

INTERNATIONAL COURT OF JUSTICE

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
(REQUEST FOR ADVISORY OPINION)

Written Statement of the
Republic of Vanuatu

28 February 2025

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CHAPTER I: INTRODUCTION

1. The Republic of Vanuatu submits this Written Statement to the International Court of Justice in response to the General Assembly’s request for an advisory opinion on Israel’s obligations in the Occupied Palestinian Territory (**OPT**), as articulated in Resolution 79/232 of 19 December 2024.¹ As a small island developing State and formerly colonized nation that attained independence through the exercise of self-determination, Vanuatu brings to these proceedings a deep commitment to the international rule of law and the inalienable rights of all peoples. Our history fuels our resolve to see the Palestinian people’s right to self-determination upheld—a right at the heart of this case and resonant with our own struggles against ecological and existential threats posed by climate change.
2. The General Assembly has asked: *“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?”* This question, rooted in the dire humanitarian and ecological crisis in the OPT, calls for legal clarity to address impediments to survival, dignity, and self-governance.
3. *“Enough for me to die on her earth / be buried in her,”*² wrote Fadwa Tuqan, a Palestinian poetess whose words bind land to life, echoing Vanuatu’s own pledge to endure on our islands. This poem’s vision of renewal—*“to melt and vanish into her soil / then sprout forth as a flower / played with by a child from my country”*—inspires our submission, inviting the Court to affirm existing obligations vital to stewardship over land and water. The Palestinian people’s situation, like ours, intertwines self-determination with ecological integrity, a nexus we respectfully invite the Court to illuminate.
4. Our submission builds on this Court’s prior findings, notably its 19 July 2024 opinion declaring Israel’s prolonged occupation, settlement, and annexation policies unlawful

¹ UNGA, ‘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’, U.N. Doc. A/RES/79/232 (19 December 2024) ([link](#)).

² Quoted in “In Memory Of Fadwa Tuqan” in Joel Beinin and Rebecca L. Stein (eds.), *The Struggle for Sovereignty: Palestine and Israel, 1993-2005* (Stanford University Press, 2006) 230.

and affirming the Palestinian people's rights to their land and self-determination.³ We urge the Court to clarify Israel's obligations to cease obstructing United Nations efforts and third-party activities while actively enabling Palestinian survival, self-governance, and ecological stewardship. Beyond Israel, all States and the UN bear a duty to enforce these norms, ensuring justice for a people denied their rights for over seven decades.

5. As a State forged through self-determination and now facing climate threats—which are not only existential but also increase our dependency on international cooperation and assistance—Vanuatu brings a distinctive lens to the legal question at stake in these proceedings. While recognizing the relevance of International Humanitarian Law (**IHL**) as a vital framework governing occupied territories, including the Fourth Geneva Convention and Hague Regulations, our focus here is on the rule of law, self-determination, international human rights law (**IHRL**), and the ecological dimension of relevant norms, areas where Vanuatu's experience offers a distinct contribution. As a preliminary point, we recall that the obligations foregrounded in this Written Statement are fully applicable during armed conflict.
6. Our aim is to identify legal norms that can illuminate a path to peace, grounded in law and equity, where no people's story is silenced by ecological ruin or military attacks. Vanuatu trusts the Court to deliver a landmark opinion that inspires justice, resilience, and renewal for the Palestinian people and all humanity.

³ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, paras. 256-7.

CHAPTER II: JURISDICTION AND ADMISSIBILITY OF THE REQUEST

2.1 THE COURT'S JURISDICTION

8. Vanuatu submits that the Court has jurisdiction to render the advisory opinion requested by the General Assembly in resolution 79/232 of 19 December 2024. This jurisdiction is grounded in Article 65(1) of the Statute of the Court, which provides: “*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.*” Article 96(1) of the Charter complements this, stating: “*The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*”
9. The General Assembly is indisputably authorized under Article 96(1) of the Charter to request an advisory opinion on matters within its competence. The Court has consistently affirmed the broad range of the General Assembly’s competence to discuss or consider legal issues pursuant to Articles 10, 11, 13 and related provisions of the Charter. Resolution 79/232, adopted under the agenda item “*Strengthening of the United Nations system,*” addresses Israel’s obligations as an occupying Power and UN member vis-à-vis the OPT—a matter central to the Assembly’s decades-long engagement with the Question of Palestine and issues of international peace and security, in which the General Assembly has “a legitimate interest” and broad competence.⁴ The request was duly transmitted to the Court by the Secretary-General, in line with Article 65(2) of the Statute.⁵ This Court has long held that it does not scrutinize the motives behind such requests; provided the requesting organ is authorized, and the question posed is a “*legal question,*” the Court has jurisdiction.⁶
10. The question posed by the General Assembly in the present advisory proceedings requires the Court to interpret and apply rules of international law—including the UN Charter, IHL, IHRL, and privileges and immunities—to ascertain Israel’s obligations.

⁴ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion*, I.C.J. Reports 2010, p. 423, para. 47; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para 43.

⁵ UNGA, ‘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’, U.N. Doc. A/RES/79/232 (19 December 2024) ([link](#)).

⁶ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, I.C.J. Reports 1996, p. 226, para. 13; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, ICGJ 203 (ICJ 2004), p. 136, para. 41; *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion*, I.C.J. Reports 2010, p. 403, para. 27.

The Court has long accepted that requests “*framed in terms of law and rais[ing] problems of international law ... are by their very nature susceptible of a reply based on law*” and thus satisfy the requirement of a “*legal question*.”⁷ The fact that the question might arise against a complex factual or political background does not deprive it of its character as a legal question.⁸

11. The 2024 advisory opinion, *Policies and Practices in the OPT*, reinforces this conclusion. There, the Court addressed similar legal questions—Israel’s obligations under IHL and the right to self-determination—despite their political backdrop, finding jurisdiction unassailable (para. 43). Here, the General Assembly seeks clarification of Israel’s obligations in a specific context: the facilitation of UN and third-party activities in the OPT. This falls squarely within the Court’s competence to elucidate legal norms, satisfying Article 65(1).

2.2 THERE ARE NO COMPELLING REASONS FOR THE COURT TO DECLINE TO RENDER THE REQUESTED ADVISORY OPINION

12. While the Court has discretion under Article 65(1) of its Statute to decline a request for an advisory opinion, it has consistently held that only “*compelling reasons*” may justify such a refusal.⁹ As stated by the Court in *Chagos Archipelago* and *Policies and Practices in the OPT*, this high threshold reflects the importance of the Court’s role as the principal judicial organ of the United Nations.¹⁰ Vanuatu submits that no such reasons exist here.

⁷ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996, p. 226, para. 13; *Western Sahara*, Advisory Opinion, I.C.J. Reports 1975, p. 12, para. 15. *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010, p. 403, para. 25; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, para. 58.

⁸ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 14; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 40-1; *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010, p. 403, para. 27.

⁹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 44.

¹⁰ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, paras. 64-5; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 30. Also see *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010, p. 403, para. 30; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 44.

The Court's practice demonstrates a presumption in favour of exercising jurisdiction, particularly when the requesting organ deems the opinion essential to its functions.¹¹

13. One potential objection is that the request circumvents the principle of State consent to contentious jurisdiction. The Court has addressed this in, *inter alia*, *Western Sahara*, *Interpretation of Peace Treaties*, *Wall in the OPT*, and *Policies and Practices in the OPT*.¹² The Court has repeatedly affirmed that advisory proceedings do not require consent unless they effectively resolve a bilateral dispute without one party's agreement.¹³ Here, the General Assembly's question does not seek to adjudicate a specific dispute between Israel and another entity. Rather, it addresses a systemic issue—the legal framework governing Israel's conduct in the OPT and its impact on UN operations and Palestinian rights—an issue of universal concern since Resolution 181(II) in 1947. As recognized in *Policies and Practices in the OPT*, the question of Palestine has been a constant concern of the General Assembly and involves not only the parties directly affected but also the broader interests and responsibilities of the United Nations, distinguishing this from a bilateral matter.¹⁴
14. The request's utility to the General Assembly further militates against declining jurisdiction. In *Legality of the Threat or Use of Nuclear Weapons*, the Court observed that it is for the requesting organ to determine whether an advisory opinion from the Court would be of use in the performance of its functions.¹⁵ Resolution 79/232 reflects urgent concerns: Israel's legislative ban on UNRWA, military actions impeding humanitarian aid, and threats to UN privileges and immunities. These developments, detailed in the Secretary-General's report (A/79/588),¹⁶ jeopardize the Assembly's ability to uphold its humanitarian and peacekeeping mandates. An advisory opinion will guide

¹¹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, paras. 30-1.

¹² *Interpretation of Peace Treaties*, Advisory Opinion, I.C.J. Reports 1950, p. 65, p. 71; *Western Sahara*, Advisory Opinion, I.C.J. Reports 1975, p. 12, para. 32; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 46-7; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, paras. 33-5.

¹³ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para 34.

¹⁴ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 35.

¹⁵ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996, p. 226, para. 16.

¹⁶ 'Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General' (19 Dec 2024) A/79/588 ([link](#)).

the Assembly in reinforcing UNRWA's operations and ensuring compliance with international law—functions it has pursued since 1949. Clearly, there is no reason for the Court to question the General Assembly's assessment of its own needs.¹⁷

15. Nor does a lack of factual information preclude the Court's judicial function. Unlike the Permanent Court of International Justice (PCIJ) in the *Status of Eastern Carelia* case,¹⁸ the Court has ample documentation to answer the question posed in the present proceedings: numerous UN reports and other official documentation, prior opinions, and the statements of States and international organizations.¹⁹ Cases like *Legality of the Threat or Use of Nuclear Weapons*,²⁰ *Wall in the OPT*,²¹ *Chagos Archipelago*,²² and *Policies and Practices in the OPT*²³ demonstrate the Court's capacity to adjudicate based on such materials.

2.3 BINDING EFFECT OF THE ADVISORY OPINION UNDER ARTICLE VIII, SECTION 30 OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

16. A distinctive feature of this request enhances the Court's imperative to respond: its potential binding effect under the 1946 Convention on the Privileges and Immunities of the United Nations ("General Convention"). Resolution 79/232's preamble suggests that "*a situation may exist in which a difference has arisen between the United Nations and Israel regarding ... the interpretation or application of the Convention on the Privileges and Immunities of the United Nations.*"²⁴ Article VIII, Section 30 of the General Convention provides that, in such cases, "*a request shall be made for an advisory opinion on any legal question involved*" and "[t]he opinion given by the Court shall be accepted

¹⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 35.

¹⁸ *Status of Eastern Carelia*, P.C.I.J., Series B, No. 5, pp. 28-9.

¹⁹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 57-58; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, paras 73-74; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 47.

²⁰ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996.

²¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 55-8.

²² *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, paras. 73-4.

²³ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 47.

²⁴ UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024), p. 1 ([link](#)).

as decisive by the parties.” Israel, as a party to the Convention since 1949, is bound by this provision.

17. As the Court noted in *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, advisory proceedings may acquire binding force if a special provision in a treaty so stipulates.²⁵ Here, Israel’s measures—most notably the 28 October 2024 Knesset legislation banning UNRWA and evicting it from East Jerusalem—contravene UN privileges and immunities, including those of UNRWA as a subsidiary organ. The Secretary-General’s warnings of violations (A/79/588) underscore this “difference.”²⁶ Should the Court find that part of the question falls under the General Convention, its opinion would decisively resolve that aspect, compelling compliance and reinforcing the request’s gravity.
18. This binding potential does not alter the advisory nature of the broader opinion but highlights its legal weight. Even beyond the Convention, the opinion will carry an authoritative force, guiding States and the UN in upholding international law. Vanuatu submits that this strengthens the case for exercising jurisdiction, as the Court’s pronouncement could directly protect UN operations critical to millions of Palestinians—and, in doing so, safeguard our international legal system and its institutions.

2.4 CONCLUSION

19. Vanuatu respectfully submits that the Court has jurisdiction under Article 65(1) to render the requested opinion, as the General Assembly is duly authorized, and the question is legal in character. No compelling reasons—whether consent, utility, or evidence—justify declining the request. Moreover, the General Convention’s binding mechanism underscores the opinion’s importance to the work of the United Nations. The Court should thus proceed to address the full scope of Resolution 79/232’s question, affirming its critical role in upholding the international rule of law in a matter of profound global significance.

²⁵ *Difference Relating to Immunity from Legal Process of A Special Rapporteur of the Commission on Human Rights, Advisory Opinion*, I.C.J. Report 1999, p. 204, para. 25.

²⁶ Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General’ (19 Dec 2024) A/79/588, paras. 20-1, 26-7, 29 ([link](#)).

CHAPTER III: HISTORICAL AND FACTUAL CONTEXT

3.1 EVOLUTION OF THE OCCUPATION

20. The question before the Court—Israel’s obligations in relation to the presence and activities of the United Nations, other international organizations, and third States in the Occupied Palestinian Territory (OPT)—cannot be fully understood without tracing its origins to the early 20th century and the persistent denial of Palestinian self-determination. The modern situation stems from conflicting commitments made by colonial powers during and after the First World War. In 1917, the Balfour Declaration expressed British support for a “*national home for the Jewish people*” in Palestine,²⁷ while the 1915-1916 McMahon-Hussein Correspondence promised Arab independence in the region.²⁸ Following the war, the League of Nations established the British Mandate for Palestine in 1920, placing the territory under British administration without consulting its inhabitants—a precursor to the marginalization of Palestinian self-determination that continues to this day.
21. The creation of the State of Israel in 1948 marked a pivotal shift. Armed conflict erupted between Israel and neighbouring Arab States,²⁹ culminating in the 1949 Armistice Agreements. These agreements established the “Green Line,” delineating Israeli-controlled territory from the West Bank (including East Jerusalem) and Gaza Strip, which fell under Jordanian and Egyptian administration, respectively.³⁰ Over 700,000 Palestinians were displaced during this period, becoming refugees dependent on international aid—a humanitarian burden that led the General Assembly, via Resolution 302(IV) of 8 December 1949, to establish the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). UNRWA’s mandate was to provide “*continued assistance for the relief of the Palestine refugees*” and “*prevent conditions of starvation and distress*”³¹ a role it has sustained amid worsening conditions. Over the

²⁷ ‘Balfour Declaration’ (2 November 1917) in *British Government Correspondence on Palestine 1917–1939* (HMSO 1939) Cmd 5479 ([link](#)).

²⁸ Henry McMahon and Hussein bin Ali, ‘McMahon-Hussein Correspondence’ (14 July 1915 – 10 March 1916) in *British Government Correspondence on Palestine 1917–1939* (HMSO 1939) Cmd 5479 ([link](#)).

²⁹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 71.

³⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 72.

³¹ Assistance to Palestine Refugees, 8 December 1949, UNGA Res. 302(IV) ([link](#)).

years, UNRWA's presence has been crucial for Palestinians to attain education, healthcare, and economic opportunities—all components of sustainable development.³²

22. The occupation's current form crystallized in June 1967, when Israel seized the West Bank, East Jerusalem, Gaza Strip, and other territories during the Six-Day War.³³ This marked the beginning of a prolonged military occupation that has defied international calls for withdrawal. On 22 November 1967, the UN Security Council unanimously adopted Resolution 242, emphasizing "*the inadmissibility of the acquisition of territory by war*" and calling for the "*withdrawal of Israel armed forces from territories occupied in the recent conflict*."³⁴ Since 1967, the occupation has become entrenched through a systematic pattern of policies and practices that obstruct Palestinian self-determination and international efforts to support the population. This Court's advisory opinion of 9 July 2004 found that Israel's construction of a separation wall in the OPT, including around East Jerusalem, violated international law.³⁵ The Court noted that the wall, alongside settlement expansion, altered the demographic composition of the territory and severely impeded the exercise by the Palestinian people of its right to self-determination.³⁶ Despite this ruling, construction of the wall continued,³⁷ and by 2023, settler numbers had grown to approximately 465,000 in the West Bank and 230,000 in East Jerusalem, fragmenting Palestinian land and communities.³⁸
23. In Gaza, a blockade imposed since 2007 has devastated the population's ability to sustain itself. The blockade restricts the entry of goods, including food, fuel, and medical supplies, and limits fishing rights, reducing access to protein. A 2021 World Bank report described Gaza's economy as undergoing "*de-development and deindustrialization*," with a 45% unemployment rate, 60% poverty rate, and 80% of residents reliant on aid—conditions exacerbated by the blockade's sealing of Gaza from the outside world.³⁹ The

³² UNRWA, *Strategic Plan 2023-28* (2023) 6 ([link](#)).

³³ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, paras. 57-9.

³⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 74.

³⁵ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 114-137.

³⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 122.

³⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 67.

³⁸ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 68.

³⁹ World Bank, *The Palestinian Economic Monitoring Report to the Ad Hoc Liaison Committee (AHLC)*, 21 November 2021, paras. 2, 9, and 40 ([link](#)); *Report of the Special Rapporteur on the situation of human*

coastal aquifer, Gaza's sole natural water source, is now polluted by seawater and sewage, unfit for consumption, while rolling power blackouts of 12-20 hours daily cripple healthcare and daily life.⁴⁰ The Special Rapporteur on the situation of human rights in the Palestinian territories reported in 2022 that these measures constitute “*collective punishment*,”⁴¹ a finding echoed by the High Commissioner for Human Rights,⁴² the Commissions of Inquiry on the situation in Gaza,⁴³ various other United Nations human rights monitoring bodies,⁴⁴ and the International Committee of the Red Cross (ICRC).⁴⁵

24. The Court's 19 July 2024 advisory opinion found the prolonged occupation of the OPT unlawful, citing annexation, settlement expansion, and resource exploitation as breaches of the prohibition on territorial acquisition by force and the Palestinian people's right to self-determination.⁴⁶ The Court highlighted “*forcible evictions, extensive house demolitions and restrictions on residence and movement*,” leaving “*little choice*” to Palestinians but to abandon their homes, often for reallocation to settlers.⁴⁷ It also ruled that Israel's legislation and measures impose a “*near-complete separation*” between

rights in the Palestinian territories occupied since 1967 (12 August 2022) UN Doc A/HRC/49/87, para. 45 ([link](#)).

⁴⁰ *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* (12 August 2022) UN Doc A/HRC/49/87, para. 45 (emphasis added and footnotes omitted) ([link](#)).

⁴¹ *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* (12 August 2022) UN Doc A/HRC/49/87, para. 45 ([link](#)).

⁴² Report of the United Nations High Commissioner for Human Rights, ‘*Implementation of Human Rights Council Resolution S-9/1 and S-12/1*’ (28 April 2022) UN Doc A/HRC/49/83, paras 14-15, 55(f) ([link](#)).

⁴³ Report of the United Nations Fact-Finding Mission on the Gaza Conflict, ‘*Human Rights in Palestine and other Occupied Arab Territories*’ (25 September 2009) UN Doc A/HRC/12/48, paras. 73, 75 and 326 ([link](#)); Human Rights Council, *Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1* (24 June 2015), UN Doc A/HRC/29/CRP.4, para. 681(d) ([link](#)); Human Rights Council, *Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory* (18 March 2019) UN Doc A/HRC/40/CRP.2, para. 797(a) ([link](#)).

⁴⁴ UN Human Rights Committee, *Concluding observations on the fifth periodic report of Israel* (5 May 2022) UN Doc CCPR/C/ISR/CO/5, paras. 38-39 ([link](#)); Committee on Economic, Social and Cultural Rights, *Concluding observations on the fourth periodic report of Israel* (12 November 2019) UN Doc E/C.12/ISR/CO/4, para. 11 (a) ([link](#)).

⁴⁵ ‘ICRC says Israel's blockade breaks law’ (*BBC*, 14 June 2010) ([link](#)); ‘Gaza: The long road home’ (*International Committee of the Red cross*, 13 February 2025) ([link](#)); Michael Talhami and Mark Zeitoun, ‘The impact of attacks on urban services II: Reverberating effects of damage to water and wastewater systems on infectious disease’ (2020) 102 (915) *International Review of the Red Cross*, at 1312-1320; ‘What is happening in Gaza? Aid urgently needed as thousands return to their homes’ (*British Red Cross*, 2025) ([link](#)).

⁴⁶ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 261.

⁴⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 147.

settlers and Palestinians, in breach of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁴⁸

25. Environmental degradation compounds these violations. In the West Bank, settlement expansion has confiscated fertile land and water resources, while waste from Israeli facilities pollutes Palestinian areas.⁴⁹ In Gaza, the blockade and military operations have destroyed over 80% of civilian infrastructure, leaving communities amid sewage and toxic waste.⁵⁰ The Special Rapporteur on the Right to Food's 2024 report (A/79/171) documented the razing of olive groves—central to Palestinian culture and economy—and restrictions on agricultural inputs, undermining food sovereignty.⁵¹
26. “My sister, our land has a throbbing heart / it doesn’t cease to beat, and it endures the unendurable. It keeps the secrets of hills and wombs,”⁵² Tuqan writes, evoking relationality and resilience amid adversity. This resilience persists despite the OPT’s current strains—displacement, ecological ruin, and barriers to self-determination that may at times seem insurmountable.

3.2 CURRENT HUMANITARIAN AND INSTITUTIONAL CRISIS

27. The immediate catalyst for the General Assembly’s request in Resolution 79/232 is a deepening humanitarian and institutional crisis in the OPT following an Israeli military offensive in Gaza sparked by Hamas attacks on 7 October 2023. Tens of thousands of civilian deaths, widespread destruction, and a starvation crisis have drawn global alarm.⁵³ The devastating consequences of the offensive extend to ecosystems and natural

⁴⁸ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 229.

⁴⁹ Report of the United Nations Fact-Finding Mission on the Gaza Conflict, *Human Rights in Palestine and other Occupied Arab Territories* (25 September 2009) UN Doc A/HRC/12/48, paras. 1223, 1247-8, 1250-51 ([link](#)).

⁵⁰ ‘Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General’ (19 Dec 2024) A/79/588, p. 69 ([link](#)).

⁵¹ Michael Fakhri, *Report of the Special Rapporteur on the right to food: Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty* (17 July 2024) UN Doc A/79/171, paras. 110-1 ([link](#)).

⁵² Fadwa Tuqan, ‘Hamza,’ in *The Night and the Horsemen* (Dar al-Adab 1969).

⁵³ World Bank, the European Union, and the United Nations, *Gaza and West Bank Interim Rapid Damage and Needs Assessment* (18 February 2025), paras. 16, 60, 66 and generally ([link](#)); Rasha Khatiba, Martin McKee, and Salim Yusuf, ‘Counting the dead in Gaza: difficult but essential’ (2024) 404:10449, *The Lancet*, at p. 1 ([link](#)) (“By June 19, 2024, 37 396 people had been killed in the Gaza Strip”); ‘The human toll of Israel’s war on Gaza – by the numbers’ (*Al Jazeera*, 15 January 2025) ([link](#)) (“In the past 15 months, at least 46,707 people in Gaza have been killed, which includes about 18,000 children. The death toll means that one out of every 50 people has been killed in Gaza.”).

resources: studies show that 60 per cent of Gaza’s farmland had been damaged or destroyed as a result of the military operation as of July 2024⁵⁴—including more than half of all trees and orchards in the territory.⁵⁵

28. On 23 December 2023, South Africa initiated proceedings against Israel before this Court, alleging breaches of the Genocide Convention. The Court’s provisional measures of 26 January, 28 March, and 24 May 2024 ordered Israel to prevent genocidal acts, halt its Rafah offensive, and ensure humanitarian aid reaches Gaza, noting a “*catastrophic humanitarian situation*” that has only deteriorated.⁵⁶ Yet, restrictions persist, with UNRWA and other agencies being hampered in their efforts to provide life-saving assistance.
29. On 28 October 2024, the Israeli Knesset passed legislation banning UNRWA operations, nullifying its 1967 agreement with Israel, stripping its privileges and immunities, and evicting it from East Jerusalem premises. The UN Secretary-General has warned that this move threatens “*fateful repercussions for millions of Palestine refugees*,” especially in Gaza, where UNRWA is the “*only lifeline*” amid an “*unprecedented humanitarian catastrophe*.”⁵⁷ With 90% of Gaza’s population displaced and infrastructure reduced to “*rubble and ruin*,” UNRWA’s role in providing shelter, food, water, and medicine is irreplaceable.⁵⁸ Israel’s attacks on UNRWA personnel, premises, and properties further obstruct its mandate.⁵⁹ UNRWA has warned that restrictions on fuel and UNRWA operations have led to “*mountains of garbage ... piling up in Gaza’s middle areas as sewage leaks onto the streets*.”⁶⁰ The ban on UNRWA threatens to make such conditions the norm, as no alternative system for essential services is in place for the areas. The

⁵⁴ Mohammed Hussein and Mohammed Haddad, ‘How Israel destroyed Gaza’s ability to feed itself’ *Al Jazeera*, 2 July 2024) ([link](#)).

⁵⁵ UNEP, ‘Environmental Impact of the Conflict in Gaza: Preliminary Assessment of Environmental Impacts’ (18 June 2024) 32 ([link](#)).

⁵⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures of 26 January 2024, General List No. 192, para. 72.

⁵⁷ ‘Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General’ (19 Dec 2024) A/79/588, p. 69 ([link](#)).

⁵⁸ ‘Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General’ (19 Dec 2024) A/79/588, p. 69 ([link](#)).

⁵⁹ ‘Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General’ (19 Dec 2024) A/79/588, p. 69 ([link](#)).

⁶⁰ ‘Garbage dump seen in al-Nuseirat refugee camp in central Gaza Strip’ (*Xinhua*, 25 December 2024) ([link](#)).

devastating impacts of the ban are intergenerational, not only because of the long-term impact of pollution and ecosystem destruction, but also because of resulting school closures, untreated illnesses, a lack of maternal care, and economic devastation.⁶¹

30. Beyond UNRWA, Israel's measures affect the broader presence of the United Nations, other international organizations, and third States in the OPT. Resolution 79/232's preamble cites actions impeding "*basic services and humanitarian assistance*," including those targeting UN immunities and third-State representations.⁶² The Secretary-General warned that such obstructions breach international obligations, undermining the UN's ability to fulfil its humanitarian and peacekeeping roles.⁶³
31. This crisis is not an aberration but the culmination of decades of policies that defy international law and this Court's rulings. The prolonged occupation, settlement enterprise, blockade, and now direct attacks on UN operations have left Palestinians without essential services—healthcare, food, water, and shelter—while severing their path to self-determination. The environmental toll—polluted water and soil, razed farmland, and uninhabitable land—further erodes the Palestinian people's means of subsistence.
32. "[T]he house came crumbling down, / the rooms were blown to pieces in the sky, / and the bricks and the stones all burst forth, / burying dreams and memories of a lifetime / of labor, tears, and some happy moments," Tuqan writes. Written more than half a century ago, these words now underscore the urgency of the General Assembly's request, inviting the Court to clarify a set of obligations ensuring a people's dignity and survival.

⁶¹ 'How has the war in Gaza affected UNRWA's ability to support Palestinians?' (*UN News*, 6 November 2024) ([link](#)); Liza Rozovsky, Nir Hasson and Jack Khoury, 'Israel's Ban on UNRWA Is Set to Take Effect. So What Will Happen in Gaza, East Jerusalem and the West Bank?' (*Haaretz*, 17 January 2025) ([link](#)).

⁶² UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024) para. 20 ([link](#)).

⁶³ 'Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General' (19 Dec 2024) A/79/588 para. ([link](#)).

CHAPTER IV:
**THE 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**

4.1. FRAMEWORK OF APPLICABLE LAW

33. The Republic of Vanuatu submits that Israel's obligations concerning the presence and activities of the United Nations, other international organizations, and third States in the Occupied Palestinian Territory are governed by a comprehensive body of international law, as specified in Resolution 79/232. The General Assembly's request specifically asks the Court to consider:

‘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’

34. The *preambular paragraphs* of Resolution 79/232 emphasize the relevance and applicability of instruments and rules identified in the operative part. Four preambular paragraphs of Resolution 79/232 refer to several resolutions of the General Assembly and the Security Council as well as to the Court's advisory opinion of 19 July 2024:

Recalling all its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also all the relevant resolutions of the Security Council, including resolution 2334 (2016) of 23 December 2016,

Stressing the obligation of all Member States to fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations, including to accept and carry out the decisions of the Security Council,

[...]

Recalling also the advisory opinion of the International Court of Justice of 19 July 2024 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

35. The Resolution also recalls the Charter of the United Nations,⁶⁴ the Convention on the Privileges and Immunities of the United Nations (**General Convention**),⁶⁵ and the Convention on the Safety of United Nations and Associated Personnel.⁶⁶ These sources collectively define Israel's duties as an occupying Power and UN member, with specific reference to facilitating humanitarian aid and supporting Palestinian self-determination.
36. The UN Charter is directly relevant and applicable because, as a UN Member State, Israel has specific obligations of an overriding character under the Charter. The Charter embodies the fundamental principles of international law, particularly in Articles 1 (purposes) and 2 (principles), including good faith, the duty to co-operate, and the right to self-determination, as subsequently elaborated on in other UN General Assembly resolutions, and in the case law of the Court itself. These principles also form part of customary international law. The General Convention on Privileges and Immunities is part of the legal order established under the aegis of the UN, and binding on Israel.
37. International humanitarian law, primarily the Geneva Convention on the Protection of Civilian Persons in Time of War, adopted on 12 August 1949 (**Fourth Geneva Convention**),⁶⁷ imposes duties on occupying Powers to protect civilian populations.⁶⁸ Furthermore, some of its rules are essential to ensure the respect of the human person and elementary considerations of humanity. Since they are '*intransgressible principles of international customary law*,' they must be adhered to by all States, regardless of whether they have ratified the treaties that contain them.⁶⁹ These rules include duties that are fundamentally *erga omnes* in nature.⁷⁰ The rules in Sections II and III of the Hague

⁶⁴ UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024), preambular para. 15, para. 8 of the operative part ([link](#)).

⁶⁵ UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024), preambular para. 15, para. 8 of the operative part ([link](#)).

⁶⁶ UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024), preambular para. 15 ([link](#)).

⁶⁷ Geneva Convention on the Protection of Civilian Persons in Time of War, adopted on 12 August 1949.

⁶⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 101.

⁶⁹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 157; citing *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996 (I), p. 257, para. 79.

⁷⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 157.

Regulations⁷¹ are supplemented by the Fourth Geneva Convention, pursuant to Article 154 of the Convention. The Hague Regulations are binding on Israel since, as the Court has noted, they have become part of customary international law.⁷²

38. International human rights law, including the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (**ICERD**),⁷³ the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 (**ICESCR**)⁷⁴ and the International Covenant on Civil and Political Rights of 19 December 1966 (**ICCPR**),⁷⁵ applies extraterritorially in the OPT, as affirmed in Wall in the OPT⁷⁶ and the 2024 opinion.⁷⁷ In these opinions the Court also recalled that ‘*the protection offered by human rights conventions does not cease in case of armed conflict*’.⁷⁸
39. Vanuatu underscores that these legal sources are interconnected, with self-determination as a peremptory norm (*jus cogens*) linking IHL, IHRL, and UN obligations. The Court’s 2024 opinion emphasized that Israel’s prolonged occupation violates this norm, triggering responsibilities not only for Israel but for the international community.⁷⁹ This chapter examines Israel’s specific obligations within this framework, focusing on their application to the question posed. While recognizing IHL’s critical role in occupied territories—governing protection of civilians, humanitarian access, and resource use—Vanuatu’s arguments here center on the rule of law, self-determination, and ecological integrity, areas where our experience uniquely assists the Court.

⁷¹ Regulations concerning the Laws and Customs of War on Land, Annex to the Geneva Convention (IV) respecting the Laws and Customs of War on Land and its annex (adopted 18 October 1907, entered into force 26 January 1910) 205 CTS 277 (Hague Regulations).

⁷² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 89.

⁷³ International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966, 660 U.N.T.S. 195 ([link](#)).

⁷⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) 993 UNTS 3 ([link](#)).

⁷⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 ([link](#)).

⁷⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, paras. 107-113.

⁷⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. para 101.

⁷⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 106.

⁷⁹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 231.

4.2. OBLIGATIONS AS A MEMBER OF THE UNITED NATIONS

40. Members of the United Nations have obligations arising from both the UN Charter and the UN General Convention on Privileges and Immunities. These include duties arising from the principle of good faith and the duty to cooperate, enshrined in Article 2, Paragraphs 2 and 5, of the UN Charter. Both are part of the foundations of the international legal order. According to Article 2, Paragraph 2, of the UN Charter

“All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter”

41. The principle of good faith is a cornerstone of international law⁸⁰ as well as any legal order. In addition to its restatement in Article 2(2) of the UN Charter, its fuller articulation in the 1970 Friendly Relations Declaration encompasses “*the duty to fulfil in good faith obligations under the generally recognised principles and rules of international law*” and “*under international agreements valid*” under these principles and rules.⁸¹
42. The principle of good faith directly governs two aspects of the legal question. The first concerns the *duty to cooperate* in good faith. This duty is enshrined in the UN Charter as both a purpose of the United Nations Organisation (Article 1, paragraph 3) and a principle governing the relations between State Members and the Organisation itself (Article 2, paragraph 5). The duty to cooperate is also generally recognized as a rule arising from general international law, most fully articulated in the 1970 Friendly Relations Declaration.⁸²
43. The second aspect relates to the fundamental principle stated in Article 26 of the Vienna Convention on the Law of Treaties that “[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith” (emphasis added).⁸³ This self-standing expression of good faith, which is part of customary international law,⁸⁴ governs all types of agreements, including those between States and international organizations or between international organizations.⁸⁵ Performing an agreement such as the UN Charter, the UN

⁸⁰ *Land and Maritime Boundary between Cameroon and Nigeria* (Cameroon v. Nigeria: Equatorial Guinea intervening), Preliminary objections, Judgment, I.C.J. Reports 1998, p. 275, para. 38.

⁸¹ 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, 24 October 1970, Annex ([link](#)).

⁸² 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, 24 October 1970, Annex ([link](#)).

⁸³ Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331, art. 26.

⁸⁴ *Gabčíkovo-Nagymaros Project* (Hungary/Slovakia), Judgment, I.C.J. Reports 1997, p. 7, paras. 42, 109.

⁸⁵ Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 21 March 1986 (not yet in force) (states in the preamble that ‘the principles

General Convention on Privileges and Immunities, the Fourth Geneva Convention, or a human rights treaty in good faith requires a State not to contradict, in its actual conduct, the commitments and pledges it has made to implement them.

44. With respect to the duty to cooperate, international cooperation involves an obligation of conduct (a primary rule).⁸⁶ The first part of Article 2, paragraph 5, of the UN Charter 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.*” Such action includes, but is not limited to, the long-standing operations of the UNRWA in the occupied Palestinian territory. The duty to cooperate arises in the sphere of international relations and, in particular, in the context of human rights law and humanitarian assistance. Under Article 56, UN members pledge themselves to take joint and separate action in cooperation with the UN to achieve the objective in Article 55, namely, to promote, amongst other things, “*universal respect for, and observance of, human rights and fundamental freedoms for all.*” Core human rights instruments, including the ICESCR,⁸⁷ also refer to and impose obligations regarding international cooperation.
45. Relevant obligations arising from the Convention on the Privileges and Immunities of the United Nations include those to respect (i) the immunity of property, funds and assets of UNRWA (article II, section 2), (ii) the inviolability of the UNRWA’s premises (article II, section 3), and (iii) the immunity of UNRWA officials (article 5, section 18(a), which is a corollary of article II, section 2). The United Nations’ “*property and assets,*” including those of the UNRWA itself, are immune from all legal proceedings under the terms of Article II, Section 2. The immunity from legal process in this context must be interpreted to apply to execution actions taken against property or assets, which may lack their own legal identity and cannot be challenged in court.
46. This conclusion is confirmed by the inviolability clause in Article II, Section 3 of the General Convention, according to which the “*property and assets*” of the UN, including those of the UNRWA, “*shall be immune from search, requisition, confiscation,*

of free consent and of good faith and the *pacta sunt servanda* rule are universally recognised’ and then restates the rule in art. 26).

⁸⁶ *North Sea Continental Shelf*, Judgment, I.C.J. Reports 1969, p. 3, para. 85; *Land and Maritime Boundary between Cameroon and Nigeria* (Cameroon v. Nigeria: Equatorial Guinea intervening), Judgment, I.C.J. Reports 2002, p. 303, para. 244; *Gabčíkovo-Nagymaros Project* (Hungary/Slovakia), Judgment, I.C.J. Reports 1997, p. 7, para. 141.

⁸⁷ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) 993 UNTS 3, art. 3(1) but see also art 11(1) and art 15(4) ([link](#)) (By virtue of these provisions, the ICESCR imposes international cooperation obligations on States in connection with all Covenant rights).

expropriation, and any other form of interference, whether by executive, administrative, judicial, or legislative action".⁸⁸ The phrase "*wherever located and by whomsoever held*" refers to such "*property and assets*," meaning that the UN's ownership is what determines the exemption from execution procedures, not the actual location or possession.⁸⁹

47. A fundamental immunity granted to the UN for its officials is set in Article V Section 18(a) of the General Convention. This is an important corollary of the immunity granted to the UN by Article II, Section 2,⁹⁰ and it is required in order to guarantee that UN officials can carry out their official duties independently, unhindered by or subject to the influence of any government. The provision aims to guarantee that "*no interests of the [UN] [are] prejudiced*."⁹¹
48. Israel's international obligations extend to third States and other organizations operating in the OPT. Resolution 79/232 (para. 20) cites measures impeding their "*presence, activities and immunities*," such as visa denials and restrictions on diplomatic representations. Customary law and the Vienna Convention on Diplomatic Relations (1961)⁹² reinforce Israel's obligation to facilitate, not hinder, these actors' humanitarian and development roles, which support Palestinian survival and self-determination.
49. "*As you return home, to your home, think of others / (do not forget the people of the camps)*," Mahmoud Darwish writes, inspiring us to safeguard the critical role of the UN in averting and responding to ecological and human crises, ensuring no people's thread breaks.

⁸⁸ See L. Bartholomeusz, 'Inviolability of Premises (Article II Section 3 General Convention)', in A. Reinisch *Immunities of the United Nations and its Specialized Agencies: A Commentary* (OUP, 2016), 125-140. See also A. Reinisch, 'Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)', in A. Reinisch, *Immunities of the United Nations and its Specialized Agencies: A Commentary* (OUP, 2016) p. 83.

⁸⁹ See A. Reinisch, 'Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)', in A. Reinisch, *Immunities of the United Nations and its Specialized Agencies: A Commentary* (OUP, 2016) p. 83.

⁹⁰ R. Bandyopadhyay, T. Iwata, 'Officials (Article V Sections 17–21 General Convention), in A. Reinisch, *Immunities of the United Nations and its Specialized Agencies: A Commentary* (OUP, 2016) p. 328.

⁹¹ Statement made by the Legal Counsel at the 59th meeting of the Fifth Committee of the General Assembly on 1 December 1981 concerning the privileges and immunities of officials of the United Nations and the Specialized Agencies, 1 December 1981, (1981) UNJYB 161, 161.

⁹² Vienna Convention on Diplomatic Relations (adopted 18 April 1961, entered into force 24 April 1964) 500 UNTS 95.

4.3. OBLIGATIONS ARISING FROM THE RIGHT TO SELF-DETERMINATION

50. The Palestinian people’s right to self-determination—a *jus cogens* norm⁹³—imposes distinct obligations on Israel to respect and promote this right. Codified in UN Charter Articles 1(2) and 55, and Common Article 1 of the ICCPR and ICESCR, self-determination entails the free determination of political status and pursuit of economic, social, and cultural development.⁹⁴ Its modern formulation underscores that self-determination is not only a principle of international law but also a fundamental human right from which other rights flow. Its characterization as *jus cogens* aligns with numerous General Assembly declarations condemning colonialism and apartheid as violations of peremptory norms.
51. To start, the League of Nations entrusted a ‘Class A’ mandate for Palestine to Great Britain.⁹⁵ In other words, the British mandate over Palestine aimed to lead to the self-determination of the Palestinian people as a self-governing people.⁹⁶ Subsequently, the Palestinian people’s right to self-determination has been affirmed by the UN Security Council, the General Assembly, and by this Court on countless occasions over decades.⁹⁷ In *Policies and Practices in the OPT*, the Court stressed the inalienable character of this right and held that Israel’s decades-long policies—including settlement expansion, the annexation of East Jerusalem, and related discriminatory measures—have resulted in the “prolonged deprivation of the Palestinian people of its right to self-determination.”⁹⁸ It concluded that these actions constitute a “breach of this fundamental right” and have a “direct impact on the legality of Israel’s presence” in the territory.⁹⁹ Now, the General

⁹³ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 233.

⁹⁴ UN General Assembly, Declaration on the Granting of Independence to the Colonial Countries and Peoples, UNGA Res. 1514 (XV), 14 December 1960, para. 2; International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, art. 1(1); International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS, art. 1(1); UN General Assembly Resolution 61/295: United Nations Declaration on the Rights of Indigenous Peoples, UNGA Res 61/295, 2 October 2007, UN Doc A/RES/61/295, art. 3.

⁹⁵ Mandate for Palestine, Interim report of the Mandatory to the League of Nations/ Balfour Declaration text, 30 July 1921 ([link](#)); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. 203 (ICJ 2004), p. 136, para. 70.

⁹⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. 203 (ICJ 2004), Separate Opinion of Judge Elaraby, pp. 249-250, para. 2.1.

⁹⁷ Security Council Resolution 242 (1967) [On A Peaceful And Accepted Settlement Of The Middle East Situation], S/RES/242(1967); Security Council resolution 1397 (2002) UNSC, ‘Resolution 1397 (2002)’, UN Doc. S/RES/1397 (2002); UNGA, ‘67/19. Status Of Palestine In The United Nations’, UN Doc. A/RES/67/19 (2012); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. 203 (ICJ 2004), p. 136, para. 149.

⁹⁸ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 257.

⁹⁹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 257.

Assembly explicitly inquires about Israel's obligations to "support" this right in Resolution 79/232.¹⁰⁰

52. Vanuatu recalls that the obligation to respect the right to self-determination has negative and positive dimensions. The negative dimension requires that Israel refrain from actions impeding self-determination, such as annexation, settlement expansion, and resource exploitation—practices this Court ruled unlawful in 2024.¹⁰¹ At the same time, the positive dimension obliges Israel to facilitate conditions enabling Palestinian self-governance and the full realization of all human rights, including through cooperation with the UN, other international organizations, and third States.¹⁰² The 1966 Covenants mandate all States to "promote" the realization of the right to self-determination; a duty heightened for an occupying Power controlling the territory in question.¹⁰³ Also under customary international law, the right to self-determination imposes obligations both on States exercising effective control over territories and *erga omnes* on all States.¹⁰⁴

¹⁰⁰ UNGA, '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', U.N. Doc. A/RES/79/232 (19 December 2024) para. 10 ([link](#)).

¹⁰¹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 262.

¹⁰² Common Article 1(1) of the International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171 and International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3([link](#) and [link](#)) ("shall promote the realization of the right of self-determination" and "shall respect that right"); Charter of the United Nations (UN Charter), 1945, arts. 1(3) ("promoting and encouraging respect for human rights and for fundamental freedoms"), 55 (the UN shall "promote ... universal respect for, and observance of, human rights and fundamental freedoms") ([link](#)); UN General Assembly Resolution 2625 (XXV), 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, 24 October 1970, Annex (referring to both obligations to promote the realization of the right and to respect the right, referring also to the "duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence") ([link](#)). See, also, UN Human Rights Committee, *General Comment No. 12: Article 1 (Right to Self-determination)* (13 March 1984), UN Doc HRI/GEN/1/Rev.9, para. 6 ([link](#)); Committee on the Elimination of Racial Discrimination, *General Recommendation No. 21* (8 March 1996) UN Doc CERD/48/Misc.7/Rev.3, para. 3 ([link](#)) (to promote, through joint and separate action, universal respect for and observance of human rights under the UN Charter); Sub-Commission on Prevention of Discrimination and Protection of Minorities *The Right to Self-determination: Implementation of United Nations Resolutions* (1980) UN Doc E/CN.4/Sub.2/405/Rev.1, at paras. 61, 91 ([link](#)).

¹⁰³ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, para.182.

¹⁰⁴ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 90, para. 29; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, pp. 172, 199, paras. 88, 155-156; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, para.180; Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Yearbook of the International Law Commission, 2001, vol. II, Part Two, as corrected, art. 40, commentary, para. 5 ([link](#)); UN Human Rights Committee, *General Comment No. 12: Article 1 (Right to Self-determination)* (13 March 1984), UN Doc HRI/GEN/1/Rev.9, para. 6 ([link](#)); Marcelo G Kohen, "Self-Determination" in Jorge E Viñuales (ed), *The UN Friendly Relations Declaration at 50 An Assessment of the Fundamental Principles of International Law* (Cambridge University Press, 2020) 153.

53. Vanuatu recalls the Court’s finding that an integral element of self-determination “*is the right to exercise permanent sovereignty over natural resources, which is a principle of customary international law.*”¹⁰⁵ Common Article 1(2) of the ICCPR and ICESCR prohibits depriving a people of their “*means of subsistence.*”¹⁰⁶ Israel’s exploitation of OPT resources—e.g., water diversion to settlements, land confiscation for settlers—violates this duty, as does environmental degradation like Gaza’s polluted aquifer and razed West Bank farmland.¹⁰⁷ These acts not only breach the right to permanent sovereignty over natural resources but also obstruct economic and cultural development, core facets of self-determination, by denying Palestinians control over their land and sustenance. In other words, denying a people control over its land and resources is an injury to self-determination itself.
54. The nexus between self-determination and environmental integrity is critical. A people cannot freely determine its destiny if its material basis—water, fertile land, biodiversity—is destroyed or expropriated by an occupier. The Stockholm Declaration tied human rights to “*an environment of a quality that permits a life of dignity and well-being,*” acknowledging that this requires the elimination of “*apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination.*”¹⁰⁸ The right to a healthy environment consolidated these linkages.¹⁰⁹ Israel’s obligation thus extends to ceasing ecological harm and enabling Palestinian stewardship of their resources, including through ensuring and facilitating the unhindered provision of various forms of assistance.

¹⁰⁵ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 240.

¹⁰⁶ Common Article 1(1) of the International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171 and International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3 ([link](#) and [link](#)).

¹⁰⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para 240.

¹⁰⁸ *Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972*, A/CONF.48/14/Rev.1 (Stockholm Declaration), principle 1 ([link](#)).

¹⁰⁹ Astrid Puentes Riaño (Special Rapporteur on the human right to a clean, healthy and sustainable environment), *Overview of the implementation of the human right to a clean, healthy and sustainable environment* (2024) UN Doc A/79/270, paras. 5, 44, 64, 88, 94, 96, 116 ([link](#)); David Boyd (Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment), *The Right to a Healthy Environment: A User’s Guide* (2024) at pp. 5 and 22 ([link](#)); the Committee on the Rights of the Child: Committee on the Rights of the Child, *General Comment No. 26 on children’s rights and the environment, with a special focus on climate change*, 22 August 2023, CCPR/C/GC/26, paras. 14-5 and 61 ([link](#)).

4.4 OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW

55. International human rights law applies in the OPT, where Israel exercises effective control, supplementing IHL as affirmed in *Wall in the OPT* and *Policies and Practices in the OPT*. Israel has made no valid derogation notification for the OPT under the ICCPR. In any event, core rights—including life, health, and an adequate standard of living—are non-derogable in their essence and directly implicated in the OPT’s crisis.
56. The right to life encompasses not just protection against arbitrary killing but also the obligation to ensure conditions that sustain life, including access to basic necessities like water, food, and health services. Israel’s blockade and military actions in Gaza—causing civilian deaths and restricting medical supplies—violate this duty, as does the destruction of health infrastructure. ICESCR Article 12 guarantees the highest attainable standard of health, including safe water and sanitation and healthy natural conditions,¹¹⁰ breached by e.g. Gaza’s toxic conditions and West Bank sewage dumping from settlements. The right to a healthy environment reinforces these obligations, reflecting a global consensus that environmental health is both a universal right and a prerequisite for the enjoyment of other human rights.¹¹¹ Indeed, one can hardly imagine a starker violation of this right

¹¹⁰ Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The right to the highest attainable standard of health (article 12)*, 11 August 2000, E/C.12/2000/4, para. 4 (where the Committee interpreted the right to health to “embrace a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and sanitation ... and a healthy environment”, and para. 11 (the right to health extends to protect the underlying determinants of health, which relevantly includes “healthy ... environmental conditions”) ([link](#)).

¹¹¹ In relation to the right to health, see Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The right to the highest attainable standard of health (article 12)*, 11 August 2000, E/C.12/2000/4, para. 4 (where the Committee interpreted the right to health to “embrace a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and sanitation ... and a healthy environment”, and para. 11 (the right to health extends to protect the underlying determinants of health, which relevantly includes “healthy ... environmental conditions”) ([link](#)). In relation to the right to life, Human Rights Committee, *General Comment No. 36 (Article 6)*, 3 September 2019, CCPR/C/GC/36, para. 26 (“[t]he duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include ... degradation of the environment”), para. 62 ([i]mplementation of the obligations to respect and ensure the right to life ... with dignity, depends, inter alia, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors”) ([link](#)). In relation to children’s rights, see Committee on the Rights of the Child, *General Comment No. 26 on children’s rights and the environment, with a special focus on climate change*, 22 August 2023, CCPR/C/GC/26, para. 8 (“[a] clean, healthy and sustainable environment is both a human right itself and necessary for the full enjoyment of a broad range of children’s rights”), para. 14 (the right to a healthy environment is “instrumental to children’s right to non-discrimination” because “[t]he impact of environmental harm has a discriminatory effect on certain groups of children, especially Indigenous children, children belonging to minority groups, children with disabilities and children living in disaster-prone or climate-vulnerable environments”), para. 45 (“[c]hildren have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development. A clean, healthy and

than the situation in Gaza, where communities are now forced to live, and die *en masse*, amidst sewage, toxic waste, or scarce and polluted water as a result of occupation policies and brutal military aggression.¹¹²

57. ICESCR Article 11 ensures an adequate standard of living, including food¹¹³—imposing obligations on Israel to ensure availability, accessibility, and adequacy of food for Palestinians. Instead, many Palestinians live under perpetual food aid. UN agencies (WFP, FAO) have long warned of high levels of acute food insecurity in both Gaza and parts of the West Bank, directly attributable to movement restrictions and loss of land. The right is further violated by Israel’s restrictions on Gaza fishing, destruction of West Bank orchards, and control of agricultural markets.¹¹⁴ The deliberate “*starvation campaign*” in Gaza may constitute a crime against humanity under the Rome Statute (Article 7), while settler attacks on olive harvests strike at cultural heritage, breaching GCIV Article 27. These violations link to Resolution 79/232’s humanitarian focus, as food security depends on UN aid that is being obstructed by Israel.
58. Israel’s dual legal regime—favouring settlers over Palestinians in, amongst other things, land rights, water, and services—violates ICERD Article 3, as found in *Policies and*

sustainable environment is a prerequisite for the realization of this right, including to adequate housing, food security and a safe and clean drinking water and sanitisation”) (link).

¹¹² World Health Organization (WHO), *Hostilities in the occupied Palestinian territory (oPt): Public Health Situation Analysis (PHSA)* (02 May 2024), pp. 6-7 but also generally (link); Economic and Social Council, 2008/31: *Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan* (25 July 2007) para. 9 (link); UNGA Economic and Social Council, Res. No. 2001/41: *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* (28 July 2011), paras. 10-11 (link); UNGA Economic and Social Council, Res. No. 2022/22: *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* (22 July 2022), para. 10 (link); UNGA, *Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan* (25 May 2005) UN Doc A/60/65-E/2005/13, paras.42-5 (link); UNGA, *Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan* (25 May 2018) UN Doc A/73/87-E/2018/69, paras. 51-67 (link); UNGA, *Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan* (18 July 2022) UN Doc. A/79/187-E/2024/68, paras. 85-101 (link).

¹¹³ Committee on Economic, Social and Cultural Rights, *General Comment No. 12: Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: The Right to Adequate Food (article 11)*, 12 May 1999, E/C12/1999/5, paras. 7, 17 but also generally (link); Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)*, 20 January 2003, E/C.12/2002/11, para. 12(b) but also generally (link).

¹¹⁴ Michael Fakhri, *Report of the Special Rapporteur on the right to food: Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty* (17 July 2024) UN Doc A/79/171, paras. 47, 101, 103, 106 (link).

Practices in the OPT. Human rights bodies and mandate holders characterize this as apartheid,¹¹⁵ a peremptory norm breach under the Apartheid Convention (1973).¹¹⁶ Judge Charlesworth's declaration highlights intersectional discrimination: ecological harms, like water scarcity, disproportionately burden women and children, exacerbating deprivation.¹¹⁷ This systemic discrimination impedes UN and third-party efforts to provide equitable assistance, exacerbating Palestinian deprivation and demanding legal remedies to weave human and ecological justice together.

¹¹⁵ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, paras. 224-9; Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure: State of Palestine* (25 May 2017) UN Doc CEDAW/C/PSE/1, para. 317 ([link](#)); Committee on the Elimination of Racial Discrimination, *Consideration of reports submitted by States parties under article 9 of the Convention* (3 April 2012) UN Doc CERD/C/ISR/CO/14-16, para. 25 ([link](#)); Committee on the Elimination of Racial Discrimination, *Initial and second periodic reports submitted by the State of Palestine under article 9 of the Convention, due in 2017* (16 October 2018) UN Doc CERD/C/PSE/1-2, paras. 40-6, 92 ([link](#)).

¹¹⁶ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Yearbook of the International Law Commission, 2001, vol. II, Part Two, as corrected, pp. 112-3 ([link](#)).

¹¹⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, Declaration of Judge Charlesworth, paras. 4-10.

CHAPTER V:

LEGAL CONSEQUENCES OF THE RELEVANT CONDUCT

5.1 IMPLICATIONS OF ISRAEL’S RELEVANT CONDUCT UNDER ITS CORE OBLIGATIONS

59. The Republic of Vanuatu submits that the conduct detailed in Chapter III, and assessed against the obligations in Chapter IV, constitutes internationally wrongful acts under customary international law, as codified in the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA).¹¹⁸ These include breaches of the Palestinian people’s right to self-determination, a *jus cogens* norm. Annexation, resource exploitation, and environmental harm—e.g., polluting Gaza’s aquifer and soils, destroying critical ecosystems and confiscating West Bank land—deprive Palestinians of their permanent sovereignty over natural resources and means of subsistence, breaching common Article 1 of the ICCPR and ICESCR and the underlying norms of general international law. This Court’s 2024 opinion found these acts constitute a “prolonged deprivation” of self-determination, rendering Israel’s occupation unlawful and triggering international responsibility. Furthermore, Israel’s legislative and administrative measures that dismantle UNRWA’s humanitarian operations exacerbate environmental harms by disrupting waste management, water supply, and sanitation systems critical to refugee communities, further violating the right to a healthy environment as enshrined in international law.
60. Under IHRL, Israel’s conduct infringes *inter alia* rights to life (ICCPR Art. 6), health (ICESCR Art. 12), and an adequate standard of living (ICESCR Art. 11). The starvation crisis in Gaza and destruction of food systems—termed a “starvation campaign” by the Special Rapporteur—may amount to crimes against humanity under the Rome Statute (Art. 7). Discriminatory policies favouring settlers over Palestinians breach ICERD Article 3, potentially rising to apartheid, a peremptory norm violation. Judge Charlesworth’s intersectional analysis in the declaration accompanying the Court’s 2024 opinion reveals ecological harms, like water scarcity, disproportionately burdening women and children, violating equality, and demanding specific remedies. The dismantling of UNRWA’s operations also directly threatens environmental security, increasing risks of disease outbreaks due to accumulating waste and unregulated sewage in Gaza, the West Bank, and East Jerusalem. UNRWA’s removal from these territories not only obstructs humanitarian aid but also perpetuates environmental degradation, which in turn exacerbates public health crises. These breaches directly impede UN and

¹¹⁸ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Yearbook of the International Law Commission, 2001, vol. II, Part Two, as corrected, pp. 112-3 ([link](#)).

third-party efforts to provide basic services, thus going to the core of the legal question posed by the General Assembly in Resolution 79/232.

61. As a UN member, Israel's legislative and physical assaults on UNRWA contravene the General Convention's Sections 2 (immunity of UN property), 3 (inviolability of premises), and 18 (official immunity), alongside UN Charter Article 2(5)'s duty to assist UN actions. The Secretary-General's report documents how these measures threaten UNRWA's lifeline role, violating privileges and immunities essential to UN operations in the OPT.¹¹⁹

5.2 OBLIGATIONS OF CESSATION AND REPARATION

62. These breaches engage Israel's international responsibility, triggering obligations to cease wrongful acts and make full reparation.¹²⁰ Cessation requires Israel to revoke the laws and policies that establish or uphold the illegal situation, including those that discriminate against Palestinians, seek to change the demographic composition of any area of the occupied territory, or prevent the UNRWA, other organizations and third States from providing the relief and humanitarian assistance to which the affected populations are entitled under international law. This Court's 2024 opinion ordered Israel to "*bring to an end its unlawful presence in the OPT as rapidly as possible*" and "*cease all new settlement activity*,"¹²¹ directives unmet as of February 2025. Cessation also entails dismantling policies that deny Palestinian self-determination and environmental stewardship, including environmental destruction. Israel must immediately reinstate UNRWA's operational capabilities, allowing the restoration of waste collection, water supply, and healthcare services crucial to mitigating environmental and humanitarian deterioration.
63. Reparation, per ARSIWA Article 34, includes restitution, compensation, and satisfaction, aiming to "wipe out all the consequences of the illegal act."¹²² Restitution—the primary remedy—requires Israel to, *inter alia*:

¹¹⁹ 'Advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory: Report of the Secretary-General' (19 Dec 2024) A/79/588, p. 69 ([link](#)).

¹²⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 198, para. 152.

¹²¹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, General List No. 186, para. 262.

¹²² *Factory at Chorzów*, Merits, Judgment No. 13, 1928, P.C.I.J., Series A, No. 17, p. 47.

- a. Return confiscated land, water resources, and property illegally seized to Palestinians and their institutions.
 - b. Facilitate the return of displaced Palestinians to their homes, reversing forcible transfers.
 - c. Restore UNRWA's operations, premises, and immunities in East Jerusalem and beyond, including the reactivation of sanitation and environmental management programs in refugee camps that have suffered from accumulating waste and waterborne diseases due to UNRWA's forced withdrawal.
 - d. Enable the restoration of environmental harm caused by military actions, settlement expansion, and obstruction of UNRWA's humanitarian functions, including decontaminating water sources, restoring ecosystem health, and reconstructing destroyed sewage and waste management infrastructure.
64. Where restitution is materially impossible—e.g., loss of life or irreversible environmental damage—compensation must be provided, as per the rule codified in ARSIWA Article 36. This includes reparations to natural and legal persons, including Palestinians, UNRWA, and its staff, for losses from military actions, blockades, and aid obstructions. Compensation must address Gaza's humanitarian catastrophe and the West Bank's economic strangulation, reflecting decades of deprivation. Satisfaction, under Article 37, may involve a formal acknowledgment of breaches, particularly for violations of *jus cogens* norms like self-determination and apartheid.
65. These remedies directly respond to Resolution 79/232's focus on "*unhindered provision of supplies*" and "*support of the Palestinian people's right to self-determination.*" Ending the unlawful situation and repairing its harms are preconditions for the effective presence of the UN, other international organizations and third States in the OPT, ensuring humanitarian aid and development assistance reach those in need.

5.3 OBLIGATIONS OF THE INTERNATIONAL COMMUNITY

66. The obligations violated include certain obligations *erga omnes*. Such obligations are by definition "*the concern of all States*" and "[i]n view of the importance of the rights involved, all States can be held to have a legal interest in their protection."¹²³ The commitment to uphold the Palestinian people's right to self-determination and some of its responsibilities under IHL and IHRL are among the duties *erga omnes* that Israel has

¹²³ *Barcelona Traction, Light and Power Company, Limited* (New Application: 1962) (Belgium v. Spain), Second Phase, Judgment, I.C.J. Reports 1970, p. 32, para. 33.

violated. Accordingly, the breaches trigger an obligation on all States not to recognize as legal and not to render aid or assistance in maintaining the situation resulting from the breaches—obligations this Court emphasized in *Wall in the OPT*¹²⁴ and *Policies and Practices in the OPT*.¹²⁵

67. Non-recognition entails rejecting Israel’s annexation of territory, settlement claims, and the UNRWA ban as legally valid. States must not render aid or assistance to maintaining these violations, such as through trade with settlements or military support enabling the blockade. Further, the duty to cooperate to bring the breach to an end requires States and the UN to pressure Israel to comply, including through sanctions, diplomatic measures, and support for UNRWA’s operations.¹²⁶
68. The General Convention’s Article VIII, Section 30 binds Israel and the UN to accept this Court’s opinion as decisive on privileges and immunities disputes, compelling international action if breaches are confirmed. Collectively, these duties mandate a unified response to restore Palestinian rights, UN functionality, and ecological integrity.
69. “Say: ‘If only I were a candle in the dark,’”¹²⁷ Mahmoud Darwish suggests, inspiring us all to cooperate to safeguard the international rule of law, jointly ensuring no people fades under a shadow of indifference or complacency. Vanuatu submits that doing so is indeed a legal duty of all States and international organizations, complementing the clear moral imperative of ensuring a people’s survival.

¹²⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 159.

¹²⁵ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 198, para. 262

¹²⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 198, para. 159; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019, p. 95, paras. 176, 180, and 182.

¹²⁷ “Think of Others” in Mahmoud Darwish, *Almond Blossoms and Beyond* (2003).

CHAPTER V: CONCLUSION

70. The Republic of Vanuatu respectfully submits that this Court’s advisory opinion must serve as a clarion call to uphold the international rule of law and deliver justice to the Palestinian people. The General Assembly’s question in Resolution 79/232—concerning Israel’s duties as an occupying Power and UN member to facilitate the presence and activities of the United Nations, other international organizations, and third States in the OPT—demands a response grounded in the legal framework articulated in Chapter IV and recognition of the breaches detailed in Chapter V. Israel’s prolonged occupation, intensified by recent actions including as the UNRWA ban and the making of Gaza’s humanitarian crisis, violates foundational norms of international law: the Palestinian people’s inalienable right to self-determination, fundamental rules and principles of international human rights law and humanitarian law, and the privileges and immunities of the United Nations. The time for remedy is overdue.
71. Israel’s obligations are unequivocal. It must immediately cease its unlawful acts—ending the blockade of Gaza, halting settlement expansion, revoking measures obstructing UNRWA, and stopping the exploitation and degradation of Palestinian land and resources. Beyond cessation, full reparations are owed: restoring confiscated lands, ensuring unimpeded humanitarian access, and compensating for decades of harm. These duties directly address Resolution 79/232’s concern about “*urgently needed supplies*” and “*basic services*” for Palestinian survival while paving the way for their self-determination—a right inseparable from control over their environment, economy, and future.
72. The nexus between self-determination and ecological well-being is undeniable. A people deprived of their water, farmland, and natural wealth cannot freely pursue their destiny. Gaza’s toxic environment, the West Bank’s razed olive groves, and mass displacement are not mere side effects of conflict—they are deliberate assaults on the material basis of Palestinian life. This Court should affirm that restoring Palestinian sovereignty over their territory and resources is essential to fulfilling their rights.
73. The international community bears a correlative duty to act. Israel’s breaches of *erga omnes* obligations—including, self-determination, humanitarian law, and prohibitions on racial discrimination—engage all States and the United Nations in a legal responsibility to neither recognize nor assist this unlawful situation. The Court’s own practice consistently affirms this: States must cooperate to end violations of peremptory norms, including through diplomatic pressure, economic measures, and supporting UN efforts

like UNRWA's lifeline operations. The General Convention's binding mechanism further compels compliance with any findings on UN immunities, reinforcing the urgency of collective action.

74. Vanuatu, a small island nation reliant on the rule of law as its shield, sees this opinion as more than an exercise of legal clarification—it is both imperative for safeguarding the effective functioning of international law and institutions, and a critical step toward a just and lasting peace in the Middle East. The Court's pronouncement carries unique authority to galvanize change: by clarifying Israel's obligations and those of the international community at large, it can show the way towards dismantling historic injustices in accordance with international law. The Court's 2024 findings—that Israel's presence in the OPT is illegal and must end—already light the path; this opinion can illuminate the concrete steps to follow in the context of a humanitarian catastrophe still at risk of worsening.
75. In summary, Vanuatu urges the Court to deliver an advisory opinion that:
 - a. Articulates Israel's obligations to cooperate in good faith with the UN, other international organizations, and third States, end its unlawful occupation of the OPT, and make reparation for breaches of international law.
 - b. Affirms the Palestinian people's right to self-determination, encompassing permanent sovereignty over their natural resources and environmental stewardship, as a prerequisite for dignity and survival.
 - c. Reiterates the international community's duty to enforce these norms through non-recognition, non-assistance, and active cooperation to restore Palestinian rights.
76. Such an opinion will not only answer the General Assembly's legal question but also uphold the principles that sustain the international legal order—principles Vanuatu, along with dozens of other States and international organizations, has recently championed in proceedings on Chagos and climate change. It will signal that no State, however powerful, stands above the law and that fundamental rights cannot be indefinitely deferred. For the Palestinian people, it offers hope: the freedom to rebuild their homes, reclaim their lands, and live in peace. For the world, it promises a precedent that strengthens justice, equity, and respect for all peoples yearning to shape their own destinies. Vanuatu trusts the Court to seize this moment, delivering a landmark ruling that moves humanity closer to a future where law prevails over might.

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