

INTERNATIONAL COURT OF JUSTICE

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**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 LEAGUE OF ARAB STATES**



**28 FEBRUARY 2025**

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## CHAPTER 1 INTRODUCTION

1. The League of Arab States submits this Written Statement in response to United Nations General Assembly Resolution 79/232 by which the General Assembly has requested an Advisory Opinion on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States (“**Request**”).
2. By an Order of 23 December 2024, the Court decided: “the United Nations and its Member States, as well as the observer State of Palestine, are considered likely to be able to furnish information on the question submitted to the Court for an advisory opinion and may do so within the time-limits fixed in this Order.”
3. On 7 February 2025, the Court determined that the League of Arab States is likely to be able to furnish information on the question before the Court, and therefore, authorized the League of Arab States to submit a written statement to the Court. The Court fixed 28 February 2025 as the time limit for submission of written statements. The League of Arab States wishes to take advantage of this possibility and submits the following observations to the Court within the time limit and in due form.
4. Two facts constitute the immediate context for the adoption of General Assembly Resolution 79/232. The first is the “dire humanitarian situation in the Occupied Palestinian Territory,”<sup>1</sup> that is caused by Israel’s conduct, especially during its aggression on the Gaza Strip since 7 October 2023.
5. UN statistics on the impact of Israel’s aggression against the Gaza Strip paint a picture of a humanitarian catastrophe. The latest reports indicate the following:<sup>2</sup>

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<sup>1</sup> UN 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.

<sup>2</sup> See, e.g., 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 also World Bank, *Gaza and West Bank Interim Rapid Damage and Needs Assessment* (February 2025), available at

- According to the UN Office for the Coordination of Humanitarian Affairs (“OCHA”), at least 48,291 Palestinians have reportedly been killed in the Gaza Strip and 111,722 have been injured.<sup>3</sup>
  - According to the United Nations, at least 1.9 million people—or about 90 percent of the population—across the Gaza Strip were displaced during the war. Many have been displaced repeatedly, some 10 times or more. Since the start of the ceasefire, new population movements have been reported, with people trying to return to whatever is left of their homes.
  - On 18 February, the World Bank, in partnership with the United Nations and the European Union, published a report assessing damages, losses and needs in the Gaza Strip and the West Bank based on data collected between October 2023 and October 2024. According to the assessment’s findings, reconstruction and recovery needs in the Gaza Strip are estimated to require around US \$53 billion. Damages to physical structures alone are estimated at about US \$30 billion, with housing being the hardest hit sector accounting for 53 percent of total damages, followed by commerce and industry at 20 percent. The impact on lifeline infrastructure such as health, water and transport is estimated at over 15 percent of the total damages. According to the report, economic losses from reduced productivity, foregone revenues, and operating costs are estimated at US \$19 billion, with health, education and commerce being particularly impacted.<sup>4</sup>
6. The scale of the humanitarian catastrophe in the Gaza Strip, and the manner in which Israel, the occupying power, conducted hostilities during its aggression against the Gaza Strip, impelled the International Criminal Court to issue Warrants of Arrest against the Prime Minister and Minister of Defense of Israel. The charge directed against these Israeli

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<https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>.

<sup>3</sup> UNRWA, “The Gaza Strip,” 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>.

<sup>4</sup> World Bank, *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>.

officials is the perpetration of “war crimes of starvation as a method of warfare and of intentionally directing an attack against the civilian population; and the crimes against humanity of murder, persecution, and other inhumane acts from at least 8 October 2023 until at least 20 May 2024.”<sup>5</sup>

7. However, the background of the present advisory proceedings that necessitates the Court’s urgent engagement with the question referred to it by the General Assembly is not limited to the catastrophic situation in the Gaza Strip. The civilian population in the occupied West Bank, including East Jerusalem, is facing an equally dire humanitarian crisis.
8. As this Written Statement was being prepared, Israel, the occupying power, was executing the largest and longest military operation it has undertaken throughout the West Bank, including East Jerusalem, in two decades. According to the United Nations, this Israeli assault has forcibly displaced over 40,000 Palestinians from areas including Jenin, Tulkarm, and Tubas, and killed more than 50 Palestinian civilians.<sup>6</sup> Israel’s ongoing assault on the West Bank, including East Jerusalem, has also caused severe damage to civilian infrastructure. For example, the United Nations has indicated that ongoing Israeli military operations have “caused severe damage to water and sanitation infrastructure, disrupting access to water to tens of thousands of people and heightening public health concerns.”<sup>7</sup> Indeed, in a statement on 23 February 2025, Israel’s Defense Minister announced, “Forty thousand Palestinians evicted, so far, the Jenin, Tulkarm and Nur Shams refugee camps, now unpopulated. UNRWA activities in the camps was ceased. I ordered the Israel Defense Forces to remain in the cleansed camps for the next year, and prevent inhabitants from returning. . . .”<sup>8</sup>

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<sup>5</sup> International Criminal Court, “Netanyahu,” *available at* <https://www.icc-cpi.int/defendant/netanyahu>; International Criminal Court, “Gallant,” *available at* <https://www.icc-cpi.int/defendant/gallant>.

<sup>6</sup> OCHA, Humanitarian Situation Update #264 | West Bank (13 February 2025), *available at* <https://www.ochaopt.org/content/humanitarian-situation-update-264-west-bank>; OCHA, Humanitarian Situation Update #266 | West Bank (20 February 2025), *available at* <https://www.ochaopt.org/content/humanitarian-situation-update-266-west-bank>.

<sup>7</sup> OCHA, Humanitarian Situation Update #266 | West Bank (20 February 2025), *available at* <https://www.ochaopt.org/content/humanitarian-situation-update-266-west-bank>.

<sup>8</sup> @EpshtainItay, Twitter (23 February 2025), *available at* <https://x.com/epshtainitay/status/1893720362963325367?s=46>.

9. The second consideration that constitutes part of the immediate background to the present advisory proceedings is Israel's policy of impeding the presence and activities of the UN Relief and Works Agency for Palestine refugees in the Near East ("UNRWA") and other UN agencies and bodies, international organizations, and third States in the Occupied Palestinian Territory.
10. This Israeli policy is undermining international efforts to provide humanitarian relief and development assistance to the Palestinian people, thereby exacerbating the humanitarian crisis that is unfolding throughout the Occupied Palestinian Territory, especially in the Gaza Strip. These are the facts that impelled the General Assembly to request the present advisory opinion "on a priority basis and with the utmost urgency."<sup>9</sup>
11. But there is a broader background to General Assembly Resolution 79/232. Israel's failure to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population, and its policy of impeding the presence and activities of the United Nations, other international organizations, and third States in the Occupied Palestinian Territory is conduct that is purposefully designed to deprive the Palestinian people of their inalienable right to self-determination.
12. By undermining the presence and activities of international organizations in the Occupied Palestinian Territory, including the United Nations, and impeding the delivery of humanitarian relief and development assistance to the Palestinian civilian population, Israel is creating living conditions that are intended to disperse the Palestinian civilian population and undermine the integrity of the Palestinians as a people in order to forcibly displace the Palestinians from the Occupied Palestinian Territory, thereby preventing the Palestinians from exercising their inalienable right to self-determination.
13. Senior Israeli government officials have repeatedly confirmed that one of the policy objectives underlying the conduct of Israel in the Occupied Palestinian Territory is to further forcibly displace the Palestinian people. For example, in the context of the military

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<sup>9</sup> UN 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. 10.

operation that Israel is, as of the date of this Written Submission, executing in the West Bank,<sup>10</sup> the Israeli Minister of Defense declared, on Sunday 23 February 2025, that Israeli occupation forces were instructed “to prepare for a prolonged presence in the cleared camps for the coming year and to prevent the return of residents” to the refugee camps in Jenin, and elsewhere in the West Bank.<sup>11</sup> As discussed below, in the view of the League of Arab States, this conduct amounts to a grave breach of the Fourth Geneva Convention and constitutes crimes under international law.

14. It is also important to note that Israel’s policy of impeding the operations of UN bodies and agencies in and in relation to the Occupied Palestinian Territory long predates the current situation in the Gaza Strip or the West Bank, including East Jerusalem. As this Written Statement will show, Israel has adopted a long-standing policy of hindering the presence and activities of UN bodies and agencies, including UNRWA, throughout the Occupied Palestinian Territory.
15. Israel’s failure to comply with the Court’s conclusions in its previous Advisory Opinions on the situation in the Occupied Palestinian Territory is also part of the background to General Assembly Resolution 79/232. In its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the Court found that Israel was “under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem,” finding it constituted an unlawful attempt at “*de facto* annexation.”<sup>12</sup> This is an obligation that remains unfulfilled.
16. More than 20 years later, the Court delivered the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. There, the Court found not only that specific Israeli

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<sup>10</sup> See *supra* para. 8.

<sup>11</sup> “Israel says army to stay in evacuated West Bank camps for ‘coming year’,” *France 24* (23 February 2025), available at <https://www.france24.com/en/live-news/20250223-israel-says-army-to-stay-in-evacuated-west-bank-camps-for-coming-year-1>.

<sup>12</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136 (“*Wall Advisory Opinion*”), paras 121, 163(3)(b).

policies and practices in the Occupied Palestinian Territory—including the construction of settlements, exploitation of natural resources, demolition of Palestinian property, and imposition of a discriminatory legal system—violate international law, but that Israel’s very presence in the Occupied Palestinian Territory is fundamentally unlawful.<sup>13</sup> The Court called on Israel to bring to an end its presence in the territory “as rapidly as possible”, and opined that third States and international organizations are obligated not to aid or assist Israel in its unlawful conduct.<sup>14</sup> However, Israel has failed to fulfill its legal obligations that were identified by the Court in its Advisory Opinion and continues to further entrench its unlawful presence in the Occupied Palestinian Territory.

17. The request for a further advisory opinion in General Assembly Resolution 79/232 is intended to complement the Court’s previous advisory opinions. Israel’s conduct in relation to the presence and activities of international organizations, including the United Nations, and third States in and in relation to the Occupied Palestinian Territory is intertwined with Israel’s intention to expand its settlements, annex further Palestinian territories, maintain its exploitation of natural resources, and preserve its unlawful presence in the Occupied Palestinian Territory. Therefore, clarifying Israel’s obligations in relation to the question referred to the Court will contribute to ensuring Israel’s compliance with the Court’s findings in its previous advisory opinions.
18. Previous decisions of the Court, including the orders indicating provisional measures in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, also form part of the background of the present proceedings. In its order of 26 January 2024, the Court instructed Israel to “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

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<sup>13</sup> *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, I.C.J. 2024 General List No. 186 (“Policies and Practices in the OPT Advisory Opinion”)*, paras. 119, 133, 213, 222, 229, 267-269.

<sup>14</sup> *Ibid.*, paras. 267-269, 285(4), 285(7).

Gaza Strip.”<sup>15</sup> Then, in its order of 28 March 2024, the Court took note of the “worsening conditions of life faced by Palestinians in the Gaza Strip, in particular the spread of famine and starvation,”<sup>16</sup> and indicated the following measures that Israel is obligated to execute:

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, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary.<sup>17</sup>

19. This was followed by a further order issued by the Court on 24 May 2024 under which Israel was instructed to “[m]aintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance,” and to “ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide.”<sup>18</sup>
20. It is the view of the League of Arab States that these obligations, which are incumbent on Israel as a UN member State and State party to the Statute of the ICJ, remain unfulfilled. These obligations are directly related to the present proceedings. The question referred by the General Assembly in Resolution 79/232 invites the Court to opine on Israel’s obligations “to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance [...]” The provisional orders issued by the

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<sup>15</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order on Request for the Indication of Provisional Measures, ICJ 2024 General List No. 192, para. 86(4).

<sup>16</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order on Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures, (South Africa v. Israel), ICJ 2024 General List No. 192, para. 51(2).

<sup>17</sup> *Ibid.*, para. 51(2)(a).

<sup>18</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order on Request for the Modification of the Order of 28 March 2024, (South Africa v. Israel), ICJ 2024 General List No. 192, paras. 57(2)(b), 57(2)(c).

Court undoubtedly form part of the regime of obligations that Israel must fulfill in relation to the civilian population of the Occupied Palestinian Territory.

21. In conclusion, the League of Arab States takes note of and supports the following conclusion reached by the Court in its Advisory Opinion of 19 July 2024:

The Court also considers that the realization of the right of the Palestinian people to self-determination, including its right to an independent and sovereign State, living side by side in peace with the State of Israel within secure and recognized borders for both States, as envisaged in resolutions of the Security Council and General Assembly, would contribute to regional stability and the security of all States in the Middle East.<sup>19</sup>

22. This conclusion is consistent with the Arab Peace Initiative that was adopted by the Heads of State and Government of the member States of the League of Arab States on 28 March 2002.<sup>20</sup> The reality, however, is that Israel is systematically violating its international legal obligations both as a UN member State and as an occupying power. It is engaging in a policy of collective punishment against the Palestinian people and is perpetrating serious violations of international humanitarian law and international human rights law, which also amount to crimes under international law. Underlying this conduct is Israel's effort to deprive the Palestinian people of their inalienable right to self-determination.
23. Nonetheless, the League of Arab States retains its faith in the ability of the international legal order to hold Israel to account and to compel it to uphold its international legal obligations, which is essential to achieving a just and comprehensive peace in the region on the basis of the two-State solution.

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<sup>19</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 283.

<sup>20</sup> See Letter from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General, Annex II, Summit-level Council of the League of Arab States Fourteenth regular session (27 and 28 March 2002), Summit resolution 14/221, *Arab Peace Initiative*, UN Doc. A/56/1026-S/2002/932 (24 April 2002).

## CHAPTER 2 JURISDICTION AND DISCRETION

### A. The Court Has Jurisdiction to Give the Advisory Opinion Requested

24. The Court has jurisdiction to issue an advisory opinion pursuant to Article 65(1) of the Statute of the Court because it has been requested to do so by the duly authorized UN General Assembly. Article 65(1) of the Statute of the Court sets out its advisory jurisdiction, allowing the ICJ to provide advisory opinions on legal questions upon request by bodies authorized by the UN Charter.<sup>21</sup> Under Article 96(1) of the UN Charter, the General Assembly is one such authorized body.<sup>22</sup>
25. The Court has jurisdiction on the basis that (i) the General Assembly is authorized to make a request for an advisory opinion and it has done so by General Assembly Resolution 79/L.28/Rev.1, adopted on 19 December 2024 (“**Resolution**”); (ii) the General Assembly is competent to make the request; and (iii) the request is for an opinion on legal questions.
26. First, the Resolution was adopted by a recorded vote of 137 in favor, 12 opposed, and 22 abstaining, and was thus adopted by the required majority of UN Member States present and voting, in accordance with Rule 86 of the General Assembly’s Rules of Procedure.<sup>23</sup>
27. Second, unlike other UN organs and specialized agencies, the General Assembly’s power to request advisory opinions under Article 96 is not restricted to legal questions “arising within the scope of [its] activities.”<sup>24</sup> Nonetheless, it is clear that the obligations of an occupying power in relation to the presence and activities of the United Nations, other international organizations, and third States are directly relevant to many aspects of the

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<sup>21</sup> Statute of the International Court of Justice, Art. 65(1) (“The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.”).

<sup>22</sup> UN Charter, Art. 96(1) (“The General Assembly ... may request the International Court of Justice to give an advisory opinion on any legal question.”).

<sup>23</sup> Rule 86 of the General Assembly’s Rules of Procedure defines the terms “members present and voting” at paragraphs 2-3 of Article 18 of the UN Charter to mean members casting affirmative or negative votes and excluding those that abstain.

<sup>24</sup> See *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal, Advisory Opinion*, I.C.J. Reports 1982, p. 325, at pp. 333-334, para. 21. See also P. d’Argent, “Article 65” in A. Zimmermann *et al.* (eds.), THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE: A COMMENTARY (3<sup>rd</sup> Ed., OUP 2019), para. 21.

activities and concerns of the General Assembly, including but not limited to the maintenance of international peace and security and the realization of human rights and fundamental freedoms.<sup>25</sup> Indeed, as agreed by the General Assembly in 1998, “as long as the Palestinian people is deprived of [their] right [to self-determination], the region will remain subject to wars and bloodshed.”<sup>26</sup> The General Assembly’s long-standing interest in the matter is further evidenced not only by its adoption of a multitude of related resolutions,<sup>27</sup> but also by the fact that the present request for an advisory opinion is the third brought by the General Assembly on the question of Palestine.<sup>28</sup>

28. Third, the requirement that the Advisory Opinion must be on a “legal question” is also satisfied. The question is inherently legal, as it asks the Court to identify Israel’s obligations under international law,<sup>29</sup> and is thus “by its very nature susceptible of a reply based on law”.<sup>30</sup> Thus, in the *Wall* Opinion, a question posed as to the “legal consequences” of Israel’s construction of a wall in the Occupied Palestinian Territory was deemed to be within the Court’s jurisdiction since the request asked the Court to “identify the existing

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<sup>25</sup> See UN Charter, Arts. 10, 11, 13. See also *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010, p. 403 (“**Kosovo Advisory Opinion**”), at p. 420, para. 40 (“Articles 10 and 11 of the Charter ... confer upon the General Assembly a very broad power to discuss matters within the scope of the activities of the United Nations ...”).

<sup>26</sup> UN General Assembly, *Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms*, UN Doc. A/53/293 (28 August 1998), § III(1)(7).

<sup>27</sup> See, e.g., UN General Assembly, Resolution 58/292, *Status of the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/RES/58/292 (6 May 2004); UN General Assembly, Resolution 59/251, *Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources*, UN Doc. A/RES/59/251 (22 December 2004); UN General Assembly, Resolution 72/134, *Assistance to the Palestinian people*, UN Doc. A/RES/72/134 (11 December 2017); UN General Assembly, Resolution 77/247, *Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/RES/77/247 (30 December 2022); UN 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).

<sup>28</sup> UN General Assembly, Resolution ES-10/14, *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, UN Doc. A/RES/ES-10/14 (12 December 2003); UN General Assembly, Resolution 77/247, *Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/RES/77/247 (30 December 2022).

<sup>29</sup> Specifically, the Resolution requests the Court to interpret rules and principles of international law regarding fundamental aspects of the international legal order and of the United Nations system, including the right to self-determination, international humanitarian law, and international human rights law. The question asked in the Resolution is indisputably legal in nature.

<sup>30</sup> *Wall Advisory Opinion*, p. 21, para. 37 (citing *Western Sahara, Advisory Opinion*, I.C.J. Reports 1975, p. 18, para. 15).

principles and rules, interpret them and apply them ... thus offering a reply to the question posed based on law.”<sup>31</sup>

29. The question set out in the Resolution is of a legal nature because it concerns a determination of the legal obligations of prolonged occupation “in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory.”<sup>32</sup> Accordingly, the question is not only “framed in terms of law and rais[ing] problems of international law”<sup>33</sup>, it is “scarcely susceptible of a reply otherwise than on the basis of law”.<sup>34</sup> To address these questions, the Court is called upon to identify, interpret, and apply the relevant principles of international law, including international humanitarian law and international human rights law.

## **B. No Compelling Reasons Prevent the Court from Providing an Advisory Opinion**

30. While the Court retains under Article 65(1) of its Statute discretionary authority to decline to issue an opinion even where it otherwise has jurisdiction,<sup>35</sup> it has repeatedly made clear that “only ‘compelling reasons’ may lead the Court to refuse to deliver an opinion in response to a request falling within its jurisdiction.”<sup>36</sup> The purpose of advisory opinions is to furnish the organ which has made the request with the elements of law necessary for its action.<sup>37</sup> As the Court held, “the reply of the Court, itself an ‘organ of the United Nations’,

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<sup>31</sup> *Wall Advisory Opinion*, p 154, para. 38 (citing *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, I.C.J. Reports 1996 (1), p. 234, para. 13).

<sup>32</sup> UN General Assembly, Resolution A/RES/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. 10.

<sup>33</sup> *Western Sahara, Advisory Opinion*, I.C.J. Reports 1975, p. 12 (“**Western Sahara Advisory Opinion**”), at p. 18, para. 15. See also *Kosovo Advisory Opinion*, pp. 414-415, para. 25; *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, I.C.J. Reports 1996, p. 226 (“**Nuclear Weapons Advisory Opinion**”), at pp. 233-234, para. 13.

<sup>34</sup> *Western Sahara Advisory Opinion*, p. 18, para. 15. See also *Wall Advisory Opinion*, p. 153, para. 37.

<sup>35</sup> *Wall Advisory Opinion*, p. 156, para. 44.

<sup>36</sup> *Policies and Practices in the OPT Advisory Opinion*, p. 16, para. 31; *Chagos Advisory Opinion*, p. 113, para. 65. See also *Wall Advisory Opinion*, p. 156, para. 44.

<sup>37</sup> In its 1951 Advisory Opinion concerning the Genocide Convention, the Court observed: “The object of this request for an Opinion is to guide the United Nations in respect of its own action.” See *Reservations to the Convention on Genocide, Advisory Opinion*, I.C.J. Reports 1951, p. 15, at p. 19.

represents its participation in the activities of the Organization, and, in principle, should not be refused.”<sup>38</sup> In practice, the Court has never declined to give an advisory opinion where the conditions for the exercise of jurisdiction are met.<sup>39</sup>

31. There are no compelling reasons for the Court to decline to respond to this Request. Advisory opinions regarding the legal status of the United Nations, the right to self-determination, and the provision of essential humanitarian aid are of great importance to the General Assembly and would assist the General Assembly in its activities. Indeed, the General Assembly has repeatedly recognized that the United Nations has “a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy.”<sup>40</sup> As observed by the Court in its Advisory Opinion on the illegality of Israel’s prolonged occupation, “[t]he involvement of the United Nations organs, and before that the League of Nations, in questions relating to Palestine dates back to the Mandate System.”<sup>41</sup>
32. Moreover, “the fact that, in the course of its reasoning, and in order to answer the question[] submitted to it, the Court may have to pronounce on legal issues upon which divergent views have been expressed by Palestine and Israel does not convert the present case into a

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<sup>38</sup> *Interpretation of Peace Treaties, Advisory Opinion, I.C.J. Reports 1950*, p. 65, at p. 71.

<sup>39</sup> The only time that the Court did not exercise advisory jurisdiction was in *Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Reports 1996*, p. 66, at p. 84, para. 31, where it found that it did not have jurisdiction because the question posed did not arise within the scope of the requesting organization. The Permanent Court of International Justice declined to exercise its advisory jurisdiction on only one occasion, in *Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5*.

<sup>40</sup> See, e.g., the Preambles of the following General Assembly Resolutions: UN General Assembly, Resolution 57/107, *Committee on the Exercise of the Inalienable Rights of the Palestinian People*, A/RES/57/107 (3 December 2002); UN General Assembly, Resolution 58/18, *Committee on the Exercise of the Inalienable Rights of the Palestinian People*, A/RES/58/18 (3 December 2003); UN General Assembly, Resolution 74/10, *Committee on the Exercise of the Inalienable Rights of the Palestinian People*, A/RES/74/10 (3 December 2019); UN General Assembly, Resolution 75/20, *Committee on the Exercise of the Inalienable Rights of the Palestinian People*, A/RES/75/20 (2 December 2020); UN General Assembly, Resolution 77/22, *Committee on the Exercise of the Inalienable Rights of the Palestinian People*, A/RES/77/22 (30 November 2022).

<sup>41</sup> *Policies and Practices in the OPT Advisory Opinion*, p. 17, para. 35. See also *ibid.* (“Since resolution 181 (II) concerning the partition of Palestine was adopted by the General Assembly in 1947, the Palestinian question has been before the General Assembly, which has considered, debated and adopted resolutions on it almost annually. Thus, this issue is a matter of particular interest and concern to the United Nations. It has been described by the General Assembly as ‘a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy’”).

bilateral dispute” that would justify the Court declining to give an advisory opinion.<sup>42</sup> The Request, like the immediately previous one on the situation in Palestine, raises issues that “are part of the Palestinian question, including the General Assembly’s role relating thereto,” and thus does not ask the Court to rule on what is “only a bilateral matter between Israel and Palestine.”<sup>43</sup> Also, as the Court has found, the motives of individual States sponsoring or voting in favor of a resolution requesting an advisory opinion “are not relevant to the Court’s exercise of its discretion whether or not to respond.”<sup>44</sup>

33. There are thus no compelling reasons why the Court should decline to render an advisory opinion in response to the Request. The questions put to the Court are both urgent and relevant, and are likely to contribute to the general development of international law.

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<sup>42</sup> *Ibid.*, p. 17, para. 34 (citing *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, *I.C.J. Reports* 1971, p. 24, para. 34).

<sup>43</sup> *Policies and Practices in the OPT Advisory Opinion*, p. 17, para. 35.

<sup>44</sup> See *Kosovo Advisory Opinion*, p. 417, para. 33.

### CHAPTER 3

#### ELEMENTS OF THE QUESTION REFERRED TO THE COURT

34. In operative paragraph 10 of Resolution 79/232, the UN General Assembly:

*Decides*, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, on a priority basis and with the utmost urgency, to render an advisory opinion on the following question, considering the rules and principles of international law, as regards in particular the Charter of the United Nations, international humanitarian law, international human rights law, privileges and immunities applicable under international law for international organizations and States, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, the advisory opinion of the Court of 9 July 2004, and the advisory opinion of the Court of 19 July 2024, in which the Court reaffirmed the duty of an occupying Power to administer occupied territory for the benefit of the local population and affirmed that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation:

What are the obligations of Israel, as an occupying Power and as a member of the United Nations, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory, including to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?

35. The League of Arab States submits that the question referred to the Court by the General Assembly in Resolution 79/232 consists of four elements:

- ***First***, the obligations of Israel as both a UN Member State and as an occupying power in relation to the presence and activities of third parties in and in relation to the Occupied Palestinian Territory, including the Gaza Strip. These third parties include UN agencies and bodies, other international organizations, and third States. Furthermore, the League of Arab States is of the view that, when read in conjunction with the other preambulatory and operative paragraphs of Resolution 79/232, the question requests the Court to give special

attention to the obligations of Israel in relation to the presence and activities of the UNRWA in the Occupied Palestinian Territory.<sup>45</sup>

- The phrase “presence and activities” covers three broad categories of activities: (1) the delivery of humanitarian relief, including medical supplies essential for the survival of the Palestinian civilian population; (2) the provision of basic services, such as education and healthcare; and (3) the development assistance provided for the benefit of the civilian population.
- **Second**, the Request calls on the Court to opine on the obligations of Israel in relation to the civilian population in the Occupied Palestinian Territory, particularly Israel’s duties as an occupying power to “ensure and facilitate” the unhindered provision of urgently needed supplies essential to the survival of the civilian population in accordance with international humanitarian law and human rights law.
- **Third**, the obligation of Israel not to impede the exercise of the right to self-determination of the Palestinian people, and the corresponding obligation not to impede the efforts of the international community to support the realization of the right to self-determination by the Palestinian people. This element is reflected in the preambulatory and operative paragraphs of Resolution 79/232, which repeatedly refer to Israel’s obligation to respect the right to self-determination of the Palestinian people. The specific question posed to the Court also highlights “the Palestinian people’s right to self-determination,” underscoring that Israel’s obligations in relation to the activities and presence of third parties in and in relation to the Occupied Palestinian Territory should be examined through the lens of its obligation to respect the right to self-determination. With this framing in mind, the League of Arab States respectfully requests that the Court consider the activities and presence of third parties in and in relation to the Occupied Palestinian Territory in the context of the

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<sup>45</sup> Resolution 79/232 refers to UNRWA on several occasions in the preamble, and specifically expresses appreciation for the agency’s work and “endorses the efforts of the Agency to continue operations as far as possible in the Occupied Palestinian Territory, including East Jerusalem,” *See* UN 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. 5.

international community's obligations and efforts to promote, through joint and separate action, the realization of the right of self-determination of the Palestinian people.

- ***Fourth***, the League of Arab States submits that the term “obligations” in the question referred by the General Assembly to the Court encompasses obligations arising from both primary and secondary rules of international law. Indeed, operative paragraph 10 specifically invites the Court to consider the question referred to it by the General Assembly in light of “the rules and principles of international law,” which is a phrase that, in the view of the League of Arab States, also includes secondary rules of international law.
36. Accordingly, the League of Arab States submits that, in addition to inviting the Court to consider Israel's obligations under primary rules of international law, the Court is also invited to opine on the legal obligations of Israel arising as a consequence of internationally wrongful conduct that relates to the subject-matter of the question.

## CHAPTER 4

### THE OBLIGATIONS OF ISRAEL ARISING FROM THE INALIENABLE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION

37. The Palestinian people's right to self-determination gives rise to a number of obligations falling on Israel both in its capacity as an occupying power and as a UN Member State, "in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory."<sup>46</sup>
38. Israel's continuous unlawful occupation of Palestinian territory is inherently inconsistent with the right to self-determination of the Palestinian people, a fundamental right recognized by the international community<sup>47</sup> and affirmed now twice by the Court itself.<sup>48</sup> This includes Israel's conduct that prevents the provision of humanitarian aid to the civilian Palestinian population. The League of Arab States maintains, as it has previously pled before this Court, that there is no path to the realization of the Palestinian people's right to self-determination other than a full and immediate end to the illegal occupation. The League of Arab States thus welcomes the Court's affirmation in its Advisory Opinion of 19 July 2024 that "the existence of the Palestinian people's right to self-determination cannot be subject to conditions on the part of the occupying power, in view of its character as an inalienable right"<sup>49</sup> and that Israel's "continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful."<sup>50</sup> The League of Arab States further welcomes the Court's conclusion that "Israel has an

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<sup>46</sup> UN 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).

<sup>47</sup> UN General Assembly, Resolution 37/43, *Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights*, UN Doc. A/RES/37/43 (3 December 1982).

<sup>48</sup> *Wall Advisory Opinion*, p. 183, para. 118; *Policies and Practices in the OPT Advisory Opinion*, para. 102.

<sup>49</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 257.

<sup>50</sup> *Ibid.*, para. 261.

obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible,” consistent with the customary international rules on State responsibility.<sup>51</sup>

39. It bears emphasizing that, as the Court held in the 2024 Advisory Opinion, “Israel remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination” until such time as its occupation is brought to an end.<sup>52</sup> Moreover, given that the “obligation to respect the right to self-determination is owed *erga omnes* and that all States have a legal interest in protecting that right,”<sup>53</sup> it follows that it is incumbent on Israel, separate from its status as an occupying power and in its capacity as a UN Member State, to observe the Palestinian people’s right to self-determination. Thus, applying the Court’s 2024 Advisory Opinion, Israel must not only refrain from impeding the right to self-determination,<sup>54</sup> but it must also bring to an end “any impediment resulting from the illegal presence ... in the Occupied Palestinian Territory to the exercise by the Palestinian people of its right to self-determination,” and “promote through joint and separate action, the realization of the right of the Palestinian people to self-determination.”<sup>55</sup>
40. The Court has further affirmed that the principle of self-determination has a broad scope of application,<sup>56</sup> and includes, in the case of the Palestinian people, the “right to an independent and sovereign State, over the entirety of the Occupied Palestinian Territory,”<sup>57</sup>

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<sup>51</sup> *Ibid.*, para. 267.

<sup>52</sup> *Ibid.*, para. 272. *See also ibid.*, para. 264; *Wall Advisory Opinion*, p. 197, para. 149.

<sup>53</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 232 (citing *Wall Advisory Opinion*, p. 199, para. 155; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion*, I.C.J. Reports 2019, p. 95 (“*Chagos Advisory Opinion*”), at p. 139, para. 180).

<sup>54</sup> UN General Assembly, Resolution ES-10/24, *Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory*, UN Doc. A/RES/ES-10/24 (18 September 2024), para. 3(g).

<sup>55</sup> *Ibid.*, para. 4(a).

<sup>56</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 234; *Chagos Advisory Opinion*, p. 131, para. 144; UN General Assembly, Resolution 2625 (XXV), *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*, UN Doc. A/RES/2625(XXV) (24 October 1970); UN General Assembly, Resolution 1514(XV), *Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN Doc. A/RES/1514(XV) (14 December 1960); *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 90, at p. 102, para. 29.

<sup>57</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 237.

whose integrity Israel must respect.<sup>58</sup> It also includes the “right to exercise permanent sovereignty over natural resources, which is a principle of customary international law.”<sup>59</sup> Moreover, as recognized by the Court, “a key element of the right to self-determination is the right of a people freely to determine its political status and to pursue its economic, social and cultural development.”<sup>60</sup> This right is reflected in resolutions 1514 (XV) and 2625 (XXV), and it is enshrined in common Article 1 of the ICCPR and the ICESCR.<sup>61</sup> In addition, in its General Comment on Article 1 of the ICCPR and ICESCR, the Human Rights Committee drew attention to the second paragraph thereof, which it emphasized is “a particular aspect of the economic content of the right of self-determination.”<sup>62</sup> The second paragraph provides:

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.<sup>63</sup>

41. In addition to UNRWA, there are 23 other UN agencies and bodies, and several other international organizations, that operate within the State of Palestine to give effect to the Palestinian people’s right to self-determination, by supporting their institutional capacities for economic, social, and cultural development, in line with the UN Charter. Numerous States provide similar support.

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<sup>58</sup> *Ibid.*, para. 238.

<sup>59</sup> *Ibid.*, para. 240. See also *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 168 (“**Armed Activities, Judgment on Merits**”) at p. 251, para. 244.

<sup>60</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 241.

<sup>61</sup> Article 1 common to the ICESCR and the ICCPR provides: “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” International Covenant on Economic, Social and Cultural Rights (16 December 1966, entered into force 3 January 1976), 993 UNTS 3 (“**ICESCR**”), Art. 1; International Covenant on Civil and Political Rights (16 December 1966, entered into force 23 March 1976), 999 UNTS 171 (“**ICCPR**”), Art. 1.

<sup>62</sup> UN Human Rights Committee, *ICCPR General Comment No. 12: Article 1 (Twenty-first session, 1984)* (29 July 1994), UN Doc. HRI/GEN/1/Rev.1, p. 12.

<sup>63</sup> ICCPR, Art. 1(2); ICESCR, Art. 1(2) (emphasis added).

**A. Israel Must Promote and Facilitate the Presence and Activities of UN Agencies and Bodies, as well as other International Organizations and Third States that Provide Social, Economic, and Cultural Services to the Palestinian People**

42. It is established that Israel's policies and practices in the Occupied Palestinian Territory have had significant detrimental effects on the Palestinian people's economic, social, and cultural life, leading to the impairment of Palestinians' human rights. In particular:

- the Palestinian people is deprived of its means of subsistence, as a direct result of Israel's policies of exploitation of natural resources, approving settlements, confiscating land, and applying discriminatory systems of control over Palestinians in the Occupied Palestinian Territory.<sup>64</sup> As a result of its continuing unlawful occupation, Israel has prevented the Palestinian people from developing natural resources which belong to the Palestinian people, including minerals and energy reserves, and which are estimated to be worth hundreds of billions of dollars.<sup>65</sup> Meanwhile, Israeli water policies prioritize water access for settlers, leaving Palestinian families exposed to water shortages and water scarcity.<sup>66</sup>
- Israel has often arbitrarily withheld hundreds of millions of USD in tax revenues collected from the Palestinian people in the West Bank and the Gaza Strip and owed to the State of Palestine, thereby placing significant strain on the Palestinian Authority's already frail finances and leading to pay cuts for Palestinian public servants.<sup>67</sup>

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<sup>64</sup> *Policies and Practices in the OPT Advisory Opinion*, paras. 119, 133, 213, 222, 229, 267-269; UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 7.

<sup>65</sup> UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/77/90-E/2022/66 (8 June 2022), para. 70.

<sup>66</sup> Human Rights Council, *Report of the UN High Commissioner for Human Rights on Allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/HRC/48/43 (15 October 2021), paras. 18, 26.

<sup>67</sup> A. Soussi and Z. Al Tahhan, "How Israel controls \$188m of Palestinian money every month," *Al Jazeera* (23 January 2024), available at <https://www.aljazeera.com/news/2024/1/23/why-is-israel-sending-palestinian-taxes-to-norway>.

- the population of Palestinians displaced or turned refugees has sharply increased over the past decades, as a result of Israel's multi-pronged ethnic cleansing campaign.<sup>68</sup>
- the Gazan population was in an especially fragile state even before 7 October 2023, with inadequate access to clean water and without consistent electricity or a proper sewage system.<sup>69</sup> Israel's assault on the Gaza Strip has only exacerbated these difficulties, resulting in a "catastrophic situation" for its 2.3 million inhabitants, as it "rendered much of Gaza uninhabitable" and "1.7 million Palestinians displaced,"<sup>70</sup> and left the Gaza Strip "without what could be described as an 'economy' and with barely any means of production, self-sustainment, employment or capacity for trade."<sup>71</sup>
- Palestinians have suffered the erasure of their cultural practices and heritage.<sup>72</sup> Israel has conducted wanton attacks on cultural sites in the Gaza Strip, including mosques, cemeteries, museums, archaeological sites, and cultural centers.<sup>73</sup> By January 2024, Israel had already destroyed approximately 31 percent of the Gaza Strip's heritage sites, and

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<sup>68</sup> For example, in January 2023, Israel decided to withhold \$39m in tax revenues from the PA following the authority's decision to ask this Court to rule on the legality of Israel's occupation. *See ibid.*

<sup>69</sup> UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 57.

<sup>70</sup> UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 5.

<sup>71</sup> *Ibid.*, para. 6.

<sup>72</sup> Amnesty International, *'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza* (5 December 2024), available at <https://www.amnesty.org/en/wp-content/uploads/2024/12/MDE1586682024ENGLISH.pdf>, pp. 32-33, 216-233; M. Shah, "Vanishing Ink: Palestinian Culture Under Threat in Gaza," *Sada (Carnegie Endowment for International Peace)* (8 February 2024), available at <https://carnegieendowment.org/sada/2024/02/vanishing-ink-palestinian-culture-under-threat-in-gaza?lang=en>.

<sup>73</sup> World Bank, *Gaza Strip Interim Damage Assessment: Summary Note* (29 March 2024), available at <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>, p. 13; Scripps News, "Gaza's Cultural Heritage Sites Under Fire Amid Conflict | Bellingcat on Scripps News," *YouTube* (25 June 2024), available at <https://www.youtube.com/watch?v=TOdHa8OZwtc>; G. K. Adams, "Widescale destruction of cultural heritage in Gaza," *Museums Journal* (30 January 2024), available at <https://www.museumsassociation.org/museums-journal/news/2024/01/widescale-destruction-of-cultural-heritage-in-gaza/#>; UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), paras. 21, 24.

damaged 63 percent.<sup>74</sup> 75 UNESCO sites have been identified as damaged.<sup>75</sup> Between 7 October 2023 and 6 July 2024, Israel destroyed 130 of 341 religious institutions and 30 of 44 cultural sites in the Gaza Strip.<sup>76</sup>

- in the West Bank including East Jerusalem, Palestinian cultural, religious, and heritage sites have been endangered since the beginning of the occupation. In Jerusalem in particular, Israel has undertaken a decades-long strategy of undermining the Old City's rich religious diversity, targeting Muslim, Christian, and Armenian Apostolic sites that reflect its non-Jewish, multi-faith heritage.<sup>77</sup> In the West Bank, Israel has asserted jurisdiction over archeological sites, restricting Palestinians' access to and self-determination over their own heritage.<sup>78</sup> Israel's excavation projects threaten Palestinian neighborhoods and religious sites, including the Al-Aqsa Mosque, which is "in danger of collapse if the digging continue[s] at its current intensity."<sup>79</sup> The UN General Assembly has condemned the Israel's excavations, particularly in East Jerusalem, which it warns "seriously endanger

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<sup>74</sup> A joint preliminary report by the World Bank, European Union, and United Nations estimated the total damage to Gaza's cultural heritage sites at almost USD 320 million by January 2024. World Bank, *Gaza Strip Interim Damage Assessment: Summary Note* (29 March 2024), available at <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>, pp. 6, 13.

<sup>75</sup> UNESCO, "Gaza Strip: Damage assessment" (last updated 5 December 2024), available at <https://www.unesco.org/en/gaza/assessment>.

<sup>76</sup> Forensic Architecture, "A Cartography of Genocide: Israel's Conduct in Gaza Since October 2023" (last accessed 28 January 2025), available at <https://forensic-architecture.org/investigation/a-cartography-of-genocide>.

<sup>77</sup> F. Albanese, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc. A/77/356 (21 September 2022), para. 54; Diakonia International Humanitarian Law Resource Centre, *Occupation Remains: A Legal Analysis of Israeli Archeology Policies in the West Bank: An International Law Perspective* (December 2015), available at <https://tinyurl.com/4wby4n3n>, p. 29. See also Human Rights Council, *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), para. 59 ("It has been alleged that these archaeological excavations are intended to emphasize Jewish cultural heritage while disregarding – or worse undermining – the rich heritage of other cultures that have contributed to the millenary history of the city.").

<sup>78</sup> S. Al-Houdalieh, "The Battle to Protect Archaeological Sites in the West Bank," *Sapiens* (22 January 2025), available at <https://www.sapiens.org/archaeology/west-bank-heritage-looting-destruction/>.

<sup>79</sup> M. Najib, "Jerusalem's Al-Aqsa Mosque 'in danger of collapsing' due to Israeli excavation work: Site official," *Arab News* (24 June 2022), available at <https://tinyurl.com/bddz4hb7>.

the historical, cultural and religious sites of Jerusalem” and of the Palestinian people.<sup>80</sup> Israel’s policies and practices have placed cultural heritage sites in Hebron and Jerusalem on UNESCO’s list of World Heritage in Danger.<sup>81</sup>

43. Israel’s practices and policies, including its restrictions on freedom of movement, its attacks on cultural heritage sites, and its aggression on the Gaza Strip, have inevitably rendered the Palestinian people highly dependent on international and foreign aid and grants for their social, economic, and cultural development. The Economic and Social Council confirmed that the impact of Israel’s war on the Gaza Strip is such that “Gaza will be dependent on international/foreign assistance on a scale not seen since 1948 and on access to goods brought in through Israel.”<sup>82</sup>
44. UNRWA is the paradigmatic example of an international aid organization assisting Palestinians, playing the role of a “quasi-state body”<sup>83</sup> by providing to almost six million Palestinians not just humanitarian assistance but also economic, social, and cultural support.<sup>84</sup> As discussed further below, Israel has for years impeded UNRWA’s operations,<sup>85</sup> and attacked its personnel and premises during the 15-month aggression on

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<sup>80</sup> UN General Assembly, Resolution 36/15, *Recent developments in connection with excavations in eastern Jerusalem*, UN Doc. A/RES/36/15 (28 Oct. 1981).

<sup>81</sup> UNESCO World Heritage Committee, “State of conservation of the properties inscribed on the List of World Heritage in Danger,” UNESDOC WHC/21/44.COM/7A.Add.2 (12 July 2021), pp. 2, 6, 9.

<sup>82</sup> UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 6; UN Economic and Social Commission for Western Asia, *War on Gaza: tenets and essential elements for sustainable recovery*, UN Doc. E/ESCWA/31/9 (28 November 2023), para. 33.

<sup>83</sup> Al-Haq, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)?* (2024), available at [https://www.alhaq.org/cached\\_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf](https://www.alhaq.org/cached_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf), p. 14.

<sup>84</sup> See *infra* Chapter V, §§ A, C.

<sup>85</sup> Al-Haq, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)?* (2024), available at [https://www.alhaq.org/cached\\_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf](https://www.alhaq.org/cached_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf), pp. 11-12.

the Gaza Strip,<sup>86</sup> before adopting on 28 October 2024 two laws severely curtailing its activities in the Occupied Palestinian Territory.<sup>87</sup>

45. Other UN agencies and bodies have also provided indispensable humanitarian relief and development assistance to the civilian population of the Occupied Palestinian Territory. For example, IFAD, WFP and FAO have supported the Palestinian people in “implementing their development plans [with respect to animal livestock, farming and agriculture] and building capacities for a future Palestinian state despite these constraints;”<sup>88</sup> UNDP has focused on ensuring the Palestinian people’s cohesive national identity, self-reliance, and ownership and leadership;<sup>89</sup> and UNCTAD, UNDP, and UNIDO have collectively served to strengthen economies, improve trade competitiveness, reduce poverty, advance decent work conditions, and build the institutional economic capacities of the Palestinian public and private sector.<sup>90</sup> Non-governmental organizations have also played a critical role in assisting the Palestinian people in freely pursuing their economic, social, and cultural development. For example, War Child has sought to protect Palestinian children from harm and support their psychosocial wellbeing by improving access to mental health, remedial education, and child protection services.<sup>91</sup>
46. Israel has consistently impeded, hampered, and disrupted the operations of these UN agencies and other international organizations, and has failed to prevent attacks against

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<sup>86</sup> *Ibid.*, p. 5.

<sup>87</sup> UNRWA, “UNRWA Occupied Palestinian Territory Flash Appeal” (4 January 2025), *available at* <https://www.unrwa.org/resources/emergency-appeals/unrwa-occupied-palestinian-territory-flash-appeal>

<sup>88</sup> International Fund for Agricultural Development, *Palestine Country Strategy Note, Report No: 5987* (23 December 2021), *available at* <https://www.ifad.org/en/w/corporate-documents/regions-countries/palestine-country-strategy-note>, p. 1.

<sup>89</sup> UN Development Programme, *Palestinian Programme Framework 2023-2025* (16 August 2023), *available at* <https://www.undp.org/papp/publications/palestinian-programme-framework>, para. 10 (identifying their programmatic priorities as centered around the concept of “Transformative Resilience” which “moves beyond the narrative of *sumud* (steadfastness) in the face of the occupation and defines three key elements: a cohesive Palestinian identity, self-reliance, and ownership and leadership”).

<sup>90</sup> See UN Trade and Development, “Assistance to the Palestinian People” (last accessed 6 February 2025), *available at* <https://unctad.org/topic/palestinian-people/APPU-about> (noting their Programme of Assistance to the Palestinian People is “required for building a robust economy to underpin the future independent Palestinian State.”).

<sup>91</sup> War Child, “Occupied Palestinian Territory” (last accessed 6 February 2025), *available at* <https://www.warchild.net/country-opt/>.

them, especially by violent settlers in the West Bank, including East Jerusalem.<sup>92</sup> As a result of Israel's policies and practices, social and educational indicators including in the health, education, and nutritional sectors have fallen to historic depths among the Palestinian population, with attendant harms to the future of an entire generation of Palestinians. As of July 2024, the UN Economical and Social Commission for Western Asia ("ESCWA") and UNDP estimated that "the six months of war in Gaza ... and the linked deterioration of the situation in the West Bank ha[d] set human development for the Occupied Palestinian Territory back to pre-2007 levels, with the potential to slip below 2004 levels – the earliest available human development index data – if the war persisted for nine months."<sup>93</sup>

47. In these circumstances, respect for the Palestinian people's right to self-determination requires Israel to:
- Repeal, or render ineffective, the legislative measures taken in October 2024 to ban the operation of UNRWA in Israel and prohibit Israeli authorities from engaging with UNRWA;
  - Refrain from interfering with, or otherwise impeding, the operations of UN agencies and bodies, as well as international organizations and third States, that provide the Palestinian people economic, social, and cultural support; and
  - Actively promote and facilitate the work of UN agencies and bodies, as well as international organizations, that provide the Palestinian people economic, social, and cultural support. This includes, *inter alia*, securing the free movement of those agencies and organizations' staff from and to the Occupied Palestinian Territory (including by granting the necessary permissions and facilitating their movement through Israel's territory); facilitating the entry of goods, aid, and services purchased by those agencies and organizations for purposes of their work in and in relation to the Occupied Palestinian

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<sup>92</sup> See *infra* Chapter V, § C(1).

<sup>93</sup> UN Economic and Social Council, *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 the Arab population in the occupied Syrian Golan*, UN Doc. A/79/187-E/2024/68 (18 July 2024), para. 59.

Territory; protecting the premises of these agencies and organizations as well as their staff; and prosecuting those that seek to harm them.

**B. Israel Must Promote and Facilitate the Work of UN Agencies and Bodies, as well as International Organizations, Which Assist the Palestinian People in Freely Determining their Political Status**

48. Israel has long attempted to isolate, segregate, and contain the Palestinian people, including, as observed by the Court, through the construction of the separation wall<sup>94</sup> and other measures that have had the effect of encircling Palestinian communities in enclaves in the West Bank, including East Jerusalem, or otherwise dispersing them and undermining their integrity as a people.<sup>95</sup> In so doing, Israel has impeded the ability of the State of Palestine to exercise governmental functions across the entire Occupied Palestinian Territory, which undermines the Palestinian people's right to freely determine their political status.<sup>96</sup>
49. UNRWA and other UN agencies and bodies provide indispensable support that assists the Palestinian people in its quest to freely determine its political status. UNRWA's mandate and activities include education services and other capacity-building activities, with its schools and other critical services providing a common framework and series of shared experiences for Palestinian refugees. While UNRWA does not explicitly engage in negotiations or other political endeavors, it is also inherently the case that its educational and similar activities directly support the Palestinian national project. Above all, UNRWA has equipped generations of Palestinian refugees, including many social and political leaders, with the skills to make the case for Palestinian national identity and sovereignty to

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<sup>94</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 239.

<sup>95</sup> *Ibid.*, paras. 238-239.

<sup>96</sup> The former Special Rapporteur of the Sub-Commission on prevention of discrimination and protection of minorities, Ms. Cristescu, explains that the freedom of a people "to determine its political status" implies the right "freely to choose and develop the domestic political system which they desire and which, in their view, corresponds to their aspirations and political objectives." See A. Cristescu, *The Right to Self-determination: Historical and current development on the basis of United Nations Instruments*, UN Doc. E/CN.4/Sub.2/404/Rev.1 (1981), paras. 303, 319-320. See also UN General Assembly, Resolution 2625 (XXV), *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States*, UN Doc. A/RES/2625(XXV) (24 October 1970), pp. 123-124; UN Charter (referring to the notion of "self-government" as an expression of the right to self-determination).

the world. Accordingly, UNRWA has become an essential contributor to the Palestinian state-building process, even as it maintains its political neutrality.

50. Without UNRWA and other UN agencies and bodies, Israel's systematic efforts to divide Palestinians not only within the fragmented Occupied Palestinian Territory, but also from those living as refugees in neighboring countries and from those who remain inside the borders of historical Palestine, might long ago have succeeded. To comply with the Palestinian people's right to self-determination, Israel is therefore under the same obligations outlined further above: to (1) repeal, or render ineffective, the legislative measures adopted by the Knesset on 28 October 2024; (2) refrain from interfering with organizations that seek to assist the Palestinian people in freely determining their political status; and (3) promote and facilitate the work of such organizations.

**C. Israel Must Respect the Free Movement of Goods, Aid, and Services Among the Occupied Palestinian Territory and Third States**

51. As the Court observed, the "dependence of the West Bank, East Jerusalem, and especially of the Gaza Strip, on Israel for the provision of basic goods and services impairs the enjoyment of fundamental human rights, in particular the right to self-determination."<sup>97</sup> In fact, while the Gaza Strip borders the Mediterranean Sea and should have access to maritime connectivity, even before the latest Israeli aggression it has in practice been hemmed in by militarized Israeli land and sea borders on all sides, preventing the export or import of any goods. The situation in the West Bank is similar, with a territorial border to Jordan rendered irrelevant by Israel's effective control and regulation of all access points to the West Bank. Were the Palestinian people's claim to sovereignty respected, Palestine should have significant economic and humanitarian exchange with its Arab, European, and other neighbors.
52. Moreover, since its aggression on the Gaza Strip, Israel has blocked many thousands of tons of international humanitarian aid meant for the Gaza Strip via a variety of specious justifications and tactics, including the need for extended and exhaustive vehicle searches

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<sup>97</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 241.

with the clear intent of delaying aid deliveries.<sup>98</sup> Often, Israeli restrictions have not even used the pretense of security checks to block aid to the Gaza Strip, instead simply limiting the number of trucks allowed to enter with the evident intent of reducing the flow of food and other essential items for the population.<sup>99</sup>

53. In this relation, it must be made clear that Israel is under an obligation to facilitate the flow of goods, aid, and services not only from and to the Occupied Palestinian Territory, but also internally within that Territory. The placement of “flying checkpoints,”<sup>100</sup> the construction of the separation wall, as well as the imposition of other barriers and policies (including settlements and annexations) that seek to fragment the Occupied Palestinian Territory and sever the Palestinian people’s communities from each other, “undermine,” to echo the Court, “the integrity of the Palestinian people in the Occupied Palestinian Territory, significantly impeding the exercise of its right to self-determination.”<sup>101</sup> Israel must thus reverse, remove, or render ineffective any such barriers that prevent the Palestinian people from enjoying trade relationships with regional and international partners of their choice.

**D. Israel Must Not Hinder the Palestinian People’s Access to Third States in Pursuit of Cultural, Academic, and other Activities, and Conversely, and it must not Impede Foreign Visitors’ Access to the Occupied Palestinian Territory**

54. As a matter of course, Israel hinders Palestinians’ ability to travel internationally to pursue their professional, cultural, academic, and other aspirations. It does so, *inter alia*, by often

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<sup>98</sup> See *infra* Chapter V, § C(2).

<sup>99</sup> See *infra* Chapter V, § C(2). See also E. Yosef and L. Lilieholm, “Israel considering limiting humanitarian aid to Gaza after Trump’s inauguration,” *CNN* (4 January 2025), available at <https://www.cnn.com/2025/01/04/middleeast/israel-gaza-aid-limits-trump-intl/index.html> (noting “Israel is considering limiting humanitarian aid to Gaza after Donald Trump comes into office later this month in a bid to deprive Hamas of resources, according to an Israeli official familiar with the matter.”).

<sup>100</sup> A “flying checkpoint” is a term commonly used to refer to “a random, temporary, and unannounced makeshift roadblock thrown up without advance notice by the Israeli military” ... [t]ypically in Palestinian areas and affecting Palestinian mobility.” See Jerusalem Story, “Flying Checkpoints” (last accessed 6 February 2025), available at <https://www.jerusalemstory.com/en/lexicon/flying-checkpoint>.

<sup>101</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 239. See also *Wall Advisory Opinion*, p. 184, para. 122 (concluding that the “construction [of the separation wall], along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel’s obligation to respect that right.”).

refusing to grant official permission for them to travel across parts of Israel or other designated “restricted” areas. For instance, Palestinians traveling from the West Bank, including East Jerusalem, are routinely compelled to travel for a full 24 hours, traversing a crowded border crossing to Jordan which is open for only limited windows, forcing many travelers to pay to stay in a hotel ahead of their flight.<sup>102</sup> The expense and difficulty of this trip is prohibitive for most.

55. In addition to restricting access to third States, Israel has imposed severe restrictions on freedom of movement within the Occupied Palestinian Territory, fragmenting the Palestinian people and severing “the Palestinians under occupation not only from each other socially, economically and politically, but also from the Palestinians living in Israel and the wider world.”<sup>103</sup> Within the West Bank, including East Jerusalem, Palestinians are subject to a labyrinth of physical and bureaucratic barriers restricting their freedom of movement—Palestinians seeking to travel for routine economic, health, and family reasons must navigate checkpoints and roadblocks and avoid settlements and so-called “sterile” roads, the Israeli Occupation Forces’ parlance for segregated roads closed to Palestinians.<sup>104</sup>
56. Meanwhile residents of the Gaza Strip are cut off entirely from the rest of the Occupied Palestinian Territory and neighboring States due to Israel’s imposition of a comprehensive air, sea, and land blockade. While Israel purportedly “disengaged” from the Gaza Strip in 2005, withdrawing its settlers and troops, it continues to control all movement of people and goods in and out of the Gaza Strip, limiting imports of essential consumer goods and humanitarian aid and restricting exports, undermining “Gaza’s fragile economy,

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<sup>102</sup> H. Kane, “Israel Offers West Bank Palestinians International Flights Out of Southern Airport,” *Haaretz* (9 August 2022), available at <https://www.haaretz.com/israel-news/2022-08-09/ty-article/israel-offers-west-bank-palestinians-international-flights-out-of-southern-airport/00000182-83fb-df6b-a5de-d3fb15b80000> (“[t]hose in the West Bank wishing to fly abroad must currently travel to Jordan’s capital Amman, through a crowded Israeli border crossing. The crossing isn’t open 24 hours a day, forcing many travelers to pay to stay in a hotel ahead of their flight. There are also travel costs and crossing fees that make the journey an added financial burden.”).

<sup>103</sup> S. Lynk, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc. A/HRC/49/87 (12 August 2022), para. 42.

<sup>104</sup> Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (27 April 2021), available at <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

particularly the manufacturing and agriculture sectors.”<sup>105</sup> The vast majority of residents of the Gaza Strip do not meet the criteria for travel permits<sup>106</sup>, which must be issued by the occupying power, Israel, leaving them trapped in what NGOs including Human Rights Watch and the Norwegian Refugee Council describe as the “world’s largest open air prison, where the prison guard is Israel.”<sup>107</sup> The economic and humanitarian toll of Israel’s blockade, and the resulting isolation of the people of the Gaza Strip, has been devastating.<sup>108</sup>

57. Israel has also “long made it difficult for foreigners to teach, study, volunteer, work, or live in the West Bank,” through a combination of restrictions that have only increased in the past few years.<sup>109</sup> According to the deputy Middle East director at Human Rights Watch, “[b]y making it harder for people to spend time in the West Bank, Israel is taking yet another step toward turning the West Bank into another Gaza Strip, where two million Palestinians have lived virtually sealed off from the outside world for over 15 years ... “[t]his policy is designed to weaken the social, cultural, and intellectual ties that Palestinians have tried to maintain with the outside world.”<sup>110</sup>
58. Israel must therefore refrain from impeding Palestinian people’s freedom of movement between the Occupied Palestinian Territory and third States in a manner that hinders the

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<sup>105</sup> OCHA, “Electricity in the Gaza Strip” (2023) available at <https://www.ochaopt.org/page/gaza-strip-electricity-supply>.

<sup>106</sup> Gisha, *The Permit Regime: Testimonies* (28 July 2022), available at <https://gisha.org/en/the-permit-regime-testimonies/>.

<sup>107</sup> R. Høvring, “Gaza: The world’s largest open-air prison,” *Norwegian Refugee Council* (26 April 2018), available at [https://www.nrc.no/news/2018/april/gaza-the-worlds-largest-open-air-prison/#:~:text=Today%20many%20refer%20to%20the,the%20prison%20guard%20is%20Israel; “Gaza: Israel’s ‘Open-Air Prison’ at 15,” \*Human Rights Watch\* \(14 June 2022\), available at <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>. See also B. Wedeman, “Analyst: Gaza becomes the biggest open-air prison on earth,” \*CNN\* \(26 May 2021\), available at <https://www.cnn.com/videos/world/2021/05/26/gaza-no-exit-wedeman-pkg-intl-hnk-vpx.cnn>.](https://www.nrc.no/news/2018/april/gaza-the-worlds-largest-open-air-prison/#:~:text=Today%20many%20refer%20to%20the,the%20prison%20guard%20is%20Israel;‘Open-Air%20Prison’%20at%2015,‘Human%20Rights%20Watch’%20(14%20June%202022),‘available%20at%20https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15.‘See%20also%20B.%20Wedeman,%20‘Analyst:%20Gaza%20becomes%20the%20biggest%20open-air%20prison%20on%20earth,’%20CNN%20(26%20May%202021),‘available%20at%20https://www.cnn.com/videos/world/2021/05/26/gaza-no-exit-wedeman-pkg-intl-hnk-vpx.cnn.‘)

<sup>108</sup> UN General Assembly, *Economic Costs of the Israeli Occupation for the Palestinian people: the Gaza Strip under closure and restrictions*, UN Doc. A/75/310 (13 August 2020), p. 2; OCHA, *Multi-Sectoral Needs Assessment* (July 2022), available at <https://tinyurl.com/cyk4ccfr>, p. 2; WHO, *Report by the Director-General on Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan*, UN Doc. No. A/76/15 (17 May 2023), para. 20.

<sup>109</sup> Human Rights Watch, “West Bank: New Entry Rules Further Isolate Palestinians” (23 January 2023), available at <https://www.hrw.org/news/2023/01/23/west-bank-new-entry-rules-further-isolate-palestinians>.

<sup>110</sup> *Ibid.*

Palestinian people's freedom to pursue its own objectives of social and cultural development and decide the means and methods of their achievement.

**E. Israel Must Cooperate with UN Agencies and Bodies, as well as International Organizations and Third States, in the Process of Reconstruction of the Gaza Strip**

59. As of February 2025, as reported by the United Nations Office for Project Services, “[a]round 90 per cent of health facilities ha[d] been damaged or destroyed, electricity shortages ha[d] led to frequent blackouts, the water and sanitation system ha[d] nearly collapsed, and over 90 per cent of primary roads ha[d] been damaged.”<sup>111</sup> UNOPS further estimated that “[c]ritical infrastructure damage amounts to an estimated \$18 billion.”<sup>112</sup> With a ceasefire in place, the Palestinian people in the Gaza Strip cannot afford any delays in rebuilding and reconstructing their shattered lives—efforts they desperately need yet certainly have no means to undertake on their own. It is uncontested that, without these efforts at recovery, the Palestinian people of the Gaza Strip would have no means to freely pursue their economic, social and cultural development in accordance with their right to self-determination. Nor would they be in a position to freely determine their political status in such circumstances; a minimum standard of living is of course necessary for any level of political development.
60. must therefore cooperate with the relevant UN agencies and bodies, as well as international organizations and third States who are willing to support the Gaza Strip's efforts of reconstruction and improving their level of human development. This includes, for example, agreeing to an UN-brokered agreement similar to the “Gaza Reconstruction Mechanism” of September 2014 that had allowed construction materials to enter the Gaza Strip for large-scale construction and reconstruction works in the wake of an armed conflict between the warring parties the summer prior.

**F. Israel Must Not in any way Impede the Establishment of Diplomatic Relations between the State of Palestine and Third States**

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<sup>111</sup> UNOPS, “Crisis Response in Gaza” (last accessed 24 February 2025), *available at* <https://www.unops.org/crisis-response-in-gaza>.

<sup>112</sup> *Ibid.*

61. The Court declared in its 2024 Advisory Opinion that “[i]t is for all States, while respecting the Charter of the United Nations and international law, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end.”<sup>113</sup> All States are under an obligation not to render aid or assistance in maintaining the situation created by Israel’s illegal presence in the Occupied Palestinian Territory.<sup>114</sup>
62. States that seek to recognize the State of Palestine and maintain diplomatic relations therewith would be in full compliance with the Court’s 2024 Advisory Opinion and its conclusion that the Palestinian people’s right to self-determination applies *erga omnes*.<sup>115</sup> Indeed, the State of Palestine is both a vehicle for and manifestation of Palestinian self-determination.
63. Several States have in fact recognized the State of Palestine and established diplomatic relations therewith over the past few years. Currently, 149 States have recognized the State of Palestine. Among the latest States to formally recognize the State of Palestine are Norway, Ireland, and Spain.<sup>116</sup> Israel promptly responded by recalling its ambassadors from all three countries.<sup>117</sup> This is just one example of the many ways in which Israel has sought to leverage its political weight and ties to powerful allies with a view to preventing other States from either recognizing the State of Palestine, establishing diplomatic relations therewith, voting in favor of resolutions supporting Palestinian statehood, or otherwise supporting the Palestinian people’s aspirations of self-determination and statehood.<sup>118</sup>

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<sup>113</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 279.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*, para. 232.

<sup>116</sup> See, e.g., “Norway, Ireland, Spain to recognise Palestinian state,” *Al Jazeera* (22 May 2024), available at <https://www.aljazeera.com/news/2024/5/22/norway-will-recognise-palestinian-state-pm-says>.

<sup>117</sup> G. Cafiero, “What’s behind Norway’s recognition of Palestinian statehood?,” *Al Jazeera* (24 May 2024), available at <https://www.aljazeera.com/news/2024/5/24/whats-behind-norways-recognition-of-palestinian-statehood>.

<sup>118</sup> See, e.g., “Israeli parliament backs Netanyahu’s rejection of a Palestinian state,” *Al Jazeera* (21 February 2024), available at <https://www.aljazeera.com/news/2024/2/21/israeli-parliament-backs-netanyahus-rejection-of-a-palestinian-state>; UN Security Council, “Press Release: Security Council Fails to Recommend Full United Nations Membership for State of Palestine, Owing to Veto Cast by United States,” UN Doc. SC/15670 (18 April 2024) (wherein “[t]he representative of Israel thanked the United States for standing up for ‘truth and morality in the face of hypocrisy and politics.’ Calling the draft resolution destructive, he said the Palestinian Authority does not meet the

64. In circumstances where opposing the Palestinian people’s right to self-determination (which is supported, *inter alia*, by the establishment diplomatic relations between the State of Palestine and third States) would be inconsistent with the Court’s 2024 Advisory Opinion and peremptory norms of international law, Israel must refrain from in any way impeding the establishment of diplomatic relations with the State of Palestine, and may not seek to rebuke or sanction third States that do so. This obligation is particularly important, as many States have already expressed an intention to recognize the State of Palestine, yet have not done so, for reasons that may as well be legitimate fears of political reprisals.<sup>119</sup>

**G. Israel Must Not Hinder Third States’ Efforts to Provide Economic and Development Assistance to the Palestinian People**

65. Regional organizations and States that provide economic and development assistance also do so in compliance with *erga omnes* obligations to support the Palestinian right of self-determination, as declared by the Court in its 2024 Advisory Opinion.<sup>120</sup>

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basic criteria, has no authority over its territory and supports terror ... ‘[m]ost of you decided to reward Palestinian terror with [a] Palestinian State,’ he said, saying these votes will embolden Palestinian rejectionism and make peace almost impossible.”); UN General Assembly, “Press Release: At Emergency Special Session, General Assembly Overwhelmingly Backs Membership of Palestine to United Nations, Urges Security Council Support Bid,” UN Doc. GA/12599 (10 May 2024) (wherein Israel said “‘this shameless body has chosen to reward the modern-day Nazis with rights and privileges ... [w]ith today’s vote, you’re totally bypassing the Security Council in violation of the Charter,’ [because] the Palestinians are the “exact opposite of peace-loving. They have only tried to destroy Israel. The Palestinians indoctrinate their children to murder Israelis and commit terrorism. When Israel defends itself, the Palestinian representative comes here shedding his crocodile tears. When it comes to the lives of Israelis and Jews, the Charter ‘means nothing to you’, he deplored. ‘I will hold up a mirror — this is your mirror so you can see exactly what you are inflicting upon the UN Charter with this destructive vote,’ he said, and shredded a few pages of a UN Charter booklet before leaving the podium.”); M. Winfrey and R. Muller, “Why Czechs were lone EU vote against Palestinians,” *Reuters* (20 November 2019), available at <https://www.reuters.com/article/world/why-czechs-were-lone-eu-vote-against-palestinians-idUSBRE8AT0P0/>; M. M. Phiri, “Malawi condemned for abstaining on UN vote to call for Gaza cease-fire,” *Anadolu Agency* (13 December 2023), available at <https://www.aa.com.tr/en/africa/malawi-condemned-for-abstaining-on-un-vote-to-call-for-gaza-cess-fire/3081692>.

<sup>119</sup> See, e.g., UN General Assembly Committee on the Inalienable Rights of the Palestinian People, “Press Release: As More Governments Recognize State of Palestine, Crucial to Keep Focus on Political Horizon, Implementing Ceasefire, Permanent Observer Tells Rights Committee,” UN Doc. GA/PAL/1469 (26 June 2024) (noting New Zealand, Australia, Japan and the Republic of Korea voted in favor of the Assembly resolution recommending statehood for Palestine, but have not yet recognized Palestinian statehood.); S. Takahashi, “Japan: Inching Toward Palestine?,” *Arab Center Washington DC* (16 October 2024), available at <https://arabcenterdc.org/resource/japan-inching-toward-palestine/> (citing a letter sent to Japan on behalf of the G7 stating “Israel should not be put on a par with Russia and threaten[ing] that the ambassadors would boycott the ceremony if the decision was not reversed.”).

<sup>120</sup> See *supra* para. 39.

66. Numerous States have made regular development assistance to the Palestinian people a core part of their assistance policies.<sup>121</sup> The Israeli government has, however, hindered this assistance by, for example, blocking aid shipments and otherwise disrupting access to beneficiaries. As reported by Euro-Mediterranean Human Rights Monitor, between 2001 and 2016, Israel “destroyed” as many as 150 development projects funded by EU States, including ones seeking to support UNRWA.<sup>122</sup>
67. Israel must not hinder the work of third States and regional organizations in assisting the Palestinian people by providing development, educational, and economic assistance, in compliance with their right to self-determination.

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<sup>121</sup> See *infra* Chapter V, § B.

<sup>122</sup> Euro-Mediterranean Monitor for Human Rights, *Squandered Aid: Israel’s Repetitive Destruction of EU-Funded Projects in Palestine* (June 2016), available at [https://euromedmonitor.org/uploads/reports/SquanderedAid\\_En.pdf](https://euromedmonitor.org/uploads/reports/SquanderedAid_En.pdf), pp. 5, 10-11.

**CHAPTER 5**  
**FACTUAL BACKGROUND RELATING TO THE PRESENCE AND ACTIVITIES OF**  
**THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS, AND**  
**THIRD STATES IN THE OCCUPIED PALESTINIAN TERRITORY,**  
**AND ISRAEL'S CONDUCT IN RELATION TO THESE ORGANIZATIONS**

68. This Chapter provides a factual background on the presence and activities of international organizations, including UN bodies and agencies, and third States in the Occupied Palestinian Territory. It outlines the role of these organizations and States in providing essential supplies, humanitarian aid, and development assistance to the State of Palestine and the Palestinian people.
69. Given its unique history and mandate, its irreplaceable role, and Israel's attempts to impede its presence and activities in the Occupied Palestinian Territory, this chapter includes a section specifically dedicated to UNRWA's operations and its importance in promoting the welfare of the Palestinian people (**Section 1**). This is followed by an overview of the role of other UN agencies and bodies, other international organizations, and third States in providing humanitarian assistance and development assistance to the State of Palestine and the Palestinian people (**Section 2**). Finally, this factual background section considers Israel's policy of impeding the provision of essential supplies, humanitarian relief, and development assistance to the State of Palestine and the Palestinian people (**Section 3**).
70. Before proceeding, it must be underscored that the presence and activities of UN agencies and bodies in and in relation to the Occupied Palestinian Territory reflects the permanent responsibility of the United Nations with regard to the question of Palestine. In addition, support by third States to the operations of UN agencies and bodies in the Occupied Palestinian Territory, including financial support to the presence and activities of these UN agencies and bodies, is in line with the obligation of third States to promote through joint and separate action, the realization of the right of the Palestinian people to self-determination.

**A. The Role of UNRWA in the Occupied Palestinian Territory**

71. While the Palestinian people receive humanitarian aid and development assistance from numerous international organizations and third States, none comes close to matching the scale of support provided by UNRWA.
72. On 29 November 1947, the General Assembly adopted Resolution 181 (II) recommending the partition of the territory of Palestine, then under British mandate, into two independent States, one Arab and one Jewish, in addition to creating a *corpus separatum* for the City of Jerusalem. During and after the ensuing armed conflict of 1948-49, the newly-established State of Israel engaged in a policy designed to expel Arab residents of mandate Palestine from their homeland and to bar their return.
73. As Israeli historian Benny Morris concluded in no uncertain terms, “the refugee problem was caused by attacks by Jewish forces on Arab villages and towns and the inhabitants’ fear of such attacks, compounded by expulsions, atrocities, and rumors of atrocities—and by the crucial Israel Cabinet decision in June 1948 to bar a refugee return.”<sup>123</sup> The immediate result of this violence was the displacement of more than half of the population of Palestine.<sup>124</sup>
74. In an initial response to address the immediate humanitarian needs of the Palestinian refugees, the UN established the United Nations Relief for Palestine Refugees (“UNRPR”). This was followed by the adoption of General Assembly Resolution 194 (III) of 11 December 1948, and Resolution 302 (IV) of 9 December 1949. These two General Assembly Resolutions are the foundation of UNRWA’s presence and activities in the Occupied Palestinian Territory, and jointly constitute the normative basis of the UN regime applicable to Palestinian refugees—including those displaced during the *Nakba* and subsequent armed conflicts.

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<sup>123</sup> B. Morris, *Revisiting the Palestinian Exodus of 1948*, in A. Shlaim *et al.*, *THE WAR FOR PALESTINE* (Cambridge University Press, 2001), p. 38.

<sup>124</sup> United Nations, “About the Nakba,” available at <https://www.un.org/unispal/about-the-nakba/#:~:text=The%20Nakba%2C%20which%20means%20E2%80%9Ccatastrophe,ethnic%20and%20multi%20Dcultural%20society>.

75. Pursuant to General Assembly resolution 194 (III), the UN Conciliation Commission for Palestine (“UNCCP”) was established to seek a political solution to the question of Palestine and to “facilitate the repatriation, resettlement and economic and social rehabilitation of ... refugees wishing to return to their homes and live at peace with their neighbours ... at the earliest practicable date.”<sup>125</sup> However, by 1949, it had become apparent that the UNCCP was unable to achieve progress towards fulfilling its mandate, and that the UNRPR was incapable of providing sufficient humanitarian relief for the Palestinian refugees who had been expelled from their homeland. As a result, the General Assembly adopted resolution 302 (IV), establishing UNRWA.
76. UNRWA is a subsidiary organ of the General Assembly. It was established under Article 22 of the UN Charter, which permits the General Assembly to establish “such subsidiary organs as it deems necessary for the performance of its functions.”<sup>126</sup>
77. Under Resolution 302 (IV), UNRWA was mandated to provide humanitarian relief and generate economic opportunities for Palestine refugees. Over its 75-year history, as a result of the ongoing failure to achieve a just and comprehensive solution to the question of Palestine, UNRWA’s role and mandate have expanded pursuant to successive General Assembly resolutions.
78. Today, UNRWA’s programs and services cover a broad range of areas, including: elementary and preparatory education; vocational and technical training; comprehensive primary health care, including family health; emergency healthcare assistance; environmental health services in refugee camps; direct relief for impoverished households; and developmental and social services for women, youth, and persons with disabilities, in addition to a microfinance and microenterprise program that assists in developing the income-generating capacity of Palestine refugees. This programming is particularly critical for women and girls—UNRWA has reached thousands with its programming on preventing and addressing gender-based violence, in addition to providing trainings

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<sup>125</sup> UN General Assembly, Resolution 194(III), *Palestine – Progress Report of the United Nations Mediator*, UN Doc. A/RES/194(III) (11 December 1948), para. 11.

<sup>126</sup> UN Charter, Art. 22.

designed to promote educational access, economic opportunity, and political participation among Palestinian women.<sup>127</sup> UNRWA has also overseen various infrastructure projects to improve the living conditions of Palestine refugees.

79. Currently, there are almost 6 million Palestine refugees registered with UNRWA. Those refugees are located in the West Bank, including East Jerusalem, as well as the Gaza Strip, Jordan, Syria, and Lebanon. UNRWA operates 58 refugee camps, 141 primary healthcare facilities, and 711 schools, staffed by almost 22,000 employees and attended by almost 550,000 students. UNRWA's role as a healthcare provider is particularly vital—each year, UNRWA clinics provide more than 6.9 million patient visits, and almost 61,000 antenatal patients receive medical care from UNRWA.<sup>128</sup> UNRWA provides emergency cash and food assistance to 1.8 million Palestinian refugees annually. Women depend almost entirely on UNRWA for maternal healthcare services—recent data shows that “98 per cent of all pregnant women paid at least four visits to an UNRWA health centre during their pregnancy.”<sup>129</sup> In addition to essential services, UNRWA promotes the economic development of Palestinian refugees through the provision of technical and vocational training to 7,811 youth, and microfinance loans to 27,199 clients.<sup>130</sup>
80. UNRWA's role is not limited to the provision of humanitarian relief and the delivery of developmental assistance and social services to Palestinian refugees. Underlying UNRWA's mandate is the fundamental recognition of the right of return of Palestinian refugees, and the understanding that protecting Palestinian refugees and preserving their right of return are inextricably linked to enabling the Palestinian people to exercise their inalienable right to self-determination. The references to the right of return in Resolution 194 (III), which forms the foundation of the United Nations' humanitarian assistance

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<sup>127</sup> UN Commission on the Status of Women, *Report of the Secretary-General: Situation of and assistance to Palestinian women*, UN Doc. E/CN.6/2019/6 (8 January 2019), § III.

<sup>128</sup> UNRWA, “UNRWA in Action” (July 2024), available at [https://www.unrwa.org/sites/default/files/unrwa\\_in\\_action\\_2024\\_eng\\_v3.pdf](https://www.unrwa.org/sites/default/files/unrwa_in_action_2024_eng_v3.pdf)

<sup>129</sup> UN Commission on the Status of Women, *Report of the Secretary-General: Situation of and assistance to Palestinian women*, UN Doc. E/CN.6/2018/6 (5 January 2018), para. 23.

<sup>130</sup> UNRWA, *Annual Operational Report 2023* (2024), available at <https://reliefweb.int/report/occupied-palestinian-territory/unrwa-annual-operational-report-2023>, p. 3.

efforts in Palestine,<sup>131</sup> and its reaffirmation in subsequent resolutions,<sup>132</sup> indicate that the provision of humanitarian relief and other services to Palestinian refugees by UNRWA was to be undertaken without impinging on their right of return. UNRWA's mandate—and its continued existence and operation—should therefore be viewed through the prism of the permanent responsibility of the United Nations, and the broader international community, to preserve the ability of Palestinian refugees to exercise their right of return.

81. The formal link established between resolutions 194 (III) and 302 (IV) confirms that the delivery of humanitarian and developmental assistance by UNRWA to Palestinian refugees was predicated on the recognition of their status as refugees uniquely endowed with a right to return to their homeland. The General Assembly has also underscored the interlinkage between the right of return of Palestine refugees and the exercise of the inalienable right to self-determination by the Palestinian people. For example, in resolution 3089 (XXVIII) D of 7 December 1973, the General Assembly declared that:

[F]ull respect for and realization of the inalienable rights of the people of Palestine, particularly its right to self-determination, are indispensable for the establishment of a just and lasting peace in the Middle East, and that the enjoyment by the Palestine Arab refugees of their right to return to their homes and property, [...] is indispensable for the achievement of a just settlement of the refugee problem and for the exercise by the people of Palestine of its right to self-determination.<sup>133</sup>

82. In this regard, the League of Arab States recalls that recognition, by Israel, of the right of return of Palestinian refugees was a prerequisite of the General Assembly's determination that Israel was a "peace-loving State," and its admission as a member State of the United Nations. This is reflected in the preamble of General Assembly resolution 273 (III)

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<sup>131</sup> UN General Assembly, Resolution 194(III), *Palestine – Progress Report of the United Nations Mediator*, UN Doc. A/RES/194(III) (11 December 1948), para. 11.

<sup>132</sup> See for example UN General Assembly, Resolution 3236 (XXIV), *Question of Palestine* (22 November 1974), para. 2 (reaffirming "the inalienable right of the Palestinians to return to their homes and property from which they were displaced and uprooted, and call[ing] for their return"); see also J. Stone, *Israel, the United Nations and International Law*, UN Doc. A/35/316 (June 1980), § III.

<sup>133</sup> UN General Assembly, Resolution 3089(XXVIII)D, *United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/3089(XXVIII)D (7 December 1973).

pursuant to which it was decided to admit Israel to membership in the United Nations.<sup>134</sup> This resolution took note of “declarations and explanations made by the representative of the Government of Israel before the *ad hoc* Political Committee in respect of the implementation” of General Assembly resolutions 181 (II) and 194 (III). In these “declarations and explanations,” Israel confirmed that matters including the status of Jerusalem and the right of return of Palestinian refugees were not within its domestic jurisdiction,<sup>135</sup> and undertook to cooperate with the United Nations to implement the aspects of those resolutions relating to Palestinian refugees.<sup>136</sup> These are legal commitments that Israel has failed to uphold.

83. As the UN Secretary-General highlighted in a series of letters to the Presidents of the General Assembly and the Security Council,<sup>137</sup> UNRWA’s presence and activities in the Occupied Palestinian Territory are indispensable and irreplaceable. For instance, in his letter dated October 28, 2024, the Secretary-General stated:

UNRWA is the principal means by which essential assistance is supplied to Palestine refugees in the Occupied Palestinian Territory. There is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required, whether it be other United Nations entities, other international organizations, or any other entity. The cessation of or

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<sup>134</sup> UN General Assembly, Resolution 273(III), *Admission of Israel to Membership in the United Nations*, UN Doc. A/RES/237(III) (11 May 1949).

<sup>135</sup> The records of the *ad hoc* political committee state the following: “The representative of Israel had given an assurance that, if that country were admitted as a Member, such matters as the settlement of frontiers, the Internationalization of Jerusalem and the Arab refugee problem would not be regarded as within its domestic Jurisdiction and protected from intervention under the terms of Article 2, paragraph 7. He noted that those matters were being considered by the Conciliation Commission and that the admission of Israel would not change that situation.” See Committee on the Exercise of the Inalienable Rights of the Palestinian People, *The Right of Return of the Palestinian People*, UN Doc. ST/SG/SER F/2 (1978).

<sup>136</sup> Specifically, the representative of Israel stated: “I can give an unqualified affirmative answer to the second question as to whether we shall cooperate with the organs of the United Nations with all the means at our disposal in the fulfilment of the part of the resolution concerning refugees.” See UN General Assembly, *Verbatim Record: Application of Israel for admission to membership in the United Nations (A/818)* (6 May 1949), p. 276.

<sup>137</sup> See A. Guterres, Letters 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); A. Guterres, Letter to the Ambassador of Israel to the United Nations (27 January 2025), available at <https://passblue.com/wp-content/uploads/2025/01/2025-01-27-Letter-from-the-Secretary-General-to-the-Ambassador-of-Israel-to-the-United-Nations.pdf>.

restrictions on its activities would leave Palestine refugees without the essential assistance that they require.<sup>138</sup>

84. In addition, UNRWA has played a crucial role in providing critical humanitarian relief for the civilian Palestinian population in the Gaza Strip since the beginning of Israel's aggression against the Gaza Strip on 7 October 2023.<sup>139</sup> UNRWA has distributed food parcels to roughly 1.69 million people, provided psychosocial support to over 730,000 displaced people,<sup>140</sup> provided shelter to over a million displaced persons, and vaccinated a quarter of a million children against polio.<sup>141</sup> UNRWA staff have also continued to operate medical centers and hospitals and launched a "return to learning" program to provide educational services for children.<sup>142</sup> While Israel has claimed that UNRWA plays "a negligible role" in providing humanitarian assistance in the Gaza Strip,<sup>143</sup> the reality is that its contributions are unparalleled. As UNRWA Commissioner-General Philippe Lazzarini explained, UNRWA's efforts alone constitute "half the emergency response, with all other entities delivering the other half."<sup>144</sup>

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<sup>138</sup> See A. Guterres, Letter to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024), p. 3.

<sup>139</sup> UN Committee on the Inalienable Rights of the Palestinian People, "Press Release: Calling Relief and Works Agency for Palestine Refugees 'Backbone' of Humanitarian Response in Gaza, Secretary-General Urges Member States to Continue Funding," UN Doc. GA/PAL/1460 (31 January 2024) (in which UN Secretary-General António Guterres remarks that UNRWA is "the backbone of all humanitarian response in Gaza."); Al-Haq, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)?* (2024), available at [https://www.alhaq.org/cached\\_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf](https://www.alhaq.org/cached_uploads/download/2024/12/26/qa-unrwa-one-page-view-1-1735211939.pdf), p. 10; F. Albanese, *Anatomy of a genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc. A/HRC/55/73 (1 July 2024), para. 40.

<sup>140</sup> UNRWA, Situation Report #156 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (23 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-156-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>141</sup> See UNRWA, "Statement by Philippe Lazzarini, Commissioner-General of UNRWA at the United Nations Security Council" (28 January 2025), available at <https://www.unrwa.org/newsroom/official-statements/statement-philippe-lazzarini-commissioner-general-unrwa-united-nations>.

<sup>142</sup> UNRWA, "The Gaza Strip: UNRWA Launches 'Back to Learning' Activities" (1 August 2024), available at <https://www.unrwa.org/newsroom/news-releases/gaza-strip-unrwa-launches-%E2%80%9Cback-learning%E2%80%9D-activities>; UNRWA, "Health in the Gaza Strip" (last accessed 24 February 2025), available at <https://www.unrwa.org/activity/health-gaza-strip>.

<sup>143</sup> See UNRWA, "Statement by Philippe Lazzarini, Commissioner-General of UNRWA at the United Nations Security Council" (28 January 2025), available at <https://www.unrwa.org/newsroom/official-statements/statement-philippe-lazzarini-commissioner-general-unrwa-united-nations>.

<sup>144</sup> *Ibid.*

85. Since the ceasefire began, UNRWA has brought in 60 percent of the food entering the Gaza Strip, reaching more than half a million people.<sup>145</sup> On the first day of the ceasefire, more than 630 trucks with humanitarian aid entered the Gaza Strip.<sup>146</sup> UNRWA teams are “on the ground to deliver supplies and provide services to a population overwhelmed by 15 months of constant bombardment, forced displacement, and lack of critical resources.”<sup>147</sup>

## **B. The Presence and Activities of Other UN Agencies and Third States in and in Relation to the Occupied Palestinian Territory**

86. In addition to UNRWA, there are twenty-three other UN entities,<sup>148</sup> and numerous non-governmental organizations that provide humanitarian relief and development assistance to the State of Palestine and the Palestinian people. Numerous third States also contribute humanitarian and economic aid to the State of Palestine and the Palestinian people.<sup>149</sup> These international efforts collectively serve to strengthen the Palestinian economy, reduce poverty, advance social conditions, preserve culture, and build the institutional capacities of both the Government of the State of Palestine and the Palestinian people.

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<sup>145</sup> *Ibid.*

<sup>146</sup> UNRWA, Situation Report #156 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (23 January 2025), *available at* <https://www.unrwa.org/resources/reports/unrwa-situation-report-156-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>147</sup> *Ibid.*

<sup>148</sup> UN agencies operating in Palestine include the: Food and Agriculture Organization (“FAO”); International Fund for Agricultural Development (“IFAD”); International Labor Organization; International Trade Center; UN Department of Safety and Security (“UNDSS”); UN Development Program (“UNDP”); UN Educational, Scientific and Cultural Organization (“UNESCO”); UN Environmental Programme; UN-Habitat; UN Industrial Development Organization (“UNIDO”); UN International Children’s Fund (“UNICEF”); UN Mine Action Service (“UNMAS”); UN Office for the Coordination of Humanitarian Affairs (“OCHA”); UN Office of the High Commissioner of Human Rights (“OHCHR”); UN Office on Drugs and Crime (“UNODC”); UN Populations Fund (“UNFPA”); UN Project Services (“UNOPS”); United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (“UNRoD”); United Nations Special Coordinator for the Middle East Peace Process (“UNSCO”); UN Trade and Development (“UNCTAD”); UN Women; World Food Programme (“WFP”); and World Health Organization (“WHO”). *See* United Nations Palestine, “UN Entities in Palestine” (last accessed 24 February 2025), *available at* <https://palestine.un.org/en/about/un-entities-in-country>.

<sup>149</sup> For example, Japan funds the International Trade Centre’s programming for self-employment opportunities in Gaza through digital channels; UN-Habitat in Palestine is funded in part by donations from the United Kingdom, Spain, Switzerland, Bahrain, European Commission, and Belgium. Additionally, the UN inter-agency Access Coordination Unit for Palestine operates through funding by the United Kingdom, Australia, and Norway. By directing aid to the Palestinian Authority, UNRWA, and other UN agencies, the European Union has contributed over 16.56 billion euros in aid to the Occupied Palestinian Territory since 2007. A large portion of the assistance is channeled through the “PEGASE” financial mechanism launched in 2008 by the European Union.

87. The services and assistance provided by UN agencies and bodies to the State of Palestine and the Palestinian people affect every aspect of life in the Occupied Palestinian Territory. For example, in the area of healthcare, UNICEF has supported immunization and vaccination programs and provided training to improve community and family healthcare practices to improve the management of childhood illnesses. UNDP, WHO, UNODC, UNFPA, and UNICEF have also implemented assistance programs to combat tuberculosis, malaria, and HIV/AIDS. The WHO provided assistance to the Ministry of Health of the State of Palestine for the prevention, early detection, and control of non-communicable diseases, as well as the reform of mental health services.<sup>150</sup> Similarly, in the education sector, in one year alone, UN agencies opened “44 preschool classrooms, 30 in the West Bank and 14 in Gaza, through the installation and equipment of 14 prefabricated units for preschool classrooms in Gaza and the provision of [sic] as well as technical support to the [Palestinian] Ministry [of Education and Higher Education] for the implementation of its new early childhood development strategy,” in addition to supporting “the capacity development of 21,094 teachers, principals and supervisors in the area of active learning strategies and the child-friendly school approach.”<sup>151</sup>
88. In the area of water and sanitation, in one year, UN agencies supported “water, sanitation and hygiene efforts in schools, with 128,500 children (50 per cent of whom were girls) participating in hygiene promotion in 156 primary schools (116 in Gaza and 40 in the West Bank). In 2016, around 68,500 children from those same schools also received tankered water. An additional 237 schools (135 in Gaza and 102 in the West Bank) used the UNICEF - Ministry of Education and Higher Education hygiene education manual to promote key hygiene practices.”<sup>152</sup> During that same period, UN agencies supported job-creation efforts. For example, “UNDP provided skill-enhancement programmes to 200 young people in Jerusalem. 169 graduates from East Jerusalem were placed in employment, 131

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<sup>150</sup> See UN General Assembly, *Report of the Secretary-General: Assistance to the Palestinian people*,” UN Doc. A/65/77-E/2010/56 (5 May 2010), paras. 37-39.

<sup>151</sup> See UN General Assembly, *Report of the Secretary-General: Assistance to the Palestinian people*,” UN Doc. A/69/84-E/2014-75 (16 May 2014), paras. 31, 33.

<sup>152</sup> See UN General Assembly, *Report of the Secretary-General: Assistance to the Palestinian People*, UN Doc. A/72/87-E/2017/67 (11 May 2017), para. 39.

of whom (78 per cent) were employed on a permanent basis (84 female and 47 male). An additional 28 marginalized families were economically supported in East Jerusalem through small-business grants. Through its infrastructure works, UNDP generated 11,741 working days in the West Bank, including East Jerusalem, and 13,910 temporary working days and 554 permanent working days in Gaza.”<sup>153</sup> Several UN agencies also provide support to the State of Palestine’s financial stability.<sup>154</sup>

89. UN agencies also provide support to food security throughout the Occupied Palestinian Territory. In one year:

FAO supported 1,870 farmers in cultivating over 5,800 dunums of high-value crops with improved, sustainable techniques and pest management. A livestock market was opened in Zahiriyah, Hebron, benefiting over 2,000 herders and enhancing both food security and food safety. FAO installed 61 km of pipes to irrigate almost 10,000 dunums of land cultivated by 775 farming households, reducing water losses by an average of 36 per cent in Area C. In addition, almost 49,000 m<sup>3</sup> of water were made available through the construction and rehabilitation of 175 community cisterns serving 501 households.”<sup>155</sup> IFAD, WFP, and FAO also support animal livestock, access to water for farming and agricultural purposes, renewable energy, and poultry farms in the Occupied Palestinian Territory, enabling low-income families to improve their production and incomes, while contributing to food security in the area.<sup>156</sup>

90. UN agencies and bodies also provided indispensable humanitarian aid to the civilian population during Israel’s aggression against the Gaza Strip starting on 7 October 2023. UN agencies and bodies provided essential emergency response services focused on famine prevention, the provision of medical supplies and services, and the mental health and well-

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<sup>153</sup> *Ibid.*, para. 44.

<sup>154</sup> These include, among others, the International Labor Organization, the International Trade Center, UN Trade and Development (“**UNCTAD**”), the UN Development Program (“**UNDP**”), and the UN Industrial Development Organization (“**UNIDO**”).

<sup>155</sup> UN General Assembly, *Report of the Secretary-General: Assistance to the Palestinian People*, UN Doc. A/73/84-E/2018/72 (17 May 2018), paras. 60-61.

<sup>156</sup> International Fund for Agricultural Development, *Palestine Country Strategy Note, Report No: 5987* (23 December 2021), available at <https://www.ifad.org/en/w/corporate-documents/regions-countries/palestine-country-strategy-note>; FAO and WFP, *Monitoring food security in Palestine and the Sudan: A joint FAO/WFP update for the members of the United Nations Security Council* (February 2024), available at <https://doi.org/10.4060/cc9698en>, (citing OCHA, “Hostilities in the Gaza Strip and Israel: Flash Update #90” (11 January 2024), available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-90>).

being of displaced Palestinians. Organizations including IFAD, FAO, and WFP, among others, played a critical role, particularly given that roughly 90 percent of the population in the Gaza Strip faces acute levels of food insecurity.<sup>157</sup>

91. Over the years, third States have also provided humanitarian aid and economic and development assistance to the State of Palestine and to the civilian population of the Occupied Palestinian Territory.
92. For example, in 2018, UNRWA faced a financial crisis triggered by the United States' decision to cut US \$300 million of its funding to the agency.<sup>158</sup> Member States of the League of Arab States, including Saudi Arabia, Kuwait, Qatar, and the United Arab Emirates made contributions to UNRWA's core funding, enabling UNRWA to maintain services without disruption.<sup>159</sup>
93. More recently, a 2023 OCHA report on the oPT Humanitarian Fund indicated that the Fund received "a staggering \$91.4 million in contributions, a threefold increase from the previous year, enabling [them] to launch four strategic allocations, amounting to over US \$68 million and supporting 110 humanitarian projects."<sup>160</sup> The funds were sourced from 15 donors and represented nearly a 306 percent increase from contributions provided by 10 donors in 2022.<sup>161</sup> Switzerland contributed the largest amount of funding at US \$26.3 million, followed by Germany with US \$17.2 million.<sup>162</sup> The next largest donors were the United Kingdom, Belgium, Portugal, Ireland, Norway, Sweden, Spain, Republic of Korea,

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<sup>157</sup> International Fund for Agricultural Development, *Palestine Country Strategy Note, Report No.: 5987* (23 December 2021), available at <https://www.ifad.org/en/w/corporate-documents/regions-countries/palestine-country-strategy-note>; FAO and WFP, *Monitoring food security in Palestine and the Sudan: A joint FAO/WFP update for the members of the United Nations Security Council* (February 2024), available at <https://doi.org/10.4060/cc9698en>, p. 5.

<sup>158</sup> UNRWA, "CG Statement at Arab League" (10 September 2019), available at <https://www.unrwa.org/newsroom/official-statements/cg-statement-arab-league>.

<sup>159</sup> *Ibid.*; see also UNRWA, "Statement of UNRWA Commissioner-General to the League of Arab States" (8 September 2016), available at <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-league-arab-states>.

<sup>160</sup> OCHA, *oPT Humanitarian Fund Annual Report* (2023), available at <https://www.unocha.org/publications/report/occupied-palestinian-territory/opt-humanitarian-fund-annual-report-2023>, p. 4.

<sup>161</sup> *Ibid.*, p. 7.

<sup>162</sup> *Ibid.*

France, Iceland, and Luxembourg.<sup>163</sup> Of the 15 donors in 2023, three were first-time donors (including Luxembourg and Portugal), contributing six percent (US \$6 million) of the total contributions received.<sup>164</sup>

94. In 2024, during Israel’s aggression against the Gaza Strip, over \$2.5 billion was raised through OCHA Flash Appeal fundraising.<sup>165</sup> The largest State contributors were the United States, the United Arab Emirates, Germany, the United Kingdom, France, and Saudi Arabia.<sup>166</sup> In 2025, States providing unearmarked donations to the OCHA oPT Humanitarian Fund include Australia, Belgium, Denmark, Estonia, Finland, Iceland, Luxembourg, the Netherlands, Norway, Qatar, Singapore, Switzerland, and the United Kingdom.<sup>167</sup>
95. Many third States also support the State of Palestine and the civilian population in the Occupied Palestinian Territory on a project-specific basis. For example, Japan funds the International Trade Center programming for self-employment opportunities in the Gaza Strip through digital channels,<sup>168</sup> and UN-Habitat in Palestine is funded in part by donations from the United Kingdom, Spain, Switzerland, Bahrain, the European Commission, and Belgium.<sup>169</sup> Additionally, the UN inter-agency Access Coordination Unit for Palestine operates through funding by the United Kingdom, Australia, and Norway.<sup>170</sup>

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<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> OCHA Financial Tracking Service, “Escalation of Hostilities in the OPT Flash Appeal 2024” (last accessed 24 February 2025), *available at* <https://fts.unocha.org/plans/1156/summary>.

<sup>166</sup> *Ibid.*

<sup>167</sup> OCHA, “How we are funded” (last accessed 24 February 2025), *available at* <https://www.ochaopt.org/about-us/how-we-are-funded>.

<sup>168</sup> International Trade Center, “State of Palestine: Enhancing self-employment of refugees and youth in Gaza through digital channels” (last accessed 24 February 2025), *available at* <https://www.intracen.org/our-work/projects/state-of-palestine-enhancing-self-employment-of-refugees-and-youth-in-gaza>.

<sup>169</sup> UN-Habitat, “State of Palestine” (last accessed 24 February 2025), *available at* <https://unhabitat.org/state-of-palestine>.

<sup>170</sup> UN Office of the Resident and Humanitarian Coordinator, “Access Coordination Unit: About ACU” (last accessed 24 February 2025), *available at* <https://www.accesscoordination.org/>.

96. The European Union also plays a robust role in financially supporting the Government of the State of Palestine and the civilian population of the Occupied Palestinian Territory. Since 2007, by directing aid to the Palestinian Authority, UNRWA, and other UN agencies, the European Union has contributed over EUR 12.65 billion in aid to the Occupied Palestinian Territory.<sup>171</sup> A large portion of the assistance is channeled through the “PEGASE” financial mechanism launched in 2008 by the European Union.<sup>172</sup> Among other things, these funds support essential public services, civil servant salaries, the wellbeing of children, development projects, technical assistance, and employment generation.<sup>173</sup>
97. Non-governmental organizations have also provided humanitarian relief and assistance to the civilian population in the Occupied Palestinian Territory. For example, the World Central Kitchen provided tens of millions of meals to Gazans after October 2023, which protected the civilian Palestinian population against the danger of starvation.<sup>174</sup> War Child—a prominent international organization focused on child welfare—has also worked in the Occupied Palestinian Territory to protect children from harm and support their psychosocial wellbeing, by improving access to mental health, remedial education and child protection services.<sup>175</sup>

**C. Israel’s Policy of Impeding the Presence and Activities of the United Nations, other International Organizations, and Third States in the Occupied Palestinian Territory**

98. Israel has consistently failed to facilitate the presence and activities of UN bodies and agencies, especially UNRWA, other international organizations, and third States in and in

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<sup>171</sup> European Union External Action, “The EU and the Middle East Peace Process” (2 May 2024), *available at* [https://www.eeas.europa.eu/eeas/eu-and-middle-east-peace-process\\_en](https://www.eeas.europa.eu/eeas/eu-and-middle-east-peace-process_en).

<sup>172</sup> European Union, *The European Union’s Pegase Mechanism: At The Service of the Palestinian Population, Open to all Donors* (2 March 2009), *available at* [https://unispal.un.org/pdfs/EUpegase\\_DonorGuide.pdf](https://unispal.un.org/pdfs/EUpegase_DonorGuide.pdf); European Union External Action, “The EU and the Middle East Peace Process” (2 May 2024), *available at* [https://www.eeas.europa.eu/eeas/eu-and-middle-east-peace-process\\_en](https://www.eeas.europa.eu/eeas/eu-and-middle-east-peace-process_en).

<sup>173</sup> European Union, *The European Union’s Pegase Mechanism: At The Service of the Palestinian Population, Open to all Donors* (2 March 2009), *available at* [https://unispal.un.org/pdfs/EUpegase\\_DonorGuide.pdf](https://unispal.un.org/pdfs/EUpegase_DonorGuide.pdf).

<sup>174</sup> World Central Kitchen, “WCK’s first mobile bread truck enters Gaza after close collaboration with Jordan” (last updated 22 January 2025), *available at* <https://wck.org/en-us/news/mobile-bread-truck>.

<sup>175</sup> War Child, “Occupied Palestinian Territory” (last accessed 24 February 2025), *available at* <https://www.warchild.net/country-opt/>.

relation to the Occupied Palestinian Territory. Indeed, Israel has adopted a policy of actively impeding the provision of humanitarian relief and development assistance to the State of Palestine and the Palestinian people.

99. This section provides the factual background relating to this conduct by the occupying power, Israel. It discusses Israel's military attacks on UN personnel and property (**Subsection 1**); Israel's attempts to prevent, hinder, or ban the entry of international organizations into the Occupied Palestinian Territory (**Subsection 2**); and legislative and administrative measures that impede the presence and activities of UN agencies and international organizations, especially UNRWA, operating in the Occupied Palestinian Territory (**Subsection 3**).

*1. Israel Attacks on UN Personnel and Property in the Occupied Palestinian Territory*

100. The historical record shows that Israel has repeatedly attacked UN personnel, property, and premises in the Occupied Palestinian Territory. These attacks, which have targeted both UNRWA and other UN agencies and bodies, have occurred both during the conduct of hostilities and during periods of relative calm. These attacks have included military operations that targeted or affected UN properties and premises, as well as physical assaults on UN personnel operating in the Occupied Palestinian Territory, including East Jerusalem.
101. UNRWA facilities, premises, and personnel have frequently been the target of Israeli attacks. This conduct long predates Israel's most recent aggression against the Gaza Strip. Palestinian civilians receiving care or services at UNRWA facilities have also been the victims of these attacks. The General Assembly has repeatedly condemned these practices and called upon Israel to respect its international legal obligations in relation to UNRWA and the civilian population of the Occupied Palestinian Territory.<sup>176</sup>

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<sup>176</sup> See, e.g., UN General Assembly, Resolution 2792 (XXVI), *United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/2792(XXVI) (declaring "that the destruction of refugee shelters and the forcible removal of their occupants to other places, including places outside the Gaza Strip, contravene articles 49 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 as well as paragraph 7 of General Assembly resolution 2675 (XXV) of 9 December 1970 entitled 'Basic principles for the protection of civilian populations in armed conflicts,'" deploring "these actions by Israel," and calling upon Israel "to desist from further destruction of refugee shelters and from further removal of refugees from their present places of

102. Illustrative examples of Israeli attacks against UNRWA include the following. A report by the Secretary-General relating to Israel's conduct in the Occupied Palestinian Territory during the period July 1989–June 1990 noted that there were 191 cases of unauthorized entry into UNRWA premises in the West Bank by the Israeli authorities.<sup>177</sup> Similarly, after Israel's attack on the Gaza Strip in 2008–2009, a Board of Inquiry established by the Secretary-General published a report detailing strikes carried out by Israel targeting UNRWA premises in the Gaza Strip.<sup>178</sup> Those attacks included a direct and intentional Israeli missile strike on UNRWA premises at the Asma Elementary School in Gaza City, where 406 people were seeking shelter.<sup>179</sup> The strike resulted in three deaths and damage to the school premises.<sup>180</sup> The report also concluded that Israel targeted the UNRWA Bureij Health Centre, as a result of which nine UNRWA employees were injured and three patients suffered extensive injuries, one of whom later died.<sup>181</sup>
103. Further attacks against UN personnel and property occurred in July 2014. On 11 July 2014, the United Nations Special Coordinator and UNRWA's Commissioner-General submitted a list of all UN facilities in the Gaza Strip and their coordinates to Israel's Ministry of Defense, expressing their reliance on the cooperation of the Ministry of Defense to protect UN

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residence ... [and] to take immediate and effective steps for the return of the refugees concerned to the camps from which they were removed and to provide adequate shelters for their accommodation.”); UN General Assembly, Resolution 44/47(K), *Protection of Palestinian students and educational institutions and safeguarding the security of the facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the occupied Palestinian territory*, UN Doc. A/RES/44/47(K) (8 December 1989) (in relevant part, condemning “the repeated Israeli raids on the premises and installations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,” and calling upon “Israel, the occupying Power, to refrain from such raids”).

<sup>177</sup> UNRWA, *Report of the Secretary-General: Protection of Palestinian Students and Educational Institutions and Safeguarding of the Security of the Facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the Occupied Palestinian Territory*, UN Doc. A/45/646 (23 October 1990).

<sup>178</sup> B. Ki-moon, Letter addressed to the President of the Security Council, UN Doc. A/63/855–S/2009/250 (15 May 2009). See also UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/64/13 (SUPP) (28 July 2009).

<sup>179</sup> UN General Assembly, *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*, UN Doc. A/63/855–S/2009/250 (15 May 2009), paras. 10–17.

<sup>180</sup> *Ibid.*, para. 13.

<sup>181</sup> *Ibid.*, paras. 29–33.

operations, personnel and premises.<sup>182</sup> Despite this, on 24 July 2014, UNRWA Beit Hanoun Elementary Co-educational School was targeted in an attack which caused between 12 and 14 deaths and 93 injuries.<sup>183</sup>

104. The frequency and scale of these attacks intensified during the most recent period of Israel's aggression against the Gaza Strip, which began on 7 October 2023. As of 23 February 2025, the total number of UNRWA team members killed since 7 October 2023 is 274.<sup>184</sup> Additionally, UNRWA has reported damage to 205 UNRWA facilities.<sup>185</sup> UNRWA estimates that, in total, at least 744 persons sheltering in UNRWA installations have been killed and at least 2,346 have been injured.<sup>186</sup> One such attack occurred on 17 October 2024, when Israel conducted an airstrike that targeted a tent inside an UNRWA school in Jabalia, reportedly killing 25 and injuring 150 internally displaced persons.<sup>187</sup>
105. In addition to attacks launched by Israeli occupation forces, Israel has also failed to protect UNRWA premises from attacks by Israeli settlers. UNRWA was forced to temporarily close its headquarters in East Jerusalem in May 2024 after Israeli settlers set fire to the premises.<sup>188</sup> During protests outside the UNRWA compound, demonstrators threw stones at UN staff and at the buildings, "under the watch of the Israeli police."<sup>189</sup> Condemning the lack of security, Commissioner-General Phillippe Lazzarini stated, "[o]ver the past

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<sup>182</sup> UN General Assembly, *Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July 2014 and 26 August 2014*, UN Doc. S/2015/286 (27 April 2015), paras. 11, 12.

<sup>183</sup> *Ibid.*, paras. 26-33.

<sup>184</sup> 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>.

<sup>185</sup> UNRWA, UNRWA Situation Report #156 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (23 January 2025), *available at* <https://www.unrwa.org/resources/reports/unrwa-situation-report-156-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>186</sup> *Ibid.*

<sup>187</sup> UNRWA, UNRWA Situation Report #145 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (25 October 2024), *available at* <https://www.unrwa.org/resources/reports/unrwa-situation-report-145-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>188</sup> UN News, "'Outrageous' arson attack forces UNRWA to temporarily shutter East Jerusalem compound" (9 May 2024), *available at* <https://news.un.org/en/story/2024/05/1149586>.

<sup>189</sup> *Ibid.*

months, UN staff have regularly been subjected to harassment and intimidation. Our compound has been seriously vandalized and damaged. On several occasions, Israeli extremists threatened our staff with guns.”<sup>190</sup>

106. Israel has also attacked humanitarian relief agencies in the Occupied Palestinian Territory. For example, in April 2002, the International Committee of the Red Cross reported at least eight Red Crescent personnel were used as human shields by the Israeli military.<sup>191</sup>
107. Humanitarian relief workers were also attacked during Israel’s aggression against the Gaza Strip beginning on 7 October 2023. For example, an Israeli drone attacked a two-car convey belonging to the World Central Kitchen,<sup>192</sup> killing seven aid workers as they oversaw the transfer of a shipment of food to the northern Gaza Strip.<sup>193</sup> The founder of the organization, José Andrés, said “it was really a direct attack on clearly marked vehicles whose movements were known by everybody at the [Israel Defense Forces].”<sup>194</sup> A month later, in May 2024, two staff members of the UN Department of Safety and Security were struck while driving their UN vehicle to the hospital, resulting in one death and severe injuries.<sup>195</sup> By June 2024, the World Health Organization had reported “480 attacks on

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<sup>190</sup> UNRWA, “Statement by Philippe Lazzarini: This evening, Israeli residents set fire twice to the perimeter of the UNRWA Headquarters in occupied East Jerusalem” (9 May 2024), *available at* <https://www.unrwa.org/newsroom/official-statements/evening-israeli-residents-set-fire-twice-perimeter-unrwa-headquarters>.

<sup>191</sup> UN General Assembly, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, UN Doc. A/57/207 (16 September 2002), para. 42.

<sup>192</sup> World Central Kitchen, “7 WCK team members killed in Gaza” (2 April 2024), *available at* <https://wck.org/news/gaza-team-update>.

<sup>193</sup> *Ibid.*

<sup>194</sup> “World Central Kitchen founder José Andrés says Israel targeted staff in Gaza ‘car by car,’” *BBC* (3 April 2024), *available at* <https://www.bbc.com/news/world-middle-east-68727828>.

<sup>195</sup> See F. Haq, “Statement attributable to the Spokesperson for the Secretary-General – on a security incident in Gaza” (13 May 2024), *available at* <https://www.un.org/sg/en/content/sg/statement/2024-05-13/statement-attributable-the-spokesperson-for-the-secretary-general-%E2%80%93-security-incident-gaza>.

health care in the West Bank since 7 October 2023, resulting in 16 deaths and 95 injuries. The attacks affected 54 health facilities, 20 mobile clinics, and 319 ambulances.”<sup>196</sup>

108. In addition to these direct attacks on UN agencies and NGOs, the near constant threat of attack produces an environment that makes the continued provision of humanitarian resources increasingly difficult. For example, while the assault on the Gaza Strip left children in dire need of psychosocial and educational assistance, Israeli aerial bombardment has prevented War Child staff from serving all but a fraction of the children the organization could have with the resources available.

## ***2. Israel’s Denial and Delay of Humanitarian Access to the Occupied Palestinian Territory***

109. Israel has engaged in a persistent policy of denying UN agencies and bodies, including UNRWA, access to the Occupied Palestinian Territory and restricting their freedom of movement.
110. For example, in 2006, the UN General Assembly adopted a resolution expressing deep concern regarding Israel’s continued “imposition of restrictions on the freedom of movement of [UNRWA’s] staff, vehicles and goods, and the harassment and intimidation of the Agency’s staff, which undermine and obstruct the work of the Agency, including its ability to provide its essential basic and emergency services.”<sup>197</sup> The resolution called upon Israel to “cease obstructing the movement of the staff, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which affect the Agency’s operations detrimentally.”<sup>198</sup>
111. The General Assembly reiterated this concern in 2016, noting it was “particularly alarmed at the restrictions imposed by Israeli authorities on the movement and work of the staff of international and national human rights and humanitarian organizations

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<sup>196</sup> World Health Organization, “WHO concerned about escalating health crisis in West Bank” (14 June 2024), available at <https://www.who.int/news/item/14-06-2024-who-concerned-about-escalating-health-crisis-in-west-bank>.

<sup>197</sup> UN General Assembly, Resolution 61/114, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, U.N. Doc. A/RES/61/114 (15 January 2007).

<sup>198</sup> *Ibid.*, para. 13.

operating in Gaza.”<sup>199</sup> According to OCHA, by April 2016, the monthly approval rate of permits for national staff of the United Nations and international NGOs to enter and exit the Gaza Strip dropped significantly, to 24 percent, while averages in the previous five years had ranged from 70 to 80 percent.<sup>200</sup>

112. Prior to Israel’s aggression on the Gaza Strip since October 7, 2023, an average of 500 trucks carrying humanitarian resources entered the Gaza Strip each working day.<sup>201</sup> During Israel’s aggression, these numbers varied drastically—sometimes dropping to as low as an average of 28 trucks per day.<sup>202</sup> Israeli authorities have repeatedly denied access to organizations and their representatives bringing aid deliveries including food, medicine, water, livestock fodder, and other life-saving supplies.<sup>203</sup> For example, in December 2023, UNFPA trucks carrying essential reproductive health supplies and life-saving items were reportedly stalled at the border for months. Less than 30 percent of their planned aid movements were facilitated in December 2023; none were permitted entry into the northern Gaza Strip.<sup>204</sup> By early January 2024, only 21 percent of WFP’s deliveries of food parcels and essential supplies were delivered to the northern Gaza Strip, where needs are estimated to be the highest and most severe.<sup>205</sup>

113. According to UNRWA’s annual reports:

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<sup>199</sup> UN General Assembly, Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, U.N. Doc. A/71/364 (30 August 2016), para. 32.

<sup>200</sup> UN General Assembly, *Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/71/364 (30 August 2016), para. 32. (citing OCHA, “The Monthly Humanitarian Bulletin” (May 2016), available at [www.ochaopt.org/content/monthly-humanitarian-bulletin-may-2016](http://www.ochaopt.org/content/monthly-humanitarian-bulletin-may-2016)).

<sup>201</sup> UNRWA, Situation Report #145 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (25 October 2024), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-145-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>202</sup> *Ibid.*

<sup>203</sup> FAO and WFP, *Monitoring food security in Palestine and the Sudan: A joint FAO/WFP update for the members of the United Nations Security Council* (February 2024), available at <https://doi.org/10.4060/cc9698en>, p. 12.

<sup>204</sup> UN Population Fund, “Situation Report #13: Humanitarian Crisis in Palestine”(December 2024), available at <https://palestine.unfpa.org/en/publications/palestine-situation-report-13-december-2024>, p. 2.

<sup>205</sup> FAO and WFP, *Monitoring food security in Palestine and the Sudan: A joint FAO/WFP update for the members of the United Nations Security Council* (February 2024), available at <https://doi.org/10.4060/cc9698en>, p. 12.

The freedom of movement of UNRWA personnel in the occupied Palestinian territory, including East Jerusalem, continued to be restricted by the Israeli authorities on security grounds and increased significantly following 7 October 2023. Restrictions included: (a) the prohibition of Agency area staff not resident in Jerusalem from travelling in United Nations vehicles across the Erez crossing (into and out of Gaza) and the Allenby Bridge (into and out of Jordan), or from driving in Israel and East Jerusalem; and (b) time-consuming and cumbersome procedures to obtain permits for area staff not resident in Jerusalem to enter Israel and East Jerusalem.<sup>206</sup>

114. Israel also announced a closure of Israel and occupied East Jerusalem for Palestinians residing in the West Bank, and no permits for area staff were issued thereafter.<sup>207</sup> “UNRWA applied for permits, where required, for area staff to enter occupied East Jerusalem to carry out the Agency’s mandated operations and without prejudice to relevant United Nations resolutions, including resolutions relating to the status of Jerusalem. Israeli authorities maintained that the restrictions were necessary for security reasons.”<sup>208</sup>
115. The denial and delay of aid intensified following the onset of the Israeli military operation in Jabalia in early October 2024. Between 1 and 21 October 2024, only six percent (four out of 70) of coordinated aid movements that aimed to provide humanitarian assistance in the northern Gaza Strip were facilitated by Israeli Authorities.<sup>209</sup> Additionally, 29 requests requiring coordination with the Israeli military for critical aid missions to Jabalia, Beit Hanoun, and Beit Lahya were denied.<sup>210</sup> Six further aid missions were impeded and only 13 were facilitated.<sup>211</sup> Denied movements included a critical mission to rescue roughly 40 people trapped under rubble in the Falouja area of Jabalia.<sup>212</sup> Similarly, a mission to

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<sup>206</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/79/13 (14 August 2024), para. 64.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

<sup>209</sup> UNRWA, Situation Report #145 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (25 October 2024), *available at* <https://www.unrwa.org/resources/reports/unrwa-situation-report-145-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.*

<sup>212</sup> *Ibid.*

transport critical life-saving supplies including blood, medical supplies, food parcels, and fuel to Kamal Adwan Hospital was denied on 20 October 2024.<sup>213</sup>

116. Across the West Bank, Israel also consistently restricts the movement of UNRWA, which severely impacts its ability to deliver its services.<sup>214</sup> The closure of checkpoints, arbitrary obstructions, and detention of health workers and other UNRWA personnel, as well as the siege and closure of entire towns and communities, has made movement within the West Bank increasingly restricted, impeding access to UNRWA facilities and services.<sup>215</sup>
117. Just before the ceasefire came into effect, 115 out of 301 planned aid movements requiring coordination with Israeli authorities across the Gaza Strip were denied between 1 and 18 January 2025.<sup>216</sup> Since the ceasefire came into effect, such coordination with the Israeli authorities is no longer required except for crossing Netzarim corridor or entering the buffer zone.<sup>217</sup>
118. As the Access Coordination Unit of the UN Office of the Resident and Humanitarian Coordinator has highlighted, “[t]he lack of unfettered humanitarian access to, from and within the [Occupied Palestinian Territory] has significantly impeded the effective provision of humanitarian assistance and protection of civilians while simultaneously increasing the time and cost involved in doing so.”<sup>218</sup>

### ***3. Israeli Legislative and Administrative Actions that Impede the Presence and Activities of UN Agencies in the Occupied Palestinian Territory***

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<sup>213</sup> *Ibid.*

<sup>214</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/79/13 (14 August 2024). .

<sup>215</sup> World Health Organization, “WHO concerned about escalating health crisis in West Bank” (14 June 2024), available at <https://www.who.int/news/item/14-06-2024-who-concerned-about-escalating-health-crisis-in-west-bank>.

<sup>216</sup> UNRWA, Situation Report #156 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (23 January 2025), available at <https://www.unrwa.org/resources/reports/unrwa-situation-report-156-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>217</sup> *Ibid.*

<sup>218</sup> UN Office of the Resident and Humanitarian Coordinator, “Access Coordination Unit: About ACU” (last accessed 24 February 2025), available at <https://www.accesscoordination.org/>.

119. This Section considers Israel’s legislative and administrative interferences with UN agencies and NGOs, and their effects on efforts to provide humanitarian aid, focusing on the recent legislation with respect to UNRWA.
120. On 28 October 2024, the Knesset of Israel adopted, by a vote of 92 in favor, 10 against, two bills directed at curtailing UNRWA.<sup>219</sup> On 4 November 2024, Israel informed the United Nations that it was withdrawing from the Provisional Agreement concerning Assistance to Palestine Refugees dated 14 June 1967, also known as the Michelmores-Comay letters (“**Michelmores-Comay Agreement**”), by which Israel had recognized the role of UNRWA in providing aid to Palestine refugees in the Gaza Strip, East Jerusalem, and the West Bank.
121. On 9 December 2024, the UN Secretary-General addressed identical letters to the President of the General Assembly and the President of the Security Council regarding those laws—“the Law to Cease UNRWA Operations and the Law to Cease UNRWA Operations in the Territory of the State of Israel.” According to the unofficial translation provided in the Secretary-General’s letters, these laws read as follows:
122. The Law to Cease UNRWA Operations provides, in relevant part, as follows:

*Expiration of the exchange of letters between Israel and UNRWA*

1. (a) The invitation to UNRWA, based on an exchange of letters between Israel and UNRWA from 6 Sivan 5727 (14 June A.D. 1967), will expire on 5 Tishrei 5785 (7 October A.D. 2024). (b) The Minister for Foreign Affairs shall notify the United Nations of the expiration under subsection (a) within seven days of the passage of this law by the Knesset.

*No contact with UNRWA*

2. A government authority, including other bodies and individuals performing public duties according to law, shall not have any contact with UNRWA or anyone acting on its behalf.

*Retention of laws*

3. Nothing in the provisions of this law shall preclude any criminal proceeding against UNRWA employees, including such proceedings

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<sup>219</sup> See A. Guterres, Letters 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).

related to the events of 7 October 2023 or the Swords of Iron War, or any other criminal proceeding under Counter-Terrorism Law 5776-2016, or the exercise of powers against them within the framework of such proceedings.

123. The Law to Cease UNRWA Operations in the Territory of the State of Israel provides, in relevant part, as follows:

*Purpose*

1. The purpose of this law is to prevent any UNRWA operations within the territory of the State of Israel.

*Prohibition of operations within the territory of the State of Israel*

2. UNRWA (United Nations Relief and Works Agency) shall not operate any representative office, provide any services or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel.

124. Israel interprets the “Territory of the State of Israel” to include East Jerusalem despite the Court’s determination that Israel’s annexation of East Jerusalem is unlawful.<sup>220</sup>
125. The objective of these laws is “to prevent any activity of UNRWA within the territory of the State of Israel.”<sup>221</sup> According to the UN Secretary-General:

These laws, if implemented, could prevent UNRWA from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the General Assembly. The cessation of or restrictions on UNRWA’s activities in the Occupied Palestinian Territory would have devastating consequences for Palestinian refugees, considering that there is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required.<sup>222</sup>

126. In a letter dated 24 January 2025 to Secretary-General Guterres, Israel warned “UNRWA is required to cease its operations in Jerusalem, and evacuate all premises in which it

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<sup>220</sup> See A. Guterres, Letters 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). *Policies and Practices in the OPT Advisory Opinion*, para. 179..

<sup>221</sup> A. Guterres, Letter to the President of the General Assembly, UN Doc. A/79/558 (28 October 2024).

<sup>222</sup> A. Guterres, Letters 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).

operates in the city, no later than 30 January 2025.”<sup>223</sup> These properties include UNRWA’s headquarters in East Jerusalem (Maalot Dafna neighborhood) and a second premise located in Kofor Aqab. According to the letter, “[c]lear and explicit notices were sent to UNRWA from the Israel Land Authority. . . indicating that UNRWA’s use of the properties is done without proper authorization, and demanding the evacuation of the properties, the demolition of all immovables constructed without acquiring the proper authorizations, and payment for past use.”<sup>224</sup>

127. In response, the Secretary-General issued a letter emphasizing that “any modification or termination of UNRWA activities in the Occupied Palestinian Territory, including East Jerusalem, would require prior consultations and negotiations between the United Nations and Israel and guidance from the General Assembly, and may not be effected unilaterally.”<sup>225</sup> The Secretary-General noted that The Secretariat had sent a number of communications to Israel, which “provided ample opportunities” for the Secretariat and Israel to enter into consultations regarding Israel’s facilitation of UNRWA’s activities, but that no response has been received and no such consultations have taken place.<sup>226</sup> The letter further sought “to clarify and reiterate that any actions that prevent UNRWA from continuing its activities would severely undermine the provision of an appropriate humanitarian response in the Occupied Palestinian Territory.”<sup>227</sup> As affirmed by General Assembly Resolution ES-10/25 of 11 December 2024, and restated by the Secretary-General, “there is no organization that can replace or substitute the Agency’s capacity and mandate to provide the services and assistance required.”<sup>228</sup>

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<sup>223</sup> Ambassador D. Danon, Permanent Representative of Israel to the United Nations, Letter to H.E. Mr. Antonio Guterres (24 January 2025), *available at* <https://static.foxnews.com/foxnews.com/content/uploads/2025/01/letter-from-amb.-danon-24.1.2025.pdf>.

<sup>224</sup> *Ibid.*

<sup>225</sup> A. Guterres, Letter to the Ambassador of Israel to the United Nations (27 January 2025), *available at* <https://passblue.com/wp-content/uploads/2025/01/2025-01-27-Letter-from-the-Secretary-General-to-the-Ambassador-of-Israel-to-the-United-Nations.pdf>, p. 3.

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*, p. 1.

<sup>228</sup> *Ibid.*

128. The aforementioned laws took effect on 28 January 2025. Israeli authorities altered all visas issued to UNRWA’s international staff in East Jerusalem—amounting to approximately 50 people—to expire on 29 January 2025.<sup>229</sup> As such, UNRWA’s international staff at the East Jerusalem office were compelled to evacuate and relocate to the Agency’s office in Amman, Jordan.<sup>230</sup>
129. All national staff remain in East Jerusalem, but have been instructed not to enter the Agency’s headquarters in light of security risks.<sup>231</sup> Staff who continue operating services despite the restrictions face “an exceptionally hostile environment as a fierce disinformation campaign against UNRWA continues.”<sup>232</sup> The forced abandonment of the Agency’s headquarters in East Jerusalem also exposed UN property to acts of violence by Israeli settlers.<sup>233</sup>
130. The passage of aid into the Occupied Palestinian Territory requires close coordination between UNRWA and Israeli authorities, but Israel has not issued UNRWA staff entry permits, and essential coordination with the Israeli military will no longer be possible in light of these laws.<sup>234</sup> Operating in the Occupied Palestinian Territory is thus expected to be more difficult and dangerous,<sup>235</sup> thereby paralyzing the Agency’s ability to fulfil its mandate in and in relation to the Occupied Palestinian Territory.

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<sup>229</sup> UN Palestine, “Israel’s new laws banning UNRWA already taking effect” (30 January 2025), *available at* <https://palestine.un.org/en/288442-israel%E2%80%99s-new-laws-banning-unrwa-already-taking-effect>.

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> E. Farge, “UNRWA carries on aid work despite Israeli ban, hostilities,” *Reuters* (31 January 2025), *available at* <https://www.reuters.com/world/any-forced-halt-unrwas-work-would-jeopardise-gaza-ceasefire-agency-says-2025-01-31/>.

<sup>233</sup> See Alquds, “Settlers storm UNRWA building in Sheikh Jarrah” (3 February 2025), *available at* <https://www.alquds.com/en/posts/150607>.

<sup>234</sup> UN News, “Israeli laws blocking UNRWA – devastating humanitarian impact for Palestinians?” (31 October 2024), *available at* <https://news.un.org/en/story/2024/10/1156326>.

<sup>235</sup> UN Palestine, “Israel’s new laws banning UNRWA already taking effect” (30 January 2025), *available at* <https://palestine.un.org/en/288442-israel%E2%80%99s-new-laws-banning-unrwa-already-taking-effect>.

131. Several States declared before the UN Security Council that they “deeply deplore” Israel’s decision to “abolish” UNRWA’s operations.<sup>236</sup> In a joint statement, Belgium, Ireland, Luxembourg, Malta, Norway, Slovenia and Spain condemned Israel’s withdrawal from the 1967 agreement between Israel and UNRWA as well as any efforts to hinder the agency’s ability to function and fulfil its mandate from the UN General Assembly.<sup>237</sup> Britain, France and Germany issued a similar joint statement reiterating their “grave concern” and urging Israel to “work with international partners, including the UN, to ensure continuity of operations.”<sup>238</sup>
132. Israel has also subjected UNRWA employees to arrest and detention.<sup>239</sup> Reports submitted annually to the General Assembly by the UNRWA Commissioner-General provide an extensive record of Israeli policies and practices that have undermined UNRWA’s ability to execute its mandate. These policies and practices include arresting, detaining, and mistreating UNRWA employees; restricting the freedom of movement of UNRWA personnel throughout the Occupied Palestinian Territory, including East Jerusalem; restricting external access to the Occupied Palestinian Territory, including East Jerusalem; preventing UNRWA staff from entering occupied East Jerusalem; imposing curfews; searching UNRWA vehicles and goods; and imposing additional costs and taxes.<sup>240</sup>

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<sup>236</sup> See H. G. Hernández “Joint Statement on The Situation in the Middle East, including the Palestinian Question: Briefing on UNRWA” (delivered on behalf of Belgium, Ireland, Luxembourg, Malta, Norway, Slovenia and Spain at a meeting of the Security Council on the situation in the Middle East, including the Palestinian question) (28 January 2025), *available at* <https://www.ireland.ie/en/un/newyork/news-and-speeches/security-council-statements/joint-statement-on-the-situation-in-the-middle-east-including-the-palestinian-question-briefing-on-unrwa/>.

<sup>237</sup> *Ibid.*

<sup>238</sup> United Kingdom Foreign, Commonwealth & Development Office, “Press Release: E3 Foreign Ministers' statement on the implementation of legislation against United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)” (delivered on behalf of the United Kingdom, France, and Germany on the implementation of legislation against United Nations Relief and Works Agency for Palestine Refugees in the Near East) (31 January 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>.

<sup>239</sup> UNRWA, “Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War” (16 April 2024), *available at* <https://www.un.org/unispal/document/detention-and-ill-treatment-unrwa-report-16apr24/>, pp. 2-3.

<sup>240</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/7213 (1968). UN General Assembly, *Report of the Commissioner-General of the UN Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/46/13 (1991), para. 106 (noting from July 1990-June 1991, there were 132 reported instances of mistreatment against Agency staff members, and detailing that staff members in detention were subjected to beatings and other forms of physical abuse during interrogation, and encountered “rough treatment at the hands of the local authorities in the course of their

133. Even during periods in which peace negotiations with Palestine were progressing, Israel continued to impede UNRWA's operations. The 1994 Annual Report of the Commissioner-General observed that:

The period under review was marked, in the early part, by the vision of peace expressed through the Declaration of Principles on Interim Self-Government Arrangements signed by Israel and the Palestine Liberation Organization (PLO) in Washington on 13 September 1993, and, towards the end of the period, by the Agreement on the Gaza Strip and the Jericho area, signed at Cairo on 4 May 1994, which was immediately followed by concrete steps towards realizing peace.<sup>241</sup>

134. Nonetheless, the report documented incidents that reflect Israel's continued policy of obstructing UNRWA operations. For instance, in the course of performing their duties, both international and locally recruited staff members "continued to be subjected by members of the Israeli security forces to various forms of mistreatment, including injury by live and other forms of ammunition, beatings and threatening and abusive behaviour."<sup>242</sup> The 1994 Annual Report noted "some 67 such cases of mistreatment" in the West Bank and 37 in the Gaza Strip.<sup>243</sup> For example, on 31 March 1994, a staff member on official duty in an UNRWA vehicle in Ramallah was stopped by Israeli Border Police personnel, one of whom threw a tear-gas grenade into the vehicle where it exploded, leaving the staff member unconscious; the police then left the scene, and local residents took the staff member to hospital, where he received treatment.<sup>244</sup>
135. The 2002 Annual Report of UNRWA's Commissioner-General also highlights the imposition of curfews and internal closures in the West Bank and Gaza Strip that prevented "more than two thirds of UNRWA staff" from reaching the West Bank field office for

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official duties."); UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/64/13 (SUPP) (28 July 2009).

<sup>241</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/49/13 (SUPP) (21 September 1994).

<sup>242</sup> *Ibid.*, para. 77.

<sup>243</sup> *Ibid.*

<sup>244</sup> *Ibid.*

duty.<sup>245</sup> Staff members also reported having their UNRWA identification cards destroyed or confiscated.<sup>246</sup> In one instance, on 9 December 2001, Israel Occupation Force soldiers, “for no apparent reason, stopped a local UNRWA staff member near the Fawwar camp, took his identification, and fired a sound bomb at him, hitting him in the leg.”<sup>247</sup> In 2009, the Annual Report of UNRWA’s Commissioner-General stressed that Israeli authorities “continued to restrict the freedom of movement of UNRWA personnel in the occupied Palestinian territory.”<sup>248</sup> Additionally, the report notes the imposition of cumbersome procedures for obtaining permits for local staff to enter Israel and East Jerusalem: “On many occasions, permits were not granted even though the procedures were followed.”<sup>249</sup>

136. Since October 2023, UNRWA has reported that staff members in the Gaza Strip were detained by the Israeli Occupation Forces during the performance of their official duties.<sup>250</sup> One staff member was detained while coordinating humanitarian aid movement.<sup>251</sup> While detained, UNRWA staff were held incommunicado and subject to threats, coercion, and interrogation about the work performed by UNRWA, including the functions they performed on behalf of the Agency.<sup>252</sup> They also reported being pressured during interrogations to make forced confessions against the Agency, including “that the Agency has affiliations with Hamas and that UNRWA staff took part in the 7 October attacks against Israel.”<sup>253</sup>

137. These staff members were also subject to the same conditions and ill-treatment as other detainees, both in the Gaza Strip and in Israel. This treatment, as relayed by staff members,

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<sup>245</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/57/13 (26 September 2002), para. 143. .

<sup>246</sup> *Ibid.*, para. 160.

<sup>247</sup> *Ibid.*

<sup>248</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/64/13 (SUPP) (28 July 2009), para. 33.

<sup>249</sup> *Ibid.*

<sup>250</sup> UNRWA, “Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War” (16 April 2024), available at <https://www.un.org/unispal/document/detention-and-ill-treatment-unrwa-report-16apr24/>, pp. 2-3.

<sup>251</sup> *Ibid.*

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*

included physical beatings and treatment akin to waterboarding; beatings by doctors when referred for medical assistance; exposure to and being attacked by dogs; threats of rape and electrocution; threats of violence with guns pointed at them; verbal and psychological abuse; threats of murder, injury, or harm to family members; humiliating and degrading treatment; being forced to strip naked and being photographed while they are undressed; and being forced to hold stress positions.<sup>254</sup> UNRWA has objected to Israeli authorities about such treatment in Israeli detention centers,<sup>255</sup> but no response has been provided to date.<sup>256</sup>

138. Israel has repeatedly accused UNRWA of having been “infiltrated” by members of Hamas and “other terrorist organizations.”<sup>257</sup> It has also claimed that UNRWA has “persistent[ly] refus[ed] to address the very grave and material concerns raised by Israel, and to remedy this intolerable situation.”<sup>258</sup> In a letter dated 24 January 2025 to Secretary-General Guterres, the Israeli Ambassador to the UN stated, “[i]t is in the best interest of the UN to put an end to the unprecedented infiltration and abuse of an UN organ by terrorist organizations, so that its credibility is maintained and that impartiality, accountability, and the safety of all concerned can be guaranteed.”<sup>259</sup>
139. Most notably, Israel’s has also alleged that UNRWA employees were involved in the attacks of 7 October 2023.<sup>260</sup> In a statement before the Fourth Committee of the General

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<sup>254</sup> *Ibid.*

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*

<sup>257</sup> Ambassador D. Danon, Permanent Representative of Israel to the United Nations, Letter to H.E. Mr. Antonio Guterres (24 January 2025), *available at* <https://static.foxnews.com/foxnews.com/content/uploads/2025/01/letter-from-amb.-danon-24.1.2025.pdf>.

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*

<sup>260</sup> *See, e.g.*, R. Bergman and P. Kingsley, “Details Emerge on U.N. Workers Accused of Aiding Hamas Raid,” *New York Times* (28 January 2024), *available at* <https://www.nytimes.com/2024/01/28/world/middleeast/gaza-unrwa-hamas-israel.html>.

Assembly, Israel claimed “more than 100 employees” of UNRWA are “involved in terrorism, some holding simultaneous positions within Hamas and the Agency.”<sup>261</sup>

140. The Secretary General has repeatedly confirmed that he “take[s] [allegations of breaches of UNRWA’s neutrality] very seriously.”<sup>262</sup> Upon receiving such allegations he appointed, on 5 February 2024, an Independent Review Group on UNRWA to investigate these concerns.<sup>263</sup> In the interim, UNRWA immediately fired ten of the named employees and two others were confirmed dead.<sup>264</sup>
141. The Independent Review Group released their Final Report on 20 April 2024, which concluded that “UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar UN or NGO entities.”<sup>265</sup> The Report also identified “several measures to help UNRWA address its neutrality challenges in eight critical areas requiring immediate improvement.”<sup>266</sup> The Secretary-General confirmed his commitment, alongside UNRWA, to fully implement the review’s recommendations.<sup>267</sup> He added that UNRWA has “immediately begun implementing the recommendations, supported by a high-level action

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<sup>261</sup> UN General Assembly, “Press Release: Speakers in Fourth Committee Call Israel’s Charges of UNRWA’s Collusion Baseless Fallacies About an Agency Offering ‘Food on the Table’, ‘a Glimmer of Hope’,” UN Doc. GA/SPD/824 (14 November 2024).

<sup>262</sup> A. Guterres, Letter to the Ambassador of Israel to the United Nations (27 January 2025), *available at* <https://passblue.com/wp-content/uploads/2025/01/2025-01-27-Letter-from-the-Secretary-General-to-the-Ambassador-of-Israel-to-the-United-Nations.pdf>, p. 4.

<sup>263</sup> Independent Review Group on UNRWA, *Final Report for the United Nations Secretary-General: Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality* (20 April 2024), *available at* [https://www.un.org/sites/un2.un.org/files/2024/04/unrwa\\_independent\\_review\\_on\\_neutrality.pdf](https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf).

<sup>264</sup> UNRWA, “Allegations Against UNRWA Staff” (8 February 2024), *available at* <https://www.unrwa.org/newsroom/official-statements/allegations-against-unrwa-staff>.

<sup>265</sup> Independent Review Group on UNRWA, *Final Report for the United Nations Secretary-General: Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality* (20 April 2024), *available at* [https://www.un.org/sites/un2.un.org/files/2024/04/unrwa\\_independent\\_review\\_on\\_neutrality.pdf](https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf), pp. 4-5.

<sup>266</sup> *Ibid.*, p. 5.

<sup>267</sup> A. Guterres, Letters 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).

plan that is regularly updated, with progress shared transparently, including on the UNRWA website.”<sup>268</sup>

142. Also in response to Israeli allegations, the Secretary-General stated the following:

I am concerned by the fact that attempts have continued to be made to disseminate misunderstandings and misrepresentations. I believe that it is in the interest of the United Nations to address these allegations, which continue to be very damaging to the United Nations in general and constitute an obstacle for UNRWA to operate effectively in the Occupied Palestinian Territory. I call on the Government of Israel to refrain from such misrepresentations.<sup>269</sup>

143. The Secretary General also recalled that UNRWA “has responded to every allegation that has been raised by the Government of Israel against personnel of UNRWA regarding possible political activity that may be against the interest of the United Nations or connections to acts of terror, based on its policy of zero tolerance for activities of this nature.”<sup>270</sup> Additionally, UNRWA shared a list of its personnel with Israel and informed Israel of suspected military operations in and around UNRWA premises in the Gaza Strip. Moreover, UNRWA repeatedly requested, in letters to the Government of Israel, that the relevant authorities share evidence with UNRWA of breaches of neutrality in order for the Agency to proceed with disciplinary processes, including dismissal, under its regulatory framework.<sup>271</sup> To date, no response has been received from the Government of Israel to such requests.<sup>272</sup>

144. Furthermore, where requested, UNRWA has been prepared to facilitate the Israeli government’s investigation process against those alleged to have engaged in wrongful conduct, in accordance with the legal framework applicable to the Organization.<sup>273</sup> To date, Israel has “neither sought UNRWA assistance or cooperation in any investigation or

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<sup>268</sup> *Ibid.*, p. 4.

<sup>269</sup> *Ibid.*, p. 3.

<sup>270</sup> *Ibid.*, p. 4.

<sup>271</sup> *Ibid.*

<sup>272</sup> *Ibid.*

<sup>273</sup> *Ibid.*

prosecutorial process that it may have conducted, nor provided sufficient evidence to UNRWA to substantiate its allegations against UNRWA personnel.”<sup>274</sup>

145. Despite the prompt and thorough response of UNRWA, the Agency still faced severe consequences as a result of these Israeli allegations. Sixteen countries—including two major donors—suspended, paused, or imposed additional conditions on financial contributions to UNRWA.<sup>275</sup> By the end of July 2024, most countries had resumed funding to UNRWA. However, UNRWA’s largest donor, the United States, terminated its funding until at least 25 March 2025.<sup>276</sup>
146. In response to the continued Israeli attacks on UNRWA, third States have expressed concerns about Israel’s “systematic disinformation campaign” against the Agency.<sup>277</sup> For example, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories expressed “grave[] concern[s] that such deliberate misrepresentation and vilification not only incites violence but also undermines the credibility and work of the United Nations and its human rights ecosystem as a whole.”<sup>278</sup> In his 14 August 2024 letter transmitting his annual report on the work of UNRWA to the General Assembly, UNRWA’s Commissioner-General stated:

Draft legislation in the Knesset, fuelled by misinformation and disinformation campaigns, is aimed at evicting UNRWA from its premises

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<sup>274</sup> *Ibid.*

<sup>275</sup> UNRWA, “The Gaza Strip: Humanitarian crisis deepens at a time funding suspensions put UNRWA aid operations in peril” (1 February 2024), available at <https://www.unrwa.org/newsroom/news-releases/gaza-strip-humanitarian-crisis-deepens-time-funding-suspensions-put-unrwa-aid>; Washington Post, *Countries are reinstating funds for UNRWA – but not the United States* (26 April 2024), available at <https://www.washingtonpost.com/world/2024/04/26/unrwa-funding-suspension-gaza-donor-united-states/>.

<sup>276</sup> U.S. Congressional Research Service, “UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Background and U.S. Funding Trends” (17 January 2025), available at <https://crsreports.congress.gov/product/pdf/IF/IF12863/6>.

<sup>277</sup> UN General Assembly, “Press Release: Speakers in Fourth Committee Call Israel’s Charges of UNRWA’s Collusion Baseless Fallacies About an Agency Offering ‘Food on the Table’, ‘a Glimmer of Hope’,” UN Doc. GA/SPD/824 (14 November 2024).

<sup>278</sup> UN General Assembly, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, UN Doc. A/79/363 (20 September 2024), para. 64.

of more than 70 years in East Jerusalem, revoking its privileges and immunities and labelling it a terrorist organization.<sup>279</sup>

147. Understood in the broader context of Israel's attacks against UNRWA, these allegations challenge UNRWA's credibility in an attempt to reduce its funding and further hinder its ability to provide fundamental resources in support of the Palestinian right to self-determination.
148. Israel has also interfered with the ability of UN experts on mission and human rights organizations to operate in the State of Palestine and the Occupied Palestinian Territory.<sup>280</sup> Since Israel's 2008 detention and deportation of Professor Richard Falk, the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Israel has prevented the entry of all UN Special Rapporteurs on the matter.<sup>281</sup> The Coordination Committee of Special Procedures, comprising six independent experts, issued a statement that demanded "[a]ttacks against UN human rights experts must cease,"<sup>282</sup> noting colleagues addressing the situation in the Occupied Palestinian Territory and Israel "face severe targeting in social media, and baseless accusations that question their integrity and motivations."<sup>283</sup> But Israel, the occupying power, has subsequently broadened its refusal to engage with the United Nation's fact-finding efforts, refusing to cooperate with the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem.<sup>284</sup>

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<sup>279</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/79/13 (14 August 2024),

<sup>280</sup> See UN Palestine, "Press Release: UN Human Rights Office in OPT: Conflict and threats severely undermining crucial work of Palestinian NGOs" (31 May 2024), available at <https://palestine.un.org/en/270234-un-human-rights-office-opt-conflict-and-threats-severely-undermining-crucial-work>.

<sup>281</sup> F. Albanese, "Press Release: Israel's symbolic 'ban' must not distract from atrocity crimes in Gaza" (15 February 2024), available at <https://www.ohchr.org/en/press-releases/2024/02/israels-symbolic-ban-must-not-distract-atrocity-crimes-gaza-un-expert>.

<sup>282</sup> Coordination Committee of Special Procedures, "Press Release: Attacks against UN human rights experts must cease" (16 May 2024), available at <https://www.ohchr.org/en/press-releases/2024/05/attacks-against-un-human-rights-experts-must-cease-coordination-committee>.

<sup>283</sup> *Ibid.*

<sup>284</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN Doc. A/HRC/56/26 (27 May 2024) (noting that the "challenges" faced by the Commission included that "Israeli officials repeatedly publicly announced Israel's refusal

149. Following the issuance in February 2020 of a report by the United Nations High Commissioner to the Human Rights Council on a database of business enterprises involved in activities linked to Israeli settlements,<sup>285</sup> the Government of Israel similarly announced a freeze in relations with the High Commissioner and OHCHR.<sup>286</sup> As a result, international staff members of the OHCHR office in the Occupied Palestinian Territory were obliged to work from outside the territory, “complicating critical mandated work on human rights by the United Nations.”<sup>287</sup> In a report published 2 October 2023, the Secretary-General recommended that Israel grant visas and full access to OHCHR international staff for them to carry out mandated work on human rights in the Occupied Palestinian Territory.<sup>288</sup>

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150. Israel has consistently impeded the presence and activities of UN agencies and bodies, especially UNRWA, in and in relation to the Occupied Palestinian Territory and the State of Palestine. Israel’s conduct has included attacking and destroying UN premises and facilities; attacking, detaining, and mistreating UN personnel; attacking, detaining, and mistreating Palestinians receiving services in UN premises and facilities; restricting the freedom of movement of UN personnel; failing to protect UN premises and personnel from attacks by Israeli civilians, especially settlers in East Jerusalem and the West Bank; adopting legislation designed to impede UNRWA’s operations; and detaining and failing

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to cooperate with the Commission’s investigation [and] Israeli officials reportedly barred medical professionals and others from being in contact with the Commission after it approached medical professionals in Israel in December 2023.”).

<sup>285</sup> UN High Commissioner for Human Rights, *Database of all business enterprises involved in the activities detailed in paragraph 96 of the 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/43/71 (28 February 2020).

<sup>286</sup> UN General Assembly, *Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, U.N. Doc. A/76/333 (20 September 2021), para. 3.

<sup>287</sup> *Ibid*

<sup>288</sup> UN General Assembly, *Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/78/502 (2 October 2023), para. 63(n).

to facilitate the activities of UN experts on mission. Israel is also actively impeding the provision of humanitarian relief and development assistance by other international organizations and third States. It has also permitted, aided, and abetted attacks by Israeli settlers against UN personnel and premises throughout the Occupied Palestinian Territory.

151. Israel's policy of undermining UNRWA's operations in the Occupied Palestinian Territory is ultimately designed to dismantle the agency. This policy is not only driven by the fact that UNRWA provides indispensable services to millions of Palestine refugees but also reflects Israel's desire to deny the right of return of Palestine refugees, which is a core element of UNRWA's mandate. This serves Israel's broader objective of seeking to forcibly displace the Palestine refugees to enable it to expand and entrench its unlawful presence in the Occupied Palestinian Territory.
152. Overall, Israel's conduct is designed to achieve several interrelated objectives, all of which, as discussed in the next section, amount to internationally wrongful acts.
153. ***First and foremost***, the impediments imposed by Israel on the presence and activities of UN agencies and bodies, other international organizations, and third States operating in the Occupied Palestinian Territory are intended to prevent the Palestinian people from exercising their inalienable right to self-determination. By impeding the presence and activities of the UN, other international organizations, and third States, Israel is preventing international efforts to support the wellbeing of the civilian population of the Occupied Palestinian Territory in an effort to further disperse and undermine the integrity of the Palestinian people.
154. ***Second***, one of Israel's overall objectives is to create living conditions calculated to bring about the forcible deportation of the Palestinian people.
155. ***Third***, this would facilitate further unlawful annexation of Palestinian territory by Israel, thereby also contributing to further preventing the State of Palestine from establishing and exercising its sovereignty on the Occupied Palestinian Territory. In short, Israel's conduct is inseparable from its desire to further dispossess the Palestinian people of their land and to entrench and perpetuate its unlawful presence in the Occupied Palestinian Territory.



**CHAPTER 6**  
**THE OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER AND AS A MEMBER**  
**OF THE UNITED NATIONS IN RELATION TO THE PRESENCE AND ACTIVITIES OF**  
**THE UNITED NATIONS, INCLUDING ITS AGENCIES AND BODIES, IN AND IN**  
**RELATION TO THE OCCUPIED PALESTINIAN TERRITORY**

156. The present Chapter identifies the obligations of Israel as an occupying power and as a member of the United Nations in relation to the presence and activities of UN agencies and bodies in and in relation to the Occupied Palestinian Territory.

157. This chapter first considers the effect of the unlawfulness of Israel's presence in the Occupied Palestinian Territory on the validity of Israeli legislative and administrative measures taken in relation to the presence and activities of UN agencies and bodies in the Occupied Palestinian Territory (**Section A**). The chapter will then address the question of Israel's obligations in relation to the presence and activities of UN agencies and bodies in and in relation to the Occupied Palestinian Territory that arise from the Charter of the United Nations (**Section B**); as well as under the Convention on the Privileges and Immunities of the United Nations of 1946 (hereinafter the "1946 Convention") (**Section C**).

**A. The Illegality of Israel's Presence in the Occupied Palestinian Territory**

158. The League of Arab States submits that, because its continued presence in the Occupied Palestinian Territory is unlawful, the continued presence and activities of UN agencies and bodies in the Occupied Palestinian Territory does not depend on Israel's consent.

159. In the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* the Court determined that "the continued presence of Israel in the Occupied Palestinian Territory is illegal."<sup>289</sup> The Court also indicated that "Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation."<sup>290</sup> The Court identified "the exercise of Israeli governmental functions and the application of its

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<sup>289</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 266.

<sup>290</sup> *Ibid.*, para. 254.

domestic laws” to the Occupied Palestinian Territory as among the measures that reflect “an intention to create a permanent and irreversible Israeli presence in the Occupied Palestinian Territory.”<sup>291</sup>

160. These conclusions reached by the Court are consistent with earlier pronouncements by the Security Council on the illegality of Israeli legislation that purports to apply in the Occupied Palestinian Territory, including East Jerusalem. For example, in Resolution 478 (1980) the Security Council affirmed that “the enactment of the ‘basic law’ by Israel constitutes a violation of international law,” and determined that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent ‘basic law’ on Jerusalem, are null and void and must be rescinded forthwith.”<sup>292</sup> Similarly, in Resolution ES-10/24, the General Assembly affirmed that “the extension of Israeli law to occupied territory” and “the proclamation of Jerusalem as Israel’s capital, the comprehensive application of Israeli domestic law in East Jerusalem and its extensive application in the West Bank” are unlawful acts.<sup>293</sup>
161. Accordingly, the League of Arab States submits that the Law to Cease UNRWA Operations and the Law to Cease UNRWA Operations in the Territory of the State of Israel that were adopted by the Israeli Knesset on 28 October 2024 are *ab initio* null and void. The adoption and implementation of these laws constitutes an extension of Israeli law into the Occupied Palestinian Territory and an exercise of sovereign powers by Israel over areas of the Occupied Palestinian Territory, including East Jerusalem. Indeed, the adoption and implementation of these laws is an internationally wrongful act that is inconsistent with Israel’s “obligation to repeal all legislation and measures creating or maintaining the

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<sup>291</sup> *Ibid.*, para. 252.

<sup>292</sup> UN Security Council, Resolution 478 (1980), UN Doc. S/RES/478(1980) (20 August 1980).

<sup>293</sup> UN General Assembly, Resolution ES-10/24, *Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory*, UN Doc. A/RES/ES-10/24 (18 September 2024).

unlawful situation,”<sup>294</sup> which the Court identified as a legal consequence arising out of the illegality of Israel’s continued presence in the Occupied Palestinian Territory.

162. The League of Arab States also refers to the letter dated 24 January 2025 sent to the Secretary-General by the Permanent Representative of Israel that communicated a request by Israel for UNRWA to “cease its operations in Jerusalem, and evacuate all premises in which it operates in the city, no later than 30 January 2025.” This request was purportedly issued “[i]n accordance with applicable Israeli law, including the said legislation” and included notices to UNRWA to evacuate properties in the neighborhoods of Maalot Dafna and Kofor Aqab.<sup>295</sup> In addition to violating the privileges and immunities of the United Nations, which are discussed below,<sup>296</sup> the requests and notices communicated in this letter constitute internationally wrongful acts that amount to an extension of Israeli law into the Occupied Palestinian Territory and an exercise of sovereign powers by Israel over areas of the Occupied Palestinian Territory, including East Jerusalem.
163. In this regard, the League of Arab States agrees with the positions expressed by the UN Office of Legal Affairs in its Note Verbale dated 18 February 2025 that relates to the conduct of Israel with respect to premises operated by UNRWA in occupied East Jerusalem. In particular, this Note Verbale reaffirmed that the implementation of Israeli legislation in relation to these premises is “inconsistent with Israel’s obligations under international law.”<sup>297</sup>
164. The League of Arab States also submits that the State of Palestine, as the sole legitimate representative of the Palestinian people, is vested with the authority to consent to and regulate the presence and activities of UN bodies and agencies in the Occupied Palestinian Territory. Indeed, the State of Palestine has exercised this authority. This is manifest in the conclusion of agreements between the Government of the State of Palestine and UNRWA

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<sup>294</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 268.

<sup>295</sup> Ambassador D. Danon, Permanent Representative of Israel to the United Nations, Letter to H.E. Mr. Antonio Guterres (24 January 2025), *available at* <https://static.foxnews.com/foxnews.com/content/uploads/2025/01/letter-from-amb.-danon-24.1.2025.pdf>.

<sup>296</sup> *See infra* Chapter VI, § C.

<sup>297</sup> United Nations, Office of Legal Affairs, Note Verbale Reference: 2024-OLC-000675, dated 18 February 2025.

that affirm that the Agency enjoys the privileges and immunities accorded to the UN.<sup>298</sup> The Government of the State of Palestine concluded similar agreements with other UN bodies and agencies operating in the Occupied Palestinian Territory.<sup>299</sup>

**B. The Obligations of Israel to Facilitate and not to Impede the Presence and Activities of UN Agencies and Bodies in and in relation to the Occupied Palestinian Territory that Arise from the Charter of the United Nations**

165. The League of Arab States submits that, as a member of the United Nations, Israel is under an obligation to facilitate and not to impede the presence and activities of UN agencies and bodies, including UNRWA, in and in relation to the Occupied Palestinian Territory. This obligation arises principally from Articles 2(2) and 2(5) of the UN Charter.
166. Article 2, paragraph 2, of the UN Charter stipulates that all Member States, “in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.” Furthermore, Article 2, paragraph 5 provides that Member States “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.”
167. Article 2(5) of the Charter establishes a “general obligation to collaborate with the organization in the fulfilment of its actions.”<sup>300</sup> As a subsidiary body established under

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<sup>298</sup> See, e.g., Agreement between the United Nations Relief and Works Agency for Palestine Refugees in the Near East & the Palestinian Authority Regarding the Location of UNRWA Headquarters in the West Bank and Gaza Strip Area (5 July 1996).

<sup>299</sup> See Exchange of letters between the United Nations Development Programme and Israel (27 August and 3 September 1980); Agreement between the Palestine Liberation Organization (PLO) and the United Nations Development Programme (UNDP) (9 May 1994); Agreement between the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Palestine Liberation Organization on the establishment of a UNESCO Liaison Office in the Palestinian Authority's Territories (24 May 1997); Memorandum of understanding between the Ministry of Agriculture and the Ministry of Planning of the Palestinian National Authority and the Food and Agriculture Organization of the United Nations (19 May 2009); Letter of intent between the Palestinian Ministry of Agriculture (MoA) and the Food and Agriculture Organization of the United Nations (FAO) (11 October 2014); Letter of intent between the Palestinian Ministry of Agriculture (MoA) and the Food and Agriculture Organization of the United Nations (FAO) (17 and 29 April 2018); Letter of intent between the Palestinian Ministry of Agriculture (MoA) and the Food and Agriculture Organization of the United Nations (FAO) (21 and 23 May 2023).

<sup>300</sup> P. d'Argent and N. Susani, “United Nations, Purposes and Principles,” in MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (2009), para. 17.

Article 22 of the Charter and operating pursuant to a series of General Assembly resolutions, the presence and activities of UNRWA in the Occupied Palestinian Territory constitute an “action” taken by the United Nations “in accordance with the present Charter” within the meaning of Article 2(5) of the Charter. Similarly, the operations of other UN agencies and bodies also constitute “actions” taken by the Organization.

168. In its Advisory Opinion on *Reparation for Injuries Suffered in the Service of the United Nations*, the Court observed—in a context not dissimilar from the subject of the present proceedings—the following:

[T]he Organization may find it necessary, and has in fact found it necessary, to entrust its agents with important missions to be performed in disturbed parts of the world. Many missions, from their very nature, involve the agents in unusual dangers to which ordinary persons are not exposed. [...] Both to ensure the efficient and independent performance of these missions and to afford effective support to its agents, the Organization must provide them with adequate protection.

[...]

For this purpose, the Members of the Organization have entered into certain undertakings, some of which are in the Charter and others in complementary agreements. The content of these undertakings need not be described here; but the Court must stress the importance of the duty to render to the Organization “every assistance” which is accepted by the Members in Article 2, paragraph 5, of the Charter. 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 should be strictly observed.<sup>301</sup>

169. Article 2(5) of the UN Charter constitutes a legal undertaking that, in the present context, places a **negative obligation** on Israel not to prevent, impede, or otherwise restrict the activities of all UN agencies and bodies, including UNRWA, in the Occupied Palestinian Territory, including East Jerusalem. However, Article 2(5) also “contains a **positive obligation** and stipulates that UN member States shall ‘give the United Nations every assistance in any action it takes in accordance with the present Charter’.”<sup>302</sup>

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<sup>301</sup> *Reparation for injuries suffered in the service of the United Nations*, Advisory Opinion: I.C.J. Reports 1949, p. 174, at p. 183.

<sup>302</sup> H. Aust, “Article 2(5),” in B. Simma *et al.* (eds.), *THE CHARTER OF THE UNITED NATIONS: A COMMENTARY*, VOLUME I (3<sup>rd</sup> Ed., OUP 2012), p. 236 (emphasis added).

170. Accordingly, the League of Arab States submits that Israel is under a positive obligation to facilitate the presence and activities of UN agencies, including UNRWA, in the Occupied Palestinian Territory, including East Jerusalem. This also includes an obligation to assist UNRWA and other UN agencies and bodies in the execution of their mandate. In this regard, the League of Arab States recalls and supports the following observation in the Secretary General's letter dated 9 December 2024 relating to Israel's obligations under Article 2(5) of the Charter in relation to UNRWA:

I would like to further recall that, as a Member of the United Nations, Israel continues to be required, pursuant to Article 2, paragraph 5, of the Charter of the United Nations, to give UNRWA every assistance in any action it takes in accordance with the relevant decisions of the competent principal organs adopted pursuant to the provisions of the Charter, including General Assembly resolution 302 (IV) and subsequent General Assembly resolutions renewing UNRWA's mandate.<sup>303</sup>

171. Article 103 of the UN Charter is also relevant to and applicable in the present proceedings. This provision provides that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter [including Article 105 enshrining the general principle of immunities and privileges] and their obligations under any other international agreement, their obligations under the present Charter shall prevail."<sup>304</sup>
172. Commenting on the effect of the obligations enshrined in Article 103 of the UN Charter on the continued validity and applicability of Article 105 of the UN Charter during armed conflicts, the International Law Commission's Special Rapporteur on the topic of the settlement of international disputes to which international organizations are parties stated:

Considering that inviolability of premises is both an obligation under Art. II Section 3 General Convention and Art. 105 of the UN Charter, to the extent of any conflict with international humanitarian law, Art. 103 of the UN Charter operates so that the inviolability of UN premises prevails. Accordingly, a strike on UN humanitarian premises in breach of their

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<sup>303</sup> A. Guterres, Letters 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), p. 5.

<sup>304</sup> UN Charter, Art. 103 (emphasis added).

inviolability would be contrary to international law even if it were not prohibited per se under international humanitarian law.<sup>305</sup>

173. As discussed further below,<sup>306</sup> this means that the Charter-based obligations incumbent on Israel to observe the privileges and immunities of UN agencies and bodies, including UNRWA, cannot be set aside during armed conflicts or during the conduct of hostilities.

**C. The Obligations of Israel to Observe the Privileges and Immunities of UN Agencies and Bodies, including UNRWA, in relation to their Presence and Activities in and in Relation to the Occupied Palestinian Territory**

174. As a member of the United Nations, Israel is under an obligation not to engage in conduct in relation to the presence and activities of UN bodies and agencies, including UNRWA, in the Occupied Palestinian Territory, including East Jerusalem, that is inconsistent with the privileges and immunities enjoyed by the United Nations. This obligation arises principally from Articles 100, 104, and 105 of the UN Charter and the 1946 Convention on the Privileges and Immunities of the United Nations (“**1946 Convention**” or “**General Convention**”).<sup>307</sup>
175. Article 105 (1) of the UN Charter states that “[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.” The term “organization” in this provision covers both the principal organs of the United Nations, such as the General Assembly, and its subsidiary organs, such as UNRWA. The full range of privileges and immunities of the United Nations and its subsidiary organs, including UNRWA, in their relations with member States, is detailed in the 1946 Convention.
176. Articles 100 and 104 of the Charter of the United Nations are also relevant in this context. These provisions complement Articles 2(5) and 105 of the Charter. Pursuant to Article 100, member States of the United Nations must “respect the exclusively international character

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<sup>305</sup> L. Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention,” in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 131.

<sup>306</sup> See *infra* paras. 188-189.

<sup>307</sup> The State of Israel acceded to the 1946 Convention on the Privileges and Immunities of the United Nations on 21 September 1949.

of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their duties.”<sup>308</sup> The obligation to respect the independence of the Secretary-General and other United Nations staff, and the duty to respect the privileges and immunities of the United Nations, its organs, agencies, and staff members are mutually reinforcing. Similarly, pursuant to Article 104, the United Nations enjoys, within the territory of member States, “such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.”<sup>309</sup> As discussed below, the 1946 Convention provides further content to the general obligation contained in Article 104. Overall, Articles 100 and 104 are intended to protect what the Court called “the independent action of the Organization itself.”<sup>310</sup>

177. In this regard, the League of Arab States submits that the Government of Israel’s decision to declare the Secretary-General of the United Nations “persona non grata” is inconsistent with its obligations under the UN Charter, especially its duties that arise from Articles 2(2), 2(5), 100, 104, and 105 of the Charter.
178. The obligation of the member States of the United Nations to respect and uphold the privileges and immunities of the United Nations and its subsidiary organs is not dependent on the conclusion of special agreements with the relevant member States. This is especially relevant in the context of the present proceedings because Israel has informed the United Nations that it has unilaterally abrogated the Michelmores-Comay Agreement, as noted above.
179. This was affirmed by the UN Office of Legal Affairs in a memorandum dated 24 March 1969 that examined the juridical status and privileges and immunities of subsidiary organs of the United Nations. In this memorandum, the Office of Legal Affairs commented on the case of UNDP as an illustrative example of the privileges and immunities of subsidiary organs. It stated:

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<sup>308</sup> UN Charter, Art. 100.

<sup>309</sup> UN Charter, Art. 104.

<sup>310</sup> *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion: I.C.J. Reports 1949*, p. 174, at p. 183.

UNDP is entitled to the privileges and immunities of the United Nations by virtue of its status as a subsidiary body of the Organization, and this entitlement, therefore, subsists with respect to all Governments, whether or not they have entered into a basic agreement with UNDP stipulating that the Convention on the Privileges and Immunities of the United Nations shall apply to UNDP.<sup>311</sup>

180. Therefore, the League of Arab States submits that Israel's position regarding the Michelmores-Comay Agreement is immaterial and does not affect Israel's continuing obligation to respect and uphold the privileges and immunities of the United Nations and its subsidiary organs, including UNRWA.
181. The League of Arab States also submits that the adoption, on 28 October 2024, by the Knesset of Israel, of the Law to Cease UNRWA Operations and the Law to Cease UNRWA Operations in the Territory of the State of Israel constitutes an internationally wrongful act under Articles 2(2), 2(5) and 105 of the Charter of the United Nations. The League of Arab States also submits that the request communicated by the Permanent Representative of the State of Israel to the United Nations to the Secretary-General on 24 January 2025 for UNRWA to vacate two properties located in occupied East Jerusalem constitutes an internationally wrongful act under Articles 2(2), 2(5), and 105 of the UN Charter. Furthermore, the League of Arab States submits that the aforementioned conduct attributable to Israel is inconsistent with its obligations, as a member State of the United Nations, under Articles 100 and 104.
182. The 1946 Convention also establishes obligations that Israel is duty-bound to uphold in relation to the presence and activities of UN bodies and agencies in the Occupied Palestinian Territory. Article II, Sections 2 and 3 of the 1946 Convention are especially relevant. These provisions state:

(Section 2) The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its

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<sup>311</sup> The Practice of the United Nations, the Specialized Agencies and the International Atomic Energy Agency concerning their Status, Privileges and Immunities, *Supplementary study prepared by the Secretariat*, UN Doc. A/CN.4/SER.A/1985/Add.1(Part1/Add.1), p. 152.

immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

(Section 3) 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.

183. The Secretary General has affirmed that Israel is under an obligation to accord the full range of privileges and immunities codified in the 1946 Convention to UNRWA. This also applies to all other UN agencies and bodies operating in the Occupied Palestinian Territory. For example, in a letter dated 27 January 2025 sent in response to a letter dated 24 January 2025 from the Permanent Representative of Israel to the United Nations, the Secretary-General stated:

[...] 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 and immunities, and facilities, including those set out in the Convention on the Privileges and Immunities of the United Nations (the “General Convention”), and action on the part of Israel is necessary to facilitate, rather than hinder, UNRWA’s operations in the Occupied Palestinian Territory. These privileges and immunities include immunity of UNRWA from every form of legal process, the inviolability of UNRWA premises and archives, UNRWA’s right to maintain its assets, the immunity of UNRWA personnel from legal process, and the free movement of UNRWA personnel in the Occupied Palestinian Territory.

In particular, this includes the critical obligations of Israel to respect the absolute inviolability of all United Nations premises, including those of UNRWA, at all times. I also wish to emphasize that the properties referenced in your letter remain the property and assets of the United Nations and that Israel has an obligation to ensure that their inviolability is protected and that they are immune from any form of interference.<sup>312</sup>

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<sup>312</sup> A. Guterres, Letter to the Ambassador of Israel to the United Nations (27 January 2025), *available at* <https://passblue.com/wp-content/uploads/2025/01/2025-01-27-Letter-from-the-Secretary-General-to-the-Ambassador-of-Israel-to-the-United-Nations.pdf>.

184. Domestic jurisprudence from UN member States in which UNRWA operates and from Israeli courts has also affirmed that, as a subsidiary organ of the United Nations, UNRWA is entitled to the full range of privileges and immunities codified in the 1946 Convention.<sup>313</sup> These views of the Secretary General and these judicial precedents also apply to other UN agencies and bodies operating in the Occupied Palestinian Territory.
185. The United Nations and the domestic courts of many member States have affirmed that the phrase “from every form of legal process” in Article II, Section 2 of the 1946 Convention means that the United Nations and its subsidiary organs, including UNRWA, enjoy absolute immunity.<sup>314</sup> Israeli courts have also upheld the principle of the absolute immunity of UNRWA.<sup>315</sup>
186. The absolute immunity of the United Nations, including its subsidiary organs such as UNRWA, covers immunity from the legislative, adjudicatory, and enforcement jurisdiction of United Nations member States. This understanding of the phrase “from every legal process” was confirmed by the United Nations Secretariat, which observed that “[t]hese words have been broadly interpreted to include every form of legal process before national authorities, whether judicial, administrative, or executive functions according to national law.”<sup>316</sup> Israeli courts have upheld this position. For instance, in *Mahalwas v. United Nations Truce Supervision Organization and Attorney General (intervening)*, an Israeli District Court stated the following:

[...] the United Nations is immune against any ‘legal action’, including execution of judgment. The State of Israel is a party to the Convention and is bound to act in accordance with the provisions of it and to respect the

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<sup>313</sup> A. Reinisch, “Immunity of Property, Funds, and Assets (Article II Section 2 General Convention),” in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 81.

<sup>314</sup> *Ibid.*, pp. 86-89.

<sup>315</sup> See *Yacoub Ayoub v. UNRWA*, Israel, Regional Labour Court of Jerusalem, Case 24931-12-11 (24 January 2013).

<sup>316</sup> UN General Assembly, *The Practice of the United Nations, the Specialized Agencies and the International Atomic Energy Agency concerning their Status, Privileges and Immunities, Part Two: The Organizations*, UN Doc. A/CN.4/L.118/Add.1, p. 55.

status of the United Nations, and therefore, it is not possible to institute execution proceedings against the United Nations in the State of Israel.<sup>317</sup>

187. Moreover, not only is Israel, as a member of the United Nations, under an obligation to respect the absolute immunity of UNRWA from legislative, adjudicatory, and enforcement jurisdiction, but it is also under an obligation to take the necessary measures to ensure that its domestic law recognizes and gives effect to UNRWA's absolute immunity. This is reflective of the obligation in Section 34 of the General Convention that states the following: "It 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."<sup>318</sup>
188. The phrase "wherever located and by whomsoever held" in Article II, Section 2 of the General Convention is also understood to mean that the movable and immovable property and assets, including bank accounts, of the United Nations enjoy absolute immunity regardless of their actual location or possession.<sup>319</sup>
189. Article II, Section 3 relates to the inviolability of UN premises, property, and assets. The phrase "inviolable" in Article II, Section 3 generates both negative and positive obligations. The former include an obligation on member States of the United Nations to ensure that their agents do not enter, act against, threaten, or disturb UN premises, property, or assets, while the latter includes an obligation to protect UN premises against third parties and non-State actors that may enter, act against, threaten, or disturb them. In other words, Article II, Section 3 provides a general protection against any and all forms of interference with the operation of UN premises, property, or assets.

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<sup>317</sup> *Mahalwas v. United Nations Truce Supervision Organization and Attorney General (intervening)*, Appeal Decision, PLA 3093/07, ILDC 1070 (IL, District Court, 2007).

<sup>318</sup> Convention on the Privileges and Immunities of the United Nations (13 February 1946, entered into force 17 September 1946), 16 UNTS 4 ("**1946 Convention**") Final Article, § 34.

<sup>319</sup> A. Reinisch, "Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)," in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 84.

190. This understanding of the scope and content of the inviolability of UN premises was confirmed by the United Nations Secretariat in a study in which it observed the following:

26. The inviolability of United Nations premises and of areas under United Nations control ... has been expressly provided for in the pertinent international agreements. The principle laid down, that United Nations premises may not be entered and that the United Nations must itself be permitted to control activities occurring on those premises unless it requests the local authorities to intervene, has in general been well observed.

32. The obligation imposed on host authorities to respect the inviolability of United Nations premises extends, firstly, to the possibility of direct interference through the acts of public officials. It also includes, however, the obligation of the host authorities to take reasonable steps to ensure that the inviolability of United Nations premises is respected by private individuals [...] it may be generally expressed as an obligation to allow the United Nations to perform its allotted functions without improper interference or interruption which, whilst not in itself an immediate violation of United Nations premises, may nevertheless achieve an effect within those premises. *Ex hypothesi*, the obligation in respect of private acts extends to the prevention of actual attacks on or unauthorized entry into United Nations premises on the part of private individuals, where such actions could and ought reasonably to have been foreseen by the authorities concerned.<sup>320</sup>

191. This position was reaffirmed in a Note Verbale dated 18 February 2025 from the UN Office of Legal Affairs to the Permanent Mission of Israel that relates to the conduct of Israel with respect to premises operated by UNRWA in occupied East Jerusalem. This Note Verbale, the content of which the League of Arab States supports, reaffirmed the following:<sup>321</sup>

The Office of Legal Affairs notes that UNRWA properties, including those located in occupied East Jerusalem, such as the Kalandia Training Centre and its schools in Sur Baher, Silwan and Wadi al-Joz, constitute property and assets of the United Nations in the sense of Article II, Section 3, of the General Convention and, as such, they are inviolable. Israel therefore has an obligation to ensure these UNRWA properties are immune from search,

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<sup>320</sup> UN General Assembly, *The Practice of the United Nations, the Specialized Agencies and the International Atomic Energy Agency concerning their Status, Privileges and Immunities, Part Two: The Organizations*, UN Doc. A/CN.4/L.118/Add.1, pp. 63, 66.

<sup>321</sup> United Nations, Office of Legal Affairs, Note Verbale Reference: 2024-OLC-000675, dated 18 February 2025.

requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

In light of the foregoing, the actions taken by the authorities of Israel with respect to the Kalandia Training Centre and the schools in Sur Baher, Silwan and Wadi al-Joz, specifically, the entry into the premises without UNRWA's consent, demands to enter the premises, the orders to evacuate, to close and to handover the premises, the deploying of tear gas and sound bombs in the proximity of United Nations personnel and premises, and the disruption caused to UNRWA's mandated activities, are a violation of Israel's obligations under the General Convention to respect the inviolability of those premises and assets of the United Nations from any form of interference. The disruption caused to students and the interruption of their educational activities are also inconsistent with other obligations of Israel under international law.

192. The inviolability of UN premises, property, or assets under the General Convention continues to apply during armed conflicts, and continues to be binding on UN member States during the conduct of hostilities. As the former Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, recently emphasized: “[n]o elements of practice or *opinio juris* support the idea that the inviolability of the United Nations ceases in times of armed conflict.”<sup>322</sup> This is reflective of the principle that the inviolability of the United Nations' premises and property is absolute and admits of no qualification, either in the UN Charter or the 1946 Convention.<sup>323</sup> This is

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<sup>322</sup> M. de Serpa Soares, “Statement at the 1st Annual Seminar for Diplomats on International Humanitarian Law” (20 March 2024), *available at* <https://www.un.org/ola/sites/www.un.org.ola/files/documents/2024/04/mss-nyu-ihls-20032024.pdf>. It has also been reported that, in the context of the 1967 war, when Israel committed certain violations against UNRWA, the Agency's former General Counsel, Sir Derek Bowett, argued, in an unpublished memorandum dated 14 February 1968 and entitled “1967 Claims against Israel”, that the inviolability was an essential and particular aspect of the more general immunity of the Organization provided for in Article 105 of the Charter, and that as such, it could not be set aside by any member State on the ground that, in the special circumstances of hostilities, the inviolability of United Nations premises and property must be qualified or overridden by the demands of military expediency.

<sup>323</sup> R. Higgins *et al.*, *OPPENHEIM'S INTERNATIONAL LAW: UNITED NATIONS* (OUP 2017), p. 574 (“[t]he failure to respect the inviolability of UN premises in time of armed conflict may not be justified on grounds of military expediency”). *See also* L. Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention,” in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 133; M. de Serpa Soares, “Statement at the 1st Annual Seminar for Diplomats on International Humanitarian Law” (20 March 2024), *available at* <https://www.un.org/ola/sites/www.un.org.ola/files/documents/2024/04/mss-nyu-ihls-20032024.pdf> (“Our specific legal framework was designed to make sure that the United Nations may independently perform its functions all over the world without hindrance, in times of war and peace.”).

confirmed by a legal opinion issued by the Office of Legal Affairs of the United Nations and dated 11 July 2003, which explained:

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.<sup>324</sup>

193. This view was reaffirmed by the Secretary-General in circumstances that are especially relevant to the present proceedings. On 4 May 2009, the Secretary-General addressed a letter to the President of the Security Council that released a summary of the report of the United Nations Headquarters Board of Inquiry established to review and investigate nine incidents that affected UN personnel, premises and operations during the conflict in the Gaza Strip in the period between 27 December 2008 to 19 January 2009. The report stated:

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.<sup>325</sup>

194. Over the years, the General Assembly has also condemned Israel's breaches of the inviolability of UN premises, calling on it to abide by the UN Charter and the 1946 Convention.<sup>326</sup>

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<sup>324</sup> "Note to the Under-Secretary-General of the Department of Peacekeeping Operations, United Nations," in "Chapter VI: Selected legal opinions of the Secretariats of the United Nations and related intergovernmental organization," in UNITED NATIONS JURIDICAL YEARBOOK (2003), p. 521, para. 11.

<sup>325</sup> UN Security Council, *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*, UN Doc. A/63/855-S/2009/250 (4 May 2009), para. 91.

<sup>326</sup> UN General Assembly, Resolution 60/102, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/60/102 (8 December 2005); UN General Assembly, Resolution 75/94, *Operations of the United Nations Relief Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/75/94 (10 December 2020); UN General Assembly, Resolution 76/78, *Operations of the United Nations Relief and Works*

195. Accordingly, the League of Arab States submits that Israel is under an obligation to respect the inviolability of UN premises, property, and assets, including during hostilities, and that the absolute immunity and inviolability of UN premises, property, and assets cannot be overridden by considerations of military necessity or expediency.
196. Moreover, the League of Arab States submits that the adoption, on 28 October 2024, by the Knesset of Israel, of the Law to Cease UNRWA Operations and the Law to Cease UNRWA Operations in the Territory of the State of Israel cannot be justified by considerations of military necessity or by rules of international humanitarian law that may be applicable during hostilities.
197. It is noteworthy that the report of the United Nations Headquarters Board of Inquiry established to investigate nine incidents that affected UN personnel, premises, and operations during the conflict in the Gaza Strip from 27 December 2008 to 19 January 2009, concluded the following:

Israel had breached the inviolability of United Nations premises and/or failed to respect the immunity of the Agency's property and assets from interference. It noted that such inviolability and immunity could not be overridden by demands of military expediency, and found Israel responsible for the deaths, injuries and property damage caused by its actions. The Board could not establish responsibility for the other incident related to UNRWA. Following the Board's report, the United Nations engaged an independent loss adjuster to value the losses suffered by the United Nations in respect of those incidents for which the Board had found responsibility. [...]

the United Nations submitted to the Ministry of Foreign Affairs of Israel a claim for reimbursement for the losses that the United Nations had sustained in a number of incidents, including the above incidents relating to UNRWA. In January 2010, Israel made a payment of \$10.5 million to the United

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*Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/76/78 (9 December 2021); UN General Assembly, Resolution 77/122, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/77/122 (12 December 2022); UN General Assembly, Resolution 78/73, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/RES/78/73 (7 December 2023); UN 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).

Nations, of which the United Nations remitted \$10.27 million to the Agency.<sup>327</sup>

198. Based on this assessment, “in January 2010 Israel made a payment of \$10.5 million to the United Nations, of which \$10.27 million were remitted to the Agency. On 15 November, the Israeli authorities approved import of construction materials for the reconstruction of the UNRWA warehouse located on the UNRWA Field Office compound in Gaza City. All other UNRWA buildings damaged during the incidents for which the Board had found responsibility were repaired as at the end of 2010.”<sup>328</sup>
199. Accordingly, the League of Arab States also submits that Israel is under an obligation to provide reparation, including compensation, to UNRWA for loss and damage suffered by the Agency and its personnel as a result of internationally wrongful acts attributable to Israel in relation to UNRWA’s presence and activities in the Occupied Palestinian Territory, including East Jerusalem.
200. Section 18 of the 1946 Convention also provides that “[o]fficials of the United Nations shall ... [b]e immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.”<sup>329</sup> Covered by this protection are all UN staff members “with the exception of those who are recruited locally and are assigned to hourly rates.”<sup>330</sup>
201. Experts performing missions for the United Nations, including Special Rapporteurs,<sup>331</sup> are “accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in

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<sup>327</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/65/13 (2010), paras. 38-39.

<sup>328</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/66/13 (2011), para. 39.

<sup>329</sup> 1946 Convention, § 18.

<sup>330</sup> UN General Assembly, Resolution 76(1), *Privileges and Immunities of the Staff of the Secretariat of the United Nations*, UN Doc. A/RES/76(1) (7 December 1946).

<sup>331</sup> The Court has determined that Special Rapporteurs who “carry out such research independently for the United Nations” and/or “monitor human rights violations and [report] on them” fall within the category of experts on missions. *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, *Advisory Opinion*, *I.C.J. Reports 1989*, p. 177, at pp. 196-197, para. 55.

connection with their missions,” and are further accorded “immunity from legal process of every kind.”<sup>332</sup> The immunity of such experts “continue[s] to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations.”<sup>333</sup> Moreover, UN experts enjoy “[i]mmunity from personal arrest or detention and from seizure of their personal baggage.”<sup>334</sup>

202. Immunity from legal process, like the inviolability of UN premises protected by Section 3 of the 1946 Convention, is absolute and cannot be overridden by considerations of military necessity and expediency. Indeed, Sections 18 and 22 discussed in this section also derive from Article 105 of the UN Charter, which prevails over any conflicting norm of international law.<sup>335</sup>
203. Section 18(d) of the General Convention provides that UN officials shall be immune “from immigration restrictions.” States are thus required to issue visas to officials without “restrictions [...] that would impede UN officials from performing their functions.”<sup>336</sup> This requirement is consistent with the broader obligation enshrined in Article 105 of the UN Charter to afford officials of the United Nations privileges and immunities “as are necessary for the independent exercise of their functions in connection with the Organization.”
204. Experts on missions should also be afforded freedom of movement—a privilege that is undisputedly “necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions” in accordance with Section 22 of the 1946 Convention.<sup>337</sup>

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<sup>332</sup> 1946 Convention, § 22.

<sup>333</sup> *Ibid.*

<sup>334</sup> *Ibid.*

<sup>335</sup> *See supra* para. 168.

<sup>336</sup> R. Bandyopadhyay and T. Iwata, “Officials (Article V Sections 17-21 General Convention),” in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 353.

<sup>337</sup> R. Bandyopadhyay and T. Iwata, “Experts on Missions (Article VI Sections 22–23 General Convention),” in A. Reinisch (ed.), *THE CONVENTIONS ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES: A COMMENTARY* (OUP 2016), p. 459.

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205. For all these reasons, the League of Arab States therefore respectfully requests the Court to declare that Israel must (1) allow the United Nations and its agencies to operate in Israel and in the Occupied Palestinian Territory; (2) protect the premises, property and staff of the United Nations and reimburse the relevant UN agencies and bodies whose property has been damaged or otherwise adversely impacted by Israel's conduct or attacks by private citizens that Israel should have reasonably prevented but did not; (3) respect the immunity from legal process of officials and agents of the United Nations; and (4) ensure the freedom of movement of officials and agents of the United Nations.

**CHAPTER 7**  
**THE OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER AND AS A MEMBER**  
**OF THE UNITED NATIONS TO ENSURE AND FACILITATE THE UNHINDERED**  
**PROVISION OF URGENTLY NEEDED SUPPLIES ESSENTIAL TO THE SURVIVAL**  
**OF THE PALESTINIAN CIVILIAN POPULATION**

206. One of the elements of the question referred to the Court by the General Assembly in Resolution 79/232 relates to the obligations of Israel, as an occupying power, to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the civilian population in the Occupied Palestinian Territory in accordance with international humanitarian law and human rights law. This Chapter first identifies the obligations incumbent on Israel, as an occupying power, under the applicable rules of international humanitarian law (**Section A**), and then addresses Israel’s obligations under international human rights law (**Section B**).
207. Before proceeding, the League of Arab States underscores that, in addition to obligations arising from international humanitarian law and international human rights law, Israel is under an obligation, under the UN Charter and the Statute of the ICJ, to implement the orders indicating provisional measures in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. As noted above,<sup>338</sup> these orders instruct Israel to take specific measures in relation to the humanitarian situation in the Gaza Strip. The League of Arab States underscores that the current ceasefire that is being observed in the Gaza Strip does not absolve Israel of these obligations, and does not diminish the urgency of ensuring and facilitating the unhindered provision of humanitarian relief to the civilian population of the Gaza Strip as ordered by the Court.
208. The applicability of both conventional and customary international humanitarian law to the Occupied Palestinian Territory is undisputed. In the 2024 Advisory Opinion, the Court affirmed that “Israel’s powers and duties in the Occupied Palestinian Territory are governed by the Geneva Convention relative to the Protection of Civilian Persons in Time

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<sup>338</sup> See *supra* paras. 18-20.

of War of 12 August 1949 (hereinafter the “Fourth Geneva Convention”) and by customary international law.”<sup>339</sup>

209. The League of Arab States underscores that, when examining Israel’s obligations arising under the applicable rules of international humanitarian law, the Court should take into consideration the conclusion it reached in its 2024 Advisory Opinion that “[t]he prolonged character of Israel’s unlawful policies and practices aggravates their violation of the right of the Palestinian people to self-determination.”<sup>340</sup>
210. In addition to violating international humanitarian law, Israel’s practices that impede the presence and activities of the United Nations, other international organizations, and third States in the Occupied Palestinian Territory, and its practices that hinder the provision of humanitarian relief, basic services, and essential supplies to the civilian population are elements of an Israeli policy designed to perpetuate its unlawful presence in the Occupied Palestinian Territory. Israeli practices that impede the presence and activities of the United Nations, other international organizations, and third States in the Occupied Palestinian Territory also serve the objective of forcibly deporting and transferring the Palestinian people from the Occupied Palestinian Territory. Israel is executing this policy through multiple means, including by creating conditions that make the Occupied Palestinian Territory, especially the Gaza Strip, unlivable, thereby compelling the Palestinian people to leave the Occupied Palestinian Territory.

**A. Obligations of Israel as an Occupying Power**

***1. Israel’s Obligations to Ensure Public Order and Safety in the Occupied Palestinian Territory, and to Respect the Laws in Force in the Occupied Palestinian Territory***

211. Article 43 of the Hague Regulations, which is reflective of customary international law,<sup>341</sup> is the point of departure for establishing the obligations of Israel, as an occupying power, to ensure and facilitate the unhindered provision of urgently needed supplies essential to

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<sup>339</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 96. *See also Wall Advisory Opinion*, para. 101.

<sup>340</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 243.

<sup>341</sup> *See Wall Advisory Opinion*, para. 89; *Policies and Practices in the OPT Advisory Opinion*, para. 96.

the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance for the benefit of the Palestinian civilian population and in support of the Palestinian people's right to self-determination.

212. The authentic French text of this provision states:

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.<sup>342</sup>

213. The Court has noted that, pursuant to this provision, the occupying power has “a duty to administer the territory for the benefit of the local population.”<sup>343</sup> In this regard, Article 43 contains two general obligations. The first is to “restore, and ensure, as far as possible, public order and safety” in the occupied territory, and the second is to respect “unless absolutely prevented, the laws in force in the country.”<sup>344</sup> The first obligation consists of two parts, the first of which requires the occupying power to restore public order and safety by taking affirmative measures to return civil life in the occupied territory to its previous state before the commencement of hostilities. The second part requires the occupying power to take affirmative measures to actively promote the general welfare of the civilian population. In discharging these obligations, the occupying power must respect, protect, and ensure the human rights of the civilian population in the occupied territory. The second obligation—namely, the duty to respect the laws in force in the occupied territory—is further complemented by Article 64 of the Fourth Geneva Convention.<sup>345</sup>

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<sup>342</sup> Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (adopted 18 October 1907, entered into force 26 January 1910) (“**Hague Regulations**”), Art. 43.

<sup>343</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 105.

<sup>344</sup> Hague Regulations, Art. 43.

<sup>345</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) (“**Fourth Geneva Convention**”), Art. 64. This provision requires the occupying power to ensure that “penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention.” It also states that “the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.”

214. Article 43 of the Hague Regulations is binding on Israel as occupying power in the Occupied Palestinian Territory. The exact duties that Israel, as an occupying power, must discharge to uphold the obligations codified in Article 43 are discussed in detail in this chapter. At this point, the League of Arab States underscores that Article 43 is especially relevant in the context of the current situation in the Gaza Strip. Given that Israel, as an occupying power, is duty-bound to restore and ensure public order, safety, and civil life, and to promote the general welfare of the civilian population, the League of Arab States submits that Israel is under an obligation to assist in the reconstruction of the Gaza Strip and to facilitate and not to impede international efforts, including by the United Nations, other international organizations, and third States, aimed at rehabilitating and reconstructing the Gaza Strip and providing urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance for the benefit of the Palestinian civilian population.
215. The League of Arab States also submits that Israel, as an occupying power, is under an obligation not to engage in conduct, including legislative measures, that entails the application of Israeli law in the Occupied Palestinian Territory. Such conduct is inconsistent with Israel's obligation to respect the laws of the occupied territory. Accordingly, as discussed above,<sup>346</sup> Israeli legislation purporting to apply to the Occupied Palestinian Territory and that is designed to impede or hamper the presence or activities of the United Nations, including its agencies and bodies, other international organizations, and third States is null and void.

## ***2. Israel's Obligation to Treat the Civilian Population in the Occupied Palestinian Territory Humanely***

216. Article 27 of the Fourth Geneva Convention codifies the obligation to treat the civilian population humanely. This principle undergirds all of international humanitarian law. As the *Commentary to the Geneva Conventions* explains, "[t]he obligation to grant protected persons humane treatment is in truth the *leitmotiv* of the four Geneva Conventions."<sup>347</sup>

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<sup>346</sup> See *supra* paras. 158-159.

<sup>347</sup> J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 204.

Article 75 of Additional Protocol I complements the protections codified in Article 27 of the Fourth Geneva Convention. These provisions inform the detailed obligations that are incumbent on Israel, as an occupying power, in relation to the civilian population in the Occupied Palestinian Territory, including during the conduct of hostilities, and in relation to international organizations, relief agencies, and third States providing humanitarian relief, essential supplies, and developmental assistance to the civilian population in the Occupied Palestinian Territory.

217. The term “humanely” is a broad concept that covers the entire range of protections owed to individuals under international humanitarian law and the applicable rules of international human rights law. Paragraph 1 of Article 27 includes two operative phrases that shed further light on the content of this obligation. These are: “respect” and “protect”. These phrases indicate that Article 27 generates negative and positive obligations. The obligation to respect is a negative obligation that requires Israel not to engage in any conduct that causes harm to the civilian population. The obligation to protect is a positive obligation that requires Israel to take active measures—many of which are discussed in the present Chapter—to ensure the safety and wellbeing of the civilian population, and to prevent and minimize suffering of the civilian population. According to Article 27, the obligation to treat the civilian population humanely applies in all circumstances and at all times. This means that, even if an occupying power takes action that adversely affects the civilian population, such action must always respect the dictates of humanity.
218. Generally, pursuant to Article 27 of the Fourth Geneva Convention, Israel is under an obligation to respect and protect the fundamental rights and liberties, physical and mental health, honor, family rights, religious convictions and practices, and manners and customs of the civilian population, including during the conduct of hostilities. Article 27 also underscores that Israel is under a special duty to protect the rights of women.
219. The League of Arab States submits that, pursuant to the obligation to treat the civilian population humanely, Israel is under an obligation to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and developmental assistance, in

addition to an obligation to permit and facilitate the provision by the United Nations, its agencies and bodies, other international organizations, and third States of humanitarian relief, basic services, and developmental assistance to the Palestinian civilian population.

220. Paragraph 4 of Article 27 deserves special attention. It acknowledges that “Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.”<sup>348</sup> As the *Commentary to the Geneva Convention* clarifies, however, the right of a belligerent or an occupying power to impose “measures of control and security” is not unlimited. Rather, “the measures of constraint they adopt should not affect the fundamental rights of the persons concerned. As has been seen, those rights must be respected even when measures of constraint are justified.”<sup>349</sup>

***3. Israel’s Obligation to Ensure the Provision of Basic Services, Humanitarian Assistance, and Other Essential Supplies for the Palestinian Civilian Population in the Occupied Palestinian Territory***

221. Article 55 of the Fourth Geneva Convention and Article 69 of Additional Protocol 1 are complementary and are especially pertinent to the present proceedings. These provisions impose an obligation on Israel, as an occupying power, to ensure that the civilian population in the Occupied Palestinian Territory is provided with basic services, humanitarian assistance, and all other essential supplies.
222. Under Article 55, Israel is under an obligation to ensure the provision of food and medical supplies to the civilian population in the Occupied Palestinian Territory. Pursuant to Article 69, Israel is under an obligation to ensure the provision of additional items, including clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population, and objects necessary for religious worship. These provisions indicate that, while Article 55 was concerned with foodstuffs and medical supplies, Article 69 expanded the range of supplies that an occupying power is obligated to provide to a civilian population. Indeed, the phrase “other supplies essential to the survival of the civilian

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<sup>348</sup> Fourth Geneva Convention, Art. 27.

<sup>349</sup> J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 207.

population” in Article 69 indicates that the categories of matériel referred to in this provision are merely illustrative.

223. The exact nature and quantity of relief items and humanitarian assistance that the occupying power is under an obligation to provide to the civilian population depends on local conditions. This means that the occupying power is under an obligation to assess the situation on the ground and take affirmative action to ensure that the civilian population is adequately supplied. In this regard, the *Commentary to Additional Protocol I* explains that the obligations under these provisions generate “a positive, complete requirement on the Occupying Power to use all means available to provide the supplies in question” that includes the duty to “arrange for other steps to be taken if it could not supply the requirements in question from its own resources or those of the occupied territory.”<sup>350</sup> The *Commentary to Additional Protocol I* also clarifies that the phrase “[b]asic needs in occupied territories,” which appears in the title of Article 69 of Additional Protocol, I has the same meaning as the phrase “supplies essential to the survival of the civilian population” which appears in article 54 of Additional Protocol.<sup>351</sup>
224. Article 55 of the Fourth Geneva Convention and Article 69 of Additional Protocol I contain the phrase “to the fullest extent of the means available to it,” qualifying the obligations of the occupying power pursuant to these provisions. This phrase was not intended to permit an occupying to evade its responsibilities. Rather, this phrase indicates that, while taking into consideration the resource challenges associated with an armed conflict or an occupation, the occupying power must make every effort to mobilize available resources to ensure that the civilian population is adequately supplied. As the *Commentary to the Geneva Conventions* explains: “[w]hat is essential is that the Occupying Power should, in good time and with the means available to it, take measures to procure the necessary food

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<sup>350</sup> ICRC, *Commentary on the Additional Protocols to the Geneva Conventions* (8 June 1977), p. 813, para. 2783.

<sup>351</sup> *Ibid.*, pp. 652-653, para. 2086.

for the population of the occupied territory; it does not matter whether it comes from its own national territory or from any other country-allied, neutral or even enemy.”<sup>352</sup>

225. Accordingly, the League of Arab States submits that, as an occupying power, Israel is under an obligation to ensure the provision of basic services, humanitarian assistance, and other essential supplies for the civilian population throughout the Occupied Palestinian Territory.
226. This is especially urgently needed in the Gaza Strip. Reports from the United Nations and relief agencies provide a harrowing account of the humanitarian impact that Israel’s aggression has had on the civilian population. Reports by the Under-Secretary General for Humanitarian Affairs, OCHA, UNRWA, and other relief agencies include the following facts:
- Between 7 October 2023 and 28 January 2025, at least 47,354 Palestinians have reportedly been killed in the Gaza Strip while 111,563 have been reported injured.<sup>353</sup> As of late-2024, the breakdown of Palestinian fatalities includes 13,319 children, 7,216 women, 3,447 elderly, and 16,735 men.<sup>354</sup> Conservative estimates indicate that over 17,000 children are without their families in the Gaza Strip.<sup>355</sup>
  - Life expectancy in the Gaza Strip dropped from a pre-war average of 75.5 years to 40.5 years for the period between October 2023 and September 2024, decreasing by almost half (46.3 percent) since the war began.<sup>356</sup> Life expectancy losses were larger for males (51.6

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<sup>352</sup> J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 310.

<sup>353</sup> 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>.

<sup>354</sup> *Ibid.*

<sup>355</sup> T. Fletcher, “Briefing for the Security Council on the plight of children in the Gaza Strip” (23 January 2025), *available at* <https://www.ochaopt.org/content/security-council-briefing-tom-fletcher-under-secretary-general-humanitarian-affairs-plight-children-gaza-strip>.

<sup>356</sup> 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>.

percent) than for females, but nonetheless, females also suffered large losses (38.6 percent).<sup>357</sup>

- The food insecurity situation in the Gaza Strip is catastrophic. By 25 June 2024, 96 percent of the population, or 2.15 million people, faced acute food insecurity (Integrated Food Security Phase Classification (IPC) phase 3 or above), with 495,000 people (22 percent of the population) experiencing catastrophic levels of food insecurity (IPC phase 5) by September 2024.<sup>358</sup> By 20 August 2024, according to the WHO, 165 patients had been admitted to hospitals as a result of severe acute malnutrition.<sup>359</sup>
- In the food security sector, the civilian population reported that the most needed assistance is in-kind food distributions (58 percent), and food vouchers or cash transfers (54 percent).<sup>360</sup> In the area of water, sanitation, and hygiene services, the civilian population reported that the most needed assistance is hygiene kits (55 percent), drinking water (48 percent) and water for domestic use (38 percent).<sup>361</sup> In the area of non-food items, the civilian population reported that the most needed assistance is blankets and mats (55 percent), clothing (52 percent), and kitchen items (34 percent). In the area of shelter, the civilian population reported that the most needed assistance is shelters (49 percent) and shelter repairs and upgrades (39 percent).<sup>362</sup>
- 75 percent of fields once used to grow crops and olive tree orchards have been damaged or destroyed.<sup>363</sup> Over two-thirds of agricultural wells (1,531 in total) are no longer

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<sup>357</sup> *Ibid.*

<sup>358</sup> UNDP and ESCWA, *Gaza War: Expected Socioeconomic impacts on the State of Palestine*, U.N. Doc. E/ESCWA/UNDP/2024/Policy brief.2 (16 October 2024), p. 4.

<sup>359</sup> *Ibid.*

<sup>360</sup> Site Management Working Group Gaza, Norwegian Refugee Council, and UNRWA, “Site Management – Gaza Response Update 7” (27 January 2025), *available at* <https://www.cccmcluster.org/sites/default/files/2025-01/SMWG%20Gaza%20-%20Update%207%20%2827%20January%202025%29.pdf>.

<sup>361</sup> *Ibid.*

<sup>362</sup> *Ibid.*

<sup>363</sup> 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>.

functional.<sup>364</sup> Livestock losses are at 96 percent, milk production has nearly halted, and only 1 percent of poultry remains alive. The fishing sector is also on the brink of collapse. FAO assessed that “rebuilding Gaza’s agricultural sector will be extremely expensive and will take years, if not decades.”<sup>365</sup>

- An estimated 150,000 pregnant women and new mothers are in desperate need of health services, and one million children are in need of mental health and psychosocial support for depression, anxiety and suicidal thoughts, according to UNICEF.<sup>366</sup>
- Two-thirds of the infrastructure was destroyed in Israeli airstrikes and ground incursions, and there are about 42 million tons of rubble strewn across the Gaza Strip.<sup>367</sup> Rubble is dangerous. Not only are there potentially bodies that have never been evacuated, there is also risk posed by unexploded ordnance and landmines.<sup>368</sup> In May 2024, UNDP and ESCWA estimated that rebuilding the Gaza Strip’s homes could take until 2040.<sup>369</sup>
- Between October 2023 and July 2024, 67 percent of water and sanitation infrastructure and facilities were damaged or destroyed. This does not take into account the irreparable damage to groundwater quality caused by the release of untreated wastewater and other pollutants, the health consequences of consuming unsafe water, or the lack of access to water for hygiene and sanitation.<sup>370</sup>

227. The League of Arab States submits that Israel is under an obligation to take all necessary measures to address the humanitarian situation in the Gaza Strip, including by ensuring the

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<sup>364</sup> *Ibid.*

<sup>365</sup> *Ibid.*

<sup>366</sup> T. Fletcher, “Briefing for the Security Council on the plight of children in the Gaza Strip” (23 January 2025), available at <https://www.ochaopt.org/content/security-council-briefing-tom-fletcher-under-secretary-general-humanitarian-affairs-plight-children-gaza-strip>.

<sup>367</sup> UNDP and ESCWA, *Gaza War: Expected Socioeconomic impacts on the State of Palestine*, U.N. Doc. E/ESCWA/UNDP/2024/Policy brief.2 (16 October 2024), p. 7.

<sup>368</sup> *Ibid.*

<sup>369</sup> *Ibid.*, p. 5.

<sup>370</sup> *Ibid.*

urgent provision of basic services, humanitarian assistance, and other essential supplies for the civilian population in the Gaza Strip.

**4. *Israel's Unconditional Obligation to Agree to and Facilitate, by All the Means at its Disposal, Relief Schemes on Behalf of the Population of the Occupied Palestinian Territory***

228. Paragraph 1 of Article 59 of the Fourth Geneva Convention stipulates that, “[i]f 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 means at its disposal”.<sup>371</sup> This obligation, which is central to the present proceedings, is triggered if the population of the occupied territory—whether in whole or in part—is inadequately supplied, regardless of the causes of the inadequacy of supplies. If this condition is met, the occupying power is duty-bound to accept offers for collective relief for the benefit of the population of the occupied territory, and to facilitate the execution of such collective relief schemes. Such relief schemes may be executed by international organizations, such as the United Nations, third States, or impartial humanitarian organizations. The *Commentary to the Geneva Conventions* also underscores that “[t]he obligation on the Occupying Power to accept such relief is unconditional.”<sup>372</sup>
229. This rule generates negative and positive obligations for an occupying power. The former includes the obligation of an occupying power to allow—*i.e.*, not to hinder or hamper—the execution of collective relief schemes for the population of an occupied territory that is inadequately supplied. This obligation is reinforced by paragraph 3 of Article 59, which states: “All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.”<sup>373</sup> The *Commentary to the Geneva Conventions* clarifies that pursuant to this provision, “relief consignments for the population of an occupied territory must be allowed to pass through the blockade.”<sup>374</sup> The positive obligation is

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<sup>371</sup> Fourth Geneva Convention, Art. 59(1).

<sup>372</sup> J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 320.

<sup>373</sup> Fourth Geneva Convention, Art. 59(3).

<sup>374</sup> J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 322.

expressed by the term “facilitate” that appears in paragraph 1 of Article 59, which requires an occupying power to take affirmative measures to enable the execution of collective relief schemes. Such measures include issuing entry-visas, ensuring that relief agencies have access to the occupied territory, permitting the freedom of movement of representatives of relief agencies in the occupied territory, and protecting the representatives of relief agencies in the occupied territory.

230. Israel, as an occupying power, is duty-bound to uphold all of these obligations throughout the Occupied Palestinian Territory, including East Jerusalem.
231. As relates to the Gaza Strip, it is undeniable that its population is inadequately supplied. That is why, during the Security Council’s quarterly open debate on the situation in the Middle East, including the Palestinian question, the Secretary-General stated the following in relation to relief efforts in the Gaza Strip:

The UN must have rapid, safe and unimpeded access through all available channels and crossings to deliver food, water, medicine, fuel, shelter, and materials to repair infrastructure across Gaza, including the north. Other humanitarian organizations — including local and international NGOs — and the private sector must also have unimpeded safe passage. Visas, permits, and other enabling conditions must be in place quickly to allow a surge of desperately needed relief.<sup>375</sup>

232. The Secretary General also called for:

[S]caling up the delivery of aid and essential services demands safe conditions and a conducive operating environment. We require the necessary technical, protective and communications equipment. To do our work, the parties must coordinate with the UN system in a timely and effective manner. This also includes the restoration of public order and safety to prevent the looting of humanitarian supplies.<sup>376</sup>

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<sup>375</sup> UN Secretary-General, “Press Release” Secretary-General Urges Parties to ‘Make Good’ on Gaza Deal, Calls for Release of All Hostages, Permanent Ceasefire,” UN Doc. SG/SM/22526 (20 January 2025), *available at* <https://press.un.org/en/2025/sgsm22526.doc.htm>.

<sup>376</sup> *Ibid.*

233. The devastating long-term effects of the recent armed conflict have been recorded in several United Nations reports. For example, a recent UNCTAD report has highlighted the following:

Assuming no military operation, and freedom of movement of goods and people and a significant level of investment, and population growth of 2.8 per cent per year, UNCTAD estimates that Gaza's GDP per capita will return to its 2022 level by 2050, to its 2006 level by 2057 and to its 1994 level by 2059.

However, it is important to note that the return of GDP per capita to pre-October 2023 levels does not mean restoration of well-being because GDP and GDP per capita recovery does not account for the cost of replacing damaged assets and infrastructure. Considering the reconstruction cost, in an optimistic scenario of double-digit growth rates facilitated by a large injection of foreign aid, it will take several decades for Gaza to return to the pre-October 2023 welfare levels.

Therefore, once a ceasefire is reached, a return to the pre-October 2023 status quo would not put Gaza on the path needed for recovery and sustainable development. UNCTAD estimates that, if the 2007–2022 growth trend returns, with an average growth rate of 0.4 per cent, it will take Gaza 350 years just to restore the GDP levels of 2022, with GDP per capita continuously and precipitously falling, driven by population growth. This underscores the urgency of a political horizon leading to a two-State solution and significant economic support by the international community to facilitate recovery from the immense damage caused by the war.

Ideally, the initial phase of reconstruction requires a substantial infusion of investment to rebuild vital institutions and infrastructure to foster economic recovery. This, in turn, would pave the way for the private sector and foreign direct investment to assume a prominent role in economic recovery.

At present, it is hard to ascertain the extent of foreign aid required to bring Gaza back to the level of socioeconomic conditions that prevailed prior to 7 October 2023, let alone what is needed to implement the 2030 Agenda for Sustainable Development. Preliminary UNCTAD estimations, and also considering recovery costs from past military operations, suggest that several tens, possibly more, of billions of dollars will be needed just to restore Gaza to pre-7 October 2023 conditions and that even more resources

will be needed to create conditions conducive to sustainable development.<sup>377</sup>

234. The League of Arab States submits that Israel is under an unconditional obligation to agree to and facilitate collective relief schemes on behalf of the population in the Gaza Strip. This includes an unconditional obligation to agree to and facilitate reconstruction and rehabilitation schemes that may be devised by the United Nations, other international organizations, and third States for the Gaza Strip.
235. The situation of inadequate supply in the Gaza Strip predates the outbreak of hostilities. As an UNCTAD report observed, “Gaza has experienced 16 years of de-development and suppressed human potential and the right to development.”<sup>378</sup> This report also stated:

UNCTAD has noted that the blockade, frequent military operations and restrictions on the entry and exit of people and essential goods have stifled the economy, impeded access to health and other essential services and undermined the living conditions of more than 2 million Palestinians. A chronic humanitarian crisis has evolved, fostering the dependency of 80 per cent of the population on international aid. Humanitarian indicators show that by mid-2022, 65 per cent of the population of Gaza was food insecure, compared with 62.2 per cent in mid-2021, and the poverty rate rose from 59 to 65 per cent. In addition, as noted by the Office for the Coordination of Humanitarian Affairs, 70 per cent of the population face challenges in obtaining enough money to buy food or access essential health care. The shortage of resources to meet other essential needs such as education and transportation is similarly high. Households cope through mechanisms that have damaging long-term effects, such as reducing the quantity and quality of food, education or other essentials and by resorting to debt.<sup>379</sup>

236. Accordingly, the League of Arab States submits that Israel is under an unconditional obligation to end its longstanding blockade of the Gaza Strip, to agree to and facilitate collective relief schemes that are intended to support the rehabilitation and reconstruction

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<sup>377</sup> UN General Assembly, *Note by the Secretary-General on the Economic costs of the Israeli occupation for the Palestinian people: the economic impact of the Israeli military operation in Gaza from October 2023 to May 2024*, UN Doc. A/79/343 (10 September 2024), paras. 46-50.

<sup>378</sup> UNCTAD, *Note by the UNCTAD Secretariat on the Developments in the Economy of the Occupied Palestinian Territory*, UN Doc. TD/B/EX(74)/2 (11 September 2023), p. 14, para. 53.

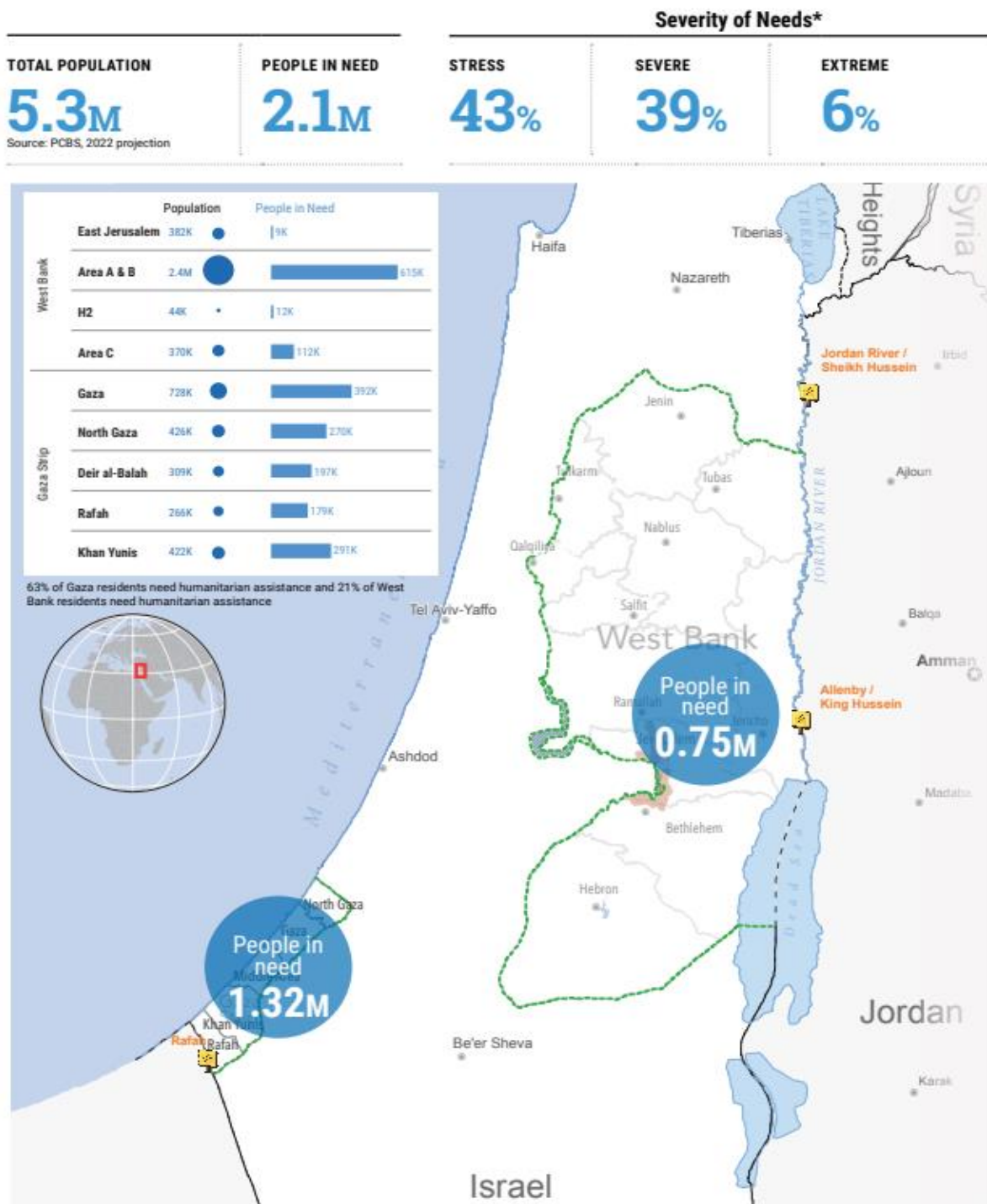
<sup>379</sup> *Ibid.*, p. 13, para. 49.

of the Gaza Strip, to permit the delivery of development assistance to the population of the Gaza Strip, and to promote the general welfare of the population.

237. While the West Bank, including East Jerusalem, have has experienced the scale of devastation inflicted by Israel on the Gaza Strip, the League of Arab States submits that the West Bank, including East Jerusalem, is nonetheless inadequately supplied. Recent UN reports have documented the need for humanitarian relief and developmental assistance for the benefit of the Palestinian population of the West Bank, including East Jerusalem. This was the case even before the outbreak of the hostilities in the Gaza Strip after 7 October 2023.
238. As the following information compiled by OCHA shows,<sup>380</sup> even before the armed conflict, there was an acute need for humanitarian and developmental assistance throughout the Occupied Palestinian Territory, including in the West Bank, which includes East Jerusalem.

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<sup>380</sup> OCHA, “Humanitarian Needs Overview oPT: Humanitarian Programme Cycle 2022” (December 2021), *available at* [https://www.ochaopt.org/sites/default/files/HNO\\_2022.pdf](https://www.ochaopt.org/sites/default/files/HNO_2022.pdf).



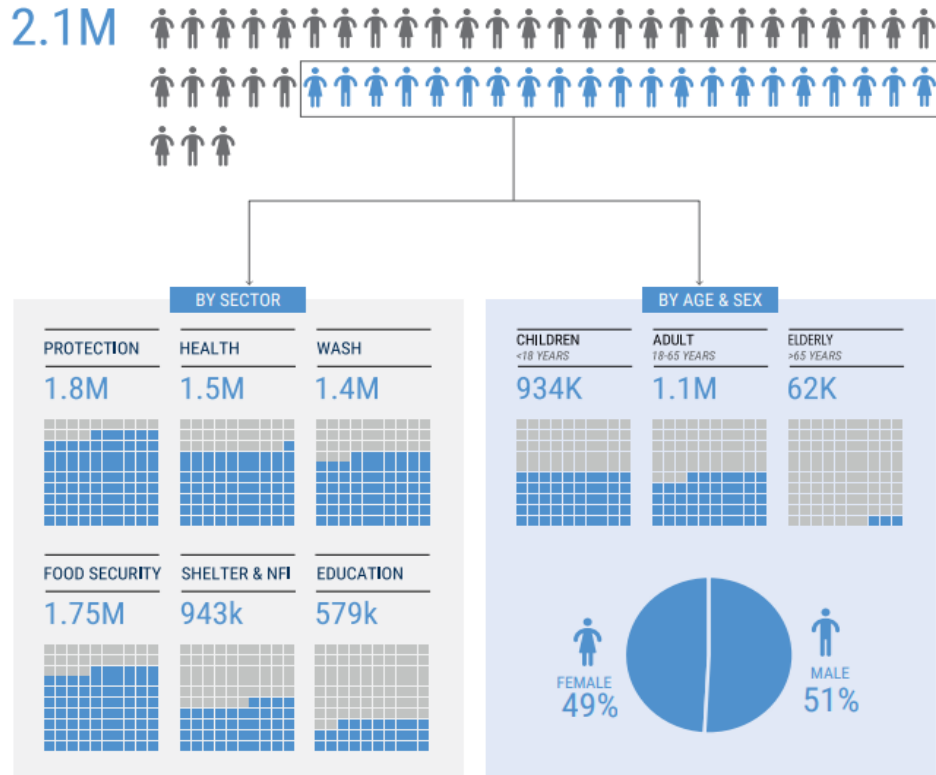
The designations employed and the presentation of material in the report do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

\*Severity of needs was calculated based on the Joint Inter-sectoral Analytical Framework (JIAF). For more information see the methodology page 58.

#### TOTAL POPULATION



#### PEOPLE IN NEED



239. A report issued by the Palestine Economic Policy Research Institute also indicates the following:<sup>381</sup>

- As of 2017, 24 percent of people in the West Bank lived in poverty according to their level of income, and 15 percent of people in the West Bank were categorized as living in deep poverty.<sup>382</sup>

<sup>381</sup> Palestine Economic Policy Research Institute, *Prospects For Development In Palestine* (2021), available at [https://mas.ps/cached\\_uploads/download/2022/04/22/development-report-eng-1650653647.pdf](https://mas.ps/cached_uploads/download/2022/04/22/development-report-eng-1650653647.pdf).

<sup>382</sup> *Ibid.*, p. 12.

- Palestinians in East Jerusalem also experience significant poverty levels. Although completely under Israeli administration, Palestinians in Jerusalem are socially and economically marginalized compared to Jewish Israeli residents. The poverty rate amongst Palestinians in East Jerusalem is considerably high when compared to Israelis. Using the Israeli poverty line, in 2019, 72 percent of the Palestinians in East Jerusalem (and 81 percent of their children) lived in poverty, compared to 26 percent of Israelis (and 36 percent of their children), some half of whom are Palestinian Arab citizens of Israel.<sup>383</sup>
- The unemployment rate in Palestine in 2020 was 25.9 percent of the labor force (15.7 percent in West Bank vs. 46.6 percent in Gaza Strip). This marked an increase from 20.5 percent in 2014.<sup>384</sup>
- Food insecurity has increased sharply in the Gaza Strip since 2014, with 51.6 percent of households in the Gaza Strip found to be food insecure in 2018 compared with 9.3 percent in the West Bank. Of these households, 8.6 percent and 1.6 percent were found to be severely food insecure in the Gaza Strip and West Bank, respectively.<sup>385</sup>

240. Similarly, an OCHA report issued in December 2021 stated the following:<sup>386</sup>

- Palestinian movement in certain areas of the West Bank, including into East Jerusalem, continues to be restricted by physical and administrative measures, undermining access to basic services, as well as hindering the ability of humanitarian organizations to deliver relief. Access to health services is particularly affected in Area C, Hebron H2 and the “Seam Zone” area between the Barrier and the “Green Line.” The Barrier and the attendant permit regime also restrict patients who hold West Bank ID cards from accessing specialized services in the main Palestinian referral hospitals in East Jerusalem. Most patients needing referrals to access essential health care, including at hospitals in East

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<sup>383</sup> *Ibid.*, p. 13.

<sup>384</sup> *Ibid.*, p. 14.

<sup>385</sup> *Ibid.*, p. 16.

<sup>386</sup> OCHA, “Humanitarian Needs Overview oPT: Humanitarian Programme Cycle 2022” (December 2021), *available at* [https://www.ochaopt.org/sites/default/files/HNO\\_2022.pdf](https://www.ochaopt.org/sites/default/files/HNO_2022.pdf).

Jerusalem, are required by Israel to apply for permits to travel; between January and July 2021, one in six such applications were unsuccessful.<sup>387</sup>

- The lack of adequate, safe and accessible school infrastructure is also a major concern in vulnerable areas of the West Bank, especially in the H2 area of Hebron, Area C and East Jerusalem, driven by the restrictive and discriminatory planning regime imposed by the Israeli authorities, which prevents the construction and upgrading of schools.<sup>388</sup>
- In the West Bank, 600,000 Palestinians are not connected to piped water services or are poorly supplied, while 90,000 households across the Occupied Palestinian Territory suffer from an acute lack of solid waste collection services or are located in the vicinity of informal and unregulated dumping sites. Over 250 schools and 180 healthcare units suffer from insufficient WASH facilities, primarily toilets as well as drinking and handwashing stations.<sup>389</sup>

241. An UNCTAD report also states the following:

- [T]he occupying Power has tightened long-standing restrictions on the movement of Palestinian people and goods. According to the Palestine Economic Policy Research Institute (MAS), entrances to most Palestinian towns and villages have been closed and new checkpoints have been deployed, increasing the total from 567 checkpoints in early October 2023 to 700 checkpoints by February 2024.<sup>390</sup>
- Restrictions on movement hinder humanitarian aid delivery and undermine the economy by increasing transportation costs, investment risks, and uncertainty, causing shortages of critical production inputs and consumer goods and impeding access by workers to job sites. By January 2024, 99 percent of West Bank establishments participating in an International Labour Organization survey had been adversely impacted by measures implemented by the

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<sup>387</sup> *Ibid.*, p. 17

<sup>388</sup> *Ibid.*, p. 18.

<sup>389</sup> *Ibid.*, p. 19.

<sup>390</sup> UNCTAD, *Note by the UNCTAD Secretariat on Developments in the economy of the Occupied Palestinian Territory*, UN Doc. TD/B/71/3 (23 July 2024), para. 7.

occupying power since October 2023, with over 97 percent experiencing a drop in sales, and small- and medium-sized enterprises affected the most and having to implement permanent layoffs.<sup>391</sup>

- Prior to October 2023, 171,000 West Bank Palestinians worked in Israel and the settlements, and their incomes accounted for one third of overall demand. Since the start of the confrontation, 90 percent of these workers have lost their jobs, and additional restrictions and closures have prevented another 67,000 workers from accessing their workplaces outside their governates of residence. In the fourth quarter of 2023, unemployment in the West Bank rose to 32 percent, up from 12.9 percent in the third quarter of 2023. Over 200,000 jobs have been lost, most of them in Israel and the settlements.<sup>392</sup>

242. The League of Arab States submits that the evidence establishes that the West Bank, including East Jerusalem, is inadequately supplied, triggering the obligations incumbent on Israel, as an occupying power, pursuant to Article 59 of the Fourth Geneva Convention, to agree to and facilitate collective relief for the population of the West Bank, including East Jerusalem.
243. The League of Arab States also recalls that, pursuant to Article 60 of the Fourth Geneva Convention, the execution of collective relief schemes for the benefit of the Palestinian population of the Occupied Palestinian Territory does not absolve Israel, as an occupying power, of its obligations under Articles 55 and 56 of the Fourth Geneva Convention and Article 69 of Additional Protocol 1.

***5. Israel's Obligation to Ensure and Facilitate the Rapid and Unimpeded Passage of Humanitarian Relief for the Palestinian Civilian Population in the Occupied Territory***

244. The obligation incumbent on Israel, as an occupying power, to agree to and facilitate the execution of collective relief schemes for the benefit of the Palestinian population of the Occupied Palestinian Territory is complemented by other obligations arising under

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<sup>391</sup> *Ibid.*, para. 8.

<sup>392</sup> *Ibid.*, para. 16.

international humanitarian law. For instance, paragraph 1 of Article 23 of the Fourth Geneva Convention requires parties to “allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary.” Parties “shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.”<sup>393</sup>

245. Article 70(2) of Additional Protocol I, which reflects customary international law, augments and broadens the obligation contained in Article 23 of the Fourth Geneva Convention. It applies to civilian populations “of any territory under the control of a Party to the conflict” and places States under an obligation to “allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel.”<sup>394</sup> Furthermore, Article 70(4) of Additional Protocol I states that “[p]arties to the conflict shall protect relief consignments and facilitate their rapid distribution,”<sup>395</sup> while Article 70(5) requires “[p]arties to the conflict and each High Contracting Party concerned [to] encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.”<sup>396</sup>
246. The League of Arab States submits that these are obligations that Israel is duty-bound to uphold. The League of Arab States also underscores that failing to uphold these obligations could amount to a crime against humanity of extermination as defined in the applicable international criminal law instruments.<sup>397</sup>

#### ***6. Israel’s Obligation to Respect and Protect Humanitarian Relief Personnel Operating in the Occupied Palestinian Territory***

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<sup>393</sup> Fourth Geneva Convention, Art. 23.

<sup>394</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) (“**Additional Protocol I**”) Art. 70(2).

<sup>395</sup> *Ibid.*, Art 70(4).

<sup>396</sup> *Ibid.*, Art. 70(5).

<sup>397</sup> See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), Art. 7(2)(b). “Extermination” includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.

247. As an occupying power, Israel is under an obligation to respect and protect humanitarian relief personnel in the Occupied Palestinian Territory. This obligation arises from several sources. Article 71(2) of Additional Protocol I stipulates that relief personnel “shall be respected and protected.”<sup>398</sup> More broadly, this obligation reflects the principle of distinction and the obligation to distinguish between civilians and combatants, which is codified in Articles 48, 51(2), and 52(2) of Additional Protocol I. These rules that are codified in conventional sources of international humanitarian law are also rules of customary international law.<sup>399</sup> Rules arising from *lex specialis* regimes, such as Article 7(2) of the Convention on the Safety of UN Personnel, are also relevant.
248. Pursuant to these rules, Israel, as an occupying power, is under an obligation not to mistreat, harass, intimidate, arbitrarily detain, or illegally arrest humanitarian personnel. The application of these rules arising from international humanitarian law is without prejudice to the application of *lex specialis* rules relating to the immunities and privileges of the United Nations.<sup>400</sup>

#### ***7. Israel’s Obligation to Respect and Protect Objects Used for Humanitarian Relief in the Occupied Palestinian Territory***

249. As an occupying power, Israel is under an obligation to respect and protect objects used for the purpose of providing humanitarian relief in the Occupied Palestinian Territory. This obligation arises from several sources. Paragraph 3 of Article 59 of the Fourth Geneva Convention states: “All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.”<sup>401</sup> Article 71(2) of Additional Protocol I stipulates that relief personnel “shall be respected and protected.”<sup>402</sup> Similarly, Article 70(4) of Additional Protocol I states: “The Parties to the conflict shall protect relief

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<sup>398</sup> Additional Protocol I, Art. 71(2).

<sup>399</sup> See, e.g., ICRC, “Customary IHL Database” (last accessed 25 February 2025), available at <https://ihl-databases.icrc.org/en/customary-ihl/v1>, § I (The Principle of Distinction).

<sup>400</sup> See *supra* Chapter 6, §§ B, C.

<sup>401</sup> Fourth Geneva Convention, Art. 59(3).

<sup>402</sup> Additional Protocol I, Art. 71(2).

consignments and facilitate their rapid distribution.”<sup>403</sup> These rules, codified in conventional sources of international humanitarian law, are also rules of customary international law.<sup>404</sup>

250. Pursuant to these rules, Israel, as an occupying power, is under an obligation to respect and protect humanitarian relief objects and not to destroy or seize these objects. The application of these rules arising from international humanitarian law is without prejudice to the application of *lex specialis* rules relating to the immunities and privileges of the United Nations.<sup>405</sup>

***8. Israel’s Obligation to Ensure and Maintain the Operation of Hospitals, Medical Establishments, and Public Health and Hygiene Services in the Occupied Palestinian Territory, and Israel’s Obligation to Respect and Protect Civilian Medical Personnel and to Assist Such Personnel in the Performance of their Humanitarian Functions***

251. Article 56 of the Fourth Geneva Convention establishes the obligation of Israel, as an occupying power, to ensure that hospitals and medical facilities, public health services, and hygiene services continue to operate and provide care for the civilian population in the Occupied Palestinian Territory. As an occupying power, Israel is also under an obligation to take measures to prevent the spread of contagious diseases and epidemics.<sup>406</sup> Generally, the obligation contained in this provision is for the occupying power to avoid hampering or impeding the work of the healthcare sector in the occupied territory, and to take the necessary measures to “ensure that hospital and medical services can work properly and continue to do so.”<sup>407</sup>

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<sup>403</sup> *Ibid.*, Art. 70(4).

<sup>404</sup> See ICRC, “Customary IHL Database” (last accessed 25 February 2025), available at <https://ihl-databases.icrc.org/en/customary-ihl/v1>, Rules 31-32, 53-56.

<sup>405</sup> See *supra* Chapter 6, §§ B, C.

<sup>406</sup> These preventive measures include the following: “supervision of public health, education of the general public, the distribution of medicines, the organization of medical examinations and disinfection, the establishment of stocks of medical supplies, the dispatch of medical teams to areas where epidemics are raging, the isolation and accommodation in hospital of people suffering from communicable diseases, and the opening of new hospitals and medical centers.” J. S. Pictet, COMMENTARY TO THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR (1958), p. 314.

<sup>407</sup> *Ibid.*

252. Article 57 of the Fourth Geneva Convention also indicates that, while an occupying power may temporarily requisition civilian hospitals when urgently necessary to care for military wounded, the occupying power is under an obligation to ensure that requisitioning civilian hospitals does not affect the availability and continued operation of suitable arrangements for the care and treatment of patients and hospital accommodation for the civilian population.
253. The obligations in the aforementioned provisions are complemented by the duties codified in Articles 14 and 15 of Additional Protocol I, both of which reflect customary international law. Article 14 reaffirms and expands the obligations of Israel, as an occupying power, to ensure that the medical needs of the civilian population are met. Article 15 establishes further obligations in relation to civilian medical personnel, including the duties to respect and protect civilian medical personnel (which is an absolute, unqualified duty),<sup>408</sup> to help civilian medical personnel in areas where civilian medical services are disrupted, to assist civilian medical personnel to enable them to perform their humanitarian function, and to ensure that civilian medical personnel have access to places where their services are essential.
254. While the obligations in Article 56 must be respected “[t]o the fullest extent of the means available” to the occupying power, this qualifier does not appear in Article 14 of Additional Protocol I. As explained in the *Commentary to Additional Protocol I*, the reason is that the obligation codified in Article 14 is for the occupying power to “ensure that the medical system which already exists in the occupied territory continues to function properly.”<sup>409</sup> In other words, at a minimum, an occupying power is under an obligation not to interfere with the operation of the healthcare sector in an occupied territory, and to take the necessary measures to ensure that healthcare facilities continue to operate. If, however, the state of the public health sector in an occupied territory is — to use the term employed by the *Commentary to the Geneva Conventions* — “deplorable,” the occupying power would be

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<sup>408</sup> ICRC, *Commentary on the Additional Protocols to the Geneva Conventions* (8 June 1977), p. 191, para. 608 (noting that “[t]he fundamental principle of respect and protection for medical personnel is simply mentioned without any addition or restriction”).

<sup>409</sup> *Ibid.*, p. 183, para. 583.

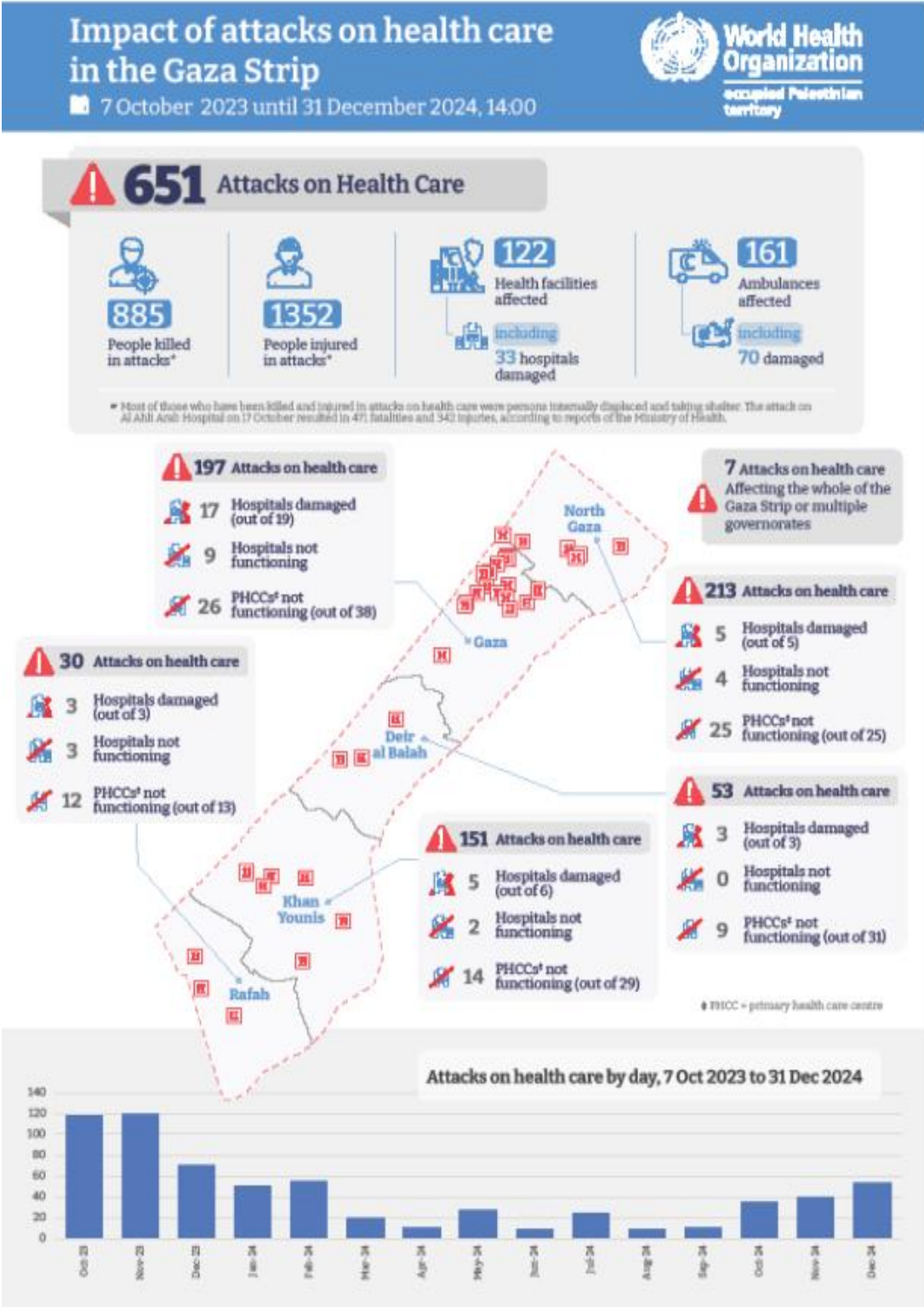
required to ensure that the needs of the civilian population are met “to the fullest extent of the means available.”<sup>410</sup>

255. Israel is under an obligation to uphold the aforementioned obligations throughout the Occupied Palestinian Territory. The imperative for Israel to comply with these obligations is especially acute in the Gaza Strip. The following factsheet issued by WHO documents the extent of the impact of the recent armed conflict on the healthcare sector in the Gaza Strip.<sup>411</sup>

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<sup>410</sup> *Ibid.*, p. 183, para. 582.

<sup>411</sup> WHO, “Impact of attacks on health care in the Gaza Strip, 7 October 2023 until 31 December 2024” (last accessed 25 February 2025), *available at* [https://www.emro.who.int/images/stories/Impact\\_on\\_Health\\_Attacks\\_GS.pdf?ua=1](https://www.emro.who.int/images/stories/Impact_on_Health_Attacks_GS.pdf?ua=1).



256. The League of Arab States submits that, pursuant to the obligations codified, *inter alia*, in Articles 56 and 57 of the Fourth General Convention and Articles 14 and 15 of Additional

Protocol I, in addition to the protections afforded to civilians and civilian objects against the effects of hostilities, Israel, as an occupying power, is under an obligation not to attack civilian medical personnel, hospitals, or medical units, and to protect such objects and persons, including ambulances and emergency medical service personnel.<sup>412</sup>

257. UN reports have demonstrated that Israel has failed to uphold these obligations, and that it has executed a concerted policy of destroying and disabling the healthcare sector in the Gaza Strip. An OHCHR report states the following:

OHCHR monitoring has found that the Israeli Defense Forces' (IDF) operations on, within and around hospitals generally followed a pattern, with often catastrophic impacts on the functionality of the hospitals and on the lives of those reliant on its services, as well as on those who have lost their homes and were sheltering inside. The IDF's operations against hospitals generally started with (a) airstrikes or shelling on the hospitals and/or in the hospital's vicinity, often resulting in serious damage to the hospitals' premises and equipment; (b) besieging the hospitals with ground troops, preventing Palestinians from accessing the hospital and blocking medical supplies; (c) raiding<sup>11</sup> the hospital with the assistance of heavy machinery, including tanks and bulldozers; (d) detaining medical staff, patients and their companions, as well as the IDPs sheltering inside the hospital; (e) forcing remaining patients, IDPs and others to leave the hospital; and finally; (f) withdrawing troops from the hospital, leaving in their wake severe damage to the structures, buildings and equipment inside, effectively rendering the hospital non-functional. 8. The IDF's operations, including raids on hospitals, impacted most major healthcare facilities across Gaza, including the Indonesian Hospital, Kamal Adwan Hospital, and Al Awda Hospital in North Gaza; Al Shifa Medical Complex in Gaza City; as well as Al Amal Hospital and Nasser Medical Complex in Khan Younis. The information related to the cases monitored by OHCHR demonstrates patterns of IDF attacks on medical facilities across Gaza.<sup>413</sup>

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<sup>412</sup> This obligation is codified in Arts. 18, 19, 20, and 21 of the Fourth Geneva Convention and Art. 12 of Additional Protocol I. In this regard, the League of Arab States recalls that the phrase "acts harmful to the enemy," which is often invoked by Israel to justify attacks against medical facilities and medical personnel, must be interpreted narrowly. As the ICRC Study on Customary International Humanitarian Law explains, the following acts are not considered acts harmful to the enemy: "when the personnel of the units is armed, when the unit is guarded, when small arms and ammunition taken from wounded and sick are inside the unit, and when wounded and sick combatants or civilians are inside the unit." J. Henckaerts and L Doswald-Beck, *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW VOLUME I: RULES* (CUP 2005), p. 97.

<sup>413</sup> OHCHR, *Thematic Report: Attacks on hospitals during the escalation of hostilities in Gaza (7 October 2023 – 30 June 2024)* (31 December 2024), paras. 7-8.

258. Accordingly, the League of Arab States submits that Israel, as an occupying power, is duty-bound to uphold the following obligations:

- Respect and protect civilian medical personnel, civilian hospitals, other healthcare facilities, and medical units (including medical transports) in the Occupied Palestinian Territory, and not to make civilian medical personnel, civilian hospitals, other healthcare facilities, or medical units (including medical transports) the object of attack.
- Afford help and assistance to civilian medical personnel and medical units in the Occupied Palestinian Territory in the performance of their humanitarian functions, including in areas where civilian medical services are disrupted due to hostilities.
- Ensure that civilian medical personnel and medical units have access to all areas in the Occupied Palestinian Territory, especially areas where civilian medical services are essential and that have been adversely affected by hostilities.
- Ensure and maintain the operation of hospitals, medical establishments, and healthcare facilities, including public health and hygiene services, in the Occupied Palestinian Territory.
- Take preventive measures to combat the spread of contagious diseases and epidemics.

259. Upholding these obligations is integral to the fulfilment of Israel's obligation to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as basic services and humanitarian and developmental assistance. Indeed, ensuring and facilitating the provision of medical and healthcare services is absolutely indispensable to the welfare of the Palestinian civilian population in the Occupied Palestinian Territory.

***9. Israel's Obligation to Not Engage in the Individual or Mass Forcible Transfer or Deportation of Peoples from the Occupied Palestinian Territory***

260. As an occupying power, Israel is under an obligation to uphold Article 49 of the Fourth Geneva Convention, which states the following:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.<sup>414</sup>

261. Israel's obligation to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as basic services and humanitarian and development assistance is intimately related to Israel's obligation not to engage in the individual or mass forcible transfer or deportation of peoples from the Occupied Palestinian Territory.
262. Israel's conduct during its aggression against the Gaza Strip, and Israel's unlawful policies and practices throughout the Occupied Palestinian Territory, are designed to perpetuate Israel's *de jure* and *de facto* annexation of the Occupied Palestinian Territory and to forcibly transfer or deport the population of the Occupied Palestinian Territory to neighboring states. As the Secretary-General observed:

Amid constant bombardment by the Israel Defense Forces, and without shelter or the essentials to survive, I expect public order to completely break down soon due to the desperate conditions, rendering even limited humanitarian assistance impossible. An even worse situation could unfold, including epidemic diseases and increased pressure for mass displacement into neighbouring countries.<sup>415</sup>

263. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator also stated:

Tens of thousands of people, mostly women and children, have been killed or injured. Families are sleeping in the open as temperatures plummet. Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under relentless attack. The few hospitals that are partially functional are overwhelmed with trauma cases, critically short of all supplies, and inundated by desperate people seeking safety.

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<sup>414</sup> Fourth Geneva Convention, Art. 49.

<sup>415</sup> A. Guterres, Letter to the President of Security Council invoking Article 99 of the United Nations Charter (6 December 2023), *available at* <https://www.un.org/en/situation-in-occupied-palestine-and-israel/sg-sc-article99-06-dec-2023>.

A public health disaster is unfolding. Infectious diseases are spreading in overcrowded shelters as sewers spill over. Some 180 Palestinian women are giving birth daily amidst this chaos. People are facing the highest levels of food insecurity ever recorded. Famine is around the corner.

For children in particular, the past 12 weeks have been traumatic: No food. No water. No school. Nothing but the terrifying sounds of war, day in and day out.

Gaza has simply become uninhabitable.<sup>416</sup>

264. Similarly, the UN Special Rapporteur on the human rights of internally displaced persons stated:

As evacuation orders and military operations continue to expand and civilians are subjected to relentless attacks on a daily basis, the only logical conclusion is that Israel's military operation in Gaza aims to deport the majority of the civilian population *en masse* ... Gaza's housing and civilian infrastructure have been razed to the ground, frustrating any realistic prospects for displaced Gazans to return home, repeating a long history of mass forced displacement of Palestinians by Israel<sup>417</sup>

265. The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 has also warned of the following:

There is a grave danger that what we are witnessing may be a repeat of the 1948 Nakba, and the 1967 Naksa, yet on a larger scale. The international community must do everything to stop this from happening again ... Israeli public officials have openly advocated for another Nakba, the term for the events of 1947-1949 when over 750,000 Palestinians were expelled from their homes and lands during the hostilities that led to the establishment of the State of Israel. The Naksa, which led to Israel's occupation of the West Bank and the Gaza Strip in 1967, displaced 350,000 Palestinians.<sup>418</sup>

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<sup>416</sup> M. Griffiths, "Statement: The war in Gaza must end" (5 January 2024), *available at* <https://www.unocha.org/news/un-relief-chief-war-gaza-must-end>.

<sup>417</sup> OHCHR, "Press Release: Israel working to expel civilian population of Gaza, UN expert warns" (22 December 2023), *available at* <https://www.ohchr.org/en/press-releases/2023/12/israel-working-expel-civilian-population-gaza-un-expert-warns>.

<sup>418</sup> OHCHR, "Press Release: UN expert warns of new instance of mass ethnic cleansing of Palestinians, calls for immediate ceasefire" (14 October 2023), *available at* <https://www.ohchr.org/en/press-releases/2023/10/un-expert-warns-new-instance-mass-ethnic-cleansing-palestinians-calls>.

266. A Human Rights Watch report made similar observations and reached similar conclusions:

Israeli forces have destroyed the majority of Gaza's water, sanitation, communications, energy, and transport infrastructure, as well as its schools and hospitals. They have systematically razed orchards, fields, and greenhouses. So much civilian infrastructure has been destroyed that much of Gaza is uninhabitable, and it is inconsistent with Israel's obligation to ensure that civilians can return when hostilities cease in an affected area. It largely took place after Israeli officials specifically stated that damage, not accuracy, was the purpose of bombardments.

The World Bank has estimated that as of January 2024, over 60 percent of residential buildings and over 80 percent of commercial facilities have been damaged or destroyed in Gaza. By August 2024, over 93 percent of Gaza's schools, and all its universities, had been destroyed or significantly damaged. The United Nations Environment Programme has noted the unprecedented impacts of the war on the environment, exposing the community to rapidly growing soil, water and air pollution and risks of irreversible damage to its natural ecosystems.

As of July, the World Health Organization (WHO) has registered more than 1,000 attacks on healthcare facilities in the Occupied Palestinian Territory (OPT) since October 7, 2023, and noted that there are no functional hospitals in Gaza's southernmost city of Rafah as of writing. The UN Agency for Development (UNDP) has estimated it will cost US\$40 to \$50 billion to rebuild Gaza and require an effort on a scale the world has not seen since World War II.

Israel has also carried out deliberate, controlled demolitions, including to create an extended "buffer zone" and a new road that bifurcates Gaza in the so-called "Netzarim Corridor." This permanently changes the land on which they are constructed, involves the demolition of homes and other civilian infrastructure, and demonstrates an intention to prevent Palestinian civilians in Gaza from returning once hostilities have ended. The intention to forcibly displace Palestinians in Gaza need not be permanent in order to constitute a war crime. What is abundantly clear, however, is many, if not the majority of, Palestinians in Gaza *will* be permanently displaced considering the level of destruction experienced in Gaza.

Human Rights Watch calls on Israel to respect the right of Palestinian civilians to return to the areas from which they have been displaced in Gaza. It bears remembering that 80 percent of Gaza's population are refugees and their descendants, people who were expelled or fled in 1948 from what is now Israel, in what Palestinians call the Nakba. Every person has the right to return to their country, a right enshrined in numerous human rights

conventions, and affirmed for Palestinian refugees in UN General Assembly resolutions dating back to 1948. For decades, Israeli authorities have consistently denied this right and blocked Palestinian refugees from returning. This historic precedent looms over the experience of Palestinians in Gaza: those Human Rights Watch interviewed frequently spoke of living through a second Nakba. The violations committed against Palestinians forced to leave their homes more than 75 years ago continue against them and their descendants today as millions of Palestinians, including those living in Gaza during the current hostilities, continue to be denied their right to permanently return.<sup>419</sup>

267. The League of Arab States submits that the policy objectives underlying Israel's practices are patently obvious. Israel is seeking to forcibly transfer and deport the population of the Gaza Strip by making it uninhabitable. Accordingly, the League of Arab States submits that Israel is under an obligation to comply with Article 49 of the Fourth Geneva Convention by ensuring and facilitating the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as basic services and humanitarian and development assistance.
268. The League of Arab States recalls that, pursuant to Article 147 of the Fourth Geneva Convention, Israel's failure to comply with these obligations constitutes a grave breach of the Geneva Conventions. The League of Arab States also recalls that forcibly transferring or deporting any portion of the population from any area of the Occupied Palestinian Territory is a war crime under Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court.

***10. Israel's Obligations Not to Use Starvation as a Method of War and Not to Attack, Destroy, Remove, or Render Useless Objects Indispensable to the Survival of the Civilian Population***

269. Closely associated with Israel's obligations under Article 49 of the Fourth Geneva Convention is its duty to uphold the obligations not to use starvation as a method of war and not to attack, destroy, remove, or render useless objects indispensable to the survival

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<sup>419</sup> Human Rights Watch, "Hopeless, Starving, and Besieged": Israel's Forced Displacement of Palestinians in Gaza (14 November 2024), available at <https://www.hrw.org/report/2024/11/14/hopeless-starving-and-besieged/israels-forced-displacement-palestinians-gaza>.

of the civilian population. These obligations are contained in Article 54 of Additional Protocol I, which codifies established rules of customary international law.

270. The term “starvation” is used in this provision in a manner that is consistent with its ordinary meaning, which is “the action of starving or subjecting to famine, *i.e.*, to cause to perish of hunger; to deprive of or “keep scantily supplied with food.”<sup>420</sup> In the context of an armed conflict, this provision prohibits the deliberate starving of a population by “causing the population to suffer hunger, particularly by depriving it of its sources of food or of supplies.”<sup>421</sup> Moreover, using starvation as a method of war could, if coupled with the requisite elements, constitute the crime of genocide.
271. This obligation also places strict limitations on conduct that may be permissible in situations of siege or blockade. Parties to an armed conflict that resort to tactics of siege or blockade are under an obligation to ensure that the civilian population is adequately supplied and is provided with objects indispensable for the survival of the civilian population.<sup>422</sup> Paragraph 2 of Article 54 also prohibits attacking, destroying, removing, or rendering useless objects indispensable for the survival of the civilian population. The *Commentary to Additional Protocol I* has indicated that these terms were intended to be interpreted broadly to:

[C]over all possibilities, including pollution, by chemical or other agents, of water reservoirs, or destruction of crops by defoliants, and also because the verb ‘attack’ refers, either in offence or defence, to acts of violence against the adversary [...] As regards the objects which are especially protected, the Conference mentioned agricultural areas for the production of foodstuffs, drinking water installations and supplies, and crops, which should be interpreted in the widest sense, in order to cover the infinite variety of needs of populations in all geographical areas.<sup>423</sup>

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<sup>420</sup> ICRC, *Commentary on the Additional Protocols to the Geneva Conventions* (8 June 1977), p, 653, fn.3.

<sup>421</sup> *Ibid.*, p. 653, para. 2089.

<sup>422</sup> J. Henckaerts and L Doswald-Beck, *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW VOLUME I: RULES* (CUP 2005), pp. 188-189.

<sup>423</sup> ICRC, *Commentary on the Additional Protocols to the Geneva Conventions* (8 June 1977), p, 655, para. 2102.

272. Overall, the *Commentary to Additional Protocol I* notes that, underlying Article 54, is a desire to outlaw total warfare.<sup>424</sup> The reality is that Israel launched a campaign of total war against the Palestinian people during the armed conflict in the Gaza Strip. The general effects and long-term impact of Israel's military operations in the Gaza Strip have been discussed elsewhere in this written submission.<sup>425</sup> However, as relates specifically to the obligations contained in Article 54, the League of Arab States submits that, during the armed conflict in the Gaza Strip, Israel engaged in conduct purposively designed to cause the starvation of the civilian population, including by attacking, destroying, removing, or rendering useless objects indispensable for the survival of the civilian population.
273. The facts in this regard are indisputable. The Integrated Food Security Phase Classification (IPC) global initiative issued a report in late 2024 that revealed the dire conditions resulting from Israel's operations:

[A]bout 1.84 million people across the Gaza Strip are experiencing extremely critical levels of acute food insecurity due to ongoing fighting, which has already displaced nearly 2 million people, destroyed 70 percent of crop fields, decimated livelihoods and local food production systems, resulted in collapse of health services and severely restricted humanitarian access and commercial activities. Acute malnutrition is also at serious levels — ten times higher than before the escalation of hostilities. FAO also expressed deep concern about “significant livestock losses, which are indispensable for the livelihoods and the survival of people in Gaza. One of [FAO's] key priorities is to protect 30 000 sheep and goats — representing about 40 percent of the total estimated to be alive. By nourishing these animals, enough milk can be provided for all of Gaza's children.”<sup>426</sup>

274. The Deputy Director of the FAO also stated:

To curb acute hunger and malnutrition, we must act now – immediately cease hostilities, restore humanitarian access to deliver critical and essential food aid and agricultural inputs in time for the upcoming winter crop planting season which has already started – to allow them to grow food ... Humanitarian aid alone is not enough. People need fresh, nutritious food.

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<sup>424</sup> *Ibid.*, p. 653, para. 2087.

<sup>425</sup> *See supra* Chapter 5, § C.

<sup>426</sup> FAO, “Risk of famine remains high across the entire Gaza Strip as conflict intensifies and winter approaches” (17 October 2024), *available at* <https://www.fao.org/newsroom/detail/risk-of-famine-remains-high-across-the-entire-gaza-strip-as-conflict-intensifies/en>.

To make a difference, we also need to support farmers to continue and restart the production of food, as well as the flow of imported food and non-food items.<sup>427</sup>

275. The Deputy UN Spokesperson also observed that: “[i]ntense hostilities, evacuation orders and loss of access to numerous water, sanitation and hygiene facilities in northern Gaza have rendered a number of systems for water production and wastewater collection inoperable.”<sup>428</sup>

276. These facts led several UN human rights Special Rapporteurs, independent experts, and a working group to issue a joint statement that observed the following:

We declare that Israel’s intentional and targeted starvation campaign against the Palestinian people is a form of genocidal violence and has resulted in famine across all of Gaza. We call upon the international community to prioritise the delivery of humanitarian aid by land by any means necessary, end Israel’s siege, and establish a ceasefire.<sup>429</sup>

277. Accordingly, the League of Arab States submits that, pursuant to its obligations not to use starvation as a method of war and not to attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population, Israel is required to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as basic services and humanitarian and development assistance.

***11. Israel’s Obligation to Protect Children Throughout the Occupied Palestinian Territory and to Ensure and Facilitate the Provision of Services, Including Educational and Healthcare Services, Dedicated to the Welfare of Children, and Israel’s Obligation to Facilitate the Work of the United Nations, Including its Agencies and Bodies, Other International Organizations and Third States, that Relates to the Welfare of Children Throughout the Occupied Palestinian Territory***

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<sup>427</sup> *Ibid.*

<sup>428</sup> UN News, “Over 1.8 million in Gaza face extreme hunger” (17 October 2024), available at <https://news.un.org/en/story/2024/10/1155836>.

<sup>429</sup> OHCHR, “Press Release: UN experts declare famine has spread throughout Gaza strip” (9 July 2024), available at <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip>.

278. International humanitarian law requires States to afford children special respect and protection during armed conflict. Obligations relating to the welfare of children include Articles 24 and 50 of the Fourth Geneva Convention and Article 77 of Additional Protocol I. These provisions generate obligations to ensure that children are provided essential supplies and relief consignments, including food, clothing, and medication. In addition, the Fourth Geneva Convention and Additional Protocol I require States to ensure access to education and the continued operation of institutions dedicated to the care of children.
279. As an occupying power, Israel is under an obligation to care for and protect children throughout the Occupied Palestinian Territory and to ensure the provision of services, including educational and health services, dedicated to the welfare of children. Upholding these obligations requires Israel, as an occupying power, to facilitate the work of international organizations, including the United Nations, and third States, that is dedicated to promoting the welfare of children in the Occupied Palestinian Territory.
280. These are obligations that Israel has consistently failed to uphold, as documented in many UN reports.<sup>430</sup> These Israeli violations of international humanitarian law are not limited to periods of active hostilities, such as the conflict that began in the Gaza Strip after 7 October 2023. Even during periods of relative calm, Israel has engaged in policies and practices throughout the Occupied Palestinian Territory that violate its obligations under international humanitarian law.
281. For instance, a report issued by the Secretary-General in 2013 provides illustrative examples of Israel's policy of using physical violence against Palestinian children in the Occupied Palestinian Territory.

Data collected by UNICEF through affidavits and reports of victims collected by OHCHR show that the rights of Palestinian children were often violated by Israel. Thirty per cent of children reported being aggressively taken into custody in the middle of the night by armed Israeli soldiers. Night

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<sup>430</sup> See, e.g., UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, UN Doc. A/76/871-S/2022/493 (23 June 2022), paras. 84-95; UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, UN Doc. A/75/873-S/2021/437 (6 May 2021), paras. 75-86; UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, UN Doc. A/74/845-S/2020/525 (9 June 2020), paras. 82-92.

arrests are deeply traumatic for children, as they are akin to military operations and often include smashed windows and shouted verbal threats. Few children or parents were informed where the child was being taken, why or for how long. Parents were not allowed to accompany them, and 87 per cent of children were not informed of their right to legal counsel. Ninety-one per cent of children were painfully handtied and blindfolded and subjected to physical violence, including beating, slapping, kicking and/or verbal abuse during the journey to interrogation and detention.

Twenty-two per cent of children stated that during interrogations they had been threatened with death, physical violence, solitary confinement and sexual assault, against themselves or a family member. In the majority of cases, the principal evidence against a child was the child's own admission of guilt, often elicited through a document drafted in Hebrew, a language they cannot understand. According to UNICEF, ill-treatment of Palestinian children in the Israeli detention system is widespread, systematic and institutionalized. There are serious concerns that such treatment and combination of practices may, in some cases, amount to torture, as defined by article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Such practices would also violate the Convention on the Rights of the Child (art. 37) and international humanitarian law.<sup>431</sup>

282. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 has also documented evidence of Israeli practices that violate its obligations under international humanitarian law and that adversely affect children in the Occupied Palestinian Territory. For instance, in a report issued in 2021, the Special Rapporteur observed the following:

Since the beginning of 2021, the Israeli authorities have demolished or seized 387 Palestinian structures, resulting in the displacement of 309 children during a global pandemic. The experience of demolitions severely impacts the livelihood and the mental state of children and their families. According to a study conducted by Save the Children, many families have lost their access to services, such as health care, water and electricity, in addition to the loss of food security.

Children living in areas under full Israeli security control have been the most affected, given that demolitions and confiscations have markedly increased there. Consequent displacement and relocation negatively affect

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<sup>431</sup> UN General Assembly, *Report by the Secretary-General: Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*, UN Doc. A/HRC/24/30 (22 August 2013), para. 57.

their education, their relationship with their parents and their connection to the community. The traumatic experience of being expelled also changes their behaviour overall. The Special Rapporteur is extremely concerned about the impact of home demolitions on children, which may affect generations to come. It also revives the trauma that their parents have already undergone with their own experience of dispossession and displacement. He calls for an immediate halt to all demolitions, which constitute a serious violation of international humanitarian law.<sup>432</sup>

283. More broadly, in 2010, the United Nations High Commissioner for Human Rights stated the following on the impact on children of the blockade imposed by Israel on the Gaza Strip:

The blockade of Gaza continues to further deprive the population. Denied basic supplies and services, 1.5 million persons are subjected to a worsening humanitarian crisis that disregards their human dignity. The blockade has had a devastating impact on a broad range of human rights of Gazans — more than half of whom are children — most notably impeding the fulfilment of core human rights such as the rights to health, water, food, shelter, work and education.<sup>433</sup>

284. While Israel's obligations and record of violations with respect to the rights of children are broader in scope than the recent hostilities in the Gaza Strip, this recent violence has been particularly devastating for children. Children in the Gaza Strip have been killed "while sheltering inside their tents or desperately queueing for a piece of bread." As UNICEF has noted, children are "disproportionately wearing the scars of the war in Gaza," as Israel's unrestrained assault has turned the Gaza Strip into "a graveyard for children and families."<sup>434</sup>
285. The League of Arab States submits that, as an occupying power, Israel is under an obligation to respect and protect the rights of children throughout the Occupied Palestinian

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<sup>432</sup> F. Albanese, *Situation of human rights in the Occupied Palestinian Territory, including East Jerusalem, with a focus on the legal status of the settlements*, UN Doc. A/HRC/47/57 (29 July 2021), para. 22.

<sup>433</sup> Human Rights Council, *The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza strip: Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1*, UN Doc. A/HRC/13/54 (17 March 2010), para. 27.

<sup>434</sup> UNICEF, "Press Release: Children disproportionately wearing the scars of the war in Gaza - Geneva Palais briefing note" (16 April 2024), available at <https://www.unicef.org/press-releases/children-disproportionately-wearing-scars-war-gaza-geneva-palais-briefing-note>; E Beigbeder, "Gaza has become a graveyard for children and families, UNICEF Statement" (6 December 2024), available at <https://www.un.org/unispal/document/statement-by-unicef-06dec24/>.

Territory, including by ensuring and facilitating the continued provision of services, including educational and healthcare services, dedicated to the welfare of and care for children. In order to fulfill this obligation, Israel is also under an obligation to facilitate and not to impede the work of the United Nations, including its agencies and bodies, or of international organizations and third States that relates to caring for and protecting children throughout the Occupied Palestinian Territory.

***12. Israel's Obligation to Protect Women Throughout the Occupied Palestinian Territory, and to Ensure and Facilitate the Provision of Services, Including Healthcare Services, Dedicated to the Welfare of Women, and Israel's Obligation to Facilitate the Work of the United Nations, Including its Agencies and Bodies, Other International Organizations and Third States, that Relates to the Welfare of Women Throughout the Occupied Palestinian Territory***

286. International humanitarian law establishes obligations to provide special protection for women and to promote their health and general welfare. For example, paragraph 2 of Article 27 of the Fourth Geneva Convention states: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>435</sup> Article 76 of Additional Protocol I, which is reflective of customary international law, further states: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>436</sup>
287. As an occupying power, Israel is under an obligation to ensure that women throughout the Occupied Palestinian Territory are protected, and to ensure the provision of services dedicated to promoting the health and welfare of women. Upholding these obligations requires Israel, as an occupying power, to facilitate the work of international organizations, including the United Nations, and third States, which is indispensable to protecting and promoting the rights of women in the Occupied Palestinian Territory.

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<sup>435</sup> Fourth Geneva Convention, Art. 27(2).

<sup>436</sup> Additional Protocol I, Art. 76.

288. Israel has failed to uphold these obligations. United Nations reports have documented the adverse effects on women of Israel's policies and practices in the Occupied Palestinian Territory during both periods of active hostilities and during periods of relative calm.
289. For instance, in a 2019 report, the Secretary-General documented the effects that Israel's continued unlawful presence in the Occupied Palestinian Territory has on women:

In the West Bank, ongoing settlement activities, demolitions, strict movement and access restrictions and limitations on planning and development continue to prevent entire communities, in particular in Area C, East Jerusalem and the H2 area of Hebron, from accessing essential services and have led to a heightened risk of displacement for many Palestinians. According to the Office for the Coordination of Humanitarian Affairs, 376 Palestinian structures in the West Bank, including East Jerusalem, were demolished by Israeli authorities, displacing at least 471 people (90 households). UNRWA records indicate that 78 of the displaced individuals were Palestine refugee women and girls, including 36 girls under the age of 18, and 4 of the displaced households were headed by women. The situation of Bedouin communities such as Khan al-Ahmar is of particular concern, as they face the risk of impending demolition of structures and relocation. When displaced, Palestinian women find themselves further constrained in their access to public spaces and livelihood opportunities, against a backdrop of increasing personal and family food insecurity and vulnerability.

Circumstances in Area C are especially hard for women and girls, in the face of geographic isolation, poverty and conservative traditions and the absence of basic infrastructure and services. Few economic opportunities exist. Restrictions on mobility are especially perilous for pregnant women. Women are at a high risk of suffering from psychosocial disorders such as anxiety and depression, compounded by a sense of failure to protect their children from violence. They are also at risk of violence in their homes or while tending to farmland or collecting water. Girls in the area have limited access to education and often drop out of school, which can lead to early marriage, early pregnancy and sexual abuse. In addition, women are often at risk of gender-based violence, exacerbated by the stresses and frustrations experienced by men. Few communities in Area C, especially Bedouin communities, have access to services such as police, health centres or shelters.<sup>437</sup>

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<sup>437</sup> UN Commission on the Status of Women, *Report of the Secretary-General: Situation of and assistance to Palestinian women*, UN Doc. E/CN.6/2019/6 (8 January 2019), paras. 7-8.

290. As an occupying power, Israel has also committed violations of its obligations relating to women during its aggression on the Gaza Strip. These violations are consistent with a broader pattern of Israeli practices that fail to comply with its obligations relating to women under international humanitarian law. For instance, a report issued in September 2024 by UN Women documented the following:

Since 7 October 2023, large-scale Israeli military operations in the Gaza Strip, including aerial bombing and ground offensives, have killed more than 41,000 people. Women and children account for over half of all fatalities ...

[A]n estimated 177,000 women face life-threatening health risks, including from non-communicable diseases and hunger and poor nutrition during pregnancy. Close to 84 per cent of health facilities has been damaged or destroyed. Those that remain lack medicine, ambulances, electricity, water and the ability to provide even basic life-saving treatments. At least 491 health-care workers have been killed: 345 men and 146 women.

More than 162,000 women suffer from or are at risk of non-communicable diseases (NCDs) such as hypertension, diabetes mellitus, cardiovascular disease and cancer. Women, in particular older women, in Gaza have historically been at a higher risk of NCDs. There are over 30,841 women at risk of diabetes, 107,443 women at risk of hypertension, 18,583 women at risk of cardiovascular diseases, and 5,201 women with cancer.<sup>11</sup> Disruption in basic care for these diseases can result in long-term complications or death.<sup>438</sup>

291. The League of Arab States submits that, as an occupying power, Israel is under an obligation to respect and protect the rights of women throughout the Occupied Palestinian Territory, including by ensuring and facilitating the continued provision of services, including healthcare services, dedicated to the welfare of women. In order to fulfill this obligation, Israel is also under an obligation to facilitate and not to impede the work of the United Nations, including its agencies and bodies, other international organizations and

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<sup>438</sup> UN Women, *Gender Alert: Gaza: A War on Women's Health* (September 2024), available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/09/gender-alert-gaza-a-war-on-womens-health/gender-alert-gaza-a-war-on-womens-health-en.pdf>, pp. 4-5.

third States that relates to promoting the welfare of women throughout the Occupied Palestinian Territory.

**B. Israel’s Obligations Under International Human Rights Law as an Occupying Power**

292. The Court affirmed in its previous Advisory Opinions that “Israel remains bound by the International Covenant on Civil and Political Rights (“**ICCPR**”), the International Covenant on Economic, Social, and Cultural Rights (“**ICESCR**”), and the Convention on the Rights of the Child (“**CRC**”) [to which it is party] in respect of its conduct with regard to the Occupied Palestinian Territory”<sup>439</sup> and that “the protection offered by human rights conventions does not cease in case of armed conflict.”<sup>440</sup>
293. This submission does not purport to exhaustively list the human rights obligations that apply to the situation in the Occupied Palestinian Territory, but rather expands in the following paragraphs on seven of the most fundamental rights implicated by Israel’s policies with respect to the United Nations and its bodies, other international organizations, and third States.

***1. Right to Life***

294. Article 6 of the ICCPR protects the right to life of all human beings. The Human Rights Committee has emphasized that the right to life “is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation.”<sup>441</sup> Indeed, “practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human

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<sup>439</sup> *Policies and Practices in the OPT Advisory Opinion*, paras. 99-100; *Wall Advisory Opinion*, paras. 104, 106, 111-113.

<sup>440</sup> *Wall Advisory Opinion*, para. 104.

<sup>441</sup> UN Human Rights Committee, *General Comment No. 36: Article 6: The right to life*, UN Doc. CCPR/C/GC/36 (3 September 2019), para. 2.

shields would also violate Article 6 of the Covenant.”<sup>442</sup> Children are also entitled to heightened protection under Article 6 of the CRC, which requires States Parties to “ensure to the maximum extent possible the survival and development of the child.”<sup>443</sup>

295. Israel’s relentless assaults on international workers who provide, through the UN and international organizations, relief and other goods and services to the Palestinians,<sup>444</sup> are a clear breach of the right to life under Article 6 of the ICCPR.

296. Accordingly, compliance with the fundamental right to life requires Israel to:

- “refrain from engaging in conduct resulting in arbitrary deprivation of life” of international workers providing humanitarian, development, and other support.<sup>445</sup>
- “ensure the right to life and exercise due diligence to protect the lives” of those workers “against deprivations caused by persons or entities whose conduct is not attributable to the State.”<sup>446</sup>
- Refrain from impeding the provision by international organizations and third States of goods and services necessary for the survival of the Palestinian population and the development of children.

## ***2. Right to Adequate Food***

297. Article 11(1) of the ICESCR guarantees the right to adequate food.<sup>447</sup> The Committee on Economic, Social, and Cultural Rights has stressed that “[e]very State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient,

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<sup>442</sup> *Ibid.*, para. 64.

<sup>443</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) (“**CRC**”), Art. 6.

<sup>444</sup> *See supra* Chapter V, § C(1).

<sup>445</sup> UN Human Rights Committee, *General Comment No. 36: Article 6: The right to life*, UN Doc. CCPR/C/GC/36 (3 September 2019), para. 7.

<sup>446</sup> *Ibid.*

<sup>447</sup> ICESCR, Art. 11(1) (“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.”).

nutritionally adequate and safe, to ensure their freedom from hunger.”<sup>448</sup> The prevention of access to humanitarian food aid and denial of access to food to particular individuals or groups, as well as the failure to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, are all violations of the right to food.<sup>449</sup>

298. Israel’s systematic efforts to stem the flow of food and water into the Occupied Palestinian Territory, which is necessary for the survival and safety of the Palestinians,<sup>450</sup> are blatant violations of Article 11. So are its attempts to impede the work of UN agencies and bodies such as FAO, IFAD and WFP, who have served to support the Palestinians’ access to water for farming and agricultural purposes.<sup>451</sup>

299. Article 11 of the ICESCR therefore requires Israel to:

- Ensure the Palestinian people have access to adequate food.
- Protect international workers that seek to provide food to the Palestinian people and refrain from harming them or thwarting their operations.

### ***3. Right to the Highest Attainable Standard of Health***

300. Article 12 of the ICESCR guarantees the right to the highest attainable standard of health conducive to living a life in dignity. As explained by the Committee on Economic, Social, and Cultural Rights, “the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health,”<sup>452</sup> including “access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and

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<sup>448</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The right to adequate food*, UN Doc. E/C.12/1999/5 (12 May 1999), para. 14.

<sup>449</sup> *Ibid.*, para. 19.

<sup>450</sup> *See supra* Chapter V, § C(2).

<sup>451</sup> *See supra* Chapter V, §§ B, C(2).

<sup>452</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 14: Article 12: The right to the highest attainable standard of health*, UN Doc. E/C.12/2000/4 (11 August 2000), para. 9.

information, including on sexual and reproductive health.”<sup>453</sup> Article 24 of the CRC provides for additional protections, requiring States to “combat disease and malnutrition” and to ensure appropriate pre-natal and post-natal health care for mothers.<sup>454</sup>

301. Israel’s attacks on medical centers, hospitals, and ambulances have rendered more than half of the Gaza Strip’s hospitals nonoperational.<sup>455</sup> Further, Israel’s restrictions upon medical supplies and personnel entering the Occupied Palestinian Territory leave Palestinians isolated without access to life-saving care.<sup>456</sup> These actions amount to clear violations of the right to health as enshrined under Article 12 of the ICESCR. Further, Israel’s interference with UNRWA’s ability to vaccinate children against polio<sup>457</sup> and provide maternal healthcare services to pregnant women<sup>458</sup> violates Article 24 of the CRC.

302. Accordingly, to comply with the right to health, Israel must:

- Provide the Palestinian people access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health;
- Take appropriate measures to combat disease and malnutrition in children and facilitate UNRWA’s ability to continue providing pre and post-natal health care for mothers; and
- Protect international workers that seek to provide the Palestinian people access to the facilities, goods, services, and conditions necessary for their realization of the highest attainable standard of health.

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<sup>453</sup> *Ibid.*, para. 11.

<sup>454</sup> CRC, Art. 24.

<sup>455</sup> *See supra* Chapter V, § C(1).

<sup>456</sup> *See supra* Chapter V, § C(2).

<sup>457</sup> *See supra* para. 82.

<sup>458</sup> *See supra* para. 77.

#### **4. Right to Education**

303. Articles 13 and 14 of the ICESCR guarantee the “right of everyone to education.” Indeed, the States Parties “agree[d] that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.”<sup>459</sup> As emphasized by the Economic, Social, and Cultural Development Committee, the right to education “is both a human right in itself and an indispensable means of realizing other human rights.”<sup>460</sup>
304. This right entails among other things, that “[f]unctioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party”, and that they have to be “accessible to everyone”—meaning, they have to be “within safe physical reach.”<sup>461</sup> The CRC further requires States Parties to “promote and encourage international cooperation matters relating to education.”<sup>462</sup>
305. Israel’s repeated attempts to impede, through attacks and other measures,<sup>463</sup> the work of UNRWA—which runs 380 schools in the Occupied Palestinian Territory<sup>464</sup>—is a flagrant violation of this fundamental right.
306. Israel must therefore promote and facilitate UNRWA’s efforts to provide education to Palestine refugees in the Occupied Palestinian Territory.

#### **5. Right to Liberty and Security**

307. Article 9 of the ICCPR protects the right to liberty and security of person. Indeed, “[n]o one shall be subjected to arbitrary arrest or detention” and “[n]o one shall be deprived of

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<sup>459</sup> ICESCR, Art. 13.

<sup>460</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The right to education*, UN Doc. E/C.12/1999/10 (8 December 1999), para. 1.

<sup>461</sup> *Ibid.*, paras. 6(a)-(b).

<sup>462</sup> CRC, Art. 28(3).

<sup>463</sup> See *supra* Chapter V, §§ A, C(3).

<sup>464</sup> See UNRWA, “What We Do: Education” (last accessed 6 February 2025), available at <https://www.unrwa.org/what-we-do/education> (showing UNRWA operations of 96 schools in the West Bank and 284 schools in the Gaza Strip).

his liberty except on such grounds and in accordance with such procedure as are established by law.”<sup>465</sup>

308. The Human Rights Committee explains that “[a]rrest or detention that lacks any legal basis is also arbitrary.”<sup>466</sup> It also makes clear that “[a]n arrest or detention may be authorized by domestic law and nonetheless be arbitrary.”<sup>467</sup> Indeed, “[t]he notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.”<sup>468</sup>
309. As detailed in Chapter 5 above, Israel has breached Article 9 by arbitrarily detaining numerous staff members of UNRWA and other international organizations.<sup>469</sup> Several staff members were detained while actively carrying out official duties,<sup>470</sup> and all staff members were reportedly held without access to their attorneys or other due process procedures.<sup>471</sup> Despite UNRWA’s protests to Israeli authorities regarding the detention of Agency staff member, Israel has not provided a response to these concerns.<sup>472</sup> These actions amount to clear violations of Article 9.
310. Compliance with Article 9 of the ICCPR therefore requires Israel to:
- Release all international workers who have been detained for sham reasons.

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<sup>465</sup> ICCPR, Art. 9.

<sup>466</sup> UN Human Rights Committee, *General Comment No. 35: Article 9: The right to liberty and security of person*, UN Doc. CCPR/C/GC/36 (3 September 2019), para. 11.

<sup>467</sup> *Ibid.*

<sup>468</sup> UN Human Rights Committee, *General Comment No. 35: Article 9: The right to liberty and security of person*, UN Doc. CCPR/C/GC/36 (3 September 2019), para. 11.

<sup>469</sup> *See supra* Chapter V, §§ C(2), C(3).

<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*

<sup>472</sup> *Ibid.*

- Refrain from depriving workers acting on behalf of the United Nations and other international organizations of their liberty and security without a valid, legitimate, and legal basis under the applicable criminal code.

#### ***6. Right Not to Be Subjected to Torture or to Cruel, Inhuman, or Degrading Treatment or Punishment***

311. Article 7 of the ICCPR provides in relevant part: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” As emphasized by the Human Rights Committee, “[t]he text of article 7 allows of no limitation” and “no justification or extenuating circumstances may be invoked to excuse a violation of article 7 for any reasons,” not “even in situations of public emergency.”<sup>473</sup>
312. Moreover, this prohibition “relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.”<sup>474</sup> Thus, “[t]he protection of a detainee ... requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.”<sup>475</sup>
313. As explained in Chapter 5, above, Israel has detained many UN employees, and subjected them to ill-treatment including severe physical beatings and treatment akin to waterboarding; beatings by doctors when referred for medical assistance; and exposure to and being attacked by dogs.<sup>476</sup> UN staff members in detention were also subjected to threats of rape and electrocution; verbal and psychological abuse; and threats of murder, injury, or harm to family members.<sup>477</sup> Further, such detainees were also subject to humiliating and degrading treatment, including being forced to strip naked, being photographed while undressed, and being forced to hold stress positions.<sup>478</sup>

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<sup>473</sup> UN Human Rights Committee, *General Comment No. 20: Article 7: Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN Doc. CCPR/C/GC/20 (10 March 1992), para. 3.

<sup>474</sup> *Ibid.*, para. 5.

<sup>475</sup> *Ibid.*, para. 11.

<sup>476</sup> *See supra* paras. 134-135.

<sup>477</sup> *Ibid.*

<sup>478</sup> *Ibid.*

314. To comply with Article 7 of the ICCPR, Israel must treat international workers that are detained with dignity and in compliance with their right not be subjected to torture, or to cruel, inhuman, or degrading treatment or punishment.

### ***7. Rights of the Child During and After Armed Conflict***

315. Article 38 of the CRC requires States Parties to “take all feasible measures to ensure protection and care of children who are affected by an armed conflict,” while Article 39 requires States Parties to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of ... armed conflict[] ... in an environment which fosters the health, self-respect and dignity of the child.”
316. States Parties to the CRC are not only obligated to protect children from the direct results of hostilities, but also to mitigate the broader vulnerabilities created by situations of armed conflict, including increased rates of disability among children, destruction of health facilities, and malnutrition caused by disruptions to food security. Article 39 extends the scope of the CRC’s protections beyond the cessation of armed conflict, imposing a duty to provide children with sustainable and culturally sensitive post-conflict healing and recovery programs to address the physical, social, and psychological wounds of armed conflict.
317. As detailed above, UNRWA’s coordination of humanitarian relief efforts amidst Israel’s recent assault on the Gaza Strip has been particularly indispensable for children, who have been killed at higher rates than in any other conflict over the past two decades. UNRWA’s humanitarian infrastructure, and in particular its health and education programs, are essential to the “physical and psychological recovery and social reintegration” of Palestinian children devastated by the loss of their family members, homes, and communities. Thus, Israel’s restrictions on humanitarian access in the Occupied Palestinian Territory, and in particular its enforcement of legislation designed to limit UNRWA’s operations, fail to “ensure the protection” of children or their post-conflict healing.
318. To comply with the CRC, Israel must therefore both protect children to the maximum extent possible from the effects of armed conflict, and also promote their recovery and well-being in its aftermath. Permitting UNRWA and other aid organizations to continue

delivering humanitarian assistance to the children of the Gaza Strip is thus a critical element of Israel's compliance with the CRC.

**CHAPTER 8**  
**LEGAL CONSEQUENCES ARISING FROM ISRAEL’S BREACH OF ITS**  
**OBLIGATIONS AS A MEMBER OF THE UNITED NATIONS AND AN OCCUPYING**  
**POWER TOWARDS THIRD STATES, THE UNITED NATIONS AND**  
**INTERNATIONAL ORGANIZATIONS**

319. As explained in Chapters 4 through 7, Israel is in breach of its obligations as a UN Member State and an occupying power towards the United Nations, other international organizations, and third States in relation to their presence and activities in and in relation to the Occupied Palestinian Territory. Israel’s actions constitute an unlawful act of a continuing character entailing Israel’s international responsibility.<sup>479</sup> This Chapter addresses the legal obligations of Israel arising from the legal consequences of its wrongful conduct and should thus be understood as complementary to the legal consequences declared by the Court in its previous two advisory opinions issued on the question of Palestine.

320. Israel is under an obligation to bring an end to its illegal actions as swiftly as possible (**Section A**); offer appropriate assurances and guarantees of non-repetition (**Section B**); and make full reparation for the injury caused (**Section C**).

**A. Israel Is Under an Obligation to Immediately Bring to an End its Illegal Actions**

321. Israel is under an obligation to bring to an end its illegal actions towards the United Nations, international organizations, and third States in relation to their presence and activities in and in relation to the Occupied Palestinian Territory. It is well established under international law, as codified in Article 30(a) of the ILC Articles on State Responsibility (“**ARSIWA**”), that the State responsible for the internationally wrongful act is under an obligation “to cease that act, if it is continuing.”<sup>480</sup>

322. Most prominently, Israel must immediately:

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<sup>479</sup> *Chagos Advisory Opinion*, pp. 138-139, para. 177; *Policies and Practices in the OPT Advisory Opinion*, para. 265.

<sup>480</sup> International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts (2001) (“**ARSIWA**”), Art. 30(a); *Policies and Practices in the OPT Advisory Opinion*, para. 267; *Chagos Advisory Opinion*, p. 139, para. 178; *Wall Advisory Opinion*, p. 197, para. 150.

- a. repeal or render ineffective the legislation it adopted in October 2024 seeking to severely restrict UNRWA's operations in and in relation to the Occupied Palestinian Territory;
- b. render ineffective its unilateral withdrawal from the Michelmore-Comay Agreement (by which Israel had recognized the role of UNRWA in providing aid to Palestinians in the Gaza Strip and the West Bank, including East Jerusalem,);
- c. remove all obstacles that restrict the operations of UNRWA, including by issuing necessary visas for its staff and ensuring their freedom of movement and access to their premises in Israel and the Occupied Palestinian Territory, as well as access to archives and equipment in such premises;
- d. remove all obstacles to the provision of development, economic, social, and cultural support by the United Nations, international organizations, and third States, to the Palestinian people;
- e. remove all obstacles to the provision of humanitarian and other goods and services to the Palestinian people by third States, the United Nations and international organizations;
- f. cease all actions that violate the privileges and immunities of the United Nations, including UNRWA; and
- g. release employees of international organizations, including UNRWA, who are detained in violation of their privileges and immunities or subjected to conditions that violate those rights.

**B. Israel Is Under an Obligation to Offer Appropriate Assurances and Guarantees of Non-Repetition**

- 323. Article 30(b) of ARSIWA provides that the State responsible for the internationally wrongful act is under an obligation "to offer appropriate assurances and guarantees of non-repetition, if circumstances so require."
- 324. The Court has made clear that it "may order ... a State responsible for internationally wrongful conduct to provide the injured State with assurances and guarantees of non-repetition ... if the

circumstances so warrant”.<sup>481</sup> In *LaGrand (Germany v. United States)*, the Court found that Germany’s request for a general assurance of non-repetition had been satisfied because the United States expressed a “commitment ... to ensure implementation of the specific measures adopted in performance of [the] obligations” that it had breached.<sup>482</sup>

325. In contrast to the conduct in that case, Israel has made no commitment to adopt any of the measures necessary to implement the obligations that it is currently breaching. To the contrary, its rhetoric and actions on the ground make unequivocally clear that it intends to continue committing violations of international law, by pursuing its policy of restricting the United Nations, international organizations, and third States from providing humanitarian assistance in the Occupied Palestinian Territory.

326. In these circumstances, Israel must be required to offer appropriate assurances and guarantees of non-repetition with respect to its actions under review in this advisory opinion proceeding.

### **C. Israel Is Under an Obligation to Make Full Reparation for the Injury Caused by its Illegal Actions**

327. Israel is under an obligation to provide full reparation for the damage caused by its internationally wrongful acts to all natural or legal persons concerned. The Court held in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* that “it is well established in general international law that a State which bears responsibility for an internationally wrongful act is under an obligation to make full reparation for the injury caused by that act”.<sup>483</sup> In its 2024 Advisory Opinion, the Court emphasized the essential principle that “reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed”.<sup>484</sup> Reparation may take the form of

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<sup>481</sup> *Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, Judgment, I.C.J. Reports 2009, p. 213, at p. 267, para. 150.

<sup>482</sup> *LaGrand (Germany v. United States of America)*, Judgment, I.C.J. Reports 2001, p. 466, at pp. 512-513, para. 124.

<sup>483</sup> *Armed Activities*, Judgment on Merits, para. 259.

<sup>484</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 269; *Wall Advisory Opinion*, para. 152; *Factory at Chorzów (Germany v. Poland)*, Merits, Judgment, P.C.I.J. Reports Series A, No. 17, p. 47.

restitution, and insofar as the damage is not made good by restitution, full reparation shall take the form of compensation.<sup>485</sup>

328. Pursuant to Article 35 of ARSIWA, Israel is under an obligation to make restitution, that is, “to re-establish the situation which existed before the wrongful act was committed”. Regrettably, not all damage inflicted by Israel is reversible, particularly the destruction Israel itself has wreaked on the United Nations, its staff, and essential Palestinian infrastructure, as well as the damage that it has permitted private citizens to inflict. This notwithstanding, in addition to the acts of cessation set forth above, Israel is under an obligation to provide restitution where possible. Notably, Israel is under an obligation to return all assets (including archives and documents) seized from the United Nations in violation of its privileges and immunities. Israel must also allow and facilitate the return of the staff of the United Nations to their premises in Israel and the Occupied Palestinian Territory.
329. In the event that such restitution should prove materially impossible, Israel must compensate, in accordance with the applicable rules of international law,<sup>486</sup> the United Nations and members of its staff having suffered any form of material damage as a result of Israel’s wrongful acts. In particular, Israel must reimburse UNRWA for the damage inflicted on its property as a result either of Israel’s conduct or attacks waged by private citizens that Israel should have reasonably prevented but did not. It must also provide compensation for unlawful killings and detentions of UN staff, as well as physical, psychological, and mental health injuries many of them have sustained.

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330. The League of Arab States respectfully requests the Court to recognize Israel’s obligations to take all the aforementioned actions in its advisory opinion.

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<sup>485</sup> *Policies and Practices in the OPT Advisory Opinion*, para. 269.

<sup>486</sup> ARSIWA, Art. 36. Importantly, compensation covers “any financially assessable damage including loss of profits insofar as it is established.” ARSIWA, Art. 36(2). *See also Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *Reparations, Judgment*, I.C.J. Reports 2022, p. 13, at p. 34, para. 101; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, *Compensation, Judgment*, I.C.J. Reports 2018, p. 15, at p. 26, para. 31; *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, *Judgment*, I.C.J. Reports 2010, p. 14, at p. 103, para. 273.

## **CHAPTER 9 CONCLUSION**

331. For the reasons stated above, the League of Arab States accordingly submits:

A. In relation to the jurisdiction of the Court:

- a. The Court has jurisdiction pursuant to Article 65(1) of the ICJ Statute and Article 96(1) of the UN Charter to issue an advisory opinion; and
- b. There is no compelling reason for the Court to decline to issue an advisory opinion.

B. In relation to Israel's status as an occupying power and as a member of the United Nations, in relation to the presence and activities of the United Nations, its agencies and bodies, other international organizations, and third States, in and in relation to the Occupied Palestinian Territory, Israel is under an obligation to:

- a. allow the United Nations to operate in and in relation to the Occupied Palestinian Territory, and promote and facilitate their work, including by:
  - i. repealing or rendering ineffective any legislative or administrative measures that entail the application of Israeli law in the Occupied Palestinian Territory, including East Jerusalem;
  - ii. respecting the authority of the State of Palestine to consent to and regulate the presence and activities of the United Nations, its agencies and bodies, other international organizations, and third States, in and in relation to the Occupied Palestinian Territory;
  - iii. repealing or rendering ineffective the legislative measures taken in October 2024 to ban the operation of UNRWA in Israel and East Jerusalem and prohibit Israeli authorities from engaging with UNRWA;
  - iv. refraining from taking any further action with regard to UNRWA premises and further, to immediately take all necessary steps to restore, preserve and uphold the inviolability of UNRWA premises and their immunity from any form of interference; and
  - v. rendering ineffective its unilateral withdrawal from the Michelmores-Comay Agreement dated 14 June 1967;
- b. allow United Nations officials and experts on mission entry and free movement into Israel and the Occupied Palestinian Territory;

- c. respect the absolute inviolability of UN premises, property, and assets, including during hostilities;
- d. respect the absolute immunity from legal process of the agents; officials, including the Secretary-General; and experts of mission of the United Nations, including by releasing employees of international organizations, including UNRWA, who are being detained in violation of their privileges and immunities or subjected to conditions that violate those rights;
- e. protect the staff of the United Nations and international organizations that provide humanitarian and other assistance to the Palestinian people, including by preventing attacks or any form of harassment by third parties, including Israeli settlers or Israeli civilians;
- f. promote and facilitate the presence and activities of the United Nations, international organizations, and third States that provide economic, social, and cultural support to the Palestinian people, including by granting the necessary permissions, facilitating their movement through Israel's territory, and providing access to their archives and equipment in their premises;
- g. promote and facilitate the presence and activities of the United Nations, international organizations, and third States that assist the Palestinian people in freely determining their political status;
- h. ensure and facilitate the unhindered provision by the United Nations, international organizations, and third States of goods and services essential to the survival of the Palestinian civilian population as well as basic services and humanitarian and development assistance;
- i. respect the freedom of movement of goods, aids, and services within and between the Occupied Palestinian Territory and third States;
- j. refrain from hindering the Palestinian people's access to third States in pursuit of cultural, academic, and other activities, and conversely, not impede access by foreign visitors to the Occupied Palestinian Territory;
- k. cooperate with the United Nations, international organizations, and third States in the process of the reconstruction of the Gaza Strip in a manner consistent with the inalienable right of the Palestinian people to self-determination;
- l. refrain from impeding in any way the establishment of diplomatic relations between the State of Palestine and third States;
- m. assist the United Nations and its agencies in furthering the United Nations' mission of advancing international peace and security.
- n. ensure public order and safety in the Occupied Palestinian Territory, and respect the laws in force in the Occupied Palestinian Territory;

- o. refrain from individual or mass forcible transfer or deportation of peoples from the Occupied Palestinian Territory;
  - p. treat the civilian population in the Occupied Palestinian Territory humanely;
  - q. refrain from the use of starvation as a method of war and not attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population;
  - r. ensure the provision of basic services, humanitarian assistance, and other essential supplies for the Palestinian civilian population in the Occupied Palestinian Territory;
  - s. agree unconditionally to and facilitate, by all the means at its disposal, relief schemes on behalf of the population of the Occupied Palestinian Territory;
  - t. ensure and facilitate the rapid and unimpeded passage of humanitarian relief for the Palestinian civilian population in the Occupied Territory;
  - u. respect and protect humanitarian relief personnel operating in the Occupied Palestinian Territory; and respect and protect humanitarian objects used for humanitarian relief in the Occupied Palestinian Territory;
  - v. ensure and maintain the operation of hospitals, medical establishments, and public health and hygiene services in the Occupied Palestinian Territory, and respect and protect civilian medical personnel and assist such personnel in the performance of their humanitarian functions;
  - w. protect children throughout the Occupied Palestinian Territory, including by ensuring and facilitating the provision of services, including educational and healthcare services, dedicated to the welfare of children, and facilitating the work of the UN, including its agencies and bodies, other international organizations, and third States, that relates to the welfare of children throughout the Occupied Palestinian Territory; and
  - x. protect women throughout the Occupied Palestinian Territory, including by ensuring and facilitating the provision of services, including healthcare services, dedicated to the welfare of women, and facilitating the work of the United Nations, including its agencies and bodies, other international organizations and third States, that relates to the welfare of women throughout the Occupied Palestinian Territory
- C. The League of Arab States also submits that Israel, as a result of its continued unlawful presence in the Occupied Palestinian Territory, and its failure to respect the right of return of Palestine refugees, has failed to fulfill the conditions of its admission to membership in the United Nations pursuant to General Assembly Resolution 273(III).

D. In addition, as a consequence of its wrongful conduct relating to the subject-matter of the present advisory proceedings, Israel is also under the following obligations:

- a. to immediately bring to an end its illegal actions, as outlined in the preceding paragraph;
- b. to offer appropriate assurances and guarantees of non-repetition; and
- c. to make full reparation to the State of Palestine and the United Nations, other international organizations, and third States for the injury caused by its illegal actions.

**Signed**

**Ambassador Jawad Kadhim Al-Chlahawi**

**Head of the Permanent Mission of the League of Arab States in Brussels**