

IN THE INTERNATIONAL COURT OF JUSTICE

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

ADVISORY PROCEEDINGS



**WRITTEN STATEMENT OF THE
ISLAMIC REPUBLIC OF PAKISTAN**

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I INTRODUCTION

- 1 By Resolution 79/232 of 19 December 2024 (the “**GA Request**”), the General Assembly of the United Nations requested an Advisory Opinion from the International Court of Justice (the “**ICJ**” or “**Court**”) in the following terms:

“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?”¹

- 2 By its Order of 23 December 2024, the President of the Court fixed the date of 28 February 2025 as the time-limit within which written statements on the question may be presented to the Court.² The President further decided that all Members of the United Nations (“**UN**”) as well as the observer State of Palestine are entitled to file written statements.
- 3 In accordance with the President’s Order, Pakistan hereby files this written statement. It focuses, in particular, on Israel’s³ egregious and internationally wrongful conduct towards the UN Relief and Works Agency for Palestine Refugees in the Near East (“**UNRWA**” or the “**Agency**”). Pakistan has chosen this focus given the threat now posed to UNRWA’s existence by Israel, notwithstanding that UNRWA has been established and mandated to carry out its activities by the General Assembly.
- 4 Pakistan’s focus on UNRWA in no way seeks to diminish or distract from Israel’s concomitant obligations in relation to the presence and activities of other relevant entities of the UN, including its agencies and bodies, and other international organizations and third States. The factual and legal analysis in this written statement should not be considered exhaustive and makes no pretence to be so.
- 5 On the basis of the overarching understanding set out above, this written statement is structured in the following way:
 - 5.1 **Section II** considers the jurisdiction of the Court to render the requested Advisory Opinion.
 - 5.2 **Section III** sets out a brief overview of the relevant factual and legal background to the request for an Advisory Opinion.
 - 5.3 **Sections IV to VII** address questions of international law arising out of the GA Request, focussing on four substantive issues: the privileges and immunities of

¹ *Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States*, GA Res 79/232, 19 December 2024, ¶ 10.

² *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory (Request for Advisory Opinion)*, ICJ General List No 196, Order, 23 December 2024, ¶ 2.

³ Pakistan does not recognise Israel as a State. Any perceived suggestion to the contrary in this written statement proceeds *in arguendo* only.

UNRWA and related rules of international law (**Section IV**); international humanitarian law (**Section V**); international human rights law (**Section VI**); and State responsibility, including secondary obligations under international law (**Section VII**).

5.4 Finally, **Section VIII** sets out Pakistan’s final submissions, encompassing Pakistan’s requests to the Court regarding its response to the GA Request.

- 6 Pakistan stands in resolute solidarity with the Palestinian people, and reaffirms its unwavering support for UNRWA’s mission, rooted in UN General Assembly Resolution 302 (IV) of 1949,⁴ which mandates the Agency to carry out direct relief work for Palestinians pending a just solution to their plight. The “right of return” of Palestinian refugees is enshrined in UN General Assembly Resolution 194 (III) of 1948.⁵ UNRWA was established to provide assistance pending the implementation of that resolution, which has been repeatedly reaffirmed by the General Assembly, and is the sole agency maintaining a register of all Palestinian refugees and their eligible descendants.⁶ The “right of return” is a fundamental component of the Palestinian people’s right to self-determination and the formation of a sovereign Palestinian State.
- 7 Since its establishment by the General Assembly, UNRWA has been providing essential assistance to Palestinian refugees in the Occupied Palestinian Territory (“OPT”),⁷ including East Jerusalem. Under typical circumstances, UNRWA runs nearly 400 schools, more than 65 primary health clinics, and one hospital in the OPT, delivering education to over 350,000 children and conducting more than five million health consultations annually. The Agency also offers vital poverty relief and social services, including a social safety net, emergency aid, and food vouchers. Amid the ongoing crisis in Gaza, UNRWA plays a central role in UN humanitarian efforts, offering shelter, food assistance, and other crucial aid to over two million affected people. This includes food for nearly the entire population, polio vaccinations for over 200,000 children, healthcare services for around 15,000 individuals (representing over 60% of Gaza’s primary healthcare), and shelters for hundreds of thousands of displaced people within or near more than 100 schools.⁸
- 8 Should UNRWA cease its operations in the OPT, millions of Palestinian refugees who currently rely on its services would lose access to essential aid.
- 9 By targeting UNRWA, Israel not only obstructs vital humanitarian assistance but also threatens the collective effort to uphold the Palestinian people’s identity, rights and aspirations for justice and peace, as well as the exercise of their right of self-determination.
- 10 Israel’s objectives in intensifying its campaign against UNRWA, passing legislation to hamper the Agency’s operations, and blocking communication with it, are political in nature. Israel wishes to close UNRWA permanently in an attempt to eliminate the Palestinians’ right

⁴ *Assistance to Palestine refugees*, GA Res 302 (IV), 8 December 1949.

⁵ *Palestine—Progress Report of the United Nations Mediator*, GA Res 194 (III), 11 December 1948.

⁶ UNRWA maintains active files of about 5.9 million Palestinian refugees and over 685,000 other persons of concern who have been identified as eligible for UNRWA services. These files include individual civil registration records that are organized under family ledgers, and linked to documentation materials dating back to pre-1948 Mandatory Palestine. See further [here](#). All hyperlinks in this written statement are active as of the date of submission.

⁷ The Occupied Palestinian Territory includes Gaza, the West Bank and East Jerusalem.

⁸ Letter from the Secretary-General to the President of the General Assembly and the President of the Security Council regarding UNRWA’s operations in the Occupied Palestinian Territories, UN Doc. A/79/684-S/2024/892, 9 December 2024, available [here](#).

of return, facilitate further annexation and demographic manipulation within the OPT and end the cause of Palestinian refugees in general. It wishes to impose a *fait accompli*, normalising the occupation, and resolving the Palestinian issue in line with its own goals.

- 11 Israel's campaign is plainly a continuation of the conduct repeatedly condemned by this Court: through its targeting of UNRWA (and its interference with aid and assistance provided by other international organisations and third States), Israel is continuing to abuse its position as an occupying power and frustrate of the right of the Palestinian people to self-determination.⁹
- 12 It is the responsibility of every State to take both individual and collective action to end the illegal occupation, including exerting political, economic, and cultural pressure on Israel. To do so, States must take all necessary and lawful steps to ensure that the Israel urgently stops its internationally wrongful acts, both with respect to UNRWA and more broadly (including with respect to other international aid and developmental agencies). Pakistan submits this written statement as a means of fulfilling, in part, that solemn responsibility.
- 13 Pakistan reserves the right to address further substantive questions of international law in any written comments on the written statements filed by other States and international organizations, as well as during subsequent oral proceedings. Pakistan also reserves the right to bring to the Court's attention any issues of fact of which it becomes aware in circumstances where the current Advisory Opinion will necessarily be rendered against the backdrop of a fast-changing situation on the ground in the OPT.

II THE COURT'S JURISDICTION TO RENDER AN ADVISORY OPINION

- 14 Article 96 of the Charter of the United Nations¹⁰ (the "**Charter**") gives the Security Council and the General Assembly the authority to request the ICJ to issue an advisory opinion on "any legal question". It is manifest that the Court has jurisdiction to render the requested Advisory Opinion. The question before the Court is clearly of a legal nature, and there are no compelling reasons why the Court should refuse to issue the requested opinion.
- 15 The first paragraph of Article 65 of the Court's Statute provides the Court's authority to render advisory opinions in the following terms: "[t]he Court may give its opinion on any legal question on the request of whatever body authorized by or in accordance with the Charter of the [UN] to make such a request".
- 16 Article 96(1) of Charter provides: "[t]he General Assembly [...] may request the [ICJ] to give an advisory opinion on any legal question."
- 17 The General Assembly has made such a request here. On 19 December 2024, the General Assembly adopted Resolution 79/232. The resolution was passed by 137 votes to 12, with 22 abstentions. It was therefore adopted by the vast majority of Member States present and voting in accordance with the General Assembly's Rules of Procedure. The request was then transmitted to the Court in accordance with Article 65(2) of the Statute of the Court.¹¹

⁹ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 261 [hereinafter "*Occupied Palestinian Territory*"]. See also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion [2004] ICJ Rep 136 [hereinafter "*Wall*"].

¹⁰ Charter of the United Nations, 26 June 1945, 1 UNTS XVI.

¹¹ Letter from the UN Secretary-General to the President of the ICJ, 20 December 2024, available [here](#).

A The requested Advisory Opinion concerns a legal question

18 The question put to the Court is a “legal question” in accordance with Article 96(1) of the Charter and Article 65(1) of the Statute of the Court. The Court has previously recognised that questions that are “framed in terms of law and rais[ing] problems of international law [...] are by their very nature susceptible of a reply based on law [and] appear [...] to be questions of a legal character.”¹²

19 The question contained in the GA Request requires the Court to consider rules and principles of international law, including those contained in the:

“Charter of the [UN], 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, advisory opinion of the Court of 9 July 2004, and the advisory opinion of the Court of 19 July 2024.”¹³

20 The question itself is of a legal character because it requires the Court to advise on “the obligations of Israel, as an occupying Power and as a member of the [UN]”.

21 Any political aspects to the question before the Court are of no consequence to the Court’s jurisdiction in this case. The Court itself has recognised that “the fact that a question has political aspects does not suffice to deprive it of its character as a legal question”.¹⁴

B There are no compelling reasons to prevent the Court from giving the requested Advisory Opinion

22 Under Article 65 of its Statute, the Court may exercise its discretion to decline to give an opinion which otherwise falls within its jurisdiction. That being said, Pakistan notes that the Court has never declined to give an opinion requested by the General Assembly. It has said that it would only refuse to do so if there were “compelling reasons”.¹⁵ There are no such compelling reasons here. As set out above, the question is framed in terms of law, raises questions of international law, and is of a legal character.

23 Israel argued in the *Wall* opinion proceedings that the Court should not exercise its jurisdiction in that case because the request “concerns a contentious matter between Israel and Palestine, in respect of which Israel has not consented to the exercise of that jurisdiction”.¹⁶ That argument (were it to be made here) has no merit. The present request does not concern matters which are purely of bilateral interest between Israel and Palestine. Specifically, the question concerns Israel’s obligations more broadly in relation to the “presence and activities of the [UN], including its agencies and bodies, other international organizations and third States”. Like in the *Wall* opinion proceedings, the question put to the Court is “directly of concern to

¹² *Western Sahara*, Advisory Opinion, [1975] ICJ Rep 12, ¶ 15; *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, [1996] ICJ Rep 226, ¶ 13.

¹³ GA Request, ¶ 10.

¹⁴ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, [2010] ICJ Rep 403, ¶ 27.

¹⁵ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion [2019] ICJ Rep 95, ¶ 44; *Wall* [2004] ICJ Rep 136, ¶ 91.

¹⁶ *Wall* [2004] ICJ Rep 136, ¶ 46.

the [UN]”,¹⁷ and, by extension, to every State. The Court’s advisory opinion on this question does not therefore require Israel’s consent.

- 24 The Court should exercise its discretion to provide the requested Advisory Opinion, as it has done with respect to every previous request for an advisory opinion within its jurisdiction.

III RELEVANT FACTUAL AND LEGAL BACKGROUND TO THE REQUEST FOR AN ADVISORY OPINION

- 25 The GA Request formulates the question that the Court has been asked in largely hypothetical terms. In previous advisory proceedings, however, the Court has acknowledged that in turn its answer cannot be hypothetical, but must be formulated in such a way as to be of assistance in the real world. In the context of the *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* advisory opinion, the Court acknowledged that:

“[...] if a question put in the hypothetical way [...] is to receive a pertinent and effectual reply, the Court must first ascertain the meaning and full implications of the question in the light of the actual framework of fact and law in which it falls for consideration. Otherwise its reply to the question may be incomplete and, in consequence, ineffectual and even misleading as to the pertinent legal rules actually governing the matter under consideration by the requesting Organization.”¹⁸

- 26 In keeping with the Court’s guidance, Pakistan sets out below key aspects of the factual and legal background relevant to the request for an advisory opinion currently before this Court. Here, Pakistan first considers the origins, character and mandate of UNRWA itself (A) before addressing Israel’s relationship with and conduct towards UNRWA (B) and the recent UN investigations into UNRWA (C). Pakistan then briefly addresses the Court’s key findings in the *Wall* and *Occupied Palestinian Territory* advisory opinions (D).

A UNRWA, its mandate, and its activities in the OPT

- 27 Born out of the 1948 Palestine War, UNRWA “was created out of despair and frustration yet at the same time out of hope—however illusory—and persistence”.¹⁹ It is a subsidiary organ of the General Assembly,²⁰ established under Article 22 of the Charter and reporting (unusually) to the General Assembly directly.²¹ Created *via* Resolution 302 (IV) of 8 December 1949, UNRWA was (and is) a reflection of the General Assembly’s recognition that “[c]ontinued assistance for the relief of Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability”.²²
- 28 The Agency commenced its vital work on 1 May 1950. Today, it describes itself as a “[UN] agency [...] with a mandate to provide humanitarian assistance and protection to registered

¹⁷ *Wall* [2004] ICJ Rep 136, ¶ 49.

¹⁸ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion [1980] ICJ Rep 73, ¶ 10 [hereinafter “*Interpretation of Agreement*”].

¹⁹ DP Forsythe, ‘UNRWA, the Palestine Refugees, and World Politics: 1949–1969’ (1971) 25 Int Org 26, 28.

²⁰ See further W Dale, ‘UNRWA: A Subsidiary Organ of the United Nations’ (1974) 23 ICLQ 576.

²¹ *Assistance to Palestine refugees*, GA Res 302 (IV), 8 December 1949, ¶ 21.

²² *Assistance to Palestine refugees*, GA Res 302 (IV), 8 December 1949, ¶ 5. On the creation of UNRWA, see generally EH Buehrig, *The UN and the Palestinian Refugees: A Study in Nonterritorial Administration* (University of Indiana Press 1971) chs. 1–2.

Palestine refugees in the Agency's area of operations [...]."²³ So far as its relationship with the Palestine refugees is concerned, UNRWA:

“[H]elps them achieve their full potential in human development through the quality services it provides in education, health care, relief and social services, protection, [refugee] camp infrastructure and improvement, microfinance and emergency assistance.”²⁴

1 Juridical basis, leadership, and financing

- 29 2025 marks the 75th year of UNRWA operations. It derives its existence from triennial renewals of its mandate by the General Assembly. The most recent renewal of 12 December 2022 extended the Agency's mission until 30 June 2026.²⁵
- 30 UNRWA is led by its Commissioner-General and is assisted by two Deputy Commissioners-General. It maintains headquarters in East Jerusalem, Gaza and Amman, as well as facilities spread across its five areas of operation: Gaza, the West Bank (including East Jerusalem²⁶), Syria, Lebanon, and Jordan. The Agency has a small international staff of 264 people managing a further 32,840 personnel.²⁷ The vast majority of the Agency's personnel are drawn from Palestine refugees themselves, delivering services directly to their communities as doctors, teachers, social workers, and administrators.
- 31 UNRWA's operations are funded almost entirely by voluntary contributions from States and international organizations.²⁸ This has led to the Agency being perpetually and critically underfunded, leading to regular pleas for financial assistance.²⁹

2 Mandate and activities

- 32 UNRWA's lack of a constituent instrument means that its mandate is not conveniently stated in one place. It is instead derived from relevant General Assembly resolutions and requests concerning the Agency's operations, together with the good judgment of its leadership.³⁰
- 33 It is in the first instance UNRWA's responsibility to determine what it considers to be its proper sphere of operations.³¹ It reports to the General Assembly on at least an annual basis.³²

²³ *Strategic Plan 2023–28* (UNRWA 2023) p. ii.

²⁴ *Strategic Plan 2023–28* (UNRWA 2023) p. ii.

²⁵ *Assistance to Palestine refugees*, GA Res 77/123, 12 December 2022, ¶ 6.

²⁶ Hereinafter, unless otherwise indicated, a reference to the West Bank includes within it East Jerusalem.

²⁷ *Annual Operational Report 2023* (UNRWA 2024) Annex 5 (human resource statistics).

²⁸ *Annual Operational Report 2023* (UNRWA 2024) § 1.4.

²⁹ See e.g. *Annual Operational Report 2023* (UNRWA 2024) pp. 3–4.

³⁰ See further L Bartholomeusz, 'The Mandate of UNRWA at Sixty' (2010) 28 RSQ 452.

³¹ *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter)*, Advisory Opinion [1962] ICJ Rep 151, 168 [hereinafter "*Certain Expenses*"] ("when the Organization takes action that warrants the assertion that it was appropriate for the fulfilment of one of the stated purposes of the [UN], the presumption is that such action is not *ultra vires* the Organization").

³² See most recently *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, GA Res 78/73, 7 December 2023, considering *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/78/13, 1 January–31 December 2022. For the most recent report, see *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/79/13, 1 January–31 December 2023.

Additional oversight is provided by an Advisory Commission consisting of representatives from States and international organizations contributing to the Agency's operations.³³

- 34 UNRWA's current mandate is defined in accordance with its *Strategic Plan 2023–28*. There, the Agency sets out six strategic priorities. These are that: (a) Palestine refugees are protected through realization of their rights under international law; (b) Palestine refugees lead healthy lives; (c) Palestine refugees complete inclusive and equitable basic quality education; (d) Palestine refugees have improved livelihood opportunities; (e) the most vulnerable Palestine refugees have access to effective social assistance; and (f) UNRWA's mandate is implemented effectively and responsibly.³⁴ Its efforts to advance these objectives are detailed in the reports of its Commissioner-General to the General Assembly and fuller operational reports produced by the Agency.
- 35 The present Advisory Opinion is concerned (*inter alia*) with Israel's obligations towards UNRWA in the OPT, i.e., Gaza and the West Bank (including East Jerusalem). UNRWA's *Annual Operational Report 2022* (being the most recent year of "regular" operations for the Agency) reveals the following information with respect to those fields of operation:
- 35.1 Within Gaza, UNRWA provided (*inter alia*): (a) relief and other services to 1,754,309 registered Palestine refugees and other individuals entitled to receive its services; (b) 3,548,570 primary health-care consultations through 22 UNRWA health centres; (c) basic education to 290,288 students through 278 UNRWA schools; (d) microfinance loans to 4,914 clients; and (e) food assistance to up to 1,493,688 refugees per quarter.³⁵
- 35.2 Within the West Bank, UNRWA provided (*inter alia*): (a) relief and other services to 1,123,485 registered Palestine refugees and other individuals entitled to receive its services; (b) 994,647 primary healthcare consultations through 43 health centres; (c) basic education to 46,066 students through 96 schools; (d) microfinance loans to 8,072 clients; and (e) other humanitarian assistance for 22,044 refugees.³⁶
- 36 This record of humanitarian assistance led UNRWA's serving Commissioner-General, Philippe Lazzarini, to declare in his report to the General Assembly that, "[d]espite its complex operational environment and financial challenges, UNRWA continued to provide critical human development and humanitarian services to millions of Palestinian refugees".³⁷ The Commissioner-General was not alone in this assessment. The Multilateral Organisation Performance Assessment Network ("MOPAN") found in 2024 that "UNRWA's services have maintained and improved the living conditions of Palestine refugees and are a contributing factor to local and regional stability".³⁸

³³ *Assistance to Palestine refugees*, GA Res 302 (IV), 8 December 1949, ¶ 8. Membership of the Advisory Committee has expanded considerably in the course of UNRWA operations from its four original members and now includes 29 members and four observers: see [here](#).

³⁴ *Strategic Plan 2023–28* (UNRWA 2023) ch 5.

³⁵ *Annual Operational Report 2022* (UNRWA 2023) § 1.2.1 and Annex 5 (general statistics).

³⁶ *Annual Operational Report 2022* (UNRWA 2023) § 1.2.2 and Annex 5 (general statistics).

³⁷ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/78/13, 1 January–31 December 2022, p. 4.

³⁸ MOPAN, *Assessment of United Nations Relief and Works Agency for Palestine Refugees in the Near East* (UNRWA) (OECD 2024) p. 17.

B Israel's relationship with and obligations towards UNRWA

- 37 UNRWA cannot carry out its work without cooperation from Israel, the occupying power in Gaza and the West Bank. In this section, Pakistan sets out a brief history of UNRWA's presence in the OPT and describes how in recent years Israel has restricted and degraded UNRWA's activities.

1 The Cormay-Michaelmore Agreement

- 38 The relevant facts begin in 1967 in the immediate aftermath of the Six-Day War. At that time, relations between UNRWA and Israel were relatively civil. A sparse but workable *modus vivendi* between the two was achieved *via* the 14 June 1967 exchange of letters³⁹ (the "**Cormay-Michaelmore Agreement**"). Under this, Israel agreed to "facilitate the task of UNRWA to the best of its ability, subject only to regulations or arrangements which may be necessitated by considerations of military security". To that end, Israel further agreed (*inter alia*):

"(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 [i.e. Gaza and the West Bank];

(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

³⁹ Exchange of Letters constituting a Provisional Agreement concerning Assistance to Palestinian Refugees, 14 June 1967, 620 UNTS 183.

relations between the Government and UNRWA in all that concerns UNRWA's functions."⁴⁰

- 39 UNRWA's Commissioner-General confirmed that the facilities provided under the Cormay-Michaelmore Agreement were **essential** "if the Agency is to operate effectively".⁴¹ Notably, he did not condition this statement by reference to Israel's appreciation of "military security" and indeed indicated that he expected that "such restrictions as may be placed for the time being on the full use of these facilities will be removed as soon as considerations of military security permit".⁴²

2 Relations immediately prior to 7 October 2023

- 40 Israel's interference with UNRWA's operations (and malevolence towards the Agency more generally) has increased over the years. This was evident even before 7 October 2023 and is reflected in the pre-2024 reports of UNRWA's Commissioner-General to the General Assembly.⁴³ By way of example only, his report for 2022 records the following facts and matters concerning UNRWA staff, all of which occurred during the previous calendar year:⁴⁴

40.1 Freedom of movement of UNRWA's personnel into and out of the OPT was restricted by Israeli authorities, including by prohibiting travel in UN vehicles, and by delaying or denying permits to enter Israel and East Jerusalem. In particular:

- (a) Agency local staff not resident in Jerusalem were prohibited from travelling in UN vehicles into and out of Gaza, into and out of Jordan, and from driving in Israel and East Jerusalem.
- (b) Time-consuming and cumbersome procedures to obtain permits for local staff not resident in Jerusalem to enter Israel and East Jerusalem were imposed.
- (c) Permits to enter East Jerusalem from the rest of the West Bank were not issued for an average of 12.7% of UNRWA personnel notwithstanding compliance with applicable procedures.
- (d) Access of UNRWA staff to the West Bank was restricted and unpredictable. In 2022 alone, there were 21 search demands and denials to cross checkpoints, including into and out of East Jerusalem.

⁴⁰ Cormay-Michaelmore Agreement, § I, 14 June 1967.

⁴¹ Cormay-Michaelmore Agreement, § II, 14 June 1967.

⁴² Cormay-Michaelmore Agreement, § II, 14 June 1967.

⁴³ See, for example: *Annual Operational Report 2020* (UNRWA 2021) 17–21; *Annual Operational Report 2015* (UNRWA 2016) 13–10; *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/50/13, 1 July 1994–30 June 1995, ¶¶ 34–35; *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc No A/35/13, 1 July 1979–30 June 1980, ¶¶ 38–40; *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/32/13, 1 July 1976–30 June 1977, ¶¶ 142–155.

⁴⁴ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/78/13, 1 January–31 December 2022, Chapter IV.A.

- 40.2 UNRWA vehicles with UN markings travelling into and out of Jordan were subjected by the Israeli authorities to searches unless an occupant possessed an Israeli Ministry of Foreign Affairs identity card.
- 40.3 UNRWA vehicles with UN markings were subjected to inspection *via* a sniffer dog when travelling into and out of Gaza.
- 40.4 UNRWA's humanitarian access remained difficult and occasionally operationally unfeasible, particular in the "seam zone" between the Green Line and the West Bank barrier. UNRWA trucks with UN markings were only permitted to enter Jerusalem through specific commercial checkpoints.
- 41 That same report also records the following facts and matters concerning Agency services and premises, all of which occurred during the previous calendar year:⁴⁵
- 41.1 Israeli authorities continued to impose transit charges on UNRWA shipments entering Gaza, requiring the Agency to pay USD 1.4 million in 2022 on the premise that these charges were not a direct tax but a "service fee".
- 41.2 UNRWA was prevented from importing any vehicles into Gaza save *via* the Erez crossing.
- 41.3 Israel closed the Karni crossing into Gaza and prohibited the import of goods *via* container, resulting in increased costs to the Agency.
- 41.4 UNRWA construction projects in Gaza were subject to time-consuming and laborious daily reporting requirements, as well as cumbersome clearance procedures and frequent processing delays of import requests.
- 41.5 In the West Bank and Gaza, Israeli military operations, purportedly against Palestinian armed groups, led to multiple incidents where the inviolability of UNRWA facilities was violated and staff were injured.
- (a) On 53 occasions in the West Bank, the inviolability of UNWRA facilities was violated by ammunition falling within or striking the premises. Schools were particularly affected.
- (b) On 46 occasions in the West Bank, UNRWA had to close its installations owing to nearby Israeli military operations or strikes.
- (c) On seven occasions in the West Bank, UNRWA installations needed to be evacuated to prevent children from being exposed to tear gas during Israeli military operations.
- (d) On one occasion in Gaza, an UNRWA school was damaged by Israeli fire on a nearby house.

⁴⁵ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/78/13, 1 January–31 December 2022, Chapter IV.B.

- (e) On one occasion in Gaza, an UNRWA staff member was injured by shrapnel from an Israeli airstrike whilst guarding an UNRWA school.

42 These events must be understood against a background of public statements by the Israeli authorities reflecting a clear and unabashed desire to remove UNRWA from the OPT in a brazen attempt to undermine the “right of return” of Palestinian refugees and the Palestinian people’s right to self-determination. For example, in comments at an Israeli Cabinet meeting in 2018, Prime Minister Benjamin Netanyahu stated:

“UNRWA is an organization that perpetuates the Palestinian refugee problem. It also perpetuates the narrative of the right-of-return, as it were, in order to eliminate the State of Israel; therefore, **UNRWA needs to pass from the world.** [...] UNRWA support funds need to be gradually shifted to the UNHCR, with clear criteria for supporting genuine refugees, not fictitious refugees as happens today under UNRWA. I have brought this position to the attention of the US. **This is how to rid the world of UNRWA [...].**”⁴⁶

3 Relations following 7 October 2023

43 Relations between UNRWA and Israel declined further after 7 October 2023 and the launching of Israel’s assault on Gaza. At the height of the conflict on 14 January 2025, 90% of Gaza’s population—at least 1.9 million people—had been displaced, with 80% of Gaza under Israel-issued evacuation orders. Civilian deaths, even conservatively estimated, numbered in the tens of thousands. Hundreds of thousands faced catastrophic levels of food insecurity.⁴⁷

44 In the face of a humanitarian disaster, UNRWA emerged as “the primary humanitarian platform” for the people of Gaza.⁴⁸ Throughout the conflict, the Agency provided food support for nearly 1.9 million people, together with essential water, sanitation, and hygiene services. It has provided over 7.1 million medical consultations to Gazans since the start of the conflict—the equivalent of over 16,000 consultations per day—and undertaken a critical polio vaccination campaign for the protection of Gaza’s children. Tens of thousands of Gazans were housed in at least 80 UNRWA shelters.⁴⁹

45 UNRWA’s importance to the survival of the Palestinian population in Gaza was also apparent in the immediate aftermath of the ceasefire between Israel and Hamas, which came into effect on 19 January 2025. More than a thousand UNRWA trucks carrying essential humanitarian aid crossed into Gaza in the week following the ceasefire. Within a matter of days, UNRWA teams were able to provide food parcels to more than 550,000 people and water to nearly 475,000 people in Gaza. It also provided essential non-food items, including blankets,

⁴⁶ YouTube, *PM Netanyahu's Remarks at Weekly Cabinet Meeting–7/1/2018*, 7 January 2018, available [here](#).

⁴⁷ OCHA, *Reported Impact Snapshot: Gaza Strip*, 14 January 2025, available [here](#).

⁴⁸ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/79/13, 1 January–31 December 2023, p. 4.

⁴⁹ UNRWA, *Situation Report #155 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem*, 16 January 2025, available [here](#). UNRWA has been producing such reports regularly since 6 October 2023. Each will hereinafter be referred to simply as a “**Situation Report**”, together with the appropriate number.

mattresses, floor mats, clothes, kitchen items, and tarps to thousands of families, as well as health services, including psychological support for adults and children.⁵⁰

46 UNRWA has done all this, moreover, at considerable risk to its personnel and property. As of 30 January 2025, 786 incidents impacting UNRWA premises and the people inside them have been reported since 7 October 2023, and only four (out of 22) of UNRWA's health centres in Gaza remain operational. Some 273 UNRWA team members have been killed.⁵¹ The remainder of UNRWA's area staff in Gaza and the West Bank are subject to continual harassment by the Israeli military, and live in constant fear for their lives. Detained staff have also reported being tortured in order to extract false confessions inculcating the Agency, attacked by dogs and subjected to threats of rape and electrocution.⁵²

47 The scale and scope of the situation was captured by UNRWA's Commissioner-General in his most recent report to the General Assembly:

"I continue to be appalled by the scale of the death, destruction and suffering in this conflict and by the blatant disregard for international humanitarian law and for the [UN]. [...] The Israeli security forces have routinely detained UNRWA personnel in Gaza, who have reported torture and mistreatment. Aid convoys have been struck despite advance coordination with the authorities and have been looted amid a collapse of civil order.

[...] [T]he attacks on UNRWA and other [UN] entities—from the killing of staff and the destruction of premises, to denials of visas and harassment—are unprecedented in their scale and character in the history of the [UN]. They set a dangerous precedent, undermining [UN] operations worldwide and eroding the rules-based international order."⁵³

48 In keeping with the Commissioner-General's statement, UNRWA has also emerged as one of the most reliable documenters of Israeli war crimes and other atrocities in Gaza, providing considerable evidence to the Court in the context of the ongoing proceedings in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)*.

49 UNRWA's role as a witness to Israel's atrocities has not gone unnoticed. Immediately after the ICJ made its Order of 26 January 2024 in, Prime Minister Netanyahu reissued his call for the termination of UNRWA. He stated:

"South Africa had the temerity to bring this to the ICJ, charging us with genocide against, really in the service of a genocidal organization. Now, the worst thing that I can say is this, that many of the charges, false and unfounded, that were levelled against us in The Hague were brought by UNRWA officials. [...]"

⁵⁰ UNRWA, *Situation Report #157*, 31 January 2025, available [here](#).

⁵¹ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

⁵² UNRWA, *Detention and alleged ill-treatment of Detainees from Gaza during Israel-Hamas War*, 16 April 2024, available [here](#).

⁵³ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/79/13, 1 January–31 December 2023, pp. 4–6.

I think it's time that the international community and the UN itself understand that **UNRWA's mission has to end**. [...] There are other agencies in the UN. There are other agencies in the world. **They have to replace UNRWA**.”⁵⁴

50 A few weeks later, on 4 February 2024, the Israeli Minister of Foreign Affairs reiterated: “UNRWA is part of the problem. It's part of the terrorist infrastructure of Hamas in Gaza. [...] **We are working to remove UNRWA from Gaza**.”⁵⁵

51 The actions of the Israeli Government in respect of UNRWA must be viewed in this context: the “insidious campaign to end UNRWA's operations”⁵⁶ is a long-standing one. Israel has opportunistically seized on the current conflict as a pretext to achieve its aim of ending UNRWA's operations in the OPT, and is waging a campaign of eradication. This has two elements: the targeting of UNRWA premises and personnel, especially in Gaza, and the passage of punitive items of Israeli legislation designed to shut the Agency down for good.

(a) **The targeting of UNRWA premises and personnel**

52 In the first place, as mentioned, UNRWA premises and personnel are being “systematically targeted by the Israeli army”.⁵⁷ As noted above, 786 incidents impacting UNRWA premises and the people inside them have been reported (some with multiple incidents impacting the same location). Of those, many were deliberate attacks by Israeli forces.⁵⁸ By way of example:

52.1 On 2 November 2023, four UNRWA shelters were damaged in the Gaza Strip during heavy Israeli bombardment, killing at least 20 people and injuring five.⁵⁹

52.2 On 4 December 2023, the UNRWA Beit Lahia Primary School for Boys was directly hit, causing severe damage to the school and killing many people sheltering inside.⁶⁰

52.3 On 12 December 2023, a video was posted on X of the Israeli army blowing up an UNRWA school in northern Gaza.⁶¹ Philippe Lazzarini described the attack as “outrageous”, emphasising that “UN schools are protected under international law”.⁶²

⁵⁴ Government of Israel, *Prime Minister Benjamin Netanyahu to a Delegation of UN Ambassadors: “It's time that the international community and the UN itself understand that UNRWA's mission has to end”*, 31 January 2024, available [here](#) (emphasis added). The UN Special Rapporteur Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 also commented on this timing, noting that “[i]mmediately after the Court issued provisional measures, Israel launched an unsubstantiated campaign against UNRWA, which jeopardized the fragile lifelines necessary for humanitarian assistance in Gaza”: *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc A/79/384, 1 October 2024, ¶ 81.

⁵⁵ X, ישראל, י"כ Israel Katz, @Israel_katz, 4 February 2024, available [here](#) (emphasis added).

⁵⁶ UNRWA, *Statement by the Commissioner-General of UNRWA to the Security Council*, 17 April 2024, available [here](#) (emphasis added).

⁵⁷ *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc A/HRC/55/73, 1 July 2024, ¶ 38.

⁵⁸ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

⁵⁹ UNRWA, *The Gaza Strip: four UNRWA shelters damaged in less than 24 hours*, 2 November 2023, available [here](#).

⁶⁰ UNRWA, *Situation Report #46*, 7 December 2023, available [here](#).

⁶¹ UNRWA, *Situation Report #52*, 14 December 2023, available [here](#); Al Jazeera, *Israeli forces blow up UNRWA school in northern Gaza*, 12 December 2023, available [here](#).

⁶² X, Philippe Lazzarini, @UNLazzarini, 12 December 2023, available [here](#).

- 52.4 From 7 to 10 February 2024, Israeli forces conducted military operations inside an UNRWA Rehabilitation Centre for the Visually Impaired, causing severe damage to the facility.⁶³
- 52.5 On 14 July 2024, the Israeli military fired three missiles on the UNRWA Abu Oraiban School in a refugee camp in Gaza, killing at least 15 and injuring more than 87 people (including an UNRWA staff member).⁶⁴
- 52.6 On 11 September 2024, 18 people were killed, including six staff members of UNRWA, and another 18 people were injured, when an UNRWA school-turned-shelter for around 12,000 people was hit by multiple Israeli airstrikes.⁶⁵
- 52.7 On 27 October 2024, Israeli forces struck an UNRWA school in Gaza, causing 11 fatalities, injuries to several others, and destroying classrooms.⁶⁶
- 52.8 On 11 November 2024, Israeli forces struck the UNRWA Maintenance Office in Nuseirat, leading all UNRWA personnel to evacuate the three UNRWA installations located in close proximity.⁶⁷
- 52.9 On 19 December 2024, Israeli forces struck an UNRWA school in the Shaja'ya area in Gaza. 15 people were killed, and 30 others were injured.⁶⁸
- 52.10 On 27 December 2024, after forcefully evacuating the Kamal Adwan Hospital, Israeli forces entered an UNRWA school and an UNRWA store facility in Jabalia and detained patients, medical staff and displaced people inside the two UNRWA installations. There are shocking reports of humiliating and degrading treatment; men being stripped of their clothes by Israeli forces and being photographed, forced to hold stress position at gun point,⁶⁹ and women being detained for hours.⁷⁰
- 52.11 On 4 January 2025, Israeli forces struck an UNRWA school in Gaza in the Al Sabra Area, causing damage to a building and injuring at least five displaced people.⁷¹
- 53 UNRWA staff working with Palestinians in the West Bank have also been subjected to “a systematic campaign of obstruction and harassment by the Israeli military and authorities”.⁷² Internal UN documents record hundreds of incidents of gratuitous violence, including (a) the blindfolding and beating of UN staff at checkpoints; (b) the use of UN facilities by Israeli

⁶³ UNRWA, *Situation Report #77*, 14 February 2024, available [here](#); X, UNRWA, @UNRWA, 15 February 2024, available [here](#).

⁶⁴ UNRWA, *Situation Report #121*, 16 July 2024, available [here](#); BBC, *Israeli strike on central Gaza school reportedly kills 22*, 15 July 2024, available [here](#).

⁶⁵ UNRWA, *Situation Report #136*, 13 September 2024, available [here](#); UN News, *Gaza: Six UNRWA staff killed in strikes on school sheltering displaced people*, 11 September 2024, available [here](#).

⁶⁶ UNRWA, *Situation Report #146*, 3 November 2024, available [here](#).

⁶⁷ UNRWA, *Situation Report #148*, 20 November 2024, available [here](#).

⁶⁸ UNRWA, *Situation Report #153*, 4 January 2025, available [here](#).

⁶⁹ UNRWA, *Detention and alleged ill-treatment of Detainees from Gaza during Israel-Hamas War*, 16 April 2024, available [here](#).

⁷⁰ UNRWA, *Situation Report #153*, 4 January 2025, available [here](#).

⁷¹ UNRWA, *Situation Report #154*, 12 January 2025, available [here](#).

⁷² The Guardian, *Documents reveal alleged pattern of Israeli harassment of Unrwa workers on West Bank*, 19 March 2024, available [here](#).

troops as firing positions during raids on refugees in which Palestinians were killed; and (c) entry into UNRWA installations by armed personnel of the Israeli security forces operations.⁷³

- 54 Violence against UNRWA has also spread to East Jerusalem. On 9 May 2024, the Commissioner-General temporarily closed the UNRWA headquarters in East Jerusalem in response to violent protestors who set fire to the perimeter of the compound and threw stones at UNRWA staff.⁷⁴ The Deputy Mayor of Jerusalem, Aryeh King, who joined the protests, stated:

“It is an honour to be responsible for the closure of the centre of the Nazi and antisemitic enemy within Jerusalem. [...] Our next step is to shift the demonstrations to the French Hill neighbourhood, and ultimately to ensure the expulsion of Unrwa from the Qalandiya neighbourhood in the West Bank.”⁷⁵

- 55 In addition to these physical attacks, Israel has sought to dismantle UNRWA by (*inter alia*): refusing visas to UN staff to enter Israel (e.g., the visa of the UNRWA Commissioner-General expired in June 2024 and has not been renewed);⁷⁶ refusing to allow senior UN officials permission to visit Gaza and preventing them from travelling to the West Bank;⁷⁷ and waging a misinformation campaign, online and in physical advertisements, to discredit UNRWA.⁷⁸

(b) Israel’s legislative assault on UNRWA

- 56 In addition to the foregoing, Israel has also advanced against UNRWA on another front: legislation.
- 57 On 22 July 2024, the Israeli Knesset approved in first reading three draft legislative bills relating to UNRWA: one seeking to ban UNRWA operations in occupied East Jerusalem; a second seeking to revoke UN privileges and immunities afforded to UNRWA since 1949; and a third designating UNRWA a terrorist organization.⁷⁹ To become law, the draft bills had to pass through second and third readings by the Knesset, after the summer recess.
- 58 On 6 October 2024, the Foreign Affairs and Defence Committee of the Knesset of Israel approved drafts of two laws for adoption by the Knesset, namely, (a) a Law for the Cessation

⁷³ The Guardian, *Documents reveal alleged pattern of Israeli harassment of Unrwa workers on West Bank*, 19 March 2024, available [here](#).

⁷⁴ UN News, “*Outrageous*” arson attack forces UNRWA to temporarily shutter East Jerusalem compound, 9 May 2024, available [here](#); X, Philippe Lazzarini, @UNLazzarini, available [here](#).

⁷⁵ UN News, “*Outrageous*” arson attack forces UNRWA to temporarily shutter East Jerusalem compound, 9 May 2024, available [here](#); X, Philippe Lazzarini, @UNLazzarini, available [here](#).

⁷⁶ UNRWA, *Briefing to the United Nations Security Council by UNRWA Deputy Commission General, Ms. Antonia de Meo*, 26 July 2024, available [here](#).

⁷⁷ UN, *The Israeli Authorities have stopped giving visas to heads and staff of the international NGO community – Statement from Philippe Lazzarini, UNRWA Commissioner-General*, 20 September 2024, available [here](#).

⁷⁸ See, for example, UNRWA, *The State of Israel Continues Disinformation Campaign against UNRWA*, 4 December 2024, available [here](#); Wired, *Israel Is Buying Google Ads to Discredit the UN’s Top Gaza Aid Agency*, 26 August 2024, available [here](#). The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 characterised this as “libellous smear campaigns”: *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc A/79/384, 1 October 2024, ¶ 91(g).

⁷⁹ UNRWA, *Briefing to the United Nations Security Council by UNRWA Deputy Commission General, Ms. Antonia de Meo*, 26 July 2024, available [here](#).

of UNRWA Activities (2024) and (b) a Law for the Cessation of UNRWA Activities in the State of Israel (2024) (collectively, the “**Anti-UNRWA Legislation**”).

59 On 28 October 2024, after a second and third reading, the Knesset adopted the Anti-UNRWA Legislation. A few days later, on 3 November 2024, Israel terminated the Cormay–Michaelmore Agreement.⁸⁰

60 So far as the content of the legislation is concerned, the Law for the Cessation of UNRWA Activities (2024) specifies that (*inter alia*) “[n]o state authority, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives”.

61 The Law for the Cessation of UNRWA Activities in the State of Israel (2024) specifies that (*inter alia*) UNRWA “shall not operate any representation, provide any services, or carry out any activities, directly or indirectly, within the sovereign territory of the State of Israel”.⁸¹

62 Under the Anti-UNRWA Legislation, Israel will “deny international staff visas to enter and work in the occupied Palestinian territory”, and those UNRWA staff members “will be compelled to withdraw under protest”.⁸² Most worryingly, the “no-contact policy will effectively end deconfliction for the safe movement in Gaza”.⁸³ It will mean that coordination with the Israeli military, which is essential for the safe passage of aid during active hostilities, will no longer be possible.⁸⁴ UNICEF Spokesperson, James Elder, has cautioned that:

“If UNRWA’s unable to operate, [we] would likely see the collapse of the humanitarian system in Gaza. UNICEF would become effectively unable to distribute lifesaving supplies here. I’m talking vaccines. I’m talking winter clothes. I’m talking hygiene kits, health kits, water and sanitation, RUTF [ready-to-use therapeutic food] on malnutrition – and we know, again, we’re knocking on the door of famine – and all range of nutrition supplies. So, a decision such as this suddenly means that a new way has been found to kill children.”⁸⁵

63 On 24 January 2025, further to the Anti-UNRWA Legislation, the Permanent Representative of Israel to the UN, Danny Danon, wrote to the UN Secretary-General. His letter contains (*inter alia*) Israel’s interpretation of the effect of the Anti-UNRWA Legislation on UNRWA:

⁸⁰ X, Danny Danon, @dannyanon, 4 November 2024, available [here](#), attaching a letter dated 3 November 2024 from the Director General of the Israel Ministry of Foreign Affairs, Jacob Blitshtein, to His Excellency Mr Philemon Yang, President of the UN General Assembly. See also *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 Docs A/79/710–S/2024/940, 31 December 2024.

⁸¹ UNRWA’s unofficial translation from the original Hebrew: Letter from UN Secretary-General António Guterres to Prime Minister Benjamin Netanyahu, 28 October 2024.

⁸² *Remarks by Philippe Lazzarini, UNRWA Commissioner-General at the Third Meeting of the Global Alliance for the Implementation of the Two-State Solution*, 15 January 2025, available [here](#).

⁸³ *Remarks by Philippe Lazzarini, UNRWA Commissioner-General at the Third Meeting of the Global Alliance for the Implementation of the Two-State Solution*, 15 January 2025, available [here](#).

⁸⁴ UN News, *Anti-UNRWA Legislation blocking UNRWA – devastating humanitarian impact for Palestinians?*, 31 October 2024, available [here](#).

⁸⁵ UNifeed, Geneva / Knesset UNRWA Vote, 29 October 2024, available [here](#). See also, UN News, *UNRWA cannot be replaced, say UN top officials in response to Knesset ban*, 29 October 2024, available [here](#).

“In accordance with applicable Israeli law, [...] UNRWA is required to cease its operations in Jerusalem, and evacuate all premises in which it operates in the city, no later than 30 January 2025. Without prejudice to the legislation, [...] I would like to refer to two properties in particular [...] currently operating in Jerusalem [...]. Clear and explicit notices were sent to UNRWA from the Israel Land Authority, with regard to both said properties, on 14 January, 2024 and on 28 May, 2024, indicating that UNRWA’s use of the properties is done without proper authorization, and demanding the evacuation of the properties, the demolition of all immovables constructed without acquiring the proper authorizations, and payment for past use [...].”⁸⁶

- 64 On 28 January 2025, Mr Danon made a similar statement to the press, emphasising that “the work of the headquarters in Jerusalem will not continue in 48 hours”.⁸⁷
- 65 The Anti-UNRWA Legislation came into effect in Israel on 30 January 2025. Notwithstanding its draconian effect, and the considerable personal risk to its personnel, UNRWA has vowed “to stay and deliver” for as long as is possible, including by continuing “to provide emergency assistance and, where possible, education and primary healthcare”.⁸⁸
- 66 It is, however, becoming increasingly difficult for UNRWA to continue in the face of Israel’s State-sanctioned systematic campaign of harassment and use of force. For example, on 18 February 2025, Israeli forces forcefully entered the UNRWA Kalandia Training Centre in East Jerusalem and ordered its immediate evacuation. At least 350 students and 30 staff were present and were affected. Tear gas and sound bombs were fired. Israeli police accompanied by municipal staff, also visited several other UNRWA schools in East Jerusalem, demanding their closure.⁸⁹

C UN investigations into UNRWA in the aftermath of 7 October 2023

- 67 In January 2024, Israel alleged that 12 UNRWA staff may have participated in the 7 October 2023 attacks. The allegations (although supported by little evidence) had an immediate, disastrous impact on UNRWA. They resulted in the suspension of funding to UNRWA of around USD 450 million,⁹⁰ with Israel using the attacks as a pretext to advance its long-standing aim of dismembering UNRWA in an attempt to destroy the “right of return” of Palestinian refugees, resettle Palestinians outside of historic Palestine, and undermine fatally the Palestinian people’s right to self-determination.⁹¹

⁸⁶ Letter from the Permanent Representative of Israel to the UN, Danny Danon, to UN Secretary-General António Guterres dated 24 January 2025. See also UNRWA, *The Government of Israel Orders UNRWA to Vacate Its Premises in Occupied East Jerusalem and Cease Operations in the Them*, 26 January 2025, available [here](#).

⁸⁷ UN Audiovisual Library, *Danny Danon (Israel) on the situation in the Middle East – Security Council Media Stakeout*, 28 January 2025, available [here](#).

⁸⁸ *Remarks by Philippe Lazzarini, UNRWA Commissioner-General at the Third Meeting of the Global Alliance for the Implementation of the Two-State Solution*, 15 January 2025, available [here](#).

⁸⁹ UN, *UNRWA: Young Palestinians in East Jerusalem shut out of UNRWA training centre*, 20 February 2025, available [here](#).

⁹⁰ *Final report for the United Nations Secretary-General, Independent review mechanisms and procedures to ensure adherence by UNRWA to the humanitarian principle of neutrality*, 20 April 2024, p. 3, available [here](#) [hereinafter “**Colonna Report**”].

⁹¹ Pakistan recalls in this context that Israel has long sought the defunding of UNRWA, even prior to 7 October 2023. See Al Jazeera, *UNRWA limps forward after years of Trump administration pressure*, 10 February 2021, available [here](#).

68 Subsequently, in March and April 2024, Israel informed the UN that allegedly another seven UNRWA staff members had participated in the attacks (bringing the total number to 19).⁹² The allegations led to two separate investigations:

68.1 First, by an independent review group – appointed on 5 February 2024 by the UN Secretary-General and led by Ms Catherine Colonna, the former French Foreign Minister – with a mandate to:

“[A]ssess whether UNRWA is doing everything within its power to ensure neutrality and respond to allegations of serious neutrality breaches when they are made, taking into account the [...] context in which it has to work, especially in Gaza, and to make recommendations for UNRWA to improve and strengthen in this area, if necessary.”⁹³

68.2 Second, by the UN’s Office of Internal Oversight Services (“**OIOS**”) to “determine the veracity of [Israel’s] allegations”⁹⁴ with regards to UNRWA staff participation in the 7 October 2023 attacks.

69 The key findings of these two investigations are set out below.

1 Independent review of UNRWA’s mechanisms and procedures

70 On 13 February 2024, Ms Colonna’s independent review group commenced its work. Over a nine-week period, it “extensively analysed the mechanisms and procedures currently in place within UNRWA to ensure neutrality and address potential breaches”.⁹⁵ The group met with and interviewed more than 200 people, including UNRWA staff in Gaza. On 20 April 2024, it issued its *Final report for the United Nations Secretary-General, Independent review mechanisms and procedures to ensure adherence by UNRWA to the humanitarian principle of neutrality* – the Colonna Report.

71 The Colonna Report appropriately places its findings and recommendations in the uniquely challenging context in which UNRWA operates. The independent review group found it “significant that UNRWA continuously operates amid recurring conflicts, violence, a lack of political progress, poor socioeconomic conditions and the proliferation of armed groups”.⁹⁶ It recognised that, even in the face of these almost insurmountable challenges, UNRWA had “established a significant number of mechanisms and procedures to ensure compliance with humanitarian principles with emphasis on the principle of neutrality”.⁹⁷

72 These mechanisms and procedures include the UNRWA Neutrality Framework, which was established in 2017 to serve as a “repository of existing standards, practices and procedures with regard to neutrality and to introduce new standards and procedures”.⁹⁸ The independent

⁹² Colonna Report, p. 13.

⁹³ Colonna Report, p. 3.

⁹⁴ Colonna Report, p. 3.

⁹⁵ Colonna Report, p. 3.

⁹⁶ Colonna Report, p. 4.

⁹⁷ Colonna Report, pp. 4-5.

⁹⁸ Colonna Report, p. 5.

review group concluded that, as a result of its these mechanisms and procedures, UNRWA has a more developed approach to neutrality than other similar UN entities and NGOs.⁹⁹

73 The Colonna Report also found that UNRWA has “sound mechanisms” in place to address alleged breaches of neutrality.¹⁰⁰ UNRWA’s internal oversight body, the Department of Internal Oversight Services (“DIOS”), is responsible for investigating misconduct by UNRWA staff, including alleged neutrality breaches. Such allegations are properly investigated. For example, between January 2022 and February 2024, UNRWA received 151 neutrality-breach allegations, most of which related to social media posts.¹⁰¹ The Colonna Report found that UNRWA had reviewed all such allegations and opened investigations where it has found *prima facie* evidence of misconduct.¹⁰²

74 The Colonna Report made a number of recommendations for further improvement. UNRWA has taken seriously the findings of the Colonna Report and is implementing its recommendations. By the end of 2024, UNRWA had fully implemented five recommendations.¹⁰³ This included creation of a centralised neutrality investigations unit with international staff, which reports directly to the DIOS.¹⁰⁴ UNRWA continues to implement the Colonna Report recommendations in accordance with a High-Level Action Plan, which articulates specific actions, a timeline and resource requirements to implement the recommendations.¹⁰⁵

2 Investigation by the Office of Internal Oversight Services

75 The OIOS investigation concerned more directly the allegations by Israel of UNRWA staff involvement in the 7 October 2023 attacks.

76 The OIOS conducted a thorough investigation, which included visits to Israel to speak with officials and a review of information held by Israeli authorities.¹⁰⁶ It completed its work in August 2024. The OIOS did not find evidence to corroborate independently any of Israel’s allegations. The outcome of the OIOS investigation was that:

76.1 for one of the cases, the OIOS did not obtain any evidence of that staff member’s alleged involvement in the 7 October attacks;¹⁰⁷

76.2 for nine other cases, the OIOS had obtained evidence which was “insufficient to support the staff members’ involvement” in the 7 October attacks;¹⁰⁸ and

76.3 for the remaining nine cases, the OIOS had obtained evidence which, “if authenticated and corroborated”, “could indicate” that those UNRWA staff members may have been involved in the 7 October attacks.¹⁰⁹ The UNRWA Commissioner General terminated

⁹⁹ Colonna Report, p. 5.

¹⁰⁰ Colonna Report, p. 12.

¹⁰¹ Colonna Report, p. 13.

¹⁰² Colonna Report, p. 13.

¹⁰³ UNRWA, *Implementation of Colonna Report: Quarterly Report, January 2025*, available [here](#).

¹⁰⁴ UNRWA, *Implementation of Colonna Report: Quarterly Report, January 2025*, available [here](#).

¹⁰⁵ UNRWA, *Implementation of Colonna Report: Quarterly Report, January 2025*, available [here](#).

¹⁰⁶ UN News, *UN completes investigation on UNRWA staff*, 5 August 2024, available [here](#).

¹⁰⁷ UNRWA, *Statement by UNRWA Commissioner General*, 5 August 2024, available [here](#).

¹⁰⁸ UNRWA, *Statement by UNRWA Commissioner General*, 5 August 2024, available [here](#).

¹⁰⁹ UNRWA, *Statement by UNRWA Commissioner General*, 5 August 2024, available [here](#).

the contracts of these nine individuals “in the interest of the Agency” (notwithstanding that the OIOS investigation had not proven their involvement in the 7 October attacks).¹¹⁰

* * *

77 Israel’s allegations against UNRWA have been investigated in a timely, thorough, and independent manner. They have been shown to be largely baseless. To the extent that there was any possibility that UNRWA staff members took place in the 7 October 2023 attacks – which the OIOS could not verify – UNRWA has nevertheless terminated the engagement of those staff members out of an abundance of caution. Recommendations from the Colonna Report as to how UNRWA can further enhance its neutrality – which the Report made clear were to build on UNRWA’s already more developed approach to neutrality than other similar UN entities and NGOs – have been, and continue to be, implemented.

78 The reality is that Israel’s allegations constitute little more than another mechanism by which it has sought at every turn to attack and undermine UNRWA in its pursuit of its destruction. They must be viewed in that context.

D The Court’s key findings concerning Israel’s legal obligations in the OPT

79 With the current dynamic between UNRWA and Israel set out, Pakistan turns to the last two occasions on which the Court has addressed the question of Israel’s conduct in and concerning the OPT – in the *Wall* and *Occupied Palestinian Territory* advisory opinions, both requested by the General Assembly.

79.1 The first of these, requested in 2004, focused on the legality of the eponymous “wall” being built by Israel around and through the West Bank and East Jerusalem, and legal consequences arising from the same.

79.2 The second, broader in scope and rendered in 2024, asked for the Court’s views on the legal consequences arising from the policies and practices of Israel in the OPT.

80 This latest request for an advisory opinion is expressly stated to emerge from those two previous opinions.¹¹¹ Pakistan therefore sets out below a summary of some of the main findings of those opinions.

1 The *Wall* opinion

81 In the *Wall* opinion, the General Assembly posed the following question to the Court:

“What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the Report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva

¹¹⁰ UNRWA, *Statement by UNRWA Commissioner General*, 5 August 2024, available [here](#).

¹¹¹ GA Request, preamble.

Convention of 1949, and relevant Security Council and General Assembly resolutions?”¹¹²

82 The Court first determined the rules and principles of international law relevant to the question. These included:

- 82.1 the prohibition on the use of force set out in Article 2(4) of the Charter;¹¹³
- 82.2 the illegality of territorial acquisition through the use of force, as established by General Assembly Resolution 2625 (XXV) – the *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations* (the “**Friendly Relations Declaration**”);¹¹⁴
- 82.3 the principle of self-determination of peoples, as enshrined in the Charter and reaffirmed by the Friendly Relations Declaration and Common Articles 1 of the International Covenant on Civil and Political Rights¹¹⁵ (“**ICCPR**”) and the International Covenant on Economic, Social and Cultural Rights¹¹⁶ (“**ICESCR**”);¹¹⁷
- 82.4 relevant rules of international humanitarian law, as found in Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land¹¹⁸ (the “**Hague Regulations**”)¹¹⁹ and Convention (IV) relative to the Protection of Civilian Persons in Time of War¹²⁰ (the “**Fourth Geneva Convention**”),¹²¹ (although the Court noted that only certain provisions were then currently applicable in the West Bank);¹²² and
- 82.5 relevant rules of international human rights law, as found in various human rights instruments.¹²³

83 The Court found as a matter of law that the construction of the wall and its associated regime:

- 83.1 severely impeded the exercise by the Palestinian people of their right to self-determination and was a breach of Israel’s obligation to respect that right;¹²⁴

¹¹² *Wall* [2004] ICJ Rep 136, ¶ 1.

¹¹³ *Wall* [2004] ICJ Rep 136, ¶ 87.

¹¹⁴ *Wall* [2004] ICJ Rep 136, ¶ 87.

¹¹⁵ International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171.

¹¹⁶ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3.

¹¹⁷ *Wall* [2004] ICJ Rep 136, ¶ 88.

¹¹⁸ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907, 205 CTS 277.

¹¹⁹ Which the Court found to have become part of customary international law notwithstanding that Israel is not a party to the Fourth Hague Convention, to which the Hague Regulations are annexed.

¹²⁰ Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 UNTS 287.

¹²¹ *Wall* [2004] ICJ Rep 136, ¶¶ 89–101.

¹²² *Wall* [2004] ICJ Rep 136, ¶¶ 123–126.

¹²³ *Wall* [2004] ICJ Rep 136, ¶¶ 102–113.

¹²⁴ *Wall* [2004] ICJ Rep 136, ¶ 122.

- 83.2 were contrary to relevant provisions of Articles 46 and 52 of the Hague Regulations and Article 53 of the Fourth Geneva Convention;¹²⁵
- 83.3 impeded the liberty of movement of the inhabitants of the OPT as guaranteed by the ICCPR;¹²⁶
- 83.4 impeded those inhabitants' exercise of their rights to work, health, education and an adequate standard of living as mandated by the ICESCR and in the Convention on the Rights of the Child¹²⁷ ("CRC");¹²⁸ and
- 83.5 coupled with the establishment of settlements, were altering the demographic composition of the OPT, in breach of the Fourth Geneva Convention and previous Security Council resolutions.¹²⁹
- 84 The Court found that none of the qualifying clauses or provisions for derogation contained in relevant humanitarian law and human rights instruments were applicable.¹³⁰ The Court also concluded that Israel could not rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall.¹³¹
- 85 The Court determined that Israel must, *inter alia*:
- 85.1 comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law;¹³²
- 85.2 put an immediate end to its violations of international law by ceasing construction of the wall and dismantling those parts of the wall situated within the OPT;¹³³
- 85.3 repeal or render ineffective all legislative and regulatory acts adopted with a view to construction of the wall and establishment of its associated regime;¹³⁴ and
- 85.4 make reparation for all damage suffered by all natural or legal persons affected by the wall's construction.¹³⁵
- 86 The Court also indicated that the UN, and especially the General Assembly and Security Council, should consider what further action was required to bring to an end the illegal situation in question, taking due account of the advisory opinion.

¹²⁵ *Wall* [2004] ICJ Rep 136, ¶ 132.

¹²⁶ *Wall* [2004] ICJ Rep 136, ¶ 134.

¹²⁷ Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3.

¹²⁸ *Wall* [2004] ICJ Rep 136, ¶ 134.

¹²⁹ *Wall* [2004] ICJ Rep 136, ¶ 134.

¹³⁰ *Wall* [2004] ICJ Rep 136, paras 135–137.

¹³¹ *Wall* [2004] ICJ Rep 136, paras 138–142.

¹³² *Wall* [2004] ICJ Rep 136, ¶ 149.

¹³³ *Wall* [2004] ICJ Rep 136, paras 150–151.

¹³⁴ *Wall* [2004] ICJ Rep 136, ¶ 151.

¹³⁵ *Wall* [2004] ICJ Rep 136, ¶ 152.

2 The *Occupied Palestinian Territory* opinion

- 87 In the twenty years since the *Wall* opinion, it has been largely ignored by Israel. During Israel's recent onslaught on Gaza, the Court provided a second advisory opinion, namely *Occupied Palestinian Territory*. In this context, the General Assembly asked:

“What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

How do the policies and practices of Israel referred to [...] above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the [UN] from this status?”¹³⁶

- 88 The Court made clear in these proceedings that it was not necessary for it to make findings of fact with regard to specific incidents allegedly in violation of international law.
- 89 The Court went on to assess whether Israel's policies and practices in the OPT complied with its obligations under international law. Its Opinion contained (*inter alia*) the following observations:
- 89.1 The Court observed that, by virtue of its status as an occupying power with effective control, Israel had assumed a set of powers and duties with respect to the OPT.¹³⁷ The nature and scope of those powers and duties are always premised on the same assumption: that occupation is a temporary situation to respond to military necessity, and it cannot transfer title of sovereignty to the occupying power.¹³⁸
- 89.2 The Court reaffirmed its *Wall* opinion that Israeli settlements in the West Bank and East Jerusalem, and the regime associated with them, have been established and are being maintained in violation of international law.¹³⁹
- 89.3 The Court found that Israel's policies and practices amount to annexation of large parts of the OPT.¹⁴⁰
- 89.4 The Court concluded that a broad array of legislation adopted and measures taken by Israel in its capacity as an occupying power treat Palestinians differently on grounds specified by international law.¹⁴¹ It found that this differentiation of treatment cannot be justified with reference to reasonable and objective criteria nor to a legitimate public aim,¹⁴² and constitutes systemic discrimination based on, *inter alia*, race, religion or ethnic origin, in violation of ICCPR Articles 2(1) and 26, ICESCR Article 2(2), and

¹³⁶ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 1.

¹³⁷ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 105.

¹³⁸ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 105.

¹³⁹ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 155.

¹⁴⁰ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 179.

¹⁴¹ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 223.

¹⁴² *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 223.

Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination¹⁴³ (“**CERD**”).¹⁴⁴ The Court further found that Israel’s legislation and measures constitute a breach of CERD Article 3,¹⁴⁵ referring to “two particularly severe forms of racial discrimination: racial segregation and apartheid”.¹⁴⁶

89.5 The Court determined that, as a consequence of Israel’s policies and practices, the Palestinian people have been deprived of their right to self-determination over a long period, and further prolongation of these policies and practices undermines the exercise of this right in the future. It accordingly held that Israel is in breach of its obligation to respect the right of the Palestinian people to self-determination.¹⁴⁷

90 The Court also considered that the sustained abuse by Israel of its position as an occupying power, through annexation and an assertion of permanent control over the OPT and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the entire OPT unlawful.¹⁴⁸—

91 Finally, the Court turned to the legal consequences of its findings for Israel, third States and the UN. The Court determined that Israel had:

91.1 an obligation to bring an end to its presence in the OPT as rapidly as possible;¹⁴⁹

91.2 obligations immediately to cease all new settlement activity, and to repeal all legislation and measures creating or maintaining the unlawful situation;¹⁵⁰ and

91.3 an obligation to provide full reparation for the damage caused by its internationally wrongful acts to all natural or legal persons concerned;¹⁵¹

92 The Court considered that all other States had obligations (*inter alia*) to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention.¹⁵²

* * *

93 The Court’s 2004 *Wall* and 2024 *Occupied Palestinian Territory* advisory opinions are extensive and compelling in their legal and factual findings. Of particular relevance are previous findings that: Israel is the occupying power throughout the OPT; that, by virtue of that status as an occupying power with effective control, Israel has assumed a set of powers and duties with respect to the OPT; that Israel has breached (and continues to breach) various fundamental provisions of international humanitarian law and international human rights law in its policies and practices in the OPT; and that those policies and practices have deprived (and continue to deprive) the Palestinian people of their right to self-determination.

¹⁴³ International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966, 660 UNTS 1.

¹⁴⁴ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 223.

¹⁴⁵ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 229.

¹⁴⁶ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 225.

¹⁴⁷ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 243.

¹⁴⁸ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 261.

¹⁴⁹ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 267.

¹⁵⁰ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 268.

¹⁵¹ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, paras 269–271.

¹⁵² *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 279.

94 These findings are indispensable in guiding the Court now, and Pakistan relies on the Court's prior determinations – which need not be relitigated – in setting out its legal submissions below. With the appropriate background facts and other matters set out, Pakistan turns now to address the Court's jurisdiction to give the requested Advisory Opinion.

IV PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANISATIONS

95 Pakistan turns now to Israel's legal obligations in the OPT, starting with Israel's contempt for the privileges and immunities of the Agency as a subsidiary organ of the General Assembly.

96 Pakistan proceeds in two parts. First, it will set out in detail the privileges and immunities of UNRWA and its staff under international law, together with certain related legal principles (A). Second, it will explain Israel's obligations under the same and explain how those obligations have been systematically and flagrantly breached by Israel, both before and after 7 October 2023 (B).

A Privileges and immunities of UNRWA and its staff and related legal principles

97 In this section, Pakistan commences by (1) establishing UNRWA's status as a subsidiary organ of the General Assembly, before (2) considering the framework of privileges, immunities and other protections to which the Agency is entitled by virtue of that status, and (3) detailing the specific privileges and immunities of UNRWA and its staff.

1 UNRWA as a subsidiary organ of the General Assembly

98 The starting point is UNRWA's status as a subsidiary organ of the General Assembly. Article 7(2) of the Charter introduces the concept of such an organ and provides a general power for the establishment of "[s]uch subsidiary organs as may be found necessary".¹⁵³ Article 22 of the Charter, in turn, grants the General Assembly the power to "establish such subsidiary organs as it deems necessary for the performance of its functions".¹⁵⁴

99 Although neither provision was specifically invoked by the General Assembly in Resolution 302 (IV) of 8 December 1949, it was plainly the General Assembly's intention that UNRWA be created through their exercise,¹⁵⁵ as UNRWA reflects the two ordinary features of a subsidiary organ, namely: creation by, or under the authority of a principal organ of the UN (here, the General Assembly); and a level of independence from the principal organ by, or under whose authority, it was created.¹⁵⁶

100 Both indicia are writ large in Resolution 302 (IV), under which the General Assembly:

"Establishe[d] the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

¹⁵³ UN Charter, Art 7(2).

¹⁵⁴ UN Charter, Art 22.

¹⁵⁵ See in this respect EH Buehrig, *The UN and the Palestinian Refugees: A Study in Nonterritorial Administration* (University of Indiana Press 1971) 49–63.

¹⁵⁶ R Higgins *et al*, *Oppenheim's International Law: United Nations*, vol I (OUP 2017) ¶ 6.04.

- (a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Recovery Mission;
- (b) To 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[.]”¹⁵⁷

101 To that end, the UN has regularly (and recently) affirmed UNRWA’s status as a subsidiary organ.¹⁵⁸

2 The framework of UNRWA’s privileges and immunities

102 Pakistan now turns to detail the framework of (a) privileges and immunities to which UNRWA and its staff are entitled, and (b) other protections of international law from which UNRWA benefits, as set out in the Charter and elsewhere in international law.

(a) Privileges and immunities

103 The source of the privileges and immunities of the UN and its organs is Article 105 of the Charter. This 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 [UN] 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 [UN] for this purpose.”¹⁵⁹

104 The privileges and immunities referred to in Article 105 of the Charter have been articulated in the Convention on the Privileges and Immunities of the United Nations¹⁶⁰ (“UNCPI”). The resulting framework is further supported by certain obligations of assistance and cooperation arising elsewhere in the Charter.

105 As a subsidiary organ of the UN, UNRWA benefits from Article 105(1) of the Charter. It also benefits from the UNCPI, which arises from consideration of the General Assembly under

¹⁵⁷ *Assistance to Palestine refugees*, GA Res 302 (IV), 8 December 1949, ¶ 7. The Resolution further creates the Agency’s Director (now the Commissioner-General) and grants them considerable authority to select and appoint staff, establish financial regulations and apportion funds: *ibid*, ¶ 8.

¹⁵⁸ Letter from Secretary-General António Guterres to Prime Minister Benjamin Netanyahu, 4 October 2024, p. 2.

¹⁵⁹ UN Charter, Art 105 (emphasis added). Arts 105(1) and (2) are likely reflective of customary international law: R Higgins et al, *Oppenheim’s International Law: United Nations*, vol I (OUP 2017) ¶ 16.13.

¹⁶⁰ Convention on the Privileges and Immunities of the United Nations, 2 December 1948, 33 UNTS 261. Israel acceded to UNCPI without reservation on 21 September 1949: *United Nations Treaty Collection*, 15 February 2025, Chapter III.1.

Article 105(3).¹⁶¹ Per Resolution 76 (I) of 7 December 1946, the protections of Article 105(2) and the UNCPI extend to all UNRWA staff “with the exception of those who are recruited locally and assigned to hourly rates”.¹⁶² Again, this much has been expressly confirmed by the Secretary-General in recent statements.¹⁶³

106 As a general matter, the UNCPI falls to be interpreted in accordance with the usual rules on treaty interpretation set out in Articles 31 and 32 of the Vienna Convention on the Law of Treaties¹⁶⁴ (“**VCLT**”), which the Court has regularly confirmed to be reflective of customary international law.¹⁶⁵

107 Beyond this, in Pakistan’s submission, special weight in the interpretation of UNCPI ought to be given to the practice of the UN and its principal and subsidiary organs concerning the UNCPI¹⁶⁶ – and, in particular, the various legal opinions and other memoranda set out in the UN Juridical Yearbook (“**UNJYB**”). This approach is justified (*inter alia*) by the fact that the UNCPI is an elaboration of the privileges and immunities set out in Article 105 of the Charter – such that they can (and should) be seen as an extension of the Charter in its guise as the constituent treaty of the UN. In interpreting such treaties, the Court has emphasised that:

“[T]he very nature of the organization created, the objectives which have been assigned to it by its founders, the imperatives associated with the effective performance of its functions **and its own practice**, are all elements **which may deserve special attention when the time comes to interpret these constituent treaties**.”¹⁶⁷

108 It is important to recall, however, that the UNCPI does not exhaust the possibilities of Article 105 of the Charter.¹⁶⁸ Thus:

108.1 The UNCPI spells out **specific** privileges and immunities that are to be afforded to the UN and its organs by its Members.

108.2 Article 105 of the Charter imposes on Members a **general** obligation to afford:

¹⁶¹ A Reinisch, ‘Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 63, ¶¶ 50–60.

¹⁶² *Privileges and immunities of the staff of the Secretariat of the United Nations*, GA Res No 76 (I), 7 December 1946.

¹⁶³ Letter from UN Secretary-General António Guterres to Prime Minister Benjamin Netanyahu, 20 October 2024, p. 3. See also *Note Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 8 January 2025, p. 4.

¹⁶⁴ Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331.

¹⁶⁵ See e.g. *Territorial Dispute (Libya/Chad)*, Judgment [1994] ICJ Rep 6, ¶ 41.

¹⁶⁶ See e.g. the Court’s approach in previous cases concerning the UNCPI, where considerable weight has been placed on the practice and views of the UN itself in interpreting and applying the convention: *Applicability of Article VI, Section 22 of the Convention on the Privileges and Immunities of the United Nations*, Advisory Opinion [1989] ICJ Rep 177, ¶¶ 48, 55; *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Advisory Opinion [1999] ICJ Rep 62, ¶¶ 50–53 [hereinafter “*Cumaraswamy*”].

¹⁶⁷ *Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion [1996] ICJ Rep 66, ¶ 19 (emphasis added). See also O Dörr, ‘Article 31 – General Rule of Interpretation’, in O Dörr & K Schmalenbach (eds), *Vienna Convention on the Law of Treaties: A Commentary* (2nd edn: Springer 2018) p. 559, ¶ 85 (“[a]bove all, the ICJ refers to the practice of the UN organs in almost every case in which it has to interpret one of its constituent treaties”).

¹⁶⁸ R Higgins et al, *Oppenheim’s International Law: United Nations*, vol I (OUP 2017) ¶ 16.05.

- (a) the UN and its organs “such privileges and immunities as necessary for the fulfilment of its purposes” (Article 105(1)); and
- (b) officials of the UN and its organs “such privileges and immunities as are necessary for the independent exercise of their functions” in connection with the UN (Article 105(2)).

109 It follows that the privileges and immunities that must be afforded by a Member to a UN organ as “necessary” in particular case under Article 105 may exceed those set out in the UNCPI.¹⁶⁹

110 Furthermore, although Article 105 of the Charter is framed objectively, responsibility for determining the “necessary” privileges and immunities must fall in the first instance on the UN organ whose purposes are engaged in the particular case.¹⁷⁰ This follows logically not only from the functional character of Article 105, but also from the basic principle of the law of international organisations that “when the [UN] takes action which warrants the assertion that it was appropriate for the fulfilment of one of the stated purposes of the [UN], the presumption is that such action is not *ultra vires*” the mandate of the UN.¹⁷¹ To that end, “each [UN] organ must, in the first place at least, determine its own jurisdiction”.¹⁷²

111 Simply put, in the context of the present case, as UNRWA is charged with interpreting its mandate, it is also best placed, under Article 105(1) of the Charter, to determine the privileges and immunities necessary to carry out that mandate.¹⁷³ UNRWA is also best placed, under Article 105(2), to determine the equivalent privileges and immunities of its staff.¹⁷⁴

112 The discretion of a UN organ in this respect is not unbounded. It must be exercised with a view to claiming only those privileges and immunities which are “necessary” in the context in which they are claimed.¹⁷⁵ Furthermore, as one authoritative commentary has noted, “taking into account the importance and scope of its activity, the immunities of the UN should be widely interpreted”.¹⁷⁶

¹⁶⁹ See e.g. *Facsimile to the legal advisor at the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East* [1997] UNJYB 438, ¶ 3.

¹⁷⁰ As a general matter, the General Assembly may also determine the content of Arts 105(1) and (2) of the Charter by means of recommendations issued under Art 105(3): see e.g. *Privileges and immunities of members of the International Court of Justice, the Registrar, officials of the registry, assessors, the agents and counsel of the parties and of witnesses and experts*, GA Res 90 (I), 11 December 1946.

¹⁷¹ *Certain Expenses* [1962] ICJ Rep 151, 168.

¹⁷² *Certain Expenses* [1962] ICJ Rep 151, 168.

¹⁷³ Put another way again, in determining its jurisdiction, a UN organ can determine its autonomy *vis-à-vis* the jurisdiction of Members. See (by analogy) *Jurisdictional Immunities of the State (Germany v Italy: Greece intervening)*, Judgment [2010] ICJ Rep 99, ¶ 57 [hereinafter “*Jurisdictional Immunities*”]: “[i]mmunity may represent a departure from the principle of territorial sovereignty and the jurisdiction which flows from it”.

¹⁷⁴ For the avoidance of doubt, Pakistan does not claim that Article 105 of the Charter is self-judging in that UNRWA’s **subjective** judgment of what is “necessary” is determinative of that issue. UNRWA’s determination may be subject to review by the General Assembly and/or Secretary-General – and, in the final balance, the Court. The question in view is simply who, in the first instance, determines which privileges and immunities are **objectively** “necessary”.

¹⁷⁵ With “necessary” not carrying connotations of indispensability, but of being “required, needed, or essential for a particular purpose”: *Indus Waters Kishenganga Arbitration (Pakistan v India)*, Partial Award (2013) XXXI RIAA 55, ¶ 397.

¹⁷⁶ AR Ziegler, ‘Article 105’, in B Simma et al, *The Charter of the United Nations: A Commentary*, vol II (3rd edn: OUP 2012) 2158, ¶ 5.

- 113 To the extent that a Member (including Israel) disagrees with UNRWA’s judgment as to what privileges and immunities are necessary to carry out its mandate under Article 105 of the Charter, that disagreement should be resolved, not by removing the immunity or privilege so claimed on the ground, but by opening a dialogue with UNRWA’s Commissioner-General and – if that fails to resolve the issue – the President of the General Assembly and/or the Secretary-General.

(b) Related principles of assistance and cooperation

- 114 The basic framework of privileges and immunities set out above is further supported by other provisions of the Charter. These establish a *modus vivendi* of cooperation and coordination between the UN and its Members.

- 115 **Article 2(5) of the Charter** provides in relevant part that: “[a]ll Members shall give the [UN] **every assistance** in any action it takes in accordance with the present Charter [...]”¹⁷⁷

- 116 Article 2(5) makes clear that Members are required to assist the UN and its organs – including UNRWA – in carrying out their missions. Further, as the Court remarked in *Reparation for Injuries Suffered in the Service of the United Nations*, this obligation must be “strictly observed”.¹⁷⁸

- 117 This much, once more, has been confirmed by the Secretary General:

[A]s a Member of the [UN], Israel continues to be required, pursuant to Article 2, paragraph 5, of the Charter of the [UN], to give UNRWA every assistance in any action it takes in accordance with the relevant decisions of competent principal organs adopted pursuant to the provisions of the Charter, including General Assembly resolution 302 (IV) and subsequent General Assembly resolutions renewing UNRWA’s mandate.¹⁷⁹

- 118 **Article 100(2) of the Charter** reflects similar themes, and provides: “[e]ach Member of the [UN] undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.”¹⁸⁰

- 119 Opining on the meaning of this position, UNRWA’s General Counsel noted:

“The Agency is a subsidiary organ of the General Assembly, with a mandate established by that body, and must at all times act as a [UN] agency. [...] The ‘exclusiveness’ of [UN] control is thus a safeguard for the general membership [...].

In the result, therefore, no [UN] organ ever falls under the jurisdiction of a Member State in the sense of being literally bound by the provisions of its law or subject to its

¹⁷⁷ UN Charter, Art 2(5) (emphasis added).

¹⁷⁸ *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion [1949] ICJ Rep 174, 183 [hereinafter “*Reparation*”] (emphasis added). See also *ibid*, 178: “[The UN 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, ¶ 5)”.

¹⁷⁹ Letter from UN Secretary General António Guterres to Prime Minister Benjamin Netanyahu, 28 October 2024, p. 3.

¹⁸⁰ UN Charter, Art 100(2).

‘sovereignty’. **The relationship is one of co-operation and co-ordination, not of subordination.**¹⁸¹

120 Elsewhere, the General Counsel also said:

“It necessarily follows from [Article 100(2) of the Charter] that [...] the governments of all Member States are under a clear obligation to respect the international character of these duties, and not to seek to influence the Commissioner-General or his staff in the discharge of their responsibilities.”¹⁸²

121 **More general rules and principles of the law of international organisations** are also here relevant. An international organisation “can continue to operate within a State’s territory only with its consent”.¹⁸³ As has been made clear by the Court in the *Interpretation of Agreement* advisory opinion, this is a necessary corollary of the State’s sovereignty over the territory in question:

“States for their part possess a sovereign power of decision with respect to their acceptance of the headquarters or a regional office of an organization within their territories; and an organization’s power of decision is no more absolute in this respect than is that of a State.”¹⁸⁴

122 From this, it follows that where an international organisation is present in a territory over which a State does **not** have sovereignty, the State cannot require it to leave the territory. More to the point, in circumstances where a State’s occupation or control of a territory is **unlawful** (as is the case in the OPT, including East Jerusalem), an international organisation cannot be required to comply with a State directive requiring it to leave the territory under illegal occupation or control. Doing so would breach the international organisation’s obligation not to recognise an internationally unlawful situation arising from the breach of a peremptory norm of international law,¹⁸⁵ which obligation is as applicable to international organisations as it is to States.¹⁸⁶

123 Quite aside from the foregoing, even where a State may legitimately require an international organisation to leave its territory, that capacity is not unbounded. The interests of the organisation must also be taken into account. The Court gave clear directions to this effect in the *Interpretation of Agreement* advisory opinion. To paraphrase, in cases where a State requires an international organisation to move or otherwise reorganise its operations, both the State and the organisation remain under mutual obligations of good faith and cooperation. To that end:¹⁸⁷

123.1 the State and the organisation must consult in good faith as to the question of under what conditions and in accordance with what modalities the organisation must transfer its operations;

¹⁸¹ *Opinion of the General Counsel of UNRWA* [1968] UNJYB 182, ¶¶ 2–3.

¹⁸² *Opinion of the General Counsel of UNRWA* [1968] UNJYB 210, ¶¶ 6–7.

¹⁸³ *Opinion of the General Counsel of UNRWA* [1968] UNJYB 182, ¶ 6.

¹⁸⁴ *Interpretation of Agreement* [1980] ICJ Rep 73, ¶ 37.

¹⁸⁵ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion [1971] ICJ Rep 16, ¶¶ 122, 125–127; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 278.

¹⁸⁶ *Draft articles on the responsibility of international organizations*, ILCYB 2011/II(2), Arts 41, 42.

¹⁸⁷ *Interpretation of Agreement* [1980] ICJ Rep 73, ¶ 49.

123.2 in the event it is decided that transfer is to occur, the State and the organisation must consult together and negotiate the various arrangements needed to effect the transfer from the existing to the new site in an orderly manner and with a minimum of prejudice to the work of the organisation and the interests of the State; and

123.3 those mutual obligations place a duty upon the State to give a reasonable period of notice to the organisation for the termination of the existing situation, taking due account of all the practical arrangements needed to effect an orderly and equitable transfer of the organisation's activities.

3 The specific privileges and immunities of UNRWA and its staff

124 Having set out the general framework of the privileges and immunities of UN organs, Pakistan turns now to UNRWA itself and sets out the specific privileges and immunities of (a) the Agency, and (b) its staff.

(a) UNRWA, its property and assets

125 The core privileges and immunities of the UN (which, as explained above, includes UNRWA) are set out in the UNCPI. In the context of the current proceedings, the following are key.

126 **UNCPI Article II, Section 2** provides that UN property and assets “wherever located and by whomsoever held, shall enjoy immunity from every form of legal process”,¹⁸⁸ save to the extent that immunity has been expressly waived. The term “legal process”, moreover, should be understood broadly,¹⁸⁹ and to include “every form of legal process before national authorities, whether judicial, administrative or executive functions according to national law”.¹⁹⁰ It therefore includes immunity from not only acts taken by a Member's courts, but also from acts taken by other law enforcement organs, including the police and military.¹⁹¹

127 Furthermore, unlike State immunity, in which immunity is limited to its sovereign acts and assets, the immunity set out in UNCPI Article II, Section 2 is unqualified and therefore **absolute**.¹⁹² Save in cases of waiver, there can be **no exceptions** to UNRWA's immunity from legal process, and that of its property and assets – including exceptions pertaining to a Member's purported national security concerns. As stated by the Dutch Supreme Court in the *Mothers of Srebrenica* case:

“Article II, § 2 of the [UNCPI] implements *inter alia* Article 105, paragraph 3 of the UN Charter. Taking into consideration the provisions of Article 31 of the [VCLT], the

¹⁸⁸ UNCPI Art II, Section 2.

¹⁸⁹ A Reinisch, ‘Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 63, ¶¶ 50–60.

¹⁹⁰ *The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities*, UN Doc A/CN.4/L.117 and Add.1 and 2, ILCYB 1967/II, p. 224 (¶ 76) [hereinafter “1967 Study”].

¹⁹¹ A Reinisch, ‘Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 63, ¶¶ 69–71.

¹⁹² A Reinisch, ‘Immunity of Property, Funds, and Assets (Article II Section 2 General Convention)’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 63, ¶¶ 72–82.

only possible interpretation of the immunity defined in Article II, § 2 is that the UN is entitled to the most far-reaching immunity in the sense that the UN cannot be summoned to appear before any domestic court in the countries that are parties to the [UNCPI]. [...] The immunity granted to the UN is directly connected to the general interest served by the maintenance of international peace and security in the world. That is why it is essential for the immunity enjoyed by the UN to be as unconditional as possible and for it to be subject to as little debate as possible.”¹⁹³

- 128 **UNCPI Article II, Section 3** provides that UN premises “shall be inviolable”. It further provides that its property and assets “wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and other form of interference, whether by executive, administrative, judicial or legislative action”.¹⁹⁴
- 129 For the purpose of UNCPI Article II, Section 3, “premises” refers to any building occupied in whole or in part by the UN, irrespective if it is owned or leased.¹⁹⁵ The protection of the provision commences when the building is first occupied, and upon its vacation.¹⁹⁶ In cases of temporary vacation or evacuation, continued inviolability will be decided case-by-case, with the final decision resting with UNRWA itself.¹⁹⁷
- 130 From UNRWA’s perspective, the principle of inviolability that UNCPI Article II, Section 3, describes is straightforward and absolute. The core rule is that UNRWA premises “may not be entered and [UNRWA] must itself be permitted to control activities occurring on those premises unless it requests the local authorities to intervene”.¹⁹⁸ Members are also under an obligation to afford active protection of the premises from outside threat or disturbance. This, self-evidently, includes military strikes or other operations affecting the premises.¹⁹⁹
- 131 The “property and assets” of UNRWA for the purposes of the second clause of UNCPI Article II, Section 3, include all tangible and intangible property – most prominently vehicles. These are immune from **all** forms of interference by Members, a right that cannot be qualified or overridden by demands of military expedience or security. As the UN Legal Counsel advised when confirming the absolute nature of UNCPI Article II, Section 3:

“The above conclusions are not affected in any way by the fact that the security situation [...] is difficult. The [UNCPI] does not contain anything to the effect that the privileges and immunities for which it provides are subject to abridgment or qualification in times of internal unrest or even in times of armed conflict. **Indeed, it has been the consistent position of [the UN] that the [UNCPI] applies in such circumstances just as much as it does in times of peace and that the privileges and**

¹⁹³ Summarising the findings of the Court of Appeal of The Hague: *Mothers of Srebrenica Association & Ors v Netherlands & United Nations* (2012) 160 ILR 558, ¶ 4.1.1 (emphasis added). These findings were then upheld: *ibid*, ¶ 4.2.

¹⁹⁴ UNCPI Art 2, Section 3.

¹⁹⁵ 1967 Study, p. 227 (¶ 91).

¹⁹⁶ L Bartholomeusz, ‘Inviolability of Premises: Article II Section 3 General Convention’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 125, ¶ 9.

¹⁹⁷ L Bartholomeusz, ‘Inviolability of Premises: Article II Section 3 General Convention’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 125, ¶ 12.

¹⁹⁸ 1967 Study, p. 227 (¶ 90).

¹⁹⁹ L Bartholomeusz, ‘Inviolability of Premises: Article II Section 3 General Convention’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 125, ¶ 16.

immunities for which it provides may not be qualified or overridden by any demands of military expediency or security.”²⁰⁰

- 132 In keeping with the above, the most that an UNRWA vehicle can be subjected to by a Member or its authorities, consistent with UNCPI Article II, Section 3, is a short stoppage and rapid visual (not physical) search, combined with a request for any occupants to produce identification.²⁰¹
- 133 **UNCPI Article II, Section 4** further extends the protection of Article II, Section 3 to the UN’s archives “and in general all documents belonging to it, or held by it [...] wherever located”.²⁰²
- 134 **UNCPI Article II, Sections 7 and 8** deal with immunity from taxation by domestic authorities. The former confirms that the UN is immune from all direct taxation (save for charges for public utility services²⁰³),²⁰⁴ customs duties and import/export restrictions for items for official use²⁰⁵ and for its own publications.²⁰⁶ The latter provision states that while the UN is not, as a general rule, immune with respect to excise and priced-based taxation such as value-added tax (“VAT”), Members are under an obligation to offer a rebate on such duties and taxes to the UN with respect to “important” property purchases for “official use”.²⁰⁷
- 135 **Article 105(1) of the Charter**, as noted, provides that in addition to the broad and absolute rights of immunity and inviolability above described, UNRWA is also entitled to any additional immunities and privileges which, in UNRWA’s judgment, are “necessary for the fulfilment of its purposes”. And as also noted, UNRWA’s Commissioner-General in accepting the Cormay-Michaelmore Agreement, declared the privileges and immunities set out therein to be “essential if the Agency is to operate effectively”.²⁰⁸
- 136 From this, it follows that the privileges and immunities contained in the Cormay-Michaelmore Agreement (including, for example, with respect to “protection and security of [UNRWA] installations and property”, and the “free movement of UNRWA vehicles into, within and out of Israel and [Gaza and the West Bank]”)²⁰⁹ survive Israel’s unilateral termination of that Agreement – as these privileges and immunities are, pursuant to Article 105(1) of the Charter, necessary for UNRWA to carry out its mandate in the OPT.

(b) UNRWA staff

- 137 As with UNRWA itself, the core privileges and immunities of UNRWA’s staff are contained within the UNCPI. For the purposes of the present proceedings, the following are key.

²⁰⁰ *Note to the Under-Secretary-General of the Department of Peacekeeping Operations, United Nations* [2003] UNJYB 521, ¶ 11 (emphasis added).

²⁰¹ This will be considered to fall beneath the threshold of an “interference”: *Note to the Under-Secretary-General of the Department of Peacekeeping Operations, United Nations* [2003] UNJYB 521, ¶ 17.

²⁰² UNCPI Art II, Section 4.

²⁰³ Such as “electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, *et cetera*”: 1967 Study, 247 (¶ 170). In the digital era, this self-evidently includes internet services.

²⁰⁴ UNCPI Art II, Section 7(a).

²⁰⁵ UNCPI Art II, Section 7(b).

²⁰⁶ UNCPI Art II, Section 7(c).

²⁰⁷ UNCPI Art II, Section 8.

²⁰⁸ Cormay-Michaelmore Agreement, § II, 14 June 1976.

²⁰⁹ Cormay-Michaelmore Agreement, § I, 14 June 1967, ¶¶ (a) and (b).

- 138 **UNCPI Article V, Section 18(a)** provides that qualifying UN staff²¹⁰ shall “[b]e immune from legal process in respect of words spoken or written and all acts performed by them in an official capacity”.²¹¹ This immunity²¹² is intended to allow UN officials “to exercise their duties independent from national control or influence”.²¹³
- 139 The substantive protection of UNCPI Article V, Section 18(a) has been described by UNRWA’s General Counsel as “the most important provision of that section”, from which the UN has never agreed any derogation.²¹⁴
- 140 The term “legal process” in UNCPI Article V, Section 18(a) should be read consistently with the equivalent immunity given to the UN and its organs in UNCPI Article II, Section 3 – i.e. broadly, and as embracing all forms of judicial, administrative, and enforcement action.²¹⁵
- 141 The immunity bestowed by UNCPI Article V, Section 18(a) is functional, and applies only to “official acts” of the individual in question. The concept of “official acts” has been left deliberately undefined over the lifetime of the UNCPI, as the UN has taken the view that “it is doubtful whether a definition would be desirable since it would not be in the interest of the [UN] to be bound by a definition which may fail to take into account the many and varied activities of [UN] officials”.²¹⁶ In the case of UNRWA, whose staff undertake a plethora of activities under its mandate – including humanitarian, educational, medical, administrative, security, and transportation roles – this statement applies *a fortiori*. Given the immunity in UNCPI Article V, Section 18(a) is *ratione materiae* and not *ratione personae*; it self-evidently continues to apply even after an individual has ceased to be a UN official to all acts committed by that individual in pursuit of their duties while in post.²¹⁷
- 142 In light of the foregoing, the role of determining whether an act is “official” lies with the Secretary-General²¹⁸ – or, in the case of UNRWA, the Commissioner-General, acting on his or her behalf.²¹⁹ This is done on a case-by-case basis with regard to all relevant facts at hand.²²⁰ Further and finally, a Member cannot revoke the protection of a UN official at will through the concept of *persona non grata*.²²¹

²¹⁰ That is, UNRWA staff who are not recruited locally and assigned to hourly rates: *Privileges and immunities of the staff of the Secretariat of the United Nations*, GA Res No 76 (I), 7 December 1946. In practice, this excludes only a handful of UNRWA staff “since virtually all of the Agency’s locally recruited staff are paid by the month or in a few instances by the day. In keeping with the terminology of the [UNCPI], all are ‘officials’ of the [UN]”: EH Buehrig, *The UN and the Palestinian Refugees: A Study in Nonterritorial Administration* (University of Indiana Press 1971) 88. See also *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, ¶ 3.

²¹¹ UNCPI Art V, Section 18(a).

²¹² And the other privileges and immunities contained in UNCPI Art V, Section 18.

²¹³ R Bandyopadhyay & T Iwata, ‘Officials (Article V Sections 17–21 General Convention)’, in A Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies* (OUP 2016) 313, ¶ 6.

²¹⁴ *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, 213.

²¹⁵ *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, 213.

²¹⁶ *Letter to the Legal Liaison Officer, United Nations Industrial Development Organization* [1977] UNJYB 247, 247–248.

²¹⁷ 1967 Study, 269–270 (¶ 272).

²¹⁸ *Cumaraswamy* [1999] ICJ Rep 62, ¶ 60.

²¹⁹ *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, 213.

²²⁰ The correct approach, in Pakistan’s submission, was that taken by the UN Secretary-General in the context of UNCPI Art VI, Section 22(b) in *Cumaraswamy* [1999] ICJ Rep 62, ¶¶ 50–51. The same process would apply *mutatis mutandis* in a case under UNCPI Art V, Section 18(a).

²²¹ 1967 Study, 289–290 (¶ 364). See also *Aide-Mémoire to the Permanent Representatives of various Member States* [1964] UNJYB 261, ¶¶ 2–3.

- 143 **UNCPI Article V, Section 20** provides the principal means by which the above immunity is secured against abuse. The provision confirms that the immunities bestowed by UNCPI Article V, Section 18 are for the benefit of the UN, and not individual UN officials. As such, they may be waived by the Secretary-General – and he or she is under an obligation to do so “in any case where, in [their] opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of [UN]”.²²²
- 144 In the case of UNRWA, as with the determination as to whether an act is “official”, the duty to waive immunity in certain cases rests on the Commissioner-General, acting as a delegate of the Secretary-General.²²³ Where the Commissioner-General makes a determination that an UNRWA staff member is immune (or otherwise), their decision “creates a presumption which can only be set aside for the most compelling reasons and is thus to be given the greatest weight by national courts”.²²⁴ The Member is under an obligation to communicate the Commissioner-General’s decision to its courts, with a failure to comply by the Member potentially giving rise to proceedings before the ICJ under UNCPI Article VIII, Section 30.²²⁵
- 145 Furthermore, as mentioned above with respect to UNRWA properties and assets, immunities and privileges agreed by Israel under the Cormay-Michaelmore Agreement survive Israel’s termination of that Agreement by virtue of Article 105(2) of the Charter. This means that privileges and immunities with respect to UNRWA’s staff which are necessary to fulfil its mandate also survive Israel’s termination of the Agreement. At minimum, these include Israel’s obligations to:
- 145.1 protect UNRWA personnel;
 - 145.2 permit the international staff of the Agency to move in, out and within Israel, Gaza and the West Bank, and to provide them with identity documents and any other passes which might be required; and
 - 145.3 permit the local staff of the Agency to move within Gaza and the West Bank under arrangements made or to be made with the military authorities.
- 146 Beyond this, the UN has consistently maintained that Article 105(2) of the Charter entails that “its officials and others [...] travelling in order to fulfil their functions on behalf of the [UN] should be granted freedom of movement by all [Members]”.²²⁶

B Israel’s obligations concerning UNRWA’s privileges and immunities in the OPT

- 147 With the positive law on UNRWA’s privileges and immunities set out, Pakistan turns to address Israel’s conduct towards UNRWA in light of those privileges and immunities. Its attempt to dismantle UNRWA is premised on the belief that it will thereby forever destroy the “right of return” of Palestinian refugees and fatally undermine the Palestinian people’s right to self-determination. Israel cannot be allowed to succeed in implementing this plan in contravention of multiple General Assembly resolutions and fundamental principles of international law.

²²² UNCPI Art V, Section 20. See also *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, 213.

²²³ *Memorandum from the General Counsel of UNRWA* [1968] UNJYB 212, 213–214.

²²⁴ *Cumaraswamy* [1999] ICJ Rep 62, ¶¶ 60–61 (applicable *mutatis mutandis* in the case of UNCPI Art V, Section 18(a)).

²²⁵ *Cumaraswamy* [1999] ICJ Rep 62, ¶¶ 60–61.

²²⁶ 1967 Study, 289 (¶ 364).

- 148 The Court should not be under any illusions. Israel is presently engaged in the most extended and flagrant violation of the privileges and immunities of an international organisation in the history of the UN. Since 7 October 2023, and even before, Israel has systematically infringed the property and personality of UNRWA, and targeted its staff with invasive and punitive measures that have resulted in hundreds of UNRWA staff losing their lives. The capstone of this campaign is the Anti-UNRWA Legislation, which explicitly aims to cripple the Agency, and drive it from the OPT.
- 149 In the balance of this Part, Pakistan considers each element of Israel's campaign against UNRWA, being: (1) the targeting of UNRWA premises and personnel by the Israeli military and politicians, especially in Gaza; and (2) the Anti-UNRWA Legislation.

1 The targeting of UNRWA premises and personnel, especially in Gaza

- 150 Pakistan has already set out above an account of Israel's actions towards UNRWA – both before and after 7 October 2023. Israel has for many years abused its position of relative power over UNRWA. This abuse has escalated exponentially since 7 October 2023. The space available to Pakistan in this written statement does not permit more than a summary of its actions in this respect.

(a) Israel's conduct prior to 7 October 2023

- 151 Prior to 7 October 2023, Israel's actions towards UNRWA principally consisted of interference with Agency activities, harassing its local staff, and failing to take sufficient care when undertaking military and security operations in the immediate area of Agency facilities, including schools.
- 152 Without focusing on any specific incident, the following patterns of behaviour, characteristic of the Israeli authorities, breached the immunities and privileges to which UNRWA and its staff were entitled under (*inter alia*) the UNCPI and the Cormay-Michaelmore Agreement (then still in effect).

152.1 Israel systematically breached UNCPI Article II, Section 3 concerning the inviolability of UNRWA's premises and property by:

- (a) entering UNRWA premises, including its headquarters in East Jerusalem, without authorisation;
- (b) allowing tear gas and munitions fire from its military and security services to impinge on UNRWA facilities, including schools;
- (c) physically searching UNRWA vehicles in an invasive and prolonged manner at checkpoints; and
- (d) otherwise damaging and destroying UNRWA property, including refugee shelters.

152.2 Israel systematically breached UNCPI Article V, Section 18(a) concerning the immunity of UNRWA's staff from all forms of legal process in respect of words spoken and written and acts performed by them in their official capacity by:

- (a) interrogating UNRWA staff; and

- (b) detaining UNRWA staff without charge or trial and then refusing the Agency access to them.

152.3 Israel systematically breached UNCPI Article II, Section 7 concerning the immunity of UNRWA from taxes, duties and import restrictions by:

- (a) taxing UNRWA on official shipments entering Gaza; and
- (b) prohibiting or restricting imports of articles to Gaza by UNRWA for official use.

152.4 Israel systematically breached the terms of the Cormay-Michaelmore Agreement by:

- (a) failing to ensure the protection and security of UNRWA's personnel, institutions and property by entering UNRWA premises without authorisation, allowing tear gas and munitions fire to impinge on UNRWA facilities, and otherwise damaging and destroying UNRWA property, including refugee shelters, contrary to paragraph (a);
- (b) restricting freedom of movement of UNRWA vehicles into and within the OPT by (*inter alia*) subjecting said vehicles to invasive search and failing to provide the necessary permits for free movement, contrary to paragraph (b); and
- (c) failing to exempt UNRWA from customs duties, taxes and other charges on importation of supplies, goods and equipment, contrary to paragraph (f)(i).

153 By this same conduct, moreover, Israel systematically breached the terms of the Charter by:

153.1 failing to offer UNRWA every assistance in carrying out its mandate, contrary to Article 2(5); and

153.2 failing to respect UNRWA's international character, and otherwise attempting to influence its staff in the exercise of their responsibilities, contrary to Article 100(2).

(b) Israel's conduct after 7 October 2023

154 The above conduct, which itself represented a sustained and significant assault on UNRWA's privileges and immunities, pales in comparison to what happened next in (i) Gaza, and (ii) the West Bank.

(i) Gaza

155 Israel's campaign in Gaza has already resulted in a humanitarian crisis. Indiscriminate acts of Israeli violence have reduced most of this part of the OPT to rubble, killed tens of thousands, and displaced hundreds of thousands.

156 UNRWA has also been subjected to Israel's campaign in Gaza. By its most recent figures, the Agency has recorded 786 incidents impacting UNRWA premises and the people inside them since 7 October 2023. More distressingly still, 273 UNRWA staff have lost their lives.²²⁷

²²⁷ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

- 157 It is impossible, in the space available, for Pakistan to engage in a comprehensive assessment of each and every one of these incidents. What will, in Pakistan's estimation, assist the Court will be to set out Israel's obligations with respect to UNRWA's premises and property in a situation of armed conflict.
- 158 A key privilege of UNRWA in this context is the inviolability of its premises and property, as set out in UNCPI Article II, Section 3. As already explained, this provision:
- 158.1 posits a standard of absolute inviolability for UNRWA premises and property, including both buildings and vehicles;
 - 158.2 considers that anything greater than a *de minimis* interference with either (e.g. as occasioned by a quick visual search) whether intended or not, will breach the standard;
 - 158.3 can only be disapplied when UNRWA specifically invites or requests its disapplication in particular circumstances; and
 - 158.4 is not diluted or otherwise deferred in situations of armed conflict or heightened security.
- 159 A question may arise as to facilities in Gaza that UNRWA has been forced to evacuate under threat of Israeli military action. Two additional points are here relevant:
- 159.1 First, the mere fact that UNRWA has been forced to evacuate by Israeli action is strongly indicative of a breach of Article II, Section 3, as the operations of the Agency's premises and property have been significantly disrupted.
 - 159.2 Second, an evacuated UNRWA facility remains inviolable under Article II, Section 3 until UNRWA itself decides otherwise on a case-by-case basis.
- 160 Once this is understood, it is plain that many of the incidents set out by Pakistan by way of example are legally indefensible by Israel.
- 161 How, for example, can the 4 December 2023 strike by Israel on the UNRWA-run Beit Lahia Primary School for Boys, which killed many displaced individuals sheltering within, be described as consistent with Article II, Section 3? Or the 14 July 2024 Israeli missile strike on UNRWA's Abu Oraiban School in the Nuseirat refugee camp, which killed 15 and injured 87 people? Or the 27 December 2024 incident in which Israeli forces entered an UNRWA school and storage facility in Jabalia and forcibly searched and detained those inside?²²⁸
- 162 The answer is that there is no possible justification for these acts, and the many other similar incidents detailed by UNRWA in its periodic Situation Reports, under international law.
- 163 To the extent that Israel may seek to dispel its obvious responsibility by making unsubstantiated claims that these facilities were suspected of sheltering Hamas operatives or otherwise being used by Hamas, then this is no excuse at all (to say nothing of Israel's concomitant obligations under international humanitarian and human rights law, addressed below).

²²⁸ See paragraph 52 above.

- 163.1 The solution in such a case is not to shell an UNRWA school or medical facility, killing and injuring those inside. It is to contact UNRWA's Commissioner-General and ask that the protection of Article II, Section 3 be waived in that case.
- 163.2 If UNRWA refuses, then Israel may take the matter up with the General Assembly and/or Secretary-General or, in due course, the Court under Article VIII, Section 30. But the protection remains in place.
- 163.3 To hold otherwise would be to give license to military forces to destroy UN facilities on the pretext that enemy forces are sheltering within.
- 164 Another field in which UNCPI Article II, Section 3 is relevant is in UNRWA's attempts to bring humanitarian aid into Gaza. Over the course of the conflict, Israel has repeatedly blocked or slowed humanitarian aid to Gaza, including by UNRWA convoys.
 - 164.1 As above, Article II, Section 3 provides for the absolute inviolability of UNRWA vehicles and property.
 - 164.2 This, self-evidently, includes shipments of humanitarian aid to Gaza by UNRWA.
 - 164.3 It follows that Israel cannot interfere with these shipments in any manner, save *via* a short, and non-invasive visual search lasting at most a few minutes.
 - 164.4 It may also ask those inside UNRWA vehicles to provide identification, but not search or detain them.
- 165 What this means is that any attempt by Israel to block, or even to delay, UNRWA aid into Gaza is also an impermissible infringement of UNRWA's rights under Article II, Section 3.
- 166 Israeli responsibility under other applicable rules of international law is already engaged, including:
 - 166.1 UNCPI Article II, Section 4, concerning the inviolability of UNRWA's archives;
 - 166.2 Important provisions of the Cormay-Michaelmore Agreement (whether as implemented or as replicated through Article 105 of the Charter), in particular:
 - (a) paragraph (a) concerning the protection and security of UNRWA personnel, installations and property; and
 - (b) paragraph (b) concerning the guarantee of free movement of UNRWA vehicles into and within the OPT.
 - 166.3 Important provisions of the Charter, including:
 - (a) Article 2(5) concerning Israel's obligation to offer UNRWA every assistance in carrying out its mandate; and
 - (b) Article 100(2) concerning Israel's obligation to respect UNRWA's international character and not attempt to influence the work of its staff.

(ii) The West Bank

- 167 Israeli conduct in the West Bank has given rise to a series of further violations by Israel of UNRWA's privileges and immunities. As detailed above, hundreds of incidents have been recorded in the course of Israel's crackdown on the West Bank and the Palestinian people in the wake of 7 October 2023.
- 168 From the perspective of UNRWA, the following incidents have been recorded, including:²²⁹
- 168.1 the detention, blindfolding and beating of UNRWA staff at Israeli checkpoints;
 - 168.2 the use of UNRWA facilities as firing positions by the Israeli military and security forces; and
 - 168.3 entry into and forced searches of UNRWA facilities by Israeli military and security forces.
- 169 These events reflect a similar contempt by Israel for UNRWA's privileges and immunities in the West Bank as for its protections in Gaza. The above entails breaches of:
- 169.1 The immunity of UNRWA staff from all forms of legal process connected with their duties with the Agency under UNCPI Article V, Section 18(a).
 - 169.2 The inviolability of UNRWA property and premises under UNCPI Article II, Section 3.
 - 169.3 Israel's obligations under the Cormay-Michaelmore Agreement (whether as concluded or replicated under Article 105 of the Charter), specifically paragraphs (a)–(d); and
 - 169.4 Israel's obligations under the Charter, specifically Articles 2(5) and 100(2).

2 The Anti-UNRWA Legislation

- 170 Pakistan now turns to the second element of Israel's campaign against UNRWA – the Anti-UNRWA Legislation. It first examines (a) the content of the Anti-UNRWA Legislation and the manner in which it violates the privileges and immunities of the Agency and its staff, before (b) confronting and refuting Israel's justification for the same, as set out in certain correspondence to the General Assembly.

(a) Actual or potential breaches of the immunities and privileges of UNRWA and its staff occasioned by the Anti-UNRWA Legislation

- 171 As mentioned above, the Anti-UNRWA Legislation consists of two items: (i) the Law for the Cessation of UNRWA Activities (2024); and (ii) the Law for the Cessation of UNRWA Activities in the State of Israel (2024). Pakistan sets out how, by each, Israel has violated the privileges and immunities of UNRWA set out above, together with allied principles in the Charter and elsewhere.

²²⁹ See paragraph 53 above.

(i) Law for the Cessation of UNRWA Activities (2024)

- 172 Pakistan begins with the Law for the Cessation of UNRWA Activities (2024). By its **paragraph 1**, the Law first purports to terminate the Cormay-Michaelmore Agreement.²³⁰
- 173 As already explained, to the extent that this termination is intended to remove the privileges and immunities of UNRWA and its staff, it is substantively ineffective. This is for two reasons.
- 173.1 First, as Israel is party to the UNCPI independently of the Cormay-Michaelmore Agreement, it is required to extend to UNRWA and its staff the privileges and immunities of the former even though the latter has been terminated.²³¹
- 173.2 Second, as noted above, the remaining privileges and immunities in the Cormay-Michaelmore agreement have been deemed “essential” (and therefore “necessary”) by UNRWA’s Commissioner General. As Israel is a UN Member, it remains obliged to extend these privileges and immunities to UNRWA and its staff under the terms of Articles 105(1) and (2) of the Charter, even if the Cormay-Michaelmore Agreement is no longer in force between them.
- 174 Quite aside from the foregoing, and as noted by the Secretary-General in his 28 October 2024 letter to Israel’s Prime Minister, in terminating the Cormay-Michaelmore Agreement in the middle of a humanitarian crisis of its own manufacture, Israel violated its obligation under Article 2(5) of the Charter to “give UNRWA every assistance in any action it takes in accordance with the relevant decisions of competent principal organs adopted pursuant to the provisions of the Charter”.²³²
- 175 **Paragraph 2** of the Law sets out a rule of “No Contact with UNRWA”. By its terms, it provides that “[n]o state authorities, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives”.²³³
- 176 This provision is already being relied upon by Israeli authorities to violate UNRWA’s privileges and immunities. For example, it is understood that Israel no longer holds UNRWA immune from import taxes on (*inter alia*) pharmaceuticals for official use.²³⁴ This is plainly in breach of UNCPI Article II, Section 7(b). Any refusal by Israeli authorities to process VAT rebate requests from UNRWA with respect to important purchases for official use (e.g. medical supplies, technical equipment, essential electronics) is a breach of UNCPI Article II, Section 8.²³⁵ Israel has also refused to renew the work permits of Agency’s international staff, forcing them to leave East Jerusalem on 29 January 2025 in violation of paragraph (c) of the Cormay-Michaelmore Agreement, as replicated through Article 105(2) of the Charter.²³⁶

²³⁰ Law for the Cessation of UNRWA Activities (2024), ¶ 1(a).

²³¹ A fact that Israel itself appears to acknowledge: Letter from Permanent Representative of Israel to the United Nations Danny Danon to President of the General Assembly Philemon Yang, 18 December 2024, p. 7 (declaring that the Anti-UNRWA Legislation is without prejudice to the applicability of the UNCPI).

²³² Letter from Secretary-General António Guterres to Prime Minister Benjamin Netanyahu, 24 October 2024, p. 3.

²³³ Law for the Cessation of UNRWA Activities (2024), ¶ 2.

²³⁴ *Note Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 4 December 2024, p. 1.

²³⁵ This appears to have been taking place even before passage of the Law for Cessation of UNRWA Activities (2004): see e.g. Letter from Acting Director of UNRWA Affairs (West Bank) Roland Friedrich to Director of Department for UN Political Affairs, Ministry of Foreign Affairs of Israel, Alon Simhayoff, 11 September 2004.

²³⁶ UNRWA, *Situation Report #158*, 7 February 2025, available [here](#).

- 177 Beyond this, Pakistan agrees with the analysis of the UN Office of Legal Affairs, as set out in its Note *Verbale* to Israel's Ministry of Foreign Affairs of 8 January 2025:

“With respect to the Law to Cease UNRWA Operation, the Office of Legal Affairs notes that the application of paragraph 2 of that Law would appear to significantly impede UNRWA's mandated activities in the Occupied Palestinian Territories, including East Jerusalem. There are certain privileges, immunities and facilities accorded to UNRWA and its personnel which require steps to be taken by the State of Israel, including the granting of visas, exemption from taxes, exemption from import and export restrictions and entry and exit through checkpoints controlled by Israel, immunity from legal process, inviolability of its archives and premises, and communication facilities. In this regard, it would appear that UNRWA will not be in a position to fully enjoy the privileges, immunities and facilities set out in the [UNCPI] without contact or interaction between UNRWA and its personnel, on the one hand, and the competent authorities of Israel and persons acting on their behalf, on the other. **In this regard, any action or inaction on the part of Israel leading to the absence of contact between UNRWA and the Government, in situations where such contacts are necessary for Israel to fulfil its obligations to ensure that UNRWA and its personnel enjoy the privileges, immunities and facilities, would not be consistent with the relevant provisions of the [UNCPI].**”²³⁷

- 178 Moreover, and as mentioned, Article 2(5) of the Charter places Israel under a positive obligation to give UNRWA “every assistance” in carrying out its mission. Given Israel's control of Gaza and the West Bank, as well as the major entry and exit points thereto, UNRWA cannot carry out its vital humanitarian mission without Israel's cooperation. By withholding that cooperation pursuant to the Law for the Cessation of UNRWA Activities (2024), Israel has committed a serious breach of that Article 2(5).
- 179 Further and in addition, Israel is bound by Article 100(2) of the Charter, under which it is under an obligation to “respect the exclusively international character” of UNRWA and its staff and “not to seek to influence them in the discharge of their responsibilities”. This requires that Israel maintain with UNRWA a “relationship of co-operation and co-ordination, not of subordination”,²³⁸ and prohibits it from seeking “to influence the Commissioner-General or his staff in the discharge of their responsibilities”.²³⁹
- 180 Paragraph 2 of the Law – and, indeed, the Anti-UNRWA Legislation more widely – reflects a flagrant breach of Article 100(2) by Israel. Through withdrawing its assistance to the Agency, Israel aims to intimidate and, in due course, to shutter UNRWA. Not only does this not respect the international character of the Agency, but also represents an attempt to subordinate and frustrate it in its entirety.
- 181 The final substantive provision of the Law is **paragraph 3**. This provides that:

“The provisions of this law shall not negate any criminal proceedings against UNRWA employees, including proceedings related to the events of 7 October 2023, or the ‘Iron

²³⁷ Note *Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 8 January 2025, pp. 4–5 (emphasis added).

²³⁸ *Opinion of the General Counsel of UNRWA* [1968] UNJYB 182, ¶¶ 2–3.

²³⁹ *Opinion of the General Counsel of UNRWA* [1968] UNJRB 210, ¶¶ 6–7.

Swords' War, or any other criminal proceedings under the provisions of the Counter-Terror Law 2016, or the exercise of powers against them in such proceedings.”²⁴⁰

The criminal proceedings envisaged in paragraph 3 would likely violate the immunity of UNRWA staff from legal process in Israel. It must be recalled that, per UNCPI Article V, Section 18(a), those staff have absolute immunity from Israeli legal process “in respect of words spoken or written and all acts performed by them in their official capacity”.²⁴¹ Any prosecution brought against UNRWA staff cannot, therefore, arise out of actions performed in the course of their duties, and must be brought in accordance with the procedure set out by Pakistan.²⁴²

(ii) Law for the Cessation of UNRWA Activities in the State of Israel (2024)

182 The second item of Anti-UNRWA Legislation is the Law for the Cessation of UNRWA Activities in the State of Israel (2024). **Paragraph 1** of the Law declares as its objective “to prevent any activity of UNRWA within the State of Israel”²⁴³ – which as a matter of Israeli law includes East Jerusalem, presently under unlawful occupation.

183 The sole substantive provision of the Law is **paragraph 2**. This provides only that UNRWA “shall not operate any representation, provide any services, or carry out any activities, directly or indirectly, within the State of Israel”.²⁴⁴ Pakistan reads this as granting Israeli authorities broad-based approval to eject UNRWA from East Jerusalem.

184 The first and most obvious point is that Israel, as the unlawful occupier of the OPT, is not entitled to exercise sovereignty over, nor exercise sovereign powers in any part of that territory, including East Jerusalem, on account of its occupation.²⁴⁵ It follows that, as a matter of international law, the Law for the Cessation of UNRWA Activities in the State of Israel can have no effect on the status of UNRWA, nor its right to operate in the OPT.

185 Simply put, UNRWA’s presence in the OPT is entirely lawful and legitimate. Israel’s is anything but.

186 The second point is that any attempt by Israel to implement this unlawful directive by way of direct action against UNRWA or its staff is liable to lead, necessarily and unavoidably, to serious breaches of Israel’s obligations under the UNCPI. Thus:

186.1 Any attempt to bring legal proceedings against UNRWA, or enforce any judgment, would breach UNRWA’s immunity under UNCPI Article II, Section 2.

²⁴⁰ Law for the Cessation of UNRWA Activities (2024), ¶ 3.

²⁴¹ UNCPI Art V, Section 18(a).

²⁴² See paragraph 144 above. See also in this respect the concerns raised by the Secretary-General: Letter from Secretary-General António Guterres to Prime Minister Benjamin Netanyahu, 28 October 2024, p. 1; and *Note Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 8 January 2025, p. 5.

²⁴³ Law for the Cessation of UNRWA Activities in the State of Israel (2024), ¶ 1.

²⁴⁴ Law for the Cessation of UNRWA Activities in the State of Israel (2024), ¶ 1.

²⁴⁵ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 254.

- 186.2 Any attempt to detain, arrest or try UNRWA staff in reliance solely on this Law would (absent waiver by the Commissioner-General) be in breach of those individuals' functional immunity under UNCPI Article V, Section 18(a).
- 187 Specific mention must here be made of Israel's announced plan under the Law to evict UNRWA – already being executed – from its headquarters and associated facilities in East Jerusalem.
- 187.1 Israel is already plainly in breach of its obligations under UNCPI Article II, Section 3 through (*inter alia*) its entry into multiple UNRWA schools in East Jerusalem – most notably the Kalandia Training Centre – in a bid to prevent UNRWA from providing educational services to Palestinian children.²⁴⁶
- 187.2 A further violation of the same provision would result if Israel were to carry through on its intention to force the Agency from its long-standing headquarters in East Jerusalem.
- 187.3 Depending on the manner in which these evictions are carried out could implicate other breaches under the UNCPI, in particular Article II, Section 4 relating to the inviolability of the Agency's archives.
- 188 In addition to the foregoing, Israel would also breach (and has already breached) a number of the protections contained in the Cormay-Michaelmore Agreement, which protections are maintained under Article 105 of the Charter even in the wake of that Agreement's purported termination. These would include:
- 188.1 Under Article 105(1):
- (a) Israel's obligation to ensure the protection and security of UNRWA installations and property;
 - (b) Israel's obligation to permit free movement of UNRWA vehicles into and out of East Jerusalem; and
 - (c) Israel's obligation to provide radio, telecommunications and landing facilities to UNRWA.
- 188.2 Under Article 105(2):
- (a) Israel's obligation to ensure the protection and security of UNRWA personnel;
 - (b) Israel's obligation to permit UNRWA's international staff to move in, out and within East Jerusalem; and
 - (c) Israel's obligation to allow UNRWA's local staff to move within East Jerusalem.

²⁴⁶ UN, *UNRWA: Young Palestinians in East Jerusalem shut out of UNRWA training centre*, 20 February 2025, available [here](#).

189 Beyond being violative of Israel's obligations under the UNCPI and Article 105 of the Charter, the Law and action carried out by Israel in the execution thereof also breaches Articles 2(5) and 100(2) of the Charter, for essentially the same reasons as its counterpart.

189.1 The mere fact that the Law has been passed is violative of Article 2(5). Under this provision, Israel is obliged to offer UNRWA every assistance in carrying out the mandate given to it by the General Assembly. The Law, a transparent attempt to intimidate and, in due course, remove UNRWA from East Jerusalem using the power of the Israeli State, and frustrate its operations in Gaza and the West Bank, is *ex facie* inconsistent with this obligation. The same may be said of any act carried out in purported execution of the Law.

189.2 The Law in its passage is also violative of Article 100(2). By this provision, Israel is under an obligation to respect UNRWA's international character and not to seek to influence its activities. Again, the Law is a blatant violation of this provision, designed to force UNRWA to end its operations in the OPT. Again, the same may be said of any act carried out in purported execution of the Law.

190 At present, UNRWA is an essential lifeline for the people of Gaza, which is in the midst of a humanitarian catastrophe of Israel's manufacture. Requiring UNRWA to depart from East Jerusalem now, or at any point prior to the situation in Gaza being remedied, would cause immense and irreparable prejudice to UNRWA's ability to undertake its mandate to support and preserve the Palestine refugees. It follows that Israel cannot require any departure by UNRWA from East Jerusalem until the situation that Israel put in train has come to an end, and the damage to Gaza repaired.

(b) Israel's purported justification for the Anti-UNRWA Legislation

191 At the time of the submission of this written statement, Israel purports to justify its unprecedented attack on a subsidiary organ of the General Assembly through two letters sent through its Permanent Representative to the UN, Ambassador Danny Danon.

(i) Ambassador Danon's letter of 18 December 2024

192 In Ambassador Danon's letter of 18 December 2024 to the President of the General Assembly (with an identical letter sent to the President of the Security Council), Israel provides five supposed justifications for the Anti-UNRWA Legislation. None of them withstands scrutiny.

193 The **first** of Israel's justifications is the supposed "widespread infiltration of UNRWA's ranks by Hamas and other terrorist organizations in blatant disregard for the Agency's duties and mandate".²⁴⁷ The cited support that Israel offers for this inflammatory assertion is two press reports from the *New York Times*.²⁴⁸

194 These allegations have already been addressed comprehensively in the Colonna Report and the OIOS investigations, detailed above. As the Colonna Report and OIOS investigations show, the Agency implements strict protocols so as to prevent its independence from being compromised. The Colonna Report in particular concluded that UNRWA had "sound

²⁴⁷ Letter from Permanent Representative of Israel to the United Nations Danny Danon to President of the General Assembly Philemon Yang, 18 December 2024, p. 1 [hereinafter "**First Danon Letter**"].

²⁴⁸ First Danon Letter, fn. 1, 2.

mechanisms” in place to address alleged breaches of neutrality, and rigorously investigates such alleged breaches where it discovers them.²⁴⁹ Where deficiencies were uncovered, its authors made recommendations, which the Agency is in the process of implementing assiduously.²⁵⁰

- 195 The OIOS investigation was launched immediately following Israel’s allegations that UNRWA local staff were involved in the 7 October 2023 attacks. It concluded that only nine such staff – out of a total of over 30,000 – **may** have been involved in the attacks, in response to which the Commissioner-General immediately terminated contracts of those staff members without further inquiry “in the interest of the Agency”.²⁵¹ Israel’s allegations regarding “widespread infiltration of UNRWA’s ranks by Hamas” are false, and “confessions” of the same are documented to have been forcibly extracted.²⁵² Even if they were true, *quod non*, as explained above, those facts do not justify implementation of laws that restrain UNRWA’s operations or otherwise undermine its privileges and immunities in the OPT, where Israel does not have sovereign rights.
- 196 Israel’s **second** point is made in response to the Colonna Report and OIOS investigation. In short, it claims that these considered investigations are not, in its view, sufficient to meet its concerns regarding UNRWA.²⁵³
- 197 This argument is refuted simply by reading the Colonna Report and OIOS investigations themselves. They are searching, transparent, comprehensive, and were carried out with UNRWA’s full cooperation. Israel’s argument must also be understood in a context in which Israel has made very clear its **true** objections to the Agency, which are that it: (a) “perpetuates the Palestinian refugee problem” and “the narrative of right of return”;²⁵⁴ and (b) has proved a reliable source of evidence for South Africa’s claims of a genocide by Israel against the Palestinian people in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)* before this very Court.²⁵⁵
- 198 In light of these statements, it is plain that Israel will **never** be satisfied by any investigation into UNRWA, no matter how searching – as the Colonna Report and OIOS investigations were. For years, it has been looking for a pretext to rid itself of UNRWA and the support it provides the Palestinian people. In the current conflict, it believes that it has found one.
- 199 Israel’s **third** point is that replacing the humanitarian and other assistance that UNRWA provides to the Palestinian people is not impossible. To that end, it makes a variety of claims intended to minimise the Agency’s contribution not only to the people of Gaza but also the remainder of the OPT, e.g. that “[m]ost of the humanitarian aid entering the territory is already coordinated by actors other than UNRWA”.²⁵⁶

²⁴⁹ Colonna Report, pp. 12–13.

²⁵⁰ See e.g. UNRWA, *Implementation of Colonna Report: Quarterly Report, January 2025*, available [here](#).

²⁵¹ Statement by UNRWA Commissioner General, 5 August 2024, available [here](#).

²⁵² UNRWA, *Detention and alleged ill-treatment of Detainees from Gaza during Israel-Hamas War*, 16 April 2024, available [here](#).

²⁵³ First Danon Letter, pp. 3–4.

²⁵⁴ YouTube, *PM Netanyahu's Remarks at Weekly Cabinet Meeting–7/1/2018*, 7 January 2018, available [here](#).

²⁵⁵ Government of Israel, *Prime Minister Benjamin Netanyahu to a Delegation of UN Ambassadors: “It’s time that the international community and the UN itself understand that UNRWA’s mission has to end”*, 31 January 2024, available [here](#).

²⁵⁶ First Danon Letter, 18 December 2024, pp. 4–5.

- 200 This assertion is refuted by UNRWA’s regular reports of the essential humanitarian assistance it has provided to Gaza since 7 October 2023. It is also refuted by the multitude of statements made over the 75 years of UNRWA’s operations that confirm its utter indispensability to the Palestinian people. As the General Assembly confirmed in its Resolution ES-10/25 of 11 December 2024, UNRWA “remains the backbone of all humanitarian response in Gaza” and “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”.²⁵⁷
- 201 Israel’s **fourth** point is that the Anti-UNRWA Legislation has been adopted in response to the supposed failings of the Agency and UN to address Israel’s concerns regarding infiltration by Hamas.²⁵⁸ This is difficult to accept in circumstances where, in the last 12 months alone, UNRWA subjected itself to, and fully participated in, both the Colonna Report and the OIOS investigation, under the UN’s auspices.
- 202 In the same breath, moreover, Israel claims that UNRWA has been “afforded ample time to make the necessary arrangements in the period until the Israeli legislation in question will come into effect”.²⁵⁹ Pakistan assumes this is an attempt by Israel to satisfy the requirement, set out by the Court in *Interpretation of Agreement*, that any effort by a Member to remove or modify a UN body’s presence in its territory must be the product of good faith negotiation and implemented in such a way as to minimise the prejudice to the organisation.
- 203 As already explained, Israel has done nothing of the sort.
- 203.1 The statement assumes that Israel has the capacity lawfully to regulate UNRWA’s activities in the OPT, including East Jerusalem. It does not. Israel occupies the OPT in violation of peremptory norms of international law. As the Court has found, it has no sovereignty over the OPT, nor the capacity to exercise sovereign rights therein.
- 203.2 In the second place, even assuming *in arguendo* that Israel has the right to regulate UNRWA in East Jerusalem via the Anti-UNRWA Legislation, it has not complied with the Court’s guidance in *Interpretation of Agreement*. The Legislation requires UNRWA to cease over seven decades of operations in East Jerusalem within a matter of months and will impede significantly if not completely its operations in the wider OPT. It will do so at a time, moreover, where large parts of Gaza have been reduced to rubble through Israeli action. The Palestinian people have never needed UNRWA more. To require the Agency to depart now would frustrate its mission and cause untold prejudice to its operations and mandate.
- 204 Israel’s **fifth** and final point is to claim that the Anti-UNRWA Legislation “does not in any way undermine Israel’s steadfast commitment to international law”,²⁶⁰ and is “without prejudice to the applicability of the [UNCPI]”.²⁶¹
- 205 From the point of view of UNRWA’s privileges and immunities, this statement is provably wrong. As detailed above, the mere **passage** of the Legislation has breached multiple

²⁵⁷ *Support for the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, GA Res ES-10/25, 16 December 2024, ¶ 7.

²⁵⁸ First Danon Letter, pp. 4–5.

²⁵⁹ First Danon Letter, p. 5.

²⁶⁰ First Danon Letter, p. 6.

²⁶¹ First Danon Letter, p. 7.

provisions of the Charter and UNCPI. Pakistan cannot see how, as the Legislation is actually **implemented**, that further breaches of this same body of principles will not follow – as the Office of Legal Affairs spelled out in detail in response to Israel’s letter,²⁶² and which Pakistan endorses in its entirety.

(ii) **Ambassador Danon’s letter of 24 January 2025**

206 Ambassador Danon’s 24 January 2025 letter is less substantive and can be dealt with shortly. Addressed to the Secretary-General, it begins by confirming the termination of the Cormay-Michaelmore Agreement (which termination is substantially irrelevant, and its protections are replicated by Article 105 of the Charter) and the content of the 18 December 2024 letter.²⁶³

207 Beyond this, the letter purports to identify isolated and minor incidents in which UNRWA is said to have abused its immunity within the meaning of UNCPI “Article 21” (by which Pakistan assumes Ambassador Danon means UNCPI Article V, Section 21). In particular, the letter mentions:

207.1 UNRWA’s East Jerusalem headquarters in Maalot Dafna, in which the Agency is said to be operating a “hazardous gas station” and erecting structures without proper permits; and

207.2 another UNRWA facility in the Kfar Aqueb neighbourhood of East Jerusalem in which the Agency is said to be using a property without the landowner’s consent.

208 Pakistan takes no position on the factual accuracy of Israel’s claims. But as a matter of law, two observations are warranted:

208.1 First, UNCPI Article V, Section 21 applies only in the context of Article V, dealing with the personal immunities of UNRWA **staff**. Israel’s allegations concern the immunity and inviolability of UNRWA **itself** and **its premises**, which are governed by UNCPI Article II, Sections 2 and 3. Article II contains no provision that is the equivalent of Section 21. Israel’s position is therefore immediately incoherent – at least insofar as the UNCPI is concerned.

208.2 Second, to the extent that Israel has concerns regarding UNRWA’s conduct then, again, the solution is not to evict the Agency from East Jerusalem in violation of the UNCPI. Rather, it is to engage with UNRWA and the General Assembly to resolve the discord, and if that fails, to ask that the matter be referred to the Court for an advisory opinion under UNCPI Article VIII, Section 30 – as has occurred multiple times in the past.

* * *

209 The short point that Pakistan draws from the 18 December 2024 and 24 January 2025 letters is that Israel’s conduct and the Anti-UNRWA Legislation are, on no view, consistent with its obligations under the law governing the privileges and immunities of UN organs – and, moreover, that Israel is well-aware of this.

²⁶² *Note Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 8 January 2025, pp. 3–7.

²⁶³ Letter from Permanent Representative of Israel Danny Danon to UN Secretary-General António Guterres, 24 January 2025, p. 1.

210 UNRWA must now look to the Court to confirm that it and its staff are protected from State predation by international law – and further to confirm that Israel’s conduct is not only unlawful, but to be condemned in the strongest possible terms.

211 In its *Wall* and *Occupied Palestinian Territory* advisory opinions, the Court did not shy from this responsibility. Pakistan requests that it not do so now.

V INTERNATIONAL HUMANITARIAN LAW

212 As the Court determined in both its 2004 *Wall* opinion and 2024 *Occupied Palestinian Territory* opinion, the OPT is unlawfully occupied by Israel as the entity exercising effective control, and Israel consequently assumes the powers and duties associated with being an occupying power.²⁶⁴ There is no distinction to be made in this context between the West Bank on the one hand and Gaza on the other. As the Court held, Israel’s withdrawal from Gaza pre-7 October 2023 “has not entirely released it of its obligations under the law of occupation, [...] [which] have remained commensurate with the degree of its effective control over the Gaza Strip”.²⁶⁵ The Court issued that opinion in July 2024, during the Israeli assault on Gaza, and the situation remains essentially the same today.

213 International humanitarian law establishes the scope of Israel’s powers and duties as the belligerent occupying power in effective control of the OPT. In its *Occupied Palestinian Territory* opinion, the Court made clear that international humanitarian law (among other rules of international law) continues to apply to the occupying power regardless of the legality or illegality of its presence.²⁶⁶ In Pakistan’s view, these previous determinations form the authoritative bedrock upon which this further advisory opinion should be based. In fact, it is clear from Pakistan’s submissions below that Israel is **continuing** to abuse its position as an occupying power to (*inter alia*) frustrate of the right of the Palestinian people to self-determination, as it was held to be doing in the *Occupied Palestinian Territory* in July 2024.²⁶⁷

214 Set out below, Pakistan addresses in turn the Hague Regulations (A), the Fourth Geneva Convention (B) and Additional Protocol I to the Fourth Geneva Convention²⁶⁸ (“**Additional Protocol 1**”) (C), which cumulatively impose significant international humanitarian law obligations on Israel *vis-à-vis* its relationship with UNRWA.

A The Hague Regulations of 1907

215 As noted above, this Court has already determined the application of the Hague Regulations to Israel with respect to its illegal occupation of the OPT. Coupled with the Fourth Geneva Convention, the Hague Regulations establish that Israel has a responsibility to ensure public order, safety and the well-being of the population in the OPT, as well as to facilitate the operations of humanitarian organisations working within the OPT.

²⁶⁴ *Wall* [2004] ICJ Rep 136, ¶ 78 with respect to the West Bank and East Jerusalem; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, paras 88-94 with respect to the Gaza Strip.

²⁶⁵ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 94.

²⁶⁶ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 251.

²⁶⁷ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 261. See also *Wall* [2004] ICJ Rep 136 [hereinafter “*Wall*”].

²⁶⁸ Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, 1125 UNTS 3.

216 **Article 43 of the Hague Regulations** is of particular relevance. It states that an occupying power “shall take all the measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”

217 In practice, this duty requires Israel to provide the necessary conditions for public life to continue functioning while upholding the rights and welfare of the Palestinian population. This, in turn, mandates *ipso facto* the continuing functioning of UNRWA throughout the OPT.

218 Article 43 of the Hague Regulations therefore establishes a broad, encompassing obligation on Israel that is further particularised in the Fourth Geneva Convention and Additional Protocol 1, discussed in turn below.

B The Fourth Geneva Convention of 1949

219 Various provisions of the Fourth Geneva Convention are applicable to the Court’s assessment of the question before it.²⁶⁹

1 Collective relief

220 First, and most immediately, are the obligations on relief that are necessitated with such urgency by the brutal campaign launched by Israel against the people of Gaza since 7 October 2023 but which subsist, and have subsisted for many years, throughout the OPT.

221 In this regard, **Article 59 of the Fourth Geneva Convention** (“Collective relief”) states with respect to occupied territory (*inter alia*):

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

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.”

222 Pakistan notes that Gaza requires special attention at this point in time in the context of the collective relief envisaged by Article 59. Given the wholesale destruction by Israel of much of Gaza, this pressing need will continue for some time. The definitive commentary to the Fourth Geneva Convention is clear on the implications of Article 59’s mandate: “[t]he obligation on the Occupying Power to accept such relief is unconditional. In all cases where

²⁶⁹ Pakistan addresses certain key provisions of international humanitarian law that it believes to be at issue for the purposes of this opinion. Pakistan does not purport to address all relevant international humanitarian law obligations binding upon Israel and the discussion in this submission should not therefore be considered exhaustive.

occupied territory is inadequately supplied the Occupying Power is bound to accept relief supplies destined for the population.”²⁷⁰

- 223 Israel must not only “accept” relief schemes on behalf of the population pursuant to Article 59, but must also “facilitate them by all the means at its disposal”. In other words, Israel must also “co-operate wholeheartedly in the rapid and scrupulous execution of these schemes”.²⁷¹
- 224 As Pakistan earlier explained, UNRWA is without question the “primary humanitarian platform” providing relief to the people of Gaza, despite “relentless bombardment and through countless waves of displacement”.²⁷² UNRWA is the only international organization or organ thereof with the mandate to do this at scale, a mandate given to it by the General Assembly. As the Secretary-General has observed, UNRWA is “indispensable” and “there is no alternative”.²⁷³ The General Assembly has emphasised that UNRWA “remains the backbone of all humanitarian response in Gaza” and 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”.²⁷⁴ It has made clear that “any interruption or suspension of its work would have severe humanitarian consequences for millions of Palestine refugees who depend on the Agency’s services and also implications for the region”.²⁷⁵ As the General Assembly notes, UNRWA’s humanitarian work serves a vital role in the West Bank, particularly in East Jerusalem, which is subject to constant Israeli aggression, albeit (at the moment) in less immediately catastrophic circumstances.
- 225 Israel’s targeting and attempted dismemberment of UNRWA will therefore implement conditions that actively **deprive** the Palestinian population of relief. This is the exact **inverse** of what Israel should be doing as a matter of international humanitarian law, which requires it – as noted above – to “co-operate wholeheartedly in the rapid and scrupulous execution” of UNRWA’s work. Israel’s conduct, it must be recalled, is not even specific to UNRWA, but rather just one limb of Israel’s unlawful *modus operandi*: Israel has not only failed adequately to ensure the supply of relief to the population of Gaza – it has deliberately blocked and otherwise impeded emergency relief and humanitarian assistance, attacked aid convoys, killed UN and other personnel, and obstructed medical personnel attempting to carry out their duties. The documentary record on this is extensive: UNRWA has repeatedly protested Israel’s

²⁷⁰ Jean Pictet, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (ICRC 1987), p. 320.

²⁷¹ Jean Pictet, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (ICRC 1987), p. 320. See also (a) Article 61 of the Fourth Geneva Convention, which requires an occupying power to “facilitate the rapid distribution” of relief consignments; and (b) Article 23 of the Fourth Geneva Convention (“Consignment of medical supplies, food and clothing”), which requires States to “allow the free passage of all consignments of medical and hospital stores” intended for civilians and “permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases”.

²⁷² *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/79/13, 1 January–31 December 2023, p. 4.

²⁷³ *Statement of the Secretary-General on Israeli legislation on UNRWA*, 29 October 2024, available [here](#).

²⁷⁴ *Support for the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, GA Res ES-10/25, 11 December 2024.

²⁷⁵ *Support for the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, GA Res ES-10/25, 11 December 2024.

failure to abide by its obligation to protect UNRWA personnel, properties and assets and to avoid any threats or interference with the delivery of humanitarian aid in Gaza.²⁷⁶

- 226 Further and in addition, Israel has not provided any reasonable, considered and comprehensive alternative to UNRWA's indispensable services – and it is in any case not for Israel to go against what the General Assembly has determined to be necessary. Ambassador Danon's letter of 18 December 2024, for example, provides little more than a blanket and unsubstantiated assertion as to viability of replacing UNRWA with other actors.²⁷⁷ It is plainly insufficient and, as explained above, must be understood in the context of Israel's long-held desire to eliminate UNRWA entirely. That desired destruction of the only viable means of providing sufficient relief, coupled with the omission of securing any alternative, constitutes a clear breach of Israel's obligations under Article 59 of the Fourth Geneva Convention.²⁷⁸

2 Food, medical supplies and related obligations

- 227 Article 59, in turn, must be read alongside and in complement to other relevant provisions of the Fourth Geneva Convention – in particular, Articles 55 and 56.

- 228 **Article 55** ("Food and medical supplies for the population") states (*inter alia*):

"To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate."

- 229 **Article 56** ("Hygiene and public health") states (*inter alia*):

"To the fullest extent of the means available to it, 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."

- 230 Israel has repeatedly and gravely breached these obligations in Gaza over the past 18 months through the blocking of food and medical supplies and the destruction of hospitals and other medical facilities.

²⁷⁶ See, for example, Letter from Philippe Lazzarini, Commissioner-General of UNRWA, to Major General Ghassan Alian Head, Coordinator of Government Activities in the Territories Ministry of Defence, Israel, dated 31 December 2023, available [here](#).

²⁷⁷ Letter from Permanent Representative of Israel to the United Nations Danny Danon to President of the General Assembly Philemon Yang, 18 December 2024, pp. 4–5.

²⁷⁸ See also Article 60 of the Fourth Geneva Convention, which makes clear that "[r]elief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59." As Pictet makes clear, "the Occupying Power [] continue[s] at all times to be responsible for supplying the population (Articles 55 and 56), in order that relief operations might retain their humanitarian character: relief consignments are not intended to represent the normal source of supply of the country; they are made up of commodities offered for relief purposes and provide something extra for the classes of the population which are in greatest distress": Jean Pictet, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (ICRC 1987) p. 323.

- 231 Its targeting of UNRWA compounds these breaches, for UNRWA’s indispensable role in seeking to provide food and medical services operates to assist, not hamper, Israel in fulfilling its international legal obligations. Yet Israel seeks simply to shut UNRWA down, in clear breach of its humanitarian law obligations.

3 Education

- 232 The same is true of education. Before 7 October 2023, UNRWA provided basic education to 290,288 students through 278 UNRWA schools in Gaza²⁷⁹ (in addition to 46,066 students through 96 UNRWA schools in the West Bank).²⁸⁰ These are the latest figures, and the educational needs of the Palestinian population remain immense.

- 233 Under **Article 50(1) of the Fourth Geneva Convention**, Israel must work with national and local authorities “to ensure the proper functioning of institutions responsible for the care and education of children in the occupied territory”. This includes ensuring access to quality education and safeguarding the rights of children, who are among the most vulnerable in times of occupation. UNRWA is uniquely placed to provide this service; Israel’s obligations simply do not, and cannot, allow for its dismemberment.

C Additional Protocol 1 to the Geneva Conventions of 1949

- 234 Israel has not ratified Additional Protocol 1 to the Geneva Conventions and is not a State party to it. Palestine acceded to Additional Protocol 1 in 2014.²⁸¹ Notwithstanding that Israel is not a party to Additional Protocol 1, the General Assembly has previously made clear its collective view that Additional Protocol 1 is applicable throughout the OPT.²⁸²

1 The principle of distinction and the protection of civilians

- 235 Provisions dealing with the protection of civilians found in **Articles 48 and 52 of Additional Protocol 1**, including the principle of distinction, are some of the core principles articulated in the Protocol. Any direct attack against a civilian or civilian object is not only a violation of international humanitarian law but also a grave breach. The concept of civilians in this circumstance covers all UNRWA and other UN staff, among other humanitarian actors. It is the duty of Israel to have the means available to it to respect these rules: “it is reprehensible for a Party possessing such means not to use them, and thus consciously prevent itself from making the required distinction”.²⁸³ These provisions are supplemented by **Article 71(2)**, which requires that “relief personnel” shall be “respected and protected”.

- 236 The killings by Israel of 273 UNRWA officials since the start of the conflict in Gaza since October 2023²⁸⁴ are particularly egregious. They demonstrate a wilful disregard by Israel of these fundamental principles of international humanitarian law.

²⁷⁹ *Annual Operational Report 2022* (UNRWA 2023) § 1.2.1.

²⁸⁰ *Annual Operational Report 2022* (UNRWA 2023) § 1.2.2.

²⁸¹ See the list of States Parties [here](#).

²⁸² See, for example, the preamble to the *Wall* advisory opinion: “Reaffirming the applicability of the Fourth Geneva Convention as well as Protocol I Additional to the Geneva Conventions to the Occupied Palestinian Territory, including East Jerusalem”, General Assembly Resolution A/RES/ES-10/14, 18 December 2003.

²⁸³ ICRC, Commentary of 1987 (Rule 48 – Basic rule), available [here](#).

²⁸⁴ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

2 Further provisions on the requirements necessary to support life and relief

237 As regards the requirements necessary to support life, **Article 69 of Additional Protocol 1** states (*inter alia*):

“In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.”

238 This obligation builds upon provisions in the Fourth Geneva Convention. As the ICRC Commentary of 1987 explains, the provision:

“sets out from the idea that it is too restrictive to limit this obligation to supplying the population of the occupied territory only with food and medical supplies. Thus mention is made here in addition of the provision of clothing, bedding, and means of shelter. In fact, it is quite possible to suffer, and even die, from heat or cold, and it is essential that the civilian population has adequate clothing, bedding and shelter. Urgent action to provide shelter applies particularly if the occupied territory has suffered damage from bombing. The immediate provision of makeshift shelters (tents, prefabricated or other forms of housing), is an essential preliminary step to more long-term reconstruction.”²⁸⁵

239 Additional Protocol 1’s expansion upon key elements of the Fourth Geneva Convention is also found in Article 70, which complements and builds upon the provisions on relief in the Fourth Geneva Convention.

240 **Article 70(1) of Additional Protocol 1** provides (*inter alia*):

“If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions.”

241 **Article 70(2)** then provides that the parties to a conflict must (*inter alia*) allow the “rapid and unimpeded passage of all relief consignments, equipment and personnel”.

242 On the issue of “consent”, this can be of no help to Israel – i.e. Israel cannot simply assert that there is no “agreement of the Parties concerned” as a means by which to evade its international legal responsibility:

“Both Additional Protocols I and II require the consent of the parties concerned for relief actions to take place. Most of the practice collected does not mention this requirement. It is nonetheless self-evident that a humanitarian organization cannot operate without the consent of the party concerned. However, such consent must not be refused on arbitrary grounds. If it is established that a civilian population is threatened with starvation and a humanitarian organization which provides relief on

²⁸⁵ ICRC, Commentary of 1987 (Rule 69 – Basic needs in occupied territories), available [here](#).

an impartial and non-discriminatory basis is able to remedy the situation, a party is obliged to give consent.”²⁸⁶

- 243 This is exactly the situation before the Court now. UNRWA, among other humanitarian organisations, seeks to provide relief to the Palestinian population of the OPT on an impartial and non-discriminatory basis (notwithstanding Israel’s egregious allegations to the contrary). Israel, consequently, is obliged to give its consent to UNRWA doing so. Seeking to ban UNRWA flies in the face of this obligation.
- 244 Finally, Pakistan submits that Israel may not rely on (often unsubstantiated) allegations that consignments of relief are being requisitioned by Palestinian armed groups as a means of circumventing its international legal obligations. Such allegations with respect to any given relief consignment – even if proven – would in no way absolve Israel of its primary obligations as the occupying power under Articles 55, 56 and 59 of the Fourth Geneva Convention and customary international law. And Article 70(3) of Additional Protocol 1 – which, again, the General Assembly has deemed applicable in the OPT – in any event establishes mechanisms (including “the right to prescribe the technical arrangements, including search, under which [rapid and unimpeded] passage is permitted”) for dealing with any genuine concerns that Israel may have.

* * *

- 245 Plainly, there is no viable alternative to UNRWA’s services with respect to relief, food and medical supplies, public health and education, and all the essential elements of life. It is “indispensable”.²⁸⁷ In the absence of a plausible alternative – and Israel has provided none (as explained above) – Israel’s attempt to prevent UNRWA from conducting its work in the OPT constitutes a clear and ongoing breach of its international humanitarian law obligations as an occupying power and undermines the exercise of the Palestinian people to their right of self-determination.

VI HUMAN RIGHTS LAW

- 246 It is well-established that international human rights obligations are applicable in respect of acts done by a State in the exercise of its jurisdiction outside its territory, particularly in occupied territories.²⁸⁸ This Court has also consistently held that the protections offered by international human rights law do not cease in situations of armed conflict or occupation.²⁸⁹ It accordingly should be uncontroversial, particularly in light of this Court’s findings in

²⁸⁶ ICRC Database: Customary International Humanitarian Law, *Access for Humanitarian Relief to Civilians in Need*, available [here](#).

²⁸⁷ Pakistan notes for completeness that UNRWA is by no means required to prove its “indispensable” nature. Article 63 of the Fourth Geneva Convention mandates that “recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross Principles, as defined by the International Red Cross Conferences” and that “[o]ther relief societies shall be permitted to continue their humanitarian activities under similar conditions”. This encompasses UNRWA and all UN and other relief agencies. Nor, pursuant to the same article, may Israel “require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities”.

²⁸⁸ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)*, Judgment, [2005] ICJ Rep 243, ¶ 216, citing *Wall* [2004] ICJ Rep 136, ¶¶ 107–113; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 99.

²⁸⁹ *Wall* [2004] ICJ Rep 136, ¶ 106; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 99.

Occupied Palestinian Territory, that Israel is bound by international human rights law in the OPT, including and especially after 7 October 2023.

- 247 Pakistan sets out below the relevant human rights obligations of Israel (A), before addressing how Israel is in breach of those obligations in respect of its conduct relating to the presence and activities of UNRWA in the OPT (B).²⁹⁰

A Relevant human rights instruments

- 248 In Pakistan’s submission, six human rights conventions are of relevance when assessing Israel’s obligations in the OPT and how these interact with its conduct towards UNRWA. These are the ICCPR (1), the ICESCR (2), the CRC (3), CERD (4), the Convention on the Elimination of All Forms of Discrimination against Women 1979 (“**CEDAW**”)²⁹¹ (5) and the Convention on the Rights of Persons with Disabilities 2006 (“**CRPD**”) (6).²⁹² Pakistan addresses each in turn.

1 The International Covenant on Civil and Political Rights

- 249 Israel is a party to the ICCPR, and – as this Court has repeatedly held – it is bound by the ICCPR in respect of its conduct in the OPT.²⁹³

- 250 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

250.1 **Right to life (Article 6).** The right to life concerns “the entitlement of individuals to be free from acts and omissions which are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity”,²⁹⁴ and it extends to protecting individuals from “reasonably foreseeable threats and life-threatening situations that can result in loss of life”.²⁹⁵ It allows no derogation or limitation. Further, the duty to protect the right to life inherent in Article 6 also:

- (a) requires States parties to take special measures towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats²⁹⁶ – such as human rights defenders, humanitarian workers, displaced persons, refugees and children in armed conflicts; and
- (b) implies that States parties should take appropriate measures to address conditions in a society that may give rise to direct threats to life or prevent

²⁹⁰ As it did in respect of international humanitarian law, Pakistan addresses certain key provisions of international human rights law that it believes to be at issue for the purposes of this opinion. Pakistan does not purport to address all relevant international human rights obligations binding upon Israel and the discussion in this submission should not therefore be considered exhaustive.

²⁹¹ Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, 1249 UNTS 13.

²⁹² Convention on the Rights of Persons with Disabilities, 13 November 2006, 2515 UNTS 3.

²⁹³ *Wall* [2004] ICJ Rep 136, ¶¶ 108-112; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 100. See also, General Comment No. 31, UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, ¶ 10; Article 2(1), ICCPR.

²⁹⁴ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 3.

²⁹⁵ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 7.

²⁹⁶ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 23.

individuals from enjoying their right to life with dignity – such as widespread hunger and malnutrition and extreme poverty and homelessness.²⁹⁷

Measures may include those designed to ensure access without delay to essential goods and services, such as food, water, shelter, health care, electricity and sanitation, and measures designed to promote and facilitate adequate general conditions, such as the **bolstering** of effective emergency health services and emergency response operations.²⁹⁸

250.2 **Prohibition on torture, or other cruel, inhuman or degrading treatment or punishment (Article 7).** The aim of Article 7 is to protect the dignity and physical and mental integrity of the individual. It relates not only to acts that cause physical pain, but also to acts that cause mental suffering to the victim.²⁹⁹ It allows no derogation or limitation.

250.3 **Rights of the family (Article 23).** Article 23 recognises that the family is a fundamental unit of society and is entitled to protection by the State.³⁰⁰

250.4 **Rights of the child (Article 24).** Article 24 recognises the right of every child, without any discrimination, to receive the protection required by his status as a minor. Pursuant to this right (*inter alia*):

- (a) “every possible economic and social measure should be taken to reduce infant mortality and to eradicate malnutrition among children and to prevent them from being subjected to acts of violence and cruel and inhuman treatment [...] or by any other means”; and
- (b) “every possible measure should be taken to [...] provide them with a level of education that will enable them to enjoy the rights recognized in the [ICCPR]”.³⁰¹

2 The International Covenant on Economic, Social and Cultural Rights

251 Israel is a party to the ICESCR, and – as this Court has repeatedly held – it is bound in respect of its conduct in the OPT.³⁰² It is also under an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to another authority.³⁰³

252 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

252.1 **Rights of the family (Article 10).** The “widest possible protection and assistance” must be accorded to the family, which is recognised as a fundamental unit of

²⁹⁷ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 26.

²⁹⁸ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 26.

²⁹⁹ UN HR Committee, General Comment No. 20: Article 7 (1992), ¶ 5.

³⁰⁰ UN HR Committee, General Comment No. 19: Article 23 (the family) (1990), ¶ 1.

³⁰¹ UN HR Committee, General Comment No. 17: Article 24 (rights of the child) (1989), ¶ 3.

³⁰² *Wall* [2004] ICJ Rep 136, ¶¶ 111–112; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 100.

³⁰³ *Wall* [2004] ICJ Rep 136, ¶ 112.

society.³⁰⁴ Special protection must be accorded to mothers during a reasonable period before and after childbirth.³⁰⁵

252.2 Right to an adequate standard of living (Article 11(1)). This right includes a right to adequate food, clothing and housing, and to the continuous improvement of living conditions. States parties are required to take appropriate steps to ensure the realisation of this right, “recognising to this effect *the essential importance of international cooperation*”.³⁰⁶

(a) As to the right to adequate food, every State is obliged to ensure for everyone under its jurisdiction access to “the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger”.³⁰⁷ The right to adequate food imposes three types of obligations on States parties: (a) the obligation to *fulfil*, which incorporates both an obligation to *facilitate* and an obligation to *provide*; (b) the obligation to *respect* existing access to adequate food, which requires States parties not to take any measures that result in preventing such access; and (c) the obligation to *protect*, which requires measures by States parties to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.³⁰⁸

(b) The right to adequate housing equates to a right to live somewhere in security, peace and dignity.³⁰⁹ The concept of adequacy includes (*inter alia*): (a) guarantees against threats; (b) sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services; and (c) adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.³¹⁰

252.3 Right to be free from hunger (Article 11(2)). To fulfil the fundamental right of everyone to be free from hunger, States must take “individually *and through international co-operation*” measures which are needed to (*inter alia*) improve methods of distribution of food and ensure an equitable distribution of world food supplies in relation to need.³¹¹ The UN Committee on Economic, Social and Cultural Rights has explained that States have a “core obligation to take the necessary action to mitigate and alleviate hunger ..., even in times of natural or other disasters”.³¹²

252.4 Right to attain the highest attainable standard of health (Article 12). The right to health is an inclusive right extending not only to health care that is timely and appropriate but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, and an adequate supply of safe food,

³⁰⁴ ICESCR Art 10(1).

³⁰⁵ ICESCR Art 10(2).

³⁰⁶ ICESCR Art 11(1) (emphasis added).

³⁰⁷ UN ESCR Committee, General Comment 12 (12th session, 1999), ¶ 14.

³⁰⁸ UN ESCR Committee, General Comment 12 (12th session, 1999), ¶ 15 (footnotes omitted; emphasis in original).

³⁰⁹ UN ESCR Committee, General Comment No. 4 (6th session, 1991), ¶ 7.

³¹⁰ UN ESCR Committee, General Comment No. 4 (6th session, 1991), ¶ 8.

³¹¹ ICESCR Art 11(2) (emphasis added).

³¹² UN ESCR Committee, General Comment No. 12 (12th session, 1999), ¶ 6.

nutrition and housing.³¹³ It requires the provision of disaster relief and humanitarian assistance in emergency situations.³¹⁴ Restrictions on adequate medical supplies and medical equipment “should never be used as an instrument of political and economic pressure”.³¹⁵

- 252.5 **Right to education (Article 13).** Education must (*inter alia*) be available and accessible. Most education institutions will require, at a minimum, buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers, and teaching materials.³¹⁶ To respect the right to education, States parties must avoid measures that hinder or prevent the enjoyment of the right; and to fulfil the right to education, States parties must take positive measures that enable and assist individuals and communities to enjoy the right to education.³¹⁷

3 The Convention on the Rights of the Child

- 253 Israel is a party to the CRC, and – as this Court held in the *Wall* opinion – it is bound in respect of its conduct in the OPT.³¹⁸

- 254 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

- 254.1 **Right of the child to life, survival and development (Article 6).** The right to life concerns a child’s entitlement to be free from acts and omissions intended or expected to cause their unnatural or premature death, and to enjoy a life with dignity.³¹⁹ The right to survival and development embraces the child’s physical, mental, spiritual, moral, psychological and social development.³²⁰ States parties should take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children.³²¹

- 254.2 **Right of the child to freedom from all forms of violence (Article 19).** Article 19 requires States Parties to take all appropriate measures to protect the child from *all* forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.³²² The right is violated where (*inter alia*) children are physically neglected and not provided with the basic necessities, including adequate food, shelter, clothing and basic medical care, and where essential medical care is withheld.³²³

- 254.3 **Right of refugee children to special protection (Article 22).** Article 22 requires States to (*inter alia*) take all appropriate measures to ensure that children refugees

³¹³ UN ESCR Committee, General Comment No. 14, UN Doc. E/C.12/2000/4, 11 August 2000, ¶ 12.

³¹⁴ UN ESCR Committee, General Comment No. 14, UN Doc. E/C.12/2000/4, 11 August 2000, ¶ 16; Article 12(2)(c), ICCPR.

³¹⁵ UN ESCR Committee, General Comment No. 14, UN Doc. E/C.12/2000/4, 11 August 2000, ¶ 41.

³¹⁶ UN ESCR Committee, General Comment No. 13, UN Doc. E/C.12/1999/10, 8 December 1999, ¶ 6.

³¹⁷ UN ESCR Committee, General Comment No. 13, UN Doc. E/C.12/1999/10, 8 December 1999, ¶ 47.

³¹⁸ *Wall* [2004] ICJ Rep 136, ¶ 113.

³¹⁹ UN RC Committee, General Comment No. 21, UN Doc. CRC/C/GC/21, 21 June 2017, ¶ 29.

³²⁰ UN RC Committee, General Comment No. 21, UN Doc. CRC/C/GC/21, 21 June 2017, ¶ 31.

³²¹ UN RC Committee, General Comment No. 7, UN Doc. CRC/C/GC/7/Rev.1, 20 September 2006, ¶ 29.

³²² CRC Art 19(1).

³²³ UN RC Committee, General Comment No. 13, UN Doc. CRC/C/GC/13, 18 April 2011, ¶ 20(a), (c).

receive appropriate protection and humanitarian assistance in the enjoyment of their human rights.

- 254.4 **Right of the child to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health (Article 24).** States must strive to ensure that no child is deprived of his or her right of access to health-care services.³²⁴

The Committee on the Rights of the Child has recognised the particular challenges for children affected by humanitarian emergencies. In those circumstances, “all possible measures should be taken to ensure that children have uninterrupted access to health services, to (re)unite them with their families and to protect them not only with physical support, such as food and clean water, but also to encourage special [...] care to prevent or address fear and traumas”. To fulfil this right, States Parties are also required to promote and encourage international cooperation with a view to achieving progressively the full realisation of the right.³²⁵

- 254.5 **Right of the child to an adequate standard of living (Article 27).** This is a composite right which captures all factors and living conditions which are necessary to enable the development of the child. At a minimum, this includes adequate nutrition, clothing and housing.³²⁶

- 254.6 **Right of the child to education (Article 28).** States parties are obliged to (*inter alia*) make education available and accessible to every child.³²⁷ Article 28 of the CRC is modelled on Article 13 of the ICCPR.

- 254.7 **Prohibition on torture, or other cruel, inhuman or degrading treatment or punishment (Article 37).** As in the ICCPR, this Article allows no derogation or limitation. This Article is complemented and extended by Article 19 of the CRC.

- 254.8 **Obligation to respect and ensure respect for rules of international humanitarian law which are relevant to the child (Article 38).** In addition to the rules of international humanitarian law set out above, Article 77(1) of Additional Protocol I provides that children are the object of special respect and must be protected against any form of indecent assault. States parties must accordingly provide them with the care and aid they require.³²⁸

4 The International Convention on the Elimination of All Forms of Racial Discrimination

- 255 Israel is a party to CERD, and – as this Court recently affirmed – it is bound in respect of its conduct in the OPT.³²⁹

³²⁴ CRC Art 24(1).

³²⁵ CRC Art 24(4).

³²⁶ A Nolan, ‘Article 27: The Right to a Standard of Living Adequate for the Child’s Development’ in J Tobin (ed), *The UN Convention on the Rights of the Child: A Commentary* (OUP 2019), pp. 1028-1029.

³²⁷ CRC Art 28(1).

³²⁸ See also J-M Henckaerts & L Doswald-Beck, *Customary International Humanitarian Law: Volume I: Rules* (CUP 2005), Rule 135.

³²⁹ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 101.

256 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

256.1 **Obligation to eliminate racial discrimination in all its forms (Article 2).** States parties must pursue by all appropriate means and without delay a policy of eliminating racial discrimination.³³⁰

256.2 **Obligation to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination (Article 5).** Article 5 of the Convention, apart from requiring a guarantee that the exercise of human rights shall be free from racial discrimination, does not of itself create civil, political, economic, social or cultural rights, but assumes the existence and recognition of these rights.³³¹ The Convention obliges States to prohibit and eliminate racial discrimination in the enjoyment of such human rights, including: (a) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution (Article 5(b)); (b) the right to housing (Article 5(e)(iii)); (c) the right to public health, medical care, social security and social services (Article 5(c)(iv)); and (d) the right to education and training (Article 5(c)(v)).

5 The Convention on the Elimination of All Forms of Discrimination against Women

257 Israel is a party to CEDAW, and it is bound in respect of its conduct in the OPT.³³²

258 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

258.1 **Right of women to access appropriate health care (Article 12(2)).** States parties are required to ensure women have appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation. The CEDAW Committee has observed that “it is the duty of States parties to ensure women’s right to safe motherhood and emergency obstetric services and they should allocate to these services the maximum extent of available resources.”³³³

258.2 **Right of rural women to access adequate health care facilities and enjoy adequate living conditions (Article 14(2)(b), (h)).** This requires States parties to provide rural women with access to (*inter alia*): (a) primary health care; prenatal, perinatal, postnatal and obstetric services; and access to essential medicines; (b) adequate housing; (c) sufficient, safe, acceptable and physically accessible and affordable water; (d)

³³⁰ Racial discrimination is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (CERD Art 1(1)).

³³¹ CERD Committee, General Comment No. 20: Article 5 (1996), ¶ 1.

³³² CEDAW Committee, Concluding Observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ISR/CO/5, 5 April 2011, ¶ 12; CEDAW Committee, General Recommendation No. 28, UN Doc. CEDAW/C/GC/28, 16 December 2010, ¶ 12.

³³³ CEDAW Committee, General Comment No. 24 (1999), ¶ 27.

adequate sanitation and hygiene; and (e) sustainable and renewable sources of energy.³³⁴

6 The Convention on the Rights of Persons with Disabilities

259 Israel is a party to the CRPD, and it is bound by CRPD in respect of its conduct in the OPT.³³⁵

260 By CRPD Article 1, persons with disabilities within the meaning of the CRPD include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

261 The following rights and obligations are relevant in relation to the presence and activities of UNRWA in the OPT:

261.1 **Right to life and effective enjoyment on an equal basis (Article 10).** This right encompasses the right to live, survive, and develop on an equal basis with others, and it requires States to ensure quality of life in all spheres of the life of persons with disability.³³⁶

261.2 **Obligation to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk (Article 11).** States Parties must (*inter alia*) ensure that: (a) humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergency; (b) sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities;³³⁷ and (c) preparedness and disaster risk reduction measures, emergency evacuation procedures and early warning systems reach all members of the community, including persons with disabilities regardless of physical environment, transportation, information and communication barriers.³³⁸

261.3 **Prohibition on torture, or cruel, inhuman or degrading treatment or punishment (Article 15(1)).** Article 15(1) adopts verbatim the language of Article 7 of the ICCPR and is similarly non-derogable.

261.4 **Obligation to protect persons with disabilities from violence (Article 16).** States parties must take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities from all forms of violence. States parties must also take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with

³³⁴ CEDAW Committee, General Recommendation No. 34, UN Doc. CEDAW/C/GC/34, 7 March 2016, ¶¶ 39(a), 79-84.

³³⁵ Like the ICESCR, the CRPD does not contain a provision on the scope of its application, but (as the Committee on the Rights of Persons with Disabilities accepts) Israel is bound by the CRPD in respect of its conduct in the OPT: *Concluding observations on the initial report of Israel*, UN Doc. CRPD/C/ISR/CO/1, 9 October 2023.

³³⁶ S Nizar, 'Article 10: Right to Life' in I Bantekas (et al), *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (OUP 2018), p. 287.

³³⁷ UN RPD Committee, Guidelines on treaty-specific documents to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, UN Doc. CRPD/C/2/3, 18 November 2009, p. 9.

³³⁸ Statement of the Committee on the Rights of Persons with Disabilities on disability inclusion for the World Humanitarian Summit (adopted during the Committee's 14th session, held, from 17 August to 4 September 2015 in Geneva).

disabilities who become victims of any form of violence, including through the provision of protection services.³³⁹

261.5 **Right of persons with disabilities to education (Article 24).** Persons with disabilities must (*inter alia*) have access to inclusive, quality and free primary and secondary education, within safe physical reach and with safe and secure means of transportation.³⁴⁰ In situations of armed conflict and humanitarian emergencies, temporary learning environments in such contexts must (*inter alia*) include accessible educational materials, school facilities and counselling. Learners with disabilities must not be denied access to educational establishments on the basis that evacuating them in emergency situations would be impossible, and reasonable accommodation must be provided.³⁴¹

261.6 **Right of persons with disabilities to an adequate standard of living for themselves and their families (Article 28).** This includes the right to adequate food, clothing and housing and requires States to (*inter alia*) ensure access by persons with disabilities to: (a) clean water services; (b) appropriate and affordable services, devices and other assistance for disability-related needs; and (c) poverty reduction programmes.³⁴²

B Israel's human rights obligations concerning UNRWA in the OPT

262 Below, Pakistan considers the extent to which Israel is in breach of its human rights obligations in relation to the presence and activities of UNRWA in the OPT. Pakistan focuses for the purposes of this submission on Israel's conduct in Gaza (without detracting in any way from the atrocities committed by Israel in other parts of the OPT).

1 Targeting of UNRWA personnel and displaced persons in UNRWA premises

263 UNRWA personnel and UNRWA premises are being “systematically targeted by the Israeli army” in Gaza.³⁴³ 273 UNRWA personnel have been killed in the last 18 months,³⁴⁴ an “unprecedented” death toll in UN history, despite established coordination mechanisms with the Israeli Security Forces.³⁴⁵ In addition, at least 738 displaced persons, including children, have been killed while sheltering inside UNRWA premises, and 2,401 have been injured.³⁴⁶

264 Israel's conduct has also exacerbated the already precarious situation of persons with disabilities in Gaza, many of whom are seeking refuge in UNRWA premises. Before the war, one in five families in Gaza had at least one person with disabilities. Nearly half of them included a child with disabilities. Now, Gaza now has the highest number of child amputees per capita in the world, and the World Health Organization estimates that one in four people

³³⁹ CRPD Arts 16(1), (4).

³⁴⁰ CRPD Art 24(2)(b); RPD Committee, General comment No. 4, UN Doc. CRPD/C/GC/4, 25 November 2016, ¶¶ 20, 27.

³⁴¹ CRPD Art 24(2)(b); RPD Committee, General Comment No. 4, UN Doc. CRPD/C/GC/4, 25 November 2016, ¶ 14.

³⁴² CRPD Art 28.

³⁴³ Commission of Inquiry, *Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023* (10 June 2024), ¶ 128, available [here](#) (“**Commission of Inquiry Report**”); *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc. A/HRC/55/73, 1 July 2024, ¶ 38.

³⁴⁴ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

³⁴⁵ Commission of Inquiry Report, ¶ 86.

³⁴⁶ UNRWA, *Situation Report #159*, 13 February 2025, available [here](#).

injured during Israel's assault on Gaza sustained life-changing injuries and will need rehabilitation services, including care for amputations and spinal cord injuries.³⁴⁷

- 265 By targeting UNRWA personnel and premises, Israel is not fulfilling its positive obligations to (*inter alia*) protect UNRWA personnel or displaced persons in UNRWA premises from reasonably foreseeable threats and life-threatening situations that can result in loss of life,³⁴⁸ or adopting special measures to protect those individuals.³⁴⁹ It is doing the opposite.
- 266 Israel's targeting of and abject failure to protect UNRWA personnel and others housed in UNRWA premises,³⁵⁰ constitute a breach of (*inter alia*): (a) the right to life;³⁵¹ (b) the prohibition on torture, or other cruel, inhuman or degrading treatment;³⁵² (c) the rights of the family;³⁵³ (d) the rights of the child;³⁵⁴ (e) the right of the child to be free from all forms of violence;³⁵⁵ (f) the right of refugee children to special protection;³⁵⁶ (g) Israel's obligation to respect and ensure respect for rules of international humanitarian law which are relevant to the child;³⁵⁷ (h) Israel's obligation to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk;³⁵⁸ and (i) Israel's obligation to protect persons with disabilities from violence.³⁵⁹

2 Targeting and destruction of UNRWA schools and health centres

- 267 Below, Pakistan considers Israel's extensive targeting and destruction in Gaza of UNRWA health centres (A) and UNRWA schools (B).

(a) UNRWA health centres

- 268 As set out above, UNRWA is one of the largest health actors operating in Gaza, providing health services, including medical consultations and immunisations, to over half of the people reached since 7 October 2023.³⁶⁰
- 269 In targeting and destroying UNRWA health centres, Israel has denied many Palestinians of access to essential health care services. As of 3 February 2025, only three out of 22 UNRWA

³⁴⁷ X, Philippe Lazzarini, @UNLazzarini, 3 December 2024, available [here](#).

³⁴⁸ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 7.

³⁴⁹ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 26.

³⁵⁰ UNRWA, *Situation Report #155*, 16 January 2025, available [here](#).

³⁵¹ As guaranteed under Article 6 of the ICCPR, Article 6 of the CRC and Article 10 of the CRPD. The Commission of Inquiry has concluded that Israel is in breach of ICCPR Art 6(1) and CRC Art 6: Commission of Inquiry Report, ¶¶ 478, 486.

³⁵² As guaranteed under Article 7 of the ICCPR, Article 37 of the CRC and Article 15(1) of the CRPD. The Commission of Inquiry has concluded that Israel is in breach of ICCPR Art 7: Commission of Inquiry Report, ¶ 478.

³⁵³ As guaranteed under Article 23 of the ICCPR and Article 10 of the ICESCR. The Commission of Inquiry has concluded that Israel is in breach of ICESCR Art 10 and ICCPR Art 23: Commission of Inquiry Report, ¶ 488.

³⁵⁴ As guaranteed under Article 24 of the ICCPR.

³⁵⁵ As guaranteed under Article 19 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of CRC Art 19: Commission of Inquiry Report, ¶ 486.

³⁵⁶ As guaranteed under Article 22 of the CRC.

³⁵⁷ As guaranteed under Article 38 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of CRC Art 38: Commission of Inquiry Report, ¶ 488.

³⁵⁸ As guaranteed under Article 11 of the CRPD.

³⁵⁹ As guaranteed under Article 16 of the CRPD.

³⁶⁰ UNRWA, *Situation Report #158*, 7 February 2025, available [here](#).

health centres and four additional UNRWA-rented facilities used as temporary health centres were operational in Gaza.³⁶¹

- 270 The lack of health services has a particular impact on women, who are being denied access to even the most basic health services:

“The treatment of pregnant and lactating women continues to be appalling, with the direct bombardment of hospitals and deliberate denial of access to health care facilities by Israeli snipers, combined with the lack of beds and medical resources placing an estimated 50,000 pregnant Palestinian women and 20,000 new-born babies at unimaginable risk. Over 183 women per day are giving birth without pain relief, while hundreds of babies have died because of a lack of electricity to power incubators. [...] The dreadful conditions have resulted in increases in miscarriages by up to 300 percent. [...] In addition, an estimated 690,000 women and girls in Gaza who require menstrual hygiene supplies are unable to manage their menstrual cycle in privacy and with dignity with some reports of contraceptive pills being taken to avoid the unhygienic menstrual conditions.”³⁶²

- 271 Israel has also denied thousands of children in Gaza access to health care services. As early as December 2023, the Independent International Commission of Inquiry on the OPT, including East Jerusalem, and Israel (“**Commission of Inquiry**”) had concluded that, by directly targeting and destroying civilian infrastructure, such as UNRWA health facilities, Israel has “systematically created conditions that impeded children’s rights to health facilities and the highest attainable standard of physical and mental health”.³⁶³ The situation is of course more dire today.
- 272 Israel’s targeting of UNRWA health centres also has an outsized impact on people with disabilities (which, as above, is a group that is exponentially increasing in number in Gaza). UNRWA historically provided specialised support to persons with disabilities through its health centres, but its health centres in Gaza have been either damaged or destroyed – such as the Rehabilitation Centre for the Visually Impaired, which was damaged by Israeli forces in February 2024³⁶⁴ – and/or converted into shelters for displaced people.
- 273 Israel is also not fulfilling its positive obligations to (*inter alia*) provide disaster relief and humanitarian assistance in an emergency situation,³⁶⁵ promote and encourage international cooperation to facilitate access to health care,³⁶⁶ provide special protection to mothers before and after child birth,³⁶⁷ bolster emergency health services,³⁶⁸ and ensure children have uninterrupted access to health services.³⁶⁹ Again, it is doing the opposite.

³⁶¹ UNRWA, *Situation Report #158*, 7 February 2025, available [here](#).

³⁶² Special Procedures of the Human Rights Council, *Onslaught of violence against women and children in Gaza unacceptable: UN experts*, 6 May 2024, available [here](#).

³⁶³ Commission of Inquiry Report, ¶ 487.

³⁶⁴ UNRWA, *Situation Report #77*, 14 February 2024, available [here](#); X, UNRWA, @UNRWA, 15 February 2024, available [here](#).

³⁶⁵ UN ESCR Committee, General Comment No. 14, UN Doc. E/C.12/2000/4, 11 August 2000, ¶ 16; ICCPR Art 12(2)(c).

³⁶⁶ CRC Art 24(4).

³⁶⁷ ICESCR Art 10(2).

³⁶⁸ UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 26.

³⁶⁹ UN RC Committee, General Comment No. 15, UN Doc. CRC/C/GC/15, 17 April 2013, p. 5.

274 Israel's targeting and destruction of UNRWA health centres – resulting in a lack of access to even the most basic health care for many Palestinians – and its failure to fulfil its positive obligations, constitute a breach of (*inter alia*): (a) the right to life;³⁷⁰ (b) the right to the highest attainable standard of health;³⁷¹ (c) the right of women to access appropriate health care;³⁷² (d) the right of rural women to access adequate health care facilities;³⁷³ (e) the rights of the family;³⁷⁴ (f) the rights of the child;³⁷⁵ (g) the right of the child to be free from all forms of violence;³⁷⁶ (h) the right of refugee children to special protection;³⁷⁷ (i) Israel's obligation to respect and ensure respect for rules of international humanitarian law which are relevant to the child;³⁷⁸ and (j) Israel's obligation to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.³⁷⁹

(b) UNRWA schools

275 As noted above, in 2022 UNRWA provided basic education to 290,288 students through 278 UNRWA schools in Gaza.³⁸⁰ However, as of September 2024, nearly 70% of the Agency's schools in Gaza had been hit, some several times. Of those, some schools have been flattened, and many have been severely damaged. Most UNRWA schools cannot be used for education any longer, as they are destroyed, damaged, or currently sheltering hundreds of thousands of displaced people.³⁸¹ Around 660,000 students have been out of learning in Gaza, almost half of whom were going to UNRWA schools,³⁸² and children with disabilities are largely unable to access any form of education.³⁸³ Indeed, as early as December 2023, the Commission of Inquiry had concluded that, by directly targeting and destroying civilian infrastructure, such as UNRWA schools, Israel has “systematically created conditions that impeded children's rights to [...] education”.³⁸⁴

276 Israel is also not fulfilling its positive obligations to (*inter alia*) provide children with the requisite level of education,³⁸⁵ take positive measures that enable and assist individuals and

³⁷⁰ As guaranteed under Article 6 of the ICCPR, Article 6 of the CRC and Article 10 of the CRPD. The Commission of Inquiry has concluded that Israel is in breach of ICCPR Art 6(1) and CRC Art 6: Commission of Inquiry Report, ¶¶ 478, 486.

³⁷¹ As guaranteed under Article 12 of the ICESCR and Article 24 of the CRC. The Commission of Inquiry has concluded that the attacks on infrastructure, including health centres, in Gaza amount to violations of the rights to hygiene and medical services under ICESCR Art 12 and a violation of CRC Art 24: Commission of Inquiry Report, ¶¶ 479, 487.

³⁷² As guaranteed under Article 12(2) of the CEDAW.

³⁷³ As guaranteed under Article 14(2)(b) of CEDAW.

³⁷⁴ As guaranteed under Article 23 of the ICCPR and Article 10 of the ICESCR. The Commission of Inquiry has concluded that Israel is in breach of ICESCR Art 10 and ICCPR Art 23: Commission of Inquiry Report, ¶ 488.

³⁷⁵ As guaranteed under Article 24 of the ICCPR.

³⁷⁶ As guaranteed under Article 19 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of CRC Art 19: Commission of Inquiry Report, ¶ 486.

³⁷⁷ As guaranteed under Article 22 of the CRC.

³⁷⁸ As guaranteed under Article 38 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of CRC Art 38: Commission of Inquiry Report, ¶ 488.

³⁷⁹ As guaranteed under Article 11 of the CRPD.

³⁸⁰ *Annual Operational Report 2022* (UNRWA 2023) § 1.2.1.

³⁸¹ UNRWA, *Education under Attack: Restoring Learning for Children in Gaza* (September 2024), available [here](#).

³⁸² UNRWA, *Situation Report #158*, 7 February 2025, available [here](#); UNRWA, *Education under Attack: Restoring Learning for Children in Gaza* (September 2024), available [here](#).

³⁸³ Faculty of Education, University of Cambridge, Centre for Lebanese Studies & UNRWA (2024). *Palestinian Education Under Attack in Gaza: Restoration, Recovery, Rights and Responsibilities in and through Education*, p. 19.

³⁸⁴ Commission of Inquiry Report, ¶ 487.

³⁸⁵ UN HR Committee, General Comment No. 17: Article 24 (1989), ¶ 3.

communities to enjoy the right to education,³⁸⁶ and provide temporary learning environments for persons with disabilities.³⁸⁷

- 277 Israel's targeting and destruction of UNRWA schools, and its failure to fulfil its positive obligations, constitute a breach of (*inter alia*): (a) the right to education;³⁸⁸ and (b) the rights of the child.³⁸⁹

3 Interference with humanitarian aid provided by UNRWA

- 278 As set out above, UNRWA provides relief and other services to 1,754,309 registered Palestine refugees and other individuals entitled to receive its services in Gaza. Israel's conduct in respect of UNRWA has severely interrupted this aid.

- 279 Israeli forces have struck UNRWA aid convoys in Gaza (despite advance coordination with the authorities),³⁹⁰ and UNRWA aid workers are being targeted and killed. Oxfam's policy advisor for the OPT warned: "[c]hildren trapped in Gaza are dying of hunger while Israel obstructs aid and kills aid workers – this is why children are dying of starvation."³⁹¹

- 280 Israel has also consistently refused to allow sufficient humanitarian aid to reach Palestinians in Gaza, including through the auspices of UNRWA. Indeed, as of September 2024, Save the Children concluded that, as a consequence of the Israeli Government's obstruction of aid:

"83% of required food aid does not make it into Gaza, up from 34% in 2022. This reduction means people in Gaza have gone from having an average of two meals a day to just one meal every other day. An estimated 50,000 children aged between 6-59 months urgently require treatment for malnutrition by the end of year.

65% of the insulin required and half of the required blood supply are not available in Gaza.

Availability of hygiene items has dropped to 15% of the amount available in September 2023. One million women are now going without the hygiene supplies they need. [...]

1.87 million people are in need of shelter with at least 60% of homes destroyed or damaged (January 2024). Yet tents for around just 25,000 people have entered Gaza since May 2024."³⁹²

³⁸⁶ UN ESCR Committee, General Comment No. 13, UN Doc. E/C.12/1999/10, 8 December 1999, ¶ 47.

³⁸⁷ CRPD Art 24(2)(b); UN RPD Committee, General Comment No. 4, UN Doc. CRPD/C/GC/4, 25 November 2016, ¶ 14.

³⁸⁸ As guaranteed under Article 13 of the ICESCR, Article 28 of the CRC and Article 24 of the CRPD. The Commission of Inquiry has concluded that the attacks on infrastructure, including education services, in Gaza amount to violations of the right to education under the ICESCR and CRC Art 28: Commission of Inquiry Report, ¶ 479.

³⁸⁹ As guaranteed under Article 24 of the ICCPR.

³⁹⁰ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc A/79/13, 1 January–31 December 2023, pp. 4–6; Commission of Inquiry Commission of Inquiry Report, ¶¶ 234, 236.

³⁹¹ The Guardian, *Aid groups demand Israel improve measures to keep their workers safe*, 4 April 2024, available [here](#).

³⁹² Save the Children, *Israel's Siege Now Blocks 83% of Food Aid Reaching Gaza, New Data Reveals*, 16 September 2024, available [here](#) (emphasis omitted).

- 281 Indeed, as early as December 2023, the Commission of Inquiry determined that the restrictions and limitation of essential supplies and necessities by Israel had led to the severe restriction of basic necessities for the preservation of life, conditions which have been exacerbated by hospitals being forced to function without essential medical supplies and attacks on infrastructure. It concluded that this conduct resulted in the denial of access to the rights to adequate food, education, health, social security and water and sanitation.³⁹³ The Commission ultimately concluded that Israel is “using starvation as a method of warfare”.³⁹⁴ In September 2024, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories agreed with this conclusion.³⁹⁵
- 282 The situation for children with disabilities is particularly dire due to severe restrictions by the Israeli authorities affecting goods and essential supplies permitted to enter Gaza. Assistive devices to support children with disabilities have either been lost or damaged during Israeli military strikes, repetitive evacuation orders, or the situation in the shelters. Further, as of September 2024, assistive devices were prevented from entering Gaza and were entirely unavailable in the market and not allowed in through the borders. This has a debilitating impact on the lives of children with disabilities, further isolating them from society.³⁹⁶
- 283 Israel is seeking to impair further the ability of UNRWA to provide aid to Palestinian refugees in Gaza through the enactment of the Israeli Legislation. As set out above, the Law for the Cessation of UNRWA Activities (2024) provides that “[n]o state authorities, including bodies and individuals performing public duties according to law, shall have any contact with UNRWA or any of its representatives”.³⁹⁷ In reliance on this, Israel is already indirectly refusing to hold UNRWA immune from import taxes on pharmaceuticals for official use,³⁹⁸ refusing to process VAT rebate requests from UNRWA with respect to important purchases for official use (e.g. medical supplies, technical equipment, essential electronics), and refusing to renew the work permits of the Agency’s international staff.³⁹⁹ Further, were the ceasefire not to hold, by legislating “to prevent any activity of UNRWA”⁴⁰⁰ in East Jerusalem pursuant to the Law for the Cessation of UNRWA Activities (2024), Israel is endangering “the fragile lifelines necessary for humanitarian assistance in Gaza”.⁴⁰¹
- 284 Finally, it is plain that Israel is also not complying with its positive obligations to (*inter alia*) take appropriate measures to address widespread hunger and malnutrition and extreme poverty and homelessness, including by: (a) taking appropriate measures to ensure access without delay to essential goods and services, such as food, water, shelter, health care, electricity and sanitation, and (b) bolstering of effective emergency health services and

³⁹³ The Commission of Inquiry has similarly concluded that the attacks on infrastructure, including education services, in Gaza amount to violations of the right to education under the ICESCR: Commission of Inquiry Report, ¶ 480.

³⁹⁴ Commission of Inquiry Report, ¶ 488.

³⁹⁵ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, UN Doc. A/79/363 (20 September 2024), ¶ 29.

³⁹⁶ Faculty of Education, University of Cambridge, Centre for Lebanese Studies & UNRWA (2024). *Palestinian Education Under Attack in Gaza: Restoration, Recovery, Rights and Responsibilities in and through Education*, p. 22.

³⁹⁷ Law for the Cessation of UNRWA Activities (2024), ¶ 2.

³⁹⁸ *Note Verbale* from the UN Office of Legal Affairs to the Ministry of Foreign Affairs of Israel, 4 December 2024, p. 1.

³⁹⁹ UNRWA, *Situation Report #158*, 7 February 2025, available [here](#).

⁴⁰⁰ Law for the Cessation of UNRWA Activities in the State of Israel (2024), ¶ 1.

⁴⁰¹ *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN Doc. A/79/384, 1 October 2024, ¶ 81.

emergency response operations.⁴⁰² Nor is it taking every possible economic and social measure to reduce infant mortality and to eradicate malnutrition among children,⁴⁰³ or ensuring that everyone under its jurisdiction has access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.⁴⁰⁴ It is also not respecting or protecting the work of UNRWA personnel who are assisting Palestinian refugees in the realisation of their right to adequate food.⁴⁰⁵ To the contrary, Israel is unlawfully using aid, and the provision of food and medical supplies in particular, as an instrument of warfare and political and economic pressure.⁴⁰⁶

- 285 Israel's targeting of UNRWA aid convoys and humanitarian workers, its obstruction of UNRWA's humanitarian aid, and its abject failure to fulfil any of its positive obligations, constitute a breach of (*inter alia*): (a) the right to life;⁴⁰⁷ (b) the right to an adequate standard of living and be free from hunger;⁴⁰⁸ (c) the right to the highest attainable standard of health;⁴⁰⁹ (d) the right of women to access appropriate health care;⁴¹⁰ (e) the right of rural women to access adequate health care facilities and enjoy adequate living conditions;⁴¹¹ (f) the right of refugee children to special protection;⁴¹² (g) Israel's obligation to respect and ensure respect for rules of international humanitarian law which are relevant to the child;⁴¹³ and (h) Israel's obligation to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.⁴¹⁴

4 Discrimination against Palestinians in the OPT

- 286 In the *Occupied Palestinian Territory* opinion, the Court considered (*inter alia*) the UN Charter, the Fourth Geneva Convention and several human rights instruments (including the ICCPR, ICESCR and CERD) – all of which prohibit discrimination – and the customary international law principle of the prohibition of discrimination. It determined that: (a) the differential treatment of Palestinians can give rise to discrimination,⁴¹⁵ and (b) the broad array of legislation adopted and measures taken by Israel in its capacity as an occupying power treat Palestinians differently on grounds specified by international law.⁴¹⁶

⁴⁰² UN HR Committee, General Comment No. 36: Article 6, UN Doc. CCPR/C/GC/36, 3 September 2019, ¶ 26.

⁴⁰³ UN HR Committee, General Comment No. 17: Article 24 (1989), ¶ 3.

⁴⁰⁴ UN ESCR Committee, General Comment No. 12 (12th session, 1999), ¶ 14.

⁴⁰⁵ UN ESCR Committee, General Comment No. 12 (12th session, 1999), ¶ 35.

⁴⁰⁶ UN ESCR Committee, General Comment No. 12 (12th session, 1999), ¶ 37; UN ESCR Committee, General Comment No. 14, UN Doc. E/C.12/2000/4, 11 August 2000, ¶ 41.

⁴⁰⁷ As guaranteed under Article 6 of the ICCPR, Article 6 of the CRC and Article 10 of the CRPD. The Commission of Inquiry has concluded that Israel is in breach of ICCPR Art 6(1) and in breach of CRC Art 6, including by using starvation as a manner of warfare: Commission of Inquiry Report, ¶¶ 478, 486.

⁴⁰⁸ As guaranteed under Article 11 of the ICESCR, Article 27 of the CRC and Article 28 of the CRPD. The Commission of Inquiry has concluded that Israel is in breach of ICESCR Art 11 and CRC Art 27: Commission of Inquiry Report, ¶¶ 479, 487.

⁴⁰⁹ As guaranteed under Article 12 of the ICESCR and Article 24 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of ICESCR Art 12: Commission of Inquiry Report, ¶¶ 479, 487.

⁴¹⁰ As guaranteed under Article 12(2) of the CEDAW.

⁴¹¹ As guaranteed under Article 14(2)(b) of the CEDAW.

⁴¹² As guaranteed under Article 22 of the CRC.

⁴¹³ As guaranteed under Article 38 of the CRC. The Commission of Inquiry has concluded that Israel is in breach of CRC Art 38: Commission of Inquiry Report, ¶ 488.

⁴¹⁴ As guaranteed under Article 11 of the CRPD.

⁴¹⁵ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 190.

⁴¹⁶ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 223.

287 Pakistan agrees with the Committee on the Elimination of Racial Discrimination that the nature of the current conflict is intrinsically linked to discrimination against Palestinians,⁴¹⁷ and submits that Israel's conduct in relation to UNRWA and the Palestinian population that it serves – as set out in detail above – is an extension of Israel's discriminatory conduct in the OPT and treats Palestinians differently on grounds specified by international law. In particular, Pakistan submits that the conduct of Israel constitutes discrimination based on, *inter alia*, race, religion or ethnic origin, in violation of: (a) Articles 2 and 26 of the ICCPR; (b) Article 2(2) of the ICESCR; (c) Articles 2 and 5 of CERD (insofar as the Court determines that Israel is in breach of the rights referred to in Article 5); and (d) Article 2 of the CRC.

VII LAW OF STATE RESPONSIBILITY

288 As demonstrated in Sections IV to VI of this written statement, Israel is in serious breach of its obligations under international law, including (*inter alia*) obligations under the Charter, the UNCPI, the Fourth Geneva Convention, and numerous human rights instruments, with respect to the activities of the UN, and UNRWA in particular, in and in relation to the OPT.

289 However, any complete discussion of Israel's obligations in the OPT cannot end with a finding of breach. It must also encompass further obligations of the customary international law of State responsibility incumbent on Israel which arise automatically by reason of the breach in question.

290 In this Section, Pakistan shortly identifies and populates the two key obligations of cessation and reparation (A), before discussing how they apply to Israel in the present case (B).

A Obligations of cessation and reparation arising consequent to an internationally wrongful act

291 Under the customary international law of State responsibility, breach by Israel of its primary obligations under these instrument gives rise to two secondary obligations:

291.1 **First**, an obligation to cease any ongoing breach of the norm in question; and

291.2 **Second**, an obligation to restore the *status quo ante*, including by providing reparation and compensation with respect to any damage caused by the relevant breach.

292 So far as the obligation of **cessation** is concerned, the Court has previously held that “the State responsible for the internationally wrongful act is under an obligation to cease that act, if continuing”.⁴¹⁸

293 So far as the obligation of **reparation** is concerned, the Permanent Court of International Justice stated in *Factory at Chorzów* that “it is a principle of international law that the breach of an engagement involves an obligation to make reparation in an adequate form”.⁴¹⁹ Such reparation “must, as far as possible, wipe out all consequences of the illegal act and reestablish

⁴¹⁷ See also, CERD Committee, *Report of the ad hoc conciliation commission on the inter-State communication submitted by the State of Palestine against Israel under article 11 of the International Convention on the Elimination of All Forms of Racial Discrimination*, UN Doc. CERD/C/113/3, 21 August 2024, ¶ 38.

⁴¹⁸ *Jurisdictional Immunities* [2012] ICJ Rep 99, ¶ 137. See also *Wall* [2004] ICJ Rep 136, ¶ 150.

⁴¹⁹ *Factory at Chorzów (Jurisdiction) (Germany v Poland)*, Judgment (1927) PCIJ Ser A No 9, 21.

the situation which would, in all probability have existed if that act had not been committed.”⁴²⁰

B Obligations of cessation and reparation incumbent on Israel in the present case

294 Pakistan has already set out, *in extenso*, its case concerning Israel’s breach of a wide array of customary and conventional primary obligations.

295 Such is the egregious nature of Israel’s breaches, and so overwhelming the evidence, that there can be no doubt that Israel’s internationally wrongful conduct has caused injuries to the UN, and to UNRWA specifically. Pakistan is not alone in this assessment. The General Assembly, in its Resolution of 5 December 2024 (adopted by 159 Member States):

295.1 condemned (*inter alia*) “the killing, injury and detention contrary to international law of Agency staff, the attacks affecting its facilities in the Gaza Strip and its compound in occupied East Jerusalem, and incitement against the Agency”;

295.2 demanded that Israel cease all such actions; and

295.3 underscored the “imperative of reparations, in accordance with international law, for all losses, damage and destruction sustained by the Agency in the [OPT]”.⁴²¹

296 As a starting point, Israel’s obligation of **cessation** requires it to bring to an end any misconduct which violates its primary obligations under international law. This means that, with respect to UNRWA, Israel must (*inter alia*) facilitate by all means at its disposal UNRWA’s humanitarian relief operations in the OPT. This includes allowing UNRWA to provide the Palestinian population in the OPT with immediate and unhindered access to necessary food, water, clothing, shelter, education and health care services. And it further means affording full respect to the immunity and inviolability of UNRWA and its staff, including by ensuring that action is never taken by its authorities under the Anti-UNRWA Legislation or, if it is taken, that it immediately cease.

297 Israel is also under an obligation to provide full **reparation** for the damage caused by its internationally wrongful acts to all natural or legal persons concerned.⁴²² Specifically with respect to injuries caused to the UN (which have occurred here), the Court has previously recognised that “it is necessary that, when an infringement occurs, the [UN] should be able to call upon the responsible State to remedy its default, and, in particular, to obtain from the State reparation for the damage that the default may have caused to its agent”.⁴²³ Reparation includes three remedies within its ambit: restitution, compensation and satisfaction.⁴²⁴

⁴²⁰ *Factory at Chorzów (Merits) (Germany v Poland)*, Judgment (1928) PCIJ Ser A No 17, 47 (emphasis added). The principle has been affirmed by the Court on multiple occasions: see e.g. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Judgment [2007] ICJ Rep 43, ¶ 460; *Amadou Sadio Diallo (Republic of Guinea v Democratic Republic of the Congo)*, Judgment [2010] ICJ Rep 639, ¶ 161; *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 267.

⁴²¹ *Support for the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, GA Res A/ES-10/L.32, 5 December 2024, ¶ 15.

⁴²² *Wall* [2004] ICJ Rep 136, ¶ 152.

⁴²³ *Reparation* [1949] ICJ Rep 174, 183.

⁴²⁴ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 269.

- 298 Restitution in this context includes returning to UNRWA unencumbered possession of any premises that were evacuated and allowing UNRWA staff to return to such premises.
- 299 Should restitution prove to be “materially impossible”, Israel has an obligation to provide compensation for injuries caused as a result of its wrongful acts.⁴²⁵ Israel therefore has an obligation to quantify any damage (in accordance with rules of international law) and to pay compensation for such damage. This would include compensation for pecuniary loss as well compensation for the “death or disablement” of any UNRWA personnel.⁴²⁶
- 300 Finally, to the extent that restitution and/or compensation is insufficient to restore the *status quo ante*, Israel must meet its obligation of full reparation *via* satisfaction. This may include issuing a statement of acknowledgement of breach, combined with assurances and guarantees of non-repetition.

VIII FINAL SUBMISSIONS

- 301 In closing:
- 301.1 Pakistan recalls the Court’s finding, in the *Occupied Palestine Territory* advisory opinion, that Israel is under an obligation to bring its unlawful occupation of the OPT to an end as soon as possible.⁴²⁷
- 301.2 Pakistan further recalls Resolution ES-10/24 of the General Assembly, adopted on 18 September 2024, which (*inter alia*) calls upon Israel in terms to end its unlawful occupation of the OPT no more than 12 months from the date of adoption, and requires the UN and its bodies to act in accordance with the Court’s findings in *Occupied Palestinian Territory*.⁴²⁸
- 302 Israel’s conduct towards UNRWA and generally towards the OPT – both before and after 7 October 2023 – are in continued defiance and contempt of both of these instruments and Israel’s obligations under international law more widely. Its attempt to dismantle UNRWA is premised on the belief that it will thereby forever destroy the “right of return” of Palestinian refugees and fatally undermine the Palestinian people’s right to self-determination. Israel cannot be allowed to succeed in implementing this egregious plan in contravention of multiple General Assembly resolutions and fundamental principles of public international law.
- 303 The situation before the Court is urgent. Israel must be required – in line with near-total international consensus – to end its unlawful occupation, which occupation prevents the full realisation of Palestinian rights and the survival of Palestinian society.
- 304 For the reasons set out in this written statement, the Pakistan respectfully requests that the Court provide an advisory opinion including, but not limited to, the following:
- 304.1 Finding that it has jurisdiction to give the requested Advisory Opinion;

⁴²⁵ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 270.

⁴²⁶ *Reparation* [1949] ICJ Rep 174, 181.

⁴²⁷ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶ 285.

⁴²⁸ *Occupied Palestinian Territory*, ICJ General List No 186, Advisory Opinion, 19 July 2024, ¶¶ 2–8.

304.2 Exercising its discretion to render the requested Advisory Opinion;

304.3 Confirming that the Court is of the opinion that:

- (a) Israel, as an occupying Power and as a UN Member, has obligations under international law to ensure and facilitate activities of the UN, including its agencies and bodies, other international organizations and third States, in and in relation to the OPT, 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;
- (b) Specifically with respect to the UN, its agencies and bodies, including UNRWA, Israel has obligations under international law to:
 - (i) Provide every assistance to the UN, its agencies and bodies, including UNRWA, to carry out their missions in the OPT and allow them to operate freely and without interference;
 - (ii) Recognise and respect the control of the UN over its agencies and bodies, including control over UNRWA, and not undermine that control in any way;
 - (iii) Recognise and respect the privileges and immunities of the UN, its agencies and bodies, including those claimed by UNRWA to carry out its mandate, and not undermine or violate those privileges and immunities in any way;
 - (iv) Protect UN personnel, including the personnel of UNRWA, in Israel and the OPT in accordance with Israel's obligations under international humanitarian and human rights law;
 - (v) Allow international staff of the UN, including UNRWA, to move freely in, out and within Israel and the OPT;
 - (vi) Allow local staff of the UN, including UNRWA, to move freely within the OPT;
 - (vii) Ensure the protection and security of UN installations and properties, including those of UNRWA;
 - (viii) Allow free movement of UN vehicles, including those of UNRWA, into, within and out of Israel and the OPT;
 - (ix) Agree to and facilitate by all the means at its disposal relief schemes (including those operated by the UN, its agencies and bodies, including UNRWA) to supply the population with consignments of foodstuffs, medical supplies, clothing, bedding, means of shelter and other supplies essential to the survival of the civilian population, and permitting free passage and protection of such consignments;

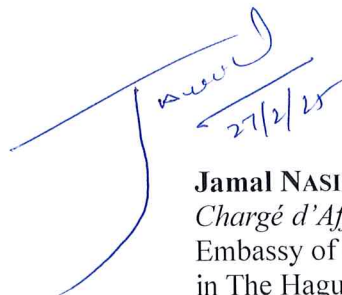
- (x) Allow, to the fullest extent of the means available to it, the UN, its agencies and bodies, including UNRWA, to provide medical, public health and hygiene services in the OPT;
- (xi) Allow the UN, its agencies and bodies, including UNRWA, to operate freely and without interference in providing all other services which the UN considers necessary to support the Palestinian people in the OPT, including but not limited to humanitarian, educational, medical, administrative, security, and transportation services;
- (xii) Allow the UN, its agencies and bodies, including UNRWA, to operate freely and without interference in supporting the Palestinian people in the OPT in the exercise of their human rights and fundamental freedoms, including those found under customary international law, and in the ICCPR, the ICESCR, the CRC, the CERD, the CEDAW and the CRPD.

304.4 Israel must cease any internationally wrongful acts entailing breaches of the obligations set out in (a) and (b) above, with Pakistan inviting the Court to find such breaches as it considers to be made out on the basis of the materials before it;

304.5 Israel is under an obligation to make full reparation, including to the UN, its agencies and bodies, other international organizations and third States, for all injury caused by its internationally wrongful acts;

304.6 The UN, and especially the General Assembly and the Security Council, should consider: (a) what further action is required to establish the extent to which Israel is in breach of its obligations under international law with respect to the presence and activities of the UN, including its agencies and bodies, other international organizations and third States, in and in relation to the OPT; (b) what further action may be required to bring Israel into compliance with its obligations under international law; and (c) what mechanism should be established in order to facilitate full reparation for injury caused by Israel for its internationally wrongful acts.

Respectfully submitted on behalf of the
Islamic Republic of Pakistan,



Handwritten signature of Jamal Nasir in blue ink, with the date 27/2/25 written below it.

Jamal NASIR
Chargé d'Affaires
Embassy of the Islamic Republic of Pakistan
in The Hague

27 February 2025

