

**22 OCTOBER 2025**

**ADVISORY OPINION**

**OBLIGATIONS OF ISRAEL IN RELATION TO THE PRESENCE AND ACTIVITIES  
OF THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS  
AND THIRD STATES IN AND IN RELATION TO THE  
OCCUPIED PALESTINIAN TERRITORY**



**OBLIGATIONS D'ISRAËL EN CE QUI CONCERNE LA PRÉSENCE ET LES ACTIVITÉS  
DE L'ORGANISATION DES NATIONS UNIES, D'AUTRES ORGANISATIONS  
INTERNATIONALES ET D'ÉTATS TIERS DANS LE TERRITOIRE  
PALESTINIEN OCCUPÉ ET EN LIEN AVEC CELUI-CI**

**22 OCTOBRE 2025**

**AVIS CONSULTATIF**

## TABLE OF CONTENTS

	<i>Paragraphs</i>
CHRONOLOGY OF THE PROCEDURE	1-16
I. JURISDICTION AND DISCRETION	17-41
A. Jurisdiction	18-22
B. Discretion	23-41
1. Whether rendering the advisory opinion prejudices elements of a pending contentious case	26-31
2. Whether the question has already been addressed in previous advisory opinions	32-35
3. Whether the advisory proceedings are appropriate to give the requested opinion on the basis of the available information	36-37
4. Whether the request abuses the international judicial process	38-40
II. GENERAL CONTEXT	42-74
A. Historical background	42-47
B. Humanitarian assistance prior to 7 October 2023	48-57
C. The attacks of 7 October 2023 and the response thereto	58-62
D. Measures taken by Israel in relation to relief activities in Gaza, in particular concerning UNRWA	63-74
III. SCOPE AND MEANING OF THE QUESTION POSED BY THE GENERAL ASSEMBLY	75-81
IV. OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER IN RELATION TO THE PRESENCE AND ACTIVITIES OF THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS AND THIRD STATES	82-162
A. International humanitarian law	83-145
1. Israel's status as an occupying Power in the Gaza Strip	85-87
2. The relevance of Israel's security concerns	88-90
3. The relevant legal framework under international humanitarian law, in particular the law of occupation	91-127
(a) <i>Obligation to agree to and facilitate relief schemes under Article 59 of the Fourth Geneva Convention</i>	93-101
(b) <i>Whether the local population in the Occupied Palestinian Territory is inadequately supplied</i>	102-109
(c) <i>Obligations of Israel in relation to UNRWA</i>	110-124
(d) <i>Obligations of Israel in relation to other international organizations and third States</i>	125-127

4. Obligation to ensure the basic needs of the population	128-133
5. Obligation to respect and protect relief and medical personnel and facilities	134-138
6. The prohibition of forcible transfer and deportation	139-141
7. The right of protected persons in detention to be visited by the ICRC	142
8. The prohibition of starvation as a method of warfare	143-145
B. International human rights law	146-160
V. OBLIGATIONS OF ISRAEL AS A MEMBER OF THE UNITED NATIONS	163-216
A. The permanent responsibility of the United Nations towards the question of Palestine	166-169
B. Obligation to co-operate with the United Nations	170-179
C. Obligation to respect the privileges and immunities of the United Nations	180-216
1. Obligation to respect the privileges and immunities accorded to the United Nations, its premises, property and assets	188-198
2. Obligation to respect the privileges and immunities of United Nations personnel	199-210
3. Obligation to address concerns regarding privileges and immunities within the legal framework	211-215
VI. PRESENCE AND ACTIVITIES OF THE UNITED NATIONS IN SUPPORT OF THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION	217-222
OPERATIVE CLAUSE	223

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## INTERNATIONAL COURT OF JUSTICE

YEAR 2025

2025  
22 October  
General List  
No. 196

22 October 2025

**OBLIGATIONS OF ISRAEL IN RELATION TO THE PRESENCE AND ACTIVITIES  
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*Jurisdiction of the Court to give the advisory opinion requested.*

*Article 65, paragraph 1, of the Statute — Article 96, paragraph 1, of the Charter — Competence of the General Assembly to seek advisory opinions — Question submitted to the Court is legal in character.*

*The Court has jurisdiction to give the advisory opinion requested.*

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*Discretion of the Court to decide whether it should give an opinion — Only “compelling reasons” may lead the Court to refuse to exercise its judicial function.*

*Argument that rendering the advisory opinion would prejudge elements of pending contentious case — Clear difference between subject-matters of two proceedings — Determination of obligations in present proceedings not prejudging determination of compliance with different obligations in contentious case.*

*Argument that question already addressed in previous advisory opinions — Present request pertaining to specific issue that had not emerged at time of earlier advisory opinions — Request also concerning conduct taking place after 7 October 2023, which was beyond scope of previous advisory opinion.*

*Argument that advisory proceedings are inappropriate as the Court would be required to undertake significant factual investigations and make findings on disputed and evolving matters — Information available enables the Court to decide legal questions in a manner consistent with its judicial function.*

*Argument that request abuses international judicial process — No abuse of process — Political context not depriving question of its legal character.*

*No compelling reasons for the Court to decline to give opinion requested by the General Assembly.*

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*General context.*

*Historical background of situation with regard to Occupied Palestinian Territory outlined in previous advisory opinion — Events in Gaza Strip between 2005 and 2023 — Court's 2024 Advisory Opinion — General Assembly resolution ES-10/24 of 18 September 2024.*

*Humanitarian assistance prior to 7 October 2023 — Establishment of UNRWA in 1949 — 1967 Agreement between UNRWA and Israel concerning assistance to Palestine refugees in Occupied Palestinian Territory — Other United Nations agencies and bodies, specialized agencies, other international organizations and third States also providing assistance.*

*Attacks of 7 October 2023 and response thereto — Allegations of Israel including that UNRWA employees involved in attacks — Investigations conducted by United Nations.*

*Measures taken by Israel in relation to relief activities in Gaza — Two laws to cease operations of UNRWA adopted by parliament of Israel on 28 October 2024 — Israel contending 1967 Agreement with UNRWA terminated — UNRWA compelled to evacuate its compound in East Jerusalem — UNRWA international staff expelled from West Bank and prohibited from entering Gaza Strip — Israel blocking all relief to Gaza Strip from 2 March to 18 May 2025 — From 19 May 2025, Israel allowing limited humanitarian aid into Gaza Strip — New aid distribution system through private foundation (Gaza Humanitarian Foundation) launched by Israel on 27 May 2025 — New system widely criticized.*

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*Scope and meaning of the question posed by the General Assembly.*

*Court not called upon to determine whether Israel has violated its legal obligations or to address legal consequences of Israel's conduct — Identification of obligations of Israel requires taking into account particular situation underlying request.*

*Territorial scope — Question covering Israel’s obligations “in and in relation to the Occupied Palestinian Territory” — Court to pay particular attention to obligations of Israel in the Gaza Strip.*

*Temporal scope — No limitations in request of General Assembly — Court basing its legal analysis primarily on facts as they stood at closure of oral proceedings and on replies of participants to questions posed during the oral proceedings — Court also taking into account subsequent information provided at its request by United Nations, Israel and observer State of Palestine.*

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*Obligations of Israel as an occupying Power — General obligation to administer occupied territory for benefit of local population.*

*International humanitarian law — Obligations of Israel following from Fourth Geneva Convention, applicable in Occupied Palestinian Territory, and customary international law — Importance of principle of distinction — Requirements of principles of proportionality and precaution.*

*Status of Israel as an occupying Power in Gaza Strip — Obligations of Israel under law of occupation remaining commensurate with its degree of effective control — Effective control of Israel over Gaza Strip having increased significantly since 7 October 2023 — Existence of hostilities in occupied territory not necessarily precluding application of law of occupation — Intensity of hostilities can affect implementation of certain obligations and particular conduct required of occupying Power.*

*Relevance of security concerns of Israel — Protection of security interests not a free-standing exception permitting a State to depart from applicable rules of international humanitarian law — Any limitations on Israel’s obligations based on its security concerns must be grounded in a specific rule — Reliance on security concerns must be exercised in good faith — States combating terrorism required to comply with obligations under international humanitarian law and international human rights law.*

*Relevant legal framework under international humanitarian law, in particular law of occupation — Customary international law imposing duty on all parties to armed conflict to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, subject to a limited right of control — Under Articles 55 and 56 of Fourth Geneva Convention, occupying Power to ensure that population of occupied territory is supplied with essentials of daily life — Article 59 imposing additional obligations when population inadequately supplied.*

*Article 59 of Fourth Geneva Convention unconditionally obligating Israel to agree to and facilitate relief schemes if local population is inadequately supplied — Relief schemes may be undertaken by States or impartial humanitarian organizations — Relief schemes consist in particular of consignments of foodstuffs, medical supplies and clothing — Rights of occupying Power to inspect consignments and to be reasonably satisfied that consignments are to be used for the relief of deprived population — Exercise of these rights may not undermine performance of obligations set*

*out in Article 59 — Diversion of relief must remain exceptional, temporary and only for narrowly defined purposes set forth in the Fourth Geneva Convention — Occupying Power may not invoke reasons of security to suspend all humanitarian activities in occupied territory.*

*Population in Gaza Strip has been inadequately supplied — Israel under an obligation to agree to and facilitate relief schemes under Article 59 of Fourth Geneva Convention.*

*Obligations of Israel in relation to UNRWA — Israel alleging UNRWA not impartial and thus not coming within purview of Article 59 of Fourth Geneva Convention — No evidence of UNRWA discriminating in distribution of humanitarian aid and provision of services — Neutrality of organization plays a role in assessing impartiality under Article 59 — Information before Court not sufficient to establish lack of neutrality of UNRWA affecting its impartiality as an organization under Article 59 — Occupying Power in principle free to choose humanitarian organizations through which it fulfils its obligation — Occupying Power must allow and facilitate sufficient relief to ensure that population is adequately supplied — UNRWA cannot be replaced on short notice and without proper transition plan — Israel not having otherwise ensured that population of Gaza Strip adequately supplied — In the circumstances, Israel under obligation to agree to and facilitate relief schemes provided by United Nations and its entities, including UNRWA.*

*Obligations under Article 59 of Fourth Geneva Convention also applying in relation to third States or impartial humanitarian organizations such as the ICRC.*

*Obligations to ensure basic needs of population under Articles 55 and 56 of Fourth Geneva Convention — Obligations not dependent on local population being inadequately supplied, applying to all parts of Occupied Palestinian Territory — Israel under positive obligation to ensure essential supplies and health services, but also under negative obligation not to impede provision of such supplies and services.*

*Obligation to respect and protect relief and medical personnel and facilities — Principle that humanitarian relief personnel must be respected and protected forming part of customary international law — Personnel participating in relief actions also protected by principle of distinction, unless and for such time as they directly participate in hostilities.*

*Prohibition of forcible transfer and deportation under Article 49 of Fourth Geneva Convention — Occupying Power allowed to evacuate people if security of population or imperative military reasons so demand — Persons evacuated must be returned home as soon as hostilities in area have ceased — Israel prohibited from restricting presence and activities of United Nations, other international organizations and third States where this creates or contributes to conditions of life that would force the population to leave.*

*Obligation to allow ICRC access to visit detained protected persons from Occupied Palestinian Territory.*

*Obligation not to use starvation of civilian population as a method of warfare.*

*International human rights law — Israel's human rights obligations, including under human rights treaties and customary international law, extend to acts taken in occupied territory — Israel to respect, protect and fulfil human rights of population of Occupied Palestinian Territory — Any diminution by Israel of the capacity of the United Nations, other international organizations and third States to ensure basic human rights increases obligations of Israel to respect, protect and fulfil human rights to a commensurate degree.*

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*Obligations of Israel as a Member of the United Nations.*

*Permanent responsibility of United Nations towards question of Palestine according to General Assembly — UNRWA has remained backbone of all humanitarian response in Gaza Strip since 7 October 2023.*

*Obligation to co-operate with United Nations — Member States to fulfil their obligations under Charter in good faith pursuant to Article 2, paragraph 2, of Charter — Obligation of Member States under Article 2, paragraph 5, of Charter to give United Nations every assistance in any action it takes in accordance with Charter — Obligation must be read together with provisions of the Charter relating to powers of various organs of the United Nations — Member States also under obligation to co-operate with United Nations under Articles 55 and 56 of Charter — United Nations playing crucial role in humanitarian aid and development assistance to Occupied Palestinian Territory — Israel may not obstruct functions of United Nations and must provide every assistance in any action taken by Organization in accordance with Charter in and in relation to Occupied Palestinian Territory — On Israeli territory, presence and activities of United Nations and its entities subject to consent of Israel.*

*Obligation to respect the privileges and immunities of United Nations — Article 105 of Charter and Convention on the Privileges and Immunities of the United Nations — On Israeli territory, presence and activities of United Nations and its entities subject to consent of Israel — In occupied territory, Israel not entitled to decide unilaterally in the same way as in its own territory — Occupying Power must respect the privileges and immunities accorded to United Nations on its own territory and in occupied territory — Article 105 of Charter and Convention on the Privileges and Immunities not ceasing to operate in context of armed conflict — Obligation to respect privileges and immunities accorded to United Nations, its premises, property and assets — Obligation to respect privileges and immunities of United Nations personnel — Obligation to address concerns within established legal framework.*

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*Presence and activities of United Nations in support of right of Palestinian people to self-determination — Israel to refrain from extending its domestic laws to Occupied Palestinian Territory in manner inconsistent with its obligation not to impede Palestinian people from exercising its right to self-determination — Respect for right to self-determination of Palestinian people requiring Israel not to prevent fulfilment of basic needs of Palestinian people in Gaza Strip, including*

*by United Nations, its entities, other international organizations and third States — Obligation of Israel not to impede operations of United Nations entities, other international organizations and third States, and to co-operate in good faith with United Nations to ensure respect for right of Palestinian people to self-determination.*

## ADVISORY OPINION

*Present: President IWASAWA; Vice-President SEBUTINDE; Judges TOMKA, ABRAHAM, XUE, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDO, CLEVELAND, TLADI; Registrar GAUTIER.*

On 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,

THE COURT,

composed as above,

*gives the following Advisory Opinion:*

1. The question on which the advisory opinion of the Court has been requested is set forth in resolution 79/232 adopted by the United Nations General Assembly (hereinafter the “General Assembly”) on 19 December 2024. By a letter dated 20 December 2024 and received on 23 December 2024, the Secretary-General of the United Nations officially communicated to the Court the decision taken by the General Assembly to submit this question for an advisory opinion. Certified true copies of the English and French texts of the resolution were enclosed with the letter. The resolution reads as follows:

*“The General Assembly,*

*Guided* by the purposes and principles enshrined in the Charter of the United Nations and international law, including the inalienable right of self-determination of peoples and the principle of the inadmissibility of the acquisition of territory by force,

*Having considered* the letter dated 28 October 2024 from the Secretary-General addressed to the President of the General Assembly<sup>1</sup> bringing to the attention of the General Assembly, on an urgent basis, developments which could prevent the United Nations Relief and Works Agency for Palestine Refugees in the Near East from continuing its essential work in the Occupied Palestinian Territory, including East Jerusalem, as mandated by the General Assembly,

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<sup>1</sup> A/79/558.

*Having noted* that, according to the aforementioned letter, it can readily be appreciated that a situation may exist in which a difference has arisen between the United Nations and the State of Israel regarding, among other things, the interpretation or application of the Convention on the Privileges and Immunities of the United Nations<sup>2</sup>, to which Israel is a party,

*Acknowledging*, moreover, the statement by the Secretary-General, in his letter, that he would be grateful for any guidance and support which the General Assembly may be able to provide at this critical juncture in the history of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

*Having noted* that the Secretary-General, in a letter dated 9 December 2024<sup>3</sup>, has again brought the situation to the attention of the General Assembly and the Security Council,

*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* its resolution 77/247 of 30 December 2022, by which it decided, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion,

*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<sup>4</sup>,

*Reaffirming* in accordance with the advisory opinion of the International Court of Justice, that the Palestinian people is entitled to self-determination in accordance with international law and the Charter of the United Nations, and that Israel, as the occupying Power, has the obligation not to impede the Palestinian people from exercising its right to self-determination, including its right to an independent and sovereign State, over the entirety of the Occupied Palestinian Territory, living side by side, in peace and security with Israel, within secure and internationally recognized borders,

*Recalling* that the International Court of Justice, in its advisory opinion, found that Israel remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination as well as its obligations under international humanitarian law and international human rights law and that it is for all States, while respecting the Charter of the United Nations and international law, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian

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<sup>2</sup> Resolution 22 A (I).

<sup>3</sup> A/79/684-S/2024/892.

<sup>4</sup> A/78/968.

Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end,

*Recalling also* its resolution ES-10/24 adopted on 18 September 2024, following the advisory opinion issued by the Court on 19 July 2024,

*Stressing* the importance of upholding multilateralism and the central role of the United Nations in the multilateral system,

*Expressing grave concern* about plans and measures, including legislation[,] adopted[] by Israel to interfere with or obstruct the presence and operations of the United Nations and United Nations entities and organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as mandated by the General Assembly, recalling the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, and other applicable principles and rules of international law, inter alia reflected in the Convention on the Safety of United Nations and Associated Personnel<sup>5</sup> and the relevant United Nations resolutions, and reiterating the need for the United Nations and United Nations organizations to fully implement their mandates in the Occupied Palestinian Territory, including East Jerusalem, without interference,

*Taking note* of the press statement of 30 October 2024 of the members of the Security Council on the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in which they expressed their grave concern over legislation adopted by the Knesset and demanded that all parties enable the Agency to carry out its mandate, as adopted by the General Assembly, underscored that the Agency remains the backbone of all humanitarian response in Gaza, and affirmed that no organization can replace or substitute the Agency's capacity and mandate to serve Palestine refugees and civilians in urgent need of life-saving humanitarian assistance,

*Considering* that any action taken to impede the provision of basic services and humanitarian assistance to the civilian population leads, in addition to the ongoing unacceptable and widespread loss of life and suffering, to further displacement of population,

*Recalling* that the International Court of Justice, in its advisory opinion, found that the policies and practices of Israel are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949<sup>6</sup>,

*Recalling also* the obligation to refrain from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population,

*Expressing deep concern* at measures taken by Israel that impede assistance to the Palestinian people, including through measures that affect the presence, activities and immunities of the United Nations, its agencies and bodies, and those of other

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<sup>5</sup> United Nations, *Treaty Series*, Vol. 2051, No. 35457.

<sup>6</sup> *Ibid.*, Vol. 75, No. 973.

international organizations, and the representation of third States in the Occupied Palestinian Territory, including East Jerusalem, aimed at providing, in accordance with international law, basic services and humanitarian assistance in the Occupied Palestinian Territory,

*Noting* that the provision of such essential assistance to the civilian population in the Occupied Palestinian Territory is dependent upon the continued presence of the United Nations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which is the backbone of United Nations humanitarian relief operations, together with the facilitation of its operations and respect for its privileges and immunities, and that this presence, facilitation and respect for privileges and immunities are closely related,

*Noting also* the utmost urgency of upholding such essential assistance and that, according to the aforementioned letter from the Secretary-General<sup>7</sup>, the cessation of or restriction on the activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East would leave Palestine refugees without the essential assistance that they require,

*Expressing the view* that these developments demand consideration by and guidance from the International Court of Justice, on a priority basis and with the utmost urgency, of certain additional questions to supplement the Court's advisory opinion of 19 July 2024,

1. *Expresses its grave concern* about the dire humanitarian situation in the Occupied Palestinian Territory;

2. *Demands* that Israel comply without delay with all of its legal obligations under international law, including as set out by the International Court of Justice;

3. *Calls upon* all parties to comply with their respective legal obligations under international law, including international humanitarian law and international human rights law;

4. *Expresses its appreciation* to the Secretary-General for his rapid response and ongoing efforts regarding assistance to the Palestinian people, including with regard to the emergency humanitarian needs, particularly in the Gaza Strip;

5. *Expresses its appreciation* for the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizes the vital role of the Agency in providing humanitarian and development assistance to the Palestinian people, notably Palestine refugees, and particularly in the Gaza Strip, and endorses the efforts of the Agency to continue operations as far as possible in the Occupied Palestinian Territory, including East Jerusalem, pursuant to resolution 77/123 of 12 December 2022, by which it extended the mandate of the Agency, and any further resolutions extending the mandate, calls upon the Agency to fully implement its high-level action plan for the implementation of the 50 recommendations of the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality (Colonna Report), and welcomes the commitment affirmed by the Secretary-General and the Agency that they will fully implement the recommendations;

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<sup>7</sup> A/79/588.

6. *Reiterates its call* to all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination;

7. *Calls upon* Israel to uphold and comply with its obligations not to impede the Palestinian people from exercising its right to self-determination, including by rescinding any measures that obstruct the provision of basic services and humanitarian and development assistance to the Palestinian people;

8. *Also calls upon* Israel to abide by the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations in order to ensure the safety of the personnel of the United Nations, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times, as well as not to impede or impair the work of third States in the Occupied Palestinian Territory;

9. *Calls upon* all parties to avoid actions that could weaken the critical role of the United Nations in conflict resolution and to support initiatives that contribute to a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, and achievement of the two-State solution, in accordance with the Charter of the United Nations and the relevant resolutions, and the attainment of comprehensive and lasting peace and stability in the Middle East, and expresses its firm support for the role of the Secretary-General in this regard;

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

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

2. By letters dated 23 December 2024, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of its Statute.

3. By an Order dated 23 December 2024, the President of the Court decided, in accordance with Article 66, paragraph 2, of the Statute, that the United Nations and its Member States, as well as the observer State of Palestine, were likely to be able to furnish information on the question submitted to the Court for an advisory opinion, and fixed 28 February 2025 as the time-limit within which written statements on the question might be presented to the Court.

4. By letters dated 24 December 2024, the Deputy-Registrar informed the United Nations and its Member States, as well as the observer State of Palestine, of the President's decisions and transmitted a copy of the Order to them.

5. Pursuant to Article 65, paragraph 2, of the Statute, the Secretariat of the United Nations, under cover of a letter from the Acting United Nations Legal Counsel dated 30 January 2025 and received in the Registry on the same day, communicated to the Court a dossier of documents likely to throw light upon the question formulated by the General Assembly. By letters dated 3 February 2025, the Member States of the United Nations and the observer State of Palestine were notified that the dossier had been posted on the Court's website. Under cover of letters dated 10 February 2025, 20 February 2025 and 19 March 2025 from the United Nations Legal Counsel, the Secretariat of the United Nations communicated to the Court additional documents to be included in the dossier. By letters dated 13 February 2025, 24 February 2025 and 21 March 2025, the Member States of the United Nations and the observer State of Palestine were notified that these additional documents had been posted on the Court's website.

6. Further to requests from the Organisation of Islamic Cooperation (dated 2 January 2025 and received on 28 January 2025), the League of Arab States (dated 3 February 2025 and received on 4 February 2025) and the African Union (dated 18 February 2025 and received on the same day), the Vice-President, Acting President, decided, in accordance with Article 66 of the Court's Statute, that those three international organizations were likely to be able to furnish information on the question submitted to the Court, and that they therefore could do so within the time-limit fixed by the Order of the President of the Court dated 23 December 2024. These organizations were also informed that the dossier of documents communicated by the Secretariat of the United Nations had been posted on the Court's website.

7. By communications dated 6 February 2025, the Registry informed the United Nations, its Member States, the observer State of Palestine and the Organisation of Islamic Cooperation that the Court had decided to hold public hearings on the request for an advisory opinion, which would open on 28 April 2025. The addressees were further invited to inform the Registry, by 17 March 2025, if they intended to take part in those hearings. It was specified that, during the oral proceedings, oral statements could be presented by the United Nations, its Member States, the observer State of Palestine and the organizations authorized to participate in the proceedings, regardless of whether they had submitted written statements. Similar letters were sent to the League of Arab States and the African Union respectively on 7 and 20 February 2025, once these organizations had been authorized to participate in the proceedings.

8. Within the time-limit fixed by the Order of the President of the Court dated 23 December 2024, written statements were filed in the Registry, in order of receipt, by Chile, Malaysia, the Russian Federation, the Organisation of Islamic Cooperation, Türkiye, Pakistan, Qatar, the Secretary-General of the United Nations, Slovenia, Spain, the Philippines, Kuwait, Hungary, South

Africa, Namibia, Ireland, Maldives, Saudi Arabia, Jordan, Luxembourg, the Islamic Republic of Iran, Indonesia, China, the Kingdom of the Netherlands, the Plurinational State of Bolivia, Brazil, Algeria, Senegal, Bangladesh, the Comoros, the League of Arab States, Belgium, Vanuatu, Tunisia, Norway, Egypt, Iceland, Israel, France, Poland, Palestine, the United States of America, Mexico and Colombia. In addition, on 3 March 2025, the Court decided, on an exceptional basis, to authorize the late filing of the written statement of the African Union on 10 March 2025.

9. By communications dated 5 March 2025, the Registry informed the United Nations, its Member States, the observer State of Palestine and the organizations authorized to participate in the proceedings that the written statements submitted could be downloaded from a web portal managed by the Registry.

10. By letters dated 25 March 2025, the Registrar communicated the list of participants in the oral proceedings to the United Nations, its Member States which were taking part in the hearings, the observer State of Palestine, the Organisation of Islamic Cooperation, the League of Arab States and the African Union, and enclosed a detailed schedule of those proceedings. By the same letters, he also informed them of certain practical arrangements regarding the organization of the oral proceedings. By letters dated 4 April 2025, the Registrar communicated a slightly revised schedule of the hearings to the participants in the oral proceedings.

11. By letters dated 4 April 2025, the Registrar communicated the list of participants in the oral proceedings to the Member States of the United Nations which were not taking part in the oral proceedings, and enclosed a detailed schedule of those proceedings.

12. By communications dated 25, 29 and 30 April 2025, the Registry informed the participants to the proceedings that non-governmental organizations had submitted written statements in the present advisory proceedings on their own initiative, pursuant to Practice Direction XII, and that these statements were available to the addressees on a web portal set up by the Registry for that purpose. The Registry further recalled that, under Practice Direction XII, these statements were “not to be considered part of the case file”. According to the same Practice Direction, such statements “shall be treated as publications readily available and may accordingly be referred to by States and intergovernmental organizations presenting written and oral statements in the case in the same manner as publications in the public domain”.

13. Pursuant to Article 106 of its Rules, the Court decided to make the written statements submitted to it accessible to the public after the opening of the oral proceedings. The written statements of States not taking part in the oral proceedings were made accessible to the public on the first day of the oral proceedings. The written statements of States and organizations taking part in the oral proceedings were made accessible at the end of the day on which they presented their oral statements.

14. In the course of the hearings held from 28 April to 2 May 2025, the Court heard oral statements, in the following order, by:

*for the United Nations:*

Ms Elinor Hammarskjöld, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel;

*for the State of Palestine:*

HE Mr Ammar Hijazi, Ambassador, Permanent Representative of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Mr Paul S. Reichler, Attorney at Law, 11 King's Bench Walk, member of the Bar of the Supreme Court of the United States of America,

Ms Blinne Ní Ghrálaigh, KC, Barrister, Matrix Chambers, member of the Bars of Ireland, of Northern Ireland, and of England and Wales,

Mr Ardi Imseis, Professor of International Law, Faculty of Law, Queen's University, Canada, Barrister at Law, Law Society of Ontario,

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Mr Pierre-François Laval, Professor of Public Law, Centre for International Law, Jean Moulin Lyon 3 University;
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- for the Republic of Vanuatu:* Mr Arnold Kiel Loughman, Attorney General,  
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Mr Mamadou Hébié, Associate Professor of International Law, Leiden University, member of the Permanent Court of Arbitration, member of the Bar of the State of New York.

15. At the end of the hearings, a question was put by a Member of the Court to participants in the oral proceedings; 14 of them replied in writing, as requested, within the prescribed time-limit of 7 May 2025. Another Member of the Court put two questions to the United Nations, which replied in writing, as requested, within the same time-limit. A third Member of the Court put a question to Egypt, which replied in writing, as requested, within the same time-limit. Copies of the written replies were communicated to all the participants in the oral proceedings, and were posted on the Court's website.

16. By letters dated 13 August 2025, the Deputy-Registrar informed the United Nations, Israel and the observer State of Palestine that the Court, pursuant to Article 62, paragraph 1, Article 72 and Article 102, paragraph 2, of its Rules, had decided to request that these participants give explanations on the situation since 7 May 2025 with regard to the provision of urgently needed essential supplies and basic services for the Palestinian civilian population in and in relation to the Gaza Strip. The letters stated that any such explanations were to be provided by each of these three participants by 27 August 2025 and would be immediately transmitted to the other two, who would be given the opportunity to comment thereon by 8 September 2025. The United Nations, Israel and the observer State of Palestine each provided explanations and comments within the prescribed time-limits.

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## I. JURISDICTION AND DISCRETION

17. When seised of a request for an advisory opinion, the Court must first consider whether it has jurisdiction to give the opinion requested and, if so, whether there is any reason why the Court should, in the exercise of its discretion, decline to answer the request (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 22; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, p. 111, para. 54).

### A. Jurisdiction

18. The Court's jurisdiction to give an advisory opinion is based on Article 65, paragraph 1, of its Statute, which provides that "[t]he 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".

19. The Court notes that, by virtue of Article 96, paragraph 1, of the Charter, the General Assembly "may request the International Court of Justice to give an advisory opinion on any legal question". In accordance with the requirement in Article 96 of the Charter and Article 65 of its Statute, the Court must satisfy itself that the question put to it by the General Assembly is a "legal question".

20. In the present proceedings, none of the participants that addressed this issue raised any objection to the jurisdiction of the Court to provide an advisory opinion. They expressed their view that the question contained in paragraph 10 of resolution 79/232 is a legal question.

21. In its resolution 79/232 adopted on 19 December 2024, the General Assembly requests the Court to render an advisory opinion on the following question:

“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?”

The Court considers that this is a legal question within the meaning of Article 96 of the Charter and Article 65 of the Statute.

22. In light of the above, the Court concludes that the request has been made in accordance with the provisions of the Charter and the Statute of the Court, and therefore that it has jurisdiction to render an advisory opinion as requested by the General Assembly.

### **B. Discretion**

23. The Court has a discretionary power to decline to give an advisory opinion even if the conditions of jurisdiction are met (*Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, p. 113, para. 63). Only compelling reasons may lead the Court to refuse to give its opinion in response to a request falling within its jurisdiction (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 31).

24. Two participants argued that the Court should exercise its discretion to decline to give an advisory opinion. The Court recalls that it discussed the question of its discretion to refuse to exercise its jurisdiction with respect to a request relating to Israel’s actions in the Occupied Palestinian Territory in detail in the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, and rejected all the arguments that were made to this effect (*Advisory Opinion of 19 July 2024*, paras. 30-49). The Court observes that these findings are equally relevant in the present case, and that they apply *mutatis mutandis*.

25. Accordingly, the Court will focus herein on arguments presented by participants that were either not addressed in its Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, or that arise from the distinct legal and factual context of the present proceedings.

## 1. Whether rendering the advisory opinion prejudices elements of a pending contentious case

26. Two participants submitted that the question put to the Court is premised on allegations that are currently under consideration in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, and that giving the advisory opinion might prejudice elements relevant to that case.

27. The Court does not find this argument convincing, as there is a clear difference between the respective subject-matters of the two proceedings. In the present case, the Court's mandate is limited to the identification of Israel's obligations as an occupying Power and as a Member of the United Nations "in relation to the presence and activities of the United Nations . . . in and in relation to the Occupied Palestinian Territory" (General Assembly resolution 79/232 of 19 December 2024, para. 10). By contrast, the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* case concerns the question whether Israel has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the "Genocide Convention").

28. The distinction between the two proceedings is unaffected by the fact that the Court's Orders indicating provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* direct Israel, *inter alia*, to ensure the provision of "basic services and humanitarian assistance" to the population in the Gaza Strip (*Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024 (I)*, p. 31, para. 86 (4); *Request for the Modification of the Order Indicating Provisional Measures of 26 January 2024, Order of 28 March 2024, I.C.J. Reports 2024 (II)*, p. 527, para. 51 (2) (a); *Request for the Modification of the Order of 28 March 2024, Order of 24 May 2024, I.C.J. Reports 2024 (II)*, p. 666, para. 57 (2) (b)). The measures indicated seek to preserve certain rights that the Court found to be plausible under the Genocide Convention.

29. Although the same conduct may be required of a State under different legal rules, and the same conduct may simultaneously breach multiple obligations, a determination made by the Court in the context of one obligation does not necessarily prejudice the question of compliance with a different obligation. Here, the facts that are relevant to a potential finding of a violation of obligations under the Genocide Convention are sufficiently distinct from the facts that are relevant to the identification of Israel's obligations as an occupying Power and as a Member of the United Nations in the present context.

30. There are, however, factual and legal matters that may be relevant both in the present advisory proceedings and in contentious proceedings. In this respect, the Court recalls that the parties to pending contentious proceedings will have the opportunity to present evidence and arguments on questions of fact and law, on the basis of which the Court will decide in those proceedings.

31. For these reasons, this Opinion is not to be understood as prejudging matters of fact or law that will be determined in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* case or other contentious cases. Accordingly, this ground does not constitute a compelling reason for the Court to exercise its discretion to decline to give the opinion requested.

## 2. Whether the question has already been addressed in previous advisory opinions

32. The Court has dealt with Israel's policies and practices in relation to the Occupied Palestinian Territory in two previous advisory opinions, delivered in 2004 and 2024 respectively (*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 136; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*). Two participants contended that the question put to the Court had already been largely addressed by the Court in these advisory opinions.

33. The Court considers that the current request differs from the two earlier ones and concerns a question that was not addressed in the previous advisory opinions. First, the present request pertains to a specific issue that had not emerged at the time of the earlier advisory opinions. As recounted in the preamble of resolution 79/232, the General Assembly's request was approved following Israel's adoption of legislation on 28 October 2024 curtailing the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (see paragraph 1 above and paragraphs 64-65 below). Second, the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* was limited *ratione temporis* to policies and practices taking place before 7 October 2023 (*Advisory Opinion of 19 July 2024*, para. 81). By contrast, the present request concerns conduct taking place after that date (see paragraph 80 below).

34. The Court notes that this is not the first time that it has been called upon to consider in a series of advisory and contentious proceedings different questions arising from the same basic factual circumstances (see *International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950*, p. 128; *Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa, Advisory Opinion, I.C.J. Reports 1955*, p. 67; *Admissibility of Hearings of Petitioners by the Committee on South West Africa, Advisory Opinion, I.C.J. Reports 1956*, p. 23; *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, Judgment, I.C.J. Reports 1966*, p. 6; *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 16).

35. Therefore, the Court does not regard the rendering of its Advisory Opinions on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* and on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* as a compelling reason to decline to give an advisory opinion in the present case.

### **3. Whether the advisory proceedings are appropriate to give the requested opinion on the basis of the available information**

36. Two participants argued that the request would require the Court to undertake significant factual investigations and make findings on disputed and evolving matters, which cannot properly be pursued in the framework of advisory proceedings. Similar arguments were considered and rejected by the Court in previous advisory proceedings (*Western Sahara, Advisory Opinion, I.C.J. Reports 1975*, pp. 28-29, paras. 46-47; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, pp. 114-115, paras. 69-74; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 44-47).

37. The Court notes that the case file contains ample documentation concerning the relevant facts. The Secretariat of the United Nations prepared a voluminous dossier under Article 65, paragraph 2, of the Court's Statute. It is also relevant that 45 participants submitted written statements in the proceedings, and 43 participants took part in the oral proceedings. Further, three Members of the Court posed questions during the oral proceedings, to which 14 participants replied (see paragraph 15 above). After the end of the oral proceedings, in response to the Court's request, the United Nations, Israel and the observer State of Palestine provided information "on the situation since 7 May 2025 with regard to the provision of urgently needed essential supplies and basic services for the Palestinian civilian population in and in relation to the Gaza Strip" (see paragraph 16 above). In the present case, the Court considers that the information available enables it to decide legal questions in a manner consistent with its judicial function.

### **4. Whether the request abuses the international judicial process**

38. One participant argued that the request abuses and "weaponizes" the international judicial process. It viewed the request as an attempt to politicize the advisory procedure, which would compromise the Court's judicial integrity.

39. The Court understands this argument as one relating to abuse of process. While arguments relating to abuse of process have been invoked by parties in previous contentious cases, the Court has never accepted them. It has stated that only in "exceptional circumstances" may the Court refrain from exercising its jurisdiction on the ground of abuse of process (*Immunities and Criminal Proceedings (Equatorial Guinea v. France) Preliminary Objections, Judgment, I.C.J. Reports 2018 (I)*, p. 336, para. 150; see also *Certain Iranian Assets (Islamic Republic of Iran v. United States of America), Preliminary Objections, Judgment, I.C.J. Reports 2019 (I)*, pp. 42-43, paras. 113-114). Even if allegations of abuse of process could be advanced in the context of advisory proceedings, the Court does not consider that there is any basis for such a finding in the present case.

40. The Court cannot accept the argument that the "political nature" of the case should preclude the Court from exercising its jurisdiction. The fact that the question posed by the General Assembly has a political context does not suffice to deprive it of its character as a "legal question" (see *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I)*, p. 234, para. 13; cf. *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Judgment, I.C.J. Reports 1980*, p. 20, para. 37). The General Assembly's request

calls on the Court to discharge its judicial function, namely to answer a legal question on the basis of the applicable rules of international law. Therefore, the Court does not consider that it would be inappropriate for the Court to answer the question put to it.

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41. Based on the foregoing, the Court concludes that there are no compelling reasons for it to decline to give the opinion requested by the General Assembly.

## II. GENERAL CONTEXT

### A. Historical background

42. The historical background of the situation with regard to the Occupied Palestinian Territory has recently been outlined by the Court in its Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (Advisory Opinion of 19 July 2024, paras. 51-71)*.

43. The Court recalls that, although Israel decided in 2005 to withdraw its military presence from the Gaza Strip, it continued thereafter to exercise certain key elements of authority over that territory, including control of the land, sea and air borders, restrictions on movement of people and goods, collection of import and export taxes, control of telecommunications and electricity, and military control over the buffer zone (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024, para. 93*).

44. Following the take-over of power by Hamas in the Gaza Strip in 2007, Israel imposed significant restrictions on the movements of persons and goods to and from the Gaza Strip. From 2007 onwards, and prior to 7 October 2023, a series of hostilities took place between Hamas and other armed groups in the Gaza Strip, on the one hand, and Israel, on the other. Hamas and the other armed groups launched rockets and made incursions into Israel, whereas the Israeli forces conducted several military operations in the Gaza Strip, which caused internal displacement and recurrent destruction of infrastructure and property.

45. Between 27 December 2008 and 19 January 2009, during hostilities between Hamas and Israel in the Gaza Strip and southern Israel, several incidents affecting United Nations personnel, premises and operations occurred, including deaths, injuries and damage to property. This prompted the Secretary-General of the United Nations to establish a United Nations Headquarters Board of Inquiry to review and investigate those incidents. After renewed hostilities in the Gaza Strip and southern Israel in July and August 2014, the United Nations Headquarters Board of Inquiry reported several incidents involving United Nations personnel, premises and activities with similar consequences.

46. On 19 July 2024, the Court delivered its Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, finding within the scope of that Opinion that Israel's policies and practices "amount to annexation of large parts of the Occupied Palestinian Territory", that Israel's "continued presence in the Occupied Palestinian Territory is unlawful" and that Israel is "under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible" (*Advisory Opinion of 19 July 2024*, paras. 173, 284 and 285, points 3 and 4).

47. Following that Advisory Opinion, the General Assembly adopted resolution ES-10/24 on 18 September 2024, which, *inter alia*, demanded that "Israel bring[] to an end without delay its unlawful presence in the Occupied Palestinian Territory" and that it do so no later than 18 September 2025 (para. 2).

### **B. Humanitarian assistance prior to 7 October 2023**

48. The 1948-1949 war between Israel and certain Arab States in the region (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 53) led to large-scale population displacement. The United Nations, and in particular the General Assembly, became involved in the provision of humanitarian assistance to Palestine refugees, both Arab and Jewish. On 19 November 1948, the General Assembly, by resolution 212 (III), established the United Nations Relief for Palestine Refugees. On 11 December 1948, the General Assembly, by resolution 194 (III), *inter alia*, "[r]esolve[d] that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date" and established a Conciliation Commission for Palestine "to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation". On 8 December 1949, the General Assembly adopted resolution 302 (IV), entitled "Assistance to Palestine Refugees", which established UNRWA "[t]o carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission" and "[t]o consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available" (resolution 302 (IV), para. 7). The resolution further instructed the Secretary-General to transfer the assets and liabilities of the United Nations Relief for Palestine Refugees to UNRWA and directed UNRWA to consult with the Conciliation Commission for Palestine in the best interests of their respective tasks (*ibid.*, paras. 12 and 20).

49. UNRWA commenced its operations on 1 May 1950 and started providing assistance to Palestine refugees of both Arab and Jewish communities. However, in 1952, the Israeli Government took over this responsibility with respect to displaced persons on the territory of Israel and UNRWA continued its work with displaced persons outside Israel.

50. Following the 1967 armed conflict, known as the "Six-Day War", and the start of the occupation by Israel of the West Bank, East Jerusalem and the Gaza Strip, UNRWA and Israel concluded, on 14 June 1967, a provisional agreement concerning assistance to Palestine refugees in the Occupied Palestinian Territory (exchange of letters between Ambassador Michael Comay of the Ministry of Foreign Affairs of Israel and Commissioner-General of UNRWA Lawrence Michelmore, hereinafter the "1967 Agreement"). The 1967 Agreement provided that "UNRWA would continue

its assistance to Palestine refugees, with the full co-operation of Israeli authorities, in the West Bank and Gaza Strip areas”, and that Israel would facilitate the task of UNRWA to the best of its ability. In particular, Israel agreed:

- “(a) To ensure the protection and security of the personnel, installations and property of UNRWA;
- (b) To permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question;
- (c) To permit the international staff of the Agency to move in, out and within Israel and the areas in question; they will be provided with identity documents and any other passes which might be required;
- (d) To permit the local staff of the Agency to move within the areas in question under arrangements made or to be made with the military authorities;
- (e) To provide radio, telecommunications and landing facilities;
- (f) Pending a further supplementary agreement, to maintain the previously existing financial arrangements with the governmental authorities then responsible for the areas in question, concerning:
  - (i) Exemptions from customs duties, taxes and charges on importation of supplies, goods and equipment;
  - (ii) provision free of charge of warehousing, labour for offloading and handling, and transport by rail or road in the areas under our control;
  - (iii) such other costs to the Agency as were previously met by the governmental authorities concerned.
- (g) To recognize that the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA’s functions.”

The Agreement specified that it would remain in force until replaced or cancelled (1967 Agreement, United Nations, *Treaty Series*, Vol. 620, No. 8955).

51. By resolution 2252 (ES-V) of 4 July 1967, the General Assembly enlarged the mandate of UNRWA to include assistance to persons displaced as a result of the 1967 hostilities. On 16 December 1982, by resolution 37/120, the General Assembly endorsed the efforts of the Commissioner-General of UNRWA to continue to provide humanitarian assistance in response to the 1967 and subsequent hostilities.

52. On 24 June 1994, UNRWA concluded an agreement with the Palestine Liberation Organization “for the purpose[] of facilitating UNRWA to continue to provide its assistance to the Palestinian population”. On 5 July 1996, UNRWA concluded an agreement with the Palestinian Authority “regarding the location of UNRWA Headquarters in the West Bank and Gaza Strip area”.

53. According to the United Nations, over its 75-year history, UNRWA has become the pivotal United Nations agency for relief and assistance to Palestine refugees in the Occupied Palestinian Territory and neighbouring States. Its mandate has been extended pursuant to successive General Assembly resolutions, the most recent of which was adopted on 12 December 2022, extending the mandate of UNRWA until 30 June 2026 (resolution 77/123). UNRWA's programmes and services have come to cover a broad range of areas including education and training, healthcare, direct relief and developmental services.

54. Prior to 7 October 2023, in the Occupied Palestinian Territory, UNRWA had a West Bank Field Office in East Jerusalem and a Gaza Field Office. As noted in the written statement of the United Nations, "under normal conditions" UNRWA operated almost 400 schools, over 65 primary health clinics and a hospital, and it had more than 17,000 personnel assigned to work in the Occupied Palestinian Territory. In the West Bank, it ran 96 schools and 43 health facilities. In the Gaza Strip, UNRWA was the primary provider of essential services, educating around 300,000 children in 288 schools and two training centres, delivering healthcare to some 900,000 patients and offering emergency assistance to around 1.1 million people. According to the United Nations, UNRWA was indispensable in delivering essential services to Palestinians in the Occupied Palestinian Territory.

55. UNRWA was not the only United Nations agency assisting the Palestinian population in the territory prior to 7 October 2023. Among the United Nations agencies and bodies providing assistance, the following were present in the Occupied Palestinian Territory on an ongoing basis: the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Human Settlements Programme (UN-Habitat), the United Nations Mine Action Service (UNMAS) of the Department of Peace Operations, the United Nations Office for Project Services (UNOPS), the United Nations Office on Drugs and Crime (UNODC), the United Nations Population Fund (UNFPA), the United Nations Special Coordinator for the Middle East Process (UNSCO) and the World Food Programme (WFP).

56. The following specialized agencies of the United Nations also operated and maintained a presence in the Occupied Palestinian Territory: the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO). Other international organizations belonging to the broader United Nations system operated "in relation to" the Occupied Palestinian Territory, without maintaining a physical presence therein, including the International Fund for Agricultural Development (IFAD), the International Trade Centre (ITC), the United Nations Conference on Trade and Development (UNCTAD), and the United Nations Industrial Development Organization (UNIDO).

57. In addition, other international organizations, such as the Organisation of Islamic Cooperation and the European Union, provided aid to the Occupied Palestinian Territory. A number of third States also contributed humanitarian aid or development assistance to the Palestinian population.

### C. The attacks of 7 October 2023 and the response thereto

58. On 7 October 2023, Hamas and other armed groups present in the Gaza Strip carried out attacks in Israel, killing more than 1,200 people, injuring thousands and abducting 251, some of whom continued to be held hostage for more than two years.

59. Following these attacks, Israel launched a large-scale military operation in the Gaza Strip, by land, air and sea, which has caused massive casualties, including the death of tens of thousands of civilians, a large number of whom were women and children, extensive destruction of civilian infrastructure and the repeated displacement of the overwhelming majority of the civilian population in the Gaza Strip. In the course of its military campaign, Israel has substantially restricted — and for significant periods of time, including between 2 March and 18 May 2025, completely prevented (see paragraphs 70-72 below) — the entry of aid (including food and water) into the Gaza Strip and its distribution to the Palestinian population, with catastrophic consequences for this population. The United Nations reported numerous attacks on school buildings and healthcare facilities in the Gaza Strip operated by the United Nations and others, including school buildings that had been directly hit (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, paras. 31-32). The Secretary-General of the United Nations has stated that between 7 October 2023 and 20 August 2025 at least 531 aid workers, including 366 United Nations personnel (360 of whom were employed by UNRWA), have been killed in the Gaza Strip (*ibid.*, para. 35).

60. In January 2024, Israeli authorities alleged that a number of UNRWA employees had been involved in the 7 October 2023 attacks, that UNRWA premises had been appropriated by Hamas for military purposes and that UNRWA had long lost its neutrality (see paragraph 117 below). The United Nations immediately took steps to investigate these allegations. In particular, the Office of Internal Oversight Services (OIOS) of the United Nations conducted investigations in relation to 19 UNRWA staff members, with the co-operation of Israel, leading to the dismissal of nine of them, who, according to the findings of OIOS, might have been involved in the 7 October 2023 Hamas-led attacks against Israel. OIOS found either no or insufficient evidence to support the involvement of the other ten investigated persons. In light of the serious allegations made by Israel, the Secretary-General of the United Nations also commissioned an investigation by an independent panel to assess whether UNRWA was taking all reasonable steps to ensure its neutrality. The panel's final report dated 20 April 2024 ("Final Report for the United Nations Secretary-General, Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality", hereinafter the "Colonna Report") noted that the number of allegations of breaches of UNRWA's neutrality had "escalated significantly" since October 2023 (p. 12) and found that, despite UNRWA's "robust framework" to ensure neutrality, some neutrality-related issues persisted, including "instances of staff publicly expressing political views [and] host-country textbooks with problematic content being used in some UNRWA schools" (p. 5). The report nonetheless concluded that

"UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar UN or NGO entities" (pp. 4-5).

The report also identified 50 measures which, if taken, could help UNRWA ensure its neutrality (pp. 5 and 36-43). According to the United Nations, following the issuance of the report, the United Nations and UNRWA are taking action to implement the recommendations (see paragraph 118 below).

61. Notwithstanding these actions, Israel has continued to assert that UNRWA was infiltrated “by Hamas and other terrorist organizations”; that attacks had been incited, planned, controlled and carried out from UNRWA premises and by UNRWA personnel for years; and that all efforts to adequately address these issues had failed (see, for example, identical letters dated 18 December 2024 from the Permanent Representative of Israel to the United Nations addressed to the President of the General Assembly and the President of the Security Council, UN doc. A/79/710-S/2024/940 (31 December 2024), pp. 1-3). These allegations have been accompanied by other expressions of concern about UNRWA, some of which predate the 7 October 2023 attacks.

62. On 18 March 2024, Israel denied the Commissioner-General of UNRWA entry into the Gaza Strip. On 2 October 2024, the Foreign Ministry of Israel declared the Secretary-General of the United Nations “persona non grata” in Israel.

#### **D. Measures taken by Israel in relation to relief activities in Gaza, in particular concerning UNRWA**

63. Following the 7 October 2023 attacks, Israel severely restricted, and at times completely blocked, the entry of humanitarian aid and development assistance to the Gaza Strip. According to the United Nations, in this context, UNRWA’s role in providing aid to the population in the Gaza Strip became even more important. As of the end of January 2025, UNRWA had distributed food aid to around 1.9 million people, provided more than 60 per cent of primary healthcare services and sheltered hundreds of thousands of internally displaced persons in more than 100 schools.

64. On 28 October 2024, the parliament of Israel, the Knesset, adopted two laws entitled the “Law to Cease UNRWA Operations” and the “Law to Cease UNRWA Operations in the Territory of the State of Israel”, respectively. The first of these laws reads as follows (unofficial translation from Hebrew provided by the United Nations):

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

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

##### *No contact with UNRWA*

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

*Retention of laws*

3. Nothing in the provisions of this law shall preclude any criminal proceeding against UNRWA employees, including such proceedings related to the events of 7 October 2023 or the Swords of Iron War, or any other criminal proceeding under Counter-Terrorism Law 5776-2016, or the exercise of powers against them within the framework of such proceedings.

*Entry into force*

4. This law shall come into force three months from the date of its publication. However, section 1 shall come into force on 5 Tishrei 5785 (7 October A.D. 2024) or on the date of the publication of this law, whichever is later.

*Reporting to the Knesset*

5. The National Security Council Director or their representative shall report to the Knesset Foreign Affairs and Defence Committee every six months and in the first year from the commencement of this law, every two months, on the implementation of the provisions of this law.”

65. The “Law to Cease UNRWA Operations in the Territory of the State of Israel” — purporting to apply to East Jerusalem, which Israel considers as part of its territory (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 163-165 and 173) — provides as follows (unofficial translation from Hebrew provided by the United Nations):

*“Purpose*

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

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

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

*Entry into force*

3. This law shall come into force three months from the date of its publication.

*Reporting to the Knesset*

4. The National Security Council Director or their representative shall report to the Knesset Foreign Affairs and Defence Committee every six months and in the first year from the commencement of this law, every two months, on the implementation of the provisions of this law.”

66. On 30 October 2024, the President of the Security Council issued a press statement expressing the Council’s support for the work of UNRWA and its grave concern over the legislation adopted by the Knesset, in light of the vital role played by UNRWA in providing life-saving

humanitarian assistance to millions of Palestinians (SC/15874). Both before and after the adoption of the laws, the Secretary-General of the United Nations wrote several letters to the Israeli authorities, asking them to refrain from adopting or implementing the laws, because of the dire consequences this would have for millions of Palestinians dependent on UNRWA's aid.

67. By a letter dated 3 November 2024, the Ministry of Foreign Affairs of Israel informed the President of the General Assembly that Israel had withdrawn its request to UNRWA to provide humanitarian assistance to Palestinians pursuant to the 1967 Agreement. According to Israel, the 1967 Agreement was terminated. By a letter dated 24 January 2025, Israel informed the Secretary-General that UNRWA had to cease its operations in East Jerusalem and evacuate its premises there no later than 30 January 2025. The two laws on UNRWA adopted by the Knesset (see paragraphs 64-65 above) entered into force on 30 January 2025. As a result, UNRWA was compelled to evacuate its compound in East Jerusalem. Further, according to UNRWA, its international staff have been expelled from the West Bank and prohibited from entering the Gaza Strip. Consequently, UNRWA asserts its operations in the Occupied Palestinian Territory have been severely compromised ("Statement by Philippe Lazzarini, Commissioner-General of UNRWA, at the Fourth Meeting of the Global Alliance for the Implementation of the Two-State Solution", 17 February 2025).

68. Following the 7 October 2023 attacks, Israel also adopted measures impeding the activities of other international organizations operating in the Occupied Palestinian Territory and Israel, including by imposing restrictions on visas and permits for organizations providing humanitarian aid.

69. Israel has also restrained the presence and activities of certain third States in and in relation to the Occupied Palestinian Territory, including by limiting their ability to provide humanitarian assistance to the Palestinian civilian population in the Occupied Palestinian Territory, expelling diplomats posted there and impeding financial assistance.

70. On 15 January 2025, Israel and Hamas reached a ceasefire agreement, providing in particular for the increase and regularization of the entry into the Gaza Strip of humanitarian aid, relief supplies and fuel. The ceasefire entered into effect on 19 January 2025. For 42 days, an increase of humanitarian aid was authorized to reach the Gaza Strip. However, on 2 March 2025, Israel decided to block all humanitarian aid to the Gaza Strip, asserting, *inter alia*, that this decision was based on Hamas stealing supplies and using them to finance its operations. From 18 March 2025 onwards, Israel resumed military operations in and against the Gaza Strip.

71. The Integrated Food Security Phase Classification (IPC) — a global initiative aimed at enhancing food security and nutrition analysis composed of 21 organizations and intergovernmental institutions such as the FAO, the UNDP, UNICEF, the World Bank, the WFP and the WHO — reported that, as of the beginning of May 2025, the entire population of the Gaza Strip faced high levels of acute food insecurity, with half a million people facing starvation ("Gaza Strip: IPC Acute Food Insecurity and Acute Malnutrition Special Snapshot | April-September 2025", 12 May 2025). It later reported that the prevailing conditions in the Gaza Strip had drastically deteriorated since then ("IPC Alert: Worst-case scenario of Famine unfolding in the Gaza Strip", 29 July 2025).

72. According to the United Nations, Israel did not allow any aid to reach the Gaza Strip from 2 March until 18 May 2025 (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, paras. 10-11). Since 19 May 2025, the Israeli authorities have allowed the United Nations to resume the delivery of limited aid into the Gaza Strip. The United Nations and the observer State of Palestine have, however, alleged that Israel has continued to impose substantial restrictions on the entry and distribution of aid and commercial goods into the Gaza Strip. They maintained that, as of the end of August 2025, the humanitarian situation in the Gaza Strip had become catastrophic, with evidence of famine, mass displacement, extreme levels of deprivation and a continued increase in civilian casualties, including children (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, paras. 4 and 7-40; The State of Palestine's response to the Court's request of 13 August 2025, 27 August 2025; The State of Palestine's comments on the responses of the other participants to the Court's request of 13 August 2025, 8 September 2025, paras. 4-5, 7, 16 and 27-103). For its part, Israel alleged that the United Nations had been reluctant to work with it to expand and improve various humanitarian operations, for instance refusing Israeli escorts for aid convoys and thus obstructing the flow of aid trucks into the Gaza Strip (Response of the State of Israel to the Court's request dated 13 August 2025, 27 August 2025, para. 12). It further contended that it

“has made extraordinary efforts to address the current humanitarian situation in the Gaza Strip, including since 7 May 2025 . . . and this during an ongoing armed conflict. The context is challenging, not least because Hamas's strategy is to ceaselessly disrupt humanitarian efforts and divert aid in order to support its war against Israel and lay the blame for civilian suffering upon Israel.” (*Ibid.*, para. 53.)

Israel also reiterated its “unwavering commitment to compliance with international law” in conducting the hostilities in the Gaza Strip (Response of the State of Israel to the Court's letter dated 28 August 2025, 8 September 2025, p. 2).

73. On 27 May 2025, Israel launched a new aid distribution system, through a private foundation (the Gaza Humanitarian Foundation) and a private security firm (Safe Reach Solutions), with only a few distribution points, mainly in southern Gaza. Israel alleged that this new system was required to prevent diversion of aid by Hamas (Response of the State of Israel to the Court's request dated 13 August 2025, 27 August 2025, paras. 11, 20-22 and 27). The United Nations, other international organizations and humanitarian non-governmental organizations considered that this new system did not align with humanitarian principles, did not meet people's needs and put people at risk, and they refused to collaborate with it. Concerns include chaotic and militarized distribution centres unable to deliver aid at the scope and scale needed. OCHA has reported that, since the beginning of the implementation of the new system and as of the beginning of September 2025, over 2,100 Palestinians have been killed while seeking humanitarian aid at or in the vicinity of the distribution points of the Gaza Humanitarian Foundation, or along the routes of food convoys (“Humanitarian Situation Update #319 | Gaza Strip” (4 September 2025)). In this connection, Israel has stated:

“The operation of the distribution centres [of the Gaza Humanitarian Foundation] is complex and extremely challenging, given the ongoing hostilities and dynamic operational environment, as well as Hamas's intentional disruption of their operation. Where exceptional and unfortunate incidents have occurred, the IDF [Israel Defense Forces] has learned lessons, adjusted its operations and referred such incidents to the

competent IDF authorities for investigation. It should be stressed that the IDF's rules of engagement do not permit the use of live fire near humanitarian centres or convoys, except in situations involving a clear and immediate threat to life." (Response of the State of Israel to the Court's request dated 13 August 2025, 27 August 2025, para. 28.)

Israel also maintained that the United Nations' refusal to collaborate with the Gaza Humanitarian Foundation had created operational obstacles to the delivery of food to the civilian population (*ibid.*, para. 12).

74. On 22 August 2025, the IPC concluded that famine was occurring in certain parts of the Gaza Strip (IPC Global Initiative, Special Snapshot: "Gaza Strip, Famine confirmed in Gaza Governorate, projected to expand | 1 July-30 September 2025", published on 22 August 2025; *IPC Famine Review Committee: Gaza Strip, August 2025*, published on 22 August 2025). In reaction, Israel alleged that the IPC had issued "yet another methodologically flawed and deficient report whose predetermined conclusions are based on selective and manipulative data and lack credibility" (Response of the State of Israel to the Court's request dated 13 August 2025, 27 August 2025, para. 48).

### III. SCOPE AND MEANING OF THE QUESTION POSED BY THE GENERAL ASSEMBLY

75. The question posed by the General Assembly relates to "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". The Court, in the present Opinion, adopts the term "entities" instead of "agencies and bodies" to refer to constituent components — in particular organs and subsidiary organs — that form part of the United Nations and share its international legal personality. For the purposes of this Opinion, the Court's references to the United Nations include the Organization's entities. Specialized agencies in relationship with the United Nations under Articles 57 and 63 of the Charter and other organizations, such as the International Committee of the Red Cross (ICRC), are encompassed by the term "other international organizations" for the purposes of the question posed to the Court.

76. According to the preamble of resolution 79/232, the General Assembly's request was prompted primarily by

"plans and measures, including legislation adopted, by Israel to interfere with or obstruct the presence and operations of the United Nations and United Nations entities and organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East",

as well as by concerns that

"any action taken to impede the provision of basic services and humanitarian assistance to the civilian population leads, in addition to the ongoing unacceptable and widespread loss of life and suffering, to further displacement of population".

The Court considers this to be a relevant part of the context of the request, which offers guidance in the interpretation of the question.

77. The Court observes that the question concerns the identification of the “obligations of Israel”. Unlike the request in the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, the General Assembly did not ask the Court to determine the “legal consequences” of any breach of these obligations (see also *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 136; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019 (I), p. 95; *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025). For this reason, the Court does not consider that it is called upon to determine whether Israel has violated its legal obligations or to address the legal consequences of Israel’s conduct, including under the law of State responsibility.

78. The General Assembly has requested the Court to identify Israel’s obligations with respect to the Occupied Palestinian Territory “as an occupying Power and as a member of the United Nations”. The Court observes in this connection that the preambular paragraphs of the request tie it to specific measures taken by Israel. Identification of Israel’s legal obligations cannot be undertaken in purely abstract terms and requires taking the particular situation underlying the request into account. Thus, the Court will base its assessment on the factual situation and identify Israel’s obligations with the degree of specificity it considers warranted to fulfil its judicial function.

79. Turning to the territorial scope of the question, the Court notes that the question covers Israel’s obligations in relation to United Nations entities, other international organizations and third States, “in and in relation to the Occupied Palestinian Territory”. Thus, in addition to Israel’s obligations in the Occupied Palestinian Territory, the request also requires consideration of Israeli activities undertaken on Israeli territory or elsewhere to the extent that they concern the presence and activities of United Nations entities, other international organizations and third States “in relation to” the Occupied Palestinian Territory. The Court recalls that the Occupied Palestinian Territory “constitutes a single territorial unit”, encompassing “the West Bank, East Jerusalem and the Gaza Strip” (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, para. 78). The Court further observes that, while the question encompasses Israel’s obligations in the Occupied Palestinian Territory as a whole, due to the specific reference in the request to “urgently needed supplies essential to the survival of the Palestinian civilian population”, the Court will pay particular attention to Israel’s obligations in the Gaza Strip.

80. In terms of its temporal scope, the General Assembly’s request does not include any limitations. Moreover, the Court is aware that the situation in the Occupied Palestinian Territory is evolving rapidly, as demonstrated — among other indicators — by the swift further deterioration of humanitarian conditions in the Gaza Strip during the four months between the submission of the request and the oral proceedings, as well as by events subsequent to the oral proceedings. The Court will base its legal analysis primarily on the facts as they stood as of 2 May 2025, the day of the closure of the oral proceedings, as well as on the participants’ replies to the questions posed during

the oral proceedings and which were received on 7 May 2025. Additionally, the Court will take into account subsequent developments, based upon the information presented to the Court, at its request, by the United Nations, Israel and the observer State of Palestine (see paragraph 16 above).

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81. The Court observes that the request concerns two main categories of obligations. Accordingly, the Court will first consider the obligations of Israel as an occupying Power 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. Then, the Court will turn to the obligations of Israel as a Member of the United Nations in the same respect.

#### **IV. OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER IN RELATION TO THE PRESENCE AND ACTIVITIES OF THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS AND THIRD STATES**

82. An occupying Power has a general obligation to “administer the territory for the benefit of the local population” (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 105). Israel’s particular obligations as an occupying Power in relation to the presence and activities of the United Nations, other international organizations and third States are governed by international humanitarian law, in particular the law of occupation (A), and by international human rights law (B).

##### **A. International humanitarian law**

83. The Court notes that Israel’s relevant obligations follow from the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (hereinafter the “Fourth Geneva Convention”) to which Israel is a party. As confirmed in the Court’s jurisprudence, the Fourth Geneva Convention is applicable in the Occupied Palestinian Territory (*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 177, para. 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*, para. 96). Moreover, Israel has obligations under customary international law, notably as reflected in the Regulations Respecting the Laws and Customs of War on Land annexed to the Fourth Hague Convention of 18 October 1907 and in certain provisions of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (hereinafter the “Additional Protocol I”).

84. The Court emphasizes the fundamental importance of the principle of distinction under international humanitarian law. Under the principle of distinction, parties to a conflict must at all times distinguish between civilians and civilian objects, on the one hand, and combatants and military objectives, on the other. Military operations may only be directed against combatants, and they must not be directed against civilians (see ICRC, *Customary International Humanitarian Law Study*, Volume II: Practice, Chapter 1, Section A, relating to Rule 1. The Principle of Distinction between

Civilians and Combatants). As a corollary to this principle, the principle of proportionality prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, that would be excessive in relation to the concrete and direct military advantage anticipated (see *ibid.*, Chapter 4, relating to Rule 14. Proportionality in Attack). The principle of precaution requires a party to a conflict to take constant care to spare civilians and civilian objects. Accordingly, in the conduct of military operations, all feasible precautions must be taken to avoid, or at least to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects (see *ibid.*, Chapter 5, Section A, relating to Rule 15. Precautions in Attack).

## 1. Israel's status as an occupying Power in the Gaza Strip

85. A small group of participants contested Israel's status as an occupying Power in relation to the Gaza Strip. The Court recalls that it found in the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* that, after the withdrawal of its military presence in 2005, "Israel remained capable of exercising, and continued to exercise, certain key elements of authority over the Gaza Strip", and that Israel's obligations under the law of occupation "have remained commensurate with the degree of its effective control over the Gaza Strip" (*Advisory Opinion of 19 July 2024*, paras. 93-94). These findings were based on the control exercised by Israel over the Gaza Strip prior to 7 October 2023, including control of the land, sea and air borders, restrictions on movement of people and goods, collection of import and export taxes, and military control over the buffer zone (*ibid.*, para. 93; see paragraph 43 above).

86. Since that date, Israel's effective control over the Gaza Strip has increased significantly, as evidenced, *inter alia*, by Israel's increased military control in large portions of the territory and Israel's blocking of aid between 2 March and 18 May 2025, which prevented all humanitarian aid from entering into the Gaza Strip (see paragraphs 70-72 above). Therefore, the Court finds that Israel's obligations under the law of occupation have also increased significantly, commensurate with the increase in its effective control over the territory. Those obligations include the obligations under the law of occupation considered in this section.

87. The Court observes that the fact that hostilities are ongoing does not necessarily preclude the simultaneous application of the law of occupation. When hostilities take place in an occupied territory, the law of occupation applies alongside other rules of international humanitarian law relating to the conduct of hostilities, and the occupying Power must comply with both sets of rules. However, the intensity of the hostilities could affect the implementation of certain obligations under the law of occupation, and therefore the particular conduct required of the occupying Power.

## 2. The relevance of Israel's security concerns

88. Some participants placed significant emphasis on the security concerns of Israel as justification for its conduct — both in general terms and in relation to some of its specific obligations as an occupying Power. In its written statement, Israel gave a detailed account of what it described as "[t]he shocking extent of UNRWA's infiltration by Hamas and other terrorist organizations . . .

during the horrifying attack on Israel on 7 October 2023 and in the subsequent military hostilities” (see also paragraphs 60-61 above and paragraph 117 below). Other participants pointed out that international humanitarian law already takes security concerns into account and balances them with the protection of civilians.

89. The Court is conscious of Israel’s security concerns. The Court observes that, while certain provisions of the Fourth Geneva Convention and other rules of customary international law allow the occupying Power to take considerations of security or military necessity into account, the protection of security interests is not a free-standing exception permitting a State to depart from the otherwise applicable rules of international humanitarian law. Any limitations on Israel’s obligations under international humanitarian law based on its security concerns must be grounded in a specific rule (see paragraphs 97-99 below). Thus, the Court does not consider that Israel’s security concerns limit the scope of Israel’s obligations as an occupying Power. The Court underscores that reliance upon such concerns must be exercised in accordance with the principle of good faith.

90. Further, the Court emphasizes that when States take measures to combat terrorism, they must comply with their obligations under international law, in particular their obligations to respect international humanitarian law and international human rights law (see, *inter alia*, resolution 1456 (2003) adopted by the Security Council on 20 January 2003, pp. 3-4; General Assembly resolution 78/210 of 19 December 2023, para. 2).

### **3. The relevant legal framework under international humanitarian law, in particular the law of occupation**

91. The Court observes that customary international law imposes a duty on all parties to an armed conflict to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, subject to a limited right of control. Such relief actions must be impartial in character and conducted in a non-discriminatory manner (cf. ICRC, Customary International Humanitarian Law Study, Volume II: Practice, Chapter 17, Section C, relating to Rule 55. Access for Humanitarian Relief to Civilians in Need; Fourth Geneva Convention, Article 23; Additional Protocol I, Article 70).

92. More specific obligations apply in the case of occupation. Articles 55 and 56 of the Fourth Geneva Convention obligate an occupying Power to ensure that the population of the occupied territory is supplied with the essentials of daily life, including food, water, shelter, medical supplies and medical care. Article 59 imposes additional obligations that depend on the population being inadequately supplied. Recalling the particular context of this case, the Court will begin its analysis with Israel’s obligations under Article 59 of the Convention.

**(a) *Obligation to agree to and facilitate relief schemes under Article 59 of the Fourth Geneva Convention***

93. Article 59 of the Fourth Geneva Convention provides that,

“[i]f the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

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

94. As the occupying Power, Israel’s obligation under the first paragraph of Article 59 to agree to and facilitate relief schemes if the local population is inadequately supplied is unconditional.

95. Relief schemes under Article 59 may be undertaken “either by States or by impartial humanitarian organizations”. The provision thus places obligations upon Israel both in relation to third States and in relation to the United Nations and other humanitarian organizations. These organizations must qualify as “impartial” to come within the scope of Article 59 (see paragraphs 111-116 below).

96. Under the second paragraph of Article 59, relief schemes falling within the ambit of the provision “shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing”. The use of the term “in particular” means that the obligation is not limited to the categories of items that are explicitly identified, although the items must have the character of relief supplies. Relief supplies may, for example, include water, bedding and shelter (see paragraph 130 below). They may also include adequate supplies of fuel, which are essential for cooking, heating and transportation, as well as the functioning of intensive care units, including incubators for newborn babies. The category of relief supplies in this context also encompasses those necessary for special medical needs, including assistive devices for people with disabilities, such as wheelchairs (see paragraph 159 below).

97. The fourth paragraph of Article 59 accords certain rights to a State granting free passage to consignments on their way to territory occupied by an adverse party to the conflict. These include, *inter alia*, the right to inspect consignments and the right to be reasonably satisfied that these consignments are to be used for the relief of the deprived population. While the provision does not include an explicit reference to the rights of the occupying Power, it follows from the occupying Power’s control over the territory that it is also entitled to exercise these rights. However, no State may exercise these rights to impede the delivery of relief consignments in a manner that undermines the performance of its obligations as set out in Article 59.

98. An occupying Power's obligation to agree to and facilitate the entry of humanitarian relief into an occupied territory under Article 59 does not displace its basic obligations to ensure the availability of food and medical supplies essential to the survival of the local population (see paragraphs 128-133 below). The first sentence of Article 60 of the Fourth Geneva Convention clarifies that "[r]elief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59" to ensure the essentials of daily life to the population.

99. Other provisions of the Fourth Geneva Convention confirm that aid can be impeded only temporarily and for narrowly circumscribed reasons. For example, the second sentence of Article 60 provides that "[t]he Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power". The notion of diversion in Article 60 is a broad one, covering a change of destination of relief consignments of any kind. The specific conditions for allowing diversion of relief consignments under Article 60 are cumulative and such action may be taken only in the interests of the local population. Thus, the Court emphasizes that the diversion of relief must remain exceptional, temporary and only for the narrowly defined purposes set forth in the Fourth Geneva Convention. Any large-scale diversion of humanitarian aid constitutes a violation of obligations under the Fourth Geneva Convention. Moreover, the diversion of aid must never undermine the general obligations of an occupying Power to ensure that the population is adequately supplied.

100. The same principle is expressed in Article 63 of the Fourth Geneva Convention, which provides that recognized Red Cross and Red Crescent societies "shall be able to pursue their activities in accordance with Red Cross principles" and "[o]ther relief societies shall be permitted to continue their humanitarian activities under similar conditions" subject only to "temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power". The provision restricts the ability of an occupying Power to limit the delivery of humanitarian relief. Moreover, the occupying Power may never invoke reasons of security to justify the general suspension of all humanitarian activities in an occupied territory.

101. The Court observes that the distribution of humanitarian relief in an impartial manner requires considerable planning and co-ordination. Thus, an occupying Power must do more than simply allow the passage of essential items into the occupied territory. It must also use all means at its disposal so that these items are distributed in a regular, fair and non-discriminatory manner, including by facilitating access to them and refraining from threats or use of violence or lethal force against the civilian population seeking to access such humanitarian relief. Relief schemes must be carried out in a manner that respects the dignity of the local population and that is consistent with the protection of the human rights of that population (see paragraphs 146-160 below).

**(b) *Whether the local population in the Occupied Palestinian Territory is inadequately supplied***

102. The obligations contained in Article 59 of the Fourth Geneva Convention arise only when "the whole or part of the population of an occupied territory is inadequately supplied". A large majority of the participants considered that the population of the Gaza Strip has not been adequately supplied in this sense.

103. The Court observes that, in March 2024, the WFP warned that “1.1 million people in Gaza — half of the population — had completely exhausted their food supplies and coping capacities and are struggling with catastrophic hunger . . . and starvation” (“Famine imminent in northern Gaza, new report warns”, 18 March 2024). Following the entry of some humanitarian aid during a ceasefire between Israel and Hamas in the Gaza Strip between 19 January and 18 March 2025, it was reported in May 2025 that the Palestinian people in the Gaza Strip were again “facing high levels of acute food insecurity, with half a million people (one in five) facing starvation” (IPC, “Gaza Strip: IPC Acute Food Insecurity and Acute Malnutrition Special Snapshot | April-September 2025”, 12 May 2025).

104. The Court further notes that Israel’s complete blocking of aid into the Gaza Strip from 2 March 2025 led to a further dramatic deterioration of the humanitarian conditions there, as detailed by the periodic reports from OCHA. These reports described, *inter alia*, “a renewed risk of hunger and malnutrition” (OCHA, “Humanitarian Situation Update #284 | Gaza Strip” (30 April 2025)) and deepening water insecurity, with “drastically reduc[ed] access to drinking water, undermining basic hygiene and compromising public health” (OCHA, “Humanitarian Situation Update #280 | Gaza Strip” (15 April 2025)). According to the United Nations, by July 2025, water delivery was severely restricted, and “96 per cent of households report[ed] moderate to high water insecurity and 90 per cent of key persons within the shelters providing information not[ed] worsened drinking water availability, compared with the ceasefire period” (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, para. 23).

105. Some States participating in the proceedings in this case also confirmed that they had been unable to deliver any kind of humanitarian aid into the Gaza Strip over the course of the aid blockage.

106. In its Emergency Situation Update report focusing on the period between 7 October 2023 and 7 May 2025, the WHO reported that “[a]ttacks on health facilities have intensified since the resumption of hostilities, severely disrupting the delivery of supplies and access to essential health services”. The report stated that “[s]ince 2 March 2025, entry of critical medical supplies and fuel required to keep health facilities operational has remained suspended, leaving stocks at dangerously low levels” (WHO, OPT Emergency Situation Update, 7 October 2023-7 May 2025, Issue 58, p. 3).

107. With respect to the period since 27 May 2025, when the Gaza Humanitarian Foundation began operating, Israel has insisted that it has facilitated the entry of an “unprecedented scale of humanitarian assistance” with an influx of aid that “far exceeded Gaza’s immediate civilian needs” (Response of the State of Israel to the Court’s request dated 13 August 2025, 27 August 2025, para. 26). The Court, however, takes note of credible reports on the marked increase of deaths from malnutrition in the months since the Court held its oral hearings in these proceedings (see Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, para. 17). For example, a report by OCHA dated 21 August 2025 recorded 204 malnutrition-related deaths since 1 July 2025, 51 of which were children (“Humanitarian Situation Update #315 | Gaza Strip” (21 August 2025)).

108. In a report in June 2025, OCHA warned about “a growing likelihood of famine”, “critical shortages of essential medicines and supplies”, and that “without the immediate entry of fuel into Gaza or access to fuel reserves within Gaza, access to lifesaving and life-sustaining services are at risk of shutting down imminently” (OCHA, “Humanitarian Situation Update #297 | Gaza Strip” (18 June 2025)). According to further reports from OCHA, the situation became increasingly precarious in the following months (OCHA, “Humanitarian Situation Update #309 | Gaza Strip” (30 July 2025)). An IPC report of 22 August 2025 indicates that there was famine (IPC Phase 5) occurring in the Gaza Governorate, which was projected to expand to the Deir al-Balah and Khan Younis Governorates by the end of September (IPC Global Initiative, Special Snapshot: “Gaza Strip: Famine confirmed in Gaza Governorate, projected to expand | 1 July-30 September 2025”, published on 22 August 2025; *IPC Famine Review Committee: Gaza Strip, August 2025*, published on 22 August 2025; see paragraph 74 above).

109. In light of this evidence, the Court finds that the local population in the Gaza Strip has been inadequately supplied within the meaning of Article 59 of the Fourth Geneva Convention. In such a situation, Israel, as the occupying Power, is under an obligation to agree to and facilitate relief schemes under that provision.

**(c) *Obligations of Israel in relation to UNRWA***

110. Most participants focused on Israel’s obligations under Article 59 of the Fourth Geneva Convention in relation to UNRWA. The two laws adopted by the Knesset on 28 October 2024 specifically address UNRWA (see paragraphs 64-65 above). The Court will thus consider Israel’s obligations under Article 59 as they relate to UNRWA. The Court observes, however, that these obligations also apply to relief schemes provided by United Nations entities more broadly. The same is true, in principle, for other humanitarian organizations seeking to provide humanitarian relief in the Gaza Strip (see paragraph 127 below).

111. Israel has contended that “[t]he Occupying Power has no obligation to consent to, or facilitate, relief schemes conducted by organizations which are not impartial or whose objectives are not exclusively humanitarian”. According to Israel, “[i]t is indeed critical that the Occupying Power agreeing to a relief scheme perceives the organisation or State in question to be both impartial and humanitarian, and trusts that they will conduct their operations accordingly”. Israel does not consider UNRWA to be an impartial organization and has argued that, as a result, UNRWA does not come within the purview of Article 59.

112. The Court observes that the qualification of a humanitarian organization as “impartial” or otherwise must be based on an objective assessment. It cannot depend only on the unilateral claim of the organization in question or on the unilateral perception of the occupying Power.

113. The Fourth Geneva Convention does not define the term “impartial humanitarian organization”. The Court has, in another context, referred to the definition of impartiality contained in the *Fundamental Principles of the International Red Cross and Red Crescent Movement (Military*

*and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment. I.C.J. Reports 1986*, pp. 124-125, para. 242). According to these Fundamental Principles,

“[t]he Movement makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.”

114. The Court notes that, based on the case file, there is no evidence that UNRWA, as an entity, breached the principle of impartiality within the meaning of Article 59. In other words, there is no evidence that UNRWA has discriminated with respect to nationality, race, religious belief, class or political opinion during its distribution of humanitarian aid and provision of services in the Occupied Palestinian Territory. Indeed, there has been no suggestion that UNRWA has engaged in adverse distinction in its distribution of humanitarian aid in the Gaza Strip or elsewhere. Moreover, the Colonna Report (see paragraph 60 above) did not make any findings to call UNRWA’s impartiality into question.

115. Some participants have linked the humanitarian requirement of impartiality with a requirement of neutrality, suggesting that humanitarian organizations may be under an obligation to meet both conditions. The Court observes that the two concepts are distinct: while impartiality entails a requirement of non-discrimination in the allocation of aid, neutrality prohibits taking sides in the conflict. Notably, the text of the second paragraph of Article 59 refers to impartiality and not to neutrality.

116. However, while neutrality is not a separate requirement under Article 59, the Court observes that the two concepts are related and neutrality plays a role in assessing the impartiality of the activities of humanitarian organizations. Thus, a lack of neutrality may affect whether an organization is “capable of acting effectively and worthy of trust” (J. S. Pictet (ed.), *Commentary on the Fourth Geneva Convention*, ICRC, Geneva, 1958, Article 59).

117. Israel alleged that UNRWA has been infiltrated “by Hamas and other terrorist organizations”, and that UNRWA employees took an active part in carrying out the attacks of 7 October 2023. Israel further alleged a “widespread and systemic misuse of UNRWA’s assets and facilities” by Hamas and that, for example, “Hamas militants operated from within UNRWA schools, as a matter of course”. Israel also claimed that in the Gaza Strip “at least 1,462 of UNRWA employees (nearly 12%) are members of Hamas . . . or other terrorist factions”. According to Israel, despite two decades of warnings about Hamas’ infiltration of UNRWA, its concerns were not adequately addressed by the United Nations. Israel further asserted that the mandates upon which the OIOS investigation and Colonna Report were based did not engage with Israel’s concerns. Israel contended that “UNRWA could no longer be trusted to fulfil its humanitarian objectives, and to act in accordance with the principles of neutrality, impartiality, and independence”.

118. The Court considers that the information before it is not sufficient to establish UNRWA’s lack of neutrality for the purpose of assessing its impartiality as an organization under Article 59. The United Nations took Israel’s allegations seriously and responded immediately, as evidenced by both the OIOS investigation and the Colonna Report. The OIOS investigation in 2024 led to the

dismissal of nine members of UNRWA personnel due to their possible involvement in the 7 October 2023 Hamas-led attacks against Israel (see paragraph 60 above). This circumstance, however, is insufficient to support a conclusion that UNRWA, as a whole — with more than 17,000 employees in the Occupied Palestinian Territory and over 30,000 employees altogether — is not a neutral organization. Indeed, prompt action following allegations of illegal conduct may be a strong indicator of neutrality. In addition, the Court finds that Israel has not substantiated its allegations that a significant part of UNRWA employees “are members of Hamas . . . or other terrorist factions”. Further, the Court notes that the Colonna Report concluded that

“UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar UN or NGO entities”.

The Colonna Report also made a number of recommendations to UNRWA, and the United Nations has indicated that UNRWA is implementing them (see paragraph 60 above).

119. Many participants took the view that, in the circumstances of the Occupied Palestinian Territory, particularly the Gaza Strip, UNRWA is the only international humanitarian organization capable of adequately supplying the population. Israel, for its part, argued that “[t]he reality on the ground has proven that claims that UNRWA is irreplaceable are simply untrue”. Israel stated that it has been

“working tirelessly with international partners other than UNRWA, including within the UN system, so as to allow and facilitate the continued passage of humanitarian aid to civilians in Gaza, and to ensure the unhindered provision these [*sic*] of necessary basic services, in a way that does not undermine Israel’s security”.

120. The Court notes that Article 59 of the Fourth Geneva Convention refers to a category of actors, “impartial humanitarian organizations”, and does not identify any specific organization to carry out the humanitarian activities. Accordingly, an occupying Power is in principle free to choose the humanitarian organizations through which it fulfils its obligation to agree to and facilitate humanitarian relief. However, Article 59 limits an occupying Power’s discretion in so far as it requires that Power to allow and facilitate sufficient relief to ensure that the population is adequately supplied. The Court therefore must consider how this general rule applies in the particular context of UNRWA’s involvement in the Gaza Strip and assess Israel’s actions to replace UNRWA with other humanitarian organizations.

121. UNRWA was established by the United Nations in 1949, 18 years before the occupation of the Occupied Palestinian Territory by Israel. UNRWA has since become the lead United Nations agency for relief and assistance to Palestine refugees in the Occupied Palestinian Territory and neighbouring States, playing a critical role in the Gaza Strip. UNRWA has thus been deeply integrated into the local infrastructure of the Occupied Palestinian Territory, providing for the most basic needs of the local population, including food, potable water, healthcare and shelter. The indispensable character of UNRWA’s operations has also been recognized in numerous General Assembly resolutions (see resolution 62/104 of 17 December 2007, para. 15; resolution 60/102 of

8 December 2005, para. 13; resolution 58/93 of 9 December 2003, para. 12; resolution 57/121 of 11 December 2002, para. 11). The Court recalls the scale and urgency of the needs of the population of the Gaza Strip (see paragraphs 103-109 above), and UNRWA's unique and sustained connection with the population of the Occupied Palestinian Territory. The Court considers that, in the current circumstances, it is not possible to replicate the capacity of the United Nations, acting through UNRWA, to ensure that the population of the Gaza Strip is adequately provided for. UNRWA cannot be replaced on short notice and without a proper transition plan.

122. The Court further observes that Israel itself has not ensured that the population of the Gaza Strip is adequately supplied (see paragraphs 128-133 below). The Court recalls that, in addition to severely restricting the entry of aid at various times after 7 October 2023, Israel blocked the delivery of humanitarian aid in the Gaza Strip starting from 2 March 2025 and only allowed the delivery of a limited amount of aid to resume on 19 May 2025 (see paragraphs 63 and 70-72 above). Israel's new, private, distribution system, carried out mainly through the Gaza Humanitarian Foundation, began operations in the Gaza Strip on 27 May 2025 (see paragraph 73 above).

123. The evidence thus shows that, whether or not the operations of the United Nations, acting through UNRWA, were replaceable, Israel had no replacement system mobilized for a ten-week period (see paragraph 72 above). The Gaza Humanitarian Foundation, a purported replacement for UNRWA, has been widely criticized by the United Nations and other international actors, and its operations have been alleged to be inconsistent with core humanitarian principles (see paragraph 73 above). The United Nations observed, in its response of 27 August 2025, that aid delivery remains significantly below the volume required to meet the needs of the population (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, para. 18). According to OCHA, over 2,100 Palestinians have been killed at or near the distribution sites of the Gaza Humanitarian Foundation since that system began operating on 27 May 2025 (OCHA, "Humanitarian Situation Update #319 | Gaza Strip" (4 September 2025)). As noted above (see paragraph 73), Israel described these events as "exceptional and unfortunate incidents" and noted that "the IDF's rules of engagement do not permit the use of live fire near humanitarian centres or convoys, except in situations involving a clear and immediate threat to life" (Response of the State of Israel to the Court's request dated 13 August 2025, 27 August 2025, para. 28).

124. The Court concludes that, under these circumstances, the United Nations, acting through UNRWA, has been an indispensable provider of humanitarian relief in the Gaza Strip. As the United Nations Secretary-General has observed, "there is currently no realistic alternative to UNRWA that could adequately provide the services and assistance required by Palestine refugees" (see identical letters dated 8 January 2025 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, UN doc. A/79/716-S/2025/18, 9 January 2025, p. 3). Thus, having regard to Article 59 of the Fourth Geneva Convention, and in the circumstances, the Court considers that Israel is under an obligation to agree to and facilitate relief schemes provided by the United Nations and its entities, including UNRWA.

**(d) *Obligations of Israel in relation to other international organizations and third States***

125. While UNRWA has played a central role in the facilitation of relief schemes in the Occupied Palestinian Territory, other United Nations entities (see paragraph 55 above), specialized agencies (see paragraph 56 above), and other international organizations and third States (see paragraph 57 above) have also provided and are continuing to provide humanitarian relief in the area. This includes activities co-ordinating the role of certain non-governmental organizations providing humanitarian relief in the Gaza Strip.

126. Some of these international organizations and third States reported restrictions by Israel prior to its blocking of humanitarian relief into the Gaza Strip. From 2 March 2025, however, Israel's imposition of a block on aid completely prevented their delivery of aid for a period of 78 days. Since Israel's partial lifting of the aid blockage, according to OCHA, only a "select number of UN agencies and international non-governmental organizations" have been allowed to resume the delivery of aid and "the entry of aid into Gaza . . . has remained . . . challenging" (OCHA, "Humanitarian Situation Update #297 | Gaza Strip" (18 June 2025)).

127. Article 59 of the Fourth Geneva Convention refers to aid provided by "States or by impartial humanitarian organizations". Thus, as long as the population remains inadequately supplied and Israel is not itself operating a system of humanitarian support that is in accordance with its obligations under international humanitarian law, Israel is obliged under Article 59 to agree to and facilitate relief schemes provided by third States or impartial humanitarian organizations such as the ICRC.

**4. *Obligation to ensure the basic needs of the population***

128. As an occupying Power, Israel is obliged to ensure the basic needs of the local population, including the supplies essential for their survival. Obligations to this effect are set out in Articles 55 and 56 of the Fourth Geneva Convention. These obligations, which are owed by the occupying Power to the population of the occupied territory, must be read in conjunction with Article 59 in considering Israel's obligations in relation to the activities of the United Nations, other international organizations and third States.

129. The first paragraph of Article 55 of the Fourth Geneva Convention provides that "[t]o the fullest extent of the means available to it", the occupying Power "has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate".

130. The material scope of the first paragraph of Article 55 is supplemented by Article 69, paragraph 1, of Additional Protocol I, which reflects customary international law. It requires the occupying Power to ensure the provision of "clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship".

131. The first paragraph of Article 56 of the Fourth Geneva Convention provides that the occupying Power

“has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.”

132. The Court observes that Israel’s obligations under Articles 55 and 56 are not dependent on the local population being “inadequately supplied” and therefore also extend beyond the Gaza Strip to other parts of the Occupied Palestinian Territory. In the Court’s view, under these provisions, Israel is not only required to perform the positive obligation to ensure essential supplies to the local population “to the fullest extent of the means available to it”, but it is also under a negative obligation not to impede the provision of these supplies or the performance of services related to public health. In this respect, to the extent that Israel does not itself fulfil the obligations under Articles 55 and 56, leaving that responsibility to the United Nations acting through UNRWA, as well as other international organizations and third States, Israel is under the same positive and negative obligations to support and not to restrict the activities of those entities.

133. The operations of the United Nations, through UNRWA, and those of other international organizations and third States have been central to Israel’s performance of its obligations as an occupying Power under Articles 55 and 56 of the Fourth Geneva Convention. Consequently, Israel’s obligations under these provisions require it either to facilitate those operations or to otherwise ensure that these obligations are fully met.

## **5. Obligation to respect and protect relief and medical personnel and facilities**

134. The Court notes that, according to the United Nations, between 7 October 2023 and 20 August 2025, at least 531 humanitarian workers, including 366 United Nations personnel, were killed in the Gaza Strip, 360 of whom were working for UNRWA (see paragraph 59 above). Israel alleges that some of the UNRWA employees killed “have been identified by Israel as . . . members of Hamas or Palestinian Islamic Jihad”.

135. The principle that humanitarian relief personnel must be respected and protected forms part of customary international law (see ICRC, Customary International Humanitarian Law Study, Volume II: Practice, Chapter 8, Section A, relating to Rule 31. Safety of Humanitarian Relief Personnel). Under Article 71, paragraph 2, of Additional Protocol I, applicable to occupied territories by virtue of Article 69, paragraph 2, of the same Protocol, States have an obligation to respect and protect personnel participating in relief actions. Article 71, paragraph 3, clarifies that the activities of the relief personnel may be limited and their movements may be temporarily restricted only “in case of imperative military necessity”. These provisions reflect customary international law.

136. Personnel participating in relief actions are also protected by the principle of distinction, unless and only for such time as they directly participate in hostilities. The Court recalls that the principle of distinction has general applicability under international humanitarian law, requiring parties to a conflict to distinguish between civilians and combatants (see paragraph 84 above). The principle of distinction also protects civilian humanitarian relief personnel against attacks. The Court observes that this principle further prohibits harassment, intimidation and arbitrary detention of humanitarian relief personnel (see ICRC, Customary International Humanitarian Law Study, Volume II: Practice, Chapter 8, Section A, relating to Rule 31. Safety of Humanitarian Relief Personnel).

137. The obligations of an occupying Power exist alongside the obligations under international humanitarian law of all parties to a conflict to protect civilian hospitals and to respect and protect medical personnel exclusively assigned to medical duties in all circumstances (Fourth Geneva Convention, Articles 18 and 20; Convention for the Amelioration of the Condition of the Wounded in Armed Forces in the Field of 12 August 1949, Articles 24-26; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Article 36).

138. The Court considers that Israel is thus required to respect and protect relief and medical personnel and facilities. Consistent with the principle of distinction, Israel must carefully distinguish between civilians and combatants, and civilian objects and military objectives, noting that civilians only lose their protected status if they take direct part in hostilities, and only for the time that they are so engaged in hostilities.

## **6. The prohibition of forcible transfer and deportation**

139. The first paragraph of Article 49 of the Fourth Geneva Convention provides that individual or mass forcible transfers and deportations from occupied territory of protected persons within the meaning of that Convention are prohibited, regardless of their motive. Deportation or forcible transfer of the civilian population of an occupied territory, in whole or in part, is also prohibited under customary international law (ICRC, Customary International Humanitarian Law Study, Volume II: Practice, Chapter 38, Section A, relating to Rule 129. Act of Displacement). The Court recalls that transfer may be “forcible” — and thus prohibited under the first paragraph of Article 49 — not only when it is achieved through the use of physical force, but also when the people concerned have no choice but to leave (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 145). This may include inflicting conditions of life that are intolerable. The Court further recalls that “all forcible transfers of protected persons are prohibited, including transfers within the occupied territory” (*ibid.*, para. 144).

140. While the second paragraph of Article 49 of the Fourth Geneva Convention allows an occupying Power to evacuate people to a given area “if the security of the population or imperative military reasons so demand”, it provides that “[p]ersons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased”. The Court observes that the

third paragraph of Article 49 further stipulates that the occupying Power

“shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated”.

141. According to some participants, including the United Nations, the Israeli military has issued numerous displacement orders, “forcing hundreds of thousands of people into overcrowded areas and restricting the United Nations’ ability to deliver urgently needed essential supplies” (see e.g. Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, para. 26). The Court observes that Israel, as an occupying Power, is prohibited from restricting the presence and activities of the United Nations, other international organizations and third States in and in relation to the Occupied Palestinian Territory to a degree that creates, or contributes to, conditions of life that would force the population to leave.

#### **7. The right of protected persons in detention to be visited by the ICRC**

142. According to two participants, Israel has denied the ICRC access to Palestinian detainees since 7 October 2023. The Court recalls that Article 76 of the Fourth Geneva Convention provides that an occupying Power is required to allow protected persons in detention to be visited by delegates of the ICRC. Article 143 in turn allows the ICRC “to go to all places where protected persons are, particularly to places of internment, detention and work” as well as to access “all premises occupied by protected persons”. It further stipulates that visits may be prohibited only “for reasons of imperative military necessity, and then only as an exceptional and temporary measure” and that “[t]heir duration and frequency shall not be restricted” (Article 143, first to third paragraphs). For these reasons, Israel is obliged to allow the ICRC access to visit protected persons from the Occupied Palestinian Territory detained by the Israeli authorities.

#### **8. The prohibition of starvation as a method of warfare**

143. Customary international law prohibits the use of starvation of the civilian population as a method of warfare. This rule is reflected in Article 54, paragraph 1, of Additional Protocol I, (“Starvation of civilians as a method of warfare is prohibited.”) and Article 14 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (“Starvation of civilians as a method of combat is prohibited.”) (see ICRC, Customary International Humanitarian Law Study, Volume II: Practice, Chapter 17, Section A, relating to Rule 53. Starvation as a Method of Warfare).

144. The Court notes that, according to the ICRC, using starvation as a method of warfare means “provok[ing] it deliberately, causing the population to suffer hunger, particularly by depriving it of its sources of food or of supplies” (Y. Sandoz, C. Swinarski and B. Zimmermann (eds.), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, ICRC, Geneva, 1987, Protocol I, Article 54).

145. As the Court has noted (see paragraphs 70-72 above), Israel blocked aid into the Gaza Strip, preventing the entry of humanitarian aid into the region from 2 March until 18 May 2025. In the view of the Court, Israel's consent to the operations of the Gaza Humanitarian Foundation since 27 May 2025 and to other limited humanitarian aid has not significantly alleviated the situation (see paragraphs 73-74 above). The Court further refers to its finding at paragraphs 102-109 above that the local population in the Gaza Strip has been inadequately supplied. In these circumstances, the Court recalls Israel's obligation not to use starvation of the civilian population as a method of warfare.

### **B. International human rights law**

146. As an occupying Power, Israel has obligations under international human rights law to respect, protect and fulfil the human rights of the population of the Occupied Palestinian Territory. Restrictions on the provision of humanitarian aid that is indispensable for the well-being and dignity of the Palestinian population directly implicate these obligations. In light of the question asked by the General Assembly, the Court considers here the human rights obligations of Israel only to the extent that they relate to the presence and activities of the United Nations, other international organizations and third States in and in relation to the Occupied Palestinian Territory. The Court observes that Israel has human rights obligations vis-à-vis the population of the Occupied Palestinian Territory both by virtue of treaties to which it is a party and under customary international law.

147. Israel is a party to several United Nations human rights treaties. These include the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter "CERD"), the International Covenant on Civil and Political Rights of 16 December 1966 (hereinafter the "ICCPR"), the International Covenant on Economic, Cultural and Social Rights of 16 December 1966 (hereinafter the "ICESCR"), the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 (hereinafter "CEDAW"), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (hereinafter the "CAT"), the Convention on the Rights of the Child of 20 November 1989 (hereinafter the "CRC") and the Convention on the Rights of Persons with Disabilities of 13 December 2006 (hereinafter the "CRPD").

148. The Court observed in the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* that

“international human rights instruments are applicable “in respect of acts done by a State in the exercise of its jurisdiction outside its own territory”, particularly in occupied territories’ . . . The Court . . . recalls that the protection offered by human rights conventions does not cease in case of armed conflict or of occupation . . . Some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may concern both these branches of international law” (*Advisory Opinion of 19 July 2024*, para. 99, citations omitted).

149. The Court has confirmed that “Israel remains bound by the ICCPR and the ICESCR in respect of its conduct with regard to the Occupied Palestinian Territory” (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 100). It has similarly held that Israel “must

comply with its obligations under CERD in circumstances in which it exercises its jurisdiction outside its territory” (*ibid.*, para. 101). The Court has also found the CRC to be applicable within the Occupied Palestinian Territory (see *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 181, para. 113).

150. In the Court’s view, the principle that a State’s human rights obligations extend to acts taken by that State in the exercise of its jurisdiction outside its own territory, particularly in occupied territories, applies also with respect to CEDAW, the CAT and the CRPD.

151. Both the human rights treaties to which Israel is a party and customary international law encompass a wide range of human rights that are relevant to the population of the Occupied Palestinian Territory. These rights apply alongside the obligations of an occupying Power under international humanitarian law, including the obligation under Article 27 of the Fourth Geneva Convention that protected persons shall be respected and humanely treated, and the specific obligations of an occupying Power addressed above. Such rights include the right to life (Article 6, ICCPR; Article 6, CRC), the right to be free from torture or cruel, inhuman or degrading treatment or punishment (Article 7, ICCPR; Articles 2 and 16, CAT; Article 37, CRC; Article 15, CRPD), the right to liberty and security (Article 9, ICCPR; Article 37, CRC), the right to freedom of movement (Article 12, ICCPR), the right to protection of family life (Article 12, ICESCR), the right to an adequate standard of living, including adequate food, clothing and housing and the continuous improvement of living conditions (Article 11, paragraph 1, ICESCR; Article 27, CRC), the right to the enjoyment of the highest attainable standard of physical and mental health (Article 12, ICESCR; Article 24, CRC), the right to education (Article 13, ICESCR; Article 24, CRC) and the right not to be subject to discrimination on specific grounds (Article 26, ICCPR; Article 2, CERD; Article 2, CEDAW; Article 4, CRPD).

152. The Court has confirmed that Israel has a positive obligation to respect, protect and fulfil international human rights in the Occupied Palestinian Territory, even in times of armed conflict. The Court observes that, to the extent that the local population has been capable of enjoying many of these human rights in the Occupied Palestinian Territory, this has been largely enabled and ensured through the work of the United Nations, particularly through UNRWA, supported by the activities of other international organizations and third States. Consequently, any diminution by Israel of the capacity of UNRWA and these other actors to ensure these basic human rights means that the obligations of Israel to respect, protect and fulfil these rights increases to a commensurate degree.

153. According to the IPC, by 12 May 2025, half of the population of the Gaza Strip faced emergency levels of food insecurity (“Gaza Strip: IPC Acute Food Insecurity and Acute Malnutrition Special Snapshot | April-September 2025”, 12 May 2025, Integrated Food Security Phase 4 “Emergency” Classification) and nearly half a million people faced catastrophic levels of food insecurity (*ibid.*, Integrated Food Security Phase 5 “Catastrophe/Famine” Classification). As noted above, the United Nations, particularly through UNRWA, has played a vital role over many decades in supporting the civilian population throughout the Occupied Palestinian Territory (see paragraphs 53-54). UNRWA, along with other United Nations entities, has not only ensured the distribution of food; it has also played a significant role in operating educational and health systems in the Occupied Palestinian Territory, especially in the Gaza Strip. The Court notes that the Israeli laws of 28 October 2024, which entered into force on 30 January 2025, have impeded UNRWA’s operations in the Occupied Palestinian Territory. Since 2 March 2025, Israel has also increased restrictions on the operations of other United Nations entities, international organizations and third States in the Gaza Strip. These policies and practices have resulted in the deprivation of the essentials of daily life for the local population in the Gaza Strip. This engages Israel’s obligations to respect, protect and fulfil the human rights of the local population in the Gaza Strip and in the Occupied Palestinian Territory as a whole.

154. The Court notes the particular significance of the right to life in this context. Article 6 of the ICCPR acknowledges an “inherent right to life”, prohibiting the arbitrary deprivation of life, from which no derogation is permitted. This means that the right must be respected even “[i]n time of public emergency which threatens the life of the nation” (Article 4, paragraph 1, ICCPR). Article 6 of the CRC similarly provides that “every child has the inherent right to life” and that “States Parties shall ensure to the maximum extent possible the survival and development of the child”. The Court observes that practices inconsistent with international humanitarian law, including the targeting of civilian objects or objects indispensable to the survival of the civilian population during armed conflict, may amount to an arbitrary deprivation of life (see General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN doc. CCPR/C/GC/36, 3 September 2019, para. 64). The duty to protect the right to life also requires States to take measures addressing widespread hunger and malnutrition as well as extreme poverty and homelessness. Further, where necessary, States must ensure that individuals have access without delay to essential goods and services such as food, water, shelter, health care, electricity and sanitation (see *ibid.*, para. 26).

155. Another significant human right at stake for the civilian population of the Occupied Palestinian Territory is the right to an adequate standard of living, including adequate food, clothing and housing and to “the continuous improvement of living conditions” (Article 11, paragraph 1, ICESCR; see also Article 27, paragraph 1, CRC). Prevention of humanitarian food aid reaching a civilian population in a time of armed conflict may constitute a violation of this right (see Committee on Economic, Social and Cultural Rights, General Comment No. 12: The Right to Adequate Food (Art. 11), UN doc. E/C12/1999/5, 12 May 1999, para. 19). Deprivation of the basic necessities of life, such as food, water and medicine, may also breach the international legal prohibition of torture and other cruel, inhuman or degrading treatment or punishment (Article 7, ICCPR; Articles 2 and 16, CAT; Article 37 (a), CRC).

156. Parties to the ICESCR, including Israel, have an obligation to protect the right of everyone to the highest attainable standard of physical and mental health (Article 12, paragraph 1, ICESCR). States parties to the CRC also “recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health” and are required to “strive to ensure that no child is deprived of his or her right of access to such health care services” (Article 24, CRC). Article 12 of CEDAW requires parties, including Israel, to ensure non-discrimination in women’s access to healthcare services. Parties to the CRPD are obliged to protect the right to health of persons with disabilities (Article 25, CRPD).

157. As an occupying Power, Israel is required to “facilitate the proper working of all institutions devoted to the care and education of children” (Fourth Geneva Convention, Article 50). This duty is complemented by Israel’s duty to protect the human right to education in the Occupied Palestinian Territory (Article 13, paragraph 1, ICESCR; Articles 28 and 29, CRC).

158. The situation in the Gaza Strip since 7 October 2023 has had particularly severe repercussions for women, children and other vulnerable groups, including persons with disabilities. The United Nations has warned that

“children, who make up half of Gaza’s population, are facing escalating levels of trauma, violence and neglect, as ongoing military operations, mass displacement, and funding shortages disrupt education and critical child protection services” (OCHA, “Humanitarian Situation Update #284 | Gaza Strip” (30 April 2025)).

159. As a party to the CRPD, Israel has undertaken to “refrain from engaging in any act or practice that is inconsistent with the [CRPD] and to ensure that public authorities and institutions act in conformity with [it]” (Article 4 (1) (d), CRPD). The ongoing hostilities in the Gaza Strip have caused the number of persons with disabilities to rise sharply, further highlighting the importance of Israel’s performance of its obligations under the Convention. The Special Procedures of the Human Rights Council have emphasized that the collapse of the healthcare system has had a particularly deleterious effect on Palestinians with disabilities in the Gaza Strip, because of their need for regular, specialized medical care and supplies (see OHCHR, “A tragedy within a tragedy: UN experts alarmed by harrowing conditions for Palestinians with disabilities trapped in Gaza”, 25 October 2024). The widespread destruction of housing and infrastructure has greatly reduced the accessibility of assistive devices, such as wheelchairs, for persons with physical disabilities. They are thus at a disadvantage with respect to access to the scarce humanitarian assistance available. Moreover, the blocking of the Gaza Strip has made travel for specialized healthcare and rehabilitation almost impossible (*ibid.*).

160. The United Nations has reported that Israel's restrictions on humanitarian assistance into the Gaza Strip have resulted in the halting of programmes of nutritional supplements for pregnant and breastfeeding women there (Explanations submitted on behalf of the Secretary-General of the United Nations in response to the request from the International Court of Justice of 13 August 2025, 27 August 2025, para. 20). The United Nations has also stated that "[p]regnant women give birth without medical care" in the Gaza Strip (Briefing to the Security-Council by Tom Fletcher, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, 16 July 2025). The Court observes that Israel is obliged to ensure that women in the Occupied Palestinian Territory have "appropriate services in connection with pregnancy, confinement and the post-natal period . . . as well as adequate nutrition during pregnancy and lactation" (Article 12, paragraph 2, CEDAW).

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161. Under the circumstances in the Occupied Palestinian Territory, Israel's obligations under international humanitarian law and international human rights law require it to refrain from impeding the United Nations' operations. The Court notes that, while UNRWA has played a central role in facilitating humanitarian activities in the Occupied Palestinian Territory, Israel's obligations apply broadly and encompass the United Nations generally, other international organizations and third States.

162. As noted above, the Court has not been requested to address the legality or the legal consequences of Israel's actions and omissions (see paragraphs 77-78). However, the Court cannot fail to observe that Israel's conduct in the Occupied Palestinian Territory raises serious concerns in light of its obligations under international humanitarian law and international human rights law, as outlined above. Thus, the Court reaffirms that Israel remains bound by these obligations and is required to comply with them.

#### **V. OBLIGATIONS OF ISRAEL AS A MEMBER OF THE UNITED NATIONS**

163. The Court will now turn to the obligations of Israel as a Member of the United Nations, in relation to the presence and activities of the United Nations, including its entities, other international organizations and third States, in and in relation to the Occupied Palestinian Territory.

164. The Court recalls that, on 29 November 1948, referring to General Assembly resolution 181 (II) on the future government of Palestine, Israel applied for admission to membership of the United Nations, formally declaring that it "hereby unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations" (letter dated 29 November 1948 from Israel's Foreign Minister to the United Nations Secretary-General concerning Israel's Application for Admission to Membership of the United Nations and Declaration Accepting Obligations under the Charter, UN doc. S/1093). On 11 May 1949, the General Assembly took note of this declaration when it admitted Israel as a Member of the United Nations (General Assembly resolution 273 (III)).

165. For the purpose of responding to the question posed by the General Assembly, the Court will not examine all the obligations that Israel has undertaken as a Member of the United Nations under the Charter with regard to the question of Palestine. It will limit its analysis to those obligations concerning the presence and activities of the United Nations, including its entities, in and in relation to the Occupied Palestinian Territory.

#### **A. The permanent responsibility of the United Nations towards the question of Palestine**

166. The responsibility of the United Nations towards the question of Palestine has its origin in the Mandate and the Partition Plan adopted in General Assembly resolution 181 (II) in 1947 (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 35; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 159, para. 49). The United Nations has acted in pursuit of this responsibility through a series of institutional arrangements, including, among others, the establishment of the United Nations Special Committee on Palestine by General Assembly resolution 106 (S-1) of 15 May 1947, adopted at its First Special Session in 1947; the formation of the Ad Hoc Committee on the Palestinian Question during the Second Session of the General Assembly in 1947; the creation of the United Nations Truce Commission for Palestine by Security Council resolution 48 (1948) of 23 April 1948; the appointment of the United Nations Mediator in Palestine by General Assembly resolution 186 (S-2) of 14 May 1948; and the creation of the United Nations Conciliation Commission for Palestine by General Assembly resolution 194 (III) of 11 December 1948. These institutional arrangements were subsequently adjusted or expanded in accordance with the evolving situation in Palestine, in particular after Israel's occupation in 1967 of all the territories of Mandatory Palestine beyond the 1949 armistice demarcation lines fixed between Israeli and Arab forces (see paragraph 51 above). This responsibility was described by the General Assembly in resolution 57/107 as "a permanent responsibility" until "the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy" (General Assembly resolution 57/107 of 3 December 2002).

167. This responsibility of the United Nations was initially implemented on the ground through the United Nations Relief for Palestine Refugees, which was established by General Assembly resolution 212 (III) of 19 November 1948 and succeeded by UNRWA (see paragraph 48 above). Since it began operations in 1950, UNRWA has provided large-scale and comprehensive education programmes, healthcare and social services (see paragraph 54 above). Alongside UNRWA, approximately 12 United Nations entities have had a physical presence in the Occupied Palestinian Territory (see paragraph 55 above). The Court notes that, according to the General Assembly, since 7 October 2023, UNRWA has remained the backbone of all humanitarian response in the Gaza Strip, serving Palestinian refugees and civilians in urgent need of life-saving humanitarian assistance and providing a crucial measure of stability in the region (General Assembly resolution ES-10/25 of 11 December 2024, paras. 4 and 7).

168. Between 2 March and 18 May 2025, no humanitarian aid or commercial goods were allowed into the Gaza Strip as a consequence of Israel's decision to block all humanitarian assistance to the Gaza Strip. According to an UNRWA situation report dated 5 September 2025, since 7 October 2023, 907 incidents impacting UNRWA premises and the people inside them have been reported; 312 UNRWA installations have been affected by armed conflict-related incidents; over

360 UNRWA team members have been killed; and at least 845 people sheltering in UNRWA buildings have been killed and 2,554 injured (UNRWA Situation Report #187 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem, pp. 3 and 8). The UNRWA Office in East Jerusalem has closed and UNRWA international personnel have not been allowed to enter the Occupied Palestinian Territory as a result of the two laws adopted by the Knesset. Meanwhile, around 12,000 locally recruited Palestinian UNRWA personnel have continued to provide services and assistance to the entire population in need in the Gaza Strip (*ibid.*, p. 6).

169. It is against this background that the obligations of Israel as a Member of the United Nations must be examined.

### **B. Obligation to co-operate with the United Nations**

170. The Charter of the United Nations is the constituent instrument of the Organization and is a treaty under international law whereby the Members of the Organization undertake a range of obligations in pursuit of the purposes and principles of the United Nations. These obligations may be prescribed by specific provisions of the Charter, or contained in decisions adopted by the relevant organs of the Organization in so far as they possess binding force for Members in accordance with the Charter.

171. By virtue of Article 2, paragraph 2, of the Charter, all Members must fulfil in good faith the obligations assumed by them in accordance with the Charter. The Court notes that this provision is found in Chapter I of the Charter on the purposes and principles of the United Nations. It is listed alongside other principles in Article 2, according to which the Organization and its Members must act in pursuit of its purposes as set out in Article 1. This provision must be applied in conjunction with the specific obligations assumed by the Members in accordance with the Charter.

172. In realizing the purposes of the United Nations as enunciated in Article 1 of the Charter, Members have a specific obligation to co-operate with the United Nations under Article 2, paragraph 5, of the Charter, which provides that “[a]ll Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter”. This provision must be read together with the provisions of the Charter relating to the powers of various organs of the United Nations.

173. As the Court stated in *Reparation for Injuries Suffered in the Service of the United Nations*:

“[The Charter] has defined the position of the Members in relation to the Organization by requiring them to give it every assistance in any action undertaken by it (Article 2, para. 5), and to accept and carry out the decisions of the Security Council; by authorizing the General Assembly to make recommendations to the Members; by giving the Organization legal capacity and privileges and immunities in the territory of each of its Members; and by providing for the conclusion of agreements between the Organization and its Members” (*Advisory Opinion, I.C.J. Reports 1949*, pp. 178-179).

Compliance with this duty to render assistance is important for the effective functioning of the Organization, the fulfilment of its mandate, and the independence and efficacy of its personnel in the discharge of their duties (*ibid.*, p. 183).

174. Furthermore, Members are under an obligation to co-operate with the United Nations under Articles 55 and 56 of the Charter. Article 56 provides that “[a]ll Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55”. These purposes include, *inter alia*, the promotion of economic and social progress and development, and universal respect for, and observance of, human rights and fundamental freedoms for all. In the view of the Court, Articles 55 and 56 of the Charter, among others, operate together with Article 2, paragraphs 2 and 5, to facilitate the actions of the United Nations.

175. The obligations of Israel, and of all other Member States, to co-operate with the United Nations with respect to the question of Palestine is of paramount importance in addressing the critical situation on the ground since October 2023, in which the United Nations, together with other actors, plays a crucial role in delivering and co-ordinating humanitarian aid and development assistance to the Occupied Palestinian Territory, in particular through UNRWA in the Gaza Strip (see paragraph 124 above).

176. The Court recalls that Israel, as an occupying Power, is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory, including East Jerusalem (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 105 and 254). By enacting and enforcing the two laws adopted by the Knesset on 28 October 2024 that unilaterally terminated Israel’s co-operation with UNRWA, including its operation in East Jerusalem (see paragraphs 64-65 above), Israel continues to exercise sovereign power in East Jerusalem. Moreover, these laws have directly resulted in obstructions to the operations of UNRWA in and in relation to the Occupied Palestinian Territory, in particular in the Gaza Strip.

177. Furthermore, the Court notes that UNRWA, as a subsidiary organ of the United Nations, has been entrusted by the General Assembly to provide direct relief and work programmes for Palestine refugees. It cannot carry out such a mandate effectively without having direct access to the population in the Occupied Palestinian Territory. This is particularly true given the crucial role that UNRWA has been playing since October 2023. In the view of the Court, Israel is not entitled to withhold its co-operation with the United Nations by unilaterally deciding on the presence and activities of United Nations entities in and in relation to the Occupied Palestinian Territory, subject to paragraph 184 below.

178. Lastly, as previously affirmed, Israel must fulfil its obligations in good faith. In the event of any difference arising between Israel and the United Nations, the obligation to co-operate requires Israel to pursue consultation and negotiation with the United Nations (cf. *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, pp. 95-96, para. 49).

179. Based on the foregoing, Israel, as a Member of the United Nations, is under an obligation to co-operate in good faith with the United Nations, in particular by virtue of Article 2, paragraphs 2 and 5, of the Charter. Pursuant to this obligation, Israel may not obstruct the functions of the United Nations and must provide every assistance in any action taken by the Organization in accordance with the Charter in and in relation to the Occupied Palestinian Territory, subject to paragraph 184 below.

### **C. Obligation to respect the privileges and immunities of the United Nations**

180. The United Nations, as it stands today after eighty years of operation, remains “the supreme type of international organization” (*Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949*, p. 179). The Court recalls that Members of the United Nations, “by entrusting certain functions to it, with the attendant duties and responsibilities, have clothed it with the competence required to enable those functions to be effectively discharged” (*ibid.*).

181. Article 105 of the Charter of the United Nations provides:

“1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.”

182. The privileges and immunities of the United Nations are further set out in the Convention on the Privileges and Immunities of the United Nations (hereinafter the “General Convention”), adopted by the General Assembly pursuant to Article 105, paragraph 3, of the Charter on 13 February 1946. There are 162 States parties to the General Convention. Israel acceded to it on 21 September 1949 without making any declaration or reservation.

183. The privileges and immunities accorded to the United Nations and its personnel are functional in nature. Such privileges and immunities must be distinguished from the sovereign immunity enjoyed by States, which is based on the principle of sovereign equality of States in international law. The purpose of Article 105 of the Charter, as indicated in the *travaux préparatoires*, is to safeguard the independent and effective performance of the mandate entrusted to the Organization and its personnel and to ensure that “no member state may hinder in any way the working of the Organization or take any measures the effect of which might be to increase its burdens” (Documents of the United Nations Conference on International Organization, San Francisco, 1945, Volume XIII, p. 705). It was in this spirit that the Court, in the early years of the Organization, observed that, “[b]oth to ensure the efficient and independent performance of these missions and to afford effective support to its agents, the Organization must provide them with adequate protection” (*Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949*, p. 183). In other words, these privileges and immunities are not accorded as benefits to the United Nations or its personnel, but to safeguard their functions.

184. The Court recalls that, as a general rule, the way in which a subsidiary organ established by the General Assembly is utilized depends on the consent of the State or States concerned (*Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion, I.C.J. Reports 1962*, p. 165), and that States “possess a sovereign power of decision with respect to their acceptance of the headquarters or a regional office of an organization within their territories”

(*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, p. 89, para. 37). It follows that, within the territory of Israel, the presence and activities of the United Nations and its entities are subject to the consent of Israel. However, in the occupied territory, over which Israel, as an occupying Power, enjoys no sovereignty, it is not entitled to decide unilaterally, with respect to the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory, in the same way as in its own territory.

185. The Court notes that Article 105, paragraph 1, of the Charter provides that the United Nations “shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes”. In the view of the Court, the phrase “in the territory of each of its Members” is not intended to impose a limitation on the territorial scope of Article 105 of the Charter or the General Convention, but rather indicates the ordinary scope of the territorial jurisdiction of States. In the context of an occupation, an occupying Power exercises jurisdiction and control over the occupied territory and thereby assumes an obligation to respect the privileges and immunities accorded to the United Nations under Article 105 of the Charter and the General Convention in the occupied territory. This obligation, by its nature, derives from a State’s membership of the United Nations and its status as a party to the General Convention.

186. The Court considers that Article 105 of the Charter and the General Convention do not cease to operate in the context of armed conflict. This is consistent with the purposes and functions entrusted to the United Nations, which often carries out important missions in areas of tension and conflict. In the Advisory Opinion concerning *Reparation for Injuries Suffered in the Service of the United Nations*, with regard to the nature of the missions of United Nations agents, the Court found that “the capacity of the Organization to exercise a measure of functional protection of its agents arises by necessary intendment out of the Charter” (*I.C.J. Reports 1949*, p. 184). This same consideration is reflected in the privileges and immunities granted to the United Nations Relief for Palestine Refugees, the predecessor of UNRWA, and to UNRWA itself. In its resolution establishing UNRWA, the General Assembly called on the governments concerned to accord to UNRWA the privileges and immunities that had been granted to its predecessor, together with “all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions” (General Assembly resolution 302 (IV) of 8 December 1949, para. 17).

187. Pursuant to Article 105 of the Charter, the General Convention sets out the privileges and immunities that the United Nations and its personnel enjoy in the overall performance of their functions. For the purposes of the present proceedings, the Court will confine itself to those provisions that directly pertain to the obligations of Israel vis-à-vis the United Nations, its entities and personnel in and in relation to the Occupied Palestinian Territory. This is without prejudice to the relevance and application of other provisions of the General Convention, wherever appropriate and necessary. The Court considers the following aspects and the corresponding provisions of the General Convention to be of particular relevance to the question put to it: first, the obligation to respect the privileges and immunities accorded to the United Nations, its premises, property and assets (Article II, Sections 2, 3 and 7); second, the obligation to respect the privileges and immunities of United Nations personnel (Article V, Sections 18 and 20, Article VI, Sections 22-23, and Article VII, Sections 24-26); and, third, the obligation to address any concern regarding the privileges and immunities of the United Nations and its personnel within the legal framework of the United Nations (Article V, Section 21, and Article VIII, Section 30).

## 1. Obligation to respect the privileges and immunities accorded to the United Nations, its premises, property and assets

188. Article II of the General Convention sets out detailed rules on the privileges and immunities of the United Nations, elaborating on Article 105, paragraph 1, of the Charter. It requires Members of the United Nations not to interfere with the independent exercise of the functions of the Organization. This protection accorded to the United Nations extends to its entities that form an integral part of the Organization.

189. Article II contains, *inter alia*, provisions that address the immunity from legal process of the United Nations, its property and assets; the inviolability of United Nations premises and non-interference with United Nations property and assets; and the exemption of the United Nations, its assets, income and other property from customs duties and prohibitions and restrictions on imports and exports in respect of articles for its official use. These provisions constitute a prerequisite for the United Nations and its entities to be able to implement their mandated activities on the ground.

190. Article II, Section 2, of the General Convention reads:

“The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.”

191. Under this provision, Israel must respect the immunity from legal process of the United Nations, its property and assets in and in relation to the Occupied Palestinian Territory. The Court observes that the scope of immunity under this provision is broad. The terms “its property and assets wherever located and by whomsoever held” and “immunity from every form of legal process” indicate that Israel is obliged not to exercise jurisdiction over or interfere with the property and assets of the United Nations and its entities. Even in cases where the United Nations expressly waives its immunity from legal process, the property or assets in question cannot be subject to measures of execution. This interpretation is confirmed by the long-standing position and established practice of the United Nations, according to the information supplied by the Secretary-General, which the Court may take into account when examining the meaning and scope of the provisions under the General Convention (see *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Reports 1989*, p. 194, para. 48).

192. Article II, Section 3, of the General Convention provides:

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

193. Under this provision, Israel’s obligation is twofold. First, with regard to the premises of the United Nations, including its field offices in the Occupied Palestinian Territory, Israel must respect their inviolability and not interfere with the performance of their functions. The Court considers that the question whether a particular facility in the Occupied Palestinian Territory qualifies as “[t]he premises of the United Nations” must be assessed by taking into account the specific circumstances pertaining to each facility concerned.

194. The Court notes that UNRWA has a mandate “[t]o carry out in collaboration with local governments the direct relief and works programmes” (General Assembly resolution 302 (IV) of 8 December 1949, para. 7). UNRWA has implemented an extensive range of education programmes, healthcare and social services through its 400 schools, over 65 primary health clinics and a hospital, in addition to its two field offices in the Occupied Palestinian Territory (see paragraph 54 above). With respect to the question whether the schools, health clinics and the hospital operated by UNRWA in the Occupied Palestinian Territory fall within the category of United Nations premises, the Court is of the view that what is pertinent is whether the functions and services provided by these facilities form part of the mandate of UNRWA. If that is the case, in addition to its obligations under international humanitarian law, Israel is under an obligation to respect the inviolability of these premises in accordance with Article II, Section 3, of the General Convention. This requirement is grounded in the functional nature of the privileges and immunities at issue.

195. The second aspect of the provision is that Israel has an obligation to refrain from undertaking any executive, administrative, judicial or legislative actions against the property and assets of the United Nations and its entities in the Occupied Palestinian Territory. Actions such as search, requisition, confiscation, expropriation and any other form of interference are expressly prohibited by Article II, Section 3, of the General Convention.

196. The obligation to respect the inviolability of United Nations premises and the obligation not to interfere with United Nations property and assets must also be upheld in the context of armed conflict, as such inviolability and non-interference are essential to safeguarding the independent and effective performance of the functions of the Organization under all circumstances. The Court acknowledges that the context of an armed conflict raises challenges, especially in the situation of potential loss of control by the United Nations over certain of its premises. However, it is for the United Nations to determine whether a particular facility remains the premises of the United Nations. In the view of the Court, such a determination by the United Nations creates a presumption that may only be set aside for the most compelling reasons and is to be given the greatest weight by States (cf. *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Reports 1999 (I)*, p. 87, para. 61). The obligation to respect the inviolability of those facilities qualifying as United Nations premises must be observed by all parties to the hostilities, along with the obligation not to interfere with the property and assets of the Organization. Damage to or destruction of the premises and other property and assets of the United Nations as a result of military activities may amount to a violation of obligations under Article II, Section 3, of the General Convention.

197. Lastly, Article II, Section 7, paragraph (b), of the General Convention states that the United Nations, its assets, income and other property are

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

198. Under this provision, Israel must grant the United Nations, its assets, income and other property exemption from customs duties and prohibitions and restrictions on the import or export in respect of articles for its official use. This provision is essential to enable United Nations entities on the ground to import critical supplies free from financial burdens and other forms of interference. The Court emphasizes that the denial of such exemptions by the authorities of the occupying Power would hinder the operational capacity of the United Nations and thus contravene Israel's obligations under the General Convention.

## **2. Obligation to respect the privileges and immunities of United Nations personnel**

199. The functions entrusted to the United Nations and its entities are ultimately implemented through its personnel. The privileges and immunities afforded to the United Nations by its Members to ensure the independent and effective discharge of the functions of the Organization free from interference necessarily extend to the personnel engaged in carrying out its missions. For the purposes of the present Advisory Opinion, the term "United Nations personnel" refers to its officials as well as its experts on mission. In *Reparation for Injuries Suffered in the Service of the United Nations*, the Court stated: "[i]n order that the agent may perform his duties satisfactorily, he must feel that this protection is assured to him by the Organization, and that he may count on it" (*Advisory Opinion, I.C.J. Reports 1949*, p. 183).

200. For this purpose, Article 105, paragraph 2, of the Charter stipulates: "[r]epresentatives of the Members of the United Nations and officials of the Organization shall . . . enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization". The Court notes that the privileges and immunities under this provision serve to enable the independent performance of officials' functions in the furtherance of the objectives of the Organization (Documents of the United Nations Conference on International Organization, San Francisco, 1945, Volume XIII, p. 779). Such protection is particularly necessary for United Nations personnel to discharge their critical functions effectively in situations of armed conflict.

201. In and in relation to the Occupied Palestinian Territory, Israel must respect the independence of United Nations personnel and the privileges and immunities necessary for the exercise of their functions, in accordance with Article 105, paragraph 2, of the Charter and the General Convention. Israel is specifically obliged to comply with Articles V, VI and VII of the General Convention, which further elaborate on the scope and content of the privileges and immunities of United Nations officials, the privileges and immunities of experts on mission for the Organization, and the laissez-passer to be used by United Nations officials in carrying out their mandated activities. In this respect, the following provisions of the General Convention are of particular importance to United Nations personnel in and in relation to the Occupied Palestinian Territory.

202. Article V, Section 18, paragraph (a), of the General Convention provides that officials of the United Nations shall be "immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity". In practice, the significance of this provision lies in the principle that, when acting in their official capacity, the acts of United Nations officials

are considered as acts of the Organization itself; absent such protection, officials would be exposed to external interference and influence, in direct contravention of Article 100 of the Charter. As early as 7 December 1946, in resolution 76 (I) entitled “Privileges and Immunities of the Staff of the Secretariat of the United Nations”, the General Assembly stated that “the categories of officials to which the provisions of Articles V and VII shall apply should include all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates”. There is no information before the Court indicating that this practice of the United Nations has changed to date.

203. Article VI, Section 22, of the General Convention concerns the privileges and immunities of United Nations experts on mission. It stipulates that United Nations experts “performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions”. In particular, they are to be accorded, *inter alia*, “(a) immunity from personal arrest or detention and from seizure of their personal baggage;” and “(b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind”. With respect to immunity from legal process, they “shall continue to be accorded [such immunity] notwithstanding that the persons concerned are no longer employed on missions for the United Nations”. The Court stated in its Advisory Opinion on the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* that the purpose of Section 22 is to enable the United Nations to entrust missions to persons who do not have the status of an official of the Organization and to guarantee their functions. The essence of this protection “lies not in their administrative position but in the nature of their mission” (*I.C.J. Reports 1989*, p. 194, para. 47).

204. United Nations personnel are entitled to the privileges and immunities provided by Article 105 of the Charter and Articles V to VII of the General Convention for all acts performed by them in their official capacity. It is for the Secretary-General to determine whether a particular official or expert on mission is entitled to the privileges and immunities provided, and to assess whether that person acted within the scope of the person’s functions (see *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Reports 1999 (I)*, p. 84, para. 50, and p. 87, para. 60). In the view of the Court, the Secretary-General’s determination of the scope of the official functions of the officials or experts in question creates a presumption that can only be set aside for the most compelling reasons and is to be given the greatest weight by States (*ibid.*, p. 87, para. 61).

205. According to Article V, Section 20, and Article VI, Section 23, of the General Convention, the Secretary-General has the right and the duty to waive the immunity of United Nations personnel if, in the Secretary-General’s opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

206. In light of the foregoing, Israel is prohibited from taking actions contrary to its obligations under Articles V and VI of the General Convention against United Nations officials and experts on missions operating in and in relation to the Occupied Palestinian Territory.

207. In addition, Israel has obligations under the General Convention with respect to the free movement of United Nations personnel in and in relation to the Occupied Palestinian Territory so that they can carry out their mandated activities. In particular, Article V, Section 18, paragraph (d), provides that officials of the United Nations are “immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration”. Article VII, Section 24, states that the laissez-passer issued by the United Nations to its officials “shall be recognized and accepted as valid travel documents, by the authorities of Members”. Section 25 further stipulates that applications for visas from the holders of United Nations laissez-passer “shall be dealt with as speedily as possible” and these persons “shall be granted facilities for speedy travel”. Section 26 extends such facilities to “experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of the United Nations”.

208. The Court notes that, in the context of the Occupied Palestinian Territory, the United Nations and its entities operating on the ground rely extensively on the contribution of local personnel. In this regard, the Court emphasizes that the free movement of local United Nations personnel for the performance of their official functions must also be respected by Israel.

209. Lastly, the Court underscores the importance of Israel’s obligation under Article 105 of the Charter and the General Convention to ensure the safety and security of United Nations officials and experts on mission. The Court recalls that, according to the United Nations, between 7 October 2023 and 20 August 2025, 366 United Nations personnel were killed in the Gaza Strip, of whom 360 were UNRWA personnel (see paragraph 59 above). Moreover, certain United Nations entities were compelled to evacuate and United Nations personnel were expelled from their duty stations or barred from travelling. As a result, the activities and missions of the United Nations in the Occupied Palestinian Territory were severely jeopardized.

210. In accordance with the Charter and the General Convention, Israel must discharge its obligation to ensure the safety and security of United Nations personnel in good faith. This includes ensuring that United Nations personnel are not targeted.

### **3. Obligation to address concerns regarding privileges and immunities within the legal framework**

211. Two participants alleged that limitations on the privileges and immunities of the United Nations and its personnel may be justified in light of security concerns and doubts surrounding the neutrality, impartiality and independence of UNRWA and alleged abuse of privileges and immunities by its personnel.

212. It must be noted that the United Nations has a responsibility to prevent and address abuses of the privileges and immunities of the Organization and its personnel. The legal framework governing the privileges and immunities of the United Nations is not impervious to the legitimate concerns of Members over such abuses. The privileges and immunities accorded to the United Nations and its personnel cannot be used as a shield for activities that are against the purposes and principles of the Organization or are outside the functions of its personnel. Nonetheless, any

concern of alleged abuse raised by a Member regarding the United Nations or its personnel must be addressed within the existing legal framework for the settlement of differences. In any event, a Member must not disregard its obligations under the Charter based solely on its unilateral assessment of the allegation.

213. In accordance with Article V, Section 21, of the General Convention, when an allegation of abuse of privileges and immunities of United Nations personnel is made, the United Nations must “co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse” of this kind. If the Secretary-General considers that immunity “would impede the course of justice and can be waived without prejudice to the interests of the United Nations”, the Secretary-General “shall have the right and the duty to waive the immunity” of any United Nations personnel. If a difference remains between the United Nations and a Member, according to Article VIII, Section 30, of the General Convention, “a request shall be made [to the International Court of Justice] for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.”

214. Moreover, the United Nations has established a regulatory framework to address allegations against United Nations personnel. Such a framework requires that any allegations be confirmed through an internal administrative investigation, which may include referring the allegations to OIOS. With the regulatory framework in place, a Member must co-operate with the internal administrative fact-finding investigation, rather than taking unilateral action against the privileges and immunities of the United Nations and its personnel.

215. On the basis of the material before it, the Court notes that, in response to the allegations concerning actions by UNRWA personnel, the United Nations took immediate action, launching two separate investigations — an internal one conducted by OIOS and an external one led by a group of independent experts (see paragraph 60 above). In the present context, it is important to reaffirm that a Member has no right unilaterally to revoke the privileges and immunities accorded to the United Nations or its personnel nor to abstain from performing the obligations that it has assumed. The Court reiterates that the effective functioning of the Organization, including the fulfilment of its mandate and the independence and efficacy of its personnel, necessitates that Members strictly comply with their undertakings (*Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, p. 183*).

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216. In light of the foregoing, Israel is under an obligation, pursuant to Article 105 of the Charter and the General Convention, to ensure full respect for the privileges and immunities accorded to the United Nations, including its entities and personnel, and to refrain from any interference with the performance of their functions. This finding does not affect the privileges and immunities applicable to other international organizations and their personnel in and in relation to the Occupied Palestinian Territory.

## VI. PRESENCE AND ACTIVITIES OF THE UNITED NATIONS IN SUPPORT OF THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION

217. Resolution 79/232, by which the General Assembly posed the question to the Court, opens by affirming, in its first preambular paragraph, “the inalienable right of self-determination of peoples and the principle of the inadmissibility of the acquisition of territory by force”. The question itself concludes with a reference to its objective, namely “for the benefit of the Palestinian civilian population, and in support of the Palestinian people’s right to self-determination”.

218. The Court is mindful that the present request for an advisory opinion has not arisen in isolation but is situated in the context of Israel’s prolonged occupation of the Occupied Palestinian Territory for more than 58 years, and the continued denial of the Palestinian people’s right to self-determination.

219. The Court recalls that Israel’s territorial claim over East Jerusalem has long been declared “null and void” by Security Council resolution 478 (1980) of 20 August 1980 (cf. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 167, para. 75). The Court notes that the “Law to Cease UNRWA Operations in the Territory of the State of Israel” purports to apply to East Jerusalem — considered by Israel to be part of its territory —, which indicates that Israel continues to exercise sovereignty over the said occupied territory. As an occupying Power, Israel must refrain from extending its domestic laws to the occupied territory in any manner inconsistent with its obligation not to impede the Palestinian people from exercising its right to self-determination, including its inalienable right to territorial integrity over the entirety of the Occupied Palestinian Territory (see *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 134-139 and 237-238).

220. Moreover, the humanitarian crisis in the Gaza Strip poses a direct risk to the living conditions of the Palestinian people. The deprivation of a people of its essential means of subsistence threatens the fundamental conditions that are indispensable for that people to exercise its right to self-determination. Respect for the right to self-determination of the Palestinian people requires Israel not to prevent the fulfilment of the basic needs of the Palestinian people in the Gaza Strip, including by the United Nations, its entities, other international organizations and third States.

221. Lastly, UNRWA’s unique mandate relates to the core aspects of the right of the Palestinian people to self-determination. The missions undertaken by UNRWA in the areas of direct relief, humanitarian and development assistance — through its programmes covering education and training, healthcare, direct relief and developmental services — are a manifestation of the Organization’s commitment to its responsibility with respect to the right of the Palestinian people to self-determination. Moreover, as noted above, since October 2023, UNRWA has remained the principal means and the backbone of all humanitarian response in the Gaza Strip, serving Palestinian refugees and civilians in urgent need of life-saving humanitarian assistance (see paragraphs 121 and 167 above). In this connection, Israel is under an obligation not to impede the operations of United Nations entities, other international organizations and third States, and to co-operate in good faith with the United Nations to ensure respect for the right of the Palestinian people to self-determination.

222. The Court reiterates that, ultimately, the realization of the right of the Palestinian people to self-determination, including its right to an independent and sovereign State, living side by side in peace with the State of Israel within secure and recognized borders for both States, as envisaged in resolutions of the Security Council and General Assembly, would contribute to regional stability and the security of all States in the Middle East (*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 283).

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223. For these reasons,

THE COURT,

(1) Unanimously,

*Finds* that it has jurisdiction to give the advisory opinion requested;

(2) Unanimously,

*Decides* to comply with the request for an advisory opinion;

(3) *Is of the opinion* that the State of Israel, as an occupying Power, is required to fulfil its obligations under international humanitarian law. These obligations include the following:

(a) Unanimously,

to ensure that the population of the Occupied Palestinian Territory has the essential supplies of daily life, including food, water, clothing, bedding, shelter, fuel, medical supplies and services;

(b) By ten votes to one,

to agree to and facilitate by all means at its disposal relief schemes on behalf of the population of the Occupied Palestinian Territory so long as that population is inadequately supplied, as has been the case in the Gaza Strip, including relief provided by the United Nations and its entities, in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East, other international organizations and third States, and not to impede such relief;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde;

(c) Unanimously,

to respect and protect all relief and medical personnel and facilities;

(d) Unanimously,

to respect the prohibition on forcible transfer and deportation in the Occupied Palestinian Territory;

(e) Unanimously,

to respect the right of protected persons from the Occupied Palestinian Territory who are detained by the State of Israel to be visited by the International Committee of the Red Cross; and

(f) Unanimously,

to respect the prohibition on the use of starvation of civilians as a method of warfare;

(4) By ten votes to one,

*Is of the opinion* that, as an occupying Power, the State of Israel has an obligation under international human rights law to respect, protect and fulfil the human rights of the population of the Occupied Palestinian Territory, including through the presence and activities of the United Nations, other international organizations and third States, in and in relation to the Occupied Palestinian Territory;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde;

(5) By ten votes to one,

*Is of the opinion* that the State of Israel has an obligation to co-operate in good faith with the United Nations by providing every assistance in any action it takes in accordance with the Charter of the United Nations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in and in relation to the Occupied Palestinian Territory;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde;

(6) By ten votes to one,

*Is of the opinion* that the State of Israel has an obligation under Article 105 of the Charter of the United Nations to ensure full respect for the privileges and immunities accorded to the United Nations, including its agencies and bodies, and its officials, in and in relation to the Occupied Palestinian Territory;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde;

(7) By ten votes to one,

*Is of the opinion* that the State of Israel has an obligation under Article II of the Convention on the Privileges and Immunities of the United Nations to ensure full respect for the inviolability of the premises of the United Nations, including those of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and for the immunity of the property and assets of the Organization from any form of interference;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde;

(8) By ten votes to one,

*Is of the opinion* that the State of Israel has an obligation under Articles V, VI and VII of the Convention on the Privileges and Immunities of the United Nations to ensure full respect for the privileges and immunities accorded to the officials and experts on mission of the United Nations, in and in relation to the Occupied Palestinian Territory.

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: *Vice-President* Sebutinde.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-second day of October, two thousand and twenty-five, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

*(Signed)*

IWASAWA Yuji,  
President.

*(Signed)*

Philippe GAUTIER,  
Registrar.

Vice-President SEBUTINDE appends a separate opinion to the Advisory Opinion of the Court; Judges ABRAHAM and CLEVELAND append a joint declaration to the Advisory Opinion of the Court; Judge XUE appends a separate opinion to the Advisory Opinion of the Court; Judge CHARLESWORTH appends a declaration to the Advisory Opinion of the Court; Judge BRANT appends a separate opinion to the Advisory Opinion of the Court; Judge GÓMEZ ROBLEDO appends a partially dissenting opinion to the Advisory Opinion of the Court; Judges CLEVELAND and TLADI append declarations to the Advisory Opinion of the Court.

*(Initialed)* I.Y.

*(Initialed)* Ph.G.

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