

Question: Is it correct that UN resolutions are only legally binding under Chapter 7 of the Charter re. international peace and security. If so, are these resolutions ever legally adhered to by states?

None of the UN institutions (including the General Assembly, the Security Council and the International Court of Justice) has the jurisdiction or authority to definitively resolve disputes between states or between a state and another international actor without their consent.

The UN Security Council (UNSC) has been entrusted with the primary responsibility, on behalf of the UN member States, for the maintenance of international peace and security. The Council has power under Chapter VII of the UN Charter to make resolutions binding on other states. Resolution 2334 and all other UNSC resolutions relating to Israel were recommendations of the Council adopted under Chapter VI, not Chapter VII, of the Charter. UNSC resolution 2334 is not binding on the parties to the dispute and other UN Member States, except to the extent that it repeats obligations that are otherwise binding.

Not all international expressions of norms take on the character of binding law. For instance, legal opinions articulated by the UN General Assembly or the Security Council do not in and of themselves constitute international law, and only constitute evidence of customary international law to the extent to which they reflect the common practice of states, as well as the universal opinion of states that such practice is dictated by the norms of international law (the technical term for this is *opinio juris*).

The international legal system recognizes the possibility of policy statements which are not legally binding, and this is an important tool for diplomats, who can make pronouncements of commitment without being thought to have created legal obligations. Statements of policy, some of which may be called 'soft law', include "normative provisions contained in non-binding texts" and may be found in a wide range of instruments. Although such statements may have some political consequences, they are by their very nature not legally binding or enforceable. Although statements of policy may express noble aspirations, and may, over time, become recognized as reflecting customary international law, or even stimulate sovereign states to promulgate or negotiate legislation or conventions, by definition 'soft law' lacks authority to bind states.

Many UN General Assembly and Security Council Resolutions referring to the Israel-Palestine conflict are examples of soft law. UN Security Council Resolution 242 is a good example. This Resolution was a non-binding recommendation by the Security Council issued in response to the Israel-Arab Six Day War in June 1967. This Resolution emphasized the necessity of negotiations and suggested guidelines for the parties to consider during their negotiations. Another example is UN General Assembly Resolution 194 (1948), which is relied on for the assertion that Palestinian refugees have a 'right of return'. Rather than being a binding instrument, this resolution was no more than an expression of policy in relation to refugees resulting from the 1947-1949 Israel-Palestine conflict.

The statement or inference that the 'two-State solution' is mandatory or necessary in order to achieve a just, lasting and comprehensive peace, is a statement of policy, not law.

See further: [The Hague Statement of Jurists](#)