

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL COURT OF JUSTICE

OBLIGATIONS OF ISRAEL IN RELATION TO THE PRESENCE AND ACTIVITIES OF
THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS AND THIRD
STATES IN AND IN RELATION TO THE OCCUPIED PALESTINIAN TERRITORY
(REQUEST FOR ADVISORY OPINION)

WRITTEN STATEMENT SUBMITTED ON BEHALF OF
THE SECRETARY-GENERAL OF THE UNITED NATIONS

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I. INTRODUCTION

A. Background

1. By its resolution 79/232, adopted on 19 December 2024, the General Assembly decided, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice (“the Court”), pursuant to Article 65 of the Statute of the Court, on a priority basis and with the utmost urgency, to render an advisory opinion on the following question, considering the rules and principles of international law, as regards in particular the Charter of the United Nations, international humanitarian law, international human rights law, privileges and immunities applicable under international law for international organizations and States, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, the advisory opinion of the Court of 9 July 2004, and the advisory opinion of the Court of 19 July 2024, in which the Court reaffirmed the duty of an occupying Power to administer occupied territory for the benefit of the local population and affirmed that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation:

“What are the obligations of Israel, as an occupying Power and as a member of the United Nations, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory, including to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian

population as well as of basic services and humanitarian and development assistance, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?"¹

2. This written statement is submitted on behalf of the Secretary-General of the United Nations pursuant to Article 66, paragraph 2 of the Statute of the Court and on the basis of the Order by the President of the Court issued on 23 December 2024, by which he decided "that the United Nations and its Member States, as well as the observer State of Palestine, are considered likely to be able to furnish information on the question submitted to the Court for an advisory opinion and may do so within the time-limits fixed in this Order".²

3. As an overarching preliminary consideration, the Secretary-General underlines that all parties to a conflict must comply with all their obligations under international law, including international human rights law and international humanitarian law, at all times. In this respect, he reiterates his strong and unequivocal condemnation of the abhorrent acts of terror by Hamas and other Palestinian armed groups on 7 October 2023, as well as his repeated appeals for all the hostages to be released immediately and unconditionally. Indeed, in the context of the situation in Israel and in the Occupied Palestinian Territory, relevant international legal obligations are binding on several actors, including Israel, the State of Palestine, and all Palestinian armed groups. However, the question asked by the General Assembly focuses only on the legal obligations of Israel. Therefore, the focus of the present written statement on the obligations of Israel is based solely on the scope of the question asked of the Court by the General Assembly and is without prejudice to the position of the Secretary-General as to the obligations of any other actors.

¹ General Assembly resolution 79/232, 19 December 2024, para. 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)*, Order of 23 December 2024, para. 1.

B. Purpose and scope of the written statement

4. The purpose of this written statement is to furnish information that may assist the Court in responding to the question submitted thereto. First, information concerning the presence and activities of United Nations entities that maintain an ongoing presence in the Occupied Palestinian Territory is set out in part II. Second, the legal position of the Secretary-General as to the legal framework applicable to Israel in relation to such presence and activities is outlined in part III.

5. As regards the territorial scope of this written statement, the question submitted to the Court refers to “the Occupied Palestinian Territory”, which encompasses the West Bank, including East Jerusalem, and the Gaza Strip.³ With respect to the West Bank and East Jerusalem, the Court confirmed in its Advisory Opinion of 19 July 2024, citing its Advisory Opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 9 July 2004, that “in the 1967 armed conflict, Israel occupied the territories situated between the Green Line and the former eastern boundary of Palestine under the British Mandate, namely the West Bank and East Jerusalem” and that “subsequent events had not altered the status of the territories in question as occupied territories, nor Israel’s status as occupying Power”.⁴ As far as the Gaza Strip is concerned, the Court was of the view that “for the purpose of determining whether a territory remains occupied under international law, the decisive criterion is not whether the occupying Power retains its physical military presence in the territory at all times but rather whether its authority ‘has been established and can be exercised’” and further stated as follows: “Israel remained capable of exercising, and continued to exercise, certain key elements of authority over the Gaza Strip, including control of the land, sea and air borders, restrictions on movement of people and goods, collection of import and export taxes, and military control over the buffer zone, despite the withdrawal of its military presence in 2005. This is even more so since 7 October 2023”.⁵ On this basis, the Court was of the view that Israel’s withdrawal from

³ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, paras. 78, 86–94.

⁴ *Ibid.*, para. 87.

⁵ *Ibid.*, paras. 92-93.

the Gaza Strip in 2005 had not “entirely released it of its obligations under the law of occupation”.⁶ Furthermore, as the Court also stated on that occasion, “from a legal standpoint, the Occupied Palestinian Territory constitutes a single territorial unit, the unity, contiguity and integrity of which are to be preserved and respected” and “[t]hus, all references in this Opinion to the Occupied Palestinian Territory are references to this single territorial unit”.⁷ After the Court delivered its Advisory Opinion of 19 July 2024, the General Assembly, on 18 September 2024, adopted resolution ES-10/24, in which it referred to “the territory of the Gaza Strip, which constitutes an integral part of the Occupied Palestinian Territory”,⁸ and, on 11 December 2024, adopted resolution ES-10/25 in which it referred to “the Occupied Palestinian Territory, namely in the Gaza Strip and the West Bank, including East Jerusalem”.⁹

6. The General Assembly did not indicate the temporal scope of the question submitted to the Court. However, the question refers to “the obligations of Israel, as an occupying Power” and to “the Occupied Palestinian Territory”. Any relevant obligations of Israel as an “occupying Power” could only have arisen in and after 1967. The General Assembly, in its question, further referred to “the obligation of Israel ... as a member of the United Nations”. Although Israel has been a Member of the United Nations since 1949, its obligations as a Member of the United Nations could only have arisen specifically with respect to the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory in and after 1967. Accordingly, the present written statement considers facts from 1967 and onwards, while also taking into account facts that predate the occupation as far as this is relevant to the question submitted to the Court.¹⁰

7. This statement focuses on the legal framework applicable to the presence and activities of the “international organization to be known as the United Nations”¹¹ that was established by

⁶ Ibid., para. 94.

⁷ Ibid., para. 78.

⁸ General Assembly resolution ES-10/24, 18 September 2024, preamble.

⁹ General Assembly resolution ES-10/25, 11 December 2024, preamble.

¹⁰ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 80.

¹¹ Charter of the United Nations, Preamble.

the Charter of the United Nations, intended as the legal entity composed of six principal organs and a number of subsidiary organs and other organs (such as organs established under subsidiary organs).¹² In this written statement, the United Nations organs with presence and activities in and in relation to the Occupied Palestinian Territory will be referred to as “United Nations entities”. Although the term “United Nations entities” is sometimes used also in relation to other international organizations belonging to the broader United Nations system, this statement will not specifically address the legal framework applicable to the presence and activities of such international organizations, including the specialized agencies¹³ and the related organizations¹⁴ which belong to the broader United Nations system but are separate international organizations, nor will it discuss the presence and activities of third States. However, the obligations of Israel discussed in this statement may also be relevant to those other international organizations, *mutatis mutandis*. Many of the legal obligations of Israel set out in this statement, either by analogy or by virtue of the application of existing rules of international law similar to those discussed herein, are also applicable to other international organizations, including the specialized agencies and related organizations.

C. Applicable law

8. The present written statement is based on the applicable rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, and the law of the privileges and immunities applicable to the United Nations.

¹² Charter of the United Nations, Articles 7, 22, 29 and 68.

¹³ Food and Agriculture Organization of the United Nations; International Bank for Reconstruction and Development; International Civil Aviation Organization; International Development Association; International Fund for Agricultural Development; International Finance Corporation; International Labour Organization; International Monetary Fund; International Maritime Organization; International Telecommunication Union; United Nations Educational, Scientific and Cultural Organization; United Nations Industrial Development Organization; Universal Postal Union; World Health Organization; World Intellectual Property Organization; World Meteorological Organization; World Tourism Organization.

¹⁴ International Atomic Energy Agency, International Criminal Court, International Organization for Migration, International Seabed Authority, International Tribunal for the Law of the Sea; Organization for the Prohibition of Chemical Weapons; Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization; World Trade Organization.

9. With regard to international humanitarian law, the question posed by the General Assembly specifically referred to “the obligations of Israel, as an occupying Power”.¹⁵ Therefore, the present written statement only addresses the rules of international humanitarian law that stipulate the obligations of a State in its specific capacity as occupying Power, particularly those contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949¹⁶ (“the Fourth Geneva Convention”) and customary international law, including as reflected in the Regulations respecting the Laws and Customs of War on Land (“the 1907 Hague Regulations”) annexed to the Convention respecting the Laws and Customs of War on Land of 18 October 1907.¹⁷ The Court, in previous advisory opinions, found that these rules are applicable to the conduct of Israel in the Occupied Palestinian Territory.¹⁸

10. With regard to international human rights law, customary international law and the following instruments are applicable to the conduct of Israel with regard to the Occupied Palestinian Territory: the International Covenant on Economic, Social and Cultural Rights,¹⁹ the International Covenant on Civil and Political Rights,²⁰ and the Convention on the Rights of the Child.²¹ This is in line with the Court’s previous advisory opinions.²² The Court has indicated in previous advisory opinions and judgments that some of the rights stipulated in these instruments

¹⁵ General Assembly resolution 79/232, 19 December 2024, paras. 3 and 10.

¹⁶ United Nations, *Treaty Series*, vol. 75, p. 287. Israel has been a party to the Convention since 6 January 1952 with a reservation to Article 38.

¹⁷ Ministère des Affaires Étrangères des Pays-Bas, *Deuxième Conférence internationale de la Paix : Actes et documents*, tome 1^{er} (La Haye, Imprimerie nationale, 1902), p. 629.

¹⁸ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, paras. 96 and 107; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 172, para. 89 and p. 177, para. 101.

¹⁹ United Nations, *Treaty Series*, vol. 993, p. 3. Israel ratified the Covenant on 3 October 1991 without reservation.

²⁰ United Nations, *Treaty Series*, vol. 999, p. 171. Israel ratified the Covenant on 3 October 1991 with a reservation to Article 23.

²¹ United Nations, *Treaty Series*, vol. 1577, p. 3. Israel ratified the Convention on 3 October 1991 without reservation.

²² *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 100; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, pp. 180-181, paras. 111–113.

have become part of customary international law, such as the right to self-determination,²³ the principle of the prohibition of discrimination,²⁴ the prohibition on torture,²⁵ and the prohibition of inhuman and degrading treatment.²⁶

11. With regard to privileges and immunities of the United Nations, the Convention on the Privileges and Immunities of the United Nations,²⁷ agreements concluded between the United Nations and Israel, and agreements concluded between the United Nations and the Palestine Liberation Organization or the Palestinian Authority, are relevant and applicable in and in relation to the Occupied Palestinian Territory.

12. References will be made to other rules of international law; relevant resolutions of the General Assembly, the Security Council and the Human Rights Council; and the Court's Advisory Opinions of 9 July 2004 and 19 July 2024 as appropriate.

13. As far as the relevance of the 1993 and 1995 Oslo Accords signed by Israel and the Palestine Liberation Organization is concerned, the Court, in its Advisory Opinion of 19 July 2024, stated that "the Oslo Accords cannot be understood to detract from Israel's obligations under the pertinent rules of international law applicable in the Occupied Palestinian Territory".²⁸

²³ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 95.

²⁴ *Ibid.*, para. 189.

²⁵ *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, I.C.J. Reports 2012*, p. 422, para. 99.

²⁶ *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Merits, Judgment, I.C.J. Reports 2010*, p. 639, para. 87.

²⁷ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327. Israel acceded to the Convention without reservation on 21 September 1949.

²⁸ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 102.

II. INFORMATION CONCERNING THE PRESENCE AND ACTIVITIES OF UNITED NATIONS ENTITIES MAINTAINING AN ONGOING PRESENCE IN THE OCCUPIED PALESTINIAN TERRITORY

14. This part of the written statement describes the mandates of a number of relevant United Nations entities maintaining an ongoing presence in the Occupied Palestinian Territory, any agreements which they have concluded with Israel or with the Palestine Liberation Organization or the Palestinian Authority with respect to their activities in the Occupied Palestinian Territory, their physical presence in the Occupied Palestinian Territory, and their recent activities (especially since early 2024) in and in relation to the Occupied Palestinian Territory. Entities are listed in alphabetical order.

15. This part is not intended to be exhaustive. Numerous United Nations entities have mandates that are relevant to the request submitted by the General Assembly because they concern the “unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population”, or the provision of “basic services and humanitarian and development assistance for the benefit of the Palestinian civilian population, or in support of the Palestinian people’s right to self-determination”. The word “presence” used in this statement encompasses both those United Nations entities which are physically present in the Occupied Palestinian Territory on an ongoing basis (such as by the establishment of an office or assignment of their personnel to perform work in the Occupied Palestinian Territory) and those entities which may not have established an office or assigned personnel in the Occupied Palestinian Territory but whose personnel undertake missions to the Occupied Palestinian Territory as necessary and as required under their respective mandates. However, in this part of the written statement, a general overview is provided only as to the entities of the United Nations which are physically present in the Occupied Palestinian Territory on an ongoing basis. The information below is thus intended merely to assist the Court in identifying those elements of the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory. The fact that some United Nations entities are not specifically mentioned below is not intended to indicate that the obligations of Israel under international law discussed below do not apply in relation to such entities.

A. Office for the Coordination of Humanitarian Affairs (OCHA)

16. OCHA was established in 1998 as part of the Secretariat of the United Nations, succeeding the Department of Humanitarian Affairs.²⁹ OCHA supports the Under-Secretary-General for Humanitarian Affairs and United Nations Emergency Relief Coordinator in carrying out his or her functions, pursuant to General Assembly resolution 46/182 and the report of the Secretary-General entitled “Renewing the United Nations: a programme for reform”.³⁰

17. In accordance with these two documents, the Under-Secretary-General’s functions are focused on three core functions: (a) “[p]olicy development and coordination functions in support of the Secretary-General”; (b) “[a]dvocacy of humanitarian issues with political organs of the United Nations; and (c) “[c]oordination of humanitarian emergency response by ensuring that an appropriate response mechanism is established through Inter-Agency Standing Committee consultations on the ground”.³¹

18. OCHA, among other functions, “[a]ssists the Secretary-General in the coordination of humanitarian emergencies that require a system-wide response, by virtue of their magnitude or complexity”; “[w]orks closely with members of the Inter-Agency Standing Committee as well as relevant intergovernmental and non-governmental organizations”; and “[e]nsures coordination between humanitarian, political and peacekeeping dimensions of emergencies”.³²

19. Shortly after September 2000 and the deterioration of humanitarian conditions in the Occupied Palestinian Territory, at the request of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), OCHA deployed staff to the Occupied Palestinian Territory to serve as focal point for the humanitarian situation. Additional staff arrived following events in the spring of 2002. In 2002, Israel requested support from the United Nations in

²⁹ ST/SGB/2015/3, para. 3.2.

³⁰ A/51/950. See also ST/SGB/1999/8, footnote 1.

³¹ ST/SGB/1999/8, footnote 2.

³² ST/SGB/1999/8, para. 2.1 (a), (b), (c).

addressing the needs of Palestinians.³³ Subsequently, the Secretary-General sent his Personal Humanitarian Envoy to assess the humanitarian situation in the Occupied Palestinian Territory. In 2003, following her recommendations, the Secretary-General approved the creation of an OCHA office in the Occupied Palestinian Territory. A head office was established in East Jerusalem, and sub-offices were subsequently opened in Gaza and in multiple areas of the West Bank (currently in Nablus, Ramallah and Hebron).

20. OCHA has maintained close engagement with the Israeli authorities, who have facilitated operations through the issuance of visas for international staff assigned to OCHA's office in the Occupied Palestinian Territory.

21. Currently, OCHA's office in the Occupied Palestinian Territory has a head office in East Jerusalem and sub-offices in Gaza, Nablus, Ramallah and Hebron.

22. Since 2024, in line with OCHA's global mandate, OCHA's office in the Occupied Palestinian Territory has carried out its core responsibilities in the areas of coordination, resource mobilization, information management, and advocacy.

23. OCHA is at the center of the humanitarian response in the Occupied Palestinian Territory, identifying gaps and coordinating an appropriate response by internationally agreed humanitarian clusters. OCHA is a key interface with Israel, as the occupying Power, on behalf of the humanitarian system. With its established field presence, OCHA also engages local authorities, corroborating information, and triangulating data. OCHA coordinates humanitarian activities ranging from the level of the household (for example by triggering humanitarian responses to home demolitions in the West Bank) to large-scale operations in response to the impact of hostilities in populated areas (as in Gaza). To increase humanitarian operational response capacity – particularly during military operations – OCHA has initiated area-based coordination structures that bring partners together in both Gaza and the West Bank.

³³ United Nations, "Ms. Catherine Bertini, Personal Humanitarian Envoy of the Secretary-General, Mission Report, 11–19 August 2002", p. 1, available at: <https://reliefweb.int/report/israel/ms-catherine-bertini-personal-humanitarian-envoy-secretary-general-mission-report-11> (accessed: 21 February 2025).

24. OCHA negotiates humanitarian access across the Occupied Palestinian Territory. This has been a particularly important function in Gaza, where coordinated missions deliver life-saving goods and services. OCHA's office in the Occupied Palestinian Territory serves as an operational enabler, finding solutions on a case-by-case basis; works with partners to identify high-impact activities to use scarce resources efficiently; builds local networks to facilitate response; and develops operational platforms to link needs with capacity.

25. OCHA plays a critical role in providing essential data and analysis for humanitarian efforts. Its neutrality and comprehensive data collection are vital for effective decision-making and resource allocation. For instance, movement restrictions in the West Bank are monitored and mapped by OCHA to demonstrate how they impact access to services and generate needs. This data is used to identify hotspots for humanitarian operational planning and to inform evidence-based advocacy. In Gaza, OCHA integrates data on critical needs with assessments to ensure life-saving interventions, including provision of food, water, and shelter. OCHA also collects and reports information on Israeli casualties in the West Bank and Israel.

26. Finally, OCHA advocates for compliance with international humanitarian law and international human rights law to ensure civilians are protected and their essential needs are met, including through principled humanitarian assistance. OCHA connects humanitarian efforts to multilateral discussions and broader political processes, by ensuring that decision-makers are well briefed on humanitarian concerns and that humanitarian efforts support long-term peacebuilding (e.g., through Security Council engagements and donor briefings).

B. Office of the High Commissioner for Human Rights (OHCHR)

27. The General Assembly, on 20 December 1993, adopted resolution 48/141 entitled "High Commissioner for the promotion and protection of all human rights" in which it "[d]ecide[d] to create the post of the United Nations High Commissioner for Human Rights" and "[d]ecide[d] that the Office of the United Nations High Commissioner for Human Rights shall be located at

Geneva and shall have a liaison office in New York”.³⁴ OHCHR is part of the Secretariat of the United Nations.³⁵

28. The General Assembly, by its resolution 48/141 referred to above, mandated the High Commissioner for Human Rights: (a) “[t]o promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights”; (b) “[t]o carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights”; (c) “[t]o promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose”; (d) “[t]o provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights”; (e) “[t]o coordinate relevant United Nations education and public information programmes in the field of human rights”; (f) “[t]o play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action”; (g) “[t]o engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights; (h) [t]o enhance international cooperation for the promotion and protection of all human rights”; (i) “[t]o coordinate the human rights promotion and protection activities throughout the United Nations system”; (j) “[t]o rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness”; and (k) “[t]o carry out overall supervision of the Centre for Human Rights”.³⁶

29. The Office of the United Nations High Commissioner for Human Rights is mandated to: (a) promote “universal enjoyment of all human rights by giving practical effect to the will and

³⁴ General Assembly resolution 48/141, 20 December 1993, paras. 1 and 6.

³⁵ ST/SGB/2015/3, para. 3.2.

³⁶ General Assembly resolution 48/141, 20 December 1993, para. 4.

resolve of the world community as expressed by the United Nations”; (b) play “the leading role on human rights issues and emphasizes the importance of human rights at the international and national levels”; (c) promote “international cooperation for human rights; (d) stimulate and coordinate “action for human rights throughout the United Nations system; (e) promote “universal ratification and implementation of international standards”; (f) assist “in the development of new norms”; (g) support “human rights organs and treaty monitoring bodies”; (h) respond “to serious violations of human rights”; (i) undertake “preventive human rights action”; (j) promote “the establishment of national human rights infrastructures”; (k) undertake “human rights field activities and operations”; and (l) provide “education, information advisory services and technical assistance in the field of human rights”.³⁷

30. The Human Rights Council, on 12 January 2009, adopted resolution S-9/1 entitled “The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip” in which it “[r]equest[ed] the United Nations High Commissioner for Human Rights to report on the violations of human rights of the Palestinian people by the occupying Power, Israel, by: (a) Strengthening the field presence of the Office of the High Commissioner in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, and deploying the necessary personnel and expertise to monitor and document Israeli violations of the human rights of Palestinians and the destruction of their properties; (b) Submitting periodic reports to the Council on the implementation of the present resolution”.³⁸

31. The Human Rights Council, on 16 October 2009, further adopted resolution S-12/1 entitled “The human rights situation in the Occupied Palestinian Territory, including East Jerusalem” in which it “[r]equest[ed] the United Nations High Commissioner for Human Rights, pursuant to resolution S-9/1 of 12 January 2009 and in the context of her periodic reports, to

³⁷ ST/SGB/1997/10, para. 2.1.

³⁸ A/64/53, p. 155, para. 11.

monitor, document and report on the state of implementation by Israel, the occupying Power, of its human rights obligations in and around East Jerusalem”.³⁹

32. Since 2010, the OHCHR office for the Occupied Palestinian Territory has also led the monitoring and drafting of two reports of the Secretary-General mandated by the General Assembly in 1996 and 1998, namely in its resolution 51/134 on “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem” adopted on 13 December 1996,⁴⁰ and in its resolution 53/55 on “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan” adopted on 3 December 1998, respectively.⁴¹

33. In April 1996, OHCHR/Centre for Human Rights signed a technical cooperation agreement with the Palestinian Authority to provide for the implementation of a comprehensive technical cooperation programme in the field of human rights in the Gaza Strip and the West Bank. The Office and the Centre established an office in Gaza in November 1996 to implement programme activities in cooperation with Palestinian counterparts. A major objective of the programme is the establishment of a legal framework consistent with international human rights standards. Since 2014, the State of Palestine has become a party to a number of human rights treaties, and the OHCHR office for the Occupied Palestinian Territory has enhanced its capacity-building activities with the Palestinian Authority in order to ensure the implementation of the recommendations of human rights treaty bodies.

34. OHCHR has an office in Ramallah, a sub-office in Gaza and field offices in East Jerusalem and Hebron. International staff of the OHCHR office for the Occupied Palestinian Territory are currently based in Amman, as, since 2018, Israel has not issued visas allowing them to enter the Occupied Palestinian Territory.

35. In 2009, under the leadership of OHCHR, the Protection Cluster was set up in the Occupied Palestinian Territory to coordinate the protection activities of international and national

³⁹ A/64/53/Add.1, p. 2, para. 5.

⁴⁰ General Assembly resolution 51/134, 13 December 1996, para. 6.

⁴¹ General Assembly resolution 53/55, 3 December 1998, para. 5.

humanitarian and human rights actors and to advocate human rights and international law in humanitarian action. The Cluster is part of the Humanitarian Coordination Structure in the Occupied Palestinian Territory and is accountable to the Deputy Special Coordinator, Resident and Humanitarian Coordinator for the Middle East Peace Process. The Protection Cluster is a broad-based participatory forum, comprising United Nations humanitarian agencies and actors, as well as local and international non-governmental organizations with protection mandates in both the Gaza Strip and the West Bank which participate on an equal basis. It is the main inter-agency forum in the Occupied Palestinian Territory for the collaboration and overall coordination of activities supporting protection in humanitarian action.

36. The OHCHR office for the Occupied Palestinian Territory undertakes monitoring, documentation and reporting on allegations of violations of international human rights law and international humanitarian law by all duty-bearers in the Occupied Palestinian Territory, including Israel, the Palestinian Authority, as well as Palestinian armed groups in Gaza, as per OHCHR's global methodology. It also leads fatality tracking for the United Nations Country Team during escalations of hostilities in Gaza. Monitoring work informs the drafting of four mandated reports which are presented annually to the United Nations Human Rights Council and the United Nations General Assembly. OHCHR's reporting and legal analysis also provide the basis for regular advocacy outputs and statements and for Member States interventions on the Occupied Palestinian Territory and are used as evidence material by international accountability mechanisms.

37. OHCHR coordinates protection responses of over 100 intergovernmental organizations, national and United Nations partners across topics such as Gender Based Violence, Child Protection, Mine Action, and Housing Land and Property. These responses consist of monitoring and reporting, as well as advocacy. OHCHR's role as lead of the Protection Cluster mentioned above ensures that protection and respect for international human rights and international humanitarian law are an integral part of the work of the Humanitarian Country Team. Operational coordination is at the centre of the work of the Cluster, collaborating and coordinating activities with national and international partners, including the Global Protection Cluster, to ensure mainstreaming of protection throughout the humanitarian response – ensuring

that humanitarian assistance is received wherever and by whoever needs it, with particular attention to vulnerable groups.

38. OHCHR provides extensive technical support to the Government of the State of Palestine in the field of human rights, as well as human rights capacity-building with national institutions and civil society. As noted above, since 2014, OHCHR has worked in particular on the implementation of and reporting on the human rights treaties to which the State of Palestine is a party. It complements this through capacity-building work with other institutions and civil society, to empower Palestinians as rights-holders and to demand that the State of Palestine respect, protect and fulfil their rights. Over the years, the OHCHR office for the Occupied Palestinian Territory has cemented strong partnerships with the human rights community, including Palestinian and Israeli civil society, and it has a strong working partnership with the Palestinian National Human Rights Institution and the Independent Commission for Human Rights, both in the West Bank and in Gaza.

C. United Nations Children’s Fund (UNICEF)

39. The General Assembly, on 11 December 1946, adopted resolution 57 (I) entitled “Establishment of an International Children’s Emergency Fund” in which it established an International Children’s Emergency Fund.⁴² Subsequently, on 6 October 1953, the Assembly adopted resolution 802 (VIII) entitled “United Nations Children’s Fund (UNICEF)” in which it “[r]eaffirm[ed] the pertinent provisions of General Assembly resolutions 57 (I) and 417 (V), with the exception of any reference to time-limits contained in these resolutions” and “[d]ecide[d] to change the name of the organization to the *United Nations Children’s Fund*, retaining the symbol UNICEF”.⁴³

40. The General Assembly, by its resolution 57 (I) mandated UNICEF “to be utilized and administered, to the extent of its available resources: (a) For the benefit of children and adolescents of countries which were victims of aggression and in order to assist in their

⁴² General Assembly resolution 57 (I), 11 December 1946, para. 1.

⁴³ General Assembly resolution 802(VIII), 6 October 1953, paras. 2 and 3 (emphasis in original).

rehabilitation; (b) For the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration; (c) For child health purposes generally, giving high priority to the children of countries victims of aggression”.⁴⁴

41. The General Assembly, on 1 December 1950, further adopted resolution 417 (V) entitled “Continuing needs of children: United Nations International Children’s Emergency Fund” in which it decided that “during the period of the Fund’s existence . . . , [the Executive Board of the Fund], in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission, shall, with due regard to the urgency of the needs and available resources, formulate the policies, determine the programmes and allocate the resources of the Fund for the purpose of meeting, through the provision of supplies, training and advice, emergency and long-range needs of children and their continuing needs particularly in under-developed countries, with a view to strengthening, wherever this may be appropriate, the permanent child health and child welfare programmes of the countries receiving assistance”.⁴⁵

42. As regards the Occupied Palestinian Territory, UNICEF’s relevant Area Programme Document was prepared in consultation with key stakeholders of the State of Palestine and was approved by UNICEF’s Executive Board. UNICEF signs workplans with line ministries of the State of Palestine.

43. In the Occupied Palestinian Territory, UNICEF has a main office in East Jerusalem and a field office in Gaza.

44. UNICEF currently implements the Area Program Document 2023-2025, entitled “Palestinian children and women in Jordan, Lebanon, the Syrian Arab Republic and the State of Palestine”, in the Occupied Palestinian Territory. The overall goal of the programme is to transform the lives of every Palestinian girl and boy by progressively fulfilling their basic rights to survival, care, child and social protection, and participation, their right to reach their full potential, and their right to live in protective, equitable and inclusive societies. The programme

⁴⁴ General Assembly resolution 57 (I), 11 December 1946, para. 1.

⁴⁵ General Assembly resolution 417 (V), 1 December 1950, para. 6 (b).

focuses on the following areas: the delivery of quality services for children through strengthening primary and community health care; improving quality inclusive education, while promoting youth engagement and empowering them; preventing and responding to violence, abuse and exploitation of children, and protecting girls and boys in contact with the justice system; expanding access to sufficient and safe drinking water and sanitation and improve hygiene practices; and supporting increased access and inclusion to social protection systems for the most vulnerable and working with social sectors to ensure that policies and budgets are sensitive to child poverty.

45. Since the events of 7 October 2023, UNICEF has shifted the focus of its programme in Gaza to respond to critical needs of children and their families. Accordingly, in Gaza, UNICEF provides life-saving supplies, while also supporting or restoring existing basic services related to water, sanitation and hygiene through increased production and distribution of water and neonatal, child and maternal health services through the provision of equipment and medical supplies and consumables; implements preventive and curative nutrition interventions targeting children under five years old and breastfeeding and pregnant mothers; prevents and responds to child protection risks (such as family separation and unexploded ordnance) and maintains and expands mental health and psychosocial support; resumes learning and establishes new temporary learning spaces; and provides multi-purpose cash assistance to vulnerable families as well as to specific vulnerable groups. In the occupied West Bank, UNICEF provides life-saving health, nutrition and water, sanitation and hygiene supplies and services and supports education and child protection activities.

46. UNICEF, as a cluster lead agency, coordinates the Water, Sanitation and Hygiene, Nutrition and Child Protection Area of Responsibility clusters or sub-clusters, while co-leading the education cluster, in the Occupied Palestinian Territory.

D. United Nations Development Programme (UNDP)

47. The General Assembly, on 22 November 1965, adopted resolution 2029 (XX) entitled “Consolidation of the Special Fund and the Expanded Programme of Technical Assistance in a United Nations Development Programme” in which it “[d]ecide[d] to combine the Expanded

Programme of Technical Assistance and the Special Fund in a programme to be known as the United Nations Development Programme, it being understood that the special characteristics and operations of the two programmes, as well as two separate funds, will be maintained and that, as hitherto, contributions may be pledged to the two programmes separately”.⁴⁶

48. The General Assembly, on 20 December 1978, adopted resolution 33/147 entitled “Assistance to the Palestinian people” in which it “[c]all[ed] upon the United Nations Development Programme, in consultation with the specialized agencies and other organizations within the United Nations system, to intensify its efforts, in co-ordination with the Economic Commission for Western Asia, to implement the relevant resolutions of the Economic and Social Council in order to improve the social and economic conditions of the Palestinian people by identifying their social and economic needs and by establishing concrete projects to that end, without prejudice to the sovereignty of the respective Arab host countries, and to provide adequate funds for that purpose”.⁴⁷

49. UNDP and Israel, on 27 August and 3 September 1980, concluded an exchange of letters concerning the implementation of UNDP projects.⁴⁸ UNDP and the Palestine Liberation Organization, on 9 May 1994, concluded an agreement concerning the future operations of UNDP in the Occupied Palestinian Territory.⁴⁹

50. In the Occupied Palestinian Territory, UNDP has a main office in East Jerusalem, a sub-office in Gaza and a project office in Ramallah.

51. In Gaza, UNDP, through its Programme of Assistance to the Palestinian People works closely with other United Nations entities, non-governmental organizations (NGOs), local and national partners to provide immediate support to the affected population as part of the humanitarian response, through integrated interventions that address immediate humanitarian needs while paving the way for at-scale recovery efforts. These include: (a) support to restoring

⁴⁶ General Assembly resolution 2029 (XX), 22 November 1965, para. 1.

⁴⁷ General Assembly resolution 33/147, 20 December 1978, para. 2.

⁴⁸ Dossier No. N278.

⁴⁹ Dossier No. N279.

critical services and infrastructure, including access to clean water, solid waste management, and debris removal; (b) the provision of emergency employment opportunities and support to Micro, Small and Medium Enterprises in critical value chains; and (c) support to civil society organizations for multi-sectoral, gender-responsive community services and social cohesion. Throughout all interventions, the UNDP Programme of Assistance to the Palestinian People closely coordinates and collaborates with relevant partners as part of the humanitarian coordination system, including through regular engagement with relevant clusters (e.g., Water, Sanitation and Hygiene; Health; Shelter; and Protection). The UNDP Programme of Assistance to the Palestinian People also co-leads the Gaza Debris Management Working Group and the Solid Waste Management Working Group, together with the United Nations Environment Programme (UNEP) and the Water, Sanitation and Hygiene Cluster of UNICEF.

52. As part of the crisis response and early recovery efforts of the UNDP Programme of Assistance to the Palestinian People in Gaza, UNDP has recently been removing approximately 244,000 tons of solid waste from streets and in close proximity to populated areas, as well as clearing 14 unsanitary temporary dumpsites; initiating debris removal, prioritizing main roads and critical access points in support of humanitarian operations, with over 21,600 tons of debris already removed and two debris crushing sites ready; providing solar-powered water desalination units, slated to serve up to 600,000 people; supporting over 3,130 people with dignified emergency employment opportunities in basic services (health, education, municipal services) and Micro, Small and Medium Enterprises in critical value chains; as well as establishing One-Stop Community Service Centers, which have already enabled access to gender-responsive services (including legal aid, psychosocial support, and higher education) to approximately 77,160 people, including women, youth and persons with disabilities. Moreover, the UNDP Programme of Assistance to the Palestinian People established an Engagement Facility to provide technical and advisory capacities to support the national relief, recovery and reconstruction planning for Gaza.

53. In the West Bank, including East Jerusalem, the UNDP Programme of Assistance to the Palestinian People has continued to work closely with national and local partners, as well as other United Nations agencies, to address emerging socioeconomic needs and strengthen the

resilience of the Palestinian people against the backdrop of continuously deteriorating security and socioeconomic conditions. This includes continued efforts to foster democratic, transparent and accountable governance, expand delivery of quality basic services, foster inclusive economic opportunities and promote sustainable management of natural resources, including support to renewable energy transition.

E. United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

54. The General Assembly, on 2 July 2010, adopted resolution 64/289 entitled “System-wide coherence” in which decided “to establish ... as a composite entity, to be operational by 1 January 2011, the United Nations Entity for Gender Equality and the Empowerment of Women, to be known as UN-Women, by consolidating and transferring to the Entity the existing mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women of the Secretariat, as well as those of the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, to function as a secretariat and also to carry out operational activities at the country level”.⁵⁰

55. Thus, four sets of mandates were consolidated and transferred to UN-Women. The first group of functions were those of the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, which was mandated to: (a) “[p]rovid[e] leadership in the mainstreaming of gender issues into all activities and programmes in the Secretariat and the United Nations system, including advocacy”; (b) “[p]rovid[e] leadership to the Inter-Agency Committee on Women and Gender Equality”; (c) monitor “progress made with regard to the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000)”; (d) “[p]rovid[e] secretariat services to the Steering Committee for the Improvement of the Status of Women in the Secretariat”; and (e) “[p]repar[e] reports for

⁵⁰ General Assembly resolution 64/289, 2 July 2010, para. 49.

submission to the General Assembly and the Commission on the Status of Women and studies on issues related to the status of women in the Secretariat”.⁵¹

56. The second group of functions were those of the Division for the Advancement of Women, which was mandated to: (a) “[a]dvis[e] the Special Adviser in his or her capacity as coordinator of gender issues”; (b) “[p]rovid[e] effective support for the implementation of actions contained in the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women and of related recommendations of other global conferences, including the identification of emerging trends and of best practice”; (c) “[p]repar[e] reports and other documentation and provid[e] substantive services to the General Assembly, the Economic and Social Council and the Commission on the Status of Women, including the planning and organization of expert group meetings and workshops related to the work of the Commission”; (d) “[p]rovid[e] services to the Committee on the Elimination of Discrimination against Women” and monitor “women’s enjoyment of their human rights and whether violations of those rights are dealt with by all human rights mechanisms”; (e) “[f]acilitat[e] the mainstreaming of gender issues within relevant intergovernmental forums and policies and programmes of the organizations of the United Nations system, other intergovernmental organizations and Member States”; (f) “[p]rovid[e] services to the Inter-Agency Committee on Women and Gender Equality” and maintain “ongoing contact with its members in the implementation of the Committee's responsibilities”; (g) “[p]rovid[e] gender advisory services to developing countries for the implementation of the actions contained in the Beijing Declaration and the Platform for Action and in the Convention on the Elimination of All Forms of Discrimination against Women, notably with regard to the full enjoyment by women of their human rights, the establishment of national machinery for the advancement of women and the increased role of women in leadership and public life, including in the civil service system, and of the rights contained in the Convention”; (h) enhance and strengthen “linkages and partnerships with a network of non-governmental organizations, including the development of a database and substantive support to meetings of non-governmental organizations”; and (i) design and maintain “with Governments

⁵¹ ST/SGB/1997/9, para. 8.2.

and specialized constituencies a system of information related to the Platform for Action through various outreach activities, including the maintenance and expansion of an Internet space”.⁵²

57. The third group of functions were those of the United Nations Development Fund for Women, which was mandated to have its resources to “be used mainly within two priority areas: first, to serve as a catalyst, with the goal of ensuring the appropriate involvement of women in mainstream development activities, as often as possible at the pre-investment stages; secondly, to support innovative and experimental activities benefiting women in line with national and regional priorities”.⁵³

58. The fourth group of functions were those of the International Research and Training Institute for the Advancement of Women, which was mandated “to stimulate and assist, through research, training and the collection and exchange of information, the efforts of intergovernmental, governmental and non-governmental organizations aimed at the advancement of women in economic, social and political areas” and to pursue these objectives “in the context of the action proposals contained in the World Plan of Action and the Declaration of Mexico adopted by the World Conference of the International Women’s Year, as well as in the regional plans of action, and the relevant resolutions of the policy-making bodies of the United Nations”.⁵⁴

59. UN-Women operates in the Occupied Palestinian Territory under the administrative umbrella of the UNDP Programme of Assistance to the Palestinian People.

60. In the Occupied Palestinian Territory, UN-Women has an office in East Jerusalem as well as in Ramallah. In Gaza, under normal conditions, UN-Women would operate from an office but currently operates from a guesthouse.

61. Throughout 2024 and early 2025, UN-Women has provided essential services and supplies in Gaza, especially for women and girls, while also enhancing partner capacities in the

⁵² ST/SGB/1997/9, para. 9.2.

⁵³ General Assembly resolution 39/125, 14 December 1984, annex, para. 9.

⁵⁴ A/33/316, para. 21.

West Bank and facilitating the involvement of women-led organizations in women, peace, and security initiatives. The focus has been on marginalized groups of women, including those heading households, individuals with disabilities, and survivors of violence. Key initiatives include collaborating with the World Food Programme to assist at least 14,716 women-headed households in Gaza (reaching over 74,000 individuals); providing flexible financial support to women's organizations in both Gaza and the West Bank; and offering unconditional cash as well as supporting income-generating assets through women-led organizations. Through cross-border humanitarian partnerships (with UN-Women's Jordan Country Office and the Jordan Hashemite Charity Organization and the Egyptian Red Crescent supported by UN-Women Egypt), together with its partners inside Gaza, UN-Women has provided emergency lifesaving assistance to internally displaced women and girls. The humanitarian assistance included the provision of protection services as follows: distribution of clothes (4,948 women); distribution of children packages (3,180); and distribution of Protection Dignity Kits for women and girls (13,506 women).

62. Throughout this period, UN-Women has supported the provision of life-saving items, multisectoral services in Gaza and essential services for women survivors of violence. In the occupied West Bank, UN-Women has bolstered efforts to strengthen the institutional capacity of the justice and policing sectors to develop and implement legal and policy frameworks and specialized services across the justice, security, and social sectors. Concurrently, it has supported civil society organizations in Gaza in providing legal consultation for women. These partnerships have improved access to coordinated, affordable, and high-quality social, justice, and policing services for women and girls across the humanitarian-development spectrum. UN-Women has aided at least 23 women-led organizations in enhancing their leadership and participation in humanitarian efforts.

F. United Nations Human Settlements Programme (UN-Habitat)

63. The General Assembly, on 21 December 2001, adopted resolution 56/206 entitled "Strengthening the mandate and status of the Commission on Human Settlements and the status, role and functions of the United Nations Centre for Human Settlements (Habitat)" in which it "[d]ecide[d] to transform the Commission on Human Settlements and its secretariat, the

United Nations Centre for Human Settlements (Habitat), including the United Nations Habitat and Human Settlements Foundation, with effect from 1 January 2002, into the United Nations Human Settlements Programme, to be known as UN-Habitat”.⁵⁵

64. The Commission on Human Settlements was mandated by the General Assembly in its resolution 32/162 of 19 December 1977, entitled “Institutional arrangements for international co-operation in the field of human settlements”, to: (a) “assist countries and regions in increasing and improving their own efforts to solve human settlements problems”; (b) “promote greater international co-operation in order to increase the availability of resources of developing countries and regions”; (c) “promote the integral concept of human settlements and a comprehensive approach to human settlements problems in all countries”; and (d) “strengthen co-operation and co-participation in this domain among all countries and regions”.⁵⁶ The Habitat Agenda further developed the mandates of the Commission on Human Settlements.⁵⁷ The General Assembly subsequently, on 16 December 1996, adopted resolution 51/177 entitled “Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)” in which it “[e]ndorse[d] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the Conference on 14 June 1996”.⁵⁸ The General Assembly, by its resolution 56/206 referred to above, confirmed that the Governing Council of the UN-Habitat should have the objectives set out above.⁵⁹

65. In the Occupied Palestinian Territory, UN-Habitat has offices in East Jerusalem, Ramallah and Gaza.

66. UN-Habitat provides support in the fields of spatial planning, land management, and housing across the West Bank and Gaza. UN-Habitat supports participatory spatial planning and land registration processes, with a focus on Area C and East Jerusalem, in order to promote effective planning that can yield positive social and economic outcomes, and the attainment of

⁵⁵ General Assembly resolution 56/206, 21 December 2001, section I, chapeau.

⁵⁶ General Assembly resolution 32/162, 19 December 1977, para. 3.

⁵⁷ A/CONF.165/14, Chapter I, Resolution 1, Annex II, para. 222.

⁵⁸ General Assembly resolution 51/177, 16 December 1996, para. 2.

⁵⁹ General Assembly resolution 56/206, 21 December 2001. section I (A), para. 5.

collective and individual tenure rights. UN-Habitat prioritizes these sectors, acknowledging the competition and conflict over land is likely to intensify with the growing pressures of climate change, population growth, increased food insecurity, migration and urbanization. Additionally, UN-Habitat works on fostering the resilience of the communities that have been torn by conflict, particularly in Gaza. UN-Habitat's housing programme has contributed to poverty reduction of marginalized residents across the Occupied Palestinian Territory, with a focus on the Old City of Jerusalem. UN-Habitat also works on promoting safer and more inclusive cities through interventions on enhancing the safety of public spaces and through the promotion of urban farming initiatives.

67. UN-Habitat provides technical and policy support to the local government sector of the State of Palestine focusing on spatial planning and public spaces interventions. Spatial planning interventions in the West Bank seek to respond to the situation in relation to demolitions and to enable local development. Moreover, UN-Habitat supported the preparation of 77 multi-layered local outline plans and 3 city-region plans at the governorate level in East Jerusalem, Ramallah and Al-Bireh, and Hebron. In Area C, the Palestinian Authority and the donor community invested in social infrastructure projects inside local outline plans prepared with and for these communities. In the Gaza Strip, prior to October 2023, spatial planning interventions had been introduced to support the efforts of "building back better" in postcrisis reconstruction situations.

68. In addition, UN-Habitat has implemented public spaces interventions through: conducting participatory city-wide public space assessments in five urban centres using safety walks; developing and regenerating eight safe and inclusive public spaces in cooperation with national universities and consultants; elaborating gender responsive guidelines for developing safe and inclusive public spaces for all; launching a public space policy for local government units; and developing a university-level curriculum on how to assess, design and maintain safe and inclusive public spaces.

G. United Nations Mine Action Service (UNMAS) of the Department of Peace Operations

69. The United Nations Mine Action Service (UNMAS) was established in 1997 in the Department of Peacekeeping Operations,⁶⁰ which has since been renamed to Department of Peace Operations, of the Secretariat of the United Nations.⁶¹

70. UNMAS is mandated to: (a) “[p]rovid[e] overall strategic and policy direction to United Nations mine action, as it relates to inter-agency coordination processes and mine action programmes and activities”; (b) lead “efforts to mobilize adequate voluntary contributions and to carry out donor liaison”; and (c) “[p]rovid[e] oversight and management of the Voluntary Trust Fund for Assistance in Mine Action and peacekeeping assessed funds for mine action”.⁶² It was also mandated to: (a) “[p]rovid[e] technical guidance to Department-led operations on mine action, including the preparation and management of peacekeeping budgets”; (b) “[c]oordinat[e] inter-agency operational activities on mine action, including demining, mine risk education, victim assistance and advocacy, in close cooperation with United Nations agencies, funds and programmes and other partners”; and (c) establish and manage “mine action coordination centres in peacekeeping, complex emergency and rapid response contexts, with implementation provided through the United Nations Office for Project Services”.⁶³ UNMAS is further mandated to: (a) “[c]oordinat[e] inter-agency collaboration and the development of common policies and strategies on mine action issues”; (b) “[c]oordinat[e] the receipt of contributions and ensur[e] timely and accurate donor reporting on voluntary contributions for United Nations mine action”; and (c) [c]oordinat[e] and manag[e] inter-agency public information and advocacy efforts”.⁶⁴

71. On 4 November 2024, the Palestinian Mine Action Center, and on 26 November 2024, the Palestinian Civil Police, both under the Ministry of Interior of the Palestinian Authority, sent

⁶⁰ General Assembly resolution 53/26, 17 November 1998, para. 9

⁶¹ ST/SGB/2015/3, para. 3.2.

⁶² ST/SGB/2010/1, para. 8.23.

⁶³ *Ibid.*, para. 8.25.

⁶⁴ *Ibid.*, para. 8.27.

letters of request to the Director of UNMAS seeking UNMAS's continued technical and capacity building support to these entities.

72. In the Occupied Palestinian Territory, UNMAS implements its activities in partnership with the United Nations Office for Project Services (UNOPS). UNMAS has an office in Gaza and rents space from UNOPS in their offices in East Jerusalem. Local staff supporting the Palestine Mine Action Center based in Ramallah work from their homes in the West Bank and from offices of the Palestinian Mine Action Center when necessary.

73. In Gaza, since 2024 in particular, UNMAS enables humanitarian activities by providing assessments of humanitarian sites and structures and supporting humanitarian convoys to move safely; provides explosive ordnance risk education directly to humanitarian partners and to local populations through implementing partners; co-coordinates the Mine Action Area of Responsibility under the Protection Cluster; and serves as the coordinating entity for humanitarian mine action operations in Gaza, which entails prioritization and tasking of mine action, providing critical information such as maps, dashboards and other tools to support the planning and implementation of humanitarian activities.

74. In the occupied West Bank, where UNMAS has supported the establishment and strengthening of the Palestinian Mine Action Center since 2012, UNMAS continues to provide technical and managerial support to enable the Palestinian Mine Action Center to manage and deliver humanitarian mine action in line with the International Mine Action Standards, as well as to manage mine action activities in the Occupied Palestinian Territory. UNMAS is assessing whether and how it may enhance the capacities of the relevant units of the Palestinian Authority Civil Police, at their request.

H. United Nations Office for Project Services (UNOPS)

75. The General Assembly, on 19 September 1994, adopted decision 48/501 entitled "Office for Project Services" in which it "decided that the Office for Project Services should become a

separate and identifiable entity in accordance with the United Nations Development Programme Executive Board decision 94/12 of 9 June 1994”.⁶⁵

76. On 10 January 1995, the Executive Board of UNDP and the United Nations Population Fund (UNFPA) adopted decision 95/1 entitled “United Nations Office for Project Services” in which it took note “of the report of the Administrator and the Executive Director on the scope and objectives for the United Nations Office for Project Services and the role and functions of the Management Coordination Committee and the Users Advisory Group *vis-à-vis* the Executive Board (DP/1995/6)”.⁶⁶ The report referred to in this decision provides that “UNOPS services will include: (a) Comprehensive project management, including contracting for technical expertise and backstopping; (b) Implementation of components of projects under execution by other organizations of the United Nations system or by national institutions; (c) Project supervision and loan administration on behalf of international financial institutions; and (d) Management services for multilateral, bilateral, and beneficiary financed projects”.⁶⁷

77. UNOPS and Israel concluded on 14 July 2016 and 31 July 2016 an exchange of letters constituting an arrangement “concerning the facilitation of the current and future activities of [UNOPS] under the Gaza Reconstruction Mechanism”.⁶⁸ The arrangement was extended by subsequent exchanges of letters between UNOPS and Israel, most recently until May 2025.⁶⁹

78. In the Occupied Palestinian Territory, UNOPS has offices in East Jerusalem and Ramallah. In Gaza it uses guesthouses with office space in Deir al Balah; the guesthouses in Rafah and Gaza City have, respectively, been destroyed and damaged, and are not currently in use.

79. In 2024, UNOPS delivered \$64 million in projects across the Occupied Palestinian Territory, focusing on emergency relief, energy, health, and public infrastructure.

⁶⁵ *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 49 A (A/48/49/Add.1)*, p. 59.

⁶⁶ DP/1996/1, p. 5 (emphasis in original).

⁶⁷ DP/1995/6, para. 12.

⁶⁸ Dossier No. N280

⁶⁹ Dossier Nos. N281, N282 and N282.1.

80. UNOPS implements key initiatives on behalf of the United Nations system, including the humanitarian fuel mechanism, the Access Support Unit, and the Humanitarian and Reconstruction Mechanism for Gaza established by Security Council resolution 2720 (2023).

81. For example, the cost-recovery project for fuel procurement has sustained essential humanitarian operations in Gaza. Following the ceasefire in January 2025, UNOPS scaled up fuel deliveries from approximately 100,000 liters per day to over 1 million liters per day. As of 1 January 2025, UNOPS also assumed the fuel distribution role previously managed by UNRWA.

82. In 2024, UNOPS delivered \$64 million in projects across the Occupied Palestinian Territory, focusing on emergency relief, energy, health, and public infrastructure.

83. In line with Security Council Resolution 2720 (2023), UNOPS has supported the operationalization of the Office of the Senior Humanitarian and Reconstruction Coordinator for Gaza and the establishment of a United Nations mechanism to facilitate, coordinate, monitor, and verify humanitarian relief consignments to Gaza.

84. UNOPS continues its long-term project management and operational support to the Access Support Unit. Operating continuously without interruption, the Access Support Unit facilitates the movement of humanitarian personnel and goods. Since 11 January 2024, the Access Support Unit has coordinated with Israel's Coordinator of Government Activities in the Territories (COGAT) for the pre-clearance of Critical Humanitarian Items and their entry into Gaza, supporting the Health, Shelter, WASH (Water, Sanitation and Hygiene), Logistics, Food Security, Emergency Telecommunications, and Protection Clusters.

85. Additionally, UNOPS delivers human resources and operational services to key partners in the Occupied Palestinian Territory, including the Office of the Quartet, UNEP, and the World Health Organization.

86. In Gaza, UNOPS procures and delivers critical health supplies to medical facilities and provides shelter support for internally displaced persons. In coordination with the Shelter Cluster, in the last year, UNOPS procured 3,902 bedding kits, benefiting 18,200 internally displaced persons. Following the ceasefire in January 2025, UNOPS participated in the first

damage assessment site visit to the Gaza Power Plant, contributing to early recovery and rehabilitation planning. Together with UNMAS, UNOPS mitigates the dangers of landmines and unexploded ordnance.

87. Despite the ongoing emergency, UNOPS remains committed to long-term infrastructure and development initiatives where feasible, including the upgrading of the Palestinian side of the Kerem Shalom Crossing, the renovation of rehabilitation centres in Qabatiya and Ramallah, and the construction of a vocational school in Yatta.

I. United Nations Office on Drugs and Crime (UNODC)

88. The General Assembly, on 21 December 1990, adopted resolution 45/179 entitled “Enhancement of the United Nations structure for drug abuse control”, in which it “request[ed] the Secretary-General to create a single drug control programme, to be called the United Nations International Drug Control Programme, based at Vienna, and to integrate fully therein the structure and the functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug abuse control in keeping with the functions and mandates of the United Nations in this field”.⁷⁰ Subsequently, on 18 December 1991, the General Assembly adopted resolution 46/152 entitled “Creation of an effective United Nations crime prevention and criminal justice programme”, in which it established the Crime Prevention and Criminal Justice Programme.⁷¹

89. In 2002, the Secretary-General established the United Nations Office on Drugs and Crime (UNODC) as part of the Secretariat of the United Nations,⁷² to “implement the Organization’s drug programme and crime programme in an integrated manner, addressing the interrelated issues of drug control, crime prevention and international terrorism in the context of sustainable development and human security”.⁷³

⁷⁰ General Assembly resolution 45/179, 21 December 1990, para. 1.

⁷¹ General Assembly resolution 46/152, 18 December 1991.

⁷² ST/SGB/2015/3, para. 3.2.

⁷³ ST/SGB/2004/6, para. 2.1.

90. More specifically, through its drug programme, UNODC: (a) “[s]erves as the central drug control entity with exclusive responsibility for coordinating and providing effective leadership for all United Nations drug control activities and serves as the repository of technical expertise in international drug control for the Secretariat of the United Nations, including the regional commissions, and other United Nations organs, as well as Member States, and in this capacity advises them on questions of international and national drug control”; (b) “[a]cts on behalf of the Secretary-General in fulfilling his or her responsibilities under the terms of international treaties and resolutions of United Nations organs relating to international drug control”; (c) “[p]rovides substantive services to the General Assembly, the Economic and Social Council and committees and conferences dealing with drug control matters”.⁷⁴ Through its crime programme, UNODC: (a) “[i]s responsible for carrying out activities in the field of international crime prevention and control; strengthening regional and international cooperation in preventing and combating transnational crime, in particular organized and economic crime, money-laundering, illicit trafficking in women and children, financial crimes and terrorism in all its forms; and promoting effective and fair administration of justice, with due respect for the rights of all those affected by crime or involved in the criminal justice system”; (b) “[s]erves as the repository of technical expertise in the field of crime and terrorism prevention and criminal justice for the Secretariat of the United Nations, including the regional commissions, and other United Nations organs and acts on behalf of the Secretary-General in fulfilling his or her responsibilities under the terms of international instruments, standards, norms and resolutions in this field”; and (c) “[p]rovides substantive services to the General Assembly, the Economic and Social Council and committees and conferences dealing with crime and terrorism prevention matters”.⁷⁵

91. In the Occupied Palestinian Territory, UNODC operates a Programme Office in East Jerusalem.

⁷⁴ Ibid., para. 2.2.

⁷⁵ Ibid., para. 2.3.

92. Under normal conditions, UNODC provides support to the Palestinian Authority in the West Bank, implementing projects focused on youth empowerment, drug control, crime and violence prevention, and justice sector capacity building.

93. In 2024, UNODC continued its efforts to prevent violence against women and girls by strengthening the capacity of justice sector actors and service providers. UNODC trained 76 judges and public prosecutors on prosecuting gender-based violence cases, organized eight workshops for the Women Protection Network, and trained 169 service providers from the health, social, policing, and judiciary sectors on best practices for responding to gender-based violence. Additionally, to enhance forensic investigation capabilities, UNODC trained six law enforcement officials in forensic biology and provided essential forensic equipment to two Palestinian forensic laboratories.

94. UNODC has implemented several youth empowerment programmes in partnership with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in support of the Palestinian Authority, including representatives of the Higher Council of Youth and Sports, the Ministry of Education, the Ministry of Health, the Anti-Narcotic Administration and youth-led organizations. To promote youth engagement through sports, UNODC has trained 59 professionals on the use of sports and sport-based learning as effective tools for crime prevention and resilience-building. UNODC has also provided sports equipment to 15 UNRWA-administered schools and 25 schools under the Ministry of Education, benefitting around 17,900 children and young people.

95. Additionally, UNODC has provided 177 families living in challenging environments with family skills training to enhance resilience and positive development. UNODC has also trained 68 professionals working with youth service providers on drug prevention and has supported the development of drug-related emergency protocols to improve response mechanisms. In 2024, UNODC supported the drafting of the first Palestinian legislation on trafficking in persons and continued its efforts in strengthening anti-corruption programmes, reinforcing institutional integrity, transparency, and accountability.

96. In Gaza, UNODC has been integrated into the Early Recovery Approach and Action Plan.

J. United Nations Population Fund (UNFPA)

97. The General Assembly, on 18 December 1972, adopted resolution 3019 (XXVII) entitled “United Nations Fund for Population Activities” in which it “[d]ecide[d] to place the United Nations Fund for Population Activities under the authority of the General Assembly”.⁷⁶ The General Assembly, on 14 December 1979, further adopted resolution 34/104 entitled “United Nations Fund for Population Activities” in which it “[a]ffirm[ed] that the United Nations Fund for Population Activities, placed under the authority of the General Assembly by resolution 3019 (XXVII), is a subsidiary organ of the Assembly in terms of Article 22 of the Charter of the United Nations”.⁷⁷ The General Assembly, on 11 December 1987, adopted decision 42/430 in which it “decided to approve the change in the name of the United Nations Fund for Population Activities to the United Nations Population Fund”.⁷⁸

98. The Economic and Social Council, on 18 May 1973, adopted resolution 1763 (LIV) entitled “United Nations Fund for Population Activities” in which it mandated UNFPA to: (a) “build up, on an international basis, with the assistance of the competent bodies of the United Nations system, the knowledge and the capacity to respond to national, regional, interregional and global needs in the population and family planning fields; to promote co-ordination in planning and programming; and to co-operate with all concerned”; (b) “promote awareness, both in developed and in developing countries, of the social, economic and environmental implications of national and international population problems, of the human rights aspects of family planning, and of possible strategies to deal with them, in accordance with the plans and priorities of each country”; (c) “extend systematic and sustained assistance to developing countries at their request in dealing with their population problems, such assistance to be afforded in forms and by means requested by the recipient countries and best suited to meet the individual country’s needs”; and (d) “play a leading role in the United Nations system in promoting population programmes, and to co-ordinate projects supported by the Fund”.⁷⁹

⁷⁶ General Assembly resolution 3019 (XXVII), 18 December 1972, para. 1.

⁷⁷ General Assembly resolution 34/104, 14 December 1979, para. 1.

⁷⁸ *Official Records of the General Assembly, Forty-second Session, Supplement No. 49 (A/42/49)*, p. 315.

⁷⁹ Economic and Social Council resolution 1763 (LIV), 18 May 1973, para. 1.

99. In the Occupied Palestinian Territory, UNFPA has a main office in East Jerusalem, a sub-office in Gaza, and a working station in Ramallah.

100. UNFPA enhances Sexual and Reproductive Health services across the Occupied Palestinian Territory, particularly in response to the ongoing humanitarian crisis in Gaza. UNFPA deploys mobile health teams to provide accessible Sexual and Reproductive Health services, including family planning and maternal health, in underserved areas of the West Bank. To improve healthcare delivery, UNFPA conducts training sessions for health professionals on vital topics such as emergency obstetric care and the management of sexually transmitted infections. Collaborating with the Ministry of Health, UNFPA is also reviewing and updating national Sexual and Reproductive Health manuals, protocols and guidelines to ensure high-quality care standards. In connection with the recent situation in Gaza, UNFPA provides containerized units to provide basic and comprehensive emergency obstetric and neonatal care, as well as essential reproductive commodities and equipment to all functional Sexual and Reproductive Health facilities in Gaza and selected facilities in the West Bank. UNFPA also leads the Sexual and Reproductive Health Technical Working Group within the humanitarian Health Cluster both in Gaza and the West Bank, advocating for Sexual and Reproductive Health priorities and coordinating interagency responses. Similarly, UNFPA leads the Mobile Clinics Working Group, redirecting services to vulnerable locations in the West Bank to address accessibility challenges.

101. UNFPA establishes and supports safe spaces for survivors of gender-based violence, providing access to critical medical, legal, and psychological support both in Gaza and the West Bank. Through community awareness campaigns in the West Bank, UNFPA educates populations about gender-based violence, prevention strategies, and available resources. To enhance local capacities, UNFPA conducts training for healthcare workers and community leaders on gender-based violence identification, response, and referral pathways. Additionally, UNFPA facilitates comprehensive gender-based violence services through hotlines, case management, and referral systems to support affected individuals. UNFPA provides menstrual hygiene management kits and dignity kits to women, particularly those fleeing the fighting in both Gaza and the West Bank. UNFPA also provides cash and voucher assistance to gender-

based violence survivors, while leading and coordinating all gender-based violence humanitarian partners, overseeing the gender-based violence sub-clusters in both Gaza and the West Bank to ensure efficient and effective responses to gender-based violence by all partners.

102. UNFPA continuously engages young people in the Occupied Palestinian Territory by facilitating leadership and participation opportunities in humanitarian response efforts and community projects, thereby empowering them to actively shape their communities. UNFPA also implements comprehensive sexuality education programs in schools and community centres, focusing on health, rights, and empowerment. Through peer education networks, UNFPA enables young individuals to promote health services and address social issues among their peers. UNFPA provides mental health and psychosocial support services to youth, emphasizing resilience and coping strategies. Furthermore, UNFPA leads adolescent and youth health emergency response and advocacy efforts through the Palestinian Adolescent Health Coalition and the United Nations Youth Group, ensuring that youth needs and voices are consistently integrated into the broader humanitarian response.

103. UNFPA continuously conducts assessments and research to understand population dynamics and challenges amid ongoing crises, aiding informed decision-making. UNFPA engages in policy dialogue with stakeholders to advocate for population-related policies and the promotion of reproductive rights, emphasizing their integration into humanitarian aid. UNFPA ensures that population and development considerations, such as gender equality, reproductive health, and youth empowerment, are included in humanitarian response plans.

K. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

104. The General Assembly, on 8 December 1949, adopted resolution 302 (IV) entitled “Assistance to Palestine refugees” in which it “[e]stablishe[d] the United Nations Relief and Works Agency for Palestine Refugees in the Near East”.⁸⁰

⁸⁰ General Assembly resolution 302 (IV), 8 December 1949, para. 7.

105. The General Assembly, by its resolution 302 (IV), mandated UNRWA “[t]o carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission” and “[t]o consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available”.⁸¹ The General Assembly subsequently, on 4 July 1967, adopted resolution 2252 (ES-V) entitled “Humanitarian assistance” in which it “[e]ndorse[d], bearing in mind the objectives of [Security Council resolution 237 (1967) of 14 June 1967], the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities”.⁸² The General Assembly, on 16 December 1982, further adopted resolution 37/120 B entitled “United Nations Relief and Works Agency for Palestine Refugees in the Near East: Assistance to the persons displaced as a result of the June 1967 and subsequent hostilities” in which it “[e]ndorse[d], bearing in mind the objectives of [General Assembly resolution 36/146 D of 16 December and all previous resolutions on assistance to persons displaced as a result of the June 1967 and subsequent hostilities], the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities”.⁸³ Based on these mandates, UNRWA operates in Jordan, Lebanon, the Occupied Palestinian Territory and the Syrian Arab Republic.

106. The General Assembly has subsequently, on 12 December 2022, adopted resolution 77/123 entitled “Assistance to Palestine refugees” in which it “[d]ecide[d] to extend the mandate

⁸¹ Ibid.

⁸² General Assembly resolution 2252 (ES-V), 4 July 1967, para. 6.

⁸³ General Assembly resolution 37/120 B, 16 December 1982, para. 2.

of the Agency until 30 June 2026, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III)".⁸⁴

107. UNRWA and Israel, on 14 June 1967, concluded an exchange of letters "constituting a provisional agreement concerning assistance to Palestine refugees".⁸⁵ In a letter dated 3 November 2024 from the Director General of the Ministry of Foreign Affairs of Israel addressed to the President of the General Assembly, Israel "[f]urther to legislation passed by the Knesset of Isarel on 28 October 2004 ... notif[ied] the United Nations that the State of Israel withdraws its request to UNRWA, as referred to" in the 1967 Exchange of Letters.⁸⁶ The Permanent Representative of Israel to the United Nations, in his identical letters dated 18 December 2024 addressed to the President of the General Assembly and the President of the Security Council, stated that "[t]his provisional agreement has thus been terminated".⁸⁷ The Secretary-General, in his letter dated 28 October 2024 addressed to the Prime Minister of Israel, stated that "unless and until subsequent developments under international law require a change in the current arrangements, UNRWA will proceed until then on the basis that Israel continues to be bound by its obligations under the Exchange of Letters".⁸⁸ The Office of Legal Affairs of the Secretariat of the United Nations, in its note verbale dated 8 January 2025 addressed to the Ministry of Foreign Affairs of Israel further stated that "Israel continues to be obligated to accord to UNRWA all the privileges, immunities and facilities set out in the General Convention and as confirmed in the Exchange of Letters as long as UNRWA operates in the Occupied Palestinian Territory, including East Jerusalem".⁸⁹ UNRWA and the Palestine Liberation Organization, on 24 June 1994, concluded an exchange of letters "for the purpose of facilitating UNRWA to continue to provide its assistance to the Palestinian population in the Gaza Strip and the Jericho Area and in the remainder of the West Bank".⁹⁰ UNRWA and the Palestinian Authority, on

⁸⁴ General Assembly resolution 77/123, 12 December 2022, para. 6.

⁸⁵ United Nations, *Treaty Series*, vol. 620, No. 8955.

⁸⁶ Dossier No. N302.

⁸⁷ A/79/710-S/2024/940.

⁸⁸ Dossier No. 301.

⁸⁹ Dossier No. 306.

⁹⁰ A/49/13, Annex I, pp. 45–48 and Dossier No. N286.

5 July 1996, concluded an agreement “regarding the location of UNRWA Headquarters in the West Bank and Gaza Strip area”.⁹¹

108. In the Occupied Palestinian Territory, UNRWA has a West Bank Field Office in East Jerusalem and a Gaza Field Office in Gaza. In addition, under normal conditions, UNRWA operates almost 400 schools, over 65 primary health clinics and 1 hospital in the Occupied Palestinian Territory.⁹² UNRWA has more than 17,000 personnel assigned to work in the Occupied Palestinian Territory.⁹³ In Gaza specifically, under normal conditions, UNRWA operates 288 schools, 2 training centres, 22 primary health clinics.⁹⁴ As at 25 January 2025, 1,099 UNRWA health staff worked in health centres, temporary clinics and medical points across the Gaza Strip, providing 13,768 health consultations on that day.

109. UNRWA is indispensable in delivering essential services to Palestinians in the Occupied Palestinian Territory, encompassing education, healthcare, and social welfare. Under normal conditions, it provides education to more than 350,000 students and facilitates over 5 million health consultations annually.⁹⁵

110. In the West Bank, over 45,000 students attend 96 UNRWA schools and 43 health facilities provide over 895,000 patient visits annually. In total 912,879 registered Palestine refugees live in the West Bank, around a quarter of whom live in 19 refugee camps.

111. Specifically, in East Jerusalem, UNRWA educates approximately 2,000 students and delivers healthcare to 40,000 registered patients, while also offering poverty relief and social assistance to more than 1.2 million people.

112. Similarly, in Gaza, UNRWA is the primary provider of essential services, educating around 300,000 children across 288 schools and two training centres, delivering healthcare to

⁹¹ Dossier No. N287.

⁹² A/79/684-S/2024/892, p. 3.

⁹³ UNRWA, Programme Budget 2024-2025, August 2023, p. 21, available at: https://www.unrwa.org/sites/default/files/2024-2025_programme_budget_blue_book.pdf (accessed: 13 February 2025).

⁹⁴ A/79/684-S/2024/892, p. 3.

⁹⁵ Ibid.

around 900,000 patients, and offering emergency assistance to around 1.1 million people. Since October 2023, UNRWA has supported nearly 2.3 million affected individuals with food, healthcare, and shelter. It has distributed food aid to around 1.9 million people and provided more than 60% of primary healthcare services in Gaza. Furthermore, UNRWA has sheltered hundreds of thousands of internally displaced persons in more than 100 schools and continues to deliver psychosocial support and primary health consultations.

113. Between 7 October 2023 and 19 January 2025, UNRWA facilitated over 7.3 million medical consultations across Gaza. Additionally, the agency immunized more than 242,000 children and vaccinated around 560,000 children under the age of 10 against polio. Its social work team has supported 206,439 displaced individuals through psychological first aid and provided protection services to survivors of gender-based violence and unaccompanied children. The agency has also distributed assistive devices to over 22,000 persons with disabilities.

114. UNRWA's extensive relief efforts include distributing non-food items such as blankets, hygiene kits, and tents, managing solid waste alongside other United Nations entities, and ensuring the provision of potable water. Since October 2023, the Agency has reached nearly 1.9 million people with food assistance and supplied medical facilities with essential resources. In response to the educational crisis, UNRWA launched its "Back to Learning" initiative in August 2024, targeting approximately 660,000 children who have been forced out of school due to the conflict. Through this program, thousands of children have received educational and psychosocial support in temporary learning spaces, ensuring continued access to fundamental learning and mental health services.

L. United Nations Special Coordinator for the Middle East Process (UNSCO)

115. The General Assembly, on 21 December 1993, adopted resolution 48/213 entitled "Assistance to the Palestinian people" in which it "call[ed] upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people and to improve coordination through an appropriate mechanism under the auspices of the Secretary-General" and "request[ed] the Secretary-General to ensure the coordinated work of the United Nations system for an adequate response to the needs of the

Palestinian people and to mobilize financial, technical, economic and other assistance”.⁹⁶ Referring to that resolution, the Secretary-General considered that “given the complexity and sensitivity of the situation in the region and the multiplicity of actors outside the United Nations system that would be involved during the transitional phase, it would be necessary to establish a specific mechanism to ensure effective coordination and intensification of United Nations assistance to the Palestinian people to meet their immediate and longer-term needs”.⁹⁷ Accordingly, on 28 May 1994, the Secretary-General announced the appointment of Mr. Terje Roed Larsen as the first Special Coordinator in the Occupied Territories.⁹⁸ The position was later redesignated as United Nations Special Coordinator for the Middle East Process (UNSCO).

116. The mandate of the Special Coordinator also derives from the priorities established in relevant Security Council and General Assembly resolutions and decisions, including General Assembly resolution 49/88 of 16 December 1994 entitled “Middle East peace process”,⁹⁹ Security Council resolution 1860 (2009),¹⁰⁰ and Security Council resolution 2334 (2016).¹⁰¹ The Special Coordinator also serves as the personal representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority.

117. UNSCO’s headquarters are co-located with the United Nations Truce Supervision Organization at Government House in Jerusalem, and it has offices in Ramallah and Gaza.

118. UNSCO has conducted a broad range of activities since October 2023. The Special Coordinator¹⁰² used their good offices to strengthen engagement with regional and international partners to seek an end to hostilities in the region, including Gaza, the release of all hostages held in Gaza and to foster a renewed international consensus around the principles, based in United Nations resolutions, international law and previous agreements, underpinning the Middle

⁹⁶ General Assembly resolution 48/213, 21 December 1993, paras. 7 and 10.

⁹⁷ A/49/263, para. 6.

⁹⁸ *Ibid.*, para. 7.

⁹⁹ General Assembly resolution 49/88, 16 December 1994.

¹⁰⁰ Security Council resolution 1860 (2009).

¹⁰¹ Security Council resolution 2334 (2016).

¹⁰² Refers to Special Coordinator Tor Wennesland and Special Coordinator a.i. Sigrid Kaag who assumed her role on 16 January 2025.

East Peace Process. UNSCO significantly scaled up good offices and coordination efforts to address the humanitarian catastrophe in Gaza and increase delivery of humanitarian assistance throughout the conflict. UNSCO also continued working with the Palestinian Government to support and strengthen institutions to deliver basic services to the population, including through much needed reforms. UNSCO supported Palestinian planning efforts for the Palestinian Authority to reassume its responsibilities in Gaza as part of a single Palestinian Government that administers the entire Occupied Palestinian Territory.

119. The Special Coordinator continued calls for the establishment of political and security frameworks that can address the humanitarian catastrophe, start early recovery, rebuild Gaza, and lay the groundwork for a political process to end the occupation and establish a two-State solution. In this regard, UNSCO engaged with Member States and international financial institutions to prepare the ground for recovery and construction. Moreover, UNSCO coordinated United Nations entities in the implementation of the Early Recovery Action Plan and developed the Conflict Recovery Framework for Gaza. Concurrently, UNSCO continues to support the Palestinian Authority in the development of its own comprehensive Gaza Recovery, Reconstruction, and Development Plan. UNSCO enhanced reporting to the Security Council and other relevant bodies on developments in the Occupied Palestinian Territory, including on the hostilities since 7 October 2023 and the deteriorating situation in the occupied West Bank.

120. Regarding the occupied West Bank, including East Jerusalem, the Special Coordinator continued to highlight and report on the deteriorating dynamics, notably relentless settlement expansion, escalating violence including settler violence, attacks against Israelis, intensifying operations by Israel's Security Forces, demolitions and evictions. The Office undertook efforts to reverse negative trends, including violence, incitement, settlement expansion and other unilateral steps that undermined prospects for peace and the Palestinian Authority. UNSCO also continued to engage with the Palestinian Authority, the Government of Israel, the Palestinian private sector, and humanitarian and development actors to reduce violence and tensions and improve Palestinian access to their lands and livelihood activities, including in Area C. UNSCO maintains its unwavering efforts to support a return to a political process that ends the occupation

and realizes a two-State solution based on international law, General Assembly and Security Council resolutions and bilateral agreements.

M. World Food Programme (WFP)

121. The General Assembly, on 19 December 1961, adopted resolution 1714 (XVI), entitled “World Food Programme”, in which it “[a]pprove[ed] the establishment of an experimental World Food Programme to be undertaken jointly by the United Nations and the Food and Agriculture Organization of the United Nations”.¹⁰³ The General Assembly, on 20 December 1965, further adopted resolution 2095 (XX), entitled “Continuation of the World Food Programme”, in which it “[d]ecide[d] to extend the World Food Programme, established under General Assembly resolution 1714 (XVI) and the resolution adopted by the Conference of the Food and Agriculture Organization of the United Nations on 24 November 1961, on a continuing basis for as long as multilateral food aid is found feasible and desirable, on the understanding that the Programme will be regularly reviewed before each pledging conference and that, if circumstances so require, it may be enlarged, curtailed or terminated at the end of any period for which resources have been pledged”.¹⁰⁴

122. The General Regulations of WFP mandate WFP “on request, [to] implement food aid programmes, projects and activities: (a) to aid in economic and social development, concentrating its efforts and resources on the neediest people and countries; (b) to assist in the continuum from emergency relief to development by giving priority to supporting disaster prevention, preparedness and mitigation and post-disaster rehabilitation activities; (c) to assist in meeting refugee and other emergency and protracted relief food needs, using this assistance to the extent possible to serve both relief and development purposes; (d) to provide services to bilateral donors, United Nations agencies and non-governmental organizations for operations which are consistent with the purposes of WFP and which complement WFP’s operations.”¹⁰⁵

¹⁰³ General Assembly resolution 1714 (XVI), 19 December 1961, section 1, para. 1.

¹⁰⁴ General Assembly resolution 2095 (XX), 20 December 1965, para. 1.

¹⁰⁵ WFP, General Regulations, General Rules, Financial Regulations, Rules of Procedure of the Executive Board, June 2022, available at: https://executiveboard.wfp.org/document_download/WFP-0000141150 (accessed: 13 February 2025).

123. WFP's presence and activities in the Occupied Palestinian Territory are governed by a 1995 agreement between WFP and the Palestine Liberation Organization, on behalf of the Palestinian Authority.¹⁰⁶ Pursuant to Article 1, paragraph 1, of that agreement, the Palestinian Authority "may request assistance in the form of food from [WFP] for supporting economic and social development projects or for meeting emergency food needs". WFP provides such assistance based on the terms and conditions established in accordance with the 1995 agreement.

124. WFP's activities in the Occupied Palestinian Territory are overseen and managed from its Country Office in East Jerusalem. In Gaza, WFP currently maintains an Area Office in Deir al Balah, having twice relocated, under evacuation orders, from previous area offices in Gaza City (maintained until October 2023) and Rafah (maintained between October 2023 and May 2024). A Field Office presence has been reestablished in Gaza City since August 2024. In the West Bank, WFP currently maintains premises and staff presence in Hebron and Ramallah. In addition, WFP has a Port Office in Ashdod, State of Israel. Temporarily, in the course of 2024, for purposes of the operation of the maritime supply corridor to Gaza, WFP staff presence was also established in Larnaca, Cyprus. That temporary arrangement was terminated in late 2024. As of January 2025, WFP employs more than 230 personnel for its operation in the Occupied Palestinian Territory, with 200 personnel located across the Occupied Palestinian Territory and 30 personnel co-located with other WFP offices in Egypt and Jordan.

125. WFP's humanitarian response in the Occupied Palestinian Territory in connection with the escalation of conflict in Gaza in October 2023 has focused on the provision of assistance to the most vulnerable. In 2024, WFP reached between 0.7 and 1.8 million people a month across Gaza and the West Bank. WFP's operations are aligned with national and international humanitarian priorities, specifically Goal 2 of the Sustainable Development Goals (end hunger, achieve food security and improved nutrition and promote sustainable agriculture).¹⁰⁷ In collaboration with UNRWA and local authorities, WFP's work aims at addressing immediate

¹⁰⁶ Dossier No. N287.1.

¹⁰⁷ General Assembly resolution 70/1, 25 September 2015.

food needs while promoting long-term resilience, integrating efforts into national plans to strengthen food security and nutrition systems.

126. Given the overwhelming needs, the majority of people reached by WFP in 2024 were in Gaza, representing between 0.5 and 1.4 million people monthly out of the total Gazan population of 2.2 million targeted for assistance (with UNRWA and WFP each aiming to provide assistance to half of the population on average). WFP's response also encompassed the provision of cash-based transfers to households, offering specialized nutritious foods for pregnant and breastfeeding women and children, distributing hot meals to meet acute needs (up to 330,000 meals daily), and collaborating with local partners (specifically bakeries) to sustain food production.

127. WFP coordinates logistics as lead of the Logistics Cluster to facilitate the delivery of humanitarian aid for the wider humanitarian community amid a challenging operational context. As lead of the Emergency Telecommunications Cluster, WFP further supports the humanitarian community with establishing the requisite telecommunications set-up. Furthermore, WFP co-leads the Food Security Cluster with the Food and Agriculture Organization of the United Nations (FAO) to coordinate and support, as required, the food security partners operating in the Occupied Palestinian Territory.

128. In the West Bank, WFP continues its focus on building national capacities, supporting the Palestinian Authority's ability to respond to future food crises and enhancing the effectiveness of humanitarian assistance. To that end, WFP has provided 100,000–230,000 vulnerable people with monthly cash-based transfers, as well as in-kind food assistance to 40,750 people of the Bedouin community in Area C. Emergency cash interventions were undertaken for 4,213 Gazan labourers and patients stranded in the West Bank following October 2023, as well as 4,953 households affected by military operations in Jenin, Tulkarem and Tubas.

III. LEGAL FRAMEWORK APPLICABLE TO THE PRESENCE AND ACTIVITIES OF THE UNITED NATIONS IN THE OCCUPIED PALESTINIAN TERRITORY

129. This part of the written statement outlines the legal position of the Secretary-General as to the legal framework applicable to Israel in relation to the presence and activities of United Nations entities in and in relation to the Occupied Palestinian Territory that was described in part II above. It considers, first, the obligation to not exercise sovereignty or sovereign powers in the Occupied Palestinian Territory (section A). Second, it addresses the legal obligations of Israel as the occupying Power, including the overarching obligation to administer the territory for the benefit of the local population, and the obligations to agree to and facilitate relief schemes, to facilitate the proper working of all institutions of the United Nations devoted to the care and education of children, and to maintain the medical and hospital establishments and services (section B). Third, it considers the legal obligations of Israel as a Member of the United Nations, including assisting its entities in the performance of their functions and affording such entities and their personnel the privileges and immunities of the United Nations when operating in the Occupied Palestinian Territory (section C).

130. This part of the written statement does not purport to be exhaustive. Other sets of obligations under international law may be relevant or applicable to the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory.

131. Furthermore, as indicated in the introduction above, it must be underlined that the focus of the present written statement on the obligations of Israel solely derives from the scope of the question that is asked of the Court. The Secretary-General underlines once more the fundamental principle that all parties to conflict must comply with all their obligations under international law, including international human rights law and international humanitarian law, at all times.

A. Israel is not entitled to exercise sovereign powers in the Occupied Palestinian Territory

i) The continued presence of Israel in the Occupied Palestinian Territory

132. Israel continues to occupy the West Bank, including East Jerusalem, and the Gaza Strip.¹⁰⁸ The Court, in its Advisory Opinion of 19 July 2024, stated that “[u]nder contemporary international law as contained in the Charter of the United Nations and reflected in customary international law, occupation can under no circumstances serve as the source of title to territory or justify its acquisition by the occupying Power”.¹⁰⁹ The Court further found that “Israel’s assertion of sovereignty over and its annexation of certain parts of the territory constitute ... a violation of the prohibition of the acquisition of territory by force” and that “Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation”.¹¹⁰ On the basis of this and other findings, the Court concluded that “the State of Israel’s continued presence in the Occupied Palestinian Territory is unlawful”.¹¹¹

133. The Court further spelled out the legal consequences of its findings mentioned above. The Court found that “Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible”¹¹² and further found that “Israel also has an obligation to repeal all legislation and measures creating or maintaining the unlawful situation, including those which discriminate against the Palestinian people in the Occupied Palestinian Territory, as well as all measures aimed at modifying the demographic composition of any parts of the territory”.¹¹³

134. In reaching the determination that the continued presence of Israel is unlawful, the Court also explained that “the rules and principles of general international law and of the Charter of the

¹⁰⁸ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, paras. 86-94.

¹⁰⁹ *Ibid.*, para. 253.

¹¹⁰ *Ibid.*, para. 254.

¹¹¹ *Ibid.*, paras. 261 and 285.

¹¹² *Ibid.* paras. 267 and 285.

¹¹³ *Ibid.*, para. 268.

United Nations on the use of force in foreign territory (*jus ad bellum*) have to be distinguished from the rules and principles that apply to the conduct of the occupying Power under international humanitarian law (*jus in bello*) and international human rights law”;¹¹⁴ and that, while the “former rules determine the legality of the continued presence of the occupying Power in the occupied territory”, “the latter continue to apply to the occupying Power, regardless of the legality or illegality of its presence”.¹¹⁵

135. Consistently with this approach, the Court examined the legality of the extension of Israel’s law to the West Bank, including East Jerusalem on a basis separate from *jus ad bellum*, and examined it on the basis of *jus in bello*. As a matter of international humanitarian law, an occupying Power “assumes a set of powers and duties with respect to the territory over which it exercises effective control”.¹¹⁶ However, “the nature and scope of these 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”.¹¹⁷

The extent to which an occupying Power may exercise “a set of regulatory powers on an exceptional basis and on specific enumerated grounds” in the occupied territory is precisely regulated by international humanitarian law, specifically Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention.¹¹⁸ In this regard, the Court was not convinced that the “extension of Israel’s law to the West Bank and East Jerusalem [was] justified under any of the grounds laid down in the second paragraph of Article 64 of the Fourth Geneva Convention”,¹¹⁹ and considered that “Israel has exercised its regulatory authority as an occupying Power in a manner that is inconsistent with the rule reflected in Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention”.¹²⁰

¹¹⁴ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 251.

¹¹⁵ *Ibid.*, para. 251.

¹¹⁶ *Ibid.*, para. 105.

¹¹⁷ *Ibid.*, para. 105.

¹¹⁸ *Ibid.*, para. 134.

¹¹⁹ *Ibid.*, para. 139.

¹²⁰ *Ibid.*, para. 141.

ii) *The adoption of the laws concerning UNRWA*

136. On 28 October 2024, the Knesset of Israel enacted two laws concerning UNRWA: the “Law to Cease UNRWA Operations” and the “Law to Cease UNRWA Operations in the Territory of the State of Israel”. The laws were published on 30 October 2024 and their provisions came into force on 30 January 2025, except for a provision¹²¹ which had already come into force prior to that date in accordance with the terms of the Law to Cease UNRWA Operations.

137. The “Law to Cease UNRWA Operations” provides as follows:¹²²

“Expiration of the exchange of letters between Israel and UNRWA

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

No contact with UNRWA

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

Retention of laws

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

¹²¹ “Law to Cease UNRWA Operations”, 28 October 2024, provision 1(a).

¹²² Unofficial translation from Hebrew.

Entry into force

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

Reporting to the Knesset

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

138. The “Law to Cease UNRWA Operations in the Territory of the State of Israel” provides as follows:¹²³

“Purpose

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

Prohibition of operations within the territory of the State of Israel

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

Entry into force

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

Reporting to the Knesset

4. The National Security Council Director or their representative shall report to the Knesset Foreign Affairs and Defence Committee every six months and in the first year from the

¹²³ Unofficial translation from Hebrew.

commencement of this law, every two months, on the implementation of the provisions of this law.”

139. Further to the enactment of these laws, by a letter dated 3 November 2024, Israel “notif[ied] the United Nations that the State of Israel withdraws its request to UNRWA, as referred to” in the 1967 Exchange of Letters between UNRWA and Israel.¹²⁴ Furthermore, the Permanent Representative of Israel to the United Nations, by his letter dated 24 January 2025 addressed to the Secretary-General, stated that “[i]n accordance with applicable Israeli law, including the said legislation [the laws mentioned above] ... UNRWA is required to cease its operations in Jerusalem”, and further required it to “evacuate all premises in which it operates in the city, no later than 30 January 2025”.¹²⁵ On 27 January 2025, the Secretary-General addressed a letter to the Permanent Representative of Israel requesting the Government of Israel to retract this decision in light of the applicable legal framework and UNRWA’s irreplaceable nature, as well as to respect the mandate granted to UNRWA by the General Assembly and to honour its obligation under the Charter to provide every assistance to UNRWA in the fulfilment of its essential mandate.¹²⁶

140. The provisions of the “Law to Cease UNRWA Operations in the Territory of the State of Israel”, among other effects, are intended to prevent UNRWA operations in East Jerusalem, which Israel considers to be part of the territory of the State of Israel. As such, the enactment and implementation of this law are inconsistent with the international legal status of East Jerusalem.

141. The enactment of the laws and any measures taken on the basis of those laws and other applicable Israeli law by Israel in the Occupied Palestinian Territory, including East Jerusalem, appear to constitute an extension of sovereignty over or exercise of sovereign powers in the Occupied Palestinian Territory, including East Jerusalem, and are therefore inconsistent with Israel’s obligations under international law.

¹²⁴ Dossier No. N302.

¹²⁵ Dossier No. N307.

¹²⁶ Dossier No. N308.

B. Legal obligations of Israel as the occupying Power

142. Israel has a number of obligations in relation to the presence and activities of the United Nations by virtue of its status as the occupying Power. In its advisory opinion of 19 July 2024, the Court specifically emphasized “that the conclusion that Israel’s continued presence in the Occupied Palestinian Territory is illegal does not release it from its obligations and responsibilities under international law, particularly the law of occupation, towards the Palestinian population and towards other States in respect of the exercise of its powers in relation to the territory until such time as its presence is brought to an end”.¹²⁷

143. Furthermore, the obligations of the occupying Power related to the presence and activities of the United Nations in the Occupied Palestinian Territory set out in this written statement are without prejudice to the obligations of Israel towards the Palestinian population. In particular, the fact that United Nations entities are undertaking relief operations in the Occupied Palestinian Territory does not absolve Israel from its obligations to provide essential supplies and services to the Palestinian population pursuant to Articles 55 and 56 of the Fourth Geneva Convention, and to agree to and facilitate relief schemes by impartial humanitarian organizations pursuant to Article 59 of the Fourth Geneva Convention. In this regard, Article 60 of the Fourth Geneva Convention specifically provides that “[r]elief consignments shall in no way relieve the occupying Power of any of its responsibilities under Articles 55, 56 and 59”.

i) Obligation to administer an occupied territory for the benefit of the local population

144. Article 43 of the 1907 Hague Regulations provides as follows: “*L’autorité du pouvoir légal ayant passé de fait entre les mains de l’occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d’assurer, autant qu’il est possible, l’ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays*”.¹²⁸ While Israel is not

¹²⁷ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 264.

¹²⁸ Unofficial English translation: “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, public order and

a party to the 1907 Hague Convention to which the Hague Regulations are annexed, the Hague Regulations, including their Article 43, have become part of customary international law and are thus binding on Israel.¹²⁹ The obligations under Article 43 include the obligation of the occupying Power to administer the territory for the benefit of the local population.¹³⁰ Articles 50, 56 and 59 of the Fourth Geneva Convention¹³¹ are manifestations of the general obligation of the occupying Power mentioned above in specific contexts which require the occupying Power to allow and facilitate certain activities of the United Nations for the benefit of the Palestinian population in the Occupied Palestinian Territory. However, even outside these specific contexts, in instances where the occupying Power is not administering the Occupied Palestinian Territory for the benefit of the Palestinian population, it would be required to rectify this situation, including by allowing and facilitating United Nations entities to carry out their activities for the benefit of the local population.

145. The obligation of the occupying Power to administer the territory for the benefit of the local population is also based on the right of self-determination, in the particular context of the Occupied Palestinian Territory. The Court, in its Advisory Opinion of 19 July 2024, stated that “a key element of the right to self-determination is the right of a people freely to determine its political status and to pursue its economic, social and cultural development” and further stated that “[t]he dependence of the West Bank, East Jerusalem, and especially of the Gaza Strip, on Israel for the provision of basic goods and services impairs the enjoyment of fundamental human rights, in particular the right to self-determination”.¹³² In instances where such dependence

safety, while respecting, unless absolutely prevented, the laws in force in the country”. Division of International Law of the Carnegie Endowment for International Peace, under the supervision of James Brown Scott, *The Proceedings of the Hague Peace Conferences: Translation of the Official Texts*, vol. 1 (New York, Oxford University Press, 1920), p. 629.

¹²⁹*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 96; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 172, para. 89 and p. 177, para. 101.

¹³⁰*Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, paras. 105–107.

¹³¹ See subsections ii, iii and iv below.

¹³²*Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 241.

exists, the obligation of Israel to respect the right of self-determination of the Palestinian people would include making arrangements that would reduce such dependence, including by allowing and facilitating the United Nations to provide basic goods and services to the Palestinian people.

146. The obligation of Israel to respect the right of self-determination of the Palestinian people has another important aspect: to respect the decision of the Palestinian people on the manner in which the dependence of the West Bank, including East Jerusalem, and Gaza on Israel for the provision of basic goods and services should be reduced. Therefore, in instances where the representative of the Palestinian people decided to receive basic goods and services from United Nations entities in order to fully enjoy its right of self-determination, Israel is bound to respect that decision. In this regard, part II above makes reference to a number of instruments which the United Nations concluded with the Palestinian Authority and the Palestine Liberation Organization concerning the presence and activities of United Nations entities in and in relation to the Occupied Palestinian Territory.¹³³

147. This conclusion is also in line with the obligations of Israel as a Member of the United Nations. Article 1, paragraph 2, of the Charter of the United Nations provides that one of the Purposes of the United Nations is to “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. Article 55, paragraph (c), of the Charter further provides that “[w]ith a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.

148. Article 56 of the Charter further provides that all Member States “pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55”. In addition, the General Assembly, on 24 October 1970,

¹³³ See part II, sections B, D, K and M above. See also sections C, D and G.

adopted resolution 2625 (XXV) entitled “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations” in which it stated that every State “has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle”.¹³⁴

149. The provision of basic goods and services by the United Nations to the Palestinian people in the Occupied Palestinian Territory, and the reduction of the dependence of the West Bank, including East Jerusalem, and Gaza on Israel as a result of such activities, would contribute to the realization of the right of self-determination of the Palestinian people. In accordance with the provisions mentioned above, Israel has the obligation to render assistance to such activities of the United Nations.

ii) Obligation to agree to and facilitate relief schemes

150. Article 59, paragraph 1, of the Fourth Geneva Convention provides that “[i]f the whole or part of the population of an occupied territory is inadequately supplied, the occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal”.

151. In order to determine whether the obligations to agree to relief schemes and facilitate them have arisen, it is only necessary to ascertain that “part of the population” of an occupied territory is “inadequately supplied”, and it is not necessary to ascertain that the whole of the population is inadequately supplied. Furthermore, there is no need for the inadequacy to have arisen due to any specific cause. In the present case, the obligations to agree to relief schemes and facilitate them arise for Israel in instances where part of the Palestinian population in the Occupied Palestinian Territory is inadequately supplied, whether it be in the West Bank or in Gaza.

¹³⁴ General Assembly resolution 2625 (XXV), 24 October 1970, annex.

152. As soon as part of the population of an occupied territory is inadequately supplied, the occupying Power is required to agree to relief schemes, and it continues to be required to agree to relief schemes as long as part of the population of the occupied territory is inadequately supplied. Even where the occupying Power has agreed to relief schemes for the population in a specific part of the occupied territory, if there is a population in another part of the same occupied territory who is inadequately supplied, including in instances where the occupying Power itself is not adequately supplying the population of the occupied territory, the occupying Power continues to be under an obligation to agree to relief schemes for that population. If the occupying Power does not maintain its existing agreement to relief schemes or does not agree to new relief schemes, while part of the population of the occupied territory is inadequately supplied, such as by withdrawing its existing agreement to relief schemes or taking measures that would make it impossible for a United Nations entity to carry out its relief schemes in the occupied territory, such action would be inconsistent with Article 59, paragraph 1.

153. It has been stated that the 1907 Hague Regulations and the Fourth Geneva Convention do not preclude the adoption of measures for the purpose of mitigating security threats posed by certain entities.¹³⁵ In this connection, the Court, in its Advisory Opinion of 19 July 2024, stated as follows: “Under Article 43 of the Hague Regulations, the occupying Power must in principle respect the law in force in the occupied territory unless absolutely prevented from doing so. This rule is complemented by the second paragraph of Article 64 of the Fourth Geneva Convention, which exceptionally allows the occupying Power to ‘subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the [Fourth Geneva] Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them’”.¹³⁶ Such authority, however, may only be exercised in a manner that is consistent with other obligations of the occupying Power, including the obligation to agree to relief schemes

¹³⁵ A/79/710-S/2024/940.

¹³⁶ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 134.

under Article 59, paragraph 1.¹³⁷ Therefore, in instances where the occupying Power takes measures to, for example, maintain the orderly government of the occupied territory or to ensure the security of the occupying Power, such measures must not make it impossible for a United Nations entity to carry out its relief schemes in any part of the occupied territory, as long as part of the population thereof is inadequately supplied.

154. Article 59, paragraph 1, further provides that the occupying Power “shall facilitate them by all the means at its disposal”. The Fourth Geneva Convention itself provides some indications of what it means to facilitate. Article 59, paragraph 3, provides that “[a]ll Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection”. Article 60 provides that “[t]he occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended”. Article 61, paragraph 2, further provides that “[s]uch consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory” and provides that “[t]he occupying Power shall facilitate the rapid distribution of these consignments”.

155. The obligation to facilitate relief schemes, however, requires the occupying Power to take other measures to enable impartial humanitarian organizations to undertake relief schemes. In the context of the Occupied Palestinian Territory, this may include respecting the privileges and immunities of the United Nations entities undertaking such relief schemes, including the Convention on the Privileges and Immunities of the United Nations;¹³⁸ promptly issuing visas to United Nations personnel involved in United Nations relief schemes;¹³⁹ exempting objects imported by the United Nations for use in its relief schemes in the Occupied Palestinian Territory from taxation;¹⁴⁰ ensuring the coordination between Israel and United Nations entities in the Occupied Palestinian Territory to allow the latter to deliver its assistance to the Palestinian

¹³⁷ See also, in this regard, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, *I.C.J. Reports 2005*, p. 231, para. 178.

¹³⁸ United Nations, *Treaty Series*, vol. 1, No. 15. See also section C below.

¹³⁹ See also section C, subsection iv, b) below.

¹⁴⁰ See also section C, subsection iii, c) below.

population in need; removing unexploded ordnance and abandoned explosive ordnance; suspending hostilities to allow for the delivery of assistance by United Nations entities; increasing the number of open crossings to allow the entry of United Nations entities into Gaza; extending the time during which the crossings are open; and respecting and protecting United Nations personnel undertaking relief schemes and objects used by the United Nations for relief schemes, including refraining from detaining or causing deaths and injuries to United Nations personnel and damaging objects used by the United Nations for relief schemes.¹⁴¹

156. With regard to the respect for and the protection of personnel and objects of the United Nations,¹⁴² Article 59 of the Fourth Geneva Convention should be read together with other rules of international humanitarian law, including the law of occupation as well as the rules on the conduct of military operations, such as the obligations to distinguish between civilians and combatants and between civilian objects and military objectives, to direct attacks only against combatants and military objectives, to refrain from carrying out indiscriminate attacks, and to take precautions in attack and against the effects of attacks.¹⁴³

157. As far as the law of occupation is concerned, the following rules of the Fourth Geneva Convention are relevant to United Nations personnel: Article 20 (on the protection of civilian hospital staff), Article 27 (on general observations concerning the treatment of protected persons), Article 31 (on the prohibition of coercion), and Article 32 (on the prohibition of measures causing physical suffering or extermination, including murder, torture and corporal punishment). Furthermore, among other things, the following customary rules of international humanitarian law are also relevant: the obligations to respect and protect in all circumstances medical personnel exclusively assigned to medical duties, to respect and protect humanitarian relief personnel and to treat civilians humanely; and the prohibitions on murder of civilians, on

¹⁴¹ See also section C, subsections iii, b), iv, a) and v below.

¹⁴² See also section C, subsections iii, iv and v below.

¹⁴³ See *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 257, paras. 78-79.

torture, cruel or inhuman treatment and outrages upon personal dignity of civilians, and on arbitrary deprivation of liberty.¹⁴⁴

158. Additionally, among others, the following rules are relevant to objects of the United Nations used for relief schemes in the Occupied Palestinian Territory: Article 46 (on confiscation of private property)¹⁴⁵ and Article 56 (on the property of municipalities, that of institutions dedicated to religion, charity, and education, the arts and sciences; and on the prohibition of destruction of such institutions and monuments) of the 1907 Hague Regulations, as well as Article 18 (on the protection of civilian hospitals), Article 19 (on the discontinuance of protection of civilian hospitals), Article 21 (on land and sea transport of the wounded and sick civilians) and Article 53 (on the protection of personal property) of the Fourth Geneva Convention. Furthermore, among other things, the following customary rules of international humanitarian law are also relevant: the obligations to respect and protect in all circumstances medical units exclusively assigned to medical purposes and medical transports assigned exclusively to medical transportation, and to respect and protect objects used for humanitarian relief operations.¹⁴⁶

159. Article 59, paragraph 2, of the Fourth Geneva Convention further provides that “[s]uch 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.” As the Court indicated in the *Nicaragua* case,¹⁴⁷ the concept of “impartiality” in the context of humanitarian activities is generally reflected in the Fundamental Principles of the International Red Cross and Red

¹⁴⁴ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. 1 (Cambridge, Cambridge University Press, 2005), pp. 79, 105, 306, 311, 315 and 344. See also *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986, p. 124, para. 218.

¹⁴⁵ By virtue of Article 56, paragraph 1, of the 1907 Hague Regulations, the property of “institutions dedicated to religion, charity, and education, the arts and sciences, even when State property, shall be treated as private property”.

¹⁴⁶ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. 1 (Cambridge, Cambridge University Press, 2005), pp. 91, 98 and 109.

¹⁴⁷ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986, p. 124, para. 242.

Crescent Movement in the following terms: “It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress”.¹⁴⁸ Therefore, the reference to “impartial humanitarian organizations” should generally be understood to refer to humanitarian organizations which undertake relief schemes without discrimination. United Nations entities have been undertaking relief schemes in the Occupied Palestinian Territory without discrimination and are therefore “impartial humanitarian organizations”.

160. Article 59, paragraph 2, refers to “impartial humanitarian organizations” and does not specifically mention that United Nations entities may undertake relief schemes, but this does not prevent the obligations of the occupying Power under Article 59, paragraph 1, from arising in relation to United Nations entities. Since United Nations entities undoubtedly qualify as an “impartial humanitarian organization”, as long as part of the population of an occupied territory is inadequately supplied, the occupying Power is required to agree to the relief schemes of such United Nations entities and facilitate them by all the means at its disposal.

161. In this connection, the Security Council, on 15 November 2023, adopted resolution 2712 (2023) in which it “[c]all[ed] for urgent and extended humanitarian pauses and corridors throughout the Gaza Strip for a sufficient number of days to enable, consistent with international humanitarian law, the full, rapid, safe, and unhindered humanitarian access for [*inter alia*] United Nations humanitarian agencies”.¹⁴⁹

162. The obligation to allow and facilitate relief schemes of the United Nations in the Occupied Palestinian Territory may also be based on other rules of international law. In addition to the framework concerning privileges and immunities that is considered in section C below, international human rights law is also relevant. Article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides as follows: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living

¹⁴⁸ International Committee of the Red Cross, *Resolutions adopted by the XXth International Conference of the Red Cross, International Review of the Red Cross*, no. 56 (November 1965), p. 573.

¹⁴⁹ Security Council resolution 2712 (2023), para. 2. See also Security Council resolution 2720 (2023), para. 2, and General Assembly resolution ES-10/21, 27 October 2023, para. 2.

for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. Article 12, paragraph 1, further provides as follows: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. The Committee on Economic, Social and Cultural Rights stated in its General Comment No. 3 that “a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant”.¹⁵⁰ In instances where the occupying Power imposes restrictions on the presence and activities of United Nations entities in the Occupied Palestinian Territory and, as a result, Palestinians in the Occupied Palestinian Territory do not have adequate access to food, water, shelter, hygiene, medical supplies and services, fuel and electricity, their rights mentioned above would not be respected, and the occupying Power would be required to take the necessary measures to enable Palestinians to have such access, including by allowing and facilitating relief schemes of the United Nations in the Occupied Palestinian Territory.

163. While Article 2, paragraph 1, of ICESCR provides that “[e]ach State Party to the present Covenant undertakes to take steps ... with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means”, the Committee on Economic, Social and Cultural Rights stated that the Covenant “also imposes various obligations which are of immediate effect”¹⁵¹ and that “[s]ome measures at these different levels of obligations of States parties [under Article 11] are of a more immediate nature”.¹⁵² Acute shortages of essential supplies appear to be one of those situations where the obligations to ensure the rights under Articles 11 and 12 of ICESCR have immediate effect.

164. Article 2, paragraph 1, of ICESCR refers to “by all appropriate means”, which may include allowing and facilitating relief schemes of the United Nations in the Occupied

¹⁵⁰ *Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23 and E/C.12/1990/8)*, annex III, para. 10.

¹⁵¹ *Ibid.*, para. 1; E/C.12/1999/5, para. 16; E/C.12/2000/4, para. 30.

¹⁵² E/C.12/1999/5, para. 16.

Palestinian Territory. In this regard, the Committee on Economic, Social and Cultural Rights stated that “[t]he right to adequate food ... imposes ... an obligation to *facilitate*”.¹⁵³

165. In this connection, the Human Rights Council, on 5 April 2024, adopted resolution 55/28 in which it “[r]eaffirm[ed] the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory, including East Jerusalem, and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, the entry of humanitarian equipment, transport and supplies to all areas under occupation and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict”.¹⁵⁴

166. International human rights law is also relevant in the context of the respect for and the protection of United Nations personnel undertaking relief schemes. Among other things, Article 7 of the International Covenant on Civil and Political Rights provides as follows: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Article 9, paragraph 1, of the same Covenant further provides as follows: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”. Article 10, paragraph 1, of the same Covenant also provides as follows: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

167. In addition to international humanitarian law and international human rights law, the Charter of the United Nations further provides, in Article 55, paragraph (c), that “the United Nations shall promote ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion” and provides, in Article 56, that “[a]ll Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.”

¹⁵³ E/C.12/1999/5, para. 15 (emphasis in original).

¹⁵⁴ Human Rights Council resolution 55/28, 5 April 2024, para. 21.

The relief schemes of the United Nations in the Occupied Palestinian Territory contribute to the realization of the right to an adequate standard of living and the right to health of Palestinians. In order to enable the United Nations to promote the realization of these rights, Israel, as a Member of the United Nations, has an obligation to cooperate with the United Nations.¹⁵⁵

iii) Obligation to facilitate the proper working of all institutions devoted to the care and education of children

168. Article 50, paragraph 1, of the Fourth Geneva Convention provides as follows: “The occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children”.

169. This article refers to “institutions devoted to the care and education of children”. It is clear that schools qualify as institutions referred to in Article 50, paragraph 1. Such schools may take various forms, ranging from buildings dedicated to education of children to shelters used for temporary learning space. This article does not define the term “children”. The Convention on the Rights of the Child assists in clarifying the term. Article 1 of the Convention provides that “[f]or the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

Therefore, it could be said that schools for children below the age of eighteen years are covered by Article 50, paragraph 1. Furthermore, Article 50, paragraph 1, does not specifically exclude institutions devoted to the care and education of children established by international organizations. In the light of the above, for example, UNRWA schools in the Occupied Palestinian Territory for children below the age of eighteen years qualify as “institutions devoted to the care and education of children”.

170. Article 50, paragraph 1, requires the occupying Power to facilitate the proper working of such institutions. The occupying Power must, therefore, refrain from actions that would prevent such institutions from functioning in accordance with its purposes. In the context of the Occupied Palestinian Territory, such actions may include refraining from using UNRWA schools

¹⁵⁵ E/C.12/1999/5, paras. 36 and 38; E/C.12/2000/4, paras. 38 and 40. See also section C, subsection i, below.

for military operations, damaging UNRWA school premises, and detaining teachers of UNRWA schools. The occupying Power is also required to take positive action to enable such institutions to function in accordance with its purposes, such as by facilitating the establishment of alternative shelters for persons who have sought refuge in UNRWA schools, facilitating the repair of damaged UNRWA schools, facilitating the delivery of supplies that are necessary for educational activities, and securing routes to enable children to have access to UNRWA schools. The obligation to facilitate the proper working of institutions devoted to the care and education of children should be read together with other rules of international humanitarian law, including Article 24 of the Fourth Geneva Convention (on measures relating to child welfare) and the obligation under customary international law to accord special respect and protection to children affected by armed conflict.¹⁵⁶

171. The obligation to facilitate the proper working of all institutions of the United Nations devoted to the care and education of children in the Occupied Palestinian Territory may also be based on international human rights law.

172. Article 13, paragraph 1, of ICESCR provides that “[t]he States Parties to the present Covenant recognize the right of everyone to education”. The Convention on the Rights of the Child further provides, in Article 28, paragraph 1, that “States Parties recognize the right of the child to education”. The Committee on Economic, Social and Cultural Rights stated that “[i]n its General Comment 3, the Committee confirmed that States parties have ‘a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels’ of each of the rights enunciated in the Covenant, including ‘the most basic forms of education’” and further stated that “[i]n the context of article 13, this core includes an obligation: to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis”.¹⁵⁷

173. In instances where the occupying Power imposes restrictions on the proper functioning of educational institutions of UNRWA in the Occupied Palestinian Territory and, as a result,

¹⁵⁶ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. 1 (Cambridge, Cambridge University Press, 2005), p. 479.

¹⁵⁷ E/C.12/1999/10, para. 57.

Palestinian children in the Occupied Palestinian Territory are lacking access to educational institutions, the occupying Power would have an obligation to ensure that they have access to such educational institutions by, for example, taking measures described in paragraph 170.

iv) Obligation to maintain the medical and hospital establishments and services

174. Article 56, paragraph 1, of the Fourth Geneva Convention provides as follows: “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”.

175. Article 56, paragraph 1, refers to “medical and hospital establishments and services”. The expression “medical and hospital establishments” may include fixed property used for medical purposes, such as buildings or parts thereof used as hospitals, health centres and health points, and mobile property used for medical purposes, such as tents used as hospitals, health centres and health points as well as vehicles used as mobile health clinics, and may either be permanent or temporary. The expression “medical and hospital services” may include the search for, collection, transportation, diagnosis or treatment of the wounded and sick, or the prevention of disease. It is clear that UNRWA hospitals, health centres, health points and mobile health clinics in Gaza and the West Bank, including East Jerusalem, qualify as “medical and hospital establishments” and the health activities carried out by UNRWA qualify as “medical and hospital services”.

176. The occupying Power has the obligation of “ensuring and maintaining” such medical and hospital establishments and services, which requires the occupying Power to take all necessary measures to enable medical and hospital establishments and services to carry out its work. In the context of the Occupied Palestinian Territory, this includes refraining from taking measures that would compel UNRWA health facilities to terminate their activities, refraining from actions that would physically damage UNRWA health facilities, facilitating the rapid movement of medical

personnel, facilitating the delivery of medical supplies and medical equipment into the Occupied Palestinian Territory, facilitating the repair of UNRWA health facilities, and allowing UNRWA health staff to provide medical care to the wounded and sick. In this regard, Article 56, paragraph 1, explicitly provides that “[m]edical personnel of all categories shall be allowed to carry out their duties.” The rules cited in subsection ii) above concerning the respect for and the protection of personnel and objects of the United Nations should also be read together with Article 56, paragraph 1.¹⁵⁸

177. The obligation to maintain the medical and hospital establishments and services in the Occupied Palestinian Territory can also be based on international human rights law. The analysis in subsection ii) above also applies with respect to Israel’s obligation to maintain the medical and hospital establishments and services of the United Nations in the Occupied Palestinian Territory.

C. Legal obligations of Israel as a Member of the United Nations

i) General obligations of good faith and cooperation in the Charter of the United Nations

178. Certain legal obligations concerning the presence and activities of the United Nations in the Occupied Palestinian Territory also arise directly from the status of Israel as a Member State of the Organization. These include general obligations of good faith and cooperation, provisions concerning the privileges and immunities of the United Nations and its personnel, and obligations concerning the safety and security of United Nations personnel.

179. The Preamble of the Charter of the United Nations recalls that Member States have committed to “combin[ing] [their] efforts” to accomplish the aims of the Organization. Pursuant to Article 2, paragraph 2, of the Charter of the United Nations, “[a]ll Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter”.

180. In interpreting this important principle, the report of Committee I at the United Nations Conference on International Organization at San Francisco in 1945 explains the inherent

¹⁵⁸ See also section C, subsections iii, iv and v below.

connection between the principle of sovereignty and the obligation of Member States to fulfil in good faith their international obligations under the Charter. Specifically, the Committee observed that while a State “enjoy[s] the rights inherent in [its] full sovereignty, [and] the personality of the state is respected, as well as its territorial integrity and political independence”, each State “should, under international order, comply faithfully with its international duties and obligations”.¹⁵⁹ The Committee further noted that Article 2, paragraph 2, “does not merely mean that one member which fulfils its duties and obligations may exercise certain privileges and rights, but it means also that if all members of the Organization fulfil their obligations, all members receive the benefit. Thus, the non-fulfilment of the duties and obligations by one state deprives not only that state, but all the others of some of the benefits”.¹⁶⁰

181. In the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the General Assembly further confirmed “that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter”.¹⁶¹ More recently, the General Assembly, on 22 September 2024, adopted resolution 79/1 entitled “The Pact for the Future” in which the General Assembly reaffirmed the “commitment” of Member States “to act in accordance with international law, including the Charter and its purposes and principles, and to fulfil our obligations in good faith”.¹⁶²

182. As recognized by the Court in its Advisory Opinion concerning *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, a State’s membership in an international organization entails certain mutual obligations of cooperation and good faith. By acceding to an international organization, becoming a host State, and agreeing to the privileges, immunities and facilities that are necessary for its independence and effectiveness, the legal relationship between a State and that organization becomes that of a host State and an

¹⁵⁹ *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, vol. VI, p. 398.

¹⁶⁰ *Ibid.*

¹⁶¹ General Assembly resolution 2625 (XXV), 24 October 1970, annex.

¹⁶² General Assembly resolution 79/1, 22 September 2024, para. 32.

international organization, “the very essence of which is a body of mutual obligations of co-operation and good faith”.¹⁶³

183. Furthermore, Article 2, paragraph 5, of the Charter provides, in the relevant part, that “[a]ll Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter”. In the present matter, the “action” consists of the activities carried out by a number of United Nations entities – pursuant to mandates provided by various United Nations bodies – in the Occupied Palestinian Territory. It is noted in this regard that the status of the Occupied Palestinian Territory has been confirmed in numerous resolutions of the Security Council¹⁶⁴ and of the General Assembly,¹⁶⁵ and that the Court has authoritatively determined that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part thereof on account of its occupation.¹⁶⁶

184. Consistently with the Court’s interpretation of Article 2, paragraph 5, of the Charter in its Advisory Opinion concerning *Reparation for injuries suffered in the service of the United Nations*,¹⁶⁷ it has been a longstanding position of the Secretariat that, pursuant to this provision, and in accordance with other relevant provisions of the Charter, Member States are required to provide every assistance to United Nations entities to ensure the effective implementation of their mandates. To that end, in particular, Member States are required to comply with their obligations under Article 105 of the Charter as further specified in the Convention on the Privileges and Immunities of the United Nations, which will be further analysed in subsections ii) to v) below.

185. For example, in its practice, the Secretariat has relied on the obligation enshrined in Article 2, paragraph 5, of the Charter, to request a State to facilitate the unhindered and safe

¹⁶³ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, pp. 92-93, para. 43.

¹⁶⁴ See, among others, Security Council resolutions 242 (1967), [338](#) (1973), 465 (1980), 2334 (2016), 2720 (2023).

¹⁶⁵ See, most recently, General Assembly resolution 79/81, 10 December 2024. See also, among others, General Assembly resolution ES-10/20, 13 June 2018, and General Assembly resolution 77/247, 30 December 2022.

¹⁶⁶ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, para. 254.

¹⁶⁷ *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion, I.C.J. Reports 1949*, p. 183.

transit of United Nations peacekeeping personnel through its territory to and from their area of operations. It has also done so in the context of the provision of protection to a Special Political Mission during an emergency relocation to the territory of a State. The Secretariat further recalled the obligation of Member States under Article 2, paragraph 5, of the Charter with regard to the 2015 decision of the Israeli Coordination and Liaison Administration to the Gaza Strip to deny entry into Gaza to a representative of a Member State who was also the Chair of the Advisory Commission to UNRWA, established by the General Assembly resolution 302 (IV) of 8 December 1949. In a communication addressed to the Permanent Mission of Israel to the United Nations dated 11 June 2015, the Office of Legal Affairs noted – after recalling the United Nations privileges and immunities applicable in this context – that “in accordance with Article 2, paragraph 5 of the Charter, ‘all Member States shall give the United Nations every assistance in any action that it takes...’. Therefore, in cases where the United Nations wishes to deploy representatives of its Member States to the territory of a Member State in the performance of their official functions, it is incumbent upon the receiving State authorities to cooperate with the Organization and to facilitate their necessary entry procedures”.

186. In the present context, special reference is made to the specific mandate of UNRWA as the United Nations subsidiary organ established by the General Assembly to provide direct relief and work programmes for Palestine refugees. Accordingly, in his identical letters dated 9 December 2024 to the President of the General Assembly and the President of the Security Council, the Secretary-General recalled that “Israel continue[d] to be required, pursuant to Article 2, paragraph 5, of the Charter of the United Nations, to give UNRWA every assistance in any action it takes in accordance with the relevant decisions of competent principal organs adopted pursuant to the provisions of the Charter, including General Assembly resolution 302 (IV) and subsequent Assembly resolutions renewing the UNRWA mandate”, in accordance with the Charter.¹⁶⁸

187. In this respect, the General Assembly has frequently highlighted that UNRWA requires direct access to the population in the Occupied Palestinian Territory to perform its functions,

¹⁶⁸ A/79/684-S/2024/892, p. 5.

including by noting the “necessity” for its offices to be located there “as part of the area of operation of the Agency”.¹⁶⁹ The Assembly has also explicitly recognized the need for UNRWA to operate without interference and the importance of its contribution to the stability of the region. For example, in 2017, the Assembly expressed “special commendation” to UNRWA for the “essential role that it had played ... since its establishment in providing vital services for the well-being, human development and protection of the Palestine refugees and the amelioration of their plight and for the stability of the region” and further affirmed “the necessity for continuing the work of the Agency and its unimpeded operation and provision of services pending the just resolution of the question of the Palestine refugees”.¹⁷⁰

ii) *General obligations concerning privileges and immunities of the United Nations*

188. Article 105 of the Charter of the United Nations, in paragraph 1, provides that, “[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes”, and in paragraph 2 provides that, “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”.

189. Notably, Committee IV/22 of Commission IV on Judicial Organization at the United Nations Conference on International Organization at San Francisco in 1945 underlined – when contemplating the scope of Article 105 of the Charter – that “if there is one certain principle, it is that no Member State may hinder in any way the working of the Organization or take any measures the effect of which might be to increase its burdens, financial or other”.¹⁷¹ Accordingly, it stems from the drafting history of Article 105 of the Charter that the purpose behind the privileges and immunities is to guarantee the independent performance of the mandates entrusted by the competent organs of the United Nations to the Organization, and its personnel, as enshrined in Articles 100 and 105 of the Charter.

¹⁶⁹ See, for example, General Assembly resolution 49/35 E, 9 December 1994, preamble, and General Assembly resolution 50/28 E, 6 December 1995, preamble.

¹⁷⁰ General Assembly resolution 72/82, 7 December 2017, para. 3.

¹⁷¹ *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, vol. 13, p. 705.

190. Article 105, paragraph 3, stipulates that “[t]he General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose”. In order to give effect to Article 105 of the Charter, the General Assembly adopted the General Convention on 13 February 1946.¹⁷²

191. Israel acceded to the General Convention, without any declaration or reservation, on 21 September 1949.¹⁷³ As a Member State of the United Nations and as a party to the General Convention, Israel has an obligation to accord to the United Nations, its funds and programmes and its subsidiary organs, the privileges and immunities set out in the General Convention.

192. In the context of the Occupied Palestinian Territory, Israel has an obligation to accord privileges and immunities in accordance with the General Convention to all United Nations entities present in the Occupied Palestinian Territory, including those mentioned¹⁷⁴ in the present written statement.¹⁷⁵ This obligation is also applicable in connection with any conduct of Israel in its relations to such United Nations entities in its capacity as occupying Power.

¹⁷² The General Assembly adopted the General Convention upon the recommendation of its Sixth Committee (A/C.6/28 and A.C.6/37. See A/PV.16, para. 28, and A/9 for the referral of the matter by the General Assembly to its Sixth Committee). The discussions on this matter within the Sixth Committee illuminate the objectives pursued by the General Convention in giving effect to Article 105 of the Charter. The Sub-Committee on Privileges and Immunities considered that the General Assembly should propose a convention concerning privileges and immunities for three main reasons. First, because “the immunities necessary for the fulfilment of the purposes of the Organization ... should be laid down in a manner which was as precise as possibly”; second, because “the method should be adopted which would be likely to lead to the greatest uniformity in application”; and, third, because “the procedure should be such as best to facilitate the passing by Members of the necessary domestic legislation” (A.C.6/17, para. 3).

¹⁷³ See depositary notification ref. C.N.113.19.9.TREATIES, dated 4 October 1949, concerning Israel’s accession, available at <https://treaties.un.org/doc/Publication/CN/1949/CN.113.1949-Eng.pdf> (accessed: 14 February 2025).

¹⁷⁴ WFP is also covered by the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (United Nations, *Treaty Series*, vol. 33, p. 261).

¹⁷⁵ This is the case even though the State of Palestine is not a Member of the United Nations, nor a party to the General Convention.

193. With respect to UNRWA specifically, the General Assembly has reiterated on multiple occasions the applicability of the General Convention to UNRWA.¹⁷⁶ Most recently, in paragraph 12 of resolution ES-10/25 of 11 December 2024, the General Assembly demanded that “Israel respect the mandate of the Agency and its privileges and immunities and act forthwith to enable its operations to proceed without impediment or restriction in the Gaza Strip and the West Bank, including East Jerusalem”.

194. Section 34 of the General Convention explicitly imposes an obligation on Israel to be in a position under its own law to give effect to the terms of the convention. In accordance with Article 27 of the Vienna Convention on the Law of Treaties, “[a] party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”. Accordingly, Israel’s domestic laws, including the Knesset Laws referring specifically to UNRWA, must be implemented in a manner that is consistent with Israel’s international obligations under the General Convention.

195. The General Convention applies in all circumstances. It does not contain anything to the effect that the privileges and immunities for which it provides are subject to abridgement or qualification in times of internal unrest or even in times of armed conflict. Indeed, it has been the consistent position of the Organization that the General Convention applies in such circumstances just as much as it does in times of peace and that the privileges and immunities for which it provides may not be qualified or overridden by any demands of military expediency or security.¹⁷⁷ As will be explained below, any concerns Member States may have, including on matters relating to security, are to be addressed in a manner consistent with the status of the

¹⁷⁶ The General Assembly in its resolution 302 (IV) of 8 December 1949 establishing UNRWA recognised the necessity of according UNRWA the privileges and immunities necessary for the fulfilment of its functions. In paragraph 17 of that resolution, the Assembly “call[ed] upon the Governments concerned to accord to [UNRWA] the privileges, immunities, exemptions and facilities which have been granted to the United Nations Relief for Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions”. Subsequent annual resolutions concerning UNRWA have frequently called upon Israel to “abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations” (for example, General Assembly resolution 76/78, 9 December 2021, para. 38, General Assembly resolution 77/122, 12 December 2022, para. 39, and General Assembly resolution 78/73, 7 December 2023, para. 39).

¹⁷⁷ *United Nations Juridical Yearbook 2003*, part Two, Ch. VI, pp. 521-523.

Organization under the Charter, and in accordance with its privileges and immunities under the General Convention.¹⁷⁸

196. In the practice of the Organization, a United Nations entity may also, additionally, conclude bilateral agreements with specific Member States. Such bilateral agreements are based on and in addition to the provisions of the General Convention. In view of the particular mandates of United Nations entities,¹⁷⁹ specific operational requirements may exist on the ground, and such bilateral agreements may provide further specificity to the broader provisions of the General Convention in the context of their presence and activities in a given territory or Member State. In addition, the bilateral agreements may also provide for additional privileges and immunities to a United Nations organ, where such privileges and immunities are not already covered by the General Convention. For example, certain privileges and immunities may be accorded through such bilateral agreements to additional categories of personnel to be engaged by the United Nations organ, if such personnel are necessary to support the implementation of the organ's mandate in the particular context.

197. As mentioned above in part II, in the context of the Occupied Palestinian Territory, a number of United Nations entities have concluded bilateral agreements with Israel with respect to their activities in the Occupied Palestinian Territory.

198. The conclusion of such bilateral agreements is not a precondition for the application of the General Convention to United Nations entities. By virtue of Israel's membership in the United Nations and its status as a party to the General Convention, privileges and immunities deriving from Article 105 of the Charter and specified in the General Convention would be applicable to a United Nations entity even where such entity has not concluded a separate bilateral agreement with Israel.

199. Similarly, the termination of a bilateral agreement addressing privileges and immunities of a United Nations entity has no bearing on Israel's continued obligation under the General

¹⁷⁸ See subsection vi below.

¹⁷⁹ See, for example, part II above.

Convention and its application to such entity. With respect to UNRWA, the 1967 Exchange of Letters mentioned above¹⁸⁰ provides, inter alia, that the “[General Convention], to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA’s functions”. Although Israel has notified the United Nations that the Exchange of Letters has been terminated, the General Convention remains fully applicable regardless of this notification.

200. While all the provisions in the General Convention are applicable, vis-à-vis Israel, with respect to the presence and activities of the United Nations in the Occupied Palestinian Territory, the next subsections will address the obligations of Israel under specific provisions of the General Convention to illustrate its application in relation to the operational needs of the United Nations entities operating in the Occupied Palestinian Territory.

iii) Privileges and immunities of the United Nations, its premises, property and assets

a) Obligation to respect the Organization’s immunity from legal process

201. Article II, Section 2, of the General Convention provides that “[t]he United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity”. The provision goes on to specify that “[i]t is, however, understood that no waiver of immunity shall extend to any measure of execution”.

202. In the longstanding position and practice of the United Nations, the words “legal process” have been “broadly interpreted to include every form of legal process before national authorities, whether [they exercise] judicial, administrative or executive functions according to national law”.¹⁸¹ Accordingly, to be able to perform its functions independently as envisaged in the Charter, the Organization, its property and assets, must be immune from every form of legal process in its Member States, including from judicial proceedings and any measures of

¹⁸⁰ See part II, section K above.

¹⁸¹ “The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat”, *Yearbook of the International Law Commission*, 1967, vol. II, document A/CN.4/L.118 and Add. 1 and 2, part Two, p. 224, para. 76.

execution, such as any freezing, expropriation or seizure of United Nations assets, property or funds. This obligation entails a duty on the part of a State party to assert immunity on behalf of the Organization before the competent authorities.¹⁸² While the Organization may waive its immunity in particular cases, Article II, Section 2, of the General Convention specifies that such waiver must be “express”, and that it shall not extend to any measures of execution.

b) Obligation to respect the absolute and mandatory inviolability of United Nations premises, property and assets, including during armed conflict

203. Article II, Section 3, of the General Convention provides that the “premises of the United Nations shall be inviolable”; also, that the “property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action”.

204. Inviolability entails that State agents may not enter or otherwise physically penetrate or physically interfere with the premises concerned without the prior consent of the United Nations. It also entails a duty on the part of a host State (or, in this case, the occupying Power) to take all appropriate measures to prevent the premises being entered or otherwise physically penetrated, damaged or interfered with by other actors. Acts of sovereign authority may not be performed at or within United Nations premises. Thus, State officials, including members of the armed forces and domestic law enforcement authorities, may not enter United Nations premises without authorization by the United Nations. In fact, any form of interference is prohibited by Article II, Section 3, of the General Convention. These obligations therefore also prohibit any State authorities, including a State’s armed forces or security forces from hitting, damaging or attacking United Nations premises, property and assets. Any form of unauthorized entry, as well as any demands to enter United Nations premises, orders to evacuate, close or handover United Nations premises, the deployment of weapons in the proximity of United Nations premises in connection with such demands or orders and any disruption caused to mandated

¹⁸² See *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Advisory Opinion, I.C.J. Reports 1999, p. 87, paras. 60-61, and pp. 31-32, para. 67.

activities within such United Nations premises by State authorities, including local authorities, are a violation of Israel's obligation to respect the inviolability of United Nations premises and their immunity from any form of interference.¹⁸³

205. Inviolability is attached to all United Nations movable and immovable property and assets including, for example, United Nations vehicles, which cannot, without prior authorization, be subject to physical or any other interference by State agents. While United Nations vehicles may be required to stop at checkpoints and occupants of the vehicle may be required to produce identification confirming their status with respect to the United Nations, the vehicles themselves may not be subjected to an intrusive inspection which would constitute a "search" or amount to "interference with" property or an asset of the United Nations within the meaning of Article II, Section 3, of the General Convention.¹⁸⁴

206. Member States of the United Nations and States parties to the General Convention have an unqualified obligation to respect the absolute and mandatory inviolability of all United Nations premises, as well as the obligation to respect the immunity of United Nations property and assets from any form of interference. These obligations exist for "the United Nations and its offices as well as peacekeeping operations and political missions to be able to fulfill their mandate".¹⁸⁵

207. The inviolability of premises, property and assets is absolute and mandatory in character, meaning that it is not qualified and it cannot be waived by the Secretary-General. There are no stated qualifications to, or limitations on, inviolability in the General Convention, and other relevant agreements; there is no reference to inviolability being merely "functional" in nature, as is the case for certain other provisions in the General Convention; nor is there any reference in the General Convention to situations of armed conflict, civil unrest or other emergency situations as constituting possible limitations on such inviolability.

¹⁸³ See, for instance, dossier No. N309.

¹⁸⁴ *United Nations Juridical Yearbook 2003*, part Two, Ch. VI, pp. 521-523.

¹⁸⁵ *United Nations Juridical Yearbook 2006*, part Two, Ch. VI, p. 522.

208. In 1988, the United Nations Office of Legal Affairs remarked, in relation to the possible expropriation of United Nations property and assets by a Member State, that, in the “practice of the United Nations and the specialized agencies, it is considered that the inviolability of property and assets has an absolute and mandatory character”; and that this “inviolability is absolute since the only acceptable limitations would be those which are expressly provided in the applicable convention or headquarters agreement; and it is mandatory since no waiver of immunity from jurisdiction may extend to any measure of execution”.¹⁸⁶ The Secretary-General has recently reaffirmed that “United Nations premises are inviolable at all times”.¹⁸⁷

209. The Secretariat of the United Nations has long maintained the legal position that the inviolability of United Nations premises, property and assets applies also in times of armed conflict. This flows from the fact that inviolability is “absolute and mandatory”.¹⁸⁸ As mentioned above, the General Convention also applies in times of internal unrest and in times of armed conflict, and the obligation concerning inviolability may not be qualified or overridden by any demands of military expediency or security.¹⁸⁹ Inviolability also continues to attach to United Nations property and assets including when property and assets may temporarily fall outside of the Organization’s control. Article II, Section 3, of the General Convention expressly refers to property and assets “wherever located and by whomsoever held”. This qualification is especially important in complex and volatile circumstances, including in times of armed conflict.

210. This legal position is confirmed by the practice of the Secretariat in relation to incidents having occurred during previous hostilities in Gaza. Between 27 December 2008 and 19 January 2009, during the hostilities in the Gaza Strip and southern Israel, several incidents occurred affecting United Nations personnel, premises and operations, including death, injuries, and severe damage to property. This prompted the Secretary-General to establish a United Nations Headquarters Board of Inquiry to review and investigate certain specific incidents. The summary of the Board’s report, transmitted by the Secretary-General to the

¹⁸⁶ *United Nations Juridical Yearbook 1988*, part Two, Ch. VI, p. 347.

¹⁸⁷ S/2024/913, para. 65.

¹⁸⁸ *United Nations Juridical Yearbook 1988*, part Two, Ch. VI, p. 347.

¹⁸⁹ *United Nations Juridical Yearbook 2003*, part Two, Ch. VI, p. 522.

President of the Security Council on 4 May 2009, expressly stated, in relation to a number of these incidents, that a “breach of the inviolability of United Nations premises” and “a failure to accord the property and assets of the Organization immunity from any form of interference” had occurred, highlighting that “such inviolability and immunity could not be overridden by demands of military expediency”.¹⁹⁰

211. Thus, in July 2009, the United Nations submitted to the Ministry of Foreign Affairs of Israel a claim for reimbursement for the losses that the United Nations had sustained in a number of these incidents, the most serious of which involved catastrophic damage, through artillery firing and a subsequent conflagration, to the UNRWA Field Office compound in Gaza, including the destruction of a warehouse containing United Nations assets.

212. On 22 January 2010, the Secretary-General informed the President of the Security Council that, further to constructive engagement with the Government of Israel, “the financial issues relating to the incidents investigated by the Board of Inquiry” had been “brought to a satisfactory resolution”.¹⁹¹ On the same day, the Spokesperson for the Secretary-General stated that the Government of Israel had made a payment of \$10.5 million to the United Nations in respect of the losses sustained by the United Nations in the incidents, while maintaining its point of view that Israel was not legally responsible for any of the incidents; and noted that the United Nations accepted such payment while maintaining its point of view that Israel was indeed legally responsible.¹⁹²

213. Similarly, between 8 July 2014 and 26 August 2014, during the hostilities in the Gaza Strip and southern Israel, several incidents occurred involving United Nations personnel, premises and operations, including death, injuries, and damage to property. A United Nations Headquarters Board of Inquiry was convened on 10 November 2014. A summary of the report of the Board was communicated to the Security Council in a letter from the Secretary-General

¹⁹⁰ A/63/855-S/2009/250, annex, paras. 16, 38, 54, 65, 75.

¹⁹¹ S/2010/39.

¹⁹² “Daily Press Briefing by the Offices of the Spokesperson for the Secretary-General and the Spokesperson for the General Assembly President”, 22 January 2010, available at <https://press.un.org/en/2010/db100122.doc.htm> (accessed: 17 February 2025).

dated 27 April 2015.¹⁹³ In his letter, the Secretary-General noted that “United Nations premises are inviolable and should be places of safety, in particular in a situation of armed conflict”;¹⁹⁴ and the summary of the report made reference, among others, to a joint letter from the United Nations Special Coordinator and the UNRWA Commissioner-General to the Minister of Defence of Israel invoking the inviolability of United Nations premises pursuant to the General Convention.¹⁹⁵

214. The Secretary-General has maintained the position that United Nations premises, property and assets are always inviolable also in the specific context of the hostilities in Gaza after 7 October 2023.¹⁹⁶

215. The legal position taken by the Secretariat converges with that of Member States in the General Assembly. In relation to both the 2008-2009 and the 2014 hostilities, the General Assembly deplored the “breaches of the inviolability of United Nations premises” and the “failure to accord the property and assets of the Organization immunity from any form of interference” that had occurred, and called upon Israel to abide by the relevant provisions of the Charter and of the General Convention.¹⁹⁷ In 2009, the General Assembly further urged Israel “to speedily compensate [UNRWA] for damage and destruction to its property and facilities resulting from actions by the Israeli side, including as a result of the military operations in the Gaza Strip between December 2008 and January 2009”.¹⁹⁸ In 2014, it called for “a full and transparent investigation into all of the incidents affecting [UNRWA]’s facilities during the conflict in the Gaza Strip in July and August 2014, with a view to ensuring accountability for all violations of international law”.¹⁹⁹

¹⁹³ S/2015/286.

¹⁹⁴ *Ibid.*, p. 3.

¹⁹⁵ *Ibid.*, annex, paras. 11-12.

¹⁹⁶ See, e.g., S/2024/26, p. 2, and S/2024/913, para. 65.

¹⁹⁷ General Assembly resolution 64/89, 10 December 2009, preamble and para. 15; General Assembly resolution 69/88, 5 December 2014, preamble and para. 17; and General Assembly resolution 70/85, 9 December 2015, preamble and para. 21.

¹⁹⁸ General Assembly resolution 64/89, 10 December 2009, para. 16.

¹⁹⁹ General Assembly resolution 69/88, 5 December 2014, para. 18.

216. In relation to the situation in the Occupied Palestinian Territory since October 2023, the General Assembly has deplored the “breaches of the inviolability of United Nations premises” and “the failure to accord the property and assets of the Organization immunity”.²⁰⁰

217. The practice of the Security Council also supports the view that United Nations premises remain inviolable in situations of armed conflict, including when force is being used against United Nations and associated personnel. For example, during hostilities in Afghanistan in 1996, the Security Council expressed its concern “at the violation of the United Nations premises in Kabul” and expressed “its dismay at the brutal execution by the Taliban of the former President of Afghanistan, Najibullah, and others who had taken refuge in these premises”.²⁰¹

c) Obligation to facilitate the movement of supplies, goods and equipment of the United Nations operating in the Occupied Palestinian Territory

218. Article II, Section 7 (b), of the General Convention stipulates that the United Nations is “exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use”. Such articles for official United Nations include any goods, materials, foodstuffs, vehicles or otherwise, which are used in, and form a part of, official United Nations activities.

219. Exemption from customs duties and taxations are important to minimize the financial burden of the Organization and to effectively carry out the mandate of United Nations entities.²⁰² In this connection, Article II, Section 7 (a), of the General Convention on exemption from direct taxes and Section 8 on reimbursement of indirect taxes also minimize the financial burdens of the Organizations.

220. For the purpose of implementing their respective mandated activities, United Nations entities operating in the Occupied Palestinian Territory are required to import goods falling within the scope of Article II, Section 7(b), including, for example, medicines and foodstuffs, as

²⁰⁰ General Assembly resolution ES-10/25, 11 December 2024, preamble and para. 10; see also General Assembly resolution 78/73, 7 December 2023, preamble.

²⁰¹ S/PRST/1996/40.

²⁰² See para. 189 above.

well as computer equipment for schools and clinics. As such, the United Nations relies on Israeli authorities to authorize the importation without tax of such goods. Refusal to grant exemption from customs duties, having a direct impact on the ability of the Organization to implement its mandated activities and increasing the costs it may incur, would be inconsistent with Article II, Section 7 (b), of the General Convention.²⁰³

iv) Privileges and immunities of United Nations personnel in the Occupied Palestinian Territory

a) Obligation to respect the immunity from legal process of United Nations officials and experts on mission

221. Israel has an obligation to respect the independent exercise of the functions of United Nations officials, irrespective of nationality. Article 100 (2) of the Charter provides that “[e]ach Member of the United Nations 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”.

222. In this regard, the General Convention accords certain privileges and immunities to United Nations officials (Article V of the General Convention) and experts on mission (Article VI of the General Convention).

223. One of the key elements is immunity of United Nations officials and experts on mission from legal process. With respect to United Nations officials, Article V, Section 18 (a), of the General Convention, provides that “[o]fficials of the United Nations shall: (a) be immune from legal process in respect of words spoken and written and all acts performed by them in their official capacity”. Such immunity is applicable to all United Nations staff members, irrespective of nationality, “with the exception of those who are recruited locally and are assigned to hourly

²⁰³ In this connection, it is noted that, with regard to UNRWA, the General Assembly in resolution ES-10/25 of 11 December 2025 specifically called upon Israel “to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations in all aspects ... and to cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and levying taxes, extra fees and charges on the Agency” (para. 14).

rates”.²⁰⁴ Senior United Nations officials, pursuant to Article V, Section 19, of the General Convention, are accorded diplomatic immunity. In practice, the heads of United Nations entities on the ground may also be accorded diplomatic immunity, irrespective of their rank.

224. With regard to United Nations experts on mission, pursuant to Article VI, Section 22 (b), of the General Convention, they shall be accorded immunity from legal process of every kind “in respect of words spoken or written and acts done by them in the course of the performance of their mission”. Experts on mission are also expressly accorded immunity from personal arrest and detention (Article VI, Section 22 (a), of the General Convention).

225. In addition to the general interpretation of the words “legal process”,²⁰⁵ the Organization has consistently maintained that “legal process” comprises “the entire judicial proceedings, including the writ, mandate, summons or act by which the court assumes jurisdiction and compels the appearance of the defendant and witnesses and acts of execution, as well as other acts on the part of public authorities, such as arrest and detention in custody, in connexion with legal proceedings”.²⁰⁶

226. Immunity is granted to United Nations officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. Article V, Section 20, of the General Convention provides that “[t]he Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations”. Similarly, with respect to experts on mission, Article VI, Section 23, of the General Convention provides that “[t]he Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.” Only the Secretary-General of the United Nations, who under Article 97 of the United Nations Charter is

²⁰⁴ See General Assembly resolution 76 (I), 7 December 1946.

²⁰⁵ See subsection iii, a) above.

²⁰⁶ “The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat”, *Yearbook of the International Law Commission*, 1967, vol. II, document A/CN.4/L.118 and Add. 1 and 2, part Two, p. 266, para. 250.

the “chief administrative officer of the Organization”, has the power to waive the immunity of the Organization or its officials in respect of any given matter.

227. The ability of the United Nations to ascertain the full circumstances surrounding any arrest and detention of a United Nations personnel is essential to enable the United Nations to make determinations as to the applicability of any immunities, and if so, whether a waiver should be granted. In its resolution 36/232 of 18 December 1981, the General Assembly appealed “to any Member State which has placed under arrest or detention a staff member of the United Nations or a specialized agency or related organization to enable the Secretary-General or the executive head of the organization concerned, in accordance with the rights inherent under the relevant multilateral conventions and bilateral agreements, to visit and converse with the staff member, to apprise himself of the grounds for the arrest or detention, including the main facts and formal charges, to enable him also to assist the staff member in arranging for legal counsel and to recognize the functional immunity of a staff member asserted by the Secretary-General or by the appropriate executive head, in conformity with international law and in accordance with the provisions of the applicable bilateral agreements between the host country and the United Nations or the specialized agency or related organization concerned”.²⁰⁷

b) Obligation to facilitate the movement of United Nations personnel

228. United Nations entities operating in the Occupied Palestinian Territory have engaged both internationally and locally recruited personnel to carry out mandated activities. In this regard, the movement of such personnel to and from the Occupied Palestinian Territory is required.

229. The freedom of officials to travel has been recognized as “one of the most essential privileges which is necessary for the independent exercise of their functions in connexion with the United Nations, and for the fulfilment of the purposes of the Organization”.²⁰⁸ The ability of other United Nations personnel to perform their functions as required by the Organization also

²⁰⁷ General Assembly resolution 36/232, 18 December 1981, para. 1.

²⁰⁸ “The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat”, *Yearbook of the International Law Commission*, 1967, vol. II, document A/CN.4/L.118 and Add. 1 and 2, part Two, p. 290, para. 366.

depends on their ability to move freely. Hence, the Organization has consistently maintained that its personnel “travelling in order to fulfil their functions on behalf of the United Nations should be granted freedom of movement by all Member States”.²⁰⁹ Any restrictions relating to the movement of personnel from the Occupied Palestinian Territory into Israel, and vice-versa, as well as within the Occupied Palestinian Territory, including denial of visas and refusal to recognize and accept the United Nations laissez-passer (UNLP) as a valid travel document by Israeli authorities would impede the exercise of their functions for the United Nations.

230. In accordance with Article V, Section 18 (d), of the General Convention, officials of the United Nations, together with their spouses and dependent relatives, are immune “from immigration restrictions and alien registration”. Further, Article VII, Section 24, provides that “the United Nations may issue United Nations laissez-passer to its officials” and the UNLP “shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25”. Section 25, in turn, provides that “[a]pplications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel”. Section 26 of the same Article further provides that “[s]imilar facilities to those specified in Section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations”.

231. In line with the foregoing, Israel has an obligation to process any necessary visa requests for the official travel of United Nations personnel as speedily as possible, so as not to prevent their access to the Occupied Palestinian Territory for the exercise of official functions. In addition, the terms of any visa granted must facilitate rather than impede the activities of the United Nations.

²⁰⁹ Ibid., p. 289, para. 364.

232. In the context of the Occupied Palestinian Territory, the United Nations relies extensively on the contribution of local personnel. Local personnel commuting from their residences to United Nations premises, or travelling for the purpose of performing official functions, may be required to move between the Occupied Palestinian Territory and Israel. In light of the forgoing, Israel has an obligation to allow and facilitate such movement so as to permit United Nations personnel to perform their official functions.

v) *Obligations concerning the safety and security of United Nations premises, property, assets and personnel*

233. Many of the obligations of Israel outlined in the preceding sections can also be considered as obligations to ensure the safety and security of United Nations premises, property, assets and personnel.

234. The Security Council and the General Assembly have reiterated that the primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and associated personnel, including national and locally recruited personnel, lies with the Government hosting humanitarian operations or a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations.²¹⁰ As previously recalled by the United Nations Legal Counsel, such Government is “under a legal obligation to take effective and adequate actions as may be required to ensure the appropriate security, safety and protection of United Nations personnel”.²¹¹

235. As far as international humanitarian law is concerned, as mentioned above, Israel, as the occupying Power, has the obligation to respect and protect United Nations personnel and objects

²¹⁰ For a recent example, see the 2024 Pact for the Future, General Assembly resolution 79/1, 22 September 2024, para. 35 (e), in which the General Assembly decided to “[r]espect and protect humanitarian personnel and United Nations and associated personnel, including national and locally recruited personnel, their facilities, equipment, transports and supplies, in accordance with our obligations under international law, including international humanitarian law”.

²¹¹ *United Nations Juridical Yearbook 2013*, p. 376.

used by the United Nations, including refraining from detaining or causing deaths and injuries to United Nations personnel and damaging objects used by the United Nations.²¹²

236. As far as the privileges and immunities are concerned, United Nations premises, property and assets are immune from legal process and from any form of interference and United Nations premises are inviolable.²¹³ Furthermore, United Nations officials and experts on mission are immune from legal process.²¹⁴ In this regard, Israel is required to promote the safety, security and freedom of movement of United Nations personnel and the safety and security of their premises, property and assets. This includes ensuring that United Nations premises, property and assets and its personnel are themselves not intentionally targeted. Without the necessary safety and security conditions, it would be difficult for the United Nations and its personnel to discharge their responsibilities and independently exercise their functions in accordance with Articles 100, 104 and 105 of the Charter. In this connection, the General Assembly has called upon Israel to abide by Articles 100, 104 and 105 of the Charter and the Convention on the Privileges and Immunities of the United Nations in order to ensure the safety of the personnel of UNRWA, the protection of its installations and the safeguarding of its facilities in the Occupied Palestinian Territory, including East Jerusalem, at all times.²¹⁵

237. Israel also acceded, on 31 July 1980,²¹⁶ to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973.²¹⁷ As a State party to this Convention, Israel has certain obligations to take the necessary measures to prevent and punish the intentional commission of certain crimes committed against United Nations personnel who may be

²¹² See paras. 155-158 and 176 above.

²¹³ See subsection iii, a) and b) above.

²¹⁴ See subsection iv, a) above.

²¹⁵ See, for example, General Assembly resolution 78/73, 7 December 2023, para. 39 and General Assembly resolution ES-10/25, 11 December 2024, para. 14.

²¹⁶ See depositary notification ref. C.N.225.1980.TREATIES-7, dated 27 August 1980, concerning Israel's accession, available at <https://treaties.un.org/doc/Publication/CN/1980/CN.225.1980-Eng.pdf> (accessed: 18 February 2025).

²¹⁷ United Nations, *Treaty Series*, vol. 1035, p. 167.

considered as “internationally protected persons” under this Convention (Article 1(1)).²¹⁸ This includes, inter alia, the obligation to establish its jurisdiction over certain crimes committed against such United Nations personnel (Article 3) and to take all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories (Article 4(1)).

vi) *Concerns regarding the United Nations or its personnel must be addressed in accordance with the status and legal framework of the United Nations*

238. Privileges and immunities accorded to the United Nations and its personnel²¹⁹ are not intended to shield the Organization from credible and substantiated concerns from Member States. The Organization cooperates and engages with Member States within the framework of, and in a manner consistent with, the privileges and immunities of the United Nations. Pursuant to Article V, Section 21, of the General Convention, “[t]he United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities” of United Nations officials. The Organization also cooperates on a wide range of areas that pertain to its presence and activities more broadly, in a manner consistent with its privileges and immunities, taking into account the interests of the Organization.

239. In this regard, concerns regarding the privileges and immunities of the Organization or its personnel, in line with the legal framework applicable to the United Nations, must be brought to the attention of the Organization so that the matter may be considered by the United Nations in accordance with its legal framework. It has been the longstanding position of the Organization that, in view of its international character and its privileges and immunities, unilateral actions

²¹⁸ When recommending the General Assembly to adopt the Convention in question, the Sixth Committee of the General Assembly noted its interpretation of “the term ‘internationally protected persons’ appearing in [Article 1 (1)] as applying to nationals of third States appointed by sending States to international organizations if such representatives or officials are accepted by the international organizations in question, provided that they are not nationals of the host States where such international organizations have their headquarters” (A/9407, para. 23).

²¹⁹ See subsections ii, iii and iv above.

against the United Nations or its personnel taken without consultation with the United Nations may be a violation of the relevant provisions of the General Convention. Moreover, the General Convention, under Section 30, provides a means by which all differences arising out of the interpretation or application of the General Convention is to be resolved. Specifically, it provides that “[i]f a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties”.

240. The Organization has established a framework to address and investigate specific allegations of incidents brought to its attention, which is in line with the status, privileges and immunities of the United Nations. With regard to allegations against United Nations staff members, the regulatory frameworks of the United Nations require such allegations to be confirmed through an internal administrative investigation, which may include referring the allegations to the Office of Internal Oversight Services (OIOS) for investigation.²²⁰ Where the allegations against individual staff members are criminal in nature, the Organization engages with the appropriate national authorities to obtain additional information to corroborate such allegations.

241. If the allegations are established and following a disciplinary process, the Organization may take certain administrative measures against the staff member concerned. The Organization would also consider any requests from competent authorities of Member States for waivers of any applicable immunity, in light of all relevant information, including information made

²²⁰ The Office of Internal Oversight Services (OIOS) is the internal oversight body of the United Nations. It was established by General Assembly resolution 48/218 B adopted on 29 July 1994. Pursuant to that resolution, the Office “shall exercise operational independence under the authority of the Secretary-General in the conduct of its duties” and “have the authority to initiate, carry out and report on any action which it considers necessary to fulfil its responsibilities with regard to monitoring, internal audit, inspection and evaluation and investigations”; the overall purpose of the office is “to assist the Secretary-General in fulfilling his internal oversight responsibilities in respect of the resources and staff of the Organization”. General Assembly resolution 48/218 B, 29 July 1994, para. 5 (a) and (c).

available to it by the requesting authority, in accordance with Article V, Section 20, of the General Convention.

242. The United Nations considers very seriously any credible allegations against the Organization, including involving its personnel or misuse of its premises. However, its ability to further inquire into those allegations depends on the full cooperation of Member States, including the provision of relevant documents and materials, without which the Organization may not have sufficient basis to take further action in specific cases.

243. For example, following allegations that have been raised against UNRWA and its personnel, UNRWA has taken steps to investigate those allegations in line with the Organization's regulatory framework. In order to conduct such investigations, UNRWA and OIOS have sought cooperation from the Government of Israel. In particular, the relevant authorities of Israel have been requested to share evidence and other information with the Organization so that the United Nations may proceed with its investigation and consider disciplinary processes, including dismissal. Without such information, the Organization may not be in a position to fully establish the facts as required under its regulatory framework.²²¹ Where there is sufficient evidence, the Organization takes appropriate action.²²²

244. Where the concerns relate to broader issues, the Organization has taken further steps to review the matter. In response to Israel's concerns regarding the neutrality of UNRWA personnel more broadly, the Secretary-General appointed the former Foreign Minister of France, Catherine Colonna, to lead an independent review group to assess whether UNRWA was doing everything within its power to ensure neutrality and respond to allegations of serious neutrality breaches

²²¹ A/79/716-S/2025/18.

²²² "Note to correspondents – on the UN Office of Internal Oversight Services (OIOS) investigation of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)", 5 August 2024, available at: <https://www.un.org/sg/en/content/sg/note-correspondents/2024-08-05/note-correspondents-%E2%80%93-the-un-office-of-internal-oversight-services-%28oios%29-investigation-of-the-un-relief-and-works-agency-for-palestine-refugees-the-near-east> (accessed: 18 February 2025).

when they are made. The Secretary-General and UNRWA have expressed their commitment to fully implementing the review's recommendations,²²³ with the support of Member States.²²⁴

IV. CONCLUSION

245. The purpose of this written statement is to assist the Court in rendering its advisory opinion on the obligations of Israel, as an occupying Power and as a Member of the United Nations, in relation to the presence and activities of, in particular, the United Nations in and in relation to the Occupied Palestinian Territory.

246. In part II above, information was provided as to the presence and activities of thirteen United Nations entities that maintain an ongoing presence in the Occupied Palestinian Territory: the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Human Settlements Programme (UN-Habitat), the United Nations Mine Action Service (UNMAS) of the Department of Peace Operations, the United Nations Office for Project Services (UNOPS), the United Nations Office on Drugs and Crime (UNODC), the United Nations Population Fund (UNFPA), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Special Coordinator for the Middle East Process (UNSCO), and the World Food Programme (WFP). The mandates of these entities, agreements concluded by them with Israel, the Palestine Liberation Organization or the Palestinian Authority, and their presence in the Occupied Palestinian Territory were described, and a brief description of recent activities of such entities was included, focusing primarily on the last year.

²²³ Dossier No. N297.

²²⁴ "Note to correspondents – on the UN Office of Internal Oversight Services (OIOS) investigation of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)", 5 August 2024, available at: <https://www.un.org/sg/en/content/sg/note-correspondents/2024-08-05/note-correspondents-%E2%80%93-the-un-office-of-internal-oversight-services-%28oios%29-investigation-of-the-un-relief-and-works-agency-for-palestine-refugees-the-near-east> (accessed: 18 February 2025).

247. All these entities are involved in the “unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population”, or in the provision of “basic services and humanitarian and development assistance for the benefit of the Palestinian civilian population, or in support of the Palestinian people’s right to self-determination”. Their presence and activities in the Occupied Palestinian Territory are thus relevant to the question submitted by the General Assembly.

248. Part III above described the position of the Secretary-General as to the legal framework that is applicable to Israel in relation to the presence and activities of United Nations entities in and in relation to the Occupied Palestinian Territory.

249. First, as the Court has remarked, Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation. The enactment of the “Law to Cease UNRWA Operations” and of the “Law to Cease UNRWA Operations in the Territory of the State of Israel” by the Knesset of Israel on 28 October 2024, and any measures taken on the basis of those laws and other applicable Israeli law by Israel in the Occupied Palestinian Territory, including East Jerusalem, appear to constitute an extension of sovereignty over – or exercise of sovereign powers in – the Occupied Palestinian Territory, including East Jerusalem, and they are, as such, inconsistent with Israel’s obligations under international law. Insofar as the “Law to Cease UNRWA Operations in the Territory of the State of Israel”, among other effects, prevents UNRWA operations in East Jerusalem, which Israel considers to be part of the territory of the State of Israel, the enactment and implementation of this law is also inconsistent with the international legal status of East Jerusalem.

250. Second, Israel has several obligations in relation to the presence and activities of the United Nations in the Occupied Palestinian Territory by virtue of its status as the occupying Power, including the overarching obligation to administer the territory for the benefit of the local population, and the obligations to agree to and facilitate relief schemes, to facilitate the proper working of all institutions devoted to the care and education of children, and to maintain the medical and hospital establishments and services, including those set up by United Nations entities. In the specific context of the Occupied Palestinian Territory, these obligations entail

allowing and facilitating all relevant United Nations entities to carry out their activities for the benefit of the local population, as well as respecting the decisions of the representative of the Palestinian people to receive basic goods and services from United Nations entities in order to fully enjoy their right of self-determination.

251. Third, certain legal obligations concerning the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory also arise directly from the status of Israel as a Member State of the Organization. These include general obligations of good faith and cooperation with the Organization, the specific obligations concerning the privileges and immunities of the United Nations and its premises, property, assets and personnel, and the obligations concerning the safety and security of United Nations premises, property, assets and personnel.

252. The absolute and mandatory obligation to respect the inviolability of United Nations premises, property and assets at all times, including during armed conflict, wherever they may be located and by whomsoever they may be held, has been emphasised in this written statement. This obligation may not be qualified or overridden by any demands of military expediency or security.

253. This written statement also underlined other obligations, including the obligation to uphold the immunity from legal process of the United Nations and its personnel, as well as to facilitate the movement of supplies, goods and equipment of the United Nations and the freedom of movement of its personnel.

254. Compliance by Israel with its legal obligations is indispensable for the accomplishment of the mandates of United Nations entities in and in relation to the Occupied Palestinian Territory.

The above written statement is hereby submitted to the International Court of Justice on behalf of the Secretary-General of the United Nations.

New York, 27 February 2025



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