AL-HAQ

POSITION PAPER

UN Security Council Resolution 2803 is Legally Void and Ineffective

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UN Security Council Resolution 2803 is Legally Void and Ineffective

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EXECUTIVE SUMMARY

UN Security Council Resolution 2803 purports to endorse an unaccountable entity, the so-called 'Board of Peace', as the arbiter of the governance of the Gaza Strip. The Resolution does not acknowledge Israel's unlawful occupation of the Palestinian territory (i.e., the West Bank, including East Jerusalem and the Gaza Strip), nor does it refer to genocide, racial segregation and apartheid, or the denial of the Palestinian right to self-determination. The Resolution does not even acknowledge Palestinian sovereignty or territorial integrity, which are usually part of the basic introductory clauses contained in UN Security Council resolutions on the international administration of territory. Further, the 'Board of Peace' is controlled by an unaccountable Chair, Donald Trump, and is an entity devoid of international legal personality. Israel, the unlawful Occupying Power is a member of the 'Board of Peace'. These anomalies beg the question, what is the object and purpose of Resolution 2803 and why is the unprecedented and illegitimate 'Board of Peace' being legitimised?

Al-Haq has consistently stressed that the imperative of enforcing international law is central to the achievement of Palestinian self-determination, without which, progress on all other matters, economic or humanitarian, will remain illusory.[1] For the UN, and its organs including the Security Council and General Assembly, to contribute to Palestinian self-determination and an end to unlawful occupation, the enforcement of international law must be the driving force which animates each course of action.

1 Al-Haq, "Briefing Paper: On the Proposal for a July 2025 UN conference on a two-State solution for Israel and Palestine", (23 July 2025), https://www.alhaq.org/advocacy/26619.html.

International law is clear as to Israel's legal obligations and those of Third States and international organisations. To sum up the International Court of Justice (ICJ) in its 2024 Advisory Opinion on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*:[2]

- Israel's presence in the Occupied Palestinian Territory is unlawful; (para. 261)
- The entirety of the Occupied Palestinian Territory is the territory in which the Palestinian people should be able to exercise its right to self-determination, the integrity of which must be respected; (para. 262)
- Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible; (para. 267)
- Israel remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law; (para. 272)
- Among the obligations *erga omnes* violated by Israel are the obligation to respect the right of the Palestinian people to self-determination and the obligation arising from the prohibition of the use of force to acquire territory, as well as certain of its obligations under international humanitarian law and international human rights law; (para. 274)
- 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. They are also under an obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory; (para. 279)

2 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024).

- The duty of non-recognition also applies to international organizations, including the United Nations, in view of the serious breaches of obligations *erga omnes* under international law; (para. 280)

The ICJ concluded that it is for the UN General Assembly and the Security Council to consider what further action is required to put an end to the illegal presence of Israel and ensure the realisation of the Palestinian right to self-determination, taking into account the Advisory Opinion. Notably, the Advisory Opinion was endorsed at the UN General Assembly on 18 September 2024, which demanded that "Israel brings to an end without delay its unlawful presence in the Occupied Palestinian Territory", that it do so "no later than 12 months from the adoption of the present resolution", and that "Israel comply without delay with all its legal obligations under international law, including as stipulated by the International Court of Justice".[3]

Also on 18 September 2024, UN human rights experts issued a warning that despite the ICJ having "provided unequivocal directions concerning the responsibilities of States and international organisations, with regard to Israel's unlawful occupation […] States remain paralysed in the face of the seismic shift represented by the Court's ruling and appear unwilling or unable to take the necessary steps to meet their obligations".[4]

As previously asserted by the ICJ in *Legal consequences for the States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276*, recognition of an illegal situation is the first, necessary step, in an endeavour to bring the illegal situation to an end. In that context, where the

3 UN General Assembly, Resolution ES-10/24, (18 September 2024). 124 in favour, 14 against, and 43 abstentions. https://digitallibrary.un.org/record/4062853?ln=en&v=pdf.

4 UN OHCHR, "UN experts warn international order on a knife's edge, urge States to comply with ICJ Advisory Opinion", (18 September 2024), https://www.ohchr.org/en/statements-and-speeches/2024/09/un-experts-warn-international-order-knifes-edge-urge-states-comply.

UN Security Council had declared that the continued presence of the South African authorities in Namibia was illegal, the ICJ observed that: "When confronted with such an internationally unlawful situation, Members of the United Nations would be expected to act in consequence of the declaration made on their behalf."[5]

The ICJ, in its Advisory Opinion on *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory* (hereafter *UNRWA* Advisory Opinion) of October 2025, reaffirmed the "permanent responsibility" of the United Nations towards the question of Palestine, until "the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy".[6] The ICJ noted that this UN responsibility was initially implemented through the United Nations Relief for Palestine Refugees, which was established by General Assembly resolution 212 (III) of 19 November 1948 and succeeded by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Under the cover of genocide, Israel has escalated its calculated, decades-long campaign to dismantle UNRWA and undermine the inalienable right of the Palestinian people to return to their homes and properties.[7] UNRWA's role in the protection of the Palestinian people is essential, and irreplaceable. The United States (U.S.) has long supported Israel's assault and attacks on UNRWA, and today those attacks are endorsed by the 'Board of Peace', which declares that "UNRWA has no place in the new Gaza".[8]

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5 International Court of Justice, *Legal consequences for the States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), 21 June 1971*, para 112.

6 International Court of Justice, *Advisory Opinion Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory,* (22 October 2025), para 166, https://www.icj-cij.org/sites/default/files/case-related/196/196-20251022-adv-01-00-en.pdf.

7 Al-Haq, "International Human Rights Day – Al-Haq Launches UNRWA Q&A and Calls on States to Take all Measures to Protect UNRWA", (10 December 2024), https://www.alhaq.org/advocacy/25395.html; Al-Haq, "Al-Haq Publishes a Legal Review of Interventions in the UNRWA Advisory Opinion" (16 August 2025), https://www.alhaq.org/publications/26635.html.

8 Board of Peace @BoardOfPeace (1 July 2026), https://x.com/BoardOfPeace/status/2072219124265050606.

In securing to itself full civil and political authority and sole responsibility for the governance of the Gaza Strip, the 'Board of Peace' is preventing the exercise of Palestinian self-determination while perpetuating Israeli impunity. This is a clear and direct contradiction of the ICJ's assertion that "a key element of the right to self-determination is the right of a people freely to determine its political status and to pursue its economic, social and cultural development" and that "[t]he dependence of the West Bank, East Jerusalem, and especially of the Gaza Strip, on Israel for the provision of basic goods and services impairs the enjoyment of fundamental human rights, in particular the right to self-determination".[9]

Contrary to the conclusions of the ICJ — to be read alongside the Court's Provisional Measures Orders in the ongoing Genocide Convention proceedings in *South Africa v Israel,* and its 2025 *UNRWA* Advisory Opinion — the Security Council, through its endorsement of the 'Board of Peace' in its Resolution 2803, is actively and unlawfully participating in the denial of the Palestinian people's right to self-determination. Given this fact, the resolution must be recognised as being violative of *jus cogens* norms of international law and further recognised as being void and legally ineffective.

As such, the 'Board of Peace' and its 'International Stabilization Force' are products of genocide and can no longer be permitted to facilitate the denial of the Palestinian right of self-determination. Third states and international organisations must immediately cease all engagement with the 'Board of Peace' and publicly renounce all such engagement.

9 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 241.

1. INTRODUCTION

On 17 November 2025, the UN Security Council, (Russia and China abstaining), adopted UN Security Council Resolution 2803.[10] The Resolution "welcomed" the so-called "Comprehensive Plan to End the Gaza Conflict", commonly referred to as the "20-Point Plan", developed by the United States. The 20-Point Plan outlines US intentions for managing the Gaza Strip and — as Al-Haq has stressed — is manifestly in violation of international law.[11] The Resolution also "welcomed" the establishment of the 'Board of Peace' "as a transitional administration with international legal personality that will set the framework, and coordinate funding for, the redevelopment of Gaza". The resolution "authorise[d]" UN member states "working with the ['Board of Peace'] and the ['Board of Peace'] to establish a temporary International Stabilization Force (ISF) in Gaza to deploy under unified command acceptable to the ['Board of Peace']".

Al-Haq strenuously opposed adoption of the draft Resolution, warning that the essence of Resolution 2803:

> [C]onditionalizes the suspension of Israel's ongoing genocidal attacks and mass slaughter of Palestinians in Gaza, on a set of unilateral terms dictated by the USA [...] the US ultimatum seeks to entrench the denial of self-determination by way of the further fragmentation of the Palestinian people through the isolation of Gaza and its placing under a revised form

10 UNSC, Resolution 2803 (2025), https://docs.un.org/en/s/res/2803(2025).

11 Al-Haq, "Trump Trilogy Part III: The 'Comprehensive Plan to End the Gaza Conflict' ('20-point plan')" (10 December 2025), https://www.alhaq.org/cached_uploads/download/2025/12/10/trump-trilogy-part-3-1765384677.pdf.

> of alien occupation. The draft Resolution's conditionalizing of humanitarian aid on the acceptance of US terms aims to reward Israel's unconstrained illegality.[12]

At its core the establishment of the 'Board of Peace', and its ongoing legitimisation by states and international organisations represents a powerful assault on the precepts of the international legal framework. The 'Board of Peace' itself is an entity without legal personality, and subject to no transparency or accountability, and is premised on the erasure of the right of the Palestinian people to self-determination, and of the State of Palestine as a sovereign entity.

Al-Haq stressed that the UN Security Council "cannot act in such a manner as to negate binding international law", and emphasised that the UN Security Council, "is bound, in line with the UN Charter, not to undermine the inalienable right of the Palestinian people to self-determination". For the UN then to "seek, as a matter of supposed political compromise, to side line international law", including the Provisional Measures Orders and Advisory Opinions of the ICJ against Israel, would be "to render the UN complicit in Israel's violations", fundamentally breaking the promise of the UN Charter in order to fuel "ever intensifying human carnage".[13]

Given that the scope, range, and effects of the 'Board of Peace' are already of dramatic and far-reaching impact, the present analysis cannot address all of the crucial political, economic, and diplomatic developments undertaken. Al-Haq here aims to provide an overview of the key elements of Resolution 2803, outlining how core provisions in the resolution run contrary to the UN Charter and constitute both the denial and

12 Al-Haq, "Al-Haq Calls on Member States to the UN Security Council, the Palestinian Right to Self-Determination must be Respected, Reject the Trump Resolution" (17 November 2025). https://www.alhaq.org/advocacy/26831.html.

13 *Ibid.*

violation of peremptory norms of international law, — not least the prohibitions on the unlawful use of force and the acquisition of territory through use of force, and the denial of the inalienable right of the Palestinian people to permanent sovereignty, self-determination, and return.

The central initiatives foreseen in the Resolution, namely the 'Board of Peace' and its International Stabilization Force, are unprecedented, and are themselves inherently unlawful and illegitimate, lacking any legal personality, and the Resolution as a whole must be rejected as null and void.

2. BACKGROUND TO UN SECURITY COUNCIL RESOLUTION 2803

By way of Resolution 2803, the U.S. is acting to erase Palestinian statehood in order to cement Israeli impunity and to bulwark annexation. This process had been overtly and formally commenced in January 2020, during the first Trump administration. Trump's 2020 Plan, entitled 'Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People' constituted a blueprint for the unlawful annexation of the Occupied Palestinian Territory (OPT) by Israel. The Plan, by reference to Israel's exclusive need for 'security', sought to ensure perpetual Israeli domination, and envisioned the rampant escalation of Israeli annexationist policies over large portions of the OPT, and the retention of the remainder under military occupation.[14] The 'Peace to Prosperity' plan demanded that even should the U.S., recognise the Palestinian state, Palestine would regardless be excluded from the universality of the international legal framework, and

14 Al-Haq, "Trump Trilogy Part I: Economic Peace to Prosperity Plan" (29 November 2025), https://www.alhaq.org/publications/26989.html.

denied the capacity to choose to join any international organisation or to proceed with any legal dispute against Israel or the U.S.

Resolution 2803, which similarly purports arbitrary conditions for the recognition of the existence of the State of Palestine, facilitates significant steps to see the 2020 'Peace to Prosperity Plan' implemented. Point 19 of the '20 Point Plan' states that:

> While Gaza re-development advances and when the PA reform program is faithfully carried out, the conditions may finally be in place for a credible pathway to Palestinian self-determination and statehood, which we recognize as the aspiration of the Palestinian people.

Thus, even if the amorphous 'reform program' is carried out, Palestinian self-determination — described as an 'aspiration' rather than recognised as an inalienable right with *jus cogens* status in international law — is not guaranteed by the Plan. Throughout Israel's genocidal attacks on Gaza, the U.S. continued to abuse its veto powers at the UN Security Council, such that by 19 September 2025, the U.S., in tangible support of Israel's genocide, had vetoed six draft resolutions at the Security Council that would have demanded an immediate and permanent ceasefire in Gaza.

During this period, repeated assertions of the international law applicable to Israel and Palestine, and to Third States and international organisations, had been reaffirmed by the International Court of Justice (ICJ) in its Orders on provisional measures in the *South Africa v Israel* case and proceedings in *Nicaragua v Germany*, as well as through its Advisory Opinions on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* of 19 July 2024 (the

'*Palestine* Advisory Opinion') and on *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory* of 22 October 2025 (the '*UNRWA* Advisory Opinion').

In November 2024 the International Criminal Court (ICC) issued warrants of arrest against Israel's Prime Minister, Netanyahu and then Minister of Defence, Gallant on charges of war crimes and crimes against humanity related to their conduct in unlawfully occupied Gaza.

The decision of the UN Security Council to approve the U.S.-sponsored Resolution, and its endorsement of Trump's long-stated plans for perpetual repression and exploitation of Gaza,[15] represents another significant blow to the Palestinian people's right to self-determination, and a direct attack on the UN Charter and international law in general. What makes this Resolution particularly significant is that while the U.S. has vetoed many UN Security Council resolutions condemning Israel's actions and asserting the applicability of international law, "Resolution 2803 may represent the first time the [US] has instrumentalized the council to facilitate Israeli illegality"'[16]

Resolution 2803, and the manner by which it aids Israel's apocalyptic genocidal destruction of the Palestinian people, severely undermines the very concept of an international law framework, and critically diminishes the UN system whose establishment was predicated on the repudiation of trusteeships and whose development has been characterised by the pursuit of decolonization.

15 Al-Haq, "Trump Trilogy Part III: The 'Comprehensive Plan to End the Gaza Conflict' ('20-point plan')" (10 December 2025), https://www.alhaq.org/cached_uploads/download/2025/12/10/trump-trilogy-part-3-1765384677.pdf; Al-Haq, "Trump Trilogy Part I: Economic Peace to Prosperity Plan" (29 November 2025), https://www.alhaq.org/publications/26989.html.

16 Zaha Hassan, "By Endorsing the U.S. Gaza Plan, the UN Security Council Elevates 'Rule by Law' Over Rule of Law", (5 December 2025), https://carnegieendowment.org/research/2025/12/un-security-council-endorse-us-gaza-plan-international-law?lang=en.

3. RESOLUTION 2803 AS A TOOL OF COERCION

Given the intense pressure which the global movement for justice in Palestine was placing on governments and organisations to end genocide and occupation, the U.S. proposition to achieve a ceasefire in Gaza through the adoption of its draft text as Resolution 2803, became an ultimatum. Its adoption was perceived as necessary, both to reduce the pace of genocide and to negate demands to take meaningful action to enforce international law against Israel and its allies. As noted by Safia Southey, "The paradox of states like Sierra Leone, Pakistan, and Somalia voting affirmatively despite raising fundamental concerns reflects the diplomatic pressure surrounding the resolution".[17] U.S. President Trump made clear the nature of this ultimatum, whereby genocide was to continue unabated unless the Resolution was adopted, dictating that:

> If this LAST CHANCE agreement is not reached, all HELL, like no one has ever seen before, will break out against Hamas. THERE WILL BE PEACE IN THE MIDDLE EAST ONE WAY OR THE OTHER.[18]

The consequence of the compromises made at the Security Council has meant the continuation of Israel's genocidal conduct. Israel continues its killings, destruction of property and infrastructure, its restrictions on the access of critical life-saving aid at scale, food and medical supplies, and mass forcible displacement in conditions unfit

17 Safia Southey, "The Security Council as Architect? Resolution 2803, the Board of Peace, and the Limits of Transition in Gaza" (10 December 2025), https://www.asil.org/insights/volume/29/issue/16.

18 Allison Griner, "Trump issues Sunday ultimatum for Hamas to accept Gaza plan" *Al Jazeera* (3 October 2025), https://www.aljazeera.com/news/2025/10/3/trump-issues-sunday-deadline-for-hamas-to-accept-gaza-peace-proposal. (emphasis in original).

for human survival — Israel is also creating new facts on the ground in an annexationist land grab — expanding the so-called Yellow Line and forcing Palestinians into a thin strip, into the ever-shrinking parts of Gaza, all conduct tolerated without sanction or comment by the 'Board of Peace'.[19]

Israel's genocidal violence is expanding also across the West Bank including East Jerusalem. As observed by UN experts in March 2026, Israel's "genocide continues in Gaza and spills into the West Bank".[20] The experts stressed that Israel's genocidal acts "must be understood in their totality: the ethnic cleansing of Palestine, by whatever means, whatever the cost and whatever crimes it takes".[21] In May 2026, the Report of the UN Office of the High Commissioner for Human Rights warned that: "Considered together, Israeli Government's measures and steps across Gaza and the West Bank reflected a concerted and accelerating practice of undermining the fabric of Palestinian life while consolidating the annexation."[22] The June 2026 Report of the UN Commission, examining violations and crimes against and affecting Palestinian children, covering the period from 7 October 2023 to March 2026, concluded "that the conduct of Israeli authorities also constitutes the genocidal act of deliberately inflicting on the group conditions of life calculated to bring about physical destruction of the Palestinian group in Gaza, in whole or in part."[23]

Ultimately, and as FIDH have observed, Resolution 2803 disregards accountability for

19 Al-Haq, "Genocidal Killings Increase in Gaza Despite so called 'Ceasefire' and 'Board of Peace'" (16 May 2026), https://www.alhaq.org/advocacy/27631.html.

20 UN OHCHR, "UN experts warn against the irreversible 'de-Palestinisation' of Jerusalem" (6 March 2026), https://www.ohchr.org/en/press-releases/2026/03/un-experts-warn-against-irreversible-de-palestinisation-jerusalem.

21 *Ibid.*

22 UN OHCHR, "Overview report on practices and policies affecting human rights in the Occupied Palestinian Territory, including East Jerusalem 7 October 2023 – 31 May 2025", (18 May 2026), https://www.ohchr.org/sites/default/files/documents/countries/opt/occupied-palestinian-territory-overview-report-east-jerusalem-practices-en.pdf.

23 "The essence of childhood has been destroyed": Israel's deliberate targeting of Palestinian children in the Occupied Palestinian Territory since 7 October 2023, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/62/CRP.2, (18 June 2026), https://www.un.org/unispal/document/coi-report-23jun26/, para. 304.

the most serious international crimes, which Israel has continued to perpetrate across all of the occupied Palestinian territory, and aims to repackage the Gaza Strip as a *tabula rasa*:

> Crucially, however, UNSC Resolution 2803 omits international crimes or transitional justice mechanisms. By failing to establish accountability mechanisms for all those crimes and a pathway to democratic governance, the resolution risks creating a *de facto* occupation that denies the Palestinian people their right to self-determination. [...] Meanwhile, the United States has sanctioned those seeking justice, including International Criminal Court (ICC) officials, the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories, and Palestinian human rights organisations.[24]

4. ‘BOARD OF PEACE’: AN UNLIMITED MANDATE BEYOND GAZA?

By endorsing the establishment of President Trump’s so-called ‘Board of Peace’, the Security Council through Resolution 2803 has facilitated the emergence of an entity which seeks to act as a replacement to the UN. The ‘Board of Peace’ prefigures such an outcome, for example, through its allocation of UN-adjacent titles such as the so-called ‘Office of the High Representative for Gaza’. Likewise, the so-called ‘International

24 FIDH, “Shocking United Nations Security Council resolution strips Palestinians right to self-determination” (20 November 2025), https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/shocking-united-nations-security-council-resolution-strips.

Stabilization Force’, mirroring UN peacekeeping or peace enforcement operations, is designed to be the Board’s military enforcement tool.

As described by Zaha Hassan, the first operative paragraph of Resolution 2803:

> is the only one with immediate, practical effect, providing council imprimatur for the [Comprehensive (20 Point) Plan to End the Gaza Conflict]; it “endorses” the plan without qualification, “acknowledges” (incorrectly) that “the parties” had agreed to the terms (without naming who the parties were) and “calls” for implementation of the plan “in its entirety.”[25]

Resolution 2803 purports to mandate the ‘Board of Peace’ to “set the framework, and coordinate funding for, the redevelopment of Gaza”. Yet, Article 1 of the ‘Board of Peace’s’ own Charter, “launched at a signing ceremony in Davos, Switzerland on 22 January 2026”, provides for a potentially unlimited scope of action, bestowing the entity with the nebulous mission to promote stability, restore lawful governance, and secure enduring peace in “conflict-affected” or “threatened” areas. During the inaugural meeting of the ‘Board of Peace’ on 19 February 2026, Trump stated the ‘Board of Peace’ would “almost be looking over the United Nations and making sure it runs properly”.[26]

Whereas the core of the ICJ’s *Palestine* Advisory Opinion affirms that Israel’s occupation of the Palestinian territory is subject to the framework of international law — unfettered acquiescence in the illegality of Resolution 2803 would have the effect of

25 Zaha Hassan, “By Endorsing the U.S. Gaza Plan, the UN Security Council Elevates “Rule by Law” Over Rule of Law’ 5 December 2025. https://carnegieendowment.org/research/2025/12/un-security-council-endorse-us-gaza-plan-international-law?lang=en.

26 NPR, “Trump gathers members of Board of Peace for first meeting, with some U.S. allies wary”, (19 February 2026), https://www.npr.org/2026/02/19/nx-s1-5719053/trump-board-of-peace-meeting.

once again seeking to cast Palestinians outside the protection of the international legal framework by cementing Israeli impunity. The ‘20-Point Plan’ aims to achieve this goal of perpetual foreign occupation under the tutelage of the ‘Board of Peace’, and ultimate annexation of Palestine through its open-ended parameters and undefined requirements. For instance, the Resolution purports to authorise the ‘Board of Peace’ as the “transitional administration” in Gaza “until such time as the Palestinian Authority (PA) has satisfactorily completed its reform program”. The “reform program” mentioned is not a specific document with clearly defined terms, instead it is merely referred to in “various proposals”.

Palestinians are denied any genuine role in determining the political future of their own territory. The plan provides no defined criteria, timeline, or limits for this foreign occupation, rendering it — together with Israel’s open-ended security perimeter and its control of vast areas behind the ‘Yellow Line’, totalling over half of Gaza’s territory — a blueprint for the indefinite alien, multinational occupation and *de facto* annexation of large parts of Gaza.

4.1 THE UNLAWFUL REQUISITION OF PALESTINIAN PROPERTY IN GAZA

Under Article 6 of the “Charter’” the ‘Board of Peace’ claims the ability to “enter into contracts, acquire and dispose of immovable and movable property, institute legal proceedings, open bank accounts, [and] receive and disburse private and public funds”. It further grants itself “such privileges and immunities as are necessary for the exercise of the functions of the [‘Board of Peace’] and its subsidiary entities and personnel”.[27]

27 “Full text: Charter of Trump’s Board of Peace” The Times of Israel (11 January 2026), https://www.timesofisrael.com/full-text-charter-of-trumps-board-of-peace/.

The unlawful confiscation or requisition of Palestinian land is a core feature of Israel’s apartheid and annexationist policies and practices, and the ‘Board of Peace’ Charter facilitates a further land grab of Palestinian property in the Gaza Strip. In its 2024 *Palestine* Advisory Opinion, the ICJ reaffirmed that Article 46 of the Hague Regulations requires that private property must be respected and cannot be confiscated, and that this obligation on an Occupying Power “does not allow for exceptions, whether for military exigencies or on any other ground”. The ICJ also affirmed that public real property, “is to be administered by the occupying Power in accordance with the rules of usufruct under Article 55 of the Hague Regulations”, and that “this entails that the occupying Power bears the duty to administer public property for the benefit of the local population or, exceptionally, to meet the needs of the army of occupation”.[28] The Court ultimately concluding that Israel’s policies and practices are not in conformity with Articles 46, 52 and 55 of the Hague Regulations.[29]

Israel’s ongoing genocide in Gaza has erased the Palestinian land administration system. As a recent damage and needs assessment by the World Bank, the European Union and the United Nations notes (and recalling that Israel continues to deny Palestinians the capacity to invite access to Gaza to undertake accurate surveys):

> The destruction of land administration offices severely damaged the land information system, including cadastral records, digitized files, and essential surveying archives. Most geodetic reference points — first, second, and third order — are presumed fully destroyed, along with roughly 80 percent of the 218,000 property boundary beacons that

28 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 122.

29 *Ibid.*

> anchor parcel maps. This erasure severely compromises the ability to reconstitute parcel boundaries or verify ownership. The combined loss of institutional data and personal documentation has sharply heightened tenure insecurity, complicating land rights, inheritance, and compensation.[30]

This catastrophic situation is ripe for exploitation by the ‘Board of Peace’. As an example of how Palestinian property can be exploited for private profit, we look to the first — and to date the only — Memorandum of Understanding (MOU) made public by the ‘Board of Peace’. The MOU is between the Fédération Internationale de Football Association (FIFA) and the ‘Board of Peace’, as well as the Office of the High Representative for Gaza and the National Committee for the Administration of Gaza (NCAG).[31]

As a private organisation, FIFA has long been complicit in supporting Israel’s illegal settlement project. This position was clearly expressed on 19 March 2026, when, in response to the Palestine Football Association’s claims concerning the participation in the Israel football leagues of clubs based in illegal settlements, FIFA issued a decision which claimed that “the final legal status of the West Bank remains an unresolved and highly complex matter under public international law”, and therefore, that it would “take no action”.[32] Such a claim seeks to erase the findings of the ICJ in the *Palestine* Advisory Opinion, and to ignore the relevant and applicable international law. Against this background, provisions in the ‘Board of Peace’-FIFA MoU, dated 19 February 2026, which foresee the participants constructing pitches, stadiums, and centres of excellence, with the ‘Board of Peace’ facilitating “land access, permits, and local

30 World Bank, the European Union, the United Nations, “Gaza Strip Rapid Damage and Needs Assessment”, (April 2026), p 48. https://palestine.un.org/sites/default/files/2026-04/Gaza%20Rapid%20Damage%20and%20Needs%20Assessment%20%28RDNA%29_0.pdf

31 Memorandum of Understanding, (19 February 2026), https://boardofpeace.org/fifa-mau.

32 FIFA, “FIFA Council highlights power of football and the FIFA World Cup™ to build bridges and promote peace”, (19 March 2026), https://inside.fifa.com/organisation/fifa-council/media-releases/council-power-of-football-world-cup-build-bridges-promote-peace.

approvals”, suggest the intention to treat Palestinian property in Gaza in an unlawful and arbitrary manner.[33]

As a UN organ, the World Bank is also complicit in the inherent illegality of the ‘Board of Peace’. Resolution 2303, para 6, called upon the World Bank to facilitate financial resources to support the reconstruction of Gaza, including through the establishment of a dedicated trust. In November 2025, the World Bank’s Board of Executive Directors approved a proposal for the institution to serve as a limited Trustee for the Financial Intermediary Fund (FIF) for Gaza Reconstruction and Development (GRAD), to enable the ‘Board of Peace’ to accumulate and disperse funds.[34] While civil society organisations have called on the World Bank to end its complicity,[35] media reports indicate that funds provided to the ‘Board of Peace’ have not been lodged with the World Bank but have been allocated to a private J.P. Morgan account.[36]

33 FIFA, “FIFA and the Board of Peace announce strategic partnership to drive recovery and peace through football”, (19 February 2026), https://inside.fifa.com/organisation/media-releases/board-of-peace-strategic-partnership-recovery-peace-gaza. https://boardofpeace.org/fifa-mau.

34 Establishment of a Financial Intermediary Fund for Gaza Reconstruction and Development, Chair Summary, (20 November 2025), https://documents1.worldbank.org/curated/en/099112125200515362/pdf/BOSIB-817033cd-8daa-48ea-a373-c19b47054b5e.pdf.

35 Al-Haq et al., “Civil Society Demands World Bank Withdraw from the Board of Peace; Terminate Facilitation of Funding”, (22 April 2026), https://www.alhaq.org/advocacy/27474.html.

36 Steve Inskeep, “Funds for Trump’s Board of Peace aren’t in World Bank account. So where are they?”, *NPR* (1 June 2026), https://www.npr.org/2026/06/01/nx-s1-5837603/funds-for-trumps-board-of-peace-arent-in-world-bank-account-so-where-are-they.

5. THE MAY 2026 'BOARD OF PEACE' REPORT TO THE UNSC

On 15 May 2026, the permanent representative of the U.S. to the UN, transmitted a report on behalf of the 'Board of Peace', to the president of the Security Council.[37] Also on 15 May 2026, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that "Many residential areas across Gaza remain unsafe, exposed to recurrent strikes, shelling and shooting within or in their vicinity" bringing "the overall reported casualty toll since the announcement of the ceasefire on 10 October 2025 to 856 fatalities and 2,463 injuries".[38] Contrary to the fact of an ongoing genocide, the 'Board of Peace' report claimed that: "The maintenance of the ceasefire in Gaza, the return of all hostages and the restoration of humanitarian assistance have brought enormous relief to the civilian populations".[39]

Regarding the "[e]stablishment, entities and functions" of the 'Board of Peace', the report notes that "[t]he founding Charter of the 'Board of Peace' was signed by its Chairman, President Trump, on 16 January 2026"[40] and that "[t]wenty-eight Heads of State are Members of the Board of Peace".[41] While this might suggest that the membership of this purported "international organisation" are not the states

37 Letter dated 15 May 2026 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, S/2026/418, (15 May 2026), https://digitallibrary.un.org/record/4114041?v=pdf

38 OCHA Humanitarian Situation Report – 15 May 2026 https://www.un.org/unispal/document/ocha-humanitarian-situation-report-15-may-2026/.

39 Letter dated 15 May 2026 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, S/2026/418, (15 May 2026), https://digitallibrary.un.org/record/4114041?v=pdf, para. 3.

40 *Ibid.,* para. 17.

41 Ibid., para. 18.

themselves, but rather their leaders,[42] the report continues to note that on 19 February 2026, at an inaugural 'Board of Peace' meeting "Declarations of the Founding Donors and of the Founding Contributors to the International Stabilization Force were signed by representatives of participating Member States".[43] The report notes that on 19 February 2026, the Declaration of Founding Donors was signed by eight Member States,[44] and that the Declaration of Founding Contributors to the International Stabilization Force was signed by five Member States "expressing their intention to contribute troops to the ISF".[45]

The report refers to the function of the 'Board of Peace' as set forth in Paragraph 4 of Resolution 2803, to be:

> [T]he implementation of a transitional governance administration, including the supervising and supporting of a Palestinian technocratic, apolitical committee of competent Palestinians from the Strip, as championed by the Arab League, which shall be responsible for day-to-day operations of Gaza's civil service and administration.[46]

While noting the establishment of such a committee, labelled the National Committee for the Administration of Gaza (NCAG), little progress is recorded in the report.

42 The Republic of Albania, Argentine Republic, Republic of Armenia, Republic of Azerbaijan, Kingdom of Bahrain, Republic of Belarus, Republic of Bulgaria, Kingdom of Cambodia, Arab Republic of Egypt, Republic of El Salvador, Hungary, Republic of Indonesia, State of Israel, Hashemite Kingdom of Jordan, Republic of Kazakhstan, Republic of Kosovo, State of Kuwait, Mongolia, Kingdom of Morocco, Islamic Republic of Pakistan, Republic of Paraguay, State of Qatar, Kingdom of Saudi Arabia, Republic of Türkiye, United Arab Emirates, United States of America, Republic of Uzbekistan, and the Socialist Republic of Viet Nam.

43 Letter dated 15 May 2026 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, S/2026/418, (15 May 2026), https://digitallibrary.un.org/record/4114041?v=pdf, para. 20.

44 *Ibid.,* para. 32; The Kingdom of Bahrain, the Republic of Kazakhstan, the State of Kuwait, the Kingdom of Morocco, the State of Qatar, the Kingdom of Saudi Arabia, the United Arab Emirates and the Republic of Uzbekistan.

45 *Ibid.,* para. 39; The Republic of Albania, the Republic of Indonesia, the Republic of Kazakhstan, the Republic of Kosovo and the Kingdom of Morocco.

46 *Ibid.,* para. 22.

The report notes that the 'Board of Peace' established the Gaza Reconstruction and Development Fund (GRAD), "through which public and private contributors can channel resources to Gaza", and that the World Bank Group "acts as limited trustee of the GRAD".[47] Claiming that "[p]reparations for deployment are well advanced", the report states that the International Stablization Fund (ISF) "operates under the unified command of the United States through Major General Jasper Jeffers, and in close consultation and cooperation with the Arab Republic of Egypt and the State of Israel".[48]

6. THE UN SECURITY COUNCIL CANNOT LEGITIMISE THE UNLAWFUL

While the resolution's proponents argue it offers a pragmatic exit from the devastating conflict, its adoption raises foundational questions about the Security Council's authority to re-engineer governance arrangements in occupied territory without the consent of the people concerned.[49]

6.1 ABSENCE OF CHAPTER VII MANDATE

In the absence of genuine Palestinian consent — and Palestine is not a member of the 'Board of Peace' — the establishment under U.S. control and with Israeli complicity, of an interim administration to decide on the present and future of the Palestinian people in Gaza; the deployment of the ISF; and the continued use of force in unlawfully

47 *Ibid.,* para. 34.

48 *Ibid.,* para. 37.

49 Safia Southey, "The Security Council as Architect? Resolution 2803, the Board of Peace, and the Limits of Transition in Gaza" (10 December 2025), https://www.asil.org/insights/volume/29/issue/16.

occupied Palestine, is coercive. The authorisation to use coercive force, as a binding enforcement measure in Gaza, must be authorised by the UN Security Council, with the Council acting under Chapter VII of the UN Charter.

However, the supposed authorisation of the use of force mandated by Resolution 2803 does not make reference to Chapter VII, nor does it make the requisite determination as to the existence of a threat to international peace and security. Commentators may suggest that there is room for constructive ambiguity in the terms of UN resolutions — Resolution 2803 for example, notes that "the situation in the Gaza Strip threatens the *regional* peace and the security of *neighboring* states" (emphasis added). Nonetheless, the view that the U.S., — openly hostile and consistently aggressive to Palestinian self-determination, and actively complicit in Israel's unlawful occupation and genocidal conduct — can justify the use of force against the State of Palestine by way of a Resolution which omits explicit reference to Chapter VII,[50] is untenable.

While Russia and China did not vote against Resolution 2803 — refusing to use their veto power — they expressed clear views as to the highly problematic nature of Resolution 2803. According to Russia:

> In essence, the Council is giving its blessing to the United States initiative relying exclusively on Washington's honour, leaving the Gaza Strip at the mercy of the Board of Peace and the international stabilisation force, the working methods of which are still unknown to us. The most important thing here is to ensure that this document does not become a

50 Such reference was included for example in UNSC Resolution 1244 which established the NATO led Kosovo Force – KFOR. For example, "Resolution 1244 (1999) was expressly adopted by the Security Council on the basis of Chapter VII of the United Nations Charter, and therefore clearly imposes international legal obligations." *Advisory Opinion of the International Court of Justice on the Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, 22 July 2020*, para 85.

> smokescreen for unbridled experiments by the United States and Israel in the occupied Palestinian territory or turn into a death sentence for the two-State solution.[51]

And according to China:

> First, the resolution is vague and unclear on many critical elements [...] It should have explained in detail their structure, composition, terms of reference and criteria of participation, among others. [...] Second, the draft resolution does not demonstrate the fundamental principle of Palestinians governing Palestine. Gaza belongs to the Palestinian people, not to anyone else. [...] Third, the draft resolution does not ensure the effective participation of the United Nations and its Security Council. The resolution requests the Council to authorise the Board of Peace to assume full responsibility for the civil and secure arrangements in Gaza, but it stipulates no oversight or review mechanism beyond the annual written reports. [...] Fourth, the draft resolution is not a product of full consultations among Council members.[52]

51 Permanent Mission of the Russian Federation to the United Nations, "Explanation of Vote by Permanent Representative Vassily Nebenzia after the UNSC Vote on a Draft Resolution on the Middle East Settlement" (17 November 2025), https://russiaun.ru/en/news/unsc_171125.

52 Explanation of Vote by China's Permanent Representative to the UN Ambassador Fu Cong on the UN Security Council Draft Resolution on the Post-War Arraignments of Gaza (17 November 2025), https://www.fmprc.gov.cn/mfa_eng/xw/zwbd/202511/t20251120_11756832.html.

Even had the Resolution made the requisite reference to Chapter VII (which it did not), the UN Security Council is itself bound by international law, and is precluded from acting *ultra vires* the UN Charter.

6.2 VIOLATION OF JUS COGEN NORMS

As with states, the UN Security Council, as an organ of the UN, itself an international organisation, can never derogate from the peremptory norms of international law. All international organizations are limited by *jus cogens* norms such as the prohibition of genocide and the prohibition on the use of force, along with certain fundamental universal rights such as the inalienable right to self-determination which states have an *erga omnes* obligation to uphold.

The Security Council's power is not unlimited, and the Council is obliged to act within the restraints of its jurisdiction, as was made clear in the *Tadic* decision of the International Criminal Tribunal for the Former Yugoslavia. In October 1995 the Tribunal confirmed that:

> The Security Council is an organ of an international organization, established by a treaty which serves as a constitutional framework for that organization. The Security Council is thus subjected to certain constitutional limitations, however broad its powers under the constitution may be. Those powers cannot, in any case, go beyond the limits of the jurisdiction of the Organization at large, not to mention other specific limitations or those which may derive from the internal division of power within the Organization.

> In any case, neither the text nor the spirit of the Charter conceives of the Security Council as *legibus solutus* (unbound by law).
>
> In particular, Article 24 [UN Charter], after declaring, in paragraph 1, that the Members of the United Nations "confer on the Security Council primary responsibility for the maintenance of international peace and security", imposes on it, in paragraph 3, the obligation to report annually (or more frequently) to the General Assembly, and provides, more importantly, in paragraph 2, that:
>
> > "In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII." (Id., Art. 24(2).)
>
> The Charter thus speaks the language of specific powers, not of absolute fiat.[53]

The ICJ's 2024 *Palestine* Advisory Opinion affirmed that the duties upon states not to recognise, i.e., not to act to legitimise, Israeli violations of international law, are also binding upon the UN as an international organisation:

53 ICTY, *Prosecutor v Dusko Tadic a/k/a "Dule", Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction* (2 October 1995), para. 28, https://www.icty.org/x/cases/tadic/acdec/en/51002.htm

> The duty of non-recognition specified above also applies to international organizations, including the United Nations, in view of the serious breaches of obligations *erga omnes* under international law.[54] (para 280)

The Court, drawing on prior resolutions of the Security Council and General Assembly, concluded that the UN and its member states are "under an obligation not to recognize any changes in the physical character or demographic composition, institutional structure or status of the territory occupied by Israel on 5 June 1967, including East Jerusalem, except as agreed by the parties through negotiations"[55] and "an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory".[56]

Judge Lauterpacht, in a separate opinion at the ICJ in 1993, made the following observations as to the possibility — also in the context of genocide — that the Security Council might act in such a manner as to breach a *jus cogens* norm:

> Now, it is not to be contemplated that the Security Council would ever deliberately adopt a resolution clearly and deliberately flouting a rule of *jus cogens* or requiring a violation of human rights. But the possibility that a Security Council resolution might inadvertently or in an unforeseen manner lead to such a situation cannot be excluded.[57]

54 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 280.

55 *Ibid.,* para. 278.

56 *Ibid.,* para. 279.

57 International Court of Justice, *Application of the Genocide Convention (Bosnia and Herzegovina v. Serbia.), 1993 I.C.J. Report, 325,* 440 (13 September 1993) (Separate Opinio of Judge Lauterpacht), https://icj-cij.org/sites/default/files/case-related/91/091-19930913-ORD-01-05-EN.pdf.

Lauterpacht was of the view that the UN Security Council, in adopting a resolution which placed an arms embargo on Bosnians resisting genocide had:

> [I]n effect called on Members of the United Nations, albeit unknowingly and assuredly unwillingly, to become in some degree supporters of the genocidal activity of the Serbs and in this manner and to that extent to act contrary to a rule of *jus cogens*.[58]

Lauterpacht was further of the view, that the legal consequences arising were such that either the operative paragraph of a resolution "ceased to be valid and binding in its operation against Bosnia-Herzegovina; and that Members of the United Nations then became free to disregard it",[59] or that "a resolution which becomes violative of *jus cogens* must then become void and legally ineffective" — but that "[i]t is not necessary for the Court to take a position in this regard at this time."[60]

According to the International Law Commission, 'Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*)' (2022), the following is a non-exhaustive list of which rules of international law constitute *jus cogens* norms:

(a) The prohibition of aggression;
(b) the prohibition of genocide;
(c) the prohibition of crimes against humanity;

58 *Ibid.,* para. 102.
59 *Ibid.,* para. 103.
60 *Ibid.,* para. 104.

(d) the basic rules of international humanitarian law;
(e) the prohibition of racial discrimination and apartheid;
(f) the prohibition of slavery;
(g) the prohibition of torture;
(h) the right of self-determination.[61]

Al-Haq recalls that in its *Palestine* Advisory Opinion of July 2024, the ICJ held that "in cases of foreign occupation such as the present case, the right to self-determination constitutes a peremptory norm of international law".[62] Al-Haq further recalls that the ICJ's *Palestine* Advisory Opinion concluded that "Israel's legislation and measures constitute a breach of Article 3 of CERD", which features the prohibition on racial segregation and apartheid.[63] The Court further asserted, that "Among the obligations *erga omnes* violated by Israel are the obligation to respect the right of the Palestinian people to self-determination and the obligation arising from the prohibition of the use of force to acquire territory as well as certain of its obligations under international humanitarian law and international human rights law".[64]

Furthermore, the ICJ in its first Order on provisional measures issued in the South Africa v Israel proceedings found that "at least some of the rights claimed by South Africa and for which it is seeking protection are plausible", including "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts".[65] This finding was affirmed by the *Report of the United Nations Independent*

61 ILC, Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), (2022) https://legal.un.org/ilc/texts/instruments/english/commentaries/1_14_2022.pdf, Conclusion 23.

62 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 233.

63 *Ibid.,* para. 229.

64 *Ibid.,* para. 274.

65 International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024, p. 3,* para. 54.

International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, published on 16 September 2025, which found that Israel's ongoing conduct in Gaza amounts to the crime of genocide:

> The Commission finds that Israel is responsible for the commission of genocide in Gaza (...) The responsibility for these atrocity crimes lies with Israeli authorities at the highest echelons, who have orchestrated a genocidal campaign for almost two years with the specific intent to destroy the Palestinian group in Gaza.[66]

It is Al-Haq's view that given Israel's ongoing responsibility for the continued violation of a wide range of the above noted peremptory (*jus cogens*) norms, UN Security Council Resolution 2803, in the manner by which it purports to endorse the 'Boards of Peace' complicity in these violations — and recalling that Israel is itself a member of the 'Board of Peace'[67] — must be regarded as null, void and legally ineffective.

66 UN OHCHR, "Israel has committed genocide in the Gaza Strip, UN Commission finds" (16 September 2025), https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds.

67 Members, https://boardofpeace.org/heads-of-state. Kanishka Singh, "Israel has joined Trump's 'Board of Peace,' Netanyahu says", *Reuters* (12 February 2026), https://www.reuters.com/world/middle-east/israel-join-trumps-board-peace-netanyahu-says-2026-02-12/.

7. THE ‘BOARD OF PEACE’ IS NOT AN INTERNATIONAL ORGANISATION

Resolution 2803 purports to assign international legal personality to the ‘Board of Peace’, describing it as “a transitional administration with international legal personality”. As such, the Resolution aims to see the ‘Board of Peace’ established as an international organisation, meaning: “[A]n organization established by a treaty or other instrument governed by international law and possessing its own international legal personality. International organizations may include as members, in addition to States, other entities”.[68]

The May 2026 Report of the ‘Board of Peace’ to the UN Security Council also claimed that: “The Charter was launched at a signing ceremony in Davos, Switzerland on 22 January 2026, marking the Board of Peace’s establishment as an international organization”.[69] The better view is that the ‘Board of Peace’ fails to qualify as an international organisation and that states and other international organisations should refrain from recognising it as such.

The Board, which is not a subsidiary body of the UN, has been described as “a *sui generis* entity chaired by the head of state of a permanent Council member — an arrangement without precedent in UN practice”.[70] Elsewhere this development was understood as:

68 Article 2(a), Draft articles on the responsibility of international organizations 2011, Adopted by the International Law Commission at its sixty-third session, in 2011, https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf.

69 Letter dated 15 May 2026 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, S/2026/418, (15 May 2026), https://digitallibrary.un.org/record/4114041?v=pdf, para. 18.

70 Safia Southey, “The Security Council as Architect? Resolution 2803, the Board of Peace, and the Limits of Transition in Gaza” (10 December 2025), https://www.asil.org/insights/volume/29/issue/16.

> [A]n extraordinary form of creating a new entity with international legal personality by virtue of a UN Security Council Resolution which does not seem to be anchored in international law categories but instead has contours more akin to those of a corporate identity. Arguably, this Resolution also constitutes an unprecedented means through which the Security Council bypasses the UN itself and internationally recognized post-conflict efforts in favour of an entrepreneurial experiment centred on private investment.[71]

While the Resolution might purport to have established an international organisation, such a proposition cannot be accepted. To qualify as an international organisation, a key criterion is that the entity be established by an international agreement in written form between at least two participants (or by governmental consensus reached at international conferences), and that the agreement is exclusively governed by international law and subject to ratification and confirmation by the respective States and/or other entities seeking membership. The conduct of international organisations, as with states, is governed by international law.

The question as to whether the ‘Board of Peace’ has been established by Resolution 2803, or whether its establishment is grounded in its “Charter” remains unsettled. On 16 January 2026, the “founding charter” of the Board was signed,[72] and by way of an

71 Helmut Philipp Aust and Alejandro Rodiles Breton, “The Corporate Identity of UNSC Resolution 2803: Trump’s Gaza Plan as a Business Strategy on New Cities Construction”, (5 December 2025), https://www.ejiltalk.org/the-corporate-identity-of-unsc-resolution-2803-trumps-gaza-plan-as-a-business-strategy-on-new-cities-construction/; Rémi Furhmann, “Legal Experimentation in International Institutional Law? From the Spanish Civil War and the ‘London Committee’ to Gaza and the ‘Board of Peace’” (10 July 2026), https://www.ejiltalk.org/legal-experimentation-in-international-institutional-law-from-the-spanish-civil-war-and-the-london-committee-to-gaza-and-the-board-of-peace/.

72 The Charter (16 January 2026), https://boardofpeace.org/charter.

Executive Order, Donald Trump designated the 'Board of Peace' to be an international organisation under the law of the U.S.[73] On 22 January 2026, at Davos, Switzerland, the "Charter" was "ratified":

> Today, in an historic ceremony in Davos, Switzerland, President Donald J. Trump formally "ratified" the "Charter" of the Board of Peace — establishing it as an official international organization.[74]

Fatal to the proposition that the 'Board of Peace' constitutes an international organisation, endowed with international legal personality, is the fact that such a status is reliant on the capacity of the supposed organisation to form an autonomous will:

> "If an institution merely expresses the consolidated will of its States Parties, it acts as a collegial organ of the latter. As such, the element of an autonomous will can be used to distinguish international organizations from other forms of institutionalized transboundary cooperation of States that fall short of legal personality, for example mere treaty organs."[75]

73 U.S. Government Federal Register, "Designating the Board of Peace as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities, A Presidential Document by the Executive Office of the President (22 January 2026), https://www.federalregister.gov/documents/2026/01/22/2026-01271/designating-the-board-of-peace-as-a-public-international-organization-entitled-to-enjoy-certain.

74 The White House, "President Trump Ratifies Board of Peace in Historic Ceremony, Opening Path to Hope and Dignity for Gazans" (22 January 2026), https://www.whitehouse.gov/articles/2026/01/president-trump-ratifies-board-of-peace-in-historic-ceremony-opening-path-to-hope-and-dignity-for-gazans/. Sanmay Moitra, "The Charter of the Board of Peace: A Dubious Legal Personality and a Regressive Peacebuilding Mandate Unbound by Law", (11 February 2026), https://opiniojuris.org/2026/02/11/the-charter-of-the-board-of-peace-a-dubious-legal-personality-and-a-regressive-peacebuilding-mandate-unbound-by-law/.

75 Kirsten Schmalenbach, International Organizations or Institutions, General Aspects, Max Planck Encyclopedia of International Law, (OUP, 2020), para 7. https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e499.

The ‘Board of Peace’ is not an organisation capable of forming an autonomous will beyond that of the singular will of Donald Trump — and not Trump as President of the U.S., but rather Trump as an individual. As Chairman of the Board, the Charter of the Board reserves in Trump the right to create “subsidiary entities” of the Board as well as to dissolve them; Trump’s mandate can end only if Trump himself resigns, or if the ‘Boards of Peace’ Executive Board — members of which are also appointed and removed by Trump — unanimously votes to remove him in the event of incapacity, and in both instances Trump will appoint his successor.

The ‘Board of Peace’ can also be dissolved at such time as Trump deems necessary or appropriate. Moreover, Trump has exclusive authority to veto Executive Board decisions “at any time”, according to the Charter’s Article 4.1(e). This is particularly notable, considering the Executive Board is tasked with implementing the ‘Boards of Peace’ alleged “peace-building” mission — which is left entirely unregulated, as pursuant to Article 4.1(f) it “shall determine its own rules of procedure” — further entrenching Trump’s unchecked control. As stated by US Senator Edward Markey:

“This concentration of power means that no major action could proceed without the Chairman’s personal approval and that, on his own whim, he could direct the Board’s actions without any meaningful constraint. In practice, this Board would place one individual above all other participating states and dismantle the rules-based, multilateral framework that the United Nations was created to uphold.”[76]

Even were the ‘Board of Peace’ to be recognised as an international organisation, it would be bound by the precepts of international law, and subject to the obligations also

76 Letter from Edward Markey US Senator, to Marco Rubio, US Secretary of State (19 February 2026), https://www.markey.senate.gov/imo/media/doc/board_of_peace.pdf.

binding upon the UN not to recognise, meaning not to act to legitimise or contribute to — Israeli violations of peremptory norms of international law.

Confirming the opaque, alegal, *ad hoc,* and unprecedented nature of the 'Board of Peace', on 2 June 2026, the U.S. Secretary of State declared to a U.S. Senate Committee, that the Trump administration had decided to transform the 'Board of Peace' from an international organization made up of member states, into an "international nongovernmental organization".[77] Observers have noted that this decision represents an effort at avoiding U.S. Congress oversight of 'Board of Peace' activities, concluding that: "any pretence that states might have had that the body would responsibly govern Gaza for a transitional period for the benefit of Palestinians is no longer possible".[78]

8. THE 'BOARD OF PEACE'/ ISF IS CONSTITUTED OF UNLAWFUL OCCUPYING POWERS

Resolution 2803 makes no reference to the fact that Gaza is an integral part of the Palestinian territory subject to an unlawful occupation. Under international humanitarian law (IHL) a situation of occupation arises when a state exercises effective control and establishes authority over a territory to which it has no sovereign title. Article 42 of the Hague Regulations of 1907 defines belligerent occupation:

77 Forbes Breaking News, "I Have Serious Concerns': Jacky Rosen Grills Marco Rubio on how Gaza Board of Peace is Funded" (3 June 2026), https://www.youtube.com/watch?v=1S5YsDHnVNg.

78 Zaha Hassan, "Board Up Donald Trump's Failed Board of Peace", (17 June 2026), https://carnegieendowment.org/middle-east/diwan/2026/06/board-up-trumps-failed-board-of-peace.

> Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.

Article 43 of the Hague Regulations of 1907 provides that:

> The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

In its *Palestine* Advisory Opinion of July 2024, the ICJ affirmed that Israel's continued presence in the OPT is unlawful and that Israel is under an obligation to bring to an end its unlawful presence as rapidly as possible:[79]

> It is a wrongful act of a continuing character which has been brought about by Israel's violations, through its policies and practices, of the prohibition on the acquisition of territory by force and the right to self-determination of the Palestinian people.[80]

There remains a lack of clarity as to the composition of forces attached to the ISF. However, on 19 February 2026, the U.S. military announced that "[t]he first five

79 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 285.

80 *Ibid.,* para. 267.

countries have committed troops to serve in the ISF — Indonesia, Morocco, Kazakhstan, Kosovo and Albania".[81] The extent of US military participation in the occupation of Gaza also remains unclear.

Any tasks performed by states participating in the 'Board of Peace', and more immediately those participating in the ISF — even if not a core one in terms of the Occupying Power's duties under IHL — would contribute to the maintenance of the unlawful occupation, and would result in that state being a co-occupying Power in an unlawful occupation. Given the difficulty in making legal distinctions between 'Board of Peace' members based on their status under IHL, the presumption, in order to ensure the protection of Palestinians, must be to accord the status of an Occupying Power to those states participating in the BoP — insofar as any of its members are enforcing effective control over OPT.[82] As explained in an ICRC Expert Meeting:

> [W]hen the Security Council gives a mandate, with a view to controlling and administering a territory without the consent of the local government, the situation that results would amount to an occupation and create a presumption of the applicability of occupation law, except when the Security Council expressly decides in the relevant resolution, in accordance with Article 103 of the UN Charter, that some specific provisions of this body of law would not apply.[83]

81 "Five countries commit troops to Gaza international security force, commander says" *Reuters,* (19 February 2026), https://www.reuters.com/world/asia-pacific/five-countries-commit-troops-gaza-international-security-force-commander-says-2026-02-19/.

82 ICRC Expert Meeting, Occupation and Other Forms of administration of Foreign Territory (2012), https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-4094.pdf.

83 *Ibid.,* p. 34.

Multinational occupation absent a valid UN mandate, as is the scenario with respect the ISF, has been rare in the UN Charter era. Nonetheless, as summarised by the ICRC, the presumption must be that any state party to an occupation, not least one which has been declared unlawful by the ICJ, remains bound by IHL:

> It has always been the ICRC's view that multinational forces must observe IHL when conditions for its applicability are met. The nature of the situation in which multinational forces evolve and the correlative assessment of IHL applicability must be determined solely on the basis of the facts on the ground, irrespective of the formal mandate assigned to the peace operations by the Security Council and irrespective of the label given to the parties potentially opposed to peace forces. The mandate and the legitimacy of the mission entrusted to the peace forces are issues of *jus ad bellum* and have no bearing on the applicability of IHL to those operations.[84]

Given the stated aim of the 'Board of Peace' is to implement an explicitly transformational plan for Gaza, states participating as co-occupying Powers would be responsible for a fundamental breach of occupation law's foundational conservationist principle. As the ICRC's Commentary to Article 64 of the Fourth Geneva Convention affirms, the provision "reflects the presumption in favour of the continuity of the pre-existing legal order and implies that changes to existing laws cannot be the first resort: a proposed provision is valid only to the extent that it is necessary to achieve the legitimate purpose pursued."[85]

84 ICRC, "Multinational forces", (29 October 2010), https://www.icrc.org/en/document/multinational-forces-operations.

85 ICRC, Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Commentary of 2025 para 3770. Commentary of 2025, para. 3770.

As affirmed by the ICJ, even where an Occupying Power's presence in occupied territory is unlawful, it: "remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law".[86] The nature of Occupying Power obligations, and the limits placed on their lawful action in this regard, was also emphasised in the *Palestine* Advisory Opinion where the ICJ recalled that: "the rule set out in Article 55 of the Hague Regulations confers on the occupying Power only the status of administrator and usufructuary of public buildings, real estate, forests and agricultural estates in the occupied territory. These provisions emphasize that occupation is conceived of as a temporary state of affairs, during which the exercise by the occupying Power of authority over foreign territory is tolerated for the benefit of the local population."[87]

Beyond the applicable IHL, 'Board of Peace' members are further liable in accordance with Article 16 of the Articles on Responsibility of States for Internationally Wrongful Acts (2001) for their aid and assistance to Israel's ongoing unlawful conduct:

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

> (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and
> (b) the act would be internationally wrongful if committed by that State.[88]

86 International Court of Justice, *Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* (19 July 2024), para. 272. *Ibid.,* para. 267.

87 *Ibid.,* para 106.

88 International Law Commission, Responsibility of States for Internationally Wrongful Acts (2001), https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

Each state which participates in the 'Board of Peace', and most immediately those, such as Kosovo[89] and Morocco,[90] which participate in the ISF, join with Israel as unlawful Occupying Powers.

CONCLUSION

Resolution 2803, the 'Board of Peace', and the ISF, are products of genocide. They are explicitly extra-legal tools by which an international community that failed to abide by its legal obligations to protect the Palestinian people from genocide, has outsourced the last vestige of responsibility.

State practice on Palestine has been buttressed by unprecedented volumes of Third States written observations to the ICJ in the 2024 *Palestine* Advisory Opinion, the 2025 *UNRWA* Advisory Opinion proceedings, as well as *amicus curiae* to the International Criminal Court regarding the UK's challenge to that Court's jurisdiction over the Situation in the State of Palestine. In these proceedings, Third States and international organisations made convincing, reasoned, and powerful arguments as to the need for the application of international law to protect the rights of Palestinians, and to defend the very system of international law from attack by Israel and its allies.

Al-Haq welcomed the "legal affirmation of Palestinian rights, and the endorsement of the law by so many states", but observed that "without active enforcement by Third States and international organisations, and in the face of escalating genocide and consolidation of Zionist settler-colonialism and apartheid, such legal initiatives will

89 Board of Peace, @BoardOfPeace, Tweet (12 June 2026), https://x.com/BoardOfPeace/status/2076363715851526526.

90 Board of Peace, @BoardOfPeace (23 June 2026), https://x.com/BoardOfPeace/status/2069370482948780494.

remain but a historical record of the failure of the international community of states."[91]

Resolution 2803 does not present an opportunity to end the genocide. In its resolve to supress Palestinian self-determination, and to facilitate the Trump administration's capitalist goals through the economic exploitation of Palestine and the Palestinian people, the Resolution's function was to divert pressure and tension arising from the savagery of Israel's ongoing genocidal assault on Palestinians in Gaza. At the same time, the Resolution ensured that Israel's settler colonial apartheid regime, genocide, and settler-colonial agenda could be managed in a different form.[92] Where the Resolution departs from prior practice is that the U.S., and the person of Donald Trump, received an imprimatur of legitimacy on which they could seek to formalise their presence in occupied Palestine, in order to profit from its destruction and economic exploitation. As such, the Resolution presents a licence for perpetual occupation, colonialism, and Palestinian erasure.

States and international organisations must divest themselves of any and all complicity with the 'Board of Peace'. The Board's innovative illegality and the legal invalidity of the Resolution which underpins it, has been acknowledged as raising legal doubts, and yet third parties continue to engage with it, further undermining international law. The EU, for example, presents a contradictory stance expressing its "serious doubts about a number of elements in the charter of the 'Board of Peace' related to its scope, its governance and its compatibility with the UN Charter".[93] Yet, in the same breath the EU

91 Al-Haq, "Al-Haq Publishes a Legal Review of Interventions in the UNRWA Advisory Opinion" (16 August 2025), https://www.alhaq.org/publications/26635.html. Al-Haq publishes detailed review paper: "Arguments Raised in Amici Curiae Submissions in the Situation in the State of Palestine Before the International Criminal Court: Arrest Warrant Applications August 2024" (8 December 2025), https://www.alhaq.org/advocacy/25377.html.

92 "Trump's Board of Peace plans to grant itself sweeping immunity, documents show", *The Guardian* (27 June 2026), https://www.theguardian.com/law/2026/jun/27/board-of-peace-legal-immunity-un.

93 Council of the EU, "'Oral conclusions drawn by President António Costa following the informal meeting of the members of the European Council" (22 January 2026), https://www.consilium.europa.eu/en/press/press-releases/2026/01/23/oral-conclusions-drawn-by-president-antonio-costa-following-the-informal-meeting-of-the-members-of-the-european-council-of-22-january-2026/pdf/.

affirms that they "are ready to work together with the U.S. on the implementation of the Peace Plan for Gaza, with a 'Board of Peace' carrying out its mission as a transitional administration, in accordance with UN Security Council Resolution 2803".[94]

While refusing to implement even its internal obligations under EU law to cancel the EU-Israel Association Agreement given Israel's human rights violations, the EU continues to legitimise the 'Board of Peace'. This includes hosting delegates from the 'Board of Peace', including from the NCAG, and the so-called 'Office of the High Representative for Gaza', at the European Commission convened Palestine Donor Group (PDG),[95] and announcing a funding for the Gaza project, the 'Team Gaza Initiative', "grounded in the shared commitment to support and advance the implementation of the Comprehensive Plan to End the Gaza Conflict under United Nations Security Council Resolution 2803".[96]

94 *Ibid.*

95 EU steps up international support for Palestinians with major initiative for Gaza's early recovery and stronger international coordination, 13 July 2026 https://north-africa-middle-east-gulf.ec.europa.eu/news/eu-steps-international-support-palestinians-major-initiative-gazas-early-recovery-and-stronger-2026-07-13_en.

96 European Commission, "EU launches a Team Gaza Initiative to support early recovery in Gaza with an initial amount of nearly €900 million", (9 July 2026), https://north-africa-middle-east-gulf.ec.europa.eu/news/eu-launches-team-gaza-initiative-support-early-recovery-gaza-initial-amount-nearly-eur900-million-2026-07-09_en.

RECOMMENDATIONS

- Al-Haq demands that all states refrain from fuelling this initiative of gross illegality, genocide, apartheid, and colonial plunder. It is imperative that the UN General Assembly adopt a resolution declaring Resolution 2803 legally null and void and ineffective;
- Civil society organisations must refrain from legitimising the self-proclaimed titles which the Board's members have accrued to themselves, for example, by refusing to describe Nikolai Mladenov as the 'High Representative for Gaza';
- States which have joined the 'Board of Peace' and/or the ISF must immediately withdraw and cease all engagement. Al-Haq calls on all states to refrain from recognising the 'Board of Peace' claim to be an "international organisation";
- The World Bank Group must urgently withdraw the institution from the 'Board of Peace' and take immediate steps to terminate its role of limited Trustee for the 'Board of Peace'-associated Gaza Reconstruction and Development (GRAD) and Financial Intermediary Fund (FIF);
- Any and all contracts, including for reconstruction or development, entered into on the part of the 'Board of Peace' to be regarded as null and void.

All states and international organisations must immediately give concrete effect to their international legal obligations, as expressly detailed by the ICJ, namely:

a) not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the OPT;

b) to ensure that any impediment resulting from the illegal presence of Israel in the OPT to the exercise of the Palestinian people of its right to self-determination is brought to an end; and

c) to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention.

UN Security Council Resolution 2803 is Legally Void and Ineffective

November 2026

AL-HAQ