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INTERNATIONAL COURT OF JUSTICE

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

**WRITTEN STATEMENT OF THE GOVERNMENT OF THE PEOPLE'S
DEMOCRATIC REPUBLIC OF ALGERIA**

28 February 2025

[Translation by the Registry]

**OBLIGATIONS OF ISRAEL AS AN OCCUPYING POWER
AND AS A MEMBER OF THE UNITED NATIONS**

**WRITTEN STATEMENT OF THE GOVERNMENT OF THE
PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA**

In its resolution A/RES/79/232 entitled “Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States”, adopted on 19 December 2024, the United Nations General Assembly (in paragraph 10 of the operative part) requested the International Court of Justice, pursuant to Article 65 of its Statute, to render an advisory opinion on the following question:

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

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INTRODUCTION

Further to the Advisory Opinions rendered by the International Court of Justice (hereinafter the “ICJ” or the “Court”) on 9 July 2004 and 19 July 2024, respectively, the United Nations General Assembly adopted resolution 79/232 dated 19 December 2024, in which it requests the Court, on a priority basis and with the utmost urgency, to render an advisory opinion on the question of 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 in and in relation to the Occupied Palestinian Territory.

That question is worded 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?”

The request was transmitted on 20 December 2024 by the United Nations Secretary-General to the President of the ICJ, who notified it to all Member States of the United Nations by letter of 23 December 2024. By an Order rendered on 23 December 2024, and in view of the fact that the request for an advisory opinion was made on a priority basis and with the utmost urgency, the Court fixed 28 February 2025 as the time-limit within which written statements on the question might be presented to the Court, in accordance with Article 66, paragraph 2, of its Statute.

The People’s Democratic Republic of Algeria presents its written statement pursuant to that Order, to substantiate its point of view and make observations on the question raised in the request. Observations on the resolution and on the request are in order.

I. RESOLUTION 79/232

This first section (I) will cover six points: the background to the adoption of the resolution (1), a reminder of the 2004 and 2024 Advisory Opinions to which the resolution refers (2), observations on the resolution (3), the jurisdiction of the Court and the admissibility of the request (4), the right of the Palestinian people to self-determination as a peremptory right (5) and the occupation as a key issue in the request for an advisory opinion (6).

I.1. Background to the adoption of the resolution

It is important to note that the draft resolution was initiated by Norway, its author, which requested the plenary organ, i.e. the United Nations General Assembly, to seek an advisory opinion from the ICJ. Algeria supported this initiative from the outset, co-sponsoring it alongside 22 other States¹.

¹ The States that participated in this initiative were: Algeria, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Egypt, Guyana, Indonesia, Ireland, Jordan, Kuwait, Libya, Malaysia, Namibia, Norway, Qatar, Saudi Arabia, Slovenia, South Africa, Spain, Yemen and the State of Palestine. United Nations General Assembly, 79th session, A/79/L.28/Rev.1, 12 Dec. 2024.

Adopted by 137 votes to 12, with 22 abstentions, the resolution received a large majority of the votes, reflecting the consolidation of the international community around the rights of the Palestinian people to all rights, in particular the right to self-determination, which can only be realized by bringing an immediate and unconditional end to the Israeli occupation.

I.2. Reminder of the 2004 and 2024 opinions to which the resolution refers

Algeria considers the present request for an advisory opinion to form part of the general consultation process that has been in motion since 2003 for the purpose of enjoining Israel, the occupying Power, to respect its international obligations: the Court was first seised in order to rule on a specific breach that consisted in the building by Israel of a wall in the occupied Palestinian territories; this was followed by a shift, in the second set of advisory proceedings, towards a more general question concerning the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territories, before finally returning to a very specific legal issue in the present request for an opinion, adopted in 2024, with a view to defining the obligations of Israel in relation to the presence and activities of the United Nations and other international organizations.

The Court's answer to this question will build on its opinions of 2004 and 2024. One need only refer to paragraph 10 of resolution 79/232 to observe the rightful importance given to those opinions by the General Assembly in order to ensure that its judicial role *lato sensu* is duly consistent and settled.

I.3. Observations on the resolution

A series of brief observations will be made about the form and content of the resolution. The resolution consists of a preamble of 23 paragraphs and an operative part of ten.

The preamble refers to the most fundamental text first, namely the Charter of the United Nations, emphasizing its purposes and principles as well as the inalienable right to self-determination of peoples. It then refers to the relevant treaty texts, namely the Convention on the Privileges and Immunities of the United Nations, and recent resolutions of the Security Council, in particular resolution 2334 (2016), and those adopted by the General Assembly at its tenth emergency special session, notably resolution ES-10/24 adopted on 18 September 2024 following the Advisory Opinion issued by the Court on 19 July 2024.

The resolution then moves on to the two laws adopted by Israel's Knesset whose purpose is to impede or prevent the presence and activities of the United Nations and of United Nations entities and organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter "UNRWA" or the "Agency"), whose presence and thus activities in the occupied Palestinian territories and in Israel those laws seek to end.

The terms of the question put to the Court should be examined for the purpose of making certain clarifications. The Court is requested to rule on the obligations of Israel as an occupying Power and as a Member of the United Nations.

Although the current catastrophic situation concerns the occupation and its devastating effects, it would seem to be more in keeping with international law for Algeria to consider Israel's obligations as a Member of the United Nations in the first instance, since it is from this general status that all obligations, notably those of an occupying Power, derive.

The mention of agencies and bodies refers principally to UNRWA, which has a special link to the occupied Palestinian territories, having been established specifically to assist the Palestinian

civilian population, while bodies alludes to Article 7 of the United Nations Charter; the examination, however, will adopt the approach of moving from the general to the specific and will first address bodies, before moving on to agencies.

As regards the mention of other organizations, this refers in the first instance to other specialized agencies and programmes established by the United Nations for the benefit of the Palestinian civilian population in the occupied territories, but it also encompasses non-governmental humanitarian organizations acting for the Palestinian civilian population in those territories. The question concerns the fundamental principle for the population: the right of the Palestinian people to self-determination.

I.4. Jurisdiction and admissibility

The question of the Court's jurisdiction, long the subject of profound differences of opinion between the parties participating in the written and oral phases of the 2004 and 2024 advisory proceedings, need no longer be raised given the well-established position of the Court, which has confirmed that it has jurisdiction to render an advisory opinion. In its Advisory Opinion of 19 July 2024, having analysed the terms of the question put by the General Assembly, the Court declared that "[i]n light of the above, the Court concludes that the request has been made in accordance with the provisions of the Charter and of the Statute of the Court and therefore that it has jurisdiction to render the requested opinion"².

Algeria considers that the question of the Court's discretion to render advisory opinions must be briefly addressed, since it is a point of argument for States known for their reticence towards requests for advisory opinions. Algeria will rely on the solution adopted by the Court in its 2024 Advisory Opinion, which reviewed the arguments put forward by States. Those arguments can be summarized in six points: whether the request relates to a dispute between two parties, one of which has not consented to the jurisdiction of the Court; whether the opinion would assist the General Assembly in the performance of its functions; whether the Court's opinion might undermine the negotiation process between Israel and Palestine; whether an advisory opinion would be detrimental to the work of the Security Council; whether the Court has sufficient information to enable it to give an advisory opinion; and, finally, whether the questions are formulated in a biased manner.

Algeria is of the view that, in its 2024 Advisory Opinion, the Court confirmed in its response to the arguments put forward by reticent States that its discretion allows it to interpret and, where necessary, reformulate the questions put to it, and that "[i]t is therefore for the Court to appreciate and assess the appropriateness of the formulation of the questions. The Court may also, where necessary, determine for itself the scope and the meaning of the questions put to it."³ Algeria further considers that, in view of the extremely urgent nature of the question posed, the Court should declare the request admissible.

I.5. The right of the Palestinian people to self-determination is a peremptory right

The question put by the General Assembly once again revisits — not without interest — the question of support for the right of the Palestinian people to self-determination, which is the ultimate aim of ending the Israeli occupation and which finds support in all the resolutions.

² *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 2[8].

³ *Ibid.*, para. 49.

Algeria contends on the basis of Article 1, paragraph 2, of the United Nations Charter — which enshrines the right to self-determination of peoples, a right confirmed in the International Covenant on Civil and Political Rights (hereinafter the “ICCPR”) and in the International Covenant on Economic, Social and Cultural Rights (hereinafter the “ICESCR”) — that the right to self-determination is a customary rule and a peremptory norm of international law. Its status as an *erga omnes* obligation means that it is owed to the international community by every State, as established in the Court’s 2004 and 2024 Advisory Opinions.

This right must be at the forefront of the analysis of Israel’s obligations as envisaged by the request for an advisory opinion.

I.6. The occupation is a key issue in the request for an advisory opinion

Algeria considers that the request for an advisory opinion is intended to be a further legal opportunity to underscore the gravity of the situation of the Palestinian population caused by the Israeli occupation, which continues to deprive that population of its every right, foremost of which is the right to self-determination.

The Advisory Opinion rendered by the Court on 19 July 2024 notes that this situation is not in conformity with the rules of international law. In resolution A/79/187-E/2024/68 dated 18 July 2024, the General Assembly and the Economic and Social Council confirmed that the occupation is linked to the deterioration of the situation of the Palestinian people and drew attention to the economic and social repercussions of the Israeli occupation for the living conditions of Palestinians in the Occupied Palestinian Territory, including East Jerusalem.

II. THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES SINCE THE 2024 ADVISORY OPINION

Determining Israel’s obligations requires Algeria to return to the tragic situation of the Palestinian civilian population (1) which continues to deteriorate, notwithstanding the condemnation of Israel’s policies and practices in the Occupied Palestinian Territory in the Court’s 2024 Advisory Opinion, and to the attacks suffered by UNRWA and other organizations (2).

II.1. The increased suffering of the Palestinian civilian population

Algeria considers it necessary to shed due light on the disastrous humanitarian situation in both Gaza and the West Bank, including East Jerusalem, following the Court’s 2024 Advisory Opinion and in view of the adoption by Israel of two laws in October 2024 by virtue of which the latter seeks to bring an end to the presence and activities of UNRWA.

Before the Israeli aggression beginning on 7 October 2023, Gaza had a population of approximately 2.3 million. Eighty per cent of Palestinians in Gaza are refugees or the descendants of refugees⁴ who were expelled or forced to flee during the mass displacement of over 750,000 Palestinians, known as the “Nakba”⁵. The Nakba therefore features prominently in the history and collective consciousness of Palestinians in Gaza, and of the Palestinian people as a whole.

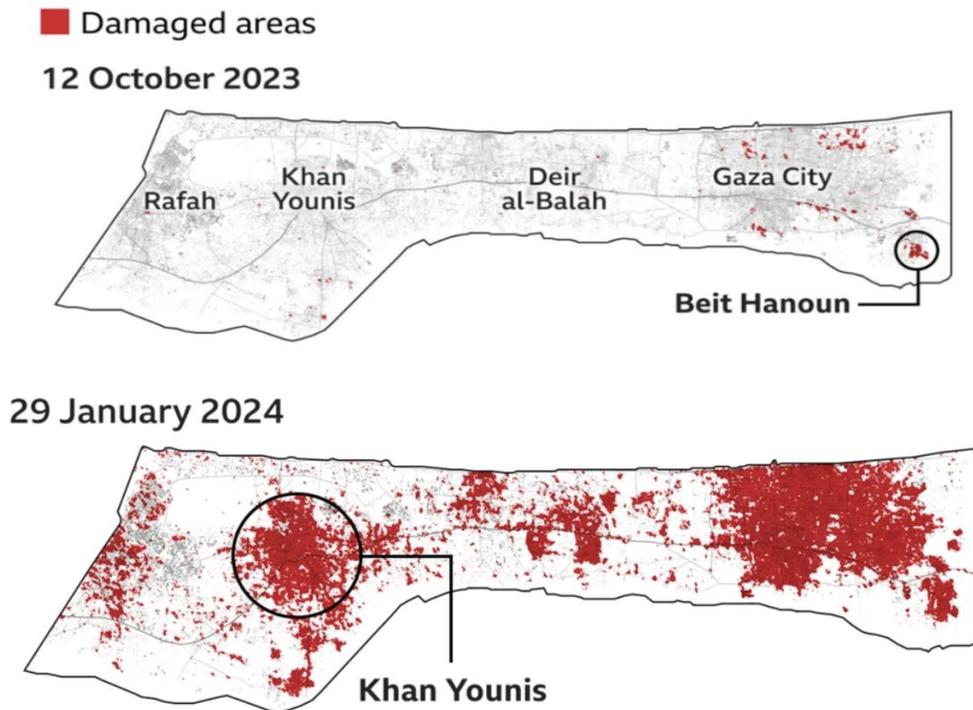
⁴ UNRWA, “About UNRWA”, 2012, p. 17 (available at: <https://www.unrwa.org/userfiles/2012050753530.pdf>).

⁵ Office of the United Nations High Commissioner for Human Rights (“OHCHR”), “Right of return of Palestinian refugees must be prioritised over political considerations: UN experts”, 21 June 2023 (available at: <https://www.ohchr.org/en/statements/2023/06/right-return-palestinian-refugees-must-be-prioritised-over-political>).

Palestinians in Gaza form a core element of the Palestinian national, racial and ethnic group: not only do they form a substantial part of the population of the territory of the State of Palestine, but they also represent a significant part of the Palestinian population of the State of Palestine under occupation, which comprises approximately 5.61 million people⁶.

Since 7 October 2023, Israel has engaged in a large-scale military aggression by land, air and sea against Gaza, a narrow strip of land of approximately 365 sq km and one of the most densely populated areas in the world⁷, with more than a million children under the age of 18 making up 47 per cent of the population⁸. Gaza has been subjected by Israel to what has been described as one of the “heaviest conventional bombing campaigns” in the history of modern warfare.

Today, Gaza, which is only 41 km long and 10 km wide, is largely uninhabitable. Entire districts have been destroyed. Agricultural land previously home to greenhouses has been reduced to sand and rubble by the heavy vehicles and tanks used in the clearing operations of the Israeli Army. Before the war, the majority of Gaza’s 2.2 million inhabitants lived in one of its four main cities — Rafah and Khan Younis in the south, Deir al-Balah in the centre, and Gaza City, which alone was home to 775,000 people, almost all of whom have now been displaced. The destruction wrought by Israel is so extreme that “Gaza is now a different color from space. It’s a different texture”⁹.



⁶ State of Palestine, Palestinian Central Bureau of Statistics (“PCBS”), “The Conditions of the Palestinian Population on the Occasion of the World Population Day”, 11 July 2024 (available at: <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=5791>).

⁷ <https://worldpopulationreview.com/cities/palestine/gaza>.

⁸ PCBS, “A brief on the status of the Palestinian people at the end of 2024”, 31 Dec. 2024.

⁹ J. Frankel, “Israel’s military campaign in Gaza seen as among the most destructive in recent history, experts say”, AP News, 21 Dec. 2023 (available at: <https://apnews.com/article/israel-gaza-bombs-destruction-death-toll-scope-419488c511f83c85baea22458472a796>).

11 January 2025



Source: Damage analysis of Copernicus Sentinel-1 satellite data by Corey Scher of CUNY Graduate Center and Jamon Van Den Hoek of Oregon State University, UN Ocha, OpenStreetMap, European Commission GHSL



The living conditions of the Gazan population are inhuman and, as recalled by the United Nations Secretary-General in his letter of 6 December 2023 to the President of the Security Council¹⁰,

“[m]ore than 1.1 million people have sought refuge in facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) across Gaza, creating overcrowded, undignified and unhygienic conditions. Others have nowhere to shelter and find themselves on the street. Explosive remnants of war are rendering areas uninhabitable.”

According to the spokesperson of the United Nations Secretary-General, more than 90 per cent of housing units in Gaza have been damaged or destroyed over the past 15 months¹¹. No fewer than 1.9 million Palestinians — approximately 85 per cent of the entire population — have been internally displaced¹² and are reduced to living in makeshift tents in camps with no water, sanitation or other facilities.

According to a report of the Danish Refugee Council, the Agricultural Development Association and the Women’s Affairs Centre, between October 2023 and October 2024, the inhabitants of Gaza were displaced an average of six times, or once every two months, and up to 19 times¹³. The report states that repeated displacement has devastated livelihoods, with 70 per cent of families reporting no income. The report further states that resource scarcity, overcrowding and lack of privacy have emerged as new drivers of displacement¹⁴. According to the United Nations Office for the Coordination of Humanitarian Affairs (hereinafter “OCHA”), between 7 October 2023 and 22 January 2025, at least 111,166 Palestinians were reported to have been injured in Gaza and 47,161 killed, including 13,319 children, 786 of whom were under the age of one, which represents

¹⁰ Letter dated 6 December 2023 from the Secretary-General addressed to the President of the Security Council (available at: <https://docs.un.org/en/S/2023/962>).

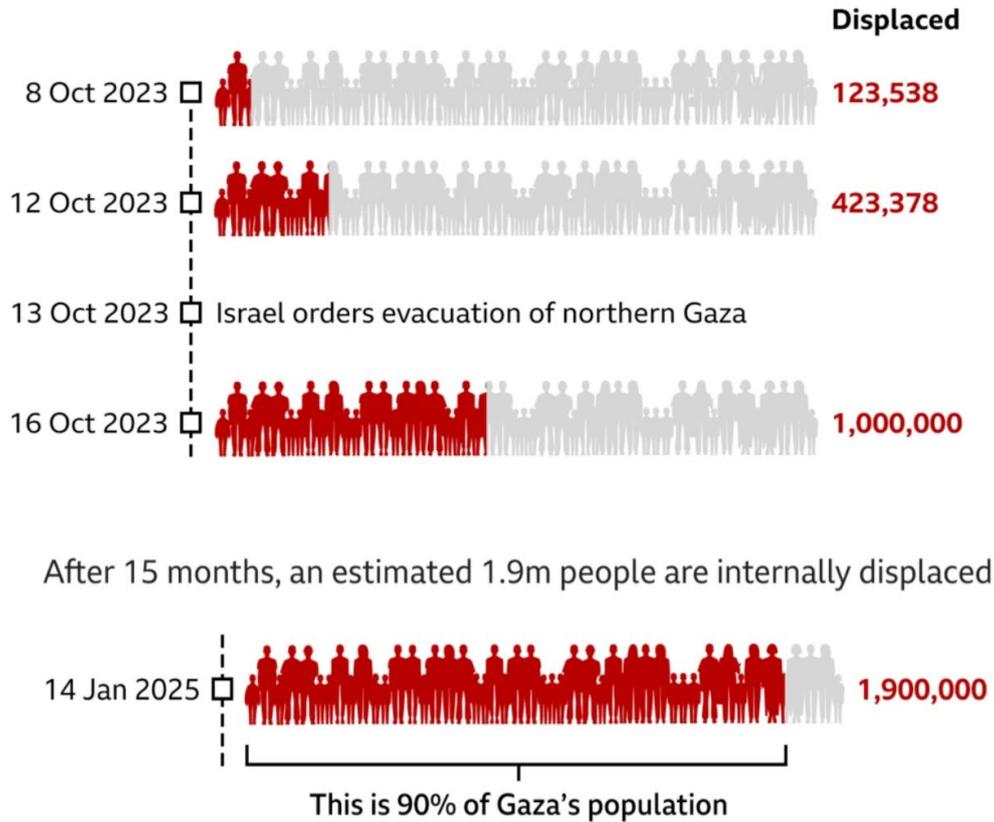
¹¹ [UNRWA Situation Report #156 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem], 23 Jan. 2025 (available at: <https://www.unrwa.org/resources/reports/unrwa-situation-report-156-situation-gaza-strip-and-west-bank-including-east-jerusalem>).

¹² Secretary-General’s remarks to the Security Council — on the Middle East, 20 Jan. 2025 (available at: <https://www.un.org/sg/en/content/sg/statement/2025-01-20/secretary-generals-remarks-the-security-council-the-middle-east-delivered>).

¹³ The Danish Refugee Council, the Agricultural Development Association and the Women’s Affairs Centre, *Suffering by Design: The Human Cost of Repeated Displacement in Gaza*, 15 Jan. 2025. See also: UN Web TV, “Gaza: 90 per cent of all people have been displaced under dire conditions”, 28 Aug. 2024.

¹⁴ The Danish Refugee Council, the Agricultural Development Association and the Women’s Affairs Centre, *Suffering by Design: The Human Cost of Repeated Displacement in Gaza*, 15 Jan. 2025, p. 17.

approximately 6 per cent of all children killed¹⁵. Moreover, on 7 October 2024, the Palestinian Health Minister noted that 35,055 children had lost one or both of their parents within the last 12 months.



Algeria would recall that until 2005, Gaza was occupied by the Israeli Army, as the West Bank is today. However, in 2005, Israel “disengaged” from Gaza, relocating Israeli settlers from settlements in Gaza back to Israel and into the occupied West Bank¹⁶.

Nevertheless, Israel continues to exercise control over the airspace, territorial waters, land crossings, water, electricity, electromagnetic sphere and civilian infrastructure in Gaza¹⁷. In view of this effective control that Israel continues to exercise over the territory, Gaza remains, in the eyes of the international community, under the belligerent occupation of Israel¹⁸, as stated by the Security Council in its resolution 2720 (2023) of 22 December 2023 on the situation in the Middle East, including the Palestinian question, which recalls that “the Gaza Strip constitute[d] an integral part of

¹⁵ <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-january-2025>.

¹⁶ United Nations Human Rights Council (“UNHRC”), Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 9 May 2022, UN doc. A/HRC/50/21, para. 16 (available at: <https://docs.un.org/en/A/HRC/50/21>).

¹⁷ *Ibid.*

¹⁸ See e.g. the statement made by the General Assembly in its resolution 77/30 concerning assistance to the Palestinian people, 6 Dec. 2022, UN doc. A/RES/77/30 (available at: <https://docs.un.org/en/A/RES/77/30>). See also UNHCR, Human rights situation in Palestine and other occupied Arab territories, Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 Mar. 2019, UN doc. A/HRC/40/CRP.2 (available at: <https://docs.un.org/en/a/hrc/40/crp.2>).

the territory occupied in 1967” and reiterates “the vision of the two-State solution, with the Gaza Strip as part of the Palestinian State”¹⁹, as confirmed by the ICJ in July 2024²⁰.

Furthermore, Israel has imposed a tight blockade on Gaza since the electoral victory of Hamas in 2006, declaring the whole of Gaza “hostile territory”²¹. In view of this situation, the United Nations Conference on Trade and Development warned, from as early as 2015, that the restrictive measures imposed by Israel risked Gaza becoming uninhabitable by 2020²².

It should be recalled that, in his 2020 report, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 stated that the living conditions in Gaza resulting from the “deliberate actions” of the Israeli armed forces during the 2008 and 2009 offensives, and the “declared policies” of Israel with regard to the Gaza Strip, cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip²³. The Secretary-General of the United Nations, Mr António Guterres, said in May 2021 in respect of this suffering that “if there is a hell on earth, it is the lives of children in Gaza”²⁴.

In October 2023, the Prosecutor of the International Criminal Court (hereinafter the “ICC”) noted that “[i]mpeding relief supplies . . . may constitute a crime within the [ICC]’s jurisdiction”²⁵. He further stated that his Office “w[ould] scrutinise all information we receive” about attacks carried out by Israel against “every dwelling house, in relation to any school, any hospital, any church, any mosque”, to ensure their compliance with international humanitarian law²⁶.

The West Bank (including East Jerusalem), the largest constituent part of the Occupied Palestinian Territory, with an area of 5,655 sq km and a population of 2.9 million Palestinians, is separated geographically from Gaza and fragmented by Israeli settlements²⁷.

Under the Oslo Accords, administrative jurisdiction over the three areas of the West Bank (Areas A, B and C) is divided between the Palestinian Authority and Israel, the occupying Power. Area A, comprising 18 per cent of the West Bank, is stated to be under the full administrative control of the Palestinian Authority; Area B, comprising 22 per cent of the West Bank, is under the

¹⁹ United Nations Security Council, UN doc. S/RES/2720 (2023) (available at: <https://docs.un.org/en/S/RES/2720>).

²⁰ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*. In paragraph 92 of its Advisory Opinion, the Court stated that, “for the purpose of determining whether a territory is occupied under international law, the decisive criterion is not whether the occupying Power retains its physical military presence in the territory at all times but rather whether its authority ‘has been established and can be exercised’”, citing Article 42 of the Regulations respecting the Laws and Customs of War on Land of 1907.

²¹ Israeli Ministry of Foreign Affairs, “Security Cabinet declares Gaza hostile territory”, 19 Sept. 2007 (available at: <https://www.gov.il/en/pages/security-cabinet-declares-gaza-hostile-territory>).

²² UN News, “Gaza could become uninhabitable in less than five years due to ongoing ‘de-development’ — UN report”, 1 Sept. 2015 (available at: <https://news.un.org/en/story/2015/09/507762>).

²³ A/64/490, para. 1331.

²⁴ UN News, “Gaza children living in hell on earth, UN chief says, urging immediate end to fighting”, 20 May 2021.

²⁵ ICC, “Statement of ICC Prosecutor Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel”, 30 Oct. 2023 (available at: <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel>).

²⁶ *Ibid.*

²⁷ United Nations Information System on the Question of Palestine (“UNISPAL”), “Israeli Occupation of Palestinian Territory — facts and figures” (available at: <https://www.un.org/unispal/in-facts-and-figures/>).

administrative control of the Palestinian Authority and the security control of Israel; and Area C, comprising 60 per cent of the West Bank, is under full Israeli administrative and security control²⁸.

Since 1967, Israel has built 279 “settlements” for Israeli civilians across the West Bank²⁹, the number of Israeli settlers in the West Bank (including East Jerusalem) has increased dramatically from an estimated 247,000 at the time of the Oslo Accords³⁰ to more than 700,000 in 2023³¹. The ICC Prosecutor has also declared that the transfer of Israeli civilians into the West Bank could constitute a war crime³².

The objective reality of the expanding settlements is continued restrictions on the rights of Palestinians — including restrictions on the freedom of movement which limit the exercise of the right to an education and to health — an increased risk of arrest and arbitrary detention, and the use of land and natural resources, thus limiting the right of Palestinians to development. Palestinians in the West Bank are now contained behind a segregating wall and subjected to discriminatory land zoning and planning policies, as well as to violent Israeli Army incursions into Palestinian villages, towns, cities and refugee camps, including in Area A³³.

The institutionalized régime of discriminatory laws, policies and practices applied by Israel subjects Palestinians to what constitutes an apartheid régime³⁴.

Palestinians in the West Bank are also subjected to routine violence by Israeli soldiers and armed settlers. Since 7 October 2023, Israeli forces have carried out airstrikes and military raids on refugee camps in the West Bank, killing many Palestinians, bulldozing roads and imposing severe restrictions on movement³⁵.

Israel’s actions in the West Bank since 7 October 2023 — including its support for and failure to prevent or punish Israeli settlers for incitement and violence against Palestinians and Palestinian

²⁸ Letter dated 27 December 1995 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General, 5 May 1997, UN doc. A/51/889 (available at: <https://docs.un.org/en/A/51/889>).

²⁹ UNHRC, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, 12 Mar. 2023, UN doc. A/HRC/52/76, paras. 5 and 8.

³⁰ United Nations Economic and Social Commission for Western Asia (“ESCWA”), Countering economic dependence and de-development in the occupied Palestinian territory, Oct. 2022 (available at: https://www.un.org/unispal/wp-content/uploads/2023/03/ESCWAREPORT_280223.pdf).

³¹ UNHRC, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, 12 Mar. 2023, UN doc. A/HRC/52/76, paras. 5 and 8 (available at: <https://undocs.org/A/HRC/52/76>).

³² ICC, Situation in Palestine — Summary of Preliminary Examination Findings, 20 Dec. 2019 (available at: <https://www.icc-cpi.int/sites/default/files/itemsDocuments/210303-office-of-the-prosecutor-palestine-summary-findings-eng.pdf>).

³³ United Nations General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, M. Lynk, 12 Aug. 2022, UN doc. A/HRC/49/87, paras. 41, 43 and 142 (available at: <https://docs.un.org/en/A/HRC/49/87>).

³⁴ United Nations Committee on the Elimination of Racial Discrimination (“CERD”), Concluding observations on the combined seventeenth to nineteenth reports of Israel, UN doc. CERD/C/ISR/CO/17-19, 27 Jan. 2020, para. 23 (available at: <https://docs.un.org/en/CERD/C/ISR/CO/17-19>); Amnesty International, “Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity”, 2022 (available at: <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>).

See also Human Sciences Research Council (“HSRC”), Democracy and Governance Programme, Middle East Project, *Occupation, colonialism, apartheid: a re-assessment of Israel’s practices in the occupied Palestinian territories under international law*, June 2009: the report of the HSRC, a South African body, notes that the three pillars of apartheid in South Africa have all been implemented by Israel in the occupied Palestinian territories.

³⁵ OHCHR, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”, 16 Nov. 2023 (available at: <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>).

property, and the driving out of vulnerable Palestinian communities from their lands — are intrinsically linked to Israel’s actions in Gaza.

Since 21 January 2025, Israel has been engaged in a new campaign of aggression in the West Bank, known as “Operation Iron Wall”, which was launched two days after the entry into force of the truce agreement in Gaza and which has already resulted in several deaths, arrests and forced displacements of the population.

A few days prior to the submission of this written pleading, Israel decided to carry out the largest expulsion of Palestinians from the West Bank since 1967, targeting the Jenin, Nur Shams and Fara refugee camps, and the Israeli Defence Minister declared that he had instructed the Army to prepare for “an extended stay” in the camps and “not to allow the return of residents”³⁶.

In response to this announcement, the United Nations Secretary-General stated in remarks to the Human Rights Council on 24 February 2025 that he was “gravely concerned by the rising violence in the occupied West Bank by Israeli settlers and other violations, as well as calls for annexation”³⁷. The International Committee of the Red Cross (hereinafter the “ICRC”), for its part, published a statement expressing its concern about “the impact of ongoing security operations on the civilian population in Jenin and Tulkarem, Tubas and other locations in the northern West Bank” and emphasizing the difficulties faced by the population in meeting its basic needs³⁸.

As regards East Jerusalem, the occupation has increasingly detached it from its traditional national, economic, cultural and family connections with the West Bank, because of the wall, the growing ring of settlements and related checkpoints, and the discriminatory permit régime. It is neglected by the municipality in terms of services and infrastructure, the occupation has depleted its economy, and the Palestinians have only a small land area on which to build housing³⁹.

Relying on the figures of international bodies and data from Palestinian authorities, Algeria would recall some striking statistics about the situation of the Palestinian people. Prior to Israel’s aggression in Gaza, the poverty level was over 63 per cent. It is even higher today and the population is facing various levels of famine and food insecurity: overall consumption has dropped by some 24 per cent — 13 per cent in the West Bank and 80 per cent in Gaza — which has had a direct impact on living standards in Palestine. This phenomenon has been accompanied by a rise in unemployment. In addition, the consumer price index in the West Bank has risen by 3 per cent, leading to a 33 per cent reduction in the purchasing power of Palestinian consumers in 2024, and a 70 per cent reduction in Gaza.

Moreover, and as demonstrated by the United Nations Secretary-General in his most recent report published on 30 January 2025, the needs of the Palestinian population are considerable: “There are two priority short-term humanitarian needs: more robust protection of civilians by the parties and respect for international humanitarian law; and conditions for the safe and unhindered access of aid, allowing for a measurable scale-up of humanitarian assistance.”⁴⁰

³⁶ *Haaretz*, “Israel is Already Doing in the West Bank What it Threatens to Do in Gaza”, 24 Feb. 2025 (available at: <https://www.haaretz.com/opinion/editorial/2025-02-24/ty-article-opinion/.premium/israel-is-already-doing-in-the-west-bank-what-it-threatens-to-do-in-gaza/00000195-36af-d641-abfd-b7ef29990000>). See also <https://abcnews.go.com/International/wireStory/israels-defense-minister-troops-remain-west-bank-refugee-119094194>.

³⁷ Remarks of United Nations Secretary-General, Mr António Guterres, at the opening of the 58th session of the Human Rights Council, 24 Feb. 2025 (available at: <https://press.un.org/en/2025/sgsm22562.doc.htm>).

³⁸ ICRC, statement on the situation in the West Bank, published on X on 24 Feb. 2025 (available at: https://x.com/ICRC_ilot/status/1894029465895809245).

³⁹ United Nations General Assembly, “Situation of human rights in the Palestinian territories occupied since 1967”, 23 Oct. 2017, UN doc. A/72/556, paras. 53-55 (available at: <https://docs.un.org/en/A/72/556>).

⁴⁰ United Nations, Report of the Secretary-General, UN doc. A/79/739, p. 5, para. 14.

II.2. Israel's attacks on UNRWA and other humanitarian organizations

In this section, Algeria will address the restrictions imposed and attacks carried out by Israel against United Nations organizations — including its agencies and bodies — and other organizations on the ground providing humanitarian assistance to the Palestinian civilian population, restrictions which are depriving this population of supplies essential for its survival. Although UNRWA is the subject of intense restrictions and attacks, humanitarian organizations operating in the Occupied Palestinian Territory have not been spared.

Israel's relations with UNRWA have always been marked by restrictions, affecting the Agency's operations and its ability to provide meaningful assistance to the Palestinian population deprived of its most fundamental rights by the occupation. This has the effect of greatly undermining UNRWA's mandate, which will be described in more detail below.

Israel's incessant attacks between October 2023 and 13 January 2025 caused the deaths of 273 UNRWA team members and damaged 205 of its facilities. It should also be recalled that there have been 665 incidents affecting UNRWA premises and the people inside them⁴¹.

These everyday violations aimed at restricting, if not terminating, the Agency's activities have been officially condemned by UNRWA. Algeria refers to letters sent to the Israeli authorities by UNRWA protesting against these attacks. Particular reference can be made to the letter sent by UNRWA's Director of Affairs in the West Bank to the Director of the Department for United Nations Political Affairs, Division for the United Nations and International Organizations, dated 28 August 2024, in which the former expresses his serious concerns about multiple incidents that occurred during a large-scale operation of the Israeli Security Forces (hereinafter the "ISF") in Jenin between 21 and 23 May 2024, during which 12 people, including four minors, were killed:

“The operation lasted for 43 hours and lead [*sic*] to incidents that are incompatible with the privileges and immunities of UNRWA installations, and which constitute a flagrant violation of international law. UNRWA calls on the ISF to refrain from any actions that disregard the neutrality, safety, security of its premises and to uphold the inviolability of United Nations (UN) installations at all times.”⁴²

He also protests against the unauthorized entry into and significant damage inflicted on UNRWA's health centre in the Jenin refugee camp. This crucial facility serving the Palestinian refugee population in Jenin was active and fully operational prior to the ISF's military operation of 21 May 2024.

In another incident of 22 May 2024, the premises of UNRWA's Relief and Social Services Department was forcibly entered and occupied by the ISF for approximately seven hours, resulting in a breach of the confidentiality and integrity of UNRWA's archives, and misuse by the ISF of medical aid supplies stored there.

The letter of protest reiterates that these actions contravene the privileges and immunities afforded to UNRWA premises under the United Nations Charter and the 1946 Convention on the Privileges and Immunities of the United Nations (hereinafter the "General Convention"). More specifically, they are in breach of Israel's obligations under Article II, Section 3, of the General Convention, to which it acceded without reservation, which states that “the premises of the United Nations shall be inviolable” and “the property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation,

⁴¹ <https://www.unrwa.org/resources/reports/unrwa-situation-report-158-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁴² UNRWA, Office of the Director of UNRWA Operations, West Bank Field Office, 28 Aug. 2024, LO/Protest-44.

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

In a letter dated 11 September 2024 sent by the Director of Affairs in the West Bank to the Director of the Department for United Nations Political Affairs, Division for the United Nations and International Organizations, UNRWA requests the intervention of the Ministry of Foreign Affairs to resolve the outstanding claims for refunds of value added tax submitted by UNRWA to the Israeli tax authority.

Repeated reference is made to the 1946 General Convention, to which Israel acceded without reservation, and to the exchange of letters constituting a provisional agreement between UNRWA and Israel of 14 June 1967. Both texts will be discussed in more detail below.

Israel levels several accusations against UNRWA, claiming that it was complicit in the attacks of 7 October 2023, even contending that several [UNRWA officials] were involved in them. The mention in the letter of the United Nations Secretary-General⁴³ to the President of the General Assembly and the President of the Security Council is just one piece of evidence of this determination to put the United Nations Agency out of action. The vital role played by UNRWA for thousands of Palestinians, across all categories, is well established.

Of greatest note for Algeria is the adoption by the Israeli Knesset in October 2024 of two laws to prevent UNRWA’s operations, which, if implemented, would deprive the Agency of its principal mission, which is to provide essential assistance to Palestinian refugees. These laws will be discussed further in Part V (I) of this statement.

Algeria also observes that Palestinian humanitarian organizations and others offering assistance and support to the Palestinian civilian population are being systematically impeded by the Israeli authorities, which are preventing them from carrying out their humanitarian missions. For a year, Israel has refused to issue work visas to the staff of non-governmental organizations operating in the Occupied Palestinian Territory. This is true for Médecins du Monde, which has seen almost 300 of its workers killed since October 2023, and whose premises have been searched and damaged by Israeli forces. Shipments have been held for between one and two months before being allowed to enter the Gaza enclave. Other humanitarian organizations, such as Oxfam, Action Aid and the Norwegian Refugee Council, have also been prevented from providing essential humanitarian assistance and urgently needed supplies, in particular through the refusal of entry visas for Israel and the Occupied Palestinian Territory. These obstructions are having direct repercussions on the Palestinian civilian population, which is being deprived of its most fundamental rights, as will be discussed below.

III. ISRAEL’S OBLIGATIONS AS A MEMBER OF THE UNITED NATIONS (AND ITS AGENCIES AND BODIES) AND AS AN OCCUPYING POWER

Algeria will set out the legal bases that constitute the foundation of the obligations incumbent on Israel, first, in respect of the United Nations, its agencies and bodies (1) and, second, as a result of its status of occupying Power (2).

⁴³ Identical letters dated 9 December 2024 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, A/79/684-S/2024/892, 10 Dec. 2024.

III.1. In respect of the United Nations and its agencies and bodies

Algeria considers that the key question that should be considered first is the question of the obligations of Israel as a Member of the United Nations in relation to the presence and activities of the United Nations (including its agencies and bodies), which are legal obligations. The concept of a legal obligation of States raises questions about its content and scope. This entails identifying the sources of these obligations, which can be divided into three categories: treaty norms, Security Council and General Assembly resolutions, and ICJ jurisprudence. Other sources that will prove particularly useful on the basis of Israel's status as a non-party to certain relevant conventions are customary rules and peremptory norms of international law.

First the United Nations Charter⁴⁴, the supreme treaty source, several provisions of which provide parts of the answer to the question put to the Court regarding Israel's obligations as a Member State. The Charter's preamble sets out the determination of States to establish conditions under which justice and the obligations arising from treaties and other sources of international law can be maintained. The overriding obligation incumbent on Israel as a Member of the United Nations is found in Article 2, paragraph 2, of the Charter, which requires that State to fulfil in good faith the obligations assumed by it under the global constitution.

The Security Council confirmed this obligation in its resolution 242 of 22 November 1976, "[e]mphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter". This general obligation, which includes maintaining international peace and security, respect for the right to self-determination of peoples and respect for human rights, is considered an obligation *erga omnes*, transcending the narrow interests of each State to further the interest of the international community, as confirmed by the Court in the *Barcelona Traction* case.

Algeria contends that in becoming a Member of the United Nations by General Assembly resolution 273 (III), adopted on 11 May 1949 following Israel's declaration accepting the obligations contained in the Charter (No. 448), in which it "hereby unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a member of the United Nations", Israel is subject to the provisions of Article 4, paragraph 1, of the Charter, which state that it is able to carry out its obligations and, more importantly, that it is expected to do so. This obligation is general and absolute, since it is without reservations. Indeed, it constitutes the basis of all the obligations that derive from Israel's status as a Member of the United Nations, as will be shown below.

To bring this obligation back to the question put to the Court, it is now necessary to link it to the presence and activities of the United Nations in the Occupied Palestinian Territory. Article 2, paragraph 5, of the Charter contains an obligation incumbent on Member States to provide the United Nations with every assistance in any action it takes in accordance with the Charter.

Algeria considers that it is clear from an interpretation of this provision that, as a Member of the United Nations, Israel has an obligation to assist the Organization in any action it undertakes not only in its territory but also, as an occupying Power, in the Occupied Palestinian Territory, as will be shown below.

The United Nations is able to exercise its powers by virtue of the legal capacity it enjoys, which was first recognized by the Court in its Advisory Opinion of April 1949 regarding *Reparation for Injuries Suffered in the Service of the United Nations*, having previously been enshrined in Article 104 of the Charter: "[t]he Organization shall enjoy in the territory of each of its Members

⁴⁴ Hereinafter the "Charter".

such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes”.

The exercise of its functions cannot be contemplated without the enjoyment of the privileges and immunities necessary for the fulfilment of its purposes, as established in Article 105, paragraph 1, of the Charter, which must apply both to the Organization as a subject of international law and to its bodies and agencies, as addressed below. These privileges and immunities transcend the Organization to apply to its officials as necessary for the exercise of their functions in connection with the United Nations, as stated in paragraph 2 of the aforementioned provision.

Algeria contends that it follows from the provisions of the Charter that, as a Member of the United Nations, Israel has an obligation to that Organization in relation to its presence and activities in Israeli territory and in the Occupied Palestinian Territory, where it is considered an occupying Power; this question will be addressed below.

On 21 September 1949, Israel acceded without reservation to the General Convention of 13 February 1946. Article 2, Section 2, of that instrument establishes the immunity of the United Nations from legal process.

Under the terms of Section 3 of Article 2, property and assets, wherever and by whomsoever held, are inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

United Nations officials enjoy immunity from legal process in respect of acts performed by them in their official capacity. Article 8 of the Convention stipulates that all differences arising out of the interpretation or application of the Convention shall be referred to the ICJ.

As a party to the General Convention, Israel has an obligation to respect the inviolability of United Nations premises, property and assets and the immunity from legal process of its officials. Its practices and actions of any kind must be in keeping with its treaty obligations willingly undertaken, and any conduct to the contrary would engage its international responsibility.

The Convention on the Privileges and Immunities of the Specialized Agencies adopted on 21 November 1947 also accords, in its Article 3, Section 4, immunity from legal process to the specialized agencies, their property and assets, wherever located and by whomsoever held. Section 5 stipulates that the premises of the specialized agencies are inviolable. This immunity also extends to its officials under Article 6, Section 19. Article 9 of the Convention establishes that all differences arising out of the interpretation or application of the Convention shall be referred to the ICJ. The privileges and immunities deriving from this Convention are the same as those enshrined in the General Convention, on which they are modelled.

As far as Algeria is concerned, even though Israel has not ratified the Convention on the Privileges and Immunities of the Specialized Agencies, the fact that its principles have been enshrined and accepted by 131 States parties attests to its broadly universal character; the treaty rules it establishes can be considered as having acquired customary status and are therefore opposable to Israel.

The Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 also constitutes a legal basis for establishing the obligations of Israel, since the provision concerning its objective states that this “is to ensure the safety and security of United Nations and associated personnel by requiring Parties to take all necessary measures to protect United Nations and associated personnel”. Its key provisions state:

“The Convention obliges Parties to take all appropriate measures to ensure the safety and security of United Nations and associated personnel. The Convention provides for the prompt release and return of captured or detained United Nations and associated personnel. Parties are required to cooperate with the United Nations and other Parties in the implementation of the Convention, in particular in any case where the host State is unable to take the required measures.”

The statement by the President of the Security Council dated 12 March 1997 notes

“the importance [for the Security Council] of ensuring the safety and security of United Nations and associated personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations. In this context it emphasizes that the host country and others concerned must take all appropriate steps to ensure the safety and security of United Nations personnel and premises.”⁴⁵

The statement by the President of the Security Council dated 11 February 2000 notes that the Security Council

“is gravely concerned at continued attacks against United Nations and associated personnel, and humanitarian personnel, which are in violation of international law including international humanitarian law . . . The Security Council also recalls that the primary responsibility for the security and protection of United Nations and associated personnel, and humanitarian personnel, lies with the host State. The Council urges States and non-State parties to respect fully the status of United Nations and associated personnel, and to take all appropriate steps, in accordance with the purposes and principles of the Charter of the United Nations and the rules of international law, to ensure the safety and security of United Nations and associated personnel, and humanitarian personnel, and underlines the importance of unhindered access to populations in need.”⁴⁶

Algeria is of the view that even though Israel is not party to the convention in question, it falls to that State, as a Member of the United Nations and host of humanitarian organizations established in its territory and in the Occupied Palestinian Territory, and by virtue of treaty norms that have acquired the status of customary rules, to ensure the respect and protection of all humanitarian personnel and United Nations and associated personnel, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available all necessary facilities for their operations, as affirmed by the President of the Security Council⁴⁷.

Israel also has an obligation under the relevant aforementioned provisions of the Charter to recognize the presence and activities of the organs making up the United Nations, whether principal or subsidiary, and of specialized agencies in relation to the Occupied Palestinian Territory.

Algeria considers that it is worth clarifying what is meant by the presence of the principal organs, primarily the Security Council and General Assembly; in its view, this must be understood as referring to the normative power of these organs to make resolutions to recall the fundamental rights of the Palestinian civilian population to survival, well-being and humanitarian assistance, and to create the subsidiary organs needed to guarantee those rights. This is so for the special mechanisms

⁴⁵ United Nations Security Council, S/PRST/1997/13, 12 Mar. 1997.

⁴⁶ United Nations Security Council, S/PRST/2000/4, 11 Feb. 2000.

⁴⁷ United Nations Security Council, S/RES/2175 (2014), 29 Aug. 2014.

for the protection of human rights, namely the Human Rights Council and various treaty bodies, which will be discussed in Part V of this statement.

It is appropriate at this time to identify Israel's obligations towards the specialized agencies of the United Nations, as bodies constituting the United Nations system. A number of those agencies have a presence in the Occupied Palestinian Territory and enjoy the privileges and immunities enshrined in the international law of immunities. In this section, Algeria will focus only on UNRWA, addressing the rest in Part IV (1) of this pleading.

Setting aside the debate about the legal basis of UNRWA's characterization as a subsidiary organ or specialized agency, the argument in support of this characterization derives from the fundamental role played by this institution compared to other specialized agencies in relation to the provision of essential supplies and services to the Palestinian civilian population in the Occupied Palestinian Territory.

Without wishing to delve into the history of the Agency, Algeria must nevertheless revisit the specific context of its creation and the missions it performs, emphasizing the ties it has to Israel, as a Member of the United Nations and an occupying Power.

By its resolution 302 (IV), adopted on 8 December 1949, the Assembly General decided to create UNRWA to provide assistance to refugees of Palestine in the Occupied Palestinian Territory, including East Jerusalem. The Agency began its operations on 1 May 1950. It is headed by a Commissioner-General who reports directly to the General Assembly and is responsible both for all the Agency's activities and its administration.

Resolution 302 (IV) provides that UNRWA's functions essentially consist in "carry[ing] out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission". The General Assembly assures it of its political support and proceeds to renew its mandate every three years in the absence of a lasting solution to the problem of Palestinian refugees. The most recent renewal provides for an extension of its mandate until 30 June 2026⁴⁸.

Algeria considers that UNRWA, which employs 30,000 people and serves 5.9 million Palestinian refugees in the West Bank, Jordan, Libya, Syria and Gaza⁴⁹, is the organization that contributes the most to the humanitarian assistance effort, both because of the experience it has acquired since its establishment and because of the variety of services it provides to Palestinian refugees.

When it was founded, the Agency was headquartered in Beirut, before being transferred to Vienna in 1978 owing to the difficult security situation in Lebanon. Under the terms of an agreement reached between UNRWA and the Palestinian Authority on 15 July 1996, the Agency's headquarters, specifically the Commissioner-General's office and the finance, administration, human resources[, external relations and public information] departments, were relocated to Gaza City, while the departments for education, health, and relief and social services programmes are housed in Amman⁵⁰.

Algeria considers that to identify the obligations that bind Israel to this vital organization, it is helpful to revisit the instruments that have enabled it to set up in the Occupied Palestinian Territory and to carry out aid activities for the benefit of Palestinian refugees. A series of agreements have been adopted in this regard, principally an exchange of letters constituting a provisional agreement

⁴⁸ United Nations General Assembly, resolution 77/123 of 12 Dec. 2022.

⁴⁹ <https://news.un.org/en/story/2024/04/1148821>.

⁵⁰ <https://www.un.org/unispal/document/auto-insert-213568/>.

concerning assistance to Palestine refugees concluded between UNRWA and Israel on 14 June 1967, which should be examined.

Israel has maintained relations with UNRWA since 1967, further to the above-mentioned exchange of letters (the Comay-Michelmores Agreement), in which it is provided that

“at the request of the Israel Government, UNRWA would continue its assistance to the Palestine refugees, with the full co-operation of the Israel authorities, in the West Bank and Gaza Strip areas.

For its part, the Israel Government will facilitate the task of UNRWA to the best of its ability, subject only to regulations or arrangements which may be necessitated by considerations of military security.”⁵¹

Through this exchange of letters, Israel clearly undertakes, among other things, to ensure the protection and security of the personnel, installations and property of UNRWA, and to permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question, namely the West Bank and the Gaza Strip. This exchange of letters is an accurate reflection of the General Convention.

Writing to UNRWA’s Commissioner-General, the Political Adviser to the Foreign Minister states that, at the request of the Government of Israel, UNRWA will continue its assistance to the Palestine refugees in the West Bank and the Gaza Strip, with the full co-operation of the Israeli authorities, facilitating the task of UNRWA to the best of its ability.

Israel asserts in this regard that it agrees, among other things, to “ensure the protection and security of the personnel, installations and property of UNRWA . . . [and] [t]o permit the free movement of UNRWA vehicles into, within and out of Israel and the areas in question”. The letter also contains a recognition by Israel that the General Convention of 13 February 1946 will govern the relations between its Government and UNRWA in all that concerns UNRWA’s functions.

In furtherance of this commitment, Israel has had recourse to other instruments in order to request UNRWA to carry out activities in the Occupied Palestinian Territory. These include the exchange of letters constituting an agreement between UNRWA and Israel on the clearing of the Nuweimeh camp in the Jericho area of 10 July 1985, in which Israel’s Permanent Representative to the United Nations in Vienna asked UNRWA’s Commissioner-General to proceed to clear the whole of this area.

A further exchange of letters was also concluded on 31 October 1985 at the request of Israel, relating to the clearing of the Aqabat-Jabr and Ein-el-Sultan camps in the Jericho area.

It should be pointed out that UNRWA is also bound to Palestine through the Palestine Liberation Organization (hereinafter the “PLO”), as mentioned above, by the agreement between UNRWA and the Palestinian Authority of 15 July 1996.

The latter followed the exchange of letters dated 24 June 1994 between the Commissioner-General of UNRWA and the Head of the PLO with a view to facilitating the provision of assistance by UNRWA to the Palestinian population in the Gaza Strip and the Jericho area, as well as the rest of the West Bank, in which UNRWA’s Commissioner-General refers to the Declaration of Principles on the Interim Self-Government Arrangements, signed in Washington on 13 September

⁵¹ Exchange of letters constituting a provisional agreement concerning assistance to Palestine refugees concluded on 14 June 1967, Ministry of Foreign Affairs, Jerusalem (Israel).

1993, and to the Agreement on the Gaza Strip and the Jericho Area, signed in Cairo on 4 May 1994, between the Government of the State of Israel and the PLO, known as OSLO 1 and OSLO 2.

The current location of UNRWA's offices is extremely important, having enabled the Agency to carry out its mission through direct contact with the civilian population of the Occupied Palestinian Territory, particularly in Gaza between the outbreak of hostilities in October 2023 until the conclusion of the ceasefire agreement on 15 January 2025.

In identical letters sent by the United Nations Secretary-General to the President of the General Assembly and the President of the Security Council, reference is made to the vast assistance provided by UNRWA. The letters state:

“Under normal conditions, UNRWA operates almost 400 schools, over 65 primary health clinics and 1 hospital in the Occupied Palestinian Territory, which enable the provision of education to over 350,000 children and over 5 million health consultations annually. More specifically, in East Jerusalem, UNRWA schools provide education to approximately 2,000 students and its health clinics serve around 40,000 registered patients. UNRWA has also been providing vital poverty relief and social services, including a social safety net, emergency assistance and food vouchers, benefiting over 1.2 million people.”

Algeria accords great importance to UNRWA's operations and to the enormous efforts made by the Agency, and it supports UNRWA, which has suffered an injustice and false accusations, and has been threatened, but which has not lost its *raison d'être*⁵².

As a Member of the United Nations, Israel has an obligation to respect the commitments it made upon ratifying the Charter, the General Convention and the Convention on the Privileges and Immunities of the Specialized Agencies.

As a Member of the United Nations, Israel has an obligation to respect UNRWA's activities and not to impede the humanitarian assistance it provides in accordance with General Assembly resolutions.

As stated unequivocally in the identical letters of the United Nations Secretary-General, this obligation will evolve into another obligation, one that would require Israel to substitute itself in full for UNRWA, “[i]n the event that 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.”

Israel's failure to respect its obligations as a Member of the United Nations under the Charter and all the international conventions to which it is a party, customary rules, Security Council and General Assembly resolutions, and all the relevant documents mentioned above, in relation to the presence and activities of the United Nations, including its agencies and bodies, will seriously impede the provision of urgently needed supplies essential to the survival of the Palestinian civilian population and of basic services and humanitarian and development assistance.

The implementation of the two laws adopted by the Knesset, which will be analysed in Part V below, is in breach of Israel's international obligations to which it freely consented.

⁵² United Nations Security Council, S/PV.9841, The situation in the Middle East, including the Palestinian question.

III.2. Obligations as an occupying Power

Without wishing to return to the earlier developments of the Court's Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*⁵³ or on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* of 19 July 2024, "[t]erritory is considered occupied when it is actually placed under the authority of the hostile army", in accordance with Article 42 of the Hague Regulations.

There is no question that the rules on occupation set out in the Fourth Geneva Convention of 1949 remain fully applicable in all cases of partial or complete occupation of a territory by a contracting party known as the occupying Power.

Thus, an occupying Power may under no circumstances acquire the right to conquer, annex or obtain sovereign title to any part of the territory it occupies: "belligerent occupation does not yield so much as an atom of sovereignty in the authority of the occupant"⁵⁴. This is one of the most well-established principles of modern international law, enjoying universal recognition.

In international law, the legality of an occupation is determined by reference to a particular set of principles, namely that the occupying Power must have neither sovereignty over nor title to the occupied territory; that the occupying Power is obliged to manage public order and civilian life in the territory concerned and must do so for the benefit of the occupied population, with due regard to the latter's right to self-determination; and that the occupation must be temporary.

From an international humanitarian law perspective, the civilians in an occupied territory deserve and require particularly detailed rules of protection. Civilian populations have no obligations towards the occupying Power beyond those tied to their status of civilian, i.e. not to participate in the hostilities.

In return, the occupying Power has obligations towards civilians, as a group of protected persons who are not nationals of the occupying Power, which has an obligation to administer the occupied territory in the interest of the local population.

Finally, in the specific context of the occupation of the Palestinian territories by Israel, the Advisory Opinion rendered on 19 July 2024 marked a new stage in the Court's examination of various aspects of international humanitarian law in general and the law of occupation in particular. Hence, as the Court stated, these are indeed "occupied territories in which Israel ha[s] the status of occupying Power"⁵⁵, and it is in this context that the question of the protection of the Palestinian civilian population arises.

Generally speaking, international humanitarian law seeks to guarantee that the population of an occupied territory enjoys living conditions that are as close as possible to those which prevailed outside the situation of occupation. In the same spirit, it should be added that, as an occupying Power,

⁵³ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 167, para. 78.

⁵⁴ A. Gross, *The Writing on the Wall: Rethinking the International Law of Occupation*, Cambridge, Cambridge University Press, 2017, p. 8.

⁵⁵ See also resolutions 237 (1967) and 2334 (2016), as well as 20 other Security Council resolutions, and *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 167, para. [78].

Israel must ensure respect for human rights as well as international humanitarian law, since these two bodies of rules are not exclusive, but complementary⁵⁶.

Israel has disputed that its human rights obligations apply outside its national territory and also rejects their co-applicability with international humanitarian law. However, their application in the Occupied Palestinian Territory (that is to say, in the West Bank, including East Jerusalem, and the Gaza Strip) has constantly been affirmed in relevant General Assembly resolutions, in reports of the United Nations Secretary-General and the High Commissioner for Human Rights, and by various treaty bodies.

Israel disputes the application of international human rights law, arguing that it cannot apply in times of armed conflict. It therefore rejects the application of the 1966 ICCPR and ICESCR, emphasizing that responsibility for applying these instruments lies with the government in power in the West Bank and the Gaza Strip.

Israel asserts that “humanitarian law is the protection granted in a conflict situation such as the one in the West Bank and Gaza Strip, whereas human rights treaties were intended for the protection of citizens from their own Government in times of peace”. The Court has dismissed this argument and has consistently held in its jurisprudence that human rights conventions continue to apply in times of armed conflict, except in instances where provisions for derogation apply.

The ICJ has also observed that the obligations incumbent upon Israel under the ICESCR include the obligation “not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities”.

Algeria is of the view that a situation of armed conflict or occupation does not release a State from its human rights obligations, and it would recall that the simultaneous applicability of international human rights law and international humanitarian law in such situations has been confirmed on numerous occasions by human rights treaty bodies, in particular the Human Rights Committee in its concluding observations on the fifth periodic report of Israel, as well as by the ICJ, which considers that “the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation”.

In fact, the international community has declared time and again that the Israeli rule over the Palestinian territory is an occupation, strictly governed by international humanitarian law, as well as by international human rights law. Israel must comply fully with international law and United Nations resolutions, and co-operate in good faith with the Palestinian leadership to completely end the occupation and realize a genuine two-State solution⁵⁷.

Thus, in the *Namibia* case, the origins of which were admittedly different from those of the situation in the Occupied Palestinian Territory, the ICJ found in its Advisory Opinion that the continued presence of South Africa in Namibia was illegal. Moreover, it found that South Africa “incur[red] international responsibilities arising from a continuing violation of an international obligation” because it occupied the territory of Namibia “without title”⁵⁸.

It must be noted, however, that today, more than ever before, the occupation by Israel has been conducted in profound defiance of international law and hundreds of United Nations resolutions, with scant pushback from the international community. Israel has progressively engaged in the

⁵⁶ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 215, para. 112.

⁵⁷ See A/72/556.

⁵⁸ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 51, para. 108; pp. 51-52, para. 109; p. 52, para. 111; p. 53, para. 115; pp. 54-56, paras. 117-127; and p. 58, para. 133.

de jure and *de facto* annexation of occupied territory. It insists that the laws of occupation and human rights do not apply to its régime, and its proliferating facts on the ground have virtually extinguished what lingering prospects remain for a genuine Palestinian State. As observed by Special Rapporteur Michael Lyn[k], “[a] legal oxymoron has emerged: an occupation in perpetuity”. This does not appear to sufficiently capture the full extent of the qualitative changes occurring in the Palestinian territory.

In addition, the failure of a United Nations Member State to respect the resolutions and decisions of the United Nations and its organs is a violation of the “good faith” principle of international law. In this regard, the opinion of Judge Lauterpacht in the case concerning *Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa*⁵⁹ is of relevance to the present case, particularly as regards respect for the decisions of the United Nations: “Whatever may be the content of the recommendation . . . it is nevertheless a legal act . . . of the United Nations which Members of the United Nations are under a duty to treat with a degree of [appropriate] respect . . . [T]here is a legal obligation to act in good faith in accordance with the principles of the Charter”⁶⁰.

Thus,

“[a] State which consistently sets itself above the solemnly and repeatedly expressed judgment of the Organisation, in particular in proportion as that judgment approximates to unanimity, may find that it has overstepped the imperceptible line between impropriety and illegality, between discretion and arbitrariness, between the exercise of the legal right to disregard the recommendation and the abuse of that right, and that it has exposed itself to consequences legitimately following”⁶¹.

Algeria would emphasize once again that Israel continues not only to breach the decisions and resolutions of the United Nations and its organs, but also to disregard the obligations deriving from them, committing daily flagrant and ongoing violations of the rights of the Palestinian people since resolution 194 (1947) of the General Assembly⁶².

It is primarily in the light of these facts that Algeria will set out its own views on the obligations of Israel as an occupying Power.

Under international humanitarian law, belligerent occupation is supposed to be temporary; however, this legal régime does not fix an end date for the occupation, but rather seeks to impose restrictions on the occupying Power’s use of the occupied territory and to protect the civilian population.

Algeria would recall that in a 2017 report, former Special Rapporteur Michael Lynk described the prolongation of Israel’s occupation of the Palestinian territory as a “red line” which, once crossed, makes the occupation illegal. In his view, by perpetuating the occupation and implementing changes in the occupied territory, including the establishment of settlements, the expropriation of land and the exploitation of natural resources, as well as the purported *de jure* annexation of East Jerusalem,

⁵⁹ *Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa, Advisory Opinion, I.C.J. Reports 1955.*

⁶⁰ *Ibid.*, separate opinion of Judge Lauterpacht, p. 120.

⁶¹ *Ibid.*

⁶² United Nations General Assembly, resolution 194 (III), Palestine — Progress report of the United Nations mediator, 11 Dec. 1948, A/RES/194.

Israel has crossed that line: “Israel’s role as occupier in the Palestinian Territory — the West Bank, including East Jerusalem, and Gaza — has crossed a red line into illegality”⁶³.

Furthermore, in its September 2022 report, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, reached the same conclusions⁶⁴:

“The Commission finds that there are reasonable grounds to conclude that the Israeli occupation of Palestinian territory is now unlawful under international law owing to its permanence and to actions undertaken by Israel to annex parts of the land *de facto* and *de jure*. Actions by Israel that are intended to create irreversible facts on the ground and expand its control over territory are reflections as well as drivers of its permanent occupation.”

The Independent International Commission based its finding on the following:

- (i) the legal measures by which Israel has purportedly formally annexed East Jerusalem⁶⁵;
- (ii) the establishment of settlements and outposts in the West Bank, and the attendant exploitation of natural resources, the building of settler-only roads and infrastructures, demographic engineering measures, and the extraterritorial application of Israeli domestic law to settlements and settlers⁶⁶; and
- (iii) the unequivocal statements by Israeli officials of the intent to appropriate permanently portions of the West Bank⁶⁷.

Occupation is by definition a temporary and exceptional situation in which the occupying Power assumes the role of *de facto* administrator of the territory until conditions allow for the territory to be returned to the sovereign. This is what distinguishes occupation from annexation. In other words, the territory must be returned to the sovereign Power — the people of the territory — within a reasonable period, in order to ensure respect for the people’s right to self-determination “as soon as possible”⁶⁸.

As pointed out by Special Rapporteur Michael Lynk, Israel’s occupation of the Palestinian territories is “without precedent or parallel in today’s world . . . Modern occupations that have broadly adhered to the strict principles concerning temporariness, non-annexation, trusteeship and good faith have not exceeded 10 years.”

The provisions of the law of occupation are clear: the occupying Power cannot treat the territory as its own, nor can it claim sovereignty over it. “Yet this has been Israel’s pattern of governing the occupied Palestinian territory for most of its 50 years of rule”⁶⁹.

⁶³ <https://www.ohchr.org/en/press-releases/2017/10/israel-must-face-new-international-legal-push-end-illegal-occupation>.

⁶⁴ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 14 Sept. 2022 (issued on 20 Oct. 2022), pp. 26-27, paras. 75-76.

⁶⁵ *Ibid.*, paras. 14-16.

⁶⁶ *Ibid.*, paras. 24-47.

⁶⁷ *Ibid.*, paras. 48-53.

⁶⁸ United Nations Security Council, resolution 1483 (2003), 22 May 2003, S/RES/1483(2003), fifth preambular para. and para. 4.

⁶⁹ <https://www.ohchr.org/en/press-releases/2017/10/israel-must-face-new-international-legal-push-end-illegal-occupation>.

Algeria comes now to the first part of the question, concerning the relations maintained by Israel, as an occupying Power, with the United Nations in relation to humanitarian action for the benefit of the population under occupation.

It is sadly clear that the human rights situation in the Occupied Palestinian Territory has deteriorated since the Israeli offensive of October 2023: acts of violence and the level of hostilities have intensified considerably, which has had a significant impact on the living conditions of those residing in Gaza in particular, as well as on the actions of humanitarian actors responding to the needs of the Palestinian population.

New problems are also emerging and calling for answers which will require the advisory opinion sought to engage in an objective examination of the questions raised.

In view of the above, Algeria will set out below the obligations of Israel as an occupying Power, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in the Occupied Palestinian Territory.

II.2.1. The legal framework of the obligations of an occupying Power

It is appropriate here to briefly recall the treaty framework underpinning the obligations of an occupying Power, in this case Israel.

The law of occupation includes the rules of customary international law enshrined, *inter alia*, in the 1907 Hague Regulations and the Fourth Geneva Convention. Palestine has been a party to the four Geneva Conventions and the first Additional Protocol thereto since 10 April 2014.

Israel is reluctant to acknowledge the applicability of the rules of international humanitarian law, and thus of the Fourth Geneva Convention, to the occupied territories⁷⁰ and prefers to speak of “disputed territories” or “de facto and not de jure application of the Fourth Convention”.

As further regards international humanitarian law, although Israel is not a State party to the Hague Convention IV of 1907 — to which the Regulations concerning the Laws and Customs of War on Land are annexed — the ICJ has considered that its provisions are of a customary nature, and the rules established by the Convention with regard to the régime of occupation are thus applicable to Israel⁷¹.

Therefore, the provisions of the 1907 Hague Regulations have become part of customary law, and some of these provisions, particularly Section III, are especially relevant to the case at hand.

Article 42 of the Hague Regulations provides that “[t]erritory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.” A belligerent occupation has also been regarded as established when a territory is placed under the effective control of the armed forces of a foreign State.

It is the existence of effective control over a given territory that determines the beginning and end of a belligerent occupation and thus the applicability of international humanitarian law, in

⁷⁰ The Supreme Court of Israel never speaks of “occupied territories” or “occupation”, but only of “belligerent occupation” (*tfisah lohmatit*) and “zone” (*ha-Ezur*).

⁷¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 172, para. 89.

particular the law of occupation — the Hague Regulations⁷², the Fourth Geneva Convention⁷³, the Additional Protocol⁷⁴ and the customary international law relating thereto.

Protected persons present in occupied territory must not be deprived of the rights to which they are entitled under international humanitarian law and international human rights law.

As stated by Judge Higgins in her separate opinion [appended to the *Wall* Advisory Opinion], the obligations imposed by international humanitarian law are absolute, including in particular “the protection of civilians[, which] remains an intransgressible obligation of [international] humanitarian law”⁷⁵.

The aim of this body of texts is thus saving the lives of as many civilians as possible.

III.2.2. Obligations of the occupying Power in respect of humanitarian assistance

In the following section, Algeria intends to address some of the obligations incumbent on Israel as an occupying Power concerning the provision of humanitarian assistance to the civilian population through the support of specialized agencies.

The Fourth Geneva Convention stipulates that, “[t]o the fullest extent of the means available to it”, the occupying Power has the duty of ensuring the food and medical supplies of the population (Article 55) and public health and hygiene (Article 56) in the occupied territory⁷⁶. These obligations must therefore be assessed on the basis of the available resources and the state of health of the population.

It should be recalled that Article 2, paragraph 1, of the ICESCR obliges every State party to take steps, individually and through international assistance and co-operation (especially economic and technical), to fulfil its obligations. Likewise, Article 59 of the Fourth Geneva Convention relative to the Protection of Civilian Persons provides that if the population of an occupied territory is “inadequately supplied”, the occupying Power has a duty to agree to relief schemes on behalf of the population. Seeking international assistance can thus be a means by which the occupying Power may discharge the primary responsibility incumbent on it under the law of occupation and international human rights law.

The access of Palestinians to most socio-economic rights is dependent on a complex set of social and political determinants in which numerous parties, including foreign agents, are involved. *De facto*, humanitarian actors, headed by UNRWA, make up what the Palestinian Authority is unable to provide or prevented from providing. However, this does not release Israel from its primary responsibility as an occupying Power, with the means to take additional steps to provide assistance and support to the civilian population.

Algeria would recall that one of the primary obligations of an occupying Power remains to provide access to humanitarian assistance. By targeting UNRWA, the central hub for humanitarian assistance in the Occupied Palestinian Territory, Israel is in breach of this obligation. As High Commissioner for Human Rights, Volker Türk, stated in a comment: “The situation of hunger,

⁷² Hague Regulations, Arts. 42-56.

⁷³ Fourth Geneva Convention, Arts. 47-78.

⁷⁴ Additional Protocol (I), Arts. 14, 63, 69 and 85, para. 4 (a).

⁷⁵ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, separate opinion of Judge Higgins, p. 136, para. 19.

⁷⁶ ICRC, Commentary on the Fourth Geneva Convention, 1958, Arts. 55 and 56. See also Art. 69, para. 1, of Additional Protocol (I) to the Geneva Conventions.

starvation and famine is a result of Israel's extensive restrictions on the entry and distribution of humanitarian aid and commercial goods". The High Commissioner also raised the question of the displacement of large parts of the population and the destruction of civilian infrastructure. Similarly, during a United Nations press briefing in Geneva, Jeremy Laurence, spokesperson for the Office of the High Commissioner for Human Rights, echoed the message that "[t]he extent of Israel's continued restrictions on the entry of aid into Gaza . . . may amount to the use of starvation as a method of war, which is a war crime".

The United Nations Secretary-General, António Guterres, has thus called on "the Israeli authorities to ensure complete and unfettered access for humanitarian goods throughout Gaza"; for his part, the High Commissioner has urged Israel to honour its international obligations by guaranteeing appropriate assistance in the Gaza Strip. Israel must therefore ensure that the population is able to access this assistance in safety and with dignity. International human rights law imposes a similar obligation. "There needs to be full restoration of essential services, including the supply of food, water, electricity and fuel", the Office of the High Commissioner concluded.

Once again, it can be concluded from the foregoing that, rather than respecting international humanitarian law, which comprises a set of universal and binding rules aimed at protecting civilian objects and persons not or no longer participating in the hostilities directly and at limiting the authorized means and methods of war, Israel, as an occupying Power, has openly and repeatedly defied international law, inflicting maximum suffering on civilians in the Occupied Palestinian Territory. In addition, in a joint statement⁷⁷, a group of United Nations experts cited some of Israel's most egregious violations, including

"crimes against humanity including murder, torture, sexual violence, and repeated forced displacement amounting to forcible transfer, war crimes encompassing indiscriminate attacks on civilians and civilian objects, including objects indispensable to the survival of the civilian population and educational institutions and cultural heritage, the use of starvation as a weapon of war, the targeting of healthcare workers and health facilities, attacks on humanitarian workers, arbitrary restrictions on access to humanitarian aid, and attacks on journalists, collective punishment and perfidy".

Moreover, as recalled by South Africa in its statement on the urgent request for the indication of additional provisional measures⁷⁸, Palestinians in Gaza were at "immediate risk of death by starvation, dehydration and disease as a result of the ongoing siege by Israel, the destruction of Palestinian towns, the insufficient aid being allowed through to the Palestinian population and the impossibility of distributing this limited aid while bombs fall"⁷⁹. Israel has thus repeatedly used humanitarian aid as a "bargaining chip in negotiations"⁸⁰ through its creation of a hostile, inoperable

⁷⁷ United Nations press release, "Israel's assault on the foundations of international law must have consequences: UN experts", 30 Dec. 2024 (available at: <https://www.ohchr.org/en/press-releases/2024/12/israels-assault-foundations-international-law-must-have-consequences-un>).

⁷⁸ Urgent request and application for the indication of additional provisional measures and the modification of the Court's prior provisional measures decisions pursuant to Article 41 of the Statute and Articles 75 and 76 of the Rules in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240306-wri-01-00-en.pdf>).

⁷⁹ CR 2024/1, 11 Jan. 2024, p. 2[2], para. 5, as cited in the Order of 26 Jan. 2024, para. 63.

⁸⁰ OHCHR, "UN experts condemn 'flour massacre', urge Israel to end campaign of starvation in Gaza", 5 Mar. 2024 (available at: <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>).

environment for aid agencies. This includes blocking such aid through obstructions, restrictions and denials⁸¹, closed crossings⁸², and deliberately killing and targeting humanitarian workers⁸³.

Finally, Algeria would recall that the international law is clear. First, the Israeli occupying Power has a responsibility and an obligation to guarantee humane treatment for the Palestinian population and to meet all of its needs. Second, it does not have sovereign rights over the Occupied Palestinian Territory, including East Jerusalem, a principle confirmed by Article 47 of the Fourth Geneva Convention. In addition, in accordance with the mandate conferred on it by the General Assembly, UNRWA is acting on behalf of the United Nations Member States. Further, UNRWA's seat in Jerusalem enjoys immunity under the 1946 General Convention. The laws adopted by the Knesset and the decrees issued which threaten the very existence of UNRWA are therefore a flagrant violation of international law.

IV. ISRAEL'S OBLIGATIONS TOWARDS OTHER INTERNATIONAL ORGANIZATIONS AND THIRD STATES

In this section, Israel's obligations towards other organizations operating in the Occupied Palestinian Territory — the United Nations Development Programme (hereinafter the "UNDP"), UNICEF and non-governmental organizations — will be identified (1). The response to the request for an advisory opinion must also refer to the obligations of Israel in respect of third States by identifying and assessing their contribution to relief and assistance for the civilian population in the Occupied Palestinian Territory (2).

IV.1. The organizations present in the Occupied Palestinian Territory

The question put to the Court by the General Assembly concerning Israel's obligations in relation to the presence and activities of other international organizations not only demonstrates the global and holistic nature of the obligations that Israel owes to all constituent parts of the United Nations system; it also refers to non-governmental organizations carrying out humanitarian activities in the Occupied Palestinian Territory. Algeria will address specialized agencies and non-governmental organizations in turn.

The tragic situation caused by the prolonged Israeli occupation has meant that, since General Assembly resolution 181 adopted on 29 November 1947 concerning the partitioning of Palestine, the policies and practices adopted by Israel in respect of the civilian population have led to the latter being deprived of its most basic rights, as well as being subjected to forced displacements. Although UNRWA was the first organization set up to assist the refugee population in meeting these vital needs, it has since been joined by other specialized agencies providing their support. The paths of

⁸¹ Association of International Development Agencies, Snapshot of Deprivation of Humanitarian Aid in the Gaza Strip, 20 Feb. 2024 (available at: <https://aidajerusalem.org/download/snapshot-of-deprivation-of-humanitarian-aid-in-the-gaza-strip/>); UNICEF, Statement by Adele Khodr, UNICEF Regional Director for the Middle East and North Africa, 3 Mar. 2024 (available at: <https://www.unicef.org/press-releases/statement-adele-khodr-unicef-regional-director-middle-east-and-north-africa-0>); OCHA, Statement by Principals of the Inter-Agency Standing Committee "Civilians in Gaza in extreme peril while the world watches on: Ten requirements to avoid an even worse catastrophe", 21 Feb. 2024 (available at: <https://www.ochaopt.org/content/civilians-gaza-extreme-peril-while-world-watches-ten-requirements-avoid-even-worse-catastrophe>).

⁸² Amnesty International, "Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza", 26 Feb. 2024 (available at: <https://www.amnesty.org/en/latest/news/2024/02/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza/>).

⁸³ UNRWA, UNRWA Situation Report #82 on the situation in the Gaza Strip and the West Bank, including East Jerusalem, 26 Feb. 2024 (available at: <https://www.unrwa.org/resources/reports/unrwa-situation-report-82-situation-gaza-strip-and-west-bank-including-east-jerusalem>); UNRWA Situation Report #70 on the situation in the Gaza Strip and the West Bank, including East Jerusalem, 29 Jan. 2024 (available at: <https://www.unrwa.org/resources/reports/unrwa-situation-report-70-situation-gaza-strip-and-west-bank-including-east-jerusalem>).

the various official documents made available allow two such agencies to be identified: the Food and Agriculture Organization of the United Nations (hereinafter “FAO”) and the United Nations Educational, Scientific and Cultural Organization (hereinafter “UNESCO”).

An agreement reached in Gaza on 24 May 1997 between UNESCO and the PLO provides for the establishment of a temporary UNESCO liaison office in Ramallah, the PLO committing through various of its provisions to respect the inviolability of that office. All the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies are cited in that agreement. In a letter sent to the Director-General of UNESCO on 3 February 1998, Israel’s Minister for Foreign Affairs affirms that Israel supports all efforts to improve the economic and social condition of the Palestinian population of the West Bank and the Gaza Strip, and is co-operating with UNESCO’s Programme of Assistance to the Palestinian People, but above all that Israel is prepared to extend the terms of the General Convention, as applied to UNRWA and the UNDP, to the UNESCO office.

This letter contains a clear commitment by Israel to respect the immunities of United Nations agencies, and it requires Israel to uphold this obligation that it has unequivocally undertaken willingly and formally.

In a memorandum of understanding concluded on 19 May 2009 between the Palestinian Ministries of Agriculture and Planning and FAO, the latter agrees to support Palestinian agriculture by ensuring food security, employment and other social and environmental benefits. FAO plays an important role in the economic development of the Palestinian population, which explains the successive letters of intent reinforcing and extending the co-operation. Israel has an obligation to respect the presence and activities of this organization.

As regards programmes, several initiatives have been adopted for the purpose of ensuring the development of the Palestinian civilian population, including within the UNDP and the United Nations Office for Project Services (hereinafter “UNOPS”) — with whom Israel concluded an exchange of letters, dated 14 July 2016 for UNOPS and 31 July 2016 for Israel, by which the latter undertook to facilitate the performance of the activities and functions of UNOPS under the Reconstruction Mechanism and recognized the applicability of the 1946 General Convention — and, more recently, the Decent Work Programme for the Occupied Palestinian Territory, established by a memorandum of understanding dated 23 February 2023.

The General Assembly has emphasized the importance of the role of relevant organizations and agencies of the United Nations system through several resolutions concerning assistance to the Palestinian people, such as resolution 50/58 adopted on 20 December 1995⁸⁴, which calls on those organizations and agencies to intensify their assistance in response to the urgent needs of the Palestinian people. Resolution A/RES/49/21, adopted on 20 December 1994, welcomed the signing of agreements between the PLO and the UNDP, UNRWA, UNESCO and the International Labour Organization. Recent resolution A/RES/79/141, adopted on 12 December 2024, follows the same principle, which shows the positive contribution of these organizations in providing vital assistance to the Palestinian people.

Israel remains duty-bound to respect all the privileges and immunities set out in the 1946 General Convention in relation to these specialized organizations. It goes without saying that these various agreements are sources of legal obligations which, owing to their absolute character, do not allow for any exceptions.

In Algeria’s view, it is inconceivable that Israel should erect barriers and obstacles for organizations and States that are providing humanitarian and development assistance to the

⁸⁴ Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions.

Palestinian civilian population, assistance that would ensure a decent life for that population and help it to realize its fundamental right to self-determination.

Several agreements commit both Israel and the PLO to development programmes initiated within the United Nations, such as the agreement concluded between the UNDP and the PLO on 9 May 1994 and the exchange of letters constituting an agreement between the State of Israel and UNOPS concerning the facilitation of current and future UNOPS activities under the Gaza Reconstruction Mechanism, extended to 2020, 2023 and subsequently 10 December 2025.

The Ministries of Agriculture and Planning of the Palestinian Authority concluded a memorandum of understanding with FAO on 19 May 2009.

Algeria contends that Israel has an obligation to uphold the commitments it has freely entered into by respecting the inviolability of the premises, property and staff of those organizations and by according them the privileges and immunities afforded by the relevant international law. Israel must comply with this obligation even in cases where the co-operation agreements were concluded not by it but by the PLO or the Palestinian Authority, since the organizations and programmes in question are conducting activities in the Occupied Palestinian Territory, which is under the authority of Israel as the occupying Power.

Non-governmental organizations providing humanitarian assistance to the Palestinian civilian population in the Occupied Palestinian Territory form part of the “other” organizations referred to in the request for an advisory opinion. Algeria would point out that the ICRC has been the biggest provider of humanitarian assistance to the Palestinian civilian population in the Occupied Palestinian Territory during the period of armed conflict, the vast extent of its contribution being well established.

Turning now to the ICRC and to the other humanitarian organizations supplying humanitarian assistance to the Palestinian civilian population, Israel, as an occupying Power, is under an obligation not to impede these organizations or to take coercive sanctions against them, since they are engaged in easing the suffering of the said population by providing not only urgently needed supplies and basic services, but also humanitarian assistance in periods of armed conflict, such as the one that broke out in the occupied territory of Gaza after 7 October 2023.

Algeria would emphasize the vital role played by the ICRC in the provision of humanitarian assistance to the Palestinian civilian population confined to the Occupied Palestinian Territory: the ICRC was one of the first international organizations to provide tangible support to Palestinian Arab refugees, from as early as July 1948, through the delegation it had set up in Palestine some months earlier to perform its traditional tasks of protection and assistance. The ICRC has had a presence in Israel and in the occupied territory since 1967, as a neutral, impartial and independent humanitarian organization. It supports projects in these territories aimed at providing means of subsistence and helping to improve access to essential services, such as the supply of water and electricity in Gaza.

As a Member of the United Nations, Israel has an obligation not to impede the humanitarian assistance provided by non-governmental organizations on the basis of Article 71 of the Charter, which allows the Economic and Social Council to make arrangements for consultation with such organizations.

As an occupying Power, Israel is also under an obligation to respect the presence and activities of these organizations in the Occupied Palestinian Territory by not obstructing their operations [and by lifting] all restrictions on the issuance of visas to enable the humanitarian staff of such organizations to return to their premises and provide essential assistance to the Palestinian civilian population.

IV.2. The role of third States

The Court held in its *Namibia* Advisory Opinion that “[a] binding determination made by a competent organ of the United Nations to the effect that a situation is illegal cannot remain without consequence”⁸⁵. Here, numerous legal consequences arise from the situation that is the subject of the present request for an advisory opinion.

In the *Wall* Advisory Opinion, the Court held that given the “character and the importance of the rights and obligations involved”, all States were under an obligation to bring that breach to an end, including by not recognizing the illegal situation created by Israel and not rendering aid or assistance in maintaining it⁸⁶. It also held that all States were required to see that any impediment to the Palestinian people’s exercise of their right to self-determination was brought to an end⁸⁷. The Court also declared that every State party to the Fourth Geneva Convention was required to ensure Israel’s compliance with its obligations under international humanitarian law⁸⁸.

Algeria considers that the plurality of the breaches of international law by Israel entails legal consequences for third States based on obligations to “ensure compliance” with international law, not to recognize the violations and not to “render aid or assistance” [in maintaining that situation] or to “recognize” illegal situations.

It should be recalled that third States with responsibilities in respect of the violation of obligations in the Occupied Palestinian Territory have not yet succeeded in ensuring Israel’s compliance with its obligations under international law, including international humanitarian law.

These obligations are set out in Article 41 of the International Law Commission’s Draft Articles on Responsibility of States for Internationally Wrongful Acts (hereinafter “ARSIWA”), which codifies the law in this area. Consequently, Article 41, paragraph 2, of ARSIWA, which reflects customary international law⁸⁹, provides that “[n]o State shall recognize as lawful a situation created by a serious breach” of a peremptory norm of general international law⁹⁰.

Consistent with this rule, the Court in its *Wall* Advisory Opinion stated in the operative part that “[a]ll States are under an obligation not to recognize the illegal situation resulting from the construction of the wall”⁹¹. In its *Namibia* Advisory Opinion, the Court had similarly held that “States Members of the United Nations are under [the] obligation to recognize the illegality of South Africa’s presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia”⁹².

⁸⁵ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 54, para. 117; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion; Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion*.

⁸⁶ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 200, para. 159.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ In 2001, the International Law Commission recognized that the duties of non-recognition and non-assistance were part of customary international law. See International Law Commission, Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), and commentaries thereto, UN doc. A/77/10 (2022), p. 76, fn. 258.

⁹⁰ ARSIWA, Art. 41, para. 2.

⁹¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 202, para. 163 (3) D.

⁹² *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 58, para. 133 (2).

It is important to add that all States are prohibited from recognizing the lawfulness of the situation not only expressly, but implicitly as well⁹³.

Algeria respectfully submits that the Court should specifically state in the operative part that all States are obliged to refrain from any dealings with Israel that would imply recognition of the lawfulness of the situation that is the subject of the present request for an advisory opinion.

Moreover, Article 41, paragraph 2, of ARSIWA, which reflects customary international law⁹⁴, provides that “[n]o State shall . . . render aid or assistance in maintaining th[e] situation” created by a serious breach of a peremptory norm of general international law.

As to the obligation of co-operation, the Court has ruled that States parties to the Fourth Geneva Convention must ensure that Israel complies with its obligations under that treaty⁹⁵. Indeed, under Article 1, all States have the duty “to respect and to ensure respect” of the Convention⁹⁶. All States must also co-operate with the relevant United Nations bodies and other agencies, including the United Nations Secretary-General, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the ICRC, in the discharge of their responsibilities in the Occupied Palestinian Territory, including East Jerusalem.

The obligation of non-recognition entails that all States are under an obligation not to recognize any purported Israeli sovereignty over the Occupied Palestinian Territory, including East Jerusalem, nor to recognize the validity of any legislative or administrative measures adopted by Israel in furtherance of its breaches⁹⁷.

V. ISRAEL’S VIOLATIONS OF ITS OBLIGATIONS

Algeria will focus on Israel’s responsibility owing to the adoption of two laws by the Knesset (1) which violate its obligations relating to the unfettered provision of essential supplies and basic services (2), the provision of humanitarian and development assistance (3) and, finally, the fundamental right of the Palestinian people to self-determination (4).

V.1. The two laws of the Knesset are in breach of Israel’s obligations

It is clear from the complex and critical situation affecting UNRWA since the events in Gaza that serious violations have occurred in relation to this specialized agency which enjoys all the privileges and immunities provided for by the treaty texts and customary norms that are binding on Israel, whether as a Member of the United Nations or as an occupying Power. While the repeated and systematic attacks orchestrated by Israel against UNRWA headquarters and personnel since the events of 7 October 2023 have put a serious strain on the Agency’s ability to take effective action,

⁹³ See United Nations General Assembly, resolution 181 (II), Future government of Palestine, UN doc. A/RES/181(II), 29 Nov. 1947.

⁹⁴ S. Olleson, “The impact of the ILC’s Articles on Responsibility of States for Internationally Wrongful Acts”, preliminary draft, British Institute of International and Comparative Law, 2007, pp. 237-241 (available at: https://www.biiicl.org/files/3107_impactofthearticlesonstate_responsibilitypreliminarydraftfinal.pdf).

⁹⁵ See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 200, para. 159. See also United Nations Security Council, resolution 681 (1900), para. 5.

⁹⁶ Fourth Geneva Convention, Art. 1.

⁹⁷ ARSIWA, Art. 41. Cf. *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. 54-56, paras. 117-126. See also United Nations General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, F. Albanese, UN doc. A/77/356, 21 Sept. 2022, para. 76.

the most striking development concerns the serious accusations that have been levelled against it, Israel having claimed that several UNRWA employees were involved in the attacks of 7 October 2023, either by allegedly supplying information that enabled the attacks to take place or by purportedly participating in the attacks themselves.

These claims led the United Nations Secretary-General, in consultation with the Commissioner-General of UNRWA, to appoint an independent review group on 5 February 2024 to assess the “neutrality” of UNRWA and its functions. The report issued by the independent review group on 20 April 2024 states 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 “possesses a more developed approach to neutrality than other similar UN or NGO entities”⁹⁸.

A crucial step was taken on 28 October 2024, when the Israeli Knesset adopted two laws on the cessation of UNRWA’s activities. The Law for the Cessation of UNRWA Activities declares the termination of the exchange of letters between Israel and UNRWA and states that the invitation to UNRWA based on the exchange of letters between the Agency and Israel of 14 June 1967 will expire on 7 October 2024. The Minister of Foreign Affairs will notify the United Nations of the expiration under subsection (A) within seven days of the passage of this law by the Knesset.

The law provides for the abstention from all contact with UNRWA, since it stipulates that no government authority, including other bodies and individuals performing public duties according to law, shall have any contact with UNRWA or anyone acting on its behalf. It also provides for the preservation of legal process, since nothing in its provisions precludes any criminal proceedings against UNRWA employees, including such proceedings related to the events of 7 October 2023 or the “Swords of Iron War” operation, or any other criminal proceeding under the Counter-Terrorism Law 5776-2016, or the exercise of powers against them within the framework of such proceedings.

Several Israeli authorities, relying on the entry into force of the two laws, are beginning to take measures that affect the privileges of UNRWA, such as the decision of the Jerusalem tax office not to grant UNRWA an exemption from import taxes for computers and laptops intended for the Agency’s official use⁹⁹, and the decision of the competent Israeli authorities not to grant UNRWA an exemption from import taxes for pharmaceutical products, also earmarked for its official use¹⁰⁰.

Algeria considers that the application of these laws will have negative repercussions for the services provided to the civilian population in the Occupied Palestinian Territory, and will lead to that population being deprived of services hitherto furnished by UNRWA that enable it to survive and to access urgently needed essential supplies and basic services, such as food, health services and education, to name but a few.

On 11 December 2024, at its tenth emergency special session, the General Assembly also adopted resolution ES-10/25, in which, *inter alia*, it “[a]ffirm[ed] its full support for the mandate of the United Nations Relief and Works Agency for Palestine refugees in the Near East in all of its fields of operation, namely Jordan, Lebanon, the Syrian Arabic Republic and the Occupied Palestinian Territory”, “demand[ed] that Israel respect the mandate of the Agency and its privileges and immunities and act forthwith to enable its operations to proceed without impediment or restriction in the Gaza Strip and the West Bank, including East Jerusalem, including, *inter alia*, to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza Strip in accordance with the mandate of the Agency and to alleviate the

⁹⁸ 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 Apr. 2024.

⁹⁹ United Nations, Office of Legal Affairs, 2024-OLC-000675, 18 Nov. 2024.

¹⁰⁰ United Nations, Office of Legal Affairs, 2024-OLC-000675, 4 Dec. 2024.

humanitarian catastrophe”, and “[c]all[ed] upon Israel to abide by . . . the Convention on the Privileges and Immunities of the United Nations in all aspects”.

Several pieces of correspondence to the same effect have been issued by the United Nations Office of Legal Affairs, reminding Israel of the need to respect its obligations, such as the letter of 8 January 2025 sent to Israel’s Ministry of Foreign Affairs, and others sent by the United Nations Secretary-General to Israel’s Permanent Representative to the United Nations, for example the one dated 27 January 202[5].

Algeria is of the view that Israel remains bound by the customary rules enshrined in the provisions of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1996, in particular Article 27 thereof, which stipulates that a party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty, even if Israel has not ratified that Convention. Equally, Israel cannot unilaterally denounce a treaty, because any modification or termination of UNRWA activities in the Occupied Palestinian Territory, including East Jerusalem, would require prior consultations and negotiations between UNRWA and Israel, as well as guidance from the General Assembly, the organ responsible for the creation of that Agency.

The aforementioned identical letters of the United Nations Secretary-General to the President of the General Assembly and the President of the Security Council, dated 9 December 2024, are in line with this, as is clear from this paragraph: “In connection with all the foregoing obligations of Israel under international law, I recall that Israel may not invoke the provisions of its internal law, including the laws mentioned above, as justification for its failure to perform those obligations.”

Algeria considers that UNRWA, which was created by General Assembly resolution 302 (IV), can only be modified by that organ and that the laws in question are contrary to the obligations arising from the provisions of the Charter and the General Convention, to which Israel has consented. As such, they engage the responsibility of Israel under the Articles on responsibility for internationally wrongful acts. Both laws are in breach of Israel’s obligation to provide essential supplies and all other rights, as will be addressed below.

V.2. Impediments to the provision of essential supplies and basic services

Algeria would emphasize that, in its Order of 26 January 2024¹⁰¹, the Court reminded Israel of its obligations as an occupying Power relating to access to humanitarian assistance and the provision of basic services.

Since 28 January 2025 and the entry into force of the two laws prohibiting UNRWA *de facto* — a measure that will have disastrous consequences for UNRWA and for Palestinians in the Occupied Palestinian Territory — the precise effects have been difficult to foresee and will vary depending on the fields of operation: the strictest application of the laws in question will occur in East Jerusalem, where UNRWA will be banned completely, while the most serious consequences will be experienced in Gaza, where UNRWA’s humanitarian operations will be paralysed as its international employees are withdrawn. This situation will have grave humanitarian consequences given the “unique mandate” of UNRWA, which is the “backbone” of humanitarian operations in Gaza.

¹⁰¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024*, para. 80.

V.2.1. In Gaza

Based on data published by various humanitarian agencies, since October 2023, teaching has ceased in Gaza and 88 per cent of school buildings have been directly affected or damaged. Around one third of them are UNRWA schools. Gaza's 650,000 children are not in school, and all the universities have been destroyed. The destruction of the education sector in Gaza can be characterized as "educocide" or "scholasticide". As an occupying Power, Israel has not provided any information on the planned provision of education or health in Gaza, these sectors having been largely "dismissed", if not "forgotten", during the talks on the ceasefire agreement, making planning for the types of institutions that could assume these responsibilities in the absence of UNRWA very difficult. It is hard to envisage a future assumption of responsibility for the education and health sectors in Gaza without UNRWA.

Moreover, if UNRWA is excluded, its substantial contribution and experience in the areas of health and education could be lost, which would have grave repercussions for the children of Gaza. In the best-case scenario, it will take years of efforts, including massive funding and recourse to many of the same personnel, to get the education system back on its feet. In addition, the children of Gaza are not only one year behind, but they are also suffering current and intergenerational trauma. The role of UNRWA as a provider of health and education services is essential to ensure that these effects are mitigated to the greatest extent possible.

V.2.2. Consequences in the West Bank (not including East Jerusalem)

In the West Bank, UNRWA has long provided primary education and health services, primarily in the refugee camps.

According to the available data, 46,022 students attend 96 UNRWA schools, with a staff of 2,215, most of whom are teachers. UNRWA manages 43 health centres, including one hospital, which welcome 894,941 patients each year and employ 659 members of medical staff. Any application of the law[s] will have grave consequences for all sectors and beneficiaries, as well as for UNRWA.

V.2.3. Consequences in East Jerusalem

In East Jerusalem, there are around 30,000 registered refugees, including 3,000 children. UNRWA manages six schools and one health centre. Unlike in the two territories mentioned above, the implementation of the laws in East Jerusalem is expected to be total and immediate from 28 January. Under Israeli law, UNRWA will be considered illegal across all of Jerusalem and will no longer be able to operate in the city — a forced expulsion in flagrant breach of international law.

The legal prohibition will have an immediate impact on the two refugee camps of Shu'fat and Kalandia and on Palestinian refugees in the city. Palestinian children who attend UNRWA schools in East Jerusalem could be transferred into the Israeli school system. Education would be maintained, but Palestinian identity would disappear from the curriculum, which would deny Palestinians their fundamental rights and their right to self-determination as enshrined in international law, fulfilling an objective of the municipality of Jerusalem — to eliminate UNRWA schools and "Israelize" the education system.

Furthermore, Algeria would point out that the closure of UNRWA's schools and its local office will mean the expulsion of the main United Nations presence in Jerusalem (leaving only the headquarters of United Nations Peacekeeping and a handful of other United Nations premises). It will be a highly symbolic act that will reinforce Israel's position that West and East Jerusalem are Israeli territories, in violation of international law, Security Council resolutions and opinions of the

ICJ. The application of the laws in East Jerusalem must be understood in the light of the illegal annexation and occupation of the city by Israel since 1967, including the building of settlements, the Israelization of Palestinian textbooks and policies of forced displacement and marginalization.

Despite what Israel claims, the destruction of UNRWA will not put an end to the status of the Palestinian refugee; Palestinian refugees will fall under the scope of the 1951 Refugee Convention and the mandate of the United Nations Refugee Agency, which, technically speaking, will reinforce their rights as refugees. The effect on education is a little-discussed consequence of the banning of UNRWA. In Gaza, the education sector has been destroyed alongside the health sector and, at present, only UNRWA is capable of rebuilding it in the short and medium term. In the West Bank, it is not clear whether the Palestinian Authority can take over UNRWA's schools. Saving the education sector is vital for the rights and well-being of future generations of Palestinians.

V.3. Impediments to the provision of humanitarian and development assistance

Algeria concludes, on the basis of the obligations incumbent on Israel 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, that by adopting the two laws aimed at ending the presence and activities of UNRWA, and by systematically imposing restrictions on the humanitarian assistance provided by non-governmental organizations and third States, Israel is in breach of its obligations under international law, including those arising from the Charter, international humanitarian law, international human rights law, and the privileges and immunities of the United Nations and its agencies.

The obstacles put in place by Israel are seriously compromising the provision of vital humanitarian assistance to the Palestinian civilian population, particularly during the period of armed conflict, which has resulted in violations of the rights of that population. The Knesset's two laws, if implemented, will cause the already disastrous humanitarian situation to deteriorate further and jeopardize development assistance that would enable the population to achieve the level of development needed to be able to exercise its right to self-determination, which is the ultimate aim.

In Algeria's view, the ceasing of the activities of UNRWA, the main organization present in the occupied Palestinian territories, will profoundly undermine the Agency's mandate which serves to guarantee the right of return of Palestinian refugees.

V.4. Impediments to the right of the Palestinian people to self-determination

The Knesset's adoption of the two laws and the related decrees against UNRWA is motivated by the desire to deprive Palestinians of their refugee status, thereby unilaterally modifying the long-established parameters for a political solution. The aim is to deny Palestinian refugees the right to self-determination and to erase their history and their identity. It should be recalled that UNRWA was not intended to be a permanent entity, but it remains indispensable until the Palestinian people is able to realize its right to national self-determination and the two-State solution becomes a reality.

Nevertheless, the adoption of these two laws by Israel is yet another demonstration of its non-compliance with the resolutions and decisions of the United Nations and its organs, from General Assembly resolution 194 (1947)¹⁰² to date, and illustrates its contempt for international law,

¹⁰² United Nations General Assembly, resolution 194 (III), Palestine — Progress report of the United Nations mediator, 11 Dec. 1948, A/RES/194.

the principle of “good faith” and, more generally, Israeli officials’ lack of respect for the lives of Palestinians, who are considered “human animals”¹⁰³.

Israel is violating the right of the Palestinian people to self-determination, a peremptory norm of international law. Consequently, the situation that prevails in Palestine, both in the West Bank and the Gaza Strip and East Jerusalem, is one of unlawful occupation.

Indeed, the requests of the General Assembly for advisory opinions on Palestine attach great importance to the right of the Palestinian people to self-determination, the legal element to which the General Assembly refers.

In this regard, Algeria would point out that the preamble to resolution 77/247 contains several references to the right to self-determination and considers it to be the cornerstone of both general and special international law. Moreover, that right was at the heart of the General Assembly’s requests of December 2003 and December 2022 and central to the substance of the respective Advisory Opinions of 9 July 2004 and 19 July 2024.

The Court began by recalling, in the two aforementioned opinions, that the right to self-determination is enshrined in the Charter of the United Nations and was reaffirmed in General Assembly resolution 2625 (XXV):

“The Charter of the United Nations identifies the development of friendly relations ‘based on respect for the principle of equal rights and self-determination of peoples’ as one of the Organization’s purposes (Article 1, paragraph 2, of the Charter). The right of all peoples to self-determination has been recognized by the General Assembly as one of the ‘basic principles of international law’ (Annex to resolution 2625 (XXV) of 24 October 1970).”

The latter resolution states that “[e]very State has the duty to refrain from any forcible action which deprives peoples referred to . . . of their right to self-determination”. The Court then goes on to underline its prominence in the two 1966 Covenants on civil and political rights and on economic, social and cultural rights, in which Article 1, common to both, “reaffirms the right of all peoples to self-determination, and lays upon the States parties the obligation to promote the realization of that right and to respect it, in conformity with the provisions of the United Nations Charter”.

It should be noted that the right to self-determination features prominently in the Charter. Article 1, paragraph 2, provides that one of the purposes of the Organization is the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, while Article 55 sets out the means by which the Organization should create the necessary conditions for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples.

Given the vital importance of this cardinal principle and the fact that it is “intransgressible”, Algeria, while sharing the Court’s analysis, considers that it is necessary to ensure respect for this principle, which is also found in the Court’s Advisory Opinion on the Chagos Archipelago (2019), in which the Court recalls that “resolution 1514 (XV) . . . has a declaratory character with regard to the right to self-determination as a customary norm”, and subsequently observes that “[t]he wording used in resolution 1514 . . . has a normative character” (para. 153). In the *Western Sahara* proceedings, the Court confirmed the principle set out in paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which prohibits the partial or total

¹⁰³ Statement of Israel’s Defence Minister Yoav Gallant, 9 Oct. 2023: “I have ordered a complete siege on the Gaza Strip . . . We are fighting human animals and we are acting accordingly”.

disruption of the national unity and the territorial integrity of a colonial territory, as a reflection of customary international law.

The centrality of the right to self-determination in international law is also reflected in its inclusion as common Article 1 of the ICCPR and the ICESCR, the first paragraph of which provides: “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” The Human Rights Committee has explained that the importance of the right to self-determination stems from the fact that “its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights”¹⁰⁴. As stated by the Court, the right to self-determination is, in fact, a fundamental human right¹⁰⁵. In the context of decolonization, the General Assembly has repeatedly emphasized the importance of the right to self-determination as an “inalienable right”¹⁰⁶.

This right was reaffirmed by the General Assembly, with regard to the Palestinian people, in its resolution 72/240 entitled “Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources”, which recognizes “the inalienable rights of the Palestinian people . . . over their natural resources, including land, water and energy resources”¹⁰⁷, and demands that “Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem”¹⁰⁸. This resolution also recognizes “the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, and Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem”.

This peremptory norm, which is binding on all, obliges States and international organizations to actively apply policies that respect this principle with regard to all Israel’s unlawful practices and measures in the Occupied Palestinian Territory, including East Jerusalem, in particular settlement activities and the exploitation of natural resources. It is to this end that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967¹⁰⁹.

Reference to bodies of law and situations similar to that in the request of which the Court is seised confirms that the right of the Palestinian people to self-determination is inalienable. The Court in its 2004 Advisory Opinion observed that the existence of the “Palestinian people” was no longer in question and had been recognized by Israel, which had a duty to respect the Palestinian people’s right to self-determination, but which had taken measures that seriously impeded its exercise of that right and that are therefore in breach of Israel’s obligation to respect it.

It was argued in the written and oral statements of numerous participants in the 2024 advisory proceedings, as noted by the Court¹¹⁰, that Israel’s occupation of the Occupied Palestinian Territory

¹⁰⁴ United Nations, Human Rights Committee, General Comment No. 12, 13 Mar. 1984, Official Records of the General Assembly, 39th session, supplement No. 40, UN doc. A/39/40, Ann. VI, para. 1.

¹⁰⁵ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, p. 131, para. 144.

¹⁰⁶ E.g. resolution 40/25 of 29 Nov. 1985, para. 3; resolution 42/14 of 6 Nov. 1987, para. 4; resolution 49/40 of 9 Dec. 1994, para. 1.

¹⁰⁷ General Assembly resolution adopted on 20 Dec. 2017, A/RES/72/240, p. 4.

¹⁰⁸ *Ibid.*

¹⁰⁹ Security Council resolution 2334 (2016) adopted at its 7853rd meeting, 23 Dec. 2016, S/RES/2334 (2016).

¹¹⁰ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 235.

constituted a violation of the right of the Palestinian people to self-determination. The policies and practices of Israel that are said to infringe this right include the expansion of settlements and the establishment of associated infrastructure in the Occupied Palestinian Territory; the confiscation of land and demolition of Palestinian structures; the changes to the demographic composition of certain parts of the Occupied Palestinian Territory; the fragmentation of the Occupied Palestinian Territory; and the appropriation of natural resources, including the exploitation of hydrocarbon, mineral and water resources in the Occupied Palestinian Territory.

Israel's obligations in this regard derive from the status of the Palestinian territories (occupied territories), the characterization of the conflict (occupation classed as an international armed conflict) and the jurisdiction and effective control it exercises as the occupying Power, as the Court declared in the 2004 *Construction of a Wall* case. Israel exercises territorial jurisdiction over the Occupied Palestinian Territory and is therefore bound by human rights obligations owed to the local population¹¹¹.

In view of the above and of all the factual elements set out in the preceding sections, as noted by the Permanent Observer of the Observer State of Palestine to the United Nations: "Israel has destroyed everything in Gaza — everything except the sacred bond between a people and their land. Their roots run too deep. Their history covers millenniums . . . [Israel is] trying again in the refugee camps in Jenin, Tulkarm, Nablus, Tubas and East Jerusalem"¹¹². By attacking UNRWA, Israel believes that it is attacking the problem of refugees, erasing inalienable rights, including the right to return.

By attacking UNRWA, Israel believes that its assaults on the Agency which improves the lives of Palestinians will impoverish them and encourage them to leave their lands. However, it should be recalled once again that UNRWA was established in the first instance to provide emergency assistance and to contribute to human development, to bring renewed hope where once there was despair, to help people to rebuild their lives, to rebuild communities, and to protect and provide support in a period of crisis and upheaval pending a just solution, in accordance with United Nations resolutions, including General Assembly resolution 194 (III). None other than the General Assembly can unilaterally modify that mandate, which is essential for the well-being of millions, for regional stability and for the establishment of the right of the Palestinian people to self-determination.

In the absence of a permanent solution to the Palestinian question through the creation of a Palestinian State and the fate of Palestinian refugees which necessarily takes account of their inalienable right of return¹¹³, UNRWA plays a unique role in providing essential services, similar to those furnished by a government, to a population of almost 6 million across five areas of operation.

CONCLUSION

Algeria's unwavering commitment to the principles of international law concerning the preponderance of multilateralism and co-operation which promote the values of solidarity and respect for the law, as well as the principles of the peaceful settlement of international disputes, the right of peoples to self-determination and respect for the rules on the immunity of the United Nations, its agencies and bodies, is a continuation of the position it assumed in voting in favour of resolution A/RES/79/232, adopted by the General Assembly on 19 December 2024.

¹¹¹ See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, pp. 179-181, paras. 110-113.

¹¹² United Nations Security Council, Statement of the Permanent Observer of the Observer State of Palestine to the United Nations, 28 Jan. 2025, [The situation in the Middle East, including the Palestinian question, UN doc. S/PV.9852], pp. 25-26.

¹¹³ <https://www.un.org/unispal/wp-content/uploads/2016/05/ARES3236XXIX.pdf>.

Algeria considers that in view of Israel's obligations in relation to the presence and activities of the United Nations and its agencies and bodies, its responsibility should be engaged for the breaches observed.

(Signed) HE Ms Salima ABDELHAK,
Ambassador of the People's Democratic Republic
of Algeria to the Kingdom of the Netherlands.
