The ICJ Advisory Opinion on Israel's Obligations - Key Conclusions Relating to UNRWA

26 October 2025

1. On 22 October 2025, the International Court of Justice (ICJ) delivered its advisory opinion concerning Israel's obligations regarding the presence and activities of the United Nations, other international organizations, and third States in and in relation to the Occupied Palestinian Territory (OPT), including East Jerusalem. In delivering its opinion, the Court noted that it had been called upon to identify the obligations of Israel, and not to address the legal consequences of Israel's conduct.

2. The General Assembly had requested the ICJ's opinion in its resolution 79/232 of 19 December 2024, which was adopted with 137 Member States voting in favor. Now that the opinion has been rendered, it will be transmitted to the General Assembly for consideration and appropriate action.

3. The opinion provides an authoritative assessment of Israel's legal obligations from the principal judicial organ of the United Nations. **It resoundingly supports UNRWA's mandate and continued operations in the OPT. The Court found that, as the Occupying Power, Israel is obliged to lift restrictions on UNRWA's operations and agree to and facilitate relief provided by the Agency. The opinion also recognizes the unique and sustained connection between UNRWA's mandate and the realization of human rights for the Palestinian people, including their right to self-determination.** These rights underpin and reinforce Israel's obligations to respect the mandate, status, privileges and immunities of UNRWA in the OPT.

4. In reaching its conclusions, the Court expressly rejected Israel's allegations against UNRWA concerning its alleged lack of impartiality and/or neutrality. Specifically, the Court dismissed Israel's arguments that security concerns arising from unsubstantiated "infiltration" by Hamas justified restrictions on UNRWA's operations in the OPT. In that regard, the Court emphasized that:

> *UNRWA has thus been deeply integrated into the local infrastructure of the Occupied Palestinian Territory, providing for the most basic needs of the local population, including food, potable water, healthcare and shelter. The Court recalls the scale and urgency of the needs of the population of the Gaza Strip, and UNRWA's unique and sustained connection with the population of the Occupied Palestinian Territory. The Court considers that, in the current circumstances, it is not possible to replicate the capacity of the United Nations, acting through UNRWA, to ensure that the population of the Gaza Strip is adequately provided for. UNRWA cannot be replaced on short notice and without a proper transition plan.*

5. The Court comprehensively addressed Israel's obligations under international law with respect to UNRWA, including in the following key areas:

Israel's obligations as an Occupying Power under international humanitarian law

6. The Court confirmed that Israel, as the Occupying Power, was obliged to act in accordance with the law of occupation, including the provisions of the Fourth Geneva Convention (GCIV), and that any action to protect its security interests must be exercised in good faith and must be consistent with safeguarding the rights and promoting the best interests of the occupied population.

7. The Court found that the civilian population in Gaza has been inadequately supplied, triggering Israel's obligation to agree to and facilitate impartial relief schemes. While the law of occupation grants limited rights to the Occupying Power, such as the right to inspect consignments and the right to be reasonably satisfied that the goods will reach civilians, the Court concluded that these limitations could not be used to deny Israel's core obligation to adequately supply the civilian population in the OPT.

8. The Court rejected Israel's argument that its unsubstantiated allegations against UNRWA could be used as a basis to restrict the Agency's essential operations. It concluded that the United Nations, acting through UNRWA, is an indispensable provider of humanitarian relief in the Gaza Strip and Israel is obligated to agree to and facilitate UNRWA's operations.

Israel's obligations as an Occupying Power under international human rights law

9. The Court concluded that under international human rights law Israel is required to refrain from impeding UNRWA's operations. It found that restrictions on access to the OPT had deprived the population of relief and services that are indispensable for its well-being and dignity. The Court further found that to the extent that the local population has been capable of enjoying human rights in the OPT, such as rights to education, health and non-discrimination, this has been enabled and ensured through the work of the United Nations, and particularly through UNRWA. Therefore, any diminution of UNRWA's capacity directly affected the realization of such rights.

Israel's obligations as a United Nations Member State

10. The Court recalled the "permanent responsibility" of the United Nations toward the question of Palestine, which had taken the form of various institutional arrangements, culminating in the establishment of UNRWA in 1949 with the mandate to provide large-scale and comprehensive education programmes, health care and social services. The Court also noted the unprecedented attacks against the Agency and its personnel, including the laws adopted by the Knesset of Israel in October 2024.

11. Against this backdrop, the Court recalled that in accordance with Article 2(2) of the Charter, Israel was under an obligation to fulfill in good faith the obligations it had assumed as a United Nations Member State. Under Article 2(5) of the Charter, Israel was also required to give the United Nations every assistance in any action that it takes. In the view of the Court, Israel was not entitled to withhold its cooperation with the United Nations, including with UNRWA, by unilaterally deciding on the presence and activities of United Nations entities in and in relation to the OPT. The Court determined that Israel may not obstruct the functions of UNRWA in the OPT, and in the event of any difference arising between itself and the United Nations, it must pursue consultation and negotiation in accordance with the framework established for resolving disputes between a Member State and the United Nations.

Israel's obligations to respect the privileges and immunities of the United Nations

12. The Court recalled that the privileges and immunities accorded to the United Nations and its personnel under the Charter and the Convention on the Privileges and Immunities of the United Nations (the "General Convention") were functional in nature and intended to safeguard the independent and effective performance of the mandates entrusted to the Organization. Such privileges and immunities are not accorded as benefits, but to protect and enable the functions of the Organization and its personnel. Furthermore, the Court confirmed that such privileges and immunities do not cease to operate in the context of armed conflict.

13. With respect to Israel's obligations, the Court determined that it was under an obligation to ensure full respect for the privileges and immunities accorded to the United Nations, including UNRWA, and its personnel in the OPT, and to refrain from any interference in its functions. Furthermore, if Israel had any concerns about the abuse of such privileges and immunities, they must be addressed within the existing legal framework for the settlement of differences (i.e. Article VIII, Section 30 of the General Convention). Israel could not disregard its obligations under the Charter and the General Convention based solely on its unilateral assessment of an allegation. Moreover, the Court found that Israel had no right to either unilaterally revoke the privileges and immunities accorded to the United Nations and its personnel, or to abstain from performing its own obligations. Israel must strictly comply with these undertakings, which is necessary for the effective functioning of the Organization, including the fulfillment of its mandate and the independence and efficacy of its personnel.

Right of the Palestinian people to self-determination

14. Finally, the Court noted that the request for an advisory opinion from the General Assembly had not arisen in isolation but in the context of Israel's prolonged occupation of the OPT for more than 58 years, and the continued denial of the Palestinian people's right to self-determination. In this connection, it asserted that UNRWA's unique mandate relates to

the core aspects of the right of the Palestinian people to self-determination, and that UNRWA's provision of direct relief, humanitarian and development assistance is a manifestation of the Organization's commitment to its responsibility. The Court concluded that Israel was therefore under an obligation not to impede the operations of United Nations entities, including UNRWA, and to cooperate in good faith with the United Nations to ensure respect for the right of the Palestinian people to self-determination.

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