

INTERNATIONAL COURT OF JUSTICE

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

WRITTEN REPLIES SUBMITTED ON BEHALF OF THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE QUESTIONS PUT BY VICE-PRESIDENT SEBUTINDE AND JUDGE GÓMEZ ROBLEDO AT THE END OF THE ORAL PROCEEDINGS

The following written replies to the questions put by Vice-President Sebutinde and by Judge Gómez Robledo at the end of the oral proceedings are provided to supplement the information already provided in the written and oral statements submitted on behalf of the Secretary-General.

A. QUESTION PUT BY VICE-PRESIDENT SEBUTINDE

“Which third States and other international organizations operate to provide basic services, and humanitarian and development assistance in the Occupied Palestinian Territory? To what extent have restrictions, if any, been placed upon their operation in the Occupied Palestinian Territory by Israel since 2 March 2025?”

In the written statement submitted on behalf of the Secretary-General of the United Nations and in the oral proceedings, the United Nations focused on the legal framework applicable to the presence and

activities of the “international organization to be known as the United Nations”¹ that was established by the Charter of the United Nations, intended as the legal entity composed of six principal organs and a number of subsidiary organs and commissions (including bodies or entities established by or under subsidiary organs or commissions).² The presence and activities of thirteen entities that are either part of a principal organ of the United Nations (the Secretariat) or that are subsidiary organs thereof (such as UNRWA, a subsidiary organ of the General Assembly) were thus discussed in detail.³ Other international organizations belonging to the broader United Nations system also operate and maintain a presence “in” the Occupied Palestinian Territory, including the following specialized agencies: the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO). In addition, several international organizations belonging to the broader United Nations system operate “in relation to” the Occupied Palestinian Territory without maintaining a physical presence therein, including the International Fund for Agricultural Development (IFAD), the International Trade Center (ITC), the United Nations Conference on Trade and Development (UNCTAD), and the United Nations Industrial Development Organization (UNIDO). Many of the legal obligations of Israel set out in the written and oral submissions made on behalf of the Secretary-General of the United Nations are also applicable to these other international organizations, either by analogy or by virtue of the application of existing rules of international law similar to those discussed in those submissions.

All international organizations belonging to the broader United Nations system have experienced significant operational constraints. In addition to the constraints discussed in the written and oral submissions made on behalf of the Secretary-General and in the documents included in the Dossier prepared by the Secretariat, it is notable, among other things, that international staff of several United Nations entities, including senior officials, have not been given visas to enter or have been otherwise

¹ Charter of the United Nations, Preamble.

² Charter of the United Nations, Articles 7, 22, 29 and 68.

³ These entities were: the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Human Settlements Programme (UN-Habitat), the United Nations Mine Action Service (UNMAS) of the Department of Peace Operations, the United Nations Office for Project Services (UNOPS), the United Nations Office on Drugs and Crime (UNODC), the United Nations Population Fund (UNFPA), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Special Coordinator for the Middle East Process (UNSCO), and the World Food Programme (WFP).

denied entry into Gaza and that the amount of cash that international organizations can bring into Gaza has been lowered to ILS 1,000 (USD 276).

Since 2 March 2025, major challenges to the provision of lifesaving humanitarian assistance to the population in Gaza persist in light of the block on aid and the ongoing military activities.

B. QUESTIONS PUT BY JUDGE GÓMEZ ROBLEDO

1. “Given the restrictions on access to the Gaza Strip and the measures adopted by Israel since 2 March 2025, what is the humanitarian situation today and, more particularly, what is the extent of famine among the civilian population?”

In his address to the Security Council of 29 April 2025, the Secretary-General stated that “the unrelenting conflict and devastation in Gaza – including the utterly inhumane conditions of life imposed on its people who are repeatedly coming under attack, confined to smaller and smaller spaces, and deprived of lifesaving relief”⁴. He has described the humanitarian situation as absolutely horrible⁵.

The food supply chain has been severely disrupted: no humanitarian aid or commercial supplies have entered the area since 2 March 2025. According to FAO, at least two-thirds of agricultural wells have been damaged,⁶ 95 per cent of cattle and nearly all calves have died,⁷ and agricultural infrastructure including home barns, broiler farms and sheep farms has been heavily damaged;⁸ fishers, breeders and farmers are unable to safely access the sea and what remains of livestock and farmland, while farmers generally lack the agricultural inputs needed to cultivate accessible lands; and farming areas have further diminished since 18 March, with 70 per cent of Gaza now designated as ‘no-go’ zones or placed under displacement orders.

Furthermore, the ability of families to purchase, store or cook available food stocks, including those that entered Gaza during the ceasefire, has been extremely limited due to: limited access to fuel; food scarcity, including critically low levels of key food groups such as meat, poultry, dairy, vegetables and

⁴ See <https://unsco.unmissions.org/secretary-generals-remarks-security-council-quarterly-open-debate-middle-east-including-palestinian>

⁵ See <https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>

⁶ See <https://openknowledge.fao.org/server/api/core/bitstreams/ce158334-ea46-4bc3-b452-148082159b8e/content>.

⁷ See <https://www.fao.org/newsroom/story/protecting-livelihoods-and-lives-in-gaza/en>.

⁸ See <https://openknowledge.fao.org/server/api/core/bitstreams/2208d866-8a58-4c1d-8122-0a8610cfb80a/content>.

fruits; soaring prices, including of essential items such as flour, salt, sugar, and oil; and cash liquidity shortages.⁹ The Israeli authorities cut off the electricity supply in October 2023, the fuel reserves for Gaza's only power plant were depleted, and fuel entry was restricted before it was entirely blocked on 2 March 2025 along with every form of aid. Fuel that entered Gaza during the ceasefire is now largely inaccessible or located in hard-to-reach areas such as Rafah, where Israeli authorities have systematically denied access to the United Nations in order to retrieve remaining supplies.

This has severely disrupted service provision. As of 31 March 2025, all 25 UN-supported bakeries have shut down, as flour stocks and cooking fuel ran out, and as of the first week of April, food parcel distributions were halted. Food supplies of most aid organizations have been mostly depleted and community kitchens have been successively closing. Meanwhile, the fuel crisis has resulted in reduced water production, limited solid waste collection, and sewage pumped only in the most hazardous situations. It has also rendered many emergency rescue vehicles, including ambulances, and a third of vehicles and generators used by aid workers non-operational¹⁰ – further straining response capacity in an already dire humanitarian environment. Life-saving health services have similarly been critically hindered by the full block on aid that has cut off essential medicines, vaccines, and medical equipment and the health-care system is struggling to stay functional, only able to offer minimal services and increasingly unable to cope with the daily influx of mass casualties and the growing number of patients in need of malnutrition treatment services, among others.

As a result, people in Gaza, half of whom are children, have been left with no means to safely and regularly access sufficient amounts of nutritious food. While nutrition partners continue to implement multiple malnutrition prevention interventions targeting children and pregnant and breastfeeding women – including via the distribution of nutrient supplements, micronutrients, and ready-to-eat complementary foods – supplies are dwindling, dietary diversity is declining, micronutrient deficiencies are rising, outreach and services at nutrition sites are shrinking due to access and security constraints, and acute malnutrition cases are increasing.¹¹

The level of hunger in the Gaza Strip is determined by specialized bodies. On 28 April 2025, more than 50 trained analysts from United Nations entities and non-governmental organizations (NGOs) began a

⁹ See <https://www.ochaopt.org/content/gaza-humanitarian-response-update-30-march-12-april-2025>.

¹⁰ See <https://www.ochaopt.org/content/gaza-humanitarian-response-update-13-26-april-2025>.

¹¹ See *ibid.*

one-week Integrated Food Security Phase Classification (IPC) analysis of acute food insecurity and acute malnutrition in the Gaza Strip. The previous IPC analysis for Gaza in October 2024 highlighted that restricted humanitarian access was a key driver of acute food insecurity¹² and showed that food security and malnutrition can deteriorate, and also recover, swiftly in response to the amount of food supplies that are permitted to enter, and be distributed in, the Gaza Strip.¹³ It concluded that the “risk of famine between November 2024 and April 2025 persists as long as conflict continues, and humanitarian access is restricted”.¹⁴

The unimpeded and daily entry of humanitarian aid and commercial supplies into the Gaza Strip via crossings controlled by the Israeli authorities has for years been a critical lifeline that the civilian population has depended on for survival. Prior to 7 October 2023, the chronic humanitarian crisis that existed in the Gaza Strip,¹⁵ meant that at least 80 per cent of the population were already dependent on international aid and 73 per cent were already receiving some form of humanitarian assistance.¹⁶ Following 19 months of hostilities since 7 October 2023, the recurrent displacement of at least 90 per cent of the population,¹⁷ extensive destruction of housing and other infrastructure,¹⁸ and poor access to water and sanitation, health and other services, the entire population¹⁹ of Gaza now requires some form of humanitarian assistance, which alone cannot meet the immense needs and requires the concurrent and sustained entry of commercial goods. Accordingly, food security and other humanitarian conditions continue to be extremely fragile, being entirely reliant on the entry of external assistance through all possible routes and on the ability of humanitarian actors to safely access people in need throughout the Gaza Strip.

¹² See

https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf.

¹³ See <https://www.ochaopt.org/content/gaza-humanitarian-response-update-16-29-march-2025>.

¹⁴ See

https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf.

¹⁵ See https://unctad.org/system/files/official-document/tdbex74d2_en.pdf

¹⁶ See https://www.ochaopt.org/sites/default/files/HNO_2023.pdf.

¹⁷ See <https://www.ochaopt.org/content/humanitarian-situation-update-187-gaza-strip>.

¹⁸ See <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>.

¹⁹ See <https://www.ochaopt.org/content/flash-appeal-occupied-palestinian-territory-2025>.

The flow of aid into the Gaza Strip between October 2023 and December 2024 was limited and frequently disrupted.²⁰ In parallel, between October 2023 and 18 January 2025, humanitarian access within Gaza was restricted, with less than half (48 per cent) of humanitarian movements facilitated by the Israeli authorities, 43 per cent impeded or denied, and nine per cent cancelled for logistical, operational or security reasons. By contrast, during the ceasefire, between 19 January and 1 March 2025, there was an increased inflow of assistance, including a tripling in the entry of food supplies through the United Nations²¹ that reached nearly everyone in Gaza,²² and coordination with Israeli authorities for humanitarian aid missions within Gaza was not required (except mainly for entering the buffer zones). Although restrictions on the entry of critical humanitarian items, such as those needed for agricultural production, continued during the ceasefire, the surge in supplies and improved access conditions temporarily allowed humanitarian organizations to meaningfully expand the delivery of aid and scale up assistance to people in need across Gaza, including areas that were previously hard or impossible to access, such as Rafah, Gaza and North Gaza governorates.²³ Since 2 March 2025, the situation was quickly reversed, with a full block on aid imposed and significant restriction of the movement of people and aid workers within Gaza. As reflected in the statement issued on 4 May 2025 by the Humanitarian Country Team of the Occupied Palestinian Territory, “Israeli officials have sought to shut down the existing aid distribution system run by the United Nations and its humanitarian partners”²⁴. The Secretary-General of the United Nations and the Emergency Relief Coordinator have made it clear that the United Nations will not participate in any scheme that does not adhere to the global humanitarian principles of humanity, impartiality, independence and neutrality.

The food stocks of the two largest United Nations entities are now exhausted. Hunger is pervasive in Gaza and food is generally not available. Food aid enough to feed one million people is positioned at aid corridors, unable to enter.²⁵ There are serious concerns that the risk of catastrophic levels of food insecurity will grow, and cases of severe acute malnutrition will increase, placing lives at risk.

²⁰ See <https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-2-15-september-2024>.

²¹ See https://www.ochaopt.org/sites/default/files/Humanitarian_response_by_UN_and_partners_mar-2025.pdf.

²² See <https://www.ochaopt.org/content/humanitarian-situation-update-267-gaza-strip>.

²³ See <https://www.ochaopt.org/content/report-humanitarian-response-un-and-humanitarian-partners-during-phase-one-ceasefire>.

²⁴ See <https://www.ochaopt.org/content/statement-humanitarian-country-team-occupied-palestinian-territory-principled-aid-delivery-gaza>

²⁵ See <https://x.com/WFP/status/1918643005965132225>.

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2. “Which United Nations entities are still present in the Gaza Strip and able to delivery humanitarian assistance?”

The following United Nations entities and other international organizations belonging to the broader United Nations system are still present in the Gaza Strip: FAO, OCHA, OHCHR, UNDP, UNDSS (United Nations Department of Safety and Security), UNFPA, UNICEF, UNMAS, UNOPS, UNRWA, UNSCO (Office of the United Nations Special Coordinator for the Middle East Peace Process),²⁶ UN Women, WFP, and WHO.

The ability of these entities and organizations to deliver humanitarian assistance has been obstructed by the combination of expanded military activity, the block on the entry of all humanitarian aid and commercial supplies since 2 March 2025, the killing of aid workers and attacks hitting their premises, and severe movement restrictions within Gaza. Starting on 18 March 2025, devastating strikes on Gaza have claimed hundreds of lives, including United Nations personnel. Within this context, on 24 March 2025, the Secretary-General took the difficult decision to reduce the Organization’s footprint in Gaza.²⁷

On 27 March 2025, the remaining UNRWA international staff had to leave the Gaza Strip. Israeli authorities do not allow international UNRWA staff to enter the Gaza Strip. Meanwhile, UNRWA’s local staff in Gaza continue to provide services and assistance in Gaza to people who need it most. The agency remains one of the largest service providers in Gaza, providing a range of nutrition, health, education, water and sanitation services.²⁸ Between 7 October 2023 and 16 March 2025, UNRWA provided over 7.9 million medical consultations across the Gaza Strip.

In total, since 7 October 2023, at least 418 aid workers, including 295 United Nations personnel, have been killed in Gaza.

Within Gaza, between 2 March and 30 April 2025, out of 408 planned aid movements across the Gaza Strip that were coordinated with the Israeli authorities, 243 were denied, 133 were facilitated, 19 faced impediments, and 13 were cancelled for logistical, operational, or security reasons.

²⁶ This United Nations subsidiary organ has a specific mandate concerning political and diplomatic efforts related to the peace process.

²⁷ See <https://www.ochaopt.org/content/note-correspondents-gaza>.

²⁸ See <https://www.unrwa.org/resources/reports/unrwa-situation-report-165-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

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

New York, 7 May 2025



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