

INTERNATIONAL COURT OF JUSTICE

(REQUEST FOR AN 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

WRITTEN STATEMENT OF THE REPUBLIC OF MALDIVES

28 FEBRUARY 2025

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Introduction

1. The Maldives remains gravely concerned that the Palestine issue remains unresolved¹ and reaffirms its commitment to and unconditional support of the Palestinian people in their pursuit to attain their inalienable rights, including the right to self-determination.² Whilst welcoming the ceasefire deal reached on 16 January 2025,³ the Maldives recognises the dire humanitarian situation in the Occupied Palestinian Territory (**‘the OPT’**),⁴ including the severe restrictions on the access of the Palestinian civilian population to water, as addressed further below. The Maldives has urged the international community to ensure, *inter alia*, the Palestinian people’s access to humanitarian assistance.⁵ Relatedly, the Maldives is deeply concerned about the devastating consequences for the Palestinian civilian population of any prevention of, or impediment to, the essential work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (**‘UNRWA’**),⁶ and has recently condemned Israel’s dismantling of that vital organisation.⁷

¹ The Maldives’ position with respect to the Palestine issue was set out in further detail in its Written Statement dated 25 July 2023 (paras. 9–13) (**‘the Maldives’ 2023 Written Statement’**) submitted in the previous advisory proceedings which led to the Court issuing *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion (**‘the Policies and Practices Opinion’**).

² Ministry of Foreign Affairs, Republic of Maldives, “The Issue of Palestine”, available at <https://www.foreign.gov.mv/index.php/en/multilateral/priorities-and-issues/the-issue-of-palestine>. See also, e.g., President’s Office, Republic of Maldives, “The President sends a message on the International Day of Solidarity with the Palestinian People” (29 November 2024), available at <https://presidency.gov.mv/Press/Article/32325>; President’s Office, Republic of Maldives, “The President meets with Palestinian President, urges global support for Ceasefire” (23 September 2024), available at <https://presidency.gov.mv/Press/Article/31690>; President’s Office, Republic of Maldives, “President Dr Muizzu reaffirms unwavering support for Palestinian cause” (23 September 2024), available at <https://presidency.gov.mv/Press/Article/31692>; President’s Office, Republic of Maldives, “The President envisions a Maldives where digital innovation empowers young people, and drives economic opportunity and social equity” (22 September 2024), available at <https://presidency.gov.mv/Press/Article/31658>. For previous relevant statements, see the Maldives’ 2023 Written Statement, para. 10.

³ President’s Office, Republic of Maldives, “The President welcomes the ceasefire deal reached on Gaza” (16 January 2025), available at <https://presidency.gov.mv/Press/Article/32804>.

⁴ This dire humanitarian situation is expressly noted in United Nations General Assembly Resolution 79/232, “Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States”, UN Doc. A/RES/79/232 (19 December 2024), para. 1.

⁵ President’s Office, Republic of Maldives, “The President welcomes the ceasefire deal reached on Gaza” (16 January 2025), available at <https://presidency.gov.mv/Press/Article/32804>.

⁶ See para. 12 below setting out the plethora of statements (including from the UN Secretary-General) recognising the indispensable role of the UNRWA in the OPT.

⁷ See, e.g., President’s Office, Republic of Maldives, “President Dr Muizzu urges meaningful change and decisive action in support of Palestine at Joint Arab-Islamic Summit” (11 November 2024), available at <https://presidency.gov.mv/Press/Article/32116>. As to the steps taken by Israel to interfere with UNRWA’s operations, see Section 1(c) below.

2. It is recalled that, in its written and oral submissions in the proceedings leading to the Court's Advisory Opinion in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* ('**the Policies and Practices Opinion**'), the Maldives drew particular attention to Israel's violation of its obligations in respect of the water resources of the OPT.⁸ The Maldives maintains that focus in the present submission. Indeed, the supply of water is one of the critical issues encompassed within the reference in the General Assembly's request to the Court in respect of the present proceedings ('**the Request**') to "urgently needed supplies essential to the survival of the Palestinian civilian population" and also "basic services and humanitarian and development assistance".
3. In addition, noting that the Request refers to the presence and activities of "the United Nations, including its agencies and bodies, other international organizations and third States", the Maldives' present submission focuses on the presence and activities of UNRWA. As addressed further below, UNRWA plays a unique and indispensable role in delivering humanitarian assistance in the OPT, including in relation to Palestinians' access to water. UNRWA's ability to perform its vital role is under grave threat because of Israel's concerted campaign to undermine and interfere with its work. UNRWA's situation is therefore a matter of particular practical significance in these proceedings, although many of the submissions developed below apply (either fully or partially) to other UN bodies, other international organisations and third States involved in delivering humanitarian assistance within the OPT.
4. This Written Statement is structured as follows:
 - (a) In **Section 1**, it provides a summary of the key facts relating to the Palestinian civilian population's access to water and the presence and activities of the UNRWA.
 - (b) In **Section 2(a)**, it addresses the obligations of Israel *as an occupying Power* in relation to the presence and activities of UNRWA in and in relation to the OPT with respect to the unhindered provision of water to the Palestinian civilian population. The focus of this section is on international humanitarian law (specifically, relevant provisions of the Geneva Convention relative to the

⁸ The Maldives' 2023 Written Statement, paras. 2, 38–41; CR 2024/14, Maldives (Sander) pp. 26–34, paras. 1–33, (Hart) pp. 34–39, paras. 1–19.

Protection of Civilian Persons in Time of War of 12 August 1949 (**‘the Fourth Geneva Convention’**)⁹ and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977 (**‘Additional Protocol I’**)¹⁰ and obligations under certain human rights treaties (specifically, the International Covenant on Economic, Social and Cultural Rights (**‘the ICESCR’**)¹¹ and the Convention on the Rights of the Child (**‘the CRC’**)).¹²

- (c) In **Section 2(b)**, it examines the obligations of Israel *as a member of the United Nations* (**‘the UN’**) in relation to the presence and activities of UNRWA in and in relation to OPT, including with respect to the unhindered provision of water to the Palestinian civilian population. The focus of this section is on certain provisions of the Charter of the United Nations (**‘the UN Charter’**),¹³ the Court’s Statute (**‘the ICJ Statute’**)¹⁴ and the Convention on the Privileges and Immunities of the United Nations (**‘the General Convention’**).¹⁵

5. For the avoidance of doubt, the Court’s jurisdiction to answer the Request cannot be in doubt,¹⁶ and nor can the propriety of it rendering the opinion requested by the General Assembly.

1. Relevant factual background

a. Access to water in the Occupied Palestinian Territory

6. There is consistent and compelling evidence that Palestinians in the OPT face a desperate shortage of clean water. This is despite the fact that the UN Security Council

⁹ Geneva Convention relative to the Protection of Civilian Persons in Time of War, signed 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) (**‘Fourth Geneva Convention’**).

¹⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), signed 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978) (**‘Additional Protocol I’**).

¹¹ International Covenant on Economic, Social and Cultural Rights, signed 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

¹² Convention on the Rights of the Child, signed 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

¹³ Charter of the United Nations, signed 26 June 1945 (entered into force 24 October 1945) (**‘UN Charter’**).

¹⁴ Statute of the International Court of Justice, signed 26 June 1945 (entered into force 24 October 1945) (**‘ICJ Statute’**).

¹⁵ Convention on the Privileges and Immunities of the United Nations, signed 13 February 1946, 1 UNTS 15 (entered into force 14 December 1946).

¹⁶ The Request was submitted in accordance with Article 96 of the UN Charter and Article 65 of the ICJ Statute.

has emphasised the importance of ensuring the protection of water resources in the OPT.¹⁷

7. Shortly after it commenced its occupation in 1967, Israel placed all water resources in the OPT under its military control.¹⁸ In 1982, it transferred authority over the West Bank's water resources to the Israeli national water company, Mekorot, which has since diverted most of the West Bank's water resources to Israeli settlements.¹⁹ In the *Policies and Practices Opinion*, the Court, having regard to authoritative reports provided by UN officeholders, accepted that "Israel's control and management of the water resources in the West Bank, both the quantity and the quality of water to which Palestinians have access is well below the levels recommended by the World Health Organization".²⁰ According to a report published just one day before the Court issued the *Policies and Practices Opinion*, in the West Bank more than 100,000 people had no running water.²¹ A recent assessment conducted by the World Bank, the European Union and the UN estimated that "access to safe water has been reduced to 0.7 million people in the West Bank".²²

¹⁷ United Nations Security Council Resolution 465 (1980), UN Doc. S/RES/465(1980) (1 March 1980), para. 8, cited in *Policies and Practices Opinion*, para. 132.

¹⁸ "Allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem: Report of the United Nations High Commissioner for Human Rights", UN Doc. A/HRC/48/43 (15 October 2021), para. 18; "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", UN Doc. A/78/127-E/2023/95 (30 June 2023), paras. 62–63.

¹⁹ "Allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem: Report of the United Nations High Commissioner for Human Rights", UN Doc. A/HRC/48/43 (15 October 2021), para. 18.

²⁰ *Policies and Practices Opinion*, paras. 127–129, citing "Allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem: Report of the United Nations High Commissioner for Human Rights", UN Doc. A/HRC/48/43 (15 October 2021), paras. 18, 26, 30, 43; "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem", UN Doc. A/HRC/22/63 (7 February 2013), paras. 83–85; "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", UN Doc. A/78/127-E/2023/95 (30 June 2023), paras. 62–63; "Concluding observations on the fourth periodic report of Israel", UN Doc. E/C.12/ISR/CO/4 (12 November 2019), para. 46. See further evidence set out at Maldives' Written Statement in *Policies and Practices Opinion*, para. 41.

²¹ "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", Note by the Secretary-General transmitting a report prepared by the Economic and Social Commission for Western Asia, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 90.

²² World Bank, European Union and United Nations, "Gaza and West Bank Interim Rapid Damage and Needs Assessment", (February 2025), available at <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>, p. 69, para. 189.

8. In Gaza, before 7 October 2023, Palestinians faced major, well documented challenges in accessing safe, clean water.²³ Now, given the conflict following that date, access to water is catastrophically poor in Gaza. As of December 2024, Gaza's water supply was estimated to be at 10–15 per cent of pre-7 October levels.²⁴ Further:
- (a) Munitions and chemicals deployed in the conflict since 7 October 2023 have severely polluted Gaza's water resources.²⁵
 - (b) As of February 2024, 81 per cent of households lacked safe and clean water, with average household access at less than 1 litre per person per day (far below the absolute minimum standard of 15 litres per person per day and of particular concern for babies being fed infant formula).²⁶
 - (c) Due to Israeli military operations, as of July 2024 about 40 per cent of the water networks in Gaza have been destroyed and the main pumps had been broken owing to bombardments or having run out of fuel.²⁷
 - (d) Lack of access to clean water in public shelters has contributed to outbreaks of infectious diseases.²⁸ In particular, the lack of water and sanitation has significantly increased the prevalence of bacterial infections such as diarrhoea, jaundice and hepatitis, as well as contributing to the re-emergence of polio (of

²³ As of the date of the *Policies and Practices Opinion*, the average per capita water consumption in Gaza was approximately 84.6 litres per day, less than the 100 litres per capita per day recommended by WHO, and 96 per cent of the water in the coastal aquifer, which had previously provided 81 per cent of water consumed in Gaza, had been rendered unsafe for drinking or irrigation purposes due to Israel's conduct: "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", Note by the Secretary-General transmitting a report prepared by the Economic and Social Commission for Western Asia, UN Doc. A/79/187-E/2024/68 (18 July 2024), paras. 50, 85.

²⁴ Human Rights Watch, "Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water" (19 December 2024), available at https://www.hrw.org/sites/default/files/media_2024/12/gaza1224web.pdf, p. 9.

²⁵ "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan", Note by the Secretary-General transmitting a report prepared by the Economic and Social Commission for Western Asia, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 53.

²⁶ *Ibid.*, para. 82.

²⁷ *Ibid.*, para. 87.

²⁸ *Ibid.*, para. 89.

which there had not been a case in Gaza for 25 years) and other diseases to which children are especially vulnerable.²⁹

- (e) The Office for the Coordination of Humanitarian Affairs reported on 31 December 2024 that access to basic water, sanitation and hygiene (‘WASH’) services had continued to deteriorate rapidly in northern Gaza. As of October 2024, at least 75 per cent of WASH infrastructure in areas north of Wadi Gaza, with an estimated population of 450,000 Palestinians, was estimated to be damaged. Further, water quality surveillance had revealed “alarming rates” of microbiological contamination, with nearly 73 per cent of drinking water and over 97 per cent of domestic water samples not complying with the minimum national or international standards for water chlorination.³⁰
- (f) In February 2025, the World Bank, the European Union and the UN estimated that damage caused by the conflict to WASH infrastructure in Gaza stood at US\$1.53 billion, with over 89 per cent of the assets in the WASH sector having been either destroyed or partially damaged.³¹
- (g) On various occasions during the conflict, Israeli officials have expressed an intention to deprive all Palestinians in Gaza, including civilians, of water.³² Authorities have also prevented virtually all water-related aid — including water filtration systems, water tanks and materials needed to repair water infrastructure — from entering Gaza.³³

9. The Court has already recognised the appalling situation in Gaza in relation to access to water in each of its three orders for provisional measures in *Application of the*

²⁹ Human Rights Watch, “Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water” (19 December 2024), available at https://www.hrw.org/sites/default/files/media_2024/12/gaza1224web.pdf, pp. 18–19.

³⁰ United Nations Office for the Coordination of Humanitarian Affairs, “Humanitarian Situation Update #251: Gaza Strip”, 31 December 2024, available at <https://www.ochaopt.org/content/humanitarian-situation-update-251-gaza-strip>.

³¹ World Bank, European Union and United Nations, “Gaza and West Bank Interim Rapid Damage and Needs Assessment”, (February 2025), available at <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>, p. 37, para. 105. See also p. 25, paras. 74–75.

³² Human Rights Watch, “Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water” (19 December 2024), available at https://www.hrw.org/sites/default/files/media_2024/12/gaza1224web.pdf, pp. 6–7.

³³ *Ibid.*, p. 13.

Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) ('South Africa v. Israel').

- (a) In its first order, dated 26 January 2024 (**'the First PM Order'**), the Court found that "[a]t present, many Palestinians in the Gaza Strip have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating".³⁴
- (b) In its second order, dated 28 March 2024 (**'the Second PM Order'**), the Court held that, since its first order, "the catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further, in particular in view of the prolonged and widespread deprivation of food and other basic necessities to which the Palestinians in the Gaza Strip have been subjected".³⁵ It referred to a report of the World Health Organization dated 22 February 2024 which stated that "the risk of further spread of epidemic-prone diseases is high due to ... inadequate water [and] sanitation", among other factors.³⁶
- (c) In its third order, dated 27 May 2024 (**'the Third PM Order'**), the Court noted that "the catastrophic humanitarian situation in the Gaza Strip ... has deteriorated" and was "to be characterized as disastrous".³⁷ It quoted a statement by UNRWA's Commissioner-General on 18 May 2024 that "[t]he areas that people are fleeing now do not have safe water supplies or sanitation facilities".³⁸

b. The indispensable role of UNRWA in facilitating access to water in the OPT

10. UNRWA performs a critical role in providing access to water within the OPT.³⁹ UNRWA has explained its role in relation to WASH services in Gaza as follows:

³⁴ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, para. 70.

³⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 28 March 2024, para. 18.

³⁶ *Ibid.*, para. 32.

³⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 27 May 2024, para. 28.

³⁸ *Ibid.*, para. 46.

³⁹ See, e.g., Human Rights Watch, "Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water" (19 December 2024), available at https://www.hrw.org/sites/default/files/media_2024/12/gaza1224web.pdf, p. 14; House of Commons of the United Kingdom, International Development Committee, "Israel and the Occupied Palestinian Territory", Second Report of Session 2024–25, HC 373, available at <https://committees.parliament.uk/publications/46289/documents/238401/default/>, para. 36.

“Since October 2023, UNRWA has carried out emergency WASH activities across the Gaza Strip. The main activities include operating and maintaining water wells and desalination systems and supplying water with water trucks and bottled water. ...

UNRWA continues to be one of the largest WASH actors in the Gaza Strip. Between August and mid-November [2024], UNRWA accounted for around 44 per cent of water, sanitation and hygiene activities reported in the Gaza Strip, [i]ncluding access to water (56 per cent), access to sanitation and solid waste management (42 per cent), and flood mitigation and prevention (66 per cent).”⁴⁰

11. Further: (i) since October 2023, in Gaza UNRWA has “maintained and rehabilitated eight wells, providing over 600,000 displaced people with access to water”;⁴¹ (ii) between 10 and 16 February 2025, UNRWA teams provided over 35,000 cubic litres of water to displaced people in emergency shelters and other UNRWA facilities;⁴² and (iii) since the start of the ceasefire and until 4 February 2025, UNRWA has reached nearly 475,000 people with clean water.⁴³
12. It is widely recognised that there is no other entity capable of performing the role which UNRWA plays in delivering humanitarian aid (including in relation to WASH services) in the OPT, especially in Gaza. In recent months, the UN Secretary-General has

⁴⁰ United Nations Relief and Works Agency for Palestine Refugees in the Near East (‘UNRWA’), “UNRWA Situation Report #155 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (16 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-155-situation-gaza-strip-and-west-bank-including-east-jerusalem>. See similar statements in “UNRWA Situation Report #157 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (31 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-157-situation-gaza-strip-and-west-bank-including-east-jerusalem>; “UNRWA Situation Report #159 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (13 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-159-situation-gaza-strip-and-west-bank-including-east-jerusalem>; “UNRWA Situation Report #160 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (21 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁴¹ UNRWA, “UNRWA Situation Report #153 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (4 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-153-situation-gaza-strip-and-west-bank-including-east-jerusalem>. The same source indicates that the total number of displaced persons in Gaza is approximately 1.9 million.

⁴² UNRWA, “UNRWA Situation Report #160 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (21 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁴³ *Ibid.*

described UNRWA as “indispensable”,⁴⁴ “the backbone of the United Nations Humanitarian relief operations”,⁴⁵ “irreplaceable”⁴⁶ and “essential”.⁴⁷ Further:

- (a) The UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator described UNRWA as “the beating heart” of humanitarian operations in Gaza, stating that “our humanitarian response for the Occupied Palestinian Territory is completely dependent on UNRWA being adequately funded and operational”.⁴⁸
- (b) UNRWA routinely provides a primary conduit for aid from donor States to recipients on the ground in the OPT.⁴⁹ Several States⁵⁰ (including the

⁴⁴ UNRWA, “Statement of the Secretary-General on Israeli Legislation on UNRWA” (29 October 2024), available at <https://www.unrwa.org/newsroom/official-statements/statement-secretary-general-israeli-legislation-unrwa>.

⁴⁵ Letter from Secretary-General of the United Nations to Mr. Benjamin Netanyahu, Prime Minister of the State of Israel (4 October 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N300, p. 3 (“Under the current crisis in Gaza, UNRWA is the backbone of the United Nations Humanitarian relief operations, providing a lifeline, shelter or other support for the large majority of the nearly 2.3 million population of Gaza, all affected by the conflict”). See also United Nations General Assembly Resolution 77/123, “Assistance to Palestine Refugees”, UN Doc. A/RES/77/123 (15 December 2022), Preamble (“*Acknowledging* the essential role that the Agency has played for more than seven decades since its establishment in ameliorating the plight of the Palestine refugees through the provision of education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance”).

⁴⁶ Letter from Secretary-General of the United Nations to Mr. Danny Ben Yosef Danon, Permanent Representative of Israel to the United Nations (27 January 2025), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N308, p. 1.

⁴⁷ UN Secretary-General’s remarks to the opening of the 2025 session of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (5 February 2025), available at <https://www.un.org/sg/en/content/sg/statement/2025-02-05/secretary-generals-remarks-the-opening-of-the-2025-session-of-the-committee-the-exercise-of-the-inalienable-rights-of-the-palestinian-people-delivered>.

⁴⁸ “Humanitarian Response in Gaza ‘Completely Dependent’ on Palestine Refugee Agency, Relief Chief Tells Security Council, Urging Countries to Restore Funding”, United Nations Security Council Meetings Coverage (9504th meeting), UN Doc. SC/15575, (31 January 2024), available at <https://press.un.org/en/2024/sc15575.doc.htm>. See further the press conference remarks by UNRWA Commissioner-General Philippe Lazzarini at the Munich Security Conference 2025 (15 February 2025), available at <https://www.unrwa.org/newsroom/official-statements/press-conference-remarks-unrwa-commissioner-general-philippe-lazzarini> (if UNRWA were to “implode”, this would “create a vacuum and potentially sow the seeds for more despair and extremism in the future”).

⁴⁹ For example, “[i]n every year since 2014, at least half of the aid [provided by the United Kingdom to the OPT through multilateral organisations] has gone either to UNRWA directly or to other organisations via it”: House of Commons Library, Research Briefing, “West Bank and Gaza Strip: UK aid and UNRWA: FAQs” (31 October 2024), available at <https://researchbriefings.files.parliament.uk/documents/CBP-9900/CBP-9900.pdf>, p. 24. In 2024 the Maldives pledged a significant contribution to Palestine through UNRWA: see “Maldives pledges over 1.29 million US Dollars to Palestine” (12 July 2024), available at <https://foreign.gov.mv/index.php/en/media-center/news/maldives-pledges-over-1-29-million-us-dollars-to-palestine>.

⁵⁰ See, e.g., “E3 Foreign Ministers’ statement on the implementation of legislation against United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)”, Press Release (31 January

Maldives⁵¹), the European Union⁵² and leading non-governmental organisations⁵³ have all emphasised the unique and essential role UNRWA plays in delivering humanitarian aid in the OPT.

- (c) In October 2024, the members of the UN Security Council released a statement affirming that “UNRWA remains the backbone of all humanitarian response in Gaza, and ... that no organization can replace or substitute UNRWA’s capacity

2025), available at <https://www.gov.uk/government/news/e3-foreign-ministers-statement-on-the-implementation-of-legislation-against-united-nations-relief-and-works-agency-for-palestine-refugees-in-the-near#:~:text=No%20other%20entity%20or%20UN,in%20the%20Occupied%20Palestinian%20Territories> (statement by Foreign Ministers of Germany, France and the United Kingdom that “No other entity or UN Agency currently has the capacity or infrastructure to replace UNRWA’s mandate and experience”); “28.01.2025 Statement by Denmark at the Security Council Briefing on UNRWA” (28 January 2025), available at <https://dkinunsc.dk/statements/28-01-2025-statement-by-denmark-at-the-security-council-briefing-on-unrwa> (“Since Hamas’ brutal terrorist attack against Israel, and the conflict in Gaza which followed, UNRWA has been the lifeline for civilians in Gaza. Under extremely difficult circumstances the agency has kept Palestinians alive by delivering food to a population on the verge of famine, shelter to 400,000 persons who have been repeatedly displaced, primary healthcare for 1.6 million people, and water to 600,000 people. UNRWA plays a critical role in the entire humanitarian aid operation in Gaza. Other humanitarian organizations and UN agencies rely on it for infrastructure, for staff, common services as well as last mile support”).

⁵¹ See Ministry of Foreign Affairs, Republic of Maldives, “Maldives pledges over 1.29 million US Dollars to Palestine” (12 July 2024), available at <https://foreign.gov.mv/index.php/en/media-center/news/maldives-pledges-over-1-29-million-us-dollars-to-palestine> (announcing a ten-fold increase in the Maldives’ annual contribution to UNRWA and emphasising the important role UNRWA plays in providing crucial services to Palestinians). See also, e.g., Ministry of Foreign Affairs, Republic of Maldives, “Statement by the Government of Maldives condemning Israel’s decision to confiscate UNRWA Headquarters” (15 October 2024), <https://foreign.gov.mv/index.php/en/media-center/statements/statement-by-the-government-of-maldives-condemning-israels-decision-to-confiscate-unrwa-headquarters> (condemning Israel’s decision to confiscate UNRWA headquarters and referring to UNRWA’s life-saving work); Ministry of Foreign Affairs, Republic of Maldives, “Remarks by Her Excellency Sheryna Abdul Samad, Minister of State of Foreign Affairs at the High-level Ministerial Event entitled ‘Human Rights Situation in the Occupied Palestinian Territory’” (26 February 2024), available at <https://foreign.gov.mv/index.php/en/media-center/speeches/remarks-by-her-excellency-sheryna-abdul-samad-minister-of-state-of-foreign-affairs-at-the-high-level-ministerial-event-entitled-human-rights-situation-in-the-occupied-palestinian-territory-2024-statement-09> (referring to the “vital assistance to over two million Palestinians” provided by UNRWA and stating that funding UNRWA is crucial to “ensuring the sustained delivery of humanitarian aid to Palestine”).

⁵² UNRWA, “European Union Contributes EUR 82 million to UNRWA in 2023 and Reaffirms Commitment to Support Palestine Refugees” (28 February 2023), available at <https://www.unrwa.org/newsroom/news-releases/european-union-contributes-eur-82-million-unrwa-2023> (quoting European Union representative stating that “UNRWA’s contribution to the lives of Palestine refugees remains indispensable and its role in maintaining stability in this extremely complex and challenging region is undisputed”); Delegation of the European Union to the United Nations in New York, “EU Statement — UN General Assembly 4th Committee: UNRWA” (13 November 2024), available at https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-93-un-general-assembly-4th-committee-unrwa_en?s=63 (“We reiterate UNRWA’s key role in the humanitarian response to the Palestine refugees in the region, delivering life-saving support to a population facing critical and immense needs”).

⁵³ See, e.g., “Urgent global appeal: Defend UNRWA from Israeli ban and prevent catastrophic consequences for Palestinians” (27 October 2024), available at <https://www.oxfam.org/en/press-releases/urgent-global-appeal-defend-unrwa-israeli-ban-and-prevent-catastrophic-consequences> (statement of 52 non-governmental organisations stating “There is no viable alternative to UNRWA. UNRWA’s essential and irreplaceable role in supporting Palestine refugees cannot be overstated”).

and mandate to serve Palestinian refugees and civilians in urgent need of life-saving humanitarian assistance”.⁵⁴

c. *Israel’s interference with UNRWA’s operations*

13. Since the escalation of hostilities in the OPT after 7 October 2023, Israeli authorities have significantly impaired the ability of UNRWA to perform its critical humanitarian role.

i. *Israeli attacks against UNRWA personnel, facilities and equipment*

14. UNRWA personnel have been killed or injured, and its equipment and facilities destroyed or seriously damaged, by Israeli attacks. As of 30 January 2025, 786 incidents impacting UNRWA premises and the people inside them had been reported since 7 October 2023.⁵⁵
- (a) On 31 December 2024, the UN Secretary General reported to the President of the UN General Assembly that 258 UNRWA personnel had been killed since October 2023 — “some when their homes were bombed; others at work in UNRWA facilities”.⁵⁶ The UNRWA personnel who have lost their lives have included teachers, doctors, support staff, engineers and logistics experts.⁵⁷
- (b) In the same period, 190 UNRWA installations had been damaged.⁵⁸
- (c) Similarly, Palestinians sheltering in or otherwise using UNRWA facilities have been killed and injured in significant numbers. UNRWA has estimated that, in

⁵⁴ “Security Council Press Statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA)”, United Nations Security Council Press Release, UN Doc. SC/15874 (30 October 2024), available at <https://press.un.org/en/2024/sc15874.doc.htm>.

⁵⁵ UNRWA, “UNRWA Situation Report #160 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem” (21 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>. The figures in this paragraph are subject to verification by UNRWA.

⁵⁶ Letter from the Secretary-General of the United Nations to the President of the United Nations General Assembly (31 December 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N221, p. 3.

⁵⁷ “Safety and security of humanitarian personnel and protection of United Nations personnel”, Report of the Secretary-General of the United Nations, Un Doc. A/79/149 (12 July 2024), para. 40.

⁵⁸ Letter from the Secretary-General of the United Nations to the President of the United Nations General Assembly (31 December 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc No. N221, p. 3.

total, at least 744 persons sheltering in UNRWA installations have been killed and at least 2,346 injured in the same period.⁵⁹

15. Recent relevant incidents have included the following:

- (a) In November 2024, Israeli forces were photographed within the grounds and on the roof of UNRWA Rafah Health Centre in Rafah, with the images showing damage to this UN installation.⁶⁰
- (b) On 7 November 2024, Israeli forces conducted an airstrike targeting an UNRWA school in Gaza City, causing extensive damage, killing at least 12 internally displaced persons ('IDPs') and injuring many more.⁶¹ On the same date, another UNRWA school was directly struck by an Israeli UAV, with four IDPs killed and ten more injured.⁶²
- (c) In November 2024, the Jabalia Health Centre was severely damaged in the context of the Israeli forces' military operation in Jabalia.⁶³
- (d) On 17 December 2024, Israeli Forces troops opened fire at and completely destroyed an UNRWA international staff guesthouse in the Mawasi area in Rafah.⁶⁴
- (e) On 19 December 2024, Israeli Forces reportedly directly struck an UNRWA school in the Shaja'ya area in Gaza City, killing 15 IDPs and injuring 30 others.⁶⁵

⁵⁹ UNRWA, "UNRWA Situation Report #158 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (7 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-158-situation-gaza-strip-and-west-bank-including-east-jerusalem>. The figures in this paragraph are subject to verification by UNRWA.

⁶⁰ UNRWA, "UNRWA Situation Report #147 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (12 November 2024), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-147-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ UNRWA, "UNRWA Situation Report #153 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (4 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-153-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁶⁵ *Ibid.*

- (f) On 22 December 2024, an Israeli quadcopter dropped a bomb in the schoolyard of an UNRWA school in Nuseirat. Ten IDPs were injured.⁶⁶ On the same date, Israeli quadcopters reportedly opened fire on IDPs in the same school. Two IDPs, including one child, were killed, and 12 people were injured.⁶⁷
 - (g) On 27 December 2024, after forcefully evacuating the Kamal Adwan Hospital, Israeli forces reportedly entered an UNRWA school and an UNRWA store facility in Jabalia and detained patients, medical staff and displaced people inside the two installations.⁶⁸
 - (h) On 18 February 2025, Israeli Forces and personnel from the Jerusalem Municipality forcefully entered the UNRWA Kalandia Training Centre and ordered its immediate evacuation.⁶⁹ On the same day, Israeli police officers, accompanied by staff from the Israeli Ministry of Education, went to three UNRWA schools ordering their closure.⁷⁰
16. Israel's attacks against UNRWA have specifically affected UNRWA's water distribution services. For example, in June 2024, Israeli forces carried out an air strike near an aid distribution centre that was UNRWA's main headquarters in Gaza. Independent press reporting indicated that civilians collecting water had been forced to abandon the water and let it spill onto the ground.⁷¹

ii. Israel's unsubstantiated allegations against UNRWA

17. In January 2024, Israel made allegations that 12 members of UNRWA staff may have played some role in relation to the 7 October 2023 terror attacks on Israel. In response,

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ UNRWA, "UNRWA Situation Report #160 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (21 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>. See further statement of the UNRWA Commissioner-General (18 February 2025), available at <https://www.unrwa.org/newsroom/official-statements/children-and-young-people-east-jerusalem-denied-their-right-education>

⁷⁰ UNRWA, "UNRWA Situation Report #160 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (21 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁷¹ "At least eight killed in Israeli air strike on UNRWA aid centre in Gaza", *Al Jazeera* (23 June 2024), available at <https://www.aljazeera.com/news/2024/6/23/at-least-four-killed-in-israeli-airstrike-on-unrwa-headquarters-in-gaza>.

the Commissioner-General of UNRWA swiftly terminated the employment contracts of the staff members in question.⁷²

18. On 5 February 2024, the UN Secretary-General appointed an Independent Review Group, headed by the former Minister of Foreign Affairs of France, to “assess whether the Agency is doing everything within its power to ensure neutrality and to respond to allegations of serious breaches when they are made”.⁷³ The Group’s report, published in April 2024, stated:

“Israel made public claims that a significant number of UNRWA employees are members of terrorist organizations. However, Israel has yet to provide supporting evidence of this.”⁷⁴

19. At the request of the UN Secretary-General, the Office of Internal Oversight Services (**‘the OIOS’**), the highest investigative body in the UN, also launched an investigation into Israel’s allegations against UNRWA staff members (the number of whom Israel had accused of involvement in the 7 October 2023 attack had increased to 19). On 5 August 2024, the Office of the Spokesperson for the Secretary-General issued a statement following the conclusion of the OIOS investigation, which had determined as follows:

“In one case, no evidence was obtained by OIOS to support the allegations of the staff member’s involvement, while in nine other cases, the evidence obtained by OIOS was insufficient to support the staff members’ involvement. ...

In respect of the remaining nine cases, the evidence obtained by OIOS indicated that the UNRWA staff members may have been involved in the

⁷² UNRWA, “Serious Allegations against UNRWA Staff in the Gaza Strip” (26 January 2024), available at <https://www.unrwa.org/newsroom/official-statements/serious-allegations-against-unrwa-staff-gaza-strip>.

⁷³ “Statement by the Secretary-General — on UNRWA” (5 February 2024), available at <https://www.un.org/sg/en/content/sg/statement/2024-02-05/statement-the-secretary-general-%E2%80%93-unrwa>.

⁷⁴ Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, “Final Report for the United Nations Secretary-General” (20 April 2024), available at https://www.un.org/unispal/wp-content/uploads/2024/04/unrwa_independent_review_on_neutrality.pdf?_gl=1*1ictfrfq*_ga*MTE0Mzc1MTA1Ny4xNzI3MzYxNjgw*_ga_TK9BQL5X7Z*MTcyOTcwMDY5Ny40LjEuMTcyOTcwMDkwNS4wLjAuMA.*_ga_S5EKZKSB78*MTcyOTcwMDY5Ny4xLjEuMTcyOTcwMDkwNS41NC4wLjA, p. 22.

armed attacks of 7 October 2023. The employment of these individuals will be terminated in the interests of the Agency.”⁷⁵

20. Despite Israel’s allegations not having been proven⁷⁶ in respect of any members of UNRWA staff and no fault having been found on behalf of UNRWA itself, the mere fact that the allegations had been made seriously undermined UNRWA’s operations. In the days and weeks after the allegations, 16 UN member States suspended or paused their funding of UNRWA, and others subjected their ongoing funding to new conditions.⁷⁷

iii. Israel’s legislative reform to prevent UNRWA from operating in the OPT

21. On 28 October 2024, the Israeli Knesset approved two bills which thereby became the Law for the Cessation of UNRWA Activities in the State of Israel (2024) and the Law for the Cessation of UNRWA Activities (2024) (together, ‘**the Israeli UNRWA Laws**’).⁷⁸ Under these Laws:

- (a) UNRWA “shall not operate any representation, provide any services, or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel”;⁷⁹
- (b) Israeli government authorities, “including bodies and individuals performing public duties according to law, shall not have any contact with UNRWA or any of its representatives”;⁸⁰ and

⁷⁵ UNRWA, “Note to Correspondents — on the OIOS Investigation of UNRWA” (5 August 2024), available at <https://www.unrwa.org/newsroom/official-statements/note-correspondents-%E2%80%93-oios-investigation-unrwa>.

⁷⁶ As set out above, even as regards the nine staff members whose employment was terminated, the investigation stated only that they “may” have been “involved”.

⁷⁷ Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, “Final Report for the United Nations Secretary-General” (20 April 2024), available at https://www.un.org/unispal/wp-content/uploads/2024/04/unrwa_independent_review_on_neutrality.pdf?_gl=1*1ictrfq*_ga*MTE0Mzc1MTA1Ny4xNzI3MzYxNjgw*_ga_TK9BQL5X7Z*MTcyOTcwMDY5Ny40LjEuMTcyOTcwMDkwNS4wLjAuMA.*_ga_S5EKZKSB78*MTcyOTcwMDY5Ny4xLjEuMTcyOTcwMDkwNS41NC4wLjA, p. 3.

⁷⁸ An unofficial translation of both laws are contained in Letter from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024).

⁷⁹ Law for the Cessation of UNRWA Activities in the State of Israel (2024), section 2 (unofficial translation in Letter from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024)).

⁸⁰ *Ibid.*

- (c) The “invitation” for UNRWA to operate in Israel’s territory based on the Exchange of Letters Constituting a Provisional Agreement between UNRWA and Israel Concerning Assistance to Palestine Refugees of 14 June 1967 (**‘the Exchange of Letters’**)⁸¹ “shall expire on 7 October 2024”.⁸²
22. The Law for the Cessation of UNRWA Activities also provides that nothing in the legislation “shall ... negate any criminal proceedings against UNRWA employees, including proceedings related to the events of 7 October 2023, or the Iron Swords War, or any other criminal proceedings under the provisions of the Counter-Terrorism Law, 2016, or the exercise of powers against them in such proceedings”.⁸³ This term appears to contemplate criminal proceedings being commenced against UNRWA personnel, including potentially in connection with their activities carried out for and on behalf of UNRWA.
23. The passage of the Israeli UNRWA Laws was uniformly condemned by the UN Secretary-General,⁸⁴ the UN Security Council,⁸⁵ and the UN General Assembly.⁸⁶ As

⁸¹ The Exchange of Letters (620 UNTS 183) is included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N283.

⁸² Law for the Cessation of UNRWA Activities (2024), section 1(a) (unofficial translation in Letter from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024)).

⁸³ *Ibid.*, section 3.

⁸⁴ Letter from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024), p. 3 (“I am sending a letter to the Prime Minister of Israel expressing my serious concerns regarding the adoption of the two laws and calling upon his Government to continue to allow and facilitate UNRWA operations, as mandated by the General Assembly, and to respect the obligations of Israel under international law”); Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, UN Doc. A/79/684-S/2024/892 (9 December 2024); Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, UN Doc. A/79/716-S/2025/18 (8 January 2025).

⁸⁵ Security Council Press Statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA), UN Doc. SC/15874 (30 October 2024), available at <https://press.un.org/en/2024/sc15874.doc.htm> (“The members of the Security Council expressed their grave concern over legislation adopted by the Israeli Knesset. In this regard, they urged the Israeli Government to abide by its international obligations, respect the privileges and immunities of UNRWA and live up to its responsibility to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza strip, including the provision of sorely needed basic services to the civilian population”).

⁸⁶ United Nations General Assembly Resolution ES-10/25, “Support for the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”, UN Doc. A/RES/ES-10/25 (11 December 2024), para. 2 (“Deplores the legislation adopted by the Israeli Knesset on 28 October 2024, and calls upon the Israeli Government to abide by its international obligations, respect the privileges and immunities of the Agency and uphold its responsibility to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza Strip, including the provision of sorely needed basic services to the civilian population”).

was made clear at the time they were passed, these Laws (if fully implemented) would effectively prevent UNRWA from performing its activities throughout the OPT.⁸⁷

24. Despite these reactions confirming the unlawfulness of Israel's actions and the dire humanitarian consequences they would unleash, on 3 November 2024 the Director General of Israel's Ministry of Foreign Affairs wrote to the President of the UN General Assembly, purporting to withdraw the Exchange of Letters.⁸⁸
25. Both of the Israel UNRWA Laws were, according to their terms, due to take effect after three months, namely on 28 January 2025. UNRWA has reported that they have started being implemented, including in the form of a "no-contact policy" imposed between UNRWA and the Israeli authorities and a decision by Israeli authorities not to renew the visas of certain UNRWA staff who were therefore forced to leave East Jerusalem on 29 January 2025.⁸⁹ As addressed below, Israel has taken additional steps to implement the legislation.

iv. Israel's refusal to grant UNRWA tax exemptions

26. In recent months, Israel has failed to give UNRWA tax relief to which it is entitled under international law, including with respect to imports of materials vital to its work.⁹⁰

⁸⁷ Letter from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024), p. 1; Letter from UNRWA Commissioner General Philippe Lazzarini to the President of the United Nations General Assembly Mr Philémon Yang (29 October 2024), available at <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-president-united-nations>.

⁸⁸ Letter from Director General of Ministry of Foreign Affairs of Israel, Letter to President of UN General Assembly (3 November 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N302.

⁸⁹ UNRWA, "UNRWA Situation Report #158 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem" (7 February 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-158-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁹⁰ For example, on 6 November 2024 the Jerusalem Customs Office decided not to grant UNRWA exemption from import taxes on its import of computers and laptops, despite these being articles for UNRWA's official use: Note verbale from Office of Legal Affairs of the United Nations to Ministry of Foreign Affairs of Israel (18 November 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N303, p. 2. On 20 November 2024, Israeli authorities rejected a request by UNRWA for approval from the competent authorities of Israel for the importation without tax of a shipment containing pharmaceuticals to be distributed at UNRWA's clinics in the West Bank: Note verbale from Office of Legal Affairs of the United Nations to Ministry of Foreign Affairs of Israel (4 December 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N305, p. 2.

v. Israel's request that UNRWA terminate its activities and eviction of UNRWA from its premises

27. On 24 January 2025, the day before the Israeli UNRWA Laws were due to come into effect, Israel's Permanent Representative to the UN wrote to the UN Secretary-General informing him that UNRWA was required to cease all of its operations under the Exchange of Letters. He wrote:
- “In accordance with applicable Israeli law, including the [Israeli UNRWA Laws], and following the termination of the aforementioned Provisional Agreement [i.e. the Exchange of Letters], UNRWA is required to cease its operations in Jerusalem, and evacuate all premises in which it operates in the city, no later than 30 January 2025.”⁹¹
28. The reference to Jerusalem without limitation indicates that Israel considers that the Israeli UNRWA Laws apply throughout Jerusalem (and potentially other parts of the OPT), despite the Court's findings in the *Policies and Practices Opinion* that Israel is not entitled to exercise sovereignty over or to exercise sovereign powers in any part of the OPT on account of its occupation.⁹²
29. On 17 February 2025, the Commissioner-General of UNRWA confirmed that UNRWA was “compelled to evacuate its compound in Sheikh Jarrah” in East Jerusalem and that “[i]nternational staff have been effectively expelled from the occupied West Bank”.⁹³
30. Certain of UNRWA's other premises have faced other affronts by Israeli authorities. For example, in respect of the West Bank, UNRWA reported on 13 February 2025 that “Israeli Security Forces (ISF) used the UNRWA Arroub Camp Health Centre (near Bethlehem) as a temporary detention site during a search and arrest operation on 12 February”, having “forcibly entered the health centre and used it for the detention and

⁹¹ Letter from Ambassador Danny Danon, Permanent Representative of Israel to the United Nations, to the Secretary-General of the United Nations (24 January 2025), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N307, p. 2. Without limiting the demand that UNRWA evacuate all premises, it drew attention “without prejudice” to “two properties in particular, in which UNRWA is currently operating in Jerusalem — the property located in the Maalot Dafna neighborhood, where UNRWA has been operating its Jerusalem headquarters; and the property in the neighborhood of Kfar Aqueb”.

⁹² *Policies and Practices Opinion*, paras. 254, 256, 262.

⁹³ UNRWA, “Statement by Philippe Lazzarini, Commissioner-General of UNRWA, at the Fourth Meeting of the Global Alliance for the Implementation of the Two-State Solution” (17 February 2025), available at <https://www.unrwa.org/newsroom/official-statements/statement-philippe-lazzarini-commissioner-general-unrwa-fourth-meeting>.

interrogation of tens of Palestinian residents rounded up in the camp”.⁹⁴ UNRWA noted that the implementation of the Israeli UNRWA Laws has complicated resolution of this incident stating, “Since 30 January and the implementation of Knesset laws, including a no-contact policy between UNRWA and Israeli authorities, the Agency is no longer able to engage with Israeli officials and directly report and deconflict such incidents as they occur.”⁹⁵

2. Israel’s relevant obligations under international law

a. Israel’s obligations as occupying power

31. As noted in the *Policies and Practices Opinion*, “Israel’s powers and duties in the [OPT] are governed by ... the Fourth Geneva Convention”.⁹⁶ Given that, in situations of occupation, an international armed conflict exists, Israel is also bound by Additional Protocol I.
32. The key obligations of Israel which are addressed below are:
 - (a) Obligations to ensure the availability of humanitarian supplies (Articles 55 and 59 of the Fourth Geneva Convention);
 - (b) An obligation to allow relief societies to pursue their humanitarian activities (Article 63 of the Fourth Geneva Convention);
 - (c) Obligations owed towards personnel participating in relief actions in occupied territory (Article 71 of Additional Protocol I); and
 - (d) Obligations owed under human rights treaties.

⁹⁴ UNRWA, “The West Bank: Israeli Security Forces use UNRWA Health Centre as temporary detention site in southern West Bank in violation of international law” (13 February 2025), available at <https://www.unrwa.org/newsroom/official-statements/west-bank-israeli-security-forces-use-unrwa-health-centre-temporary-detention-site-southern-West-Bank>.

⁹⁵ *Ibid.*

⁹⁶ *Policies and Practices Opinion*, para. 96.

i. Israel's obligations to ensure the availability of humanitarian supplies within the OPT

33. As occupying power, Israel bears several obligations directed towards ensuring that the civilian population within the occupied territory has sufficient access to humanitarian supplies.
34. Article 55 of the Fourth Geneva Convention states in relevant part:
- “To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.”
35. There is no doubt that “food” and “foodstuffs” extends to water supplies.⁹⁷ Article 55 confers a “continuing duty” to ensure that “necessary” (i.e. adequate) supplies are available.⁹⁸ Adequacy of water is assessed with reference to quantity and quality.⁹⁹
36. The obligation is to be broadly construed.
- (a) The phrase “to the fullest extent” is clearly intended to impose a demanding obligation. This language may be contrasted with the language of other obligations in the Fourth Geneva Convention which require a State party to “take into account” or have “due regard” to certain factors.¹⁰⁰ The broad scope of these words was emphasised during the negotiations of what became Article 69 of Additional Protocol I, which sets out a complementary obligation of

⁹⁷ *Policies and Practices Opinion*, para. 124 (“the occupying Power has the continuing duty to ensure that the local population has an adequate supply of foodstuffs, including water (Article 55 of the Fourth Geneva Convention)”). See also the International Committee of the Red Cross (‘ICRC’), Commentary on the Fourth Geneva Convention (1958), available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949?activeTab=1949GCs-APs-and-commentaries> (‘ICRC GCIV Commentary’) on Article 55 (available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-55/commentary/1958>) (“Supplies for the population are not limited to food, but include medical supplies and any article necessary to support life”).

⁹⁸ *Policies and Practices Opinion*, para. 124 (Article 55 confers a “continuing duty to ensure that the local population has an adequate supply of foodstuffs, including water”). Consistent with this position, see the observation in the ICRC GCIV Commentary (at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-55/commentary/1958>) that Article 55 places the occupying power “under a definite obligation to maintain at a reasonable level the material conditions under which the population of the occupied territory lives”.

⁹⁹ *Policies and Practices Opinion*, para. 133 (referring to the obligation to “ensure the availability of water in sufficient quantity and quality”).

¹⁰⁰ See e.g., Fourth Geneva Convention, Articles 9, 95.

occupying powers with regard to other humanitarian supplies¹⁰¹: there, it was specified that the phrase established a “positive, complete requirement” to use all means available to provide the supplies in question.¹⁰² Clearly, it would be anathema to this obligation if the occupying power were to *hinder* the movement of water and other humanitarian supplies into and across the occupied territory.

- (b) The words “means available” are sufficiently broad to include assistance from third parties such as humanitarian organisations if that will be effective in achieving the objective of Article 55.¹⁰³ This is supported by the context: Article 59 of the Fourth Geneva Convention (addressed below) specifically refers to relief schemes “which may be undertaken either by States or by impartial humanitarian organizations”. Cooperation of this sort was clearly envisaged as one of the means available for ensuring the adequacy of supplies for the civilian population of an occupied territory. While the occupying power retains a discretion as to which “means” are used, that discretion is subject to the satisfaction of the general duty to ensure, “to the fullest extent”, the adequacy of supplies including water.

37. Article 59 provides as follows:

“If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal. [**Article 59(1)**]¹⁰⁴”

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the

¹⁰¹ Article 69(1) of Additional Protocol I provides: “In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.” Article 68 of Additional Protocol I explains that “[t]he provisions of this Section” (which includes Article 69) “apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention”.

¹⁰² ICRC Commentary on Additional Protocol I (1987), available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949?activeTab=1949GCs-APs-and-commentaries> (‘ICRC API Commentary’) on Article 69, footnote 3 (citing O.R. XII, p. 335, CDDH/II/SR.87, para. 20).

¹⁰³ See the ICRC GCIV Commentary on Article 55, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-55/commentary/1958> (“it does not matter whether it comes from its own national territory or from any other country — allied, neutral or even enemy”).

¹⁰⁴ The paragraphs of Article 59 are not numbered in the original text. Numbers are attributed here for ease of reference.

Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing. [**Article 59(2)**']

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection. [**Article 59(3)**']

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power. [**Article 59(4)**']"

38. The 'supplies' referred to in Article 59 are not circumscribed, and in any event, water is encompassed within "foodstuffs" which is included in the illustrative list in Article 59(2).¹⁰⁵ Four core aspects of Article 59 are addressed below.

39. First, the occupying power must ("shall") agree to relief schemes on behalf of the local population (Article 59(1)):

(a) This obligation is without condition or qualification; the occupying power has "no latitude to withhold consent"¹⁰⁶ to the relief scheme. It may be contrasted

¹⁰⁵ See para. 35 above, citing *Policies and Practices Opinion*, para. 124. This position was set out in the Maldives' 2023 Written Statement, footnote 83. See further the ICRC GCIV Commentary on Article 59, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-59/commentary/1958?activeTab=1949GCs-APs-and-commentaries> ("The paragraph mentions in particular foodstuffs, medical supplies and clothing; consignments need not be restricted to these items but must have the character of relief supplies. Three categories of relief have been mentioned specifically because they are of vital importance and the Occupying Power would be justified in refusing to accept any consignments not urgently needed to feed the population").

¹⁰⁶ Dapo Akande and Emanuela-Chiara Gillard (eds), *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict* (commissioned and published by United Nations Office for the Co-ordination of Humanitarian Affairs, 2016), available at <https://www.unocha.org/sites/unocha/files/dms/Documents/Oxford%20Guidance%20Conclusions%20pdf.pdf> ('UN OCHA (Akande and Gillard)'), para. 32. See the ICRC database of rules of customary IHL (available at <https://ihl-databases.icrc.org/en/customary-ihl>) ('ICRC Customary IHL'), Rule 55 (available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule55>) ("If it is established that a civilian population is threatened with starvation and a humanitarian organization which provides relief on an impartial and non-discriminatory basis is able to remedy the situation, a party is obliged to give consent"). See further Twenty-Sixth International Conference of the Red Cross and Red Crescent (1995), Resolution 2, available at <https://library.icrc.org/library/docs/DOC/irrc-817-resolutions-ic-eng.pdf>, section E(b) (stressing "the obligation to accept, under the conditions prescribed by international humanitarian law, impartial humanitarian relief operations for the civilian population when it lacks supplies essential to its survival").

with situations other than in occupied territories where ‘agreement’ or ‘consent’ to relief operations is required.¹⁰⁷

- (b) The relief scheme may be provided by: (i) States; or (ii) impartial humanitarian organisations (Article 59(2)). The requirement that a humanitarian organisation be “impartial” denotes that it must not be acting on behalf of a party to the conflict and that it must bring relief to the local population without any adverse distinction.¹⁰⁸ The provision is “general enough to cover any institutions or organizations capable of acting effectively and worthy of trust”.¹⁰⁹
- (c) Although an occupying power may select which actor(s) may conduct a relief operation, it must have regard to what is the most effective way to ensure the civilian population receives the supplies.¹¹⁰

40. Second, the occupying power must (“shall”) facilitate the relief schemes “by all the means at its disposal” (Article 59(1)).

- (a) This is a positive obligation requiring proactive engagement (as compared to, for example, the obligation under Article 38(1) of the Fourth Geneva Convention which is to “receive” relief that “may be sent”¹¹¹).
- (b) The obligation implies that there shall be no undue delay to the relief scheme. This is expressly reinforced by Article 61 of the Fourth Geneva Convention

¹⁰⁷ See Additional Protocol I, Article 70, providing that in circumstances “other than occupied territory” relief actions are “subject to the agreement of the Parties concerned in such relief actions”. See further Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), signed 8 June 1977, 1125 UNTS 609 (entered into force 7 December 1978), Article 18 providing that relief actions are “subject to the consent of the High Contracting Party concerned”.

¹⁰⁸ See, e.g., XXth International Conference of the Red Cross, Resolution IX, “Proclamation of the Fundamental Principles of the Red Cross”, available at https://library.icrc.org/library/docs/CI/CI_1965_RAPPORT_ENG.pdf (**‘Proclamation of the Fundamental Principles of the Red Cross’**) (describing “impartiality” as meaning “[i]t makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress”).

¹⁰⁹ See ICRC GCIV Commentary on Article 59, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-59/commentary/1958?activeTab=>.

¹¹⁰ UN OCHA (Akande and Gillard) para. 33 (“[an occupying power] is, however, entitled ... to decide which actors may conduct the humanitarian relief operations, provided the needs of the civilian population are met in a principled manner”).

¹¹¹ Article 38 addresses “non-repatriated persons” and states *inter alia* that “[t]hey shall be enabled to receive the individual or collective relief that may be sent to them”. See also Article 108 (addressing relief shipments for internees that they “shall be allowed to receive”).

which states that with respect to “the distribution of relief consignments” referred to in *inter alia* Article 59, the Occupying Power “shall facilitate” their “rapid distribution”.¹¹²

41. Third, the occupying power must (“shall”) permit the “free passage” of the relevant consignments (Article 59(3)):
- (a) This obligation is framed with reference to “[a]ll Contracting Parties” and thus includes the occupying power (consistent with the object and purpose of Article 59). It would therefore apply to supplies that are entering and/or traversing either the territory of an occupying power or the territory it is occupying.
 - (b) The ordinary meaning of the term “free” implies that passage is to be unimpeded. Accordingly, there must be no blockade, and administrative procedures and other formalities should be reduced and eliminated as far as possible.¹¹³ In particular, Article 61 of the Fourth Geneva Convention specifies that relief consignments “shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory”.
 - (c) The right created in Article 59(4) *inter alia* to search and regulate the passage of humanitarian consignments is not enjoyed by an occupying power. This is because the right is enjoyed by “[a] Power granting free passage to consignments on their way to *territory occupied by an adverse Party to the conflict*” (emphasis added). On its plain meaning, this language does not appear to capture an occupying power granting free passage to consignments on their way to territory occupied by that occupying power itself.
42. Fourth, the occupying power must (“shall”) guarantee the protection of the relevant consignments (Article 59(3)). Accordingly, the occupying power must not only refrain

¹¹² Article 60 addresses the diversion of relief consignments from the purposes for which they are intended, which is not of central relevance to the present proceedings.

¹¹³ Consistent with this position see UN OCHA (Akande and Gillard), para. 56 (“Administrative procedures and formalities and other technical arrangements must be applied in good faith and their nature, extent, and impact must not prevent the rapid delivery of humanitarian relief in a principled manner”).

from attacking or confiscating the relief consignments, but must also positively act to protect them, including when they are exposed to danger through military operations.¹¹⁴

43. Applying Articles 55 and 59 to the present context:

- (a) The quality and quantity of water available to the Palestinian civilian population in the OPT is woefully inadequate. This is true in both the West Bank and, even more acutely, in Gaza.¹¹⁵
- (b) Israel as the occupying power is therefore under an obligation to “bring in” the necessary water supplies (Article 55) and to agree to relief schemes for the provision of water through a relief scheme on behalf of the local population (Article 59).
- (c) UNRWA provides a “means” for ensuring an adequate supply of water to the OPT within the meaning of Article 55. UNRWA assistance is clearly “available” to Israel, noting the mandate of UNRWA pursuant to repeated resolutions of the UN General Assembly (as to which see para. 65 below).
- (d) Further, UNRWA is an impartial humanitarian organisation¹¹⁶ that is able to provide a relief scheme.
- (e) In practice, UNRWA has been widely recognised as the only organisation capable of meeting the humanitarian needs of Palestinians in the OPT.¹¹⁷
- (f) Accordingly, Israel must not impose unreasonable restrictions hindering the effective supply of water to the Palestinian civilian population. Further, under Article 59, Israel is obliged to facilitate the relief schemes offered by UNRWA (as the only body realistically able to provide such schemes) “by all the means at its disposal”. This requires it to engage proactively in assisting the provision of relief by UNRWA (including with respect to transport, storage facilities and

¹¹⁴ See ICRC GCIV Commentary on Article 59, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-59/commentary/1958?activeTab=1949GCs-APs-and-commentaries>; “The obligation to authorize the free passage of relief consignments is accompanied by the obligation to guarantee their protection. It will not be enough merely to lift the blockade and refrain from attacking or confiscating the goods. More than that will be required: all the States concerned must respect the consignments and protect them when they are exposed to danger through military operations.”

¹¹⁵ See Section 1(a) above.

¹¹⁶ See paras. 12, 18–19 above.

¹¹⁷ See Section 1(b) above.

administrative and procedural requirements) and, naturally, *not* to prevent or impede the free passage of the relief providing by UNRWA (whether by attacking UNRWA premises and other locations where water supplies are being delivered to civilians,¹¹⁸ by legislating to prevent UNRWA from operating in the OPT,¹¹⁹ by requiring UNRWA to leave its premises,¹²⁰ or by any other means¹²¹). Under Article 59, it must act positively to protect humanitarian consignments when they are exposed to danger through military operations. UNRWA has specifically brought Israel's attention to violations of these obligations. For example, when Israeli forces fired towards United Nations inter-agency humanitarian aid convoy led by UNRWA on 28 December 2023, UNRWA's Commissioner-General emphasised in his letter that "the State of Israel as the Occupying Power in the Gaza strip must ensure that the population has access to and is provided with the essentials for survival" including "fuel, food, medicine, water and hygiene material".¹²²

ii. Article 63 of the Fourth Geneva Convention

44. Article 63 provides as follows:

"Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

- (a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;
- (b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which

¹¹⁸ See Section 1(c)(i) above.

¹¹⁹ See Section 1(c)(iii) above.

¹²⁰ See Section 1(c)(v) above.

¹²¹ See further Section 1(c) above for the numerous ways in which Israel has interfered with UNRWA's operations in the OPT.

¹²² Letter from the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Philippe Lazzarini, to Major General Ghassan Alian, Head, Coordinator of Government Activities in the Territories, Ministry of Defence, Israel (31 December 2023), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N295, p. 3.

may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.”

45. Three key points are as follows.
46. First, Article 63 applies not only with respect to recognised National Red Cross Societies but to: (i) “other relief societies” engaged in “humanitarian activities”; and (ii) “the activities and personnel of special organizations of a non-military character” having the “purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues”.¹²³
47. Second, Article 63 confers on occupying powers two obligations:
 - (a) A “relief society” other than a National Red Cross Society must be permitted to continue its humanitarian activities under “similar conditions” to those set out in relation to National Red Cross Societies. In particular, reference is made to the “Red Cross principles, as defined by the International Red Cross Conferences”. The core principles which would apply to other “relief societies” include: (i) humanity (i.e., preventing and alleviating human suffering); (ii) impartiality (i.e., acting without discrimination and guided solely by the needs of individuals); (iii) neutrality (i.e., not taking sides in hostilities or engaging in political, racial, religious or ideological controversies); (iv) independence (i.e., remaining autonomous from any one government); and (v) voluntary service (i.e., not being prompted by desire for gain).¹²⁴ Provided that a “relief society” complies with such principles, they must (“shall”) “be able to pursue their activities” in occupied territory. Accordingly, the occupying power cannot act so as to disrupt or otherwise impede those humanitarian activities of the

¹²³ Cf Article 30 which refers only to the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society and “any organization that might assist them”. A proposal by the Netherlands that Article 63 should be limited to “relief societies duly recognized and authorized by their Governments” was not included: Final Record of the Diplomatic Conference of Geneva of 1949, Vol. III, available at https://tile.loc.gov/storage-services/service/l1/lmlp/Dipl-Conf-1949-Final_Vol-3/Dipl-Conf-1949-Final_Vol-3.pdf, p. 63.

¹²⁴ Proclamation of the Fundamental Principles of the Red Cross, cited above. See also the Handbook of the International red Cross and Red Crescent Movement (14th ed, 2008), available at <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-0962.pdf>, p. 2 of PDF.

organisation,¹²⁵ such as by depriving the organisation of the property and material means necessary for carrying out their task.¹²⁶

- (b) Further, the occupying power cannot make “any changes in the personnel or structure” of the organisation, which would “prejudice” its humanitarian activities.

48. Third, the duty is subject to a narrow condition. The activities of a relief society may be restricted by “temporary and exceptional measures” (i.e., imposing a limitation of both time and nature) which are “imposed for urgent reasons of security by the Occupying Power” (i.e., imposing two further limitations: that the reason is one of security and also that there is urgency). The occupying power cannot rely upon reasons of security to justify the general suspension of all humanitarian activities in an occupied territory.¹²⁷

49. Applying those aspects to the present context:

- (a) Article 63 applies to UNRWA, being a “relief society”. Accordingly, UNRWA must be permitted to pursue its activities, including with respect to the provision of WASH services.
- (b) Israel cannot disrupt or otherwise impede the humanitarian activities of UNRWA. There are several actions it has taken which violate this duty, including carrying out attacks against UNRWA, legislating to prevent its

¹²⁵ As explained by the Belgian delegation during the negotiations of Article 63: “It is essential, in the interests of the civil population, that there should be no interruption in the functioning of special services created to meet the contingencies of conflicts which are steadily developing into total warfare, so that a minimum of protection may be ensured to persons who are not regarded as engaged in active military operations”. See Final Record of the Diplomatic Conference of Geneva of 1949, Vol. III, available at https://tile.loc.gov/storage-services/service/ll/llmlp/Dipl-Conf-1949-Final_Vol-3/Dipl-Conf-1949-Final_Vol-3.pdf, p. 138.

¹²⁶ See the ICRC GCIV Commentary on Article 63, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-63/commentary/1958?activeTab=1949GCs-APs-and-commentaries> (“the Convention is above all concerned with people; this particular provision, however, postulates that the occupation authorities must not paralyse National Societies by depriving them of the property and material means necessary for carrying out their task. It may be concluded from this that the property of the Societies will not be subject to requisition, except in case of absolute necessity and only as a temporary measure; in any case, such requisitioning cannot be allowed to interfere with the essential principle of the continuity of their humanitarian action”).

¹²⁷ *Ibid.* (“The Occupying Power may not use the reservation lightly. Its security must be threatened by some real danger. The nature of the measures it may adopt will depend upon the situation, and they will only continue as long as the circumstances leading to their adoption subsist. It must be emphasized that under no circumstances may the occupation authorities invoke reasons of security to justify the general suspension of all humanitarian activities in an occupied territory”).

operation in the OPT, demanding that it evacuate its premises, and refusing the exemptions from levies and other dues to which it is entitled.¹²⁸

- (c) Israel cannot make changes in the personnel or structure of UNRWA.
- (d) Although in principle Israel is entitled to depart from this obligation by imposing “temporary and exceptional measures ... for urgent reasons of security”, this is a circumscribed entitlement. It does not enable either attacks on sites being used for the delivery of humanitarian aid, and nor does it permit legislation which has as its objective or effect the permanent dismantling of UNRWA and/or suppression of its activities.

iii. Article 71 of Additional Protocol I

- 50. Article 71 of Additional Protocol I addresses the personnel who form part of the assistance provided in any relief action in occupied territory, in particular for the transportation and distribution of relief consignments. Three key aspects of Article 71 are noted for present purposes.
- 51. First, the core of the obligation is that “[s]uch personnel shall be respected and protected” (Article 71(2)). This is a broadly framed obligation which includes a requirement not to direct attacks or commit other forms of violence against the personnel in question.¹²⁹
- 52. Second, under Article 71(3) the occupying power “shall, to the fullest extent practicable, assist the relief personnel” in “carrying out their relief mission”. The notion of providing assistance “to the fullest extent practicable” is akin to the duty to facilitate “by all the means at [a State’s] disposal” addressed at paragraph 40 above¹³⁰ and the language in Article 55 addressed at paragraph 36 above, and would include ensuring the personnel’s freedom of movement.¹³¹ Article 71(3) contains a limited and temporary exception to this obligation, which is that “*only* in case of *imperative military*

¹²⁸ See Section 1(c) above.

¹²⁹ UN OCHA (Akande and Gillard), para. 78.

¹³⁰ The example given in the ICRC API Commentary on Article 71 (available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-71/commentary/1987>) with respect to assistance under Article 71 is simplifying administrative formalities.

¹³¹ See consistent with this position, ICRC Customary IHL Database, Rule 56, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule56> (“The parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions”, citing Article 71(3) of the Additional Protocol I in support).

necessity ... the activities of the relief personnel [may] be *limited* or their movements *temporarily* restricted” (emphasis added). Termination of the activities of an individual (“any of the personnel”) is permissible in circumstances where that individual has exceeded the terms of the relief mission (Article 71(4)).

53. Third, Article 71(1) provides that the participation of such personnel “shall be subject to the approval of the Party in whose territory they will carry out their duties”. The Maldives accepts that, in the case of occupied territory, it is the occupying power whose approval is relevant here.¹³² However, the approval cannot be arbitrarily withheld and is subject to the overriding obligation of the occupying power to ensure the relevant supplies for the civilian population (Article 55) and to facilitate relief schemes (Article 59).¹³³
54. Applying Article 71 to the present context:
- (a) Israel has an obligation to protect and respect, and to the fullest extent practicable to assist, personnel involved in relief actions in the OPT, including UNRWA personnel. It must refrain from attacking them and must allow them to move freely throughout the territory.
 - (b) Given the urgent and dire need for humanitarian assistance in the OPT (including in respect of access to water) and UNRWA’s unique ability to provide such assistance, it would be arbitrary for Israel to withhold approval for UNRWA as a whole.
 - (c) To the extent that Israel objects to the participation of *specific* UNRWA personnel, its concerns can be addressed in a targeted manner, as they were

¹³² See the ICRC API Commentary on Article 71 (available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-71/commentary/1987>) (“participation of relief personnel “shall be subject to the approval of the Party in whose territory they will carry out their duties”. This should be interpreted to mean the Party which exercises control over this territory, e.g., in the case of occupied territories, the Occupying Power, and not the Party whose territory is occupied”).

¹³³ See UN OCHA (Akande and Gillard), para. 49 (“Consent is withheld arbitrarily if (i) it is withheld in circumstances that result in the violation by a state of its obligations under international law with respect to the civilian population in question; or (ii) the withholding of consent violates the principles of necessity and proportionality; or (iii) consent is withheld in a manner that is unreasonable, unjust, lacking in predictability or that is otherwise inappropriate”). Examples are provided at para. 51 and include “[w]ithholding of consent to humanitarian relief operations that violates fundamental human rights as applicable in situations of armed conflict”, which in turn “includes withholding consent in circumstances where doing so would ... prevent the satisfaction of the minimum core of relevant economic, cultural, and social rights, such as the rights to an adequate standard of living, and to essential health and medical services”.

when the UN Secretary-General set up two independent investigations into UNRWA personnel following Israel’s allegations of their involvement in the attacks of 7 October 2023. Those investigations did not reveal any facts that impugned UNRWA as a whole or would justify a termination of UNRWA’s activities in their totality.¹³⁴

iv. Obligations pursuant to applicable human rights treaties

55. The protection offered by human rights conventions continues to apply in international armed conflict, except in cases where a derogation is validly brought into effect.¹³⁵ An occupying power owes human rights obligations throughout the occupied territory.¹³⁶ The Court has specifically confirmed that the human rights obligations owed by Israel in the OPT include¹³⁷ those set out in the ICESCR and the CRC.¹³⁸ Both of those treaties have relevance for the present submission in three respects.¹³⁹
56. First, both the ICESCR and the CRC enshrine a right of access to water.
 - (a) Pursuant to Article 11 of the ICESCR, Israel is obliged to “take appropriate steps to ensure the realization” of the “right of everyone to an adequate standard of living for himself and his family”.¹⁴⁰ Under Article 12, Israel is obliged to take steps to “achieve the full realization” of the “right of everyone to the

¹³⁴ See Section 1(c)(ii) above.

¹³⁵ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, p. 136 at p. 178, para. 106.

¹³⁶ *Policies and Practices Opinion* para. 99, citing *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 178, para. 106; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, ICJ Reports 2005, p. 168 at p. 231, para. 178.

¹³⁷ As regards the applicability of the Convention on the Prevention and Punishment of the Crime of Genocide, the Maldives notes that on 1 October 2024 it submitted a declaration of intervention under Article 63 of the ICJ Statute in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

¹³⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, p. 136 at pp. 177–181, paras. 102–113. See also *Policies and Practices Opinion*, para. 100.

¹³⁹ Notably, during the drafting of the CRC, regard was had to the content of the ICESCR: OHCHR, *Legislative History of the Convention on the Rights of the Child* (OHCHR 2007), available at <https://digitallibrary.un.org/record/602462?ln=en&v=pdf>, Vol II, p. 598.

¹⁴⁰ Article 11(1) provides in full as follows: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent”. Article 11(2) addresses steps to be taken with respect to the right to be free from hunger.

enjoyment of the highest standard of physical and mental health”.¹⁴¹ Access to an adequate supply of clean, safe water is clearly essential for securing an “adequate standard of living” and for “physical and mental health”.¹⁴² Accordingly, the UN Committee on Economic, Social and Cultural Rights (**‘the CESCR’**) has previously urged Israel to “take immediate steps” to “ensure equitable access to and distribution of water to all populations living in the occupied territories”.¹⁴³

- (b) Article 24(1) of the CRC requires that States Parties “recognize the right of the child to the enjoyment of the highest attainable standard of health”.¹⁴⁴ Under Article 24(2), “States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures”, with those measures including measures “[t]o combat disease and malnutrition, ... through the provision of ...

¹⁴¹ Article 12 provides in full as follows:

- “1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness”.

¹⁴² See, e.g., United Nations General Assembly Resolution 70/169, “The human rights to safe drinking water and sanitation”, UN Doc. A/RES/70/169 (22 February 2016), para. 1 (“the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living are essential for the full enjoyment of the right to life and all human rights”); Committee on Economic, Social and Cultural Rights (**‘CESCR’**), General Comment No. 15, “The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)”, UN Doc. E/C.12/2002/11 (20 January 2003), para. 3 (“Article 11, paragraph 1, of the Covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living ‘including adequate food, clothing and housing’. The use of the word ‘including’ indicates that this catalogue of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. ... The right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para. 1) and the rights to adequate housing and adequate food (art. 11, para. 1)”) (internal citations omitted). See also para. 11 (“The elements of the right to water must be adequate for human dignity, life and health, in accordance with articles 11, paragraph 1, and 12”), with para. 12 explaining that the adequacy of water may be assessed with reference to availability, quality and accessibility. Consistent with this position is the Maldives’ 2023 Written Statement, para. 40.

¹⁴³ CESCR, Concluding Observations: Israel, UN Doc. E/C.12/1/Add.90 (26 June 2003), para. 41. See also See other CESCR Concluding Observations with respect to Israel: UN Doc. E/C.12/ISR/CO/3 (16 December 2011), para. 29; UN Doc. E/C.12/PSE/CO/1 (1 November 2023), para. 50.

¹⁴⁴ Article 24(1) reads in full as follows: “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.”

clean drinking-water” (Article 24(2)(c)). The Maldives highlighted the horrific impact the lack of access to clean water has on children in its submissions in the proceedings relating to the *Policies and Practices Opinion*.¹⁴⁵

57. Second, States parties must (under both the ICESCR and the CRC) ensure the full realisation of the rights in the treaties, including the right to water. This conditions the discretion which they have in determining which steps are taken to achieve this right.

(a) Under ICESCR, the reference to “realization” in Article 11 is consistent with the obligation in Article 2(1) that a State party must take steps “with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means”. The steps taken “should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant”.¹⁴⁶ The CESCR has emphasised that “States have a constant and continuing duty under the Covenant to move as expeditiously and effectively as possible towards the full realization of the right to water”,¹⁴⁷ emphasising the availability, quality and accessibility of water.¹⁴⁸

(b) As stated above, Article 24(2) of the CRC requires “full implementation” of the right under Article 24. A measure is “appropriate” if it is necessary *and effective* for the implementation of the right.¹⁴⁹ Whether there is an adequate supply of

¹⁴⁵ The Maldives’ 2023 Written Statement, para. 41(f); CR 2024/14, Maldives (Sander) p. 33, para. 23(d).

¹⁴⁶ CESCR General Comment No. 3, “The nature of States parties’ obligations (art. 2, para. 1, of the Covenant), contained in UN Doc. E/1991/23 (1990), para. 2.

¹⁴⁷ CESCR General Comment No. 15, “The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)”, UN Doc. E/C.12/2002/11 (20 January 2003), para. 18.

¹⁴⁸ *Ibid.*, para. 12.

¹⁴⁹ John Tobin, “Article 4 A State’s General Obligation of Implementation” in John Tobin (ed), *The UN Convention on the Rights of the Child: A Commentary* (2019), p. 110 (“states enjoy a margin of discretion in determining what measures will be appropriate for the purpose of securing the enjoyment of the rights under the Convention within their jurisdiction. This discretion however is not unlimited and remains subject to the caveats that the measures taken must actually contribute to the realization of children’s rights (the principle of effectiveness) and be implemented in a way that is consistent with all the articles under the Convention. Thus, for example, measures must not be discriminatory and the views of children must be sought in a manner that is consistent with article 12. States also bear the burden of demonstrating that the measures they have adopted are appropriate and must be guided by the significant work of the CRC Committee with respect to this issue”. In the same volume see also John Tobin, “Article 24: The Right to Health”, p. 907 (“this margin remains subject to the overriding caveat that whatever measures are adopted by states they must be undertaken in a manner that pursues coherence with the broader obligations imposed under the CRC and the system of international law. Moreover, the requirement that the measures be ‘appropriate’ demands that they must also be effective and where possible, evidence based”). See also Committee on the Rights of the Child (‘**CRC Committee**’), General Comment No. 19, “Public budgeting for the realization of children’s rights (art. 4)”, UN Doc. CRC.C.GC.19 (20 July 2016), para. 22 (“Measures are considered appropriate when they are relevant to directly or indirectly advancing children’s rights in a given context”).

clean drinking water such that the right has been ‘fully implemented’ is to be assessed with reference to availability, quality and accessibility.¹⁵⁰

58. Third, and critically for the purposes of these advisory proceedings, a State party is required to cooperate with third parties, including international actors, where this is necessary for the full realisation and/or implementation of the rights in question.¹⁵¹

(a) Article 11 of ICESCR expressly refers to “the essential importance of international co-operation” in realising the right to which that provision refers. Numerous other provisions refer to international assistance, cooperation and action.¹⁵² The CESCR has observed that the phrase “to the maximum of its available resources” (in Article 2(1) of the ICESCR) was “intended by the drafters of the Covenant to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance”.¹⁵³ It has also expressly noted the role of UN agencies in achieving the full realisation of the right to water.¹⁵⁴

(b) Similarly, the CRC contains multiple references to international cooperation as a means of securing the rights enshrined in the treaty.¹⁵⁵ The Committee on the

¹⁵⁰ CRC Committee, General Comment No. 15, “The right of the child to the enjoyment of the highest attainable standard of health (art. 24)”, UN Doc. CRC/C/GC/15 (17 April 2013), para. 112.

¹⁵¹ Daragh Murray, “Occupation” in Daragh Murray, Elizabeth Wilmshurst, Françoise Hampson, Charles Garraway, Noam Lubell, Dapo Akande (eds), *Practitioners’ Guide to Human Rights Law in Armed Conflict* (2016), para. 10.62 (“International human rights law requires that States ensure the fulfilment of individuals’ rights in situations where individuals are unable to realize a right themselves, for reasons beyond their control. States may satisfy this obligation either by directly providing the right in question, or by facilitating the fulfilment of the right. Accordingly, States must either directly provide the required relief, or facilitate the delivery of relief by a third party”).

¹⁵² See, e.g., Article 2(1) (State Parties undertake “to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means”), Article 23 (referring to “international action for the achievement of the rights recognized in the present Covenant”).

¹⁵³ CESCR General Comment No. 3, “The nature of States parties’ obligations (art. 2, para. 1, of the Covenant), contained in UN Doc. E/1991/23 (1990), para. 13.

¹⁵⁴ CESCR General Comment No. 15, “The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)”, UN Doc. E/C.12/2002/11 (20 January 2003), para. 47 (“When formulating and implementing their right to water national strategies, States parties should avail themselves of technical assistance and cooperation of the United Nations specialized agencies”), para. 60. Consistent with this position, see CESCR, Concluding Observations: Israel, UN Doc. E/C.12/1/Add.69 (31 August 2001), para. 13 (“The Committee is alarmed over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas”).

¹⁵⁵ See, e.g., Preamble (final paragraph) (“Recognizing the importance of international co-operation for improving the living conditions of children in every country...”); Article 4 (“With regard to economic,

Rights of the Child (**‘the CRC Committee’**) has stated that the resources available to a State for the purposes of the term “available resources” includes “resources available from the international community through international assistance”¹⁵⁶ and has expressly referred to the role of “United Nations-related agencies” in “supporting States to fulfil their obligations under the Convention”.¹⁵⁷ Specifically, the CRC Committee has recommended that Israel “ensure that Palestinian and Bedouin families and families in the OPT are not deprived of access to safe drinking water, sanitation and food; and allow humanitarian agencies unimpeded access to families and children” and has urged Israel to “cooperate with, and support the work of, UNRWA in providing ... health services to Palestinian children”.¹⁵⁸ The Committee has further elaborated that Israel must “ensure the safety of UNRWA operations throughout the OPT, including in East Jerusalem”.¹⁵⁹

59. Accordingly, in circumstances where Israel is not itself ensuring the realisation of the right to water in the OPT, it must facilitate the realisation of that right by a third party. UNRWA is the third party offering the only practical and most effective means of realisation of the right to water for the civilian population in the OPT.

social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation”); Article 24(2) (“States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article”).

¹⁵⁶ CRC Committee, Report on Forty-Sixth Session, “Day of General Discussion” (5 October 2007), available at <https://cypcs.org.uk/wp-content/uploads/2021/02/Day-of-General-Discussion-Report-2007.pdf>, Ch. VII, para. 24.

¹⁵⁷ CRC Committee, General Comment No. 5, “General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)”, UN Doc. CRC/GC/2003/5 (27 November 2003), para. 64. It is acknowledged that the emphasis in paras. 63 and 64 of this General Comment is on technical assistance but there is no textual basis for such assistance to be so limited (cf Article 45(b) of the CRC).

¹⁵⁸ CRC Committee, Concluding Observations: Israel, UN Doc. CRC/C/ISR/CO/5-6 (16 September 2024), paras. 39(b), 51(g). See also CRC Committee Concluding Observations: Israel, UN Doc. CRC/C/ISR/CO/2-4 (4 July 2013), para. 54 (“[t]he Committee also urges the State party to adopt immediate measures for the restoration of safe drinking water and adequate sanitation services and ensure unimpeded access of humanitarian agencies which provide those services until the restoration is completed”), para. 60 (“In light of the numerous recommendations addressed to the State party by the United Nations Secretary General, the High Commissioner for Human Rights and various treaty bodies in relation to the right of Palestinian and Bedouin families to an adequate standard of living, the Committee urges the State party to unconditionally commit itself to refrain from any actions that would further deprive Palestinian and Bedouin families of their land and of access to safe drinking water, sanitation and food as well as to allow humanitarian agencies unimpeded access to families and children in need without fear of persecution or other recrimination”).

¹⁵⁹ CRC Committee, Concluding Observations: Israel, UN Doc. CRC/C/ISR/CO/5-6 (16 September 2024), para. 51(g).

b. *Israel's obligations as a member of the United Nations*

60. As a member of the UN, Israel is a party to the UN Charter and the ICJ Statute. It is also a party to the General Convention. Each of these treaties imposes obligations in respect of the presence and activities of UNRWA in the OPT. The Maldives stresses that such obligations are central to the effectiveness of international organisations (most notably, the UN itself) and indeed the maintenance of international order more generally, especially in times of humanitarian crisis. Anything other than good faith adherence to those obligations risks creating a most dangerous precedent.

i. *Israel's obligation to provide assistance to the United Nations*

61. Article 2 of the UN Charter provides that the members of the UN “shall act in accordance with the following Principles”. Article 2(5) sets out the following principle:

“All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.”

62. This provision falls to be interpreted in light of the context of the UN Charter as a whole, including the stipulation in Article 2(2) that UN member States “shall fulfil in good faith the obligations assumed by them in accordance with the present Charter”.

63. The Court has previously revealed the breadth and importance of the duty in Article 2(5), stating in its *Reparations* Advisory Opinion:

“It must be noted that the effective working of the Organization — the accomplishment of its task, and the independence and effectiveness of the work of its agents — require that these undertakings [including pursuant to Article 2(5) of the Charter] should be strictly observed.”¹⁶⁰

¹⁶⁰ *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, ICJ Reports 1949, p. 174 at p. 183.

64. UNRWA is a subsidiary organ of the UN established by the UN General Assembly in accordance with Article 22 of the UN Charter,¹⁶¹ and is therefore an “integral part” of the UN.¹⁶²
65. UNRWA exercises its mandate in the OPT pursuant to resolutions of the UN General Assembly. The General Assembly established UNRWA in 1949 by way of Resolution 302 (IV), resolving that this entity would “carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission”.¹⁶³ UNRWA’s mandate has been consistently renewed over the supervening decades. Most recently, in Resolution 77/123 of 15 December 2022, the General Assembly renewed UNRWA’s mandate until 30 June 2026.¹⁶⁴ In the same resolution, the General Assembly “[a]ffirmed the necessity for the continuation of the work of [UNRWA] and the importance of its unimpeded operation and its provision of services, including emergency assistance, for the well-being, protection and human development of the Palestine refugees and for the stability of the region”.¹⁶⁵
66. The activities of UNRWA pursuant to this General Assembly mandate, including its humanitarian operations with respect to the supply of water, are a form of “action” taken by the IN in accordance with the UN Charter within the meaning of Article 2(5) of the Charter.¹⁶⁶ Pursuant to that provision, Israel therefore has an obligation to “give ... every assistance” to this action. The phrase “every assistance” is clearly a broad one, requiring both a duty to take positive action and an obligation to refrain from interfering with the UN’s actions, as circumstances require. In the present context, the Maldives submits that it requires at least the following:

¹⁶¹ Article 22 provides: “The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions”.

¹⁶² Letter from Secretary-General of the United Nations to Mr. Benjamin Netanyahu, Prime Minister of the State of Israel (4 October 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N300, p. 2.

¹⁶³ United Nations General Assembly Resolution 302 (IV), UN Doc. A/RES/302(IV) (8 December 1949), para. 7(a).

¹⁶⁴ United Nations General Assembly Resolution 77/123, “Assistance to Palestine Refugees”, UN Doc. A/RES/77/123 (15 December 2022), para. 6.

¹⁶⁵ *Ibid.*, para. 3 (also acknowledging in the Preamble “the essential role that the Agency has played for more than seven decades since its establishment in ameliorating the plight of the Palestine refugees through the provision of education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance”).

¹⁶⁶ The same would apply with respect to other UN agencies; as noted above, to assist the Court, this submission focuses on the activities of the UNRWA.

- (a) Israel must not carry out attacks against UNRWA personnel and/or facilities. Despite this obligation, UNRWA has been attacked several times by Israeli forces, including in respect of the facilities by which it provides WASH services.¹⁶⁷
- (b) Israel must not make unsubstantiated allegations against UNRWA, and — if it does make allegations — must cooperate with subsequent independent investigations to establish the relevant facts to avoid UNRWA’s operations being unduly prejudiced by false allegations. Israel has breached this duty by making allegations against UNRWA personnel in the first half of 2024 which it has never substantiated, and by failing to cooperate with the two independent investigations launched by the UN Secretary-General.¹⁶⁸ Other attempts to procure the de-funding of UNRWA would equally be unlawful.
- (c) Israel must respect the tax exemptions to which UNRWA is entitled. These exemptions allow UNRWA to carry out its work making best use of its limited resources; their denial poses an interference with UNRWA’s ability to perform its functions by unduly draining UNRWA’s resources. Israel has, however, failed to accord such exemptions.¹⁶⁹
- (d) Israel must not pass or give effect to legislation which is designed to prevent, or would have the effect of preventing, UNRWA from performing its functions in the OPT. The passage of the Israeli UNRWA Laws¹⁷⁰ are manifestly inconsistent with this duty in that:
 - i. Most drastically, they require UNRWA to cease its operations in Israel’s territory (which Israel appears to consider includes the OPT) altogether;
 - ii. They require UNRWA to evacuate the premises from which they perform their functions; and

¹⁶⁷ See Section 1(c)(i) above.

¹⁶⁸ See Section 1(c)(ii) above.

¹⁶⁹ See Section 1(c)(iv) above.

¹⁷⁰ See Section 1(c)(iii) above.

- iii. They prevent any contact between UNRWA and officials of the Israeli government, with such contact being an essential practical prerequisite for UNRWA's performance of its functions. This has been illustrated in relation to the recent illegal use by Israeli forces of an UNRWA health centre as a temporary detention facility.¹⁷¹
 - (e) Israel must not interfere with UNRWA's use of its premises, including in the extreme form of forcing UNRWA to evacuate any of its premises. Israel's letter of 24 January 2025, demanding the UNRWA terminate its activities and abandon its premises,¹⁷² which has led to UNRWA since being forced to evacuate its compound in Sheikh Jarrah,¹⁷³ is clearly incompatible with this duty.
67. It is clear that, to date, Israel has failed to comply with its obligations under Article 2(5) of the UN Charter. Rather than giving "every assistance" to the UN's actions taken through UNRWA, Israel has sought to undermine, frustrate and indeed unilaterally terminate those activities. Reflecting the gravity of the situation, the UN Secretary-General has felt it necessary to call on Israel to comply with its obligations under Article 2(5).¹⁷⁴
- ii. Israel's obligations concerning the privileges and immunities of the United Nations**

68. Article 105 of the UN Charter provides as follows:

- "1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
- 2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
- 3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2

¹⁷¹ See para. 30 above.

¹⁷² See Section 1(c)(v) above.

¹⁷³ See para. 29 above.

¹⁷⁴ Letter from Secretary-General of the United Nations to Mr. Danny Ben Yosef Danon, Permanent Representative of Israel to the United Nations (27 January 2025), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N308, p. 2.

of this Article or may propose conventions to the Members of the United Nations for this purpose.”

69. As to the recommendations by the UN General Assembly referred to in Article 105(3), on 13 February 1946 the General Assembly adopted Resolution 22(I) which approved the annexed Convention on the Privileges and Immunities of the United Nations (i.e., the General Convention as defined above) and “propose[d] it for accession by each Member of the United Nations”.¹⁷⁵ Israel acceded to the General Convention without reservations on 21 September 1949.¹⁷⁶ It remains a party today.
70. As stated above,¹⁷⁷ UNRWA, having been established by the UN General Assembly, is a subsidiary organ of the United Nations. UNRWA itself, and its personnel, are therefore entitled to the privileges and immunities referred to in Article 105.¹⁷⁸ Notably in Resolution 302(IV), the General Assembly “[c]all[ed] upon the Governments concerned to accord to [UNRWA] immunities, exemptions and facilities which have been granted to the United Nations Relief for Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions”.¹⁷⁹
71. Further, in the Exchange of Letters,¹⁸⁰ Israel expressly recognised that the General Convention “shall govern the relations between the Government and UNRWA in all that concerns UNRWA’s functions”.¹⁸¹ For the avoidance of doubt, the obligations under the General Convention (rooted in Article 105 of the UN Charter) exist independently of this express recognition in the Exchange of Letters. Thus, purporting to withdraw from the agreement reached in the Exchange of Letters, as Israel did on 3

¹⁷⁵ United Nations General Assembly, Resolution 22(I) (13 February 1946), available at [https://docs.un.org/en/A/RES/22\(I\)](https://docs.un.org/en/A/RES/22(I)).

¹⁷⁶ See record of States parties at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=III-1&chapter=3&clang=en.

¹⁷⁷ See para. 64 above.

¹⁷⁸ Note verbale from Office of Legal Affairs of the United Nations to Ministry of Foreign Affairs of Israel (18 November 2024), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N303, p. 2.

¹⁷⁹ United Nations General Assembly Resolution 302 (IV), UN Doc. A/RES/302(IV) (8 December 1949), para. 17.

¹⁸⁰ See as defined at para. 21(c) above.

¹⁸¹ Exchange of Letters, included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N283, Letter from Political Adviser to the Foreign Minister of Israel and Ambassador-at-Large to Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East of 14 June 1967, para. (g).

November 2024,¹⁸² has no effect on the application of the General Convention in relation to UNRWA.

72. There are several provisions of the General Convention which are relevant to the present advisory proceedings.

73. First, Article II, Section 3 provides:

“The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.”

74. Article II, Section 3 refers to an immunity of the UN itself, falling within Article 105(1) of the UN Charter. It extends to all organs of the UN, including UNRWA.

75. The phrase “property and assets” encompasses a broad range of movable, immovable and intangible property and assets, including buildings, vehicles and computers.¹⁸³

76. A decision to remove UN premises may not be effected unilaterally by the State controlling territory in which those premises are located. If such a State wishes for UN premises to be relocated, this requires at a minimum that the State engage in prior good faith consultations and negotiations with the UN as to the conditions and modalities of the transfer and the various arrangements needed to effect the transfer with a minimum of prejudice to the work of the UN. The State in question must give the UN a reasonable period of notice.¹⁸⁴ Of course, the State would remain subject to any other obligations under international law which may make the termination of a specific UN mandate unlawful *per se*.

77. Article II, Section 3 of the General Convention has several implications in respect of UNRWA’s activities in the OPT and Israel’s related obligations under international law.

(a) UNRWA’s property and assets cannot be the subject of military attack. Such an attack is necessarily a “form of interference” with UNRWA’s property and

¹⁸² See para. 24 above.

¹⁸³ See Lance Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention)” in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), p. 133, citing relevant practice.

¹⁸⁴ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion, ICJ Reports 1980, p. 73 at pp. 93–96, paras. 44, 48–49.

assets, contrary to Article II, Section 3.¹⁸⁵ Israel's attacks against UNRWA premises and facilities¹⁸⁶ are entirely anathema to its obligations to observe and protect the inviolability of UNRWA's premises under Article II, Section 3.

- (b) UNRWA cannot be evicted (i.e., unilaterally removed without reasonable notice) from the premises from which it carries out its activities. It was thus internationally unlawful for Israel to write to the UN Secretary-General on 24 January 2025 demanding that UNRWA immediately withdraw from the premises from which it carries out its operations in the OPT.¹⁸⁷ This is all the more so given that — as the Court has recently indicated — Israel is not entitled to exercise sovereignty over or to exercise sovereign powers in any part of the OPT on account of its occupation,¹⁸⁸ and thus it is not entitled to make unilateral decisions regarding the termination of UNRWA's presence in the OPT.¹⁸⁹ The UN Secretary-General highlighted the illegality of Israel's conduct in a letter to Israel's Permanent Representative to the United Nations dated 27 January 2025, writing (without prejudice to the fundamental matter that Israel is not entitled to exercise sovereignty over the OPT at all):

“[A] unilateral demand to cease operations and evacuate all premises within less than a week of formal notice being provided is manifestly unreasonable and inconsistent with Israel's international obligations. ... [A]ny modification of termination of UNRWA activities in the Occupied Palestinian Territory, including East Jerusalem, would require prior consultations and

¹⁸⁵ See, e.g., UNGA Resolution 69/88, “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East”, UN Doc. A/RES/69/88 (5 December 2014) (“*Deploring also attacks affecting United Nations installations, including Agency [i.e. UNRWA] schools sheltering displaced civilians, and all other breaches of the inviolability of United Nations premises during the conflict in the Gaza Strip in July and August 2014*”); “Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009”, annexed to Letter from the Secretary-General to the President of the Security Council (4 May 2009), UN Doc. A/63/855-S/2009/250, para. 16 (“the IDF carried out a direct and intentional strike on United Nations premises. It considered that this amounted to an egregious breach of the inviolability of United Nations premises and a failure to accord the property and assets of the Organization immunity from any form of interference”). See also the further practice of the UN General Assembly cited at Lance Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention)” in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), p. 131, including specifically in respect of UNRWA facilities; Rosalyn Higgins, Philippa Webb, Dapo Akande, Sandesh Sivakumaran, James Sloan, *Oppenheim's International Law: United Nations* (2017), p. 574.

¹⁸⁶ See Section 1(c)(i) above.

¹⁸⁷ See Section 1(c)(v) above

¹⁸⁸ *Policies and Practices Opinion*, paras. 254, 256, 262.

¹⁸⁹ See Letter from Secretary-General of the United Nations to Mr. Danny Ben Yosef Danon, Permanent Representative of Israel to the United Nations (27 January 2025), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N308, p. 2.

negotiations between the United Nations and Israel and guidance from the General Assembly, and may not be effected unilaterally. ... No such consultations have taken place so far.”¹⁹⁰

As the Secretary-General proceeded to emphasise, “until such time as such consultations and negotiations have taken place, and for as long as UNRWA operates in accordance with its General Assembly mandate in the Occupied Palestinian Territory, including East Jerusalem, Israel continues to be under an obligation to accord to UNRWA all the privileges, immunities and facilities, including those set out in the [General Convention], and action on the part of Israel is necessary to facilitate, rather than hinder, UNRWA’s operations”.¹⁹¹

- (c) It bears emphasising that the mere *passage* of the Israeli UNRWA Laws poses an interference with UNRWA’s premises which is contrary to Israel’s obligations under Article II, Section 3 of the General Convention. Notably, this Section refers expressly to “legislative action” that interferes with UN premises, irrespective of whether the legislation in question is implemented in practice (although, as noted above, the Israeli UNRWA Laws are understood to have been implemented at least in part).

78. Second, Article V of the General Convention contains provisions concerning the immunity of officials of the UN,¹⁹² falling within the scope of Article 105(2) of the UN Charter. Article V, Section 18¹⁹³ states in relevant part:

“Officials of the United Nations shall:

¹⁹⁰ *Ibid.*, p. 3.

¹⁹¹ *Ibid.*

¹⁹² Article IV, Sections 22–23 concern privileges and immunities of experts on missions for the UN.

¹⁹³ Article V, Section 17 states: “The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.” As to this provision, see Ronja Bandyopadhyay, Tomoko Iwata, “Officials (Article V Sections 17–21 General Convention)” in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), p. 316 (“To date, the UN Secretary-General has identified, and the General Assembly has recognized, two categories of officials: (i) those who are members of the staff of the UN within the meaning of Arts. 97 and 101 UN Charter, with the exception of those who are recruited locally and assigned to hourly rates, and (ii) those who are engaged on a substantially full-time basis, but who are not staff members because they are not appointed by the UN Secretary-General or because they are directly accountable to the General Assembly or another organ. ... [T]he UN has consistently made clear its position that the notification requirement under Art. V Section 17, unlike the practice that may be applicable in the diplomatic context, is not a prerequisite for the enjoyment of the privileges and immunities granted to officials under Arts. V and VII”).

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity”.¹⁹⁴

79. UNRWA staff members are considered to be officials of the UN.¹⁹⁵ Accordingly, Israel is not permitted to commence any criminal process against UNRWA officials for words spoken or acts performed in their official capacity. And yet section 3 of the Law for the Cessation of UNRWA Activities (2024) expressly leaves open the possibility of Israeli authorities commencing “criminal proceedings against UNRWA employees” without limitation as to what conduct such proceedings may concern.¹⁹⁶ Such criminal proceedings would be unlawful if they concerned an UNRWA official’s conduct in the course of acting in their official capacity¹⁹⁷ (with it being exclusively for the Secretary-General of the UN to determine whether an official’s words were spoken or acts were performed in their official capacity¹⁹⁸). Such criminal proceedings would be permissible only if the Secretary-General waived immunity in accordance with Article V, Section 20 of the General Convention.¹⁹⁹ Notably, if Israel were to make allegations of criminal conduct by an UNRWA official, the UN would be required under Article V, Section 21 of the General Convention to co-operate at all times with the appropriate Israeli authorities “to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article”. The UN has proven its willingness and ability to cooperate with respect to allegations of unlawful conduct by UN officials, such as by swiftly opening and concluding two investigations

¹⁹⁴ For experts on missions to the UN, the equivalent provision is Article VI, Section 22(b).

¹⁹⁵ See analysis at Ronja Bandyopadhyay, Tomoko Iwata, “Officials (Article V Sections 17–21 General Convention)” in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), pp. 319 (footnote 31), 328–329, 358.

¹⁹⁶ See para. 22 above.

¹⁹⁷ Note verbale from Office of Legal Affairs of the United Nations to Ministry of Foreign Affairs of Israel (8 January 2025), included in Material relating to the request by the General Assembly for an advisory opinion of the Court, Doc. No. N306, p. 5.

¹⁹⁸ *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Advisory Opinion, ICJ Reports 1999, p. 62 at p. 87, para. 60 (“the Secretary-General, as the chief administrative officer of the Organization, has the primary responsibility to safeguard the interests of the Organization; to that end, it is up to him to assess whether its agents acted within the scope of their functions and, where he so concludes, to protect these agents, including experts on mission, by asserting their immunity”).

¹⁹⁹ This provision states: “Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.”

into Israel's allegations regarding UNRWA staff members' involvement in the attacks of 7 October 2023.²⁰⁰

80. Third, Article II, Section 7 of the General Convention provides:

“The United Nations, its assets, income and other property shall be:

...

- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country”.

81. On the occasions when Israel has denied UNRWA the exemptions to which it is entitled from duties and levies in respect of items imported for its official use,²⁰¹ Israel has breached its duties under this provision.

82. Two further points, which are of cross-cutting relevance to all of the provisions of the General Convention referred to above, bear emphasis.

83. First, military expediency does not provide any justification for failing to accord the UN (including its organs, such as UNRWA) the privileges and immunities to which they are entitled. The International Law Commission has written that the General Convention:

“does not contain anything to the effect that the privileges and immunities for which it provides are subject to abridgement or qualification in times of internal unrest or even in times of armed conflict. Indeed, it has been the consistent position of the Organization that the General Convention applies in such circumstances just as much as it does in times of peace and that the privileges and immunities for which it provides may not be qualified or overridden by any demands of military expediency or security”.²⁰²

²⁰⁰ See Section 1(c)(ii) above.

²⁰¹ See Section 1(c)(iv) above.

²⁰² Note to the Under-Secretary-General of the Department of Peacekeeping Operations, United Nations, UN Juridical Yearbook 2003, p. 521 at p. 522, para. 11.

84. This same view has been expressed by authoritative commentators,²⁰³ as well as by the Board of Enquiry established by the UN Secretary-General following strikes by Israeli forces against UNRWA premises in Gaza in 2008–09.²⁰⁴
85. Secondly, provisions of domestic law cannot be used to excuse non-compliance with the obligation to accord the privileges and immunities owed under the UN Charter and the General Convention. The Final Article, Section 34 of the General Convention stipulates that “[i]t is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention”. This confirms the more general customary international law rule reflected in Article 27 of the Vienna Convention on the Law of Treaties that a State “may not invoke the provisions of its internal law as justification for its failure to perform a treaty”.²⁰⁵

iii. Israel’s obligations under the Statute of the International Court of Justice

86. In the context of contentious proceedings of which it is seised, the Court has the power under Article 41 of its Statute to make orders indicating provisional measures “which ought to be taken to preserve the respective rights of either party”. The Court has held on multiple occasions that such an order made by the Court has “binding effect” and, being “binding in character”, “create[s] a legal obligation” for the State to which it is addressed.²⁰⁶ The obligation to comply with an order for provisional measures is

²⁰³ See, e.g., Lance Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention)” in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), pp. 130–131; Rosalyn Higgins, Philippa Webb, Dapo Akande, Sandesh Sivakumaran, James Sloan, *Oppenheim’s International Law: United Nations* (2017), p. 574, footnote 116.

²⁰⁴ “Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009”, annexed to Letter from the Secretary-General to the President of the Security Council (4 May 2009), UN Doc. A/63/855 – S/2009/250, paras. 16 (“such inviolability [of UN premises] and immunity could not be overridden by demands of military expediency”), 91 (“The Board recalled that United Nations premises were inviolable. That inviolability, it noted, could not be set aside by any Member State on the grounds that, in the special circumstances of hostilities, it must be qualified or overridden by demands of military expediency. The Board also recalled that the property and assets of the United Nations were immune from any form of interference and that that immunity also could not be overridden by such demands”).

²⁰⁵ Indicating that this rule reflects customary international law, see, e.g., *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)*, Judgment, ICJ Reports 2008, p. 177, para. 124.

²⁰⁶ *LaGrand Case (Germany v. United States of America)*, Judgment, ICJ Reports 2001, p. 466 at p. 506, paras. 109–110. See also *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Provisional Measures, Order of 16 March 2022, ICJ Reports 2022 (I), p. 211 at p. 230, para. 84.

independent of any substantive obligations with which the underlying case is concerned.²⁰⁷

87. In *South Africa v. Israel*, the Court has made three orders for provisional measures. As set out above, it recognised the scale of the humanitarian crisis in Gaza, including in relation to the lack of access to water for Palestinians.

(a) In the First PM Order, noting that “the catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the Court renders its final judgment”, the Court stated that “Israel must take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip”.²⁰⁸

(b) In the Second PM Order, dated 28 March 2024, the Court noted that South Africa’s request for modification of the first order arose out of the “horrific deaths from starvation of Palestinian children, including babies, brought about by Israel’s deliberate acts and omissions ... including Israel’s concerted attempts since 26 January 2024 to ensure the defunding of [UNRWA] and Israel’s attacks on starving Palestinians seeking to access what extremely limited humanitarian assistance Israel permits into Northern Gaza, in particular”.²⁰⁹ The Court ordered Israel to “take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza”.²¹⁰

²⁰⁷ See, e.g., *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica Along the San Juan River (Nicaragua v. Costa Rica)*, Judgment, ICJ Reports 2015, p. 665 at p. 714, para. 129 (concluding that Nicaragua’s violation of the Court’s provisional measures order was “independent of the conclusion ... that the same conduct also constitute[d] a violation of the territorial sovereignty of Costa Rica”).

²⁰⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, paras. 72, 80, 86(4).

²⁰⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 28 March 2024, para. 16.

²¹⁰ *Ibid.*, paras. 45, 51(2)(a).

- (c) In its third order, the Court directed that “the catastrophic situation in Gaza confirms the need for the immediate and effective implementation of the measures indicated” in the previous orders, including in particular in relation to the “unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance”.²¹¹
88. In each of these orders, the Court expressly reiterated the order’s binding character on Israel.²¹²
89. Pursuant to these orders, Israel must allow the unhindered provision of humanitarian services in Gaza, including in respect of WASH services. As a matter of practical reality, UNRWA plays a critical role in the delivery of such services, with there existing no other body which could step in to perform this role.²¹³ Accordingly, in order to comply with the provisional measures ordered by the Court, Israel must not impair (let alone prevent) and must instead facilitate UNRWA’s work, including by: (i) lifting the Israeli UNRWA Laws which purport to require UNRWA to terminate its operations and evacuate its premises; (ii) desisting from any attacks on UNRWA personnel and facilities, including specifically its facilities involved in the provision of WASH services and other humanitarian programs; and (iii) granting UNRWA the exemptions from taxes and levies which enable it to perform its work.

Conclusion

90. Given the humanitarian crisis in the OPT (especially in Gaza) and Israel’s multi-faceted assault on UNRWA, the Maldives welcomes the opportunity for the Court to clarify Israel’s obligations as referred to in the Request for an advisory opinion, including in relation to UNRWA’s role concerning the supply of water in the OPT.
91. As the Maldives has explained above, the available evidence establishes that Israel has engaged in flagrant violations of many of the duties it owes both as occupying power of the OPT and as a member State of the UN. It follows from such breaches that Israel

²¹¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 27 May 2024, para. 52. See also para. 57(1), 57(2)(b).

²¹² *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, para. 83; Order, 28 March 2024, para. 48; Order, 24 March 2024, para. 54.

²¹³ See Section 1(b) above.

has a further obligation to make reparations for its violations of international law.²¹⁴ Indeed, the Court has previously held that a State must make reparations (including in the form of compensation) for violations of its duties under international humanitarian law as occupying power,²¹⁵ its duties to the UN (including under the UN Charter and “complementary agreements” which must include the General Convention),²¹⁶ and its failure to abide by orders made by the Court for provisional measures.²¹⁷ On 16 January 2025, the President of the Maldives, while welcoming the ceasefire deal reached on Gaza, emphasised the need for Israel to “pay reparations to Palestine” for its violations of international law.²¹⁸

²¹⁴ *Case Concerning Factory at Chorzów (Germany v. Poland)*, Judgment, Claim for Indemnity (Merits), PCIJ, Series A, No. 17, at p. 47; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, p. 136 at p. 198, paras. 152–153; *Policies and Practices Opinion*, para. 269.

²¹⁵ *Practices and Policies Opinion*, para. 271.

²¹⁶ *Reparation for Injuries Suffered in the Service of the United Nations*, ICJ Reports 1949, p. 174 at p. 183 (when a State breaches the undertakings it has made to the UN as an organisation, “the Organization should be able to call upon the responsible State to remedy its default, and, in particular, to obtain from the State reparation for the damage” caused by the default).

²¹⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, ICJ Reports 2007, p. 43 at p. 231, para. 458; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, Judgment, ICJ Reports 2015, p. 665 at p. 714, para. 129, pp. 717–718, para. 142.

²¹⁸ President’s Office, Republic of Maldives, “The President welcomes the ceasefire deal reached on Gaza” (16 January 2025), available at <https://presidency.gov.mv/Press/Article/32804>.



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