



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 an Advisory Opinion)**

WRITTEN STATEMENT OF THE KINGDOM OF SAUDI ARABIA

28 FEBRUARY 2025



I. INTRODUCTION

1. This written statement is submitted by the Kingdom of Saudi Arabia pursuant to the Court's Order of 23 December 2024, issued upon the request for an advisory opinion made by the General Assembly of the United Nations in its Resolution 79/232 of 19 December 2024.¹

2. The terms of the request made by the General Assembly are as follows:

What are the obligations of Israel, as an occupying Power and as a member of the United Nations, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory, including to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?²

3. The Kingdom of Saudi Arabia was a co-sponsor of the U.N. General Assembly draft resolution requesting this advisory opinion and voted in favour of the resolution.³

II. FACTUAL AND LEGAL BACKGROUND TO THE REQUEST FOR AN ADVISORY OPINION

4. As reflected in the record of the debate that led to the adoption of U.N. General Assembly Resolution 79/232,⁴ the advisory opinion is sought in light of the humanitarian crisis faced by the Palestinian people in the Occupied Palestinian Territory (encompassing the West

¹ U.N. General Assembly Resolution 79/232 (2024) (U.N. Dossier No. 3). The references in this Written Statement to "U.N. Dossier No. ___" are to the documents transmitted to the Court by the U.N. Secretariat pursuant to Article 65(2) of the Court's Statute, posted on the Court's website on 30 January 2025.

² U.N. General Assembly Resolution 79/232 (2024), para. 10 (U.N. Dossier No. 3).

³ U.N. General Assembly, Draft Resolution, U.N. Doc. A/79/L.28/Rev.1, 12 December 2024 (U.N. Dossier No. 1).

⁴ Official Verbatim Records of the U.N. General Assembly, 54th Plenary Meeting of the 79th Session, U.N. Doc. A/79/PV.54, 19 December 2024, p. 45 (U.N. Dossier No. 2). See also *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, pp. 4-5, paras. 8-9 (U.N. Dossier No. N28).



Bank, East Jerusalem and the Gaza Strip⁵), brought about by Israel's continued violation of its obligations under international law, as an Occupying Power and a member of the United Nations. This humanitarian crisis persists irrespective of the current ceasefire agreement concluded between Israel and Hamas which entered into force on 19 January 2025, which only concerns the Gaza Strip and, as further developed below, has not prevented Israel from pursuing its relentless attacks against the U.N. and its bodies.⁶

5. Israel's unlawful occupation of the Occupied Palestinian Territory has now lasted close to six decades. Israel's actions in the Occupied Palestinian Territory led the U.N. General Assembly to adopt a resolution on 30 December 2022 requesting the Court to issue an advisory opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory.⁷ As the Kingdom of Saudi Arabia remarked in its written submissions in relation to that request, throughout its occupation Israel has, among other actions, established and expanded settlements containing more than 700,000 Israeli settlers, committed acts of *de facto*, and in the case of East Jerusalem and its environs, *de jure*, annexation, constructed an unlawful separation wall that cut through and divided Palestinian communities, and committed persistent wrongful conduct against the Palestinian population.⁸ These policies and practices were declared illegal by the Court in the *Israeli Policies and Practices Advisory Opinion*, as further detailed below.⁹

6. As documented in comprehensive reports commissioned by various U.N. organs, Israel's actions and treatment of the population of the Gaza Strip—where Israel has imposed an inhumane blockade since 2007—have been particularly egregious.¹⁰ Over the last 15 months, Israel

⁵ See *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024 (“*Israeli Policies and Practices Advisory Opinion*”), para. 78.

⁶ See para. 24, *infra*.

⁷ U.N. General Assembly Resolution 77/247 (2023) (U.N. Dossier No. 836).

⁸ *Israeli Policies and Practices Advisory Opinion*, Written Statement of the Kingdom of Saudi Arabia, 25 July 2023, pp. 8, 24, paras. 23, 46-47.

⁹ *Israeli Policies and Practices Advisory Opinion*, paras. 265-266. See para. 10, *infra*.

¹⁰ *Report of the Commissioner-General of the United Nations Relief and Work Agency for Palestine Refugees in the Near East: 1 January-31 December 2023*, U.N. Doc. A/79/13, 14 August 2024, p. 10, paras. 10-12 (U.N. Dossier No. N32). See also U.N. Office for the Coordination of Humanitarian Affairs, *Gaza Humanitarian Response Update* (5-18 January 2025), 21 January 2025, available at: <https://www.ochaopt.org/content/gaza-humanitarian-response-update-5-18-january-2025>; *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 5, para. 8 (U.N. Dossier No. N28); Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. Doc. A/79/232, 11 September 2024, pp. 4-15 (U.N. Dossier No. N255); Office of the High Commissioner for Human



has conducted an unrelenting military assault against Gaza's population and infrastructure, killing over 47,000 people, including tens of thousands of children, wounding over 100,000 people,¹¹ and destroying hospitals, schools and universities, housing and commercial properties, infrastructure and other vestiges of life.¹² Israel has also persistently blocked the entry of humanitarian aid into the Gaza Strip.¹³

7. Israel's attacks on the Occupied Palestinian Territory have been denounced by almost every member of the international community, and also led South Africa to commence proceedings before this Court arguing that Israel is in breach of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention").¹⁴ South Africa also requested provisional measures, including an immediate suspension of Israel's military operations in the Gaza Strip. On 26 January 2024, the Court recognized the plausibility of those accusations and ordered Israel to "take all measures within its power to prevent the commission of all acts within the scope of Article II" of the Genocide

Rights, *Sixth-month update report on the human rights situation in Gaza: 1 November 2023 to 20 April 2024*, 8 November 2024, p. 4, para. 5, available at: <https://www.ohchr.org/en/documents/reports/six-month-update-report-human-rights-situation-gaza-1-november-2023-30-april-2024>.

¹¹ U.N. Relief and Works Agency for Palestine Refugees, *UNRWA Situation Report # 156 on Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem*, 23 January 2025, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_gaza_sitrep_156_23_january_2025_eng.pdf, p. 4. See also Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, U.N. Doc. A/79/384, 1 October 2024, p. 6, para. 14 (U.N. Dossier No. N257).

¹² See U.N. Office for the Coordination of Humanitarian Affairs, *Gaza Humanitarian Response Update (5-18 January 2025)*, 21 January 2025, available at: <https://www.ochaopt.org/content/gaza-humanitarian-response-update-5-18-january-2025>. See also *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, pp. 5, 12, paras. 10, 27 (U.N. Dossier No. N28); Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. Doc. A/79/232, 11 September 2024, pp. 4, 6, paras. 6, 21 (U.N. Dossier No. N255); Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, U.N. Doc. A/79/384, 1 October 2024, p. 7, para. 15 (U.N. Dossier No. N257) ("The magnitude of destruction in Gaza has prompted allegations of domicide, urbicide, scholasticide, medicide, cultural genocide and ecocide") (emphasis added, internal citations omitted).

¹³ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 5, para. 8 (U.N. Dossier No. N28); *Report of the Special Rapporteur on the right to food*, Michael Fakhri, "Starvation and the right to food, with an emphasis on the Palestinian people's food sovereignty", U.N. Doc. A/79/171, 17 July 2024, p. 11, paras. 42-43 (U.N. Dossier No. N264).

¹⁴ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application of South Africa Instituting Proceedings and Requesting the Indication of Provisional Measures, 29 December 2023.



Convention.¹⁵ The Court also ordered Israel to “take immediate and effective measures to enable the provision of urgently needed basic relief services and humanitarian assistance to address the adverse conditions of life faced by the Palestinians in the Gaza Strip.”¹⁶

8. Notwithstanding the Court’s orders, Israel continued to obstruct the entry and distribution of aid into the Gaza Strip,¹⁷ leading the Court (upon South Africa’s application) to issue a second provisional measures order on 28 March 2024 acknowledging “the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation”¹⁸ and ordering Israel to “[t]ake all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance . . . to Palestinians throughout Gaza.”¹⁹

9. Israel again refused to comply with the Court’s order, and is reported to have continued to block access to aid in the Gaza Strip.²⁰ On 24 May 2024, upon a third application by South Africa for provisional measures, the Court ordered Israel to “immediately halt” a military offensive that it had launched in the Rafah Governorate, which the Court found “may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part.”²¹ This did not dissuade Israel from continuing with its offensive on Rafah, killing at least 67 Palestinians between 26 and 28 May 2024,²² and maintaining the closure of the Rafah

¹⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, p. 23, para. 78.

¹⁶ *Id.*, p. 23, para. 80.

¹⁷ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, pp. 7, 11-12, paras. 13, 25 (U.N. Dossier No. N28).

¹⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 28 March 2024, p. 11, para. 45.

¹⁹ *Id.*, p. 13, para. 51(2)(a).

²⁰ See U.N. Office for the Coordination of Humanitarian Affairs, Gaza Humanitarian Response Update (5-18 January 2025), 21 January 2025, available at: <https://www.ochaopt.org/content/gaza-humanitarian-response-update-5-18-january-2025>. See also *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 7, para. 13 (U.N. Dossier No. N28).

²¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 24 May 2024, p. 13, paras. 48-50.

²² “U.N. experts outraged by Israeli strikes on civilians sheltering in Rafah camps” *U.N. Press Release*, 29 May 2024, available at: <https://www.ohchr.org/en/press-releases/2024/05/un-experts-outraged-israeli-strikes-civilians-sheltering-rafah-camps>.



crossing, thereby exacerbating the humanitarian crisis in Gaza by further restricting its access to aid.²³

10. On 19 July 2024, the Court issued its *Israeli Policies and Practices Advisory Opinion*, where it reinforced the conclusions reached in the *Wall Advisory Opinion*, including that:

- The “Occupied Palestinian Territory” encompassing the West Bank, East Jerusalem and the Gaza Strip, constitutes from a legal standpoint a “single territorial unit;”²⁴
- Israel has the status of Occupying Power under international humanitarian law over such territory, with all the corresponding obligations arising from such status;²⁵
- Both international humanitarian law and international human rights law apply in the Occupied Palestinian Territory and Israel is required to comply with those obligations in its conduct in the Occupied Palestinian Territory;²⁶
- Israel’s annexation of East Jerusalem and establishment of settlements in any part of the Occupied Palestinian Territory are illegal, as is Israel’s occupation of the Occupied Palestinian Territory, and Israel must end its presence in the Occupied Palestinian Territory, withdraw all settlers and repeal all discriminatory legislation and practices as rapidly as possible;²⁷
- With respect to such illegal acts, Israel is under an obligation to provide full reparation for the damage caused to all natural and legal persons concerned;²⁸ and
- The Palestinian people have a right to self-determination in the Occupied Palestinian Territory, which is an obligation *erga omnes* and, particularly in the case of foreign occupation, a peremptory norm of international law, which Israel is obliged to respect and guarantee.²⁹

²³ U.N. Relief and Works Agency for Palestine Refugees, *UNRWA Situation Report # 111 on the situation in the Gaza Strip and the West Bank, including East Jerusalem, from 27 May-2 June 2024*, 5 June 2024, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_gaza_sitrep_111_5june_2024_eng.pdf, p. 2.

²⁴ *Israeli Policies and Practices Advisory Opinion*, para. 78.

²⁵ *Id.*, paras. 104-105. See also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I.C.J. Reports 2004 (“*Wall Advisory Opinion*”), p. 167, para. 78.

²⁶ *Israeli Policies and Practices Advisory Opinion*, paras. 96-101. See also *Wall Advisory Opinion*, pp. 172-181, paras. 89-113.

²⁷ *Israeli Policies and Practices Advisory Opinion*, paras. 268, 270. See also *Wall Advisory Opinion*, pp. 183-184, para. 120.

²⁸ *Israeli Policies and Practices Advisory Opinion*, paras. 269-271.

²⁹ *Id.*, paras. 109, 230, 232-233, 238-243, 279. See also *Wall Advisory Opinion*, pp. 199-200, paras. 155-159.



11. On 19 September 2024, two months after the Court issued its 2024 Advisory Opinion, the General Assembly adopted a resolution demanding that Israel comply with the Court's findings.³⁰

12. Far from complying with the Court's *Israeli Policies and Practices Advisory Opinion* and the General Assembly's demands, Israel has intensified its occupation, including by taking significant steps to obstruct and impede organizations and States from providing humanitarian and development assistance to the Palestinian population in the Occupied Palestinian Territory.³¹ Over the last year, Israel has engaged in a frontal attack on those organizations and States, including by targeting their medical facilities, installations and resources,³² restricting their access to injured or imprisoned people,³³ blocking their provision of healthcare, food, supplies and education,³⁴ and intimidating, imprisoning, and killing their employees.³⁵ Israel even declared the

³⁰ U.N. General Assembly Resolution ES-10/24 (2024) (U.N. Dossier No. N218).

³¹ Official Verbatim Records of the U.N. General Assembly, 54th Plenary Meeting of the 79th Session, U.N. Doc. A/79/PV.54, 19 December 2024, p. 45 (U.N. Dossier No. 2); Human Rights Council, *Report of the Special Rapporteur on the Situation of human rights in the Palestinian territories occupied since 1967*, U.N. Doc. A/79/384, 1 October 2024, p. 8, para. 18 (U.N. Dossier No. N257). Israel has also failed to protect humanitarian aid convoys sent into the Occupied Palestinian Territory by third States. For instance, in May 2024, Israel settlers were reported to have attacked a Jordanian humanitarian aid convoy delivering food, flour and other aid to the Gaza Strip. See "Jordan says Israeli settlers attacked Jordanian aid convoys on way to Gaza", *Reuters*, 1 May 2024, available at: <https://www.reuters.com/world/middle-east/jordan-says-israeli-settlers-attacked-jordanian-aid-convoys-way-gaza-2024-05-01/>.

³² *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. Doc. A/79/232, 11 September 2024, pp. 4-6, 20, paras. 6-17, 95 (U.N. Dossier No. N255). Human Rights Council, *Report of the Special Rapporteur on the Situation of human rights in the Palestinian territories occupied since 1967*, U.N. Doc. A/79/384, 1 October 2024, p. 9, para. 19 (U.N. Dossier No. N257).

³³ *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. Doc. A/79/232, 11 September 2024, pp. 4-5, 13, paras. 7, 10-11, 56 (U.N. Dossier No. N255).

³⁴ *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. Doc. A/79/232, 11 September 2024, p. 5, para. 13 (U.N. Dossier No. N255); *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 10, para. 23 (U.N. Dossier No. N28).

³⁵ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, pp. 11, 23-24, paras. 25, 58, 62-65 (U.N. Dossier No. N28); *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, U.N. Doc. A/79/13, 14 August 2024, p. 8, para. 4 (U.N. Dossier No. N32).



U.N. Secretary-General as *persona non grata*, and barred him from entering Israel, which sparked condemnation within the international community.³⁶

13. Israel's most severe and concerted attacks have been directed at the United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA").³⁷ Established on 8 December 1949 by the U.N. General Assembly as one of its subsidiary organs,³⁸ UNRWA provides relief and works programs for the more than 700,000 Palestinians displaced as a result of the 1948 Arab-Israeli War and their descendants, today totaling some 5.9 million refugees.³⁹ In support of UNRWA's mandate, the U.N. General Assembly resolution by which it was established expressly called upon "the Governments concerned" to accord UNRWA all privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions.⁴⁰ The U.N. General Assembly has renewed UNRWA's mandate continuously since its establishment, most recently until 30 June 2026.⁴¹

14. Since it began its operations in earnest on 1 May 1950, UNRWA has played an indispensable role in safeguarding the basic rights and livelihoods of Palestinian refugees, providing them with wide-ranging services encompassing education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance.⁴²

³⁶ Letter of support to U.N. Secretary-General in response to declaration of *persona non grata* by the Government of Israel, October 2024, available at: https://www.minrel.gob.cl/minrel/site/docs/20241011/20241011121206/joint_letter_oct_2024.pdf.

³⁷ Prior to the hostilities commencing in October 2023, Israel had repeatedly attacked UNRWA. See, e.g., *Report of the Commissioner-General of UNRWA to the General Assembly*, 1 July 1968 to 30 June 1969, U.N. Doc. A/7614, para. 159 (U.N. Dossier No. 1001); U.N. General Assembly Resolution 63/93 (2008) (U.N. Dossier No. 984); Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council, U.N. Doc. A/63/855-S/2009/250, 15 May 2009, attaching the Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009 (U.N. Dossier No. 1358); Letter from the Secretary-General addressed to the President of the Security Council, U.N. Doc. S/2015/286, 27 April 2015, attaching the Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents that Occurred in the Gaza Strip between 8 July 2014 and 26 August 2014 (U.N. Dossier No. 1368).

³⁸ U.N. General Assembly Resolution 302 (IV) (1949). See also Charter of the United Nations, 24 October 1945, 1 UNTS XVI ("U.N. Charter") Articles 7, 22.

³⁹ See U.N. Relief and Works Agency for Palestine Refugees in the Near East, 'Palestine Refugees', available at: <https://www.unrwa.org/palestine-refugees#:~:text=When%20the%20Agency%20began%20operations,are%20eligible%20for%20UNRWA%20services.>

⁴⁰ U.N. General Assembly Resolution 302 (IV) (1949), para. 17.

⁴¹ U.N. General Assembly, Resolution 77/123 (2022) p. 3, para. 6 (U.N. Dossier No. N60).

⁴² UNRWA, 'Who we are', available at: <https://www.unrwa.org/who-we-are>.



Following Israel's occupation of the West Bank and the Gaza Strip as a result of the 1967 Arab-Israeli war, Israel entered into an agreement with UNRWA concerning the continuation of the U.N. body's mandate in that territory ("1967 Exchange of Letters").⁴³ In that international agreement, UNRWA, upon Israel's request, agreed to continue to provide its assistance to Palestinian refugees in those territories with Israel's "full co-operation" and "facilitation". Israel also agreed to ensure the protection and security of UNRWA personnel, installations, and property, permit the free movement of UNRWA's staff and vehicles into, within and out of Israel, the West Bank and Gaza, and to provide UNRWA with radio, telecommunications and landing facilities.⁴⁴ Israel also expressly recognized that "the [U.N. Convention on Privileges and Immunities], to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA's functions."⁴⁵

15. UNRWA has established "almost 400 schools, over 65 primary health clinics and 1 hospital in the Occupied Palestinian Territory, which enable the provision of education to over than 350,000 children and over 5 million health consultations annually."⁴⁶ UNRWA is, and has been, at the heart of humanitarian relief work in Gaza, providing more than 60 percent of total primary healthcare (including services to 900,000 patients), education to 300,000 children, emergency assistance to 1.1 million people, food assistance to 1.9 million people, and shelters for more than hundreds of thousands of internally displaced persons.⁴⁷ The U.N. Secretary-General remarked that "UNRWA is the principal means by which essential assistance is supplied to Palestine refugees in the Occupied Palestinian Territory" and that there "is currently no realistic alternative to UNRWA which could adequately provide the services and assistance required, whether it be other United Nations entities, other international organizations or any other entity."⁴⁸ This same view was echoed by 14 United Nations and humanitarian organizations, including the

⁴³ Exchange of Letters Constituting a Provisional Agreement Between The United Nations Relief and Works Agency for Palestine Refugees in the Near East and Israel Concerning Assistance to Palestine Refugees, 14 June 1967, 620 UNTS 183 ("1967 Exchange of Letters") (U.N. Dossier No. N283).

⁴⁴ *Id.*, para. 2(a), (b), (c), (d), (e).

⁴⁵ *Id.*, para. 2(g).

⁴⁶ Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/684-S/2024/892, 9 December 2024, p. 3 (U.N. Dossier No. N66).

⁴⁷ *Id.* See also *Report of the Commissioner-General of the United Nations Relief and Work Agency for Palestine Refugees in the Near East: 1 January-31 December 2023*, U.N. Doc. A/79/13, 14 August 2024, p. 8, paras. 4-5 (U.N. Dossier No. N32).

⁴⁸ Letter from the United Nations Secretary-General to the General Assembly, U.N. Doc. A/79/558, 28 October 2024, p. 3 (U.N. Dossier No. N65).



United Nations Children’s Fund (“UNICEF”), the United Nations High Commissioner for Refugees (“UNHCR”), and the World Health Organization (“WHO”).⁴⁹

16. In January 2024, Israeli authorities alleged that several of UNRWA’s employees were involved in the 7 October 2023 attacks.⁵⁰ In response to these allegations, the U.N. Secretary-General commissioned an investigation by an independent panel to conduct an assessment into whether UNRWA was taking all reasonable steps to ensure its neutrality.⁵¹ The panel’s final report dated 20 April 2024 concluded that “UNRWA has established a significant number of mechanisms and procedures to ensure compliance with the humanitarian principles, with emphasis on the principle of neutrality, and that it possesses a more developed approach to neutrality than other similar U.N. or NGO entities.”⁵² The report also identified several measures to help UNRWA improve in ensuring its neutrality.⁵³ Following the issuance of the final report, the U.N. Secretary-General agreed with Commissioner General Phillippe Lazzarini that UNRWA would establish an action plan to implement the recommendations contained in the final report. UNRWA has since developed an action plan to ensure that those recommendations are effectively implemented.⁵⁴

17. Notwithstanding the actions taken by the United Nations and UNRWA to address Israel’s allegations, Israel has conducted a relentless attack on UNRWA, its staff and premises, obstructing the organization’s ability to deliver critical aid.⁵⁵ There have been 458 incidents reported from October 2023 to mid-July 2024, among these at least 74 involved military use and/or

⁴⁹ Statement by Principals of the Inter-Agency Standing Committee – Stop the Assault on Palestinians in Gaza and on those Trying to Help them, 1 November 2024, available at: <https://www.unrwa.org/newsroom/official-statements/statement-principals-inter-agency-standing-committee-stop-assault-on-Palestinians-in-Gaza>.

⁵⁰ See UNRWA, ‘Serious allegations against UNRWA Staff in the Gaza Strip’ Official Statement from Philippe Lazzarini, UNRWA Commissioner-General, 26 January 2024, available at: <https://www.unrwa.org/newsroom/official-statements/serious-allegations-against-unrwa-staff-gaza-strip>.

⁵¹ *Final Report for the United Nations Secretary-General, Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality*, 20 April 2024, p. 3 (U.N. Dossier No. N297).

⁵² *Id.*, pp. 4-5. See also *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 24, para. 60 (U.N. Dossier No. N28).

⁵³ *Final Report for the United Nations Secretary-General, Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality*, 20 April 2024, pp. 36-43 (U.N. Dossier No. N297).

⁵⁴ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 24, para. 60 (U.N. Dossier No. N28).

⁵⁵ Official Verbatim Records of the U.N. General Assembly, 54th Plenary Meeting of the 79th Session, U.N. Doc. A/79/PV.54, 19 December 2024, pp. 45-46 (U.N. Dossier No. 2).



interference with UNRWA's premises.⁵⁶ As of 31 July 2024, 202 UNRWA staff members in Gaza had been killed, marking the highest casualty rate among United Nations personnel in any recent conflict.⁵⁷ UNRWA had no choice but to close its headquarters in East Jerusalem after Israeli residents set it on fire.⁵⁸ There have also been various "disinformation campaigns" and "vilification" of the organization from Israeli officials, in particular designating the entire organization as a "terrorist organization."⁵⁹ These campaigns incite violence against UNRWA and its personnel, further exacerbating the already perilous conditions under which they strive to provide aid to civilians amidst the ongoing conflict.⁶⁰

18. In further aggravation of Israel's attacks on UNRWA, on 28 October 2024, the Israeli Knesset adopted two laws aimed at preventing UNRWA from continuing its work in the Occupied Palestinian Territory, namely, "The Law for the Cessation of UNRWA Activities (2024)" ("First Law"),⁶¹ and "The Law for the Cessation of UNRWA Activities in the State of Israel (2024)" ("Second Law").⁶² The laws were adopted despite the U.N. Secretary-General's

⁵⁶ *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/79/363, 20 September 2024, p. 24, para. 62 (U.N. **Dossier No. N28**).

⁵⁷ *Id.*

⁵⁸ *Id.*, para. 63. See also Kingdom of Saudi Arabia, Ministry of Foreign Affairs, Press Statement, "Saudi Arabia Condemns Israeli Settlers' Attack on UNRWA Headquarters in Occupied Jerusalem", 9 May 2024, available at: <https://www.spa.gov.sa/en/N2098722>.

⁵⁹ *Id.*, para. 64. See also Identical letters dated 8 January 2025 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/716-S/2025/18, p. 3 (U.N. **Dossier No. N68**).

⁶⁰ Israel's attacks against UNRWA also include the breach of confidentiality and integrity of UNRWA's archives perpetrated during attacks against UNRWA's premises, as well as the imposition of taxes, custom duties, and prohibition of import and export of articles for UNRWA's official use. See, e.g., Letter from the Director of UNRWA Affairs in the West Bank of UNRWA addressed to the Director of the Department of U.N. Political Affairs of the Ministry of Foreign Affairs of Israel, 28 August 2024 (U.N. **Dossier No. N298**); Note verbale from the Office of Legal Affairs of the Secretariat of the United Nations addressed to the Ministry of Foreign Affairs of Israel, 18 November 2024 (U.N. **Dossier No. N303**); Note verbale from the Office of Legal Affairs of the Secretariat of the United Nations addressed to the Ministry of Foreign Affairs of Israel, 4 December 2024 (U.N. **Dossier No. N305**).

⁶¹ The Law for the Cessation of UNRWA Activities (2024), 28 October 2024 ("First Law") translation into English in Letter from the United Nations Secretary-General to the General Assembly, U.N. Doc. A/79/558, 28 October 2024 (U.N. **Dossier No. N65**).

⁶² The Law for the Cessation of UNRWA Activities in the State of Israel (2024), 28 October 2024 ("Second Law"). translation into English in Letter from the United Nations Secretary-General to the General Assembly, U.N. Doc. A/79/558, 28 October 2024 (U.N. **Dossier No. N65**).



- On 28 October 2024, the United Nations Secretary-General sent a letter to the General Assembly explaining that, if implemented, the laws could “prevent [UNRWA] from continuing its essential work” in the Occupied Palestinian Territory, and requesting from the General Assembly ‘any guidance and support’ [which] it may be able to provide at this critical juncture in the history of UNRWA.”⁷²
- On 30 October 2024, the U.N. Security Council issued a statement (i) emphasizing “the vital role of [UNRWA] in providing life-saving humanitarian assistance to Palestinian refugees through essential education, health, relief and social services programmes and emergency assistance” in the Occupied Palestinian Territory, (ii) underscoring “that UNRWA remains the backbone of all humanitarian response in Gaza”, (iii) affirming that “no organization can replace or substitute UNRWA’s capacity and mandate to serve Palestinian refugees and civilians in urgent need of life-saving humanitarian assistance”, (iv) expressing “grave concern” at the two laws adopted by the Israeli Knesset, (v) urging Israel to “abide by its international obligations, respect the privileges and immunities of UNRWA and live up to its responsibility to allow and facilitate full, rapid, safe and unhindered humanitarian assistance” into the Gaza Strip, “including the provision of sorely needed basic services to the civilian population”, and (vi) demanding “all parties to enable UNRWA to carry out its mandate... in all areas of operation.”⁷³
- On 4 December 2024, the United Nations General Assembly adopted a resolution that, among other things, (i) acknowledged “the essential role that [UNRWA] has played for more than seven decades since its establishment in ameliorating the plight of the Palestine refugees through the provision of education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance”, (ii) expressed “grave concern” at the dire situation of the Palestine refugees and at the “catastrophic humanitarian situation and socioeconomic conditions of the Palestine refugees in the Gaza Strip”, (iii) affirmed the “necessity for the continuation of” UNRWA’s work for Palestine refugees and the “importance of its unimpeded operation and its provision of services” for the “well-being, protection and human development of the Palestine refugees”, and (iv) commended UNRWA “for its provision of vital

⁷² Letter from United Nations Secretary-General to the United Nations General Assembly, U.N. Doc. A/79/558, 28 October 2024, pp. 1, 4 (U.N. Dossier No. N65).

⁷³ U.N. Security Council, Press Statement on the United Nations Relief and Works Agency for Palestine Refugees, 30 October 2024 (U.N. Dossier No. N239).



assistance to the Palestine refugees and its role as a stabilizing factor in the region and the tireless efforts of the staff” of UNRWA “in carrying out its mandate.”⁷⁴

- On 9 December 2024, the United Nations Secretary-General sent identical letters to the General Assembly and the Security Council explaining that any “cessation of UNRWA activities in the Occupied Palestinian Territory would mean that millions of Palestine refugees who have been benefitting from UNRWA services and assistance would no longer be receiving them.”⁷⁵ The Secretary-General noted that in the event UNRWA “is compelled to cease its activities in the Occupied Palestinian territory, Israel would be left to ensure that the range of services and assistance which UNRWA has been providing are provided in accordance with its obligations under international humanitarian law and international human rights law.”⁷⁶ The Secretary-General also recalled that Israel continues to be bound by its obligations pursuant to the Convention on the Privileges and Immunities of the United Nations, by the 1967 Exchange of Letters between Israel and UNRWA, and by Article 2(5) of the United Nations Charter, and noted that Israel “may not invoke the provisions of its internal law...as justification for its failure to perform those obligations.”⁷⁷
- On 17 December 2024, the United Nations General Assembly adopted a resolution where it (i) reaffirmed “the right of the Palestinian people to self-determination, including the right to their independent State of Palestine”, and (ii) urged “all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.”⁷⁸
- On 19 December 2024, the United Nations General Assembly passed the resolution by which it sought the present request for an advisory opinion.⁷⁹ During the debate surrounding the adoption of the resolution, the representative of Norway remarked that Israel’s First and Second Laws would, “if implemented, effectively end

⁷⁴ U.N. General Assembly Resolution 79/88 (2024), recitals 4, 5, 6, 11, paras. 3, 5 (U.N. Dossier No. N62).

⁷⁵ Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/684-S/2024/892, 9 December 2024, p. 3 (U.N. Dossier No. N66).

⁷⁶ *Id.*

⁷⁷ *Id.*, p. 5.

⁷⁸ U.N. General Assembly Resolution 79/163 (2024), paras. 1-2 (U.N. Dossier No. N19).

⁷⁹ U.N. General Assembly Resolution 79/232 (2024) (U.N. Dossier No. 3).



UNRWA's operations in the occupied Palestinian territory" and "in turn will collapse the United Nations humanitarian response."⁸⁰

22. On 31 December 2024—more than two months following the Knesset's adoption of the laws—the Permanent Representative of Israel to the United Nations sent a letter to the President of the General Assembly, seeking to justify the laws on the allegation of "widespread infiltration of UNRWA's ranks by Hamas and other terrorist organizations", which it argued "has compromised its impartiality beyond repair."⁸¹ Israel claimed to have submitted "repeated substantiated complaints over the years" to representatives of UNRWA and the United Nations in support of those allegations.⁸² In this regard, Israel failed to address the findings of the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality in its 20 April 2024 Final Report to the United Nations Secretary-General, which noted that (i) Israel has "yet to provide supporting evidence" of UNRWA's infiltration by the terrorist organization, and that at any rate, (ii) despite receiving from UNRWA staff lists on an annual basis, Israel has not informed UNRWA "of any concerns relating to any UNRWA staff based on these staff lists since 2011."⁸³

23. While Israel did not seriously dispute the importance of UNRWA's work in the Occupied Palestinian Territory, it suggested that "it is not at all impossible to replace UNRWA with relief schemes that will adequately provide essential assistance to Palestinian civilians."⁸⁴ Israel further noted that since the onset of the recent hostilities in the Gaza Strip, "a large-scale and effective humanitarian operation has been implemented in the territory, involving a variety of humanitarian actors, including United Nations agencies, non-governmental organizations, and sovereign stakeholders," with whom Israel alleges to have "cooperated and coordinated ... to allow and facilitate the provision of necessary basic services and humanitarian assistance to the civilian population."⁸⁵ However, such statement is belied by this Court's provisional measures orders in

⁸⁰ Official Verbatim Records of the U.N. General Assembly, 54th Plenary Meeting of the 79th Session, U.N. Doc. A/79/PV.54, 19 December 2024, p. 46 (U.N. Dossier No. 2).

⁸¹ Identical letters dated 18 December 2024 from the Permanent Representative of Israel to the United Nations addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/710-S/2024/940, 31 December 2024, p. 1 (U.N. Dossier No. N67)

⁸² *Id.*, p. 2.

⁸³ *Final Report for the United Nations Secretary-General, Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality*, 20 April 2024, p. 22 (U.N. Dossier No. N297).

⁸⁴ Identical letters dated 18 December 2024 from the Permanent Representative of Israel to the United Nations addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/710-S/2024/940, 31 December 2024, p. 3 (U.N. Dossier No. N67).

⁸⁵ *Id.*



the *South Africa v. Israel* proceedings and by several United Nations reports recording Israel's obstruction of humanitarian assistance and other basic services in the Occupied Palestinian Territory.⁸⁶

24. On 15 January 2025, Israel and Hamas entered into an agreement concerning a Gaza ceasefire and hostage release deal, which reportedly took effect on 19 January 2025. This ceasefire agreement by no means releases Israel from complying with its international obligations as Occupying Power and U.N. member State. And in any event, such ceasefire agreement has not prevented Israel from pursuing its ban on UNRWA, as reflected in its order on 26 January 2025 ordering UNRWA to vacate all premises in occupied East Jerusalem and to cease its operations therein by 30 January 2025.⁸⁷

25. Taken together, Israel's efforts to obstruct and impede international organizations and States providing humanitarian and development assistance to Palestinian civilians in the Occupied Palestinian Territory, including its ban on UNRWA, have contributed to and will exacerbate the humanitarian crisis suffered by the Palestinian people. As the U.N. Secretary-General said in his statement on 28 October 2024: "UNRWA is the principal means by which essential assistance is supplied to Palestine refugees in the Occupied Palestinian Territory. There is no alternative to UNRWA."⁸⁸ The United Nations Office for the Coordination of Humanitarian Affairs ("OCHA") reported that as of 18 January 2025, most parts of the North Gaza governorate have remained largely cut off from any proper assistance for more than three months. It also reported that in the Gaza Strip there is a lack of access to sufficient fuel supplies, a shortage of antibiotics and medications, still little or no access to water. There is also limited internet access for students enrolled in distance learning initiatives, continued restrictions by the Israeli authorities on the entry of education supplies, and insecurity and access impediments continue to limit access to displacement sites.⁸⁹

26. As the Kingdom of Saudi Arabia explains below, Israel's conduct is incompatible with several of its international obligations establishing its duty to allow the U.N., other

⁸⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, Order of 28 March 2024 and Order of 24 May 2024.

⁸⁷ United Nations Relief and Works Agency for Palestine Refugees, *The Government of Israel orders UNRWA to vacate its premises in occupied east Jerusalem and cease operations in them*, Press Release, 26 January 2025, available at: <https://www.unrwa.org/newsroom/official-statements/government-israel-orders-unrwa-vacate-its-premises-occupied-east>.

⁸⁸ Statement of the U.N. Secretary-General on Israeli legislation on UNRWA, 28 October 2024, available at: <https://www.un.org/sg/en/content/sg/statement/2024-10-28/statement-of-the-secretary-general-israeli-legislation-unrwa>.

⁸⁹ See U. N. Office for the Coordination of Humanitarian Affairs, *Gaza Humanitarian Response Update*, (5-18 January 2025), 21 January 2025, available at: <https://www.ochaopt.org/content/gaza-humanitarian-response-update-5-18-january-2025>.



international organizations and third States to provide humanitarian and development assistance to the Palestinian population in the Occupied Palestinian Territory, including duties arising under the U.N. Charter, international humanitarian law, international human rights law, international instruments conferring privileges and immunities on the U.N. and its subsidiary organs, as well as this Court's various orders on provisional measures in *South Africa v. Israel*. By attacking UNRWA, killing several hundred of its staff and dismantling its operations, Israel has engaged in a frontal attack on the United Nations and on the multilateral system itself, with catastrophic humanitarian consequences. Israel's actions create a consequential vacuum in services and humanitarian aid for the Palestinian population in the Occupied Palestinian Territory that further destabilizes the situation in that territory and in the region as a whole, as well as undermines the efforts toward a two-State solution.

27. It is in light of the foregoing context that request for an advisory seeks the Court's assistance in "clarifying Israel's obligations to ensure and facilitate humanitarian and development assistance" in the Occupied Palestinian Territory.⁹⁰

III. JURISDICTION AND DISCRETION

28. The Court has jurisdiction to give the requested advisory opinion pursuant to Article 65(1) of its Statute.⁹¹ Article 96(1) of the U.N. Charter also expressly authorizes the General Assembly to request advisory opinions "on any legal question."⁹² The present request for an advisory opinion from the Court was validly adopted by the General Assembly in its Resolution 79/232 of 19 December 2024.⁹³

29. As the Court has previously explained, "legal questions" within the meaning of Article 96(1) of the U.N. Charter are those "framed in terms of law and raise problems of international law."⁹⁴ The present question before the Court requires the analysis of Israel's international obligations as an Occupying Power and as a member of the United Nations, 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. To answer the question before it, the Court will have to identify, analyze and apply the relevant rules of international law to determine Israel's obligations in the aforementioned context. By its express terms, the present

⁹⁰ Official Verbatim Records of the U.N. General Assembly, 54th Plenary Meeting of the 79th Session, U.N. Doc. A/79/PV.54, 19 December 2024, p. 45 (U.N. Dossier No. 2).

⁹¹ Statute of the International Court of Justice, 26 June 1945, 33 UNTS 993, Article 65(1).

⁹² U.N. Charter, Article 96. See also *Israeli Policies and Practices Advisory Opinion*, para. 24.

⁹³ U.N. General Assembly 79/232 (2024) (U.N. Dossier No. 3).

⁹⁴ *Western Sahara, Advisory Opinion*, I.C.J. Reports 1975, p. 18, para. 15.



request thus raises questions of a clear legal character, which, in the words of the Court, “are by their very nature susceptible of a reply based on law.”⁹⁵

30. Article 65(1) of the Court’s Statute provides the Court with a measure of discretion as to whether or not to exercise its advisory jurisdiction.⁹⁶ However, the Court has stated that it is “mindful of the fact that its answer to a request for an advisory opinion represents its participation in the activities of the Organization, and, in principle, should not be refused.”⁹⁷ As such, the Court has never refused to entertain a request for an advisory opinion on the basis of its discretion. Pursuant to its established practice, it is only if there are “compelling reasons” that the Court would, in the exercise of its discretion under Article 65(1), refuse to give an advisory opinion.⁹⁸

31. There are no “compelling reasons” for the Court to refrain from exercising its jurisdiction in relation to the present request.

32. The request does not relate to a bilateral dispute between two parties, one of which has not consented to the jurisdiction of the Court. In the *Israeli Policies and Practices Advisory Opinion*, the Court dismissed a similar argument raised by some participants that it should refuse to answer the questions posed by the General Assembly on account that the subject matter of the request — Israel’s policies and practices in the Occupied Palestinian Territory — was a bilateral matter between Israel and Palestine.⁹⁹ The Court took into account the “involvement of the United Nations organs [...] in questions relating to Palestine”, as well as the fact that the issues raised in the request were “part of the Palestinian question,” which “is a matter of particular interest and concern to the United Nations.”¹⁰⁰ Notably, the Court noted that the General Assembly owes “a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy.”¹⁰¹ The Court therefore concluded that it could not decline to give the advisory opinion requested on the ground that it would be “circumventing the principle of consent to judicial settlement.”¹⁰²

33. On those same bases, the present request is not a bilateral dispute between two parties; it is situated within a wider contextual framework. The request directly concerns the United

⁹⁵ *Id.*

⁹⁶ *Wall Advisory Opinion*, p. 156, para. 44.

⁹⁷ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion*, I.C.J. Reports 2019 (“*Chagos Advisory Opinion*”), p. 113, para. 65; *Wall Advisory Opinion*, p. 156, para. 44; *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion*, I.C.J. Reports 1950, p. 71.

⁹⁸ *Chagos Advisory Opinion*, p. 113, para. 65; *Wall Advisory Opinion*, p. 156, para. 44; *Israeli Policies and Practices Advisory Opinion*, para. 31.

⁹⁹ *Israeli Policies and Practices Advisory Opinion*, paras. 33-35. See also *id.*, Declaration of Judge Tladi, p. 4, para. 11.

¹⁰⁰ *Id.*, para. 35.

¹⁰¹ *Id.* See also *Wall Advisory Opinion*, p. 159, para. 49.

¹⁰² *Israeli Policies and Practices Advisory Opinion*, para. 35.



Nations and its responsibility towards “the Palestinian question”. The advisory opinion request by its express terms also invites the Court to determine Israel’s obligations in relation to the presence and activities of other international organizations and third States in the Occupied Palestinian Territory.

34. The Court is urgently called upon to examine a critical legal matter, particularly in light of Israel’s continuing, intensifying, and conclusively documented breaches of its international law obligations in the Occupied Palestinian Territory, including fundamental principles of the United Nations Charter and established preemptory norms of international law such as the right of self-determination. The purpose of the request is therefore to aid the United Nations, other international organizations, and third States in their work in support of the Palestinian people in that territory.

35. Second, by requesting the advisory opinion, the General Assembly established that the opinion would be useful to it. As the Court observed in its *2024 Advisory Opinion*, “the Court cannot substitute its own assessment of the need for such an opinion with that of the organ requesting it.”¹⁰³

36. For the foregoing reasons, the Court has jurisdiction to give the requested advisory opinion, and there are no compelling reasons it should decline to do so. Given its role as the United Nations principal judicial organ and the utmost relevance of the legal question before it, the Court has compelling reasons to render the advisory opinion as requested.

IV. ISRAEL’S OBLIGATIONS 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

37. The question posed by the General Assembly asks for elucidation of Israel’s obligations under international law 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. In light of the factual context described in Section II above, the advisory opinion request seeks the Court’s assistance in “clarifying Israel’s obligations to ensure and facilitate humanitarian and development assistance” in the Occupied Palestinian Territory.¹⁰⁴

¹⁰³ *Id.*, para. 37 (citing *Wall Advisory Opinion*, p. 163, para. 62).

¹⁰⁴ Official Verbatim Records of the U.N. General Assembly, *54th Plenary Meeting of the 79th Session*, U.N. Doc. A/79/PV.54, 19 December 2024, p. 46 (U.N. Dossier No. 2).



A. OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER IN THE OCCUPIED PALESTINIAN TERRITORY

38. The Court has already established in the *Wall Advisory Opinion* and the *Israeli Policies and Practices Advisory Opinion* that Israel, as the Occupying Power in the Occupied Palestinian Territory, is bound by the rules of international humanitarian law, including those contained in the Regulations respecting the Laws and Customs of War on Land (“Hague Regulations of 1907”) annexed to the Convention respecting the Laws and Customs of War on Land of 18 October 1907 (which are part of customary law) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (“Fourth Geneva Convention”), to which Israel is a party.¹⁰⁵

39. As an Occupying Power in the Occupied Palestinian Territory, Israel has several obligations fundamentally aimed at guaranteeing the respect and protection of the inhabitants of the occupied territory, including guaranteeing that the basic needs of the local population are satisfied.¹⁰⁶ Israel’s obligations include, among others: (i) refraining from the adoption of measures amounting to collective punishment,¹⁰⁷ (ii) facilitating the proper working of all institutions devoted to the care and education of children,¹⁰⁸ (iii) ensuring food and medical supplies for the population,¹⁰⁹ and (iv) maintaining medical services, including the obligation to allow medical personnel to carry out their duties.¹¹⁰

40. As to the obligation to ensure food and medical supplies to the population in the occupied territory set forth in Article 55 of the Fourth Geneva Convention, the Occupying Power “is placed under an obligation to ensure, to the fullest extent of the means available to it, the food and medical supplies of the population” and has “a definite obligation to maintain at a reasonable level the material conditions under which the population of the occupied territory lives.”¹¹¹

¹⁰⁵ *Wall Advisory Opinion*, pp. 172-177, paras. 89-101; *Israeli Policies and Practices Advisory Opinion*, paras. 96, 105-106.

¹⁰⁶ Sylvain Vit , “Occupation”, in Ben Saul and Dapo Akande (eds), *The Oxford Guide to International Humanitarian Law* (2020), p. 314.

¹⁰⁷ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 UNTS 287 (“Fourth Geneva Convention”), Article 33.

¹⁰⁸ *Id.*, Article 50.

¹⁰⁹ *Id.*, Article 55.

¹¹⁰ *Id.*, Article 56. See also *id.*, Articles 18, 20, 21, 22, 23, 27, 49; Regulations Respecting the Laws and Customs of War on Land annexed to the Fourth Hague Convention of 18 October 1907, 3 *Martens Nouveau Recueil* (ser. 3) 461, Articles 43, 50.

¹¹¹ Jean S. Pictet, “*The Geneva Conventions on 12 August 1949 Commentary – IV Geneva Convention relative to the Protection of Civilian Persons in Time of War*” (1958), pp. 309, 310. As to its obligations under Article 56 of the



41. An Occupying Power has additional obligations if it is not in a position to fulfill its duty to provide the whole or part of the population of the occupied territory with essential supplies. Article 59(1) of the Fourth Geneva Convention provides that “if the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.”¹¹² Pursuant to Article 59(2) of the Fourth Geneva Convention, relief schemes “may be undertaken either by States or by impartial humanitarian organizations.”¹¹³

42. The ICRC Commentary to Article 59 of the Fourth Geneva Convention notes that “[t]he obligation on the Occupying Power to accept such relief is unconditional. In all cases where occupied territory is inadequately supplied the Occupying Power is bound to accept relief supplies destined for the population.”¹¹⁴ The same Commentary explains that “the [Fourth Geneva] Convention not only lays down that the Occupying Power must ‘agree’ to relief schemes on behalf of the population, but insists that it must ‘facilitate’ them by all the means at its disposal. The occupation authorities must therefore co-operate wholeheartedly in the rapid and scrupulous execution of these schemes.”¹¹⁵

43. Pursuant to Article 60 of the Fourth Geneva Convention, any relief schemes agreed upon by Israel “shall in no way relieve” it from its obligations under Articles 55, 56, and 59 of that convention concerning the provision of food and medical supplies for the population, the maintenance of medical services, including the obligation to allow medical personnel to carry out their duties, and the conclusion of relief schemes should the population of the occupied territory be inadequately supplied.¹¹⁶

44. Therefore, as the Occupying Power in the Occupied Palestinian Territory, Israel must not only ensure but must also abstain from impeding, and in fact facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic humanitarian and development assistance both from third States and impartial

Fourth Geneva Convention, the Occupying Power’s duty to guarantee that medical personnel of all categories are allowed to carry out their duties “necessarily involves measures to safeguard the activities of medical personnel, who must therefore be exempted from any measures (such as restrictions on movement, requisitioning of vehicles, supplies or equipment) liable to interfere with the performance of their duty.” *Id.*, p. 314.

¹¹² Fourth Geneva Convention, Article 59(1) (emphasis added). See also *Wall Advisory Opinion*, p. 187, para. 126.

¹¹³ Fourth Geneva Convention, Article 59(2).

¹¹⁴ Jean S. Pictet, “*The Geneva Conventions on 12 August 1949 Commentary – IV Geneva Convention relative to the Protection of Civilian Persons in Time of War*” (1958), p. 320 (emphasis added).

¹¹⁵ *Id.*

¹¹⁶ Fourth Geneva Convention, Article 60.



food,¹²⁷ clothing and housing,¹²⁸ the right to water,¹²⁹ the right to the enjoyment of the highest attainable standard of physical and mental health,¹³⁰ and the right to education.¹³¹

47. Several human rights treaty bodies have emphasized an Occupying Power's obligations to respect, protect and fulfil the human rights of the population under occupation.¹³² When a territory is under occupation, if the Occupying Power fails to protect the human rights of the local population, this necessarily entails that it is required to accept humanitarian relief from outside sources. Otherwise, the Occupying Power would be in breach of its international human rights law obligations. In its General Comment No. 12 on the Right to Adequate Food, the Committee on Economic, Social and Cultural Rights specifically stated that violations of the right to food enshrined under the ICESCR could occur, for example, by "the prevention of access to humanitarian food aid in internal conflicts or other emergency situations."¹³³

48. Several United Nations organs and bodies have reiterated that Israel must comply with its human rights obligations and cooperate with the U.N. and other humanitarian entities "to allow full, timely, unconditional, unhindered and safe humanitarian access and to ensure access of

¹²⁷ See, e.g., ICESCR, Article 11; CRC, Article 24(1) and (2)(c).

¹²⁸ See, e.g., ICESCR, Article 11; CRC, Articles 22, 27.

¹²⁹ See, e.g., ICESCR, Articles 11-12; CRC, Article 24.2 (c); CEDAW, Article 14.2(h). See also Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2002), *The Right to Water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc. E/C.12/2002/11, 20 January 2003, para. 3.

¹³⁰ ICESCR, Article 12; CRC, Article 24(2); CERD, Article 5(iv); CEDAW, Article 12.

¹³¹ See CRC, Article 28; ICESCR, Article 13(1).

¹³² See, e.g., Human Rights Committee, *General Comment No. 36: The Right to Life*, U.N. Doc. CCPR/C/GC/36, 3 September 2019, paras. 26, 63-64; Committee on the Elimination of Discrimination Against Women, *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, U.N. Doc. CEDAW/C/GC/30, 1 November 2013, para. 9. See also Committee on Economic, Cultural and Social Rights, *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, U.N. Doc. E/C.12/1999/5, 12 May 1999, para. 15; Committee on Economic, Cultural and Social Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)*, U.N. Doc. E/C.12/2000/4, 11 August 2000, para. 37; Committee on Economic, Cultural and Social Rights, *General Comment No. 15, The Right to Water*, U.N. Doc. E/C.12/2002/11, 20 January 2003, paras. 25, 44; Committee on the Elimination of Racial Discrimination, *General recommendation No. 37: Racial discrimination in the enjoyment of the right to health*, U.N. Doc. CERD/C/GC/37, 23 August 2024, paras. 28-29.

¹³³ Committee on Economic, Cultural and Social Rights, *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, U.N. Doc. E/C.12/1999/5, 12 May 1999, para. 19. See also Committee on Economic, Cultural and Social Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)*, U.N. Doc. E/C.12/2000/4, 11 August 2000, para. 34; *Report of the Special Rapporteur on the right to food, Michael Fakhri, "Starvation and the right to food, with an emphasis on the Palestinian people's food sovereignty"*, U.N. Doc. A/79/171, 17 July 2024, p. 9, para. 31 (U.N. Dossier No. N264).



humanitarian personnel and the delivery of supplies and equipment in order to allow such personnel to efficiently perform their task of assisting affected civilian populations”¹³⁴ in the Occupied Palestinian Territory. These include the U.N. Security Council,¹³⁵ the U.N. General Assembly,¹³⁶ the Human Rights Council,¹³⁷ and this very Court in its orders on provisional measures in *South Africa v. Israel*.¹³⁸

49. As explained *supra*, Israel has impeded the U.N., its bodies and agencies, other international organizations and third States from providing humanitarian and development assistance,¹³⁹ thereby obstructing the Palestinian people’s rights to basic means of survival, self-determination, and the pursuit of their economic, social and cultural development.

50. Israel is therefore in breach of its international obligations as the Occupying Power in the Occupied Palestinian Territory, both under international humanitarian law and international human rights law.

B. OBLIGATIONS OF ISRAEL AS A MEMBER OF THE UNITED NATIONS

51. As a member of the United Nations, Israel is obliged to comply with the U.N. Charter. Israel is also bound by the provisions of the Convention on the Privileges and Immunities of the United Nations (the “U.N. Convention on Privileges and Immunities”), to which it has been a party since 21 September 1949.¹⁴⁰ These treaties include several provisions that are relevant to answer the question before the Court.

52. The U.N. General Assembly has confirmed in several instances that the relevant provisions in both the U.N. Charter and the U.N. Convention on Privileges and Immunities are

¹³⁴ U.N. Human Rights Council Resolution 55/28, U.N. Doc. A/HRC/RES/55/28, 5 April 2024, recital 27 (U.N. **Dossier No. N258**). See also *id.*, recitals 10, 22, 23; Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Israel*, U.N. Doc. CRC/C/ISR/CO/5-6, 13 September 2024, paras. 50(c), 53(a), (f) (U.N. **Dossier No. N272**).

¹³⁵ See, e.g., U.N. Security Council Resolution 2712 (2023), paras. 1-2, 4 (U.N. **Dossier No. N223**); U.N. Security Council Resolution 2720 (2023), paras. 1-3, 10, 13 (U.N. **Dossier No. N226**); U.N. Security Council Resolution 2728 (2024), para. 2 (U.N. **Dossier No. N229**).

¹³⁶ See, e.g., U.N. General Assembly Resolution 79/232 (2024), recitals 2, 15-17; paras. 7-8 (U.N. **Dossier No. 3**).

¹³⁷ See, e.g., U.N. Human Rights Council Resolution 55/28, U.N. Doc. A/HRC/RES/55/28, 5 April 2024, paras. 6, 21, 23 (U.N. **Dossier N258**).

¹³⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 28 March 2024, p. 13, para. 51(2)(a). See also *id.*, Order of 26 January 2024, p. 25, para. 86(4); Order of 24 May 2024, p. 15, para. 57(2)(b).

¹³⁹ See paras. 6, 12-25, *supra*.

¹⁴⁰ Convention on the Privileges and Immunities of the United Nations, 13 February 1946, 1 *UNTS* 15 (“U.N. Convention on Privileges and Immunities”).



56. Pursuant to Article 25 of the U.N. Charter, U.N. Member States, including Israel, “agree to accept and carry out the decisions of the Security Council.”¹⁴⁶

57. As a U.N. member State, Israel is therefore required to provide the U.N. with every assistance in the implementation of decisions of the organs and agencies of the U.N., taken in accordance with the Charter, as well as to “carry out” decisions of the Security Council. The rendering of humanitarian and development assistance for the Palestinian people has been one of the core objectives of the U.N. since its inception. As previously stated, the U.N. General Assembly established UNRWA in 1949 with the mandate to “carry out in collaboration with local governments ... direct relief and works programmes.”¹⁴⁷

58. Israel must therefore ensure and not impede the rendering of humanitarian and development assistance by the U.N., its organs and agencies in the Occupied Palestinian Territory, including by providing every assistance to UNRWA in the fulfilment of its mandate as set forth by the U.N. General Assembly.¹⁴⁸

59. As stated *supra*, several U.N. organs, including the U.N. Security Council,¹⁴⁹ the U.N. General Assembly,¹⁵⁰ and the Human Rights Council¹⁵¹ have reiterated Israel’s obligations *as a member of the United Nations* to take all necessary and effective measures to ensure, in full co-operation with the Organization, the unhindered provision of urgently needed basic services and humanitarian assistance, as well as medical supplies and medical care to Palestinians in the

¹⁴⁶ U.N. Charter, Article 25. The U.N. Security Council has issued several resolutions “[d]emanding” that the relevant parties, including Israel, “allow, facilitate and enable the immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip” and “take all appropriate steps to ensure the safety and security of United Nations and associated personnel, those of its specialized agencies, and all other personnel engaged in humanitarian relief activities consistent with international humanitarian law”. U.N. Security Council Resolution 2720 (2023), paras. 2-3, 13 (U.N. Dossier No. N226); U.N. Security Council Resolution 2728 (2024), para. 2 (U.N. Dossier No. N229). *See also* U.N. Security Council Resolution 2712 (2023), paras. 1-2, 4 (U.N. Dossier No. N223). *See Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, pp. 52-54, paras. 113, 116.

¹⁴⁷ U.N. General Assembly Resolution 302 (IV) (1949), para. 7.

¹⁴⁸ Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/684-S/2024/892, 9 December 2024, p. 5 (U.N. Dossier No. N66).

¹⁴⁹ *See* U.N. Security Council Resolution 2712 (2023), paras. 1-2, 4 (U.N. Dossier No. N223); U.N. Security Council Resolution 2720 (2023), paras. 1-3, 10, 13 (U.N. Dossier No. N226); U.N. Security Council Resolution 2728 (2024), para. 2 (U.N. Dossier No. N229).

¹⁵⁰ U.N. General Assembly Resolution 79/232 (2024), recitals 2, 15-17, paras. 7-8 (U.N. Dossier No. 3); U.N. General Assembly Resolution ES-10/26 (2024), para. 3 (U.N. Dossier No. N220).

¹⁵¹ U.N. Human Rights Council Resolution 55/28, U.N. Doc. A/HRC/RES/55/28, 5 April 2024, recitals 10, 22, 25, 27 (U.N. Dossier No. N258).



Occupied Palestinian Territory.¹⁵² The Court in its March 2024 order on provisional measures in *South Africa v. Israel* unanimously stated that Israel shall:

Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza.¹⁵³

60. The blocking by Israel of humanitarian assistance in the Occupied Palestinian Territory¹⁵⁴ is incompatible with its duty to give every assistance to the U.N.

61. Moreover, the recent laws enacted by the Israeli Knesset requiring UNRWA to effectively cease operations in East Jerusalem and prohibiting Israeli officials' contact with UNRWA¹⁵⁵ also constitutes a direct obstruction by Israel of UNRWA in the performance of its mandate established under General Assembly Resolution 302 (IV) of 8 December 1949 and subsequent relevant resolutions.¹⁵⁶

b. Duty to guarantee that the United Nations enjoys, in the territory of the U.N. Member States, the legal capacity necessary for the exercise of its functions and the fulfillment of its purposes

62. It is undisputed that the U.N. possesses international legal personality under international law.¹⁵⁷ The U.N. Charter and the U.N. Convention on Privileges and Immunities require U.N. member States to recognize the Organization's legal personality in their domestic legal systems. Indeed, Article 104 of the U.N. Charter states that "[t]he Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."¹⁵⁸ The Charter therefore requires member States,

¹⁵² See para. 48, *supra*.

¹⁵³ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 28 March 2024, para. 51(2)(a) (emphasis added).

¹⁵⁴ See paras. 6, 12-25, *supra*.

¹⁵⁵ See paras. 18-20, *supra*.

¹⁵⁶ See U.N. General Assembly, Resolution 77/123 (2022), para. 6 (U.N. Dossier No. N60) (extending the mandate of UNRWA until 30 June 2026).

¹⁵⁷ *Reparations Advisory Opinion*, p. 179.

¹⁵⁸ U.N. Charter, Article 104.



including of course Israel, to recognize the U.N.'s legal personality within their domestic legal systems to facilitate its functions and fulfil its purposes.¹⁵⁹

63. For its part, the U.N. Convention on Privileges and Immunities stipulates in Article I, Section 1 that “[t]he United Nations shall possess juridical personality.”¹⁶⁰ This provision also refers to the State parties’ obligations to recognize the U.N.’s legal personality under their domestic law.

64. As explained *supra*, in 1967 Israel entered into an agreement with UNRWA concerning the continuation of the U.N. body’s mandate in the Occupied Palestinian Territory (1967 Exchange of Letters) whereby Israel expressly recognized that “the [U.N. Convention on Privileges and Immunities], to which Israel is a party, shall govern the relations between the Government and UNRWA in all that concerns UNRWA’s functions.”¹⁶¹ The recently enacted First Law by the Israeli Knesset purports to leave without effect the 1967 Exchange of Letters.¹⁶² However, the absence of such an agreement or its purported termination in no way negates the legal capacity enjoyed by the U.N.,¹⁶³ nor does it absolve the State from complying with its international obligations. On the contrary, a State’s failure to recognize the U.N.’s legal personality in its domestic law constitutes a breach of its international obligations as referred to above, and triggers its international responsibility. In addition, the State could not invoke its domestic law provisions as a justification or excuse for the breach of its international obligations.¹⁶⁴

65. The recently enacted First Law, in so far it as negates the legal personality of a subsidiary organ of the U.N. such as UNRWA, constitutes a breach of Israel’s obligations under

¹⁵⁹ Andreas R. Ziegler, “Article 104” in Bruno Simma, Daniel-Erasmus Khan, Georg Nolte, and Andreas Paulus (eds), *The Charter of the United Nations, A Commentary* (2024), p. 2788. See also Question of the Extent to Which UNRWA Can be Expected to Conform to the Law of a Host State in the Implementation of its Educational Programme, Opinion of the General Counsel of UNRWA, 30 March 1968, in *U.N. Juridical YB*, pp. 182-183, paras. 2, 3, 6.

¹⁶⁰ U.N. Convention on Privileges and Immunities, Article I, Section 1.

¹⁶¹ 1967 Exchange of Letters, para. 2(g) (U.N. Dossier No. N283).

¹⁶² See para. 19, *supra*. See also *Interpretation of Agreement of 25 March 1951 between WHO and Egypt, Advisory Opinion*, I.C.J. Reports 1980, pp. 93-97, paras. 44, 49, 51.

¹⁶³ Andreas R. Ziegler, “Article 104”, in Bruno Simma, Daniel-Erasmus Khan, Georg Nolte, and Andreas Paulus (eds), *The Charter of the United Nations, A Commentary* (2024), p. 2788.

¹⁶⁴ Vienna Convention on the Law of Treaties, 1155 UNTS 331 (“VCLT”), Article 27; International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts (2001), in *Report of the International Law Commission on the Work of Its Fifty-Third Session (2001)*, U.N. document A/56/10, Chapter V, reproduced in *ILC Yearbook 2001*, Vol. II(2) (“ILC Articles on State Responsibility”), Article 32. See also Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/684-S/2024/892, 9 December 2024 (U.N. Dossier No. N66).



Article 104 of the U.N. Charter and Article I, Section 1 of the U.N. Convention on Privileges and Immunities.

c. Duty to guarantee the United Nations and its officials the privileges and immunities as are necessary for the fulfilment of its purposes and functions

66. Article 105(1) of the U.N. Charter 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.”¹⁶⁵ Article 105(2) also states that U.N. officials “shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.”¹⁶⁶ The Court has explained that the privileges and immunities of the U.N., its organs and experts, are crucial for the independent exercise of their functions.¹⁶⁷

67. Certain treaties, including the U.N. Convention on Privileges and Immunities, have expanded upon the content of the obligations arising under Article 105 of the U.N. Charter concerning the privileges and immunities necessary for the Organization’s independent functioning and those of its personnel. These international obligations are binding upon U.N. member States regardless of whether a particular State has enacted domestic legislation conferring to the U.N. the privileges and immunities necessary for its independent functioning.¹⁶⁸ The Organization’s immunities derive directly from international treaties. In fact, when a State’s national law fails to provide the Organization the privileges and immunities required by

¹⁶⁵ U.N. Charter, Article 105(1).

¹⁶⁶ *Id.*, Article 105(2).

¹⁶⁷ See, e.g., *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, Advisory Opinion, I.C.J. Reports 1989, pp. 194, 196, paras. 47, 52; *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. 82, para. 42 (concerning the application of Section 22 of the U.N. Convention on Privileges and Immunities to experts on a U.N. mission).

¹⁶⁸ See Memorandum of Law: United Nations Immunity from Real Property Tax, prepared by the U.N. Office of Legal Affairs, 1953, quoted in *The Practice of the United Nations, the Specialized Agencies and the IAEA concerning their Status, Privileges and Immunities: Study Prepared by the Secretariat*, U.N. Doc. A/CN/L.118 and Add 1 and 2, 1967, YBILC, 1967, II, p. 246, para. 167, §4. See also Statement made by the Legal Counsel at the 1016th meeting of the Sixth Committee of the General Assembly on 6 December 1967, [1967] U.N. Juridical YB 311, p. 313, para. 9; United Nations Conference on International Organization, 12 June 1945, IV/2/42(2)) Vol. XIII, pp. 703-705; Report by the Executive Committee to the Preparatory Commission of the United Nations, U.N. Doc. PC/EX/113/Rev.1, 12 November 1945, chap. V, sect. 5, p. 69, para. 2.



international law, that State cannot invoke its domestic legal deficiencies as a justification or excuse for the breach of its international obligations.¹⁶⁹

68. An analysis of the privileges and immunities that Israel is obliged to accord to the U.N. and its personnel that are relevant for the question before the Court follows below.

i. Immunity from legal process

69. Article II, Section 2 of the U.N. Convention on Privileges and Immunities 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”¹⁷⁰ Immunity from legal process prevents law suits against the U.N., or a subsidiary organ of the U.N., before domestic courts.¹⁷¹ The immunity from legal process is expressed in absolute terms and is very broad: the U.N. enjoys immunity not only from judicial proceedings but also from legal proceedings conducted by administrative and executive agencies.¹⁷²

70. Article V, Section 18(a) of the U.N. Convention on Privileges and Immunities also provides that U.N. officials “shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.”¹⁷³ Immunity from legal process encompasses all procedural measures involving civil or criminal proceedings against a U.N. official¹⁷⁴ and is a “procedural bar that would prevent further steps being taken with regard to the U.N. official.”¹⁷⁵ This has been recognized by the Court, which has explained that “by necessary

¹⁶⁹ VCLT, Article 27; ILC Articles on State Responsibility, Article 32. *See also* Identical letters from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, U.N. Doc. A/79/684-S/2024/892, 9 December 2024 (U.N. Dossier No. N66); Letter dated 4 October 2024 from the Secretary-General addressed to the Prime Minister of Israel, p. 3 (U.N. Dossier No. N300).

¹⁷⁰ U.N. Convention on Privileges and Immunities, Article II, Section 2.

¹⁷¹ *See* “Chapter 16 United Nations Privileges and Immunities”, in Rosalyn Higgins *et al.*, *Oppenheim’s International Law: United Nations* (2017), p. 564 (citing to several domestic courts judgments upholding the immunity of the U.N.). *See also* *Georges & Ors v. United Nations & Ors*, No. 15-455 (2d Cir. 2016), 18 August 2016.

¹⁷² “Chapter 16 United Nations Privileges and Immunities”, in Rosalyn Higgins *et al.*, *Oppenheim’s International Law: United Nations* (2017), pp. 566-567. *See also id.*, p. 567.

¹⁷³ U.N. Convention on Privileges and Immunities, Article V, Section 18(a). *See also* U.N. General Assembly Resolution 76 (I) (1946), 7 December 1946.

¹⁷⁴ “Chapter 16 United Nations Privileges and Immunities”, in Rosalyn Higgins *et al.*, *Oppenheim’s International Law: United Nations* (2017), p. 597.

¹⁷⁵ *Id.*, p. 598.



implication, questions of immunity are [] preliminary issues which must be expeditiously decided *in limine litis*. This is a generally recognized principle of procedural law.”¹⁷⁶

71. Pursuant to Article V, Section 19 of the U.N. Convention on Privileges and Immunities, senior U.N. officials are also entitled to the “privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.”¹⁷⁷ This means that they “are absolutely immune from the criminal jurisdiction of the receiving State (whether with regard to official or private conduct), and have a broad immunity from the civil jurisdiction of the receiving State, subject to only limited exceptions.”¹⁷⁸ This includes the U.N. Secretary-General and, in the case of UNRWA, both its Commissioner-General (who also holds the rank of Under-Secretary-General of the UN)¹⁷⁹ and its Deputy Commissioner-Generals, who are U.N. senior officials and are therefore entitled to this kind of immunity. It is relevant to note that, unlike diplomatic envoys, U.N. officials and experts cannot be declared *persona non grata*.¹⁸⁰

72. As explained *supra*,¹⁸¹ the Israeli Knesset has recently adopted legislation aimed at dismantling UNRWA by effectively revoking its privileges and immunities and Israel has declared the U.N. Secretary-General *persona non grata*, in breach of its obligations to guarantee the U.N. and its officials the privileges and immunities as are necessary for the fulfilment of its purposes and functions. Moreover, the First Law specifically purports to retain the possibility to pursue criminal proceedings against UNRWA employees¹⁸² which, if effectively pursued, would entail a breach of the immunity to which they are entitled.

ii. *Inviolability of U.N. premises and archives, and exemption from taxes and duties*

73. Article II, Section 3 of the U.N. Convention on Privileges and Immunities provides that “[t]he premises of the United Nations shall be inviolable” and that “[t]he property and assets of the United Nations . . . shall be immune from search, requisition, confiscation, expropriation

¹⁷⁶ *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. 88, para. 63.

¹⁷⁷ U.N. Convention on Privileges and Immunities, Article V, Section 19.

¹⁷⁸ “Chapter 16 United Nations Privileges and Immunities”, in Rosalyn Higgins *et al.*, *Oppenheim’s International Law: United Nations* (2017), p. 595 (citing to Vienna Convention on Diplomatic Relations, 500 UNTS 95, 1961, Articles 29 and 31).

¹⁷⁹ See UNRWA, Who We Are, UNRWA Commissioner-General, available at: <https://www.unrwa.org/who-we-are/our-leadership/unrwa-commissioner-general>.

¹⁸⁰ “Chapter 16 United Nations Privileges and Immunities”, in Rosalyn Higgins *et al.*, *Oppenheim’s International Law: United Nations* (2017), p. 606.

¹⁸¹ See paras. 18-20, *supra*.

¹⁸² See para. 19, *supra*.



and any other form of interference, whether by executive, administrative, judicial or legislative action.”¹⁸³

74. The inviolability of U.N. premises and its organs—which is absolute—is essential for fulfilling the purposes outlined in its Charter. The inviolability principle plays a crucial role in ensuring the Organization’s ability to operate independently in a humanitarian context.¹⁸⁴

75. The application of the principle of inviolability of U.N. premises has several main implications. First, national authorities, including police, security, emergency, and military authorities, may not enter the premises of the U.N. or its organs without consent.¹⁸⁵ Second, State parties to the U.N. Convention on Privileges and Immunities have an affirmative obligation to protect and safeguard the U.N. premises from external threats, intrusions, or disturbances that could affect them.¹⁸⁶ Third, the premises of the U.N. or its bodies must not be attacked. Not only does the obligation on States not to launch attacks on U.N. premises continue to apply during an armed conflict, but also the failure to respect the inviolability of U.N. premises in times of armed conflict cannot be justified on ground of military expediency or national security. This has been the consistent position of the United Nations¹⁸⁷ in several legal opinions, board of enquiry reports commissioned by the U.N. Secretary-General and General Assembly resolutions including in

¹⁸³ U.N. Convention on Privileges and Immunities, Article II, Section 3.

¹⁸⁴ Lance Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention)”, in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), p. 126.

¹⁸⁵ *Id.*, p. 130. See also UNRWA, *Official Statement concerning Israel’s order for UNRWA to vacate its premises in Occupied East Jerusalem and cease operations in them*, 26 January 2025, available at: <https://www.unrwa.org/newsroom/official-statements/government-israel-orders-unrwa-vacate-its-premises-occupied-east>.

¹⁸⁶ Lance Bartholomeusz, “Inviolability of Premises (Article II Section 3 General Convention)”, in August Reinisch (ed), *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (2016), p. 129. See also Fourth Report on Relations between States and International Organizations by Mr Leonardo Diaz Gonzalez, Special Rapporteur, *ILC Yearbook* (1989), Vol. I Part 2, U.N. Doc. A/CN.4/424 and Corr.1, p. 166, para. 105.

¹⁸⁷ See e.g., United Nations Assistance Mission in Afghanistan (UNAMA), *Note to the Under-Secretary-General of the Department of Peacekeeping Operations*, United Nations, 11 July 2003, *U.N. Juridical Yearbook 2003*, pp. 521-522, para. 11; Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council, U.N. Doc. A/63/855-S/2009/250, 15 May 2009, attaching the Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009, para. 91 (U.N. Dossier No. 1358).



relation to attacks by Israel against UNRWA and other U.N. organs and agencies in the Occupied Palestinian Territory.¹⁸⁸

76. Article II, Section 4 of the U.N. Convention on Privileges and Immunities states that U.N. archives, “and in general all documents belonging to it or held by it, shall be inviolable wherever located.”¹⁸⁹ On its part, Article II, Section 7 of the convention provides that the U.N., “its assets, income and other property” are exempt from “all direct taxes” as well as “customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the [U.N.] for its official use.”¹⁹⁰

77. Israel’s conduct detailed *supra* is incompatible with these obligations. The military attacks on UNRWA’s premises, as well as Israel’s failure to protect UNRWA’s premises in East Jerusalem from attacks by Israeli settlers¹⁹¹ constitute a breach of Article II, Section 3 of the U.N. Convention on Privileges and Immunities relating to the absolute inviolability of the premises of the U.N. and its organs. Israel’s breach of the confidentiality and integrity of UNRWA archives and imposition of direct taxes, custom duties and prohibitions and restrictions on imports and exports in respect of articles for UNRWA’s official use are in breach of Article II, Section 4 and Article II, Section 7 of the U.N. Convention on Privileges and Immunities, respectively.¹⁹²

C. THE PALESTINIAN PEOPLE’S RIGHT TO SELF-DETERMINATION

78. The Court has already acknowledged that the Palestinian people have a recognized and undisputed right to self-determination in the Occupied Palestinian Territory.¹⁹³ The Court has

¹⁸⁸ See e.g., Letter from the Secretary-General addressed to the President of the Security Council, U.N. Doc. A/63/855–S/2009/250, 15 May 2009, attaching the Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009, paras. 16, 26-27, 38-39, 44, 54, 65, 75-76, 91-92 (U.N. Dossier No. 1358); Letter from the Secretary-General addressed to the President of the Security Council, U.N. Doc. S/2015/286, 27 April 2015, attaching the Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents that Occurred in the Gaza Strip between 8 July 2014 and 26 August 2014, p. 3 (U.N. Dossier No. 1368); U.N. General Assembly Resolution 69/88 (2014), recitals 12, 28 (U.N. Dossier No. 990); Letter dated 31 December 2023 from the Commissioner-General of UNRWA addressed to the Coordinator of Government Activities in the Territories of the Ministry of Defense of Israel, p. 2 (U.N. Dossier No. N295).

¹⁸⁹ U.N. Convention on Privileges and Immunities, Article II, Section 4.

¹⁹⁰ *Id.*, Article II, Section 7.

¹⁹¹ See para. 17, *supra*.

¹⁹² See n. 60, *supra*.

¹⁹³ *Wall Advisory Opinion*, p. 183, para. 118; *Israeli Policies and Practices Advisory Opinion*, para. 230.



also recognized that this right is of a *jus cogens* character,¹⁹⁴ generating obligations *erga omnes*.¹⁹⁵ In both the *Wall Advisory Opinion*¹⁹⁶ and the *Israeli Policies and Practices Advisory Opinion*,¹⁹⁷ the Court held that Israel's policies and practices effectively impede the exercise of the right of the Palestinian people to self-determination, in breach of its obligations.

79. In the *Israeli Policies and Practices Advisory Opinion*, the Court made specific reference to the findings of the Human Rights Committee, which stressed that the realization of the right to self-determination "is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights."¹⁹⁸

80. The Court also noted that "by virtue of the right to self-determination, a people is protected against acts aimed at dispersing the population and undermining its integrity as a people."¹⁹⁹ Similarly, the Court stressed that "a key element of the right to self-determination is the right of a people freely ... to pursue its economic, social and cultural development."²⁰⁰ As both a U.N. member and an Occupying Power, Israel is under an obligation to enable, and not interfere with, the exercise of this right by the Palestinian people.

81. Despite this, and notwithstanding the Court's findings in both advisory opinions, Israel has reinforced its concerted efforts to obstruct the Palestinian civilian population's access to humanitarian and development assistance by the U.N., its agencies and bodies, and third States, and to create unlivable conditions throughout the Occupied Palestinian Territory, doing so in a particularly egregious and inhumane manner in the Gaza Strip. This can only be understood as yet an additional attempt to force or ethnically cleanse the Palestinian population from their homeland and thus to undermine their right to self-determination.

82. The Kingdom of Saudi Arabia respectfully submits that the Palestinian people's right to self-determination continues to be at the core of the question presented to the Court,

¹⁹⁴ *Israeli Policies and Practices Advisory Opinion*, para. 233. See also *id.*, Declaration of Judge Tladi, p. 5, para. 14.

¹⁹⁵ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 102, para. 29; *Wall Advisory Opinion*, pp. 199-200, paras. 155, 159; *Chagos Advisory Opinion*, p. 139, para. 180; International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts with commentaries (2001), in *Report of the International Law Commission on the Work of Its Fifty-Third Session* (2001), U.N. document A/56/10, reproduced in *ILC Yearbook* (2001), Vol. II(2), Commentary to Article 26, para. 5.

¹⁹⁶ *Wall Advisory Opinion*, pp. 184, 197, 199, paras. 122, 149, 155.

¹⁹⁷ *Israeli Policies and Practices Advisory Opinion*, para. 243.

¹⁹⁸ *Id.*, p. 65, para. 233 (citing to Human Rights Committee, General Comment No. 12 (13 March 1984), *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40* (U.N. Doc. A/39/40 (SUPP)), Annex VI, para. 1).

¹⁹⁹ *Id.*, para. 239.

²⁰⁰ *Id.*, para. 241.



concerning Israel's obligations both as an Occupying Power over the Occupied Palestinian Territory and as U.N. Member State.

83. Israel's duty to respect the Palestinian people's right to self-determination entails that Israel must not interfere with humanitarian aid and development assistance meant for the Palestinian population. This assistance—whether from the U.N., its agencies and bodies, other international organizations, or third States—is critical for the emergence of an independent, sovereign Palestinian State, and thus essential for the Palestinian people to exercise their right to self-determination.

D. CONSEQUENCES OF THE BREACH OF ISRAEL'S OBLIGATIONS AS A U.N. MEMBER STATE AND AS AN OCCUPYING POWER

84. As stated by the Court in the *Wall Advisory Opinion* and the *Israeli Policies and Practices Advisory Opinion*, Israel's conduct in breach of its international obligations entails legal consequences.²⁰¹ In light of its obligations as an Occupying Power and as a U.N. member State in relation to the presence and activities of the United Nations, other international organizations and third States in the Occupied Palestinian Territory which are detailed above, Israel must:

- Comply with such obligations, including by not impeding the provision of humanitarian and development assistance by those entities in the Occupied Palestinian Territory,²⁰² and immediately cease all internationally wrongful acts arising from its conduct with regard 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;
- Offer appropriate guarantees of non-repetition of such internationally wrongful acts; and
- Make full reparation for the damage caused by such wrongful acts, in the form of restitution and compensation.²⁰³

²⁰¹ *Wall Advisory Opinion*, pp. 197-198, paras. 148-153; *Israeli Policies and Practices Advisory Opinion*, paras. 267-272.

²⁰² The U.N. General Assembly has repeatedly urged Israel to “cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and to cease levying taxes, extra fees and charges, which affect the Agency's operations detrimentally” and “fully lift the restrictions impeding or delaying the import of necessary construction materials and supplies for the reconstruction and repair of the remaining damaged or destroyed refugee shelters, and for the implementation of suspended and urgently needed civilian infrastructure projects in refugee camps in the Gaza Strip”. See, e.g., U.N. General Assembly Resolution 78/73 (2023), paras. 41-42 (U.N. Dossier No. N30).

²⁰³ See e.g. *Reparations Advisory Opinion*, p. 183; claims for reparation were submitted by the U.N. Secretary-General and paid in full by Israel. See *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 - Extract*



85. Additionally, Israel's internationally wrongful acts entail the violation of *jus cogens* norms, including the right to self-determination enjoyed by the Palestinian people.²⁰⁴ These grave breaches give rise to additional consequences for all States, including the obligation to (a) cooperate to bring to an end through lawful means those serious breaches; (b) not to recognize as lawful the situation created by those serious breaches; and (c) not to render aid or assistance to Israel in maintaining that situation.²⁰⁵

V. CONCLUSION

86. The Kingdom of Saudi Arabia respectfully submits that:

- a. The U.N. General Assembly's request for an advisory opinion satisfies the conditions of Article 96 of the U.N. Charter and Article 65 of the Court's Statute both as regards the competence of the requesting organ and as regards the substance of the request, and the Court accordingly has jurisdiction in this case.
- b. There are no compelling reasons why the Court should not render the advisory opinion which has been requested of it.
- c. The foregoing information shall assist the Court in rendering an advisory opinion on the question posed by the General Assembly.

Respectfully submitted on behalf of the Kingdom of Saudi Arabia

from *ILC Yearbook* (1967), vol. II, U.N. Doc. A/CN.4/L.118 and Add. 1 and 2, p. 218, para. 52(i). See also *Report of the Commissioner-General of UNRWA to the General Assembly*, 1 July 1968 to 30 June 1969, U.N. Doc. A/7614, para. 159 (U.N. Dossier No. 1001); U.N. General Assembly Resolution 63/93 (2008), para. 13 (U.N. Dossier No. 984); Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council, U.N. Doc. A/63/855-S/2009/250, 15 May 2009, attaching the Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009, Recommendation 2 (U.N. Dossier No. 1358); U.N. General Assembly Resolution 78/73 (2023), para. 40 (U.N. Dossier No. N30).

²⁰⁴ *Israeli Policies and Practices Advisory Opinion*, paras. 233, 274.

²⁰⁵ Articles on State Responsibility, Article 40. See also *Wall Advisory Opinion*, p. 196, para. 146; *Israeli Policies and Practices Advisory Opinion*, para. 275.



A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned above a thin horizontal line.

Jalawi Turki Fahad Al Saud

Chargé d'affaires a.i. of the Embassy of the Kingdom
of Saudi Arabia to the Kingdom of the Netherlands

28 February 2025