Advisory Opinion of 19 July 2024, as an authoritative statement of international law, directly relates to a major situation of ongoing international concern on which urgent action by the international community is required and on which it is appropriate for the IPU to express its opinion and mobilize an effective parliamentary response.

The decision of the IPU to take measures to compel the Parliament of Israel, as a Member of the Organization, to comply with international legitimacy decisions and to submit a monthly report to the IPU on progress in implementing the UN General Assembly resolution to rectify the situation that contradicts international law and the principles of the IPU is based on two main reasons:

- a) Central to the ICJ's conclusion that Israel's continued presence in the Occupied Palestinian Territory is unlawful, was the Knesset's unlawful extension of its sphere of legal regulation to Occupied Palestinian Territory. In this regard, the ICJ's Advisory Opinion affirmed that the Court: "Is of the opinion that international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory".

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<sup>1</sup> UN General Assembly resolution 77/247, 30 December 2022.

- b) Through its unlawful conduct in the Occupied Palestinian Territory, the Knesset is in violation of IPU principles, and of Articles 1 and 3 of the IPU Statutes: it has unlawfully extended its authority so as to act in the sovereign territory of another IPU Member whose population it does not represent.

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### **Findings of the International Court of Justice Related to the Unlawful Role of the Knesset**

The Advisory Opinion directly identifies and attributes the central responsibility that the Israeli parliament, the Knesset, continues to serve in the consolidation of the unlawful occupation of Palestinian territory. The Court determined, inter alia, that:

- (a) Israel's continued presence in the Occupied Palestinian Territory is unlawful;
- (b) Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- (c) All States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of Israel in the Occupied Palestinian Territory;
- (d) International organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory;
- (e) The United Nations, and especially the General Assembly, which requested the opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of Israel in the Occupied Palestinian Territory.

The role of the Knesset, as the Israeli legislature, was central to the ICJ's conclusion that the occupation is unlawful and must be ended. First the ICJ observed that in accordance with Article 43 of The Hague Regulations, and Article 64 of the Fourth Geneva Convention an occupying Power must in principle respect the law in force in the occupied territory unless absolutely prevented from doing so.<sup>2</sup> The ICJ highlighted the explanation of the Independent International Commission of Inquiry in its 2022 Report:

"Since the start of the occupation, Israel has extended its legal domain in the West Bank, which has resulted in far-reaching changes to the applicable law and, in practice, two sets of applicable law: military law and Israeli domestic law, which has been extended extra-territorially to apply only to Israeli settlers. This has been done through military orders, legislation and Supreme Court decisions and includes criminal law, national health insurance law, taxation laws and laws pertaining to elections. There are also separate legal systems for enforcing traffic laws and an institutional and legislative separation in the planning and building regime."<sup>3</sup>

For example, the ICJ noted that: "From the perspective of domestic law, Israel treats East Jerusalem as its own national territory, where Israeli law is applied in full and to the exclusion of any other domestic legal system."<sup>4</sup> The ICJ held that the extension of Israel's law to the West Bank

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<sup>2</sup> ICJ Advisory Opinion, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, para 134.

<sup>3</sup> ICJ Advisory Opinion para 135. "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel", UN doc. A/77/328 (14 September 2022), para. 46.

<sup>4</sup> ICJ Advisory Opinion para 138.

and East Jerusalem is not justified under Article 64 of the Fourth Geneva Convention, and held that “Israel has exercised its regulatory authority as an occupying Power in a manner that is inconsistent with the rule reflected in Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention.”<sup>5</sup>

Concerning discriminatory legislation adopted by the Knesset and unlawfully applied in the occupied territory, the ICJ noted, for example, that Israel’s residence permit policy for East Jerusalem – based on Israel’s domestic law (Law of Return, 5710-1950, Arts. 1-3; Entry Into Israel Law, 5712-1952, Art. 1) and legislative amendments since 2008 – “amounts to prohibited discrimination under Articles 2, paragraph 2, 23 and 26 of the ICCPR, and Articles 2, paragraph 2, and 10, paragraph 1, of the ICESCR.”<sup>6</sup> The Court further concluded that:

“a broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians differently on grounds specified by international law. [...] Accordingly, the Court is of the view that the régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory constitutes systemic discrimination based on, inter alia, race, religion or ethnic origin, in violation of Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD.”<sup>7</sup>

Addressing “two particularly severe forms of racial discrimination: racial segregation and apartheid”<sup>8</sup> under Article 3 of CERD, which states that “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territory under their jurisdiction”, the Court concluded that:

“Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considers that Israel’s legislation and measures constitute a breach of Article 3 of CERD.”<sup>9</sup>

In its conclusions as to how Israeli legislation that is related to unlawful settlement in and annexation of occupied territory, as promulgated by the Knesset, contributes to undermining “the integrity of the Palestinian people in the Occupied Palestinian Territory, significantly impeding the exercise of its right to self-determination”,<sup>10</sup> the ICJ held that Israel also has:

“an obligation to repeal all legislation and measures creating or maintaining the unlawful situation, including those which discriminate against the Palestinian people in the Occupied Palestinian Territory, as well as all measures aimed at modifying the demographic composition of any parts of the territory.”<sup>11</sup>

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**\*\*The United Nations General Assembly resolution ES-10/24 of 18 September 2024\*\***

In its tenth Emergency Special Session, under agenda item 5 regarding “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,” the General Assembly, with a majority of its members (124 in favour, 43 abstentions, 14 against), welcomed the advisory opinion of the International Court of Justice and demanded that Israel “bring to an end without delay its unlawful presence in the Occupied Palestinian Territory, which constitutes a wrongful act of a continuing character entailing its international responsibility, and do so no later than 12 months from the adoption of the present resolution.”<sup>12</sup>

<sup>5</sup> ICJ Advisory Opinion paras 140-1.

<sup>6</sup> ICJ Advisory Opinion para 197.

<sup>7</sup> ICJ Advisory Opinion para 223.

<sup>8</sup> ICJ Advisory Opinion para 225.

<sup>9</sup> ICJ Advisory Opinion para 229.

<sup>10</sup> ICJ Advisory Opinion para 239.

<sup>11</sup> ICJ Advisory Opinion para 268.

<sup>12</sup> United Nations General Assembly Resolution, A/RES/ES-10/24 Item No. 2.

Regarding the role required of the Knesset as the legislative body, the General Assembly “*Demands* that Israel comply without delay with all its legal obligations under international law, including as stipulated by the International Court of Justice, by, inter alia:

- (b) Putting an end to its unlawful policies and practices, including ceasing immediately all new settlement activity, evacuating all settlers from the Occupied Palestinian Territory and dismantling the parts of the wall constructed by Israel that are situated in the Territory, and repealing all legislation and measures creating or maintaining the unlawful situation, including those which discriminate against the Palestinian people, as well as all measures aimed at modifying the demographic composition, character and status of any parts of the Territory, including all measures violating the historic status quo at the holy sites of Jerusalem;”<sup>13</sup>

Moreover, the General Assembly called in its resolution for “international organizations, including the United Nations, and regional organizations not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and to distinguish, in their relevant dealings, between Israel and the Occupied Palestinian Territory and not to recognize, or cooperate with or assist in any manner in, any measures undertaken by Israel to exploit the natural resources of the Occupied Palestinian Territory or to effect any changes in the demographic composition or geographic character or institutional structure of the Territory”.<sup>14</sup>

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### **IPU Statutes and principles**

The IPU’s central role is to facilitate parliamentary diplomacy and empower parliaments and parliamentarians to promote peace, democracy and sustainable development around the world. It is incumbent upon the IPU, if it is to further these essential goals, to suspend the Israeli Member Parliament, which the ICJ has determined is responsible for the denial of the Palestinian right to self-determination, whose core element is the right of people to self-governance through democratically elected parliaments.

In this respect we recall the IPU 2022-2026 Strategy, and welcome its policy focus on human rights, sustainable development, and peace and security:

“To work toward ensuring that all people live in peace, free from violence and conflict, the IPU will work multilaterally, and prioritize helping parliaments take action on: upholding the UN Charter, the implementation of UN instruments related to disarmament, arms control, non-proliferation, humanitarian and refugee law”.

In particular, we recall, as being of immediate and urgent importance, two of the strategic objectives of the IPU:

Strategic Objective 1: Building effective and empowered parliaments

Rationale: Parliaments and parliamentarians that are able to effectively exercise their mandates, represent and defend the rights and interests of the people, make decisions based on independent, evidence-informed and credible information, and exercise oversight of their governments are essential to democracy.

Strategic Objective 5: Strengthening the IPU’s accountability

Rationale: Reinforcing and sustaining a culture of trust and mutual accountability on all levels – for and between Member Parliaments, between Member Parliaments and the IPU Secretariat, and within the Secretariat – is both a key organizational value and a critical factor in ensuring that progress towards all strategic objectives is sustained and occurs in a transparent and democratic manner.

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<sup>13</sup> United Nations General Assembly Resolution, A/RES/ES-10/24 Item No. 3.

<sup>14</sup> United Nations General Assembly Resolution, A/RES/ES-10/24 Item No. 6.

It is in light of these principles and objectives that the continued toleration of the Israeli Member's ongoing unlawful conduct in occupied territory would constitute a failure of the IPU to abide by the UNGA and ICJ's assertion that organizations such as the IPU are obliged not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory. This failure poses a serious threat to the international legal order and undermines the foundations of the rule of law in international relations.

Article 3 of the IPU Statutes affirms that membership of the IPU is predicated on affiliated Parliaments being lawfully constituted with the laws of a State "whose population it represents and on whose territory it functions" and requires that "Every Member of the IPU shall adhere to the principles of the IPU and comply with its Statutes."

The Israeli Parliament, the Knesset, has been determined by the International Court of Justice as functioning, by way of its legislative authority, unlawfully on the territory of Palestine. The Knesset does not purport to, neither can it lawfully represent Palestinians in occupied territory, but rather applies its legislation on a racist basis in contravention of the non-discrimination clauses central to all human rights treaties.

By this conduct, the Knesset acts in flagrant and ongoing breach of the Statutes and principles of the IPU: it functions, unlawfully, on the territory of another IPU member, whose population it does not represent, but rather actively discriminates against. As was held by the ICJ:

"as a matter of practice, the competent Israeli military authorities apply to settlers the law applicable to civilians in Israel, as well as to non-Israeli Jews present in the West Bank. As a result, settlers in the West Bank enjoy the rights and privileges of Israeli citizenship, as well as the protections of Israeli domestic laws and social benefits. In addition, settlers are not subjected to Israeli military courts and are instead tried before Israeli civilian courts. Palestinians in the West Bank are thus subject to military law and military courts, whereas settlers benefit from the criminal law and criminal justice system applicable to civilians in Israel."<sup>15</sup>

The ICJ further emphasized that "Israel's policies and practices in the West Bank and East Jerusalem implement a separation between the Palestinian population and the settlers transferred by Israel to the territory",<sup>16</sup> which is in the first instance a physical separation, fragmenting "the West Bank and East Jerusalem, and the encirclement of Palestinian communities into enclaves",<sup>17</sup> and that the separation:

"is also juridical. As a result of the partial extension of Israeli law to the West Bank and East Jerusalem, settlers and Palestinians are subject to distinct legal systems in the Occupied Palestinian Territory. To the extent that Israeli law applies to Palestinians, it imposes on them restrictions, such as the requirement for a permit to reside in East Jerusalem, from which settlers are exempt. In addition, Israel's legislation and measures that have been applicable for decades treat Palestinians differently from settlers in a wide range of fields of individual and social activity in the West Bank and East Jerusalem".<sup>18</sup>

In 1996, the Inter-Parliamentary Union obtained the status of permanent observer at the United Nations General Assembly. Since then, it has played an advisory role and contributes to the discussions and decisions made at the United Nations, particularly regarding the promotion of democracy, human rights, sustainable development, and global peace. Thus, it becomes evident that the Inter-Parliamentary Union should adhere to the call made by the resolution issued by the United Nations General Assembly, that "*Calls upon* the United Nations, and its bodies and organs, to respect and act in a manner consistent with the determinations made by the International Court of Justice, including in relation to all relevant maps, statements and

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<sup>15</sup> ICJ Advisory Opinion para 136.

<sup>16</sup> ICJ Advisory Opinion para 226.

<sup>17</sup> ICJ Advisory Opinion para 227.

<sup>18</sup> ICJ Advisory Opinion para 228.

reports, as well as in their respective programmes and actions;"<sup>19</sup> and in line with the fact that "Israel must be held to account for any violations of international law in the Occupied Palestinian Territory, including any violations of international humanitarian law and international human rights law, and [...] must bear the legal consequences of all its internationally wrongful acts, including by making reparation for the injury, including any damage caused by such acts".<sup>20</sup>

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## SUMMARY

On the day prior to the issuing of the ICJ's Advisory Opinion, the Knesset voted to "affirm its opposition to the establishment of a Palestinian state."<sup>21</sup> This legislative action is consistent with similar conduct such as the Jewish Nation-State Law of 2018, which purports to further extend Israeli legislative authority over the occupied territory, and legislative amendments facilitating further illegal settlements,<sup>22</sup> illustrating the Knesset's "blatant disregard" for international law.<sup>23</sup>

It is imperative, in order to fulfill the obligations placed on international organizations as affirmed by the ICJ and the UN General Assembly resolution, and to remain in compliance with the commitment stipulated in Article 3 of the Statutes and Rules of the Inter-Parliamentary Union, that the Member (the Parliament of Israel), be obligated to comply with and fulfill its obligations under international law in accordance with the Statutes and Rules of the IPU. It is also essential to obligate the Israeli Parliament to submit a monthly report on the extent of its compliance with UN General Assembly resolution ES-10/24 and the recommendations of the ICJ. In the event of its failure to submit these reports and/or its refusal to take the necessary measures to implement previous decisions, the Inter-Parliamentary Union will consider imposing appropriate sanctions.

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<sup>19</sup> United Nations General Assembly Resolution, A/RES/ES-10/24 Item No. 7.

<sup>20</sup> United Nations General Assembly Resolution, A/RES/ES-10/24 Item No. 9.

<sup>21</sup> Noa Shpigel 'With Gantz's Backing, Israel's Parliament Passes Resolution Opposing Palestinian Statehood' Ha'arretz, 18 July 2024.

<sup>22</sup> Al Jazeera 'Knesset votes to allow Israelis to resettle evacuated outposts' 21 March 2023.

<sup>23</sup> Emma Farge, UN rights chief urges states to challenge Israel over occupation, Reuters 9 September 2024.



**ENFORCING UN GENERAL ASSEMBLY RESOLUTION ES-10/24  
AND ENSURING ACCOUNTABILITY**

***Draft resolution submitted by the delegation of PALESTINE  
on behalf of the ARAB GROUP***

The 149th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the established and fundamental principles of international law and international practices, in particular the principle of the prohibition of the acquisition or annexation of territory by force,
- (2) *Recalling also* the principles and foundations upon which the Inter-Parliamentary Union is based, as well as its rules of procedure, specifically Articles 1 and 3 of its Statutes,
- (3) *Recalling further* UN General Assembly resolution ES-10/24 of 18 September 2024, which is based on the advisory opinion of the International Court of Justice entitled *Legal consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* of 19 July 2024,
- (4) *Appalled* by the large number of casualties and the immense scale of destruction resulting from the dangerous escalation of military actions in the Middle East, which could potentially escalate into a full-scale regional war, threatening international peace and security,
  1. *Calls upon* all parties in the Middle East to immediately cease fire unconditionally and everywhere, to ensure safe and adequate humanitarian access to the wounded and those in need under the auspices of United Nations humanitarian agencies, and to release all hostages, the forcibly disappeared, and administrative detainees;
  2. *Calls upon* Israel to withdraw immediately from the Gaza Strip and Lebanon as a prelude to stopping the war;
  3. *Calls upon* the Parliament of Israel (the Knesset) to abide by all relevant UN resolutions, in particular UN General Assembly resolution ES-10/24 of 18 September 2024, which mandates the end of the illegal occupation of the Palestinian territory within a period not exceeding 12 months and emphasizes the need to ensure accountability;
  4. *Requests* that the Inter-Parliamentary Union establish a task force responsible for monitoring and overseeing the Knesset's implementation of the provisions of UN General Assembly resolution ES-10/24, and that the task force submit its recommendations to the IPU Assembly at its upcoming meetings;
  5. *Calls upon* all parliaments to commit to implementing UN General Assembly resolution ES-10/24;
  6. *Appeals* to international humanitarian agencies to mobilize humanitarian and medical assistance, and *calls for* the establishment of an international fund for the reconstruction of the Gaza Strip.