

Policy Brief

The Gaza Peace Plan: The UNSC Draft Resolution as a New Form of Occupation Contravening International Law

The Gaza Peace Plan and proposed UNSC Resolution

A draft UN Security Council resolution circulated by the US seeks to endorse the Trump Peace Plan ('Comprehensive Plan') and authorise the creation of two bodies: a civilian transitional governance administration in Gaza called the Board of Peace, and a militarised 'International Stabilization Force'. The proposed resolution grants the Board of Peace broad authority in Gaza, including supervision of a transitional governance committee, reconstruction and economic development, and the coordination of humanitarian aid. The US is seeking to leverage its power in the UN Security Council to push for a resolution that appears to normalise the genocide and legitimise a new form of occupation, invoking the catastrophic precedents of Iraq and Kosovo, in contravention of international law.

The resolution, like the plan it endorses, is not anchored in an international legal framework but rather creates a parallel rules-based order based on security and foreign control. As detailed below, their provisions are deeply inconsistent with fundamental rules of international law, the 2024 Advisory Opinion of the International Court of Justice (ICJ), and recent UN General Assembly resolutions, effectively substituting Palestinian self-determination and sovereignty with an indefinite system of continued aggression, unlawful colonial occupation, and apartheid - with no prospect of cessation, accountability or reparations. By adopting this resolution, the UN Security Council would act in direct contravention of fundamental norms of international law and seriously undermine the credibility of the international legal system.

Israel has repeatedly violated the so-called ceasefire deal by further impeding the entry and delivery of humanitarian aid, and continuing its aerial bombardment of Gaza, resulting in the deaths and injuries of hundreds of civilians. Meanwhile, third States have used the Plan as a pretext to lift political pressure and suspend discussions on sanctions and other concrete measures in violation of their obligations under international law to use all available means to bring to an end serious violations of human rights and breaches of peremptory norms.

(a) Applicability of international law

The Plan and draft resolution have no bearing on the applicability of international law. The rules of international law concerning the prohibition of the use of force, international humanitarian law (IHL), international human rights law, and the obligations arising under the Genocide Convention continue to apply in full.

As the ICJ reaffirmed in October 2025, Israel has obligations as an occupying power under IHL to unconditionally agree to and facilitate humanitarian relief schemes by UNRWA and other impartial humanitarian organisations and cannot limit these obligations on the basis of security concerns.¹ The draft resolution contradicts the ICJ's ruling by requiring that humanitarian aid be delivered in coordination with the so-called Board of Peace, which functions as a quasi gatekeeper for humanitarian relief, determining who may provide assistance and who is deemed deserving of it.

(b) The forceful imposition of foreign control in absence of consent by the Palestinian People

The Plan was formulated with the exclusion of the Palestinian people and against the backdrop of vast asymmetries in power, and constitutes a further violation of the inalienable right of the Palestinian people to self-determination and sovereignty. The draft resolution introduces further legal ambiguity by leaving the basis of the Board of Peace's authority open. It remains unclear whether such authority is based on consent by Palestinians or on the UNSC's Chapter VII powers, namely its coercive powers.

Even if the Palestinian Authority approves this plan, such approval would be void, having been obtained under coercion manifested in threats to resume the full-scale genocide. The United States is a complicit actor in the genocide of the Palestinian people and there are no grounds to believe it is acting in good faith or in the best interests of the Palestinian people. Reports indicate that the United States is proposing to coordinate with other states that are likewise violating their third-state responsibilities with respect to Gaza, including Israel. Accordingly, there are no

¹ [ICJ 2025 Advisory Opinion on Israel's obligations](#), paras 89, 109, 124, 127.

grounds to presume the good faith of these states either. The participation of unelected Palestinians in the proposed Board of Peace does not negate its foreign and imposed character, as all occupying forces collaborate with local representatives.

The very notion of imposing a foreign council -namely, the Board of Peace- is not intended to end the unlawful occupation or realise the inalienable right of the Palestinian people to self-determination. Rather, it seeks to manage them under occupation and even control the international aid provided to them, stemming from a colonial assumption that the Palestinian people require international trusteeship rather than the self-governance guaranteed by international law and decades of UN resolutions.

(c) Continued violation of the Palestinian right to self-determination

The Plan and draft resolution fail to recognise and put in place steps for the unconditional and rapid realisation of the inalienable right of the Palestinian people to self-determination, as called for by the ICJ's [2024 Advisory Opinion](#) and [UNGA Resolution 10/24](#). Contrary to the findings of the ICJ, the Trump peace plan, which the proposed UNSC resolution seeks to endorse, presents Palestinian self-determination and statehood not as legal and binding rights, but as an "aspiration of the Palestinian people," contingent on redevelopment and reform as assessed by external actors. By making these rights dependent on outside approval, the Plan treats self-determination as a "prize" that "might be granted" at the end of a long process, deferring their realisation indefinitely and perpetuating the systematic deprivation of a right Palestinians have been entitled to for decades.

(d) Entrenchment of colonial occupation and apartheid

Under the guise of 'peace', the Plan and draft resolution set out a blueprint for the continued prolonged military occupation, colonial domination and apartheid with the direct participation of the US.

The Plan and the draft resolution fail to acknowledge Israel's settler colonial apartheid regime and unlawful presence in the Occupied Palestinian Territory, legitimising and entrenching Israel's

internationally wrongful acts. Through a complete absence of reference to the West Bank, including East Jerusalem, the Plan and draft resolution entrench the fragmentation of the Palestinian people across the Occupied Palestinian Territory. The right to return for Palestinian refugees is entirely absent from the Plan, effectively eliminating any prospect for its realisation.

Moreover, while the Plan emphasises that Israel will not occupy or annex Gaza, it permits land grabbing through the creation of buffer zones and ensures Israel's continued control over Gaza through the establishment of a "security perimeter," maintaining authority over Gaza's borders, airspace and territorial waters.

The Plan makes Israeli withdrawal from Gaza conditional on the demilitarisation of Hamas and offers no guarantees or timelines for the withdrawal of the occupation forces. This stands in direct contradiction to the ICJ's determinations that Israel's withdrawal from the Occupied Palestinian Territory is unconditional and must occur "as rapidly as possible".² Israel's failure to end the unlawful occupation constitutes a form of ongoing aggression, giving the Palestinian people the right under international law to resist in their legitimate struggle against foreign and colonial domination by all available means, including armed struggle, consistent with international law.³

Any plan calling for the disarmament of Palestinians, but not situating this within the context of ending the illegal occupation or including the disarming of settlers, raises serious doubts about its good faith towards the Palestinian people and their inalienable rights.

(e) Another form of illegal foreign domination

Without the consent of the Palestinian people, the proposed international protective presence, the International Stabilisation Force, constitutes another form of alien military domination contrary to the Palestinian right to self-determination. Similarly, the proposed temporary transitional governance, supervised by a foreign-dominated board headed by US President Trump, further restricts Palestinian sovereignty and perpetuates external control over Palestinian political and economic decision-making.

² [ICJ 2024 Advisory Opinion](#), para 267.

³ [UNGA Resolution 37/42](#) (1982).

Moreover, the “[Trump economic development plan](#)” has no pretensions to secure economic sovereignty for the Palestinian people. Instead, it promotes the exploitation and privatisation of Palestinian resources, packaging entrenched economic dependency and debt from the World Bank and other financial institutions as “economic development”. The plan disregards the Palestinian people’s right to reparations under international law, which the ICJ has repeatedly affirmed. Israel’s internationally unlawful actions, including genocide, ongoing aggression, and the deliberate destruction of livelihoods and infrastructure in Gaza, entail its clear responsibility for reparations. Furthermore, the mechanisms introduced by the draft resolution operate outside the UN framework and lack UN oversight, raising serious concerns regarding legality, accountability, sovereignty, and transparency.

(f) Green light for Israel’s genocide and violations of international law

Neither the Plan nor the draft resolution indicate measures that would put an end to Israel’s genocide against the Palestinian people but rather legitimise and enable the conditions for escalatory phases of genocidal violence. While the intensity of Israel’s assault may have reduced, the policies and practices which underpin the genocidal process remain in place. This includes the expansion of genocidal violence in the West Bank, including East Jerusalem, as documented in the [Special Rapporteur’s October 2024 report](#) and the OCHA [updates](#) on the humanitarian situation in the West Bank.

Strikingly, the Plan and draft resolution make no mention of accountability for Israeli atrocities, including genocide, nor of Israel’s legal obligation to provide reparations. Through such omissions, they legitimise Israel’s genocide, undermining obligation under the Genocide Convention to prevent and punish genocide by all means reasonably available and granting Israel further impunity.

In addition, by requiring that the work of the International Stabilisation Force be carried out “in close consultation and cooperation” with Israel -the occupying power engaged in illegal occupation and ongoing genocide- the draft resolution seeks to normalise genocide and frame Israel’s

unlawful control over the Palestinian people as a matter of security, rather than a blatant violation of their right to self-determination and fundamental rules of international law.

Third State Obligations

The Plan and draft resolution have no effect on the obligations of Third States under international law. This includes *erga omnes* obligations arising from Israel's violations of peremptory norms of international law, unequivocally reaffirmed by the ICJ in its [July 2024 Advisory Opinion](#) and by [UNGA Resolution 10/24](#). These obligations have been extensively mapped in the Special Rapporteur Albanese's most recent [October 2025 report](#).

All States have a duty to act individually and collectively and to co-operate with the United Nations to bring Israel's illegal presence in the Occupied Palestinian Territory to an end "as rapidly as possible" and to support the full realisation of the Palestinian right to self-determination.⁴ They also have a negative duty not to recognise as legal the situation arising from this presence and not to render aid or assistance in maintaining the situation created by it.

States supporting the plan and draft resolution are endorsing illegality and normalising coercion. By supporting the entrenchment of colonial occupation as set out in the Plan and authorised by the draft resolution, States are in direct violation of their *erga omnes* obligations. They also violate their direct obligations owed to the Palestinian people vis-a-vis the right to self-determination and the prohibition on racial segregation and apartheid. Further, States may be in violation of their obligations under the Genocide Convention to prevent and punish genocide.

States must use all available means to discharge their duties under international law, including through the imposition of trade and arms embargoes, the prosecution and punishment of core international crimes, and in some cases forcible measures under the UN Charter against a State in violation of Article 2(4). However, third States have not only endorsed the Plan, but have used it as a pretext to suspend discussions on sanctions and other concrete measures, evading accountability for their complicity in Israel's unlawful occupation and the ongoing genocide.⁵

⁴ As affirmed in ICJ [July 2024 Advisory Opinion](#), para 267.

⁵ For example, on 20 October 2025, EU foreign affairs minister Kaja Kalas announced a pause in discussions about EU punitive measures against Israel, stating that the context had changed.

The way forward

We urgently call on states, diplomats, parliamentarians, lawyers, and activists to rigorously scrutinise this plan and draft resolution to ensure they fully align with international law. If allowed to proceed in its current form, the plan risks further undermining the legitimacy of the international legal system as a whole.

Any plan for the way forward must be centred on Palestinian agency, self-determination and decolonisation and aligned with international law, including the determinations of the ICJ and relevant UN Resolutions. This should include:

- **Immediate and complete withdrawal** of Israeli forces from the Gaza strip, as well as full withdrawal from the Occupied Palestinian Territory, in accordance with the ICJ [July 2024 Advisory Opinion](#).
- **Unhindered entry of humanitarian aid** into the Gaza strip, as highlighted by the ICJ, most recently in its [Advisory Opinion of October 2025](#), including full access for medical teams, relief and media personnel, UN agencies, humanitarian organisations, and the Office of the Prosecutor of the International Criminal Court, alongside the lifting of the unlawful blockade imposed on Gaza.
- **Immediate release of all Palestinian hostages** and arbitrarily detained persons, including political leaders, in accordance with IHL and human rights obligations.
- **Governance of Palestine**, including Gaza, to be conducted by Palestinians, fully respecting their right to self-determination.
- **A reconstruction plan developed by Palestinians**, with support from external actors only upon invitation of Palestine, safeguarding the Palestinian right to self-determination and sovereignty
- **Recognition and implementation of full sovereignty** for Palestinians over the State of Palestine, as affirmed by the ICJ.
- **Measures to ensure Israel's reparations** for the damage caused by its wrongful acts, such as the establishment of a committee on reparations or a register of damage, as outlined in [UNGA Resolution 10/24](#).
- **Mechanisms to ensure accountability** for Israel's atrocity crimes, including genocide.

- **A complete arms embargo on Israel**, covering the sale, transfer, or supply of arms, munitions, military fuel, dual-use items, and related equipment, whether directly or indirectly, through state or private actors.
- **Targeted sanctions**, including travel bans and asset freezes, against individuals and entities, including at the leadership level, involved in or responsible for sustaining Israel's unlawful presence and policies in the Occupied Palestinian Territory.
- **Refraining from trade, investment, or economic relations** with Israel that directly or indirectly support the occupation of Palestinian territory or contribute to the entrenchment of the illegal settlement enterprise.