

The ICJ's Advisory Opinion Relating to UNRWA in the Occupied Palestinian Territories¹

The primary conclusions of the ICJ 2025 Advisory Opinion (AO) are:

1. UNRWA's mandate effectively fulfills Israel's obligations as the Occupying Power in Gaza and the West Bank including East Jerusalem (the Occupied Palestinian Territory or OPT).
2. As a UN Member State and the Occupying Power, Israel must not only facilitate UNRWA's work and cooperate in the fulfillment of its mandate; Israel must also ensure the safety and security of UNRWA and its personnel and ensure their ability to meet the basic human rights and needs of the Palestinian people.
3. When Israel diminishes UNRWA's capacity, it increases its own obligation to ensure the basic human rights and needs of the Palestinian people "to a commensurate degree". In other words, the less UNRWA is allowed to do, the more Israel is obliged to do.

Background for the UN General Assembly's request for the ICJ AO

4. As UNRWA's parent organ, the UN General Assembly (UNGA) has a duty to preserve and protect UNRWA's mandate and the rights of Palestine refugees underlying it. By requesting the ICJ AO, demanding that Israel comply with it² and extending UNRWA's mandate to 30 June 2029³, UNGA is fulfilling its duty to UNRWA and to Palestine refugees. UNGA must now ensure that the AO is implemented.
5. Norway led the initiative for the AO in UNGA on behalf of the UN and UNRWA and their personnel in Gaza. The UN Secretary-General (UNSG) could have done so pursuant to the Convention on the Privileges and Immunities of the UN (CPIUN).

The ICJ 2025 AO recalled the full context of Israel's violations against Palestine and Palestinians

6. The ICJ 2004 AO confirming the illegality of the wall constructed by Israel in the OPT and calling upon Israel to stop construction, to dismantle the wall and to repeal all related legislation.
7. The ICJ 2024 AO confirming that Israel's occupation, annexation, settlements and racial separation in the OPT are illegal and calling upon Israel to withdraw its forces, settlements and settlers.
8. The ICJ case brought by South Africa against Israel in which the ICJ deemed a plausible genocide in Gaza and ordered Israel to stop killing, inciting genocide and impeding humanitarian assistance.

The ICJ 2025 AO captures the full range of Israel's attacks against UNRWA

9. Israel's military attacks which have killed nearly 400 UNRWA staff and hundreds of their children and destroyed over 300 UNRWA schools and other facilities.
10. Israel's legislative attacks which purport to prohibit UNRWA's operations in the OPT, confiscate its property and strip its UN privileges and immunities.
11. Israel's moral attacks which call into question UNRWA's neutrality and allege its complicity in the Hamas attack on 7 October 2023 aggravating an already dire financial crisis.

¹ [ICJ Advisory Opinion](#), 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, 22 October 2025. See also Mona Ali Khalil, [How Israel Is Still Defying the World Court and the UN](#), Passblue, 25 November 2025

² See UNGA resolution [80/116 \(2025\)](#) of 12 December 2025

³ See UNGA resolutions [80/78 \(2025\)](#) and [80/77 \(2025\)](#) of 5 December 2025

The ICJ 2025 AO rebuts Israel's terrorism allegations against UNRWA

12. The ICJ noted the absence of evidence and lack of sufficient information to substantiate Israel's allegations against UNRWA itself.
13. The ICJ noted that the UN launched two separate independent investigations — the external Colonna Review which upheld UNRWA's neutrality and the internal OIOS investigation which cleared 10 of the 19 accused UNRWA staff leaving open the possibility that, subject to authentication and corroboration, 9 UNRWA staff may have been involved". (emphasis added)
14. The full OIOS statement is tenuous stating that "For the remaining nine cases, the evidence—if authenticated and corroborated – could indicate that the UNRWA staff members may have been involved in the attacks of 7 October". (emphasis added).
15. The ICJ makes clear that neither Israel's allegations nor its security interests provide an excuse for Israel to violate its obligations under the CPIUN or under international humanitarian law (IHL).
16. The ICJ also emphasized that even when States take measures to combat terrorism, they must comply with their obligations under IHL and international human rights law.

The ICJ 2025 AO confirmed that Israeli has many binding obligations

These are:

17. To respect the privileges and immunities of UNRWA and its staff, premises, property and other assets as well as to ensure their freedom of movement.
18. To cooperate with UNRWA in its humanitarian and refugee assistance role as well as in its role promoting the Palestinians' right to self-determination and other human rights.
19. To respect, protect and fulfil international human rights in the OPT and to co-operate in good faith with the UN and UNRWA to ensure respect for the right of the Palestinian people to self-determination -- even in times of armed conflict.
20. To cooperate in good faith with UNRWA to facilitate humanitarian relief sufficient to meet the needs of the people of Gaza including essential supplies "urgently needed and essential to the survival of the Palestinian civilian population".
21. To protect the safety and security of UNRWA and its staff, personnel, premises, property and other assets including ensuring "that they are not targeted." (emphasis added)

The ICJ also confirmed that Israel is prohibited from impeding humanitarian relief and from restricting UNRWA's presence and activities in the OPT to a degree that creates, or contributes to, conditions of life that are intolerable and would force the population to leave.

Finally, the ICJ AO Pays Tribute to UNRWA

22. UNRWA has been the "the principal means and the backbone of all humanitarian response in the Gaza Strip, serving Palestinian refugees and civilians in urgent need of life-saving humanitarian assistance".
23. UNRWA has been "an indispensable provider of humanitarian relief in the Gaza Strip" and "cannot be replaced on short notice and without a proper transition plan".
24. UNRWA is entrusted with a foundational mandate which is integral to the UN's commitment to, and permanent responsibility for, the question of Palestine.

The Palestine Refugee Policy Forum is an ad hoc group of independent analysts who seek to generate informed discussion on the future of UNRWA. Participants include Kjersti Berg, Mick Dumper, Mona Ali Khalil, Mezna Qato, Lex Takkenberg and Andrew Whitley.