

## Jurists for Palestine Forum

### Summary of the Webinar:

**Gaza/West Bank: Expanding Genocide, UNRWA Ban & Defiance of International Institutions – What Protection Measures Are Needed for Palestinians?**

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#### **Main Information on the Webinar:**

**Date:** 28 February 2025

**Duration:** 96 minutes

**Location:** Online via Zoom and live on YouTube

#### **Speakers:**

**Ammar Dwaik:** Director General of the ICHR.

**Susan Akram:** Clinical professor at Boston University School of Law where she teaches international human rights, and refugee and immigration law.

**John B. Quigley:** Professor of law at the Moritz College of Law, Ohio State University

**Mel Duncan:** Founding director of Nonviolent Peaceforce.

**Varsha Gandikota-Nellutla:** Co-General Coordinator of Progressive International, Acting Chair of The Hague Group for Palestine.

**Moderator: Munir Nuseibah,** Director of the Community Action Center – Jerusalem and member of BOT, Law for Palestine

**Organised in partnership with:** ICHR and Al Quds University Community Action Centre

**Attendees:** Via Zoom - 150 attendees

**Recording link:** [Click here](#)

## Speakers' Discussion

### **Ammar Dwaik on the Current situation in Gaza and the Westbank, Israel's Unchecked Repression and the Role of Arab States in Countering It**

- I will start to talk about the situation, how it looks like on the ground from Palestine. Since October 7th, the Israelis have moved from managing the conflict to a phase of trying to end the conflict. Of course, ending the conflict on Israeli terms. And for doing so, they are waging an all-out war against Palestinians. is unrestricted, unchecked, the use of force against civilians, civilian targets, there is no restraint for this force. And the result is that we see it in Gaza, now it's unfolding in the West Bank. The situation in Gaza, we have a very fragile ceasefire, which might collapse at any time, meaning that we will go back to the resumption of genocide and the war. Even if the war does not resume, which we hope for. The humanitarian conditions in Gaza are catastrophic. The destruction that had been inflicted in Gaza makes it unlivable and it seems that Israelis are using humanitarian aid as a weapon to continue to pressure the community in Gaza by not allowing the aid as agreed upon with Hamas in the so-called humanitarian protocol. The humanitarian crisis in Gaza will most likely continue and persist and will be an open humanitarian catastrophe.
- Trump's statements on February 5th about moving out Gazans and taking over Gaza by the Americans, rebuilding it, although it seems impractical, but the danger of such statements is that it returned back very strongly the discourse of displacing Palestinians. And now among Israeli elites, popular discourse, political discourse, talking about displacing Palestinians, transfer is a mainstream talk. Trump's statements were welcomed and praised by Israeli politicians, including politicians from what is classified as the center, political center in Israel, which shows the level of dehumanization of Palestinians that the Israeli discourse has adopted so far that looks at Palestinians as a problem and the problem can be solved through ethnic cleansing.
- The situation in the West Bank is also in a situation that is not precedent since 1967 in terms of destruction. At least 40,000 Palestinians have been evacuated, forcefully evacuated, from three refugee camps in the north, in Jenin, Tulkarem, and Al-Fara'a, near Nablus. This is the first time that such an operation happens in the West Bank since 1967. The 40,000 displaced persons are among the poorest in the Palestinian community.

Refugee camps are historically marginalized, excluded, and the residents of these camps are the most vulnerable communities in the West Bank. And they are now displaced.

- The humanitarian response to their displacement by both the Palestinian Authority and UNRWA is inadequate because both the Palestinian Authority and UNRWA face severe financial crises because of the Israeli restrictions. The Israelis withhold the majority of the Palestinian taxes. The PA is at the brink of bankruptcy. UNRWA is facing legal and political and operational constraints which makes its work very, very difficult, particularly in the West Bank and of course in Jerusalem. Under such circumstances, the question is how Palestinians can be protected in the face of such a war, an open-ended war by the Israelis.
- What happened in the last 15 months in Gaza shows that the international humanitarian law does not provide protection. Protection mechanism is very weak, inefficient, and the accountability system is very weak, if it does exist. And yet, these weak mechanisms in the international humanitarian law, in the protection and accountability, these very mechanisms are under attack now by the American administration, which shows that the future is very bleak for Palestinians, and the worst is yet to come. We have a declared war on the Palestinians, supported by an American administration that does not believe in multilateralism or international law, or in the ICC.
- So what can be done to protect Palestinians? I believe now the main actor that can and should play a role in providing protection to Palestinians is Arab countries, Arab states. The only good thing about Trump's statement about Gazans and the displacement of Gazans, the ethnic cleansing of Gazans, is that it returned the case of Palestinians back to its Arab framework. It's not a Palestinian problem anymore, it's an Arab problem. And Arab countries, who for the last 15 months played very little role in providing any protection to Palestinians, now they face the problem. It's returned back to them with Trump's scheme and statements.
- I think Arab states, particularly countries that have a mutual relation with Israel, they have some leverage over the Israelis by threatening to cut relations, cut economic or political ties. Arab countries also are required to provide a safety net, political and financial and legal safety net to UNRWA so it can continue to function. Otherwise, the situation will continue to deteriorate and the Israeli scheme, "the voluntary immigration", will become a reality because conditions on the ground will continue to deteriorate, Palestinians will have no

protection, life conditions are unbearable in Gaza and slowly becoming so in the West Bank, so Palestinians will have no option. Therefore Arab countries, in order to avoid another Nakba and another mass migration to their countries, they need to act and to act now to prevent such a catastrophe from happening.

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### **Susan Akram on the implications of Israel's Ban on UNRWA**

- I am going to talk about banning UNRWA, the criminalization of the agency, the impact of the Israeli laws on UNRWA's mandate, consequences to Palestinian rights, and I will try to end briefly on the related advisory opinion request that's pending at the ICJ.
- Israel has for a long time taken measures to impede and dismantle UNRWA operations. It has accused the Agency of anti-semitism and inciting terror through its educational curricula and in various ways increasingly restricted its work. After the October 7 Hamas attacks, Israel stepped up its efforts to terminate UNRWA, discredit its work, and cease its donor funding. It accused 12 UNRWA staff members of participating in the October 7th attacks, but failed to provide evidence to support its claims.
- UNRWA's suspension of the employees who were accused of participation, and its report indicating insufficient evidence of involvement did not protect UNRWA from losing funding of major donor states. In October of 2024, Israel passed legislation declaring UNRWA a terrorist organization and abolishing UNRWA's legal status in the occupied territory. Israel's motives in eliminating UNRWA have long been clear. It perceives UNRWA as the agency and the symbol to preserve Palestinian fundamental rights to return and obtain restitution of their properties as demanded by General Assembly Resolution 194. If UNRWA is eliminated, in Israel's view, so are Palestinian rights and any mechanism to enforce them.
- So Israel's passing of two laws to stop the activities of UNRWA in the occupied territory have grave consequences both in legal and human terms. The first law bans UNRWA from operating within Israeli territory. The second law ends Israel's 1967 Comey-Michael Moore agreement which required Israel to establish its offices in Jerusalem and operate throughout the occupied territory. They also declare UNRWA, as I mentioned, a terrorist organization.

- There are two aspects to consider: the consequences of ceasing UNRWA funding and its recognition on Palestinian refugees' survival, and the consequences of those events on Palestinian refugee status. As to the first, Israeli closure of UNRWA operations in the occupied territory will most drastically affect the survival of the 2.2 million Palestinians in Gaza, for whom UNRWA is the single most important agency, providing essential humanitarian assistance, food, shelter, medical care, water, and other survival needs. It will also curtail vital services to over 700,000 Palestinians registered with UNRWA in the West Bank and East Jerusalem, as well as affect the lives of over 1 million non-registered Palestinian refugees there. Even beyond the occupied territory, shutting down UNRWA headquarters in Jerusalem and ceasing or depleting its funding has a huge impact on all the other UNRWA fields in Jordan, Lebanon, and Syria. Decreased funding from donor states has an impact on all the areas of operation, affecting all 6 million refugees across the five fields.
- UNRWA is, of course, the main provider of healthcare, education, essential services, microfinance, and other relief and social services. Over 600,000 children receive education in UNRWA schools. Just in Gaza alone, before the latest conflict, UNRWA's 288 schools provided education to 300,000 children, and its 22 medical clinics documented about 3 million patient visits per year.
- Of course, now the need is exponentially more acute with over a hundred thousand Gazans injured and all suffering from the massive death and destruction, the denial of most of the services, and an acute humanitarian crisis. All of this is aside from the fact that UNRWA employs 30,000 individuals across all its fields, most of them Palestinian. As to the second consequence, cessation of UNRWA funding and withdrawal of recognition by Israel and a few other states, that has no impact on the status of Palestinians as refugees.
- UNRWA was established in 1949 by General Assembly Resolution 3024 to carry out relief and works programs for Palestine refugees. It has both the humanitarian and development mandate to provide assistance and certain aspects of protection to Palestinian refugees, pending a just and lasting solution to their plight. Palestine refugees falling under UNRWA's registration criteria and those eligible for registration remain Palestinian refugees as a legal matter, regardless of what any single country or group of states determine as far as funding or recognition is concerned.

- The status of Palestinians as refugees derives from a series of General Assembly resolutions and customary international law, and it would require a UN General Assembly action to change their legal status. Neither Israel nor any other country can withdraw Palestinian refugees' status as that is an international matter independent of the actions of individual states. Moreover, if UNRWA's operations are terminated entirely in the occupied territory, the United Nations High Commission for Refugees -UNHCR- will be obligated to step in to provide humanitarian assistance and international protection to Palestinian refugees. Under international humanitarian law, since Israel is an occupier, UNRWA's termination would trigger its obligation to provide for all the needs of the occupied population. It is quite clear that Israel has not thought through these consequences, as it clearly has no intention of providing for the needs of Palestinians in the absence of UNRWA. The international community is thus left to ensure the fallback to UNHCR, which has the broader mandate of international protection in addition to humanitarian assistance.
- So what would the termination of UNRWA's operations mean for Palestinians' refugees' right to return. Their right to return, like their international legal status, is enshrined in UN resolutions and rests on four separate bodies of international law. The General Assembly's first resolution about the Palestinian refugees, General Assembly Resolution 194 of December 1948, determined the rights of Palestine refugees and established the UN Conciliation Commission on Palestine, the UNCCP, to implement those rights. In its paragraph 11, Resolution 194 incorporated the international law of return, restitution, and compensation, and the obligation of the UNCCP to enforce them for all Palestinians meeting the definition of Palestine nationals, a definition broader than just the status of refugee. Resolution 194's principles on the rights of Palestinians, particularly the twin rights of return and property restitution, were grounded on international humanitarian law, human rights law and the law of state succession and all of which are found in customary and treaty law, and apply universally to all displaced persons and refugees. Termination of UNRWA services has no impact on these rights, although the ability of the UN to implement these rights will be more difficult in the absence of UNRWA.
- How does the refugee status granted by UNRWA differ from what might be expected by UNHCR? UNRWA does not grant refugee status. Its registration system does not grant a

status, but recognizes individuals as meeting the definition of Palestine refugee as defined in 1952. This is a needs-based definition, indicating that the individual is eligible for humanitarian assistance and social services. It is not a status definition as such and does not entitle a registered refugee to international legal status for purposes of a durable solution.

- The legal definition of Palestine refugees in terms of international protection, in contrast, is under the mandate of UNCCP, the agency established to guarantee and implement Palestinian legal rights and their durable solution, led by the right of return. The UN separated Palestinian refugees from other refugees by establishing separate agencies, on the one hand for legal protection, that is the UNCCP, and on the other hand, humanitarian assistance, that is the mandate of UNRWA. UNHCR has no authority to provide protection to Palestinians within UNRWA's five fields, but can do so outside of UNRWA areas. And it is questionable whether the interpretation of the relationship between UNRWA and UNHCR will now allow the mandate of the UNHCR to extend within what was traditionally an UNRWA area, that is the West Bank, East Jerusalem, and Gaza. At the same time, UNRWA and UNHCR do not have parallel mandates, as UNHCR has a clear obligation to access and implement durable solutions while UNRWA has no such mandate.
- Turning briefly to the legality of Israel's law regarding UNRWA. First, the points of law regarding Israel's actions vis-à-vis UNRWA. Israel's legislation, as part of its broader attack on UNRWA, its facilities and personnel, violate the UN Charter and international law. As a UN member state, Israel is obliged to support and respect the privileges and immunities of all UN bodies, including UNRWA. A few particular points to note on this. UN Charter Article 104 provides that the UN, in all its functions, must enjoy in each member state the legal capacity necessary to exercise its functions and fulfill its purposes. Article 105 of the UN Charter provides that the UN shall enjoy in each Member State's territory the privileges and immunities necessary for fulfillment of its purposes. Israel is also a party to the Convention on the Privileges and Immunities of the UN of 1946. That treaty, among other provisions, commits States parties to guarantee that the UN, its property and assets, shall enjoy immunity from every form of legal process. It requires that the premises of the UN shall be inviolable. It prohibits Member States from searching, confiscating, expropriating,



- or in any other way interfering with the property and assets of the UN. It requires Member States to provide all members or organs of the UN immunity from legal process of any kind.
- Israel is also a party to the Convention on the Privileges and Immunities of the Specialized Agencies, which mirrors the obligations of the UN Convention on Privileges and Immunities, and extends them to all specialized UN agencies, which include UNRWA. The parallel provisions in both treaties are rather obviously violated by Israel's actions. Since UNRWA is a UN organ, it cannot be eliminated by the actions of anyone or group of countries, but requires the collective decision of the General Assembly itself.
  - Israel's actions in undermining, impeding, and declaring a UN body a terrorist organization, violates its positive obligations to support and promote the work of UN organs and protect their facilities and personnel. In fact, declaring a UN body a terrorist organization has no precedence since the establishment of the United Nations. How are these actions finally likely to be viewed in the pending ICJ's Advisory Opinion? The pending general assembly request for an advisory opinion submitted on December 20th 2024 to the ICJ asks in essence, what are the obligations of Israel as an occupying power and as a member of the United Nations in relation to the activities and presence of the UN, its agencies and bodies as far as the obligations to provide the means of survival of the Palestinian population and their right to self-determination.
  - Israel is, from an international law perspective, and is now reaffirmed by both advisory opinions from the ICJ on the wall and occupation, only entitled to sovereignty within the 1948 borders of Israel, excluding the West Bank, Gaza, and East Jerusalem. The July 2024 advisory opinion on the occupation has, for the first time, declared the entire occupation illegal, not just Israeli measures within the occupied territory. This means that any Israeli legislation, including its new laws on declaring UNRWA a terrorist organization and shutting down its offices in Jerusalem, are outside of its legal authority. To be consistent with its two prior opinions, the pending ICJ opinion will definitely reaffirm that.
  - Related to Palestinian self-determination, the other major issue the current advisory opinion question covers: the consequences of terminating UNRWA will be examined in this regard. Terminating UNRWA affects all four aspects of self-determination that the July Advisory Opinion on the Occupation addressed. Territorial integrity, population integrity affected through displacement, discrimination, and fragmentation, sovereignty



over resources, and determination of political status, including pursuit of economic, social, and cultural life.

- Israel's shutting down UNRWA's headquarters in Jerusalem has a huge impact on its services and the rights and livelihood of Palestinians throughout the OPT and in the other UNRWA fields. As an unlawful occupier, any Israeli legislation affecting Palestinian rights, resources, and more broadly their self-governance is unlawful. UNRWA is of course the primary organization providing and coordinating humanitarian assistance, shelter, medical care, and more in Gaza. Since UNRWA's headquarters in Jerusalem are its base for services in all the occupied territory, this has particularly dire consequences for Gaza as well as all of the rest of the areas where Palestinians are refugees. The advisory opinion question does not explicitly raise this, but the ICJ should address all aspects of the Israeli laws affecting UNRWA.
- Israel's designation of UNRWA as a terrorist organization has major implications for all of UNRWA's staff, as it gives Israel the justification to target and arrest or kill any UNRWA staff member, not just in the OPT, but anywhere. Israel has had complete impunity in extrajudicial assassinations of those it designates as terrorists, including assassinations in Iran, Syria and Lebanon. Even without this designation, Israel has killed over 170 UNRWA personnel in Gaza and damaged or destroyed over 160 UNRWA facilities there. Israel is declaring UNRWA a terrorist organization. It has consequences for other states in terms of ongoing funding decisions if they decide this is a designation they would take into consideration.

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### **John Quigley on the legal dimensions of protection measures**

- There is a good international precedent for protection for populations in conflict situations and that has been implemented previously by the United Nations, and it could be implemented here as well. It was implemented, in fact, in 1956, when a United Nations force called the United Nations emergency force was established by the General Assembly in order to function on the frontier between Gaza and Israel. So, there is precedent for a protection force in Gaza that was set up after Israel, along with Britain and France, attacked into Egypt and into Gaza in 1956. With the resolution of that situation and the

withdrawal of Israeli forces from Gaza, a force was established which maintained itself for a full decade on that frontier. Now, this precedent also comes with a certain caution, because in 1967, after President Nasser of Egypt withdrew the consent of Egypt to have that force stationed in Gaza. There was a partial withdrawal, but that withdrawal had not been completed as of the time that Israel attacked on the 5th of June into Gaza. And when the Israeli forces went into Gaza, they attacked the headquarters of the United Nations Emergency Force. And they killed a number of personnel of the emergency force, some 15 members from India and one member from Brazil, and they wounded another larger number in the course of doing that. So the Israeli army just went right through the protection force, killing as they went, and they were not at all deterred by that protection force. So one has to keep in mind the danger of putting in place a force that does not have either the diplomatic or the military protection to sustain itself.

- In the year 2001, the United States Army conducted a study, you might call it a hypothetical study of what a United States protection force would look like in Gaza and the West Bank. This was a very detailed effort that was done by the army at a military base in the United States and they set out a detailed plan for the protection of the Palestinians. At the time, they were looking forward to the potential establishment on the ground of a real Palestinian state and that this would be part of that operation. In their plans, and this is all recorded in documents one can find on the internet, they gave a warning about the Israeli armed forces and the danger that the Israeli armed forces would not cooperate with a protection force. And they said, and I'm quoting now from the plan, they said, well, they characterized the Israeli armed forces as "the 500-pound gorilla in the situation that is a danger." They went on to say that the Israeli armed forces are "well armed and trained, they operate in both Gaza and the West Bank, and they are known to disregard international law to accomplish their mission". This is the year 2001. This is the United States Army giving its assessment of the Israeli armed forces and saying that they disregard international law to accomplish their mission. That was 25 years before the current situation in Gaza. So that is the main caution.
- All of this goes back legally to a resolution that the General Assembly adopted in 1950 in connection with the hostilities in Korea, Resolution Number 377 of 1950, in which the General Assembly said that when the Security Council is unable to act because of a veto in

a situation of armed conflict, that the General Assembly can step in and make recommendation to the membership of the UN to organize action outside of the Security Council. And that was in fact the basis for the UN action in Korea that went on for several years. Not just protection, but actually engaging in military action against an opposition force. So that was the precedent that was then used in 1956 by the General Assembly to establish the UN Emergency Force. So there is plenty of international precedent.

- There is also the possibility that the Security Council could engage in such action, of course, under Chapter 7 of the charter. That is unlikely because of the US role in the Security Council. But that was used by the Security Council in 1993 in the Balkans, to set up a force that would protect the town of Srebrenica in Bosnia during the hostilities that were ongoing at that time. And such a force was set up. Unfortunately, it was not done very well. It was not done in a way that the UN force could protect even itself from attack by what at the time were called the Bosnian Serb militias. And the Bosnians and Serb militias went in despite the presence of the UN force and killed a very large number of Bosnians.
- So the history of these protection forces is unfortunately not something that one can look at with a great deal of optimism. But if it were organized properly, and we just heard suggestions here from Dr. Munir and Dr. Amar that the Arab countries could step in, given the position now being taken by the United States. If it were set up by them, it might be able to be set up in such a way that it would have enough diplomatic protection that the Israelis would respect it.
- Now, Professor Akram brought up the situation of the refugees and right of return, and it seems to me that as long as we are thinking big here, one should also think of that situation, in particular, in light of the fact that President Trump is saying that there should be an evacuation of Gazans from the Gaza Strip. Instead of objecting to that plan, it seems to me that we might embrace that plan and say, yes, the population of Gaza, at least a good part of the population of Gaza, should be evacuated from the Gaza Strip in accordance with Resolution 194 that was mentioned by Professor Akram. They should all go back into the areas of Palestine, into their foyer, le foyer. If you read Resolution 194 in its French version, they should go back to their homes. They should be reinstated. You see where the English uses the term resettlement, the French uses the term reinstallation. So, when the Israeli lawyers say, Resolution 194 says resettlement, they should be resettled in Iraq or

somewhere else. Look at it in French. You can't reinstall those people anywhere other than in their home areas. So that's another function conceivably that a protection force could deal with and could facilitate some repatriation. I think we should be thinking along those lines.

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**Mel Duncan on the dimensions and feasibility of protection measures and the concept of unarmed civilian protectors.**

- Unarmed Civilian Protection is an effective but still underutilized resource. Unarmed civilian protection is also known in some areas as accompaniment or a protective presence. It refers to a series of field-tested and effective unarmed methods that have been used to protect civilians in a variety of areas around the world. We know currently that it's being used by at least 61 civil society organizations in 24 areas of violent conflict. These areas include Indonesia, the Mindanao region of the Philippines, Myanmar, Iraq, Ukraine, South Sudan, Burundi, Guatemala, Colombia, Mexico, and the United States. And when I say 61 organizations that we know of, we know that because Selkirk College in Canada is keeping a database, but there's many other organizations that are doing this that we don't know of. And that's because while the threshold of participation requires training and discipline and courage, it doesn't require a lot of money, it doesn't require a lot of equipment and so people can participate and take part in this practice. It has been recognized by both the UN Security Council in resolutions relating, for example, to South Sudan and also in a number of General Assembly resolutions, there is a number of precedents that I think are applicable here in the occupied territories.
- For example, as just was mentioned, the refugees right of return, unarmed civilian protectors accompanied the refugees returning from Mexico to Guatemala in the early 1990s, and they were returning from a genocide and they were accompanied by unarmed civilian protectors. In working here in the West Bank, we've identified that there are at least 22 civil society organizations that are providing unarmed civilian protection right now, of those 22 there are 6 that are international, including the Ecumenical

Accompaniment Project for Palestine and Israel that's sponsored by the World Council of Churches. There's the Jewish Center for Nonviolence that presently has two teams in Masafer Yatta. There's the Community Protection Team that has a team in Hebron, there's the International Solidarity Movement and others. There's also, and this is very interesting, local groups that are primarily made up of Israelis providing protection for Palestinians. That includes Rabbis for Human Rights, Combatants for Peace that has both Palestinians and Israelis, looking occupation in the eye, standing together, which provided protection for those humanitarian shipments last summer when they were being attacked by settlers.

- What these groups all have in common are that they're non-violent, that they only work at the invitation of local communities, the relationship is civil society to civil society, that they work based on the primacy of the local actor, that it is local people who are saying what needs to be done for their own protection, and that they work on a principle of solidarity.
- Last summer, we did a feasibility study looking at what needed to be done in terms of unarmed civilian protection here in the West Bank. And the two major recommendations that the feasibility study team found in their assessment were:
  - first to increase the number of well-trained, experienced unarmed civilian protectors. We have hundreds of people right now in the world from, I know of at least 35 different countries who have experience working in violent conflict, who could be deployed if given contextual and cultural training, but could be deployed rather quickly.
  - Secondly, to work to enhance the work of the groups that are presently doing the work. Unfortunately, because of resources, they often have to rely upon volunteers, they have to rely often on ad hoc kind of structures, and what they were asking for is additional training, a platform where they could reflect and coordinate and build trust among one another, something that we'll be providing right after Ramadan. And they also requested assistance in supporting their members in dealing with trauma.
- Presently, we are organizing to try to bring as many veteran unarmed civilian protectors here. We've built a roster that has 88 people who have signed up and are ready to come. The training curriculum is done. We need to raise the money, which we are in the process

of, and to start or continue bringing people here. As we've been talking to people throughout the West Bank, and what we're seeing here is really, and it's been referenced by some of the other speakers, right now is the Gaza-fication of the West Bank.

- Just yesterday, Khaled el-Daba in Masafer Yatta, was attacked by the Israeli military, and tents that had been built because homes had been destroyed two weeks ago were destroyed by the military. Last week in Umm al-Khair, a home was destroyed as that particular village is right next to a settlement, and the home was destroyed to facilitate the planting of an olive orchard from the settlement because the settlement is instituting corporate farming.
- So, what we heard and what we continue to hear is to get as many internationals here as soon as possible. We're not saying this is the only solution, but this is an accessible tool that can be used in getting well-trained people here as soon as possible who can stay in the villages. And if I could just leave you with one thing, while people talk about the protection that that provides, and that protection honestly has eroded since October 7. It still is there, but it's less than it used to be. But also people talk about the solidarity, the solidarity of people saying, we don't feel alone. It breaks the isolation of apartheid when other people are with us. And that is valuable when people are committed to staying on the land.
- And so if I could do one bold thing, and that is there is a GoFundMe site that has been established for the village of Umm al-Khair where the army destroyed homes there and people are struggling to stay in. I'll put that GoFundMe site in the chat. People need support to stay on the land. And so please support that village today.

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### **Varsha Gandikota on the creation of the Hague Group on Palestine and the group's next step.**

- The Hague group, as introduced, was launched on 31st January 2025. So just about a month ago, with eight countries in a tri-continental bloc. So Malaysia, from Asia, South Africa, Senegal, and Namibia, from Africa, and Bolivia, Cuba, Honduras, Colombia, from Latin America, and the Caribbean, all coming together in what I would call a historic move of coordinated, collective state action. So the goal was extremely simple, which is to



coordinate measures across legal, military and economic levers in order to curtail Israel's violations of international law.

- So in the last month I've been asked this question a lot about why was the Hague Group formed and I found that I have a funny answer to that which is it should not have been formed if our existing legal architecture, whether in terms of our international legal institutions and our courts or our multilateral systems in terms of the United Nations and its various bodies or our national governments and the accountability of states' legal obligations under the UN Charter all worked the way that we intended them to work, we would not be in the situation that we are in here today, which is well over 500 days of the genocide. And I will, of course, continue to maintain that the genocide has not stopped. If anything, it has only been relocated, as I'm sure many speakers before me have said already, from Gaza to the West Bank now, which in fact has even lesser ability to withstand the level of pressure and attack and assault that's coming from the Israeli machinery.
- So our goal when we brought together these nations was very simple. It's not to undermine multilateralism, it's not to undermine international law, but to say in the face of what we thought was sacred and what we thought was obvious, which are states' obligations to uphold international law, being brazenly defied. And we've seen this in the case not just of the United States, which is of course not abandoned international law now, as some are claiming, on the 6th of February with its sanctions against the ICC, but well before that. But also the brazen defiance from European nations, from countries like France, who have spent the last many decades preaching the values of norms and Western values and referring to the a rules-based order, who are now making up rules as we go, as we've seen with the ICC warrants against Netanyahu and Galant refusing to comply with them. And of course, this applies to other countries like Austria and Hungary and Switzerland and Poland and so on and so forth, members and non-members of the Rome Statute who have openly defied or challenged the ICC orders.
- So this group looks at three critical rulings and three critical moments. Legally, I'm not a lawyer, but we do look at international law and the principles within the UN Charter as a core basis upon which states can act. And so we look at the provisional measures issued by the ICJ in South Africa's historic genocide convention case against Israel. We look at the ICJ advisory opinion of July 2024, which of course deems Israeli occupation blatantly

unlawful and lifts state's obligations under that opinion on what states must do to ensure the end of Israeli occupation. And then we look at the September 2024 resolution, which brings this advisory opinion into the halls of the UN General Assembly and is voted on and sponsored by a number of countries and voted on in favor by over 124 countries, an overwhelming majority, when it passes, that lays out a breadth of measures from accountability by persecution at national and international levels, to divestment, to stopping of all imports and exports of arms, to stopping and freezing settlement activities, all the way to sanctions, the full breadth of measures that are required to truly end the Israeli occupation.

- So the Hague group was formed essentially between these two phenomena. The phenomenon where we have these legal rulings and we have orders that have been issued that lay out our obligations and lay out very clearly what international law says and at the same time on the other hand we see the phenomenon where states are openly and brazenly defying it and destroying institutions. So the Hague Groups come together to say, we will, in a coordinated fashion, enforce measures at the national level to stop the genocide in Gaza, to uphold Palestinians' inalienable right to self-determination, and stop Israel's violations of international law.
- So how does it do that? With three inaugural measures.
  - a. The first is a simple reaffirmation that in the case of members of the Rome Statutes, these eight states will comply with their obligations with the court. And in the case of non-state parties, still refer to the ICJ state obligations of ensuring accountability for those that are listed as war criminals under the Genocide Convention and under international law by persecution on domestic soils.
  - b. The second is no harbor for genocide, so not allowing any of, preventing the use of ports on any of our lands of the nations within the Hague Group for transfer of jet fuel or military supplies to Israel.
  - c. The third is a prevention of exports, a stopping of all exports and any transfer of arms and military equipment again to Israel to be used against the Palestinian people.
- So these are the three inaugural commitments that the Hague group of nations made on the 31st of January. And as we look now to expand the group, we have three priorities,

- The first is, of course, accountability. In no way did we ever want the Hague Group to be yet another talk show, yet another group of nations that stand together and say yes we stand for Palestine but without turning that rhetoric into concrete, which is why it begins with a very specific set of measures that we are now seeing being discussed and turned into state policy at each of the cabinets and each of the level of governments in every one of these countries. In a way by bringing this conversation from within the halls of the UN into the public sphere and making a political statement out of it, I would almost argue that they're not just risking their neck in the face of sanctions and punishment from the United States, which of course are surely coming and have already begun to come for countries like Colombia and South Africa, where Trump is engaged in serious battle with both governments. And of course, in the case of Cuba, which has forever been under assault. So not only is it brave because they're risking sanctions, but it's also brave in a different way, I would argue, where they are in a way opening themselves up for public audit by taking what otherwise could be seen as diplomatic signing or diplomatic measures in the UN, which people pay less attention to and bringing them out into the political sphere and making them state policy.
- The second is expansion in terms of the members themselves. One thing I should clarify is, we've been asked many questions about the absence of certain countries, whether from the Arab world, whether from Europe, whether from other parts of the world in this inaugural group. Our hope, and quite strategically from the beginning, was to start with a small group of champions, and especially champion countries that don't have a direct geopolitical stake, that don't have a direct national security stake for all of the countries that I've mentioned here now, the question of Palestine is not a border question for them. It's not a security question for them. And still, you see that they stuck their necks out and risked punishment, essentially from the mighty countries in order to stand up to what they believe is just simply, put, their obligation under international law. And we believe that that was an important statement to make. But in this next round, we've already received quite a lot of interest from countries that I'm unfortunately not in liberty to share in this call. But I can say candidly that the list is long and that it comes

from all quarters of the globe. And we certainly do believe that the block will increase. And in fact, the block must increase because it's the only way, the only antidote to unilateral punishment from the United States is for the block to be big, because when there's 45 countries, 50 countries, 60 countries on the side of the Hague Group, and if the United States chooses to punish each of them, it will end up isolating itself in reverse, not the countries taking these measures. So I think that's quite encouraging.

- And the third, I will say, is, of course, on the expansion of measures themselves. I know that our Palestinian comrades right now have been stressing the priority of humanitarian aid and access and medical access and questions around UNRWA's existence and their flexibility to operate, for example, as key issues. And of course, the broader breadth of measures around sanctions that are truly required to break the material arteries of the genocidal machine. And so we do hope that the group will continue to take, continue to enforce and implement measures well beyond these three in our group, which we only see as a start, not as the limit or the end of what is possible with the Hague Group.
- One thing I'll add, which I wouldn't do in a more public forum, because in an odd way, I have to take off my kind of more radical or activist hat and speak diplomatically. I'm not a diplomat or a lawyer but I do find myself having to do this because we're trying to ensure that the Group does not get dismissed as a radical group or a far-left group but really as a group that's just about the law or dismissed as a global south group that European nations cannot join. But I do believe there's something incredibly powerful about a group of global south countries coming together to take on, to really subvert I would say institutions, institutions like the ICC with whom we have not an easy relationship which as many of you know here has for many years candidly in our circles been referred to as the black man's court because that's who they brought to be persecuted very often. So I think there is something quite subversive about the global south's legal subaltern, so to speak, that has come here to use these very institutions against Israel and against its powerful backers in the United States and Europe.

## Q & A

**Q.1 Since Israel is a lengthy and historic violator and has a steady record of violating international law and the UN Charter, is it time, basically, to reconsider Israel's membership in the UN, to restrict it, to suspend it, or to permanently annul it?**

**Susan Akram:** Article 6 of the UN Charter's provides that a member of the United Nations which has persistently violated the Charter's principles may be expelled from the organization by the General Assembly but unfortunately the article says upon recommendation of the Security Council. Still the General Assembly could resolve to withdraw Israel's membership and that would be a major step and reinforce the July Advisory Opinion, because Israel has not complied with the advisory opinion for withdrawal from the occupied territory. This would be a logical step for the General Assembly to both resolve to expel it but also a move signaling other states to terminate diplomatic relations with Israel. It can be done.

**Q2: Regarding the historic precedent on the protection force, how can Israel be sanctioned to enforce the will of the majority of the UN member states and result in compliance in spite of the inevitable US veto that might ensure the UN Security Council?**

**John Quigley:** I think that the General Assembly can act on its own under the resolution 377 that I mentioned earlier. The General Assembly can also, as Professor Akram has just indicated, take action under Article 6, which says that this should be done by the General Assembly upon recommendation of the Security Council. If you look into the history of the term "upon recommendation of the Security Council" in the formative documents of the UN, it does not necessarily mean that a recommendation has to be in a particular direction. That is, it may mean only that the General Assembly needs to get a recommendation from the Security Council, but could then proceed regardless of what the recommendation is, whether it's yes or no. So, I think there are some things that can be done outside the Security Council. The Hague Group, about which we have just heard, could perhaps coordinate activity with the Arab countries, with the Arab League perhaps, to set up a protection force or to take other appropriate action.

**Q3: if any of the distinguished speakers could elude a little on the violation of child rights conventions if they have seen or observed this in Palestine. ?**

**Ammar Dwaik:** Concerning reports on violations against children, there are plenty of reports that I would refer to, including UNESCO report, Office of the High Commissioner for Human Rights, and the Defense for Children, DCI Palestine branch. reports that covers all these violations and war crimes and crimes against humanity that targeted children over the course of the genocide in Gaza and also what is happening in the West Bank. This war was mainly against children.

**Q4: What alternative can there be to the UNRWA if it is totally banned from working in Palestine, whether through the UN or also other international organizations, et cetera? How can this gap be filled to provide services to the Palestinian refugees?**

**Susan Akram:** under the regime that was established, the disparate mandates for each of the three agencies, UNCCP, UNRWA, and UNHCR, under the interpretations of the relationship between those mandates now, especially a series of decisions out of the European Court of Justice in Luxembourg. The prevailing consensus interpretation now is that if UNRWA services cease for any reason, then automatically UNHCR takes over the protection role for Palestinian refugees. And we have several decisions from the European Court on this, interpreting the provisions of the UNHCR statute, the 1951 Refugee Convention, and Article 1 of the Convention on Stateless People. So, legally, what should happen once UNRWA's services are no longer, is that UNHCR should fill in the gap. We know that that's going to be a very complicated proposition from Israel's point of view, but at least in Gaza, where there is an opportunity now to fill the role of UNRWA, UNHCR should be stepping in and the General Assembly should be making that clear, passing a resolution saying that UNHCR must fill the gap.

For now, as a practical matter, a whole host of other non-governmental organizations and some UN agencies are trying to do whatever they can do in Gaza, like ANERA, like the World Food Program, like the World Health Organization. They do not collectively have the organizational ability and the institutional ability to fully substitute for UNRWA because of how long UNRWA has been operating and how sophisticated its operations have been. But these are the two pieces right now that are filling and supposed to fill the gap. We will see what happens with UNHCR. The debate has not begun on that question.



**Q5: How can we as students or international law activists best help the efforts to ensure Palestinian self-determination?**

**Ammar Dwaik:** Concerning the role of students, I would like first to say that as a Palestinian living in the West Bank, I see that what students are doing around the world is something very great, that we in Palestine gives us a glimpse of hope in humanity. We see the viciousness and criminality of governments around the world, but students send us a beacon of hope that the future will be much better for Palestinians. I would urge you to continue to do what you are doing right now, which is very great. I think the movement in the street should translate into political decisions and positions by the government. So you need to continue to pressure governments wherever you are. So these governments should take action in accordance with international law, with the ICJ Advisory Opinion, with the UN General Assembly resolution in September 2024, which lists issues that states should do to end the occupation. ICJ and the General Assembly both said that it's a collective responsibility for all states around the world to end occupation. It's not a Palestinian-Israeli issue. It's an erga omnes. It's an issue that is obliged for all countries to take action to end occupation, including sanctions, including not providing any assistance to the occupation. So I would urge you to focus on pressuring the governments wherever you live to take their action as they are obliged under international law.

**Speakers' Concluding Points:**

**John Quigley:** I would just call attention to a briefing paper that was published yesterday by the Al-HAQ organization about a meeting that will be held shortly of the states' parties to the Geneva Conventions. That is another forum that is separate from the Security Council. The United States has no veto. A forum where these matters can be brought up and the state's parties to the Geneva Conventions have an obligation to ensure that that set of conventions is implemented whenever you have an armed conflict. So I think that would be a very good forum in which the Arab League, the Hague Group, others could raise these issues. Thank you.

**Mel Duncan :** all the legal procedures that are going on, I think, are important. I'm not in a position to comment any more than that. But we do have a resource here on the ground that needs help that has been shown to protect civilians now. So we need that help. And secondly, I would caution

people to not be seduced by a default position that military intervention is always the most effective intervention. Meeting violence with violence, as John already said, in the study that was carried out by the U.S. military in 2001, will invoke more violence. We need to find ways that will bring down the violence here. And so I urge people to be creative and look at non-violent approaches to dealing with the conflict.

**Susan Akram:** I think we are really at a critical juncture, both in terms of the possibility that international law provides any form of hope for justice, and at the same time, this enormous ambiguity about the rights and status of Palestinians, both as a national population and as refugees. And I think the more conversations with solidarity organizations and the Palestinian, not the leadership per se, but for example, the brilliant people at the Palestine delegation at the UN. And to be able to come up with a proposal that the General Assembly can pick up to fill in the gap and manifest a real solid form of protection for Palestinians, both as refugees and as nationals of Palestine. And that is the urgency of the moment, and the movement yet has not come up with this kind of consensus proposal that could be taken up at the General Assembly.

**Ammar Dwaik:** On the ground, I can say that the horizon is closing for Palestinians with this new Trump administration. And all that we need to do is to push back, to continue to push back against all these conspiracies and attempts to liquidate the Palestinian cause. Whether through the calls for ethnic cleansing of Palestinians in Gaza or the annexation of the West Bank or the liquidation of UNRWA, all these affect the very basics of the Palestinian-Israeli problem. The only good thing that we can talk about is that Palestinians are still on their land. We are still there and will continue to be there, despite the fact that the conditions will become very harsh for us. We understand. I think Palestinians are psychologically now prepared for the worst. But they understand that there's no way for them to go. The only place for them to go is to stay in their country. And I believe at the end, justice will prevail with the support of honest and sincere people around the world.